

# MEETING — AGENDA —

*Ngā Take*

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Western Bay of Plenty  
District Council

# COUNCIL

*Te Kaunihera*

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**Minute Index and  
Information Pack**

**Pikau Korero**

**C14**

**Thursday, 5 April 2018**



## Advice to Councillors on Use of Information Packs

Council has agreed that Information Packs will be supplied with the agendas for Council and its Committees as well as Community Boards as required. Members are to present questions in writing on contents, provided these are received 48 hours prior to the meeting (i.e. by 5.00pm on a Monday for a Thursday meeting). A copy of the questions and written replies will be made available to all Members and will be tabled at the meeting.

Any questions received later than the 48 hour deadline will be responded to within five days with copies of both questions and answers circulated to all Members.

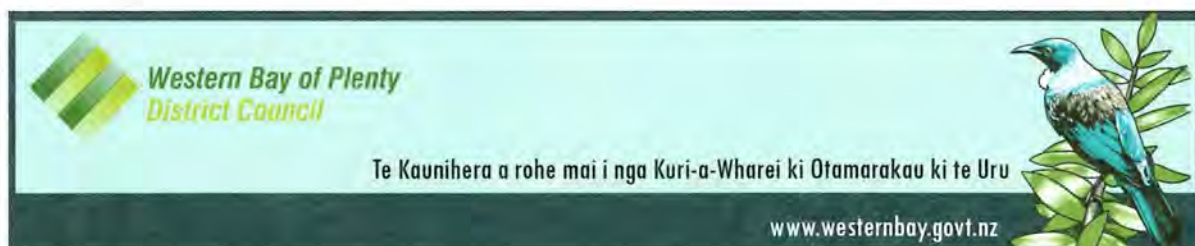
All questions to be **emailed** to the relevant Democracy Advisor.

In addition, should a more detailed report or presentation be required on any specific item, Councillors are invited to make an e-mail request to the Chief Executive Officer. Reports or presentations requested will be given at the first available opportunity.

Council	-	Fleur Sweeney
Community Committee	-	Michelle Parnell
Long Term and Annual Plan Committee	-	Fleur Sweeney
Operations and Monitoring Committee	-	Barbara Clarke
Policy and Strategy Committee	-	Barbara Clarke
Rural Committee	-	Michelle Parnell
All Community Boards	-	Aileen Alty

Please include in any emailed questions and the following references from this Information Pack;

- Title of Item – Page reference for question.



**Open Items**  
**Council No. C14**  
**5 April 2018**  
**Minute Index - Open**

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## **5 April 2018**

### **Information Pack - Open**

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## Western Bay of Plenty District Council

**Minutes of Meeting No. WB11 of the  
Waihi Beach Community Board held on 12 March 2018  
at the Waihi Beach Community Centre  
commencing at 6.30pm**

### **Present**

Members A Sole (Chairperson), M Roberts (Deputy Chairperson), B Hepenstall, R Parsons and Councillors D Marshall and M Williams

### **In Attendance**

K Perumal (Chief Financial Officer), His Worship the Mayor Garry Webber and A Alty (Democracy Advisor)

### **Others**

11 members of the public and one member of the press.

### **Apologies**

An apology for absence was received from the Utilities Manager Kelvin Hill.

**Resolved:** Councillor Marshall / Member Parsons

*THAT the apology for absence from the Utilities Manager be accepted.*

### **Public Forum**

**Resolved:** Members Parsons / Hepenstall

*THAT the meeting adjourn for the purpose of holding a public forum.*

The Chairperson clarified the protocols relating to the Public Forum section of the meeting as set out in the Standing Orders for the Waihi Beach Community Board. He then invited the advised speakers and any other attending members of the public to take part in the Public Forum.

### **Waihi Beach Cycleway**

Anthony Thompson asked about the current status regarding the proposed cycleway throughout Waihi Beach.

Mr Thompson was advised that the maps and information relating to the proposed cycleways had been posted on the Council website.

### **Disturbance to the Rock Revetment**

Kevin Wright advised the Board that prior to Christmas a swimming pool was installed at a beach front home at and the rock revetment wall was altered (moved) to accommodate the installation of the pool and the wall has never been put back to its original setting. Mr Wright asked what was the current situation to ensure the rock revetment was returned to its original placement and fixed properly.

The staff member dealing with this item would be asked to provide an update.

### **Cycleways throughout Waihi Beach**

Mr Hickey questioned if it was necessary to have defined cycleways around the town when cyclists had the ability to come and ride areas as they wished so let them explore without the expense of developing defined tracks which were lot of expense and unnecessary.

### **Dangerous Bridge Embankment**

At the last meeting Mr Hickey advised that the embankment of the bridge by the Waihi Beach Surf Club had been undermined by heavy tides/rain. He again stated that this was a 'tragedy waiting to happen'. Mr Hickey was advised that a service request had been initiated for this item.

### **Acknowledgement of work of Trudy Van Stee**

The work of Trudy Van Stee in organising and running the community group 'A Friends Place' at the Waihi Beach Community Centre was acknowledged. The Board recognised that there was a real need in the community for the services that were provided by Ms Van Stee.

### **Draining of Reservoir Dam at Waihi Beach**

Jo Donaldson, supported by other residents who lived close to the dam spoke of concerns relating to the draining of the reservoir dam being:

- The eco system was being damaged by the complete draining of the dam. There used to be an abundance of aquatic, frog, duck and bird life in the immediate area and the whole eco system was disturbed when the dam was totally drained.
- If the eco system was totally destroyed it would be hard to get back over time.
- The area smelt when the dam was completely drained.



- A lot of people now used the Trig Walkway and when the reservoir was empty it was a smelly desolate scene.
- Huge volumes of water traversed the creek when released from the dam and this was of great concern as children often played in the creek water, eeling and fossicking in the immediate vicinity.
- The drainage of the dam seemed to happen on a random basis without warning.
- What were the Health and Safety requirements relating to the release of water from the reservoir?
- Should a warning system be put in place?

Ms Donaldson advised that residents would like a report on the policy and management of draining the reservoir, asking who had the authority to undertake the draining, when and why. They had been advised that the draining was a computer generated operation and if this was the case why was it not done on a gradual controlled basis and did the reservoir actually need to be completely drained. Advice had been given that in the past a tap could not be turned off during draining. Residents advised that they had expressed their concerns for over two years now and felt that they were not been listened to or getting any answers or explanations to their questions that had previously been raised.

The residents reiterated that they were not against any flood control measures but asked if the reservoir could be drained in a more controlled manner and measures put in place to protect and preserve the eco systems and wildlife in the immediate vicinity.

**Resolved:** Members Sole / Roberts

*THAT the Waihi Beach Community Board request a report on the items raised relating to the draining of reservoir dam at Waihi Beach.*

### **Freedom Campers Water Use**

A resident stated that he had seen freedom campers filling large containers with water that they did not have to pay for and he had to pay for his water and in his opinion, this was unfair to ratepayers.

### **Armistice Day Commemoration**

A resident asked what the Council and the Community Board would be doing to commemorate the 100 year anniversary of Armistice Day on 11 November 2018.

The Chairperson advised that as far as he was aware this was not an event that the Council or Community Board would be organising.

**Resolved:** Member Roberts / Councillor Williams

*THAT the meeting be re-convened in formal session at 6.50pm.*

The Chairperson advised that the meeting was now under formal process and members of the public were most welcome to stay but may not interject or speak to Board members during the course of the formal meeting.

WB11.1 **Minutes of Meeting No. WB10 of the Waihi Beach Community Board Held on 5 February 2018**

The Board considered the minutes no. WB10 of the Waihi Beach Community Board Meeting held on 5 February 2018 as circulated with the agenda.

**Resolved:** Member Parsons / Councillor Marshall

*THAT the minutes of meeting no. WB10 of the Waihi Beach Community Board held on 5 February 2018 as circulated with the agenda be confirmed as a true and accurate record.*

WB11.2 **Chairperson's Report**

The Board considered a report from the Chairperson dated 22 February 2018 as circulated with the agenda.

WB11.2.1 **Waihi Beach Cycleways**

The Board were unanimous in their agreement that any of the proposed cycleways throughout Waihi Beach should not traverse across any sand dunes and requested that any consent processes be modified to accommodate this requirement and that the proposed cycleways be progressed as soon as possible.

**Resolved:** Councillors Williams / Marshall

*THAT the Waihi Beach Community Board advise the Operations and Monitoring Committee that the Board were unanimous in their agreement that any walkway/cycleway developments throughout Waihi Beach should run along-side the immediate landward side (inland side) of the sand dunes.*

WB11.2.2 **CCTV Cameras**

The Chairperson advised that he had discussed options relating to the placement of CCTV cameras in specific areas at Waihi Beach with Council's Community Development Officer and the local police. He had also been in contact with the Hauraki District Council as the police service for Waihi Beach was within the Waikato district and police call-outs to Waihi Beach were dealt with from Waihi and Paeroa stations.

The Board would further discuss this topic at a future workshop.



**WB11.2.3 Bay of Plenty Regional Council - Long Term Plan**

The Chairperson advised that submissions to the Bay of Plenty Regional Council Long Term Plan were open until Monday 19 March 2018. Bay of Plenty Regional Council staff held a community forum at the Katikati Memorial Hall on Wednesday 7 March 2018. The Board would be making a submission to the Bay of Plenty Regional Council Long Term Plan.

**WB11.2.4 Draft Regional Land Transport Plan**

The Draft Regional Land Transport Plan was available for public consultation and submission until 23 March 2018. The Bay of Plenty Regional Council will submit the final Regional Land Transport Plan to New Zealand Transport Agency on 30 June, with the agency releasing its National Land Transport programme at the end of August 2018.

**WB11.2.5 Town Centre Plan**

The Board would be giving consideration to a review of the Waihi Beach Town Centre Plan (2008) at a future workshop. This would be a first step in the process of developing a new and updated Town Centre Plan.

The Chief Financial Officer advised that the finance team were currently consolidating funding reports relating to the Waihi Beach Town Centre Development Fund. This information would be made available to the Board in the near future.

**WB11.2.6 Waihi Beach Historical Event**

The Board was advised that organising the forthcoming Waihi Beach Historical event to be held during a five-day period from 13-17 October 2018 at the Waihi Beach Community Hall was progressing well.

**WB11.2.7 Community Board Strategies - Future Directions**

The Long Term Plan Committee will adopt the Consultation Document on 15 March and this would be followed by a six-week consultation period from 23 March to 3 May 2018. A 'have your say' event will be held at the Waihi Beach RSA on Saturday 28 April from 10.00am to 12.00pm. The event would include a registration area, informal information area and a separate area for a roundtable discussion between the community and Councillors/Community Board Chairs.

It was important that members of the public were encouraged to attend the 'have your say' events.

**WB11.2.8 Representative Review**

An opportunity for the public to learn more about the forthcoming representation review had been held immediately before this Community Board meeting in the Waihi Beach Community Centre from 4.30pm to 6.30pm.

**Resolved:** Members Sole / Parsons

*THAT the Waihi Beach Community Board Chairperson's Report dated 22 February 2018 be received.*

**WB11.3 Councillor's Report**

The Board considered a report from Councillor Marshall dated 28 February 2018. as circulated with the agenda.

**State Highway Two Update**

Councillor Marshall stressed the importance of members of the public being aware of the Draft Regional Land Transport Plan that was open for consultation and submission until 23 March 2018.

A recent bus tour to the northern corridor highlighted the dangers of the highway particularly in peak traffic periods.

The Board was advised that His Worship the Mayor, Western Bay Councillors and staff continued to lobby strongly for improvements to the highway to be undertaken as soon as possible

**Resolved:** Councillors Marshall / Williams

*THAT the report from Councillor Marshall dated 28 February 2018 be received.*

**WB11.4 Infrastructure Services Report Waihi Beach - March 2018**

The Board considered a report from the Deputy Chief Executive dated 21 February 2018 as circulated with the agenda.

**WB11.4.1 Broadlands Block**

The Board noted that at this point in time the Broadlands Block golf proposal had not proceeded as expected. The Board would like the earlier approved funding of \$50,000 for projects relating to the Broadlands Block Reserve Concept Plan from the Waihi Beach Community Board Reserves



Account (Reference C10.4 28 July 2011) be specifically allocated for the enhancement of the Broadlands Block and a planting and maintenance plan presented to the Board as soon as possible.

**Resolved:** Members Parsons / Hepenstall

*THAT the Waihi Beach Community Board terminate any agreement relating to the proposed golf proposal on the Broadlands Block as it stands at this time, and request that an enhancement planting and maintenance programme be initiated and presented to the Board for approval.*

#### WB11.4.2 **Broadlands Block Pathways**

The Board was frustrated to read the advice that 'staff were sourcing suitable material as a final surface for the Broadlands Block pathways and that a trial example would be put in place and assessed.'

The Board was aware that a lime and fines surface mix had been successfully used for the Haiku pathway at Katikati and this was the type of surface that the Board sought to be used for the Broadlands Block pathways so the source should already be available and a trial example and assessment of the right mix of lime and fines should be unnecessary.

#### WB11.4.3 **Emergency Management**

Board Member Roberts noted that the reporting under this topic in the Infrastructure Report was still incorrect and she would speak directly to the Emergency Manager. The Community Response Plans for Waihi Beach, Athenree and Bowentown were all separate and specific to their respective areas and should be referred to in this manner.

#### WB11.4.4 **Waihi Beach Stormwater Model**

The Board was advised that the Waihi Beach Stormwater Modelling had been completed and the information applied to new building consent and resource consents processes to ensure future dwellings were not affected by flooding in specific identified areas.

#### WB11.4.5 **Edinburgh Street Inquiry - Formerly Referred to as Dillon Street Item**

It was ascertained that an earlier inquiry referred to a Dillon Street property whereas it actually related to a private property in Edinburgh Street. The Strategic Property Manager would be asked to advise if all necessary consents had been obtained for ground works undertaken on the property.

WB11.4.6      **Community Roading Budget - Budget Funding Information**

The Board would like a breakdown of the funding of \$100,000 (showing as expended to date - Page 27 of the agenda) for the Waihi to Waihi Beach Cycleway. The same item was referred as item 9 (page 28 of the agenda) with the following status "The Trig Walkway, Dam Trail and the Track construction in the forest are partly funded by this budget. The balance of expenditure to-date is funded by the District Cycleway Budget and the Lion Foundation Grant. Positive discussions were occurring with Ngati Tara Tokanui over a route for the balance of the loop from the forest track to the dam loop. Land negotiations were currently on hold."

The Board needed to have clarification showing what monies from the \$100,000 had been spent on what specific projects, i.e. the Trig Walkway Dam, the trail and the track construction.

WB11.4.7      **Walking Track Signage - Minute Action Reference WB517 3.2**

The Board expressed frustration as to why the earlier vandalised signage was taking so long to be put in place and requested that the replacement walking track signage be installed as soon as possible.

WB11.4.8      **Seaforth Road Footpath Cross Fall - Minute Action Reference WB917 6.1**

The Chairperson advised that the Board had discussed this issue at an earlier workshop and recognised that while aware of the problem the implications for land-owners, and subsequent cost to them to realign their own driveways, it was felt that it was unlikely that work would proceed to rectify the cross fall issue at this time.

The Board asked what was Council's liability and responsibility knowing that the footpath was difficult to negotiate. The question would be forwarded to the Chief Executive Officer for comment.

WB11.4.9      **Infrastructure Service Report - Updating Items**

Board members suggested that where an item regularly appeared in the Infrastructure Service Report that had no change to the summary information from the previous report, the latest input should say - **No Change** (in bold). This would identify to members that the item was ongoing with no change between the last report and the current report included in the agenda.

**Resolved:**      Member Sole / Councillor Marshall

*THAT the Deputy Chief Executive report dated 21 February 2018 and titled Infrastructure Services Report Waihi Beach March 2018 be received.*

**WB11.5 Financial Report Waihi Beach - January 2018**

The Board considered a report from the Management Accountant dated 21 February 2018 as circulated with the agenda.

**Resolved:** Members Sole / Parsons

*THAT the Management Accountant's report dated 21 February 2018 and titled Financial Report Waihi Beach January 2018 be received.*

**WB11.6 Council, Standing Committee and Community Board Meetings**

The Board considered a schedule of meetings for the months of March, April and May 2018 as circulated with the agenda.

**Resolved:** Member Parsons / Councillor Williams

*THAT the schedule of meetings for March, April and May 2018 be received.*

The meeting concluded at 7.55pm.

Confirmed as a true and correct record.

\_\_\_\_\_  
A Sole  
Chairperson  
Waihi Beach Community Board

\_\_\_\_\_  
Date

WB11



## Western Bay of Plenty District Council

**Minutes of Meeting No.OM11 of the  
Omokoroa Community Board held on 13 March 2018  
at the Omokoroa Community Church Hall  
commencing at 7.00pm**

### **Present**

Members M Grainger (Chairperson), T Sage (Deputy Chairperson), P Presland and D Sage and Councillors M Murray-Benge and J Palmer

### **Present**

Members M Grainger (Chairperson), T Sage (Deputy Chairperson), P Presland and D Sage and Councillors M Murray-Benge and J Palmer

### **In Attendance**

M Taris (Chief Executive Officer), J Paterson (Transportation Manager), His Worship the Mayor Garry Webber and A Alty (Democracy Advisor)

### **Others**

Four members of the public and Regional Councillor Member N Brunning.

### **Public Forum**

**Resolved:** Member Grainger / Councillor Murray-Benge

*THAT the meeting adjourn for the purpose of holding a public forum.*

Mr Ellwyn Boyes commended Councillor Murray-Benge for standing up at the recent Future Focus meeting and speaking about what she believed in, with passion and commitment in regard to issues and concerns affecting the Omokoroa community.

**Resolved:** Members Grainger / D Sage

*THAT the meeting be re-convened in formal session at 7.02pm.*

OM11.1 **Minutes of Meeting No. OM10 of the Omokoroa Community Board Held on 30 January 2018**

The Board considered the minutes of OM10 of the Omokoroa Community Board held on 30 January 2018 as circulated with the agenda.

**Resolved:** Member Grainger / Councillor Murray-Benge

*THAT the minutes of meeting No. OM10 of the Omokoroa Community Board held on 30 January 2018 as circulated with the agenda, be confirmed as a true and accurate record with the advised editorial correction:*

Page 11 - Item OM10.5.4 - amend word Kathleen to read Kayelene. Item to read:

Flashing Sign on Corner of Omokoroa Road and Kayelene Place

Enquiries would be made as to the legality of the electronic sign placed on the corner of Omokoroa Road and Kayelene Place.

OM11.2 **Chairperson's Report**

The Board considered a report from the Chairperson dated 22 February 2018 as circulated with the agenda.

OM11.2.1 **Omokoroa Community Plan**

The Omokoroa Community Plan was now published and available to members of the public from the Omokoroa Library and Service Centre.

OM11.2.2 **Future Focus Meeting**

The Omokoroa Future Focus meeting held on 7 March 2018 had been well attended with the main topic of interest being the current State Highway Two traffic safety and congestion issues.

OM11.2.3 **Omokoroa Signage - Installation on Corner of Hamurana and Omokoroa Road**

**Resolved:** Member Grainger/ Councillor Palmer

*THAT the Omokoroa Community Board approve the payment of \$764.75 for costs associated with the development and installation of the new signage located on the corner of Hamurana and Omokoroa Road from the Omokoroa Community Board Reserve Account.*

OM11.2.4      **Omokoroa Signage - Proposed Map for Refurbish Noticeboard at McDonnell Street Omokoroa**

The Board was advised that the notice board at McDonnell Street Omokoroa needed refurbishing. When the noticeboard had been renovated a new map of Omokoroa would be produced for placement in the noticeboard. Board Members agreed with the concept design and were advised that some editorial changes to the map would be undertaken before the final version was produced.

A question was asked if it would be possible to have the same type of map installed on a noticeboard in the vicinity of The Esplanade and Omokoroa Domain. This was a high visitor and pedestrian area and the map showing points of interest throughout Omokoroa would be a valuable reference point.

The Transportation Manager advised that some thought needed to be given as to where such an information sign would be best placed in the Esplanade/Domain vicinity. It was important that people looking at the sign would not be in the way of or hindering any vehicular traffic. There may be other points throughout the peninsula where a map could also be placed.

OM11.2.5      **Long Term Plan Consultation Document Have Your Say Events**

The next Long Term Plan 'have your say' consultation meeting for the public at Omokoroa would be held on Saturday from 10.00am to 12.00pm at the Omokoroa Community Church.

OM11.2.6      **Omokoroa District Sports and Recreation**

Member Presland provided an update on the fundraising undertaken to date by the Omokoroa District Sports and Recreation Committee. The Committee had been steadfast in their fundraising efforts and it was expected to have a first sod turning for the new pavilion towards the end of winter 2018.

The Committee would like to erect a 'fundraising thermometer' and the required consent for this would be sought.

OM11.2.7      **Omokoroa Settlers' Hall Committee**

Member Teresa Sage reported that the Omokoroa Settlers' Hall Committee had completed the planned renovation work. The hall continued to be very well used and a focal point of the community.



**Resolved:** Members Grainger / D Sage

*THAT the Omokoroa Community Board Chairperson's Report dated 22 February 2018 is received.*

OM11.3 **Councillor's Report**

The Board considered a report from the Councillor Murray-Benge dated 28 February 2018 as circulated with the agenda.

**Resolved:** Councillor Murray-Benge / Member Grainger

*THAT the report from Councillor Murray-Benge dated 28 February 2018 be received.*

OM11.4 **Community Board Grant Application - March 2018**

The Board considered a report from the Democracy Advisor dated 22 February 2018 as circulated with the agenda.

The Board received an application from the Omokoroa Anzac Committee requesting \$1,000.00 for 2018 Anzac Day Commemoration. The Board endorsed the application noting that the committee worked hard to involve the whole community in the Omokoroa commemoration events.

**Resolved:** Councillor Murray-Benge / Member T Sage

1. *THAT the report from the Democracy Advisor dated 22 February 2018 and titled Omokoroa Community Grant Application - March 2018 be received.*
2. *THAT the Omokoroa Community Board approve the following grant to be funded from the Omokoroa Community Grants 2017/2018 account subject to all accountabilities being met.*

*Omokoroa Anzac Committee.....\$1,000.00*

OM11.5 **Infrastructure Services Report Omokoroa - March 2018**

The Board considered a report from Deputy Chief Executive dated 21 February 2018 as circulated with the agenda.

OM11.5.1 **Omokoroa Road Construction**

The Transportation Manager provided a verbal update of the current Omokoroa Road construction work underway.

### **Omokoroa Road Urbanisation**

The design work for the best long-term outcome for the Omokoroa Road Urbanisation Project Design Brief was underway and the Board would have the opportunity to view the design work for this when it became available. Board members agreed that it was prudent to continue with the planned improvements following a 'do it once - do it right' principle.

The Transportation Manager advised that he was working with business owners within the Omokoroa Road/Tralee Street corner commercial area to amalgamate safe entry and exit routes for the respective businesses within the commercial block.

The Board was aware that some motorists were still using the entrance and exit route incorrectly at the supermarket.

#### OM11.5.2

### **Kaharoa Avenue and Kowai Grove Footpaths**

Since the last Community Board Meeting held on 30 January 2018, the Chairperson had received a petition from residents in Kaharoa Avenue, with the majority indicating that they did not want a concrete footpath constructed in their street. (of the 11 occupied homes canvassed - nine indicated they did not want a footpath - with only two saying they did).

Following receipt of the first petition the Chairperson then canvassed residents in Kowai Grove asking them if they wanted a footpath (requesting a reply before this Community Board meeting). Of the 15 properties canvassed seven responses indicated clearly (six no and one yes) that they did not want a footpath in Kowai Grove.

**Resolved:** Member Grainger / T Sage

*THAT the Omokoroa Community Board rescind the recommendation passed at the meeting held on 30 January 2018 (Reference OM10 5.5.) and further resolved that the proposed footpaths on Kaharoa Avenue and Kowai Grove not be constructed and the respective costs allocated for these projects be removed from the approved projects within the Omokoroa community roading account.*

#### OM11.5.3

### **Beach Grove Footpath Repairs and Water Run-Off**

The Transportation Manager advised that a section of the footpath on Beach Grove would be raised. Work to control water run-off in the immediate vicinity was also to be undertaken.

**Resolved:** Member Grainger / Councillor Murray-Benge

*THAT the Deputy Chief Executive report dated 21 February 2018 and titled Infrastructure Services Report Omokoroa March 2018 be received.*

**OM11.6 Financial Report Omokoroa - January 2018**

The Board considered a report from the Management Accountant dated 21 February 2018 as circulated with the agenda.

**Resolved:** Members Grainger / T Sage

*THAT the Management Accountant's report dated 21 February 2018 and titled Financial Report Omokoroa January 2018 be received.*

**OM11.7 Council, Standing Committee and Community Board Meetings**

The Board considered a schedule of meetings for the months of March, April and May 2018 as circulated with the agenda.

**Resolved:** Councillors Palmer / Murray-Benge

*THAT the schedule of meetings for March, April and May 2018 be received.*

The meeting concluded at 8.04pm.

Confirmed as a true and correct record.

\_\_\_\_\_  
M Grainger  
Chairperson  
Omokoroa Community Board

\_\_\_\_\_  
Date

OM11



## Western Bay of Plenty District Council

**Minutes of Meeting No. K11 of the  
Katikati Community Board held on 14 March 2018  
in the Katikati Library and Service Centre  
commencing at 7.00pm**

### **Present**

Members J Hobbs (Chairperson), B Gibbs (Deputy Chairperson), N Mayo and B Warren and Councillors P Mackay and M Williams

### **In Attendance**

E Holtsbaum (Group Manager Technology, Customer and Community Services), S Harvey (Roading Engineer East/West), B Williams (Strategic Property Manager), His Worship the Mayor Garry Webber, Councillor D Marshall, Waihi Beach Board Chairperson A Sole, and A Alty (Democracy Advisor)

### **Others**

Nine members of the public and Kristin Dunne (Chief Executive Officer Tourism Bay of Plenty)

### **Public Forum**

**Resolved:** Members Hobbs / Gibbs

*THAT the meeting adjourn for the purpose of holding a public forum.*

### **Earl Drive Commercial Area - Current Parking**

George Van Dyke advised the Board that he and Member Mayo had visited business owners and operators in Earl Drive and asked them about parking and vehicle congestion in the immediate vicinity. Some businesses had off-street parking, and others had only access to on-road parking. Any on-road parking was taken up on a 'first in - first served' basis. The end turn-around area of Earl Drive was extremely difficult for vehicles to negotiate during business hours when the majority of parking spaces were occupied.

Mr Van Dyke had compiled a record of the history of the land and the subsequent development of Earl Drive and the commercial businesses in the immediate area.

The Roading Engineer (East/West) had advised that he was happy to meet with Board members to discuss an evaluation of the parking situation in Earl Drive to achieve a more functional roadway for the area and the industrial activities it served.

The Chairperson thanked Mr Van Dyke for speaking on this topic.

### **Request to Reduce the Current Speed Limit on Tetley Road**

Mr Anton Mitchell spoke to the Board on behalf of some of the property owners in the new subdivision on Tetley Road. He asked that a section of the roadway from the intersection of Marshall Road to Number 193 Tetley Road be classified as a 50 kilometres per hour speed limit zone. The speed limit for this section of Tetley Road was currently set at 70 kilometres per hour. The Board was advised that over the next 18 months as the new subdivision developed up to 50 more dwellings there would be an increase in vehicles using this roadway.

The Board noted that Wills Road had a 50 kilometres per hour speed zone limit and they would look at taking this speed limit from Marshall Road to Wills Road.

The Board supported the suggestion put forward by Mr Mitchell and would support the reduction of the current speed limit from 70 kilometres per hour on Tetley Road to 50 kilometres per hour in the next annual speed limit review.

### **Katikati Community Sports Centre Group**

Representing the Katikati Community Sports Centre Group, Ben Warren spoke to the Board outlining his concerns relating to Moore Park. He requested that as the Moore Park Sports Field Development was an approved project it should appear as a regularly reported item within the Infrastructure Services Report under the itemised updates from Reserves.

Mr Warren advised the Board of the Katikati Community Sports Centre in relation to the recent notice received that earthworks on Moore Park had been delayed. It was his opinion that this in effect caused a two-year delay to the proposed Moore Park Sports Field Development.

Mr Warren advised that he had called the Western Bay of Plenty District Council Office numerous times over the past three years advising that the standard of mowing for the Moore Park and Uretara Sports field had not been carried out at the appropriate level. The mowing was not at the same level for Tauranga city sports fields and repeated requests for this to be rectified had not been actioned. He felt that the level of service in regard to the required mowing standard was poor, and the service request system had not achieved any solution to his previous requests.

Mr Warren advised that he had requested a meeting with Council staff to clarify aspects of concern that he had highlighted.

### **Walkway and Cycleway Development Throughout Katikati**

Jacqui Knight spoke on behalf of the Katikati Trails Development Group and expressed concerns that work relating to the walking tracks that were under development from the end of Park Road, around the outside of Sommerset joining the footpath by Preston Drive had not progressed.

Council staff had advised that the project was not a priority, which was extremely disappointing to the volunteers who had worked so hard in the continuing development of walking and cycling trails throughout Katikati.

**Resolved:** Members Warren / Mayo

*THAT the meeting be re-convened in formal session at 7.23pm.*

#### **K11.1 Presentation - Tourism Bay of Plenty**

The Board considered a presentation from Kristin Dunne, the Chief Executive Officer of Tourism Bay of Plenty.

Ms Dunne advised that Tourism Bay of Plenty served the area from Waihi Beach to Ohope Beach. In the continuing strategy for tourism in the region, thinking about destination marketing for tourism in the Bay of Plenty it was important to realise that the greater tourism spend benefits the whole community. Research would be undertaken to develop strategies that would provide the necessary benchmarks for the future.

It was noted that the Bay of Plenty region was 'our place to share' and while aware that tourism can cause outrage in some communities because of the extra demands on facilities and infrastructure, ongoing guardianship was needed to be mindful of environmental, social, cultural and economic factors.

The following points relating to the purpose of Tourism Bay of Plenty are to:

- Create sustainable growth of the tourism sector, to the benefit of the local community;
- Manage, develop and plan growth, taking into account, environmental, social land cultural interests;
- Work alongside public and private organisations to make the region a more compelling and attractive visitor destination.

Comment was made that many residential ratepayers felt that there were no benefits to them paying a general rate contribution for tourism and it was recognised that this question was one of national debate and concern.

In concluding her presentation Ms Dunne advised that the Tauranga City Council would consider a submission from Tourism Bay of Plenty for increased funding as part of the Visitor Economy Strategy 2018-2028.



**Resolved:** Member Hobbs / Councillor Mackay

*THAT the presentation from Tourism Bay of Plenty be received.*

K11.2

**Minutes of Meeting No. K10 of the Katikati Community Board held on 31 January 2018**

The Board considered the minutes of K10 of the Katikati Community Board held on 31 January 2018 as circulated with the agenda.

**Resolved:** Councillor Mackay / Member Gibbs

*THAT the minutes of meeting no. K10 of the Katikati Community Board held on 31 January 2018 as circulated with the agenda, be confirmed as a true and accurate record.*

K11.3

**Code of Conduct - Item Lying on the Table**

**Resolved:** Members Hobbs / Councillor Williams

*THAT the Board agree that the motion of censure proposed in Resolution K10.2.4 of the meeting held on 31 January 2018 be suspended at this time as an outcome of the independent mediation process.*

K11.4

**Council Decisions on Board Recommendations - March 2018 - Accommodation Options - Old Katikati Library and Area Office**

The Board considered a report from the Democracy Advisor dated 27 February 2018 as circulated with the agenda.

**Resolved:** Members Gibbs / Mayo

*THAT the report of the Democracy Advisor dated 27 February 2018 titled Council Decisions on Board Recommendations - March 2018 in regard to Accommodation Options Old Library and Area Office be received.*

K11.5

**New Katikati Library - Project Update**

The Board considered a report from the Customer Relationships Manager dated 28 February 2018 as circulated with the agenda.

**Resolved:** Councillor Mackay / Member Hobbs

*THAT the Customer Relationships Manager report dated 27 February 2018 and titled New Library Project Update be received.*

**K11.6 Chairperson's Report**

The Board considered a report from the Chairperson dated 27 February 2018 as circulated with the agenda.

**K11.6.1 Community Board Open Day**

The Community Board had held an open day on 4 March 2018. Displays by the local St John and Red Cross organisations at the same time generated local interest and there had been a constant flow of people who attended and joined in good conversations.

**K11.6.2 Earle Drive Industrial Area Parking**

The Roading Engineer (East/West) advised that the current parking arrangements on Earl Drive would be evaluated and options considered to achieve a more functional roadway for the area and the industrial activities it served.

**K11.6.3 CCTV Update**

The Board was advised that the approved CCTV installer had been requested to provide an update report on the CCTV system to be located at the requested locations (Reference K22.16 3.9).

**K11.6.4 Photo ID - Request from the Community Response Team**

A request from the Katikati Community Response Team to have photo identification of its members had been received. Staff advised that a representative of the Katikati Community Response Team should liaise with the Manager Community Resilience of Emergency Management Bay of Plenty in the first instance.

**K11.6.5 Long Term Plan - Consultation Document and Have Your Say Events**

The Long Term Plan Committee would adopt the Consultation Document on 15 March and this would be followed by a six-week consultation period from 23 March to 3 May. A 'have your say' event would be held at Katikati on the 14 April 2018 from 10.00am to 12.00pm at St Peters Anglican Church. The event would include a registration area, informal information area and a separate area for a roundtable discussion between the community and Councillors/Community Board Chairs.

It was important that members of the public were encouraged to attend the 'have your say' events.

**Resolved:** Members Warren / Hobbs

*THAT the Katikati Community Board Chairperson's Report dated 27 February 2018 be received.*

K11.7

### **Councillor's Report**

The Board considered a report from Councillor Williams dated 28 February 2018 as circulated with the agenda.

### **Pacifica Communities in the Western Bay**

Councillor Williams reported on the excellent Community Committee meeting held on 1 February 2018 with Pacifica peoples from the region. It was important that we reach out to all people in our growing and changing communities to gain an understanding of the diversity and cultural needs of all those who live and work in our region.

### **Transport Update - state Highway Two, Katikati Bypass, Bay of Plenty District Council East Region**

Community Board Members were reminded that submissions to the Bay of Plenty Regional Council Regional Land Transport Plan would close on 23 March 2018. Key dates for the Regional Land Transport Plan were notified as:

11-12 April 2018	Hearings
7 May 2018	Deliberations
8 June 2018	Regional Transport Committee recommendations on the Plan to the Bay of Plenty Regional Council
21 June 2018	Regional Council considers plan for approval
30 June 2018	Final Plan submitted to NZ Transport Agency
31 August 2018	NZ Transport Agency releases National Land Transport Programme

Councillors advised that a recent tour of the Omokoroa and Katikati area with Labour Government representatives had been a valuable opportunity to show the specific traffic concerns of each township area, which highlighted issues relating to the northern corridor highway.

### **Smartgrowth Update**

The Smartgrowth Leadership Group recently undertook a tour of the Eastern Corridor that provided an overview of the Te Tumu, Te Puke and the Rangiuru Business Park area highlighting how our respective councils should be planning for the future of our communities.

### **Representative Review**

Staff had been available immediately before each of the Community Boards at Waihi Beach, Omokoroa and Katikati to provide information relating to the forthcoming representation review as part of the legislative requirements that Council must review its representation arrangements every six years. There had been minimal attendance by members of the public wanting to know more about the review.

Over next few weeks, everyone would get a letter about the representation review that would highlight the importance of the process and validate future representative arrangements for the next two trienniums.

### **Katikati/Waihi Beach Ward reserve Management Plans**

The Board was advised that the Katikati/Waihi Beach Ward Reserve Management Plans would be reviewed and after acceptance of the draft consultation plan by the Policy Committee on 12 April, the plan would be available to the public for a two-month consultation process.

**Resolved:** Councillor Williams / Member Hobbs

*THAT the report from Councillor Williams dated 28 February 2018 be received.*

### **K11.8 Infrastructure Services Report Katikati - March 2018**

The Board considered a report from the Deputy Chief Executive dated 21 February 2018 as circulated with the agenda.

### **K11.8.1 Report on Findings from Surveillance at Thompsons Track**

Following a request from the Board to use surveillance equipment to catch illegal dumpers/vandals at various points along Thompsons Track it was reported that during the two-month surveillance period, no new dumping had been witnessed. Evidence gathered over the two month period suggested that the cameras were not continually required and dumping would be assessed on a case-by-case basis.

### **K11.8.2 Katikati Wastewater Treatment Plant Resource Consent Renewal**

The Board was aware that draft consent conditions to the Bay of Plenty Regional Council required Council to look at alternative options for the long-term discharge of treated wastewater from the Katikati Wastewater Treatment Plant.

Member Hobbs and Councillor Mackay were members of the working group established to assess various options available. Site visits had been made



in conjunction with advice on beneficial reuse of wastewater and options were being further investigated. Regular updates on progress in this matter would be provided to the Board.

### K11.8.3 **Community Rooding**

The Board was advised that the proposed Fairview Road kerb and channeling and the Stewart Street widening were currently being designed and priced for Community Board consideration. The project work was delayed by current high workloads.

Comment was made that there were local contractors in Katikati who were able to do the required work and it was felt that they should be given the opportunity to undertake local projects.

### K11.8.4 **Bird Walk Erosion**

The Chairperson advised that in July 2017 it was reported in the Infrastructure Services Report (Item 2.3) "that the Bay of Plenty Regional had agreed to undertake any erosion protection works under their generic work consent and had offered to manage the process on the basis that Western Bay of Plenty District Council paid for the physical construction work."

At the Katikati Community Board (K6 19 July 2017) Board members had commented that until the flow control gates were fixed the silting of the Uretara Stream and erosion of the bird walk embankments and pathways would continue and the Bay of Plenty Regional Council needed to address this situation.

The Board was under the impression that the work would be undertaken during the 2017/18 summer and this included putting in a new culvert pipe and associated work to allow water to flow, thereby removing the water turbulence caused by the small culvert pipe currently in place that resulted in the erosion of the embankments.

It was extremely disappointing that none of the proposed work had been undertaken.'

### K11.9 **Financial Report Katikati - January 2018**

The Board considered a report from the Management Accountant dated 22 February 2018 as circulated with the agenda.

**Resolved:** Councillor Mackay / Member Gibbs

*THAT the Management Accountant's report dated 22 February 2018 and titled Financial Report Katikati - January 2018 be received.*

**K11.10 Council, Standing Committee and Community Board Meetings**

The Board considered a schedule of meetings for the months of March, April and May 2018.

**Resolved:** Members Hobbs / Councillor Williams

*THAT the schedule of meetings for March, April and May 2018 be received.*

The meeting concluded at 8.42pm.

Confirmed as a true and correct record.

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J Hobbs  
Chairperson  
Katikati Community Board

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Date

K11

## Western Bay of Plenty District Council

**Minutes of Meeting No. MC11 of the  
Maketu Community Board held on 20 March 2018  
in the Maketu Community Centre  
commencing at 7.00pm**

### **Present**

Members S Beech (Chairperson), G Cantlon (Deputy Chairperson), R Clark, and W McFadyen and Councillors K Marsh and J Scrimgeour

### **In Attendance**

R Davie (Group Manager Policy Planning and Regulatory Services), P Watson (Reserves and Facilities Manager), His Worship the Mayor Garry Webber and A Alty (Democracy Advisor)

### **Others**

One member of the public and Pim De Monchy (Kaituna Catchments Manager Bay of Plenty Regional Council)

### **Public Forum**

**Resolved:** Councillor Marsh / Member McFadyen

*THAT the meeting adjourn for the purpose of holding a public forum.*

The Chairperson clarified the protocols relating to the public forum section of the meeting as set out in the standing orders for the Maketu Community Board. He then invited Don Paterson to speak to the Board.

Mr Paterson had circulated a letter and petition seeking support of the Maketu Community Board in his request to the Bay of Plenty Regional Council to reintroduce Kaituna River flow through the Maketu Estuary in the manner described in his letter to the Kaituna Catchments Manager of the Bay of Plenty Regional Council.

Under Maketu Community Board Standing Orders (16.1 – 16.2), the Chairperson advised that the letter and petition would not be received and supported by the Board as the information had not been received by the chief executive at least five working days before the date of the meeting, was disrespectful, and contained offensive language and malicious statements.

The attending Kaituna Catchments Manager of the Bay of Plenty Regional Council advised that the Bay of Plenty Regional Council had also received the letter and accompanying petition and stated that they would not be changing the proposed Kaituna River Re-diversion and Ongatoro/Maketu Estuary Enhancement Project.

Pim De Monchy advised that the proposal to significantly increase the volume of water (particularly fresh water) flowing from the Kaituna River into Ongatoro/Maketu Estuary by 2018 in a way that maximised the ecological and cultural benefits (particularly wetlands and kaimoana) while limiting the economic cost and adverse environmental effects to acceptable levels.

The proposed re-diversion would maximise the flow into the Ongatoro/Maketu estuary while keeping Te Tumu cut open for flood protection and boating access. The re-diversion would significantly change the existing landscape, particularly to low-lying land north of Ford's Cut. It would also re-create at least 20 hectares of wetland habitat, partially restoring the landscape to what it looked like before 1956.

All land acquisition and detailed designs for the project had been completed, tender processes for the main re-diversion construction works were underway with construction scheduled to start late summer/autumn 2018 when the Regional Council approved the tender.

The Maketu Community Board Chairperson thanked Mr De Monchy for his summary and acknowledged the passion that Mr Paterson carried for the Maketu Wetland and Kaituna River.

**Resolved:** Members McFadyen / Clark

*THAT the meeting be re-convened in formal session at 7.20pm.*

The Chairperson advised that the meeting was now under formal process and members of the public were most welcome to stay but may not interject or speak to Board members during the course of the formal meeting.

#### MC11.1 **Presentation - Kaituna River Re-Diversion**

The Board considered a presentation from Pim De Monchy, the Kaituna Catchments Manager from the Bay of Plenty Regional Council who attended to give an update to the Board on the proposed Kaituna River re-diversion and measures considered in relation to future flood events and management of the Maketu Road culvert.

##### **Proposed Kaituna River Re-diversion**

- Mr de Monchy responded to the petition tabled by Mr Paterson, but the Board elected not to receive the petition.
- The Kaituna Re-diversion now had the required resource consents, designations and archaeological authorities to proceed. Regional Council had purchased 45 hectares of land for the project. Enabling works to date had included shifting powerlines and water pipes, and



early works had included the construction of a timber footbridge, the removal of two causeways blocking 13 hectares of estuary to tidal flows, and the creation and planting of a coastal chenier ridge on Papahikahawai Island.

- A two stage tendering process for the main construction works had now been completed, and a preferred tenderer selected. Regional Council will consider how to proceed with the project at a meeting on 29 March.
- Once underway, construction was expected to take 27 months, and there would be ongoing collaboration and involvement with both tangata whenua and the wider local community.

#### **Measures considered in relation to future flood events**

- Condition 26 of the resource consents for the project require the Regional Council to prepare an Operations and Maintenance Manual (OMM) in consultation with the BOPRC Rivers and Drainage Manager and the Western Bay of Plenty District Council Utilities Manager. The objectives of the OMM, among other things, shall be: "26.4(c) To specify how the diversion control structure is to be controlled to ensure the project does not increase the flood levels in Maketū Township above those that existed prior to the project."
- Mr de Monchy explained that most of the flood hazard to the properties in the lower part of Maketū comes from the level of the sea during king tides and storm surges, as shown by the event on 5/6 January 2018 which was not accompanied by significant rainfall or river flooding. Those sea levels were high enough to reach RL 2.11m in Maketū, overtopping Maketū Rd which lies at RL 1.7m. According to local accounts and Regional Council records, the water levels reached on 5/6 January were last seen during the Wahine storm of 1968.
- Council had invested in a sophisticated flood modelling package including live data inputs on estuary and river levels, landed and forecast rainfall, and predicted tide and sea conditions. These inputs were managed by the Flood Duty Officer using a comprehensive Flood Warning Manual.

#### **Management of the Culverts**

- Mr de Monchy explained that the 12 box culverts linking the Kaituna River to the estuary would be operable remotely by the Flood Duty Officer. They would open and close on every tidal cycle to enable the re-diversion, as well as during very large flood events to comply with condition 26.4(c).
- Regional Council was also trying to improve flap-gated culverts around the lower Kaituna and Waihi Estuary catchments to ensure compliance with the Freshwater Fisheries Regulations 1983, which state that no structure shall prevent the passage of indigenous fish. To date, fish-friendly attachments have been fitted to the culverts under Maketū Rd at Spencer Ave (Otumakoro Stream), and at both ends of the Whakapoukorero wetland (un-named drain and Waitipuia Stream). These operate by using a cantilever and a counter-weight to hold the gate open for about 60 minutes on the incoming tide to allow fish

passage, but also had the benefit of reducing resistance for outgoing flows and thus increasing outflow capacity.

- As detailed in an engineer's assessment of the Otumakoro Stream structure several years ago, the main issue with flooding due to stormwater ponding at Spencer Ave was the lack of capacity through the culvert under the road (described by Chairman Beech as the plughole of Maketū). The fish-friendly attachment were not to blame.
- Councillor Marsh asked if Regional Council would still contribute to the installation of extra culvert capacity at this location, and Mr de Monchy responded that they would. He asked Western Bay of Plenty staff to bring a proposal to him for consideration.

The Board should include a request to upgrade this culvert in their final Long Term Plan submission.

**Resolved:** Councillor Marsh / Member Clark

*THAT the presentation from the Kaituna Catchments Manager for the Bay of Plenty Regional Council be received.*

MC11.2

**Minutes of Meeting No. MC10 of the Maketu Community Board held on 7 February 2018**

The Board considered the minutes of meeting MC10 of the Maketu Community Board held on 7 February 2018 as circulated with the agenda.

**Resolved:** Councillor Marsh / Member Cantlon

*THAT the minutes of Meeting No. MC10 of the Maketu Community Board held on 7 February 2018 as circulated with the agenda be received and confirmed as a true and correct record.*

MC11.3

**Chairperson's Report**

The Board considered a report from the Chairperson dated 7 March 2018 as circulated with the agenda.

**Long Term Plan**

The Chairperson advised that the Board had discuss items for their Long Term Plan summary.

**Maketu Cycleway**

Board members and members of the public had met with Council staff on Friday 16 March 2018. The outcome of this meeting was reported further in the Infrastructure Service Report (Item MC11.6).

### **Contractors**

The Reserves and Facilities Manager advised that contractors had been advised to ensure all Western Bay District Council sites and reserves used in association with the forthcoming Anzac Day commemorations on 25 April 2018 were up to the required standard.

**Resolved:** Members Beech / Cantlon

*THAT the Maketu Community Board Chairperson's Report dated 7 March 2018 be received.*

MC11.4

### **Councillor's Report**

The Board considered a report from Councillor Marsh dated 7 March 2018 as circulated with the agenda.

**Resolved:** Councillor Marsh / Member Beech

*THAT the report from Councillor Marsh dated 7 March 2018 be received.*

MC11.5

### **Community Board Grant Application - March 2018**

The Board considered a report from the Democracy Advisor dated 6 March 2018 as circulated with the agenda.

An application from the Maketu Anzac Committee was received. The Board acknowledged the work of the small group of people who worked hard to ensure that the Anzac Day commemoration service at Mateku was successful and memorable for all those who attended.

**Resolved:** Member Cantlon / Marsh

1. *THAT the report from the Democracy Advisor dated 6 March 2018 titled Community Grant Application March 2018 be received.*
2. *THAT the Maketu Community Board approve the following grant to be funded from the Maketu Community Board Grants 2017/2018 Account subject to all accountabilities being met.*

*Maketu Anzac Committee                      \$750.00*

MC11.5.1

### **Future Funding for Anzac Day Commemoration Services**

Comment was made that consideration for the funding of Anzac Day commemoration services in the future needed to be discussed by Council. It was felt that Anzac Day commemoration services were a civic event and should be funded by Council. The cost to specific Returned Services

Association Clubs and other hosting agencies/committees was hard to bear - particularly for those in smaller towns, and the need to rely on minimal grant funding year after year (from a Community Board Grant) was very stressful for the organisers of those respective annual Anzac services.

The Board was aware that Council organised and met the cost of the traffic management services required for the Anzac Day events, and provided wreaths for all participating services throughout the Western Bay but agreed that costs incurred by organising groups needed to be given further consideration.

The Board was advised that this was an item that should be included in their final Long Term Plan submission.

#### MC11.6 **Infrastructure Services Report Maketu - March 2018**

The Board considered a report from the Deputy Chief Executive dated 21 February 2018 as circulated with the agenda.

The Reserves and Facilities Manager spoke to the following items within the Infrastructure Services report.

##### MC11.6.1 **Future Car Parking Arrangements - MAS Reference MC116 6.2**

The Board was advised that the construction of the carpark at the Hauora site was nearing completion and the lease arrangement with the local Te Arawa Lakes Trust confirmed as per the original consent condition for car parking. The Project Manager for the Hauora was now able to apply for a Code of Compliance Certificate for the building.

If the Board wished to see a car park area developed on the corner site opposite the Hauora on Wilson Road by the roundabout they should include this in their final Long Term Plan submission.

##### MC11.6.2 **Spencer Avenue Reserve Levelling - MAS Reference MC1916 3.2**

The Board should include a request for allocation of funding for the progressive filling and levelling of the Spencer Avenue Reserve in their final Long Term Plan submission.

##### MC11.6.3 **Kerb and Channel Williams Crescent - MAS Reference MC717 6.21**

The Board was advised that they needed to include funding for Kerb and Channelling of Williams Crescent in their final Long Term Plan Submission.



**MC11.6.4 Kohanga Reo - MAS Reference MC817 2.4**

The Board was advised that in order to achieve the agreed improvements to parking and access for the Kohanga Reo, this item had been referred to the Chairperson of the Kohanga Reo.

**MC11.6.5 Beach Road - MAS Reference MC617 4.4.4**

Following a site visit at Beach Road and discussion of the required works with the Roding Engineer (East/West) and Board Members Beech and Cantlon, it was felt that the estimated cost approved at the last Board Meeting (MC10) (between \$5,000 - \$7,000), which included site visits, concept designs for consultation, topographical survey, construction plan and schedule of quantities for the improvements works requested on the corner of Beach Road and Wilson Road intersection at Maketu was exorbitant in relation to what was required.

**MC11.6.6 Removal of Gum Trees - MAS Reference MC617 4.5.5**

The Reserves and Facilities Manager advised that he had been in regular contact with a representative of the Te Arawa Lake Trust and arrangements to fell the trees were progressing well.

**MC11.6.7 Surf Club Car Park Reserve Rock Revetment - MAS Reference MC2016 2.1**

The Reserves and Facilities Manager advised that extensive consultation with various local hapu had taken place and all responses had been passed to the Bay of Plenty Regional Council for their consideration when processing the consent and their reply to the consent application was awaited.

**MC11.6.8 Maketu Project Coordinator - MAS Reference MC917 2.1**

The Board should include a request for allocation of funding for a Maketu Projects Coordinator in their final Long Term Plan submission.

**MC11.6.9 Maketu Projects Team - Cycleway into Maketu - MAS Reference MC817 5.3**

Board Members and members of the public met with staff on site on Friday 16 March and discussed options relating to the route for the proposed cycleway into Maketu.

The Reserves and Facilities Manager advised that it had been agreed that the cycleway route would travel along the eastern side (wetland side – right-hand side) of the roadway into Maketu.

The Chairperson commented that the site meeting was very positive and the decision to locate the proposed cycleway into Maketu on the right-hand side of the roadway into Maketu had been unanimously supported.

MC11.6.10 **Service Provider and Contractor Performance - MAS Reference MC1018 3.4**

The Reserves and Facilities Manager advised that he had met with service providers and reiterated the required level of service for the provision of contracted services.

MC11.6.11 **Lawlessness - MAS Reference MC1018 3.6**

The Chairperson advised that the letter to New Zealand Police Enforcement was ready to pass on the Democracy Advisor for process and posting.

**Resolved:** Councillor Marsh / Member Beech

*THAT the Deputy Chief Executive Officer's Report dated 21 February 2018 and titled Infrastructure Services Report Maketu March 2018 be received.*

MC11.7 **Financial Report Maketu - January 2018**

The Board considered a report from the Management Accountant dated 22 February 2018 as circulated with the agenda.

**Resolved:** Members McFadyen / Cantlon

*THAT the Management Accountant's report dated 22 February 2018 and titled "Financial Report Maketu - January 2018" be received.*

MC11.8 **Council, Standing Committee and Community Board Meetings**

The Board considered a schedule of meetings for the months of March, April and May 2018 as circulated with the agenda.

**Resolved:** Councillor Scrimgeour / Member Cantlon

*THAT the schedule of meetings for March, April and May 2018 be received.*

Minutes of MC11 held on 20 March 2018

The meeting concluded at 8.15pm.

Confirmed as a true and correct record.

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S Beech  
Chairperson  
Maketu Community Board

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Date

MC11

## Western Bay of Plenty District Council

**Minutes of Meeting No. TP11 of the  
Te Puke Community Board held on 22 March 2018  
at the Te Puke Library and Service Centre  
commencing at 7.00pm**

### Present

Members P Miller (Chairperson), B Button (Deputy Chairperson), J Dugmore and R Spratt, and Councillors G Dally and J Scrimgeour

### In Attendance

G Allis (Deputy Chief Executive), R Sumaren (Development Engineering Manager), His Worship the Mayor Garry Webber, Councillor Marsh and A Alty (Democracy Advisor)

### Others

Eight members of the public and one member of the press.

### Public Forum

**Resolved:** Councillor Scrimgeour / Member Spratt

*THAT the meeting adjourn for the purpose of holding a public forum.*

The Chairperson clarified the protocols relating to the Public Forum section of the meeting as set out in the Standing Orders for the Te Puke Community Board. He then invited the advised speakers and any other attending members of the public to take part in the Public Forum.

### Te Puke Town Centre Upgrade

Mark Boyle spoke to the Board and provided a summary of actions that the Te Puke Economic Development Group sought support for:

- **Reinstatement of Carparks**

It was stated that it would be seen as a genuine gesture to reinstate a significant number of carparks that had been lost in the re-development of the town centre.



- **Change the Plantings in the Town Centre Median Strip**

Change the current median strip plantings to a mix of grass and easily managed plantings

- **Level the Plaza Area Outside the Te Puke Jeweller/My Pharmacy Stores**

While recognising that the new wooden seat arrangements looked good, it was the view of the Te Economic Development Group that this was not what a 'plaza' should be. Already the furniture was being used as a jumping platform for skateboarders and was not a vibrant gathering place. It was suggested that a wooden deck overlay system that would not interfere with drainage be placed in the plaza area (an example of a similar construction at Mount Maunganui was shown).

Mr Boyle felt that there had been a reluctance by the Te Puke elected representatives to put forward what the Te Puke ratepayers wanted in regard the development of the town centre. He stated that if there was an issue of costs some landlords had indicated that they would be happy to make a financial contribution to achieve what was requested.

The Chairperson thanked Mr Boyle for his presentation and advised that it would be further considered by the Board at their next workshop reiterating that ultimately any decision would have to be made by Council in regard to any changes to the town centre development plan currently in place.

### **Te Puke Business Society - Murray Holyoake**

Mr Holyoake spoke on behalf of the Te Puke Business Society asking the Board that they make a recommendation to Council to revisit Te Puke's parking, specifically in the Plaza area. He stated that in his opinion to review the parking in 2019 was too far away.

Mr Holyoake stated a summary of points in relation to the upgrade of the Town Centre. He advised that the Plaza had not been used for its stated use of promotions and the parking spaces in this area needed to be reinstated. If the missing four parking spaces were reinstated then the Te Puke Business Society believed that the Community Board had met their responsibility. He stated that the Te Puke Business Society was tired of being short changed and pleading for what was rightfully theirs.

The Chairperson thanked Mr Holyoake for his address and advised that the Board would consider the presentation further at their next workshop.

### **Various Te Puke Items - Karyl Gunn-Thomas**

- **Its Not OK Signage**

Karyl Gunn-Thomas spoke to the Board and advised that the sign boards at each of the main highway entrances into Te Puke funded by the It's Not OK campaign and donated to the community were now being managed by Epic Te Puke. The placement of event signage to be placed on the boards were easy to manage and this was a great asset for the township.

- **Median Strip Planting and Pedestrian Crossings**

Mrs Gunn-Thomas acknowledged that the planted flaxes were higher the recommended planting for median strips. She felt that the median strip should not be put back into grass and suggested that red flowering carpet roses would be a good hardy and colourful species to block plant along the median strips. The carpet roses were virtually maintenance free and flowered for up to nine months of the year and it was time to 'think outside the square' and give some colour to our main street.

Pedestrians should not be crossing the road at random points, rather they should be encouraged to use the pedestrian crossings in a responsible and sensible manner for the safety of pedestrians and motorists alike. She noted that the basic instruction of the look left - right - left rules did not seem to be taught anymore and pedestrians put themselves at risk by simply stepping out onto the main street with an expectation that traffic would stop for them.

### **Mark Lally - Councillors Report on Representation Review**

Councillor Lally spoke to the Board about his disagreement with the wording of the Councillors Report within this agenda on Page 18 that stated "It is interesting to note that all councils that voted in favour of Māori wards were challenged in this same way with campaigns well resourced by the Hobson's Pledge group." He stated that the statement was misleading and Councillor Scrimgeour acknowledged that the word 'supported' rather than resourced would have been a better choice for the sentence in question.

### **Citizens RSA Te Puke - Future Anzac Day Commemoration Services**

Mr Vic Mottram from the Citizens and RSA Club of Te Puke spoke to the Board about forthcoming Anzac Day Commemorations. He asked how the Board saw the future of Anzac Day Commemoration services noting that the average age of a Returned Services Club member was in excess of 70 years of age. It was getting more and more difficult to find people capable and willing to organise the annual Anzac Day parade and commemoration services and each event came with increasing cost to the club that hosted the respective services.

The Anzac Day Commemoration services were a civic service and while part of our history and heritage it was important that the future funding and management be given consideration.

The Chairperson thanked Mr Mottram for raising this point noting that Council assisted by organising the traffic management for parades held throughout the Western Bay, and Council and Community Boards contributed to the costs of wreaths for respective services.

### **Business Owner - Changes to Te Puke Township**

Mr Nigel McPherson, the owner of Sportsworld in Te Puke spoke to the Board saying that the changes to the Te Puke Town Centre had greatly affected his business. He stated that Te Puke was not a city and there were not buses running to and from the immediate town

centre. People used cars and car parks needed to be available for those users. If we cannot provide parking for our customers then they would go elsewhere - it was as simple as that.

Mr McPherson felt that it was extremely disappointing that others had made decisions that directly affected the business owners of the township and the plans for the town centre development that they had been shown and voted on were not the plans that they got.

He also felt that the appearance of the main street was untidy and the maintenance personnel were seen as being lazy in their approach to the required level of service to keep our township clean and tidy.

Mr McPherson stated that he preferred more car parks rather than the bigger plaza area.

**Resolved:** Members Spratt / Button

*THAT the meeting be re-convened in formal session at 7.39pm.*

The Chairperson advised that the meeting was now under formal process and members of the public were most welcome to stay but may not interject or speak to Board members during the course of the formal meeting.

### **Change to the Order of Business**

The Chairperson requested that the next item of business be consideration of a Community Board Grant Application from the Citizens RSA Te Puke Anzac Day Committee in order to release representatives of the Te Puke Citizens and RSA Anzac Day Committee from the meeting.

**Resolved:** Member Miller / Councillor Scrimgeour

*THAT in accordance with Standing Orders the order of business be changed and that the item Community Board Grant Application - March 2018 be dealt with as the first item of business.*

#### **TP11.1 Community Board Grant Application - March 2018**

The Board considered a report from the Democracy Advisor dated 5 March 2018, as circulated with the agenda.

An application from the Citizens RSA Te Puke Anzac Day Committee requesting funding assistance for Anzac Day Commemoration expenses was received. It was reiterated by the members of the Citizens RSA Te Puke Anzac Day Committee that the Anzac Service was a civic parade and members were the merely the facilitators to ensure the commemorations happened.

**Resolved:** Members Spratt / Dugmore

1. *THAT the report from the Democracy Advisor dated 5 March 2018 titled Community Grant Application March 2018 be received.*
2. *THAT the Te Puke Community Board approve the following grant to be funded from the Te Puke Community Board Grants 2017/2018 Account subject to all accountabilities being met.*

*Citizens RSA Te Puke Anzac Day Committee ..... \$1,000.00*

#### TP11.1.1

#### **Future Funding for Anzac Day Commemoration Services**

Comment was made that consideration for the funding of Anzac Day commemoration services in the future needed to be discussed by Council. It was felt that Anzac Day commemoration services were a civic event and should be funded by Council. The cost to specific Returned Services Association Clubs and other hosting agencies/committees were increasingly difficult to bear - particularly for those in smaller towns, and the need to rely on minimal grant funding year after year (from a Community Board Grant) was very stressful for the organisers of those respective annual Anzac services.

The Board was aware that Council organised and met the cost of the traffic management services required for the Anzac Day events, and provided wreaths for all participating services throughout the Western Bay but agreed that costs incurred by organising groups needed to be given further consideration.

The Board was advised that this was an item that should be included in their final Long Term Plan submission.

#### TP11.2

#### **Minutes of Meeting No. TP10 of The Te Puke Community Board Held On 8 February 2018**

The Board considered the minutes no. TP10 of the Te Puke Community Board for the meeting held on 8 February 2018 as circulated with the agenda.

**Resolved:** Councillor Dally / Member Button

*THAT the minutes from meeting no. TP10 of the Te Puke Community Board held on 8 February 2018 as circulated with the agenda, be confirmed as a true and correct record.*

#### TP11.3

#### **Chairperson's Report**

The Board considered a report from the Chairperson dated 5 March 2018 as circulated with the agenda.



### TP11.3.1 **Storyboards**

The Chairperson advised that the Storyboard for the Raymond Bridge would be installed on Thursday 29 March at 10.00am and he hoped that Board Members would be able to attend this. He would invite the local press reporter for the occasion and hoped that the publicity from this installation would prompt others who may be interested in developing a similar storyboard for historic sites in Te Puke to come forward.

### TP11.3.2 **Jellicoe Street Flags**

Councillor Dally presented flag designs for the Board's approval.

The Board agreed to the following suggested amendments:

- The word 'Celebrates' should be used rather than welcome for both the Indian and and Nepalese flags.
- The Pacific Peoples Flag was too busy and the names of respective islands should be removed.
- The 1918 First World War Flag Commemoration Flag needed to be adapted with less wording.

Councillor Dally would work on the amendments and forward them to Board Members to ensure confirmation of the proposed changes before submitting orders to the flag supplier.

The Board commended Councillor Dally for his work on bringing the flag designs to the table for consideration.

**Resolved:** Members Dugmore / Spratt

*THAT the Te Puke Community Board approve funding up to \$3,450.00 plus GST from the Te Puke Community Street Decoration Account for the following street flags:*

*10 x 1918 Anzac Victory Flags*

*10 x Epic Te Puke Flags (2 of each design)*

*30 x Te Puke Celebrates our Indian, Nepalese and Pacific Peoples (10 of each design)*

### TP11.3.3 **Additional Flag Order from Epic Te Puke**

The Board agreed that an order for ten Epic Te Puke - 'Te Puke Treat Trail' flags funded by Epic Te Puke be placed with the flag supplier the same time as the Te Puke Community Board flags order to achieve best discount rates for the combined number of flags.

**TP11.3.4 New World Parking - Designated Public Car Parking Spaces**

The Chairperson outlined the history of the land area now taken up by the New World development noting the agreement with Council that the land within the carpark area would be used for designated public car parking.

The Development Engineering Manager advised that he had had a very convivial meeting with the New World business owner and it was agreed that the 30 designated car park spaces should be identified and made available for public car parking.

A simple stencil design marked on the kerb and channel face of each carpark would indicate the respective public car parking spaces that would have availability for a 90 minute period at any time. The markings would be undertaken as soon as possible and it was important that public awareness of the availability of these public car park spaces be highlighted.

Councillor Dally left the meeting at 8.10pm.

**TP11.3.5 Plunket Rooms Parking**

The Development Engineering Manager had advised that due to traffic safety concerns, the initial request for a car park directly outside the front entrance of the Plunket Rooms in Queen Street was not viable.

**TP11.3.6 Bus Park Commerce Lane**

The Chairperson reminded the Board that it had been six years since the need for a specific bus park space had first been raised.

The Board had been advised that the designated Bus Park area would be marked in the very near future.

**TP11.3.7 Jellicoe Street Median Strip**

Further to the points raised in the public forum section of the meeting, outlining concerns about the plantings in the Jellicoe Street median strip it was felt that the current plantings were untidy and were overgrown and dangerous. It was also suggested that there was vermin infestation in the flaxes. There needed to be colourful low maintenance plantings and Board members would look at what other towns had done for their median strip planting.

The Board would further consider this topic at their next workshop.

**TP11.3.8 Parking Kebab Shop to Community Hub (72 Jellicoe Street)**

The Development Engineering Manager advised that he had checked the mobility car parks and parking time limits outside the three fast food outlets. It was agreed that there needed to be only one mobility car park (this should not be directly next to a kerbside garden) and the time limits for parking along the strip from the Kebab Shop to the Community Hub be reduced. The Development Engineering Manager advised that when the car park spaces were re-marked at the correct angle one more car park space would be achieved in this vicinity.

Members of the Te Puke Community Board agreed that between the Kebab Shop and the Community Hub on Jellicoe Street:

- one disability car park space be removed and the remaining disability car park be easily accessible for both driver and/or passengers (not next to a kerbside garden)
- the car parks be realigned and re-marked creating one extra car park
- the time limits for car parking outside the fast food shops be reduced.

**TP11.3.9 Parking Outside Primary School - Boucher Avenue**

The Roading Engineer (East/West) had been in touch with the Principal of the Fairhaven Primary School on Boucher Avenue in regard to options for improving traffic congestion during drop-off and pick-up times.

**TP11.3.10 Community Consultation Programme 2018**

The Chairperson advised that the Board would be hosting a community forum on Thursday 5 April at 7.00pm in the Vector Group Building on Oxford Street to provide the opportunity for the public to meet with the Board prior to the next Council Long Term Plan public consultation meeting.

**TP11.3.11 Long Term Plan - Consultation Document and Have Your Say Events**

The Long Term Plan Committee would adopt the Consultation Document on 15 March followed by a six-week consultation period from 23 March to 3 May 2018. A 'have your say' event would be held at Te Puke on the 15 April 2018 from 10.00am to 12.00pm at the Te Puke Sports Club. The event would include a registration area, informal information area and a separate area for a roundtable discussion between the community and Councillors/Community Board Chairs.

It was important that members of the public were encouraged to attend the 'have your say' events.

**Resolved:** Member Miller / Councillor Scrimgeour

*THAT the Te Puke Community Board Chairperson's Report dated 5 March 2018 be received.*

TP11.4

### **Councillor's Report**

The Board considered a report from Councillor Scrimgeour dated 6 March 2018 as circulated with the agenda.

### **Representation Review**

Councillor Scrimgeour acknowledged that his last sentence relating to the representation review should have said 'supported' - rather than 'resourced' (by the Hobson's Pledge group).

### **Smartgrowth**

Councillor Scrimgeour acknowledged the value of the recent bus tour around the eastern regions of the Western Bay District that highlighted the agricultural, horticultural and business aspects and innovations in our region for our Tauranga associates.

### **Roading**

It was noted that the concerns relating to the current western roading corridors in our district, highlighted how fortunate Te Puke was in regard to their completed highway improvements.

**Resolved:** Councillor Scrimgeour / Member Miller

*THAT the report from Councillor Scrimgeour dated 6 March 2018 be received.*

TP11.5

### **Infrastructure Services Report Te Puke - March 2018**

The Board considered a report from the Deputy Chief Executive dated 21 February 2018 as circulated with the agenda.

TP11.5.1

### **Upgrade to Tom Balkie Lane**

The Deputy Chief Executive was advised that Tom Balkie Lane from the roadway back to the bamboo had numerous potholes and was very rough and needed urgent attention.



The Deputy Chief Executive advised that he would check the location of the roadway. If the required repairs were on Council land then the repairs would be undertaken within the roading maintenance budget.

**Resolved:** Members Miller / Spratt

*THAT the Deputy Chief Executive Officer's Report dated 21 February 2018 and titled Infrastructure Services Report Te Puke March 2018 be received.*

TP11.6 **Financial Report Te Puke - January 2018**

The Board considered a report from the Management Accountant dated 22 February 2018 as circulated with the agenda.

**Resolved:** Councillor Scrimgeour / Member Spratt

*THAT the Management Accountant's report dated 22 February 2018 and titled "Financial Report Te Puke – January 2018" be received.*

TP11.7 **Council, Standing Committee and Community Board Meetings**

The Board considered of meetings for the months of March, April and May 2018 as circulated with the agenda.

**Resolved:** Members Button / Spratt

*THAT the schedule of meetings for March, April and May 2018 be received.*

The meeting concluded at 8.45pm.

Confirmed as a true and correct record.

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P Miller  
Chairperson  
Te Puke Community Board

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Date

TP11

## Western Bay of Plenty District Council

**Minutes of Meeting No. C13 of Council  
held on 22 February 2018 in the Council Chamber, Barkes Corner, Tauranga  
commencing at 9.30am**

### **Present**

His Worship the Mayor G J Webber (Chairperson), Councillors G Dally, M Dean, M Lally, P Mackay, K Marsh, D Marshall, M Murray-Benge, J Palmer, J Scrimgeour, D Thwaites and M Williams

### **In Attendance**

M Taris (Chief Executive Officer), G Allis (Deputy Chief Executive), E Holtsbaum (Group Manager Technology, Customer and Community Services), K Perumal (Chief Financial Officer), B Williams (Strategic Property Manager), P Watson (Reserves and Facilities Manager), G Hobson (Risk Specialist), R Woodward (Communications Advisor), P Hennessey (Strategic Advisor), and F Sweeney (Democracy Management Advisor)

### **Community Boards**

A Sole, (Chairperson, Waihi Beach Community Board) and J Dugmore (Member, Te Puke Community Board)

### **Late Item - Recommendatory Report from Operations and Monitoring Committee - 43 Western Avenue, Omokoroa**

The Mayor advised that the reason that this item was not included on the agenda was because the offer was made after the printing of the Council agenda, and before the confirmation of the Operations and Monitoring Committee that they wished to proceed with the sale.

The reason that this item could not be delayed to the next scheduled meeting of the Council was because the purchaser had indicated that the offer to purchase was for a limited time and therefore it required urgent Council approval.

**Resolved:** Thwaites / Mackay

*THAT, in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the following report be considered as a late item of in confidence business.*

- *Recommendatory Report from Operations & Monitoring Committee - 43 Western Avenue, Omokoroa (Offer of Purchase)*

### C13.1 **Receipt of Community Board Minutes**

Council considered minutes of the meetings of the Community Boards as circulated separately with this agenda.

**Resolved:** Murray-Benge / Marshall

*THAT the minutes of the following meetings be received:*

1. *Minute no. WB10 of the Waihi Beach Community Board held on 5 February 2018*
2. *Minute no. OM10 of the Omokoroa Community Board held on 30 January 2018*
3. *Minute no. K10 of the Katikati Community Board held on 31 January 2018*
4. *Minute no. MC10 of the Maketu Community Board held on 7 February 2018*
5. *Minute no. TP10 of the Te Puke Community Board held on 8 February 2018*

### C13.2 **Minutes of Council and Committee Meetings for Confirmation**

Council considered minutes of the meetings of the Council and its Standing Committees as circulated separately with this agenda.

**Resolved:** Dean / Scrimgeour

*THAT the minutes of the following meetings as circulated separately with the agenda are confirmed and are a true and correct record:*

6. *Minute no. C12 of the Western Bay of Plenty District Council held on 14 December 2017*
7. *Minute no. CC8 of the Community Committee held on 1 February 2018*
8. *Minute no. PP10 of the Policy Committee held on 8 February 2018*
9. *Minute no. OP9 of the Operations and Monitoring Committee held on 15 February 2018*
10. *Minute no. RUR7 of the Rural Committee held on 20 February 2018*

**C13.3 Information for Receipt**

Council considered information included in the Minute Index and Information Pack dated 22 February 2018 as circulated separately with the agenda.

**Resolved:** Mackay / Marsh

*THAT the information items included in the Minute Index and Information Pack dated 22 February 2018 as circulated separately with the agenda be received.*

**C13.4 Recommendatory Report from the Katikati Community Board - Accommodation Options for the Old Katikati Library and Area Office**

Council considered a report from the Democracy Advisor dated 2 February 2018 as circulated with the agenda. In response to questions relating to concerns about the lease and the process used to decide between applicants the Strategic Property Manager advised as follows:

- The thirty-year lease had a six-month notice clause for either party to end the lease.
- Heirs and successors clauses were also standard.
- The Council had directed the community board to consider the applications which they had done, and the Strategic Property Manager had established that Katch Katikati would work together with the Arts Collective.
- After today's meeting the other applicants would be advised by letter of Council's decision.
- The financial responsibility for the internal maintenance of the building would lie with Katch Katikati and costs for the external maintenance and building insurance would remain the responsibility of Council.

**Resolved:** Murray-Benge / Williams

1. *THAT the recommendation from the Katikati Community Board regarding the Old Katikati Library Building 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.*

**C13.5 Lease of the Old Katikati Library and Service Centre to Katch Katikati Incorporated**

Council considered a report from the Strategic Property Manager dated 31 January 2018 as circulated with the agenda. In response to a question the Strategic Property Manager advised that Council would need to approve any sub lease arranged by Katch Katikati.



**Resolved:** Williams / Mackay

1. *THAT the Strategic Property Manager's report dated 31 January 2018 and titled Lease of the old Katikati Library and Service Centre to Katch Katikati Incorporated 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, in exercise of the powers conferred on it by Section 61(2) of the Reserves Act 1977 grants Katch Katikati Incorporated a lease for the building located at 34-36 Main Road Katikati, being part of Lot 11 DP 16034 for up to 30 years.*
4. *THAT such approval must not be construed by Katch Katikati as guarantee that all other consents required by policy, bylaw, regulation or statute, would be forthcoming.*
5. *THAT it be noted that Katch Katikati Incorporated would have the ability to sublease to the Katikati Arts Collective and the Information Centre.*

C13.6

#### **Right of Way Easement Over Part of Uretara Domain, Katikati**

Council considered a report from the Legal Property Officer/Reserves and Facilities dated 2 February 2018 as circulated with the agenda.

**Resolved:** Williams / Murray-Benge

1. *THAT the Legal Property Officer/Reserves and Facilities' report dated 2 February 2018 and titled Right of Way Easement Over Part of Uretara Domain, Katikati be received.*
2. *THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance.*
3. *THAT pursuant to the authority delegated by the Minister of Conservation to the Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby consents to the creation of a Right of Way easement in accordance with the area shown highlighted in red on the plan attached to the report (Attachment A) over Lots 177 and 178 DP 67 to Lot 1 DPS 57029.*

C13.7

#### **Adoption of a New Council Risk Profile**

Council considered a report from the Risk Specialist dated 5 February 2018 as circulated with the agenda.

The Chief Financial Officer and Risk Specialist responded to questions as follows:

- The top ten risks were those identified by Council at a workshop, but the other items were still part of the risk profile.
- Operational risks were included but not as “top ten” items.
- The server building had a great deal of internal security and external security fencing would not add to its security measures.

**Resolved:** Mackay / Scrimgeour

1. *THAT the Risk Specialist's report dated 5 February 2018 and titled 'Adoption of a New Council Risk Profile' be received.*
2. *THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.*
3. *THAT Council approves the replacement of the current Strategic Risk Register with the new Risk Profile as attached to the report (Attachment A).*

C13.8

### **Chief Executive Officer's Report to Council - January/February 2018**

Council considered a report from the Chief Executive Officer dated 9 February 2018 as circulated with the agenda. The Chief Executive noted that there were no items arising since the Christmas break.

A question was raised in regard to the financial reporting and it was noted that there was a fuller presentation given every quarter, with the intervening information provided through the information packs.

**Resolved:** Mayor Webber / Marsh

*THAT the Chief Executive Officer's report dated 9 February 2018 and titled "Chief Executive Officers Report - January/February 2018" be received.*

C13.9

### **Mayor's Report to Council - January/February 2018**

Council considered a report from the Mayor dated 9 February 2018 as circulated with the agenda. The Mayor gave a verbal summary of his report noting the Poppy Places Trust item was included to establish whether or not Council wished to support the initiative.

In comment Councillors noted their support for the proposal, and it was suggested that staff be requested to investigate where this would be appropriate.

The Reserves and Facilities Manager noted that with modern technology history stories which were site specific were often conveyed by way of an app.

In further discussion elected members noted the following:

- It may be that the Trust would be funding and providing the poppies to mark the poppy places and signage.
- A report back from staff would enable Council to decide whether to proceed with involvement with the poppy trust project and identify if there were any potential costs or other issues for Council to consider.
- Omokoroa community board members may also attend the ANZAC ceremony as noted in the Board minutes.

**Resolved:** Mayor Webber / Williams

1. *THAT the Mayor's report dated 9 February 2018 and titled Mayor's Report to Council - January/February 2018 be received.*
2. *THAT Katikati/Waihi Beach Ward Councillors attend the Waihi Beach Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.*
3. *THAT Maketu/Te Puke Ward Councillors attend the Te Puke Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.*
4. *THAT Mayor Webber and Councillor Marsh attend the Maketu Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.*
5. *THAT Katikati/Waihi Beach Councillors attend the Katikati Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.*
6. *THAT Councillor Palmer attend the Omokoroa Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.*
7. *THAT Councillor Murray-Benge attend the Tauranga Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.*
8. *THAT a report be provided on implications for Council to implement the proposal from the Poppy Places Trust to identify places within the district that had a link to New Zealand military involvement in conflicts or operational service overseas and to mark these places with a poppy.*

## **Local Government Official Information and Meetings Act**

### **Exclusion of the Public**

#### **Schedule 2A**

**Resolved:** Marsh / Palmer

*THAT the public be excluded from the following part of this meeting namely:*

- *In Confidence Council and Committee minutes for Confirmation.*
- *In Confidence Minute Index and Information Pack*
- *Statute Barred Rates 2017/18*
- *Turner Trustees Limited - Offer Back Provisions - Public Works Act*
- *In Confidence Chief Executive Officer's Report - January/February 2018*

**LATE ITEM**

- *Recommendatory Report from Operations & Monitoring Committee – 43 Western Avenue, Omokoroa (Offer of Purchase)*

*The general subject to 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(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:*

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
<i>In Confidence Council and Committee minutes for Confirmation</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>For reasons previously stated on the relevant minutes.</i>
<i>In Confidence Minute Index and Information Pack</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>For reasons previously stated on the relevant minutes. Protect the privacy of natural persons, including that of deceased natural persons. Maintain legal professional privilege.</i>
<i>Statute Barred Rates 2017/18</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>Maintain legal professional privilege. Protect the privacy of natural persons, including that of deceased natural persons.</i>
<i>Turner Trustees Limited – Offer Back Provisions – Public Works Act</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>To enable the Council to carry out commercial activity without prejudice or disadvantage.</i>



<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
<i>In Confidence Chief Executive Officer's Report – January/February 2018</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>To enable the Council to carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</i>
<i>Late Item: Recommendatory Report from Operations &amp; Monitoring Committee – 43 Western Avenue, Omokoroa (Offer of Purchase)</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>To enable the Council to carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</i>

## Western Bay of Plenty District Council

**Minutes of Meeting No. LTAP4 of the Long Term and Annual Plan Committee  
held on 15 March 2018 in the Council Chamber, Barks Corner, Tauranga  
commencing at 9.30am**

### Present

Councillor J Scrimgeour (Chairperson), Councillors G Dally, M Dean, M Lally, P Mackay, K Marsh, D Marshall, M Murray-Benge, J Palmer, D Thwaites, M Williams and His Worship the Mayor G J Webber

### Community Boards

A Sole (Chairperson, Waihi Beach Community Board)

### In Attendance

M Taris (Chief Executive Officer), G Allis (Deputy Chief Executive), E Holtsbaum (Group Manager Technology, Customer and Community Services), K Perumal (Chief Financial Officer), R Davie (Group Manager Policy, Planning and Regulatory Services), E Watton (Policy and Planning Manager), I Butler (Finance Manager), G Payne (Strategic Advisor), P Hennessey (Strategic Advisor), C Steiner (Consultant Policy Analyst), R Woodward (Communications Advisor), and F Sweeney (Democracy Management Advisor)

### Others

As listed in the minutes.

#### LTAP4.1 **Adoption of the Interest Rate and Inflation Assumptions**

The Long Term and Annual Plan Committee considered a report from the Chief Financial Officer dated 27 February 2018 as circulated with the agenda.

**Resolved:** Mayor Webber / Murray-Benge

1. *THAT the Chief Financial Officer's report dated 27 February 2018 and titled 'Adoption of Interest Rate and Inflation Assumptions' 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 Interest Rate Assumptions as follows are adopted for the purpose of preparing the 2018 - 2028 Long Term Plan.*

Year	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Borrowing	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%
Lending	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%

4. *THAT the BERL Economic Inflation Assumptions (Attachment B to this report) are adopted for the purposes of preparing the 2018 - 2028 Long Term Plan.*

#### LTAP4.2

### **Adoption of the draft Regulatory Services Strategy**

The Long Term and Annual Plan Committee considered a report from the Policy and Planning Manager dated 2 March 2018 as circulated with the agenda.

**Resolved:** Williams / Mackay

1. *THAT the Policy and Planning Manager's report dated 2 March 2018 and titled Adoption of the draft Regulatory Services Strategy be received.*
2. *THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.*
3. *THAT the draft Regulatory Services Strategy be amended as set out in Attachment B to the report "Adoption of the Draft Long Term Plan 2018-28 Consultation Document and Supporting Information, and the Draft Schedule of Fees and Charges 2018-19" included in this agenda (pages 189 - 199), with the key amendments including:*
  - a) *Revised community outcome;*
  - b) *Revised goals for Animal Control Services and Resource Consent Services activities;*
  - c) *Introduction of the following new performance measures for existing levels of service:*

<b>Existing Level of Service</b>	<b>NEW proposed performance measure</b>	<b>Target</b>
<i>Resource consent applications will be processed within the statutory timeframe and their compliance monitored</i>	<i>Percentage of annual schedule of resource consents conditions that have been monitored to ensure compliance</i>	<i>100% for each year 2018-28</i>
<i>We will respond to customer service requests in a timely manner</i>	<i>Bylaw and District plan compliance and enforcement</i>	<i>≥90% for each year 2018-28</i>



d) *Introduction of the following new levels of service and new performance*

<b><i>NEW proposed Level of Service</i></b>	<b><i>NEW proposed performance measure</i></b>	<b><i>Target</i></b>
<i>Food businesses are regularly monitored and assessed</i>	<i>Percentage of food businesses that are scheduled for verification are assessed in accordance with statutory requirements</i>	<i>95% for each year 2018-28</i>
<i>Alcohol licences are issued within a reasonable period</i>	<i>Percentage of licences issued within 5 working days of receipt of completed agency reports</i>	<i>98% for each year 2018-28</i>
<i>Parking is monitored within Te Puke and Katikati town centres and largely on a seasonal basis at Waihi Beach.</i>	<i>Percentage of parking infringements correctly issued</i>	<i>95% for each year 2018-28</i>
<i>Known dogs in our District are microchipped (excluding those meeting the requirements to register as working dogs)</i>	<i>Percentage of known domestic dogs in our District that are microchipped</i>	<i>78% for 2018 80% for 2019 82% for 2020 84% for 2021-24 86% for 2025-28</i>
<i>Code Compliance Certificates are issued within the statutory period</i>	<i>Percentage of Code Compliance Certificates that are issued within the statutory timeframe</i>	<i>100% for each year 2018-28</i>
<i>Requests for further information on building consent applications are issued within a reasonable time period</i>	<i>Percentage of Requests for Further Information that are issued within 15 working days of the application being accepted</i>	<i>75% for 2018 80% for 2019 85% for 2020-28</i>



- e. *Revision of the key assumptions for Regulatory Services, to include the following new assumptions and risks:*

	<b>Assumption</b>	<b>Risk</b>
<i>Building inspections demand</i>	<i>The number of building inspections per annum will remain approximately the same as 2016/17 numbers of 11,255 inspections.</i>	<i>The number of inspections is strongly influenced by the number of building consent applications lodged. Any increase or decrease beyond the assumed number of building consent applications will likely impact the number of building inspections.</i>
<i>Building-related complaints and service requests</i>	<i>Service requests remain static at around 50 requests per year, approximately the same as the average of previous years.</i>	<i>As the District population grows, the number of complaints may increase. This could have resourcing implications.</i>
<i>Land Information Memoranda (LIM) and Property Information Memoranda (PIM) demand</i>	<i>LIM and PIM application numbers will stay relatively consistent with 2016/17 numbers of 1007 LIMs and 480 PIMs.</i>	<i>If demand for LIMs and PIMs increases beyond our assumption capacity to process those consents within statutory timeframes may be compromised.</i>

4. *THAT the Committee notes that proposed amendments to the Revenue and Financing Policy for Regulatory Services are set out in the subsequent report "Adoption of the Draft Overall Revenue and Financing Policy (including the specific rates policies) for inclusion into the Long Term Plan 2018-28 supporting information."*
5. *THAT the draft Regulatory Services Strategy is included as supporting information to the draft Long Term Plan 2018-28 Consultation Document.*

#### LTAP4.3

#### **Adoption of the draft overall Revenue and Financing Policy (including specific Rates Policies) for inclusion in to the Long Term Plan 2018-28 Supporting Information**

The Long Term and Annual Plan Committee considered a report from the Policy and Planning Manager dated 2 March 2018 as circulated with the agenda.

**Resolved:** Mayor Webber / Palmer

1. *THAT the Policy and Planning Manager's report dated 2 March 2018 and titled 'Adoption of the draft overall Revenue and Financing Policy (including specific rates policies) for inclusion into the Long Term Plan 2018-28 Supporting Information' be received.*
2. *THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.*
3. *THAT the draft overall Revenue and Financing Policy (pages 393 – 422), including the specific rates policies (pages 423 – 435), as set out in Attachment B to the report "Adoption of the Draft Long Term Plan 2018-28 Consultation Document and Supporting Information, and the Draft Schedule of Fees and Charges 2018-19" included in this agenda, be adopted in order to give effect to section 82 of the Local Government Act 2002, noting the amendments to the Regulatory Services and Wastewater Strategy-specific Revenue and Financing Policies, for the reasons set out in this report.*
4. *THAT the draft overall Revenue and Financing Policy (pages 393 - 422), including the specific rates policies (pages 423 - 435), be included in the Supporting Information to the Consultation Document.*

LTAP4.4

**Adoption of the Draft Long Term Plan 2018-28 Consultation Document and Supporting Information, and the Draft Schedule of Fees and Charges 2018-19**

The Long Term and Annual Plan Committee considered a report from the Group Manager Policy, Planning and Regulatory Services dated 2 March 2018 as circulated with the agenda. Clarence Susan, Audit Director, and Naude Kotze, Senior Auditor, were in attendance on behalf of Audit New Zealand.

The Chief Executive Officer advised the meeting that the Auditors had, just prior to the meeting commencing, raised a concern as to whether or not the Consultation Document could be adopted under delegated authority by this Committee, as their view was that such a resolution would need to be passed by Council as the local authority. She further advised that legal opinion would be sought on this matter but that the meeting could proceed with the proviso that should a further meeting be required for the adoption of the Consultation Document arrangements could be put in place for extraordinary meetings to complete the process.

The Chief Financial Officer advised that the documentation had been audited by Audit New Zealand and a clear audit opinion had been received, and Clarence Susan and Naude Kotze were in attendance to present their opinion.

Naude Kotze spoke to the opinion noting that it was an unqualified opinion, which was issued at this point with a further opinion presented at

the final adoption of the Long Term Plan after consultation. He stated that the document read well and was concise with clear information as to the consequences of decisions proposed. He added that overall Audit was happy with the document and for the first time had issued a management letter with no requirement for any management comment. This was the first time that Audit had issued such a letter, which was an excellent outcome.

The Chairperson noted that Council had gone through a very thorough process and Council should be pleased with the outcome to this point, with the next steps to be taking the consultation document out into the community.

The Mayor and Chief Executive Officer commended staff and Councillors on the excellent outcome to the process so far.

**Resolved:** Scrimgeour / Mayor Webber

1. *THAT the Group Manager Policy, Planning and Regulatory Services report dated 2 March 2018 and titled Adoption of the Draft Long Term Plan 2018-28 Consultation Document and Supporting Information, and the Draft Schedule of Fees and Charges 2018-19 be received.*
2. *THAT the report relates to an issue that is considered to be of high significance in terms of Council's Significance and Engagement Policy.*
3. *THAT the draft updated Solid Waste, Regulatory Services, Representation, Planning for the Future, Communities, Recreation and Leisure, Transportation, Water Supply, Stormwater, Natural Environment, Wastewater, Economic and Support Services Strategies be adopted for the purposes of providing supporting information for the draft Long Term Plan 2018-28 Consultation Document (Included in Attachment B to this report).*
4. *THAT the draft Key Risks and Assumptions, Financial Strategy and Infrastructure Strategy be adopted for the purposes of providing supporting information for the draft Long Term plan 2018-28 Consultation Document (Included in Attachment B to this report).*
5. *THAT the draft Revenue and Financing Policy, Funding Impact Statement, Prospective Financial Statements, Reserve Funds, Indicative Financial Contributions, Specific Rates Policy, Significant Accounting Policies, Summary Financial Contributions Policy, Treasury Policy, Summary of the Significance and Engagement Policy and Statement of Council Controlled Organisations be adopted for the purpose of providing supporting information for the draft Long Term Plan 2018-28 Consultation Document (Included in Attachment A and the addendum pages 23-39 to this report)).*
6. *THAT the Audit Report on the draft Long Term Plan 2018-28 Consultation Document be received.*

7. *THAT in accordance with section 93 of the Local Government Act 2002, the audited draft Long Term Plan 2018-28 Consultation Document as set out in Attachment A and the addendum pages 23-39 to this report be adopted for the purpose of consultation from 23 March 2018 to 4 May 2018.*
8. *THAT in accordance with Sections 82 and 150 of the Local Government Act 2002, the draft Schedule of Fees and Charges 2018-19 as set out in Attachment B to this agenda (pages 341 – 372) be adopted for public consultation.*
9. *THAT the Chief Executive Officer be delegated authority to make minor editorial changes to the supporting information documentation if required.*
10. *THAT the above resolutions be subject to a further extraordinary meeting of the Long Term and Annual Plan Committee and/or Council (if required) to be arranged for Thursday 22 March 2018.*

**Minute Note:** Legal opinion subsequently confirmed that the above resolutions were within the lawful delegations of the Committee and no further meetings were required.

The meeting concluded at 9.59am.

LTAP4



## Western Bay of Plenty District Council

**Minutes of Meeting No. CC9 of the Community Committee  
held on 15 March 2018 in the Council Chamber, Barkes Corner, Tauranga  
commencing at 10.00am**

### Present

Councillor P Mackay (Chairperson), Councillors G Dally, M Dean, M Lally, K Marsh, D Marshall, M Murray-Benge, J Palmer, J Scrimgeour, D Thwaites, M Williams and His Worship the Mayor G J Webber

### In Attendance

M Taris (Chief Executive Officer), E Holtsbaum (Group Manager Technology, Customer and Community Services), C Lim (Community Team Leader), B Wilson (Community Relationships Advisor), G Ayo (Community Relationships Advisor), P Hennessey (Strategic Advisor), R Woodward (Communications Advisor) and M Parnell (Democracy Advisor)

### Community Boards

P Miller (Chairperson, Te Puke Community Board), R Spratt (Te Puke Community Board member) and A Sole, (Chairperson, Waihi Beach Community Board)

### Other

Seven members of the public

#### CC9.1 **Community Team Update**

The Community Committee considered a report from the Community Team Leader dated 22 February 2018 as circulated with the agenda.

The Community Relationship Advisor advised that the TrustPower Community Awards were open and that entries closed on 31 May 2018.

**Resolved:** Murray-Benge / Williams

*THAT the report from the Community Team Leader dated 22 February 2018 be received.*

## CC9.2

**Te Puke Community Centre Steering Committee Update**

The Community Committee considered a scoping report from the Te Puke Community Steering Group as circulated with the agenda.

Emma Rosling-Heppell (Consultant, Te Puke Community Centre Steering Group) and Karen Summerhays (Chairperson, Te Puke Community Steering Group) were in attendance to present on behalf of the Te Puke Community Centre Steering Committee. They were joined by Monique Lint, Deputy Chairperson of the Te Puke Steering Group Committee and Steering Group Committee members Jenny Wotten, Dale Snell and Mark Boyle in support.

Ms Summerhays and Ms Rosling-Heppell introduced themselves and the team to the Committee and spoke to a tabled powerpoint presentation. Ms Summerhays explained the origins of the group and how they came to the groups mandate.

She explained that the group were seeking a long term solution rather than a short gap solution for Te Puke and had looked at best practice models from other community centres both nationally and internationally. They intended to do a full feasibility study, which they would be submitting to the Long Term Plan for a contribution from Council. They advised they wanted to create a booking space for events and meeting rooms along with an online space but were not looking to replicate existing social services in the community.

In identifying their customers they discovered that the current services provided in Te Puke were more supportive of permanent community members than the less permanent community members such as seasonal workers , backpackers and tourists. In looking at a space to put the proposed community centre they thought a space close to the library would be appropriate. Ms Summerhays requested an endorsement of the principle of the project from Council, that the steering group will be Council's chosen partner to discuss the project with.

In response to questions, Ms Summerhays and Ms Rosling-Heppell explained:

- The group had been in contact with and had presented to the Te Puke Community Board in November last year. The Te Puke Community Board had provided funds for the scoping report included in the agenda.
- The existing community hall is not at this stage conducive to use as a community centre but the Te Puke Community Centre Steering Group had been approached about managing the booking needs of the hall. The feasibility study would investigate all options for the housing of the Community Centre including the Community Hall. They had intended to include a co-working space, like the Basestation in Tauranga, as a part of the community centre, which would require space.
- The Community Centre could provide a base for groups such as the Te Puke Economic Development Group and Epic Te Puke, which would encourage collaboration between these groups and any other who

sought to share the space. One of the prime objective of the project was to solve the silo issue in Te Puke.

- While they were not looking to enter the social services space, the community centre would act as a referral agency to existing services.

Ms Summerhayes asked for the endorsement of the Council for the project and was advised to contact the Chief Executive Officer directly regarding the Long Term Plan process.

**Resolved:** Mayor Webber / Marsh

*THAT the presentation from the Te Puke Steering Group Committee be received.*

10.27am The meeting adjourned for morning tea  
10.44am The meeting was reconvened.

### CC9.3 **Bay Venues**

Justine Brennan, Strategic Manager of Bay Venues was in attendance to present to the Committee a proposal for a new recreation hub in the Tauranga CBD. She spoke to a tabled powerpoint presentation.

She explained that she had made a similar presentation to the Tauranga City Council for inclusion in their Long Term Plan. She believed that there needed to be more sub-regional conversations about facilities like the proposed multipurpose recreation and leisure centre possibly to be located in Memorial Park. She assured the Committee that at this stage the project was a concept. She spoke about the current aquatic facilities in the greater Tauranga area and their limitations in the long term. She also discussed the tertiary centre being built in the Tauranga Central Business District with no corresponding recreation facilities and what they had successfully asked Tauranga City Council for in their Long Term Plan for the proposed feasibility study.

In response to questions, Ms Brennan confirmed:

- The initial needs assessment was done on the basis that the area did not need another 50 metre pool. This had been proven wrong and one had been included in the planning for the new facility.
- The location for the facility had not yet been decided but would be fully investigated in the feasibility study along with the cost of heated pools.
- Bay Venues was a CCO that was appointed by the Tauranga City Council. If conversations regarding facilities became more sub-regional it could be considered that a Western Bay of Plenty District Councillor be appointed to the board.
- The budget provided in the presentation was provisional and would be confirmed at the conclusion of the feasibility study.

**Resolved:** Marsh / Murray-Benge

*THAT the presentation from Bay Venues be received.*

The meeting concluded at 11.04am.

CC9



## Western Bay of Plenty District Council

**Minutes of Meeting No. DL4 of the District Licensing Committee  
held on 25 August 2017 in the Council Chamber, Barks Corner, Tauranga  
commencing at 2.35pm**

### Present

Commissioner M Jones (Chairperson), Councillor P Mackay, and Community Appointees J Davison and M Horne

### In Attendance

A Curtis (District Licensing Secretary/Compliance and Monitoring Manager), D Elvin (Liquor Licensing Inspector), D Coulter (Compliance Administration Officer), and B Clarke (Democracy Advisor)

### Apology

An apology for absence was received from Councillor Thwaites.

**Resolved:** Jones / Mackay

*THAT the apology for absence from Councillors Thwaites be accepted.*

#### DL4.1 **Conflict of Interest Declarations**

Commissioner Jones, Councillor Mackay, and Community Appointees Davison and Horne, being members of the District Licensing Committee appointed to consider the applications as listed in the agenda, declared that they had no conflicts of interest in relation to the applications.

#### DL4.2 **Application No. LL6912 for a new Temporary Authority under Section 136, Sale and Supply of Alcohol Act 2012 from Mane's Kitchen Limited for a Premise located at 50 Jellicoe Street, Te Puke, trading as Vesey's Indian Restaurant & Bar**

The District Licensing Committee considered the application on the papers only. The following documentation was circulated with the agenda:

- a) Application for Temporary Authority for an On Licence dated 25 July 2017 and supporting documentation.

- b) Liquor Licensing Inspector's Report dated 14 August 2017.
- c) NZ Police Report dated 27 July 2017.

The Compliance and Monitoring Manager introduced the application, noting that the licensee had not made the application to Council for a Temporary Authority until after he had taken possession of the premises on 17 July 2017. Therefore, since that date he had been operating the restaurant with servicing alcohol.

**Resolved:** Davison / Mackay

*THAT Application No. LL6912 for a new Temporary Authority under Section 136, Sale and Supply of Alcohol Act 2012 from Mane's Kitchen Limited for a Premise located at 50 Jellicoe Street, Te Puke, trading as Vesey's Indian Restaurant & Bar be granted.*

DL4.3

**Application No. LL6917 for a new Temporary Authority under Section 136, Sale and Supply of Alcohol Act 2012 from J N Sons Enterprises Limited for a Premise located at 91 Jellicoe Street, Te Puke trading as Stadium Sports Bar**

The District Licensing Committee considered the application on the papers only. The following documentation was circulated with the agenda:

- a) Application for Temporary Authority for an On Licence dated 27 July 2017 and supporting documentation.
- b) Liquor Licensing Inspector's Report dated 14 August 2017.
- c) NZ Police Report dated 31 July 2017.

The Compliance and Monitoring Manager introduced the application, noting that the applicant had been involved to some degree in a number of other business across the district.

At the invitation of the Chairperson, the Liquor Licensing Inspector provided relevant background information as follows:

- It was noted that in the past, there had been no history of problems with the Stadium Bar and it had been well run and well managed.
- Mr Jaspel Singh owns The Boohai Bar in Katikati, The Bottle-O in Te Puke, and Eleventh Avenue Liquor Store, and Merivale Liquor Centre both in Tauranga. There had been three different owners of The Boohai in a year.
- While carrying out late night inspections with his Council colleague at The Boohai in Katikati, there was an incident where the Liquor Licensing Inspector had been pushed onto the bar. A letter was sent to the owner advising that the Liquor Licensing Inspector had been assaulted during the late night inspection, and that in future staff would need to have the Police attend with them to carry out late night inspections in safety.
- The Owner and Inspector met to discuss the incident and the discussion became heated. Eventually, it was agreed that the behaviour during the incident was unacceptable, and that management practices could improve.

- His objective was to work with the owner to ensure the operation of the bar and the management of the bar was appropriate.
- The bar would be monitored.
- He had not opposed this Temporary Authority, but it was his duty to provide known background information to the Committee.

Staff responded to questions as follows:

- Staff would monitor the situation, and noted that the applicant would be applying for a full license in due course, and when that application would come before this Committee, the outcome of monitoring would be reported on.
- Jaspreet Singh was another son and would be manager of the Stadium Bar.
- Jaspel Singh had had three convictions over a period time, for drink diving and possession of cannabis. It was not known if the cannabis possession was for supply or personal use. The last conviction had been in 2012.
- Jaspel Singh was the Director and Shareholder of The Boohai and of the Stadium Bar.

The Compliance and Monitoring Manager noted that the licensee already had a license that had been granted earlier in the year, therefore, there was no requirement to amend the conditions, as it already met with the hours required under the joint Tauranga and Western Bay Local Alcohol Policy.

The Chairperson noted that in due course the application for a full license would come before the committee, at which time the outcome of Council's monitoring would be included in a report.

**Resolved:** Jones / Mackay

*THAT Application No. LL6917 for a new Temporary Authority under Section 136, Sale and Supply of Alcohol Act 2012 from J N Sons Enterprises Limited for a Premise located at 91 Jellicoe Street, Te Puke trading as Stadium Sports Bar be granted.*

DL4.4

### **Compliance Update - Law Changes to Support Grocery Stores**

At the invitation of the Chairperson, the Compliance and Monitoring Manager spoke to a tabled item that had been circulated separate to the agenda. The item was a notification from the Associate Minister of Justice, Hon Mark Mitchell, dated 22 August 2017, relating to law changes to support grocery stores. She advised the committee of key points as follows:

- Changes had been made in the law to enable grocery stores to continue holding liquor licences to sell alcohol, despite increases in tobacco taxes, taking effect on 15 September 2017.
- The changes had been made because increases in tobacco excise tax meant that the main source of revenue for some grocery stores changed from food to tobacco products, which had resulted in these



stores losing liquor licenses. Under the Sale and Supply of Alcohol Act 2012, to hold a liquor licence, a grocery stores principle business must be the sale of food products.

- The increases in tobacco excise tax had been designed to reduce smoking, but were never intended to restrict grocery stores from selling alcohol.
- To address this unintended consequence, the Sale and Supply of Alcohol Regulations 2013 had been changed so the tobacco excise tax would be excluded from a grocery store's annual sales revenue when determining whether the store could hold a liquor licence.

The Chairperson thanked the Compliance and Monitoring Manager for the update, noting that the District Licensing Committee was satisfied that the unintended consequence of the increase in tobacco excise tax for small grocery stores had now been appropriately addressed.

**Resolved:** Jones / Mackay

*THAT the Compliance and Monitoring Manager's update on Law Changes to Support Grocery Stores on 25 August 2017 be received and the information noted.*

The meeting concluded at 3.30pm.

Confirmed as a true and correct record

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M Jones  
Chairperson

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Date

DL4



## Western Bay of Plenty District Council

**Minutes of Meeting No. DL6 of the District Licensing Committee  
held on 27 November 2017 at St Paul's Presbyterian Church, 1 Mulgan Street,  
Katikati, commencing at 10.00am**

### Present

Commissioner M Jones (Chairperson), Councillors D Thwaites (Deputy Chairperson) and Community Appointee J Davison

### In Attendance

A Curtis (District Licensing Secretary/Compliance and Monitoring Manager), D Elvin (Liquor Licensing Inspector), D Stewart (Compliance Administration Offices), and B Clarke (Democracy Advisor)

### Community Boards

J Hobbs (Chairperson, Katikati Community Board)

### Others

As listed in the minutes, and one member of the public.

#### DL6.1 **Conflict of Interest Declarations**

Commissioner Jones (Chairperson), Councillor Thwaites and Member Davison, being members of the District Licensing Committee appointed to consider the following two applications, each declared that they had no conflict of interest in relation to the applications before them that day.

#### DL6.2 **HEARING: Application No. LL6879 for a new off-licence under Sections 100 and 127(2), Sale and Supply of Alcohol Act 2012 - Applicant: Telfords Yard Limited - Premise located at 41 Main Road, Katikati, trading as Super Liquor Katikati**

The Committee considered an application for a new off-licence made by Telfords Yard Limited.

### **Chairperson's Introduction**

The Chairperson introduced the Committee Members and staff present, and provided an overview of house keeping matters and the hearings programme. He invited all parties to introduce themselves and noted that a hearings register of attendance had been kept. He advised that all parties with speaking rights at the hearing had the right to cross-examine the party giving evidence.

### **Appearances for the Applicant**

- Steve McDowell of Ignition Group (Advocate for Telfords Yard Limited)
- Dipan Jamnadas (Director, Telfords Yard Limited)
- Mahesh Jamnadas (Director/Owner, Telfords Yard Limited)
- Sandy Watkins (Franchise Manager, Super Liquor Holdings)

### **Appearances for Reporting Agencies**

- Dougal Elvin (Liquor Licensing Inspector, WBOPDC)
- Trevor Brown (Liquor Licensing Coordinator, NZ Policy BOP)
- Dawn Meertens (Technical Officer for Medical Officer of Health)
- James Scarfe (PH Analyst for Medical Officer of Health)

### **Submitters in Opposition**

The Chairperson advised that, of the following submitters to the application, two were unable to attend and another had withdrawn his submission. He noted that a reporting agency, being the Medical Officer of Health, would be providing evidence in opposition.

- Diane & John Logan (not attending)
- Wayne Gamble (not attending)
- John Torrie (submission withdrawn)

### **1. Evidence for the Applicant**

- a) Steve McDowell of Ignition Group, (Advocate on behalf of the Applicant), noted that the provision of evidence would be solely from Dipan Jamnadas, with Mahesh Jamnadas in support, and Sandy Watkins in attendance to respond to any questions with regard to the operations of Super Liquor Holdings. Mr McDowell then provided opening submissions as follows:
  - This application was for a new licence, as the tenancy lease held by Super Liquor Katikati was about to expire and the current operators wished to relocate within the township.
  - The Applicant had purchased a new business site, and all the existing conditions that currently sat with the license for the existing store had been applied and transferred to the new store.
  - It was considered that this application had been complicated by the additional application made by Jones Liquor Limited being heard later that afternoon.

- In terms of the scope of the evidence, research had been undertaken in preparation of the application, an Assessment Report, and all evidence required under the Sale and Supply of Alcohol Act 2012 had been provided, including consideration of section 106. The matters of the relevant sections were well set out in the Liquor Licensing Inspector's report, and in various pieces of evidence, and could be taken as read.
- The evidence that Dipan Jamnadas had prepared was considerable and would assist the Committee in its deliberations.
- The Chairperson had already addressed the matter of the objectors who were not in attendance, and the one objection, which had been withdrawn. In terms of past case law, such as the case 'New World 2009', the authority stated that if objectors were not in attendance then "little or no weight" could be given to their objections. The Liquor Licensing Inspector had set out in his report that the content of these objections had "little or no weight", and was supported by the Applicant in that assessment.
- In terms of the reports from the agencies, the Liquor Licensing Inspector's report, in paragraph 7.6 included the comment: "There was no reason to believe that 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". This was important because the report in opposition from the Medical Officer of Health had to be dealt with.
- In terms of the Police report, it had noted that this Applicant was simply moving premises in the same block building, and the application was not opposed. It was relevant to note that if there had been specific issues around amenities and good order, particularly over public behaviour, Police would have reported on this. The Police had no issues from the existing store.
- There were some concerns about the process in which the Medical Officer of Health's report had been developed and produced. On page 75 of the agenda, there was an email from the Medical Officer of Health dated 28 August 2017, recording that this was the report in opposition. That report did not provide sufficient information on an amenity problem, and did not address operating hours or any other evidence. It was unusual not to have a more detailed report.
- Reflecting on the initial report where the Medical Officer of Health referred to single sale RTD's and beers, the Applicant had considered the issue. In the last six years that the Applicants had run the business, to their knowledge there had been no issues related to single sales. A number of locals purchased single sales, as they preferred to buy one or two selected items. They were not aware of any locally related evidence that suggested a problem with single sales, and the only evidence provided by the Medical Officer was national and international evidence.

- The Applicant was prepared to make an undertaking not to display any single sale serves of mainstream beer or RTD's. If a local member of the community came in and wanted to purchase one 330ml bottle of Speights beer, for example, they would be able to purchase it, but the Applicant offered not to display them as an undertaking to the Committee.
- In relation to the Medical Officer of Health's subsequent report dated the 31 October 2017, included on page 77 of the agenda, this report did not directly address any specific elements of harm being generated by the current operation of the bottle store.
- By the Applicant moving two doors up the road, it was difficult to see where the link was between any local related harm, the current operation, and how that was going to change. Through the good operation of the existing premises, (and the Applicant also owned Super Liquor Waihi, which was operated the same way), there was no local evidence in existence which would indicate to the Committee an expectation of any issues with the application.
- The Medical Officer of Health had raised the matters of limiting hours of availability and limiting advertising promotions. In the first two of their reports those issues had not been raised, and the Applicant was only made aware of them once other evidence was circulated. In terms of fairness and natural justice, those matters should have been set out in the initial report and they were not.

Mr McDowell noted that this completed the Applicant's opening submissions.

- b) Dipan Jamnadas, (Director, Telfords Yard Limited), was sworn in. Mr McDowell addressed the Committee, noting that as opening submissions had been provided, and his statement of evidence had been circulated to all parties in the Supplementary Evidence Pack, it was requested that his evidence be taken as read. Mr Jamnadas's evidence related to:
- Qualifications and experience.
  - Section 105 Criteria.
  - Objections to the application.
  - Concluding statement.

Mr Jamnadas responded to questions from the Committee as follows:

- In relation to the number of carparks provided on the new site for his customers, there were six, which would be shared between the Butcher and his business, and there were roadside carparks available.
- In relation to times the butcher's customers and his needed carparks and operating hours, they were completely different. The Butcher's customers came in earlier in the day, and his own customers came in during the afternoon, so he felt there were sufficient carparks to support both the businesses.



### **Matter of Clarification - Car Parking**

Mr McDowell addressed the Committee, noting that the Applicant had been required to obtain a Planning Certificate from the Western Bay of Plenty District Council that included the matter of parking. In this regard, the Council had certified that the car parking provided was sufficient for this type of use under the provisions of the District Plan.

Mr Jamnadas tabled a photograph of the AO sized signage for his business, and further responded to questions from the Committee as follows:

- Apart from one AO sized sign, there would be no product advertising on the outside of the building. The AO sized sign advertised their national specials, which were promoted for two weeks, and there were a number of products advertised on special, but not one particular product being singled out. There would only be one AO sized sign, located by the entrance to the shop on the outside of the building.
- They did not specifically have a percentage of their turnover identified for single serve sales, but considered it was minimal and probably less than 5% of total turnover.
- They were not aware of people drinking alcohol at the back of the Katikati Hall and that issue had not been raised with them by locals or the Police. In relation to the cans that the Committee Member had picked up at the back of the Katikati Hall (as shown to the hearing), they had never been approached and told this was a problem.
- They did not think that people should be drinking alcohol in a liquor ban area, or that the hall caretaker should need to tidy up after drinkers. His business provided a service and people did come in to buy RTD products.
- If there was a problem with the purchase of single sales, they would address it, but they were not aware of any issue and had not been approached. Most of their single sale customers were people that came in at the end of the day, and bought a couple of single serves to take home and drink. Their customers did not buy one drink, go outside to drink it and come back in to buy another one, and if that were the case, they would have addressed it.
- In relation to a reference made from the Authority to the Mill in 2013, to the effect that single sales of alcohol around a liquor ban area would be inappropriate, they did not agree with that statement, as they had not had a local problem. The first time they had heard there was a problem behind the War Memorial Hall was today, from a Committee Member during this hearing. They had not had any problems of that nature from their shop, and again, no one had complained to them. Their staff were trained to minimise problems outside and inside the store, and that problem had not occurred.
- In relation to discouraging people from drinking alcohol in the street near the bottle store, the staff actively walked through

the shop and outside. If they had a problem previously, they phoned the Police. If they saw people drinking alcohol outside, they told them there was a liquor ban, so they had actively stopped people drinking outside.

- They kept an incident book as part of their operations, and any incidents were recorded. Most of their incidents were related to ID checks for minors. The Super Liquor Group policy dictated that when there were a group of young people purchasing, and one in the group did not have ID, they were not to served.
- Incidents varied in regulatory, there was approximately one every two weeks. There had been an incident where staff had served a customer who had been seen leaving the shop and giving the alcohol to someone else outside. Staff had approached this person, retrieved the alcohol and refunded their money. They had also banned people they knew who had been trying to do this.
- In relation to staff numbers on duty, they had one person on duty Sunday to Tuesday, when it was quieter. Wednesday through to Saturday, they had two staff as there was more foot traffic, and it was safer for their staff and customers having someone on the floor to oversee incidents with minors and intoxication. During other busy periods, they had three people on duty.

### **Cross Examinations**

Mr Jamnadas responded to questions from the Police as follows:

- In relation to the percentage of sales/customers between 9.00pm and 10.00pm, or the last hour of trade, currently they did not or seldom opened after 9.00pm. They only stayed open later during the Christmas and New Year periods. It was safer for their staff, and after 9.00pm, those customers were people they did not want to be serving. They had made this decision a long time ago, and it was only on Friday and Saturday that they were open until 9.00pm, and the rest of the time they closed at 7.00pm or 8.30pm.
- In relation to homeless people drinking in public, if it was a customer they believed was going to drink on the street, they would advise them there was a liquor ban, and if it happened, again they would impose a ban on that person coming into the shop and address it with Police.

Mr Jamnadas responded to questions from the Technical Officer for the Medical Officer of Health as follows:

- In terms of alcohol causing fewer issues the less hours it was available, he would agree.
- He did not agree that RTD's targeted young people, as they sold RTD's to different age groups. Some young people did buy them, but they found the majority were sold to older people. Locally, in terms of their clientele, they sold more RTD's to people 25 years and above. Young people bought a mix of alcohol, not just RTD's.

- Currently, they closed at 9.00pm on Fridays and Saturdays, and saw no point in being open any later than that. During the Christmas and New Year periods, they closed later, depending upon how busy the shop was. They kept their closing time at 9.00pm unless there were a number of people coming in at those times, and then they would stay open later depending upon demand. They would prefer to keep their trading hours as they currently were, to have the flexibility to meet demand if needed.
- In the past, when first operating, they had the experience of staying open later. The longer the shop was open, the more accessibility to alcohol, and the people coming in could have been drinking, so they made the decision to close earlier, as it was safer for their staff and customers.
- Most of their customers were locals, although they did get passers by who could be buying products to take home to drink. They did not actively promote single sales, but they had been operating for six years and single sales were there for customers who often came in after work, so they were customers they knew personally through the shop. People often bought a box of beer and a couple of RTD's, but they had no trouble with people doing that.
- They had CCTV outside the shop.
- They could not tell if people opened alcohol down the road to drink it.
- They could not provide local evidence to prove there was no harm from single sales, or that amenity and good order in relation to amenity was not effected by those sales. However, they had not had anyone complain or express concern that their single sales were effecting good amenity, or that people were drinking on the road. Today was the first time he had heard about the drinking behind the War Memorial Hall from the Committee, and if that concern had been expressed to them at any time, they would have addressed it to see how they could minimise it.
- They did not actively promote single sales, and they would address it according to what the community wanted, and dependant on what the problems were.

#### **Matter of Clarification - Onus on Medical Officer of Health to Prove Local Harm**

Through the Chairperson, Ms Meertens referred to no. 16 on page 19 of her submission in the Supplementary Evidence Pack, and a decision effecting Liquor King Kent Terrace. She read out the following statement from that decision, "To impose on the Medical Officer of Health an onus to prove a causative link was not only unrealistic, but was contrary to the correct legal position, as already discussed. There was no onus on the Medical Officer of Health to prove anything." In this case, when Mr McDowell said the Medical Officer of Health did not have any local evidence, she questioned the Applicant about whether he agreed that it was not up to the Medical Officer of Health to prove that there was any local harm arising from his premises.

Through the Chairperson, Mr McDowell made a point of clarification noting that, in relation to the statement on page 19 (as referred to by Ms Meertens), it was stated that there was no onus on reporting agencies to prove that the application should not be granted. However, there was a difference in terms of what Ms Meertens was stating. The Medical Officer of Health, quite rightly, did not have to prove that the application should not be granted, and the Applicant had agreed and accepted that point. What the Applicant had been asked in this last question, was whether the Medical Officer of Health had to prove there was local harm. In his submission, for an Applicant to be able to respond to a report in opposition, they needed to know what the local issues were considered to be, and if they could not ask what those local issues were, then they could not respond.

Through the Chairperson, Ms Meertens responded that if the Applicant wanted to open a liquor store, or continue with a current liquor store, he should know what the issues were in the community.

The Chairperson ruled that the hearing would wait for the Medical Officer of Health's evidence to consider the amenity and good order of the community and how that was balanced, and he noted that the Committee would make its decisions based on consideration of evidence provided during the hearing process in relation to those and other issues.

#### **Matter of Clarification**

Through the Chairperson, Ms Meerten tabled her File Note dated 4 September 2017. It referred to a discussion she had with the Super Liquor Store Manager on 28 August 2017, and a subsequent telephone conversation with Mr McDowell on 4 September 2017. Mr McDowell referred to information provided by the Store Owner in his conversation to her. In response, she noted that she did not negotiate with the Store Manager, but had enquired into his application, and whether he sold single sales, which had been confirmed by him. She had advised the Store Manager that he may wish to tell the Licensee that the Medical Officer of Health was opposed to single sales of mainstream beers and RTD's and external advertising of them. In summary, she advised that, at no time had she suggested that if the Licensee did not sell single sales she would not oppose the application. She asked if Mr McDowell recalled that conversation.

Through the Chairperson, in response, Mr McDowell agreed that he did recall that conversation with Ms Meertens. He then noted that the point he was making earlier in submissions, was that reporting agencies were required within fifteen working days to file a report. The Authority had made comment in recent case law that such reports had to be filed on time, and be complete enough for an Applicant to understand what they were dealing with, and not wait for subsequent reports or during a hearing where evidence was presented.



Through the Chairperson, in response Ms Meertens noted that she had not just stated the Medical Officer of Health was opposed, but had advised opposition was under sections 4 (object of the act) and 106 (amenity and good order), and she had indicated the nature of the case which would need to be answered at a subsequent hearing.

The Chairperson ruled that the dialogue on this matter was now at an end and that the hearing would return to cross examinations of Mr Jamnadas.

### **Cross Examinations**

Mr Jamnadas responded to questions from the Liquor Licensing Inspector as follows:

- They did have a few incidents of intoxication over the past year written in their incident book, and he could not recall the exact number, but it was not high.
- Staff used the speech coordination method to identify intoxication, (e.g. if a person was displaying slurred speech). Earlier this year they had refused to sell to someone because of intoxication. They had dealt with it well and had advised the person what had happened and asked him not to come back to the shop, which the person had agreed to.
- In their experience, intoxicated people were not a major issue in their shop. The few cases of intoxication and aggression they experienced had been dealt with.

### **Re-examination of Applicant**

With the Chairperson's agreement, Mr McDowell re-examined the Applicant in order to provide clarification on matters raised during questions from and responses to reporting agencies. Mr Jamnadas responded to questions from Mr McDowell as follows:

- In relation to the product 'Billy Maverick' that the Committee Member had raised as being consumed behind the War Memorial Hall, there were three stores in Katikati selling that brand, so he may or may not have been the retailer that sold those cans.
- They communicated with the local Police sergeant on incidents that were beyond his staff's ability to deal with. For example, they had the experience of an elderly female customer who behaved erratically at times. When that occurred, they did not sell to her. For the safety of this person and the staff, they had advised the local Police that she was coming to the shop and was not well, and asked Police to check up on her well-being. They had good relationships with the police in dealing with those matters.

## 2. Liquor Licensing Inspector's Report

The Liquor Licensing Inspector advised that he had no evidence to provide, but was in attendance to assist and respond to questions. He requested that the Committee take his report as read.

The Liquor Licensing Inspector responded to questions from the Committee as follows:

- When he inspected premises in relation to an application, he made notes that were entered into the system file at the Council. He would investigate any incident reports as part of those inspections.
- He was familiar with this Applicant's incident report, and there were no issues of concern with either the Applicant, or the operations of this premises.
- If there were liquor outlets in a Liquor Ban Area, there was the potential that there could be incidents, but without clear evidence that there had been an issue, he could not comment on, or predict what might happen in the future, and questioned the relevance in this situation.
- In relation to the probability of someone buying and opening a single sale serve within the liquor ban, this was difficult to comment on. The Committee could only consider whether there was any evidence to suggest that this was an issue. He could only suggest the scenario that, should there be no RTD's sold in Katikati, it might be possible to imagine, (being unable to quantify this), that there would be a lesser issue with single sale serves and perhaps drinking in a liquor ban area. However, the Committee must consider the fact that this Applicant was not the only retailer who sold these products in Katikati.

### Cross Examinations

The Liquor Licensing Inspector responded to questions from the Applicant as follows:

- In his experience, and representing the Council, he did not have any specific concerns about the amenity and good order in the immediate environment around the Applicants store in Katikati.
- Nothing that had been produced, or that he had heard presented this morning, had raised any concerns about amenity and good order in the township of Katikati or the Katikati community currently.
- In fact, if permitted to use Te Puke as an example, he did know of some issues in Te Puke where there was consumption of alcohol in a liquor ban area, but this was not the case in Katikati, or at least there were none that had been brought to his attention.

The Liquor Licensing Inspector responded to a question from the Committee, noting that he did not have any issues in Katikati in respect to people drinking in the street, but the signs of this in Te Puke would be substantially higher.

The Liquor Licensing Inspector responded to a question from the Technical Officer for the Medical Officer of Health, noting that, in relation to the question of whether the Te Puke community was largely different to the Katikati community, he could not comment.

### **3. NZ Police Report**

The Liquor Licensing Coordinator (NZ Police Bay of Plenty) advised that he had no evidence to provide, but was in attendance to assist and respond to questions.

The Chairperson noted that the Police had advised in writing that they were not in opposition to the application. There were no questions of Police at this time.

#### **Applicant's Emphasis on Police Report**

Through the Chairperson, Mr McDowell addressed the Hearing, acknowledging the importance of the Police not opposing the application, and in particular, concerning the matter of amenity and good order, or other elements of disorder such as anti-social behaviour, crime or graffiti. The Hearing had not received any evidence of local concern, and if the licence were granted, it would not effect the amenity and good order of the community to more than a minor extent. The Applicant considered that the Committee should take confidence from the Police position being that Police had no issues of concern.

### **4. Report from the Medical Officer of Health**

The Technical Officer for the Medical Officer of Health (Toi Te Ora - Public Health Service), introduced James Scarfe (Analyst for Medical Officer of Health), and noted Mr Scarfe would be speaking to submissions in support of her case. Mr Scarfe swore on an oath of affirmation. Ms Meertens was sworn in and read parts of her submission as circulated on pages 13-22 of the DL6 Supplementary Evidence Pack. Her submission included the following matters:

- Statements of and grounds for opposition:
  - a) Single sales may be harmful to the community in general.
  - b) An additional off-licensed premise increased accessibility to alcohol leading to increased harm.
  - c) The proposed "new" licence moving further down the road may affect the amenity and good order of the community and users of the surrounding areas.
  - d) The location of the premise was in a high deprivation decile area.
- Section 4 - The Object of the Act
- Hazardous drinking
- Outlet density and alcohol related harm

- Population demographics.

In summary, Ms Meertens ultimately recommended, in the first instance, that this application be refused. However, that the following conditions be imposed if a licence was issued:

- a) That the Committee use its discretion under Section 117 of the Act to exclude single sales of mainstream imported and local beers that were 500ml and under, including those with high alcohol content (over 7%), ciders and RTD's; except for wines over 375ml and craft beers.
- b) That alcohol that may appeal to young people/minors was not advertised externally.
- c) That the hours for the sale of alcohol be from 9.00am to 9.00pm.

The Technical Officer for the Medical Officer of Health responded to questions from the Committee as follows:

- In her view, this was not a new licenced premises, (as it was simply moving further down the road), even though it was a new application. In her view, the Jones Liquor Limited application was the new application, but she would prefer to address that at the hearing for that application following. To clarify, in terms of this application, (although it was a new application), this Applicant was viewed by her as "not a new Applicant". There was no question of the Applicant's suitability, as he had been ideal so far.
- She did not support the promotion of single sales, or the external advertising of single sales. Even though the Applicant had offered not to display or promote single sales within the premises, and had made an undertaking to sell singles only to known customers, her submission was that could be a problem.
- Advertising was entirely up to the Applicant, but she would prefer that there was no single sales of RTD's or mainstream beers.

The Analyst for the Medical Officer of Health responded to questions from the Committee as follows:

- In terms of the Medical Officer of Health's indication that Katikati community may have a high level of deprivation, and whether the number of licenced premises was greater or less than in other towns of this nature in this district, there was approximately one off-licence per thousand people. Katikati had seven off-licences with a population of 4,000, which was one per 571 people, so Katikati did appear to have more off-licence premises than the average in New Zealand.
- In terms of Katikati Township, servicing a greater number of people than 4,000 that may be correct, but it was about how the boundary was defined, and there were difficulties in defining boundaries. The Ministry of Health defined the boundary by the census area in New Zealand. This method was used officially, as it collected statistics for an area, and was used by Statistics New Zealand.
- He did not have a breakdown of the details of off-licensed premises in the town so he could not comment.



The Technical Officer for the Medical Officer of Health responded to a question from the Committee in relation to graphics in advertising that may target young people. She noted that some retailers were cooperating in this regard, with Super Liquor and Liquor Land no longer putting adverts for RTD's in their windows. They used larger posters with many different products on them. The Medical Officer of Health would prefer to see that, rather than emphasis on a 'brighter' coloured single product such as vodka cruisers. Nationally, there was a problem with external marketing, but that could always change.

The Chairperson addressed the Hearing, noting that the Committee's task of identifying whether or not there was an issue with the amenity and good order in this particular community was not easy, as no specific evidence had been presented that established that any harm was being done in the Katikati Township or area.

The Technical Officer for the Medical Officer of Health responded to questions from the Applicant as follows:

- In relation to the existing transfer of this business to a new site, the character of the Applicant, and the way he was currently operating his business and its impact on the local community, she had no issues.
- If considering the amenity under section 106 (relating to the number of premises), because the business was already there and was moving down the road, she did not have a problem, but because someone else was going to be opening an off-licence where the business was currently located, one of them was a new, additional licenced premises.

### **Matter of Clarification - Types of Off-Licences**

Through the Chairperson, and to assist the Committee, Mr McDowell referred the Hearing to page 69 of the agenda, where the Liquor Licensing Inspector's report had provided a list of current Katikati off-licences. He noted the following:

- This list identified that there were seven licenced premises operating either as full off-licences, or operating an off-licences where they also had another use happening.
- In terms of a traditional 'bottle store', it appeared there were really only four or so on the list that had a 'bottle type' access, and the rest were clubs, restaurants, cafés and a hotel. The Talisman Hotel, for example, operated more as a restaurant/hotel, rather than a 'full-on' bottle store with significant sales. Finer Wines concentrated on fine wines and did not retail much beer, and no RTD's.
- The Medical Officer of Health had commented about 'traditional' bottle stores, but there were different types of off-licences, and there were not really seven businesses operating as full off-licences or "bottle stores" in Katikati. If there was no other similar application before the Committee, it would be quite clear what was going on.

The Analyst for the Medical Officer of Health responded to questions from the Applicant as follows:

- It was accepted that there were different types of off-licences. However, the way it was 'split out' was generally taking the number of off-licences into account. That was the way it had been done in research and it would not be appropriate to 'pick and choose' which ones were included.
- He could make no comment in terms of the business type and the retail volume they generated, but preferred to focus on the best representation for statistics, as that referred best to Katikati, and that was what had been selected for consistency.

### **Matter of Clarification - Katikati Census Area**

Through the Chairperson, Mr McDowell addressed the Hearing, noting that Katikati was a census area that was quite large, and that 'mesh lots' were not being dealt with. The fact that there was a census area line did not necessarily represent the Katikati community.

The Analyst for the Medical Officer of Health further responded to questions from the Applicant as follows:

- He understood what was being said in terms of Katikati Census area, geographical lines and deprivation, but it was best to go on what was clear, and official information must be accepted.
- It was helpful to understand what deprivation was measuring. Katikati had a deprivation rating of eight on a scale of ten, which depicted that people in Katikati had access to fewer resources than other people in some other areas.
- Some measures of deprivation included access for elderly people to computers and vehicles. There were nine measures, not of poverty, but was an overall measure of access to resources.

The Technical Officer for the Medical Officer of Health responded to questions from the Applicant as follows:

- In terms of sections 3 and 7 of her evidence in relation to her opposition to operating hours, she was aware that the joint Tauranga and Western Bay of Plenty District Local Alcohol Policy limited hours of operation to 10.00pm. She was indicating that although stores could be open thirteen hours per day, it was her submission that the less hours of availability to alcohol the better the result for the community.
- The Local Alcohol Policy hours of operation applied to Tauranga City Council, Western Bay of Plenty District Council and also Katikati.
- Her reference in section 10 of her evidence, was that in her experience bottle stores with large advertising externally, exposed children walking to school to the marketing of alcohol. People walking in and out of the bottle store were exposed as well. The Medical Officer of Health was trying to minimise harm by exposure. The situation with supermarkets was another conversation and not for this hearing.

- In relation to the existing bottle store license being renewed two years ago without any opposition from the Medical Officer of Health, and there being no changes in its operations since that time, the previous application was not for an additional bottle store, and also she was in this role at that time. There was case law available now relating to single sales, she had opposed single sales since 2012, particularly in deprivation areas, and she was now raising opposition.
- She did not necessarily agree that the Committee should only rely on local evidence, as there was enough national evidence to be useful.

The Analyst for the Medical Officer of Health responded to a question from the Committee noting that there was evidence that people living in a high deprivation area were more likely to be hazardous drinkers. This did not mean that all people in a high deprivation area were hazardous drinkers, but there was a greater chance that people living in such an area were likely to be hazardous drinkers.

The Analyst for the Medical Officer of Health responded to a question from the Police noting that, in terms of Katikati being a community town many people passed through, it was not possible to identify or count the numbers of transient people passing through the township each day.

### **Closing Comments from Reporting Agencies**

- a) Mr Elvin, (Liquor Licensing Inspector), noted that he remained unopposed, as he had received no further evidence that the Applicant was a problem or would be a problem in the future.
- b) Sergeant Brown, (Liquor Licensing Co-ordinator, NZ Police) advised that he had checked with the local Police prior to submitting his report. In terms of Katikati experiencing any problems, and in terms of imposing the Liquor Ban, Police had not opposed the application based on amenity or good order. However, he noted that he supported the Medical Officer of Health in relation to the accessibility and availability of alcohol, which had raised a few issues.
- c) Ms Meertens, (Technical Officer, Medical Officer of Health), addressed the Hearing to clarify an issue raised by the Applicant and to make closing comments which were as follows:
  - In relation to her report being questioned as insufficient, she noted the following:
    - In the circulated 'West' decision, it was confirmed that the Medical Officer of Health need not state everything about its opposition, but could merely state what was being opposed. This meant that the opposition she had stated under the sections quoted, including the issue of hours was sufficient.

- A telephone conversation with the Applicant a week later, stating concerns surrounding the alcohol ban and deprivation matters was also sufficient in her view.
- Judge Kelly had informed what was sufficient (to inform the sections of the Act), which was what she had done.
- The Medical Officer of Health reiterated that the Applicant was a suitable Applicant, and the premises had been run well, and there were no issues on those matters.
- For the record, if there were not another Applicant applying for a licence in Katikati, this application would not have been opposed.
- A simple move in premises did not increase the adversity, but it was a question of the total number of similar premises that must currently be enforced. The Committee would likely hear the exact same argument presented by her at the next hearing that afternoon.
- It was hoped that the Committee would decide that one of the applications was one too many, and decide which one. It was unfortunate that this Applicant was the one who needed to move premises.

## **5. Applicant's Right of Reply**

Mr McDowell addressed the Hearing on behalf of the Applicant, noting the following matters:

- The Applicant had produced evidence with regard to the hours of operation and consistency with the Local Alcohol Policy. Having operating hours until 10.00pm was appropriate for flexibility, as the Applicant had acknowledged that the store would be closed by 9.00pm the majority of the time. This also created an 'even playing field' with respect to other licenced premises.
- If it was desired by the Committee that the operating hours of the Applicant's business were reduced to 9.00pm, it was only fair that this was applied to other licenced premises in Katikati. The Local Alcohol Policy was the correct place to address this, not with consideration of each application for a licence, and there would need to be local evidence to support it. The most recent case study on that would be Thames-Coromandel District, whose Local Alcohol Policy had operating hours of 9.00pm across that district, focusing on the town of Whangamata in respect of locally demonstrated evidence of harm produced by the Council and Police.
- In relation to the Committee 'giving weight' to national and international evidence provided, it was acknowledged that this provided some substantive information that was a resource that must be considered, however, it must be complementary to what was viewed as happening 'on the ground' now in Katikati.
- The Committee should be mindful when evaluating the application that the community of Katikati was not limited to the Katikati census areas and related statistics and demographics provided.



- In terms of the criteria the Committee would use when evaluating this application, the sections of the Act under which the Medical Officer of Health had expressed opposition, and as part of the application the Applicant had provided the Committee with an Assessment Report which was set out in the agenda. That report comprehensively addressed every relevant criteria of the Act and should provide comfort to the Committee should it wish to approve the application, along with the amenity and good order assessment, which had also been set out in the application.
- An undertaking had been given by the Applicant not to display single sales, which they considered to be a reasonable approach.
- In terms of the question of the number of off-licences in Katikati, the Committee was requested to consider carefully the range of what was being dealt with, in terms of bottle stores, supermarkets, grocery stores, and boutique off-licences.
- In addressing the object of the Act, in going through section 105 and the Assessment Report provided, it was his view that the Applicant was doing everything they could to minimise harm. They had demonstrated over the last six years in operation that the impact on this community was minimal in terms of effect and, as an operator under the Act; the business was an exemplary operation.

## 6. Closure of the Evidential Hearing

The Chairperson advised that the evidential part of the hearing was now concluded, and he thanked all parties for their evidence and time. He noted that the Committee was due to meet for deliberations on 15 December 2017, and would advise the applicant of the reserve decision in due course.

12.07pm The Committee reserved its decision and adjourned the meeting for lunch.  
12.53pm The meeting was reconvened.

DL6.3 **HEARING: Application No. LL6942 for a new off-licence under Sections 100 and 127(2), Sale and Supply of Alcohol Act 2012 - Applicant: Jones Liquor Limited - Premise located at 37 Main Road, Katikati, trading as Katikati Wines and Spirits**

The Committee considered an application for a new off-licence made by Jones Liquor Limited.

### Chairperson's Introduction

The Chairperson introduced Committee members and staff, and provided an overview of house keeping matters. He invited all parties to introduce themselves and advised that all parties with speaking rights at the hearing had the right to cross-examine the party giving evidence.

### Appearances for the Applicant

- Setareh Masoud- Ansari (Barrister/Legal Counsel for Jones Liquor Ltd)
- Peter Jones (Applicant)

### Appearances for Reporting Agencies

- Dougal Elvin Liquor Licensing Inspector (WBOPDC)
- Trevor Brown Liquor Licensing Coordinator, NZ Policy (BOP)
- Dawn Meertens Technical Officer for Medical Officer of Health
- James Scarfe Analyst for Medical Officer of Health

### Submitters Not in Attendance

The Chairperson advised that, of the following eight submitters to the application, five had advised that they were unable to attend, and two had withdrawn their submissions. He noted that a reporting agency, being the Medical Officer of Health, would be providing evidence in opposition.

- Diane & John Logan (not attending)
- Tere Burdett (not attending)
- John Torrie (submission withdrawn)
- Lizzy Fisher (submission withdrawn)
- Christine Oates (not attending)
- Isabel Mitchell (not attending)
- Kevin Sampson (not attending)

### 1. Evidence for the Applicant

- a) Setareh Masoud-Ansari, (Barrister/Legal Counsel for the Applicant), noted that Peter Jones (Applicant, Jones Liquor Limited), would be addressing the Hearing during the provision of evidence. She then gave a verbal opening statement as follows:
  - She and Mr Jones had attended part of the earlier hearing held that day in respect of an application made by Telfords Yard Limited, and had heard a range of questions, dialogues and exchanges, some of which also related to her client's application. It appeared that the best way forward was to talk about some of those issues raised by Mr McDowell on behalf of his client, and to allow the Committee to traverse the major questions and statutory matters surrounding them for the external parties there.
  - The Local Alcohol Policy was the architect, and was the significant guiding document that set the framework in place about store hours, whether there should be a cap on the number of outlets, and how to go about determining whether there should be another store in this location.
  - This was an unusual situation, where the Committee had before it two applications for two premises within a short location of each other. Both Applicants had licences previously, and there was evidence that the suitability of the

Applicants was not in question. It was about the specific stores, and whether the Committee granted either applications or both. That was entirely up to the Committee. Her leading submission on that point was that there was no impediment to granting both applications.

- The store hours had been precisely explained and there was a restriction on operating hours as set in the Local Alcohol Policy. This Applicant, Jones Liquor Limited, was seeking to operate within those hours. Further evidence on this matter and others would be included in the Applicant's provision of evidence throughout the afternoon.
- Unfortunately, the legal framework was heavily influenced by case law, in terms of section 105 and 106. A number of cases which the Medical Officer of Health had referred the Committee to, had in fact been cases where the High Court had determined that, in order to set the framework, the Committee was not just decision makers, but were 'statutory office holders'. In particular, the case of 'Birthcare', in which the situation was radically different to this instance, but it was about how the 'statutory office holders' had exercised their judgement. In that instance, the court was clear about the criteria of section 105, and the criteria defined localised, demonstrated harm as associated with that applicant.
- The second case that had been referred to extensively today, was 'Liquor King Kent Terrace', and there was not the burden on any statutory office holder to prove anything, they were reporting and that was their statutory duty under section 102. However they were required under that duty to look into the application, into hours, products sold, how they intended to operate, and then under amenity and good order, to look at the local harm.
- The Committee had heard this morning regarding census data, but this was a difficult thing to apply here. It was dated to 2013, did not show the increase in population in the entirety of this area, and did not take into account that a large proportion of the population in the defined area were, in fact, retirees. There was a concern with people between the ages of 15-24 years consuming alcohol that they were a problematic age, and every retailer had practices/procedures in place to manage that issue. The Committee would hear from Mr Jones in his evidence in relation to his practices, because he was not new to this Act, and had been running Four Square Katikati for the past eleven years without issue.
- This framework had been set out, as the evaluation, the Committee must undertake may have been 'coloured' by these matters. The evidence in opposition by the Medical Officer of Health had to be reasonable, and able to be 'tied in' to the evidence of harm in Katikati, in this particular location, not in Auckland, Dunedin or Wellington, as this was the area the application was concerned with. The Applicant's store was not the only store, there were six or more other stores,

some were mixed stores, but there were really only three that were off-licence outlets.

- b) Peter Jones, (Applicant, Jones Liquor Limited), was sworn in. As his opening submissions/statement of evidence had been pre-circulated, he requested that they be taken as read, and provided a summary of his submissions, which included the following matters:
- Introduction
  - The Applicant
  - The premises
  - Summary of opposing and objection
  - Proposed store operation
  - Liquorland - specialist retailer
  - Proposed store layout
  - The issues
  - Number of liquor outlets
  - Sale of single beer and ready to drink (RTD) products
  - High alcohol, low priced products
  - Amenity and good order in Katikati
  - The statutory framework
  - Object of the Act.

In summary, Mr Jones addressed the Hearing as follows:

- A few years ago, his family trust had purchased the property that incorporated the Four Square and existing wine shop. They had continued running the Four Square, and had leased out the wine shop premises. The lease for the wine shop was ending, and this provided an opportunity to take over the wine shop premises.
- They had moved to Katikati eleven years ago and had raised their family here. The children had attended Katikati schools, and he was conscious of the environment their children had grown up in.
- They employed teenagers, were aware of the culture of the town, and had heard from these young people that there were places to go if you were underage and wanted to buy alcohol.
- He was a believer in brand and standards, and was Chairman of the North Island Four Square Committee. In that role, he was expected to lead by example in terms of the standard of the store and meeting the requirements and obligations of the law in business operations.
- He was an active member of the Katikati community and lived in the town. The store he had applied to open was not new and had operated as an off-licence since 1983. Therefore, this was not a new store and he was not a new operator of a store in town.
- His intention was to refurbish the store, brighten it up using natural light; have better security and visibility throughout; and lift the standard by having high-end product brands.



There would be new colour and branding, and a consistency of products sold, and good service.

- He had been approached by customers wanting to buy port or sherry to make Christmas cake or fruit mince pies, but was not allowed to sell it in the Four Square.
- He had positive relationships with Council and Police, and in the eleven years he had been operating the Four Square he had never had any issues. He intended to see that this good track record continued with the proposed store. He wanted to re-use these premises to be able to sell a wider range of products his customers wanted that he could not sell in the Four Square.
- He was a member of the Tauranga/Western Bay Off-Licence Alcohol Board, where issues within the community were shared, as was how they managed their responses as retailers of a regulated product. He intended to continue this involvement.
- He knew who the vulnerable members of the community were, and if they come into the store to purchase alcohol, they would be managed in accordance with their Restricted Sales Policy, and their Vulnerable Persons roll. They could record the details of such persons and advise the Police.
- There were no limits imposed on the number of off-licenced premises in the town.
- He had received and read all of the submissions. Despite the fact that the submissions had failed on the criteria test, (as addressed in the Licensing Inspector's report), he had taken the concerns of the community seriously and had spoken to, or attempted to speak to the submitters. He had explained that he had no intention of expanding a "booze empire" as he wanted to provide some comfort as to how he ran his business and his intentions. The submitters had appeared to be unaware of who he was, were not aware that he owned the Four Square and the store where he intended to operate his new business. He explained that he was not introducing a new store, and that if he got the licence, he would be more closely monitoring the car park area for the safety of pedestrians. There would be combined deliveries, so there would be less traffic issues. There was rear access and storage at the rear of the store that he would be utilising. This would create a more pleasing customer environment.

### **Cross Examinations**

Mr Jones responded to questions from the Committee as follows:

- He anticipated that there would be little difference in his operations, but the new premises could be catering to a different market. Some people would get their wine at the Four Square, just as they would at the Countdown Supermarket. There were some people who did not want to be seen walking into a bottle store, and there were others who just wanted to buy some sherry now and then.

- The Liquorland franchise operated throughout the country, but this was a smaller premise so they were aiming to run a boutique style operation.
- Foodstuffs was a cooperative and was the second largest company in New Zealand after Fonterra. Foodstuffs was owned by the owners of Pak'nSave, New World, Four Square as a group. Foodstuffs also owned the Liquorland chain. Liquorland had franchised operators, so there was a connection. It was a brand that he valued and that carried a lot of credence, to the point where the Board backed him.
- In terms of branding this new store, it might be called Wines and Spirits, Katikati by Liquorland, or something similar. There would be a connection.
- The signage and colouring of the branding had not been finalised. It may have some of the Liquorland green in it, but you would not look at it and the other Liquorland signage and think they were the same. He did not own the existing Liquorland in Katikati; they had bigger premises, so his operation would be more of a boutique Liquorland.
- The products may not be the same as the Liquorland, although there may be some products Liquorland sold, but certainly not all. There may also be some products he would sell that the other Liquorland would not stock.

#### **Matter of Clarification - Competing Liquorland Stores**

Ms Masoud-Ansari gave clarification, and responded to questions as follows:

- Mr Jones had advised in his written statement (page 3, paragraph 12), that the store was a new enterprise and would be a fine wines store intended to stock a "boutique" range of premium products. Katikati would be one of the first towns to have one of these boutique stores that was not offering the same as other 'mainstream' Liquorland stores.
- Without endangering privileged information, Liquorland did not intend and did not permit competing Liquorland stores in the same area.

Mr Jones responded to questions from the Committee as follows:

- If he were the other Liquorland operator, he would be concerned if the new store were offering the same, but it would not be.
- The final product range was aimed at the premium market, the product range had not yet been defined, but it was not intended to have the same product range. They would follow Liquorland policy.

Ms Masoud-Ansari responded to questions as follows:

- It appeared one of the issues was the final product range and the intended market to be served, which had not yet been defined. It was not intended to have low priced products in that lucrative, cheap market range. The final selection of products had not yet been finalised.

- There was a very lucrative export craft beer market that Mr Jones had talked about and these were intended to be sold as single items, and their prices differed.

Mr Jones responded to questions from the Committee as follows:

- He had advised that he would be selling RTD's, and had talked about the location of them.
- RTDs would not be stacked at the front of the store. In terms of restricting the promotion of RTD's, he would have to take advice on that.
- To clarify, because single sales could cover craft and special beers, he would not want to be restricted to no single sales.
- Some people wanted to buy a single bottle of Heineken beer, they may be going to a barbeque, and did not necessarily want to buy a dozen or two dozen or even a six-pack, to him it was far more responsible they may share a 600ml bottle, and may be considered safer, rather than take more alcohol and get intoxicated. Maybe Heineken was considered a mainstream beer. It could be reasonable to buy one bottle rather than a dozen. Some people wanted to do just that.

#### **Matter of Clarification - Single Serve Products**

The Chairperson thanked all parties for their contribution to the discussion. He believed that selling a product was not necessarily the promotion of a product. He understood promotion of a product to be advertising it and having it on specific display as well.

In response, Mr Jones advised that he was trying to fully understand the line of questioning. He asked the Chairperson "If a single sale was on a shelf, or in the chiller or at the back of the shop with a ticket on it, would that be considered to be on promotion, or if a single sale was in the window was that considered on promotion?"

The Chairperson advised that single sales prominently displayed would be considered to be promoting that product, rather than having them not prominently displayed.

Mr Jones then asked "Was a single sale only 'not on promotion' if people had to ask for the product?" The Chairperson responded that was correct.

Ms Masoud-Ansari addressed the Committee on the point of clarification as follows:

- The Applicant now understood the concern. It appeared the question from the Chairperson was not about the sale of single sale products, but the promotion of them. The Chairperson had clarified that his definition of promoting single sale products was advertising them and prominently displaying them. Mr Jones would have to discuss the matter with Liquorland Head Office as to how that would meet their requirements.

- The debate that had just been had was the reason why Parliament had produced the criteria in terms of RTD's, so that the local community would know what these definitions were. The fact that the law was silent on these matters meant that the Committee would have to make a decision on a case-by-case basis, and that was entirely down to the Committee's evaluation based on the evidence before them.
- In terms of the offering from the Applicant, at this time that offer stood, Mr Jones had stated that none of these products were intended to be on prominent display. However, whether he would modify that statement was in question, and he may need to come back to the Committee once he had taken further advice.

Mr Jones responded to questions from the Committee as follows:

- Living in the town, he had heard it said that there were places that sold alcohol to underage customers for their consumption. If that were the case, he would not be a party to it, as he would not want that for his children or his customers. If it was allowed in any community, it was an issue. All he could control was what happened in his premises. If this application was successful, he assured the Committee that was not how he would operate.

To assist understanding, Ms Masoud-Ansari referred the Committee to the Liquorland Policy and Procedure on Restricting Sales, which had been circulated in the Supplementary Evidence Pack 2, page 7, Attachment 1 of Mr Jones's evidence. For clarification, Mr Jones read out several parts of the policy, outlined tests devised by Foodstuffs, noted that his staff were well trained, and that he would allow any practices that would cause harm in the community.

Mr Jones responded to questions from the Liquor Licensing Inspector as follows:

- In terms of having procedures in place to ensure appropriate internal management of the store, the new store location would allow ease of management. He would be there, the stores would be linked with a door at the back, and he would be able to go from his office in the wider store into the new store. He would employ dedicated General Managers who were members of the community for the new store. He preferred to employ local people.
- In terms of security for the bottle store, and noting that supermarkets had a different type of customer, he had CCTV. Staff could see over the top of the main cash area, and aisle heights would allow visibility from anywhere in the shop. There would be an open, glass front on the chiller so that was easily visible, and this was to provide security for female customers in particular.

Mr Jones responded to a question from the Police, in relation to domestic violence or wider harm. He noted that he was unable to view what happened in his customer's homes, as no one could know that. He could not see what happened with any of the products he



sold at the Four Square, e.g. if a craft knife was used for harm, or if a glue or solvent was used for sniffing. There were many things he could not see that may happen related to products he sold.

### **Objection - General Issue of Harm Related to Alcohol**

Ms Masoud-Ansari objected, as the Police had raised issues around the generality of harm from alcohol, but this was guided by statute and was a regulated product. All that Mr Jones could do was to determine the level of harm that was localised, and that was the matter before this Committee. The issues before this District Licensing Committee were those relevant to this application, and that was localised harm.

Through the Chairperson, Sergeant Brown noted that the Medical Officer of Health had objected under section 105(1)(a) of the Act. As the Applicant had stated that he considered himself to be a good operator because there was no evidence of harm outside his store, Police considered the questioning of the Applicant as to awareness of wider harm outside of his store to be relevant.

The Chairperson advised that the Committee was aware, and acknowledged that there were issues of harm from alcohol in communities, and wider than outside of premises where alcohol was sold. The Chairperson ruled that the line of questioning was too narrow in its perspective.

Mr Jones sought clarification in terms of whether there was a definition on this matter, he asked about section 26A (which had been referred to), and whether it was about harm that happened outside the store geographically, such as within a 10m radius of the store or the carpark.

Mr Jones responded to further questions from Police as follows:

- He accepted that there could be unseen harm from alcohol products from a licensed premises, but did not accept that there always was harm. For example, a responsible person buying a bottle of wine for a barbecue to share with others and then going home, would not be considered harmed. There was nothing to say categorically that there was harm from that.
- The legislation served to provide a regulated product to the New Zealand community. If availability was minimised by reducing accessibility and availability to nil, then that would not be achieved and there would be no alcohol.
- He had addressed the matter of availability under the heading Responsible Sales in No. 23, on page 5 of his statement of evidence, as circulated in the Supplementary Evidence Pack No. 2.
- It appeared that one of the issues of concern that had been expressed in opposition was that the granting of this license at this location could increase the availability of alcohol and therefore harm. The Local Alcohol Policy did not restrict the number of outlets and required that each application be considered on its merits.

- He was not aware of the Police opposing this application.

Mr Jones responded to further questions from the Committee as follows:

- He had addressed the question of prices and competition in No. 18 on page 4 of his statement of evidence, as circulated in the Supplementary Evidence Pack No. 2, where he had stated that all marketing, promotions and pricing was strictly controlled by Liquorland and its policies.
- There was no intension to create a price war between the supermarket and this store for items that would be available at the supermarket and their offering would be of a boutique nature.

### **Matter of Clarification - Price Wars**

Ms Masoud-Ansari addressed the Committee stating that, if in fact there was concern over other prices, staff from Liquorland would not visit all other stores and supermarkets in Katikati, and then produce promotional adjustments requiring justification for a General Manager and sign-off from a Chief Executive. The chain of prices, promotions and products was determined at that high level down, so there were fortnightly promotions and they set the bar and the responsible sales policy.

Mr Jones responded to further questions from the Committee as follows:

- In No. 18 on page 4 of his statement of evidence, as circulated in the Supplementary Evidence Pack No. 2, "the supermarket" he had referred to was the Four Square supermarket.
- Countdown Supermarket was a lot bigger operation than his Four Square. He did not try to compete, but was aware his prices were a little higher than New World's. He would not intentionally be involved in a 'price war' with anyone else in town.

### **Matter of Clarification - Promotions**

Ms Masoud-Ansari addressed the Committee, noting that it was not simply the market driving behaviour, it was Liquorland policies, and was the way "top-down" control worked. Mr Jones had already commented on his intention to stock a different product range, he would be stocking sherry and port and those were not products that any store but a fine wines store would be stocking.

Mr Jones responded to questions from the Technical Officer for the Medical Officer of Health as follows:

- The Four Square and the new premises would not be physically linked, but there would be an "office" access at the back of the new premises for staff use.
- The new premises would have a dedicated Duty Manager. There would be a separate Manager in the bottle store, but if one person was sick, in that scenario, the other Manager could go between them. He did not intend to have just one Duty Manager

for both the Four Square and the new premises at the same time under normal circumstances.

- In terms of sending customers who wanted to buy port or sherry into the new premises, and not sending them to other existing premises, yes, he could send them to an existing premises for sherry and port, but as they were already his customers, if the licence was granted, then naturally he would recommend his own store.

### **Matter of Clarification**

Ms Masoud-Ansari addressed the Committee, noting that Foodstuffs supermarkets and Liquorland were separate entities, and she would be addressing this in her legal submissions.

Mr Jones responded to further questions from the Technical Officer for the Medical Officer of Health as follows:

- Foodstuffs owned Liquorland. Liquorland was an entity of Foodstuffs, so Foodstuffs was a 'parent company'. Foodstuffs also owned New World, Four Square, Pak'nSave, and Gilmours.
- Foodstuffs was a co-operative that people owned with shares.
- Liquorland in Katikati did have promotional flyers but his store would not be called Liquorland, so he would have his own advertising.

### **Matter of Clarification**

Ms Masoud-Ansari addressed the Committee, noting that Liquorland product pricing was set by corporate strategy, whereby prices were determined by product across the market, and by a national promotional process, so they could not be at the local level, reduced to create what had been referred to as a price war that was not permitted. If that were to occur, Mr Jones would fall foul of Liquorland policies and procedures, and he might in fact lose his ability to operate.

The Technical Officer for the Medical Officer of Health stated that her line of questioning was relevant because it was about local issues around pricing as well as national promotions.

Mr Jones responded to further questions from the Technical Officer for the Medical Officer of Health as follows:

- He did not intend to advertise RTD's.
- He had not personally submitted to the Local Alcohol Policy hearing, although the Foodstuffs Group did because they had a lot of supermarkets in the area.
- In terms of the Local Alcohol Policy not setting a cap on the number of licenced premises, and potentially leaving that discretion to District Licensing Committees, it seemed that was a legal question. He did not attend those Local Alcohol Policy hearings, and could not say if the decision was left 'silent' for that reason or not.

- In terms of it being the sole discretion of the District Licensing Committee to issue a licence or not, he was here requesting a licence, and it was up to this District Licensing Committee as to whether they issued him a license or not.

### **Applicant's Summarisation of Matters Raised by Medical Officer of Health**

Ms Masoud-Ansari advised that, for the sake of clarification and summarisation, she would take the Applicant through questions in relation to matters raised by the Technical Officer, Medical Officer of Health, and the Liquor Licensing Inspector.

For clarification, Mr Jones responded to questions from his Legal Counsel as follows:

- He would review the product range in terms of single sales of RTD's and 'cheaper' RTD's. He did not intend to sell or advertise cheap liquor.
- He had CCTV systems that would be monitored and accessible to the Duty Manager and shelving that was low enough to see over. The Four Square staff were on the premises and in the carpark, filling gas bottles and were able to observe should any incidents occur.
- He was not aware of any issues in relation to the liquor store customers under the current owner's operation. There had only been one argument escalating in the Four Square carpark that staff had needed to call the Police for. Staff walked the carpark early in the morning and had picked up some cans and bottles that they did not like having to do.
- In terms of additional measures to inform customers as to where alcohol products could not be consumed, he intended to put up signage to assist. He had a vested interest in making sure his customers felt comfortable. His business was located in a key area of the town so he would continue that vigilance.
- The store had been purpose-built as a wine shop in 1983, and had been a liquor store from that time to the present. He accepted that his ability to trade there would be subject to the decision of this District Licensing Committee.

Mr Jones responded to further questions from the Committee as follows:

- In terms of signage promoting sales of products on the outside of the building, the most signage he could fit would not be much, even if he wanted more. As shown in the photo of the store on page 150 of the agenda, the large windows at the front took up a lot of space, and there was an artistic town mural on the side of the building, and another mural at the end.
- In terms of the posters shown on either side of the main entrance, he would probably intend to have those, at a maximum. It looked like one was an A1 size (similar to the Four Square sign at the side of the photo) and the other was a bit smaller. He did not intend to have any sandwich boards.



## 2. Liquor Licensing Inspector's Report

Mr Elvin, Liquor Licensing Inspector advised he was not opposed to the application, that his report could be taken as read, and he was in attendance to assist, and respond to questions of clarification if required.

There were no questions of the Liquor Licensing Inspector.

## 3. Report from NZ Police

Sergeant Brown, Liquor Licensing Co-ordinator, NZ Police - Bay of Plenty, advised that in relation to his Police report, he would have opposed the application had he received any evidence to suggest that was an appropriate course of action, but he had received no such evidence, and Police were not opposed to the application. He advised that he was in attendance to assist and respond to questions of clarification if required.

There were no questions of Sergeant Brown.

### Cross Examination

The Liquor Licensing Inspector responded to a question from the Applicant's Legal Counsel, acknowledged that he had no evidence of Council receiving any complaints from the community about alcohol and its harms in this area.

2.25pm

The hearing was adjourned for a brief recess.

2.35pm

The hearing was reconvened.

## 4. Report from the Medical Officer of Health

The Technical Officer for the Medical Officer of Health was sworn in. She referred to her full brief of evidence as circulated suggesting that, while the bulk of her evidence could be taken as read, she would present the key points. She reminded the Hearing that this matter was about caring for the community as a whole, and that the decision of the Committee must be made in a reasonable manner and help to achieve the purpose and object of the Act. She emphasised the following in relation to the grounds for opposition:

- Single sales may be harmful to the community in general.
- An additional off-licensed premises increased accessibility to alcohol leading to increased harm.
- The proposed "new" licence moving further down the road may affect the amenity and good order of the community and users of the surrounding areas.
- The location of the premises was in a high deprivation decile area.

- Grounds of opposition were made under Sections 4, 105 (1)(a)(h), and 106 of the Act.

In summary, Ms Meertens recommended, in the first instance, that this application be refused. However, that the following conditions be imposed should a licence be issued:

- a) That the Committee use its discretion under Section 117 of the Act to exclude single sales of mainstream imported and local beers that were 500ml and under, including those with high alcohol content (over 7%), ciders and RTD's; except for wines over 375ml and craft beers.
- b) That alcohol that may appeal to young people/minors was not advertised externally.
- c) That the hours for the sale of alcohol be from 9.00am to 9.00pm.

### **Cross Examinations**

The Technical Officer for the Medical Officer of Health responded to questions from the Applicant's Legal Counsel as follows:

- In terms of her report being simply a letter (as shown on agenda page 159), dated 8 September 2017 specifying sections of the Act under which she opposed the application, she accepted that this was correct. In terms of her following report dated 31 October 2017 (as shown on agenda page 161) constituting a report but not being specific to the application, she advised that reporting in New Zealand was often by email followed by a substantive report.
- In relation to her report not being specific to the application, not specifying issues of criteria or elements of this application, and being essentially the same as the report filed for the previous applicant that day (Super Liquor), with only applicant details changed, she responded that her issues were specific to Katikati, research around alcohol, and the increase in the availability of alcohol. They focused on the object of the Sale and Supply of Alcohol Act 2012.
- There was no local research for Katikati, what was being talked about was research around alcohol related harm.
- With regard to her report not being against this applicant in this location, having no specific evidence of alcohol harm in this locality, or Western Bay or Tauranga, she was reporting that an increase in the number of licensed premises increased the alcohol harm in any community.
- In terms of the Local Alcohol Policy under section 77, not applying a cap on the number of licenced premises in Katikati, she believed that these decisions had been left to the District Licensing Committees. It was not stated because they did not need to state it.
- In terms of educational institutions and churches within the immediate vicinity of this premise, from the maps she had been shown there were five churches within 500 metres of the store.

- Although there was a mural on the main roadside of the building, the applicant may in future put advertising on the outside of the building. Anyone passing the store could see that.

The Analyst for the Medical Officer of Health responded to questions from the Applicant as follows:

- To clarify in terms of the Katikati deprivation index score, it was category 8, which was the higher end of the scale. A neighbouring census area deprivation index score was category 5. It was set in relation to a range of resources people may or may not have access to.
- There was a high proportion of people over 65 years in Katikati. Katikati had a higher deprivation level and people living in higher deprivation areas were more likely to be hazardous drinkers. As he had stated in his evidence, young people aged 15 to 24 years and Māori were viewed as hazardous drinkers and were relevant.
- The census was taken every five years, and it was always an issue in the sense that it was only the 2013 census that was available currently. This was a sample about all New Zealanders, and those statistics had been applied to Katikati, which was all they could do, as there were not individual samples taken in every community in New Zealand, so to define those was not possible.
- What they had found was that certain groups were at high risk, but it was not to say that other people of other age groups were not at risk as well. They had found that deprivation was consistent with there being a greater number of hazardous drinkers in this area, and that was what they had to draw on when making their recommendations. He did not consider that this information was misleading.
- They had New Zealand research that showed that, as the number of off-licences increased, the alcohol related harm also increased. The Medical Officer of Health was not asking them to 'take their word' on that. The evidence was available.

The Technical Officer for the Medical Officer of Health responded to questions from the Applicant as follows:

- In terms of this not being an additional store requesting to be granted an additional licence, and the store operating since 1983 as a liquor store, it would be up to the District Licensing Committee to decide on this. In her view there was going to be another liquor store opening in this community. The question was, which one was going to be the new licence, either the application for the store now opening up down the road as heard this morning, or the application for this store Mr Jones was intending to open.
- She had opposed the application for the licence for Mr Jones's Four Square in the last 18 months, due to the single alcohol area. The matter had been discussed, and although she was still not satisfied with it, an agreement had been reached with the Liquor Licensing Inspector.
- The Medical Officer of Health had not taken a position to oppose every single off-licence application.

- It was accepted that conditions imposed under section 117 could be discretionary conditions. She accepted that they must be reasonable and practicable.
- Should other off licenses come up for renewal, she would be asking the same questions. The Medical Officer of Health must be consistent.
- In relation to requested conditions to be imposed, as outlined in the conclusion of her statement of evidence, she had requested those conditions as studies showed that they could help to reduce harm. The Medical Officer of Health did know that these conditions could reduce harm.

The Technical Officer for the Medical Officer of Health responded to questions from the Committee as follows:

- In relation to any evidence of alcohol-related harm caused by an additional liquor licence in Katikati, certain areas had a higher number of off-licences than others, so in the research they had commented on the associations.
- Some estimates of demonstrable harm and how it was measured had been included in the research. There were two studies quoted, shown on page 35 of the Supplementary Evidence Pack, Appendix B, and page 39, where it looked at the increased associations of adding one additional outlet and alcohol-related harm and risk ratios. The risk ratios were not that straight forward.
- In his conclusions on page 35, they had stated that there were some positive associations seen between alcohol outlet density being reduced, and both individual levels of binge drinking and alcohol-related problems, independent of economic status.
- On page 39 for off-licences, the table of results relating to an increase of harm source for individuals, in model 3 there was a significant figure of 1.023, and that was a statistic that related to an increase in harm score in box 1. So, as the number of bottle scores increased, the harm scores increased. The 1.023 showed an accumulative effect. Each bottle store increased that effect by a small amount, and as the numbers of bottle stores increased, the harm increased and there was an increase in binge drinking.
- It was not a matter of saying this particular bottle store resulted in "X" amount of binge drinkers; it was saying that for people living in this particular area there was a greater risk of binge drinking.
- In that interpretation as described, it was saying that the way people were drinking was more risky, but they were not necessarily drinking more.

#### **Matter of Clarification - Population Densities in Katikati Area**

Ms Masoud-Ansari for the Applicant, noted that the population of the entirety of the Western Bay/Katikati area was much higher than the census data that indicated 4,000 and more accurately, it was about 12,500. During holiday periods, the population increased to around 25,000, with people coming into the area and accessing the main



roads. The statistical information provided had been unhelpful and had no real bearing on the reality in the area, as considering these factors would change the population density figures.

Through the Chairperson, Mr Jones advised as follows:

- In relation to the census data of 4,000, when he came to the area ten years ago he was told that the population area for Athenree/Te Poia was about 11,000 then.
- People coming from Kauri Point, Tuapiro, Ongare Point, and Te Poia still came into Katikati to shop and some were his customers. Therefore, there were six to seven stores in Katikati that serviced not 4,000 but 12,000 to 13,000 people.

The Chairperson noted that the Committee could understand the debate, and would make its conclusions taking into consideration points raised in the debate.

## **5. Closing Submissions from Reporting Agencies**

### **A) Liquor Licencing Inspector**

In summary, Mr Elvin, Liquor Licensing Inspector, addressed the hearing, noting that he had no further questions, and that his position remained unchanged and he did not oppose.

### **B) NZ Police**

In summary, Sergeant Brown, Liquor Licensing Co-ordinator (NZ Police–Bay of Plenty) addressed the hearing as follows:

- Police supported the Medical Officer of Health's opposition in terms of the Police's Provisional report where he had submitted that availability was one of the key considerations.
- It was up to the Committee to consider the aspect of availability towards harm, and to consider that nationally, if not locally, it was an issue and the object of the Act was to minimise alcohol harm.

### **C) Medical Officer of Health**

In summary, Ms Meertens, Technical Officer for the Medical Officer of Health addressed the Hearing as follows:

- The Applicant's suitability was not in question as he was running the local Four Square supermarket well.
- Like the application that had been heard at this morning's hearing for another premises in Katikati, the matter was for the Committee to decide. The Medical Officer of Health hoped that only one of the two applications would be granted, or that neither would be granted.
- In terms of the matter raised that her reports were insufficient, she had not merely stated that the Medical Officer of Health was opposed, she had provided the sections

under the Act and stated why. Her report submitted on 31 October 2017 could not be deemed to "not be a report".

- With the Local Alcohol Policy, and the matter of a cap on licenced premises, if there was a cap we would stay with the number of licenced premises there were in Katikati currently and that would be an end to the matter, but a cap was not in place.
- The hearing had taken place to consider whether an additional licensed outlet would cause increased alcohol-related harm in Katikati, and that was what the Committee must decide.

## 6. Applicants Right of Reply

In summary, Ms Masoud-Ansari addressed the hearing as follows:

- The Committee's duty was to consider the evidence before it and the object of the Act. Police had intimated that Mr Jones's statement regarding the object of the Act was not accurate, but the object of the Act in each instance must be looked at in terms of what was happening 'on the ground' in this location. The Committee would consider the question of whether there were any issues, how these issues would be managed, and whether this premise would add to problems or 'slot in' just like others, given the way this applicant was going to operate.
- The Medical Officer of Health's reports and evidence were the same for both premises before the Committee today, and that was not what the Act intended. The Act intended for each statutory officer to enquire into the application to provide specifics on the criteria in the Act that the Committee must turn its mind to. In her submission, the Medical Officer of Health had not adequately provided this.
- The issue of alcohol-related harm was understood. Unfortunately, the Act was a convoluted piece of legislation to deal with. All an operator could do was to put forward their case, be judged on the merits of the application, and what they intended to do to sell a highly regulated product in a responsible manner. Mr Jones had answered questions about the way in which he had sold these products, and how he intended to continue to operate if he has the privilege of obtaining the licence.
- The generic nature of the application could not be looked at, and that was why the Local Alcohol Policy was in place. The issue was that every community must determine for itself what was right. The Katikati community and Western Bay community had considered what was right, and had said they would not put a cap on liquor outlets, but would look at each application on its merits. They had left it to the Committee to consider the framework of the Act and determine how to proceed.
- Figures could not just be 'plucked' out of papers in order to produce or infer evidence that did not exist on the ground. If there was really an issue in Katikati, the Police would have provided infringement notices issued for consumption in a liquor

ban area or other evidence, but there was nothing of this nature in front of the Committee, and yet that was how the object of the Act must be measured, reasonably and responsibly.

- In terms of other matters before the Committee, Mr Jones had set out in his evidence his suitability, the Alcohol Policy, the days and hours he intended to trade, his intention to close his store at 8.00pm most nights and slightly later on Fridays, Saturdays and during the holiday period when the population of the area increased rapidly. He had advised on the intended design, layout, lighting, security and that he would have two staff on the premises.
- Mr Jones had spoken to all the objectors to provide clarity on how he intended to operate. Ms Logan's objection was the only one that could be considered under the Act, as had been confirmed by the Liquor Licensing Inspector in his report. In her explanation, Ms Logan had suggested that Mr Jones was, or wanted to be a "booze baron". Mr Jones outlined that he only owned two stores, he did not own 'all the other' stores and that had been in Katikati for eleven years acting responsibly, so that addressed the objections.
- With respect to the evidence of Police, Sergeant Brown suggested that he supported the Medical Officer of Health, yet a letter from Police had been provided stating that they did not oppose the application, so the hearing was 'at odds' as to what to accept. As the evidence stating Police did not oppose this application had been provided in writing, under the Act, it was the only evidence from Police that could be given any weight.
- With regard to issues raised by Ms Meertens, there was no ability for there to be local harm from this location, as it was to be managed with responsible sales of alcohol, which was governed by sections 105 and 106 of the Act.
- In relation to issues raised and proposed operations, as set out in the evidence of Mr Jones, this was not intended to be another Liquorland store, it was intended to be a specialist, boutique store intending to specialise in 'high end' wines, spirits, sherry's and ports. Mr Jones's customers could go elsewhere to purchase these products, but there did not seem to be that many places in Katikati that stocked the type of products he wanted to sell.
- There had been no problems so far in the car park area outside the store, but given that issues had been raised today regarding the War Memorial Hall area, and the fact that Mr Jones was a responsible member of the community, he had stated he would be looking at that carpark area much more closely. He also stated there would be CCTV for the duration of the times this store would be trading.
- Mr Jones had stated that he already had in place the Responsible Sales Policy, and the Restricted Sales Policy, so these policies would continue to be adhered to. This was a key consideration under the Act, as it was about whether Mr Jones would be able to sell a regulated product responsibly.
- There was no evidence that closing this store earlier or restricting sales of certain products would reduce any existing harm, or any

evidence of how this would work with any of the other stores that operate in Katikati. It was a fact that there would be other stores selling similar alcohol products (including Mr Jones's Four Square), so stopping this store would not alleviate any issues.

- Mr Jones had provided evidence under all the criteria within the Act as required, including how Liquorland stores operated.
- As the facts stood, there would not be an increase or decrease in outlets should this licence be granted. This store was one of the oldest in the area, having been established in 1983, so its presence should result in no change.
- The number of outlets was something that the Local Alcohol Policy could have controlled. However, at this stage, the Policy contained no limits on the number of stores, only the hours of operation, and Mr Jones was asking to operate within its parameters.
- In consideration of issues under section 106, the Committee must turn to the merits and direct evidence about this application. The Alcohol Control Bylaw, which was more recent than the Local Alcohol Policy, did not relate to the control of the number of stores and asked that alcohol in public places to be better controlled. Mr Jones had stated that he intended to consider the carpark and area surrounding the store. He did not intend to promote alcohol extensively outside. He may put up one or two signs that would not be product specific, and would be determined, effectively, by Liquorland for this unique boutique store in this location.
- The Applicant had been asked to consider the issue of single sales of beer and ready-to-drink (RTD) products, and these products not being not being open for display. At this stage, the Applicant could not provide an answer until Liquorland head office had responded, at which time they would provide a formal letter.
- As had already been noted, it was not intended that the store would sell 'low-priced, high-alcohol-volume' products, as these were not what Mr Jones intended to trade off.
- There would be no change to the amenity and good order in Katikati, in fact, there may be an improvement given the responsible way that Mr Jones operated. The Applicant believed this would be the case given that:
  - there would be no increase in the number of outlets in this area if the store was granted a licence,
  - there would be no increase in the availability of single products or low-priced high-alcohol volume products,
  - the way that the store would be established, branded, the location and management of products, staff and integration of deliveries would all result in an improvement in the store and the area.

Ms Masoud-Ansari advised that the statutory framework had been highlighted for the Committee and in conclusion, she read paragraph 54 on page 16 of her evidence in full.



## **7. Closure of the Evidential Hearing**

The Chairperson advised as follows:

- The evidential proceedings were now concluded.
- The Committee had familiarised themselves with the subject premises and no further site visit was required.
- The Committee would be seeking written closing submissions only to clarify responses in relation to the issue of single sales of beer and ready-to-drink (RTD) products and their display in relation to both applications before the Committee that day.
- The Committee reserved its decisions, and would reconvene to deliberate in due course, following the receipt of documentation as requested.

The Chairperson thanked all parties for their evidence and adjourned the hearing at 3.37pm.

## Western Bay of Plenty District Council

**Minutes of Meeting No. DL6 of the District Licensing Committee  
Reconvened on 15 December 2017 in the Athenree Room, Barkes Corner,  
Tauranga commencing at 9.30am**

### Present

Commissioner M Jones (Chairperson), Councillors D Thwaites (Deputy Chairperson) and Community Appointee J Davison

### In Attendance

A Curtis (District Licensing Secretary/Compliance and Monitoring Manager), and B Clarke (Democracy Advisor)

DL6.4            **Reconvened Hearing: Application No. LL6879 for a new off-licence under Sections 100 and 127(2), Sale and Supply of Alcohol Act 2012 - Applicant: Telfords Yard Limited - Premise located at 41 Main Road, Katikati, trading as Super Liquor Katikati**

### 7. Deliberative Discussion

The District Licensing Committee entered into deliberative discussion, during which time all evidence and matters relevant to the application were considered.

The Chairperson noted that at the conclusion of the evidential hearing and subsequent adjournment on 27 November 2017, the Committee had sought written closing submissions from the Applicant in relation to matters outstanding at the hearing. He noted that these had been received and circulated to the Committee and were taken as read.

The Compliance and Monitoring Manager tabled a document titled "Considerations in making a decision under the Sale and Supply of Alcohol Act 2012".

During deliberative discussion, the Committee turned its mind to consideration of the Act, and any relevant policies, and the following was noted:

- In relation to section 105(1)(a), the Committee was satisfied that the application met the object of the Act. No local evidence had

been provided to demonstrate that the object of the Act would not be met by granting this application.

- In relation to section 105(1)(b), the Committee was satisfied that the applicant was a suitable person to hold a licence and the reporting agencies had not questioned the applicant's suitability.
- In relation to section 105(1)(c), the Committee was satisfied that the application met the requirements of the Local Alcohol Policy as adopted by the Western Bay of Plenty District Council. In that policy in particular, the maximum trading hours for an off-licence being 7.00am to 10.00pm. There had been no evidence to suggest a reduction in operating hours.
- In relation to section 105(1)(d), the Committee was satisfied that the days and hours of operation sought in the application, being 9.00am to 10.00pm each day of the week, was less than the default national trading hours set out in the Act, and less than the hours set out in the Local Alcohol Policy.
- In relation to section 105(1)(e), the Committee was satisfied that the design and layout proposed for the premises complied with the requirements under the Act.
- In relation to section 105(1)(f), the Committee was satisfied that the sale of other goods complied with the requirements under the Act.
- In relation to section 105(1)(g), and the provision of other services, there was none so this was not in contention.
- In relation to section 105(1)(h), and (i) the Committee was satisfied that the amenity and good order of the locality was not likely to be reduced by the effects of the granting of the licence.
- In relation to section 105(j), the Committee was satisfied with the applicant's systems, staff and training, as they were appropriate and complied with the law.
- In relation to section 105(k), the Committee was satisfied that the applicant had addressed all the matters raised by the reporting agencies to their satisfaction. However, the question of the display and promotion of single sales was prominent in the minds of the Committee.

During deliberative discussion, the Committee turned its mind to the applicant's closing final submissions and general deliberations, noted the following:

- The closing submissions included evidence with regard to all of the relevant sections of the Act, which was similar to the findings of the Committee in its considerations of those sections.
- The applicant generally traded until 9.00pm, but wished to have the flexibility to trade until 10.00pm to respond to seasonal and holiday demands, which was reasonable. There was no evidence that reducing their hours to 9.00pm would address any actual or perceived harm.
- In terms of design and layout, the applicant had addressed the issue of crime prevention through environmental design criterion.
- There was no evidence produced during the hearing that alcohol harm was contributed to by signage. However, the applicant had

undertaken to restrict advertising on the external windows of the building to an A0 or A1 poster.

- Despite a high volume of evidence provided by the Medical Officer of Health, there was a question of the degree of relevance to this specific application and the Katikati area. Evidence provided had related to national and international evidence, but did not provide any local based evidence, either from the existing Super Liquor store or the proposed relocated liquor store, sufficient for the Committee to rely on.
- Neither the Police nor the Licensing Inspector had raised any issues over alcohol related harm in the immediate locality or the wider district of Katikati, and neither had opposed the application. In fact, the Police had indicated that Katikati did not have specific high levels of harm that they experience in other local communities in the district.
- The Medical Officer of Health had discussed the deprivation level of the Katikati community census area that of nearby Aongatete and Tahawai. Both of those areas treated Katikati as a service and shopping area. Following consideration of the criteria of the deprivation index, the Committee considered that the three areas should be considered collectively, and that the census statistics did not necessarily provide an accurate overview of the Katikati area communities.
- The Committee was mindful that there was a liquor ban in Katikati, but that there was no history of public drinking in the vicinity of the premises. The applicant had confirmed they would continue to monitor customers leaving the premises and the area around the store.

During further deliberative discussion, the following was noted:

- The Applicant was already an established operator, and there was no evidence that the applicant would not continue to be a suitable and responsible operator.
- The Medical Officer of Health had indicated that if this was the only application being considered for Katikati at this time (the other being the Jones Liquor Limited application), that it would not have been opposed.
- There appeared to have been no petitions from the public over concerns relating to alcohol, which would have indicated high public concern.
- There did not appear to be a high volume of community agencies needing to get involved in Katikati due to alcohol related issues or issues of crisis.
- The law permitted the sale of single serve products, and there was no evidence relating to this premise to indicate any related concerns. However, the Committee's preference was that there be no promotion of single serve products in a Liquor Ban area, in order to discourage 'on-the-spot' consumption, and further that single sales not be prominently displayed. It was noted that the applicant had offered not to display single serve products.



### **District Licensing Committee - Process Since Adjournment**

The Chairperson gave an overview noting that, following receipt of the Applicant's written closing submissions and subsequent deliberations, the Committee's position had been in favour of a condition being applied to the licence regarding the display of single sale RTD's and mainstream beer. He noted that a further Minute had had been sent by the Committee to the Applicant, and a response to the minute had been received on 21 December 2017.

In conclusion, following the hearing of all evidence, both written and verbal, and having regard to the relevant provisions of the Sale and Supply of Alcohol Act 2012, the Committee was satisfied that a new off-licence should be granted, pursuant to the conditions set out in the formal decision below.

The Chairperson noted that any party to proceedings may appeal the decision or any part of the decision upon payment of a fee and lodgement of the correct form. A right of appeal lies to the Alcohol Regulatory and Licensing Authority Tribunals Unit within ten working days after the decision is supplied.

**Resolved:** Chairperson Jones / Member Davison

*THAT, in respect of application No. LL6879 for a new off-licence under sections 100 and 127(2) of the Sale and Supply of Alcohol Act 2012, for Applicant: Telfords Yard Limited, for a premise located at 41 Main Road, Katikati, trading as Super Liquor Katikati, following the hearing and consideration of all evidence, both verbal and written, that the licence be granted, noting the full decision is as follows:*

***Decision number: 022/OFF/6879/2018***

***IN THE MATTER*** of the Sale and Supply of Alcohol Act 2012

***AND***

***IN THE MATTER*** of an application by Telfords Yard Limited  
in respect of an application for a new off-licence  
for premises situated at 41 Main Road Katikati,  
trading as Super Liquor Katikati

***Hearing Date:*** 27 November 2017

***Committee:*** Mr Michael Jones (Commissioner/Chair)  
Mr James Davison (Member)  
Mr Don Thwaites (Member/Councillor)

**Appearances:** *Mr Dipan Jamnadas Director, Telfords Yard Limited (Applicant)*  
*Mr Mahesh Jamnadas Director, Telfords Yard Limited (Applicant)*  
*Mr Sandy Watkins, Franchise Manager, Super Liquor Holdings (in support for the Applicant)*  
*Mr Steve McDowell (representing the Applicant)*  
*Mr Dougal Elvin (Licensing Inspector) – to assist*  
*Sgt Trevor Brown (NZ Police) – to assist*  
*Ms Dawn Meertens (representing Medical Officer of Health) – in opposition*  
*Mr James Scarfe (in support for the Medical Officer of Health)*

### **DECISION BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE**

*The application for a new off-licence is granted, subject to the conditions set out below. The Applicant may sell and deliver alcohol for consumption off the premises, or to provide samples of alcohol to persons on the premises.*

*The licence will expire one year from the date of issue, unless renewed.*

### **CONDITIONS**

*The licence is subject to the following 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 9:00am 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. A properly appointed certificated or acting or Temporary Manager must be on duty, at or nearby the point of sale, at all times when the premises are open for the sale and supply of alcohol.*
- 5. The Licensee must display signage as follows:*
  - a. At every point of sale detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;*
  - b. A copy of the licence attached to the inside of the premises so as to be easily read by people entering each principle entrance to the premises; and*
  - c. A sign prominently displayed at the premises, which identifies by name the manager for the time being on duty.*
- 6. The whole of the premises is designated as a supervised area.*

7. *That single serves of mainstream beer in 330ml size or RTD's are not to be displayed for sale within the store apart from in the chiller.*

### **BACKGROUND TO DECISION**

*The Committee must consider an application by Telfords Yard Limited (the Applicant) for a new off-licence to sell and supply alcohol for premises which trade as a bottle store, under the trading name of Super Liquor Katikati.*

*The application was publicly notified on the following dates; August 17, 2017, and August 24, 2017 and public objections were received from the following members of the public:*

- *D & J Logan*
- *W.G Gamble*
- *J Torrie*

*No objectors were present at the hearing.*

*All reporting agencies received copies of the application. No opposition was received from the Licensing Inspector or the Police. Opposition to the licence application was received from the Medical Officer of Health.*

*Due to the public objections and opposition from the Medical Officer of Health the matter came before the Licensing Committee to consider by way of public hearing.*

### **POSITION OF THE REPORTING AGENCIES**

#### ***Inspectors Position***

*The Committee has received a detailed report on the application from Licensing Inspector Mr Elvin. Mr Elvin raised no matters in opposition to the application.*

#### ***Medical Officer of Health Position***

*The Alcohol Regulatory Officer, Ms Meertens, is in opposition to the application. Her opposition is in relation to section 105 (1)(a) and (h) and section 106.*

*The Medical Officer of Health concerns were the following:*

- a) *Single sales may be harmful to the community in general.*
- b) *An additional off-licensed premises increased accessibility to alcohol leading to increased harm.*
- c) *The proposed "new" licence moving further down the road may affect the amenity and good order of the community and users of the surrounding areas.*
- d) *The location of the premises was in a high deprivation decile area.*

#### ***NZ Police Position***

*Sergeant Brown of the NZ Police raised no matters in opposition to the application*

**APPLICANTS CASE*****Applicants evidence*****Evidence of Mr McDowell:**

*This application was for a new licence, the tenancy currently occupied by Super Liquor Katikati was about to expire and the current operators wished to relocate within the township. All the existing conditions that currently sat with the license for the existing store had been applied for and essentially transferred over to the new store.*

*The applicant noted that no opposition had been raised by the Licensing Inspector and the Police. It was relevant to note that if there were specific issues around amenity and good order Police would have reported on this.*

*Mr McDowell raised some concerns about the process in relation to the Medical Officer of Health's report. The email from the Medical Officer of Health dated 28 August 2017 did not sufficiently provide information on what the problem was with amenity and did not address the hours or other evidence. The Medical Officer of Health referred to single sale RTD's and beers, the evidence provided by the Medical Officer of Health in their final submission but only gave national and international evidence.*

*The Medical Officer of Health's subsequent report dated the 31 October 2017 did not directly address any specific elements of harm being generated by the current operation of the bottle store. By the Applicant moving two doors up the road, it was difficult to see where the link was between any local related harm, what the current operation was doing, and how that was going to change.*

*The Medical Officer of Health had raised in evidence in opposition, the matters of limiting hours of availability and limiting advertising promotions. In terms of process, neither of these issues were raised in the first two of their reports and the Applicant was only made aware of them once the evidence was circulated. In terms of fairness and natural justice, those matters should have been set out in the initial report and they were not.*

*The Applicant was prepared to make an undertaking in relation to display of any single sale serves of mainstream beer or RTD's.*

**Mr Dipan Jamnadas, (Director, Telfords Yard Limited) evidence:**

*Mr Jamnadas's tabled his submission. His submission concluded that the company had operated in Katikati for six years with no negative effects to the community.*

***Cross Examination of Applicant***

*Mr Jamnadas responded to questions from the Committee as follows:*

*Carparking: there were six carparks, he felt there were sufficient carparks to support both the business.*

*Mr McDowell addressed the Committee, noting that the Applicant had been required to obtain a Planning Certificate from the Western Bay of Plenty District Council, which certified*



*that the car parking provided was sufficient for this type of use under the provisions of the District Plan.*

*Signage: Mr Jamnadas tabled a photograph of the AO signage. Apart from one 'AO' sign, there would be no product advertising on the outside of the building.*

*Single Sales: They did not specifically have a percentage of their turnover identified for single serve sales, but considered it was minimal, probably less than 5% of total turnover.*

*Public Place drinking in liquor ban area: They were not aware of people drinking alcohol at the back of the Katikati Hall, and that issue had never been raised with them by any locals or the Police. In relation to a reference made regarding a decision by the Authority in 2013, to the effect that single sales of alcohol around a liquor ban area would be inappropriate, he did not agree with that statement. Again, they had not had any local problem.*

*Incidents: They had an incident book as part of their operations, most of their incidents were related to ID checks (minors).*

*Staff numbers: they had one person on duty on Sunday to Tuesday, when it was quieter. Wednesday through to Saturday, they had two staff, at other busy periods, they had three people on duty.*

*Mr Jamnadas responded to questions from the Police as follows:*

*Trading Hours: In relation to the percentage of sales or the percentage of customers between 9.00pm and 10.00pm, they currently did not open their shop after 9.00pm. They only opened later during the Christmas and New Year periods, but every other times closed the shop at 9.00pm.*

*Public place drinking: If they believed a customer was going to drink on the street, they would advise them there was a liquor ban.*

*Mr Jamnadas responded to questions from the Medical Officer of Health as follows:*

*Hours: In terms of alcohol causing less issues the less hours it was available, he agreed.*

*RTD's: He did not agree that RTD's targeted young people, their RTD's were sold to different age groups, locally they sold more RTD's to people 25 years and above than to younger people.*

*Trading Hours: He would prefer to keep his hours as they were and to have that flexibility to stay open a bit later if they needed to.*

*Single sales: They did not actively promote single sales. They did not have local evidence to prove there was no harm from these single sales, or that amenity and good order was not effected by them.*

*Mr Jamnadas responded to questions from the Liquor Licensing Inspector as follows:*

*Identification of Intoxication: They did have a couple of incidents of intoxication over the past year written in their incident book. Staff used the speech- coordination method to identify intoxication, (e.g. if a person was displaying slurred speech).*

**INSPECTORS EVIDENCE**

*The Liquor Licensing Inspector advised that he had no additional evidence to provide and his report was taken as read.*

***Cross examination of Inspector:***

*Mr Elvin responded to questions from the Committee as follows:*

*Incidents: He had no concerns with the premises, and was familiar with the applicants incident reporting.*

*Premises in liquor ban area: he had no evidence to indicate that the premises had made sales that would breach the liquor ban.*

*Mr Elvin responded to questions from the applicant as follows:*

*Amenity and good order: he had no specific concerns about the amenity and good order in the premises vicinity, or the Katikati township.*

**POLICE EVIDENCE**

*Sergeant Brown advised that he had no additional evidence to provide, and his report was taken as read.*

**MEDICAL OFFICER OF HEALTH EVIDENCE**

*Ms Meertens read her submission in full to the hearing. The submission focussed on information provided in research studies and decisions applicable to the application.*

*Ms Meertens introduced James Scarfe (Analyst for Medical Officer of Health), who would be speaking to submissions in support of her case*

*In summary, Ms Meertens recommended, in the first instance, that this application be refused. However, that the following conditions be imposed if a licence was issued:*

- a) That the Committee use its discretion under Section 117 of the Act to exclude single sales of mainstream imported and local beers that were 500ml and under, including those with high alcohol content (over 7%), ciders and RTD's; except for wines over 375ml and craft beers.*
- b) That alcohol that may appeal to young people/minors was not advertised externally.*
- c) That the hours for the sale of alcohol be from 9.00am to 9.00pm.*

***Cross Examination of Applicant***

*Mr Scarfe responded to questions from the Committee as follows:*

*Deprivation level in Katikati: Katikati had seven off-licences with a population of 4,000, which was one per 571 people, so Katikati did appear to have more off-licence premises*

than the average in New Zealand. The Ministry of Health defined the boundary by the census area, however he did not have information defining the boundary, and the data did not consider if the township serviced a wider community.

He accepted that there were different types of off licences, and that the research did not pick and choose which types of off-licences were included in the data. It was noted that deprivation area indicators include a number of factors and it is not a measure of poverty.

*Ms Meertens responded to questions from the Committee as follows:*

*Advertising & RTD's: Super Liquor and Liquor Land no longer put RTD's in their window advertising and nationally there was a problem with external marketing.*

*New business vs existing business: In relation to the existing "transfer" of this business to a new site, the character of the Applicant, and the way he was currently operating his business and its impact on the local community, she had no issues. However, because another off licence is going where they are currently located, one of them was considered a new, additional licenced premises.*

*Ms Meertens responded to questions from the applicant as follows:*

*Hours of operation: She was aware that the joint Tauranga and Western Bay of Plenty District Local Alcohol Policy limited hours of operation to 10.00pm. It was her submission that the less hours of availability to alcohol the better the result for the community.*

*Advertising: In her experience bottle stores with large advertising externally exposed children walking to school to the marketing of alcohol. The Medical Officer of Health was trying to minimise harm by exposure.*

*History of applicant: She had not opposed the existing bottle store licence being renewed two years ago. There was case law available now around single sales, and she had opposed single sales since 2012, particularly in high deprivation areas, and she was now raising opposition.*

### **CLOSING COMMENTS**

*The Licensing Inspector and NZ Police raised no further issues in closing comments, and reiterated that they had no opposition to the application.*

*Ms Meertens on behalf of the Medical Officer of Health addressed the applicants comments about the nature of the opposition reports, and detailed that the "West" decision stated that the MOH opposition did not need to state everything in relation to the opposition.*

*Ms Meertens also stated that if there was not another off licence application being considered for Katikati that this application would not be opposed. It was a question of one premises too many.*

*Mr McDowell addressed the issue of hours, and advised that the Local Alcohol Policy set hours and his client operated within those hours.*

*Mr McDowell discussed the evidence produced by the MOH and the limitations of national evidence and the census data.*

*Mr McDowell reiterated the applicants offer of an undertaking in relation to single sales.*

### **DISCUSSION**

*The Chairperson addressed the matter of the public objectors at the introduction to the hearing and noted that the Authority stated that if objectors were not in attendance then "little or no weight" could be given to their objections. Accordingly the Committee has made note of the objections, but as the objectors were not able to present evidence or be questioned regarding their concerns, the issues raised have not been considered by the Committee.*

*As indicated at the hearing there are a number of matters that the Committee must determine. The primary issue to determine is whether the licence should be issued. If the licence is to be issued, then the Committee must determine the conditions which are to attach to the licence.*

### **Relevant legislation:**

#### *Section 3 of the Sale and Supply of Alcohol Act 2012-*

- (1) The purpose of Parts 1 to 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.*

#### *Section 4 of the Sale and Supply of Alcohol Act 2012-*

- (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 or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).*

#### *Section 105 of the Sale and Supply of Alcohol Act 2012-*



- (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.*

### **Considerations**

*In deciding whether to issue the licence, the District Licensing Committee must have regard to the criteria in section 105.*

*This requires the Committee to consider the following questions:*

- a) *Does the grant of the licence ensure the safe and responsible supply of alcohol and the minimisation of harm caused by excessive or inappropriate use of alcohol?*  
*The Committee heard evidence that the existing business and operator had been selling alcohol in a safe and responsible manner*
- b) *Is the applicant suitable?*  
*The Committee heard evidence that the applicant being an existing business operator was a responsible and experienced operator*
- c) *Are the days and hours during which the applicant proposes to sell alcohol suitable?*  
*The applied hours comply with the Tauranga and Western Bay of Plenty Local Alcohol Policy. The applicant operates within these hours, and there is no evidence to support a further reduction in operating hours*

- d) *Is the design and layout of the premises suitable?*  
*The design and layout of the premises is acceptable*
- e) *Does the applicant propose to sell goods other than alcohol such as low-alcohol refreshments, non-alcoholic refreshments and food?*  
*No goods other than alcohol, low and non alcohol refreshments, tobacco and food are to be sold*
- f) *Does the applicant propose to provide services other than those related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?*  
*No other services are offered*
- g) *Will the amenity and good order of the locality be reduced to more than a minor extent by the issue of the licence?*  
*No evidence was produced that the issue of the licence would adversely affect the amenity and good order of the area. It was noted that the business has operated in Katikati for over 6 years and there have been no issues raised by the Inspector or Police.*
- h) *Does the applicant have appropriate systems, staff and training to comply with the law?*  
*The applicant provided details of the systems, and staff involved in the operation of the business. There are no issues with the current operations and it is anticipated that this will be consistent with the operation in the new premises.*
- i) *Have the Police or Medical Officer of Health raised any concerns?*  
*The Police have raised no matters in opposition*

*The Medical Officer of Health has raised matters in opposition relating to:*

- *The number of licensed premises in Katikati*
- *Sales of RTD's and single bottle sales*
- *Hours of operation*
- *Amenity and good order.*

*The evidential basis for the Medical Officer of Health opposition has been supplied in research documents, specifically the 2010 paper "Alcohol outlet density, levels of drinking and alcohol-related harm in New Zealand: a national study"; 2017 paper, "The relationship between alcohol outlets and harm. A spatial analysis for New Zealand"; the 2008 paper "Ready to Drink are associated with heavier drinking patterns among young females", and Ministry of Health 2015, "Alcohol use 2012/13: New Zealand Health Survey". All the research provided is published academic research.*

*The concern from the Committee is that the research is generic and a degree of interpretation is required in considering the applicability of the research to the application before the Committee.*

*The Committee is as aware as the reporting bodies are that alcohol harm does occur in our communities. What the Committee has to consider is whether it is appropriate to apply generic research and data in the absence of any locality or premises specific information to the considerations applicable under section 105, for this licence application.*

*Evidence locally suggests that the premises is well managed, and that the operation of the business is in accordance with the Act.*

*There is no local evidence that supports that sales of RTD's and single bottle sales of mainstream beer is an issue either in terms of sales to local youth or that persons purchasing single bottles from the premises are likely to consume the alcohol whilst in the vicinity of the town centre, and accordingly breach Council's Liquor Control Bylaw. The Committee however does acknowledge that the national research does highlight single bottle sales, including RTD's as having the potential to lead to more risky drinking behaviour, particularly in a liquor ban area.*

*The applicant has offered to the Committee to undertake measures to limit the likely sales of single RTD's and mainstream beer, through limiting display of these products for sale. Following the hearing confirmation of the undertaking offered by the applicant at the hearing was provided by way of closing submission dated 28 November 2017.*

*The Committee has advised by way of minute it's preference to include a condition on the licence in preference to an undertaking regarding display of RTD's and single bottle sales of mainstream beer.*

*The applicant's preference is for an undertaking, however based on the Committees preference for a condition, a proposed condition has been provided by the applicant in relation to display of single bottle sales as follows, "That single serves of mainstream beer in 330ml size or RTD's are not to be displayed for sale within the store apart from in the chiller."*

*The Committee is satisfied with the proposed condition and that the considerations fall in favour of the application being granted. There is no evidence from the reporting agencies or on the application file which would suggest the applicant would sell or supply alcohol in any way contrary to the Act.*

### **HEARING ADJOURNMENT**

*It is noted that this decision has been pending by the Committee.*

*At the conclusion of the hearing date 27 November 2017, the Committee sought written closing submissions in relation to matters outstanding at the hearing.*

*Following receipt of the written closing submission and subsequent deliberations in which the Committee was in favour of a condition being applied to the licence regarding the display of single sale RTD's and mainstream beer, a further Minute was sent by the Committee. A response to the minute was received on 21 December 2017.*

**CONCLUSION**

*Having regard to the relevant provisions of the Sale and Supply of Alcohol Act 2012, the Committee is satisfied that a new off-licence should be granted, pursuant to the conditions set out above.*

**DATED** this 18<sup>th</sup> day of January 2018

Michael Jones

**Chairperson/Commissioner**

DL6.5            **Reconvened Hearing: Application No. LL6942 for a new off-licence under Sections 100 and 127(2), Sale and Supply of Alcohol Act 2012 - Applicant: Jones Liquor Limited - Premise located at 37 Main Road, Katikati, trading as Katikati Wines and Spirits**

**8. Deliberative Discussion**

The District Licensing Committee entered into deliberative discussion, during which time all evidence and matters relevant to the application were considered.

Through the Chairperson, the Compliance and Monitoring Manager noted that the Applicant's Legal Counsel had advised earlier in the week that she was awaiting instructions from her client and once received, would provide written closing submissions (also addressing the questions from the Chairperson), in time for the reconvened meeting today. However, they had not been forthcoming at the time of the meeting. It was, however, expected that they would be provided imminently, and once received would be circulated to the Committee for consideration.

The Chairperson noted that the Committee had received and heard sufficient evidence to proceed with its deliberations at this time. Further, that the Committee considered that ample time had been provided to the Applicant to provide closing submissions.

The Compliance and Monitoring Manager tabled a document titled "Considerations in making a decision under the Sale and Supply of Alcohol Act 2012".

During deliberative discussion, the Committee turned its mind to consideration of the Act, and any relevant policies, and the following was noted:

- In relation to section 105(1)(a), the Committee was satisfied that the application met the object of the Act. No local evidence had been provided to demonstrate that the object of the Act would not be met by granting this application.



- In relation to section 105(1)(b), the Committee was satisfied that the applicant was a suitable person to hold a licence and the reporting agencies had not questioned the applicant's suitability. The Applicant had been the Four Square Owner/Operator in Katikati for eleven years, and was already selling alcohol products responsibly.
- In relation to section 105(1)(c), and (d), the Committee was satisfied that the application met the requirements of the Local Alcohol Policy as adopted by the Western Bay of Plenty District Council.
- In relation to section 105(1)(e), the Committee was satisfied that the design and layout proposed for the premises complied with the requirements under the Act. Further, the Applicant intended to add new shelving to the chiller and ensure internal sight lines with lower shelving to provide security for shoppers.
- In relation to section 105(1)(f), the Committee was satisfied that the sale of other goods complied with the requirements under the Act.
- In relation to section 105(1)(g), and the provision of other services, there was none so this was not in contention.
- In relation to section 105(1)(h), and (i) the Committee was satisfied that the amenity and good order of the locality was not likely to be reduced by the effects of the granting of the licence.
- In relation to section 105(j), the Committee was satisfied with the applicant's proposed systems, staff and training, as what was proposed would be appropriate, satisfy required criteria and would comply with the law. The Committee noted that as this application was for a new operation, and it was possible that there may be a difference in terms of how it was proposed to operate. However, the Committee considered that it was in the Applicant's favour that he successfully and responsibly operated another business on the same site, and did not want his existing customers to be impacted by the operations of the new premises. Whilst there were not full details around the new store operations, there was sufficient confidence that this applicant would operate appropriately and responsibly.
- In relation to section 105(k), the Committee was satisfied that the applicant had addressed all the matters raised by the reporting agencies to their satisfaction, and in detail. However, the question of the display and promotion of single sales was prominent in the minds of the Committee.

During further deliberative discussion, the following was noted:

- The Applicant was already an established operator, and there was no evidence that the applicant would not continue to be a suitable and responsible operator in a new premises. In fact, the Applicant's current customers would likely be customers in the new premises as well.
- The Medical Officer of Health had indicated that if this was the only application being considered for Katikati at this time (the other being the Telfords Yard Limited application), that it would not have been opposed.

- Despite a high volume of evidence provided by the Medical Officer of Health, there was a question of the degree of relevance to this specific application and the Katikati area. Evidence provided had related to national and international evidence, but did not provide any local based evidence, either from the existing Super Liquor store or the proposed relocated liquor store, sufficient for the Committee to rely on.
- Neither the Police nor the Licensing Inspector had raised any issues over alcohol related harm in the immediate locality or the wider district of Katikati, and neither had opposed the application. In fact, the Police had indicated that Katikati did not have specific high levels of harm that they experience in other local communities in the district.
- The Medical Officer of Health had discussed the deprivation level of the Katikati community census area that of nearby Aongatete and Tahawai. Both of those areas treated Katikati as a service and shopping area. Following consideration of the criteria of the deprivation index, the Committee considered that the three areas should be considered collectively, and that the census statistics did not necessarily provide an accurate overview of the Katikati area communities.
- The Committee was mindful that there was a liquor ban in Katikati, but that there was no history of public drinking in the vicinity of the subject premises, although it had operated as a bottle store for years. The applicant had confirmed his staff would monitor customers and the area around the store, just as he did with the Four Square.
- The law permitted the sale of single serve products. However, the Committee's preference was that there be no promotion of single serve products in a Liquor Ban area, in order to discourage 'on-the-spot' consumption, and further that single sales not be prominently displayed. It was noted that the applicant had offered not to display single serve products or promote them.

#### **District Licensing Committee - Process Since Adjournment**

- A. The Chairperson noted that the Committee was in favour of a condition being applied to the licence regarding the display of single sale RTD's and mainstream beer, and sent a further Minute to the Applicant, noting that before finalising its decision, the Committee would await a response to the Minute, and the written closing submissions.
- B. The Applicant's response to the minute was received on 18 January 2018. This response detailed that whilst there was a lack of evidential foundation to support a condition, that as a responsible retailer, the Applicant had proposed a number of conditions for the Committee's consideration.
- C. Further clarification of the proposed conditions was sought by the Committee and the final conditions as agreed by the Applicant, were as follows:

1. Single bottles or cans of ready to drink products shall not be displayed for sale, or sold, where the volume is 330ml or less, unless the manufacturer intends for the item to be sold as a single serve.
  2. There shall be no display or sale of single bottles of mainstream beers, where the volume is 330ml or less, and not intended by the manufacturer to be sold as a single item. The mainstream beers to which this condition relates are named as follows: Lion Red, Waikato Draught, Speights Gold Medal Ale, Export Gold, Tui East India Pale Ale. This condition does not apply to any other beer.
  3. Where items of products classified in conditions 1 and 2 are to be sold, they are to be sold as multiples.
  4. For the avoidance of doubt, craft beers, or items where the manufacturer classifies the item as a craft beer, or cider, or craft ready to drink product, may be displayed for sale and sold as a single item even though it is in bottles or cans which are 330ml or less.
- D. Having regard to the relevant provisions of the Sale and Supply of Alcohol Act 2012, the Committee was satisfied that a new off-licence should be granted, pursuant to the conditions set out above.

The Chairperson noted that any party to proceedings may appeal the decision or any part of the decision upon payment of a fee and lodgement of the correct form. A right of appeal lies to the Alcohol Regulatory and Licensing Authority Tribunals Unit within ten working days after the decision is supplied.

**Resolved:** Councillor Thwaites / Member Davison

*THAT, in respect of application No. LL6942 for a new off-licence under sections 100 and 127(2) of the Sale and Supply of Alcohol Act 2012, for Applicant: Jones Liquor Limited, for a premise located at 37 Main Road, Katikati, trading as Katikati Wines and Spirits, following the hearing and consideration of all evidence, both verbal and written, that the licence be granted, noting the full decision is as follows:*

***Decision number: 022/OFF/6942/2018***

***IN THE MATTER*** of the Sale and Supply of Alcohol Act 2012

*AND*

***IN THE MATTER*** of an application by Jones Liquor Limited in respect of an application for a new off-licence for

*premises situated at 37 Main Road, Katikati trading as Katikati Wines and Spirits*

**Hearing Date:** 27 November 2017

**Committee:** Mr Michael Jones (Commissioner/Chair)  
Mr James Davison (Member)  
Mr Don Thwaites (Member/Councillor)

**Appearances:** Mr Peter Jones (Applicant)  
Ms Setareh Masoud-Ansari (Barrister/Legal Counsel representing the Applicant)  
Mr Dougal Elvin (Licensing Inspector) – to assist  
Sgt Trevor Brown (NZ Police) – to assist  
Ms Dawn Meertens (representing Medical Officer of Health) – in opposition  
Mr James Scarfe (in support for the Medical Officer of Health)

**DECISION BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE**

*The application for a new off-licence is granted, subject to the conditions set out below. The Applicant may sell and deliver alcohol for consumption off the premises, or to provide samples of alcohol to persons on the premises.*

*The licence will expire one year from the date of issue, unless renewed.*

**CONDITIONS**

*The licence is subject to the following 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 Saturday 9:00am to 10:00pm & Sunday 9:00am to 9:00pm*

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. *A properly appointed certificated or acting or Temporary Manager must be on duty, at or nearby the point of sale, at all times when the premises are open for the sale and supply of alcohol.*
5. *The Licensee must display signage as follows:*



- a. *At every point of sale detailing restrictions on the sale and supply of alcohol to minors and intoxicated persons;*
  - b. *A copy of the licence attached to the inside of the premises so as to be easily read by people entering each principle entrance to the premises; and*
  - c. *A sign prominently displayed at the premises, which identifies by name the manager for the time being on duty.*
6. *The whole of the premises is designated as a supervised area.*
  7. *Single bottles or cans of ready to drink products shall not be displayed for sale, or sold, where the volume is 330ml or less, unless the manufacturer intends for the item to be sold as a single serve.*
  8. *There shall be no display or sale of single bottles of mainstream beers, where the volume is 330ml or less, and not intended by the manufacturer to be sold as a single item. The mainstream beers to which this condition relates are named as follows: Lion Red, Waikato Draught, Speights Gold Medal Ale, Export Gold, Tui East India Pale Ale. This condition does not apply to any other beer.*
  9. *Where items of products classified in conditions 7 and 8 are to be sold, they are to be sold as multiples.*
  10. *For the avoidance of doubt, craft beers, or items where the manufacturer classifies the item as a craft beer, or cider, or craft ready to drink product, may be displayed for sale and sold as a single item even though it is in bottles or cans which are 330ml or less.*

### **BACKGROUND TO DECISION**

*The Committee must consider an application by Jones Liquor Limited (the Applicant) for a new off-licence to sell and supply alcohol for premises which trade as a bottle store, under the trading name of Katikati Wines and Spirits.*

*The application was publicly notified on the following dates; August 24, 2017, and August 31, 2017 and public objections were received from the following members of the public:*

- *D & J Logan*
- *T Burdett*
- *J Torrie – withdrawn on 19 October 2017*
- *L Fisher*
- *C Oates*
- *I Mitchell*
- *K.B Sampson – Late objection*

*No objectors were present at the hearing.*

*All reporting agencies received copies of the application. No opposition was received from the Licensing Inspector or the Police. Opposition to the licence application was received from the Medical Officer of Health.*

*Due to the public objections and opposition from the Medical Officer of Health the matter came before the Licensing Committee to consider by way of public hearing.*

### **POSITION OF THE REPORTING AGENCIES**

#### ***Inspectors Position***

*The Committee has received a detailed report on the application from Licensing Inspector Mr Elvin. Mr Elvin raised no matters in opposition to the application.*

#### ***Medical Officer of Health Position***

*The Alcohol Regulatory Officer, Ms Meertens, is in opposition to the application. Her opposition is in relation to section 105 (1) (a) and (h) and section 106.*

*The Medical Officer of Health concerns were the following:*

- e) Single sales may be harmful to the community in general.*
- f) An additional off-licensed premises increased accessibility to alcohol leading to increased harm.*
- g) The proposed "new" licence moving further down the road may affect the amenity and good order of the community and users of the surrounding areas.*
- h) The location of the premises was in a high deprivation decile area.*

#### ***NZ Police Position***

*Sergeant Brown of the NZ Police raised no matters in opposition to the application.*

### **APPLICANTS CASE**

#### ***Applicant's evidence***

##### **Evidence of Ms Masoud-Ansari:**

*That the Committee had before it an unusual situation, with two applications for two premises within a short location of each other. Both applicants had licences previously, and that the suitability of the applicants was not in question. Her leading submission was that there was no legal impediment to granting both applications.*

*Ms Masoud- Ansari detailed that the Local Alcohol Policy was the significant guiding document which set the framework in place about store hours, and whether there should be a cap on the number of outlets. No restrictions on number of outlets applied in the Council's Local Alcohol Policy. Further, that in terms of the store hours, the applicant, Jones Liquor Limited, was seeking to operate within the Policy hours.*

*Ms Masoud-Ansari then outlined that the legal framework was heavily influenced by case law, in terms of section 105 and 106. The Medical Officer of Health had referred the Committee to a number of cases which reflected on these sections of the Act. In particular, the case of Birthcare, the court was clear about the criteria of section 105, and the criteria defined localised, demonstrated harm as associated with that applicant.*

*The second case which had been referred to was Liquor King, Kent Terrace, this case outlined that there was not the burden on any statutory office holder (e.g. MOH) to prove anything, they were reporting and that was their statutory duty under section 102. However they were required under that duty to look into the application, into hours, products sold, how they intended to operate, and then under amenity and good order to look at the local harm.*

*The Committee had heard from the Medical Officer of Health representatives in the evidence for Telford Yards Limited this morning regarding census data, but this was a 'tricky' thing to apply here. It was 2013 data, and did not show the increase in population in the entirety of this area, did not take into account that a large proportion of the population in the defined area were, in fact, retirees. It was considered that the data was generic.*

*It was noted that the MOH had concern with people between the ages of 15-24 consuming alcohol, they were a problematic age, and every single retailer had practices/procedures in place to manage that issue. The applicant was not new to this Act, and had been running Four Square Katikati for the past eleven years without issue.*

*The evidence in opposition by the Medical Officer of Health had to be reasonable, and able to be 'tied in' to the evidence of harm in Katikati, in this particular location as this was the area the application was concerned with. The Applicant's store was not the only store, there were six or more other stores, some were 'mixed' stores but there were really only three that were off-licence outlets.*

*Mr Peter Jones (Applicant- Jones Liquor Limited) evidence:*

*Mr Jones tabled his submission. He requested that it be taken as read and provided a summary of his submission.*

*He advised that a few years ago he had purchased the property, which incorporated the Four Square and existing liquor shop. He operated the Four Square, and had leased out the liquor shop premises. The lease for the liquor store was ending, and this provided an opportunity to take over the premises, lifting the standard. He wanted to utilise this premises to be able to sell a variety of products and spirits that his customers wanted.*

*He was a responsible operator of a supermarket that retailed wine and beer conscientiously, and he was a 'local'. He was Chairman of the North Island Four Square committee and expected to lead by example in terms of meeting the requirements and obligations of the law in business operations.*

*He was a member of the Tauranga Western Bay Off-Licence Alcohol Accord. As such, he knew the issues in the community, and how, as retailers they managed their responses as retailers of alcoholic products. He knew who the vulnerable members of the community were and they would be managed in accordance with their Restrictive Sales Policy. He had a positive relationship with the Police and the Council.*

*If the licence was granted, he would be monitoring the carpark area, and looking at combined deliveries, so there would be less traffic. There was rear access and storage at the rear of the store that he would be utilising. He did not intend to market cheap alcohol as that was against Liquorland policy.*

*He did not believe that the amenity and good order of the neighbourhood or the commercial precinct would be lessened if this licence was granted.*

**Cross Examination of Applicant**

*Mr Jones responded to questions from the Committee as follows:*

*Branding and Style of operation: He detailed that Foodstuffs is a cooperative and the second largest company in New Zealand after Fonterra. Foodstuffs is owned by the owners of Pak n Save's, New World's, Four Square's as a group, and Foodstuffs also own the Liquorland chain. The Liquorland franchise operated throughout the country, it was a smaller premise, so they are aiming to run a boutique style operation. The new store would be called Katikati Wines and Spirits, but the signage and colouring of the branding had not been finalised.*

*The final product range would be aimed at the premium market, and that product range had not yet been defined, but it was not intended to have the same product range as the other Liquorland. They would follow Liquorland policy.*

*RTD's and single sales: The RTD's would not be stacked at the front of the store. In terms of restricting the promotion of RTD's, he would have to take advice on that. With regard to single bottle beer sales, he did not want to be restricted to no single sales, and made no undertaking.*

*Ms Masoud-Ansari gave clarification as follows:*

*The store was a new enterprise and would be a fine wines store focusing on premium products. As such, the products would be different to those sold in the Four Square, with 'higher end' wines and spirits sold.*

*Katikati would be one of the first towns to have a boutique store that was not offering the same as other 'mainstream' Liquorland stores. Liquorland did not permit competing Liquorlands in the same area. The final selection of products had not been finalised, but it was not intended that it would be selling cheap products.*

*It was understood that the Committee was concerned about promotion of single sale products, and Mr Jones would have to discuss the matter with Liquorland Head Office. The fact that the law was silent on single sale promotions meant that the Committee would have to make a decision on a case-by-case basis, and that was entirely down to the Committee's evaluation and based on the evidence before them.*

*Mr Jones responded to questions from the Liquor Licensing Inspector as follows:*

*Procedures for management of the store- Mr Jones detailed that the new store location would allow ease of management, he would be right there, the stores linked with a door at the back, and he would be able to go from his office in the wider store and into the new store. He would employ dedicated General Managers who were members of the community for the new store.*

*Mr Jones responded to questions from the Police as follows:*

*Harm from alcohol – Mr Jones detailed that with respect to assessing the harm from his liquor sales that he was unable to view what happened in his customer's homes, and no one*



*could know that. He could not see what happened with any of the products he sold at Four Square, for example, if a craft knife was used for harm, or if a glue or solvent was used for sniffing, so there were a lot of things he could not see that happened with products he sold.*

*Ms Masoud-Ansari objected in this matter, that Sergeant Brown had raised issues around the generality of harm from alcohol, but it was guided by statute, and was a regulated product. All that Mr Jones could do was to determine the level of harm that was localised, and that was before this Committee.*

*Mr Jones advised he was not aware of Police having an issue with this application, or opposing it in any way.*

*Price Wars- The Police questioned pricing and would his new premises association with the Four Square and Liquorland provide a platform for a price war in Katikati. Mr Jones advised that Countdown Supermarket was a lot bigger operation than his was. He did not try to compete; his pricing was a little higher than New World's. He would not intentionally be involved in a 'price war' with anyone else in town.*

*Ms Masoud-Ansari addressed the Committee, noting that Mr Jones could not go to another store and ask them to reduce their prices for beer so that he could operate, as he desired. It was not simply the market driving behaviour, it was Liquorland policies, and was the way "top-down" control worked, prices were not specific to a store or town. Mr Jones would be stocking sherry and port and those were not products that any store but a fine wines store would be stocking.*

*Mr Jones responded to questions from the Medical Officer of Health as follows:*

*Co-located premises operation- With regard to the close location of his two businesses that there would be an open "office" door between the two premises for staff use, and he would have more than one Duty Manager. There would be a separate Manager in the bottle store, but if one person was sick, the other Manager could go between them.*

*In terms of sending customers who wanted to buy port or sherry into the new premises, and not sending them to the existing premises, yes, he could send them to an existing premises for sherry and port, but as they were already his customers, if he gets this licence he would naturally send them to his own store.*

*Company entity- Mr Jones detailed that Foodstuffs and Liquorland were separate entities, although Foodstuffs owned Liquorland. Liquorland was an entity of Foodstuffs, so Foodstuffs was like a 'parent company'. They also owned New World's, Four Square's, Pak'n Save's, and they owned Gilmour's. There were Liquorland boutique stores in the suburbs of Auckland. Foodstuffs was a co-operative that people owned with shares.*

*Promotions- With regard to the type of promotion by Liquorland in Katikati, the existing Liquorland store did have promotional flyers but his store would not be called Liquorland, so he would have his own advertising.*

*Ms Masoud-Ansari addressed the Hearing, regarding pricing noting that, Liquorland pricing was set corporately, with a determination of what was across the market, ie national or regional so it could not be set at a local level, and in fact if Mr Jones went against accepted price promotions he may stand to lose his ability to sell.*

*Local alcohol policy- Mr Jones advised that he did not personally submit to the hearings in relation to the Local Alcohol Policy, although the Foodstuffs Group did, because they had many supermarkets in the area. If there was no cap in the policy, consideration of number of premises was at the discretion of the Committee.*

*Ms Masoud-Ansari supported Mr Jones in addressing the following in relation to matters raised by the Technical Officer, Medical Officer of Health:*

*In relation to single sales or single items for sale, Mr Jones would reconsider the single sales RTD's and the sales of cheap RTD items.*

*In relation to security and car parks, such as having a Duty Manager, having shelves not too high so there was clear visibility, clear glass doors to the chiller; the Four Square staff were walking the carpark, filling gas bottles, and could be observing, and there should any incidents occur. They had not noted any issues with the liquor store customers with the current owners. There had been one argument escalating in their carpark, which they had needed to call the Police. They had walked the carpark early in the morning and picked up some cans, and bottles that they did not like having to do.*

*In relation to any additional measures, he would put up signage to assist. He had a vested interest in the customers of the Four Square feeling comfortable. They were located in a key area of the town so would continue that vigilance.*

*The current store had been purpose -built as a wine shop in 1983, and had been a liquor store that entire time. He accepted that his ability to trade there would be subject to the decision of this District Licensing Committee.*

*Mr Jones responded to further questions from the Committee as follows:*

*Signage- signage would be limited as there were large windows at the front that took up a lot of space, and a town artistic mural on the side and southern side of the building. In terms of the posters shown on either side of the main entrance he would possibly intend to have those, at a maximum. They were possibly only an A1 size poster. He did not intend to have any sandwich boards.*

### **INSPECTOR'S EVIDENCE**

*The Liquor Licensing Inspector advised that he had no additional evidence to provide and his report was taken as read.*

### **POLICE EVIDENCE**

*Sergeant Brown advised that he had no additional evidence to provide, and his report was taken as read.*

### **MEDICAL OFFICER OF HEALTH EVIDENCE**

*Ms Meertens did not read her submission in full to the hearing, as this has been presented to the Committee at the hearing for Telford Yards Limited earlier in the day.*

*In summary, Ms Meertens recommended, in the first instance, that this application be refused. However, that the following conditions be imposed if a licence was issued:*

- a) That the Committee use its discretion under Section 117 of the Act to exclude single sales of mainstream imported and local beers that were 500ml and under, including those with high alcohol content (over 7%), ciders and RTD's; except for wines over 375ml and craft beers.*
- b) That alcohol that may appeal to young people/minors was not advertised externally.*
- c) That the hours for the sale of alcohol be from 9.00am to 9.00pm.*

### **Cross Examination of MEDICAL OFFICER OF HEALTH**

*Mr Meertens responded to questions from the applicant as follows:*

*Report on the application- She agreed her report was a letter specifying sections of the Act under which she opposed the application, followed by a report dated 31 October 2017. She confirmed this report was the same as for the previous applicant that day, with applicant details changed, she noted that the object of Act was what the Hearing was focusing on, and specifically in regard to Katikati. There was no local research for Katikati, only research around alcohol harm, and she was reporting that an increase in the number of licensed premises increased the potential for alcohol harm.*

*Local alcohol policy- In terms of the Local Alcohol Policy, and the fact that it did not cap the number of licenced premises, she believed that these decisions had been left to the District Licensing Committee.*

*Opposition and conditions- The Medical Officer of Health had not opposed every single licence application. In relation to her submission, with a requested condition to be imposed she had asked for those conditions, as the Medical Officer of Health did know that these could reduce harm.*

*Mr Scarfe responded to questions from the applicant as follows:*

*Census data- Katikati community had a deprivation decile of category of 8, that was the higher end of the scale. A neighbouring area was decile category 5, just to clarify. It was accepted that the statistics were four years old.*

*Ms Meertens responded to questions from the Committee as follows:*

*Harm- Estimates of demonstrable harm and how it was measured had been included in the research. The studies link increased alcohol related harm and additional outlets. There were positive associations seen between outlet density being reduced, and reduced harm. As the number of bottle scores increased, the harm scores increased and there was an accumulative effect and an increase in binge drinking. It was not a matter of saying this particular bottle store resulted in X amount of binge drinkers, it was saying in this particular area there was a greater risk of binge drinker.*

*Ms Masoud-Ansari for the applicant noted that the population was greater in the general Katikati/Western Bay area that stated for Katikati, and was also greatly increased during*



holiday periods, when the population could be as high as 25,000. Taking this into account, this could change the density to population numbers. Mr Jones noted that a lot of surrounding communities came into Katikati and purchased from his store, and he felt the numbers could be as high as 12,000.

### **CLOSING COMMENTS**

*The Licensing Inspector raised no further issues in closing comments, and reiterated that he had no opposition to the application.*

*Sergeant Brown on behalf of the Police advised that Police did support the Medical Officer of Health's opposition to the application. He noted that Police had submitted that availability was one of the key considerations, and he reiterated that the Object of the Act was to minimise alcohol harm.*

*Ms Meertens on behalf of the Medical Officer of Health advised that the Applicant's suitability was not in question, but the consideration was his application for a new licence in this store. Ms Meertens recommended that only one of the Applications before the District Licensing Committee today (Telford Yards Limited and Jones Liquor Limited) was granted, or that neither be granted. Ms Meertens noted that the matters raised by the Medical Officer of Health went beyond stating the sections under which the application was opposed, and the report she had submitted on 31 October 2017 was a report, and could not be deemed not to be a report. Ms Meertens also advised that in the case of the Local Alcohol Policy, if there was a cap on licensed premises, that would be an end to the matter, but we do not have this in place. The decision to be made was whether an additional outlet would cause increased harm and that was what must be decided.*

*Ms Masoud-Ansari on behalf of the applicant advised that there was no cap on numbers of licensed premises in the Local Alcohol Policy, and that the committee must consider the requirements under the Act with regard to the individual premises effect on amenity and good order.*

*Ms Masoud-Ansari outlined that there has been no opposition from the Police or Inspector with regard to amenity and good order and that if there was an issue that would have been presented to the committee.*

*Ms Masoud-Ansari advised that Mr Jones is a member of this community and will look at the operation including hours of trade and, management of the carpark in a responsible manner. He has a responsible sales policy that work because he already has them in place for his current store.*

*Ms Masoud-Ansari advised this is not a run of the mill liquor store, but a boutique store and will sell high end product.*

### **DISCUSSION**

*The Chairperson addressed the matter of the public objectors at the introduction to the hearing and noted that the Authority stated that if objectors were not in attendance then "little or no weight" could be given to their objections. Accordingly, the Committee has*



*made note of the objections, but as the objectors were not able to present evidence or be questioned regarding their concerns, the Committee has not considered the issues raised.*

*As indicated at the hearing, there are a number of matters that the Committee must determine. The primary issue to determine is whether the licence should be issued. If the licence is to be issued, then the Committee must determine the conditions, which are to attach to the licence.*

### **RELEVANT LEGISLATION**

#### *Section 3 of the Sale and Supply of Alcohol Act 2012-*

- (1) The purpose of Parts 1 to 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.*

#### *Section 4 of the Sale and Supply of Alcohol Act 2012-*

- (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 or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).*

#### *Section 105 of the Sale and Supply of Alcohol Act 2012-*

- (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.*

### **Considerations**

*In deciding whether to issue the licence, the District Licensing Committee must have regard to the criteria in section 105.*

*This requires the Committee to consider the following questions:*

- a) *Does the grant of the licence ensure the safe and responsible supply of alcohol and the minimisation of harm caused by excessive or inappropriate use of alcohol?  
The Committee heard evidence that Mr Jones in his existing Food Square business had been selling alcohol in a safe and responsible manner.*
- b) *Is the applicant suitable?  
The Committee heard evidence that the applicant being an existing business operator was a responsible and experienced operator.*
- c) *Are the days and hours during which the applicant proposes to sell alcohol suitable?  
The applied hours comply with the Tauranga and Western Bay of Plenty Local Alcohol Policy. The applicant proposed hours of operation are within these hours, and there is no evidence to support a further reduction in operating hours*
- d) *Is the design and layout of the premises suitable?  
The design and layout of the premises is acceptable.*
- e) *Does the applicant propose to sell goods other than alcohol such as low-alcohol refreshments, non-alcoholic refreshments and food?  
No goods other than alcohol, low and non alcohol refreshments, tobacco and food are to be sold.*
- f) *Does the applicant propose to provide services other than those related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food?  
No other services are offered.*

- g) *Will the amenity and good order of the locality be reduced to more than a minor extent by the issue of the licence?*

*No evidence was produced that the issue of the licence would adversely affect the amenity and good order of the area. It was noted that no issues were raised by the Inspector or Police in their reports. The Medical Officer of Health produced general evidence that indicates an increase outlet density will result in a reduction in amenity, however there was no evidence in relation to the potential amenity effects from this premises. It was noted that the Medical Officer of Health was supported by Inspector Brown at the hearing; however this was not indicated in his report to the Committee. The Committee anticipated that if there were an increased negative effect from the grant of this (or any other) licence that this would be addressed by reporting agencies at the time of the licence renewal.*

- h) *Does the applicant have appropriate systems, staff and training to comply with the law?*

*The applicant provided details of the systems, and the operation of the business. It was noted that there are no issues with the current operation of the applicants existing business, however this operation was a different style of off licence from the applicants existing business. It is anticipated that the applicant will operate the new business in a manner consistent with the operation in the existing licensed premises.*

- i) *Have the Police or Medical Officer of Health raised any concerns?*

*The Police have raised no specific matters in opposition in their reports; however, this was varied by Sergeant Brown at the hearing through supporting the MOH position.*

*The Medical Officer of Health has raised matters in opposition relating to:*

- *The number of licensed premises in Katikati*
- *Sales of RTD's and single bottle sales*
- *Hours of operation*
- *Amenity and good order.*

*The evidential basis for the Medical Officer of Health opposition has been supplied in research documents, specifically the 2010 paper "Alcohol outlet density, levels of drinking and alcohol-related harm in New Zealand: a national study"; 2017 paper, "The relationship between alcohol outlets and harm. A spatial analysis for New Zealand"; the 2008 paper "Ready to Drink are associated with heavier drinking patterns among young females"; and Ministry of Health 2015, "Alcohol use 2012/13: New Zealand Health Survey". All the research provided is published academic research.*

*The concern from the Committee is that the research is generic and a degree of interpretation is required in considering the applicability of the research to the application before the Committee.*

*The Committee is as aware as the reporting bodies are that alcohol harm does occur in our communities. What the Committee has to consider is whether it is appropriate to apply generic research and data in the absence of any locality or premises specific information to the considerations applicable under section 105, for this licence application.*



*Evidence locally suggests that the premises will be well managed, based on the existing business history of the applicant, and that the operation of the business will be in accordance with the Act.*

*There is no local evidence that supports that sales of RTD's and single bottle sales of mainstream beer is an issue either in terms of sales to local youth or that persons purchasing single bottles from the premises are likely to consume the alcohol whilst in the vicinity of the town centre, and accordingly breach Council's Liquor Control Bylaw. The Committee however does acknowledge that the national research does highlight single bottle sales, including RTD's as having the potential to lead to more risky drinking behaviour, particularly in a liquor ban area.*

*The Committee through the hearing indicated that it was interested in whether the applicant would provide any offer or any undertaking with respect to limiting the sales of single RTD's and mainstream beer, through limiting display of these products for sale. At the hearing the applicant indicated that RTD's would not be displayed at the entrance to the store, but has not made any other indication of controls that would be applied to limit promotion or sales of single bottle RTD's and mainstream beer.*

*The applicant made it clear that the parent company would need to be consulted regarding promotion and sales of goods, and that no commitment would be made without consultation on company practices. The Committee was disappointed to note that no representative was present at the hearing representing the Liquorland franchise, and it would have been the Committee's preference to have a representative present to resolve queries regarding the company practices, promotions and pricing at the hearing. The lack of any representation did leave the Committee uncertain about the level of control Mr Jones as the applicant would have in the overall running of the business as the business decisions of interest to the committee including alcohol promotion, types of products, advertising and display did not appear to be his to decide.*

*The Committee has advised by way of minute it's preference to include a condition on the licence regarding display of RTD's and single bottle sales of mainstream beer.*

*The Committee is satisfied with the proposed conditions and that the considerations fall in favour of the application being granted. There is no evidence from the reporting agencies or on the application file, which would suggest the applicant would sell or supply alcohol in any way contrary to the Act.*

### **HEARING ADJOURNMENT**

*It is noted that this decision has been pending by the District Licensing Committee.*

*At the conclusion of the hearing date 27 November 2017, the Committee sought written closing submissions in relation to matters outstanding at the hearing.*

*Following receipt of the written closing submission and subsequent deliberations in which the Committee was in favour of a condition being applied to the licence regarding the display of single sale RTD's and mainstream beer, a further Minute was sent by the Committee.*



*A response to the minute was received on 18 January 2018. This response detailed that whilst there was a lack of evidential foundation to support a condition, that as a responsible retailer that a number of proposed conditions were provided for the Committee consideration.*

*Further clarification of the proposed conditions was sought by the committee and the final conditions agreed by the applicant, as follows:*

- 1. Single bottles or cans of ready to drink products shall not be displayed for sale, or sold, where the volume is 330ml or less, unless the manufacturer intends for the item to be sold as a single serve.*
- 2. There shall be no display or sale of single bottles of mainstream beers, where the volume is 330ml or less, and not intended by the manufacturer to be sold as a single item. The mainstream beers to which this condition relates are named as follows: Lion Red, Waikato Draught, Speights Gold Medal Ale, Export Gold, Tui East India Pale Ale. This condition does not apply to any other beer.*
- 3. Where items of products classified in conditions 1 and 2 are to be sold, they are to be sold as multiples.*
- 4. For the avoidance of doubt, craft beers, or items where the manufacturer classifies the item as a craft beer, or cider, or craft ready to drink product, may be displayed for sale and sold as a single item even though it is in bottles or cans which are 330ml or less.*

### **CONCLUSION**

*Having regard to the relevant provisions of the Sale and Supply of Alcohol Act 2012, the Committee is satisfied that a new off-licence should be granted, pursuant to the conditions set out above.*

**DATED** *this 12<sup>th</sup> day of February 2018*

*Michael Jones*  
**Chairperson/Commissioner**

The meeting concluded at 10.50am.

Confirmed as a true and correct record

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M Jones  
Chairperson

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Date

**Western Bay of Plenty District Council****Minutes of Meeting No. DL7 of the District Licensing Committee  
held on 1 March 2018 in the Council Chamber, Barks Corner, Tauranga  
commencing at 9.30am****Present**

M Jones (Chairperson), Councillors D Thwaites (Deputy Chairperson) and P Mackay

**In Attendance**

A Curtis (District Licensing Secretary/Compliance and Monitoring Manager), D Elvin (Liquor Licensing Inspector), B Brown (Compliance Officer), D Coulter and D Stewart (Compliance Administration Officers), and B Clarke (Democracy Advisor)

**Others**

As listed in the minutes.

**Late Items**

The Chairperson advised that there were two late items for inclusion in the open section of the agenda, being LL7111 Application for Temporary Authority - Applicant Karamjeet Singh Hothi (Jayson Holdings Ltd); and LL7120/Off licence, LL7131/On licence Application for Temporary Authorities - Applicant Vidler Investments Ltd).

The reason that these items were not included on the agenda was that the applications had not been received at the time of agenda close, and they could not be delayed to the next scheduled District Licensing Committee meeting because they needed to be dealt with expediently.

**Resolved:** Mackay / Thwaites

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

- *LL7111 Application for Temporary Authority - Applicant Karamjeet Singh Hothi (Jayson Holdings Ltd) for premises at 137 Jellicoe Street, Te Puke trading as Te Puke Four Square*

- *LL7120/Off licence, LL7131/On licence Application for Temporary Authorities - Applicant Vidler Investments Ltd) for premises at 60 Wilson Road, Waihi Beach trading as Waihi Beach Hotel.*

#### DL7.1 **Conflict of Interest Declaration**

Commissioner Jones (Chairperson), and Councillors Mackay and Thwaites, being members of the District Licensing Committee Panel appointed, declared that they had no conflicts of interest in relation to any of the following applications being considered:

- Application LL6920 for a Renewal of Manager's Certificate made by Jigneshkumar Patel in relation to a premise located at 211 Seaforth Road, Waihi Beach, trading as Waihi Beach Superette.
- Application LL7049 for a New Manager's Certificate made by Avinash Singh in relation to a premise located at 21 Plummer's Point Road, Whakamarama, trading as Sandhu Bar.
- Application No. LL7111 for Temporary Authority - Applicant Karamjeet Singh Hothi (Jayson Holdings Ltd) for premises at 137 Jellicoe Street, Te Puke trading as Te Puke Four Square
- Applications No. LL7120 (Off licence) and LL7131 (On licence) for New Temporary Authorities - Applicant Vidler Investments Limited for premises at 60 Wilson Road, Waihi Beach trading as Waihi Beach Hotel

#### DL7.2 **Hearing: Application No. LL6920 for a Renewal of Manager's Certificate under Section 224, Sale and Supply of Alcohol Act 2012 - Applicant: Jigneshkumar Patel in relation to a premise located at 211 Seaforth Road, Waihi Beach, trading as Waihi Beach Superette**

The Committee considered the application and related documentation as circulated.

#### **Chairperson's Introduction**

The Chairperson welcomed those present and introduced staff, noting that the Committee had been appointed to hear evidence in relation to the application received for a Renewal of Manager's Certificate, which was opposed by the Liquor Licensing Inspector. He further noted that the Committee had read all evidence that had been circulated, and that all parties with speaking rights had the right to cross-examine the party giving evidence.

The Chairperson noted that although he had been given the opportunity to attend, Mr Jigneshkumar Naginbhai Patel (the Applicant) was not present.

#### **Appearances for Reporting Agencies**

- Dougal Elvin, Liquor Licensing Inspector

- Sergeant Trevor Brown, NZ Police - Liquor Licensing Coordinator (Western Bay of Plenty)

### **1. Evidence for Applicant**

The Applicant was not in attendance and had provided no documentation.

### **2. Liquor Licensing Inspector's Report**

The Committee considered a report from the Liquor Licensing Inspector dated 12 January 2018 and a Brief of Evidence. The Liquor Licensing Inspector was sworn in and tabled further evidence noting the following key points:

- The manager on duty at any licensed premises was responsible for the compliance and enforcement of the provisions of the Sale and Supply of Alcohol Act, the conditions of the licence in force for the premises, and the conduct of the premises with the aim of contributing to the reduction of alcohol-related harm.
- The applicant had held a Duty Manager's Certificate since 4 September 2013, and had been working at the Waihi Beach Superette. This application was for the second renewal of his Manager's Certificate.
- The application was opposed on the grounds that the applicant had failed to demonstrate that he had the necessary knowledge and skills to uphold the Act.

The Liquor Licensing Inspector responded to questions from the Committee as follows:

- In terms of any assurances on the quality of past training the applicant had received, he could not say, but the situation had raised concerns for him as to how a person could have Manager's Certificates and not have an appropriate level of knowledge. The applicant appeared uncertain about the four signs of intoxication and as he was a Manager, that was a concern.
- He was certain this applicant had been identified as the correct person, as when an applicant applied for a renewal they had to provide photographic evidence for identification purposes. However, he had a concern as to whether this person was the same person who had taken the test and passed it the first time, as this test had proven this person did not have sufficient knowledge to pass.
- This Council was setting a high standard for duty managers in its district. He had set the questions in the test based on the knowledge required, and was satisfied that the questions reflected the standard Council wished to achieve. Sometimes there was no right or wrong answer but rather, the onus was on the applicant to provide confidence that the question and solution had been appropriately considered. It was about responders being aware,



- taking the time to think about the objectives of the Act and then being able to do the right thing.
- In relation to consistency with other districts, he had been a Licensing Inspector in Auckland for three years. Some of the questions in the test had been taken from the Auckland test with minor adaptations for suitability in this district, as these were highly appropriate questions. He would welcome feedback, should the Committee consider any of the questions too difficult, and if so, they could be adapted as considered appropriate.
  - On the first test paper, he posed the questions and then provided some help in case people did not fully understand the questions. With the second test, applicants were given the opportunity to take the test in writing, as some people read questions and understood them better than if they heard them. He provided every opportunity to reasonably assist applicants, but at the end of the day, they still must be tested.
  - He had interviewed 94 people, 63 of those for new applications and 31 for renewals. Of those, only eight had to come back for a second interview, so it was fair to say that the majority passed the test quite easily.

### **Cross Examination**

The Liquor Licensing Inspector responded to a question from the Police noting that, in relation to the Committee granting this applicant a Manager's Certificate in the past, that had been brought before the committee under the previous Licensing Inspector, so he was unable to comment further.

### **Clarification**

Through the Chairperson, the Compliance and Monitoring Manager advised that the previous Licensing Inspector was a contractor who had kept records on his premises. Only final reports were provided for consideration by the committee, as was the case with this applicant previously.

### **Cross Examination**

The Liquor Licensing Inspector responded to a question from the Committee noting that, in relation to help for people who had failed the test, most came back strong in their knowledge as they took the opportunity to revise, and in that respect, most achieved a pass on the second attempt.

### 3. NZ Police Report

Sergeant Trevor Brown, NZ Police - Liquor Licensing Coordinator (Western Bay of Plenty) advised that there was no further evidence from the Police, other than the report which had been provided and circulated. That report stated that Police had no issues with the renewal.

The Chairperson thanked the reporting agencies and reiterated that it was unfortunate that Mr Patel had not attended the hearing.

10.00am

The Chairperson noted that the evidential part of this hearing was now closed. He advised that, as the Committee would be considering a second application for an opposed Manager's Certificate later in the morning, he would reserve the deliberations and decisions for both applications until both matters had been heard.

### Change to the Order of Business

The Chairperson requested that the next items of business be applications LL7111, LL7120 (Off licence) and LL7131 (On licence) for Temporary Authorities, while awaiting the arrival of the applicant for the next Managers Certificate hearing.

**Resolved:** Chairperson Jones / Thwaites

*THAT in accordance with Standing Orders the order of business be changed and that the items applications LL7111, LL7120 (Off licence) and LL7131 (On licence) for Temporary Authorities be dealt with as the next items of business, while awaiting the arrival of the applicant for the next Manager's Certificate hearing.*

DL7.3

#### **Application No. LL7111 for Temporary Authority - Applicant Karamjeet Singh Hothi (Jayson Holdings Ltd) for premises at 137 Jellicoe Street, Te Puke trading as Te Puke Four Square**

The District Licensing Committee considered the application and following documentation as circulated with the agenda:

- a) Application received 7 February 2018
- b) Report from Liquor Licensing Inspector dated 14 February 2018
- c) Report from NZ Police dated 13 February 2018.

The Compliance and Monitoring Manager introduced the application. Both the Liquor Licensing Inspector and Police advised that they had no opposition to the application.

The Chairperson thanked staff and the reporting agencies.

**Resolved:** Thwaites / Mackay

*THAT LL7111 Application for Temporary Authority - Applicant Karamjeet Singh Hothi (Jayson Holdings Ltd) for premises at 137 Jellicoe Street, Te Puke trading as Te Puke Four Square be granted.*

DL7.4

**Applications No. LL7120 (Off licence) and LL7131 (On licence) for New Temporary Authorities - Applicant Vidler Investments Limited for premises at 60 Wilson Road, Waihi Beach trading as Waihi Beach Hotel**

The District Licensing Committee considered the application and following documentation as circulated with the agenda:

- a) Application for On licence received 9 February 2018
- b) Report from Chief Licensing Inspector dated 22 February 2018
- c) Reports from NZ Police for On-licence and Off-licence both emails dated 20 February 2018.

The Compliance and Monitoring Manager introduced the application, noting that this was a new venture for the applicants, as they had not operated a hotel before. Staff were conscious that this was one of the larger and busier establishments in the district.

The Liquor Licensing Inspector advised that staff were aware that the Waihi Beach Hotel had a history of issues in the past. However, those issues had been resolved with good work and good Duty Managers. The applicant had advised that they did not wish to change the status quo, and would be keeping all the Duty Managers. In fact, they had stated that they wanted to make the hotel an integral part of the community in a positive way. Therefore, he had not opposition to the application.

The Police noted they had no opposition to the application. The Chairperson thanked staff and the reporting agencies.

**Resolved:** Chairperson Jones / Mackay

*THAT applications LL7120 (off-licence) and LL7131 (on-licence) for New Temporary Authorities - Applicant Vidler Investments Limited for premises at 60 Wilson Road, Waihi Beach trading as Waihi Beach Hotel be granted.*

10.05am The hearing was adjourned awaiting the arrival of the applicant for the next application for a Manager's Certificate.

10.20am The hearing was reconvened.



DL7.5

**Hearing: Application No. LL7049 for a New Manager's Certificate under Section 219, Sale and Supply of Alcohol Act 2012 - Applicant: Avinash Singh in relation to a premise located at 21 Plummer's Point Road, Whakamarama, trading as Sandhu Bar**

The Committee considered the application and related documentation as circulated.

**Chairperson's Introduction**

The Chairperson welcomed the applicant and introduced all parties and staff, noting that the Committee had been appointed to hear evidence in relation to the application received for a Renewal of Manager's Certificate, which was opposed by the Liquor Licensing Inspector. He further noted that the Committee had read all evidence that had been circulated, and that all parties with speaking rights had the right to cross-examine the party giving evidence.

**Appearances for Reporting Agencies**

- Dougal Elvin, Liquor Licensing Inspector
- Sergeant Trevor Brown, NZ Police - Liquor Licensing Coordinator (Western Bay of Plenty)

**1. Evidence for Applicant**

Avinash Singh was sworn in. He stated that he had no evidence to present but would respond to questions.

Mr Singh responded to questions from the Committee in relation to whether he had studied or otherwise prepared for the Manager's Certificate test. He advised that he had originally attended a training course in Rotorua in January 2017, and before undertaking that course he had studied, but had not studied since that time.

**Cross Examination**

Mr Singh responded to a question from the Liquor Licensing Inspector, noting that Trading hours and public holidays should appear on a licence to sell and supply alcohol.

Mr Singh responded to questions from the Police in relation to the object of the Act, and how to manage the sale of a product that could be harmful in the community. He responded to further questions as follows:

- He had gone to a training course in Rotorua, rather than Tauranga, because his friend had advised him to go there. He would consider going to a training course in Tauranga to upskill.



- As Duty Manager, he had to make sure customers showed identification to prove they were not underage, and if a person appeared to be getting intoxicated, he had to make sure they had some food. If customers were fighting, he would call the Police.

Mr Singh responded to a question from the Committee in terms of his recent experience within the liquor industry, noting that he sold alcohol to customers, and had been working in the industry for a year in the Sandhu Bar.

Mr Singh responded to questions from the Liquor Licensing Inspector as follows:

- His place of work was the Sandhu Bar. It was a normal bar but had limited food, as it did not have kitchens, so they sold pies and similar food.
- Customers usually drove to the bar. The bar had a breath-testing machine available for customers.
- If a customer was drinking too much staff would provide a transport service by calling a taxi for the customer, but he could not remember the last time he had called a taxi personally.

## **2. Liquor Licensing Inspector's Report**

The Committee considered a report from the Liquor Licensing Inspector dated 18 January 2018 and a Brief of Evidence. The Liquor Licensing Inspector was sworn in and tabled further evidence noting the following key points:

- The manager on duty at any licensed premises was responsible for the compliance and enforcement of the provisions of the Sale and Supply of Alcohol Act, the conditions of the licence in force for the premises, and the conduct of the premises with the aim of contributing to the reduction of alcohol-related harm.
- The applicant had applied for a Manager's Certificate in order to be a qualified Duty Manager at his place of work, the Sandhu Bar, which was a tavern situated in Whakamarama. He was currently working in the Sandhu Bar as an Assistant Manager.
- The application was opposed on the grounds that the applicant had failed to demonstrate that he had the necessary knowledge and skills to uphold the Act.

The Liquor Licensing Inspector responded to a question from the Committee, noting that the expected pass rate for the test for a Manager's Certificate was 75%.

Mr Singh responded to a question from the Committee noting that he had received the Licensing Inspectors Brief of Evidence prior to the hearing and had understood the contents.

### Cross Examinations

The Liquor Licensing Inspector responded to a question from the Applicant, who noted that when the Inspector had posed a question concerning what the minimum age was that a person could sell alcohol, he had responded that it was 18 years of age, because he had googled this, and he wanted to know why this answer was not accepted.

The Liquor Licensing Inspector responded that in the United Kingdom a person must be 18 years old before they could sell alcohol, but in New Zealand the situation was different.

The Applicant responded to questions from the Committee relating to whether he considered the test questions to be reasonable, stating that he needed another chance, because without the Manager's Certificate he would not have a job and he needed the job.

### 3. NZ Police Report

Sergeant Trevor Brown, NZ Police – Liquor Licensing Coordinator (Western Bay of Plenty) advised that there was no further evidence from the Police, other than the email dated 23 November 2017 as circulated, which stated the Police offered no objection.

The Chairperson thanked Mr Singh and the reporting agencies, and closed the evidential part of the hearing. He then outlined the object of the Act for the benefit of the Applicant, advising that the Committee must take this into account in making its decisions.

10.55am The Committee reserved its decision and adjourned the meeting.

11.00am The meeting was reconvened.

### 4. Deliberations / Decision

The Chairperson ascertained from the Committee that following the hearing of all evidence the Committee considered it was in a position to enter into deliberations.

Following deliberative discussion the Panel emphasised the importance of requiring and maintaining a high standard of Duty Managers due to their role in managing the sale of a harm-related product, and noting the key objective of the Act.

**Resolved:** Thwaites / Mackay

*THAT in respect of Application No. LL7049 for a New Manager's Certificate under Section 219, Sale and Supply of Alcohol Act 2012 for*

*Applicant: Avinash Singh, who is employed at a premise located at 21 Plummer's Point Road, Whakamarama, trading as Sandhu Bar, following the hearing and consideration of all evidence both verbal and written, that the Manager's Certificate be declined. The full decision of the District Licensing Committee is as follows:*

**Decision number:** 022/CERT/7049/2018

**IN THE MATTER** of the Sale and Supply of Alcohol Act 2012

AND

**IN THE MATTER** of an application by Avinash SINGH  
in respect of an application for a new Managers Certificate

**Hearing Date:** 1 March 2018

**Committee:** Mr Michael Jones (Commissioner/Chair)  
Mr Don Thwaites (Member/Councillor)  
Mr Peter MacKay (Member/Councillor)

**Appearances:** Mr Dougal Elvin (Licensing Inspector) – to assist  
Sgt Trevor Brown (NZ Police) – to assist

**DECISION BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE**

The application for a new Manager's Certificate by the applicant Mr Avinash SINGH is declined.

**BACKGROUND TO DECISION**

The Committee must consider an application by Avinash Singh (the Applicant) for a new Managers certificate.

Reporting agencies received copies of the application. No opposition was received from the Police. Opposition to the application was received from the Licensing Inspector.

Due to the opposition from the Licensing Inspector the matter came before the Licensing Committee to consider by way of hearing.

**POSITION OF THE REPORTING AGENCIES****Inspectors Position**

*The Licensing Inspector, Dougal Elvin is in opposition to the application. His opposition is in relation to section 227.*

*The Licensing Inspectors concerns were the following:*

- a) *The applicant has failed to display that he has the necessary knowledge and skills to uphold the Act.*

**NZ Police Position**

*Sergeant Brown of the NZ Police raised no matters in opposition to the application*

**THE HEARING****The Applicant:**

*Mr Singh attended the hearing. He stated that he had read the evidence provided by the Inspector and understood the contents and had no evidence to present but would respond to questions.*

*In response to questions from the Committee in relation to whether he had studied or otherwise prepared for the Council Inspectors Manager's Certificate test, Mr Singh advised that he had originally attended a training course in Rotorua in January 2017, and before undertaking that course he had studied, but had not studied since that time.*

*Mr Singh was asked a number of questions by the Committee, Licensing Inspector and the Police in relation to his knowledge of the Act. It is the opinion of the Committee that Mr Singh has woefully insufficient knowledge of the Act. Further, that Mr Singh has failed to retain any knowledge of the Act from the training course attended in January 2017, and his ability to manage a licensed premises is a matter of concern.*

**Inspector:**

*Mr Elvin advised that the applicant had applied for a new managers certificate and was currently employed by the Sandhu Bar in Whamaramara, as the Assistant manager. His application detailed that he had been working at the premises since January 2017.*

*Mr Singh completed his LCQ in January 2017, and has been employed in the industry at the Sandhu Bar since this time. Mr Kaur the licensee has written a letter of support for Mr Singh in his application.*

*The application was opposed on the grounds that the applicant had failed to demonstrate that he had the necessary knowledge and skills to uphold the Act.*

*Mr Singh had failed to pass a test on the requirements of the Act on two occasions, being 5 December 2017 and 16 January 2018.*



*In relation to the test the Committee are satisfied that any manager who has undertaken training on the Act and has experience in the industry would be able to reasonably pass the test.*

***NZ Police:***

*Sergeant Brown advised that he had no evidence to provide, and his report was taken as read.*

***DISCUSSION***

*As indicated at the hearing there are a number of matters that the Committee must determine.*

*Section 227 of the Act provides four considerations the Committee must have regard to when deciding whether to grant an application to renew a Manager's Certificate. These are as follows:*

- a) The applicant's suitability to be a manager;*
- b) Any convictions recorded against the applicant since the certificate was issued or last renewed;*
- c) The manner in which the manager has managed the sale and supply of alcohol pursuant to the licence with the aim of contributing to the reduction of alcohol related harm; and*
- d) Any matters dealt with in any report made under section 225.*

***Considerations***

*In deciding whether to issue the licence, the District Licensing Committee must have regard to the criteria in section 227. This requires the Committee to consider the following questions:*

- a) Is the applicant suitable to manage licensed premises?  
The Committee heard evidence from the Inspector, and were able to determine based on their own questions to the applicant, that the applicant was unable to answer basic questions on the Acts requirements.*

- b) Does the applicant have any convictions?*

*No matters were raised by the Police with regard to any previous or pending convictions.*

- c) Does the applicant manage licensed premises in a manner that is consistent with the aim of contributing to a reduction in alcohol harm?*

*The applicant's inability to answer the majority of the simple test questions on the Act, and simple questions from the Committee members and reporting officers, brings into question his ability to manage the sale and supply of alcohol in a manner that is consistent with the Act. This Committee is not satisfied that Mr Singh understands his responsibilities under the Act.*

i) *Have the Police or Inspector raised any concerns?*

*The Police raised no concerns in their report. However, it became apparent at the hearing, through questions put to the applicant, that the Police had similar concerns to the Committee about Mr Singh's limited understanding of the Act and his responsibilities.*

*The Inspector has made enquiries into the suitability of the applicant and his experience, and is not satisfied he is a suitable person to manage a licensed premises. This position is supported by the Committee.*

### **Conclusion**

*The Committee has considered all the facts of this case and must decline the application.*

*Further, the Committee is of the opinion that any further application by Mr Singh for a Managers Certificate be subject to a minimum period of six months stand down before being accepted.*

*At the time of any future application for a new Managers Certificate, Mr Singh must be able to demonstrate that he has undertaken further training on the Sale and Supply of Alcohol Act 2012, and can demonstrate a sufficient knowledge of the Act.*

*The Committee is of a further opinion that Mr Singh is unsuitable for appointment as an Acting or Temporary manager, in respect to licensed premises, until he can demonstrate adequate knowledge in the Act to the satisfaction of this District Licensing Committee.*

*It is noted that at the conclusion of the hearing the applicant informed the Committee that his work visa with Immigration NZ is conditional on his employment with the Sandhu Bar. That is not a matter for this Committee under the Sale and Supply of Alcohol Act 2012, and will need to be addressed with his employer.*

**DATED** this 16<sup>th</sup> day of March 2018

*Michael Jones  
Chairperson/Commissioner*

DL7.6                    **Hearing: Application No. LL6920 for a Renewal of Manager's Certificate under Section 224, Sale and Supply of Alcohol Act 2012 - Applicant: Jigneshkumar Patel in relation to a premise located at 211 Seaforth Road, Waihi Beach, trading as Waihi Beach Superette**

#### **4. Deliberations / Decision**

The Chairperson ascertained from the Committee that, following the hearing of all evidence, the Panel was in a position to enter into deliberations.

During deliberative discussion, the Panel emphasised the importance of requiring and maintaining a high standard of Duty Managers due to their role in managing the sale of a harm-related product, and noting the key objective of the Act.

**Resolved:** Chairperson Jones / Mackay

*THAT in respect of Application No. LL6920 for a Renewal of Manager's Certificate under Section 224, Sale and Supply of Alcohol Act 2012 for Applicant: Jigneshkumar Patel, who is employed at a premise located at 211 Seaforth Road, Waihi Beach, trading as Waihi Beach Superette, following the hearing and consideration of all evidence both verbal and written, that the Manager's Certificate is declined. The full decision of the District Licensing Committee is as follows:*

**Decision number:** 022/CERT/6920/2018

**IN THE MATTER** of the Sale and Supply of Alcohol Act 2012

AND

**IN THE MATTER** of an application by Jigneshkumar Naginbhai PATEL in respect of an application for a renewal of managers certificate

**Hearing Date:** 1 March 2018

**Committee:** Mr Michael Jones (Commissioner/Chair)  
Mr Don Thwaites (Member/Councillor)  
Mr Peter MacKay (Member/Councillor)

**Appearances:** Mr Dougal Elvin (Licensing Inspector) - to assist  
Sgt Trevor Brown (NZ Police) - to assist

**DECISION BEFORE THE WESTERN BAY OF PLENTY DISTRICT LICENSING COMMITTEE**

The application for renewal of the Managers Certificate by the applicant Mr Jigneshkumar PATEL is declined.

**BACKGROUND TO DECISION**

The Committee must consider an application by Jigneshkumar Patel (the Applicant) for renewal of a Managers certificate 022/CERT/085/2014, with expiry date of 4 September 2017. The renewal application was made to Council on 1 August 2017, keeping the existing certificate alive until the determination of this application.

*All reporting agencies received copies of the application. No opposition was received from the Police. Opposition to the application was received from the Licensing Inspector.*

*Due to the opposition from the Licensing Inspector the matter came before the Licensing Committee to consider by way of hearing.*

### **POSITION OF THE REPORTING AGENCIES**

#### **Inspectors Position**

*The Licensing Inspector, Dougal Elvin is in opposition to the application. His opposition is in relation to section 227.*

*The Licensing Inspectors concerns were the following:*

- a) *The applicant has failed to display that he has the necessary knowledge and skills to uphold the Act.*

#### **NZ Police Position**

*Sergeant Brown of the NZ Police raised no matters in opposition to the application*

### **THE HEARING**

#### **The Applicant:**

*Mr Patel failed to attend the hearing and no explanation for his absence was provided.*

#### **Inspector:**

*Mr Elvin advised that the applicant had held a Duty Manager's Certificate since 4 September 2013, and had been working at the Waihi Beach Superette. This application was for the second renewal of his Manager's Certificate.*

*The application was opposed on the grounds that the applicant had failed to demonstrate that he had the necessary knowledge and skills to uphold the Act.*

*Mr Patel completed his LCQ in 2013, and completed a bridging test in 2014.*

*Mr Patel had failed to pass a test on the requirements of the Act on two occasions, being 28 November 2017 and 19 December 2017.*

*In relation to the test, the Committee asked questions of Mr Elvin about the test consistency with other Districts, and the percentage of pass and fails by applicants to the test, and are satisfied that the requirement is not onerous. The Committee consider that any manager who has undertaken training in the Act and has experience in the industry would be able to reasonably pass the test.*



**NZ Police**

*Sergeant Brown advised that he had no evidence to provide, and his report was taken as read.*

**DISCUSSION**

*As indicated at the hearing, there are a number of matters that the Committee must determine.*

*Section 227 of the Act provides four considerations the Committee must have regard to when deciding whether to grant an application to renew a Manager's Certificate. These are as follows:*

- a) The applicant's suitability to be a manager;*
- b) Any convictions recorded against the applicant since the certificate was issued or last renewed;*
- c) The manner in which the manager has managed the sale and supply of alcohol pursuant to the licence with the aim of contributing to the reduction of alcohol related harm; and*
- d) Any matters dealt with in any report made under section 225.*

**Considerations**

*In deciding whether to issue the licence, the District Licensing Committee must have regard to the criteria in section 227. This requires the Committee to consider the following questions:*

- a) Is the applicant suitable to manage licensed premises?*

*The Committee heard evidence from the Inspector that the applicant was unable to answer basic questions on the Act's requirements.*

- b) Does the applicant have any convictions?*

*No matters were raised by the Police with regard to any previous or pending convictions*

- c) Does the applicant manage licensed premises in a manner that is consistent with the aim of contributing to a reduction in alcohol harm?*

*The Applicant's inability to answer the majority of the simple test questions on the Act brings into question his ability to manage the sale and supply of alcohol in a manner that is consistent with the Act. It is noted that the Committee were not able to make enquiries of Mr Patel at the hearing on this matter.*

- i) Have the Police or Inspector raised any concerns?*

*The Police have raised no concerns.*

*The Inspector has made enquiries into the suitability of the applicant and his experience and is not satisfied he is a suitable person to manage a licensed premise. This position is supported by the Committee.*

*It is noted that the Applicant has had two renewals since the granting of the licence and these were not opposed. No information is available to the Committee with regard to the previous Inspector's considerations, and equally, the Committee is unable to query the Applicant as to any matters or changes in circumstance that should be considered in relation to his knowledge and experience.*

### **Conclusion**

*The Committee has considered all the factors of this case and must decline the application.*

*Further, the Committee is of the opinion that any further application by Mr Patel for a Managers Certificate be subject to a minimum period of six months stand down before being accepted.*

*At the time of any future application for a new Managers Certificate Mr Patel must be able to demonstrate that he has undertaken further training on the Sale and Supply of Alcohol Act 2012, and can demonstrate a sufficient knowledge of the Act.*

*The Committee is of a further opinion that Mr Patel is unsuitable for appointment as an Acting or Temporary manager, in respect to licensed premises, until he can demonstrate adequate knowledge in the Act to the satisfaction of this District Licensing Committee.*

**DATED** this 16<sup>th</sup> day of March 2018

Michael Jones  
Chairperson/Commissioner

### DL7.7      **Correspondence to the NZ Qualifications Authority Regarding LCQ Training Courses**

In light of the Committee's findings that day in relation to LCQ training courses, including the matter of identification of persons sitting courses online, it was agreed that a letter be sent to the NZ Qualifications Authority, and the following motion was put:

**Resolved:**      Chairperson Jones / Mackay

1. *THAT the District Licensing Committee write to the New Zealand Qualifications Authority to express its concerns in relation to the quality of LCQ Training Courses.*
2. *THAT the District Licensing Committee recommends to the New Zealand Qualifications Authority that it investigate whether there is sufficient identification of persons who are undergoing online courses for LCQ training.*

The meeting concluded at 11.30am.

Confirmed as a true and correct record

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M Jones  
Chairperson

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Date

DL7

## Western Bay of Plenty District Council

**Minutes of Meeting No. RH11 of the Regulatory Hearings  
Committee held on 13 March 2018 in the Council Chamber  
commencing at 3.15pm**

### Present

Mayor G Webber (Chairperson), Councillors P Mackay, D Marshall, M Murray-Benge and M Williams

### In Attendance

R Davie (Group Manager Policy, Planning and Regulatory Services), and F Sweeney (Democracy Management Advisor)

### Apologies

An apology for absence was received from Councillor Scrimgeour.

**Resolved:** Murray-Benge / Mayor Webber

*THAT the apology for absence from Councillor Scrimgeour be accepted.*

### RH11.1 **Appointment of Independent Hearings Commissioners - February 2018**

The Committee considered a report from the Environmental Consents Manager dated 27 February 2018 as circulated with the agenda.

**Resolved:** Murray-Benge / Mayor Webber

1. *THAT the Environmental Consent Manager's report dated 27 February 2018 and titled "Appointment of Independent Hearings Commissioner - February 2018" 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 Regulatory Hearings Committee appoints the following Independent Hearings Commissioner to consider and determine the resource consent RC10601L at 22 Sargent Drive, Apata.*



*Commissioner Bill Wasley*

4. *THAT the Regulatory Hearings Committee appoints the following Independent Hearings Commissioner to consider and determine the resource consent RC10881L at 18 Gordon Street, Te Puke.*

*Commissioner Russell De Luca*

5. *THAT the Regulatory Hearings Committee appoints the following Independent Hearings Commissioner to consider and determine the resource consent RC10835S at 369 Wairoa Road, Te Puna.*

*Commissioner Bill Wasley*

6. *THAT the Regulatory Hearings Committee appoints the following Independent Hearings Commissioner to consider and determine the resource consent RC10892L at Ruamoana Place, Omokoroa.*

*Commissioner Russell De Luca*

7. *THAT the Regulatory Hearings Committee appoints the following Independent Hearings Commissioner to consider and determine the resource consent RC10619L at Town Point Road, Maketu*

*Commissioner Alan Withy*

The meeting concluded at 3.20pm.

RH11

**Western Bay of Plenty District Council**

**Minutes of Meeting No. PF3 of  
the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum held on  
13 March 2018 in the Council Chamber, Barkes Corner  
commencing at 10.00am**

**Present****Iwi Representatives**

Reon Tuanau (Ngai Te Rangī) (Presiding Co-Chairperson), Anthony Wihapi (Ngati Moko) (Co-Chairperson), Tiki Bluegum (Ngai Tamawhariua), Matire Duncan (Ngā Potiki), Roland Kingi (Ngati Pikiāo), Bob Leef (Ngati Taka), Wiremu Matthews (Ngai Tamarāwaho), Buddy Mikaere (Ngati Pukenga), Riki Nelson (Ngati Te Wai), Julie Shepherd (Te Runanga o Pirirakau), Kevin Tohiariki (Te Whanau o Tauwhao), Raiha Biel (Tapuika Iwi Authority), Elva Conroy (Ngati Tuheke), Carlton Bidois (Ngati Ranginui), Maru Tapsell (Waitaha), Nessie Kuka (Ngai Tuwhiwhia), Hemi Paki (Ngati Tauaiti)

**Councillors**

His Worship the Mayor G J Webber (Deputy Chairperson), G Dally, M Dean, M Lally, P Mackay, D Marshall, M Murray-Benge, J Palmer, D Thwaites and M Williams

**In Attendance**

M Taris (Chief Executive Officer), R Davie (Group Manager Policy, Planning and Regulatory Services), E Holtsbaum (Group Manager Technology, Customer and Community Services), E Watton (Policy and Planning Manager), S Parker (Reserves and Facilities Projects and Assets Manager), P Hennessey (Strategic Advisor), P Tapsell (Workforce Development and Cultural Advisor), C Nepia (Māori Relationships and Engagement Advisor) and F Sweeney (Democracy Management Advisor).

**Others**

As listed in the minutes.

The meeting opened with a karakia from Tiki Bluegum, and a mihi from Reon Tuanau.

**Apologies**

Apologies for absence were received from Councillors Marsh and Scrimgeour, and for lateness from Matire Duncan.

**Resolved:** Julie Shepherd / Cr Murray-Benge

*THAT the apologies for absence from Councillors Marsh and Scrimgeour and for lateness from Matire Duncan be accepted.*

PF3.1 **Minutes of Meeting No. PF2 of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum held on 10 November 2017**

The Tauranga Moana / Te Arawa Ki Takutai Partnership Forum considered the minutes of meeting PF2 of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum held on 10 November 2017 as circulated with the agenda.

**Resolved:** Crs Mackay / Marshall

*THAT the minutes of Meeting No. PF2 of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum held on 10 November 2017 are confirmed as a true and correct record.*

PF3.2 **Sub-Regional Policy for Tangata Whenua Consultation on Resource Consents**

The Partnership Forum considered a report from the Māori Relationships and Engagement Officer dated 26 February 2018 as circulated with the agenda. Shad Rolleston, Tu Pakari Advisor to SmartGrowth was in attendance together with Keren Paekau of Tauranga City Council and Clarke Koopu of the Bay of Plenty Regional Council and he tabled and gave a powerpoint presentation in support of the report.

In response to a question Shad Rolleston advised that the policy did not determine who would be consulted with but rather the how of the consultation process.

Concerns were raised in regard to the intrusion of other iwi into this area which needed to be addressed and could be considered in the policy. Carlton Bidois had concerns that Regional Council was requiring consultation with iwi that have not had any recognised interests in Tauranga as they had not yet settled their Treaty claims with the Crown, and said that despite the Crown insisting that Council do so, Councils should resist in solidarity with the views of local iwi and hapū. In response the Mayor suggested that the responsibility for identifying appropriate mana whenua to be consulted with would lie with Tangata Whenua as opposed to the Councils.

In further comment it was noted that the policy referred to mana whenua but there was confusion in regard to who was mana whenua, and there was a suggestion that at times this confusion was created by Councils approaching specific iwi and hapū which may not necessarily have a recognised relationship (by the Crown) as mana whenua.



Riki Nelson said that Tangata Whenua could identify a process in the interim to work through to address the mana whenua issues and advise Councils accordingly.

It was suggested that a definition of permitted activities be added to the policy.

The Forum was advised as follows:

- Each of the Western Bay, Tauranga City and Bay of Plenty Regional Councils had their own policies and procedures for approaching resource consent consultation under the Resource Management Act and this was a proposal to take a more consistent and co-ordinated approach shared by all of the Councils.
- Councils needed this policy in response to applications made under the Resource Management Act for resource consents.
- The policy was written specifically to address matters of Resource Consent applications only and did not address a number of other statutory planning processes such as plan changes or Mana Whakahono a Rohe agreements.

10.30am Matire Duncan entered the meeting.

Keren Paekau said as part of the progression of this policy there was an intention for all the Councils to go out and develop and discuss maps of areas of interest for Tangata Whenua. Clarke Koopu suggested that this process would hopefully provide for identification by Tangata Whenua of their areas of interest and where some boundaries may overlap.

It was noted that once the policy was returned to the Councils for ratification there would be a need to ensure that the underlying District and Regional Plans supported implementation of the policy.

Members were asked to provide any further individual feedback to Shad Rolleston by 11 April which was the date when the Combined Tangata Whenua Forum would consider the final draft.

**Resolved:** Anthony Wihapi / Mayor Webber

*THAT the Māori Relationships and Engagement Advisor's report dated 26 February 2018 and titled Sub-regional Policy for Tangata Whenua Consultation on Resource Consents be received, noting the discussion and comments made at this meeting.*

10.55am The hui adjourned for morning tea.  
11.20am The hui reconvened.



### PF3.3 **Horse Riding at Tuapiro Point / Reserves and Facilities Bylaw**

The Partnership Forum considered a report from the Māori Relationships and Engagement Officer dated 13 February 2018 as circulated with the agenda. The Māori Relationships and Engagement Officer introduced the report and noted that Riki Nelson would address this item as a matter of concern for Ngati Te Wai. Riki Nelson spoke to the concerns of the marae in particular relating to the number of horses (up to 35 in one day) on the foreshore and the ecological effects of these on kaimoana beds at Tuapiro Point, which were an important source of food for the associated marae.

In discussion of the report the following matters were noted:

- The photographs included in the report were taken on various days, mostly in the weekend, and this happened most weekends.
- The horses mostly walked on the beach and on the foreshore.

In comment it was suggested that an immediate review may be more appropriate given the potential environmental damage. It was also noted that horses and riders were coming from other areas such as the Waikato and that whilst local riders may be showing respect this was not true for all horse riders using this part of the foreshore.

In reference to alternative options Riki Nelson noted that there were articles back to the 1990s around concerns and conflicts over the use of Tuapiro Point and these had been brought to Council a number of times including meeting with Council's reserves staff.

**Resolved:** Mayor Webber / Nessie Kuka

1. *THAT the Māori Relationships and Engagement Advisors report dated 13 February 2018 and titled horse riding at Tuapiro Point/Reserves and Facilities Bylaw be received.*
2. *THAT the Partnership Forum recommend that Council initiate an immediate review of the Reserves and Facilities Bylaw, in relation to the permission to allow horse riding at Tuapiro Point.*

### PF3.4 **Capital Projects Update**

The Partnership Forum considered a report from the Group Manager Policy, Planning and Regulatory Services dated 23 February 2018 as circulated with the agenda. The Reserves and Facilities Projects and Assets Manager spoke to a powerpoint presentation on reserves and facilities capital projects across the district. It was noted that on Matakana Island there was considerable erosion with some houses in danger and the question was raised as to how this would rate in relation to Council erosion control work. The Group Manager Policy, Planning and Regulatory Services clarified that the Council policy addressed erosion in relation to Council assets and not privately owned land.

In regard to the Kauri Point Historic Reserve it was noted that there was a high level of community interest in reinstating access, but that the land had a great deal of historic value to Tangata Whenua, and any work would require cultural assessment.

In regard to the Opureora Jetty replacement the Reserves and Facilities Projects and Assets Manager advised that consideration had been given to toilet facilities but the site was very difficult and the current arrangement of a service delivery agreement with the Marae at the top of the hill was a better approach to provide this service to the area.

There was discussion of the sea wall works at Maketu and a history of the original construction of the wall was recounted for information of the Forum members.

There was also discussion of the Waiari water supply and the proposal that Tauranga City Council use the resources created in another Council's area, and a concern was expressed that this was a misappropriation of the water.

In response to a question on works needed at the PanePane Point jetty for safety of children and the elderly using the jetty, the Reserves and Facilities Projects and Assets Manager advised of actions taken to try and address the concerns raised.

**Resolved:** Julie Shepherd / Hemi Paki

*THAT the Group Manager Policy, Planning and Regulatory Services report dated 23 February 2018 and titled Capital Projects Update be received.*

PF3.5

### **Representation Review - Update**

The Partnership Forum considered a report from the Customer Relationships Manager dated 26 February 2018 as circulated with the agenda, who was in attendance to answer questions. In response to questions she advised of the process and timetable for the poll about Māori wards for the Western Bay of Plenty District Council. In discussion of the process it was noted that it would be important to continue to use this forum to represent the views and needs of Tangata Whenua regardless of the outcome of the poll.

**Resolved:** Julie Shepherd / Cr Williams

*THAT the Customer Relationships Manager report dated 26 February 2018 and titled Representation Review - Update be received.*

12.20pm

The Presiding Chair withdrew from the meeting and Co-Chair Anthony Wihapi assumed the Chair.

PF3.6                    **Development of a Road Naming Policy**

The Partnership Forum considered a report from the Policy Analyst dated 28 February 2018 as circulated with the agenda. The Policy and Planning Manager together with the Māori Relationships and Engagement Advisor presented and spoke to the report.

**Resolved:**            Anthony Wihapi / Mayor Webber

1. *THAT the Policy Analyst's report dated 28 February 2018 and titled Development of a Road Naming Policy be received.*
2. *THAT the Tauranga Moana / Te Arawa ki Takutai Partnership Forum endorses the draft Road Naming Policy, as set out in Appendix A to the report and recommends to the Policy Committee that the draft Road Naming Policy be adopted.*

12.25pm                The presiding Chair (Reon Tuanau) re-entered the meeting and reassumed the Chair.

PF3.7                    **Nomination of Partnership Forum Representative to SmartGrowth Leadership Group**

The Partnership Forum considered a report from the Māori Relationships and Engagement Officer dated 19 February 2018 as circulated with the agenda. The Māori Relationships and Engagement Officer gave a verbal summary of the report and the purpose which was to confirm or otherwise the representative of this Forum on the SmartGrowth Leadership Group.

In discussion Forum members proposed two nominees for the position being Julie Sheppard or the incumbent, Maru Tapsell. On a show of hands Maru Tapsell was re-confirmed as the Tangata Whenua representative for the Tauranga Moana/Te Arawa ki Takutai Partnership Forum on the SmartGrowth Leadership Group.

In response to a question as to what the role entailed the Forum was advised that this was representation on the governance group for SmartGrowth with the expectation of a report back from the representative to the Forum on the activities of the SmartGrowth Leadership Group.

**Resolved:**            Buddy Mikaere / Kevin Tohiariki

1. *THAT the Māori Relationships and Engagement Advisor's report dated 19 February 2018 and titled "Nomination of Partnership Forum representative to SmartGrowth Leadership Group" be received.*
2. *THAT Maru Tapsell is confirmed as the Tangata Whenua representative for the Tauranga Moana/Te Arawa ki Tai Partnership Forum on the SmartGrowth Leadership Group.*



**PF3.8 Long Term Plan Update**

The Policy and Planning Manager was in attendance to update the Forum on the Long Term Plan process by way of a powerpoint presentation. Riki Nelson identified that their hapū needed to develop its management plan and identify hot spots for cultural heritage and protection.

It was noted that alternative funding for papakainga projects had been achieved from the Ministry of Business and Enterprise and other ministries could be considered to be approached, with the recent withdrawal of funding from Te Puni Kokiri.

There was discussion of the use of marae in cases of civil emergency and the Forum was advised of the Regional Council project to assist with marae preparedness for such emergencies. It was noted that there was funding available from the Department of Internal Affairs and Te Puni Kokiri, called the marae oranga fund, put in place to support the upgrading of marae facilities.

It was clarified that the Takawaenga staff would co-ordinate Tangata Whenua members of the forum in terms of submissions to the Long Term Plan.

It was suggested that the use of Te Ara Mua should make the provision of an additional submission on the Long Term Plan unnecessary.

The Group Manager Policy, Planning and Regulatory Services clarified that there were a number of issues included in the Long Term Plan which may not have been considered through Te Ara Mua but that the Forum may wish to comment on.

The question was raised as to whether Māori representation going forward was an appropriate take for the Long Term Plan, and it was suggested that this would be more appropriately considered through the upcoming Council representation review.

The Forum agreed that there would be a Tangata Whenua workshop around Te Ara Mua to bring forward issues for the Long Term Plan, and the Takawaenga unit would co-ordinate this workshop to address this, including any issues brought forward from hapū and iwi which should be forwarded through the Long Term Plan formal consultation process.

**PF3.9****Te Ara Mua Nga Kaihoe (Work Programme) Update**

The Partnership Forum considered a report from the Workforce Development and Cultural Advisor dated 22 February 2018 as circulated with the agenda.



**Resolved:** Tiki Bluegum / Raiha Biel

*THAT the Workforce Development and Māori Advisor's report dated 22 February 2018 titled Te Ara Mua Ngā Kaihoe (Work Programme) Update be received.*

PF3.10

**General Issues - Waiari Stream, Powerco Developments in Waitangi Village, Maori Ward Poll, Tauriko Development**

On invitation from the presiding Chair, Anthony Wihapi noted the following issues.

**Waiari Stream**

He was concerned that there were proposals that the upper part of the Waiari stream was to be used as a water supply, and the lower part for effluent disposal.

**Powerco Developments in Waitangi Village**

He was concerned that Powerco was installing two 33KV lines next to the Kaituna river bridge as a designated permitted activity.

**Māori Ward Poll**

He was encouraging forum members to ensure their hapū and iwi got out to vote on the poll in regard to Māori wards, and to ensure all were registered to vote on the parliamentary electoral rolls.

**Tauriko Development**

A memorandum was tabled for the Partnership Forum members' information on the proposed Change 4 to the BOP Regional Policy Statement – Tauriko West Urban Limits.

There being no further business, Tiki Bluegum closed the meeting with a karakia at 1.20pm.

PF3

## Minute Actions Not Complete for Council (Open)

Remit Number	Remit Title	Owner	Remit Description	Owner Comments	Current Status
C1217.7 14 Dec 2017	Recommendatory Report from the Operations Committee - Bramley Drive to Ruamoana Place - Walkway Reinstatement Proposal	DEPUTY CEO/GROUP MANAGER INFRASTRUCTURE SERVICES	<p>1. THAT the walkway between Bramley Drive and Ruamoana Place Omokoroa be reinstated on the following basis:</p> <ul style="list-style-type: none"> <li>• THAT total possible long term reinstatement and stability protection works be limited to \$600,000 and be funded on a shared basis as follows: Council up to \$300,000 Property Owners \$300,000</li> <li>• THAT a legal agreement be entered into with the owners of 23, 24 and 25 Ruamoana Place that sets out the cost share basis, their funding contribution of \$300,000, and clarifies the risk of the work with a "best endeavours" clause.</li> <li>• THAT in order to work with the property owners on a cost share basis the work proceeds over the 2017/2018 year.</li> <li>• THAT the Council share of the cost of the works be funded as follows: \$100,000 from the 2017/2018 Coastal Erosion Protection budget \$200,000 transferred from either the General Rate Reserve or the Environmental Protection Rate Reserve.</li> </ul> <p>2. THAT it be noted that the works required for the possible long term reinstatement of the walkway may include works such as horizontal and directional bore drains, head scarp trimming, a ground anchor wall (as shown in Option C of the agenda report), and with exact details subject to detailed design in an endeavour to reduce further slippage. The option of connected vertical and horizontal drains should be regarded as trial.</p> <p>3. THAT it be noted that the possible long term reinstatement and slip protection works are undertaken on a "best endeavours" basis and that due to weather and ground conditions these may still be subject to slips in the future.</p>	<p>16/03/2018: Consent being lodged, design underway and cost sharing agreement in the process of being finalised. 16/02/2018: design underway and cost sharing agreement in the process of being finalised. 19/01/2018 T&amp;T commissioned to proceed with design. Legal agreement drafted.</p>	UNDER ACTION

Remit Number	Remit Title	Owner	Remit Description	Owner Comments	Current Status
			4. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.		
C1318.6 22 Feb 2018	Right of Way Easement Over Part of Uretara Domain, Katikati	LEGAL PROPERTY OFFICER RESERVES FACILITIES	<p>1. THAT the Legal Property Officer/Reserves and Facilities' report dated 2 February 2018 and titled Right of Way Easement Over Part of Uretara Domain, Katikati be received.</p> <p>2. THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance.</p> <p>3. THAT pursuant to the authority delegated by the Minister of Conservation to the Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby consents to the creation of a Right of Way easement in accordance with the area shown highlighted in red on the plan attached to the report (Attachment A) over Lots 177 and 178 DP 67 to Lot 1 DPS 57029.</p>	As this is being done in conjunction with a subdivision it may be some time that the landowner provides a survey plan and the instrument registered. To advise landowner of approval and to proceed when ready. A survey plan will be the first action required, to council staff for approval.	UNDER ACTION
C1318.7 22 Feb 2018	Adoption of a New Council Risk Profile	RISK SPECIALIST	<p>1. THAT the Risk Specialist's report dated 5 February 2018 and titled 'Adoption of a New Council Risk Profile' be received.</p> <p>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.</p> <p>3. THAT Council approves the replacement of the current Strategic Risk Register with the new Risk Profile as attached to the report (Attachment A).</p>		NOT COMMENCED
C1318.9 22 Feb 2018	Mayor's Report to Council - January/February 2018	GROUP MANAGER TECHNOLOGY, CUSTOMER AND COMMUNITY SERVICES	<p>1. THAT the Mayor's report dated 9 February 2018 and titled Mayor's Report to Council - January/February 2018 be received.</p> <p>2. THAT Katikati/Waihi Beach Ward Councillors attend the Waihi Beach Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.</p> <p>3. THAT Maketu/Te Puke Ward Councillors attend the Te Puke Anzac Day Service and lay a wreath</p>	This action requires investigation as to who the right person/team are to complete the report regarding the Poppy Places Trust.	NOT COMMENCED

Remit Number	Remit Title	Owner	Remit Description	Owner Comments	Current Status
			<p>not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.</p> <p>4. THAT Mayor Webber and Councillor Marsh attend the Maketu Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.</p> <p>5. THAT Katikati/Waihi Beach Councillors attend the Katikati Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.</p> <p>6. THAT Councillor Palmer attend the Omokoroa Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.</p> <p>7. THAT Councillor Murray-Benge attend the Tauranga Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.</p> <p>8. THAT a report be provided on implications for Council to implement the proposal from the Poppy Places Trust to identify places within the district that had a link to New Zealand military involvement in conflicts or operational service overseas and to mark these places with a poppy.</p>		
C1915.2.14 09 May 2015	Topic 1507 - Wastewater - Issue 6 - Ongare Point Funding Model - Submission Id 995 - and Internal Submission	UTILITIES MANAGER	<p>THAT Council approves in principle, proceeding with the Ongare Point wastewater scheme generally incorporating the following principles and funding model.</p> <ul style="list-style-type: none"> <li>• That the installation proceed subject to more than 50% of the connected properties agreeing.</li> <li>• That the on property costs be averaged across the scheme and all property owners pay the same amount for their on property and connection costs.</li> <li>• That the subsidy from Bay of Plenty Regional Council for the construction of a wastewater scheme at Ongare Point, be applied proportionally to the property owner and Council scheme costs.</li> </ul>	<p>March 2018 - BOPRC confirm resource consent ready 28th March project works to commence immediately.</p> <p>Feb 2018- Project on track no issues to report, awaiting BOPRC to release resource consent.</p> <p>Jan 2018- Project on track no issues to report, awaiting BOPRC to release resource consent.</p> <p>December 2017 - Project planning on track, await R/C from BOPRC.</p>	UNDER ACTION



Remit Number	Remit Title	Owner	Remit Description	Owner Comments	Current Status
			<ul style="list-style-type: none"> <li>• That the scheme (off property costs) are loan funded and repaid by the combined wastewater UAC in accordance with the Wastewater Revenue and Financial Policy.</li> <li>• That the scheme mode generally comprises onsite treatment pumped to offsite secondary treatment and disposal fields.</li> <li>• That the scheme investigation, consenting, consultation and design costs budgeted at \$50,000 in 2015/16 are funded in accordance with the Infrastructure Investigation Revenue and Financial Policy 60% EPR, 40% future UAC.</li> </ul> <p>Indicative Full Scheme Reticulation Costs (approximately 58 properties) Excluding GST Option 2 Property Owner - On property costs (STEP, electrical, drain laying, etc.) \$ 488,851 Council - Scheme Reticulation \$ 650,549 BOPRC subsidy \$618,000 Total Costs \$1,757,400 Property Owner Costs (approximately 58 properties) \$8,428 Council Cost \$650,549 That these decisions be subject to undertaking the appropriate consultation and decision making to meet legislative requirements.</p>		
C1915.4.324 09 May 2015	Topic - Stormwater/Erosion - Issue Stormwater Small Settlements - Submission Ids 701, 965	UTILITIES MANAGER	Council is currently in the process of reviewing the Stormwater Catchment Management Plan and Comprehensive Stormwater Consent application for the central catchment (including Te Puna and Minden). As part of this review Council will undertake further consultation with the Te Puna and Minden communities and in particular Te Puna Heartlands.	March 2018 - UM has contacted BOPRC regarding the processing delays. We have been advised that a consultant has now been tasked with processing the application. Unfortunately can not progress further until a response is received from BOPRC. Feb 2018 - BOPRC have been sent a reminder, unfortunately can not progress further until is received. Jan 2018 - No change to status at time of reporting. Awaiting BOPRC response. Contact will be made with BOPRC by the last week of Jan	UNDER ACTION

Remit Number	Remit Title	Owner	Remit Description	Owner Comments	Current Status
				if no response is received prior by UM. December 2017 - No change to status at time of reporting. Awaiting BOPRC response.	
C2715.13 17 Dec 2015	Waihi Beach Medical Centre - Proposed Lease of Land	STRATEGIC PROPERTY MANAGER	<p>1. THAT the Strategic Property Manager's report dated 18 November 2015 and titled "Waihi Beach Medical Centre - Proposed Lease of Land" be received.</p> <p>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.</p> <p>3a. THAT, after consideration of submissions in support of the land being leased for Medical Centre purposes, Council agree to lease a portion of reserve, for the construction of a medical centre as outlined in the aerial diagram attached to the agenda report; and</p> <p>3b. THAT Resolution 3a be subject to a Memorandum of Agreement being entered into with the Trust that confirms that:</p> <p>i. the Trust agree to the relocation and construction of equivalent tennis courts at a location agreed by Council should the tennis courts adjacent to the proposed site need to be relocated;</p> <p>ii. the Trust agrees to co-location of a public toilet within the new building, operational maintenance to be for the Trust's account;</p> <p>iii. the Trust provides 50% of the car parking required in terms of Council's District Plan;</p> <p>iv. the Trust be advised that Council will grant a lease on a commercial basis on the understanding that the commercial rental will be forgiven subject to annual presentation of the Trust's accounts to Council. Council will then determine the appropriateness of forgiving the commercial rental for the following year; and</p> <p>v. the Trust agree to the provisions of section 61 of the Reserves Act requiring improvements to be returned to the Council without compensation, in</p>	<p>13/03/2018: No change - Awaiting Trust's advice on funding and construction programme.</p> <p>14/02/2018: No change.</p> <p>18/01/2018: No change.</p> <p>6/12/2017: No change.</p> <p>13/11/2017: No further action.</p> <p>10/10/2017: No change.</p> <p>08/09/2017: No change.</p> <p>21/08/2017: No change at this stage.</p> <p>12/07/2017: No change.</p> <p>19/06/2017: No change. Awaiting funding proposals from community Trust.</p> <p>19/05/2017: No change.</p> <p>28/03/2017: No change.</p> <p>16/2/2017: They are proceeding to the undertaking of a full feasibility study to ensure the project is viable.</p> <p>19/01/2017: It is understood the Trust is seeking funding and will not progress until such time as their funding targets have been reached.</p> <p>21/12/2016: No change.</p> <p>7/12/2016: MOU has been signed by both parties and it is understood that fund raising for the proposal is underway.</p>	UNDER ACTION

Remit Number	Remit Title	Owner	Remit Description	Owner Comments	Current Status
			the event that the Trust is wound up.		
C2715.5 17 Dec 2015	Application to Lease 8 The Esplanade to Waihi Beach Board Riders	STRATEGIC PROPERTY MANAGER	<p>1. THAT the Strategic Property Manager's report dated 18 November 2015 and titled Application to Lease 8 The Esplanade to Waihi Beach Board Riders be received.</p> <p>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.</p> <p>3. THAT staff be directed to proceed with the removal of numbers 2 and 4 The Esplanade.</p> <p>4. THAT after consideration of the submissions received regarding the proposed lease of number 8 The Esplanade to the Waihi Beach Board Riders Club Incorporated, Council agrees to accept the Waihi Beach Board Riders Club Incorporated application to lease number 8 The Esplanade for clubrooms.</p>	<p>13/03/2018: The Boardriders Club have taken possession of No 8 The Esplanade and are using the house for their clubrooms.</p> <p>14/02/2018: Slow communication with club, but lease has been prepared and terms are in process of being nominated.</p> <p>18/1/2018: Draft lease prepared and sitting with club.</p> <p>6/12/2017: Meeting held with club representatives and a draft lease being prepared for the clubs consideration.</p> <p>13/11/2017: Staff meeting with club member shortly to further discuss the potential to lease the bach.</p>	UNDER ACTION
C417.13 06 Apr 2017	SmartGrowth Leadership Group - Agreement and Terms of Reference	DEMOCRACY MANAGEMENT ADVISOR	<p>1. THAT the Democracy Management Advisor's report dated 27 March 2017 and titled SmartGrowth Leadership Group (Joint Committee) - Agreement and Terms of Reference be received.</p> <p>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.</p> <p>3. THAT pursuant to Clause 30A of Schedule 7 of the Local Government Act 2002, Council approves and adopts the revised SmartGrowth Leadership group Agreement and terms of reference between Western Bay of Plenty District Council. Bay of Plenty Regional Council and Tauranga City Council as attached to this report.</p> <p>4. THAT Councillor Murray-Benge be appointed alternate to the re-formed SmartGrowth Leadership Group.</p>	<p>15/03/2018: No change</p> <p>14/02/2018: No change.</p> <p>22/01/2018: No change.</p> <p>7/12/2017: Checked with SmartGrowth administrator who advises still arranging some signatures.</p> <p>17/11/2017: No change.</p> <p>08/09/2017: No change</p> <p>5/07/2017: Still awaiting signed documentation.</p> <p>19/06/2017: Still awaiting signed documentation. Governance teams at the Regional Council and Tauranga City Council advised of the Western Bay resolution. Regional Council co-ordinating final signed agreement for the Mayors and Chair to sign. Awaiting signed documents.</p>	UNDER ACTION
C417.16 06 Apr 2017	Mayor's Report to Council - March 2017	CHIEF EXECUTIVE OFFICER	Council considered a report from His Worship the Mayor dated 21 March 2017 as circulated with the agenda. The Mayor gave a verbal summary of his report and noted the need to consider an Easter	<p>2/03/2018: No change.</p> <p>9/02/2018: No change.</p> <p>29/12/2017: No change.</p> <p>7/12/2017: No change.</p>	UNDER ACTION

Remit Number	Remit Title	Owner	Remit Description	Owner Comments	Current Status
			<p>trading policy.</p> <p>The Group Manager Policy, Planning and Regulatory Services advised that in order to have this in place for the next Easter the work would have to commence no later than August 2017. In discussion of this item the following matters were noted:</p> <ul style="list-style-type: none"> <li>• There may be response from the community which would present conflicting views on whether or not the community wanted such a policy.</li> <li>• Consideration could be given to align the policy with Tauranga City's policy.</li> </ul> <p>The Mayor advised topics discussed with the Minister for Local Government and noted that submissions to the Resource Management Act amendments had closed last year.</p> <p>In regard to pensioner housing he said that a further paper would be presented to Council on the whole topic later in the year but formal consideration would need to occur through the Long Term Plan and a special consultative process. A powerpoint presentation (Tabled Item 12) was tabled showing the various sites of pensioner housing.</p> <p>Council was informed that previous Council discussions of this topic had considered a number of different management and ownership options. Resolved: Mackay / Murray-Benge THAT the request of Mayor Sandra Goudie, Thames Coromandel District Council for support for Mangrove Management is approved. Resolved: Mayor Webber / Murray-Benge THAT Council receive a paper on options for pensioner housing management and/or ownership.</p>	<p>13/11/2017: No change.</p> <p>13/10/2017: No change.</p> <p>19/09/2017: S17A review of pensioner housing to be undertaken in 2018.</p> <p>11/08/2017: Preliminary report presented to Council on pensioner housing. However more detailed analysis to come back to Council on pensioner housing options as well as housing stock in the district.</p> <p>12/07/2017: No change per comments below.</p> <p>15/06/2017: Will be reported on via the Policy Committee through to the LTP process in accordance with the recommendation from the Community Committee on housing.</p> <p>19/05/2017: No change. Report in June/July as requested.</p> <p>3/05/2017: Report to Council on the current status of pensioner housing to be prepared and presented in June/July as part of the LTP debate.</p>	
C517.5 18 May 2017	Proposal to Officially Name Waihi Beach Surf Club Reserve	LEGAL PROPERTY OFFICER RESERVES FACILITIES	1. THAT the Reserves and Facilities Manager's report, dated 3 May 2017, and titled "Proposal to officially name Waihi Beach Surf Club Reserve" be received.	13/03/2018: As below. 18/01/2018: As below. 08/12/2017: To be actioned in the New Year. 12/10/2017: As below.	UNDER ACTION



Remit Number	Remit Title	Owner	Remit Description	Owner Comments	Current Status
			<p>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.</p> <p>3. THAT Council approves Council staff to undertake the Reserves Act 1977 process to officially name the reserve being Part Lot 5 DPS 13324 and Lot 1 DPS 14034 and currently unofficially known as Waihi Beach Surf Club Reserve as Waihi Beach Surf Club Reserve;</p> <p>4. THAT Council explore options for the recognition of the community contributions of Norma Rosborough and other prominent Waihi Beach residents.</p>	19/06/2017: Due to LPOR's workload this will be diarised later to action	
C817.2 21 Sep 2017	Pukehina Angling and Fishing Club Inc. - Request to Extend Footprint of Lease Area	RFM - RESERVES AND FACILITIES MANAGER	<p>1. THAT the Reserves and Facilities Manager's report dated 4 September 2017 and titled Pukehina Angling and Fishing Club Inc. - Request to extend footprint of lease area be received.</p> <p>2. THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance.</p> <p>3. THAT Council resolve to approve Pukehina Angling and Fishing Club Incorporated's request to extend their lease footprint by an approximate additional 100m<sup>2</sup> over part of Midway Park.</p>	<p>15/03/2018: Documentation being held up due to other urgent matters which are affecting priorities.</p> <p>16/02/2018: No change.</p> <p>22/01/2018: Lease documentation is being prepared for the Fishing club to sign.</p> <p>17/11/2017: Staff have met with the Fishing Club representatives and negotiated agreed terms to vary the lease to take into consideration the extended area and conditions of use of the extended area.</p> <p>6/10/2017: Meeting scheduled for 18 October with Fishing club to negotiate lease conditions for an extension.</p>	UNDER ACTION

## Minute Actions Completed for Council (Open)

Minutes Number	Remit Title	Owner	Remit Description	Owner Comments	Complete Date
C1217.6 14 Dec 2017	Recommendatory Report from the Rural Committee - Issues Facing Rural Communities in 2017 - State Highway Two Safety Issues	DEPUTY CEO/GROUP MANAGER INFRASTRUCTURE SERVICES	1. THAT Council advocate to the New Zealand Transport Agency for the upgrade of the intersection at Tauranga West Road (State Highway Two) and Dawson Road as part of the State Highway Two Safer Systems Project. 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.	16/2/2018: NZTA will undertake the design as part of the SH2 safer systems project. Timing to be determined. 19/1/2018: Initial advice received from NZTA regarding inclusion of the intersection in the SH2 Safety works.	16/02/2018
C1314.7 06 Nov 2014	Stormwater Easement Over Part of Uretara Stream Esplanade Reserve	LEGAL PROPERTY OFFICER RESERVES FACILITIES	1. THAT the Legal Property Officer - Reserves and Facilities' report dated 7 October 2014 and titled Storm Water Easement Over Part of Uretara Stream Esplanade Reserve be received. 2. THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance. 3. THAT pursuant to the authority delegated by the Minister of Conservation to the Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby consents to the creation of a Storm water Easement shown as Area A on Deposited Plan 480637 over Lot 3 DPS 31227, Storm Water Easement Over Part of Uretara Stream Esplanade Reserve, Katikati.	13/02/2018: Easement instrument completed. 18/01/2018: Consultant ready to lodge easement. Easement documentation supplied to consultant and landowners solicitor. 08/12/2017: No change. 17/11/2015: As below. 15/10/2015: This may be some time away as advised by consultant. 16/09/2015: As below. 18/08/2015: Chase up progress with subdividers consultant and he has advised that the final pipe location will be months away. This will delay easement as plan needs to be drawn up for easement.	13/02/2018
C1318.10 22 Feb 2018	Minutes of Council and Committee Meetings for Confirmation	DEMOCRACY ADVISOR	13. Minute no. OP9 of the Operations and Monitoring Committee held on 15 February 2018 with amendments as follows: Resolution Number OP9.3 to delete the bullet point referring to Iain China who was not present. Resolution OP9.5.1 to amend Bullet Point 4 to read "the property owner had not been able to sell the land."	Completed	23/02/2018

Minutes Number	Remit Title	Owner	Remit Description	Owner Comments	Complete Date
C1318.12 22 Feb 2018	Statute Barred Rates 2017/18	TEAM LEADER FINANCIAL SERVICES	<p>1. THAT the Team Leader Financial Services' report dated 11 January 2018 and titled 'Statute Barred Rates 2017/18' be received.</p> <p>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.</p> <p>3. THAT the amount of \$428,971.11 be approved for write-off as legal recovery action is prohibited under s65 of the Local Government (Rating) Act 2002.</p> <p>4. THAT the resolutions be released into open business forthwith.</p>	Write off completed	12/03/2018
C1318.13 22 Feb 2018	Turner Trustees Limited - Offer Back Provisions - Public Works Act	STRATEGIC PROPERTY MANAGER	<p>1. THAT the Strategic Property Manager's report dated 17 January 2018 and titled Turner Trustees Limited - Offer Back Provisions - Public Works Act be received.</p> <p>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.</p> <p>3.1 THAT Council no longer requires Lot 2 SOP 503077 for a public work, (for the purpose of achieving the uplifting of the purpose from the title (CFR 76140), and ultimately enabling the on-sale of the land on individual titles).</p> <p>3.2 THAT pursuant to Section 40(2)(a) of the Public Works Act, it is considered impractical, unreasonable and unfair to proceed with an offer back of the property situated within the Omokoroa Special Housing Area, legal description being LOT 2 SOP 503077, to the original owners.</p> <p>3.3 THAT the Chief Executive be authorised to advise LINZ of Councils decision in regard to resolution 3.1 and 3.2.</p> <p>4. THAT the resolutions be transferred into the Open section of the meeting once the</p>	13/03/2018: Council's resolution has been communicated to Council's solicitor who will proceed to remove the purpose off the title to allow amalgamation of titles to proceed.	13/03/2018

Minutes Number	Remit Title	Owner	Remit Description	Owner Comments	Complete Date
			purpose had been removed from the certificate of title for section 2 SOP 503077 on CFR 761540.		
C1318.5 22 Feb 2018	Lease of the Old Katikati Library and Service Centre to Katch Katikati Incorporated	STRATEGIC PROPERTY MANAGER	<p>1. THAT the Strategic Property Manager's report dated 31 January 2018 and titled Lease of the old Katikati Library and Service Centre to Katch Katikati Incorporated be received.</p> <p>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.</p> <p>3. THAT Council, in exercise of the powers conferred on it by Section 61(2) of the Reserves Act 1977 grants Katch Katikati Incorporated a lease for the building located at 34-36 Main Road Katikati, being part of Lot 11 DP 16034 for up to 30 years.</p> <p>4. THAT such approval must not be construed by Katch Katikati as guarantee that all other consents required by policy, bylaw, regulation or statute, would be forthcoming.</p> <p>5. THAT it be noted that Katch Katikati Incorporated would have the ability to sublease to the Katikati Arts Collective and the Information Centre.</p>	13/03/2018: Two meetings have been held with Katch Katikati in order to progress the lease and once we have firm dates for the completion of the new Library, a programme will be put in place to transition the Council Library and Area office out of the old building and move Katch Katikati in.	13/03/2018
C3216.5 14 Jul 2016	Te Puna War Memorial Hall	STRATEGIC PROPERTY MANAGER	<p>1. THAT the Strategic Property Manager's report dated 30 June 2016 and titled Te Puna War Memorial Hall be received.</p> <p>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.</p> <p>3. THAT Council approves the request from the Te Puna War Memorial Hall Committee for the Te Puna War Memorial Hall Rate Reserve to be in deficit up to \$300,000 to enable the Committee to proceed with the</p>	<p>13/03/2018: The Council Resolution is being communicated through to the Hall Committee.</p> <p>14/02/2018: Land owner on which hall was to be built has refused to renew NZTA's right to use the land and has nominated another piece of land. Staff working with stakeholders to resolve.</p> <p>18/1/2018: Agreement for parties to undertake Court assisted mediation.</p> <p>6/12/2017: Moved to an Environment Court process as an objection to Commissioners</p>	13/03/2018



Minutes Number	Remit Title	Owner	Remit Description	Owner Comments	Complete Date
			<p>development of the 564m2 enlarged hall, on the following basis:</p> <ul style="list-style-type: none"> <li>• THAT the Te Puna War Memorial Hall Committee communicates this debt facility to the properties within the hall rating area by attendance at the NZTA open day to be held in Te Puna on 29 July 2016 through the community news letter.</li> <li>• THAT the deficit balance be funded from the Te Puna War Memorial Hall Area of Benefit Rate over ten years commencing 2017/18.</li> <li>• THAT the Hall Committee pass a formal resolution requesting funding to be underwritten up to \$300,000 and noting that the hall rate will increase by: Funding Increase exc GST Period \$100,000 \$10.71 10 years \$200,000 \$21.41 10 years \$300,000 \$32.12 10 years</li> </ul> <p>4. THAT the Council in passing this resolution approves a variation to the Hall Policy specifically waiving the consultation requirements set out in Halls Policy Sections 3.3 and 3.6.5 on the basis:</p> <p>a) Consultation has occurred with the community over the past two years by both the Hall Committee and Council and the general feedback was to support a new fit for purpose hall in the vicinity of the existing hall.</p> <p>b) That due to the timing of the requirement to make the decision to include the additional space in the hall there is insufficient time to undertake further consultation with the community.</p> <p>5. That the tabled attachment be included in the minutes.</p>	<p>decision has been filed.</p> <p>13/11/2017: Commissioner found in favour of NZTA/Council. Submitter can object until 16/11/2017.</p> <p>10/10/2017: Hearing was held and the hearing has now closed and we await the Commissioners ruling.</p> <p>08/09/2017: Hearing date and commissioner changed in order to accommodate affected party solicitor.</p> <p>21/08/2017: Hearing set for 20 September. Draft conditions relating to operation now agreed between Council, Hall committee and NZTA.</p> <p>12/07/2017: Awaiting comment from Hall Committee on resource consent conditions.</p> <p>19/06/2017: Meeting held with all stakeholders and proposed amendments to conditions of operation proposed and being reviewed.</p> <p>19/05/2017: Meeting with hall committee to attempt to resolve consent conditions for proposed new hall.</p> <p>28/03/2017: Awaiting hearing date to be set. It is understood Commissioner De Luca is on annual leave.</p> <p>16/2/2017: NOR sent out to affected parties and closes 28 Feb. 2017.</p> <p>20/01/2017: No change - still awaiting feedback from NZTA lawyers on Hall Committees proposal for MOU.</p> <p>21/12/2016: Awaiting feedback from NZTA lawyers on Hall Committees proposal for MOU.</p>	

## Schedule of Payments for the Month of February 2018

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### 1. Purpose

The purpose of this report is for the Elected Members to receive the information on payments from ANZ Bank for the month of February 2018.

### 2. Background

In accordance with the provisions of the legislation the following payments were made during the month of February 2018. Computer printouts listing all the vouchers issued over the period will be available for inspection if required.

<b>Payment Summary – February 2018</b>	
	\$
Payment of Accounts -	
Direct Credits and Cheques from	4,092,419.30
Direct Debits (salary payments)	1,012,318.88
Direct Debits (other accounts)	4,220,194.08
<b>TOTAL</b>	<b>9,324,932.26</b>




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Dion McCall  
**Financial Accountant**

## Western Bay of Plenty District Council

### Council

## Chief Financial Officer's Exception Report Briefing – March 2018

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### **Purpose**

This report is to inform Councillors on important issues in relation to Council's finances. Reporting is on an exception basis and includes both positive and negative variances to Council plans, projects and business operations.

### **Key Financial Performance Indicators for the Eight Months Ended 28 February 2018**

A high-level summary of the key financial performance indicators for the eight months ended 28 February 2018 along with copies of the treasury reports and graphs have been included in the information pack.

### **Key Financial Issues for the Eight Months Ended 28 February 2018**

#### **Operating Income**

Total income for the eight months ended 28 February 2018 was \$114.42m against a year-to-date budget of \$64.54m. The \$49.88m higher income variance is due to financial contributions revenue, rates income, sundry income, vested assets, user fee revenue streams and other income being higher than year-to-date budget offset by service charges and subsidies and grants being lower than budget.

A significant proportion of this variance is attributable to a \$43.29m increase in 'other income' resulting from the asset revaluation process and transition to a new asset management system.

#### **Operating expenditure**

Total expenditure of \$52.48m was \$1.19m lower than the year-to-date budget of \$53.67m due to underspends on additional levels of service projects and depreciation offset by higher than budgeted operational and interest costs.

With the exception of the variance for other income, operating income and expenditure for the organisation are on track for the six months ending 28 February 2018.

#### **Capital Expenditure**

Capital expenditure of \$21.08m for the period was \$1.37m lower than the year-to-date budget. The expenditure variance is attributable to underspends against budget in the transportation and communities' expenditure activities offset by a higher than budgeted spend in the stormwater, water supply and wastewater activities.



The variance is primarily due to the level of spend on projects and timing differences of the capital works programme compared to budget.

### **Financial contributions**

Financial contributions of \$6.76m are \$78k ahead of year-to-date budget. While development continues in the district there has been lower than expected levels of financial contribution income for Omokoroa wastewater and district stormwater.

### **Debt**

Total external debt at 31 December 2017 was at \$115m, \$35m lower than the balance at 30 June 2017.

Council's net debt balance was \$95.92m at the end of the reporting period which represents a \$4.30m reduction from the June 2017 balance of \$100.22m.

At 31 December 2017 Council held interest rate swaps totalling \$158.5m. Council had 84% of total debt covered by interest rate swaps, which is within the policy range of 50%-95% coverage.

### **Draft Management Report on the Audit of Western Bay of Plenty District Council's LTP Consultation Document for the period 1 July 2018 – 30 June 2028**

The draft Management Report from Audit New Zealand has been provided in the information pack for this Council meeting.

All audit matters raised were addressed during the audit process with no prompt for management comments in the report. This is a reflection of how well the process was run by staff and members of the audit team.

### **Council controlled organisations half yearly reports and draft 2018-19 Statements of Intent**

The draft 2018-19 Statements of Intent and half yearly reports to 31 December 2017 for the Local Government Funding Agency Limited, BOPLASS Limited and Tourism Bay of Plenty are provided on the agenda.

### **Civic Financial Services Limited Updates**

Civic Financial Services Limited's 2018-2019 Statement of Intent was not available at the time of preparing this report.

Civic Financial Services Limited's Annual General Meeting (AGM) is scheduled for 14 June 2018 in Wellington.



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Kumaren Perumal  
**Chief Financial Officer**



## Key Financial Performance Indicators for the Eight Months Ended 28 February 2018

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### 1. Executive Summary

The purpose of this report is to provide the Strategic Management Team with a high-level summary of the key financial performance indicators for the eight months ended 28 February 2018 along with copies of the treasury reports and graphs (**Attachment A**).

### 2. Key performance indicators

- 2.1 Council was in compliance with most of its key financial ratios as at 28 February 2018.
- 2.2 Interest expense on external debt for the eight months ended 28 February 2018 of \$5.37m was \$88k higher than year-to-date budget of \$5.28m. This is due to the higher short term debt held for the pre-funding of \$35m debt maturities in November and December 2017. The higher interest cost is offset by interest income on the corresponding higher term deposits held of \$35m.
- 2.3 Liquidity Ratio (without unused facilities) of 0.74 is below the benchmark 1.10 in February. This ratio is expected to strongly return above benchmark in March when rates are received. This ratio measure excludes both rates income receivable and our available overdraft facility of \$30m if ever required.

### 3. Treasury reports

- 3.1 At 28 February 2018 total external debt was \$115.0m. This is \$35m lower than the balance of external debt at 30 June 2017.
- 3.2 Council's weighted cost of finance at 28 February 2018 was 5.14%. This is consistent with January 2018 but marginally higher than previous months. This is due to the fixed swaps covering a larger portion of total debt after recent debt repayments.

### 4. Interest rate swaps

- 4.1 The valuation of Council's interest rate swaps at 28 February 2018 was a net liability of \$8.68m. This represents a \$980k decrease over 30 June 2017 liability of \$9.66m. Global interest rate market and signals from the Reserve Bank of New Zealand are to maintain a constant official cash rate over the medium term.

- 4.2 At 28 February 2018 Council held interest rate swaps totalling \$158.5m. Of these \$54m were forward start interest rate swaps. Council had 84% of total debt covered by interest rate swaps, which is within the policy range of 50% -95% coverage.

## 5. Projected cash flow

- 5.1 At 28 February 2018 Council had a positive cash position of \$19.08m. This was comprised of \$3.01m cash and \$16.07m in short term deposits.

## 6. Internal loans and current account balances

- 6.1 Internal loan balances at 28 February 2018 totalled \$95.92m. This is \$1.57m lower than the 1 July 2017 balance of \$97.49m.
- 6.2 Current account balances totalled \$30.99m as at 28 February 2018. This is consistent with the 1 July 2017 balance of \$30.99m.

## 7. Debt summary and trend analysis

- 7.1 The attached graphs (**Attachment A**) provide details of Council's external debt quarter on quarter from August 2011 to December 2017.
- 7.2 Net debt being external debt of \$115.0m less cash on hand of \$19.08m was \$95.92m as at 28 February 2018. This was \$4.30m lower than the 30 June 2017 balance of \$100.22m. Traditionally December and January are at a net debt peak before the next rates penalty date in March.



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Dion McCall  
**Financial Accountant**

Approved



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Kumaren Perumal  
**Chief Financial Officer**





**TREASURY REPORT FOR WESTERN BAY OF PLENTY DISTRICT COUNCIL  
PERIOD ENDING 28 FEBRUARY 2018**

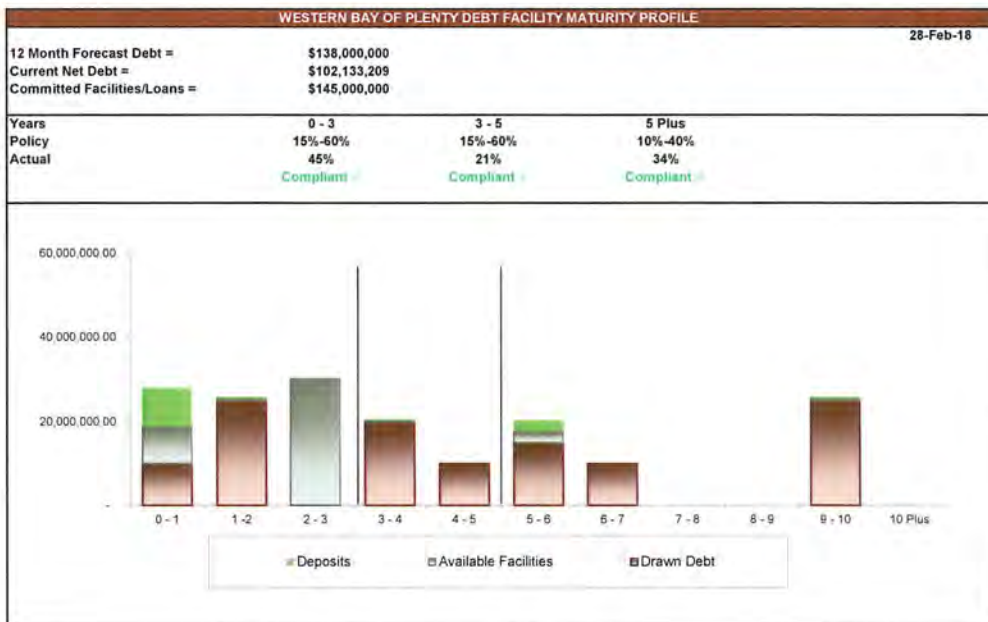
**1. TOTAL DEBT AND LIQUIDITY**

NZD	Available Facilities	Drawn Debt Current Month	Drawn Debt Last Month	Floating Rate Current Month	Floating Rate Last Month
Debenture Stock	\$115,000,000	\$115,000,000	\$115,000,000	3.1723%	3.1718%
Committed Facility	\$30,000,000	\$0	\$0	0.0000%	0.0000%
<b>Total Facilities</b>	<b>\$145,000,000</b>	<b>\$115,000,000</b>	<b>\$115,000,000</b>	<b>3.1723%</b>	<b>3.1718%</b>

**Available Headroom** **\$30,000,000** **\$30,000,000**

**Monthly Weighted Average Interest Cost (Including Hedges & Margin)** **5.1367%** **5.1367%**

**2. CONSOLIDATED FUNDING RISK**





**3. NEW ZEALAND INTEREST RATE MANAGEMENT**

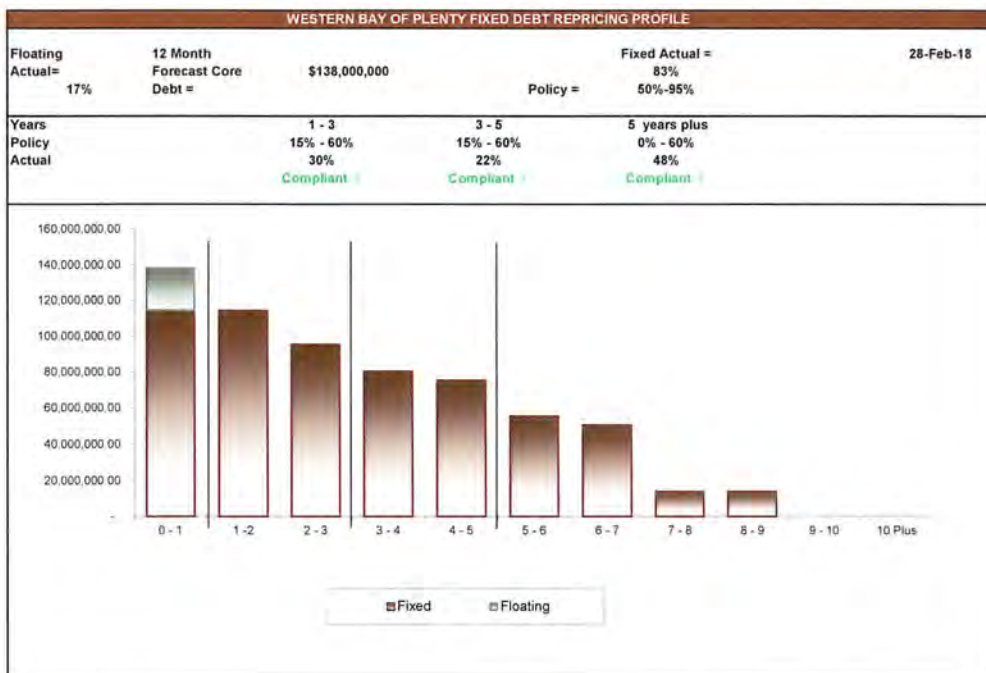
Type	Notional	Rate
Fixed Swaps	158,500,000	4.9263%
	0	0.0000%
<b>Total</b>	<b>158,500,000</b>	

**NEW TRANSACTIONS THIS MONTH:**

Type	Notional	Rate	Maturity
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**NZD RISK PROFILE**

Policy	Amount	Floating	Fixed	1 - 3 Yrs	3 - 5 Yrs	5 Yrs +
NZD			50%-95%	15% - 60%	15% - 60%	0% - 60%
Forecast 12 Mth Debt	\$138,000,000	17%	83%	30%	22%	48%

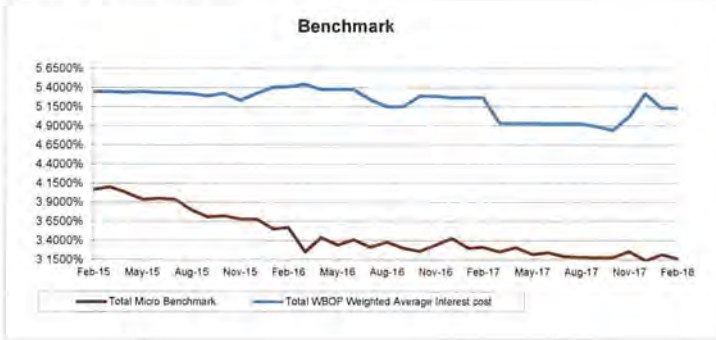
**4. INVESTMENTS**

Type	NZD Amount Current Month	NZD Amount Previous Month	Cpty
Short Term Operating account	\$3,012,491.42	\$5,112,267.57	ANZ
Term/Call Deposit	\$6,547,897.29	\$3,542,453.40	ANZ
Term/Call Deposit	\$0.00	\$0.00	BNZ
Term/Call Deposit	\$4,016,715.64	\$4,010,601.87	WPC
Term/Call Deposit	\$5,500,735.43	\$5,500,735.43	ASB
Term/Call Deposit	\$0.00	\$0.00	LGFA
<b>TOTAL NZD AMOUNT</b>	<b>\$19,077,839.78</b>	<b>\$18,166,058.27</b>	

**5. COUNTERPARTY EXPOSURE**

C'Party	Rating	Gross Limit	Swaps/Caps	Investments/Deposits	Total	% of Gross	C'party Exposure
		MM	MM	MM		Limit	% of Total
ANZ	AA-	30	16.32	16.57	25.88	86.28%	61.96%
ASB	AA-	30	0.18	5.50	5.68	18.93%	13.60%
BNZ	AA-	30	2.41	0.00	2.41	8.04%	5.78%
WBC	AA-	30	3.78	4.02	7.80	25.99%	18.67%
		<b>120</b>	<b>22.7</b>	<b>26.1</b>	<b>41.8</b>	<b>34.81%</b>	<b>100.00%</b>

**6. NZD BENCHMARK**



	Current Month	Previous Month
WBOP Weighted Average Interest Cost (incl. Hedges)	5.1367%	5.1367%
Micro Benchmark	3.1609%	3.2162%

Composite Benchmark indicator rate	
Weighting	Rate
25%	Average 90-Day bank bill bid-rate for the reporting month
15%	5 year interest rate swap bid-rate, end of reporting month
15%	5 year interest rate swap bid-rate, 1 year ago
15%	5 year interest rate swap bid-rate, 2 years ago
15%	5 year interest rate swap bid-rate, 3 years ago
15%	5 year interest rate swap bid-rate, 4 years ago
100%	

**7. COMPLIANCE**

Western Bay of Plenty DC has no breaches of policy for the month of February 2018.

## Current Account Balances &amp; Movements as at February 2018

Cost Centre	Description	Opening Bal 1 July 2017	Current A/C Mvmt's	Closing Balance @ February 2018
30*02*03	Community Rooding - Waihi Beach	333,000	-	333,000
30*02*04	Community Rooding - Katikati	169,974	-	169,974
30*02*05	Community Rooding - Omokoroa	221,956	-	221,956
30*02*06	Community Rooding - Te Puke	(36,345)	-	(36,345)
30*02*07	Community Rooding - Maketu	60,289	-	60,289
30*02*08	Structure Plans - Waihi Beach	1,725,878	-	1,725,878
30*02*09	Structure Plans - Katikati	(218,568)	-	(218,568)
30*02*10	Structure Plans - Omokoroa	(14,394,107)	-	(14,394,107)
30*02*11	Loc Connections - Omok Stg 2	(6,446,123)	-	(6,446,123)
30*02*12	Structure Plans - Te Puke	152,807	-	152,807
30*02*13	Regional Connections	1,199,775	-	1,199,775
30*02*14	Stragetie Rooding	2,855,255	-	2,855,255
30*03*01	Asset Management	6,448,135	-	6,448,135
30*05*04	Cycling and Walking	(536,808)	-	(536,808)
40*01*01	Western Water	1,087,309	-	1,087,309
40*01*02	Central Water	(1,962,793)	-	(1,962,793)
40*01*03	Eastern Water	(5,035,072)	-	(5,035,072)
42*01*01	Community Development & Grants	(5,553)	-	(5,553)
42*02*03	Rural Fire	11,640	-	11,640
42*02*04	Western Bay Moana Rural Fire	(4,166)	-	(4,166)
42*03*04	Service Centre & Library - Te Puke	(582,627)	-	(582,627)
42*04*01	Pensioner Housing	(238,079)	-	(238,079)
42*04*03	Community Halls	343,737	-	343,737
42*06*01	Gibraltar Water Scheme	21,366	-	21,366
44*01*02	District Reserves	554,670	-	554,670
44*01*04	Swimming Pools	(278,382)	-	(278,382)
44*01*05	Reserves Catchment Protection	(833,241)	-	(833,241)
44*02*01	Harbour Structures	(49,700)	-	(49,700)
44*03*02	TECT All Terrain Park	1,676,926	-	1,676,926
50*03*02	Dog Control	84,870	-	84,870
60*01*01	Waihi Beach Wastewater	(2,475,141)	-	(2,475,141)
60*01*02	Katikati Wastewater	3,587,923	-	3,587,923
60*01*03	Omokoroa Wastewater	(13,006,607)	-	(13,006,607)
60*01*04	Te Puke Wastewater	6,024,741	-	6,024,741
60*01*05	Maketu Wastewater	(3,336,963)	-	(3,336,963)
60*01*06	Ongare Wastewater	(69,194)	-	(69,194)
60*02*02	Western Solid Waste	594,987	-	594,987
60*02*03	Eastern Solid Waste	198,385	-	198,385
60*02*04	Omokoroa Solid Waste	(534,347)	-	(534,347)
61*01*01	Stormwater Network - Growth Communities	334,086	-	334,086
61*01*02	Waihi Beach Coastal Protection	134,581	-	134,581
61*02*01	Stormwater Network - Small Settlements	(232,255)	-	(232,255)
61*03*01	Stormwater Network - Minden	22,393	-	22,393
64*01*05	Natural Environment Support	1,575	-	1,575
64*01*07	Waihi District Drainage - Drains	17,107	-	17,107
64*01*08	Waihi District Drainage - Pumps	44,018	-	44,018
70*01*01	Economic Support	506,802	-	506,802
70*02*01	Land Drainage - Drains	(9,093)	-	(9,093)
70*02*02	Land Drainage - Pumps	(14,139)	-	(14,139)
70*02*03	Community Infrastruc. Support	-	-	-
80*04*03	Broadlands Property	(2,179)	-	(2,179)
80*04*04	Emerton Rd Property	(457,593)	-	(457,593)
80*04*05	Capamagian Drive Property	(1,379,642)	-	(1,379,642)
80*04*06	Turnbull Property	1,190,017	-	1,190,017
80*04*08	Strategic Property	(8,001,586)	-	(8,001,586)
80*04*09	Te Tumu	(750,835)	-	(750,835)
80*06*01	Treasury Operations	299,401	-	299,401
		<b>(30,987,535)</b>	-	<b>(30,987,535)</b>



**INTERNAL LOAN BALANCES [as at 28 February 2018]**

Cost Centre	Cost Centre	Opening Balance 1 July 2017	Advances	Repayment	Closing Balance @ 28 February 2018	Comments
30*02*04	Loc Connections - Katikati	(1)	-	1	-	Talisman Drive
30*02*06	Loc Connections - Te Puke	(95,951)	-	63,968	(31,984)	Te Puke Main Street upgrade
30*02*07	Loc Connections - Maketu	(92,506)	-	14,100	(78,407)	Beach Road Maketu
40*01*01	Western Water	(6,407,391)	-	200,739	(6,206,653)	Reticulation improvements
40*01*02	Central Water	(4,576,475)	-	132,208	(4,444,267)	Reticulation improvements
40*01*03	Eastern Water	(8,622,521)	-	239,469	(8,383,052)	Reticulation improvements
42*03*03	Service centre and Library - Katika	(181,860)	(22,869)	2,517	(202,212)	Reticulation improvements
42*04*01	Pensioner Housing	(288,279)	-	8,254	(280,024)	Refinance original debt
42*04*02	Cemeteries	(68,042)	-	873	(67,168)	Katikati and Te Puke
42*04*03	Community Halls	-	(180,000)	-	(180,000)	Oropi Hall
44*01*02	District Reserves	(66,042)	-	7,811	(58,231)	Balance of land purchases
60*01*01	Waihi Beach Wastewater	(13,358,830)	-	395,847	(12,962,983)	Waihi beach two loans one for 50 years and the other 20 years
60*01*02	Katikati Wastewater	(4,258,701)	-	114,801	(4,143,900)	Upgrade
60*01*03	Omokoroa Wastewater	(24,928,092)	-	137,644	(24,790,448)	Modelled to be repaid by 2036
60*01*04	Te Puke Wastewater	(1,547,538)	-	36,593	(1,510,945)	Upgrade
60*01*05	Maketu Wastewater	(12,150)	-	202	(11,948)	Maketu Wastewater Scheme
60*02*04	Omokoroa Solid Waste	(6,670)	-	81	(6,589)	New greenwaste facility
61*01*01	Stormwater - Growth Communities	(20,371,563)	-	361,212	(20,010,351)	Various internal loans with maturities of 25-30 years
61*01*02	Waihi Beach Coastal Protection	(1,259,387)	-	23,824	(1,235,564)	Waihi Beach Shoreline Protection
61*02*01	Stormwater - Small Communities	(1,950,854)	-	29,393	(1,921,461)	Various internal loans with maturities of 25-30 years
80*04*04	Corporate Assets	(27,042)	-	5,662	(21,380)	Emerton Road
80*04*05	Capamagian Drive Property	(241,461)	-	50,562	(190,899)	Capamagian Drive
80*04*07	Corporate Property (Non-rate)	51,036	(51,036)	-	-	Corporate Property (Non-rate)
80*04*08	Strategic Property	(9,176,591)	-	-	(9,176,591)	Property initially coded to current account and Omokoroa roading
		<u>(97,486,912)</u>	<u>(253,905)</u>	<u>1,825,760</u>	<u>(95,915,057)</u>	



Western Bay of Plenty District Council Interest Accrual  
28-Feb-18

ATTACHMENT A

Deal No.	Notional Amount	Counterparty	Fixed Rate	Maturity Date	Frequency	Last Reset Date	Next Reset Date	Rate Incl Margin	Floating Rate	Total Days	Total Interest	Days to Accrue	Interest Accrual
<b>Summary of Borrower Interest Rate Swap Arrears</b>													
TRG 2404915_WBC	NZD 10,000,000.00	Westpac	5.50%	15-May-18	Quarterly	15-Feb-18	15-May-18		1.90%	89	87,780.82	13	12,821.92
IRS4774932	NZD 4,000,000.00	ANZ	5.52%	4-Jul-18	Quarterly	4-Jan-18	4-Apr-18		1.88%	90	35,950.69	55	21,969.87
TRG1060180_WBC	NZD 5,000,000.00	Westpac	5.99%	4-Dec-18	Quarterly	4-Dec-17	5-Mar-18		1.90%	91	50,922.60	86	48,124.65
26028925	NZD 5,000,000.00	ASB	5.93%	21-Jan-19	Quarterly	23-Jan-18	23-Apr-18		1.88%	90	49,931.51	36	19,972.60
IRS4868347_ANZ	NZD 5,000,000.00	ANZ	5.79%	26-May-19	Quarterly	26-Feb-18	28-May-18		1.91%	91	48,367.12	2	1,063.01
TRG-1902789	NZD 5,000,000.00	Westpac	4.99%	1-Jun-19	Quarterly	1-Dec-17	1-Mar-18		1.91%	90	37,972.60	89	37,550.68
TRG-4277435	NZD 4,000,000.00	Westpac	4.30%	22-Jan-20	Quarterly	23-Jan-18	23-Apr-18		1.88%	90	23,917.81	36	9,567.12
7262166.1	NZD 3,000,000.00	ANZ	5.73%	1-Feb-20	Quarterly	1-Feb-18	1-May-18		1.89%	89	28,089.86	27	8,521.64
7262183.1_ANZ	NZD 3,000,000.00	ANZ	5.83%	25-Feb-20	Quarterly	26-Feb-18	25-May-18		1.91%	88	28,352.88	2	644.38
384177426_BNZ	NZD 10,000,000.00	BNZ	5.89%	18-May-20	Quarterly	19-Feb-18	18-May-18		1.92%	88	95,715.07	9	9,789.04
384322788	NZD 5,000,000.00	BNZ	4.74%	15-Jun-20	Quarterly	14-Dec-17	14-Mar-18		1.86%	90	35,506.85	76	29,983.56
384245057	NZD 10,000,000.00	BNZ	5.98%	28-Oct-20	Quarterly	30-Jan-18	30-Apr-18		1.88%	90	101,095.89	29	32,575.34
8292995.1_ANZ	NZD 5,000,000.00	ANZ	4.71%	26-Jan-21	Quarterly	26-Jan-18	26-Apr-18		1.88%	90	34,890.41	33	12,793.15
TRG3706681	NZD 5,000,000.00	Westpac	4.69%	12-Apr-21	Quarterly	12-Jan-18	12-Apr-18		1.87%	90	34,767.13	47	18,156.17
TRG-2199503_WBC	NZD 10,000,000.00	Westpac	4.28%	7-Feb-22	Quarterly	7-Feb-18	7-May-18		1.89%	89	58,154.80	21	13,721.92
8292994.1_ANZ	NZD 5,000,000.00	ANZ	4.89%	26-Jan-23	Quarterly	26-Jan-18	26-Apr-18		1.88%	90	37,109.59	33	13,606.85
8895225.1_ANZ	NZD 5,000,000.00	ANZ	5.00%	27-May-23	Quarterly	27-Feb-18	28-May-18		1.92%	90	37,939.44	1	421.55
11418908.1	NZD 5,500,000.00	ANZ	5.41%	4-Oct-24	Quarterly	4-Jan-18	4-Apr-18		1.88%	90	47,940.41	55	29,296.92
	<b>104,500,000</b>										<b>874,405.48</b>		
<b>Summary of Borrower Forward Start Interest Rate Swaps</b>													
104111121	NZD 4,000,000	ANZ	4.470%	178,800,000	Quarterly	4-Oct-19	4-Jul-18						0.00
TRG-4277436	NZD 10,000,000	WPC	4.410%	441,000,000	Quarterly	17-Feb-20	15-May-18						0.00
16172626	NZD 5,000,000	ANZ	3.038%	151,900,000	Quarterly	26-May-22	27-May-19						0.00
10411164	NZD 10,000,000	ANZ	4.690%	469,000,000	Quarterly	18-Aug-24	18-May-20						0.00
10411153	NZD 6,000,000	ANZ	4.690%	281,400,000	Quarterly	25-Aug-24	25-Feb-20						0.00
10411141	NZD 5,000,000	ANZ	4.690%	234,500,000	Quarterly	15-Sep-24	15-Jun-20						0.00
16172684	NZD 4,000,000	ANZ	3.507%	140,280,000	Quarterly	22-Jul-26	22-Jan-20						0.00
16172685	NZD 10,000,000	ANZ	3.741%	374,100,000	Quarterly	7-Feb-27	7-Feb-22						0.00
	<b>54,000,000</b>												<b>320,580.37</b>
<b>Borrower Note</b>													
<b>The LGFA borrower notes pay interest at maturity so must accrue a total</b>													
30171	NZD 400,000	LGFA		15-Mar-19		15-Dec-17	15-Mar-18	2.200000	1.860000	90	-2,169.86	76	-1832.33
57844	NZD 320,000	LGFA		15-Apr-21		15-Jan-18	16-Apr-18	2.340000	1.725000	91	-1,866.87	45	-923.18
57590	NZD 240,000	LGFA		15-Apr-23		15-Jan-18	16-Apr-18	2.400000	1.725000	91	-1,436.05	45	-710.14
30169	NZD 400,000	LGFA		15-Apr-27		15-Jan-18	16-Apr-18	2.320000	1.882500	91	-2,311.15	45	-1142.88
	<b>Total 1,360,000</b>												<b>TOTAL -4,608.53</b>
<b>Fixed Rate Note Borrowing</b>													
NZWBPD1130C4	NZD 10,000,000	WPC	5.5650	2-May-22	Semi Annual	2-Nov-17	2-May-18			181	278,250.00	118	181400.55
NZWBPD1131C2	NZD 10,000,000	WPC	5.7800	2-May-24	Semi Annual	2-Nov-17	2-May-18			181	289,000.00	118	188408.84
	<b>Total 20,000,000</b>												<b>TOTAL 369,809.39</b>
<b>Floating Rate Note Borrowing</b>													
WBPT018	NZD 10,000,000	WPC		24-May-18	Quarterly	26-Feb-18	24-May-18	3.110000	1.910000	87	74,128.77	2	1704.11
FRN 9	NZD 25,000,000	LGFA		15-Mar-19	Quarterly	15-Dec-17	15-Mar-18	2.550000	1.860000	90	157,191.78	76	132739.73
WB0427LF32	NZD 25,000,000	LGFA		15-Apr-27	Quarterly	15-Jan-18	16-Apr-18	2.732500	2.042500	91	170,313.36	45	84220.89
WB0423LFBS	NZD 15,000,000	LGFA		15-Apr-23	Quarterly	15-Jan-18	16-Apr-18	2.560000	1.870000	91	95,736.99	45	47342.47
WB0421LFBS	NZD 20,000,000	LGFA		15-Apr-23	Quarterly	15-Jan-18	16-Apr-18	2.490000	1.800000	91	124,158.90	45	61397.26
	<b>Total 95,000,000</b>												<b>TOTAL 327,404.46</b>
<b>TOTAL DEBT</b>	<b>115,000,000</b>												

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Western Bay of Plenty - Interest Rate Swaps Position Report  
(21 Feb 2018)

NZD Hedging

Maturity Date	Ccy	Nominal Amount	Fixed Rate	Swap Type	Floating Rate	Frequency	Valuation	Next Reset Date	Last Reset Date	Counterparty	Deal Number	Reference
15 May 2018	NZD	10,000,000.00	5.50000%	Pay Fixed	1.90000%	Quarterly	-87,408	15 May 2018	15 Feb 2018	Westpac	8885	TRG 2404915_WBC
04 Jul 2018	NZD	4,000,000.00	5.52000%	Pay Fixed	1.87500%	Quarterly	-70,619	04 Apr 2018	04 Jan 2018	ANZ	8884	IRS4774932
04 Dec 2018	NZD	5,000,000.00	5.98500%	Pay Fixed	1.90000%	Quarterly	-198,407	05 Mar 2018	04 Dec 2017	Westpac	8819	TRG1060180_WBC
21 Jan 2019	NZD	5,000,000.00	5.92500%	Pay Fixed	1.87500%	Quarterly	-193,718	23 Apr 2018	23 Jan 2018	ASB	8823	26028925
26 May 2019	NZD	5,000,000.00	5.79000%	Pay Fixed	1.91000%	Quarterly	-229,219	28 May 2018	26 Feb 2018	ANZ	8886	IRS4868347_ANZ
01 Jun 2019	NZD	5,000,000.00	4.98500%	Pay Fixed	1.90500%	Quarterly	-217,610	01 Mar 2018	01 Dec 2017	Westpac	8865	TRG-1902789
22 Jan 2020	NZD	4,000,000.00	4.30000%	Pay Fixed	1.87500%	Quarterly	-167,942	23 Apr 2018	23 Jan 2018	Westpac	18000	TRG-4277435
01 Feb 2020	NZD	3,000,000.00	5.73000%	Pay Fixed	1.89000%	Quarterly	-209,990	01 May 2018	01 Feb 2018	ANZ	8895	7262166.1
25 Feb 2020	NZD	3,000,000.00	5.83000%	Pay Fixed	1.91000%	Quarterly	-214,154	25 May 2018	26 Feb 2018	ANZ	8893	7262183.1_ANZ
18 May 2020	NZD	10,000,000.00	5.89000%	Pay Fixed	1.92000%	Quarterly	-801,957	18 May 2018	19 Feb 2018	BNZ	8853	384177426_BNZ
14 Jun 2020	NZD	5,000,000.00	4.74000%	Pay Fixed	1.86000%	Quarterly	-308,371	14 Mar 2018	14 Dec 2017	BNZ	8910	384322788
28 Oct 2020	NZD	10,000,000.00	5.98000%	Pay Fixed	1.88000%	Quarterly	-979,112	30 Apr 2018	30 Jan 2018	BNZ	8880	384245057
26 Jan 2021	NZD	5,000,000.00	4.71000%	Pay Fixed	1.88000%	Quarterly	-343,576	26 Apr 2018	26 Jan 2018	ANZ	8900	8292995.1_ANZ
12 Apr 2021	NZD	5,000,000.00	4.69000%	Pay Fixed	1.87000%	Quarterly	-362,742	12 Apr 2018	12 Jan 2018	Westpac	8905	TRG3706681
07 Feb 2022	NZD	10,000,000.00	4.27500%	Pay Fixed	1.89000%	Quarterly	-666,613	07 May 2018	07 Feb 2018	Westpac	8878	TRG-2199503_WBC
26 Jan 2023	NZD	5,000,000.00	4.89000%	Pay Fixed	1.88000%	Quarterly	-520,146	26 Apr 2018	26 Jan 2018	ANZ	8901	8292994.1_ANZ
27 May 2023	NZD	5,000,000.00	4.99500%	Pay Fixed	1.91769%	Quarterly	-552,940	28 May 2018	27 Feb 2018	ANZ	8902	8895225.1_ANZ
04 Oct 2024	NZD	5,500,000.00	5.41000%	Pay Fixed	1.87500%	Quarterly	-857,745	04 Apr 2018	04 Jan 2018	ANZ	17893	11418908.1
<b>TOTAL</b>	<b>NZD</b>	<b>104,500,000.00</b>	<b>5.29871%</b>				<b>-6,982,278</b>					

NZD Hedging (Forward start)

Maturity Date	Ccy	Nominal Amount	Fixed Rate	Swap Type	Floating Rate	Frequency	Valuation	Next Reset Date	Last Reset Date	Counterparty	Deal Number	Reference
04 Oct 2019	NZD	4,000,000.00	4.47000%	Pay Fixed	.00000%	Quarterly	-113,183	04 Jul 2018		ANZ	15274	1041112.1_ANZ
17 Feb 2020	NZD	10,000,000.00	4.41000%	Pay Fixed	.00000%	Quarterly	-378,577	15 May 2018		Westpac	17999	TRG-4277436
26 May 2022	NZD	5,000,000.00	3.03800%	Pay Fixed	.00000%	Quarterly	-30,468	27 May 2019		ANZ	62486	16178414_ANZ
18 Aug 2024	NZD	10,000,000.00	4.69000%	Pay Fixed	.00000%	Quarterly	-528,803	18 May 2020		ANZ	15272	10411164.1_ANZ
25 Aug 2024	NZD	6,000,000.00	4.69000%	Pay Fixed	.00000%	Quarterly	-344,489	25 Feb 2020		ANZ	15268	10411153.1_ANZ
15 Sep 2024	NZD	5,000,000.00	4.69000%	Pay Fixed	.00000%	Quarterly	-260,321	15 Jun 2020		ANZ	15271	10411141.1_ANZ
22 Jul 2026	NZD	4,000,000.00	3.50700%	Pay Fixed	.00000%	Quarterly	-22,702	01 Jan 0001		ANZ	62326	16172684_ANZ
07 Feb 2027	NZD	10,000,000.00	3.74100%	Pay Fixed	.00000%	Quarterly	-21,840	01 Jan 0001		ANZ	62325	16172685_ANZ
<b>TOTAL</b>	<b>NZD</b>	<b>54,000,000.00</b>	<b>4.20552%</b>				<b>-1,700,389</b>					

Report run as at 28 Feb 2018 for Western Bay of Plenty valued in NZD using a mid market spread basis.

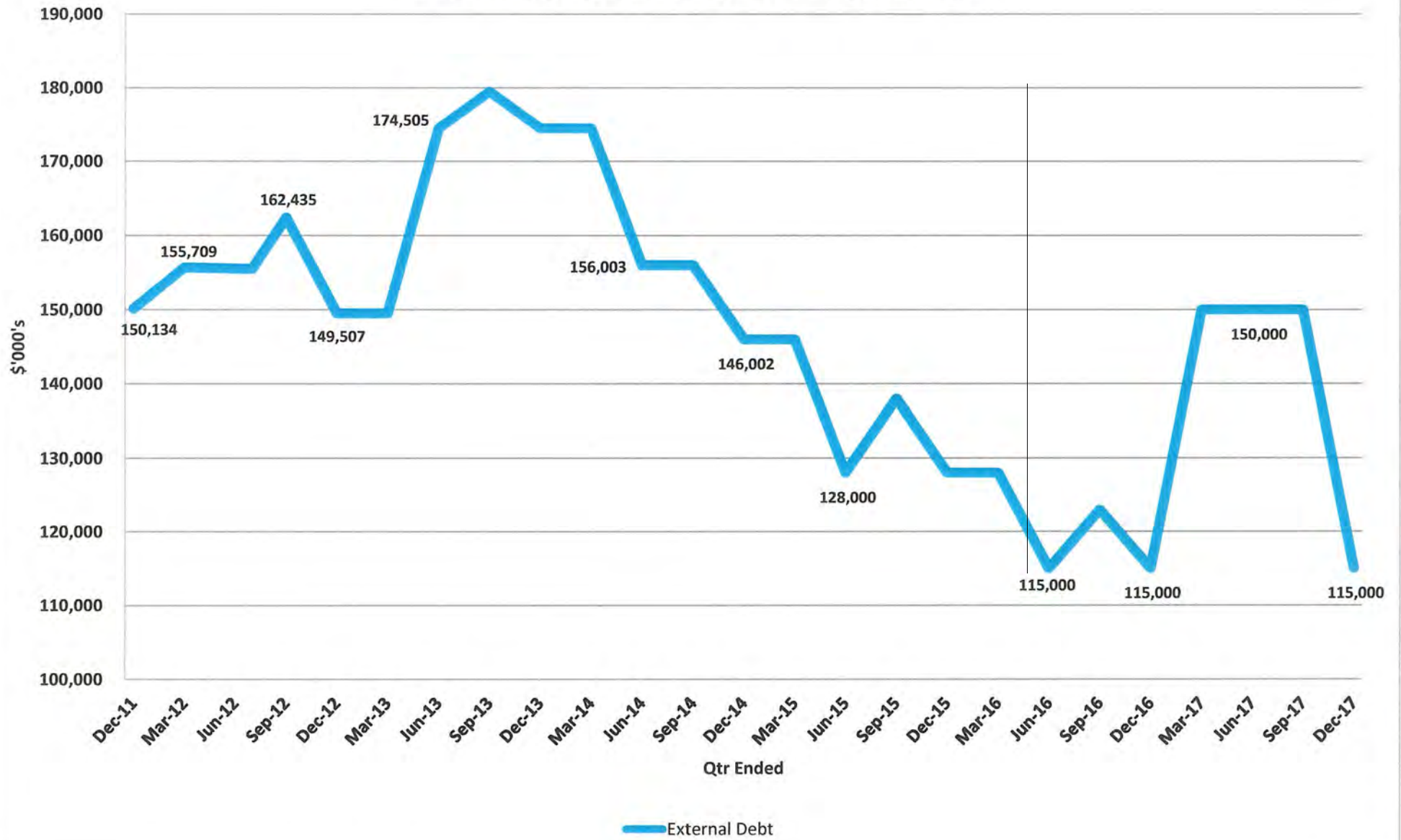
8,682,667 liability

Disclaimer:

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### 5 Year External Debt Trend - Qtr on Qtr

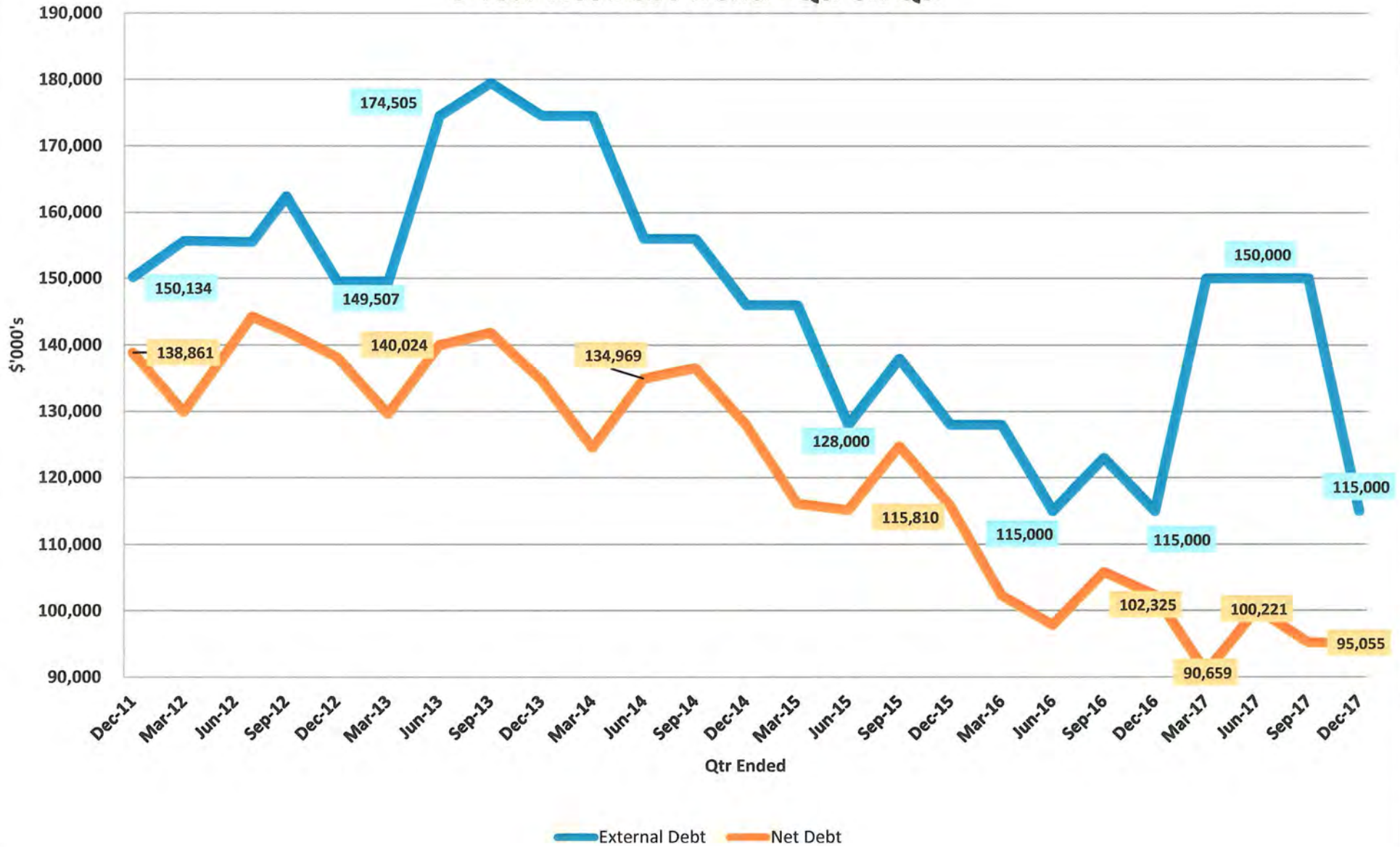


### 5 Year Net Debt Trend - Qtr on Qtr

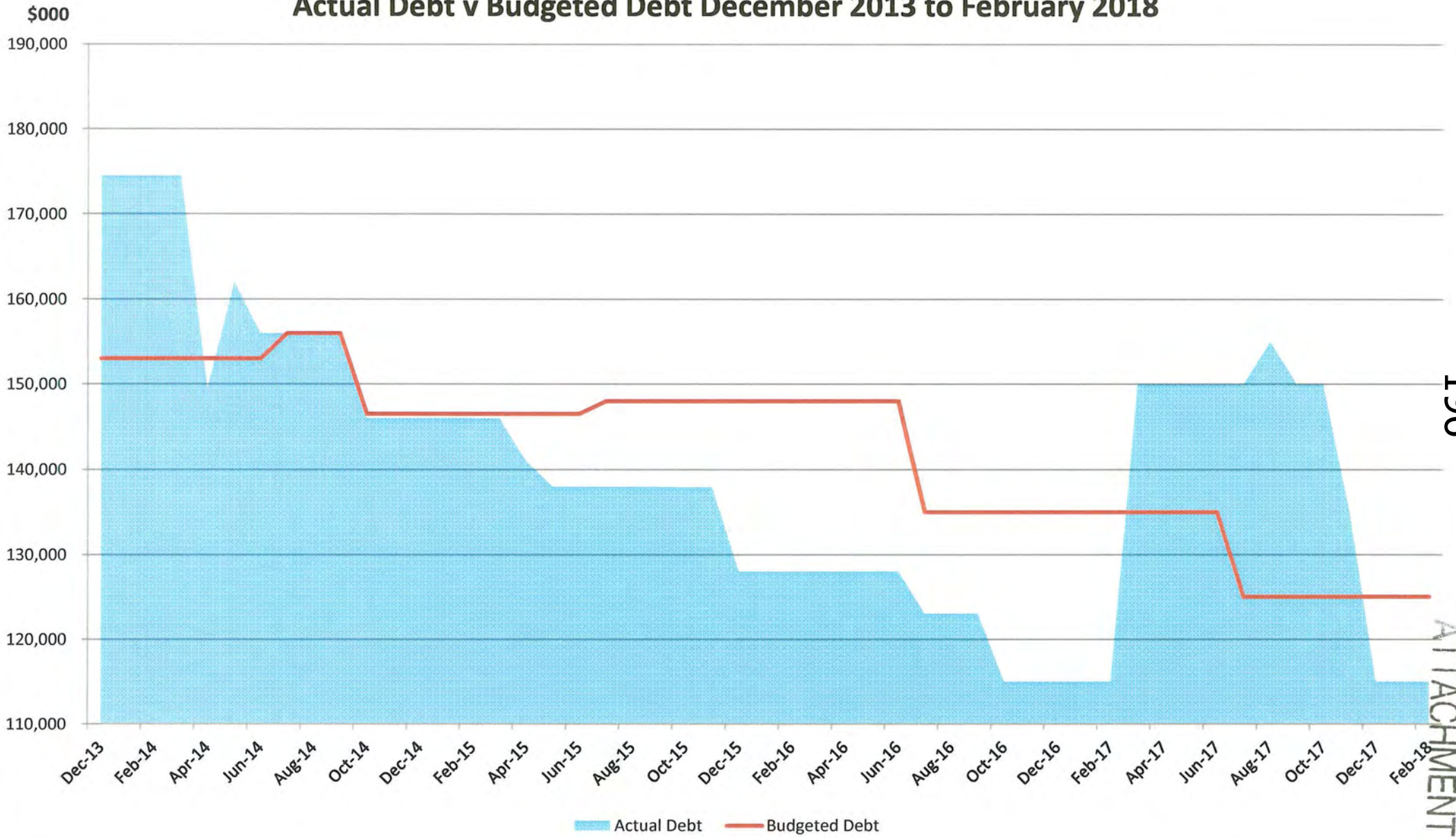




### 5 Year Net Debt Trend - Qtr on Qtr



# Actual Debt v Budgeted Debt December 2013 to February 2018



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ATTACHMENT





## Key Financial Issues for the Eight Months Ended 28 February 2018

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### 1. Executive Summary

This report provides a high-level summary of the draft financial statements for the eight months ended 28 February 2018 and brief explanations of significant variances from the year-to-date budget, highlighting any known issues.

### 2. Income

2.1 Total income for the eight months ended 28 February 2018 was \$114.42m. This was \$49.88m higher than the year-to-date budget of \$64.54m. The significant increase is due to a \$43.29m increase in 'other income' due to asset revaluations. Further details provided below.

2.2 The major variances were:

- Financial contributions of \$6.76m are \$78k ahead of year-to-date budget of \$6.68m. This is due to continued development in the District, although starting to slow down versus budgeted timing for the year. Lower than expected income year-to-date experienced in Omokoroa wastewater and district stormwater, although more than offset by higher than expected income in rural roading and district reserves and facilities. See table below for a detailed breakdown
- Other income of \$45.54m being \$44.31m ahead of the year-to-date budget of \$1.23m. This is primarily due to asset revaluations made by Opteon of Council land and buildings across the District of \$43.29m. A breakdown of revaluation by activity is provided below. The additional increase of \$1m relates to a contribution from the NZ Community Trust for the Tauranga to Omokoroa cycleway
- Rate income of \$24.15m being \$339k ahead of the year-to-date budget of \$23.81m
- Service charge income of \$16.65m being \$16k lower than year-to-date budget of \$16.67m
- Subsidies and grants income of \$7.91m being \$640k lower than the year-to-date budget of \$8.55m. This is due to the timing of NZTA funding for capital works projects (\$269k) and Ongare Point wastewater scheme (\$608k). This is offset in part by unbudgeted TECT subsidy income for the Dave Hume swimming pool (\$103k)
- User fees income of \$6.57m is \$150k higher than the year-to-date budget of \$6.42m. This is due to the timing of continuous subdivision fee income and other development, trade waste disposal charges, dog registration fees and registered premises
- Sundry income of \$439k is \$105k higher than year-to-date budget of \$333k. This is due to timing of dividend income (\$64k) and petrol tax distribution (\$41k)

- o Vested assets of \$5.53m. The full year budget of \$2.24m has been set in Period 12 (June 2018) due to the nature of timing speculation. However, the \$5.53m of vested assets year-to-date relates to assets identified as a result of data cleansing work carried out as part of the Asset Finda project.
- o The table below provides a breakdown of asset revaluations by activity;

Summary	Asset Revaluation increase
Transportation	1,463,597
Water	696,000
Communities	3,122,000
Reserves	26,030,465
Waste Management	1,683,000
Solid Waste	153,000
Stormwater	401,350
Corp Services	9,743,943
<b>Total</b>	<b>43,293,354</b>

The table below provides a breakdown of the financial contributions received:

	Budget 2018	Actual 2018	\$ Variance to Budget	% Variance to Budget
Water Supply - Western	270,096	316,198	46,102	17 %
Water Supply - Central	354,544	434,744	80,200	23 %
Water Supply - Eastern	268,232	328,863	60,631	23 %
Wastewater - Waihi Beach	328,248	366,714	38,466	12 %
Wastewater - Katikati	264,848	272,659	7,811	3 %
Wastewater - Omokoroa	1,511,864	908,418	(603,446)	(40)%
Wastewater - Te Puke	184,976	35,879	(149,097)	(81)%
Wastewater - Maketu/Little Waihi	4,384	0	(4,384)	
Stormwater	836,664	410,841	(425,823)	(51)%
Roading - Rural	430,056	971,006	540,950	126 %
Roading - Waihi Beach SP	13,256	38,927	25,671	194 %
Roading - Katikati SP	98,120	94,679	(3,441)	(4)%
Roading - Omokoroa SP	673,608	634,124	(39,484)	(6)%
Roading - Te Puke SP	119,752	28,966	(90,786)	(76)%
Roading - Strategic	142,552	137,855	(4,697)	(3)%
District - Reserves & Facilities	1,055,592	1,623,830	568,238	54 %
Ecological	123,128	153,741	30,613	25 %
<b>Total</b>	<b>6,679,920</b>	<b>6,757,443</b>	<b>77,523</b>	<b>1 %</b>



### 3. Expenditure

- 3.1 Total expenditure of \$52.48m was \$1.19m lower than the year-to-date budget of \$53.67m.
- 3.2 The major variances were;
- Additional Level of Service projects of \$1.34m were \$864k lower than year-to-date budget of \$2.21m. Movements by activity are included as per **(Attachment A)**
  - Operating costs of \$20.39m being \$353k higher than the year-to-date budget of \$20.03m. The adverse timing of bad debt expense (\$301k), rating discounts (\$152k) and the ONMC maintenance contract (\$340k) has been partly offset by year-to-date underspends across other operational costs including tabloid and communication costs (\$63k), insurance (\$72k), grants (\$113k) and electricity (\$200k)
  - Interest expense of \$5.37m being \$88k ahead of the year-to-date budget of \$5.28m. This is due to higher short term debt held for the pre-funding of \$35m debt maturities in November and December 2017. This is offset in part by higher interest income on the corresponding higher term deposits held of \$35m
  - Depreciation of \$12.98m being \$471k lower than the year-to-date budget of \$13.45m.

### 4. Capital Expenditure

- 4.1 Total capital expenditure of \$21.08m was \$1.37m lower than year-to-date budget of \$22.45m. Movements by activity are included as per **(Attachment B)**.
- 4.2 The major variances were;
- Transportation expenditure of \$7.71m being \$2.75m lower than the year-to-date budget of \$10.47m. This is due to underspends on Community Rooding (\$573k), Omokoroa Structure Plan projects (\$727k) and the One Network Maintenance Contract (\$4.35m). This is offset in part by year-to-date overspends on road safety (\$1.58m) and cycling/walking (\$1.07m) projects
  - Stormwater expenditure of \$1.68m being \$1.47m higher than the year-to-date budget of \$210k. This is due to the Omokoroa Stormwater Structure Plan project being brought forward to enable the Omokoroa Road development to continue ahead. Offset in part by year-to-date underspends on smaller projects
  - Communities' expenditure of \$1.99m, being \$1.50m lower than year-to-date budget of \$3.49m. This is predominantly due to the timing difference of the Katikati Library build project (\$1.41m) and library book purchases (\$85k)

- o Water Supply expenditure of \$3.10m being \$1.07m higher than year-to-date budget of \$2.04m. This is due to year-to-date overspends on the reticulation projects (\$792k) across the district and the Pongakawa water treatment plant enhancement project (\$320k)
- o Wastewater expenditure of \$3.91m being \$1.54m higher than the year-to-date budget of \$2.38m. This is predominantly due to year-to-date overspends on Te Puna West wastewater system (\$1.15m) and the Omokoroa wastewater structure plan (\$487k).

**Western Bay of Plenty District Council  
Draft Statement of Financial Performance  
For the 8 months ended 28 February 2018**

	Year to Date			Last Year Actual \$'000	Full Year Revised Budget \$'000
	Actual \$'000	Budget \$'000	Variance Fav / (Unf) \$'000		
<b>Costs</b>					
Additional Levels of Service	1,343	2,207	864	1,526	3,696
Operating Costs	20,386	20,033	(353)	18,419	31,642
Personnel	12,401	12,699	298	11,232	19,340
Interest Exp - External	5,370	5,283	(88)	5,410	7,800
Depreciation	12,976	13,447	471	13,091	20,170
<b>Total Costs</b>	<b>52,476</b>	<b>53,668</b>	<b>1,192</b>	<b>49,678</b>	<b>82,648</b>
<b>Income</b>					
Financial Contributions	6,757	6,680	78	5,913	10,020
Interest Income - External	879	854	25	176	1,280
Other Income	45,539	1,226	44,313	1,802	2,217
Rate Income	24,148	23,809	339	23,960	35,713
Service Charges	16,649	16,665	(16)	16,254	25,004
Subsidies and Grants	7,906	8,546	(640)	4,602	12,818
Sundry Income	439	333	105	520	500
User Fees	6,574	6,425	150	6,218	9,392
Vested Assets	5,531	0	5,531	0	2,240
<b>Total Revenue</b>	<b>114,422</b>	<b>64,537</b>	<b>49,885</b>	<b>59,446</b>	<b>99,185</b>
Share of Associate surplus/(deficit)	0	0	0	0	0
<b>Surplus (Deficit)</b>	<b>61,946</b>	<b>10,869</b>	<b>51,077</b>	<b>9,768</b>	<b>16,537</b>

**Western Bay of Plenty District Council**  
**Statement of Financial Position**  
**As at 28 February 2018**

	<b>Actual</b> <b>28 February</b> <b>2018</b> <b>\$'000</b>	<b>Forecast</b> <b>June 2017</b> <b>\$'000</b>	<b>June 2017</b> <b>\$'000</b>
<b>EQUITY</b>			
Accumulated Funds	846,303	786,914	784,185
Restricted Reserves	266	261	266
Council-created Reserves	29,385	21,650	29,556
Asset Revaluation Reserves	419,616	372,284	341,466
<b>Total Equity</b>	<b>1,295,570</b>	<b>1,181,109</b>	<b>1,155,473</b>
<b>Assets</b>			
<b>Current Assets</b>			
Cash and Bank	3,015	6,218	4,863
Short Term Deposits	16,065	-	44,916
Receivables and Prepayments	32,771	9,423	8,558
Property and Investments for Resale	-	192	875
<b>Total Current Assets</b>	<b>51,851</b>	<b>15,833</b>	<b>59,212</b>
<b>Non-current Assets</b>			
Financial Instruments	13,556	9,827	10,273
Other Non-current Assets	1,394,462	1,306,102	1,259,396
Interest in Associates	222	3,680	3,825
<b>Total Non-current Assets</b>	<b>1,408,240</b>	<b>1,319,609</b>	<b>1,273,494</b>
<b>Total Assets</b>	<b>1,460,092</b>	<b>1,335,442</b>	<b>1,332,705</b>
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Payables and Accruals	37,732	11,860	14,547
Employee Entitlements	1,465	2,012	2,360
Current Portion Public Debt	-	25,000	45,000
Derivative Financial Instrument	9,655	14,798	9,655
Current Portion Provisions	312	311	312
<b>Total current Liabilities</b>	<b>49,164</b>	<b>53,981</b>	<b>71,874</b>
<b>Non-current Liabilities</b>			
Public Debt - Term Portion	115,000	100,000	105,000
Other Term Debt	358	22	-
Non-current Provisions	-	330	358
<b>Total Non-current Liabilities</b>	<b>115,358</b>	<b>100,352</b>	<b>105,358</b>
<b>Total Liabilities</b>	<b>164,522</b>	<b>154,333</b>	<b>177,232</b>
<b>Net Assets</b>	<b>1,295,570</b>	<b>1,181,109</b>	<b>1,155,473</b>

**Western Bay of Plenty District Council**  
**Capital Expenditure Summary**  
**For the period ended 28 February 2018**


<b>Activity</b>	<b>Year Actual \$'000</b>	<b>Year Budget \$'000</b>	<b>Year Variance \$'000</b>	<b>Full Year Budget \$'000</b>
Transportation	7,713	10,465	2,752	15,698
Solid Waste	0	0	0	0
Recreation & Leisure	1,408	2,081	673	3,121
Stormwater	1,679	210	(1,470)	1,180
Economic	0	179	179	268
Sustainable Development	0	0	0	0
	<b>10,800</b>	<b>12,934</b>	<b>2,134</b>	<b>20,267</b>
Western Water	787	730	(57)	2,109
Central Water	1,334	780	(555)	2,194
Eastern Water	981	527	(453)	1,156
<b>Water Supply</b>	<b>3,101</b>	<b>2,037</b>	<b>(1,065)</b>	<b>5,459</b>
Information Centres	1,596	3,100	1,505	4,651
Community Facilities	390	388	(3)	581
<b>Communities</b>	<b>1,986</b>	<b>3,488</b>	<b>1,502</b>	<b>5,232</b>
Waihi Beach Wastewater	163	197	34	579
Kaikati Wastewater	144	165	21	960
Omokoroa Wastewater	2,884	1,249	(1,634)	2,134
Te Puke Wastewater	130	274	144	885
Ongare Wastewater	475	490	15	1,687
<b>Wastewater</b>	<b>3,911</b>	<b>2,375</b>	<b>(1,536)</b>	<b>6,395</b>
Information Services	346	486	141	730
Corporate Assets	745	663	(81)	995
Corporate Services	194	467	273	700
<b>Corporate Services</b>	<b>1,284</b>	<b>1,616</b>	<b>332</b>	<b>2,424</b>
<b>Total Capital Expenditure</b>	<b>21,082</b>	<b>22,451</b>	<b>1,368</b>	<b>39,778</b>




**Western Bay of Plenty District Council**  
**Cost of Service Summary**  
**For the period ended 28 February 2018**

<b>Activity</b>	<b>Total Operating Revenue \$'000</b>	<b>Total Operating Costs \$'000</b>	<b>Net Cost of Service Surplus / (Deficit) \$'000</b>	<b>YTD Budget Surplus / (Deficit) \$'000</b>	<b>YTD Variance Under / (Over) \$'000</b>	<b>Total Budget Surplus / (Deficit) \$'000</b>
Stormwater	4,505	2,642	1,863	876	987	1,589
Solid Waste	1,115	988	127	(339)	466	(727)
Natural Environment	385	377	8	(81)	88	(258)
Economic	193	528	(335)	(359)	24	(351)
Representation	291	1,541	(1,250)	(1,750)	500	(2,642)
Transportation	20,042	12,510	7,532	4,223	3,309	6,556
Recreation & Leisure	30,940	3,658	27,282	(2,765)	30,047	(4,011)
	<b>57,470</b>	<b>22,244</b>	<b>35,226</b>	<b>(196)</b>	<b>35,422</b>	<b>157</b>
Strategic Planning/Monitoring	0	731	(731)	(933)	202	(1,393)
Resource Management Planning	0	496	(496)	(587)	91	(911)
Infrastructure Planning	8	0	8	133	(124)	199
<b>Sustainable Development</b>	<b>8</b>	<b>1,227</b>	<b>(1,218)</b>	<b>(1,387)</b>	<b>169</b>	<b>(2,105)</b>
Western Water	3,311	2,338	974	796	178	1,215
Central Water	2,093	1,919	173	41	132	(43)
Eastern Water	3,255	3,096	158	(168)	326	(200)
<b>Water Supply</b>	<b>8,659</b>	<b>7,353</b>	<b>1,305</b>	<b>669</b>	<b>636</b>	<b>972</b>
Resource Consents	1,037	973	65	(139)	204	(222)
Building Services	1,996	2,518	(522)	(670)	148	(1,027)
Animal Services	627	558	69	15	54	(244)
Compliance & Monitoring	231	583	(352)	(429)	77	(650)
<b>Regulatory</b>	<b>3,891</b>	<b>4,632</b>	<b>(741)</b>	<b>(1,223)</b>	<b>483</b>	<b>(2,143)</b>
Information Centres	1,500	1,773	(272)	(658)	386	(905)
Community Development	123	1,204	(1,080)	(1,280)	200	(1,909)
Emergency Management	44	241	(197)	(286)	89	(429)
Community Facilities	3,609	712	2,897	(254)	3,151	(334)
<b>Communities</b>	<b>5,277</b>	<b>3,930</b>	<b>1,347</b>	<b>(2,478)</b>	<b>3,825</b>	<b>(3,578)</b>

Activity	Total Operating Revenue \$'000	Total Operating Costs \$'000	Net Cost of Service Surplus / (Deficit) \$'000	YTD Budget Surplus / (Deficit) \$'000	YTD Variance Under / (Over) \$'000	Total Budget Surplus / (Deficit) \$'000
Waihi Beach Wastewater	2,670	2,142	528	(87)	615	(349)
Katikati Wastewater	2,157	1,079	1,078	246	833	324
Omokoroa Wastewater	3,579	2,921	658	529	130	1,017
Te Puke Wastewater	2,208	1,087	1,121	1,159	(38)	1,728
Makeku Wastewater	351	858	(507)	(516)	9	(804)
Ongare Wastewater	0	20	(20)	594	(613)	869
<b>Wastewater</b>	<b>10,966</b>	<b>8,106</b>	<b>2,860</b>	<b>1,925</b>	<b>935</b>	<b>2,785</b>
Financial Services	518	373	145	491	(346)	516
Information Services	41	562	(521)	(581)	60	(867)
Corporate Assets	11,476	1,384	10,092	(441)	10,532	(508)
Corporate Services	7	1,208	(1,201)	(332)	(870)	(592)
<b>Corporate Services</b>	<b>12,042</b>	<b>3,661</b>	<b>8,381</b>	<b>(845)</b>	<b>9,226</b>	<b>(1,451)</b>
Treasury Operations	874	(204)	1,078	685	393	1,018
Rates Appropriation	15,234	1,527	13,708	13,919	(211)	20,878
<b>Rates and Treasury</b>	<b>16,108</b>	<b>1,323</b>	<b>14,785</b>	<b>14,603</b>	<b>182</b>	<b>21,896</b>
<b>Total</b>	<b>114,422</b>	<b>52,477</b>	<b>61,945</b>	<b>11,069</b>	<b>50,879</b>	<b>16,537</b>

  
Ian Butler  
Finance Manager

Approved

  
Kumaren Perumal  
Chief Financial Officer

**ADDITIONAL LEVELS OF SERVICE**

Financial Year 2017/18	For the 8 months ended 28 February 2018	Actual Year to Date	Budget Year to Date	Variance Year to Date (Under)/Over	Variance Explanation	Annual Plan Full Year Revised Budget
<b>REPRESENTATION</b>						
236801 001	Representation Review - Triennially	7,721	40,000	(32,279)	The project was scoped and approved by MT. A cross-organisational team has been formed and external expert advisor engaged.	60,000
250401 001	Triennial Elections	-	1,336	(1,336)	Election and by-elections complete.	2,000
<b>11 01 01 0090</b>	<b>Elected Members</b>	<b>7,721</b>	<b>41,336</b>	<b>(33,615)</b>		<b>62,000</b>
<b>PLANNING FOR THE FUTURE</b>						
151105 001	Kaimai Reserves Management Plan	(12,517)	20,232	(32,749)	The concept plans for Precious Reserve, Lynley Park Subdivision Reserve, Ruahihi and Maramatanga Park have been released for consultation. Workshops with Katikati and Waihi Beach Community Boards have been undertaken as part of scoping the review of the Waihi Beach/Katikati Reserve Management Plan. Applications to the Facilities In the Community funding round have now closed, and will be determined by the Community Committee.	30,344
151107 001	Reserve Management Plans / Concept Plan Reviews	18,040	6,664	11,376	As above.	10,000
175602 001	LTCCP Development and Adoption	62,308	86,664	(24,356)	Workstream meetings have continued and milestones are on track. The key deliverables over the coming months are the consultation document and supporting documentation.	130,000
175906 001	Freedom camping policy/bylaw	-	-	-		-
175910 001	Policy Review & Development	-	3,336	(3,336)	Work continues on the approved work programme. A final Easter Sunday Shop Trading Policy has been adopted, to come into effect for Easter 2018.	5,000
259505 001	Te Puna Community Development Plan	16,947	10,536	6,411	Plan completed.	15,800
289102 001	Strategy Review - Economic	-	3,336	(3,336)		5,000
293002 001	Bylaw Review & Development	-	3,336	(3,336)		5,000
311401 001	COBOP Coordinator Cost Share	-	13,336	(13,336)	Q2 2017/18 - No issues. Administration being performed by Western Bay. COPBOP funds held in reserve.	20,000
<b>13 01 01 0090</b>	<b>Strategic Planning Management</b>	<b>84,777</b>	<b>147,440</b>	<b>(62,663)</b>		<b>221,144</b>
317501 001	Omokoroa Central Area Master Plan	49	-	49	Start developing the project brief, but the project has been deferred due to financial situation and slow growth in Omokoroa.	-
294208 001	Structure Plan Reviews	-	13,336	(13,336)	Katikati UGA: further feasibility being undertaken on further sites and costs of infrastructure. Omokoroa Stage 3: Preparing project plan and commenced gathering background information.	20,000
252208 001	Smartgrowth Implementation - Coordination Share	57,280	66,664	(9,384)		100,000
<b>13 02 01 0090</b>	<b>Resource Management Planning</b>	<b>57,329</b>	<b>80,000</b>	<b>(22,671)</b>		<b>120,000</b>
<b>TRANSPORTATION</b>						
324009 001	Strategic Roading - Operating Costs - Traffic Modelling etc.	16,519	135,760	(119,241)	Contribution to reconstruction and upgrade of Omokoroa Road from SH2 to Railway. Roundabout brought forward. Contribution to upgrading Kayelene Place now completed.	203,642
324013 001	Transport - Service relocation	-	236,192	(236,192)	Contribution to reconstruction and upgrade of Omokoroa Road from SH2 to Railway. Roundabout brought forward. Contribution to upgrading Kayelene Place now completed.	207,284
<b>30 02 14 0090</b>	<b>Strategic Roading</b>	<b>16,519</b>	<b>371,952</b>	<b>(355,433)</b>		<b>410,926</b>



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279202 001	Property Purchases Roothing	6,064	6,000	64	Purchases are made as and when required for roading projects	155,463
305113 001	Community Event Traffic Management	4,821	-	4,821		-
<b>30 03 01 0090</b>	<b>Asset Management</b>	<b>10,885</b>	<b>6,000</b>	<b>4,885</b>		<b>155,463</b>
152301 001	Safety Administration Programme	50,000	32,128	17,872	Joint Road Safety Committees ongoing delivery of the Road Safety Action Plan.	48,193
<b>30 05 03 0090</b>	<b>Road Safety</b>	<b>50,000</b>	<b>32,128</b>	<b>17,872</b>		<b>48,193</b>
<b>WATER SUPPLY</b>						
243636 001	WSZ - Water demand managment	-	-	-	- New project to upgrade water mains in Hillview, Leo, Queen, Ayr & Edinburgh Streets, Waihi Beach to commence Oct thru mid-Dec 2017 and then continue in Feb - March 2018.	110,000
310601 001	Asset Validation - Western Water	6,204	6,664	(460)	Completion of validation programme. Information collected included in Asset Management Plan document under plan improvements.	10,000
<b>40 01 01 0090</b>	<b>Western Water</b>	<b>6,204</b>	<b>6,664</b>	<b>(460)</b>		<b>120,000</b>
243333 001	Central Supply Zone - Water Demand & Management	30,374	30,000	374	Central water supply projects are well underway with various capital works being tendered out at present. One Major construction project underway at Omokoroa SH2 intersection.	160,000
310701 001	Asset Validation - Central Water	4,935	6,664	(1,729)		10,000
<b>40 01 02 0090</b>	<b>Central Water</b>	<b>35,309</b>	<b>36,664</b>	<b>(1,355)</b>		<b>170,000</b>
310801 001	Asset Validation - Eastern Water	(6,400)	6,664	(13,064)		10,000
287117 001	ESZ - Water demand management	10,000	-	10,000	Treatment plant upgrade planning is being reviewed and is dependant now on the quality of the water that will be extracted from the ESZ11 Bore.	-
<b>40 01 03 0090</b>	<b>Eastern Water</b>	<b>3,600</b>	<b>6,664</b>	<b>(3,064)</b>		<b>10,000</b>
<b>COMMUNITIES</b>						
148804 001	Tauranga Orchestra Grant	-	656	(656)	Successful and non successful applicants have been notified. Community Boards have been notified of successful applicants.	1,000
148805 001	Katikati Open Air Art Grant (Murals)	3,286	5,336	(2,050)	As above.	8,000
148809 001	Community Grants - Te Puke/Maketu	16,000	13,336	2,664	As above.	20,000
148810 001	Community Grants - Waihi Beach/Katikati	32,674	13,336	19,338	As above.	20,000
148811 001	Community Grants - Kaimai	5,500	13,336	(7,836)	As above.	20,000
148812 001	Community Matching Fund - Accumulated Ecological Fund	40,000	26,664	13,336	As above.	40,000
336101 001	Museum Facilities	-	40,000	(40,000)	Museum Trust Chair advised Council will hand back ownership of collection	60,000
<b>42 01 01 0090</b>	<b>Community Development &amp; Grants</b>	<b>97,460</b>	<b>112,664</b>	<b>(15,204)</b>		<b>169,000</b>
331001 001	Supporting Iwi & Hapu Management	-	33,336	(33,336)	Have workshopped with relevant iwi/hapu on identified areas in their plans with some good actions coming from the work shop	50,000
334801 001	Marae Maintenance	-	22,000	(22,000)	This money is still set aside for Otawhiwhi and just waiting for them.	33,000
323201 001	Papakainga Development	40,000	29,960	10,040		44,946
<b>42 01 02 0090</b>	<b>Cultural Development Support</b>	<b>40,000</b>	<b>85,296</b>	<b>(45,296)</b>		<b>127,946</b>



**ADDITIONAL LEVELS OF SERVICE**

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323103 001	Tsunami System Education programme	376	1,664	(1,288)		2,500
156302 001	Lifeline Facilities Study	-	6,664	(6,664)		10,000
<b>42 02 01 0090</b>	<b>Emergency Management</b>	<b>376</b>	<b>8,328</b>	<b>(7,952)</b>		<b>12,500</b>
248801 002	Audio Visual - Hastie Grant - Operating Costs	4,278	-	4,278		-
<b>42 03 04 0090</b>	<b>Service Centre &amp; Library - Te Puke</b>	<b>4,278</b>	<b>-</b>	<b>4,278</b>		<b>-</b>
330902 001	APNK (Aotearoa Peoples Network Kaharoa) - Operating Costs	-	13,336	(13,336)		20,000
<b>42 03 07 0090</b>	<b>District Library Services</b>	<b>-</b>	<b>13,336</b>	<b>(13,336)</b>		<b>20,000</b>
280801 001	Katikati Hall Improvements	22,434	8,824	13,610	Work is undertaken by the various hall committees.	13,230
280803 001	Ohauti Hall Improvements	1,314	2,800	(1,486)	As above.	4,200
280804 001	Omanawa Hall Improvements	1,768	2,536	(768)	As above.	3,800
280805 001	Omokoroa Hall Improvements	30,479	9,536	20,943	As above.	14,300
280825 001	Oropi Hall improvements	145,000	-	145,000	As above.	-
280809 001	Paengaroa Hall Improvements	3,749	7,400	(3,651)	As above.	11,100
280810 001	Pyes Pa Hall Improvements	1,446	1,456	(10)	As above.	2,180
280811 001	Te Puke Hall Improvements	9,890	25,536	(15,646)	As above.	38,300
280812 001	Te Puna Community Centre Hall Improvements	-	4,232	(4,232)	As above.	6,350
280813 001	Te Puna War Memorial Hall Improvements	-	-	-	As above.	-
280815 001	Community Hall - Waihi Beach	11,995	5,136	6,859	As above.	7,700
280816 001	Kaimai Hall	1,930	1,384	546	As above.	2,080
280819 001	Pukehina Beach Commercial Centre Improvements	-	1,664	(1,664)	As above.	2,500
280820 001	Te Ranga Hall Improvements	2,945	1,336	1,609	As above.	2,000
280822 001	Whakamaramara Hall Improvements	-	4,232	(4,232)	As above.	6,350
<b>42 04 03 0090</b>	<b>Community Halls</b>	<b>232,950</b>	<b>76,072</b>	<b>156,878</b>		<b>114,090</b>
<b>RESERVES &amp; FACILITIES</b>						
213404 001	Asset Management plan	5,781	33,336	(27,555)	Playground audit report received. Implementation of actions arising underway. AMP draft peer review received and actions arising will be introduced over the next few months	50,000
<b>44 01 01 0090</b>	<b>Reserves &amp; Facilities Management</b>	<b>5,781</b>	<b>33,336</b>	<b>(27,555)</b>		<b>50,000</b>
253801 001	Maintenance - Scheduled (Excel)	(700)	-	(700)		-
260101 002	Haiku Park Walkway Extension (Operating Costs)	(191)	-	(191)		-
260106 002	Mill Block Access (Opex)	3,023	-	3,023	Project completed. Bridge CCC obtained and formal opening held.	-
260313 001	Kauri Point - Operations & Conservation Plan Manual	-	6,200	(6,200)	A proposal to prepare an Operations & Conservation Plan Manual has been received and is under review. Subject to approval, delivery of the manual will be early 2018.	9,300
294503 002	Omok Sports Grnd - Hardcourts opex	50	-	50	294503: Construction of tennis courts 3 & 4 is underway.	-
336701 001	Opureora Marae Toilet - Service Delivery Contract	-	6,664	(6,664)	SD contract in place. No invoice received yet from Marae Committee	10,000
320801 002	District Reserves Asset Renewals (operational)	(20,000)	-	(20,000)	On track. Renewals completed include Fairhaven playground; Shelly Bay bollard; Dave Hume Pool fencing; plant renewals and changing rooms refurb and pool painting; Haiku path seating; Dotterel Point toilet septic tanks upgrade;	-
312502 001	District Signage - Operating	9,708	6,664	3,044	Procurement of signage design services	10,000
<b>44 01 02 0090</b>	<b>District Reserves</b>	<b>(8,110)</b>	<b>19,528</b>	<b>(27,638)</b>		<b>29,300</b>

**ADDITIONAL LEVELS OF SERVICE**

Financial Year 2017/18	For the 8 months ended 28 February 2018	Actual Year to Date	Budget Year to Date	Variance Year to Date (Under)/Over	Variance Explanation	Annual Plan Full Year Revised Budget
326105 001	Te Puke Aquatic Centre - Repairs & Maintenance	18,752	13,336	5,416	Minor repairs underway with main pool actuator valve sensor replacement and pool vacuum cleaner	20,000
163503 001	Te Puke Aquatic Centre Service Delivery Contract	65,360	66,664	(1,304)	SD contract for 2017/18 summer swim season operation reviewed and in place. Contract for plant water treatment and maintenance in place	100,000
165401 001	Dave Hume Swimming Pool Service Delivery Contract	56,700	48,000	8,700	New SD contract in place for three years. Off season maintenance activities include: Pool repaint; new boundary fencing; Plant room DE filtration upgrade; Office refurb; Changing rooms repaint and addition of new shower cubicles. Funding for these works from Asset renewals account and TECT grant.	72,000
<b>44 01 04 0090</b>	<b>Swimming Pools</b>	<b>140,813</b>	<b>128,000</b>	<b>12,813</b>		<b>192,000</b>
322003 001	Tauranga Harbour Recreation Strategy Harbour Forum	-	664	(664)	No activity or expenditure to date with regard the harbour users forum or strategy monitoring. Third party dependant.	1,000
322004 001	Tauranga Harbour Recreation Strategy Monitoring	-	3,336	(3,336)	No activity or expenditure to date with regard the harbour users forum or strategy monitoring. Third party dependant.	5,000
328001 001	Omokoroa Geology - operational	19,810	-	19,810	Omokoroa landslip inspections and option assessment underway via geotech consultancy	-
<b>44 02 01 0090</b>	<b>Harbour Structures</b>	<b>19,810</b>	<b>4,000</b>	<b>15,810</b>		<b>6,000</b>
289835 001	TECT All Terrain Park - Plans & Assessments	360	17,336	(16,976)		26,000
<b>44 03 02 0090</b>	<b>TECT All Terrain Park</b>	<b>360</b>	<b>17,336</b>	<b>(16,976)</b>		<b>26,000</b>
<b>WASTEWATER</b>						
310902 001	Waihi Beach Asset Validation	4,985	3,336	1,649	Complete	5,000
319502 001	Waihi Beach Infiltration Investigation	27,920	26,664	1,256	Works complete.	40,000
336301 001	Waihi Beach WWTP Monitoring and Review	26,543	5,000	21,543	Preliminary works underway in setting up monitoring equipment within the network	50,000
310901 001	Asset Validation - Wastewater Waihi Beach	(2,000)	-	(2,000)	Complete	-
<b>60 01 01 0090</b>	<b>Waihi Beach Wastewater</b>	<b>57,447</b>	<b>35,000</b>	<b>22,447</b>		<b>95,000</b>
311002 001	Katikati Asset Validation	3,015	3,336	(321)	Completed project	5,000
323402 001	Katikati Infiltration Investigation	10,560	6,664	3,896	Project on track. Investigations looking at key I&I sites	10,000
<b>60 01 02 0090</b>	<b>Katikati Wastewater</b>	<b>13,575</b>	<b>10,000</b>	<b>3,575</b>		<b>15,000</b>
338601 001	Omokoroa Asset Validation	3,015	3,336	(321)	Pump station condition assessments nearing completion	5,000
<b>60 01 03 0090</b>	<b>Omokoroa Wastewater</b>	<b>3,015</b>	<b>3,336</b>	<b>(321)</b>		<b>5,000</b>
311102 001	Te Puke Asset Validation	(159)	-	(159)	Collection of asset data ongoing	5,000
<b>60 01 04 0090</b>	<b>Te Puke Wastewater</b>	<b>(159)</b>	<b>-</b>	<b>(159)</b>		<b>5,000</b>
331803 001	Ongare Point Wastewater System - Preliminary Costs	6,876	-	6,876	Consent has been notified and submissions closed on 9 October 2017. No objections received but 5 positive responses received. Updates have been provided to the community on a monthly basis on the status of the project. All going to plan, physical works can start Feb 2018	-
<b>60 01 06 0090</b>	<b>Ongare Wastewater</b>	<b>6,876</b>	<b>-</b>	<b>6,876</b>		<b>-</b>
318601 000	Waste Minimisation Funding Pool	52,461	48,000	4,461	Balance of funding will be held for future expenditure for Omokoroa when new site is established.	130,000
318601 001	Waste Minimisation Funding Pool	-	-	-	Balance of funding will be held for future expenditure for Omokoroa when new site is established.	-



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319902 001	District Wide Trade Waste Implementation	-	-	-	Implementation of Trade waste progressing on a part time basis, due in part to Tuana Kuka who is heavily involved in the implementation of the Te Puna West wastewater scheme and is the nominated project manager for the construction works. Tuana is actively underway meeting with trade waste companies/organisations regarding their discharges into Councils wastewater system	50,000
<b>60 02 01 0090</b>	<b>District Solid Waste</b>	<b>52,461</b>	<b>48,000</b>	<b>4,461</b>		<b>180,000</b>
<b>STORMWATER</b>						
311302 001	Stormwater Asset Validation	-	6,664	(6,664)	Collection of asset data underway	10,000
<b>61 01 01 0090</b>	<b>Stormwater Network - Growth Communities</b>	<b>-</b>	<b>6,664</b>	<b>(6,664)</b>		<b>10,000</b>
332630 001	Pukehina Stormwater Contribution to Waihi Drainage Society	3,000	-	3,000	Project underway	5,000
<b>61 02 01 0090</b>	<b>Small Communities</b>	<b>3,000</b>	<b>-</b>	<b>3,000</b>		<b>5,000</b>
<b>NATURAL ENVIRONMENT</b>						
244606 001	Coastcare Materials	35,598	10,000	25,598	Materials to replace dune boardwalk at WB Coastguard and manila/nylon rope for dune fencing.	15,000
<b>64 01 06 0090</b>	<b>Coastcare</b>	<b>35,598</b>	<b>10,000</b>	<b>25,598</b>		<b>15,000</b>
305302 001	Waihi Land Drainage Society - Canal Investigation	-	13,336	(13,336)	Working with drainage society team regarding replacement of Number One pump station. Significant capital spend required to upgrade the number of pump stations	20,000
<b>64 01 07 0090</b>	<b>Waihi District Drainage-Drains</b>	<b>-</b>	<b>13,336</b>	<b>(13,336)</b>		<b>20,000</b>
<b>ECONOMIC</b>						
336501 001	Waihi Beach Promotion Service Delivery Contract	20,747	27,664	(6,917)	Have created a new walkways and cycleways brochure for use by the iSite.	41,494
299301 001	Te Puke Promotion Service Delivery Contract	65,875	43,920	21,955	Successful community events held for Halloween and the Christmas Parade.	65,875
299302 001	Te Puke Promotion Service Delivery Contract - Civic	27,486	18,328	9,158	As above.	27,486
299401 001	Town Centre Promotion Katikati	71,524	47,680	23,844	Successful Mural Contest and Arts Festival held. Contributed to NZ Herald video on KK Library project.	71,524
<b>70 01 03 0090</b>	<b>Town Centre Promotion</b>	<b>185,632</b>	<b>137,592</b>	<b>48,040</b>		<b>206,379</b>
327901 001	Business Process Review - Online Services	33,214	33,336	(122)		50,000
341501 002	Digital Enablement Plan Project	25,000	66,664	(41,664)		100,000
<b>80 03 01 0090</b>	<b>Information Technology</b>	<b>58,214</b>	<b>100,000</b>	<b>(41,786)</b>		<b>150,000</b>
<b>SUPPORT SERVICES</b>						
318701 002	Property Files Back Scanning 2	3,315	-	3,315	Ongoing scanning of building consent paper files.	-
341101 001	Digitising Permanent Archive Records	3,105	460,000	(456,895)	RFP sent out as closed tenderers.	690,000
318701 001	Property Files Back Scanning	10,024	38,000	(27,976)	Ongoing scanning of building consent paper files.	57,000
<b>80 03 03 0090</b>	<b>Information Services</b>	<b>16,444</b>	<b>498,000</b>	<b>(481,556)</b>		<b>747,000</b>
338001 001 0000	Katikati Museum Costs - Operational Costs	60,000	-	60,000	Complete	-
<b>80 04 08 0090</b>	<b>Strategic Property</b>	<b>60,000</b>	<b>-</b>	<b>60,000</b>		<b>-</b>

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312301 001	Business & Process Improvement	2,478	13,336	(10,858)	Timesheet project is scheduled to commence in May 2018. The Assetfinda project has had a one month delay (due to data loading issues with Datacom) but project milestones are still expected to be met. The internal audit programme will be revised in February 2018 to reflect the work to be carried out in the 2017/18 year. The initial project scoping work for the DC project is expected to be complete by February 2018.	20,000
<b>80 05 02 0090</b>	<b>Corporate &amp; Planning Services - Management</b>	<b>2,478</b>	<b>13,336</b>	<b>(10,858)</b>		<b>20,000</b>
312202 001	Business & Process Improvement	-	13,336	(13,336)	Improvement opportunities will be actioned as opportunities arise.	20,000
<b>80 05 03 0090</b>	<b>Engineering Services - Group Manager</b>	<b>-</b>	<b>13,336</b>	<b>(13,336)</b>		<b>20,000</b>
312102 001	Business & Process Improvement	16,733	24,664	(7,931)	All corporate plan priority projects have charters - waiting to progress.	36,991
<b>80 05 06 0090</b>	<b>Customer Services - Management</b>	<b>16,733</b>	<b>24,664</b>	<b>(7,931)</b>		<b>36,991</b>
336201 001	2016 Development Code Update	-	33,336	(33,336)	0	50,000
<b>80 05 14 0090</b>	<b>Corporate Development</b>	<b>-</b>	<b>33,336</b>	<b>(33,336)</b>		<b>50,000</b>
333301 001	Business Excellence Initiatives	5,168	10,664	(5,497)	Improvement initiatives have been identified in the development of the Corporate Plan.	16,000
<b>80 05 19 0090</b>	<b>Corporate Development</b>	<b>5,168</b>	<b>10,664</b>	<b>(5,497)</b>		<b>16,000</b>
312401 001	Business & Process Improvement - Policy & Planning	17,460	-	17,460	The focus for business improvement within the PPR Group is most notably within the Environmental Monitoring & Compliance Team and Resource Consent Team. An external contractor is making great progress on developing a QMS to achieve ISO 17020 accreditation to meet food verification agency requirements.	-
312402 001	Business & Process Improvement - Policy & Planning	2,626	23,416	(20,790)	As above.	35,128
<b>80 05 20 0090</b>	<b>Policy Planning Regulatory - Management</b>	<b>20,086</b>	<b>23,416</b>	<b>(3,330)</b>		<b>35,128</b>
<b>TOTAL ADDITIONAL LEVELS OF SERVICE</b>		<b>1,342,632</b>	<b>2,207,424</b>	<b>(864,792)</b>		<b>3,696,060</b>



## CAPITAL PROJECTS

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## TRANSPORTATION

175602 002	LTCCP Development and Adoption (Capex)	-	-	-		-
<b>13 01 01 8901</b>	<b>Strategic Planning Management</b>	-	-	-		-
283202 001	Rural Community Rooding	-	149,248	(149,248)		223,866
<b>30 02 02 8901</b>	<b>Local Connections - Rural</b>	-	<b>149,248</b>	<b>(149,248)</b>		<b>223,866</b>
282705 001	Waihi Beach Esplanade Regrade car park	-	33,336	(33,336)	Cycling priorities have been adopted.	50,000
282702 001	Waihi Beach roading projects	-	94,520	(94,520)	Cycling priorities have been adopted.	141,782
<b>30 02 03 8901</b>	<b>Community Rooding - Waihi Beach</b>	-	<b>127,856</b>	<b>(127,856)</b>		<b>191,782</b>
282802 001	Katikati Rooding Projects	-	105,960	(105,960)	Community Board to decide community roading priorities.	158,945
<b>30 02 04 8901</b>	<b>Community Rooding - Katikati</b>	-	<b>105,960</b>	<b>(105,960)</b>		<b>158,945</b>
282902 001	Omokoroa Rooding Projects	-	63,184	(63,184)	Community Board to prioritise future projects.	94,770
<b>30 02 05 8901</b>	<b>Community Rooding - Omokoroa</b>	-	<b>63,184</b>	<b>(63,184)</b>		<b>94,770</b>
283002 001	Te Puke roading projects	-	100,728	(100,728)		151,097
<b>30 02 06 8901</b>	<b>Community Rooding - Te Puke</b>	-	<b>100,728</b>	<b>(100,728)</b>		<b>151,097</b>
283102 001	Maketu Community Rooding	-	26,288	(26,288)	Town Point Rd footpath under construction.	39,426
<b>30 02 07 8901</b>	<b>Community Rooding - Maketu</b>	-	<b>26,288</b>	<b>(26,288)</b>		<b>39,426</b>
302801 001	Waihi Beach Rooding Structure Plan	-	-	-		-
<b>30 02 08 8901</b>	<b>Structure Plans - Waihi Beach</b>	-	-	-		-
302901 001	Katikati roading SP - Urban	176,278	-	176,278		-
<b>30 02 09 8901</b>	<b>Structure Plans - Katikati</b>	<b>176,278</b>	-	<b>176,278</b>		-
303003 282	Omokoroa Rooding SP - Rural	327,731	188,136	139,595		282,203
303004 001	Omokoroa Rooding Structure Plan - Strategic	417,365	674,568	(257,204)		1,011,850
303005 001	Omokoroa Rooding Structure Plan - Rates	29,665	20,728	8,937		31,093
303006 001	Omokoroa Structure Plan Review	32,988	300,000	(267,012)		450,000
303008 001	Omokoroa Rooding Structure Plan - Current Account	20,344	176,064	(155,720)		264,092
303009 001	Omokoroa Rooding SP - Catchment - Cycle and Walkways	5,568	268,896	(263,329)		403,340
303001 001	Omokoroa Rooding Structure Plan - Catchment	861,920	727,520	134,400		1,091,274
303010 001	Omokoroa Rooding SP - Southern Industrial Area	-	66,664	(66,664)		100,000
<b>30 02 10 8901</b>	<b>Structure Plans - Omokoroa</b>	<b>1,695,580</b>	<b>2,422,576</b>	<b>(726,996)</b>		<b>3,633,852</b>
309101 001	Eastern Arterial Road 2013-16	198,780	78,808	119,972	Majority of the works in Te Puke are complete. Remaining work will be completed in early 2018. Some minor works are still to be completed in the Te Puke main street.	118,209
<b>30 02 13 8901</b>	<b>Regional Connections</b>	<b>198,780</b>	<b>78,808</b>	<b>119,972</b>		<b>118,209</b>
324004 001	Strategic Rooding - Rangiuru Industrial Rooding	-	45,664	(45,664)		68,500
<b>30 02 14 8901</b>	<b>Strategic Rooding</b>	-	<b>45,664</b>	<b>(45,664)</b>		<b>68,500</b>

## TRANSPORTATION

283423 001	Pavement Surfacing - Reseals (PBC)	1,050,729	1,520,480	(469,751)	Omokoroa Road from SH2 to railway is continuing. Omokoroa Road from Western Avenue to Tralee rehabilitation may be delayed due to further land development intersection requirements.	2,280,724
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## CAPITAL PROJECTS

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283426 001	Pavement Unsealed Strength (PBC)	43,901	414,544	(370,643)	Omokoroa Road from SH2 to railway is continuing. Omokoroa Road from Western Avenue to Tralee rehabilitation may be delayed due to further land development intersection requirements.	621,820
283429 001	Pavement Rehabilitation (PBC)	11,960	748,672	(736,712)	Omokoroa Road from SH2 to railway is continuing. Omokoroa Road from Western Avenue to Tralee rehabilitation may be delayed due to further land development intersection requirements.	1,123,007
283430 001	Drainage Improvements (PBC)	94,000	-	94,000		-
283432 001	Drainage Improvements (PBC)	-	20,896	(20,896)		31,339
283435 001	Ancillary Improvements (PBC)	1,953	9,440	(7,487)		14,165
283438 001	Rural Road Improvements	-	389,056	(389,056)		583,587
283441 001	Pavement Seal Widening (PBC) - @ 3km pa	-	518,208	(518,208)	Summer resealing programme is expected to be completed by December 2017. Omokoroa Road from SH2 to railway is continuing. Omokoroa Road from Western Avenue to Tralee rehabilitation may be delayed due to further land development intersection requirements. The Junction Road seal extension has recently had the surfacing completed.	777,313
283499 001	BOP West Renewals Contra	564,396	-	564,396	Summer resealing programme is expected to be completed by December 2017. Omokoroa Road from SH2 to railway is continuing. Omokoroa Road from Western Avenue to Tralee rehabilitation may be delayed due to further land development intersection requirements. The Junction Road seal extension has recently had the surfacing completed.	-
283408 002	Seal Extension	240,987	710,688	(469,701)	Summer resealing programme is expected to be completed by December 2017. Omokoroa Road from SH2 to railway is continuing. Omokoroa Road from Western Avenue to Tralee rehabilitation may be delayed due to further land development intersection requirements. The Junction Road seal extension has recently had the surfacing completed.	1,066,029
279202 002	Property Purchases Roding	2,600	-	2,600		-
342601 001	LED Lighting Conversion	-	2,026,664	(2,026,664)	NZTA business case being developed	3,040,000
<b>30 03 01 8901</b>	<b>Asset Management</b>	<b>2,010,526</b>	<b>6,358,648</b>	<b>(4,348,122)</b>		<b>9,537,984</b>
210411 001	Minor Safety Projects - 2016 New Zealand Transport Authority (NZTA) subsidy	383,530	-	383,530	Ongoing with community roading, rehabilitation, seal extension and seal widening projects.	-
210412 001	Minor Safety Projects - 2017 NZTA subsidy	128,819	-	128,819	Ongoing with community roading, rehabilitation, seal extension and seal widening projects.	-
210413 001	Minor Safety Projects	-	700,208	(700,208)	Ongoing with community roading, rehabilitation, seal extension and seal widening projects.	1,050,317
210407 001	Minor Safety Projects	1,788,433	-	1,788,433	Ongoing with community roading, rehabilitation, seal extension and seal widening projects.	-
304604 001	Level crossing warning device	-	20,728	(20,728)		31,092
<b>30 05 03 8901</b>	<b>Road Safety</b>	<b>2,300,782</b>	<b>720,936</b>	<b>1,579,846</b>		<b>1,081,409</b>
307601 001	Walking & Cycling - Rural	11,922	210,560	(198,638)	The cycleway bridge tenders have been awarded. The Wairoa River bridge crossing and Tauranga City leg being developed.	315,837
337701 001	Tauranga Moana Coastal Cycle Trail - Waihi to Waihi Beach	72,812	-	72,812	The Waihi to Waihi Beach cycle trail has stalled due to the time required to finalise land owner agreements.	-
337701 002	Omokoroa to Tauranga - Tauranga Moana Coastal Cycle Trail	113,352	-	113,352	The Omokoroa to Tauranga project schedule has been updated to reflect the change for the iconic bridge Wairoa River crossing to the light weight clip on to the Wairoa River SH2 Bridge. The contract for the other 3 bridges has been let and is progressing. Overall the project will be 80% complete by mid 2018 with the last component being the Wairoa Clip on option. The is programmed for completion between Sept 18 and Jan 19 depending on consenting.	-
337702 001	Sections 1-4 Omokoroa Foreshore	140,721	-	140,721	As above	1
337702 002	Sections 5 ECMT railway bridge harbour crossing	210,029	-	210,029	As above	-
337702 003	Sections 6-7	42,518	-	42,518	As above	-



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337702 004	Sections 8-9 Plummer Road to Kiwirail Bridge	19,120	-	19,120	As above	-
337702 005	Section 10 ECMT railway bridge harbour crossing	448,146	-	448,146	As above	-
337702 006	Sections 11-15	(20,000)	-	(20,000)	As above	-
337702 007	Sections 16-19 Lochhead Road to ECMT Railway	11,125	-	11,125	As above	-
337702 008	Sections 20-23	6,177	-	6,177	As above	-
337702 009	Section 24 Wairoa Bridge river crossing	178,640	-	178,640	As above	-
337702 010	Preliminary / Contract Administration	35,448	-	35,448	As above	-
337703 001	Tauranga Moana Coastal Cycle Trail - Cycleway Tauranga Eastern Link	35,989	-	35,989	The Maketu trail is awaiting a design and alignment safety audit. A local group is pursuing the link between Paengaroa to Lake Rotoiti.	1
337703 003	TMCCT - Cycleway TEL3	1,956	-	1,956		-
337703 004	TMCCT - Paengaroa Road - Rotoiti	21,990	-	21,990	The Maketu trail is awaiting a design and alignment safety audit. A local group is pursuing the link between Paengaroa to Lake Rotoiti.	-
307601 002	Urban footpath Development	976	20,000	(19,025)	The cycleway bridge tenders have been awarded. The Wairoa River bridge crossing and Tauranga City leg being developed.	30,000
307604 001	District Walking - Off-road	-	34,544	(34,544)	The cycleway bridge tenders have been awarded. The Wairoa River bridge crossing and Tauranga City leg being developed.	51,821
<b>30 05 04 8901</b>	<b>Cycling &amp; Walking</b>	<b>1,330,919</b>	<b>265,104</b>	<b>1,065,815</b>		<b>397,660</b>
<b>WATER SUPPLY</b>						
243624 001	Western Supply Zone Bulk Flow Meters	802	-	802	Project to upgrade water mains in Hillview, Leo, Queen, Ayr & Edinburgh Streets, Waihi Beach commenced Oct thru mid-Dec 2017 and then continue in Feb - March 2018.	-
337201 001	Western Supply Zone Water Modelling Calibration	250	-	250	Progressing well. 80% complete	20,000
336901 001	Western Supply Zone- Wharawhara Road WTP Generator	(14,195)	-	(14,195)		-
318201 001	District Wide Water Metering Project	412,996	400,000	12,996	Installations on track with Katikati area nearly 50% complete Waihi Beach 90% complete.	1,338,423
340801 001	Western Supply Zone Reservoirs, Pumps & Controls renewals	1,500	-	1,500	Project is in the design stage, researching options for instrumentation controls and best pump options	73,000
243619 001	Western Water Reticulation Improvements	397,463	329,765	67,698	Project to upgrade water mains in Hillview, Leo, Queen, Ayr & Edinburgh Streets, Waihi Beach commenced Oct thru mid-Dec 2017 and then continue in Feb - March 2018.	556,743
243619 006	Western Water Supply Zone - Bridge & Stream Crossing Renewals - FMECA	-	-	-	As above	40,660
243619 007	Western Water Supply Zone - Water Treatment Plant Upgrades & Improvements	(12,202)	-	(12,202)	As above	-
243619 009	Western Water Supply Zone - Road Projects - Area Wide - 50%/50% Cost Sharing - Road Management Plan Driven	-	-	-	As above	80,250
<b>40 01 01 8901</b>	<b>Western Water</b>	<b>786,614</b>	<b>729,765</b>	<b>56,849</b>		<b>2,109,076</b>
243307 001	Omokoroa Supply	-	-	-	Central water supply projects are well underway with various capital works being tendered out at present. One Major construction project underway at Omokoroa SH2 intersection.	-
243320 001	Central Supply Zone - Additional Bore	152,522	200,000	(47,478)	As above	1,085,000
243210 001	Omokoroa Stage 2 Water Reticulation	554,000	-	554,000		-
340601 001	Central Supply Zone Water Modelling Calibration	(1,833)	2,000	(3,833)	Data being collected from the field to assist with the model calibration	10,000
243310 001	Reticulation Improvements	629,494	577,600	51,894	Central water supply projects are well underway with various capital works being tendered out at present. One Major construction project underway at Omokoroa SH2 intersection.	866,408
243310 006	Central Water Supply Zone - Bridge & Stream Crossing Renewals - FMEC	-	-	-	As above.	40,630
243310 007	Central Water Supply Zone - Water Treatment Plant Upgrades & Improvements	-	-	-	As above.	138,386
243310 009	Central Water Supply Zone - Road Projects - Area Wide - 50%/50% Cost Sharing - Road Management Plan Driven	-	-	-	As above.	53,500
<b>40 01 02 8901</b>	<b>Central Water</b>	<b>1,334,184</b>	<b>779,600</b>	<b>554,584</b>		<b>2,193,924</b>

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287112 001	Pongakawa Water Treatment Plant Enhancement / Stage 2	420,250	100,000	320,250	Treatment plant upgrade planning is being reviewed and is dependant now on the quality of the water that will be extracted from the ESZ11 Bore.	150,000
287113 001	ESZ Bulk Flow Meters	-	-	-	As above.	70,000
287118 001	Te Puke Infrastructure areas 3 + 4	-	-	-	As above.	86,000
323801 001	District Wide Water Metering - Eastern Supply Zone	(7,500)	-	(7,500)	Completed project	-
340701 001	Eastern Supply Zone Water Modelling Calibration	3,000	6,664	(3,664)	Model complete	10,000
243002 001	Eastern Water Reticulation Improvements	262,775	144,294	118,481	Most projects completed.	216,440
243002 006	Eastern Water Supply - Boost Lift & Pump Replacements	-	-	-	As above.	25,680
243002 007	Eastern Water Supply Zone - Water Treatment Plant Upgrades & Improvements	46,282	10,000	36,282	As above.	302,055
243002 008	Eastern Water Supply Zone - Resource Consents	-	-	-	As above.	-
243002 009	Eastern Water Supply Zone - Road Projects - Area Wide - 50%/50% Cost Sharing - Road Management Plan Driven	27,877	35,664	(7,788)	As above.	53,500
243002 010	Eastern Water Supply Zone - Raymond Dam Purge Valve	(6,000)	-	(6,000)	As above.	-
243002 012	Bush Supply improvements	233,986	230,852	3,134	As above.	242,560
<b>40 01 03 8901</b>	<b>Eastern Water</b>	<b>980,668</b>	<b>527,474</b>	<b>453,194</b>		<b>1,156,235</b>

**COMMUNITIES**

318401 001	Revitalisation - Reception Area Barks Corner	87	-	87	Work almost complete, some furniture still to arrive. Technology solution to be finalised.	-
<b>42 03 01 8901</b>	<b>Service Centre - Barks Corner</b>	<b>87</b>	<b>-</b>	<b>87</b>		<b>-</b>
332201 001	Katikati Library Building	1,295,508	2,833,336	(1,537,828)	Contractor slightly ahead of programme, although some concerns with the delivery of all the pre cast walls.	4,250,000
332201 002	Katikati Library Build - RCP	33,800	-	33,800	As above.	-
332201 003	Katikati Library Build - Cove Kinloch	1,175	-	1,175	As above.	-
332201 004	Katikati Library Build - Opus	56,616	-	56,616	As above.	-
332201 008	Katikati Library Build - Crowther & Co	26,800	-	26,800	As above.	-
332201 009	Katikati Library Build - Guild & Spence	7,530	-	7,530		-
<b>42 03 03 8901</b>	<b>Service Centre &amp; Library - Katikati</b>	<b>1,421,430</b>	<b>2,833,336</b>	<b>(1,411,906)</b>		<b>4,250,000</b>
248801 001	Audio Visual - Hastie Grant	263	8,000	(7,737)		12,000
<b>42 03 04 8901</b>	<b>Service Centre &amp; Library - Te Puke</b>	<b>263</b>	<b>8,000</b>	<b>(7,737)</b>		<b>12,000</b>
282105 001	District Library Book Purchases New	-	32,200	(32,200)		48,296
307202 001	District Library - Self Issue Stations	-	33,336	(33,336)		50,000
282103 001	District Library Book Purchases - Renewals	173,753	193,616	(19,863)	Expenditure on track.	290,419
282103 002	Katikati Library (Books & Audio Visual)	(31)	-	(31)		-
<b>42 03 07 8901</b>	<b>District Library Services</b>	<b>173,722</b>	<b>259,152</b>	<b>(85,430)</b>		<b>388,715</b>
280001 001	Pensioner Housing Capital Requirements	64,038	33,336	30,702	All units now have heat pumps installed	50,000
<b>42 04 01 8901</b>	<b>Pensioner Housing</b>	<b>64,038</b>	<b>33,336</b>	<b>30,702</b>		<b>50,000</b>
264316 001	Katikati Cemetery Berms	9,950	-	9,950	Work programme has been re-budgeted to LTP	-
299502 001	Oropi Cemetery Berms & Roadway	-	4,408	(4,408)	No works required or scheduled	6,615
299602 001	Maketu Cemetery Berms & Rock Wall	-	10,456	(10,456)	Procurement of design services to extend cemetery burial beam space required.	15,683
264402 001	Te Puke Cemetery Berms	5,007	13,336	(8,329)	Burial beams and ashes plots construction completed. Issue with numbering of new plots to resolve.	20,000
<b>42 04 02 8901</b>	<b>Cemeteries</b>	<b>14,957</b>	<b>28,200</b>	<b>(13,243)</b>		<b>42,298</b>
280823 001	Te Puke Hall strengthening	311,075	326,000	(14,925)	Work is undertaken by the various hall committees.	489,000
<b>42 04 03 8901</b>	<b>Community Halls</b>	<b>311,075</b>	<b>326,000</b>	<b>(14,925)</b>		<b>489,000</b>



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**RESERVES & FACILITIES**

213405 001	Infrastructure Services Asset Management System Upgrade	-	-	-		-
<b>44 01 01 8901</b>	<b>Reserves &amp; Facilities Management</b>	-	-	-		-
212914 001	Moore Park Katikati - Council Funded	-	200,456	(200,456)	Proposed works for coming construction season include earthworks to develop remaining land into sports field. Contracts for design and construction will be delayed until boundary issue with structure plan future road resolved.	300,678
225403 001	District Wide Reserves Minor Works	9,004	16,664	(7,660)	On track: new cycleway access gates for Tamawhariua Reserve and some boardwalk decking materials for Tanners Point.	25,000
244912 001	General Reserve Acquisition	(29,516)	133,336	(162,852)	Purchase of Lot 106 DP 414581 COT 454953 for future reserve - 27 Maniaroa Drive (0.42Ha) adjacent to KatiKati Middlebrook subdivision	200,000
245807 001	Broadlands Block - Community Pitch & Putt	13,165	10,000	3,165		15,000
246005 004	Pohutakawa Park - Parking Construction	-	53,336	(53,336)		80,000
246506 001	Toilet & Capital Development	211,013	139,064	71,949		208,600
260511 001	Dotterel Point Reserve - Capital Landscape Development	2,273	-	2,273	Completed - new bollards installed at Dotterel Point	-
265833 001	Capital Landscape Development	9,312	-	9,312		-
281002 001	Toilet & Extend Boat Ramp	3,213	91,664	(88,452)	Toilet renewal Geotech investigation completed. Power supply still to resolve with Powerco as related to supposed network capacity. Design proposed to be 2 or 3-cubicle Exeloo prefabricated style. Construction timing dependent on waste water reticulation project	137,500
294503 001	Omokoroa Sports Ground - Hardcourts	99,032	70,000	29,032	Construction of tennis courts 3 & 4 is underway.	105,000
294507 001	Omokoroa Sports Ground - Council Funded	8,865	200,000	(191,135)	Playground - a consultant has been engaged to assist with the concept design following which there will be wider public consultation. Completion by May 2018 dependent on design and funding	300,000
294509 001	Omokoroa Sports Ground - Skate Facility	1,957	-	1,957		-
294801 001	Te Puna Station Rd Harbour Access 12/13	-	60,000	(60,000)	Not yet commenced. Both 294801 (harbour access) and 294802 (carpark) will be implemented under the Omokoroa to Tauranga cycleway project.	90,000
294802 001	Car park	-	20,000	(20,000)	Not yet commenced. Both 294801 (harbour access) and 294802 (carpark) will be implemented under the Omokoroa to Tauranga cycleway project.	30,000
295101 001	Skate park - Jubilee Park (Previously Hayward Reserve)	3,499	-	3,499	Procurement of Stage 2 design services are currently being reviewed. Note the likelihood of this project proceeding is subject to external funding	-
312501 001	District Signage - Capital	6,152	13,336	(7,184)	Dog control signage procurement	20,000
320801 001	District Reserves Assets Renewals	320,384	246,664	73,720	On track. Renewals completed include Fairhaven playground; Shelly Bay bollard; Dave Hume Pool fencing; plant renewals and changing rooms refurb and pool painting; Haiku path seating; Dotterel Point toilet septic tanks upgrade;	370,000
330701 001	Tauranga Harbour Esplanade Reserves Management Project	3,144	20,000	(16,856)	Some minor consultancy expense undertaken	30,000
330801 001	Panepane Point Reserve Development	-	20,000	(20,000)	Project outcomes timing dependent on OTS Crown settlement negotiations with newly formed Council.	30,000
331201 001	Tauranga Harbour Margins Project	1,952	20,000	(18,048)	Expenditure to date: 25 % Share of costs as per the reconciliation for the Lankshear Riparian Management Plan	30,000
342001 001	District Reserves Erosion Protection Works	12,687	133,336	(120,649)	Consultancy services regarding Kauri Pt Reserve landslips	200,000
<b>44 01 02 8901</b>	<b>District Reserves</b>	<b>676,134</b>	<b>1,447,856</b>	<b>(771,722)</b>		<b>2,171,778</b>
343802 001	Waihi Beach Top 10 Holiday Park Land Slip	982	-	982		-
<b>44 01 03 8901</b>	<b>Motor Camps</b>	<b>982</b>	<b>-</b>	<b>982</b>		<b>-</b>
326103 001	Te Puke Aquatic Centre - Capital	-	26,664	(26,664)	Fence procurement will be planned over the summer and implementation when the pool closes in April. H&S needs outweigh MoE agreement delays	40,000

**CAPITAL PROJECTS**

Financial Year 2017/18	For the 8 months ended 28 February 2018	Actual Year to Date	Budget Year to Date	Variance Year to Date (Under) / Over	Variance Explanation	Annual Plan Full Year Revised Budget
<b>44 01 04 8901</b>	<b>Swimming Pools</b>	-	26,664	(26,664)		<b>40,000</b>
281505 001	Omokoroa Seawalls	63,853	-	63,853		-
281507 001	Omokoroa Horizontal Board Drains	-	-	-		-
281509 001	One Mile Creek - Bank Protection	(2,418)	16,664	(19,082)	1-mile creek bank protection - resource consent lodged and design completed. Construction timing dependent on consent and contractors	25,000
295203 001	Omokoroa Boat Ramp Construction	36,331	66,664	(30,333)	Consultancy services to analyse Omokoroa Domain congestion including trailer boats is currently being arranged. This includes the placement of 3 CCTV cameras to observe and count use over the summer holiday period. Report findings are expected April 2018	100,000
321101 001	Coastal Marine Structures Renewals	585,344	372,664	212,680	Expenditure this period represents the Omokoroa and Opureora ferry ramp upgrades which was unbudgeted. As a result, other planned renewals such as the Opureora jetty will be deferred as required into 2018/19.	559,000
<b>44 02 01 8901</b>	<b>Harbour Structures</b>	<b>683,111</b>	<b>455,992</b>	<b>227,119</b>		<b>684,000</b>
289823 001	TECT All Terrain Park - Subhub & Park Signage	9,790	13,336	(3,546)	All capital projects are still at the early stages of implementation. Opportunities to make an early start on the programme have been thwarted by bad weather.	20,000
289824 001	TECT All Terrain Park - Plantings	25,667	10,000	15,667		15,000
289840 001	TECT All Terrain Park - Asset Renewals	3,430	60,000	(56,570)	All capital projects are still at the early stages of implementation. Opportunities to make an early start on the programme have been thwarted by bad weather.	90,000
289841 001	TECT All Terrain Park - Cell Phone Tower	-	-	-	Cellphone tower funding from MBIE has been announced and further information on likely location and time is not yet forthcoming from Crown Fibre Holdings who are managing the roll-out.	-
289808 001	TECT All Terrain Park Grants Infrastructure - Trails	8,561	66,664	(58,103)	All capital projects are still at the early stages of implementation. Opportunities to make an early start on the programme have been thwarted by bad weather.	100,000
<b>44 03 02 8901</b>	<b>TECT All Terrain Park</b>	<b>47,448</b>	<b>150,000</b>	<b>(102,552)</b>		<b>225,000</b>
<b>WASTEWATER</b>						
168603 001	Waihi Beach Wastewater Treatment Plant Renewals	21,534	-	21,534	Project underway	99,000
340501 001	Wastewater Modelling	27,863	30,000	(2,137)	Progress on modelling for Te Puke WWTP network is well underway.	30,000
226001 001	Pump Station Renewals	14,554	66,664	(52,111)	Planning of works underway. Expected physical works to commence early 2018.	100,000
226025 001	Waihi Beach Treatment Plant upgrade additional seration capacity	98,759	100,000	(1,241)	As above.	350,000
<b>60 01 01 8901</b>	<b>Waihi Beach Wastewater</b>	<b>162,710</b>	<b>196,664</b>	<b>(33,954)</b>		<b>579,000</b>
225723 001	Wastewater Pump Station Renewals	75,378	43,336	32,042		65,000
225724 225	Wastewater Treatment Plant Renewals	(9,639)	80,000	(89,639)		400,000
225742 001	Katikati Pump Station Additional Storage	22,815	-	22,815		295,000
225727 727	Katikati Wastewater Treatment Plant renewals of resource consent	55,722	42,000	13,722		200,000
225741 001	Katikati Treatment plant, wetland upgrade	-	-	-		-
<b>60 01 02 8901</b>	<b>Katikati Wastewater</b>	<b>144,277</b>	<b>165,336</b>	<b>(21,059)</b>		<b>960,000</b>
229815 001	Omokoroa Wastewater Pumpstation Renewals	-	-	-	Completed.	60,000
317301 001	Omokoroa Structure Plan Utilities Wastewater	487,000	-	487,000	Project is tied to the Structure Plan. The proposed upgrade to Omokoroa Road scheduled for 2017/18 year will allow the project to start and run con-currently with any roading works.	-
331701 001	Te Puna West Wastewater System	2,396,570	1,249,324	1,147,246	95% of reticulation in place.	1,874,000
336601 001	Omokoroa Manhole Repair	-	-	-	Planning underway for implementing proposed works. Timing of this is dependent on low flows through pipe and traffic management plans, given location of some manholes within the State Highway	200,000

**CAPITAL PROJECTS**

Financial Year 2017/18	For the 8 months ended 28 February 2018	Actual Year to Date	Budget Year to Date	Variance Year to Date (Under) / Over	Variance Explanation	Annual Plan Full Year Revised Budget
<b>60 01 03 8901</b>	<b>Omokoroa Wastewater</b>	<b>2,883,570</b>	<b>1,249,324</b>	<b>1,634,246</b>		<b>2,134,000</b>
220104 001	Te Puke WWTP Micro Screen	14,305	10,000	4,305		140,000
225615 001	Wastewater Pump Station Renewals	4,882	10,000	(5,118)	Renewals schedule on track with priority work listed in order.	50,000
225619 001	Wastewater Treatment Plant Renewals	40,020	190,000	(149,980)	As above.	415,000
225620 620	Te Puke Wastewater Treatment Plant Renewals of Resource Consent	71,083	64,000	7,083	Resource consent for Te Puke wastewater treatment plant well underway with significant dialogue taking place relating to section 92 request for more detailed information on application	280,000
<b>60 01 04 8901</b>	<b>Te Puke Wastewater</b>	<b>130,290</b>	<b>274,000</b>	<b>(143,710)</b>		<b>885,000</b>
335001 001	Maketu Wastewater Treatment Plant Operations Improvements	(12,513)	-	(12,513)	Plant working within resource consent discharge conditions	150,000
335003 001	Maketu Wastewater Pump Stations Improvements	127,388	-	127,388	Plant working within resource consent discharge conditions	-
<b>60 01 05 8901</b>	<b>Maketu Wastewater</b>	<b>114,876</b>	<b>-</b>	<b>114,876</b>		<b>150,000</b>
331801 001	Ongare Point wastewater system	475,225	490,000	(14,775)	Consent has been notified and submissions closed on 9 October 2017. No objections received but 5 positive responses received. Updates have been provided to the community on a monthly basis on the status of the project. All going to plan, physical works can start Feb 2018	1,687,000
<b>60 01 06 8901</b>	<b>Ongare Wastewater</b>	<b>475,225</b>	<b>490,000</b>	<b>(14,775)</b>		<b>1,687,000</b>
265202 001	Katikati Recycling Centre expansion	-	-	-		-
<b>60 02 02 8901</b>	<b>Western Solid Waste</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>
304404 001	Omokoroa Solid Waste - 491 Omo	-	-	-		-
<b>60 02 04 8901</b>	<b>Omokoroa Solid Waste</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>
<b>STORMWATER</b>						
340201 001	Asset Management - Waihi & Drainage District	21,952	-	21,952	Works progressing on pump station proposal	-
226332 001	Stormwater Pump Station Renewals	22,368	34,936	(12,568)	Projects underway with preparation of documentation and contractors to carry out the works.	52,400
226347 001	Otto Rd - Drainage System	(19,764)	-	(19,764)	As above.	-
226350 001	One Mile Creek - repair outlet gabions	-	-	-	As above.	28,000
226352 000	Waihi Beach 2 Mile Creek East Bank	174,797	-	174,797	As above.	-
226353 000	Waihi Beach 2 Mile Creek West Bank	31,038	18,000	13,038	As above.	200,000
226524 001	Omokoroa Stormwater Renewals	-	-	-		120,000
226354 000	Upgrades Adela Stewart Dr Roretana Dr	1,345	-	1,345	Projects underway with preparation of documentation and contractors to carry out the works.	200,000
226635 001	Upgrades Noel Bowyer Park Fairview Pl Brown T	2,500	-	2,500	Projects scheduled with tendering underway.	60,000
226654 001	Te Puke Stormwater Upgrades Beatty Ave	138,293	-	138,293	Projects scheduled with tendering underway.	160,000
317201 001	Omokoroa SP Utilities Stormwater	1,110,393	-	1,110,393	Project carried forward from future year	-
317202 001	Omokoroa SP - Omokoroa Pond, Dam and Ancillary works P02 for SHA	7,111	-	7,111		-
319601 001	Stormwater Network Upgrade	186,325	153,336	32,989	Comprehensive Stormwater Consents status: 1. Western - going through environment court process - Hearings expected Feb 2018. 2. Central - Consent lodged with BOPRC. 3. Eastern - consultation with Te Puke and wider community occurred. Application submitted to BOPRC. Further consultation with iwi and wider community to be undertaken. AECOM engaged to facilitate the process	230,000
331501 001	Otawhiwhi Marae stormwater drain	-	-	-	Project planning for stormwater options for Pio shores area. Adjacent to Otawhiwhi Marae.	50,000
340001 001	Growth Communities Stormwater Infrastructure Rehabilitation	-	-	-	Works undertaken to connect stormwater outlet to existing infrastructure thus necessitating no need for new soakholes to be installed.	15,000
340101 001	District Wide Stormwater Modelling	3,104	-	3,104	Planning for general correspondence to go out to property owners advising of the new SW flooding levels for properties south of Two Mile Creek.	60,000
<b>61 01 01 8901</b>	<b>Stormwater Network - Growth Communities</b>	<b>1,679,461</b>	<b>206,272</b>	<b>1,473,189</b>		<b>1,175,400</b>



**CAPITAL PROJECTS**

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332614 001	Small Communities Stormwater Infrastructure rehabilitation	-	3,336	(3,336)	Project underway	5,000
332625 001	Te Puna Upgrades Wallace Rd Stage 2, Fairlie Gr	(121)	-	(121)	Project underway	-
<b>61 02 01 8901</b>	<b>Small Communities</b>	<b>(121)</b>	<b>3,336</b>	<b>(3,457)</b>		<b>5,000</b>
332401 001	Minden Stormwater Investigation & Remedial Work	-	-	-		-
<b>61 03 01 8901</b>	<b>Minden</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>
244601 001	Coastcare Service Capital Works	151	-	151		-
<b>64 01 06 8901</b>	<b>Coastcare</b>	<b>151</b>	<b>-</b>	<b>151</b>		<b>-</b>
<b>ECONOMIC</b>						
326804 001	Katikati Town Centre Development - Ward Funded	-	58,984	(58,984)	Opportunities that arise are being pursued as and when they occur. Focus is on the library construction at this point in time	88,480
326903 001	Omokoroa Town Centre Development - District Funded	-	120,000	(120,000)		180,000
<b>70 01 03 8901</b>	<b>Town Centre Promotion</b>	<b>-</b>	<b>178,984</b>	<b>(178,984)</b>		<b>268,480</b>
<b>SUPPORT SERVICES</b>						
341501 001	Business Continuity Planning - Fibre Infrastructure Install (BOPLASS)	-	66,664	(66,664)	Met with Venture Centre to receive update on Projects October 2017. Agreed funding for future to go to joint governance.	100,000
157103 001	Origen Application Development	-	-	-	Ozone Jirias managed and latest releases implemented.	-
157302 001	IT Application Software Development	11,113	143,336	(132,223)	Windows 10 rollout continuing.	215,000
157503 001	E-Business Development	15,575	66,664	(51,089)	SoW received for website upgrade and meeting held with Datacom to discuss design. Will wait for next template on Sphere Content.	100,000
212302 001	IT Infrastructure Development	283,529	186,336	97,193		279,500
<b>80 03 01 8901</b>	<b>Information Technology</b>	<b>310,217</b>	<b>463,000</b>	<b>(152,783)</b>		<b>694,500</b>
225501 001	Aerial Photography - Resupply	35,353	23,336	12,017	No imagery this year, yearly invoice paid to BOPLASS.	35,000
<b>80 03 02 8901</b>	<b>GIS Operations</b>	<b>35,353</b>	<b>23,336</b>	<b>12,017</b>		<b>35,000</b>
259908 004	Minor Alterations - Te Puke	-	13,336	(13,336)	Awaiting report on office accommodation from Unispace	20,000
259903 001	Minor Office Alterations	37,609	53,336	(15,727)	As above.	80,000
259905 001	Refurbishment	-	133,336	(133,336)	As above.	200,000
342200 001	Animal Shelter - Katikati	5,217	106,664	(101,447)	Final design completed. Building Consent to be applied for.	160,000
342200 002	Animal Shelter - Te Puke	2,700	106,664	(103,964)	As above.	160,000
259803 001	Office Furniture & Fittings	33,602	46,000	(12,398)	Awaiting report from Unispace on accommodation and furniture requirements	69,000
<b>80 04 07 8901</b>	<b>Corporate Property (Non-rate)</b>	<b>79,128</b>	<b>459,336</b>	<b>(380,208)</b>		<b>689,000</b>
338301 001	Expenditure - Strategic Property Omokoroa Development	184,906	133,336	51,570		200,000
338302 001	Expenditure - Strategic Property Katikati Development	42,977	70,600	(27,623)		105,900
341601 001	Expenditure - Omokoroa Special Housing Area	437,511	-	437,511	Marketing of stage two is well under way.	-
<b>80 04 08 8901</b>	<b>Strategic Property</b>	<b>665,393</b>	<b>203,936</b>	<b>461,457</b>		<b>305,900</b>
315701 001	Purchase of Vehicles	193,838	466,672	(272,834)		700,000
<b>80 05 15 8901</b>	<b>Infrastructure Services - Strategic Prop Mngm'</b>	<b>193,838</b>	<b>466,672</b>	<b>(272,834)</b>		<b>700,000</b>
341801 001	Timesheet System	-	-	-	Datacom have advised implementation timeframe May - July 2018. Working in with Datacom and key Finance staff who are on leave in May and June has meant this project is later in the year. Project plan and project team to be finalised.	-
<b>80 05 19 8901</b>	<b>Timesheet System</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>
<b>44 03 02 8907</b>	<b>TECT All Terrain Park</b>	<b>-</b>	<b>(40,000)</b>	<b>40,000</b>		<b>(60,000)</b>
<b>TOTAL CAPITAL EXPENDITURE</b>		<b>21,081,945</b>	<b>22,450,571</b>	<b>(1,368,626)</b>		<b>39,777,806</b>



## Chief Executive Information Pack Report for – March 2018

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### Purpose

To provide Council with updates on the Chief Executive's meetings with Community Board Chairs and topics discussed. To provide information on the Chief Executive's meetings as attended on behalf of Council including those attended with His Worship the Mayor

The following topics were discussed at the Community Board Chairpersons meetings with the Chief Executive officer held over the past 6 weeks:

#### Chairperson Allan Sole – Waihi Beach

- CCTV at Waihi Beach
- Waihi Beach Town Centre Plan
- Waihi Beach Long Term Plan Items
- Walkways / Cycleways
- Seaforth Road Footpath Alignment
- Broadlands Block
- Community Rooding

#### Chairperson Jenny Hobbs – Katikati

- Lindemann Slip Remediation
- Digglemann Park Toilet and garden lighting
- Identification Photos for Community Response Team Members
- CCTV Delay in installation
- Next Meet and Greet event
- Options for repairs to the Birdwalk
- Timing for new Town Centre Plan
- Earl Drive – Future alternative parking arrangements

#### Chairperson Peter Miller – Te Puke

- Jellicoe Street Upgrade
- Entrance Signage Request
- Grant Application
- Parking in the New World Car Park
- "Have Your Say" consultation meetings
- Bus Parks in Commerce Lane
- Plunket Room Parking
- Jellicoe Street Median Strip planting

There were no meetings with Chairpersons Murray Grainger and Shane Beech during this period.

### **1. Additional Booked Engagements and Meetings attended by CEO**

- 13 Feb – 16 Feb - LGCOG Conference
- 22 Feb - Pete Swanson Developing a culture of innovation meeting
- 23 Feb - Coordinating Executive Group (CEG) Meeting
- 26 Feb - Priority One Executive Board Meeting
- 01 March - Jacqui Knight Katch Katikati meeting
- 02 March - Pukehina Beach Ratepayers – New chairman meeting
- 05 March - Better Economic Development workshop
- 05 March - Third Tier Managers formal meeting
- 06 March - Mark Boyle from Te Puke EDG catch up
- 06 March - CEO ½ yearly Performance review

### **2. Additional Booked Engagements and Meetings CEO attended with HWTM**

- 21 Feb - SmartGrowth Leadership Group Eastern Corridor bus trip
- 22 Feb - Rangiuru Business Park Development update
- 26 Feb - Wairoa River Landing Reserve Discussion with Lou Te Keeti
- 13 March - Bay of Plenty Tourism Meeting
- 13 March - Presentation from BOP on their LTP
- 14 March - BOP Triennial Agreement Meeting
- 14 March - Meeting with CEO - Eastpack Rural Committee Summary Discussion
- 15 March - CEO and Mayor meeting with Parekawhia Mclean and Rob Campbell


  
 Miriam Taris
   
**Chief Executive Officer**