

MEETING — AGENDA —

Ngā Take

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Western Bay of Plenty
District Council

COUNCIL

Te Kaunihera



C18
Thursday, 9 August 2018
Council Chambers
Barkes Corner, Tauranga
9.30am

Notice of Meeting No C18 Te Karere

Council Te Kaunihera

Thursday, 9 August 2018
Council Chambers
Barkes Corner
9.30am

His Worship the Mayor
Deputy Mayor

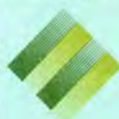
G J Webber (Chairperson)
M Williams

Councillors:

G Dally
M Dean
M Lally
P Mackay
K Marsh
D Marshall
M Murray-Benge
J Palmer
J Scrimgeour
D Thwaites

Media
Staff

Miriam Taris
Chief Executive Officer
Western Bay of Plenty District Council



Western Bay of Plenty
District Council

Te Kaunihera a rohe mai i nga Kuri-a-Whareki ki Otamarakau ki te Uru

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Council Delegations Mangai o Te Kaunihera

Quorum:

The quorum for this meeting is six members.

Role:

- To exercise all powers and functions to deal with statutory and procedural matters, to carry out civic duties and responsibilities, and to exercise all non-delegated functions.
- To delegate authorities as appropriate to Council committees and the Chief Executive Officer.
- To delegate any authorities which may be additional to the roles required under the Local Government Act 2002 to Community Boards, and to appoint Councillors to Community Boards.
- To establish Joint Committees of Council, and appoint elected members and/or others to these committees.
- To make all financial decisions not otherwise delegated or included in Council's Long Term Plan and/or Annual Plan.
- To maintain, monitor and direct an overview of Council's finances including but not limited to:
 - The financial progress of major capital works projects including those considered in the Long Term Plan and Annual Plan processes.
 - Implementation of Council's risk management.
 - Approval of new debt and/or new facilities.
 - Receiving exception reports on Council's financial performance at least quarterly.
 - Undertaking all financial monitoring of performance against the Long Term Plan and Annual Plan.
 - Ensuring treasury management within the limitations of the Treasury Policy as set by the Long Term Plan.
 - Allowing for variations from Council's key treasury policy ratios.
- To exercise all non-delegated functions being:
 - (a) The power to make a rate
 - (b) The power to make a bylaw
 - (c) The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan
 - (d) The power to adopt a long term plan, annual plan, or annual report
 - (e) The power to appoint a chief executive
 - (f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the local governance statement
 - (g) The power to adopt a remuneration and employment policy
 - (h) The power to enter into contracts otherwise than in accordance with the provisions of Section 4 of the Public Bodies Contracts Act 1959
 - (i) The power to initiate any proceedings in the High Court that are not injunctive proceedings
 - (j) The power to remove the Deputy Mayor subject to Schedule 7 (18) of the Local Government Act 2002

- (k) The power to discharge or reconstitute any committee established by the Mayor subject to Schedule 7 (30) of the Local Government Act 2002
- (l) Powers as conferred by the Minister of Conservation under the Reserves Act 1977

Procedural Matters:

- Confirmation of all Standing Committee minutes excluding the District Plan Committee, Regulatory Hearings Committee and District Licensing Committee minutes
- Receipt for information all Community Board minutes
- Receipt for information all District Plan Committee, Regulatory Hearings Committee minutes and District Licensing Committee minutes
- Adoption and amendment of Standing Orders.
- Establishment of and delegations to Joint Committees, Sub Committees and any other governance body that the Council deems necessary.
- Purchase, sell and dispose of Council property other than delegated in accordance with all of the following:
 - the Long Term Plan
 - the Significance Policy
 - Council's Asset Management Plans
 - Council's Reserve Management Plans
 - Committee or appropriate delegations
- Councillor and Council appointments to other organisations.
- Approval of elected member training/conference attendance.

Any other procedural matters as required under the Local Government Act 2002 or any other Act.

Mayor's Delegation:

Should there be insufficient time for Council to consider approval of elected member training/conference attendance that this be delegated to the Mayor/Deputy Mayor with a report back to Council at the next scheduled meeting.

Should there be insufficient time for Council to consider approval of a final submission to an external body that the signing off of the submission on behalf of Council be delegated to the Mayor/Deputy Mayor provided that the final submission be reported to Council or the relevant Committee at the next available meeting.

Mayor and Councillors' Delegations:

Pursuant to Clause 32(1) of Schedule 7 of the Local Government Act 2002, to each of the Mayor and Councillors, whether individually or collectively, the power to listen to and receive the presentation of views by people pursuant to Section 83(1)(d) of the Local Government Act 2002 in relation to any processes Council undertakes to consult on under the Special Consultative Procedure as required by the Local Government Act 2002 or any other Act.

Agenda for Meeting No. C18

Pages

**Present
In Attendance
Apologies**

Public Excluded Items

The Council may by resolution require any item of business contained in the public excluded section of the agenda to be dealt with while the public are present.

Public Forum

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address Council for up to three minutes on items that fall within the delegations of Council provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Mayor by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Mayor has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

C18.1

Receipt of Community Board Minutes

Please refer to minutes of the meetings of the Community Boards as circulated separately with this agenda.

Recommendation

THAT the minutes of the following meetings be received:

- 1. Minute no. WB14 of the Waihi Beach Community Board held on 16 July 2018.*
- 2. Minute no. OM14 of the Omokoroa Community Board held on 17 July 2018.*
- 3. Minute no. K14 of the Katikati Community Board held on 18 July 2018.*
- 4. Minute no. MC14 of the Maketu Community Board held on 23 July 2018.*
- 5. Minute no. TP14 of the Te Puke Community Board held on 25 July 2018.*

C18.2

Minutes of Council and Committee Meetings for Confirmation

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

Recommendation

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. C16 of the Western Bay of Plenty District Council held on 28 June 2018.*
7. *Minute no. C17 of the Western Bay of Plenty District Council held on 10 July 2018.*
8. *Minute no. OP13 of the Operations and Monitoring Committee held on 2 August 2018.
(Minutes to be circulated separately when available)*
9. *Minute no. RUR9 of the Rural Committee held on 10 July 2018.*

C18.3

Minutes for Receipt

Please refer to the minutes as circulated separately with this agenda.

Recommendation

THAT the minutes of the following meetings as circulated separately with the agenda are received:

10. *Minute no. DL9 of the District Licensing Committee held on 26 June 2018.*
11. *Minute no. RH12 of the Regulatory Hearings Committee held on 28 June 2018.*
12. *Minute No. DP2 of the District Plan Committee held on 10 July 2018.*

C18.4

Information for Receipt

Please refer to the Minute Index and Information Pack as circulated separately with this agenda.

Recommendation

THAT the information items included in the Minute Index and Information Pack dated 9 August 2018 as circulated separately with the agenda be received.

| | | |
|-------|---|-------|
| C18.5 | District Licensing Committee Membership | 9-32 |
| | Attached is a report from the Compliance and Monitoring Manager dated 20 July 2018. | |
| C18.6 | Proposal to Lease - Centennial Park Te Puke Gymsport Incorporated | 33-39 |
| | Attached is a report from the Reserves and Facilities Manager dated 10 July 2018. | |
| C18.7 | Chief Executive Officer's Report to Council - July 2018 | 40-44 |
| | Attached is a report from the Chief Executive Officer dated 30 July 2018. | |
| C18.8 | Mayor's Report to Council - July 2018 | 45-46 |
| | Attached is a report from His Worship the Mayor dated 30 July 2018. | |

Local Government Official Information and Meetings Act

Exclusion of the Public

Schedule 2A

Recommendation

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*
- *Operations and Monitoring Committee Recommendatory Report - Te Puke Animal Shelter*
- *Purchase of 452 Omokoroa Road*
- *In Confidence Chief Executive Officer's Report - July 2018*

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:

| General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under Section 48(1) for the passing of this resolution |
|---|---|---|
| <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>Operations and Monitoring Committee Recommendatory Report – Te Puke Animal Shelter</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>Purchase of 452 Omokoroa Road</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>In Confidence Chief Executive Officer's Report – July 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) Protect the privacy of natural persons, including that of deceased natural persons.</i> |

Western Bay of Plenty District Council

COUNCIL

District Licensing Committee Membership

Purpose

Council is required to establish a District Licensing Committee to undertake decision-making with respect to the Sale and Supply of Alcohol Act 2012. Council established a District Licensing Committee for this purpose in October 2013, to meet the requirements of the Act.

The Act stipulates the Committee are appointed for a period up to five (5) years. The existing committee term of appointment period expires in October 2018, unless reappointed.

This report proposes that Council seeks expressions of interest from members of the community for appointment to the District Licensing Committee, and expressions of interest from existing members for re-appointment.

Elected member representation on the committee is outside of the expressions of interest process. Instead, elected member appointments are determined through the Councils triennial election and committee setting process.

Recommendation

1. ***THAT the Compliance and Monitoring Managers report dated 20 July 2018 and titled District Licensing Committee Membership 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 Council will advertise for expressions of interest in membership on the District Licensing Committee and will establish a panel of Councillors Mackay, Thwaites and senior staff to review applications and make recommendations to His Worship the Mayor, for Council approval.***



Alison Curtis
**Compliance and Monitoring
Manager**



Rachael Davie
**Group Manager Policy, Planning and
Regulatory Services**

District Licensing Committee Membership

1. Background

The purpose of the District Licensing Committee is to apply the requirements of the Sale and Supply of Alcohol Act 2012 including:

- Consideration of all contested applications for managers' certificates, licences and licence renewals.
- Consideration of all Temporary Authority applications and enforcement applications relating to licence suspensions for non-compliance with public health or fire precaution requirements.

The Sale and Supply of Alcohol Act 2012 provides an opportunity for public influence on decisions. If any objection or opposition arises to an application, the application must be heard before a District Licensing Committee (quorum of three), but if no objections are raised the decision can be delegated to a commissioner or the chair acting alone.

1.1 Existing Membership of the District Licensing Committee

The current membership of the District Licensing Committee is made up of a Chairman/Commissioner, Deputy Chairperson and list members as follows:

- Chairman/Commissioner - Michael Jones
- Deputy Chairperson - Don Thwaites, Councillor

List members:

- Peter MacKay, Councillor
- Maria Horne
- Jim Davison
- Mayor Garry Webber
- vacancy

This current membership allocation provides for a number of Councillor representatives and members of the community. This balance of elected members and members of the community ensures that Council and community interests are represented in the contested licence decision-making process. The existing balance in membership has proven effective in the licence decision-making process, and no changes are proposed.

The current bulk of the workload for the Committee is decision-making for uncontested applications, which is undertaken by the Commissioner/Chairman. The remainder of the workload for the Committee is for meetings to consider Temporary Authority applications and hearings for contested applications, where a quorum of three is required, including the Chairperson.

1.2 Committee Membership considerations

Other Committee membership options were considered under the Act, these include:

1. The operation of a shared list of members across Councils.

The process for the establishment of shared list membership across Councils (specifically Western Bay District and Tauranga City) was investigated when the Act requirements came into effect. At that time discussions revealed that from a practical operational perspective this would not result in greater efficiencies where knowledge of local communities was required and the majority of applications would arise in the Tauranga City area. This position has not changed.

2. Increasing the number of elected members sitting on the Committee.

Increasing elected members or having the Chairperson as an elected member was considered when the Act came into effect, and no changes are proposed to the current membership.

Having the Chairperson an elected member would present an increase in workload for any elected member. It is a requirement for the Chairperson to write decisions issued under the Act. Depending on the number and complexity of the applications received and decisions required, this may negatively impact on availability for other Councillor duties.

A further determining factor in limiting the number of elected members represented on the District Licensing Committee is conflict of interest considerations. The District Licensing Committee is an independent decision making body and can only consider matters under the Sale and Supply of Alcohol Act 2012. Any Councillor who wished to act on behalf of the community in a licensing matter would have to declare a conflict of interest.

No changes to the existing combination of two Councillors and the Mayor (as required by the Local Government Act) and the remainder to be members of the Community, including a Commissioner/Chairperson from the community are proposed.

1.3 Roles and responsibilities

District Licensing Committees are quasi-judicial (similar to Resource Consent Hearings Committees), and must be fair to all parties. Members need to demonstrate that they have an open mind. Evidence of bias and pre-determination could lead to judicial challenge and/or place the integrity of a fair and transparent process under question.

To be a member on the Committee the following criteria must apply:

- Must have relevant liquor licensing experience.
- Must not be directly or through their relationship with another person, involved or appear to be involved with the alcohol industry so that he or she could not perform his or her duties without actual bias or the appearance of bias
- Must not be a constable, a Medical Officer of Health, an inspector, or an employee of the territorial authority.

Attached to this report are LGNZ's competency requirements for the positions of Chairperson/Commissioner and Committee members.

Competency requirements are the same for elected members as they are for members of the public who are appointed.

1.8 Process for Establishing Membership of the Committee

To provide for community appointments and commissioners, and reappointment, it is proposed that there be an invitation for registration of interest followed by a selection process to identify suitable people to serve on the Council District Licensing Committee.

A joint interview panel will be set up consisting of the existing District Licensing Committee councillor members and senior staff to conduct interviews based on a shortlist from applicants qualifying under the competency and criteria requirements, which may include existing members.

The recommendations of the panel would then be forwarded to the Mayor to establish the Committee as required under both the Local Government Act 2002 Amendment Act 2012 and the Sale and Supply of Alcohol Act 2012.

Full training for new members and refresher training for existing members will commence following appointment.

| Appointment Timeframes | |
|---|-------------------|
| Information report to Council | Council 9 August |
| Advertising of DLC vacancies | 10 August |
| Closure of applications for DLC membership | 24 August |
| Interviews/assessment of DLC members/chair/commissioner | Week of 27 August |
| Contracts offered | TBA |
| Appointment of members confirmed by Council | 20 September |

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because the Committee membership is not being determined at this time, this report only advises that the process is to be commenced.

3. Engagement, Consultation and Communication

| Interested/Affected Parties | Completed/Planned Consultation/Communication |
|--------------------------------------|---|
| Name of interested parties (if req.) | Information will be supplied to interested parties such as the District Health Board, the Police, and other community organisations who may have suitably qualified interested persons. |
| Tangata Whenua | The network provided through Tauranga Moana / Te Arawa Ki Takutai Partnership Forum tangata whenua members will also be advised directly. |
| General Public | Public advertisements requesting registration of interest will be placed. |
| Internal Staff | Officers from policy, regulatory and democracy services have interest in this process. |

4. Issues and Options Assessment

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

Date 20 July 2018

Open Session

Subject Sale and Supply of Liquor Act 2012 – District Licensing Committee Membership

5. Statutory Compliance

The requirement for Territorial Authorities to appoint 1 or more District Licensing Committees is prescribed under the Sale and Supply of Alcohol Act 2012.

Local Government New Zealand publication, "Sale and Supply of Alcohol Act 2012, District Licensing Committee (DLC), Competency Guidance for DLC members", is referenced in determining competency best practice re competency requirements for members

6. Funding/Budget Implications

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

Sale and Supply of Alcohol Act 2012 District Licensing Committee (DLC)

Competency Guidance for DLC Members



**We are.
LGNZ.
Know>How.**

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

Section 1. Introduction

Guidance

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

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

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

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

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

The object of the Act states that:

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

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

Section 2. Functions and Powers of a DLC

Functions and powers

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

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

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

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

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

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

Section 3. Roles and Functions of DLC Members

3.1 DLC Composition – The Chair

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

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

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

A commissioner must have:

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

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

A commissioner must not be appointed if:

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

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

Continued on next page

Section 3. Roles and Functions of DLC Members, continued

3.1 The Chair, continued

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

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

3.2 DLC composition - Members

Members of a DLC:

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

The list:

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

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

Continued on next page

Section 3. Roles and Functions of DLC Members, continued

3.2 Members, continued

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

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

3.3 Term of office

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

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

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

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

3.4 Meetings and quorum

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

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

Continued on next page

Section 3. Roles and Functions of DLC Members, continued

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

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

Continued on next page

Section 3. Roles and Functions of DLC Members, continued

3.5 Conflict of Interest and Bias

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

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

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

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

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

Continued on next page

Section 3. Roles and Functions of DLC Members, continued

3.5 Conflict of Interest and Bias, continued

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



Continued on next page

Section 3. Roles and Functions of DLC Members, continued

3.6 Support and training for DLC members

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

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

Section 4. Competencies

Competency guide

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

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

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

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

The competencies are considered for the chair or a member.

NB:

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

Continued on next page

Section 4. Competencies, continued

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

Section 4. Competencies, continued

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

Section 4. Competencies, continued

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

Section 5. Key Relationships

Key relationships

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

Internal Relationships

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

External Relationships

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

Section 6. Resourcing Requirements

Applications

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

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

Unopposed applications:

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

Opposed applications:

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

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

Continued on next page

Section 6. Resourcing Requirements, continued

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

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

Western Bay of Plenty District Council**Council****Proposal to Lease - Centennial Park
Te Puke Gymsport Incorporated**

Purpose

At the Operations & Monitoring Committee meeting of 28 March 2018 (OP10.1) the Committee approved in principle the application by the Te Puke Gymsport Incorporated to lease an area of approximately 2,000m² on Centennial Park and that it be publically notified for any submission or objections. **Attachment A**

Submissions closed on 25 June 2018. There was one submission received in support for the proposal, and none against. **Attachment B**

Recommendation

- 1. THAT the Reserves and Facilities Manager's report dated 10 July 2018 and titled "Proposal to Lease - Centennial Park Te Puke Gymsport 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 after consideration of the submission received, in exercise of the powers conferred on it by delegation from the Minister of Conservation under the Reserves Act 1977, the Council in its capacity as administering body, grants Te Puke Gymsport Incorporated a lease for 2000m², more or less, of the land for up to 33 years over part of Centennial Park, Te Puke pursuant to Section 54 (1) (b) of the Reserves Act 1977.**



Peter Watson
Reserves and Facilities Manager



Approved

Gary Allis
Deputy Chief Executive

1. Background

At the Operations & Monitoring Committee meeting on 28 March 2018 (OP10.1), the Committee resolved the following:

THAT the Reserves and Facilities Manager's report dated 8 March 2018 and titled Proposal to Lease – Centennial Park - Te Puke Gymsport Incorporated be received.

THAT the Operations and Monitoring Committee approve in principle the application by the Te Puke Gymsport Incorporated to lease an area of approximately 2,000m² on Centennial Park to build and operate a gym facility.

THAT if approval in principle is given, such approval must not be construed by the applicant as a guarantee that all other consents required by any policy, by-law, regulation or statute, will be forthcoming. The applicant is responsible for obtaining all required consents at its own cost.

THAT staff be directed to publicly notify the proposal in terms of Section 119 of the Reserves Act 1977. Subsequent to public notification, Council will give due consideration to any submissions or objections prior to seeking the consent of the Minister of Conservation.

No objections to the proposal were received.

One submission has been received in support.

Attachment B

Community Consultation

Letters were sent to a number of surrounding residential neighbours. One submission in support was received from the owner of 34 Atuaroa Avenue, Te Puke.

Iwi Consultation

The following Iwi groups were contacted by letter:

- Tapuika Iwi Authority Trust
- Te Kapu o Waitaha

No submissions have been received by the requested date.

Council, in its capacity as the administering body for Centennial Park are required to pass a resolution once all submissions have been considered.

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy.

In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it does not reach the threshold of significance in terms of Council's significance policy.

3. Engagement, Consultation and Communication

| Interested/Affected Parties | Completed/Planned/Engagement/Consultation /Communication |
|-----------------------------|---|
| Junior Football | The GymSport club have undertaken discussions with Te Puke Junior Football as the proposal affects the Junior Football fields. |
| Tangata Whenua | Tapuika Iwi Authority Trust and Te Kapu o Waitaha were contacted for comment. No submissions were received by the requested date. |
| Neighbours | Letters were sent to a number of surrounding residential neighbours. One submission in support was received from the owner of 34 Atuaroa Avenue, Te Puke. |
| General Public | A one month statutory period of public consultation as required under Section 119 of the Reserves Act 1977 was undertaken. Submissions closed on 25 June 2018 and no submissions or objections were received. |
| Te Puke Community Board | Te Puke GymSport Club did a presentation to the Te Puke Community Board on 27 June 2017. The Community Board were supportive of the need for a new facility. |

4. Issues and Options Assessment

| Option A | |
|---|--|
| <i>THAT after consideration of the submission received, in exercise of the powers conferred on it by delegation from the Minister of Conservation under the Reserves Act 1977, the Council in its capacity as administering body, GRANTS Te Puke Gymsport Incorporated a lease for 2000m², more or less, of the land for up to 33 years over part of Centennial Park, Te Puke pursuant to Section 54 (1) (b) of the Reserves Act 1977.</i> | |
| Assessment of option for advantages and disadvantages taking a sustainable approach | <p>Advantages:</p> <ul style="list-style-type: none"> • Investment is made by the club and funding agencies into a new facility. • Club has its own facility and is not subject to commercial lease arrangement and high rental costs • Club is able to expand membership with confidence of providing facilities and recreational programmes. • Building work contributes to the local economy. <p>Disadvantages:</p> <ul style="list-style-type: none"> • An area of sports turf will be lost to the new indoor facility. |
| Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses | <ul style="list-style-type: none"> • All costs relating to the proposed will be met by the club. • The club may approach Council for funding towards additional carparks. |

| Option B | |
|--|--|
| <i>THAT after consideration of the submission received, in exercise of the powers conferred on it by delegation from the Minister of Conservation under the Reserves Act 1977, the Council in its capacity as administering body, DOES NOT GRANT Te Puke Gymsport Incorporated a lease for 2000m², more or less, of the land for up to 33 years over part of Centennial Park, Te Puke pursuant to Section 54 (1) (b) of the Reserves Act 1977.</i> | |
| Assessment of option for advantages and disadvantages taking a sustainable approach | <p>Advantages:</p> <ul style="list-style-type: none"> • The existing sports fields will not be affected by the building of the facility. <p>Disadvantages:</p> <ul style="list-style-type: none"> • The club would have no facility once the existing lease expires. • The club would be unable to expand their membership. • There would be no building work contributing to the local economy. |
| Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses | <ul style="list-style-type: none"> • The club will not incur any costs. |

Public Notices



EASTERN DISTRICTS RUGBY & SPORTS BAR
A G M
27 May 2018 at 3pm
At The Clubrooms
Life Member Nomination
All Welcome

FIT ENERGETIC PERSON

Immediate Start
Required to assist lawn mowing contractor in Taunanga, Papamoa & Te Puke areas. 32-40 hrs p/wk on call.
Experience in lawn mowing in a commercial environment would be an advantage.
Transport to and from work essential.
Email resume to: peteb@plentytimes.co.nz

C & S MANAGEMENT WINTER PRUNERS

Start 15 June. Work around Te Puke, Paengaroa area.
Training and transport will be provided.
Email: Parmbir91@yahoo.com or Phone 027 565 1190

EXPERIENCED MECHANIC/TECHNICIAN

Required for busy friendly Te Puke Workshop.
Must be extremely skilled in diagnosing and repairing a wide range of makes and models, with the ability to work unsupervised.

Write to: Cavanagh Motors Ltd, PO Box 223, TE PUKE, 3153
Email: reception.cavmtr@xtra.co.nz
Phone or Text: Bruce 027 694 4829

Employment Vacancies

CASUAL AGRICULTURAL ASSISTANT REQUIRED

Professional Paengaroa supplementary food supplier with clean modern premises seeks a local person for part time/casual role. Could suit semi retired farmer or similar. Agricultural knowledge would be advantageous.
Main responsibilities will include but not limited to: Shifting electric fences for winter grazers. Moving water and repairing water lines for stock. Fencing. Driving crane track and tractor. Loading maize planter from the crane truck and loading trucks with hay.

Ideal candidate must be fit and strong for hands on position, have off road tractor operation experience with a mechanical aptitude an advantage, basic computer literacy, clear verbal and written communication skills and have a clean driver's license with a minimum class 2 (class 4 or more an advantage). Candidate must be flexible with work hours and days; must be available to work long hours for short periods during maize plant and harvest times. Candidate will be honest, trustworthy and hardworking. Some weekend and public holiday work will be required.

Bill Webb Feed Solutions
Phone: Bill Webb 027 494 9528
Or e-mail: C.Vand.cover@billwebb.co.nz

Newspaper Delivery People Wanted!

Are you looking to put some extra dollars in your back pocket? Are you reliable, energetic and conscientious? If so you could be just what we're after!

We have part-time roles available in the following areas right now!

New Plymouth, Te Kuiti/Te Awamutu/Otorohanga, Wanganui, Hawkes Bay; all areas north of Taupo including all suburbs in Hamilton, Auckland & Whangarei; AND regional townships north of Auckland through to Kaitiaki.

Morning newspaper delivery work involves early starts and finishes. They are all part-time roles that are ideal for students, people seeking a secondary source of income or fit retired people.

It is essential that applicants have their own reliable vehicle with WOF and Registration, a current full driver license and mobile phone.

To apply please contact us on 0800 694 321 between 8am and 5pm and we will then pass your details on to the individual contractors who will contact you directly.

HOUSIE TE PUKE BOWLING CLUB
6.30pm Tuesday, May 29th
Every second Tuesday
Enquiries: Te Puke Club Phone 573 9709

Western Bay of Plenty District Council
Declaration of Result of Maori Wards Poll
I declare the result of the Western Bay of Plenty District Council Maori Wards Poll held on Saturday 19 May 2018 to be as follows:
Option Votes received
FOR the establishment of Maori Wards 3,212
AGAINST the establishment of Maori Wards 11,594
(2 informal, 41 blank votes)
There was a 40.4% voting return.
Maori Wards will therefore NOT be introduced for at least the next two triennial elections (2019 and 2022) of the Western Bay of Plenty District Council.
Dated at Taunanga, 21 May 2018
Dale O'Rourke
Electoral Officer
Western Bay of Plenty District Council

INTENTION TO GRANT LEASE - CENTENNIAL PARK

Pursuant to the provisions of the Reserves Act 1977, the Western Bay of Plenty District Council proposes to grant a lease to occupy a portion of Centennial Park, Te Puke, to Te Puke Gymsports Incorporated for the purposes of a gym facility that will cater for gymnasium activities and programmes.
The lease area is comprised of 2000m² more or less being part of Lot 1 DPS 7775.
Further information relating to this notice can be obtained from Joanne Hir, Legal Property Officer Reserves and Facilities, phone (07) 571 6908 or email reserves@westernbay.govt.nz
Any person wishing to submit or object to the proposed lease may do so in writing giving details of their submission or objection to Joanne Hir, Legal Property Officer Reserves and Facilities, Western Bay of Plenty District Council Private Bag 12803 Taunanga Mail Centre Taunanga 3143 or email reserves@westernbay.govt.nz
Submissions or objections are to be received no later than 5pm on Monday 25 June 2018. Please include a contact phone number or email address.
Miriam Tans
Chief Executive Officer

Western Bay of Plenty District Council
5364
PEOPLE • PLAN • PROGRESS WWW.WESTERBAY.GOVT.NZ

MD RAMS Horticulture Ltd
Is a well established Bay of Plenty based company of Kiwifruit production and contracting services.
We are looking to employ an experienced and self-motivated Supervisor to join our team.
Applicant should hold a business qualification of level 5 and 6 and have have more than 1 years or more practical work experience.
Must be prepared to work weekends and or public holidays.
Applicants may be subjected to a drug test and to produce a NZ Police Clearance.
Send CV to: kulwinder-sodhi@hotmail.com or Phone 027 2993 251



TE PUKE COUNTRY LODGE CARE HOME AND RETIREMENT VILLAGE REGISTERED NURSE
We are currently looking for a permanent part time and casual Registered Nurse to join our team at Te Puke Country Lodge Care Home & Retirement Village.
We are looking for the best of the best to help us make our facility a home for the residents in our care. If you're someone who is striving to make a difference to the quality of the lives in our hands, then make the most of your passion by joining the Bupa family and be part of the implementation of systems and processes as well as performing operational duties.
You will be responsible for managing a team of Caregivers to ensure the highest standards of person centre care. You will take the lead in delivering medication, maintain high quality care documentation, complete care plans and assessments and take an active role in getting to know our residents and their families.
Please contact Georgina Harris on 09 909 3641 or via email at Georgina.Harris@bupa.co.nz <http://bupa.gumpers.co.nz/25545/>
Applications close Thursday, 31 May 2018.

OPEN HOMES SUNDAY 27TH MAY 2018

HARCOURTS TE PUKE

| | | |
|--------------------------|----------------------------------|-----------|
| Saturday 26th May | | |
| 10.00-10.30 | 8G Cannell Farm Drive, Te Puke | \$629,000 |
| 11.30-12.00 | 11 Lee Street, Te Puke | AUCTION |
| Sunday 27th May | | |
| 12.00-12.45 | 151 Wilson Road South, Paengaroa | PBN |
| 1.00-1.45 | 33C MacLoughlin Drive, Te Puke | \$521,000 |
| 2.00-2.45 | 23 Bayview Street, Te Puke | \$475,000 |

FIRST NATIONAL TE PUKE

| | | |
|------------------------|-------------------------------|-----------|
| Sunday 27th May | | |
| 1.00-1.30 | 47 MacLoughlin Drive, Te Puke | \$599,000 |
| 1.00-2.00 | 79B Pukehina Parade, Pukehina | \$675,000 |
| 1.45-2.15 | 7B Muir Place, Te Puke | \$399,000 |
| 2.30-3.00 | 106 Cameron Road, Te Puke | \$616,000 |
| 3.15-3.45 | 7 Gilmore Street, Te Puke | \$539,000 |

RAY WHITE TE PUKE

| | | |
|------------------------|-------------------------------|-----------|
| Sunday 27th May | | |
| 1.00-1.30 | 5 Tray Place, Te Puke | AUCTION |
| 3.00-3.45 | 1233A Maniaturu Road, Te Puke | \$669,000 |

PGG WRIGHTSON REAL ESTATE

| | | |
|------------------------|-----------------------|--------|
| Sunday 27th May | | |
| 12.00-1.00 | 63F Lowe Road, Pahoia | TENDER |

COUNTRYWIDE

| | | |
|------------------------|--------------------------------|-----------|
| Sunday 27th May | | |
| 1.00-1.30 | 11 Stewart Street, Te Puke | \$495,000 |
| 1.00-1.30 | 3 Stewart Street, Te Puke | \$399,000 |
| 1.45-2.15 | 13 Norm Freeman Drive, Te Puke | \$610,000 |
| 1.45-2.15 | 30 Atuarua Avenue, Te Puke | \$540,000 |
| 2.30-3.00 | 13A Edgehill Place, Te Puke | \$439,000 |
| 2.30-3.30 | 58C Beatty Avenue, Te Puke | \$515,000 |
| 3.15-3.45 | 9B Hastings Street, Te Puke | \$429,000 |

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Joanne Hin

From: Reserves
Sent: Thursday, 31 May 2018 10:13 AM
To: Joanne Hin
Subject: FW: Centennial Park Te Puke

From: Lin Langdon [mailto:floratheadorable.nz@gmail.com]
Sent: Wednesday, 30 May 2018 12:12 PM
To: Reserves
Subject: Centennial Park Te Puke

Good morning Joanne Hin

Thanks for all the information about the proposed Gymsport. Great idea, and we look forward to the building progressing.

We bought our property here at 34 Atuaroa Avenue in 1983, so you can imagine we have seen this part of Te Puke grow and develop and it is super to see the park so busy with a lot of people simply walking their dogs, or playing with their children, as well as the sporting facilities.

There are however, (and I suspect you would realise there was going to be a "however") we still do not have any rubbish bins anywhere near the park, something we have talked over with your department for over 30 years. I can see that you would desire that people take their rubbish with them, but most do not, which means that a lot of mess gets blown around. There are rubbish bins in the shopping precinct and so therefore you don't expect people to take their paper wrappers home with them, so why no bins anywhere in Centennial Park?

The other bugbear of everyone within earshot is the continued use of idiots on motorbikes and various other motorized equipment ripping around the park. Can we PLEASE have some signs to tell people that is illegal and that they can be fined if they persist? I imagine you might also think that would be obvious, but it clearly isn't. It sure doesn't improve the surface of the park, especially when they decide to rip around the riparian plantings by the stream, or if there are other people playing or walking dogs etc. It was horrifying to see one man and his dog, caught slap bang in the middle of the grass, with a couple of guys on motocross bikes circling them for two or three minutes this last summer.

Thank you though for all the information about the Gymsports intentions to build. Brilliant! Maybe the next project will be the much talked about new swimming complex!

Yours faithfully

Lin Langdon

Lin Langdon
"Maranatha"
34 Atuaroa Avenue
Te Puke 3119
New Zealand
Phone 07 573 8502

Western Bay of Plenty District Council

Council

Chief Executive Officers Report – *July 2018*

1. Chief Executive Officer and Group Managers' Update Report

1.1. Purpose

To provide the Mayor and Council with timely advice on current projects and issues via an information report.

The Mayor has requested this report be based on topics and that the Chief Executive and Group Managers speak to items. A similar report is included in the confidential section of the agenda for confidential items.

1.2. Report

The topics and issues are set out in areas of responsibility. Detail is not provided in the written report as the detail is generally contained in the Committee reports where the topics are debated and direction provided.

The report is to provide current and timely briefings on significant topics and issues that potentially or currently are a risk item or could impact council or the community.

1.3. Chief Executive Office

- LGCOG Nov 2018

1.4. Infrastructure Services

- Project & Property Funding updates

1.5. Financial Services

- LGFA Shareholders & Borrowers day update
- Chief Financial Officer's Exception Report Briefing – August 2018 (**Attachment A**)

1.6. Policy, Planning and Regulatory Services

- Nothing to report

1.7. Technology, Customer and Community Services

- Nothing to report

Recommendation

THAT the Chief Executive Officer's report dated 30 July 2018 and titled "Chief Executive Officers Report" be received.



Miriam Taris
Chief Executive Officer

Date 25 July 2018
Subject Chief Financial Officer's Exception Report Briefing – June 2018

Open Session

Western Bay of Plenty District Council
Council
Chief Financial Officer's
Exception Report Briefing – August 2018

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 Twelve Months Ended 30 June 2018

A high-level summary of the key financial performance indicators for the twelve months ended 30 June 2018 along with copies of the treasury reports and graphs have been included in the information pack.

Key Financial Issues for the Twelve Months Ended 30 June 2018

Operating Income

Total income for the twelve months ended 30 June 2018 was \$148.09m against a year-to-date budget of \$99.56m. The \$48.52m higher income variance is due to rates income, sundry income, vested assets, service charges, user fee revenue streams, subsidies and grants and other income being higher than year-to-date budget offset by financial contributions being lower than budget.

\$32.78m of this variance is attributable to an increase in 'other income' resulting from the asset revaluation process and \$8.73m relating to assets vested to Council in the year.

Operating expenditure

Total expenditure of \$81.73m was \$918k lower than the year-to-date budget of \$82.65m due to underspends on additional levels of service projects, interest and depreciation offset by higher than budgeted operational costs.

The operating income and expenditure levels attained reflect a positive financial performance for the organisation for the year ended 30 June 2018.

Capital Expenditure

Capital expenditure of \$38.50m for the period was \$3.20m lower than the year-to-date budget. The expenditure variance is attributable to underspends against budget in the

Date 25 July 2018
 Subject Chief Financial Officer's Exception Report Briefing – June 2018

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recreation and leisure, communities' expenditure, corporate services, water supply and wastewater activities offset by a higher than budgeted spend in the stormwater and transportation 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 income received to date of \$9.51m is \$514k lower than the annual budget of \$10.02m. While good levels of development continue in the district this result is a reversal of the trend exhibited most of the year where financial contribution revenue received tracked higher than the year-to-date budget. Further detail on the financial contribution income is tabulated in the Key Financial Issues report.

The development trends report highlights good levels of subdivision activity with 362 new lots created in the twelve months to 30 June 2018 against a full year forecast of 333 new lots. Athenree (340%), Minden (240%), Kaimai (125%), Tahawai (140%) and Pongakawa (800%) census area units show the number of actual lots created exceeding full year forecast while Waihi Beach (52%), Katikati Community (95%) and Te Puke (28%) were below forecast. The total number of residential and rural dwelling consents issued at 30 June 2018 is 495 which is 14% greater than the full year forecast (2017: 528).

Debt

Total external debt at 30 June 2018 was \$125.0m. Council's net debt balance was \$98.27m at the end of the reporting period which represents a \$1.95m reduction from the June 2017 balance of \$100.22m.

Council had 87% of total debt fixed by interest rate swaps to the value of \$104.5m, which is within the policy range of 50%-95% coverage.

LGFA Shareholders and Borrowers Day Update

The Local Government Funding Agency Limited (LGFA) Shareholders and Borrowers Day was held on Tuesday, 25 July 2018. The agenda covered the following key topics:

- LGFA Business update and five year forecast
- LGFA risk and compliance update
- Local Government sector debt.

The message highlights of the day were:

- Three new councils have joined the LGFA
- Offshore investor holdings increasing and diversifying
- AA+ Credit rating affirmed by Fitch and Standard & Poor's rating services
- Company Net Operating Gain (unaudited) of \$11.834 million approximately 7.2% above prior year
- Good credit quality of councils unlikely to further improve from current position

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-
- Total forecast debt for the sector is likely to be around \$25 billion for 2028 and \$24 billion for 2025 (\$20 billion per 2015/25 Long Term Plans)
 - Not all councils are forecasting a rise in debt levels. Councils that have already undertaken significant investment in the three waters activities have less capital expenditure to undertake
 - LGFA will continue to measure financial covenants at a parent rather than group level.



Kumaren Perumal
Chief Financial Officer

Western Bay of Plenty District Council

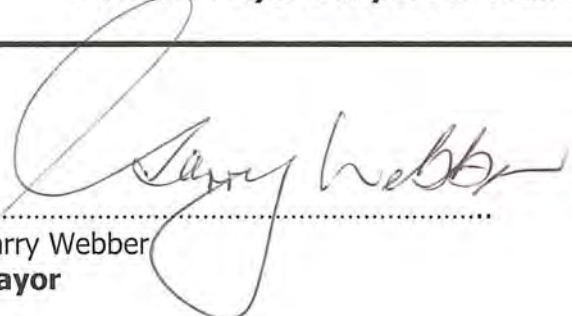
Council

Mayor's Report to Council – July 2018

1. **LGNZ Conference** - Deputy Mayor will give briefing
2. **SmartGrowth** - Update
3. **CEO Appraisal** - Timeline attached

Recommendation

- | |
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| <ol style="list-style-type: none">1. <i>THAT the Mayor's Report to Council for July 2018 be received.</i> |
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Garry Webber
Mayor

CEO Performance Review Timeline

| Event | Date | Venue |
|---|-----------------|------------------------|
| 360 Degrees Online Survey | Closing 30 July | |
| CEO Performance Appraisal Feedback To Council | 23 August | 9.30am Council Chamber |
| CEO Performance Review Councillors & Russell Ness Only Discussion | 06 September | 9.30am Council Chamber |