

# MEETING — AGENDA —

*Ngā Take*

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Western Bay of Plenty  
District Council

# REGULATORY HEARINGS COMMITTEE

*Komiti Whakariterite Kōrero*

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**RH19**  
**Thursday, 15 August 2019**  
**Council Chambers**  
**Barkes Corner, Tauranga**  
**3.00pm**





# Notice of Meeting No RH19 Te Karere

## Regulatory Hearings Committee Komiti Whakariterite Korero

Thursday, 15 August 2019  
Council Chambers  
Barkes Corner  
3.00pm

His Worship the Mayor

G J Webber (Chairperson)

Councillors:

M Dean  
P Mackay  
D Marshall  
M Murray-Benge  
J Scrimgeour  
M Williams

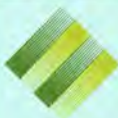
Media  
Staff

Miriam Taris  
**Chief Executive Officer**  
**Western Bay of Plenty District Council**

Agenda approved for distribution:



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



**Western Bay of Plenty**  
**District Council**

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

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# Regulatory Hearings Committee

## Mangai o Te Kaunihera

### Quorum:

The quorum for this meeting is three members.

### Role:

Subject to compliance with Council strategies, policies, plans and legislation:

- To carry out quasi-judicial decision-making on statutory and regulatory matters, and to ensure the proper exercise of statutory and regulatory functions
- To administer and determine applications relating to:
  - Animal Enforcement Notices
  - Regulatory Hearings (Building and Health)
  - Building Consent Objections
  - Stock Droving Applications
  - Bylaw Administration and enforcement
  - Notified Planning Hearings and Resource Consents
- To monitor and review the Chief Executive Officer's management of policy decisions and programmes for which the Committee is responsible under delegated authority
- To make decisions on matters not delegated to the Chief Executive Officer
- To exercise all decision-making powers of Council within the Committee's delegated functions and in accordance with its role and to monitor performance of the delegated functions
- To monitor matters relating to consents functions as decided under delegated authority and make decisions on matters not delegated

Pursuant to the Resource Management Act 1991 to receive reports on appeals to the Environment Court on Committee or Commissioner decisions made in relation to Resource Management Act matters and to provide guidance to staff authorised to negotiate and settle appeals on Council's behalf

### Chairperson Delegations:

- Pursuant to the Resource Management Act 1991 should there be insufficient time for staff to consult with the Committee on appeals to the Environment Court (in relation to decisions from the Regulatory Hearings Committee or Independent Commissioner decisions), the authority to provide guidance be delegated to the relevant Independent Chairperson with a report back to the Committee at the next scheduled meeting.
- The power to appoint hearings panels of appropriately qualified members and/or Independent Hearings Commissioners to hear and decide on specific applications should there be insufficient time for the Committee to meet to establish a Hearings Panel provided there be a report back to the Committee at the next scheduled meeting.
- Pursuant to the provisions of the Sale and Supply of Alcohol Act 2012 the power to appoint from the District Licensing Committee list of members a quorum of appropriately qualified members to hear and decide on specific applications.

### General Delegations:

All delegated decision-making powers in respect to the following functions:

- a) Resource Management



- Decisions on subdivisions and other non-notified applications for discretionary or non-complying activities recommended for refusal or otherwise referred to the Committee by the Group Manager Policy, Planning and Regulatory Services
  - Hearings of and decisions on notified applications to which there have been objections
  - Conditions of approval, extensions
  - Changes or cancellation of consent
  - Conditions of surrender of consents
  - Hearings of and decisions on objections to decisions and conditions of resource consents in relation to applications decided under staff delegated authority
  - Hearings of and decisions on notices of requirement
- b) Animal Enforcement Notices, including:
- Objection to classification as probationary owner
  - Objection to disqualification
  - Objection to classification as a dangerous dog
  - Objection to abatement notice – barking dogs
  - Application for return of dog
  - Application for release of dog retained for threatening public safety
- c) Stock Droving and Speed Restriction Applications under the relevant bylaws
- d) Regulatory Hearings (Building and Health)

### **Joint Hearings**

- The power to conduct Joint Hearings with other local authorities where considered necessary in accordance with the provisions of the First Schedule of the Resource Management Act and as mutually approved by Council and the relevant other authority(ies).
- The power to appoint members and/or Commissioners to Joint Hearings Committees.
- Subject to the provisions of the Act Joint Hearings within the Western Bay of Plenty District shall be conducted in accordance with operational protocols and procedures approved by the Regulatory Hearings Committee from time to time.

### **Hearing Panels**

The power to appoint hearings panels of appropriately qualified members and/or Independent Hearings Commissioners to Chair, hear, and decide on all Resource Consent applications.

### **Other**

The Committee may delegate any of its functions, duties or powers to a subcommittee or joint committee subject to the restrictions on its delegations and provided that any sub delegation to subcommittees or joint committees includes a statement of purpose and specification of task.

The Committee may, without confirmation by Council, exercise or perform any function, power or duty in like manner, and with the same effect, as the Council could itself have exercised or performed them.

# Agenda for Meeting No. RH19

Pages

**Present  
In Attendance  
Apologies**

## **Declarations of Interest**

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

- |        |   |       |
|--------|---|-------|
| R19.1  | <b>Annual Report on Dog Control Policy and Practices – 2018/2019</b>                  | 6-15  |
|        | Attached is a report from the Compliance and Monitoring Manager dated 17 July 2019.   |       |
| RH19.2 | <b>Annual Report - Western Bay of Plenty District Licensing Committee 2018/2019</b>   | 16-23 |
|        | Attached is a report from the Compliance and Monitoring Manager dated 22 August 2019. |       |
| RH19.3 | <b>Appointment of Independent Hearings Commissioner – August 2019</b>                 | 24-26 |
|        | Attached is a report from the Environmental Consents Manager dated 5 August 2019.     |       |

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**Western Bay of Plenty District Council**  
**Regulatory Hearings Committee**  
**Annual Report On Dog Control Policy And**  
**Practices - 2018/2019**

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### **Purpose**

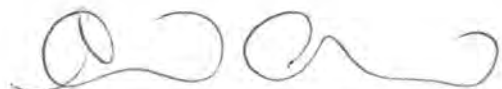
Section 10A of the Dog Control Act 1996 requires Council to publicly report, each financial year, on the administration of our Dog Control Policy and practices along with specified dog control related statistics.

The content of the attached report is based on the requirements of the Dog Control Act 1996.

Format of this report is as required by the Ministry of Internal affairs and only includes incidents involving dogs.

### **Recommendation**

- 1. THAT the Compliance and Monitoring Manager's report dated 17 July 2019 and titled Dog Control Policy and Practices – 2018/2019 be received.***
- 2. THAT the report relates to an issue that is considered to be of Low significance in terms of Council's Significance and Engagement Policy.***
- 3. THAT pursuant to Section 10A of the Dog Control Act 1996, the Western Bay of Plenty District Council report on Dog Control Policy and Practices for 2018/2019 be adopted and publicly notified.***



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Alison Curtis  
**Compliance and Monitoring Manager**



## 1. Background

The Western Bay of Plenty District Council, as a territorial authority, is required to manage and enforce provisions pursuant to the Dog Control Act 1996 (the Act). Section 10A of the Act requires the Council to report on its Dog Control Policy and practices.

The attached report details Council's activities under the Dog Control Act 1996, and fulfils this statutory requirement for the dog registration year 1 July 2018 to 30 June 2019.

## 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 report only relates to activities that the Council is required to undertake under legislation, and is not a matter of decision-making.

## 3. Engagement, Consultation and Communication

Interested/Affected Parties	Planned Communication
Secretary for Local Government	Dog Control and Policy Report for 2018-19 copy sent within 1 month of adoption by Council, in accordance with legislative requirements.
Tangata Whenua	As per general public.
General Public	Dog Control and Policy Report for 2018-19 notified in the newspaper and report copy available on Councils website pages.

#### 4. Issues and Options Assessment

<b>Council adoption of the Dog Control and Activities report</b>	
<b>Reasons why no options are available</b>	<b>Legislative or other reference</b>
This report is required to be produced by Council annually, the content of which is prescribed by the Dog Control Act 1996. Council decision-making only is in relation to adoption of the report.	Dog Control Act 1996. Section 10A. Territorial authority must report on dog control policy and practices.

#### 5. Statutory Compliance

The report and recommendation have been prepared to ensure that Council meets the statutory requirements under the Dog Control Act 1996.



## **Western Bay of Plenty District Council: Dog Control Policy and Practices Report 2018-2019**

The Western Bay of Plenty District Council, as a territorial authority, is required to manage and enforce provisions pursuant to the Dog Control Act 1996 (the Act). Section 10A of the Act requires the Council to report annually on its Dog Control Policy and practices.

This report fulfils this statutory requirement for the dog registration year:  
1 July 2018 to 30 June 2019.

### **1. Dog Control Policy and Dog Control Bylaw 2016**

Council reviewed the existing 2011 Dog Control Policy and Dog Control Bylaw, in accordance with the requirements of the Local Government Act 2002 during the 2015-16 year, with introduction of the Bylaw taking effect on 14 October 2016.

The objectives of the policy are:

- To provide adequate opportunities to fulfil the exercise and recreational needs of dogs and their owners, including off leash exercise.
- To minimise the danger, distress and nuisance (of dogs) to the community generally.
- To minimise the likelihood for conflict between dogs and the public or environment, by restricting access for dogs to public places where appropriate.
- To avoid danger from uncontrolled dogs having access to public places which are frequented by children whether or not the children are accompanied by adults.
- To minimise, to the extent that is practicable, the public fear of attack or intimidation by dogs.
- To actively promote the responsible ownership of dogs.
- To actively promote public safety and education.

Council promotes the Policy and Bylaw through communications with residents and dogs owners through:

- Dogs of the Western Bay newsletter
- Council webpage and Facebook page
- One on one contract with dog owners
- Council dog events
- Puppy training classes

## 2. Dog exercise areas

The current policy provides for all public spaces including reserves to be used for dog exercise areas, with dogs under control. A number of reserves are restricted to dogs on leash only, to ensure that conflict between other users and wildlife is avoided.

<b>Geographical Area</b>	<b>Timeframe</b>
TECT All Terrain Park (excluding the designated dog exercise area)	Year round
Huharua Park	Mixed approach
Omokoroa to Bethlehem cycleway, including associated berms and verges	Year round
<b>Scenic Reserves</b>	
Kaiate Falls Scenic Reserve	Year round
Ongaonga Scenic Reserve	Year round
Puketoki Scenic Reserve	Year round
<b>Omokoroa Point</b>	
Omokoroa Golf Course: Walkway adjacent to sandspit	Year round
Omokoroa to Bethlehem cycleway, including the associated berms and verges, except the area at Cooney's Reserve where no restrictions apply (dog under control). For the avoidance of doubt, the area at the end of Beach Grove is a Dogs on Leash Area	Year round
<b>Katikati</b>	
Uretara Walkway between the point where the Riverside Place walkway links onto the Uretara walkway and Park Road Reserve.	Year round
In the town centre area on Main Street (between the Uretara Stream and Fairview road) and Talisman Drive	Year round
<b>Waihi Beach</b>	
Island View Reserve	Seasonal (October to March) The Island View Reserve is restricted to dogs on a leash area between the months of October to March as a result of birds nesting within the reserve during this period.
In the town centre are on Seaforth Road (between Dillon Street and Citrus Avenue)	Year round
<b>Te Puke</b>	
In the town centre area bounded by Queen Street, Boucher Avenue, Commerce Lane, Jocelyn Street, the railway line, King Street, Tom Blaikie Lane and Oxford Street. This includes all areas open to the public within this area.	Year round



### 3. Prohibited dog areas

The Council restricts or prohibits dogs in places that have a high potential for conflict between other users and dogs, and are used frequently by the public. Areas that are prohibited include children's playgrounds, areas of intense public use and areas of ecological sensitivity.

Geographical Area	Timeframe
<b>District Wide</b>	
All children's playgrounds (soft play area)	Year round
<b>Plummers Point</b>	
Huharua Park (Ongarahu Pa) The Park comprises some areas which are prohibited to dogs and some which are dogs on leash	Year round
<b>Omokoroa Point</b>	
Omokoroa Domain – the area between the playground and toilet block	Year round
Sandbars off Cooneys Reserve Omokoroa	Year round
Omokoroa Esplanade The Omokoroa Esplanade is prohibited in Summer Months. However, dogs may pass through the area on leash, using the footpath opposite the Esplanade, as part of the Omokoroa to Bethlehem cycleway	Summer months- third Wednesday of December to the 7th of February (both days inclusive) between the hours of 9am and 7pm
The foreshore area between Cooneys Reserve and Lynley Park, adjoining the Omokoroa to Bethlehem cycleway	Year round
Omokoroa Domain Foreshore	Spring to Autumn -the period between Labour weekend and Easter Monday (inclusive)
<b>Waihi Beach</b>	
Waihi Beach except for year round dog zone The area which is available to dogs year round is the area formed between a line 100m south of Albacore Avenue and a line 100m north of Pio Road	Summer months- third Wednesday of December to the 7th of February (both days inclusive) between the hours of 9am and 7pm
<b>Maketu</b>	
Area between (and including) Park Road Reserve to Maketu Surf Lifesaving Club	Summer months- third Wednesday of December to the 7th of February (both days inclusive) between the hours of 9am and 7pm
Maketu Historic and Local Purpose Reserve	Summer months- third Wednesday of December to the 7th of February (both days inclusive) between the hours of 9am and 7pm
Maketu Spit (stretching as far as the cut)	Year round
<b>Pukehina</b>	
Pukehina Spit (Dotterel Point Reserve)	Year round

#### 4. Fees

The Council recovers 80% of the total cost associated with dog control through registration and control fees and enforcement. General rates funding is used to meet the remaining 20% of dog related costs, reflecting the wider community benefits of effective dog control. Dog registration fees are set by Council resolution.

#### 5. Policy monitoring and compliance

Council has consistently applied the Dog Control Policy and Council's Compliance, Monitoring and Enforcement Strategy when dealing with all matters of dog control over the period 1 July 2018 to 30 June 2019.

This has continued to ensure a fair, unbiased and consistent approach when dealing with either offending dog owners or other interested parties.

Animal Services Officers have continued strategies for the compliance with dog registration within the District which has resulted in achieving 97.4% registered known dogs.

#### 6. Dog Control Statistics

##### Section 10A (2) information

The following information is required under section 10A (2) clauses a – g.

The statistical component of this report for the 12 months to 30 June 2019 is as follows:

##### Number of registered dogs in Western Bay of Plenty District

Category	2016-17	2017-18	2018-19
Number of known dogs in District	8893	9220	9389
Number of registered dogs in District	8720	9124	9145

##### Number of Probationary and Disqualified owners

Category	2016-17	2017-18	2018-19
Number of probationary owners in District	0	0	0
Number of disqualified owners in District	11	14	14

##### Number of Dogs classified as Dangerous (section 31)

Category	2016-17	2017-18	2018-19
Dangerous by owner conviction 31 (1)(a)	1	1	2
Dangerous by sworn evidence 31(1)(b)	15	15	15
Dangerous by owner admittance in writing 31(1)(c)	5	1	1
<b>Total</b>	<b>21</b>	<b>17</b>	<b>18</b>



**Number of dogs classified as menacing (section 33A & 33C)**

Category	2016-17	2017-18	2018-19
Menacing by behaviour s.33A(1)(b)(i)	38	43	45
Menacing by breed or type characteristics s.33A(1)(b)(ii)	35	38	32
Menacing by schedule breed or type s.33C(1)	97	89	86
<b>Total</b>	<b>170</b>	<b>170</b>	<b>163</b>

**Number of Infringement notices issued**

Category	2016-17	2017-18	2018-19
Failure to register dog	80	40	68
Other offences	92	93	126
<b>Total</b>	<b>172</b>	<b>133</b>	<b>194</b>

**Number of dog related complaints**

Category	2016-17	2017-18	2018-19
Barking	251	255	280
Roaming	385	365	413
Attacked Person	22	40	36
Attacked Animal	80	95	103
Rush at Person	47	51	59
Rush at Animal	42	41	47
Welfare Concern	34	39	32
Other	164	157	153
<b>Total</b>	<b>1025</b>	<b>1043</b>	<b>1123</b>

**Other dog service requests:**

Category	2016-17	2017-18	2018-19
Adoption queries	117	47	119
Education requests	40	55	35
Lost and found	486	560	461
Microchipping request	66	64	50
<b>Total</b>	<b>709</b>	<b>726</b>	<b>665</b>

**Number of Prosecutions taken**

Category	2016-17	2017-18	2018-19
	1	0	0

## 7. Other initiatives

### **Dog owner education and dog events**

Council has undertaken the following events in the community to educate dog owners on dog behaviour and encourage responsible dog ownership.

### **Dogs' day out event**

This event was held in Omokoroa at Western Ave Reserve in March and following on from previous years has been an opportunity for dog owners to engage with staff, see dog behaviour displays and dog stalls. Council's dog microchipping, registration and dog fostering and adoption services are promoted.

### **Wander Dog walks**

Council undertook a series of dog walks promoting responsible dog ownership and positive community socialisation of dogs. These were well attended and are a great opportunity for dog owners to engage with Council Animal Services staff and other dogs and their owners.



Image 2-Puketoki Reserve wander dog walk 2 february 2019

### **Wander Dogs of Western Bay Dog Owner Newsletter**

One dog newsletter was sent to dog owners during the year. The newsletter highlights Council requirements in the Policy and Bylaw, promotes dog events, responsible dog ownership, key registration dates and has dog training tips. Dog communications have also included Facebook information and information on Council's webpages.



### TECT Park Dogs Mud Run

A new combined event was held in conjunction with Tauranga City Council animal services team at TECT All Terrain Park. This event was very popular with families, provided good opportunities for dog socialisation and promoted the dog exercise spaces at TECT Park.



Image 2- TECT Park 20 Jan 2019

### Dog Owner Education

Community dog education was also undertaken by staff with workplace groups, and to dog owners in conjunction with Te Puke Vets & Tauranga, Katikati and Te Puna Vets.

### High Risk Dogs Desexing Campaign

Council received funding for desexing of high risk (menacing dogs) through the Department of Internal Affairs in the 2016-17 year, and this funding has continued to be utilised for desexing of menacing dogs for the last 2 years. There has been a mixed response to the desexing initiative with uptake being slower than anticipated.

To the 30 June 2019, Council had 6 dogs desexed through the funding provided by DIA in the 2018-19 year.

Dog category	2016-17	2017-18	2018-19	Total
Existing classified menacing dogs	14	14	3	31
New classified menacing dogs	17	30	3	50

Date 7 August 2019  
Subject Western Bay of Plenty District Licensing Agency Annual Report 2018-19

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## Western Bay of Plenty District Council

### Regulatory Hearings Committee

## Annual Report - Western Bay of Plenty District Licensing Committee 2018 / 2019

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### Purpose and Summary

This report provides information on the Western Bay of Plenty District Licensing Committee activities for the twelve month period 1 July 2018 to 30 June 2019. This information is also provided to the Alcohol Regulatory Licensing Authority in Wellington as required under the Sale and Supply of Alcohol Act 2012.

The information listed in this report is in direct response to the reporting requirements of the Alcohol Regulatory Licensing Authority.

### Recommendation

- 1. THAT the Compliance and Monitoring Manager's report dated 22 July 2019 regarding the Annual Report- Western Bay of Plenty District Licensing Committee 2018/ 2019 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 approves the Western Bay of Plenty District Licensing Committee Annual Report 2018 / 2019 dated 22 July 2019.**

  
Alison Curtis  
Compliance and Monitoring Manager

Approved

  
Rachael Davie  
Group Manager  
Policy Planning and Regulatory Services



Date 7 August 2019  
Subject Western Bay of Plenty District Licensing Agency Annual Report 2018-19

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## **1. Western Bay of Plenty District Licensing Committee Annual Report 2018-2019**

The following report is a summary of activities for the Western Bay of Plenty District Licensing Committee. The information outlined in the report is required under the Sale and Supply of Alcohol Act 2012.

The statistical information is provided to the Alcohol Regulatory Licensing Authority through an online survey, for reporting for 2018-19 year. The financial information for the financial year 1 July 2018 to 30 June 2019 is reported separately. All required information is outlined following.

### **1.1 Overview of District Licensing Committee Workload**

The District Licensing Committee (DLC) has met on the following occasions in the period 1 July 2018 to 30 June 2019.

Four (4) hearings of the District Licensing Committee have been held during the 2018-2019 year.

Hearing date 12 December 2018 – The application to be determined was for renewal of an on-licence for Sandhu 2014 Limited. Located at 17 Plummers Point Road, Plummers Point. This application was opposed by the Council's Licensing Inspector and objected to by neighbouring residents. Matters raised included noise, absence of substantial food and patron behaviour. The licence was renewed on very strict criteria, for 18 months only (not the full 3 years) and additional noise conditions were applied.

Hearing date 29 and 30 January 2019 – the application was for a new on-licence for KLM Enterprises Limited trading as The Locals Bar and Eatery, located at 168 Omokoroa Road, Omokoroa. The application was objected to by local residents. 19 objectors appeared before the committee. Matters raised included the TAB and/or gaming machines on site, the potential for detrimental effects on the local community including noise, patron behaviour, impact on amenity, parking constraints, vehicle movements and general suitability of the proposed activity. The licence was granted with extensive conditions applied with regard to operating hours, noise management, occupancy numbers (as per the resource consent), transportation for patrons, and food provision.

Hearing Date 11 June 2019- the application was for renewal of an off-licence for Jones Retail Limited trading as Katikati Four Square, located at 37-41 Main Road, Katikati. The application was objected to by the Medical Officer of Health, due to concerns about siting of the "single alcohol area" within the premises. The licence renewal was granted with no changes to the siting of the single alcohol area within the premises.

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Hearing date 17 June 2019-the application was for renewal of an Off-licence for HB Enterprises Limited trading as Te Puke Bottle-O, located at 33 Jellicoe St, Te Puke. The application was objected to by Councils Licensing Inspector, and the Medical Officer of Health. Matters raised highlighted the public place drinking in Te Puke and impact of this behaviour on the wider community, including litter, disorder, violence and other antisocial behaviour. Single sales of mainstream beer and RTD's were also highlighted as a concern. The licence renewal was granted with conditions restricting single sales of mainstream beer and RTD's. Conditions were also applied restricting sales of light spirits and requiring coded identification specific to the premises on canned high alcohol beverages over 500ml.

The District Licensing Committee membership has changed during the licensing year due to the end of term for existing members. The membership includes:

- Councillor Don Thwaites (Deputy Chair)
- Arthur Wilkinson (Commissioner/member)
- Beverley Edlin (Commissioner/member)
- Michael Jones (Commissioner/member)
- Murray Clearwater (Commissioner/member)
- Councillor Peter MacKay (Commissioner/member)
- Jim Davison (member)
- Steve Williams (member)

Council's Licensing Inspector is Dougal Elvin.

The District Licensing Committee Secretary is Alison Curtis, Council's Compliance and Monitoring Manager, supported by democracy and compliance staff

District Licensing Committee members went through an application/ reapplication process in October 2018, and positions were confirmed by Council. Training was undertaken for all new and existing members, and Committee and secretariat support staff.

Paperless processing was introduced for the new Committee, this included the use of Council's Stellar system for commissioners and members for reviewing and processing of applications for all hearings and uncontested applications.

All applications are now being processed electronically. Pre-formatted decision word templates have been provided for commissioners and all decisions are being written exclusively by commissioners to ensure compliance with the requirements of the Sale and Supply of Alcohol Act 2012. Licences are then issued by secretariat staff.



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## **1.2 District Licensing Committee Initiatives**

Introduction of on-line applications through Councils website for customers is currently in progress. Special licences applications and managers certificate applications will be the initial application types to be received through Council's website.

## **1.3 Local Alcohol Policy and Bylaw**

The combined Tauranga City Council and Western Bay of Plenty District Council Local Alcohol Policy (LAP) came into force on 16 November 2015. The LAP is required to be reviewed every six years.

The Local Alcohol Policy has reduced the trading hours for premises with later trading licences that were operating within the Western Bay of Plenty District since its adoption in 2015. The reduced premises trading hours apply across the District (maximum trading to 1am for on-licences and 10pm for off-licences).

Council has not undertaken any formal community feedback survey on the impact of the Local Alcohol Policy, this will be undertaken at it's first review.

The Liquor Control Bylaw 2016 applies in the District, the areas controlled include Katikati Township, Waihi Beach and Te Puke Township.

## **1.4 Enforcement and Inspections**

The Licensing Inspector undertakes inspections of premises including:

- inspections of new licensed premises,
- premises renewing their licence,
- regular monitoring of premises during trade.

186 licensed premises inspections were undertaken during the year.

Thirty two (32) Controlled Purchase Operation (CPO) visits were undertaken during the year, all premises attended by regulatory staff and a volunteer had adequate systems and processes in place to ensure that no sales were made to a minor.

### 1.5 Commentary - How the Act is achieving its object

The Alcohol Regulatory Licensing Authority in this years annual report survey has requested comment on how the Sale and Supply of Alcohol Act 2012 is achieving its object. Note: the object of the Sale and Supply of Alcohol Act 2012 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.

The following feedback has been provided to the survey:

There are a number of actions taken locally that have contributed to the object of the Act. Specific areas where the Act is achieving its object are as follows:

- Sales and supply and availability of alcohol through off licences are being addressed. There are tighter controls on alcohol display and promotion in supermarkets, with alcohol less prominently displayed and promoted to patrons.
- Applications for off licences in town centres are being closely scrutinised in relation to single sales, and the wider impact of off-site consumption, including public place drinking and associated antisocial behaviour. Single can sales from off licensed premises have been reduced through conditions applied to licences in town centres. Conditions are being applied as licence applications (new and renewal) are received.
- Club licences have been closely assessed and inconsistencies with Club constitutions addressed for membership types and affiliated memberships.
- Duty Managers certificates are assessed through interviews as part of the application process as it is recognised that managers are key to ensuring compliance with the objectives of the Act.
- The income from annual fees has been beneficial in increasing the funding for monitoring by Council of licensed outlets. Increased inspections and interactions with licensees has seen an improvement in the knowledge of requirements by licensees, and compliance with the Act.



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## 1.6 Fees Received

Over the 12 month period 1 July 2018 – 30 June 2019 fees totalling **\$156,069.90** were collected of which **\$11,229.75** was apportioned to the Alcohol Regulatory Licensing Authority, as required by the Sale and Supply of Alcohol Regulations 2013.

## 1.7 Application Trends

For trends and comparative purposes the last four years licence application numbers are listed below.

TYPE	1 July 2018 to 30 June 2019	1 July 2017 to 30 June 2018	1 July 2016 to 30 June 2017	1 July 2015 to 30 June 2016
Special Licences	122	94	91	116
On Licences	26	32	29	24
Club Licences	16	7	2	12
Off Licences	14	12	15	17
Manager's Certificates	139	162	161	169
Temporary Authorities	10	17	16	16
<b>TOTAL</b>	<b>327</b>	<b>324</b>	<b>314</b>	<b>354</b>

Date  
Subject

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### 1.8 Fees received

<b>On-licence, off-licence and club licence fees received:</b>						
Application Type		Number received in fee category:	Number received in fee category:	Number received in fee category:	Number received in fee category:	Number received in fee category:
		Very Low	Low	Medium	High	Very High
On licence	New	0	6	5	0	0
On licence	Variation	0	0	1	0	0
On licence	Renewal	0	12	6	0	0
Off licence	New	1	0	1	0	0
Off licence	Variation	0	0	1	0	0
Off licence	Renewal	2	1	6	0	0
Club licence	New	0	1	0	0	0
Club licence	Variation	0	0	0	0	0
Club licence	Renewal	5	12	1	0	0
<b>Total number</b>		<b>8</b>	<b>32</b>	<b>21</b>	<b>0</b>	<b>0</b>
<b>Total Fee paid to ARLA</b>		<b>\$138.00</b>	<b>\$1,104.00</b>	<b>\$1,086.75</b>	<b>\$0</b>	<b>\$0</b>

<b>Annual Fees Received - New and Renewal Applications</b>						
Application Type		Number received in fee category:	Number received in fee category:	Number received in fee category:	Number received in fee category:	Number received in fee category:
		Very Low	Low	Medium	High	Very High
<b>Total number</b>		<b>8</b>	<b>32</b>	<b>21</b>	<b>0</b>	<b>0</b>
<b>Total Fee paid to ARLA</b>		<b>\$138.00</b>	<b>\$1,104.00</b>	<b>\$1,086.75</b>	<b>\$</b>	<b>\$</b>



Date  
Subject

7 August 2019  
Western Bay of Plenty District Licensing Agency Annual Report 2018-19

<b>Annual fees for existing licences received:</b>						
Licence Type		Number received in fee category:	Number received in fee category:	Number received in fee category:	Number received in fee category:	Number received in fee category:
		Very Low	Low	Medium	High	Very High
On Licence		0	13	13	0	0
Off Licence		1	1	16	2	0
Club licence		3	4	0	0	0
<b>Total number</b>		<b>4</b>	<b>18</b>	<b>29</b>	<b>2</b>	<b>0</b>
<b>Total Fee paid to ARLA</b>		<b>\$69.00</b>	<b>\$621.00</b>	<b>\$1,500.75</b>	<b>\$172.50</b>	<b>\$</b>

<b>Managers' certificate application fees received:</b>	
	Number received
Manager's certificate new	61
Manager's certificate renewal	89
<b>Total number</b>	<b>150</b>
<b>Total Fee paid to ARLA</b>	<b>\$4,312.50</b>

<b>Special licence applications received:</b>			
	Number received in category:	Number received in category:	Number received in category:
	Class 1	Class 2	Class 3
special licences	6	52	54

<b>Temporary authority applications received:</b>	
	Number received
Temporary authority	10

<b>Permanent club charter payments received:</b>	
	Number received
Permanent club charter payments	0

<b>Total to be paid to ARLA</b>	<b>\$11,229.75</b>
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## Western Bay of Plenty District Council

### Regulatory Hearings Committee

### Appointment of Independent Hearings Commissioner – August 2019

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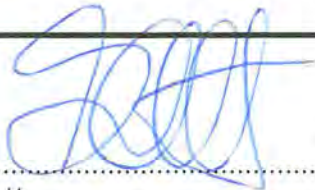
#### Purpose

The Committee is asked to approve the appointment of an Independent Hearings Commissioner to consider and determine a limited notification resource consent.

#### Recommendation

- 1. THAT the Environmental Consent Manager's report dated 05 August 2019 and titled "Appointment of Independent Hearings Commissioner – July 2019" 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 RC11363L at 57F Fairview Place, Te Puke.**

**Commissioner Russell De Luca**



.....  
Chris Watt  
**Environmental Consents Manager**

**Approved for release to the Regulatory Hearings Committee**



.....  
Rachael Davie  
**Group Manager – Policy, Planning & Regulatory Services**



## 1. Background

With local body elections scheduled for 12 October 2019, Council is now in the pre-election period. Best practice guidelines issued by the Office of the Auditor General recommend that in the pre-election period care must be exercised in enabling current elected members to participate in certain decisions primarily to mitigate the risk of public scrutiny of the decision or allegations of unfair advantage / electioneering.

Accordingly, and in with these guidelines in mind, the Committee is asked to appoint an Independent Hearings Commissioner to consider and determine the resource consent application outlined below.

Applicant:	Zeb Melton
Location:	57F Fairview Place, Te Puke
Application:	RC11363L: New dwelling with yard infringement and accessory building over 200m <sup>2</sup> gross floor area.
Application Process	Land Use Consent. Limited Notification to two submitters; both have provided submissions against the proposal.
Reporting Planner:	Roger Foxley, Consents Planner, WBOPDC
Commissioner:	Mr Russell De Luca.

Staff have confirmed the proposed Commissioner's availability to consider and determine the application. On the appointment of the Commissioner, staff will undertake the necessary engagement and provision of application material for his consideration.

## 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 beyond the statutory process under the Resource Management Act 1991.

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

## 3. Engagement, Consultation and Communication

There is no requirement for an engagement or communication plan.

The resource consent application is bound by its own statutory process under the Resource Management Act 1991 which has its own statutory requirement for

engagement through 'affected persons' assessment and subsequent public or limited notification processes as has occurred for this application.

#### 4. Issues and Options Assessment

<b>THAT the Regulatory Hearings Committee appoint Independent Hearings Commissioner(s) as per the above resolution.</b>	
<b>Reasons why no options are available</b>	<b>Legislative or other reference</b>
Council is in the pre-election period before scheduled local body elections on 12 October 2019. Guidelines issued by the Office of the Auditor General urge caution in involving current elected members in decisions where an inference could be drawn of unfair advantage and/or electioneering.	Guidelines of the Office of the Auditor General

#### 5. Statutory Compliance

The resource consent application has been received and processed in accordance with the statutory processes under the Resource Management Act 1991

#### 6. Funding/Budget Implications

<b>Budget Funding Information</b>	<b>Relevant Detail</b>
Independent Hearings Commissioner Charges	In accordance with Section 6.1 of the Independent Hearings Commissioners Policy:  <i>"The costs of an Independent Hearings Commissioner, as negotiated at the time of appointment, will be funded by the applicant in accordance with Council's schedule of Fees and Charges".</i>