

Mā tō tātou takiwā
For our District

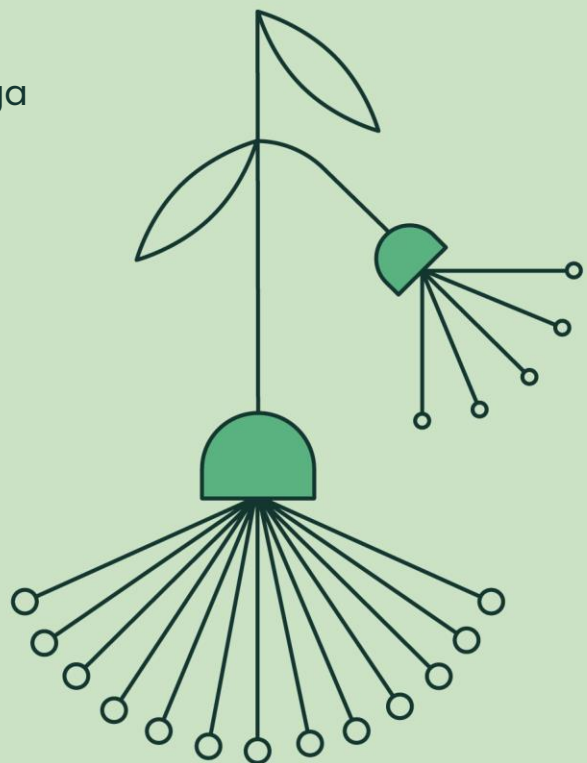
Council

Te Kaunihera

C22-5

Thursday, 11 August 2022, 9.30am

Council Chambers, Barks Corner, Tauranga



Council

Membership:

Chairperson	Mayor Garry Webber
Deputy Chairperson	Deputy Mayor John Scrimgeour
Members	Cr Grant Dally Cr Mark Dean Cr James Denyer Cr Murray Grainger Cr Monique Gray Cr Anne Henry Cr Kevin Marsh Cr Margaret Murray-Benge Cr Allan Sole Cr Don Thwaites
Quorum	6
Frequency	Six weekly

Role:

To ensure the effective and efficient governance and leadership of the District.

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, Annual Plan or Annual 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 a proposed policy statement or plan under clause 17 of Schedule 1 of the Resource Management Act 1991;

- The power to make a final decision on a recommendation from the 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 consider and make decisions regarding any matters relating to Council Controlled Organisations, including recommendations for modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent) recommended by the Policy Committee or any matters referred from the Performance and Monitoring Committee.
- To approve joint agreements and contractual arrangements between Western Bay of Plenty District Council and Tauranga City Council or any other entity.
- To consider applications to the Community Matching Fund (including accumulated Ecological Financial Contributions).
- To consider applications to the Facilities in the Community Grant Fund.

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.

Should there be insufficient time for Council to consider approval of a final submission to an external body, the Mayor (or Deputy Mayor in the Mayor's absence) is delegated authority to sign the submission on behalf of Council, provided the final submission is reported to the next scheduled meeting of Council or relevant Committee.

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, Barks Corner, Tauranga on:
Thursday, 11 August 2022 at 9.30am

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- 1 PRESENT**
- 2 IN ATTENDANCE**
- 3 APOLOGIES**
- 4 CONSIDERATION OF LATE ITEMS**
- 5 DECLARATIONS OF INTEREST**
- 6 PUBLIC EXCLUDED ITEMS**
- 7 PUBLIC FORUM**

8 COMMUNITY BOARD MINUTES FOR RECEIPT

8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 25 MAY 2022

File Number: A4658192

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Katikati Community Board Meeting held on 25 May 2022 be received.

ATTACHMENTS

- 1. Minutes of the Katikati Community Board Meeting held on 25 May 2022**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
KATIKATI COMMUNITY BOARD MEETING NO. K22-3
HELD IN THE CENTRE. PĀTUKI MANAWA, 21 MAIN ROAD, KATIKATI 3129
ON WEDNESDAY, 25 MAY 2022 AT 7.00PM**

1 PRESENT

Chairperson B Warren, Member J Clements, Member K Sutherland, Cr J Denyer and Cr A Sole

2 IN ATTENDANCE

J Graham (Acting General Manager Corporate Services), P Watson (Reserves and Facilities Manager), A Hall (Roading Engineer West), D Pearce (Community Manager), J Osborne (Governance Support Administrator) and P Osborne (Senior Governance Advisor – Board Secretary)

40 Members of the public, including Councillor Don Thwaites

3 APOLOGIES

APOLOGY

RESOLUTION K22-3.1

Moved: Member K Sutherland

Seconded: Cr A Sole

That the apology for absence from Member Harray, be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

The Chairperson noted that the Board would like to discuss the grant application previously presented to the Board from Road Safety Education noting that, due to COVID-19, they have had to re-schedule their delivery date from 2022 to 2023.

3 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 they were advised to withdraw from the meeting table for the item. [As per the Local Authorities (Member's Interest) Act 1968].

- Chairperson Warren advised that he had a declaration of interest regarding report number 9.4 Katikati Community Board Grant Applications – May 2022 in relation to the Katikati Football Club application.
- Member Sutherland advised that she had a declaration of interest regarding report number 9.4 Katikati Community Board Grant Applications – May 2022 in relation to the Katikati Football Club application.

4 PUBLIC EXCLUDED ITEMS

Nil

5 PUBLIC FORUM

Ron Loudon – Chairman of Fairview Estate Society

Mr Loudon provided the Board with an overview on the speed limit around Fairview Estate. On behalf of the Society, Mr Loudon requested the speed limit be dropped further, due to the age of residents/pedestrians, and that golf carts are often using the road. The Society would like to see the speed limit reduced to at least 30km/h.

The Roading Engineer noted that this could be reviewed, during the Speed Limit Bylaw Review.

Keith Hay – Katikati-Waihi Beach Residents and Ratepayers Association

Mr Hay was in attendance to speak to the Board regarding the Haiku Park concept plan, noting he did not believe any consultation had taken place, with any community groups, prior to the plan being developed.

Tessa Blackett – Yeoman Walkway to Park Road Reserve Pathway

Ms Blackett was in attendance to speak to the Board regarding the Yeoman Walkway to Park Road Reserve Pathway. Ms Blackett formally withdrew her letter to Council sent 24 May 2022, and provided the Board with a rationale as to what she believed should have been presented to the Councillor's, prior to their decision being made at the Performance and Monitoring Committee meeting held Thursday 5 May 2022.

David Marshall – Katikati Community Plan

Mr Marshall was in attendance to speak to the Board regarding his submission on behalf of Tauranga and Western Bay of Plenty Grey Power on the Draft Katikati Community Plan. Mr Marshall noted it was great to see the completion of the Katikati Community Plan, however he was of the belief that it lacked community perspective from a social viewpoint, and hoped this gap could be addressed.

Val Baker – Cemetery Issue

Ms Baker was in attendance to speak to the Board regarding the maintenance of the cemetery, including some background into the original arrangement. She provided the Board with some photos that highlighted the two main issues; the agapanthus, and the need for some signage on what should and should not be used to clean the headstones.

Ewen Luskie – Yeoman Walkway to Park Road Reserve Pathway

Mr Luskie was also in attendance to speak to the Board regarding the Yeoman Walkway to Park Road Reserve Pathway. Mr Luskie was against the proposal for the concrete pathway to be installed, and was disappointed with the consultation that had taken place.

Jacqui Knight – Avocado Capital of New Zealand

Ms Knight was in attendance to provide the Board with the below updates:

- She presented the Board with the proposed Avocado Structure, noting that they had submitted a Public Art application to Council, and would love endorsement from the Board to support their application; and
- Katch Katikati had spoken to many residents in their lines of communication, who were in support of concrete being installed on the Yeoman Walkway to Park Road Reserve Pathway.

Norm Mayo – Yeoman Walkway to Park Road Reserve Pathway

Mr Mayo was also in attendance to speak to the Board regarding the Yeoman Walkway to Park Road Reserve Pathway. Mr Mayo was against the proposal for the concrete pathway to be installed, and was also disappointed with the consultation that had taken place.

Paula Gaelic – Western Bay Museum Update

Ms Gaelic was in attendance to provide the Board with the below updates:

- The 'Service and Sacrifice' exhibition had opened and was going well;
- Interest for this exhibition was widespread, including the Waiouru Army Museum, who had expressed interest in the touring exhibition;
- The required floor plans for the Middlebrook project have been finalised. It was agreed that the Western Bay Museum would be the lead organisation for this project, noting there had been great progress with Tangata Whenua; and
- The new curator at the museum was a "game changer".

6 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 30 MARCH 2022

RESOLUTION K22-3.2

Moved: Cr J Denyer

Seconded: Cr A Sole

That the Minutes of the Katikati Community Board Meeting held on 30 March 2022, as circulated with the agenda, be confirmed as a true and correct record.

CARRIED

7 REPORTS

9.1 KATIKATI COMMUNITY BOARD CHAIRPERSONS REPORT - MAY 2022

The Board considered a report from the Chairperson, who provided the Board with a brief background on each of the items. From discussion, the below was noted:

- The Katikati Town Centre Plan would be presented at the next meeting for adoption, following its finalisation.
- The Facilities in the Community Fund had \$74,000 available, not \$76,000 as stated in the agenda.

RESOLUTION K22-3.3

Moved: Member K Sutherland

Seconded: Member J Clements

1. That the Chairpersons report dated 25 May 2022 titled 'Katikati Community Board Chairpersons Report', be received.
2. That the Katikati Community Board adopt the Katikati Community Plan 2022.

CARRIED

9.2 KATIKATI COMMUNITY BOARD COUNCILLOR'S REPORT - MAY 2022

The Board considered a report from Councillor Sole, who provided the Board with a brief overview on each item, including the below points of clarification:

Council Meeting – 6 April 2022

The Board was advised the Te Toka Tū Moana, which was adopted by Council, was the document that outlined the relationship the iwi/hapū members from Te Kāhui Mana Whenua o Tauranga Moana wished to have with the Western Bay of Plenty District Council. This Forum consisted of iwi and hapū representatives from the western end of the district.

Three Waters Reform – “Better off Funding”

The Board was provided some clarification from the Councillor’s regarding the Three Waters Reform ‘Better off Funding’, noting that the agreement for the funding did not exclude Council from expressing their opinion regarding the Three Waters Reform.

The Acting General Manager Corporate Services advised the Board that Council had not made any decisions regarding the first tranche of the “Better Off Funding”. He reiterated that taking this funding did not preclude Council from criticising or commenting on the Department of Internal Affairs.

Annual Plan

The Board was advised that the inflation rate used in the Annual Plan was 4.2%, which was approved by Council. It was noted that, due to the current environment, this was difficult to forecast.

Waka Kotahi – Takitimu Stages 1 & 2

The Board was advised that Council had not seen any feedback from Waka Kotahi regarding the community consultation that had taken place in Katikati.

RESOLUTION K22-3.4

Moved: Cr A Sole

Seconded: Member K Sutherland

That the Councillor’s report dated 25 May 2022 titled ‘Katikati Community Board Councillor’s Report’ be received.

CARRIED

9.3 KATIKATI COMMUNITY PLAN AND TOWN PLAN – FINANCIAL UPDATE

The Board considered a report from the Community Manager, who provided the Board with some background into the journey of the Katikati Community and Town Centre Plan.

The Chairperson thanked the Community Manager, Community Board, and members of the community for all the guidance, support, work, feedback and submissions.

RESOLUTION K22-3.5

Moved: Chairperson B Warren

Seconded: Member J Clements

That the Community Manager’s report dated 25 May 2022 titled ‘Katikati Community Plan and Town Plan – Financial update’, be received.

CARRIED

9.4 KATIKATI COMMUNITY BOARD GRANT APPLICATIONS – MAY 2022

The Board considered a report from the Senior Governance Advisor. The report was taken as read, with further discussion on each of the below grant applications, specifically regarding the remaining amount of funds in the Boards grant account.

Katikati Football Club

Chairperson Warren and Member Sutherland declared an interest in this item and took no part in the voting.

RESOLUTION K22-3.6

Moved: Member J Clements

Seconded: Cr A Sole

That the Senior Governance Advisor's report dated 25 May 2022 titled 'Katikati Community Board Grant Application – May 2022' be received.

CARRIED

RESOLUTION K22-3.7

Moved: Chairperson B Warren

Seconded: Cr A Sole

That the Katikati Community Board approve the Grant Application from the Katikati Care and Craft Centre for \$1,000 to help with activities, outings and general expenses. This grant will be funded from the Katikati Community Board Grants Account, subject to all accountabilities being met.

CARRIED

RESOLUTION K22-3.8

Moved: Cr A Sole

Seconded: Cr J Denyer

That the Katikati Community Board approve the Grant Application from the Tauranga Youth Development Team for \$2,260.20 for costs relating to the Youth Week project. This grant will be funded from the Katikati Community Board Grants Account, subject to all accountabilities being met. The Board also suggested Council donate a laptop to the Tauranga Youth Development Team.

CARRIED

RESOLUTION K22-3.9

Moved: Member J Clements

Seconded: Cr A Sole

That the Katikati Community Board approve the Grant Application from the Katikati Football Club for \$957.38 for the purchase of field marking paint. This grant will be funded from the Katikati Community Board Grants Account, subject to all accountabilities being met.

CARRIED

9.5 RESERVES – LEVELS OF SERVICE

The Board considered a report from the Reserves and Facilities Manager, who provided the Board with an overview of the report.

The Reserves and Facilities Manager noted that Service Requests raised by members of the public regarding mowing requests were now sent directly to the contractors.

The Chairperson thanked the Reserves and Facilities Manager for his report, noting that it was good to have some clarification, and those who needed to could refer back to the report.

RESOLUTION K22-3.10

Moved: Chairperson B Warren

Seconded: Cr A Sole

1. That the Reserves and Facilities Manager's report dated 25 May 2022 titled 'Reserves – Levels of Service' 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

9.6 INFRASTRUCTURE SERVICES REPORT KATIKATI COMMUNITY BOARD MAY 2022

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

Cherry Tree Removal

The Board noted that the Cherry Tree Removal, as referenced in the MAS, needed to be included in the current Roading Account priority list, following discussion at the previous

meeting. The Roading Engineer (West) noted this request, and would amend the priority list as requested.

Katikati Wastewater Treatment Plant (WWTP) Upgrade

It was understood the compliance issues regarding the WWTP were to do with the nutrient that was being used. The Board was advised that the WWTP did not cope with the nutrient, and therefore required an upgrade.

Moore Park Toilets

The Reserves and Facilities Manager noted there were several toilets being installed around the district, which included Moore Park. It was also noted that, due to supply and demand issues, this would not be able to take place prior to December 2022.

The Board was advised that Council had a Service Delivery Agreement with the Rugby Club, for the toilets to be opened when needed.

Haiku Park Concept Plan

Council would like to engage with the Board regarding the Haiku Park Concept Plan, noting the engagement that had taken place with Tangata Whenua was done in conjunction with another hui.

Main Street Footpath

The Board was advised that, once the Town Centre Plan was adopted, this project could progress.

RESOLUTION K22-3.11

Moved: Cr A Sole

Seconded: Member K Sutherland

That the Deputy Chief Executive's report dated 25 May 2022, titled 'Infrastructure Services Report Katikati Community Board May 2022', be received.

CARRIED

9.7 KATIKATI FINANCIAL REPORT – APRIL 2022

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

RESOLUTION K22-3.12

Moved: Chairperson B Warren

Seconded: Cr J Denyer

That the Financial Business Advisor's report dated 25 May 2022, titled 'Financial Report Katikati – April 2022', be received.

CARRIED

9.8 COUNCIL, STANDING COMMITTEES AND COMMUNITY BOARD MEETINGS

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

RESOLUTION K22-3.13

Moved: Chairperson B Warren

Seconded: Member K Sutherland

That the schedule of meetings for June, July and August 2022, be received.

CARRIED

The Meeting closed at 8.45pm.

Confirmed as a true and correct record at the Katikati Community Board meeting held on 20 July 2022.

.....
Chairperson B Warren

CHAIRPERSON

8.2 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 13 JUNE 2022

File Number: A4623079

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Waihī Beach Community Board Meeting held on 13 June 2022 be received.

ATTACHMENTS

- 1. Minutes of the Waihī Beach Community Board Meeting held on 13 June 2022**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
WAIHĪ BEACH COMMUNITY BOARD MEETING NO. WB22-3
HELD IN THE WAIHĪ BEACH COMMUNITY CENTRE
ON MONDAY, 13 JUNE 2022 AT 6.30PM**

1 PRESENT

Chairperson R Goudie, Member M Roberts, Member B Hulme, Member D Ryan, Cr J Denyer and Cr A Henry

2 IN ATTENDANCE

R Davie (General Manager Strategy and Community), S Parker (Reserves and Facilities Projects and Assets Manager), A Hall (Roading Engineer West), J Osborne (Governance Support Administrator) and P Osborne (Senior Governance Advisor)

OTHERS IN ATTENDANCE

Waka Kotahi (NZTA) Project Representatives

Alister McCaw – Project Manager (Beca)

Kevin McGrath – Stakeholder Engagement Manager (HEB)

20 Members of the public, including Councillor Allan Sole

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

7.1 VICKI LAMBERT – EVENTS COORDINATOR FOR WAIHĪ BEACH EVENTS AND PROMOTIONS AND RACHAEL COLE – WAIHĪ BEACH PRIMARY SCHOOL PRINCIPLE AND MATARIKI EVENT ORGANISER

Ms Lambert and Ms Cole were in attendance to provide the Board with an overview of the request for funding for the Matariki Community Breakfast, highlighting the below points:

- This was an opportunity for the community to come together, learn and discuss Matariki;
 - The venue for the breakfast was at the Waihi Beach RSA, which was a different location to previous years; and
 - Everyone was welcome to attend the 'Dawn Learning', followed by the community breakfast.
-

7.2 GRAEME MCGREGOR – FRIENDS OF ATHENREE

Mr McGregor was in attendance to speak to the Board on behalf of Friends of Athenree regarding report 10.4 of the agenda, Athenree Cycleway Engagement Feedback. The below points were noted:

- He was worried that the Friends of Athenree submission was not included in the feedback;
- He was of the understanding that a majority of people had agreed to the proposed pathway, and changing this due to the minority was 'flawed thinking'.
- Friends of Athenree requested that re-consultation take place, prior to the Resource Consent application, if an alternative option was considered.

The Reserves and Facilities Projects and Assets Manager advised the Board that Council did not receive the Friends of Athenree submission through the "Have Your Say" website, and was looking into why. However, it was noted that Council now had the submission, and it would be considered.

7.3 MIKE HICKEY – VARIOUS ITEMS

Mr Hickey was in attendance to speak to the Board on the below issues:

- He wanted to see what could be done about the several unmarked intersections in Waihi Beach;
 - At the North end of Waihi Beach the 50km/h speed limit was ignored and the 30km/h sign had been removed;
 - He asked when a decision would be made on the new Waihi Beach Library site;
 - He was of the belief that Council was inconsistent with building consent requirements; and
 - He noted that he would like to see the Mayor and/or CEO out at Waihi Beach.
-

7.4 PETER MORTEN – ATHENREE HOMESTEAD

Mr Morten was in attendance to provide the Board with an update on the Athenree Homestead, noting the below points:

- The re-build consent sign off had been delayed due to highlighted requirements. The Certificate for Public Use (CPU) had been extended, to allow these requirements to be addressed.
 - Mr Morten had been working with Council staff to discuss a strategic plan for the homestead and grounds, in accordance with the Reserves Act.
 - Due to break-ins during COVID, the Homestead had been looking at cameras however, noted that funding would need to be prioritised.
 - He requested an update on the tennis net at the Adela Stewart Reserve Court.
 - He sought written confirmation for the Athenree Homestead Trust, regarding the change to the emergency meeting point.
-

7.5 KEITH HAY – KATIKATI-WAIHĪ BEACH RESIDENTS AND RATEPAYERS ASSOCIATION

Mr Hay was in attendance to speak to the Board, noting the below:

- He was of the belief that the developers of the apartments at 8-10 Wilson Road did not have to pay financial contributions for transportation, because there was no residential housing on the ground floor. Mr Hay would like to see this rule changed during the District Plan Review.
- He also believed that 26 of the apartments being built next to the pub received a reduction to the financial contributions towards transportation, and he did not agree with the rationale for these reductions.

The General Manager Strategy and Community noted that an Official Information Request (LGOIMA) was provided to Mr Hay from Council, and suggested that this response could be posted on Council's website for the benefit of those who had an interest in this topic. Mr Hay confirmed that he was happy for this to happen.

7.6 JIM COWERN – CONNECTOR MEETINGS – COMMUNITY PLAN

Mr Cowern was in attendance to seek some information from the Board regarding the 'Connector Meetings' held in relation to the Community Plan. Mr Cowern was advised that the outcomes of those meetings were supposed to be addressed by the creation of focus groups. These groups had not been formed yet, however the Board noted they would be undertaking a Community Plan review, prior to their next meeting.

CHANGE TO THE ORDER OF BUSINESS

The Chairperson requested that the next items of business be 10.1 Chairpersons Report, followed by 10.2 Councillors Report, in order to discuss matters that are of high interest to the public.

RESOLUTION WB22-3.1

Moved: Cr A Henry

Seconded: Member M Roberts

That in accordance with Standing Orders, the order of business be changed and that items 10.1 Chairpersons Report and 10.2 Councillor's Report, be dealt with as the next items of business.

CARRIED

8 REPORTS**8.1 WAIHI BEACH COMMUNITY BOARD CHAIRPERSON'S REPORT – JUNE 2022**

The Board considered a report from the Chairperson, noting the below items.

RESOLUTION WB22-3.2

Moved: Chairperson R Goudie

Seconded: Cr A Henry

That the Chairperson's report dated 13 June 2022 titled 'Waihi Beach Community Board Chairperson's Report – June 2022' be received.

CARRIED

8.1.1 FUTURE OF LOCAL GOVERNMENT NEW ZEALAND

The Board was advised that submissions and feedback for consideration on the draft report could be done through an online survey or 'Get Vocal in Your Local', which was the online engagement tool. Both of these could be found on the futureforlocalgovernment.govt.nz website.

8.1.2 GENERATION CHANGE

The Board was advised that the focus at the moment was the electoral campaign, and encouraging participation. The format of the candidate debates would be released

closer to the time, however it was noted these would be similar to the community debates that had taken place previously.

There was a discussion regarding the name 'Generation Change'. The General Manager Strategy and Community noted under Section 42 of the Local Government Act, the Chief Executive Officer (CEO) had a positive statutory obligation to ensure substantial and representative elector participation. Councils CEO had adopted 'Generation Change' as the name for the campaign, noting that its fundamental premise was to ensure that elected representatives reflected the communities they served. This was also consistent with the national campaign 'Vote 2022', which reflected the need for better diversity.

The Chairperson requested the following information:

- Section 42 of the Local Government Act 2002; and
- Further information regarding the format of the candidate debates;

The Board noted that they would like to have a discussion regarding how they could help encourage diversity in Waihi Beach.

The General Manager Strategy and Community advised the Board the candidate debates ran under the banner of 'Generation Change', and did not preclude any other community organisation from facilitating their own debates. The Board was advised it would be entirely at the discretion of the candidates, whether they wished to participate, and these would take place in the community, with the exception of the mayoralty debate which would take place within Council Chambers.

8.1.3 WILSON PARK

The Board encouraged members of the public to view the draft plan for Wilson Park, which Council had recently released.

8.1.4 BEACH FURNITURE AND ACCESS PLAN FOR 2022 AND 2023

Member Roberts noted that Number 6 of the attachment needed to be amended to remove the reference of Marlin Avenue. Number 1 also needed to be amended to reflect this change, as it referenced Broadway.

The Board was advised that Number 8 would be adopted by the Policy Committee on Tuesday 14 June 2022 as a policy in the Resource Management Plan (RMP).

8.1.5 THE ATHENREE WILDLIFE REFUGE RESERVE

The Board noted the improvements listed in the agenda were indicative, and a discussion with the Department of Conservation (DOC), as to how the Board could assist with the improvements, needed to take place.

The Board agreed they would like to discuss this matter further at a workshop, and if they would like to have particular representatives attend the workshop, the Board could request this.

8.2 WAIHĪ BEACH COMMUNITY BOARD COUNCILLOR'S REPORT - JUNE 2022

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

The Annual Plan and Long Term Plan Committee recommended Council adopt:

- The amendment to remove library fines for late items; and
- A change in Financial Contributions (FINCO's) for new development and Community Housing and Papakāinga Housing.

It was also noted that the overall rate increase would be 3.92%.

There had been many changes since the last review of the Local Government Act in 2022, therefore it was noted that this was an important opportunity for residents to provide a submission, or feedback, by 30 June 2022.

The District Plan Review was also taking place, with an engagement session in Waihi Beach outside the Information Centre on Saturday 9 July 2022 from 10am till 1pm. The Board was encouraged to provide their feedback during this engagement session. The Board requested for this to be posted on the 'Waihi Beach Noticeboard'.

The Board was advised that this engagement was part of the first phase of the four year District Plan Review process. This phase was broad, as it was an opportunity to collect information and feedback on a number of key topics. It was noted that the next phase of engagement would contain more specific detail.

RESOLUTION WB22-3.3

Moved: Cr A Henry

Seconded: Cr J Denyer

That the Councillor's report dated 13 June 2022 titled 'Waihi Beach Community Board Councillor's Report – June 2022' be received.

CARRIED

9 PRESENTATIONS

9.1 WAKA KOTAHI (NZTA) – SH2 WAIHĪ TO ŌMOKOROA UPDATE

The Project Manager (Beca) and Stakeholder Engagement Manager (HEB) were in attendance to provide the Board with an update on the SH2 Waihi to Ōmokoroa project.

SH2 Waihi to Ōmokoroa update

- Why were they doing the work?
- Historic Crash Data (Deaths and/or Serious Injuries)
- What were they currently delivering?
 - Road Widening & Median Barrier (Katikati South)
- Status of the current project
- May 2022 Dashboard
- What they had heard – conversations they had during engagement and consultation with stakeholders, and the community

The presenter responded to questions as follows:

- There was funding set aside for Katikati North, which included six roundabouts, however it was noted that this would not take place until the work near Ōmokoroa was complete.
- The work being undertaken as part of this project was ‘clipping’ onto the existing highway. The ‘clip on pavement’ was designed for future and would uphold the traffic growth.
- There was currently no funding for cycleways along the bridges, noting that new bridges would most likely be needed if provisions for cyclists were made.

RESOLUTION WB22-3.4

Moved: Cr J Denyer

Seconded: Member D Ryan

That the presentation from Waka Kotahi on 13 June 2022, titled ‘Waka Kotahi (NZTA) – SH2 Waihi to Ōmokoroa update’, be received.

CARRIED

10 MINUTES FOR CONFIRMATION

10.1 MINUTES OF THE WAIHI BEACH COMMUNITY BOARD MEETING HELD ON 19 APRIL 2022

RESOLUTION WB22-3.5

Moved: Cr J Denyer

Seconded: Cr A Henry

That the Minutes of the Waihi Beach Community Board Meeting held on 19 April 2022 as circulated with the agenda be confirmed as a true and correct record.

CARRIED

11 REPORTS

11.1 WAIHI BEACH COMMUNITY BOARD GRANT APPLICATION – JUNE 2022

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

- The Board was advised that the Whaitere Gold Waka Ama Crew had received \$8,000 worth of funding/sponsorship to date.
 - The criteria specified that grants should only be considered from community groups or individuals that can demonstrate the activities/projects will result in public benefit, which the Board did not believe this did.
 - The Board was advised there were several members of the Waka Ama group from Waihi Beach.
 - There was concern that approving funding for this application would set a precedent for future grant funding requests.
-

RESOLUTION WB22-3.6

Moved: Cr J Denyer

Seconded: Member D Ryan

1. That the Senior Governance Advisor's report dated 13 June 2022 titled 'Waihi Beach Community Board Grant Application – June 2022' be received.
2. That the Waihi Beach Community Board **do not approve** the Grant Application from the Whaitere Gold Waka Ama Crew.

CARRIED

11.2 ATHENREE CYCLEWAY ENGAGEMENT FEEDBACK

The Board considered a report from the Reserves and Facilities Projects and Assets Manager, who responded to questions from the Board as below:

- This project would go out for a fully notified resource consent hearing process. Council was considering further engagement on the concept plan, noting that this would also benefit their resource consent application.
 - Further consultation could be confined to key questions, with the cultural story and rationale behind the route.
-

- The consultant had been instructed to consider a three metre wide path, which was the recommended width for shared paths.

RESOLUTION WB22-3.7

Moved: Chairperson R Goudie

Seconded: Member B Hulme

That the Reserves and Facilities Projects Assets Manager's report dated 13 June 2022 titled 'Athenree Cycleway Engagement Feedback' be received.

CARRIED

11.3 INFRASTRUCTURE GROUP REPORT WAIHI BEACH COMMUNITY BOARD JUNE 2022

The Board considered a report from the Deputy Chief Executive. The report was taken as read.

RESOLUTION WB22-3.8

Moved: Member B Hulme

Seconded: Cr A Henry

That the Deputy Chief Executive's Report, dated 13 June 2022, and titled 'Infrastructure Group Report Waihi Beach Community Board June 2022', be received.

CARRIED

11.3.1 ATHENREE HISTORICAL FIG TREE

Member Roberts thanked Esther Atkins, WestLink Vegetation Manager for her work, going above and beyond to help save and restore the historical fig tree in Athenree.

11.3.2 TRANSPORTATION – ROAD IMPROVEMENTS LED LIGHTING

The Board was advised that the new decorative lighting columns in Pio Shores were expected to be installed, mid September 2022. This would complete the LED rollout project.

11.3.3 VILLAGE GARDEN ENHANCEMENT PROJECT

The Roading Engineer would touch base with Member Hulme regarding the supply of shell mulching. The Board was advised that there needed to be some weeding, noting that due unavailability of the contractor, Member Hulme was seeking volunteers.

11.3.4 WAIHI – WAIHI BEACH CYCLEWAY

The Board noted they did not want the 'Forest Loop to Boundary with Hauraki Council' route to become a priority over the proposed urban cycleways.

The Reserves and Facilities Projects and Assets Manager advised the Board that this work was being funded by Forestry Harvesting, separate to the funding stream used for the 'Urban Cycleways Improvements' project.

11.3.5 ATHENREE ROAD FOOT PATH CONNECTION – FROM MONTESSORI PRESCHOOL TO THE NEW RESIDENTIAL DEVELOPMENT

The Board was advised that the additional footpath would run between Montessori Preschool, to the footpath being completed by the developers. The Board would be presented with a recommendation for funding at the August 2022 meeting.

11.3.6 WELCOME TO WAIHI BEACH ENTRANCEWAY PROJECT

The Board requested a cost estimate for the entranceway signs be presented at the upcoming meeting. The Senior Governance Advisor would follow up with whether this funding could come out of the Reserve Account, as opposed to the Roading Account, as the signs would be on road reserve.

11.4 WAIHI BEACH COMMUNITY BOARD – FINANCIAL REPORT APRIL 2022

The Board considered a report from the Financial Business Advisor. The report was taken as read with further discussion on the items below.

RESOLUTION WB22-3.9

Moved: Chairperson R Goudie

Seconded: Member D Ryan

That the Financial Business Advisor's reports dated 13 June 2022 and titled 'Waihi Beach Community Board – Financial Report April 2022', be received.

CARRIED

11.4.1 WB21-4.6 'THANK YOU' AFTERNOON TEA

The Waihi Beach Community Board approve the release of all remaining funds (\$750) from the Waihi Beach Community Board Committed Operational expenditure fund back into the Contingency Account, due to the event no longer taking place.

11.4.2 WB21-5.5 LIVE WELL WAIHĪ BEACH COORDINATOR – OFFICE SPACE HIREAGE

The Waihi Beach Community Board approve the release of all remaining funds (\$1,750) from the Waihi Beach Community Board Committed Operational expenditure, back into the Miscellaneous Account, due to the commitment no longer being required.

11.4.3 TE MATA / BROADLANDS BLOCK

The Board noted that Te Mata (Broadlands Block) Rejuvenation Group still required a new Chairperson. The Board requested the rationale for the two references to the Broadlands Block Resolution within the Financial Report.

The Board was advised that, following an onsite meeting between Councils Reserves and Facilities Team Leader Operations and the, then Broadlands Block Rejuvenation Group Chairperson, a few improvements were highlighted. The Roading Engineer (West) advised the Board that he had received a quote for the requested work, which the Board was asked to commit further funding towards.

RESOLUTION WB22-3.10

Moved: Cr J Denyer

Seconded: Member D Ryan

The Waihi Beach Community Board approves up to \$12,000 for additions to the Broadlands Block Shared path project, from the Waihi Beach Community Board Reserve Account.

CARRIED

11.5 COUNCIL, STANDING COMMITTEES AND COMMUNITY BOARD MEETINGS

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

RESOLUTION WB22-3.11

Moved: Cr J Denyer

Seconded: Chairperson R Goudie

That the schedule of meetings for June, July and August 2022, be received.

CARRIED

The Meeting closed at 9.20pm.

Confirmed as a true and correct record at the Waihi Beach Community Board meeting held on 8 August 2022.

.....
Chairperson R Goudie

CHAIRPERSON

Unconfirmed

8.3 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 20 JULY 2022

File Number: A4656934

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Katikati Community Board Meeting held on 20 July 2022 be received.

ATTACHMENTS

- 1. Minutes of the Katikati Community Board Meeting held on 20 July 2022**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
KATIKATI COMMUNITY BOARD MEETING NO. K22-4
HELD IN THE CENTRE. PĀTUKI MANAWA, 21 MAIN ROAD, KATIKATI 3129
ON WEDNESDAY, 20 JULY 2022 AT 7.00PM**

1 PRESENT

Chairperson B Warren, Member J Clements, Member K Sutherland, Cr J Denyer and Cr A Sole

2 IN ATTENDANCE

A Curtis (General Manager Regulatory Services), A Hall (Roading Engineer (East and West)) and C Irvin (Senior Governance Advisor)

OTHERS IN ATTENDANCE

Three members of the public, including Cr A Henry and R Goudie (Chairperson Waihi Beach Community Board)

3 APOLOGIES

APOLOGY

RESOLUTION K22-4.1

Moved: Chairperson B Warren

Seconded: Member K Sutherland

That the apology for absence from Member N Harray be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Cr Anne Henry – Katikati Town Centre Plan 2022–2032

- Cr Henry congratulated the Katikati Community Board on successfully completing the Katikati Town Centre Plan 2022–2032. The detail put into the main street was appreciated.
- However, Katikati had been in a dire position with its main thoroughfare and retail space for some time and it was now vital that staff and Waka Kotahi put right what the Katikati community had been putting up with for many years. It was now time to put the 'ball in motion'.

Keith Hay – Katikati Waihi Beach Residents and Ratepayers Association (KKWBRA)

- Mr Hay advised that his comment from the last meeting, regarding Council failing to carry out proper consultation on a whole range of activities regarding the Three Waters Reform, was not recorded in the previous minutes. Other concerns included:
 - Loss of ratepayer assets;
 - Loss of Council income;
 - Council's submission to the Select Committee considering the Water Services Entities Bill;
 - Council's high level modelling not being finished 'before it is too late';
 - There still being too many 'unknowns' regarding debts, assets and rates collected that would be transferred to the new entities; and
 - The difficult situation this would create for incoming Councillors.

8 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 25 MAY 2022

RESOLUTION K22-4.2

Moved: Cr A Sole

Seconded: Cr J Denyer

That the Minutes of the Katikati Community Board Meeting held on 25 May 2022 as circulated with the agenda be confirmed as a true and correct record.

CARRIED

9 REPORTS

9.1 KATIKATI COMMUNITY BOARD CHAIRPERSON'S REPORT – JULY 2022

The Board considered a report from the Chairperson, who provided a brief overview on each item.

RESOLUTION K22-4.3

Moved: Member K Sutherland

Seconded: Cr A Sole

That the Chairperson's report dated 20 July 2022 titled 'Katikati Community Board Chairperson's Report – July 2022' be received.

CARRIED

9.1.1 KATIKATI TOWN CENTRE PLAN 2022-2032

RESOLUTION K22-4.4

Moved: Cr J Denyer

Seconded: Member K Sutherland

That the Katikati Community Board adopt the Katikati Town Centre Plan 2022-2032.

CARRIED

9.1.2 KATIKATI COMMUNITY PLAN AND TOWN CENTRE PLAN PRESENTATION EVENING

The Chairperson advised the Board that the presentation/celebration evening would be held on Friday 29 July 2022 at the Katikati Hub. Specific invitations would be sent out and the general public was welcome.

RESOLUTION K22-4.5

Moved: Chairperson B Warren

Seconded: Member K Sutherland

That the Katikati Community Board approve up to \$1,000 from the Katikati Community Board Contingency Account for costs relating to the Katikati Community Plan and Town Centre Plan presentation and celebration evening.

CARRIED

9.1.3 ROAD SAFETY EDUCATION LTD – GRANT APPLICATION EXTENSION

The Chairperson advised the Board that the Road Safety programme had been rescheduled to 2023.

RESOLUTION K22-4.6

Moved: Chairperson B Warren

Seconded: Cr A Sole

That the Katikati Community Board approve for Road Safety Education Ltd to maintain the grant funding for the delivery of the re-scheduled Road Safety Programme in 2023.

CARRIED

9.1.4 KATIKATI COMMUNITY SPORT AND RECREATION CENTRE FUNDING

The Chairperson provided the Board with some background on the proposed Community Sport and Recreation Centre, and provided the Board with some clarification around the funding.

The Chairperson abstained from voting due to a conflict of interest with this item.

RESOLUTION K22-4.7

Moved: Cr J Denyer

Seconded: Cr A Sole

That the Katikati Community Board approve funding of \$50,000 towards costs related to the new Katikati Community Sport and Recreation Centre on the Moore Park Sports Ground in Katikati, to be funded from the Katikati Community Board Reserve Account.

CARRIED

9.1.5 KEA CROSSING – PARK ROAD, KATIKATI

The Roding Engineer (East and West) advised the Board of the following:

- The School had agreed it would man the Kea crossing.
- Written confirmation had been received from the school of their commitment to manning the crossing, however absolute confirmation would be sought again because of the infrastructure costs involved.
- Council did not want to go through the whole process of creating a Kea crossing if it would then not be used.

- This project was not on the Boards priority list – however, it was felt that now was the time to get this done.

RESOLUTION K22-4.8

Moved: Cr A Sole

Seconded: Member J Clements

That the Katikati Community Board approve for the design and construction of the Kea Crossing proposed for Park Road, Katikati, to be funded from the Katikati Community Board Roading Account.

CARRIED

9.2 KATIKATI COMMUNITY BOARD COUNCILLOR'S REPORT – JULY 2022

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

- Council had spent a lot of time going through policy settings on road sealings.
- Council was still in the early stages regarding using the 'better off funding' for housing. There was a lot of change happening and it was only possible to comment on variables happening at this time.

RESOLUTION K22-4.9

Moved: Chairperson B Warren

Seconded: Member K Sutherland

That the Councillor's report dated 20 July 2022 titled 'Katikati Community Board Councillor's Report – July 2022' be received.

CARRIED

9.3 INFRASTRUCTURE SERVICES REPORT KATIKATI COMMUNITY BOARD JULY 2022

The Board considered a report from the Deputy Chief Executive. The report was taken as read.

- The Roading Engineer (East and West) clarified the Flagtrax system maintenance would not be funded from any Community Board budget. Council would fund this repair as a maintenance item, and would therefore reserve the right to not repair any future maintenance occurrences. Any future maintenance requirements would be considered if/when the occasion arose.

RESOLUTION K22-4.10

Moved: Chairperson B Warren

Seconded: Cr J Denyer

That the Deputy Chief Executive's report dated 20 July 2022, titled 'Infrastructure Services Report Katikati Community Board July 2022', be received.

CARRIED

9.4 KATIKATI FINANCIAL REPORT – JUNE 2022

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

RESOLUTION K22-4.11

Moved: Cr J Denyer

Seconded: Member K Sutherland

That the Financial Business Advisor's report dated 20 July 2022, titled 'Financial Report Katikati – June 2022', be received.

CARRIED

9.5 COUNCIL, STANDING COMMITTEES AND COMMUNITY BOARD MEETINGS

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

RESOLUTION K22-4.12

Moved: Chairperson B Warren

Seconded: Member K Sutherland

That the schedule of meetings for August and September 2022 be received

CARRIED

The Chairperson thanked the Community Board members for assisting over the last three years. It had been a very interesting term. What the Board had achieved was remarkable, especially in terms of the Town Centre Plan. He wished Cr Denyer all the best for his mayoral campaign.

The Meeting closed at 7.56pm.

In accordance with Standing Order 28.4, these minutes were confirmed as a true and correct record.

.....

Chairperson B Warren

CHAIRPERSON

.....

John Holyoake

CHIEF EXECUTIVE OFFICER

Unconfirmed

8.4 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 26 JULY 2022

File Number: A4658740

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Maketu Community Board Meeting held on 26 July 2022 be received.

ATTACHMENTS

- 1. Minutes of the Maketu Community Board Meeting held on 26 July 2022**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
MAKETU COMMUNITY BOARD MEETING NO. MC22-4
HELD IN THE MAKETU COMMUNITY CENTRE
ON TUESDAY, 26 JULY 2022 AT 7.00PM**

1 PRESENT

Chairperson S Beech, Member L Rae, Member W Ra Anaru, Member S Simpson, Cr K Marsh and Deputy Mayor J Scrimgeour

2 IN ATTENDANCE

C McLean (Senior Transportation Engineer), and J Osborne (Governance Support Administrator).

Two members of the public.

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

The Chairperson advised that there was one late item for the Board to consider, for inclusion in the open section of the agenda, being 'Additional Maketu Community Board Grant Application – July 2022'.

The reason that this item was not included on the agenda, was due to the application not being received prior to publishing, and it could not be delayed to the next scheduled Board meeting, as this would delay the application until November 2022.

MOTION

RESOLUTION MC22-4.1

Moved: Member L Rae

Seconded: Member S Simpson

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:

-
- 9.8 – Additional Maketu Community Board Grant Application – July 2022

CARRIED

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 they were advised to withdraw from the meeting table for the item. [As per the Local Authorities (Member's Interest) Act 1968].

- Chairperson Beech advised the Board that he had a declaration of interest in relation to the Grant Application for Maketu Volunteer Coastguards.

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

A. Mark Boyle – Te Puke Highway Repairs

Mr Boyle was in attendance to speak to the Board regarding the Te Puke Highway repairs. He noted that Waka Kotahi (NZTA) was planning to have this work completed within the first week of August 2022.

B. Ian Hurlock – Maketu Volunteer Coastguard

Mr Hurlock was in attendance to speak to the Board regarding the Maketu Volunteer Coastguard Service Grant Application, noting the following:

- He thanked Council for previous support provided, which had paid for wet-weather gear for the volunteer coastguards.
- The Grant Application submitted was to pay for three Personal Locator Beacons (PLB). Each coastguard needed a PLB, as they were used to track the location of coastguards, and to send for help if a coastguard became stranded.

3 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 7 JUNE 2022

RESOLUTION MC22-4.2

Moved: Member L Rae

Seconded: Member S Simpson

That the Minutes of the Maketu Community Board Meeting held on 7 June 2022, as circulated with the agenda, be confirmed as a true and correct record.

CARRIED

4 REPORTS

9.1 COUNCIL DECISION ON MAKETU COMMUNITY BOARD RECOMMENDATION – CCTV REQUEST

The Board considered a report from the Senior Governance Advisor, regarding the Council decision on the installation of CCTV cameras in Maketu.

The Chairperson advised that Tarnix Security had been contacted by Council for the installation of the cameras, but a date was yet to be set.

RESOLUTION MC22-4.3

Moved: Member L Rae

Seconded: Member W Ra Anaru

That the Senior Governance Advisor's report dated 26 July 2022 titled 'Council Decision on Maketu Community Board Recommendation – CCTV Request' be received.

CARRIED

9.2 MAKETU COMMUNITY BOARD CHAIRPERSON REPORT – JULY 2022

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

Cr Marsh thanked the Chairperson for his pleasant report.

Member Rae thanked the Chairperson, on behalf of the Board, for his service on the Maketu Community Board in the last 12 years.

RESOLUTION MC22-4.4

Moved: Chairperson S Beech

Seconded: Cr K Marsh

That the Chairperson's report dated 26 July 2022 titled 'Maketu Community Board Chairpersons Report – July 2022' be received.

CARRIED

9.3 MAKETU COMMUNITY BOARD COUNCILLOR'S REPORT – JULY 2022

The Board considered a report from Cr Marsh, who provided the Board with the below updates:

- It had been a privilege to be involved with the Maketu Community Board, during his time as an Elected Member.
 - The construction of the wastewater plant with the Te Arawa Lakes Trust, as well as the installation of the cell tower in Maketu, were examples of achievements Cr Marsh was proud of, during his time on the Board.
 - He commended the Maketu Volunteer Coastguard Service, and the Maketu Fire Brigade, for the work they had done within the community.
 - Cr Marsh thanked the Chairperson for his service, as well as Council staff for their support. He specifically thanked Aileen Alty (previous Governance Advisor), for her time and support over the years.
 - Cr Marsh acknowledged current and prior members of the Maketu Community Board for their work, and wished the upcoming Elected Members well.
-

RESOLUTION MC22-4.5

Moved: Cr K Marsh

Seconded: Chairperson S Beech

That the Councillor's verbal report presented 26 July 2022 titled 'Maketu Community Board Councillor's Report – July 2022', be received.

CARRIED

9.4 MAKETU COMMUNITY BOARD GRANT APPLICATION – JULY 2022

The Board considered a report from the Senior Governance Advisor. The report was taken as read. The Chairperson declared an interest in this item, and took no part in the discussion or voting thereon.

RESOLUTION MC22-4.6

Moved: Cr K Marsh

Seconded: Member L Rae

1. That the Senior Governance Advisor's report dated 26 July 2022 titled 'Maketu Community Board Grant Application – July 2022', be received.
2. That the Maketu Community Board **approve** the Grant Application from Maketu Volunteer Coastguard for \$1,500.00, for costs relating to the purchase of four personal locator beacons. This grant will be funded from the Maketu Community Board Grants Account, subject to all accountabilities being met.

CARRIED

MOTION

The Chairperson requested that the next item of business be 'Additional Maketu Community Board Grant Application – July 2022', in order to discuss the additional grant application as well.

RESOLUTION MC22-4.7

Moved: Member S Simpson

Seconded: Member L Rae

That, in accordance with Standing Orders, the order of business be changed and that item 9.8 'Additional Maketu Community Board Grant Applications – July 2022', be dealt with as the next item of business.

CARRIED

9.5 ADDITIONAL MAKETU COMMUNITY BOARD GRANT APPLICATION – JULY 2022

The Board considered the late item report from the Senior Governance Advisor. The report was taken as read, and the resolution was amended to reflect the below comment:

Deputy Mayor Scrimgeour expressed that the wording of the resolution should read “..to assist with petrol and repairs **to enable** the mowing..”, as the group would not be able to fund the mowing without the grant from the Board.

RESOLUTION MC22-4.8

Moved: Deputy Mayor J Scrimgeour

Seconded: Member L Rae

1. That the Senior Governance Advisor's report dated 26 July 2022 titled 'Additional Maketu community Board Grant Application – July 2022', be received.

-
2. That the Maketu Community Board **approve** the Grant Application from Maketu Community Led Development for \$1,000.00, to assist with petrol and repairs to enable the mowing of Pukemaire. This grant will be funded from the Maketu Community Board Grants Account, subject to all accountabilities being met.

CARRIED

9.6 INFRASTRUCTURE GROUP REPORT MAKETU COMMUNITY BOARD JULY 2022

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

Maketu Cycleway

The extension of the cycleway, from the long straight on Wilson Road North through to Spencer Avenue, was currently on hold due to difficulties regarding multiple vehicle crossings.

Spencer Avenue Culvert

The Board requested that this project be made a priority.

Relocation of CCTV Cameras

The relocation of the CCTV cameras was appreciated, as they will pick up more activity than the previous locations.

Maketu Boat Ramp

The boat ramp work was set to be completed in Summer 2022.

Vegetation Trip and Clean-up

It was noted that this MAS had been closed off however, it should remain open as work relating to this project was still underway.

Installation of Additional Barbecue

The approval of the barbecue had been received, along with conditions. It was noted Council was happy to follow the requirements from Te Arawa Lakes Trust.

Maketu Sports Field Upgrades

The Chairperson had been in contact with the Reserves and Facilities staff regarding the sports field, and discussions were had on what the Board wished for the sports field.

The Board noted that there was bad flooding on a portion of Wilson Road North, where cow tracks caused water to flow down the hill during heavy rainfall. The Senior Transportation Engineer would contact the landowners and see what could be done. An update on Wilson Road North would be provided at the next Maketu Community Board.

RESOLUTION MC22-4.9

Moved: Member S Simpson

Seconded: Cr K Marsh

That the Deputy Chief Executive's Report, dated 26 July 2022 and titled 'Infrastructure Group Report Maketu Community Board July 2022', be received.

CARRIED

9.7 MAKETU COMMUNITY BOARD – FINANCIAL REPORT JUNE 2022

The Board considered a report from the Financial Business Advisor. The report was taken as read, and a clarification by the Chairperson, on which completed projects were referenced in the resolution as having remaining funds.

RESOLUTION MC22-4.10

Moved: Member L Rae

Seconded: Member W Ra Anaru

1. That the Financial Business Advisor's report dated 26 July 2022, titled 'Maketu Community Board – Financial Report June 2022', be received.
2. That the Maketu Community Board approve for the remaining funds from the below resolutions, be released back into the Maketu Community Board Reserve Account:
 - a. MC20-6.8 with remaining funds of \$1,962.00
 - b. MC20-6.9 with remaining funds of \$9,985.00
 - c. MC21-2.6 with remaining funds of \$703.00

CARRIED

9.8 COUNCIL, STANDING COMMITTEES AND COMMUNITY BOARD MEETINGS

The Board considered a report from the Senior Governance Advisor. The report was taken as read, noting that the last Maketu Community Board meeting for the year would take place on 22 November 2022, after the Local Elections.

RESOLUTION MC22-4.11

Moved: Member L Rae

Seconded: Deputy Mayor J Scrimgeour

That the schedule of meetings for August and September 2022, be received.

CARRIED

The Chairperson thanked the Board for their service during this triennium. He acknowledged Cr Marsh for 21 years of involvement in the community, and the Maketu Community Board. Cr Marsh was presented with a koha from the Board.

The Meeting closed at 8.01pm.

In accordance with Standing Order 28.4, these minutes were confirmed as a true and correct record.

.....
Chairperson S Beech

CHAIRPERSON

.....
John Holyoake

CHIEF EXECUTIVE OFFICER

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

9.1 MINUTE OF THE DISTRICT LICENSING COMMITTEE MEETING HELD ON 3 FEBRUARY 2022

File Number: A4657186

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the District Licensing Committee held on 3 February 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the District Licensing Committee including the final decision (30/4/2022)  

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
DISTRICT LICENSING COMMITTEE MEETING NO. DL22-1
HELD VIA ZOOM (AUDIO / VISUAL LINK) ONLY AND LIVESTREAMED
UNDER COVID TRAFFIC LIGHT RED
ON THURSDAY, 3 FEBRUARY 2022 AT 9.30AM**

1 PRESENT

Commissioners: M Clearwater (Chairperson), B Edlin and A Wilkinson

2 IN ATTENDANCE

A Curtis (District Licensing Secretary), D Elvin (Liquor Licensing Inspector), M Turner (Compliance Officer) K Bowyer (Compliance Officer) J Osborne (Governance Support Administrator) and C Irvin (Senior Governance Advisor).

OTHERS IN ATTENDANCE

As listed in the minutes

3 APOLOGIES

Nil

4 DECLARATIONS OF INTEREST

Nil

5 PUBLIC EXCLUDED ITEMS

Nil

6 PUBLIC FORUM

Nil

7 HEARINGS

7.1 DISTRICT LICENSING COMMITTEE HEARING :

APPLICATION NO. LL807: APPLICATION FOR AN OFF LICENCE PURSUANT TO SECTION 100 OF THE SALE AND SUPPLY OF ALCOHOL ACT 2012.

APPLICANT: ANGELIN ENTERPRISES LIMITED (TRADING AS TE PUNA LIQUOR STORE) IN RESPECT OF LICENSED PREMISES SITUATED AT 15C MINDEN ROAD, TE PUNA AND KNOWN AS TE PUNA LIQUOR.

1. Welcome and Introductions

Chairperson's Introduction:

The Chairperson noted the following:

- The Committee had been appointed to determine an application by Angelin Enterprises Limited for the grant of an Off Licence, premises situated at 15c Minden Road, Te Puna, to be known as 'Te Puna Liquor'.
- It had been expressed by the parties that the preference was to do the hearing face to face, but that it had not been possible due to COVID-19 circumstances
- The need to make it a fair and lawful process for all parties.
- The hearing was being livestreamed through Council's website.

Participating Party Introductions

Commissioner/Chairperson Murray Clearwater introduced himself and:

- Commissioner Arthur Wilkinson; and
- Commissioner Beverly Edlin.

John Young (Brookfields Lawyers – Applicant's Counsel) introduced himself and:

- Barinderpal Singh (Applicant – Angelin Enterprises Limited, 'Te Puna Liquor'); and
- Simranjit Singh (Operator/Director 'Te Puna Liquor').

The Chairperson introduced the following attendees:

- Tommy Wilson (Police Witness)
- Donna Motutere (Police Witness)
- Dawn Meertens (Medical Officer of Health (MOoH))
- Dougal Elvin (Western Bay of Plenty Liquor Licensing Inspector)
- Objectors:
 - The Senior Governance Advisor informed the Chairperson that one objector wished to speak to the application at the hearing, being Birgitte Clark. The two remaining objectors had been contacted via email and phone but had not responded/advised they wanted to speak at the hearing.

The Chairperson asked the following Western Bay of Plenty District Council employees to introduce themselves:

- Alison Curtis (District Licensing Secretary/Compliance and Monitoring Manager)
 - Carolyn Irvin (Senior Governance Advisor)
 - Jahneisha Osborne (Governance Support Administrator)
 - Micaela Turner (Technical Support Officer Alcohol and Compliance)
 - Katelin Bowyer (Acting Team Leader Compliance Support)
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2. Preliminary Matters

The Chairperson confirmed with the Applicant and his Counsel that:

- They were aware of procedures
- This was to be treated as a commission of enquiry, and that this was an 'inquisitorial and evaluation' process.
- If the Commissioners asked the Applicant a question directly it was only the Applicant who could answer the question.
- The Senior Governance Advisor informed the Committee that Sergeant D Roser (New Zealand Police – Liquor Licensing Coordinator Western Bay of Plenty) was not able to communicate at this time due to a Zoom interruption.

3. Evidence for the Applicant

The Applicant's Counsel advised that:

- His client had received correspondence from their landlord late yesterday afternoon purporting to cancel the lease. This was being disputed.
- It had been understood by the Applicant that the lease would be extended, and that this was agreed and understood when the hearing was taking place.
- This meant that, at this point in time, there was a dispute as to tenure. There were two options available to the Committee:
 - The first option was to proceed with hearing. The Committee could hear all the evidence but reserve its decision until the lease was confirmed. A timeline may have to be put on this or, the lease would not be confirmed, at which time no decision would be issued and the application would be withdrawn; or
 - The second option, the client's preference, was that the hearing be adjourned so that they could take steps to confirm the lease or resolve the lease issues.
- Counsel was therefore seeking an adjournment to the hearing. If the Committee was minded to proceed then Counsel and his clients were ready to proceed and would. However, Counsel did not know where they would land in a week or two weeks' time on this issue.
- Counsel offered to seek instructions from his client to provide the Committee with email correspondence regarding this issue.

4. Reply and Questions from Chairperson Clearwater:

The Chairperson confirmed that:

- The Commissioners would take a short recess.
 - Police Sergeant Roser had confirmed that he had understood what Mr Young had said about a lease being cancelled, seeking an adjournment.
 - Police Sergeant Roser advised he was happy to proceed.
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-
- Inspector Elvin was happy to proceed but would follow the Chairpersons direction, and he was not calling any witnesses.
 - The MOoH replied she was happy to proceed or have the hearing adjourned.

9.52am The Commissioners retired to the Zoom break-out room to deliberate.

9.59am The Commissioners returned to the open Zoom hearing.

5. Commissioners Decision

- The Chairperson advised the Committee had considered Counsel's suggestion and that an adjournment was the correct response.
- Tenure was a 'must' for an application for an Off Licence and the matter had to be resolved before the Committee could continue.
- Therefore, the hearing was adjourned, sine die.

The Chairperson thanked everyone.

8 REPORTS

Nil

9 OTHER ITEMS

Nil

10 STAFF UPDATE TO THE DISTRICT LICENSING COMMITTEE – FEBRUARY 2022

Nil

The Hearing adjourned at 10.03am

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
RECONVENED DISTRICT LICENSING COMMITTEE MEETING NO. DL22-1
HELD VIA ZOOM (AUDIO / VISUAL LINK) ONLY AND LIVESTREAMED
UNDER COVID TRAFFIC LIGHT RED
ON FRIDAY, 8 APRIL 2022 AT 9.30AM**

11 PRESENT

M Clearwater (Chairperson), B Edlin and A Wilkinson

12 IN ATTENDANCE

A Curtis (District Licensing Secretary), D Elvin (Liquor Licensing Inspector), M Turner (Compliance Officer) K Bowyer (Compliance Officer) J Osborne (Governance Support Administrator) and C Irvin (Senior Governance Advisor).

OTHERS IN ATTENDANCE

As listed in the minutes

13 APOLOGIES

Nil

14 DECLARATIONS OF INTEREST

Nil

15 PUBLIC EXCLUDED ITEMS

Nil

16 PUBLIC FORUM

Nil

17 HEARINGS**17.1 DISTRICT LICENSING COMMITTEE HEARING :**

APPLICATION NO. LL807: APPLICATION FOR AN OFF LICENCE PURSUANT TO SECTION 100 OF THE SALE AND SUPPLY OF ALCOHOL ACT 2012.

APPLICANT: ANGELIN ENTERPRISES LIMITED (TRADING AS TE PUNA LIQUOR STORE) IN RESPECT OF LICENSED PREMISES SITUATED AT 15C MINDEN ROAD, TE PUNA AND KNOWN AS TE PUNA LIQUOR.

1. Welcome and Introductions

The Chairperson welcomed everyone present on Zoom and recorded appearances as follows:

- The Parties:
 - Barinderpal Singh (Applicant – Director Angelin Enterprises Limited)
 - John Young (Counsel for the Applicant)
 - Sergeant Roser (New Zealand Police – Liquor Licensing Coordinator Western Bay of Plenty)
 - Dougal Elvin (WBOPDC Liquor Licensing Inspector)

- The Commissioner confirmed the following objectors would speak at the hearing:
 - Birgitte Clark
 - Joanne O'Keefe
 - Scott Crook
- The following Western Bay of Plenty District Council (WBOPDC) Staff introduced themselves:
 - Alison Curtis (District Licencing Secretary)
 - Jahneisha Osborne (Governance Support Administrator)
 - Carolyn Irvin (Senior Governance Advisor for District Licencing Committee)
 - Micaela Turner (Technical Support Officer Alcohol and Compliance)

The Chairperson advised the hearing had to be treated as a commission of enquiry. It was incumbent on the parties to put their best foot forward. The Applicant's Counsel confirmed they would not be calling on evidence from Simranjit Singh (Operator/Director 'Te Puna Liquor').

2. Applicant's Counsel Opening Submission

- The Chairperson asked Mr Young if he accepted the Medical Officer of Health's (MOoH) submission that had been received.
- Mr Young replied that the MOoH never objected to, or opposed, the application. He understood and had no objection to her not being present at the hearing. He also understood that there would be objectors speaking at the hearing today. Mr Young spoke to his opening submissions providing the following main points:
- The amenity and good order of the area; price wars; suitability; 'fit for purpose'; proliferation; application bespoke conditions; local community opposition; applicant engagement with the community; the existing liquor store in Te Puna; possible price wars; and case law.

3. Evidence from Applicant

The Applicant was sworn in and provided information on the following matters:

- His business and working background; Te Puna businesses; the existing liquor store in Te Puna; types of products for sale; store outlay, delicatessen and gift items; Te Puna growth statistics, relationships with neighbouring businesses, his request for official information from WBOPDC and initial meeting with the WBOPDC Inspector.

A. Cross from Police

Mr Singh was cross-examined by Sergeant Roser on the following matters:

- Ownership of the Te Puna Tavern; preventing alcohol bought from the liquor store being taken into the Te Puna Tavern; CCTV cameras installed in store and in the car park for customer surveillance; any connections with the owners of the existing liquor store at Te Puna.

B. Cross from WBOPDC Liquor Licensing Inspector

Mr Singh was cross-examined by WBOPDC Inspector Elvin on the following matters:

- His off licence application, academic qualifications and other businesses; a business plan; his engagement with the local community; franchises; pricing competition; the variety of alcohol he intended to sell; his communications with the objectors; and where he felt his responsibilities lay as the seller of alcohol.

C. Questions from Commissioner Wilkinson

Mr Singh answered questions from Commissioner Wilkinson on the following matters:

- Any issues or actions taken by police arising from previous positions he had held at liquor stores; evidence given at a previous hearing; how this liquor store would be financed; the main focus on the type of alcohol sold; the advantage of being an independent store owner and the pricing of alcohol.

D. Questions from Commissioner Edlin

Mr Singh answered questions from Commissioner Edlin on the following matters:

- The number of liquor outlets he had worked in and what his positions were; the research he carried out before applying for the liquor licence; his management skills and experience; his staff training approach; and what risk analysis he had done.

E. Questions from Chairperson Clearwater

Mr Singh answered questions from Chairperson Clearwater on the following matters:

- When he last worked as a duty manager in a bottle store; his business plan; what due diligence meant to him; population growth in the area; his relationship with the Te Puna Tavern owners; emergency housing provided by Minden Backpackers; his business plan projections for the first six months; the market share from other outlets; the selling of delicatessen foods and small gifts from the liquor outlet; not serving intoxicated people; some problems the Te Puna Tavern had with intoxicated people; his social responsibility when selling alcohol and the liquor store in Te Puna under investigation by the Labour Department and the Ministry of Business, Innovation and Employment.

F. Reply from Applicant's Counsel

The Applicant's Counsel provided responses on the following matters:

- His decision not to include Mr Singh's business plan in his hearing submissions; conditions of the sale of single can beer; pricing at the Tauriko Bottle Store alcohol related harm data and the lease for the store being signed on the condition of the licence being granted.

4. Police Comment and Witness Statements

Sergeant Roser provided commentary on the purpose of the Act, that this was an evaluative process and that this particular case was about proximity.

Witness Statement – Mr Tommy Wilson

Mr Wilson was sworn in and outlined who he was, what he did and provided information on the following matters:

- His involvement in the community, alcohol harm in the community; area demographics; Māori vulnerability; and what 'Te Puna' meant in Te Reo.

A. Questions from WBOPDC Inspector

Mr Wilson provided responses on the following matters:

- Traffic accidents involving alcohol; domestic violence and general harm caused by alcohol consumption; and COVID-19 related issues involving alcohol.

B. Questions from Commissioner Edlin

Mr Wilson provided a response on the following matter:

- Where the people of Te Puna currently bought their alcohol.

C. Questions from Chairperson Clearwater

Mr Wilson provided responses on the following matters:

- Transitional housing; 'wrap around' services; stable housing for Whanau; gangs; homeless people; the average age of people who had interventions and the case against having a second liquor store in Te Puna.

D. Cross from Applicant's Counsel

Mr Wilson provided responses on the following matters:

- Mr Singh's Brief of Evidence; impulse purchasing; the existing liquor store in Te Puna; opposition to working together with people selling alcohol and perpetuating alcohol problems; support pamphlets distributed in the community; the damage done to communities from alcohol consumption and his working relationships with other Trusts.

Witness Statement – Ms Donna Motutere

Ms Moutete was sworn in, outlined who she was and what she did and read her Brief of Evidence.

A. Questions from Applicant's Counsel

Ms Moutete provided responses on the following matters:

- The selling of alcohol to minors by the existing liquor store; putting pamphlets in the liquor store; and having a duty to oppose any (new) liquor store in the area.

B. Questions from WBOPDC Inspector

Ms Moutete provided a response on the following matter:

- The increase in alcohol related harm over the last few years.

C. Questions from Chairperson Clearwater

Ms Moutete provided responses on the following matters:

- Alcohol related harm happening behind closed doors and at the beach in Te Puna; and the shocking living situations of some vulnerable and homeless people in Te Puna.

D. Questions from Chairperson Clearwater

Ms Moutete provided a response on the following matter:

- Pamphlets being placed in the liquor store; alcohol ending up in the hands of children.

5. New Zealand Police Report

Sergeant Roser was sworn in and read his brief of evidence.

A. Cross from Applicant's Counsel

Sergeant Roser provided responses on the following matters:

- The Applicant's suitability and proposal; the location proximity to the already existing liquor store; product pricing; the 'Deprivation Map' provided by New Zealand Police; and crime statistics.

B. Questions from Commissioner Wilkinson

Sergeant Roser provided responses on the following matters:

- Police data evidence.

C. Questions from Commissioner Edlin

Sergeant Roser provided responses on the following matters:

- The impacts of COVID-19.

D. Questions from Chairperson Clearwater

Sergeant Roser provided responses on the following matters:

- Police data evidence and timelines; gang presence in Te Puna; the crime footprint in Te Puna; the absence of a Police Station at Bethlehem.

6. Objectors

A. Birgitte Clark

Ms Clark was sworn in and spoke on the following matters:

- Proliferation impacting all groups; a second alcohol outlet not being needed in Te Puna; the mental and emotional harm caused by alcohol; boy racers in the Minden area; and product pricing.

I. Questions from Applicant's Counsel

Ms Clarke provided responses on the following matters:

- The Liquor licence application and buying alcohol from Te Puna.

II. Questions from Chairperson Clearwater

Ms Clarke provided responses on the following matters:

- Which shops she used in Te Puna.

B. Scott Crook

Mr Crook was sworn in and spoke on the following matters:

- Being a Te Puna resident/business owner for over ten years and the shock at hearing of another liquor store opening in Te Puna that was not needed.

I. Questions from Applicant's Counsel

Mr Crook provided responses on the following matters:

- The Liquor Licence application.

II. Questions from WBOPDC's Inspector

Mr Crook provided responses on the following matters:

- The constant alcohol related events that happened in Te Puna and any contact with the Applicant.

7. WBOPDC Inspector's Report

Inspector Elvin was sworn in and read his Brief of Evidence.

A. Cross from Applicant's Counsel

Inspector Elvin provided responses on the following matters:

- Considering benefits to the community; the purpose/object of the Act; the initial meeting with the Applicant; the conditions for operating provided by the Applicant; product pricing and possible price competition with the existing liquor store; product range; other case law; the Applicant's suitability and reaching out to the Te Puna community and the case of the existing liquor store in Te Puna.

B. Questions from Commissioner Wilkinson

Inspector Elvin provided responses on the following matters:

- The concern of the reaction by the existing liquor store if a second store was opened.

8. Closing Submissions – Chairperson’s Instructions

The Chairperson instructed that closing submissions were to be submitted in writing as follows:

- Police and WBOPDC Liquor Licensing Inspector closing submissions due Wednesday 13 April 2022.
- Applicant’s Counsel’s closing submissions due on Monday 18 April 2022.

The Chairperson thanked all parties for their attendance.

The hearing concluded at 4.31pm.

ATTACHMENTS

- | | |
|---|---|
| 1 | LL8071 Te Puna Liquor – Decision Minute – 30 April 2022 |
|---|---|



**Western
Bay of Plenty**
District Council

MINUTE ATTACHMENTS

**District Licensing Committee
Meeting**

Thursday, 3 February 2022

District Licensing Committee Meeting Attachments

3 February 2022

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3 February 2022

22/OFF/8071/2022

IN THE MATTERof the Sale and Supply of Alcohol
Act 2012 ('the Act')**AND****IN THE MATTER**of an application by **ANGELIN
ENTERPRISES LIMITED** for the
grant of an off-licence pursuant to
s.100 of the Act in respect of
premises situated at 15c Minden
Road, Te Puna now to be known
as "Te Puna Wines & Spirits".**BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE**Chairman: Murray Clearwater
Member: Bev Edlin
Member: Arthur Wilkinson**HEARING** via Video Link on the 8th day of April 2022**FINAL SUBMISSIONS** received in writing on 20 April 2022**APPEARANCES**Mr. John Young– for the applicant company
Mr. Barinderpal Singh for the applicant

Mr. Dougal Elvin – Alcohol Licensing Inspector – in opposition

Sergeant Dan Roser – Police Alcohol Harm Reduction Officer (AHRO) – in
opposition

Tom Wilson -witness for Police

Donna Motutere- witness for the Police

Ms. Dawn Meertens- delegated officer for the Medical Officer of Health (MOoH)- to
assist- no appearance -submission in absentia received.**Objectors**

Birgitte Clark via video link

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Scott Crook via video link
Robyn Mitchell no appearance
Joanne O'Keefe no appearance

RESERVED DECISION OF THE COMMITTEE**Introduction**

1. This application was originally set down for hearing on the 3rd of February 2022. However, it was adjourned sine die following advice from counsel that his client had lost their lease for the property, but he said his client was in negotiations with the landlord to have it resurrected.
2. Some weeks later we were advised that those negotiations had been successful, and a new lease had been negotiated. We started afresh.
3. In an application dated the 27th of October 2020, Angelin Enterprises Limited applies for an off-licence for a bottle store in the township of Te Puna. The interior fit out has yet to be completed pending determination of this application.
4. The licensed hours sought were Monday to Sunday 9.00am to 10pm. These hours are within the default national maximum trading hours for off licences and within the (then) operative Tauranga and Western Bay of Plenty Local Alcohol Policy that came into force on the 16th of November 2015. During the course of the hearing, the hours sought were amended to 10.00am to 10.00pm.
5. We note that the LAP has been reviewed and adopted in April 2022 and comes in to force later this year. The reviewed LAP has a maximum closing time of 9.00pm for all off licences across the WBOP district.
6. The proposed premises is situated in the middle of a commercial complex on a busy intersection in the township of Te Puna, in the Western Bay of Plenty. The locality consists of large farms and life-style blocks and is known for its horticultural activity.
7. The commercial area has the Te Puna Liquor Centre and the Four Square across the road both holding off licences. The Te Puna Tavern, The White House Restaurant and Nourish Café all hold ON Licences for on-site consumption of alcohol.
8. Also located in and around Te Puna is a distillery with a remote off licence, a specialist importer of Belgium Beer with a remote off licence, The Cider Factorie that holds an ON & OFF Licence, the Persimmon Café and the Te Puna Rugby Club that holds a CLUB Licence.

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3 February 2022

9. Minden lies to the south-east of this commercial complex and is accessed from the same intersection. Residential homes are located mainly around the surrounding hill region. Two Marae are located in the wider area.
10. The application was duly advertised and was reported on by the agencies. Both the Police and the Inspector lodged reports with matters in opposition to the granting of the licence.
11. The MOoH lodged a report saying whilst there were "issues that were concerning there is no opposition."
12. The Police opposed the application in their report of 19 January 2021 citing that the location of the premises was almost adjacent to another existing bottle store and that another alcohol outlet would inevitably result in more alcohol related harm in the community.
13. Four public objections were received. Generally, they all believed that an additional alcohol outlet would further damage the amenity and good order of the area and that there were sufficient alcohol outlets in the area and in the nearby Bethlehem Shopping Complex, 5-6 kilometers away.
14. The application was set down for a public hearing as the Committee needed to hear the concerns of the agencies and to properly evaluate the application as we are required to do.

Applicant's Evidence

15. Mr. Young provided the Committee with a short opening and helpfully outlined the task for the DLC in that we must adopt an evaluative, merits-based assessment of the application.
16. He distilled the 'opposition' down to concerns about the amenity and good order of the area and the Object of the Act. i.e., that *"the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised."*¹
17. He acknowledged that there was a full off licence already operating in the same complex just 50 metres away from the proposed premises.
18. He said that the application was commendable because it was carefully crafted and has been refined in response to identified concerns, contains bespoke conditions, and presents a modern and responsible style of alcohol retailing.

¹ Sale and Supply of Alcohol Act 2012 Section 4

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19. In his submission, the proposed opposition was generalised and unformulated and it could be used to oppose almost any off-licence in the district or region.
20. He said the application was otherwise unremarkable and would meet the provisions of Section 105 of the Act. He said there was none of the usual 'red flags' and that the local community could not be described as vulnerable.
21. He argued that the mitigations that would be put in place by his client would satisfy the concerns held and a licence could be granted.
22. We heard from Mr. Barinderpal Singh, who spoke to his application. He told us that although he lived in Te Puke he would be responsible for the day-to-day management of the business and that he had held a current manager's certificate for some time.
23. He said he had 8 years' experience in managing bottle stores and a sports bar and is the owner of a Pizza outlet in Te Puke.
24. He told us about two unsuccessful applications he has been involved in recently. He said he understood why the application for Brew Estate in the Tauranga CBD was refused and he withdrew the application for a bottle store on 15th Avenue when he became fully aware of the social issues in the area.
25. He outlined the reasons for his decision to try and open a bottle store in Te Puna. He believed it was a stable community where the risks of alcohol related harm could be minimised by a hybrid of the Brew Estate model he had earlier attempted to establish in Tauranga city.
26. He was aware of the other businesses in the area and the presence of the Te Puna Liquor Centre some 50 metres from his proposed store.
27. In regard to the stated opposition from the Police and the Inspector about the potential for a price war he said that in his view alcohol prices were about as low as they could go. He said the other store might put on some specials in competition to his offerings but as prices are set by the franchisor he doubted (somewhat naively in our view) that there would be a "noticeable drop" in alcohol prices in Te Puna.
28. He told us that he planned for the business to be an independent store and would not align with any of the current franchises. This would give him the ability to set his own prices and product choices. He hoped to stock products from local brewers and distillers and have a small line of deli food products that were complimentary to alcohol purchases.
29. He proffered a suite of conditions that he had designed to assuage concern about the style and operation of the premises.

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30. Those conditions were:

We will not sell:

- (a) Spirit-based shots of any type;
- (b) Light spirits up to 13.9% abv of any type;
- (c) Cask wine of any type;
- (d) (no) Mainstream beers under \$25 per dozen
- (e) There will be no floor displays (all alcohol will be on shelves or display plinths/barrels etc.);
- (f) All RTDs will be stocked in the chiller;
- (g) There will be no RTD's in the fridges that face onto the retail floor area;
- (h) No specials on RTD's;
- (i) No alcohol brand or price promotions on the exterior of the premises.
- (j) Reduced trading hours of 10am to 10pm; and
- (k) No sale of single RTD's or mainstream beer under \$6.

- 31. He commented on the objectors concerns around boy racers, traffic congestion and car parking. He said he was familiar with the area and had discussed these issues with a family member who operates the adjoining Sports bar. He said they had not expressed concerns about these issues although they acknowledge it is a busy intersection with SH 2.
- 32. Under cross-examination from the Police, he confirmed that the tavern was run by his brother, and he had a good relationship with him. Mr. Singh did not think it would be difficult to prevent off licence patrons from taking their purchases into the tavern to drink.
- 33. He conceded, however, that once the alcohol leaves the store, he would have little, to no, control over its consumption and any related harms. (As is the case with all alcohol sold from off-licensed premises).
- 34. He confirmed, in sworn evidence, that there was no family relationship with the current operators of the Te Puna Liquor Centre.
- 35. To the Inspector he confirmed he currently worked in Te Puke 4-5 days a week in his Pizza business, and it was about 45 minutes travel to Te Puna. He said 3-4 certificated managers will be appointed to the store should the licence be

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granted.

36. In regard to pricing, he confirmed that there is little room in alcohol prices for discounting and the mark up on most products was around 25%. In his store there would be no RTDs on the shop floor and they will be displayed only within the chiller.
37. He had no intentions of entering a price war with the other store and intended to compete on service and product selection. He would not stock or sell cheap alcohol.
38. When asked if he had consulted with the community, and in particular the Māori community in Te Puna, he said he did ask around the patrons in the tavern. He confirmed he had not spoken with other business owners in the immediate area, nor had he spoken with the objectors. He said he did email them but had had no response.
39. In response to questions from the Committee members he confirmed that there had been no enforcement actions taken against him and he understood that he could not lose alcohol products.
40. When asked how he had researched the demographics of the community he said he had looked online and read census data and had made an information request from council. He argued that the Te Puna community was growing, and that growth was expected to continue. (However, that was not borne out in the data he presented to us. It appears the population is stable and very little increase is forecasted.)
41. He believed that his proposed modern and attractive store will give him a competitive edge over the existing store.
42. To the Chair he confirmed his most recent experience was in a bottle store in 2021. He believed the proposed clientele would be local residents, wealthy farmers and local business owners and workers.
43. He anticipated that the store would turnover up to \$20,000 a week initially and that they would take market share from the other bottle stores rather than generate 'new' money. He believed they would take some market share from Bethlehem and Omokoroa and 'new' money would be spent on the new and exclusive products he would stock. His side lines of deli food products and glassware would amount to no more than 5% of revenue.
44. He said the community and clientele is different from that in Te Puke. He acknowledged that his Host Responsibility Policy should in fact be a Social Responsibility Policy as they do not host patrons consuming alcohol on premises.

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45. He confirmed that he has no previous, or current interactions, with the Department of Labour or MBIE.

Police Evidence

46. Sergeant Dan Roser is the Alcohol Harm Reduction Officer for the Tauranga and Western Bay of Plenty Area. He has been with the Police for 21 years and has an intimate knowledge of the district.
47. In his opening he said there would be real risks to the community if another bottle store was opened in Te Puna. He gave us a rundown of the locality and the businesses contained in the complex and introduced a series of graphs and pictorials of the deprivation indices of the area, the ethnicities of the community and the presence of Māori owned land and settlements down towards the coast.
48. Sergeant Roser introduced victimisation data that he said showed Te Puna and Minden were already adversely represented in victimisations related to the use (and abuse) of alcohol.
49. The statistics were for the unusual period of 21 months and were difficult to assimilate and to draw inferences from. Sergeant Roser submitted that the greatest proportion of the incidents and offences were family harm incidents or assaults and 40 of the 360 reported incidents, were tagged as having alcohol involvement.
50. He made a point of saying that it was a well-known fact that alcohol related harm was under reported (we agree and accept that) and he also conceded that the empirical data that he was trying to present was not as 'user-friendly' as it should be and that the Police currently had a project underway to make the data more useful and relevant.
51. Sergeant Roser then attempted to convince the Committee that the competition that he believes will occur between the two stores can be explained by a "five forces analysis" devised by Michael Porter of Harvard University.
52. Under cross-examination he confirmed that he was more concerned about the closeness of the two stores rather than the general proliferation of premises. He accepted that the 'bespoke' conditions offered by the applicant would possibly assist in reducing the potential for alcohol related harm.
53. He agreed that there was no particular issue in Te Puna with groups of youths drinking in the streets or the associated offences of disorderly behaviour, graffiti and vandalism.
54. Then we heard from Tommy Kapai Wilson. He is the Chief Information Officer for a local social service agency and for the last 10 years he has worked with 100s of

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3 February 2022

families in transition housing right across the Tauranga area. His work involves engaging with local gang members and their reintegration back into the community.

55. He believed alcohol caused more problems locally than methamphetamine. He said it (alcohol) was the worst drug in NZ and an additional bottle store would provide an increased opportunity for vulnerable groups, such as Māori, to access cheap alcohol. He said more than 80% of the interventions they undertook involved the use and abuse of alcohol.
56. When cross-examined he said those abuses included alcohol related car crashes and domestic violence.
57. Next we heard from Donna Motutere who is the manager of Pirirakau Hauora Charitable Trust, a Kaupapa Māori Health Provider. For the last 25 years she has worked with whanau and is intimately familiar with the living standards and the effects alcohol has on her clients wellbeing.
58. She outlined the circumstances around several drink drive crashes and deaths on the roads and highways around Te Puna. She said that alcohol also has a "massive impact" on the mental health of local whanau to the point where medical and clinical interventions are necessary. (However, we note that there was no evidence to link the drink drive crashes to the purchase of alcohol from any of the Te Puna outlets.)
59. She believed there was already more than enough alcohol outlets in Te Puna and nearby shops in Bethlehem. She said local young people already get access to alcohol and drink it up on the hill or down at the beach. She too, thought there would be a price war between the two stores if a licence was granted.
60. She said: *"We are into building whanau resilience, and this (the new bottle store) is not conducive with our goals."*
61. During questioning she was asked about the prevalence of street drinkers and homeless persons in the area. She said much of the harm occurs behind closed doors. To Mr. Young she said she would be reluctant to have a working relationship with the applicant to promote their social services as she saw them as the creators of the problems her organisation has to deal with.

Medical Officer of Health Evidence

62. Dawn Meertens, on behalf of the MOoH, was not present at the hearing and submitted a 'submission in absentia' in which she stated that the MOoH had withdrawn its opposition and did not want the DLC to assume that the MOoH supported the application.

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- 63. In fact, the MOoH had reported on the application on 28 June 2021 and no opposition was lodged.
- 64. In the applicants closing submissions they are critical of the statements and motivations of the MOoH.
- 65. However, we agree that a non-opposition stance from a reporting agency does not create a perception of tacit approval of the application.
- 66. We also have significant sympathy for Ms. Meertens as we know she is basically unsupported in the alcohol role and she has been, up until recently, heavily involved in the COVID-19 response.

Inspector's Evidence

- 67. Dougal Elvin is a warranted alcohol licensing inspector for the Western Bay of Plenty.
- 68. In his brief of evidence, he outlined the prolonged history of the application spanning back to October 2020, some 18 months ago, to the present day.
- 69. His initial concerns were about the immediate proximity of the other store and the potential for price cutting and competition.
- 70. The applicant alleges he was told by Mr. Elvin at their first meeting that the Inspector would not oppose the application.
- 71. In his evidence before us, Inspector Elvin's evidence was that when reflecting after that meeting, he decided to oppose the application.
- 72. In any case, the determination of this application does not hinge on this alleged inconsistency and given the passage of time we accept the assertion of Inspector Elvin that he does not recall making that statement to Mr. Singh.
- 73. He outlined his theories on competitive edges and why he thought that a bottle store selling a large range of similar generic products to the other store could possibly compete on service, and not on price.
- 74. As Mr. Young has pointed out in his closing arguments, the Inspector has submitted several theories and opinions that are better expressed in closing submissions, not in a brief of evidence. (We comment on this issue later in our discussions.)

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75. The Inspector was critical of what he perceived was a lack of genuine community engagement by the applicant.
76. Under cross-examination he conceded that he had not raised the Object of the Act or Amenity and Good Order in his initial report. He was asked if he had a better understanding of the applicant's proposal now including the bespoke conditions offered. He said he accepted that he (Mr. Singh) was trying to do better.

Objectors Evidence

77. Four persons lodged objections within the required timeframe.
78. Two of the objectors did not attend the hearing and we put little, to no, weight on their stated concerns of the potential for traffic related issues in the area and the wisdom of having another bottle store so close to the existing one.
79. We did hear from Birgitte Clark who is a local resident of Te Puna. She told us that the village does not need another outlet and that SH2 is very busy and that boy racers already use Minden Road to do their burnouts and races.
80. She also had concerns about the effects of alcohol on families and alcohol related harm generally.
81. Next we heard from Scott Crook who is a local businessman who has "*watched Te Puna grow over the last 8 years*". He said it was "madness" to have another bottle store in a little village.

Relevant legislation

82. Section 3 of the Sale and Supply of Alcohol Act 2012 ("the Act") states the purpose of the Act as follows:
- (1) *The purpose of Parts 1 and 3 and the schedules of this Act is, for the benefit of the community as a whole, –*
 - (a) *to put in place a new system of control over the sale and supply of alcohol, with the characteristics stated in subsection (2); and*
 - (b) *to reform more generally the law relating to the sale, supply, and consumption of alcohol so that its effect and administration help to achieve the object of this Act.*
 - (2) *The characteristics of the new system are that–*
 - (a) *It is reasonable; and*
 - (b) *Its administration helps to achieve the object of this Act.*
83. Section 4 states the object of the Act as follows:

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- (1) *The object of this Act is 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.*
- (2) *For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes –*
 - (a) *Any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*
 - (b) *Any harm to society generally or the community, directly or indirectly caused, or directly and indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).*

84. Section 105 of the Act provides the criteria that the licensing committee must have regard to in deciding whether to grant a licence as follows:

105 Criteria for issue of licences

- (1) *In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:*
 - *(a) the object of this Act:*
 - *(b) the suitability of the applicant:*
 - *(c) any relevant local alcohol policy:*
 - *(d) the days on which and the hours during which the applicant proposes to sell alcohol:*
 - *(e) the design and layout of any proposed premises:*
 - *(f) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods:*
 - *(g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:*
 - *(h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence:*
 - *(i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—*
 - *(i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but*
 - *(ii) it is nevertheless desirable not to issue any further licences:*
 - *(j) whether the applicant has appropriate systems, staff, and training to comply with the law:*
 - *(k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under [section 103](#).*
- (2) *The authority or committee must not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence.*

106 Considering effects of issue or renewal of licence on amenity and good order of locality

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(1) In forming for the purposes of section 105(1)(h) an opinion on whether the amenity and good order of a locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of a licence, the licensing authority or a licensing committee must have regard to—

(a) the following matters (as they relate to the locality):

(i) current, and possible future, noise levels:

(ii) current, and possible future, levels of nuisance and vandalism:

(iii) the number of premises for which licences of the kind concerned are already held; and

(b) the extent to which the following purposes are compatible:

(i) the purposes for which land near the premises concerned is used:

(ii) the purposes for which those premises will be used if the licence is issued.

Other criteria to be considered

85. The Act provides that in deciding whether to grant a licence, the licensing committee **must have regard** to the matters contained in section 105 and 106 of the Act. As the determination of this application is finely balanced, we intend to go through the criteria and give genuine attention to each one.

Section 105(1)(a) The Object of the Act

86. Section 105(1)(a) of the Act requires the licensing committee to have regard to the object of the Act and in particular that the **sale, supply and consumption** of alcohol should be undertaken safely and responsibly.

87. As we have said before, it is not hard for off licence operators to argue that they sell and supply alcohol safely and responsibly. Off-licensed sellers may exercise some influence over the **sale and supply of alcohol**, but they **can do little, if anything at all, to control the later on-supply and consumption of alcohol as it occurs away from the seller's premises and out of their sphere of control.**

88. **We will return to this criterion once we have evaluated the others and then measure them collectively against the Object of the Act.**

Section 105(1)(b) Suitability of the Applicant

89. The applicant must be a suitable entity to hold an off-licence. We heard that the applicant company and its alter egos, are experienced operators in off-licensed premises.

90. Mr. Barinderpal Singh appeared before us for the company and impressed us a genuine person who has thought this application through.

91. **As the Tauranga District Licensing Committee said in Nine Orchids Limited September 2014² "We were disappointed with Mr Goel's lack of personal knowledge of the community he hoped to go into and that he had not engaged**

² Tauranga DLC Nine Orchids Limited September 2014

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with the business community, schools and other organisation's operating in the Bethlehem area.

92. ***We signal to this applicant, and to future applicants, that we expect applications to include evidence of consultation and an in-depth knowledge of the community in which they wish to open off-licensed premises.***
93. That case was for a bottle store in Bethlehem and was declined. In the case before us today Mr. Singh has a better knowledge of the locality but has not engaged with local residents and organisations at the level we think is desirable.
94. During the course of the application process, and at the hearing, the applicant has amended the application to include a suite of bespoke conditions that **he says** will set the business apart from the nearby opposition. The applicant has also adjusted the proposed opening time from 9.00am to 10.00am.
95. Other than his decision to want to set up a bottle store 50 metres from an existing store the suitability of the applicant was not challenged by the agencies.

Section 105(1)(c) Relevant Local Alcohol Policy

96. The application complies with the **old** Tauranga and Western Bay of Plenty Local Alcohol Policy (LAP) that came into force on the 16th of November 2015 as to the hours sought.
97. However, the new Western Bay of Plenty Local Alcohol Policy was recently adopted and comes in to force later in 2022. It contains a universal closing time of 9.00pm for all OFF Licences. It is unsure at this stage whether this will be imposed retrospectively or at renewal time. That is a matter for the future.

Section 105(1)(d) The days and hours of operation of the licence

98. The proposed operating hours are **Monday to Sunday 10.00am to 10.00pm** and are within the default national maximum trading hours for off licences and the recently expired Tauranga and Western Bay of Plenty LAP.
99. As above it is unknown at this stage if the 9.00pm finish for bottle stores will apply to this application, if granted.

Section 105(1)(e) The design and layout of any proposed premises

100. The applicant agreed to keep the frontage clear of all alcohol signage and will have sound enabled CCTV fitted throughout the building. The final internal layout, and required signage, cannot be commented on as the fit out has not been undertaken.

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101. The applicant indicates that the store will be bright and modern, and no alcohol brand or price signage will be displayed on the external surfaces of the building.

Section 105(1)(f) Whether the applicant is engaged in or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods

102. The applicant advises that the business would sell a range of snack food items such as chips and peanuts, deli items, giftware and the like, and also tobacco products.

Section 105(1)(g) Whether the applicant is engaged in or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, and food, and if so, which services.

103. No other services are to be offered.

Section 105(1)(h) Whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence.

104. We are directed to the parameters of s.106(1) and to have regard to a series of matters (as they relate to the locality). Firstly, we consider current, and possible future, noise levels. The issue of noise was not raised by any of the parties, and we do not see this as a determining factor.

105. In regard to the current, and possible future, levels of nuisance and vandalism we note that the current levels of anti-social behaviour and victimisations recorded by the Police range from medium in Te Puna to 'high' in the Minden area.

106. As we have commented previously, we express the same frustrations as did Sergeant Roser on the 'usability' of the Police databases. We have taken from the information provided that the amenity and good order of the immediate locality is not already badly affected.

107. We are required to consider "the purposes for which land near the premises concerned is used." The location is compatible with other commercial users barring the glaringly obvious presence of another bottle store nearby.

Section 105(1)(i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that-

- (i) They would be unlikely to be reduced further (or would likely to be reduced further to only a minor extent) by the effects of the issue of the licence: but
- (ii) It is nevertheless desirable not to issue any further licences.

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108. This maybe the turning point for this Committee. We received very little compelling data from the agencies sufficient for us to place an elevated mantle on this criteria.
109. However, the evidence from Tommy Wilson and Donna Motutere was relevant and cogent, but both witnesses work across the district, not just in Te Puna and Minden. The issues they spoke of were district wide and not specific to Te Puna.
110. We did not receive evidence that the amenity and good order is already badly affected. To the contrary it appears the village enjoys a pleasant and agreeable environment.
111. On that basis we have determined that the amenity and good order of the area is not badly affected by the effects of the issue of existing licences.

Section 105(1)(j) Whether the applicant has appropriate systems, staff, and training to comply with the law

112. The applicant advised us that two certificated managers would on duty at busy times and additional managers would be employed should the licence be granted.
113. He stated, on oath, that he would not compete on price with the other store should the licence be granted.
114. He produced his training policy and outlined the systems he would put in place to run this business to comply with the law.
115. But as we stated earlier in this decision it is very difficult for off-licensed premises to prevent the sale of alcohol to persons who may then on-supply it to those who choose to act inappropriately and/or drink to excess.

Section 105(1)(k) Any matters dealt with in any report of the Police, an Inspector and the Medical Officer of Health under Section 129

116. The Police oppose on the grounds of proximity, a potential price war and that there are vulnerable populations in the Te Puna and Minden areas.
117. The Inspector opposes on the grounds that there will be a price war between the two stores and that the applicant has not undertaken sufficient public consultation on this proposal.
118. The Medical Officer of Health is deemed to not oppose.

Closing Submissions were received post hearing in writing

119. The Police said there is a real risk of increased alcohol related harm due to the high

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proportion of Māori residents who already experience high levels of ARH.

120. He said the evidence of the Police witnesses must not be disregarded and the town is already well serviced with alcohol outlets.
121. He said the Police hold concerns about pre and side loading of alcohol from the store and the likelihood of patrons taking that alcohol in to the tavern.
122. He believed the other store will retaliate and prices will be reduced, and the community has no desire for another store.
123. Sergeant Roser encouraged us to take a precautionary response and refuse the application.
124. Inspector Elvin said the proposed store was too close to the existing one and the other store will respond, price wise, to having a new player on the block.
125. He said the consultation with the community was inadequate and the community will suffer as they will gravitate to the cheapest store whether it be this one or the other.
126. Mr. Young, on behalf of AEL, delivered a scathing closing submission labelling the agency submissions as misconceived and in breach of natural justice.
127. He challenges their decision to raise the issues at the other store and then promptly including the circumstances around the other store in his own submissions.
128. We suspect that he was expressing his frustrations, as did we, that the 'opposition' from the Police and the Inspector was largely anecdotal and theoretical. Evidentially they did not 'put their best foot forward.'
129. We accept that it is difficult to predict what might happen in the future. We can only look at the present and apply our own skills and life experiences to the factors present, and the material presented to us.
130. The closing submissions, albeit emotive in places, were helpful to the Committee, and we applied that information to our deliberations.

Discussion

131. Section 3 of the Act requires us to act reasonably in the exercise of our duties and to regulate with the aim of helping to achieve the Object of the Act.

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132. As Gendall J said in **Christchurch Medical Officer of Health v J & G Vaudrey Ltd**³, the principles relating to the requirement to 'have regard to' can be summarised as these:

- a. *the phrase "have regard to" bears its ordinary meaning;*
- b. *the decision maker must actively and thoughtfully consider the relevant matters;*
- c. *to do so requires the decision maker to correctly understand the matters to which he or she is having regard;*
- d. *the weight to be given to such matters is generally within the discretion of the decision maker;*
- e. *there will be cases where the matter(s) to which the decision maker is required to have regard are so fundamental or critical that they assume an elevated mantle.*

133. At paragraph [31] of **Otara-Papatoetoe Local Board v Joban Enterprises Ltd CIV-2011-404-7930; [2012] NZHC 1406**⁴ Heath J considered how the Authority should determine whether to grant an off-licence or not. His suggestions, with minor changes, are appropriate to the determination of all applications for licences by DLCs.

134. Justice Heath said: *An appropriate framework could involve a consideration of:*
(a) *The criteria set out in ss.105 and 106 of the Act;*
(b) *The reports of the reporting agencies directed to the ss.105 and 106 criteria.*
and (c) The public objections that fulfil the statutory criteria set out in s.102(3)

135. *Then the DLC, mindful of the statutory object of the Act, should weigh all the evidence and submissions to determine whether the application should be granted or not. This would involve forming a view on whether there is evidence to suggest that the grant of the application would achieve the safe and responsible sale, supply and consumption of alcohol and that any harm caused by the excessive or inappropriate consumption of alcohol would be minimised.*

136. Whilst there is no 'onus of proof' on any of the parties it is incumbent on each to 'put their best foot forward'.

137. Largely the applicant did just that, although we too, agree with agencies and the higher authorities, that applicants must do more than find an empty tenancy and apply for an OFF Licence to establish a bottle store. Mr. Singh should have done more than to ask a few of the locals at the adjacent pub.

138. In small communities such as this we would expect that they would develop a

³ Christchurch Medical Officer of Health v J & G Vaudrey Ltd

⁴ Otara-Papatoetoe Local Board v Joban Enterprises Ltd CIV-2011-404-7930; [2012] NZHC 1406

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sound knowledge of the community and its members. A visit to local businesses and social service providers would be appropriate. The calling of a town meeting to discuss the proposal could be considered though the applicant might get a response that they would not like.

139. At the end of the day, as we are often told, "Alcohol is no Ordinary Commodity."
140. As we have stated above, the role of the DLC, after receiving the evidence from all parties, is to stand back, and evaluate the evidence put before them.
141. Both the Police and the Inspector strayed into legal submissions and their own personal views and opinions when presenting their '**evidence**.' There is a time for those thoughts and theories but that is during closing submissions not during the adducing of evidence.
142. Evidence of current or potential future alcohol related harm, general victimisations and deprivation indices etc. must be presented in a clear logical form. It should not be left to counsel, or the DLC, to question data or seek to fill obvious gaps.
143. We apply added weight to the evidence of Tommy Wilson and Donna Motutere because as they said, they work at the 'coal face' and deal with alcohol related harm issues on a daily basis albeit district wide and not just in the immediate locality.

The Decision

After standing back and evaluating the totality of the evidence before us, we have come to the conclusion, **by a very slim margin**, that a boutique wine and spirits store operating under bespoke conditions, as proposed, can be granted and will not offend against the Object of the Act.

Had this application been for a standard franchised bottle store the result would most likely be very different.

The ball will be firmly in the court of Mr. Singh to set up and operate as he has sworn to do, and not engage in retaliatory pricing as his competitor is sure to do if his market share is attacked.

We also forecast that the closing time may have to 9.00pm once advice is received on the effects of the newly adopted LAP.

The licence is issued for 12 months only. There is no right of renewal, nor should there be any forgone expectation of renewal, and we are sure the regulatory agencies and the local residents will be keeping a very close eye of this business.

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Should they detect any breaches of the conditions that have been set, we would expect a very prompt request to the DLC to rehear the application, as we are able to do under Section 201(4).

The Licence is granted for 12 months from the date of issue.

The licence is subject to the following mandatory and discretionary conditions.

1. Alcohol may be sold on, or delivered from, the premises for consumption off the premises, or supplied free as a sample for consumption on the premises, only on the following days and hours: **Monday to Sunday 10:00am to 10:00pm.**
2. No alcohol is to be sold on, or delivered from, the premises on Good Friday, Easter Sunday or Christmas Day or before 1.00 pm on Anzac Day;
3. While alcohol is being supplied free as a sample, water is to be provided to patrons free of charge at the place where the samples are being supplied;
4. The whole of the premises is designated as a **Supervised Area**;
5. The Licensee must have available for consumption on the premises, at all times when the premises are open for the sale and supply of alcohol, a reasonable range of non-alcoholic and low-alcohol beverages;
6. A properly appointed Certificated, or Acting or Temporary, Manager must be on duty at all times, within the licensed area, when the premises are open for the sale and supply of alcohol and their full name must be on a sign prominently displayed in the premises.
7. The Licensee must display:
 - a. At every point of sale, signs detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;
 - b. At the principal entrance to the premises, so as to be easily read by people immediately outside the premises, a sign stating the ordinary hours of business during which the premises will be open for sale of alcohol;
 - c. A copy of the licence attached to the inside of the premises so as to be easily read
8. No alcohol of the following types are to be sold under this licence:
 - a. Spirit-based shots of any type;
 - b. Light spirits up to 13.9% abv of any type;

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- c. Cask wine of any type;
- d. No mainstream beers are to be sold under \$25 per dozen
- e. There must be no floor displays (all alcohol will be on shelves or display plinths/barrels etc);
- f. All RTDs must be stocked in the chiller;
- g. There must be no RTD's in the fridges that face onto the retail floor area;
- h. No specials on RTD's;
- i. No alcohol brand or price promotions on the exterior of the premises.
- j. No single sales of RTD's or mainstream beers under \$6.

DATED at TAURANGA this 30th day of April 2022



Murray Clearwater
Commissioner
For the Western Bay of Plenty District Licensing Committee

NOTE

Sections 152 to 155 relating to the right to appeal this decision are in effect.

An appellant has 10 working days after the date on which notice of this decision is given to the parties to lodge an appeal with the Alcohol Regulatory Licensing Authority.

This decision shall have no effect during the appeal period.

9.2 MINUTES OF THE KATIKATI – WAIHĪ BEACH WARD FORUM MEETING HELD ON 27 JUNE 2022

File Number: A4651474

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Katikati – Waihi Beach Ward Forum Meeting held on 27 June 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the Katikati – Waihi Beach Ward Forum Meeting held on 27 June 2022

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
KATIKATI – WAIHI BEACH WARD FORUM MEETING NO. KWB22-2
HELD AT THE WAIHI BEACH COMMUNITY CENTRE
ON MONDAY, 27 JUNE 2022 AT 7.00PM**

1 PRESENT

Cr J Denyer (Chairperson), Cr A Henry and Cr A Sole

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), C Irvin (Senior Governance Advisor) and J Osborne (Governance Support Administrator)

OTHERS IN ATTENDANCE

Waihi Beach Community Board Members:

Ross Goudie (Chairperson)

Bob Hulme

Don Ryan

21 Members of the public.

3 APOLOGIES

APOLOGY

RESOLUTION KWB22-2.1

Moved: Cr J Denyer

Seconded: Cr A Henry

That the apology for absence from Mayor Webber be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

A. Mike Hickey – Various Items

Mr Hickey spoke to the below points:

- He believed there were several intersections where the road markings needed to be completed.
- He requested the road from Beach Road Quarry to the Waihi Beach RSA be looked at, as the condition of the road was poor. He also believed the road area outside the petrol station needed some maintenance, highlighting potholes as an issue.
- He raised concerns about a semi-trailer and cabin behind the Waihi Beach Surf Club, and queried whether this complied with building compliance regulations.
- He believed the current development near the Flat White Café, had scaffolding and a container on public reserve land. He felt this should not be allowed.
- To the south of the Beach Motel, there was a development that he believed was causing problems with dirt polluting the footpath. He also believed that the kerbside and tar seal were also being damaged by the heavy machinery entering and exiting the development.
- He noted the location for the Waihi Beach library still had not been informed to the public.
- He understood the plans for Wilson Park were still underway, however, a decision needed to be made.

B. Anthony Thompson – Various Items

Mr Thompson was in attendance to speak to the below items:

- He advised the forum that the Coast Care project was late to start in 2022, however, it was noted that Councillor Henry was currently following this up.
- He noted that three of the four public telephones in Waihi Beach were out of service, and requested for this to be rectified, as he believed it could be a safety issue.

8 PRESENTATIONS

Nil

9 MINUTES FOR RECEIPT

9.1 MINUTES OF THE KATIKATI – WAIHI BEACH WARD FORUM MEETING HELD ON 1

MARCH 2022

RESOLUTION KWB22-2.2

Moved: Cr A Sole

Seconded: Cr J Denyer

That the Minutes of the Katikati – Waihi Beach Ward Forum Meeting held on 1 March 2022 be received.

CARRIED

10 REPORTS**10.1 KATIKATI – WAIHI BEACH WARD FORUM MINUTE ACTION SHEET**

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

RESOLUTION KWB22-2.3

Moved: Cr J Denyer

Seconded: Cr A Sole

That the Governance Support Administrator's report dated 27 June 2022, titled 'Katikati – Waihi Beach Ward Forum Minute Action Sheet', be received.

CARRIED

SUSPENSION OF STANDING ORDERS

RESOLUTION KWB22-2.4

Moved: Cr J Denyer

Seconded: Cr A Henry

A motion was moved that Council suspend Standing Orders.

CARRIED

11 WORKSHOP**11.1 WORKSHOP ITEMS**

A. Councillor James Denyer – Overview of Annual Plan

Cr Denyer provided a brief overview of the Annual Plan and noted the following points:

The Annual Plan was being signed off by Council on 29 June 2022.

The rates increase was 3.92% for 2022/2023, which was below the 4% average in the Long Term Plan.

Council was bringing forward some planned capital expenditure for Elder Housing, in order to get it underway sooner.

Financial Contributions (FINCO's) for Community Housing Projects and Papakāinga housing, after the first dwelling up to 10 dwellings, now had a 100% reduction to encourage construction in the District.

Library fines for late and overdue items were being removed, which was in line with the rest of the country.

The Pukehina Development Rate had been paused due to the upcoming Three Waters Reform.

It was raised to Cr Denyer that there were some perceived discrepancies between the increase/reduction of General Rates and Targeted Rates in 2021 compared to 2022. This would be investigated and communicated back.

The targeted rate for Corporate Services in 2022 was a continuation of what had previously been charged, and there were no new rates being collected.

Clarity was needed regarding the general/targeted rates for water between 2021 and 2022, and where 'Finance Costs' fit in with the 2022 budget. Cr Denyer would investigate this matter and communicate clarification.

There was a concern that FINCO's being waived would be covered by ratepayers in the area. This would be looked into and communicated appropriately.

B. Chief Executive Officer – Generation Change

The Chief Executive introduced Generation Change, and noted the following points:

- Chief Executives had a requirement to increase interest in Local Government Elections for candidates and voters, and Council would be taking a very active role in this approach.
- Council currently had a 39% participation in Local Government elections, compared to the New Zealand average of 41%.
- The key idea of Generation Change was to cultivate governance that reflected all of the communities it represented, and to encourage increased diversity.
- The campaign was being delivered in three phases –
 - 1) Create more interest and diversity in candidates running for Council;
 - 2) Actively encourage the community to enrol; and
 - 3) Actively encourage the community to vote.
- Council would be organising its own events in 2022, for the community to meet the candidates, and for mayoral debates.

- Council did not currently have a target, but there was a need to increase the current 39% participation, and to encourage change.
- The Chief Executive would not be chairing any of the public sessions with candidates. These would be chaired by a neutral Chairperson.

C. Pippa Coombes – Waihi Beach Skate Park

Ms Coombes spoke regarding the Olympic standard skatepark to be constructed in Waihi Beach, noting the below:

- Skateboarding was the newest addition to the Olympics, and this skatepark will be the first Olympic level skatepark in New Zealand.
- The skatepark would have the infrastructure for national and international competitions.
- Waihi Beach Events and Promotions gifted a \$6,000 booster for this project.
- The cost of the project was currently projected for \$2.1 million, and would be built in three sections.
- Conversations with TECT were currently underway regarding funding. Some funding had also been provided by Council under the Reserve Management Plan.
- The skatepark had been designed while considering the flood zone, noting the plan was flexible. It would also be designed to fit in with the theme of the area, and would also be guarded against graffiti.
- Covered seating areas and a toilet were included in the plans. When it came to competitions, transportable spectator stands would be brought in.
- The geotechnic work had already been undertaken, and was included in the total cost.
- It was suggested that Council could support this project, by providing a letter of support from Mayor Webber or the Chief Executive, which would assist with funding applications.

D. Reon Tuanau – Otawhiwhi

Mr Tuanau was absent from the meeting.

E. Athenree Action Group – Update

Ms Allen was in attendance to speak on behalf of the Athenree Action Group, noting the following:

- The group had been active for 11 years, and had worked on many community projects during this time.
- The group was at the stage where they wished to create a coordinated short, medium, and long term vision for Athenree, which included parks and reserves, roading, road safety, and social interaction.
- Ms Allen raised some visions for these plans, and some solutions to current ongoing issues within Athenree, including;
 - Current drainage issues at the boat ramp.

- Dr North Reserve was not currently used to its full potential due to its boggy, and there was potential for improvements in the playground area.
- The creek inlet at Dr North Reserve needed to be trenched, as well as removal of the concrete jetties.
- The barbecue cover that had been approved by the Waihi Beach Community Board was still to be installed, however, she noted it was suggested that this cover could be larger.
- It was suggested that a half-basketball court be installed at the Adela Stewart Drive Reserve.
- A footpath from the new subdivision on Athenree Road, towards the Montessori Playcentre, needed to be installed. There was potential for Council to link up to the footpath being built by developers on Athenree Road, to go through to Sandleigh Drive.
- The community was enthusiastic about the entranceway improvements into Athenree, planned by Council, and there were suggestions for improvements on the slip road, in-keeping with the wetlands.

F. Alan Maxwell – Katikati Taiao

Mr Maxwell introduced the Katikati Taiao (previously known as EnviroKatikati Charitable Trust), and noted the following:

- Katikati Taiao was a community-led development trust, that worked with groups in the community who had a goal, however may not have the resources they need.
- Whirihihi Stewardship Group was currently the oversight committee for Katikati Taiao, made up of elected people from diverse backgrounds, that steered the organisational direction and oversaw operations.
- In 2021, the Taiao was involved in the Western Bay of Plenty Wide Kāinga Tupu Food Security Plan, as well as organising community hui, to gain insight into the food poverty issues within Western Bay. As a result of this, 'KaiGo' was established in 2022, which diverts edible food from supermarkets away from landfills and provides it to those in need.
- An Organic Waste Recovery Initiative was currently underway, which included a resource recovery centre to divert greenwaste away from landfills into other uses, such as compost.
- The goal of the Katikati Taiao was to create solutions instead of barriers for Community Groups.
- It was noted the Katikati recycling centre could potentially pivot to a recovery centre for waste, in the future.

RESUMPTION OF STANDING ORDERS

RESOLUTION KWB22-2.5

Moved: Cr J Denyer

Seconded: Cr A Henry

A motion was moved that Council resume Standing Orders.

CARRIED

MEETING BE ADJOURNED

RESOLUTION KWB22-2.6

Moved: Cr A Sole

Seconded: Cr J Denyer

That the meeting be adjourned on Monday 27 June 2022, until Tuesday 5 July 2022 at 2.00pm, held in Council Chambers, or via Zoom.

CARRIED

Cr Denyer thanked the members and staff for their support during the Katikati-Waihi Beach Ward Forums this triennium.

Meeting be adjourned until Tuesday, 5 July 2022 at 4.00pm.

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
KATIKATI – WAIHĪ BEACH RECONVENED WARD FORUM MEETING NO. KWB22-2
HELD IN COUNCIL CHAMBERS, BARKES CORNER, TAURANGA AND LIVESTREAMED
ON TUESDAY, 5 JULY 2022 AT 4.00PM**

PRESENT

Cr J Denyer (Chairperson), Cr A Henry, and Cr A Sole

IN ATTENDANCE

J Osborne (Governance Support Administrator)

MEETING RECONVENED

Cr Denyer opened the reconvened meeting and welcomed all present.

12 RECOMMENDATIONS TO COUNCIL/COMMITTEE

12.1 PIPPA COOMBES – WAIHĪ BEACH SKATEPARK

Councillor A Sole declared an interest in this item.

RESOLUTION KWB22-2.7

Moved: Cr J Denyer

Seconded: Cr A Henry

1. That the presentation from Pippa Coombes, regarding the Waihi Beach Skatepark, be received.
2. That staff liaise with Tauranga City Council (TCC) to investigate and understand TCC's recently proposed skatepark, including whether it will be to Olympic standard, the timing and funding of construction, and how the proposed skatepark fits with the Bay of Plenty Spaces & Places Strategy.

CARRIED

12.2 ATHENREE ACTION GROUP – UPDATE

Councillor A Sole declared an interest in this item.

RESOLUTION KWB22-2.8

Moved: Cr J Denyer

Seconded: Cr A Henry

1. That the presentation from Sue Allen about the Athenree Action Group (AAG), be received.
2. That staff be requested to:
 - a. investigate and suggest solutions to the drainage issues at the boat ramp and at Dr North Park.
 - b. consider the potential to dredge the silted creek inlet at the end of Dr North Park (Reserve).
 - c. provide an update on the removal of the concrete jetties.
 - d. consider with urgency the potential to extend the footpath from the new subdivision on Athenree Road to the Montessori pre-school, in order to utilise a favourable quote from Lester Civil Ltd to extend the scope of work, of their existing contract, for adjacent path construction.
3. That the Waihi Beach Community Board be invited to:
 - a. consider the need for, and potentially fund, a larger shelter instead of the previously requested barbecue cover.
 - b. consider the request for a half basketball court at the Adela Stewart Reserve either to fund themselves, or by submitting to the next Annual Plan process
 - c. note AAG's suggestions for the entrance way project.

CARRIED

12.3 ALAN MAXWELL – KATIKATI TAIAO**RESOLUTION KWB22-2.9**

Moved: Cr A Sole

Seconded: Cr J Denyer

That the presentation from Alan Maxwell, regarding Katikati Taiao, be received.

CARRIED

Cr Denyer thanked Forum members and staff for their efforts with the Katikati-Waihi Beach Ward Forum this triennium.

The meeting closed at 4.14pm.

UNCONFIRMED

9.3 MINUTES OF THE COUNCIL MEETING HELD ON 29 JUNE 2022**File Number:** A4637454**Author:** Carolyn Irvin, Senior Governance Advisor**Authoriser:** Barbara Whitton, Customer Services and Governance Manager**RECOMMENDATION**

That the Minutes of the Council Meeting held on 29 June 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the Council Meeting held on 29 June 2022

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. C22-4
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
AND VIA ZOOM AND LIVESTREAMED UNDER COVID-19 TRAFFIC LIGHT ORANGE
ON WEDNESDAY, 29 JUNE 2022 AT 9.30AM**

1 PRESENT

Deputy Mayor J Scrimgeour (acting Chairperson), Cr G Dally, Cr M Dean, Cr J Denyer, Cr M Grainger, Cr M Gray, Cr A Henry, Cr M Murray-Benge, Cr A Sole and Cr D Thwaites

VIA ZOOM

Cr K Marsh

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), G Allis (Deputy CEO/General Manager Infrastructure Group), R Davie (General Manager Strategy and Community), J Graham (Acting General Manager Corporate Services), A Curtis (General Manager Regulatory Services), E Watton (Policy and Planning Manager), D Jensen (Chief Financial Officer), L Balvert (Communications Manager), S Bedford (Financial Controller), O McVicker (Manager Corporate Services and Business Improvement), M Leighton (Senior Policy Analyst), Peter Watson (Reserves and Facilities Manager), H Wi Repa (Governance Technical Support), J Osborne (Governance Support Administrator) and C Irvin (Senior Governance Advisor)

MEDIA

One member of the press.

3 APOLOGIES

APOLOGY

RESOLUTION C22-4.1

Moved: Cr D Thwaites

Seconded: Cr M Grainger

That the apology for lateness from Cr Dally and absence from Mayor Webber 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

9.32 Cr Dally entered the meeting

8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 25 MAY 2022

RESOLUTION C22-4.2

Moved: Cr J Denyer

Seconded: Cr A Sole

That the Minutes of the Katikati Community Board Meeting held on 25 May 2022 be received.

CARRIED

8.2 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 31 MAY 2022

RESOLUTION C22-4.3

Moved: Cr J Denyer

Seconded: Cr A Sole

That the Minutes of the Ōmokoroa Community Board Meeting held on 31 May 2022 be received.

CARRIED

8.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 2 JUNE 2022

RESOLUTION C22-4.4

Moved: Cr J Denyer

Seconded: Cr A Sole

That the Minutes of the Te Puke Community Board Meeting held on 2 June 2022 be received.

CARRIED

8.4 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 7 JUNE 2022

RESOLUTION C22-4.5

Moved: Cr J Denyer

Seconded: Cr A Sole

That the Minutes of the Maketu Community Board Meeting held on 7 June 2022 be received.

CARRIED

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

9.1 MINUTES OF THE PERFORMANCE AND MONITORING COMMITTEE MEETING HELD ON 5 MAY 2022

RESOLUTION C22-4.6

Moved: Cr M Grainger

Seconded: Cr D Thwaites

That the Minutes of the Performance and Monitoring Committee Meeting held on 5 May 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.2 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 5 MAY 2022

RESOLUTION C22-4.7

Moved: Cr M Dean

Seconded: Cr J Denyer

That the Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 5 May 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.3 MINUTES OF THE COUNCIL MEETING HELD ON 12 MAY 2022

RESOLUTION C22-4.8

Moved: Cr A Henry

Seconded: Cr M Murray-Benge

That the Minutes of the Council Meeting held on 12 May 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.4 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 26 MAY 2022

RESOLUTION C22-4.9

Moved: Cr M Grainger

Seconded: Cr A Sole

That the Minutes of the Policy Committee Meeting held on 26 May 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.5 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 2 JUNE 2022

RESOLUTION C22-4.10

Moved: Cr J Denyer

Seconded: Cr G Dally

That the Minutes of the Audit and Risk Committee Meeting held on 2 June 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.6 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 9 JUNE 2022

RESOLUTION C22-4.11

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Murray-Benge

That the Minutes of the District Plan Committee Meeting held on 9 June 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.7 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 9 JUNE 2022

RESOLUTION C22-4.12

Moved: Cr M Dean

Seconded: Cr G Dally

That the Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 9 June 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.8 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 14 JUNE 2022

RESOLUTION C22-4.13

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Murray-Benge

That the Minutes of the Policy Committee Meeting held on 14 June 2022 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 27 APRIL 2022

RESOLUTION C22-4.14

Moved: Cr A Sole

Seconded: Cr D Thwaites

That the Minutes of the Te Kāhui Mana Whenua o Tauranga Moana Meeting held on 27 April 2022 be received.

CARRIED

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

RESOLUTION C22-4.15

Moved: Cr A Sole

Seconded: Cr D Thwaites

That the Minutes of the Te Ihu o te Waka o Te Arawa Meeting held on 11 May 2022 be received.

CARRIED

11 REPORTS

11.1 APPOINTMENT OF INDEPENDENT SUBJECT MATTER EXPERT – AUDIT AND RISK COMMITTEE

The Committee considered a report dated 29 June 2022 from the Chief Financial Officer. The report was taken as read.

Staff responded to questions as follows:

Stuart Henderson would be given an opportunity to address Elected Members to talk about his qualifications and experience.

RESOLUTION C22-4.16

Moved: Cr J Denyer

Seconded: Cr M Grainger

1. That the Chief Financial Officer's report dated 29 June 2022 titled 'Appointment of Independent Subject Matter Expert' 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 appoints Stuart Henderson, of SRH Consulting Limited, to the position of Independent Subject Matter Expert, Audit and Risk Committee, in accordance with clause 31(1) of Schedule 7 of the Local Government Act 2002.

CARRIED

11.2 PROPOSAL TO LEASE – PONGAKAWA HERITAGE HOUSE AND TO RECLASSIFY PART OF PONGAKAWA DOMAIN RECREATION RESERVE TO LOCAL PURPOSE RESERVE (COMMUNITY USE)

The Committee considered a report dated 29 June 2022 from the Reserves and Facilities Manager. The report was taken as read.

Staff responded to questions as follows:

Consultation with the group had included 'future proofing' matters.

RESOLUTION C22-4.17

Moved: Cr K Marsh

Seconded: Cr M Gray

-
- That the Reserves and Facilities Manager's report dated 29 June 2022 titled 'Proposal to Lease – Pongakawa Heritage House and to Reclassify Part of Pongakawa Domain Recreation Reserve to Local Purpose Reserve (Community Use)' be received.
 - That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
 - That Council exercise its powers conferred on it as the administering body of the reserve by delegation from the Minister of Conservation under the Reserves Act 1977 and approves reclassification of approximately 2435m² of Section 4 SO 465654 (subject to survey) being part of Pongakawa Domain Recreation Reserve, from 'Recreation Reserve' to 'Local Purpose (Community Use) Reserve', pursuant to section 24 of the Reserves Act 1977, and acknowledges that as a matter of process, Council staff will be required to approve the survey plan submitted by the Trust and complete a gazette notice.
And
 - That, after consideration of the submissions received regarding the proposed lease pursuant to section 61 of the Reserves Act 1977 Council grants Pongakawa Heritage Charitable Trust the right to lease for up to 33 years approximately 465m² of the land identified in resolution 3 above to locate and operate a heritage and archival repository facility.

CARRIED

11.3 APPROVAL TO CARRY OVER FACILITIES IN THE COMMUNITY FUND

The Committee considered a report dated 29 June 2022 from the Reserves and Facilities Manager. The report was taken as read.

Staff responded to questions as follows:

It was difficult to ascertain whether the funding would be forthcoming, however Department of Conservation management had advised that, in their view, it was not far off coming through.

RESOLUTION C22-4.18

Moved: Cr D Thwaites

Seconded: Cr M Grainger

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- That the Reserves and Facilities Manager's report dated 29 June 2022 and titled 'Approval to Carry Over Facilities in the Community Fund' be received.
 - That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
 - That Council approve to Carry Over Facilities in the Community Fund of \$10,000 to the 2022/2023 financial year for Whakamārama Community Incorporated to assist with the building of a Kaimai Forest bike trail

CARRIED

11.4 PROPOSAL TO JOIN CO-LAB WAIKATO COUNCIL CONTROLLED ORGANISATION

The Committee considered a report dated 29 June 2022 from the Acting General Manager Corporate Services who took the report as read and noted the following points:

As a member of Bay of Plenty Local Authority Shared Services, there was a primary focus on shared procurement.

Staff responded to questions as follows:

The \$21,000 cost was an annual payment to enable the Co-Lab management team to deliver projects on behalf of the member Councils.

Taupō District Council had not elected to join because they had progressed considerably in terms of their systems, were at a different stage of maturity and were focusing on other matters and relationships at present.

This was not an additional cost in terms of what Council was doing in the future – it was funded as part of the Long Term Plan framework. It was also not a new precedent for Bay of Plenty councils, as Rotorua Lakes Council was a member of Bay of Plenty Local Authority Shared services and Co-Lab.

RESOLUTION C22-4.19

Moved: Cr M Grainger

Seconded: Cr A Henry

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1. That the Acting General Manager Corporate Service's report dated 29 June 2022 titled 'Proposal to join Co-Lab Waikato Council Controlled Organisation' 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, subject to fulfilment of legislative requirements in undertaking public consultation, Council approves that Council purchases an 8.3% shareholding in Co-Lab Waikato from Taupo District Council. The preferred option.

CARRIED

11.5 RECOMMENDATORY REPORT FROM ANNUAL PLAN AND LONG TERM PLAN COMMITTEE – ADOPTION OF ANNUAL PLAN 2022/23 AND FEES AND CHARGES 2022/23

The Committee considered a report dated 29 June 2022 from the Senior Governance Advisor. The report was taken as read.

RESOLUTION C22-4.20

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Murray-Benge

1. That the Senior Governance Advisor's report dated 29 June 2022, titled 'Recommendatory report from Annual Plan and Long Term Plan Committee – Adoption of Annual Plan 2022/23 and Fees and Charges 2022/23' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That the Annual Plan 2022/23 and Fees and Charges 2022/23 be amended in accordance with the Long Term and Annual Plan Committee resolutions contained in the minutes of APLTP22-3, dated 9 June 2022, and that the amended Annual Plan 2022/23 and Fees and Charges 2022/23 be adopted (as per Attachments A and B of the agenda report).
4. That, as the formal response to submitters, Council approves the Decision Document (as set in Attachment C of the agenda report), for all submitters, for dissemination as soon as practicable, following the adoption of the Annual Plan 2022/23.
5. That the Chief Executive Officer be delegated the authority to make such minor editorial changes to the Annual Plan 2022/23, and Schedule of Fees and Charges 2022/23, and Decision Document, as may be required.

CARRIED

11.6 SETTING OF RATES FOR 2022–2023 FINANCIAL YEAR

The Committee considered a report dated 29 June 2022 from the Chief Financial Officer. The report was taken as read.

RESOLUTION C22-4.21

Moved: Cr D Thwaites

Seconded: Cr M Dean

THAT:

1. The Chief Financial Officer's report dated 29 June 2022 titled 'Setting of Rates for 2022–2023 Financial Year' be received.
 2. The report relates to an issue that is considered to be of high significance in terms of Council's Significance and Engagement Policy.
 3. Western Bay of Plenty District Council notes that the rates to be set are expressed exclusive of the Council's GST obligations but that the amount of the rate assessed and invoiced will include GST at the prevailing rate at the time of supply.
 4. The Western Bay of Plenty District Council sets the rates as attached (Attachment 1) under section 23 of the Local Government (Rating) Act 2002, on rating units in the district for the financial year commencing on 1 July 2022 and ending on 30 June 2023.
 5. In accordance with its Rates Postponement for Homeowners Aged Over 65 years Policy, the Western Bay of Plenty District Council sets the following postponement fees under section 88 of the Local Government (Rating) Act 2002 for the financial year commencing on 1 July 2022 and ending on 30 June 2023:
 - (i) Application Fee – \$50
 6. A fee of \$50 will be added to the rates when Council grants postponement. This fee is non-refundable and covers the administration costs associated with processing the application.
 - (ii) Counselling Fee – \$300
 7. A fee of up to \$300 may be charged once professional counselling has commenced. This fee is to fund the cost of professional counselling so that an informed decision can be made by an applicant on whether or not to proceed with their application to join the scheme.
 - (iii) Other Fees
 8. Such other incidental fees as may be necessary to process the application. Any fees charged under this heading will be third party fees and would change from
-

time to time. Any fees charged under this heading will be discussed with any prospective applicant at the time of making their application.

9. Interest is at wholesale bank rate plus bank margin negotiated, plus applicable bank administration costs (bank rate and margin are exempt from GST). This interest is the interest charged by the bank from time to time and is made up of the bank wholesale rate at the time of each penalty date, plus an additional 25 basis points, and represents the interest rate payable by the applicant, on rates postponed.
10. The Western Bay of Plenty District Council sets the due dates for payment of rates, except water consumption rates set under section 19 of the Local Government (Rating) Act, for the financial year commencing 1 July 2022 and ending on 30 June 2023 as follows:
11. All rates will be payable in two equal instalments:
12. The due date for instalment 1 will be 23 September 2022; and
13. The due date for instalment 2 will be 24 March 2022.
14. The Western Bay of Plenty District Council sets that the water consumption rates (set under section 19 of the Local Government (Rating) Act) for the financial year, commencing 1 July 2022 and ending on 30 June 2023, will be invoiced twice during the year and the due dates for payment will be 30 days from the date of each invoice being issued. The billing dates for the financial year commencing 1 July 2022 and ending on 30 June 2023 are as follows:

Council Supply Zone	Instalment	Billing Dates	Due date
Western Supply Zone	1	15 August 2022 - 19 August 2022	19 September 2022
Central Supply Zone	1	3 September 2022 - 28 September 2022	28 October 2022
Eastern Supply Zone	1	14 November 2022 - 9 December 2022	9 January 2023
Western Supply Zone	2	27 February 2023 - 1 April 2023	1 May 2023
Central Supply Zone	2	17 April 2023 - 12 May 2023	12 June 2023
Eastern Supply Zone	2	5 June 2023 - 30 June 2023	1 August 2023

8. Under sections 57 and 58 of the Local Government (Rating) Act 2002, the following penalties be applied to unpaid rates, except water consumption rates (set under section 19 of the Local Government (Rating) Act):

-
- (iv) A charge of 10 percent on so much of any instalment that has been assessed after 1 July 2022 and which remains unpaid after the relevant due date stated above, to be added on 7 October 2022 for instalment one and 7 April 2023 for instalment two.
 - (ii) A charge of 10 percent on so much of any rates assessed before 1 July 2021, which remains unpaid on 6 July 2022, will be added on that date.
 - (iii) A further charge of 10 per cent on any rates to which a penalty has been added under (ii) above, that remain unpaid, to be added on 6 January 2023.

Where all outstanding rates and the rates for the 2022-2023 year are paid by close of business 23 September 2022, under section 55 of the Local Government (Rating) Act 2002, a discount of 3% on rates for the 2022/2023 year be allowed, with the exception of metered water consumption charges which do not qualify for discount.

10. Rates shall be payable by any of the following methods:

- (i) Online;
- (ii) Direct Debit (annually, invoice due date or monthly payments);
- (iii) Automatic payment;
- (iv) Internet/telephone banking; and
- (v) EFTPOS or cash at Council's office, libraries and service centres – between the hours of 8.00 am and 5.00 pm, Monday to Friday.

CARRIED

11.7 RECOMMENDATORY REPORT FROM THE MAKETU COMMUNITY BOARD - CCTV REQUEST

The Committee considered a report dated 29 June 2022 from the Senior Governance Advisor – Board Secretary. The report was taken as read.

Staff responded to questions as follows:

The cost of installing CCTV cameras was site-specific. Factors such as location, and whether number plate recognition was required, influenced expenditure.

RESOLUTION C22-4.22

Moved: Cr K Marsh

Seconded: Deputy Mayor J Scrimgeour

1. That Council approve funding of \$23,000, plus installation costs estimated at \$10,000, from the Maketu Community Board Reserve Account for the purchase and installation of two CCTV cameras at the Maketu Roundabout, and one CCTV camera on Park Road.
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

12 INFORMATION FOR RECEIPT

Nil

13 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION C22-4.23

Moved: Cr M Murray-Benge

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 Performance and Monitoring Committee Meeting held on 5 May 2022	<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</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

	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	
13.2 – Confidential Minutes of the Council Meeting held on 12 May 2022	<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>s7(2)(b)(i) – the withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</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</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>information would be likely otherwise to damage the public interest</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>	
13.3 - Confidential Minutes of the Audit and Risk Committee Meeting held on 2 June 2022	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	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
13.4 - Approval of the Infrastructure Acceleration Fund (IAF) Agreement with Kāinga Ora for the Ōmokoroa Road/SH2 Intersection and Ōmokoroa Road Improvements	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
13.5 - Request For Execution of Documents Under Seal of Council	<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>s7(2)(b)(ii) - the withholding of the information is necessary to protect</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>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>	
13.6 - Bledisloe Park Board - Nominations for Appointment for 2022-2025 Term	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
13.7 - Mayor's Report to Council	<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</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>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)(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>	
13.8 – Chief Executive Officer Operations Update Report	<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>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or</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>

	disadvantage, commercial activities	
CARRIED		

The Meeting closed at 10:57am.

Confirmed as a true and correct record at the Council meeting held 11 August 2022.

.....

Mayor G Webber

CHAIRPERSON / MAYOR

9.4 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 29 JUNE 2022

File Number: A4638873

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the District Plan Committee Meeting held on 29 June 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the District Plan Committee Meeting held on 29 June 2022

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
DISTRICT PLAN COMMITTEE MEETING NO. DP22-4
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA AND
VIA ZOOM UNDER COVID-19 PROTECTION FRAMEWORK ORANGE AND LIVESTREAMED
ON WEDNESDAY, 29 JUNE 2022 AT 1.00PM**

1 PRESENT

Deputy Mayor J Scrimgeour (Chairperson), Cr G Dally, Cr M Dean, Cr J Denyer, Cr M Grainger, Cr M Gray, Cr A Henry and Cr M Murray-Benge

2 STAFF IN ATTENDANCE

R Davie (General Manager Strategy and Community), A Curtis (General Manager Regulatory Services), P Martelli (Resource Management Manager), A Price (Senior Consents Planner), R Foxley (Senior Consents Planner), H Wi Repa (Governance Technical Support), J Osborne (Governance Support Administrator), and B Clarke (Senior Governance Advisor)

STAFF VIA ZOOM

C Watt (Development Project Facilitator)

3 APOLOGY

APOLOGY

RESOLUTION DP22-4.1

Moved: Cr M Gray

Seconded: Cr M Murray-Benge

That an apology for lateness from Cr Henry be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil.

5 DECLARATIONS OF INTEREST

Nil.

CHANGE TO THE ORDER OF BUSINESS

The Chairperson requested that the next item of business be Item 6.2 "Appointment of Independent Hearings Commissioner – June 2022", in order to release staff from the meeting.

RESOLUTION DP22-4.2

Moved: Cr M Grainger

Seconded: Cr J Denyer

That, in accordance with Standing Orders, the order of business be changed and Item 6.2 "Appointment of Independent Hearings Commissioner – June 2022", be dealt with as the next item of business, noted in the minutes as Item 6.1.

CARRIED

6. REPORTS

6.1 APPOINTMENT OF INDEPENDENT HEARINGS COMMISSIONER – JUNE 2022

The Committee considered a report from the Resource Management Manager who introduced the report.

1.04pm Cr Henry entered the meeting.

In response to questions, the Chairperson noted the following:

- He would sit as Chairperson of the Hearings Panel, and Independent Commissioner Withy would sit as a Member of the Hearings Panel.
 - He had discussed the composition of the Hearings Panel with planning staff and deemed that three Councillors and an Independent Commissioner were sufficient to hear the two District Plan Change matters. He considered that it would be unnecessarily unwieldy to the process, to have the entire Committee on the panel. The General Manager Strategy and Community advised that, in this capacity, the panel would be sitting in a 'quasi-judicial body', rather than as a 'committee of the whole', particularly for plan change processes or resource consent hearings. She further noted it would be unusual to have a Hearings Panel constituted of eight Commissioners.
-

RESOLUTION DP22-4.3

Moved: Cr J Denyer

Seconded: Cr M Grainger

1. That the Resource Management Manager's report dated 29 June 2022 titled 'Appointment of Independent Hearings Commissioner – June 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 District Plan Committee appoints Independent Hearings Commissioner Alan Withy to assist the District Plan Committee to consider and determine Private Plan Change 93 Te Puna Springs and Private Plan Change 94 Washer Road Industrial Zone.

CARRIED

6.2 RC4942V02L – APPLICATION FOR EXTENSION TO LAPSE PERIOD OF CONSENT – PUM ORCHARDS LIMITED – DECLINE RECOMMENDATION

The General Manager Regulatory Services introduced the Senior Consents Planner, Mr. Foxley, who was the author of the assessment report shown as the cover report attachment.

The Committee considered the assessment report and a cover report from the Environmental Consents Manager who, in his new role as Development Project Facilitator, gave an introduction (via Zoom) as follows:

Mr. Foxley had produced a comprehensive and robust assessment against the statutory provisions of section 125 of the Resource Management Act 1991 (RMA).

Staff did not have the delegation to consider or approve a recommendation to decline. That lay solely with the District Plan Committee.

There were no submitters, the application was not notified, and there were no other parties to the hearing.

The Applicant had been made aware of the recommendation and date of this meeting, and had not indicated that they wished to appear before the Committee.

It was now a matter for the Committee to determine the matter based on the information presented within the staff report. The Senior Consents Planner had reached a recommendation to decline.

Staff responded to questions as follows:

The Applicant had asked for an extension of timeframe to the lapse date of three years. The Applicant's Agent had been advised, in writing, that the recommendation was to decline, and they did not state the Applicant wished to be heard at the hearing.

There was a period of some months when the Applicant did not investigate and look to move forward and give effect to that consent, after the time the property was purchased. They could have done a lot to give effect to the consent, from earthworks to removing the dwelling on the site. There were three or possibly more Bay of Plenty Regional Council (BOPRC) consents required to give effect, but the Applicant had not sought to extend those, or obtain those BOPRC consents, and that had informed his recommendation.

Council had been engaged with PUM Orchards Limited's legal representation, and they did not seek to appear before this Committee.

The primary application would have lapsed, but the Applicant had the right to lodge an objection, under section 357A of the RMA, to the Council's decision as resolved by the Committee. The issue then was that the objection, in terms of process, would likely find its way back before the District Plan Committee.

RESOLUTION DP22-4.4

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

1. That the Environmental Consents Manager's report, dated 29 June 2022, titled 'RC4942V02L - Application for Extension to Lapse Period of Consent - PUM Orchards Limited - Decline Recommendation' 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 District Plan Committee declines the Application for Extension to Lapse Period of Consent by PUM Orchards Limited (RC4942V02L).

CARRIED

The meeting was declared closed at 1.15pm.

The minutes were confirmed as a true and correct record by Council on 11 August 2022.

9.5 MINUTES OF THE KAIMAI WARD FORUM MEETING HELD ON 30 JUNE 2022**File Number:** A4651439**Author:** Horowai Wi Repa, Governance Technical Support**Authoriser:** Barbara Whitton, Customer Services and Governance Manager**RECOMMENDATION**

That the Minutes of the Kaimai Ward Forum Meeting held on 30 June 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the Kaimai Ward Forum Meeting held on 30 June 2022

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
KAIMAI WARD FORUM MEETING NO. KWF22-2
HELD AT THE TE PUNA MEMORIAL HALL
ON THURSDAY, 30 JUNE 2022 AT 7.00PM**

1 PRESENT

Cr M Dean, Cr M Murray-Benge, Cr M Grainger, and Cr D Thwaites

2 IN ATTENDANCE

G Allis (Deputy CEO/General Manager Infrastructure Group), P Martelli (Resource Management Manager), P Osborne (Senior Governance Advisor – Board Secretary), and J Osborne (Governance Support Administrator)

OTHERS IN ATTENDANCE:

Deputy Mayor J Scrimgeour

Councillors J Denyer and G Dally

Te Puke Community Board Chairperson R Crawford

14 members of the public

3 APOLOGIES

APOLOGY

RESOLUTION KWF22-2.1

Moved: Cr M Murray-Benge

Seconded: Cr D Thwaites

That the apology for absence from Mayor Webber be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

The Chairperson advised there was one late item for the Committee to consider for inclusion in the open section of the agenda, being 'Presentation from Tourism Bay of Plenty'. This presentation would be given under Section 8 of the agenda, 'Presentations'.

The reason that this item was not included on the agenda was because it was a request from a member of the public, received after the agenda had been published, and it could not be delayed to the next scheduled meeting because this would be the last Kaimai Ward Forum meeting for the triennium 2019–2022.

MOTION

RESOLUTION KWF22-2.2

Moved: Cr M Dean

Seconded: Cr D Thwaites

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:

- Presentation from Tourism Bay of Plenty

CARRIED

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

MOTION

The Chairperson requested that the next item of business be 'Presentation from Tourism Bay of Plenty', in order to release the presenter from the meeting.

RESOLUTION KWF22-2.3

Moved: Cr M Murray-Benge

Seconded: Cr D Thwaites

That, in accordance with Standing Orders the order of business be changed and that the item "*Presentation from Tourism Bay of Plenty*" be dealt with as the next item of business, under 'presentations'.

CARRIED

7 PRESENTATIONS

Presentation from Tourism Bay of Plenty:

Oscar Nathan from Tourism Bay of Plenty (TBOP) attended to provide an update, and noted the following points:

- TBOP was a trust that provided visitor services for the wider Bay of Plenty.
- The Government had opened the aviation and maritime borders (cruise ships etc.), so increased numbers of incoming visitors was expected.
- Tracking electronic card spending was the main process used to monitor visitation and spending.
- Destination marketing and destination management were the two main roles undertaken by TBOP. Destination marketing was about selling the promise and experience of the area, and destination management was ensuring the experience matched the promise.
- A programme had been launched regarding 'regenerative tourism', meaning visitors were giving back as much as they take, as well as ensuring operators were made aware of their carbon footprint.
- Waterfall walks in the Bay of Plenty (BOP) was a focus for TBOP, as well as promoting cycle/walk trails.
- The TBOP Statement of Intent was approved by Council on 29 June 2022.
- After community engagement, TBOP landed on four DNA pillars that make up the community; Ocean and beaches, Māori culture, natural landscapes, and BOP's horticultural provenance.
- Flavours of Plenty would be extended from a four-day event in 2022, to a 10-day event in 2023.
- It was noted that TBOP would look at promoting Te Puna Quarry Park as a tourist destination.
- The biggest challenge with cruise ships was ensuring cruise passengers stayed local. TBOP were working with cruise line operators to improve this, by developing products and experiences within the WBOP.
- TBOP were planning to run six regional workshops across key regions that have ports, with many tourism agencies and cruise line associations attending to speak and provide an update. Mr Nathan encouraged anyone interested, to attend.

MOTION

RESOLUTION KWF22-2.4

Moved: Cr D Thwaites

Seconded: Cr M Grainger

That, the Presentation from Tourism Bay of Plenty on 30 June 2022, be received.

CARRIED

8 PUBLIC FORUM

Bev Monk – Cycleways/Walkways:

Ms Monk was in attendance to speak regarding cycleways/walkways, and noted the below points:

- She thanked the Deputy Chief Executive Officer for moving the cycleway further down Snodgrass Road.
- From the corner of Snodgrass Road to Lindoch Avenue, there was reportedly another footpath being installed, and Ms Monk requested that this be confirmed with an approximate timeframe.
- It was requested whether a walk/cycleway could be built on Newnham Road to cater for locals and children walking to school, while considering the industrial area that was being developed.

Jo Gravitt – Various Items:

Ms Gravitt spoke regarding various topics, and noted the following points:

- The community needed tourist experiences for all abilities and ages, and it was suggested that promoting the smaller experiences and attractions be prioritised, alongside the larger attractions.
- As well as active recreation (cycle/walkways), inactive recreation needed to be considered.
- It was asked what evaluation had been done on the Ward Forums, and what would replace them if they were no longer held in the next triennium. This would be at the discretion of the next Mayor and Council, and if reinstated, there needed to be much more advertising for the meeting to gain interest.

Doug Morris – Minden Lookout:

Mr Morris spoke regarding the Minden Lookout, and noted the following points:

- Mr Morris thanked the Council for installing a CCTV camera at the Minden Lookout.
- It was noted that plans for a formalised pathway between the bottom of the steps near Dawn View Reserve, to the top of the lookout, was welcomed by the public.

9 MINUTES FOR RECEIPT

9.1 MINUTES OF THE KAIMAI WARD FORUM MEETING HELD ON 10 MARCH 2022

RESOLUTION KWF22-2.5

Moved: Cr M Murray-Benge

Seconded: Cr M Grainger

That the Minutes of the Kaimai Ward Forum Meeting held on 10 March 2022 be received.

CARRIED

SUSPENSION OF STANDING ORDERS

RESOLUTION KWF22-2.6

Moved: Cr D Thwaites

Seconded: Cr M Murray-Benge

A motion was moved that Council suspend Standing Orders for the purpose of holding a workshop.

CARRIED

10 WORKSHOP

10.1 WORKSHOP ITEMS

Project Manager District Plan Review – Update on the District Plan Review

An update was provided on the District Plan review, and the following points were noted:

- The Project Manager District Plan Review was absent, so this was presented by the Resource Management Manager.
- Council was currently holding community engagement sessions, and was receiving significant feedback on high-level key issues and concerns, such as growth and development, climate change, and housing.
- There was a 'Have Your Say' page on council's website, as well as on Facebook, if the public wished to provide feedback.
- It was requested that a Community Engagement Session be held in the Kaimai Ward area, so that Kaimai residents could effectively provide feedback. Council staff could suggest the topics for feedback, rather than general questions, to receive feedback on.
- It was noted that the community may have different interpretations of District Plan issues than Council, and clarity needed to be provided going forward.

Resource Management Manager – Update on the Ōmokoroa Plan Change

The Resource Management Manager provided an update on the Ōmokoroa Plan Change, and noted the following points:

- The Plan Change only affected Te Puke and Ōmokoroa within Western Bay of Plenty (WBOP), and came into effect on 21 August 2022.
- The Plan Change would be notified by August 2022, so that these rules can be incorporated into future building projects within the District.
- The last stage (phase 3) of the Ōmokoroa Structure Plan was to commence in August 2022.
- The plan changes have resulted from amendments within the Resource Management Act (RMA), and could not be altered by Council. The Plan Change must be included in Council's District Plan.
- Council was creating urban design guidelines, along with the Plan Change.
- As Council was no longer allowed to make onsite car-parking in developments a requirement, much more comprehensive plans for developments were required, and Council would insist on parking spaces for residents be included (on-site parking or road reserves for parking).

Deputy Chief Executive/General Manager Infrastructure Group – Update on Projects in the Kaimai Ward.

The Deputy Chief Executive spoke to a PowerPoint presentation regarding multiple projects in the Kaimai Ward, and made the following points:

Ōmokoroa Roundabout:

- \$14m of funding had been provided by Crown Infrastructure Partners (CIP) to accelerate projects within Ōmokoroa, which included:
 - Urbanising Prole Road to its full extent, required for medium density developments.
 - Four-laning Ōmokoroa Road through to the planned Ōmokoroa roundabout.
 - The upgraded section of Ōmokoroa Road by Tralee Street and Western Avenue.
- Prole Road construction would be starting in the 2022 construction season, as well as the Ōmokoroa Road upgrade.
- Council had more plans for cycleways/walkways. The plan was to have good urban connectivity within Ōmokoroa.
- A pedestrian bridge over the railway from Tui Glen to Kaimai Views had been planned.
- The Tauranga Northern Link (TNL) Stage 1 was underway, and there was currently no timeframe for Stage 2.
- The Ōmokoroa/State Highway 2 intersection was set to be completed in 2025, and was planned as a interim roundabout (life of 10-15 years), until stage 2 of

the TNL was completed. Without this intersection, the Plan Change and development of Ōmokoroa could not proceed. This was to be a signalised roundabout during peak hours.

Three Waters – Ōmokoroa

- Council would be using 'Tranche 1' of the Three Waters Reform funding on projects that would benefit the community in the long-run.
- There were currently a number of Three Waters related projects underway in Ōmokoroa, including upgrades to wastewater/water reticulations.
- Council had funded a portion of the Ōmokoroa Golf Course stormwater/cycleway bund.

Seal Extension

- The Seal Extension Programme had not yet been adopted by Council, and over 12km of seal extension was planned within the draft 3-year Seal Extension Programme.
- There was a policy within Council that determined which roads get tar-sealed, dependent on a set of criteria.
- In 2021, Council doubled the funding for tar-sealing for the following 3 years.

Reserves and Property

- 109 Clarke Road, Te Puna, had been purchased by Council to undertake a subdivision process, with a 10 hectare retained reserve area.
- CCTV Applications were reviewed on 12 July 2022 by Council's working party.
- The Scout Hall in Te Puna was now owned by Council, and there was potential to upgrade this to a community building
- \$190k of funding had been provided to Council by the Lion Foundation, to upgrade Maramatanga Park.
- There was potential for a small roundabout to be installed at the Lochhead Road and Te Puna Road intersection.
- With the help of Friends of Cooney Reserve, plants from Kaimai Views that were unfit for the berms were currently being replanted in Cooney Reserve.

Walking and Cycling

- The widening of the path along Borell Road, as well as the Minden Road off-road footpath, would be commencing pre-December 2022.
- The Pahoia Bridge and Cycleway in Ōmokoroa were opening in 2022.
- The walkway along the Wairoa River Bridge was no longer within WBOP territory, and the project was being handled by Tauranga City Council (TCC).

Poripori Road

- Council had received funding for the carpark sealing and toilet in Poripori Road Reserve.

- There were no current water quality issues at the Poripori swimming hole.

It was also noted that a proposed cell tower was being installed in August 2022, on the corner of Whakamārama Road and Ross Road. Alongside fibre providers, Council was attempting to get involved in advocating for the key areas in the District to get fibre installed, such as Whakamārama, McLaren Falls and Kauri Point.

David Riley – Whakamārama Community Inc (WCI)

Mr Riley spoke regarding the cell/broadband service in Whakamārama, and noted the following:

- There was very poor broadband connection in Whakamārama. Within the approximately 500 households in the Whakamārama and Youngson Road area, just over 20% would be able to connect to the cell tower being installed in August 2022.
- Sufficient broadband connection was urgent, as many schools and businesses now rely on video conferencing.
- CIP could only consider extensions of ultrafast broadband if a proposal was provided to them, and it was suggested by Chorus that this be done by WBOPDC for Whakamārama.
- It was noted that staff and Councillors would investigate this, and see what could be done.

RESUMPTION OF STANDING ORDERS

RESOLUTION KWF22-2.7

Moved: Cr M Murray-Benge

Seconded: Cr D Thwaites

A motion was moved that Council resume Standing Orders.

CARRIED

MEETING BE ADJOURNED

RESOLUTION KWF22-2.8

Moved: Cr M Dean

Seconded: Cr M Grainger

That the meeting be adjourned on 30 June 2022, until 8 July 2022 at 12.30pm, in Council Chambers.

CARRIED

Meeting be adjourned until Friday, 8 July 2022 at 12.30pm.

UNCONFIRMED

**MINUTES OF THE WESTERN BAY OF PLENTY DISTRICT COUNCIL
KAIMAI RECONVENED WARD FORUM MEETING NO. KWF22-2
HELD IN COUNCIL CHAMBERS, BARKES CORNER, TAURANGA AND LIVESTREAMED
ON FRIDAY, 8 JULY 2022 AT 12.30PM**

PRESENT

Cr M Dean (Chairperson), Cr M Grainger and Cr M Murray-Benge

IN ATTENDANCE

A Curtis (General Manager Regulatory Services), J Osborne (Governance Support Administrator)

OTHERS IN ATTENDANCE:

Deputy Mayor J Scrimgeour and Councillor J Denyer

MEETING RECONVENED

Cr Dean opened the reconvened meeting and welcomed all present.

APOLOGIES

APOLOGY

RESOLUTION KWF22-2.1

Moved: Cr M Murray-Benge

Seconded: Cr M Grainger

That the apology for absence from Cr D Thwaites be accepted.

CARRIED

12 RECOMMENDATIONS TO COUNCIL/COMMITTEE

12.1 BEV MONK – CYCLEWAYS/WALKWAYS

RESOLUTION KWF22-2.2

Moved: Cr M Murray-Benge

Seconded: Cr M Dean

That staff investigate the possibility of installing footpaths on Snodgrass Road (from Borell Road to Lindoch Avenue), Newnham Road, and Plummers Point Road.

CARRIED

12.2 JO GRAVITT – TOURISM WITHIN WESTERN BAY OF PLENTY

RESOLUTION KWF22-2.3

Moved: Cr M Murray-Benge

Seconded: Cr M Grainger

That Council support the suggestion for Tourism Bay of Plenty to acknowledge Te Puna Quarry Park, and smaller tourist attractions, within the Kaimai Ward area.

CARRIED

12.3 WARD FORUMS 2022-2025 TRIENNIUM

RESOLUTION KWF22-2.4

Moved: Cr M Dean

Seconded: Cr M Murray-Benge

1. That the future of Ward Forums be discussed at the next Councillor/Executive Forum.
2. That staff ensure all contact information for invitees be kept as up to date as possible.
3. That the Committee requests staff to investigate more effective advertising opportunities for Ward Forum meetings.

CARRIED

12.4 DAVID RILEY – WHAKAMĀRAMA COMMUNITY INC.

RESOLUTION KWF22-2.5

Moved: Cr M Grainger

Seconded: Cr M Murray-Benge

1. That staff contact broadband providers and investigate opportunities to include Whakamārama on the connection priority list.
2. That staff investigate how Council may assist providers with connecting wider areas of the District to broadband.
3. That staff provide feedback on the outcomes, to Council, through an information report.

CARRIED

The meeting closed at 12.48pm.

9.6 MINUTES OF THE MAKETU – TE PUKE WARD FORUM MEETING HELD ON 4 JULY 2022**File Number:** A4651446**Author:** Horowai Wi Repa, Governance Technical Support**Authoriser:** Barbara Whitton, Customer Services and Governance Manager**RECOMMENDATION**

That the Minutes of the Maketu – Te Puke Ward Forum Meeting held on 4 July 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

- 1. Minutes of the Maketu – Te Puke Ward Forum Meeting held on 4 July 2022**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
MAKETU – TE PUKE WARD FORUM MEETING NO. MTP22-1
HELD AT THE TE PUKE WAR MEMORIAL HALL (SETTLERS LOUNGE), AND
UNDER COVID-19 TRAFFIC LIGHT ORANGE,
ON MONDAY, 4 JULY 2022 AT 7.00PM**

1 PRESENT

Cr K Marsh (Chairperson), Cr M Gray, Cr G Dally, and Deputy Mayor J Scrimgeour

2 IN ATTENDANCE

R Davie (Group Manager Strategy and Community), C Irvin (Senior Governance Advisor), and J Osborne (Governance Support Administrator)

OTHERS IN ATTENDANCE

Councillor J Denyer

Councillor M Murray-Benge

Te Puke Community Board Members K Ellis and D Snell

19 members of the public.

3 APOLOGIES

APOLOGY

RESOLUTION MTP22-1.1

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr G Dally

That the apology for absence from Mayor Webber be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Craig Haggo (Principal) – Pongakawa School

Mr Haggo was in attendance to provide an update on Pongakawa School, and noted the following points:

- In 2012, Pongakawa School began building a regional Action Centre, and it was Te Puke's only action centre.
- The Action Centre was built on top of two tennis courts, and the Pongakawa School agreed with Council that the tennis courts would be rebuilt on another section of land within the School.
- The new tennis courts were to be built before the end of 2022, and were planned to be pumice and limestone, rather than tar seal.
- Mr Haggo thanked Cr Marsh for the work he had put in to Pongakawa School.

Tauranga/Western Bay of Plenty (TCC/WBOP) Indian Association

Ms Patel was in attendance on behalf of the TCC/WBOP Indian Association, and noted the following points:

- The main focus of the association was to bring together the wider community of Indian residents, and to provide education for residents.
- Ms Patel expressed that the association wished to become more acquainted with the Te Puke community and Elected Members.
- The association currently worked with the Bay of Plenty Migrant Indian Women's Group.

Mike Maassen – Various Items

Mr Maassen was in attendance to speak to the following items:

- He thanked Council for the improvements made on Arawa Road, which included the widening and upgrading of the road surface, and the new footpath.
- The pumice pathway on the paper road Section of Arawa Road needed maintenance.
- It was requested that the Arawa Road/Penelope Place area be considered for parks/reserves and a playground. The Council owned land at the end of Arawa Road could be utilized for this.
- A culvert crossing on the Arawa Road paper road had been removed in the past, and Mr Maassen requested that it be reinstated.

- Mr Maassen thanked Council for the cycleways that had been constructed within the Ōmokoroa area.

8 PRESENTATIONS

Nil

9 MINUTES FOR RECEIPT

9.1 MINUTES OF THE MAKETU – TE PUKE WARD FORUM MEETING HELD ON 5 JULY 2021

RESOLUTION MTP22-1.2

Moved: Cr M Gray

Seconded: Cr G Dally

That the Minutes of the Maketu – Te Puke Ward Forum Meeting held on 5 July 2021 be received.

CARRIED

SUSPENSION OF STANDING ORDERS

RESOLUTION MTP22-1.3

Moved: Cr K Marsh

Seconded: Deputy Mayor J Scrimgeour

A motion was moved that the Maketu-Te Puke Ward Forum suspend Standing Orders for the purpose of holding a workshop.

CARRIED

10 WORKSHOP

10.1 WORKSHOP ITEMS

Tourism Bay of Plenty – Update

Oscar Nathan from Tourism Bay of Plenty (TBOP) was in attendance to provide an update and spoke to a power point presentation, noting the following points:

- TBOP's main focus was to work with the Bay of Plenty (BOP) regions and promote tourism in the area.
 - Destination marketing and destination management were the two main roles undertaken by TBOP. Destination marketing was about selling the promise and
-

experience of the area, and destination management was ensuring the experience matched the promise.

- Tracking electronic card spending was used to monitor visitation and spending.
- A programme was launched regarding 'regenerative tourism', which ensured operators were made aware of their carbon footprint.
- After community engagement, TBOP landed on four 'DNA pillars' that represented the community; ocean and beaches, Māori culture, natural landscapes, and BOP's horticultural provenance.
- Flavours of Plenty (a regional food festival) would be extended from a four-day event in 2022, to a 10-day event in 2023, and eventually one month in 2024.
- The biggest challenge with cruise ships was ensuring cruise passengers stayed local. TBOP were working with cruise line operators to improve this, by developing products and experiences within the Western Bay of Plenty (WBOP).
- Six regional workshops were planned across key regions that had ports, with many tourism agencies and cruise line associations attending to speak and provide an update. Mr Nathan encouraged anyone interested to attend. The BOP workshop was scheduled for 29 July 2022.
- Promoting cycle/walkways was a focus for TBOP.
- TBOP had been working with Tangata Whenua to develop and offer product packages for cruise passengers.

Don Brash – Three Waters Reform

Mr Brash was in attendance to speak regarding the Three Waters Reform, and noted he did not agree with the Reform, along with other members of the public. He also noted he attended a meeting where concerns about the Reform were discussed, and it was requested that Council revisit their stance on the Three Waters Reform.

General Manager Strategy and Community – Generation Change

The General Manager Strategy and Community introduced Generation Change, and noted the following points:

- The Chief Executive Officer had a requirement to increase interest in Local Government Elections for candidates and voters, and Council would be taking a very active role in this approach.
- Council was aiming to increase participation in elections, and had established a Generation Change website ([GenerationChange.nz](https://www.generationchange.nz)).
- The key idea of Generation Change was to cultivate governance that reflected all parts of the community that Council represented, and to encourage increased diversity.
- The campaign was being delivered in three phases:

- 1) Create more interest and diversity in candidates running for Council.
- 2) Actively encourage the community to enrol to vote.

3) Encourage the community to vote.

- Council would be organising its own events in 2022 for the community to meet the candidates, and for mayoral debates.
- Candidate nominations opened on 15 July 2022, and closed on 12 August 2022. There would be a series of candidate information evenings in July and August, along with debates across the District, leading into Election Day on 8th October 2022.
- The Te Puke information evening was scheduled for 27 July 2022 in the Te Puke Library, from 6pm.

General Manager Strategy and Community – Overview of Reserve Management Plan (RMP)

The General Manager Strategy and Community provided an overview of the RMP, and noted the following points:

- Council had just completed an 8-month process of reviewing the RMP for the Maketu-Te Puke Ward.
- The RMP contained a concept for each reserve, and set out how the reserve may be developed over time.
- Some policies were included in the RMP regarding shade, accessibility and shade equipment.
- A dog park was planned for Lawrence Oliver Park, and funding for this project would come from Council's Long Term Plan (LTP) as well as external funding.
- Council had a concept plan for Midway Park in Pukehina., which included an asphalt pump track, enhanced fitness track, and an opportunity for community gardens.
- It was noted there was public feedback for Council to enhance the natural amenity of Spencer Avenue Reserve, rather than create an active reserve, but still provide passive recreation such as a pumice BMX track.
- Council had made the commitment to work with the Pongakawa community regarding the wetlands, heritage building, and tennis courts at Midway Park.
- Council had undertaken engagement with Te Arawa Lakes Trust regarding opportunities for the Maketu Sports Ground.

Sergeant Mike Owen (NZ Police) – Te Puke Police Update

Sergeant Owen was in attendance to speak regarding three main issues in Te Puke, and noted the following:

Rural burglaries:

- There had been an increase in rural burglaries during kiwifruit season, and advised rural residents to take precautions to decrease these incidents.

Kava:

- There were concerns regarding groups of people congregating and drinking Kava in the streets of Te Puke, and there had been complaints about fighting, rubbish, and general disorder.
- There had been significant improvements made by employers within their working residences, to manage consumption of Kava, and more awareness around its cultural significance.
- The consumption of Kava did not fall under law enforcement, but the focus was to prevent anti-social behaviours while using Kava.

Boy racers:

- There were significant issues with boy racers in the Te Puke area, and Police were working to deter this behaviour, such as impounding vehicles.
- Sergeant Owen encouraged the community to call the Police as soon as this behaviour started, to prevent it evolving into a larger issue.

Paula Gaelic – Western Bay Museum

Ms Gaelic spoke to a power point presentation, and noted the following:

- The Service and Sacrifice exhibit was showing in the museum currently, which paid tribute to women during war times.
- Through funding from a private donor, the Museum had hired a museum qualified Collection Curator, as well as a museum qualified Māori Collections Curator.
- The Museum was in the process of working with Council to secure a contract for a section on Middlebrook Drive in Katikati, for use as a storage facility that would be up to the standard of New Zealand Museums. This facility would be solar-powered.
- The facility would also provide an education centre, research centre, and workspaces for staff.
- Mana Whenua and Te Tiriti o Waitangi partnerships were underway, which included projects such as a Pā Harakeke (harakeke planting area) and a Māori medicinal garden. This would open up opportunities for education.
- There were plans to bring back objects from the Kauri Point archaeological dig in the 1960s.
- It was requested whether the building of additional space could be considered within the new Te Puke Library, to use as an exhibition space.
- The Western Bay Museum were willing to support the Pongakawa Heritage Committee wherever needed.

The forum members thanked Paula for her efforts with the Western Bay Museum, and for her contributions to the community.

Te Ara Kahikatea Pathways Group – Te Puke Urban Cycleway/Walkway Connection Strategy

Cr Dally and Mr Trevelyan were in attendance and spoke to a power point presentation, noting the following points:

- The group currently had four strategic goals – Urban walking/cycling in Te Puke, a pump track in Te Puke, cycling opportunities from Te Puke to Papamoa, and cycleways for commuting from Te Puke to other areas in the Maketu-Te Puke Ward.
- An update was provided on the progress of the Te Ara Kahikatea pathway group, along with a map of conceptual ideas/completed sections.
- The group had proposed ways to make the pathway more accessible for bicycles and mobility scooters/wheelchairs, as there were portions of the track that had stairs.
- The group had formed a charitable trust – Te Puke Trails Trust – to apply for, and receive, funding.

Cr Marsh thanked Cr Dally and Mr Trevelyan for the work put into the Te Ara Kahikatea Pathway.

Mark Boyle – Te Puke Economic Development Group (Te Puke EDG)

Mr Boyle was in attendance to provide an update for Te Puke EDG, and noted the following points:

- There was an opportunity for cruise passengers to learn about kiwifruit, as there were buses confirmed for Te Puke when the 2022 cruise season began.
- There was a lot of economic activity within Te Puke, with the kiwifruit industry generating over \$1 billion worth of income for the area in 2021, and continued to grow.
- There was international interest in the Rangioru Business Park and wider Rangioru, as well as a high level of domestic and community interest.
- Housing developers were progressing quickly to create more housing for the area.
- Mr Boyle thanked Cr Marsh for his unrelenting support for Te Puke EDG and the Te Puke Community.

RESUMPTION OF STANDING ORDERS

RESOLUTION MTP22-1.4

Moved: Cr M Gray

Seconded: Deputy Mayor J Scrimgeour

A motion was moved that the Maketu-Te Puke Ward Forum resume standing orders.

CARRIED

Cr Marsh thanked Councillors and staff for their support during the Maketu-Te Puke Ward Forums this triennium.

MEETING BE ADJOURNED

RESOLUTION MTP22-1.5

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Gray

That the meeting be adjourned on 4 July 2022, until 8 July 2022 at 1.00pm, held in the Council Chamber and Zoom.

CARRIED

Meeting be adjourned until 8 July 2022, at 1.00pm.

**MINUTES OF THE WESTERN BAY OF PLENTY DISTRICT COUNCIL
MAKETU-TE PUKE RECONVENED WARD FORUM MEETING NO. MTP22-1
HELD IN COUNCIL CHAMBERS, BARKES CORNER, TAURANGA AND VIA ZOOM, AND
LIVESTREAMED UNDER COVID-19 TRAFFIC LIGHT ORANGE,
ON FRIDAY, 8 JULY 2022 AT 1.00PM**

PRESENT

Cr G Dally, and Deputy Mayor J Scrimgeour

VIA ZOOM

Cr K Marsh (Chairperson)

ABSENT:

Cr M Gray

IN ATTENDANCE

R Davie (General Manager Strategy and Community), C Irvin (Senior Governance Advisor), J Osborne (Governance Support Administrator)

OTHERS IN ATTENDANCE:

Councillor J Denyer and M Dean

NOTICE

This meeting took place under the Epidemic Preparedness (COVID-19) Notice 2020 Renewal Notice (No. 2) 2022 (extended to 16 September 2022), enabling Council meetings via audio or visual links to meet quorum requirements regardless of Standing Orders.

MEETING RECONVENED

Cr Marsh opened the reconvened meeting and welcomed all present.

11 RECOMMENDATIONS TO COUNCIL/COMMITTEE**11.1 TOURISM BAY OF PLENTY – UPDATE**

RESOLUTION MTP22-1.5

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr K Marsh

That the presentation from Tourism Bay of Plenty, be received.

CARRIED

11.2 DON BRASH – THREE WATERS REFORM

- It was noted that a member of the public had wished to move a motion, during the workshop section of the meeting, that Council revisit its stance on the Three Waters Reform. Standing Orders only allowed for members of the Committee to move a motion and only when Standing Orders were in effect. Standing Orders had been suspended for the purpose of holding a workshop and as such, no motions could be put forward.
 - Council had previously made requests that the Government release more information on the Three Waters Reform, to assist in understanding the process.
 - Revisiting the Three Waters Reform was not within Council's jurisdiction, noting there was legislation currently in progression, to give affect to the Three Waters Reform transition programme.
 - Council was intending to submit to the Water Services Entity Bill, and encouraged members of the public to do so as well.
-

RESOLUTION MTP22-1.6

Moved: Cr K Marsh

Seconded: Deputy Mayor J Scrimgeour

That Council include the concerns from the public regarding the Three Waters Reform, in its submission to the Water Services Entity Bill.

CARRIED

11.3 SERGEANT MIKE OWEN – TE PUKE POLICE UPDATE

Boy Racers:

- It was noted that Council was dismayed by the inability of the Police to stop boy racers from congregating and impeding road traffic.
- Council could investigate particular intersections that had issues with boy racers.

Kava Drinking:

- It was suggested that Council continue to monitor the Kava drinking situation in Te Puke, and observe how this situation develops, before any decisions could be made.

Single-Serve Alcohol Cans:

- Single-serve alcohol cans were becoming an issue in Te Puke. It was noted there was a voluntary Te Puke licensing accord. This was an agreement between some Te Puke liquor stores and Council's Liquor Licensing Inspector, that single-serve cans were not to be sold. Many liquor stores in the area were still not a part of this accord.
-

RESOLUTION MTP22-1.7

Moved: Cr G Dally

Seconded: Cr K Marsh

1. That staff provide an update, at the next Performance & Monitoring Committee, on progress made at the Pongakawa Station Road/Old Coach Road intersection, to address boy racer congregation issues.
2. That the Liquor Licensing Inspector revisit Te Puke off-license premises not aligning with the Te Puke licensing accord, and encourage these premises not to sell single-serve products.

CARRIED

11.4 PAULA GAELIC – WESTERN BAY MUSEUM

RESOLUTION MTP22-1.8

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr G Dally

That Council consider space within the new Te Puke Library building, for the Western Bay Museum to create a Te Puke exhibition area.

CARRIED

11.5 TE ARA KAHIKATEA PATHWAYS GROUP - TE PUKE URBAN CYCLEWAY/WALKWAY CONNECTION STRATEGY

RESOLUTION MTP22-1.9

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr K Marsh

That the Te Ara Kahikatea Pathways Group be invited to present at the next Performance and Monitoring Committee, on 4 August 2022, regarding the Te Puke Urban Cycleway/Walkway Connection Strategy.

CARRIED

11.6 MARK BOYLE – TE PUKE ECONOMIC DEVELOPMENT GROUP

RESOLUTION MTP22-1.10

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr K Marsh

That the presentation from Mark Boyle, on behalf of the Te Puke Economic Development Group, be received.

CARRIED

11.7 CRAIG HAGGO – PONGAKAWA SCHOOL

Elected Members discussed the funding for the Pongakawa School tennis courts project. It was pointed out by Cr Denyer that this funding had already been approved and as such, no further action was needed.

The meeting closed at 1.34pm.

9.7 MINUTES OF THE PERFORMANCE AND MONITORING COMMITTEE MEETING HELD ON 5 JULY 2022

File Number: A4642601

Author: Carolyn Irvin, Senior Governance Advisor

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Performance and Monitoring Committee Meeting held on 5 July 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. **Minutes of the Performance and Monitoring Committee Meeting held on 5 July 2022**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
PERFORMANCE AND MONITORING MEETING NO. PM22-4
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
AND VIA ZOOM AND LIVESTREAMED UNDER COVID-19 TRAFFIC LIGHT ORANGE
ON TUESDAY, 5 JULY 2022 AT 9.30AM**

1 PRESENT

Cr D Thwaites (Chairperson), Cr G Dally, Cr M Dean, Cr J Denyer, Cr M Grainger, Cr A Henry, Cr M Murray-Benge, Cr A Sole and Deputy Mayor J Scrimgeour

VIA ZOOM

Mayor G Webber, Cr M Gray

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), G Allis (Deputy CEO/General Manager Infrastructure Group), R Davie (General Manager Strategy and Community), J Graham (Acting General Manager Corporate Services), A Curtis (General Manager Regulatory Services), D Jensen (Chief Financial Officer), D Pearce (Community Manager), C Watt (Development Project Facilitator), J Paterson (Transportation Manager), H Wi Repa (Governance Technical Support), J Osborne (Governance Support Administrator) and C Irvin (Senior Governance Advisor)

VIA ZOOM

A Curtis (General Manager Regulatory Services), S Bedford (Financial Controller)

3 APOLOGIES

APOLOGY

RESOLUTION PM22-4.1

Moved: Cr M Grainger

Seconded: Cr G Dally

That the apology for absence from Cr Marsh be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Nil

8 PRESENTATIONS

8.1 WAKA KOTAHI (NZTA) TAURIKO AND OTHER WESTERN BAY PROJECTS PRESENTATION

Due to unforeseen circumstances, the presentation from Waka Kotahi was cancelled and rescheduled for the next Performance and Monitoring Meeting to be held on 4 August 2022.

9 REPORTS

9.1 FINANCIAL PERFORMANCE AND MONITORING COMMITTEE UPDATE AS AT 31 MAY 2022

The Committee considered a report from the Chief Financial Officer. The report was taken as read.

Staff responded to questions as follows:

- In terms of the capital budget, Council had a budgeted land purchase still to be completed that would affect its budget considerably.
 - Council's parks and reserves were being adequately looked after even though only half of the recreation and leisure budget had been used.
 - The finance team were still processing some of the accounts for the end of June 2022. However, there would still be some underspent budgets.
 - It had been agreed that the forestry income from Tect Park remained as a fund reserve for Tect Park. It was then allocated to capital expenditure through the budgeting process.
 - The ability to have an independent commercial venture (in the form of a café) had been in the plan for Tect Park for some time. It would require working together with the clubs using the park, and an upscaling of commercial operations.
 - Each group/club using Tect Park had a different lease structure, depending on negotiations that took place at the time the agreement was signed off.
-

RESOLUTION PM22-4.2

Moved: Cr M Gray

Seconded: Mayor G Webber

That the Chief Financial Officer's report dated 5 July 2022 titled 'Financial Performance and Monitoring Committee Update as at 31 May 2022' be received.

CARRIED

9.2 JOINT WAKA KOTAHI (NZTA) / WESTERN BAY OF PLENTY DISTRICT COUNCIL ONE NETWORK MAINTENANCE CONTRACT – PROPOSED EXTENSION

The Committee considered a report from the Transportation Manager. The report was taken as read.

Staff responded to questions as follows:

- There had been a number of pavement works that had failed recently. This was largely due to staff resourcing difficulties. Some preferred pavement contractors may be specified in the future.
-

RESOLUTION PM22-4.3

Moved: Cr M Murray-Benge

Seconded: Cr M Grainger

1. That the Transportation Manager's report dated 5 July 2022 titled 'Joint Waka Kotahi (NZTA) / Western Bay of Plenty District Council One Network Maintenance Contract – Proposed Extension' be received.
2. That Council, in accordance with the Conditions of Contract, approve the 20-month tenure extension for Contract 2/14-002/601 – Bay of Plenty West Joint NZTA/WBOPDC One Network Maintenance Contract, with an amended contract end date of June 2025 and authorises the Deputy Chief Executive Officer to negotiate the terms and conditions of the extension.
3. That the approved contract value for Contract 2/14-002/601 – Bay of Plenty West Joint Waka Kotahi (NZTA)/Western Bay of Plenty District Council One Network Maintenance Contract be increased to \$250,000,000 through to 30 June 2025.

CARRIED

9.3 SEAL EXTENSION PRIORITISATION LIST 2022 – 2025

The Committee considered a report from the Transportation Manager. The report was taken as read.

The following table (**Attachment 1** of the report) was corrected and provided by way of update to the minutes:

Seal Extension Prioritisation List 2022–2025 – Attachment 1

Road	Start (m)	End (m)	Length (m)
1307 Te Puke Highway (Māori Roadway)	0	104	104
Kyber Pass	16	82	66
Goodall Road (Māori Roadway)	0	506	506
Thorn Road	175	679	504
Jess Road	1154	1260	106
McMeeking Road (Māori Roadway)	20	506	486
Otamarakau Valley Road	6210	7088	878
Strang Road (Māori Roadway)	525	1092	567
Kumikumi Road	0	1000	1000
Kumikumi Road	1000	2245	1245
Work Road	6915	7894	979
Work Road	7894	8873	979
Johnson Road	745	1622	877
Rotoehu Road	12539	13539	1000
No. 3 Road	11813	12813	1000
Taumata Road	10016	11013	997
Te Puke Quarry Road	4305	5225	920
Total			12214

RESOLUTION PM22-4.4

Moved: Mayor G Webber

Seconded: Deputy Mayor J Scrimgeour

1. That the Transportation Manager's report dated 5 July 2022 titled 'Seal Extension Prioritisation List 2022–2025' 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 Seal Extension Prioritisation List (refer **Attachment 1**) totalling 12.214km, as determined by the policy criteria and weightings for the 2022/2025 period be approved.
 4. That the approved list be published on the Council's website.
 5. That it be noted that the actual order of seal extension construction over the next 3 years will be determined by the influencing factors including:
 - Grouping of sites
 - Landowner agreements
 - Extent of earthworks
 - Maximising the investment

CARRIED

9.4 SERVICE DELIVERY CONTRACTORS – EXPO

The Committee considered a report from the Community Manager. The report was taken as read.

RESOLUTION PM22-4.5

Moved: Cr J Denyer

Seconded: Cr M Dean

That the Community Manager's Report dated 5 July 2022 titled 'Service Delivery Contractors – Expo' be received.

CARRIED

10 INFORMATION FOR RECEIPT

Nil

11 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION PM22-4.6

Moved: Cr A Henry

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
11.1 – Infrastructure Operational Risk Report July 2022 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 10:25am.

Confirmed as a true and correct record by Council on 11 August 2022.

9.8 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 26 JULY 2022

File Number: A4654805

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Policy Committee Meeting held on 26 July 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

- 1. Minutes of the Policy Committee Meeting held on 26 July 2022**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
POLICY COMMITTEE MEETING NO. PP22-6
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA AND
VIA ZOOM UNDER COVID-19 PROTECTION FRAMEWORK ORANGE AND LIVESTREAMED
ON TUESDAY, 26 JULY 2022 AT 9.30AM**

1 PRESENT

Mayor G Webber (Chairperson), Cr G Dally, Cr M Dean, Cr J Denyer, Cr M Grainger, Cr A Henry, Cr M Murray-Benge, Deputy Mayor J Scrimgeour, Cr A Sole and Cr D Thwaites

2 IN ATTENDANCE

R Davie (General Manager Strategy and Community), E Watton (Policy and Planning Manager), C McLean (Senior Transportation Engineer), A Hall (Roading Engineer, East and West), T Miller (Senior Policy Analyst Resource Management), T Rutherford (Policy Analyst), H Wi Repa (Governance Technical Support), J Osborne (Governance Support Administrator), and B Clarke (Senior Governance Advisor)

COMMUNITY BOARD

R Crawford (Chair, Te Puke Community Board)

OTHERS

One Member of the Media (BOP Times)

3 APOLOGIES

APOLOGIES

RESOLUTION PP22-6.1

Moved: Cr M Grainger

Seconded: Cr M Dean

That the apologies for absence from Cr Gray and Cr Marsh be accepted.

CARRIED

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

9.1 COUNCIL SUBMISSION ON EXPOSURE DRAFT NATIONAL POLICY STATEMENT FRESHWATER MANAGEMENT (NPS-FM) AND NATIONAL ENVIRONMENTAL STANDARDS FRESHWATER (NES-F)

The Committee considered a report from the Senior Policy Analyst Resource Management. The report was taken as read.

RESOLUTION PP22-6.2

Moved: Cr D Thwaites

Seconded: Deputy Mayor J Scrimgeour

1. That the Senior Policy Analyst Resource Management's report dated 26 July 2022, titled 'Council Submission on Exposure Draft National Policy Statement Freshwater Management (NPS-FM) and National Environmental Standards Freshwater (NES-F)', be received.
2. That the submission, shown as Attachment 1 of the agenda report, be received by the Policy Committee, and the information noted.

CARRIED

9.2 SUBMISSION ON BEHALF OF COUNCIL – DRAFT WASTE MANAGEMENT AND MINIMISATION PLAN

The Committee considered a report from the Policy Analyst. The report was taken as read.

RESOLUTION PP22-6.3

Moved: Cr A Henry

Seconded: Cr G Dally

1. That the Policy Analyst's report dated 26 July 2022, titled 'Submission on Behalf of Council,' be received.
2. That the submission, shown as Attachment 1 of the agenda report, be received by the Policy Committee and the information noted:

Western Bay of Plenty District Council submission to the Tauranga City Council – Draft Waste Management and Minimisation Plan, dated 7 July 2022.

CARRIED

10 INFORMATION FOR RECEIPT

Nil.

The meeting was declared closed at 9.33am.

Confirmed as a true and correct record by Council on 11 August 2022.

10 REPORTS

10.1 MAYOR'S REPORT TO COUNCIL

File Number: A4643481

Author: Charlene Page, Executive Assistant Mayor/CEO

Authoriser: Garry Webber, Mayor

EXECUTIVE SUMMARY

The purpose of this report is for the Mayor to provide verbal updates to Elected Members on the below subjects.

RECOMMENDATION

That the Executive Assistant Mayor/CEO's report dated 11 August 2022 titled 'Mayor's Report to Council' be received.

BACKGROUND

1. Update on SmartGrowth
2. Report back on LGNZ Conference
3. Visit by Irish Ambassador

10.2 NOTICE OF MOTION – CR MURRAY-BENGE – WESTERN BAY OF PLENTY DISTRICT COUNCIL'S RESIGNATION FROM THE NEW ZEALAND LOCAL GOVERNMENT ASSOCIATION

File Number: A4658801

Author: Carolyn Irvin, Senior Governance Advisor

Authoriser: Rachael Davie, General Manager Strategy and Community

EXECUTIVE SUMMARY

In accordance with Standing Orders, the following Notice of Motion is to be placed on the agenda for the Western Bay of Plenty District Council meeting to be held on Thursday, 11 August 2022:

- Councillor Murray-Benge has put forward a Notice of Motion recommending that Western Bay of Plenty District Council resign from the New Zealand Local Government Association.

RECOMMENDATION

1. That the Senior governance Advisor's report dated 11 August 2022 titled 'Notice of Motion – Cr Murray-Benge – Western Bay of Plenty District Council's Resignation from the New Zealand Local Government Association' be received.
2. That Western Bay of Plenty District Council resigns from the New Zealand Local Government Association.

BACKGROUND

1. Council received the following Notice of Motion from Councillor Murray-Benge on 24 July 2022 (**Attachment 1**). The motion was accepted by the Chief Executive Officer.

- *Notice of Motion for Council meeting on the 11th August 2022.*

That Western Bay of Plenty District Council resigns from the NZ Local Government Association because the Association no longer represents us or speaks for the wellbeing of our ratepayers or this Council.

Cr Margaret Murray-Benge

Kaimai Ward Councillor.

ATTACHMENTS

1. **Cr Murray-Benge – Notice of Motion – Council Meeting 11 August 2022**  

Notice of Motion for Council meeting on the 11th August 2022.

That Western Bay of Plenty District Council resigns from the NZ Local Government Association because the Association no longer represents us or speaks for the wellbeing of our ratepayers or this Council.

Cr Margaret Murray-Benge

Kaimai Ward Councillor.

10.3 DELEGATIONS TO CHIEF EXECUTIVE OFFICER – ELECTIONS INTERREGNUM 2022**File Number:** A4593585**Author:** Lizzie McEwan, Executive Assistant Strategy and Community**Authoriser:** Rachael Davie, General Manager Strategy and Community**EXECUTIVE SUMMARY**

1. The purpose of this report is to request that Council delegate its responsibilities under the Local Government Act 2002 to the Chief Executive Officer for the time during the interregnum period between the declaration of election results and the new Council's inaugural meeting (approximately 21 days).

RECOMMENDATION

1. That the Executive Assistant Strategy and Community's report dated 11 August 2022 titled 'Delegations to Chief Executive Officer – Elections Interregnum 2022' be received.
2. That, from approximately Friday, 14 October 2022 until Friday, 4 November 2022, Council delegates all its responsibilities, duties, and powers, other than those that are statute based, to the Chief Executive Officer to enable him to make decisions in respect of urgent matters. Where the Mayor-Elect is known, this will be in consultation with the Mayor-Elect.

BACKGROUND

2. Section 86 of the Local Electoral Act 2001 (LEA) combined with Clause 14 of Schedule 7 of the Local Government Act 2002 (LGA) stipulates that from the date of the declaration of election result (approximately Friday, 14 October 2022), until the new members' declarations are taken at the inaugural Council meeting (Friday, 04 November 2022) neither the outgoing nor the incoming elected members can act in their capacity as members of the Council during this 'interregnum' period. (Public declaration of results will be available on Council's website between Thursday, 13 October 2022 and Wednesday, 19 October, however, it is anticipated that full and final declaration will be available on Friday, 14 October 2022).
3. This 'interregnum' period is not defined by legislation (either the Local Government Act 2002 or the Local Electoral Act 2001), however, by definition, it is a period of discontinuity or 'gap' in a government, organisation, or social order. Council needs to consider arrangements to ensure the effective and efficient conduct of Council's business during the interregnum period.

4. This time-limited delegation should be adopted, giving the Chief Executive Officer's broad discretion to act on behalf of Council, and all decisions made under this delegation will be reported to the first ordinary meeting of the new Council.

SIGNIFICANCE AND ENGAGEMENT

5. The LGA 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.
6. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
7. In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it is essentially an administrative matter to ensure provision is made for the protection and safety of Western Bay residents in the event of an emergency and for the normal conduct of Council authorised business for the period between declaration day and the inaugural meeting of Council. Any actions taken in the period covered by the delegation will be in consultation with the Mayor-Elect (if known) and reported to the first ordinary meeting of the new Council, or relevant Community Board.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication		
Council	Council will receive a full report of any action or decision taken by the Chief Executive Officer during the interregnum period at its first business meeting.	Planned	Complete

ISSUES AND OPTIONS ASSESSMENT

Option A Delegate all authority to the Chief Executive Officer during the interregnum period under clause 32 of Schedule 7 of the Local Government Act 2002	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	This option provides comfort to Elected Members that, for the purposes of efficiency and effectiveness, decisions will not be made unless required for the smooth running of the Council and are limited as per Clause 32(1) of Schedule 7 of the LGA.
Costs (including present and future costs, direct, indirect and contingent costs).	None

Option B No delegated authority to be given to the Chief Executive Officer during the interregnum period	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>If no delegations are made, then the Chief Executive Officer will be required to call an extraordinary Council meeting at 72 hours' notice if there are matters that require urgent decisions during the interregnum. This would not be effective or efficient, as the Mayor-elect and Councillors-elect would not yet be sworn in, and this too would need to be done under urgency.</p> <p>The risks of not delegating would be the risk of the Council not being able to undertake its business during the period from the declaration of the election result until the first meeting of the new Council.</p>
Costs (including present and future costs, direct, indirect and contingent costs).	None

STATUTORY COMPLIANCE

8. A local election is a mandatory process under Section 10(2) of the LEA. Consequently, when every member of a local authority leaves office under section

116 of the LEA, the Council has the option of delegating, to the Chief Executive, all of its responsibilities, duties, and powers for the period in question except those set out in paragraphs (a) to (h) of clause 32(1) of Schedule 7 of the LGA.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
None	

SUMMARY

It is strongly recommended by Local Government New Zealand (LGNZ) that delegation is provided to the Chief Executive Officer of a Local Authority during the interregnum period to ensure that any risk created by unexpected urgent decisions, is alleviated.

It is expected that any decisions made under this delegation would be made only following consultation with the Mayor-Elect, and that they are reported to the first ordinary meeting of the new Council.

10.4 2022 COMMUNITY MATCHING FUND OUTCOMES**File Number:** A4646656**Author:** David Pearce, Community Manager**Authoriser:** Rachael Davie, General Manager Strategy and Community**EXECUTIVE SUMMARY**

1. The purpose of this report is to inform Council of the decisions made by the Community Matching Fund Working Party, under delegated authority. The Community Matching Fund Working Party met on 13 July 2022 to consider applications submitted to this contestable fund.

RECOMMENDATION

1. That the Community Manager's report dated 11 August 2022 titled 'Community Matching Fund Outcomes' 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 note the 2022 Community Matching Fund distributions as follows:

General fund

Bowel Cancer New Zealand Incorporated	\$3,000
Free Church of Tonga Katikati	\$4,000
Graeme Dingle Foundation	\$8,000
Katch Katikati	\$2,000
Katikati College Pasifika Group	\$5,000
Katikati Community Resource Centre Community Breakfast	\$4,000
Katikati Innovative Horticulture Trust	\$5,000
Katikati Rotary Club Charitable trust	\$4,000
Katikati Sport and Recreation Centre Inc	\$5,000
Mums4Mums Charitable Trust	\$2,000
Ōmokoroa Community Garden Group Inc	\$1,000
Ōmokoroa Public Art Group	\$4,000
Pongakawa School board of trustees	\$11,500
People First New Zealand Inc.	\$1,000
Rangiuru Sports Club Incorporated	\$1,500
Soka Gakkai International New Zealand	\$500
Tauranga Pistol Club Incorporated	\$2,000
Te Ara Kahikatea Incorporated	\$4,000
Te Puke Family Heritage Group Inc	\$1,000

The Daily Charitable Trust	\$5,000
The Old Library Omokoroa	\$1,000
The Omokoroa Settlers Hall Society Incorporated	\$4,000
The Wish for Fish Charitable Trust	\$1,500
Waihi Beach Lifeguard Services Incorporated	\$5,000
Western Bay Heritage Trust	\$5,000
Youth Search and Rescue Trust	\$10,000
TOTAL	\$100,000.00
<u>Environmental fund</u>	
Bird Group (member of Ōmokoroa Environmental Managers Inc)	\$3,000
EnviroKatikati Charitable Trust – Katikati Taiao	\$3,000
Kotukutuku Gully Care Group	\$3,000
Pendergrast Memorial Heritage Park Trust	\$2,000
QEII National Trust on behalf of Friends of l'Anson Bush Reserve	\$4,000
Tanners Point Pest-Free Peninsula & Walkway Project (a subgroup of The Tanners Point Residents and Ratepayers Assn Inc)	\$2,000
Te Ara Kahikatea Incorporated	\$5,000
Te Puke High School Environment Committee	\$5,500
Uretara Estuary Managers Inc. t/a Project Parore 'Honey Stream project'	\$5,000
Waihi Beach Community Events and Promotions	\$5,000
Waihi Beach Environment Society Inc. – Dot Watch Beach & Surrounds	\$2,500
TOTAL	\$40,000

BACKGROUND

- This is the seventh year of Council's contestable Community Matching Fund, with the exception being a hiatus for the 2020 year when funds, because of COVID-19, were diverted to the Community Resilience Fund.

The fund allocates a total of \$140,000 per annum, which is divided into two sections: \$40,000 for environmental initiatives and \$100,000 for general applications, all under the guiding principle of providing public benefit.

Applicant groups are asked to 'match' any cash grant from Council with an equivalent amount of their own, which could be made up of volunteer hours, cash in hand, donated services and goods, and other similar 'matching'.

The fund was open from mid April 2022 to the end of May 2022. A total of 56 applications were received, of which sixteen were for the environmental fund. The total funds requested were \$494,804.

Application assistance, by the Community Team, was given to the public through workshops in Katikati, Ōmokoroa, Te Puke and Waihi Beach.

Both successful and unsuccessful applicants, through their nominated first contact person, will be advised of the outcomes in writing within two weeks of the decisions. Successful applicants will be phoned.

Community Boards will be advised of the outcomes to ensure there is no breach of Councils policy stating that recipients of the Community Matching Fund grants cannot receive a Community Board grant in the same financial year.

FUNDING/BUDGET IMPLICATIONS

3.

Budget Funding Information	Relevant Detail
Budget provided for in the Long Term Plan	\$140,000 for the 2022/2023 year

10.5 FACILITIES IN THE COMMUNITY FUND 2022**File Number:** A4649438**Author:** Cheryl Steiner, Senior Policy Analyst – Consultant**Authoriser:** Rachael Davie, General Manager Strategy and Community**EXECUTIVE SUMMARY**

1. The purpose of this report is to inform Council of the decisions made by the Working Party, under delegated authority, as per Council resolution C22-2.12. The Facilities in the Community Fund Working Party met on 13 July 2022 to consider applications submitted to this contestable fund.

RECOMMENDATION

1. That the Senior Policy Analyst – Consultant's report dated 11 August 2022 titled 'Facilities in the Community Fund 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 2022 Facilities in the Community Fund allocations be allocated as follows:

1.	Katikati Agricultural and Pastoral Society Inc <i>Roof repairs to A&P building</i>	\$14,149.57
2.	Katikati Community Centre <i>Maintenance and exterior renovation</i>	\$35,749
3.	Whakamarama Community Incorporated <i>Bike trail scope of works</i>	\$6,000
4.	Otamarakau School <i>Weatherproof Astroturf cover</i>	\$10,102
5.	Te Puna Quarry Park <i>BBQ shelter</i>	\$8,000

BACKGROUND

2. Council's 'Facilities in the Community Fund' (FITC) is a contestable fund of \$100,000 let every two years. In 2020, the Community Resilience Fund replaced the Facilities in the Community Fund as part of Council's response to the Covid-19 pandemic.

3. For the 2022/2023 period, there is \$74,000 available for distribution, due to \$26,000 of the fund already been committed to Maketu School through Council's Long Term Plan 2021/2031 process.
4. The fund was open from 19 April to 31 May 2022. Four applications were received. After considering these applications one application from Pongakawa School was referred to the Community Match Fund (CMF) for consideration and one application from Otamarakau School was referred from the CMF for consideration by the FITC. A further application to the CMF (Te Puna Quarry Park) was referred to the FITC creating a total of five applications.
5. The Working Party considered that all five applications met the criteria and there was sufficient funding available to allocate the full amount requested.
6. Note the Whakamarama Community Incorporated funding will be combined with carry forward of \$10,000 from a previous fund allocation (approved by Council on 29 June 2022).

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 low significance because all decisions are consistent with Council's policy and criteria for allocation of the Facilities in the Community Fund.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Completed Engagement/Communication		
General Public	<p>Grant availability and application process were advertised in the media and through all Council's normal communication channels.</p> <p>Applicants have been advised of the outcomes and funding agreements are being prepared.</p>		Completed

ISSUES AND OPTIONS ASSESSMENT

10. This report is being provided for Council's information purposes only. No decisions are required and therefore no issues and options are required as Council delegated authority to allocate the funds to the Facilities in the Community Fund Working Party

STATUTORY COMPLIANCE

11. The recommendation complies with statutory and Council policy requirements.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
Budget provided for in the Long Term Plan and Annual Plan.	\$100,000 has been allocated to the Facilities in the Community Fund for the 2022/2023 period. Of this amount, \$26,000 was committed to Maketu School through Council's Long Term Plan 2021/2031 process. Therefore \$74,000 of contestable funding was available for applications in the 2022/2023 period.

11 INFORMATION FOR RECEIPT**12 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
12.1 - Confidential Minutes of the Council Meeting held on 29 June 2022	<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>s7(2)(b)(i) - the withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</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</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>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)(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>	
12.2 - Confidential Minutes of the Performance and Monitoring Committee Meeting held on 5 July 2022	<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>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>
12.3 - Chief Executive Officer's Report - Request for Execution of Documents Under Seal of Council	<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</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>

	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	
12.4 – Chief Executive Officer Operations Update Report	<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>s7(2)(h) – the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</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