



NOTICE OF AN ORDINARY COUNCIL MEETING

**Ōpōtiki District Council Chambers, 108 St John Street, Ōpōtiki
Tuesday, 21 March 2023
Commencing at 10.00am**

ORDER PAPER

OPENING KARAKIA / PRAYER / INSPIRATIONAL READING – COUNCILLOR HOWE

APOLOGIES

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

PUBLIC FORUM

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Chair: His Worship the Mayor – David Moore

Members: Cr Shona Browne (Deputy Mayor)

Cr Tom Brooks

Cr Barry Howe

Cr Maxie Kemara

Cr Steve Nelson

Cr Dean Petersen

Committee Secretary: Gae Finlay

Quorum: 4

LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

Councillors are reminded that if you have a pecuniary or non-pecuniary interest in any item on the agenda, then you must declare this interest and refrain from discussing or voting on this item, and are advised to withdraw from the Council chamber.

Stace Lewer

CHIEF EXECUTIVE OFFICER



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED, TUESDAY, 7 FEBRUARY 2023 IN THE
ŌPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 10.00AM**

PRESENT:

Mayor David Moore (Chairperson)
Deputy Mayor Shona Browne (Deputy Chairperson)
Councillors:
Tom Brooks
Maxie Kemara
Steve Nelson
Dean Petersen

IN ATTENDANCE:

Stace Lewer (Chief Executive Officer)
Gerard McCormack (Group Manager Planning and Regulatory)
Anna Hayward (Group Manager Community Services and Development)
Peter Bridgwater (Group Manager Finance and Corporate Services)
Barbara MacLennan (Workforce Development Co-ordinator)
Madeline Kaa (Workforce Administration Officer)
Gae Finlay (Executive Assistant and Governance Support Officer)
Mercedes Neems (Executive Support Officer)

MEDIA:

Mike Fletcher (Correspondent)

PUBLIC:

Shona Hammond Boys
Alex Dobie
Hugh Rankin

Councillor Brooks opened the meeting with an inspirational prayer.

APOLOGY

Councillor Howe.

RESOLVED

(1) That the apology be sustained.

HWTM/Browne

Carried

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Councillor Nelson noted that he has staff members from the Workforce Development initiative.

PUBLIC FORUM

Shona Hammond Boys – Ōpōtiki Children's Art House and the Pipi Beds

Shona Hammond Boys stated that she has been a resident of Ōpōtiki for 20 years and is speaking for the town's youth. She thanked the youth for their graciousness and concern during Covid and transforming the Art House building. She introduced Catherine Collier to Council who is the new lead for the Ōpōtiki Children's Art House.

Shona Hammond Boys noted that Council has not given one certificate for the work of youth in the town. She added that the Art House's relationship with Council has been very poor and questioned what Council does to support youth. The twig of youth here is bent at the moment; that could be due to Covid and the dismantling of the Art House building. Shona Hammond Boys noted that she has been assisted by Jenny Gregory who has never had any recognition from Council.

Putting youth first is the plea Shona Hammond Boys made to Council. They have big ideas and big concerns and want to leave this town. Work with the Children's Art House children who are the new leaders and entrepreneurs of the town.

With regard to the pipi beds, Shona Hammond Boys thanked the people who have stood up and said "rest this place" – it is a sacred territory and so precious. She shared her vision of seeing the area planted in Pohutukawa trees, with a walkway. It is a national treasure and should be there for people to walk on.

Shona Hammond Boys asked Council to move in our young people and get them to beautify this town; our youth and children are our biggest asset. By 2025 there will be another Youth Council in Ōpōtiki.

A presentation of a painting was made to Council, by Shona Hammond Boys, the candles in the painting depicting that life is a flame. She asked that the painting hang in the Council building for a while and

some thought be given to it. It is not all about money and it is known that Council has a problem in that the groynes may not do what it thinks they will do and the fishing will suffer.

Shona Hammond Boys left the meeting at 10.12am.

Alex Dobie – Community Swimming Pool and Motu Trails Access

Alex Dobie thanked Council for the opportunity to speak and extended his congratulations to the new Councillors.

Alex Dobie expressed his concern at the lack of a community swimming pool; it currently remains closed. In the past, the pool was opened every year on Labour Weekend for the summer. He noted that there is hundreds of thousands of dollars worth of solar panels at the pool.

With regard to the Motu Trails Alex Dobie said that before the \$2.1m was committed to extending the Trails, there had already been over \$3m expenditure. He drew to Council's attention that one in four New Zealanders identify as having a disability. The cycle trail around the town is a great facility and it is also a walkway. There is a group of individuals from the Motu Trails Trust installing barriers to prevent motor cross and horses using the trail. There are concrete blocks by the Coastguard building which is a contradiction to the walkway along the river in Whakatāne. There are very few footpaths that link to the Ōpōtiki trail and the entire eastern side of the town has limited access. More people would use the trail if there were no barriers and a flow on from that would be that anti-social behaviour would cease and people would photograph bad behaviour. The trail is only enjoyed by a small percentage of the town and people with disabilities are disadvantaged.

Referring back to the community swimming pool, Alex Dobie said people should not have to drive to Whakatane to use a swimming pool. He highlighted that Carterton had a swimming pool free to use with ratepayers paying \$16 per annum towards that. Alex Dobie stated that he would happily pay that amount.

Some closing thoughts from Alex Dobie around the town trail were:

- Install coin operated turn styles if the barriers are not going to be removed.
- Council is not applying common sense; barriers are installed to stop motor cross and horses but they are preventing people from using the trail.
- The shady parking space at Waiotohe Beach has been taken away; all you need is a pole in the middle of the trail slow down motorbikes and horses.

Hugh Rankin – Motu Trails and Other Matters

Hugh Rankin advised Council that he has a motor scooter and he did not realise that you could not walk from the wharf to the beach without being confronted with the barriers. He suggested a phone app to open the gate or instal mobile cameras.

Hugh Rankin stated that the footpaths around town are a disgrace. There is a new subdivision in Wellington Street and the trees planted there will grow over the footpath, creating a hazard.

Further, Hugh Rankin said he was at a loss as to what is going to happen to the mussel boats when they come in – there are they going to tie up and unload; where are the small boat owners going to launch their boats?

Hugh Rankin noted that the Imhoff tank is running at capacity at the moment; you can smell it. There is no budget in Council's Long Term Plan to accommodate the capacity that it would need in relation to new houses going to be built in the next couple of years. Money needs to be found to expand the tank, or maybe move it.

In relation to horses, Hugh Rankin did not think they should be within the town boundary. A lot of horse owners have nowhere to put their horses and the horse population is increasing. The old dump site in Union Street is disgusting, overgrown with weeds etc., and that has come with the horses. Hugh Rankin suggested banning the horses or microchipping them and for owners to prove they have the capacity to accommodate the horse when there is no food. Horses are pushing over the fences behind the Imhoff tank because they are hungry and the fences are not being repaired – the whole backyard of this town is disgusting.

Hugh Rankin said we can all live together if we have a few rules. The previous Council heard me say all this before but nothing has been done. Make some rules and enforce them.

In concluding, Hugh Rankin offered his services to help repair the fences behind the Imhoff tank at no charge to improve the situation.

The Group Manager Planning and Regulatory entered the meeting at 10.30am.

Rusty Knutson, Charles Harvey and Ben Banks entered the meeting at 10.31am.

Alex Dobie and Hugh Rankin left the meeting at 10.32am.

Presentation – Coast Care

Attending the meeting were Rusty Knutson (Coast Care Regional Co-ordinator), Charles Harvey (Team Leader, Bay of Plenty Regional Council) and Ben Banks Coast Care Co-ordinator for the Eastern Region).

Rusty Knutson spoke to a powerpoint presentation outlining the work undertaken by Coast Care BOP and covering:

- Plantings are, in the majority, undertaken by volunteers
- Details of what has been done in the Ōpōtiki District in the past three years
- ODC restoration sites 2019-2022
- Administration, governance and funding
- The benefits ratepayers get from Council's involvement with Coast Care

Included in the presentation was a request for a \$2,000 increase in Council's contribution from 2023-2024 and that this contribution be indexed to inflation in out years.

Also sought was a strengthening of the District rules to enable staff to more actively contribute to the protection of the dune systems via the management of beach user activity (dogs, vehicles, native species disturbance).

Ben Banks gave a brief overview of the Snell Road case study.

It was noted that erosion and storm surges are occurring.

Councillor Kemara left the meeting at 10.55am and returned at 10.58am.

Rusty Knutson, Charles Harvey and Ben Banks left the meeting at 11.01am.

The Group Manager Planning and Regulatory left the meeting at 11.02am.

The Group Manager Community Services and Development left the meeting at 11.05am and returned at 11.07am.

1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 20 DECEMBER 2022 p4

RESOLVED

- (1) That the minutes of the Ordinary Council meeting held on 20 December 2022 be confirmed as a true and correct record.**

HWTM/Nelson

Carried

2. MAYORAL REPORT – 10 DECEMBER 2022-20 JANUARY 2023

p14

RESOLVED

(1) That report titled “Mayoral Report – 10 December 2022 – 20 January 2023” be received.

HWTM/Browne

Carried

3. ŌPŌTIKI MARINE ADVISORY GROUP (OMAG) UPDATE

p17

RESOLVED

(1) That the report titled “Opotiki Marine Advisory Group (OMAG) Update” be received.

HWTM/Browne

Carried

The Workforce Development Co-ordinator and the Workforce Administration Officer entered the meeting at 11.07am.

4. STANDING ORDERS – ŌPŌTIKI DISTRICT COUNCIL

p20

RESOLVED

(1) That report titled “Standing Orders – Opotiki District Council” be received.

(2) That the Council adopt the Draft Opotiki District Council Standing Orders based on the LGNZ template including the following:

- **A provision for a casting vote by a chairperson (SO 19.3)**
- **The option to join meetings by audio and audio-visual link (SO 13.7)**
- **Opotiki C for dealing with motions and amendments (SO 22.4).**

Browne/HWTM

Carried

5. ŌPŌTIKI WORKFORCE DEVELOPMENT CO-ORDINATION – UPDATE

p109

The Workforce Development Co-ordinator and the Workforce Administration Officer provided updates on:

- Newly employed Cadets
- Benefits Realisation Report (Harbour)
- Training survey response from employers; 12 courses organised, using local providers where possible
- Discussion with EMA around response to local employers – requests for supervision skills, foremen, conflict resolution

- Mayors' Taskforce For Jobs subsidised training programme
 - One more subsidy approved in January and following up on four more local apprentice employment opportunities
- Driver Licensing – 21 have people passed their licence in this financial year; 48 people are registered with the Ōpōtiki Community Driver Mentor Programme
- Assisting Ōpōtiki College to connect with ITOs that are connected to local businesses
- A new Cadet is commencing work in Council's Engineering Department tomorrow and about to readvertise an IT Cadet position.

RESOLVED

- (1) That the report titled "Opotiki Workforce Development Co-ordination – Update" be received.**

HWTM/Kemara

Carried

The Workforce Development Co-Ordinator and the Workforce Administration Officer left the meeting at 11.19am.

6. CHIEF EXECUTIVE OFFICER'S UPDATE

p113

The Chief Executive Officer thanked the Mayor, Councillors and staff for the support given to him since he commenced in the role.

RESOLVED

- (1) That the report titled "Chief Executive Officer's Update" be received.**
- (2) That Council confirms the appointment of Mayor David Moore to the Eastern Bay of Plenty Joint Committee.**
- (3) That Council rescinds the appointment of Councillor Steve Nelson as the alternate member to the Eastern Bay of Plenty Joint Committee.**
- (4) That Council appoints Councillor Steve Nelson to the Eastern Bay of Plenty Joint Committee.**

HWTM/Kemara

Carried

Mike Fletcher left the meeting at 11.22am.

7. RESOLUTION TO EXCLUDE THE PUBLIC

p117

SECTION 48 LOCAL GOVERNMENT OFFICIAL INFORMATION & MEETINGS ACT 1987

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

- 8. Confirmation of In-Committee Minutes – Ordinary Council Meeting 20 December 2022.**
- 9. Workshop Meeting Notes November/December 2022.**
- 10. Resolution to Restate Resolution in Open Meeting.**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No	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
8.	Confirmation of In-Committee Minutes – Ordinary Council Meeting 20 December 2022	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
9.	Workshop Meeting Notes November/December 2022	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
10.	Resolution to Restate Resolution in Open Meeting	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

8.	Protect the privacy of natural persons Protect information Protection from improper pressure or harassment	Section 7(2)(a) Section 7(2)(b)(i) & (ii); (d) & (e) and Section 7(2)(c)(i) & (ii) Section 7(2)(f)(ii)
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	Prevent disclosure or use of official information Carry out negotiations Maintain legal professional privilege Carry out commercial activities	Section 7(2)(j) Section 7(2)(i) Section 7(2)(g) Section 7(2)(h)
9.	Protection from improper pressure or harassment Protect information (commercial sensitivity) Prevent disclosure or use of official information for improper gain or improper advantage	Section 7(2)(f)(ii) Section 7(2)(b)(ii) Section 7(2)(j)
10.	Protect information (commercial sensitivity)	Section 7(2)(b)(ii)

HWTM/Browne

Carried

RESOLVED

- (1) That the resolutions made while the public was excluded be confirmed in open meeting.**
- (2) That the public be readmitted to the meeting.**

HWTM/Nelson

Carried

RESOLVED

- (1) That the in-committee minutes of the Ordinary Council meeting held on 20 December 2022 be received.**

HWTM/Petersen

Carried

RESOLVED

- (1) That the report titled "Notes of Council Workshops November/December 2022" be received.**
- (2) That the Council agrees to the proposed process to release workshop notes.**
- (3) That the notes of the Council workshop dated 23 November 2022 be received.**
- (4) That the notes of the Council workshop dated 6 December 2022 be received.**
- (5) That the notes of the Council workshop dated 20 December 2022 be received.**
- (6) That the Council agrees to publicly releases the full notes related to the 23 November 2022 workshop.**
- (7) That the Council agrees to publicly release the full notes related to the 6 December 2022 workshop.**
- (8) That the Council agrees to publicly release the full notes related to the 20 December 2022 workshop.**

HWTM/Nelson

Carried

RESOLVED

- (1) That the following resolution made while the public was excluded, be restated in open meeting:

That Council accept the offer from Kāinga Ora to purchase 54 Bridge Street at \$375,000 on the condition that, in writing, Kainga Ora states it will subdivide the Lot and have two houses on site by Christmas 2022.

HWTM/Browne

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.39AM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE COUNCIL HELD ON 21 MARCH 2023**

D G T MOORE

HIS WORSHIP THE MAYOR



MINUTES OF AN ŌPŌTIKI DISTRICT COUNCIL RISK AND ASSURANCE COMMITTEE MEETING HELD ON MONDAY, 12 DECEMBER 2022, IN THE ŌPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 10.00AM

PRESENT:

Philip Jones (Chairperson)
Councillor Tom Brooks
Councillor Steve Nelson
Councillor Dean Petersen

IN ATTENDANCE:

Miles McConway (Interim Chief Executive Officer)
Stace Lewer (Group Manager Engineering and Services)
Peter Bridgwater (Group Manager Finance and Corporate Services)
Gerard McCormack (Group Manager Planning and Regulatory, via Zoom)
Lisa Taiapa (HR/Health & Safety Manager)
Billy Kingi (Financial Controllor)
Gae Finlay (Executive Assistant and Governance Support Officer)

Deputy Mayor Shona Browne
David Walker and Warren Goslett (Audit New Zealand, via Zoom)

MEDIA:

Mike Fletcher (Correspondent)

The Chairperson welcomed everyone to the meeting.

APOLOGY

His Worship the Mayor, David Moore.

RESOLVED

(1) That the apology be sustained.

Brooks/Nelson

Carried

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

1. MINUTES – RISK AND ASSURANCE COMMITTEE MEETING 1 AUGUST 2022 **p5**

RESOLVED

- (1) That the minutes of the Risk and Assurance Committee meeting held on 1 August 2022 be received.**

Nelson/Jones

Carried

Item 5 (Audit New Zealand Management Report for the Year Ending 30 June 2022) was considered next.

2. ACTION FROM 1 AUGUST 2022 MEETING **p10**

The HR/Health & Safety Manager spoke to the response included as page 11 of the agenda.

RESOLVED

- (1) That the response to the Action from 1 August 2022 meeting be noted.**

Jones/Nelson

Carried

3. RISK AND ASSURANCE ACTION SHEET **p12**

The Group Manager Finance and Corporate Services spoke to the Action Sheet:

- Capitalisation and Procurement Policies
 - Still some outstanding actions
 - Need to ensure we have appropriate resources
 - Dependent on how much time the LTP itself takes.

In response to a query from the Chairperson, the Group Manager Finance and Corporate Services stated that the updates on the Action Sheet are reasonable. With regard to resourcing, it is what we currently have and what Council's expectations are.

RESOLVED

- (1) That the Risk and Assurance Action Sheet be received.**

Jones/Petersen

Carried

4. QUARTERLY REPORT TO 30 SEPTEMBER 2022 **p13**

The Financial Controllor spoke to the report. He noted that Council is refinancing debt at present.

Three Waters

The Group Manager Finance and Corporate Services advised that, based on current borrowings and expenditure, he would expect most of Council's external debt to go to the Entity in some way. Council does not allocate external debt to specific projects. There is an internal debt register from which we can identify what debt relates to Three Waters. Most of the current Three Waters projects are debt funded.

RESOLVED

(1) That the report titled "Quarterly Report to 30 September 2022" be received.

Nelson/Petersen

Carried

The Interim Chief Executive Officer left the meeting at 11.18am and returned at 11.21am.

5. AUDIT NEW ZEALAND MANAGEMENT REPORT FOR THE YEAR ENDING 30 JUNE 2022 p21

David Walker and Warren Goslett from Audit New Zealand joined the meeting via Zoom.

David Walker, the newly appointed auditor, introduced himself to the Committee.

Warren Goslett thanked the Group Manager Finance and Corporate Services, the Financial Controller and their team for their efforts in getting this audit across the line.

Items discussed with the Audit New Zealand representatives:

- Revaluation effective 1 July 2020 – values differences resulting in an adjustment of the opening balances.
- Fair value assessment – from a review of the management assessment it was realised that there was significant movement in roading and footpaths; now correctly recorded and disclosures updated.
- Property, Plant and Equipment – considering the challenges faced, management have closed six of Audit's prior recommendations which needs to be recognised.
- New recommendations from Audit – work has commenced on those; new actions will be added to the Action Sheet and closed items will be removed from subsequent Action Sheets.
- Audit is still facing resourcing issues.

The Group Manager Finance and Corporate Services noted that the Annual Report would usually be adopted by 31 October. The 2022 Annual Report deadline has been extended to 31 December and that deadline is not going to be met.

David Walker advised that the best approach for Council is to get things ready for the audit, and strongly suggested a focus on getting the supporting schedules, accounts, and disclosures finalised and ready for the audit. He further advised that it was hoped to have more idea when the 2022 audit will take place by the end of this week.

Warren Goslett stated that best guess would be mid-January to the end of February based on where Ōpōtiki is on the schedule, however that could change. Audit are working towards having all Council audits completed by the end of March.

The Chairperson noted that the longer the audit is delayed, the more impact it has on other Council business and without the management letter cannot implement Audit's recommendations until after the event.

RESOLVED

- (1) That the Audit New Zealand Management Report for the Year Ending 30 June 2022 be received.**

Jones/Nelson

Carried

Item 7 (Building Control Authority Accreditation Update) was considered next.

6. THREE WATERS REFORM RISKS

p51

RESOLVED

- (1) That the report titled "Three Waters Reform Risks" be received.**

Petersen/Brooks

Carried

7. BUILDING CONTROL AUTHORITY ACCREDITATION UPDATE

p59

Councillor Brooks questioned why accreditation is falling down; is it a staffing issue or software?

The Group Manager Planning and Regulatory advised that as the audit is bi-annual there will always be GNCs found which are not completed. There has been more applications for commercial buildings and we have had to use consultants as we do not have the in-house resource. As Ōpōtiki District Council is a small BCA it does not have the funding for the software systems which bigger Councils have. We have asked for an independent review of the BCA and, potentially, a request to Council for software going

forward. GNCs have more administration involved, rather than technical. The review is expected in February and will be reported to Risk and Assurance with recommendations.

RESOLVED

(1) That the report titled “Building Control Authority Accreditation Update” be received.

Petersen/Nelson

Carried

Item 2 (Action From 1 August 2022 Meeting) was considered next.

The Group Manager Planning and Regulatory left the meeting at 10.55am.

The HR/Health & Safety Manager, the Financial Controllor, David Walker, Warren Goslett and Mike Fletcher left the meeting at 11.29am.

8. RESOLUTION TO EXCLUDE THE PUBLIC

p63

SECTION 48 LOCAL GOVERNMENT OFFICIAL INFORMATION & MEETINGS ACT 1987

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

9. In-Committee Minutes – Risk and Assurance Committee Meeting 1 August 2022.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No	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
9.	In-Committee Minutes – Risk and Assurance Committee Meeting 1 August 2022	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

9.	Protect the privacy of natural persons Protect information (commercial sensitivity) Protection from improper pressure or harassment Carry out negotiations Prevent disclosure or use of official information	Section 7(2)(a) Section 7(2)(b)(i) &(ii) Section 7(2)(f)(ii) Section 7(2)(i) Section 7(2)(j)
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Nelson/Petersen

Carried

RESOLVED

- (1) That the resolutions made while the public was excluded be confirmed in open meeting.**
- (2) That the public be readmitted to the meeting.**

Nelson/Petersen

Carried

RESOLVED

- (1) That the in-committee minutes of the Risk and Assurance Committee meeting held on 12 December 2022 be confirmed as a true and correct record.**

Nelson/Jones

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.33AM.

THE FOREGOING MINUTES ARE CERTIFIED AS BEING A TRUE AND CORRECT RECORD AT A SUBSEQUENT MEETING OF THE RISK AND ASSURANCE COMMITTEE HELD ON 28 FEBRUARY 2023

**PHILIP JONES
CHAIRPERSON**



MINUTES OF A MEETING OF THE COAST COMMUNITY BOARD HELD AT TE RUNANGA O TE WHĀNAU OFFICES, STATE HIGHWAY 25, TE KAHA, ON TUESDAY 13 DECEMBER 2022, AT 10.03 AM

PRESENT: Allen Waenga (Acting Chairperson)
Jack Parata
Michael Collier
Linda Steel

IN ATTENDANCE: Stace Lewer (Group Manager Engineering and Services)
Billy Kingi (Financial Controller)
Barbara MacLennan (Workforce Development Co-Ordinator)
Madeline Kaa (Workforce Administration Officer)
Mercedes Neems (Executive Support Officer)

PUBLIC: Patricia Rata
Elvis Teddy
Aroha Grant

The Chairperson opened the meeting with a karakia and extended a warm welcome to everyone.

APOLOGIES

Councillor Maxie Kemara

RESOLVED

(1) That the apology be sustained

Steel/Parata

Carried

DECLARATIONS OF INTEREST

Nil

PUBLIC FORUM

Coast Initiatives Funding Application – Ngā Mokopuna o Tūkaki

Project name: Te Taunga Papareti ki Maraetai

Patricia Rata and Elvis Teddy spoke to an application for funding which will be on the agenda for the 14 of February 2023. Patricia, Elvis and Rupiana Walker are the steering committee for a proposed skatepark which comes under the umbrella of Ngā mokopuna o tukaki kōhanga reo, Te Kaha. The proposed skatepark will be situated at Maraetai Bay (Te Kaha 1, Māori Reserve, Maraetai Bay).

Funding from twenty-six orchards has been applied for and fifteen thousand dollars has been raised. They are wanting to raise fifty thousand dollars off local whānau land blocks. OPAC, Seeka, and private orchardist's have also been approached for funding.

It is hoped to get the skatepark started by mid-2023. There will a 6 month period of planning and structure, after which the time frame for the project to be completed will be reassessed. Contact has been made with Park's and Reserve's Manager at Council and are currently in discussion regarding the suitability of the land.

The Acting Chairperson thanked Patricia Rata and Elvis Teddy for attending and for their efforts. The Board notes that this could potentially be a project that could be put forward by the Board for consideration as a capital works project in collaboration with Council.

Patricia Rata and Elvis Teddy left the meeting at 10.15a.m

Coast Initiatives Funding Application – Standfast Charitable Trust

Project name: Overnight Camps

Aroha Grant spoke to the application. She noted there was a change to the application, with the date of the event being pushed out to January. This is a regular event that the Board has supported on multiple occasions. Aroha Grant spoke about the last holiday program she held, and the Board thanked her again for her efforts and her report back to the Board.

The Board queried whether the total cost and the full cost were two separate things. Aroha Grant stated that they were separate. The children's parents pay a fee which makes up the balance.

Coast Initiatives Funding Application – Standfast Charitable Trust

Project name: Horse Sports Event

Aroha Grant spoke to the application. There has been discussion with others in the equestrian community in the Coast Ward who all have recognized that there has been no horse sports/events since the Covid pandemic. They are wanting to revive the sport again and get some momentum happening for the event. Horse Sports used to be held every year at the Haparapara river. Aroha Grant said that they are still yet to finalize the venue for the event. Usually, competitors from all over New Zealand participate.

She has mainly been in discussions with Neville Walker and his whānau as he previously ran the event. The indicative cost of the event and prizes is \$4000. Neville Walker and his whānau initially were going to fundraise however Aroha stated that she would approach the Board and share the idea as well as an application to consider for funding. The Board thanked Aroha for her time and for speaking to both her applications.

Aroha Grant left the meeting at 10.35am.

1. MINUTES – COAST COMMUNITY BOARD MEETING 3 NOVEMBER 2022 p3

It was noted in the previous minutes that Board member Linda Steel would send The Workforce Development Co-Ordinator a list of names of businesses in Tōrere. They will work collaboratively on this to ensure there is no double up of information.

Subsequent to the previous meeting and Linda Steel’s queries about the rate of staff turnover at the mussel factory, the Workforce Co-Ordinator has learned from the CE of Open Ocean Limited (mussel factory company) that the company has hired external consultants to engage with all stakeholders and help develop a plan including reduced turnover moving forward.

RESOLVED

- (1) That the minutes of the Coast Community Board meeting held on 03 November 2022 be received.**

Waenga/Steel

Carried

2. ŌPŌTIKI WORKFORCE DEVELOPMENT - UPDATE p10

The Workforce Development Co-Ordinator spoke to the report alongside the Workforce Administration Officer.

The Workforce Development Co-Ordinator provided a brief background on the Team’s role and how it connects with the coast together with an update on the following items:

- Online Communications – Page for local jobs, training, employment related services and support.

- Mayor’s Taskforce for Jobs Subsidies
- Advocacy for workforce matters e.g., Conversation with MSD re transport.
Training opportunities in the Coast Ward – Coast Training Plan. She suggested it would be helpful if there were locally led plans for the Coast, for example for workforce training needed along the so that the CCB and the Workforce Team could prioritise investment and lend support more efficiently.
- Industry Training Celebration Event.
- Recruitment of four new cadets.

RESOLVED

(1) That the report titled “Ōpōtiki Workforce Development - Update” be received.

Parata/Collier

Carried

3. ACTION SCHEDULE

p17

CIF Funding Application – Community Basketball Court Upgrade at Maraetai Bay

Jack Parata has met with Paul O’Brien. Paul did not receive any money from the Coast Community Board for the basketball court. This can now be removed from the Action Schedule.

Contact Ngā Purapura o Te Whānau-Ā-Apanui to get final costing of event so that the Board can pay the applicant.
The Executive Support Officer contacted Kylie Poihipi, the applicant on behalf of the trust who said she was still awaiting receipts. This action is still on going and will be followed up again in a month’s time.

Contact Te Whānau-Ā-Apanui and Taura Mai Tawhiti to get details on whether they are attending Te Matatini so that the board can resolve to pay the pledges they made to these two kapa haka groups.
The Executive Support officer will follow up on the remainder of the documents and organize payment.

Aroha Grant – Thankyou Letter

The Executive Support Officer has drafted the letter and will send this off after the meeting.

RESOLVED

(1) That the Action Schedule be received.

Waenga/Parata

Carried

4. GROUP MANAGERS' REPORT

p19

The Group Manager Engineering and Services spoke to the report and updated the Board Members on the Road to Zero Strategy being implemented over the next 10 years from Central Government. This is an interim speed management plan which predominately focuses on school and marae on SH2 and SH35.

He then updated the Board on the Road Safety Committee meeting he attended last week which includes Whakatane District Council, Kawerau District Council, Police, and Waka Kotahi. There have been poor statistics for Road Safety on the road with a lot of alcohol related incidents and no seat belts. The Committee are looking at having an event in Te Kaha focusing on road safety initiatives to educate the community and highlight the importance of road safety.

The Executive Support Officer updated the Board on the two kapa haka attending Te Matatini 2023. All documentation has been collected and the Board re-affirmed their pledge to these groups. After the meeting, the Executive Support Officer will organize payment to the applicants.

RESOLVED

- (1) That the report titled "Group Managers' Report" be received.**
- (2) That the Board confirms the funding for Te Whānau-Ā-Apanui Kapa Haka in the amount of \$10,000 to assist with costs for the group to attend Te Matatini 2023 on the 21 of February to the 25 of February.**
- (3) That the Board confirms the funding for Tauria Mai Tawhiti Kapa Haka in the amount of \$10,000 to assist with costs for the group to attend Te Matatini 2023 on the 21 of February to the 25 of February.**

Collier/Steel

Carried

5. COAST INITIATIVES FUND - UPDATE

p22

The Financial Controller spoke to the report. He updated the Board members on payments made from the Coast Initiatives Fund this year, and the funds that are in reserve.

It was noted the funding pledged for Te Pae Tawhiti Community Trust in the amount of \$4453 is to be removed due to the applicant failing to meet the criteria to utilize all the funding approved within two years from the date of approval.

RESOLVED

- (1) That the report titled "Coast Initiatives Fund" be received.**
- (2) That the Board agrees to remove the balance of commitment of funding for "Te Pae Tawhiti**

Community Trust” in the amount of \$4453 for failing to meet the criteria to utilize the funds within a two-year period.

Parata/Collier

Carried

6. ANGLICAN CHURCH RAUKOKORE AND PRESERVATION TRUST UPDATE p27

RESOLVED

- (1) That the report titled “Anglican Church Raukokore and Preservation Trust Update” be received.**

Collier/Parata

Carried

**7. COAST INITIATIVES FUND – FUNDING APPLICATION:
TE RUNANGA O TE WHĀNAU p34**

The Board noted that this was initially supposed to be a whānau event to celebrate Ruahei Demant achievements in the Rugby World Cup which has now turned into a hapū/iwi event. This event is also being supported by the Black Ferns who will be travelling down alongside Ruahei Delamere. Tweedy Waititi (Emmy Award Winner) and Rob Ruha (Silver Scroll Award Winner) will also be attending and will be a day to celebrate the achievements of the descendants of Te Whānau-Ā-Apanui.

RESOLVED

- (1) That the funding application for Te Runanga o Te Whānau be received.**
(2) That the Board approves funding for Te Runanga o Te Whānau Fundraising Committee in the amount of \$6,390 to assist with the costs of marquee hire.

Parata/Waenga

Carried

Abstained; Collier

**8. COAST INITIATIVES FUND – FUNDING APPLICATION:
TVC SPORTS CLUB p41**

It was noted by the Board that the applicant has applied for cost of petrol to get the children to training, as well as food for afterwards. The Board agreed that they would approve funding for petrol as Sarah travels from Waihou Bay to take the children to training in Opotiki.

The Board noted that this is not something they are looking to constantly support as there are other funding sources available where the applicant would fit the criteria better. There is an intention for the Board to have a funding expo down in Te Kaha as well as a list of names to give to organizations in the Community to build their knowledge of other sources of funding that are accessible to them.

RESOLVED

- (1) That the funding application for TVC sports club be received.**
- (2) That the Board approves funding for TVC sports club in the reduced amount of \$1000 to assist with the costs of petrol to get to and from the touch event.**

Parata/Collier

Carried

9. COAST INITIATIVES FUND – FUNDING APPLICATION:

STANDFAST CHARITABLE TRUST – KIDS OVERNIGHT CAMPS **p45**

The Board had discussed maintaining this event noting the community outcomes and report Aroha submitted in the previous meeting on the 3 of November. The Board agreed to provide funding in the reduced amount of \$4000 to help with the costs involved in the overnight camps.

RESOLVED

- (1) That the funding application for Standfast Charitable Trust be received.**
- (2) That the Board approves funding for Standfast Charitable Trust In the reduced amount of \$4000 to assist with the costs of overnight camps.**

Steel/Collier

Carried

**10. COAST INITIATIVES FUND – FUNDING APPLICATION:
STANDFAST CHARITABLE TRUST – SPORTING EVENT**

p51

The Board agreed that this is a community event and could assist in bringing the horse community together. It could become a permanent event for the horse community in the Coast Ward. It was noted that the majority of the funding applied for would go towards prizes. Other organizations such as Hunting and Fishing could sponsor events like this. The Board agreed that they would grant the funding for the event at a reduced amount of \$3000.

RESOLVED

- (1) That the funding application for Standfast Charitable Trust be received.**
- (2) That the Board approves funding for Standfast Charitable Trust in the reduced amount of \$3000 to assist with the cost of portaloos.**

Steel/Parata

Carried

The Deputy Chairperson thanked everyone for their attendance and closed the meeting with a karakia.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.45AM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE COAST COMMUNITY BOARD HELD ON
TUESDAY, 14 FEBRUARY 2023.**

**MAXIE KEMARA
CHAIRPERSON
COAST COMMUNITY BOARD**



MINUTES OF AN ŌPŌTIKI DISTRICT COUNCIL STRATEGY, PLANNING AND REGULATORY COMMITTEE MEETING HELD ON MONDAY, 27 FEBRUARY 2023, IN THE ŌPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 09.00AM

PRESENT: Councillor Steve Nelson (Chairperson)
His Worship the Mayor David Moore
Deputy Mayor Shona Browne

IN ATTENDANCE: Stace Lewer (Chief Executive Officer)
Nathan Hughes (Group Manager Engineering and Services)
Katherine Hall (Strategic Development Lead)
Mercedes Neems (Executive Support Officer)

MEDIA: Mike Fletcher (Correspondent)

The Chairperson welcomed everyone to the meeting.

APOLOGY

Councillor Tom Brooks

RESOLVED

(1) That the apology be sustained.

Nelson/HWTM

Carried

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

1. SUBMISSION ON FFLG

p5

It was noted that there was an error on in the title of the report – this will be amended before it's signed off. The Strategic Development Lead provided an update to the Committee around the Submission to Future for Local Government. Whakatane District Council have also made a submission. The Strategic Development Lead hasn't seen the final report, but it aligns with ours on funding mechanisms – making

it more equitable and stewardship. LGNZ have submitted a 20-page submission which aligns with our key aspects also.

It was agreed to add in an overarching statement about Ōpōtiki District Council at the beginning of the submission to put things into context. Including the Harbour Project as an example of a locally led project in partnership with Central Government. Highlighting the statement of localism as a key requirement. A further point to add is that we are a small Council with a huge district, this means collaboration is an important focus for us. We do need financial assistance being a small Council.

The Strategic Development Lead will make these amendments to the submission, before sending it off to the Chairperson for final sign off.

RESOLVED

- (1) That the report titled "Submission on Future for Local Government Draft Report" be received.**
- (2) That the Strategy, Planning and Regulatory Committee submit on the FFLG Draft Report.**

Browne/HWTM

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 9.11AM.

THE FOREGOING MINUTES ARE CERTIFIED AS BEING A TRUE AND CORRECT RECORD AT A SUBSEQUENT MEETING OF THE STRATEGY PLANNING AND REGULATORY COMMITTEE HELD ON 3 APRIL 2023

**STEVE NELSON
CHAIRPERSON**



Our Ref: A328277

Monday 27 February 2023

ELECTRONIC LETTER: futureforlg@dia.govt.nz

Tēnā koe,

SUBMISSION ON FUTURE FOR LOCAL GOVERNMENT DRAFT REPORT *HE MATA WHĀRIKI, HE MATAWHĀNUI*

Thank you for the opportunity to provide a submission on the Draft Report for Future for Local Government, *He Mata Whāriki, he matawhānuī*.

ŌDC elected members and staff attended a roadshow in Rotorua on Wednesday 14 December 2022. It was good to hear from the Panel about the draft report and are pleased to provide our written submission.

Ōpōtiki district

Ōpōtiki district is in the Bay of Plenty Region, on the north-east end of the North Island. It is approximately 3100km² in area and is roughly 25% of the total land mass of the Bay of Plenty region.

The population of Ōpōtiki district is approximately 10,500 and is increasing. Roughly half of the resident population lives in the suburban township, and the remainder of the population live in small outlying communities/rural environment.

Geographically, much of the region – with the exception of the urban township, coastal areas and farmland – is covered by native and exotic forest. Large amounts of land within the district are owned by the Crown and administered by the Department of Conservation (DOC).

The draft report highlights the importance of localism and local democracy, and the key role that local government plays in contributing toward that. From a local perspective, there are examples specific Ōpōtiki district which highlight this.

One example is the Harbour Development Project. ŌDC, like many other councils in the country, rely on central government to provide funding to enable projects to go ahead. It demonstrates that when local government is provided with appropriate funding to realise community aspirations, good results

follow. ŌDC was equitably funded to wrap-around their Treaty partners to achieve good community outcomes and these are coming to fruition.

The chapters which we have highlighted in our submission are those we think are most pertinent to our local situation.

Submission

Please see our submission on some chapters of the draft report.

Chapter 1 – Thriving local government is vital for Aotearoa New Zealand

We agree with the recommendations outlined in Chapter 1 of the Draft Report, and we support the *Five Key Shifts*. We have provided more detailed comment on chapters 3, 6, 8 and 10 further in the submission.

With regard to the *Five Key Shifts*,

- we see key shift 2 and 3 as being intertwined and related to one another
- on key shift 4 – *Genuine partnership between local and central government* – we think that creating process which devolves decision-making down to the local is key to building a genuine partnership. We support the principle of subsidiarity and enabling these processes will be key to achieving *Key Shift 4*.

Overall, we are supportive of the review particularly in light of the extensive reform package central government is currently handing down to the sector and generally agree with the recommendations and observations the panel has made.

Chapter 3 – A Tiriti-based partnership between Māori and local government

The Ōpōtiki District has a population of approximately 10,500 people and more than half identify as Māori. There are three iwi in the district, and some are currently moving through Treaty settlements. In order for iwi/hapū/māori and local government to have a meaningful and legitimate Tiriti-based partnership, capability and capacity building on both sides is essential.

From our perspective, the Ōpōtiki harbour development project is an example where local government has acted as a treaty partner, by supporting iwi to achieve their aspirations. Based on this example, we think local government could play a key role in enabling capacity and capability building for iwi.

We are supportive of the recommendation that funding be provided by central government to support this function. We would also comment that to implement a “transitional” fund could be counter-intuitive to achieving this goal: we encourage the Panel to recommend that an ongoing fund is available, as a stronger component of achieving *Key Shift 4*.

Chapter 6 – A stronger relationship between central and local government

With regard to Chapter 6, we agree with the Panel’s findings and would comment the report contains several examples with which ŌDC are familiar.

State governments in other nations are empowered to make decisions on behalf of their constituents, but Aotearoa New Zealand has a highly centralized model of government. As the report points out, the relationship between central and local government is characterized by frustration and disconnection. Local government has the role of interpreting central government legislation and presenting it to their communities, across all facets from Elected Members down through all levels of a council and the current package of reform appears to be widening that gap.

Council is supportive of a stronger central-local government relationship. The principle of subsidiarity underpinning *Key Shift 4* will be key to achieve this. In addition, we consider that a process that devolves decision making to the local level is necessary. Strengthened mechanisms and appropriate funding/resources that enable local government to meaningfully influence central government policy and decision making would also go toward achieving this.

No recommendations were made in this chapter of the report, but we agree with the Panel's findings and observations.

Chapter 8 – Building an equitable funding and financing system

We agree with the report's finding that the current funding arrangements for local government are unsustainable, and the report contains further examples with which ŌDC are familiar.

One of the key issues the report has articulated well is the 'unfunded mandate' handed down to local government from central government which has increased substantially over time. The funding mechanisms available to local government are limited and many councils, not just ŌDC, cannot keep up with the financial and human resourcing requirements of meeting these mandates.

Alongside central government funding commitments, we would support diversification of local level funding tools and levers that could be made available to council. These would still need to be applied within that council's socio-economic context.

We are also supportive of Crown-land being made rateable, as nearly 75% of our district is owned by the Crown. This would immediately bolster our rate-take and go toward making the central-local government relationship more equitable.

We agree with the recommendation of creating an inter-generational climate change fund to address the various issues that climate change will present to future generations. The signal from central government is that climate change is an issue councils will be required to address and guide their communities through, so ensuring that every council has access to an equitable fund is critical in achieving this mandate.

Council was delighted to read about the Ōpōtiki harbour project in the report, and we are pleased to be leading a district that will bring to life the many benefits central government investment into our district will bring. We would point out that a challenge council now faces is to ensure both central and local government are able to achieve sustainable outcomes across all four well-beings. The harbour development will generate income for central government; ensuring that income is equitably redistributed back into the district will ensure long-term success for the project.

Chapter 10 – System stewardship and support

We agree with the observation that the current stewardship arrangements could be more cohesive. In saying that, we acknowledge that there is an immense wealth of knowledge and skill in this area and a dedicated stewardship function which brings together this expertise is not something that would start from scratch.

Whether change to local government is actioned following the Panel's final report, we would suggest that the recent package of central government reform requires a stewardship function to be established regardless.

As the report points out, one component of a stewardship function would be to monitor the overall health of the local government system. It will be critical to ensure that any metrics used to measure the health of the system are created collaboratively and are built on mutual trust and understanding.

We are supportive of the recommendation to explore better models of system stewardship in a revised system of local government. Council thinks that it is very important to be mindful that there will be a need for all-of-government to align on principles and agree best outcomes so that the current siloed approach does not continue into any revised system.

Thank you for taking the time to read our submission. We look forward to the Panel's final report.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steve Nelson', written in a cursive style.

Councillor Steve Nelson

CHAIR, STRATEGY, PLANNING & REGULATORY COMMITTEE



MINUTES OF AN ŌPŌTIKI DISTRICT COUNCIL PERFORMANCE AND DELIVERY COMMITTEE MEETING HELD ON MONDAY, 27 FEBRUARY 2023, IN THE ŌPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 02.00PM

PRESENT: Councillor Tom Brooks (Chairperson)
His Worship the Mayor David Moore
Deputy Mayor Shona Browne
Councillor Dean Petersen

IN ATTENDANCE: Stace Lewer (Chief Executive Officer)
Nathan Hughes (Interim Group Manager Engineering and Services)
Billy Kingi (Financial Controller)
Mercedes Neems (Executive Support Officer)

The Chairperson welcomed everyone to the meeting.

APOLOGIES

Nil.

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

1. REPORTING PROPOSAL

p5

The interim Group Manager for Engineering and Services spoke to the report. He is the primary contact from the organisation regarding this Committee. The purpose of this report is to develop structure on what the Committee can expect staff to bring to each meeting. The interim Group Manager for Engineering and Services spoke about the principals and how the reports relate to giving effect to the terms of reference. He outlined which reports were coming and the frequency of the reports.

Some concerns over double handling over information were expressed, however the interim Group Manager for Engineering and Services noted that this is addressed in principle 2 of the report. Now that this Committee exists, there are a couple of reports staff produce for Ordinary Council meetings that will

be presented here in the first instance. The Chairperson will then present the minutes of the Performance and Delivery Committee meeting to a full Ordinary Council meeting and touch on the highlights of some of the reports. If the Committee decides that this report needs to go to a full Ordinary Council, then they can recommend that the report go to the next ordinary Council meeting or Risk and Assurance etc.

The Chairperson queried the expectation about the capital works programme, when looking at finance and budgets for projects. Noting that he understands that some things need to be done, however we don't want to be spending money we don't need to. There are probably reasons why Officers have gone over budget but would be good to know earlier. There are no Councillors that sit on the tender sub-committee therefore it's not a blank cheque book. The Chief Executive responded that this will be where the capital works report comes in. It will present details about how the capital works programme is performing. There would have already been prior approval from full Council, in terms of allocating budget to project. If Officers foresee that there is issues with certain project e.g realised we need more money for x,y,z or we won't be able to deliver, you should be getting those updates through the report. The Committee might decide that's important and request an ADHOC report enquiring on detail about why this happened and what staff are doing to address it. The option is there for Councillors if they see the need for it. Officers may also propose to bring an ADHOC report to the Committee if they believe the Committee's attention should be bought to the matter in the report. His Worship the Mayor noted that this comes with the no surprises transparent approach. It's easier for us and staff to get a handle on it earlier.

RESOLVED

- (1) That the report titled "Performance and Delivery – Reporting Proposal" be received.**
- (2) That the Performance and Delivery Committee agree that defining a minimum level of reporting requirements (the number of reports and the content within) will be an iterative process.**

Nelson/HWTM

Carried

2. QUARTERLY REPORT

p12

The Financial Controller (FC) spoke to the report. He provided an overview and break down on the report for the quarter ended 31 December 2022. Regarding paragraph 2 on page 16 under expenditure (personnel costs), the FC noted that this variance had become more favourable during the third quarter, due to savings made, including vacancies. Further down the page under Regulatory and Safety regarding consultants over expenditure, there the FC also noted there was a portion of unbilled revenue of

approximately \$136k that is not reflected here, to the end of December. He said that although the whole \$136k would not have related to YTD December results, a large proportion of it would.

The Chairperson queried the costs relating to training and recruitment. The Chief Executive noted that a large chunk of that was the recruitment of his current position (both current and his predecessor). The Chairperson noted that a break down in the costs would be useful i.e. recruitment – Chief Executive.

Councillors queried the costs are set for dumping rubbish. They have received feedback from the community with inconsistencies in pricing. The Chief Executive Office said it's just an estimate currently. Depends on the waste type, trailer type, whether they have separated it then staff make an estimate to keep it as consistent as they can. We have received funding from Central Government for a weigh bridge system to be implemented. This is still an ongoing project for Engineering and Services team. This will create more transparent charges, better information for Council to make informed decisions, and a better consistent experience for customers coming in. This will also assist in gathering information to feed into the long-term plan.

After several suggestions were made, Councillors showed appetite towards mulching of green waste to recover costs and potentially start generating revenue. There are environmental concerns from Bay Of Plenty Regional Council (BOPRC) with mulching green waste and also regulations around volume of waste you have to meet. Officers have engaged a consultant to see what is needed at the Centres. The Committee will be updated as this project progresses with the Engineering and Services team.

RESOLVED

- (1) That the report titled "Quarterly report" be received.**

Petersen/HWTM

Carried

3. CAPITAL WORKS

p22

The interim Group Manager for Engineering and Services spoke to the report. The purpose of the report is to highlight the different categories and areas where we are spending Capital Works across the Organization. Staff answered a query about whether projects are ever in a surplus. Projects can be delivered under budget at times, if this happened it currently stays against the project. However, if another project is projected to go over budget but is still in the same category e.g storm water, there is the ability to shift budget. This information will be shown in the report that staff have shifted budget but still stay within the total approved budget.

The interim Group Manager for Engineering and Services explained the traffic light system. Projects in green are progressing well, orange there is a concern, red there is a risk for this project. Councillors said they are happy with the system and will notify staff if they feel the system is not for them.

RESOLVED

- (1) That the report titled "Capital Works" be received.**
- (2) Note the recommendations of this report will be presented to Council to be received.**

Brooks/Browne

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 3.03PM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE PERFORMANCE AND DELIVERY
COMMITTEE HELD ON 11 APRIL 2023**

**TOM BROOKS
CHAIRPERSON**

REPORT

Date : 10 March 2023
To : Ordinary Council Meeting, 21 March 2023
From : His Worship the Mayor, David Moore
Subject : **MAYORAL REPORT 21 JANUARY 2023 – 10 MARCH 2023**
File ID : A447555

Since 21 January 2023 I have attended or met with the following:

23 JANUARY 2023

Citizenship ceremony

24 JANUARY 2023

Council workshop

Filming for Rural Delivery television programme

25 JANUARY 2023

Interview with 1XX re new Government leadership

Met with Mayors' Taskforce For Jobs subsidy programme employers and employees

26 JANUARY 2023

Meeting re Eastern Bay of Plenty Health Locality Pilot

31 JANUARY 2023

Property Advisory Group meeting

1 FEBRUARY 2023

Councillor/CEO catch up meeting

3 FEBRUARY 2023

Regional Land Transport Plan 2024-34 Development – Initial Briefing, Tauranga

7 FEBRUARY 2023

Ordinary Council meeting

Council workshop

13 FEBRUARY 2023

Ōpōtiki Emergency Operating Centre meetings – cyclone updates

14 FEBRUARY 2023

Ōpōtiki Emergency Operating Centre meeting – cyclone update

15 FEBRUARY 2023

Councillor/CEO catch up meeting

16 FEBRUARY 2023

Meeting with Whakatōhea – history of the name Te Tahuhu o Te Rangi

17 FEBRUARY 2023

Met with Te Whānau a Apanui Chair, Matetu Herewini

21 FEBRUARY 2023

Council workshop

22 FEBRUARY 2023

Ōpōtiki Marine Advisory Group meeting

23 FEBRUARY 2023

LGNZ Leaders' meeting, via Zoom

27 FEBRUARY 2023

Communities for Local Democracy meeting, via Zoom

ODC Strategy, Planning and Regulatory Committee meeting

ODC Project and Delivery Team meeting

28 FEBRUARY 2023

ODC Risk and Assurance Committee meeting

1 MARCH 2023

Councillor/CEO catch up meeting

2-3 MARCH 2023

Wellington

LGNZ Rural Provincial Sector Elected Members' meeting

LGNZ Rural Provincial Sector meeting

LGNZ Rural Provincial Sector networking event

6 MARCH 2023

Property Advisory Group meeting

Speaking to Council's submission – Water Services legislation bills

Interview with 1XX – National's Three Waters plan and supporting Wairoa

8 MARCH 2023

Meeting with Lyndon Settle, CEO Quayside Holdings

9 MARCH 2023

Regional Transport Committee meeting, Tauranga

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be.

Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.

The level of significance related to the decision in this report is considered to be low. Because the decision is determined to have low significance in accordance with the policy, the corresponding level of engagement required is Inform.

Assessment of engagement

As the level of significance has been determined to be low, the level of engagement required is Inform according to the Engagement Framework of the Significance and Engagement Policy:



Inform

To provide balanced and objective information to assist understanding about something that is going to happen.

The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

RECOMMENDATION:

1. That the report titled "Mayoral Report 21 January 2023 – 10 March 2023" be received.

David Moore

HIS WORSHIP THE MAYOR

REPORT

Date : 14 March 2023

To : Ordinary Council Meeting, 21 March 2023

From : Councillor Barry Howe

Subject : **ŌPŌTIKI MARINE ADVISORY GROUP (OMAG) UPDATE**

File ID : A440553

EXECUTIVE SUMMARY

This report updates Council on progress advanced through the February 2023 meeting of the Ōpōtiki Marine Advisory Group (OMAG)

PURPOSE

To inform Council on progress achieved through the Ōpōtiki Marine Advisory Group.

BACKGROUND

The Ōpōtiki Marine Advisory Group (OMAG) was established in 2009 as a technical advisory group to Council in support of the Ōpōtiki Harbour Development Project. This arrangement harnesses the expertise of an important cross-sectoral group of stakeholders to provide advice and address issues in a confidential and efficient manner. OMAG focuses on all matters relevant to the long-term goal of creating the infrastructure required to enable a thriving aquaculture industry centred in Ōpōtiki.

OMAG meets every two months. Members include representatives from the Ōpōtiki community, Ōpōtiki District Council (ODC), Whakatōhea Māori Trust Board, Eastern Sea Farms Limited, Whakatōhea Mussels (Ōpōtiki) Limited, Harbour construction contractors, Coastguard, Marine Industrial Zone (OMAI), Toi-EDA,

Council has been regularly briefed about the Ōpōtiki Harbour Development Project, OMAG, and activities that are underway.

UPDATE FROM OMAG MEETING, 22 FEBRUARY, 2023

Whakatōhea Mussels (Ōpōtiki) Ltd

Have been maintaining consents.

Harbour Industrial Zone Development (OMAI)

Working through the consent process with BOPRC, they have a hearing date set in March.

Harbour Construction

Construction is generally positive. The breakwaters held up well in the Gabrielle, the team took only couple of days to get back to where they were before the cyclone. Came through the weather event better than expected as it was the biggest swells the Harbour has seen.

Working at the end of the Eastern Breakwater, have completed all dynamic compaction. Driving sheet piles to depth, working on apron around the end. Next week it will just be hanbars left to place. There will be a bit of rock left over. Placing top blocks on the western breakwater. Dredging onto the Peterson Block.

Due to heavy rainfall last year an extra 230,000m³ will be needed to close the river. The excavator is stock piling sand. Currently looking at the sequence for closure, in two weeks will have a program. May need to bring in another dredge for the area beyond the walls to keep within time frames. Plan to have everything finished on the walls by April/May.

The new dune that will close the river will be made from sand as an extension of the dune system. The height will be built up, it is not intended as a spit fuse, want to encourage river to go through the walls. It is designed to hold up for 100 years of climate change.

Harbour Progress

The biggest challenge is the river closure after weather events eroded more of the river mouth last year. HEB were looking to make a cut in the spit to encourage sand to build back up at the mouth however it happened naturally. Hoping the river will migrate back east to take pressure off the western bank.

Council

Looking into the possibility of accommodating boats at the town wharf. Early days of investigation, will be formally put to council in March. How will that impact on the longer term plan? ODC will re-consult with community and follow the process.

The tender for the Snell Road upgrade & access to harbour, has closed, four responses were received.

Working with the harbour project team to review maintenance/operating costs.

Coast Guard

Waiting for resource consent. Coast Guard have some money for the bottom shed. It is not convenient for Mitre10 to continue to store the new boat.

ODC is keen to sit down with Opotiki Coast Guard regarding the Boat Ramp. Coast guard want separate boat ramp so they have access to the water without being held up by public users. No word on how long the consent will take. They are happy to move plans if there is no extra cost to them, they have already paid for ground testing and consents.

OMAG Agenda

Council's Chief Executive Officer provided an overview of the paper and out lined the need for further investigation into governance and management of the harbour.

Operational group and governance group, users want input. Mussels Boats need to make it work so would like to be involved.

OMAG is currently working, does not have a delegation. Keep status quo for the immediate.

Resolved to recommend to Council to undertake an investigation into the options available for the future operational and recreational governance and management of the Opotiki Harbour and consult accordingly.

State of Emergency

Should have a process to follow. Make contact with certain people. Business continuity plan for 'what if' scenarios. Mussel factory is an evacuation site, needs to have a relationship with Civil Defence.

Action: The Chief Executive Officer is to ask the Group Manager Planning and Regulatory to touch base. Cyclone Gabrielle is a national disaster, people have been left to fend for themselves. Opotiki needs to know how to rally around because if something happens we will be on our own. Should there be generators in stock? Depends on the risk profile for businesses.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be.

Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.

The level of significance related to the decision in this report is considered to be low because the decision is determined to have low significance in accordance with the policy, the corresponding level of engagement required is inform

Assessment of engagement

As the level of significance has been determined to be Low the level of engagement required is inform according to the Engagement Framework of the Significance and Engagement Policy:

	Inform	To provide balanced and objective information to assist understanding about something that is going to happen.
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The tools that council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

RECOMMENDATIONS:

- 1. That the report titled 'Ōpōtiki Marine Advisory Group (OMAG) Update be received.**
- 2. That the Ōpōtiki Marine Advisory Group recommends to Council that it undertakes an investigation into the options available for the future operational and recreational governance and management of the Ōpōtiki Harbour and consult accordingly.**

Councillor Barry Howe

CHAIR, ŌPŌTIKI MARINE ADVISORY GROUP

REPORT

Date : 14 March 2023
To : Ordinary Council Meeting, 21 March 2023
From : Group Manager Finance and Corporate Services, Peter Bridgwater
Subject : **ANNUAL PLAN 2023 – 2024 UPDATE**
File ID : A446407

EXECUTIVE SUMMARY

This report presents a summary of the Annual Plan process and the work undertaken so far. The report sets out the timeline for the remaining work and the proposed timelines for community input.

PURPOSE

The purpose of this report is to provide an overview of the work undertaken to date regarding the development of the Annual Plan 2023 -2024 as well as provide an overview of the next steps and some key messages to be shared with our community as part of this process.

BACKGROUND

The Local Government Act 2002 provides extensive powers to councils to decide which activities they undertake and the manner in which they will undertake them. These powers are limited by:

- The purpose of Local Government
- Transparency and accountability requirements.
- Other specific provisions in the Local Government Act – including requirements to listen to the concerns and suggestions of community members.
- Provisions in other Acts.

The Planning Cycle

There is a robust planning process demanded by the Local Government Act 2002 (part 6). In consultation with their communities, councils must prepare long-term plans every three years, and annual plans in the other two years.

The Long-Term Plan (LTP) is the key planning tool for councils.

Its purpose is to:

- Describe the council's activities and the community outcomes it aims to achieve.
- Provide integrated decision-making and coordination of the resources, as set out in section 93 (6)(c) of the Act.
- Provide a long-term focus.
- Show accountability to the community.
- Provide an opportunity for participation by the public in council decision-making processes.

The LTP must include information on activities, goods or services provided by a council, and specific funding and financial management policies and information.

LTPs outline all things a council does and how they fit together. They show what will be done over the plan's 10-year period, why the council is doing things and their costs.

People can express their views on the LTPs when they are reviewed every three years.

Council's revenue is not set in the same way as a normal business. Rather Council budgets for what costs are required in order to deliver the service, then sets revenue to cover this. The cost recovery basis means as Council's costs change, revenue needs to match those changes.

The Annual Plan process focuses on year-to-year budgets. Councils prepare an annual plan in each of the two years between LTP reviews and set out in them what the council plans to do in the next 12 months to move towards achieving its goals, as set out in the LTP. These plans are adopted before the start of the financial year in July, following a submission process.

The annual plan contains the council's annual budget and financial impact statement and identifies any variations from the long-term plan.

Community Consultation on the Annual Plan

Section 95A of the Local Government Act outlines the purpose and content of a consultation document in regard to an Annual Plan. The purpose of the consultation document is to provide a basis for effective public participation in decision making processes relating to the activities to be undertaken by the local

authority in the coming year and the effects of those activities on costs and funding, as proposed in the annual plan.

The consultation document must identify any significant or material differences between the proposed annual plan and the content of the long-term plan for the relevant financial year. It must also provide an explanation of any significant or material variations or departures from the financial statements or the funding impact statement and a description of significant new spending proposals, the costs associated with those proposals, and how these costs will be met.

We are currently in our third year of the long-term plan. Formal consultation under s.95 of the LGA is required when there are significant or material differences between the proposed Annual Plan from what is described of the relevant year in the LTP. This is driven by Councils Significance and Engagement Policy, as well as the Local Government Act.

Council's Significance and Engagement Policy describes thresholds to be considered in deciding if a decision is significant and therefore requires a formal consultative process.

- It involves the transfer of the ownership or control, or the construction, replacement or abandonment of a strategic asset to or from Council
- It is inconsistent with Council plans or policies and meets one of the following thresholds
- Financial thresholds: The proposal or project will incur net operational or capital expenditure exceeding 10% of total Council annual expenditure in the year commenced.
- Community interest: The proposal will generate considerable interest or render the community deeply divided.
- Effect on ratepayers or communities: The proposal will have a major and long-term impact on ratepayers, and/or groups who reflect the makeup of the district's community.
- Levels of Service: The change to the current level of service will be major and long-term.

DISCUSSION AND OPTIONS SECTIONS

Work to Date

Council has participated in three workshops to date to related to the development of the annual plan.

20 December 2022

7 February 2023

21 February 2023

13 March 2023

The notes from these workshops will be publicly released through the established Council process.

The purpose of the workshops was to inform the Council of the annual plan process and present a draft annual plan budget and the required revenue to meet the costs associated with the activities and services noted in year three of the 2021-2031 Long Term Plan. Councillors have been provided with the opportunity to provide feedback and direction in terms of shaping the 2023-2024 annual plan.

Year three of the Long-Term Plan notes a planned increase in revenue required of 4.97%. The first draft of the annual plan budget for 2023-2024 indicated that, the funding required to cover the costs to carry out the planned activities for the coming year will need to increase by approx.15%.

This increase is due to a number of factors including the following:

- Increase in commodity costs across the board (fuel, chemicals, other materials/consumables)
- Increase in licensing costs
- Increase in Staff to cover key gaps in delivery as highlighted by our 2021-22 audit report
- Increase in personnel costs
- Increase in investigation and planning required as highlighted by our 2021-22 audit report.

Staff and elected members have undertaken significant work to identify where savings can be made with minimal impact on the current level of service delivery and planned activities. Year three of the Long-Term Plan does not include any new work, much of it is a continuation of work from previous years. The increase represents the additional costs to continue planned works and services since the Long-Term Plan was adopted in 2021.

There are several ways that councils can make up the difference between current income and expected expenditure:

- Rates increases
- Fee and charges increases
- Debt increases
- Asset sales
- Operational savings
- Service cuts or levels of service changes.

Council does not have significant assets for income or that could be sold to buffer these costs. Debt is an option but using Council debt to fund ongoing operational costs would mean that the debt is not

available for future projects and infrastructure that are best funded by sharing costs through longer periods of time.

Additional cost saving considerations already in play include:

- Depreciation non-funding consistent with LTP and Prior Council decision making.
- Applied grant funding to roles where appropriate.
- Moved maintenance budgets between activities to where it is needed most.
- Considered capitalisation of roles where appropriate.
- Reassessed software license requirements, moved to lower cost alternatives where appropriate.
- Development of an ICT strategy to assist in consideration of long-term cost savings.

Council has asked staff to review the fees and charges schedules to look at where additional revenue may be found from this. Increases in fees and charges related to solid waste, water supply and reserve hire are being considered. This is likely to result in a move of approx. 2% out of the general rate requirement. There is an awareness that increased fees and charges still places much of cost burden on the community.

How rates are apportioned across property types is also another consideration. Additional funding avenues are also being investigated but this will not necessarily create short term solutions.

Council has been clear they do not believe there is an appetite for any further reduction in services given this would significantly impact on the delivery of the community outcomes identified in the LTP. Council also has an obligation to ensure staffing levels and how services are delivered meet our health and safety obligations for both staff and our community.

Modelling is currently underway to ascertain what the current level of revenue required taking into considerations the changes made since the first draft of the annual plan and this will be shared when available. The impacts of these changes are unlikely to substantially reduce the additional revenue required.

The Wider Picture

Councils around the country are in a similar position to Ōpōtiki as all face significant rates rises in the coming year (confirmed draft annual plans from councils so far range from 6% to 13%). The messaging coming out from these Councils is consistent:

- Councils are hit as hard by inflation and other pressures as everyone else – it costs more to do the same thing at this time than it did a year ago
- Everyone wants to keep rates down and strip services back to basics. This is not the time anyone wants to be adding more pressures to households
- These cost pressures are particularly difficult for councils that do not have assets or other sources of income (e.g. options to sell shares or assets)
- Other options for income for councils are taking on more debt or increasing fees and charges for those activities that are user pays
- Services around Aotearoa are being cut including some activities that are considered core Council business – libraries, gardens and mowing, sports facilities.

In addition, many Councils are considering what form consultation will take this year, because most cost increases are not due to new spending but due to increases over which Council does not have control, for example, inflation or interest costs on debt. Most Councils are explaining the reasons for the increases and encouraging feedback on the compromises that Councils are making to keep rate increases as low as possible.

Timeline

Date	Activity
30 March 2023	Compilation of draft Annual Plan document
17 April 2023	Information document included in agenda
02 May 2023	Annual Plan information document approved for publication
03 May 2023	Submissions open / Document published
26 May 2023	Close of submissions
27 May 2023	Consideration of submissions commences
14 June 2023	Final Annual Plan prepared for inclusion in agenda
28 June 2023	Annual Plan adopted by Council.

The Local Government Act requires that Annual Plans be adopted by Council prior to the start of new financial year (1 July 2023). The timeline above provides a four-week timeframe for the community consultation/submission process.

Consultation processes

While the current draft Annual Plan does not identify any significant changes from the Long-Term Plan (as outlined in the Council Significance and Engagement Policy) the proposed required revenue increase could be considered to meet the thresholds of:

- Community interest: The proposal will generate considerable interest or render the community deeply divided.
- Effect on ratepayers or communities: The proposal will have a major and long-term impact on ratepayers, and/or groups who reflect the makeup of the district's community.

It is therefore recommended Council agree to undertake a robust engagement process with the community on the finalised draft Annual Plan and accompanying information document.

To ensure our communities are appropriately informed it is proposed Councillors and staff host sessions across the community to provide opportunities for the public to ask questions and discuss their thoughts with Councillors and staff face to face. Other opportunities for the public to make submissions on the draft annual plan will also be identified and promoted widely to support the community to engage and feed into the annual plan process. Staff will also ensure key information is shared across media platforms including the local paper and social media.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be.

Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.

The level of significance related to the decision in this report is considered to be low. Because the decision is determined to have low) significance in accordance with the policy, the corresponding level of engagement required is Inform.

Assessment of engagement

As the level of significance has been determined to be low, the level of engagement required is inform according to the Engagement Framework of the Significance and Engagement Policy:



Inform

To provide balanced and objective information to assist understanding about something that is going to happen.

The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

CONSIDERATIONS

Financial/budget considerations

As highlighted above the annual plan is how Council sets its annual budget.

Policy and planning implications

- The annual plan process is undertaken according to the Local Government Act 20 and ensures the budget and detail in the annual plan aligns with Council's LTP.

Risks

The significant difference in the expected revenue requirements for year three of the LTP and what is actually required. Council must ensure it has the resources to continue to deliver on the level of service provided across Council activities, unless the decision is made to reduce these.

Risk of public perception in relation to transparency of decision making. Due to the significant difference between the revenue requirement shown in the LTP and that proposed in the Annual Plan there is a risk that there is a perception of a lack of transparency in relation to how these figures were arrived at. The inclusion of this report, and release of workshop notes in this Council meeting will help to mitigate these risks.

Council is required to adopt the Annual Plan prior to the beginning of the new financial year. The authority to adopt an Annual Plan sits with Council. Those involved in making the decision need to have the information and confidence in the process that they need in order to adopt the plan within the statutory timeframes. The workshops held to date have provided the mechanism for Councillors to raise issues, questions, clarifications in relation to this. These workshops also provide the opportunity for Councillors to provide direction, which staff have used in the production of these documents.

Authority

Council has the authority to make the decisions outlined in this report.

CONCLUSION

This report has highlighted the work to date staff have undertaken in drafting the annual as well as the options considered by Council to address the increased in required revenue to deliver the work programme as outlined in year three of the LTP.

The report also provides of timeline of actions following this meeting to ensure the annual plan is approved before the start of the new financial year.

RECOMMENDATION:

- 1. That the report titled 'Annual Plan 2023 – 2024 Update' be received.**

Peter Bridgwater

GROUP MANAGER FINANCE AND CORPORATES SERVICES

REPORT

Date : 28 February 2023

To : Ordinary Council Meeting, 21 March 2023

From : Group Manager Community Services and Development, Anna Hayward

Subject : **TE TĀHUHU O TE RANGI SIGNAGE**

File ID : A363409

EXECUTIVE SUMMARY

Councillors have asked staff to look at options to include the word 'library' on signage at Te Tāhuhu o Te Rangi. This report provides background to the naming of the building and options analysis for additional signage. Staff recommend option two (signage added to front windows) and additional road signage be installed.

BACKGROUND

The Opotiki District Library has been on its current site since 1879 with the district library built on the site in 1967. Although initially the library was only for members of the Mechanics Institute, it has grown and changed over time.

The redevelopment of the Opotiki Library was a long-standing ambition that first appeared in the Long-Term Plan in 2009. A significant number of reports were prepared over time to support the project and there were several rounds of (formal and informal) consultation with the wider community on funding options over the years. Architectural plans were developed in 2014 and resource building consents were lodged to meet requirements of potential funding providers.

At the Council meeting on 26 January 2016, Whakatōhea kaumātua were present to support a request for Council to use and formalise traditional place names for various Council properties because there was concern that they would be lost or replaced by colloquial names. During this discussion, kaumātua put forward the name 'Te Tāhuhu o Te Rangi' for the new library facility.

In Te Ao Māori, whareniui are described through the metaphor of a body – spine, heart, ribs etc. All parts fit together to make a functional whole. The tāhuhu is the backbone/ spine of the whareniui. The stories of the house/whareniui are hung in the tāhuhu. When people speak in the whareniui, their stories and knowledge are transferred and stored in the tāhuhu. In this way, the tāhuhu contains all the stories, knowledge and learning of the people who identify with the whareniui, reflecting the kaupapa of a community library. The building's skylight tāhuhu is said to allow the wisdom to the sky father, Ranginui, to flow into the building.

At the next council meeting on 8 March 2016, a report was received seeking confirmation of the name for the planned new library facility. The report notes the following:

No public consultation has been undertaken on the proposed naming and no options are presented for consideration.

However, naming of the facility has been discussed with Whakatōhea Trust Board at various times. While Council has no policy on the naming of such facilities it is appropriate tikanga or best practice for the name to be bestowed by the Iwi whose rōhe it occupies. Further, the name reflects the structure so in this sense has no Iwi / Hapū affiliation.

As part of the discussion, Deputy Mayor, Haki McRoberts provided a verbal background of the name and also suggested there be designs on the poles going down from the centre skylight depicting the radiating of knowledge.

Council resolved the following:

1. That the report titled "Naming of the New Library Facility" be received.
2. That 'Tāhuhu' is formally adopted as the name of the new library facility.
3. That Council thank the Whakatōhea Māori Trust Board and kaumātua Te Riaki Amoamo for bestowing the name Tāhuhu on the new facility.

In subsequent correspondence, with Whakatōhea Māori Trust Board, following this meeting, the Board asked Council to use the full name (Te Tāhuhu o Te Rangi) for the facility. Also given the people involved, the history and the process of naming, that Council refer to "kaumātua" gifting the name rather than naming individuals specifically.

At the Council meeting on 5 September 2019, following a formal consultation process, Council resolved to continue with the full redevelopment of the site and build Te Tāhuhu o Te Rangi as a technology and

research centre. The agenda and minutes to that meeting provide additional background, issues with the previous building and temporary premises, and public feedback on the project.

The facility was designed to be a community hub at the heart of the revitalised town centre providing all the many and varied supported services currently offered by Library and Digital Hub sites including digital support, room hire, programme delivery, wi-fi, physical and digital resources, books, movies, devices, events, and activities.

Before works started on the build of Te Tāhuhu o Te Rangi, covid lockdown and many changes occurred across the country. Council secured central government funding as a 'shovel-ready project' through Kānoa / Provincial Growth Fund. Additional funding has been provided to the project over many years, particularly with generous funding from Trust Horizon, BayTrust, Creative NZ and the Lottery Grants Board.

Building work started on the site in mid-2020 and Te Tāhuhu o Te Rangi was officially opened with a dawn blessing on 2 December 2021.

When is a library not a just a library?

Historically, libraries have been 'community storehouses of knowledge'. Technology has been one of the driving forces behind growth and the role libraries play in their communities connecting people with the information and resources they need (books are just an older 'technology'). For many people, the word 'library' simply means "a building full of books". But with modern technologies and significant social changes, the word library is being reclaimed in its original sense - the use of the space, the shared knowledge and shared resources.

Public Libraries New Zealand Strategic Framework (2020-2025) ¹ notes "beyond books and reading, public libraries offer access to financial literacy, digital literacy, design literacy, information literacy, health and wellbeing literacy. Today's libraries are where people can feed their imaginations, rebuild their lives, find direction, upskill themselves, and put the theory of growth, understanding and tolerance into practice. Tomorrow's libraries and their councils will continue to be challenged by their ever-evolving communities' needs, whether through technological advances, growing numbers of diverse languages and cultures, or differing levels of abilities, education, and employment. These demands are increasing not diminishing".

¹ [National Strategic Framework \(publiclibraries.org.nz\)](https://publiclibraries.org.nz)

Due to the expanding scope of libraries and community facilities across Aotearoa, Councils are moving away from naming buildings/facilities to describe its purpose (for example, “District Library”, “Community Swimming Pool”) and towards names that reflects the purpose and connection to the area, community and local Iwi. Examples of this are discussed below.

DISCUSSION

Councillors asked staff in November 2022 to look into adding signage to Te Tāhuhu o Te Rangi in response to feedback they had received from parts of the community that there was confusion about the location or function of the building as a library.

Councillors have been clear that they do not want to change the name of “Te Tāhuhu o Te Rangi” and they are not asking that the name be literally translated into English. The request was to look into how Council can make the function and location of the facility clearer for locals and visitors.

Current signage

Currently the library has the name of the building, “Te Tāhuhu o Te Rangi”, in large lettering across the Church Street-facing bargeboard and at the far end of the barge board on King St. A large yellow teardrop flag that says “Library” is set outside during opening hours.

The Facebook page is named “Ōpōtiki District Library” and both ‘library’ and ‘Te Tāhuhu o Te Rangi’ are used in publications and communications,

A Google search of “Ōpōtiki Library” shows the location and other key information including opening hours.



In addition, Te Tāhuhu o Te Rangi digital services are available throughout the district and services (physical and digital) will be extended further when the mobile service van starts later this year. The facility and services provided are not specifically attached to one location or solely the Ōpōtiki township.

Currently the building does not have any signage to indicate it is a Council building (i.e Council logo). Staff will be presenting a paper to Council this year looking at ensuring there is consistent signage and branding across our buildings and sites. This will include Te Tāhuhu o Te Rangi.

Community Feedback

This issue created significant interest in the Ōpōtiki community and beyond. Articles relating to this issue were published both locally and nationally (including Stuff.co.nz and Waatea News). Across social media, particularly community Facebook pages, people expressed a wide range of views.

There was also coverage of the discussion in the Ōpōtiki News and several follow-up stories, opinion pieces, and letters to the editor. The original story (attached in appendix A) outlines the concerns of Council's former cultural advisor that to change the name of the facility would be 'disrespectful' and would 'tarnish' the name as given.

This coverage generated a significant amount of feedback and it tended to group around three key themes. Locally, there were hundreds of comments across several posts on local community Facebook pages, news items and related posts. Comment tended to be divided approximately evenly between either side of the discussion.

Many of the comments focus on the practical ease of finding, understanding and pronouncing 'library' for both visitors and locals. "Surely it is easier for visitors to find it if it is in English" or "why wasn't it in English in the first place" or "It's an easy thing to do, just put it up in English and stop arguing about it". "Equality means putting it in both languages." "It's easier to say four syllables instead of eight and everyone knows what it means."

On the other side of the discussion, many comments indicated a sense of pride in the name and the use of Te Reo for such an important building, particularly noting the history of repression of the language. "I drove past Te Tāhuhu o Te Rangi this morning....and recited the name of the whare with pride and a smile." "You don't need to colonise the name of a building with an obvious purpose". "Just because a building doesn't have the word 'library' on it doesn't make it any less than a library." "Don't trample on the kaumātua who has bestowed a beautiful gift on this building." There were also several references to other significant buildings where the name does not describe the function, usually Te Papa.

A third cluster of comments (primarily in national coverage) was fundamentally against any use of te reo Māori and its central role in Aotearoa and cultural identity. These come up any time this sort of story is

in the news and doesn't in any way reflect Ōpōtiki's approach to our own culture, history, language and partnerships with mana whenua.

What do other Councils/Libraries do?

A short review of other Councils and public libraries across New Zealand illustrates a trend in many newer libraries to have names that reflect the connection between the space and the community, rather than describing what the building/facility does. Examples of this include:

Puke Ariki (New Plymouth) The name Puke Ariki relates back to the pa that sat on the site and the importance of knowledge. Puke Ariki encompasses the museum, i-SITE, events centre and Library. The words library and museum appear on the building separate to the name Puke Ariki.

Tūranga (Christchurch City) The name Tūranga, which was gifted by Te Ngāi Tūāhuriri Rūnanga and reflects the relationship with Whitireia, the traditional name for Cathedral Square. Tūranga includes library facilities, exhibition space as well as bookable rooms and spaces and a significant digital technology hub. Tūranga also connects to the neighbouring performing arts and conference centre precinct. The main signage only displays 'Tūranga'. A separate sign board notes Tūranga is the 'central library'.

Matuku Takotako (Sumner) This is the original Ngāi Tahu name for Sumner beach. The building incorporates a library, community centre and museum. The main signage for the building is 'Matuku Takotako', however a smaller sign near the door highlights the various parts of the centre (including the library).

Te Ara Ātea (Rolleston) This recently built facility is described as a 'town centre' which includes library services, a café, performance space, digital technology as well a space for art and cultural displays. The name Te Ara Ātea was gifted by Ngāi Tahu and means 'unobstructed tail to the world and beyond'. Currently, signage does not include the word 'library'. In a similar approach to Ōpōtiki, Council staff are preparing a report to consider options to include the word 'library' in signage.

Te Kōputu a Te Whanga a Toi (Whakatāne) The name of the library was formally changed when it moved to its current site. The full name of the includes a name and facility description together, Te Kōputu a Te Whanga a Toi Whakatāne Library and Exhibition Centre. In this instance, the name and function were designed into signage at the outset rather than retrospectively.

Of note is that for many facilities, staff noted the space is often referred to informally by both staff and the community as 'the library' or similar. However, they have noticed over time more and more people referring the facilities by its formal name.

Whakatōhea position and feedback

The Whakatōhea Māori Trust Board (WMTB) invited Councillors to wananga with them regarding this issue on 16 February 2023. All elected members attended the meeting held at Te Tāhuhu o Te Rangi aside from Councillor Howe who could not make it due to prior commitments. Both staff and kaumatua from Whakatōhea were present. Te Wheki Porter, who gifted the name to Council with the support of Te Riaki Amoamo, was in attendance. Te Wheki spoke about the importance of names and how he was approached to offer a name for the building. Te Wheki reiterated the connection of the name with a whareniui and the metaphorical connection of celestial knowledge and the tāhuhu/backbone being the store holder of this knowledge.

Julie Williams also spoke about how important the space is to her and others and how the name Te Tāhuhu o Te Rangi embodies how she sees the space for our community. She was clear she did not think it was appropriate for any signage to be added to the front of the building as that would take away from the significance of the name. This position was also supported by Danny Paruru and Te Wheki.

Danny Paruru (Iwi development manager, WMTB) reiterated the process of naming the building and how the name 'Te Tāhuhu o Te Rangi' aligned with the design from the architects and the vision of the space developed by previous Council and the wider community. The building is not a whareniui but represents the importance of a whareniui as a central gathering place for knowledge and learning. Danny also acknowledged while the Trust board and the community may have their view this issue, it was Councils remit to make the decisions around its buildings.

The elected members clarified the request to look at signage was not about removing or changing the name from Te Tāhuhu o Te Rangi. The focus on was on ensuring the community and visitors to Ōpōtiki knew where the library was by ensuring the function of the building was known.

There was consensus from those present, additional signage may support in achieving this outcome however there were questions raised as to the function/s of the building and if adding the word library sufficiently described all the functions of the space.

Options and Analysis

Staff have considered the options available to address the concerns raised by Councillors. These options have taken into consideration the (informal) community feedback and the position of Whakatōhea as the iwi who gifted the name as well as cost implications.

Option One	Status Quo
Description	Do not add any additional signage to the building.
Cost Considerations	Nil costs associated with this option.
Alignment with Community/Iwi Feedback	This aligns with community feedback that the purpose is already clear so doesn't need any additional signage. However, it doesn't align with feedback and guidance from councillors that there is difficulty knowing it is a library. Iwi acknowledged the importance of the name and for the mana of the name to be maintained.
Risks	<ul style="list-style-type: none"> • Doesn't address concerns that the library is difficult to find for some people. • Doesn't directly address the issue for future times the matter arises.
Staff Recommendation	Staff do not recommend this option as it does not resolve the issues raised

Option Two	Signage added to Front Windows
Description	Signage added to the front windows of the building (See appendix B for visual representation of what this could look like). The word library is used in a range of languages to represent the various cultures who live and visit the Ōpōtiki District.
Cost Considerations	Cost estimation for adding vinyl signage to the glass doors would be approximately \$525 (+gst). This could be met within current operating budgets as adding signage (opening hours etc) to these windows had already been planned.
Alignment with Community/Iwi Feedback	Aligns with feedback asking to make the location of Te Tāhuhu o Te Rangi clearer and the function of the facility more obvious. It also aligns with feedback from members of the community asking that the gift of the name and te reo Māori be respected.

	When this option was discussed at the Wananga there was agreement this could be a suitable solution to the issues raised.
Risks	<ul style="list-style-type: none"> • Signage on the doors may not be easily seen by some. • The signage may not fully explain full functions of the library.
Staff Recommendation	Staff recommend this option as it provides a cost-effective solution to the issue raised and does not diminish the name Te Tāhuhu o Te Rangi.

Option Three	Signage added to Barge Board
Description	Signage added to barge board on King St (see appendix C for visual). The additional text would be the same font and size as "Te Tāhuhu o Te Rangi" to ensure visual continuity. Smaller font had been considered however advice from the Signwriters was this would detract and cause imbalance to the building.
Cost Consideration	Cost estimation for adding signage which aligns with current signage is \$2885 (+gst). This cost could not be met within current operating budget and if Council were to choose this option, they would need to agree to unbudgeted spend.
Alignment with Community/Iwi Feedback	This would align with feedback asking the library be easier to identify but some may see this as not respecting the original name. Whakatōhea Iwi recommended any additional signage was not added to the front (Church St) side of the building.
Risks	<ul style="list-style-type: none"> • Signage added to the barge board (regardless of location) may be viewed as adding to or diminishing the name "Te Tāhuhu o Te Rangi". • The signage may not fully explain full functions of the library. • Council approving unbudgeted spend may not be viewed favourably by the community.
Staff Recommendation	Staff do not recommend this option due to the costs associated with it.

Option Four	Aluminium Signage added to Barge Board
Description	Aluminium signage added to barge board on King St (see appendix C for visual). This flat sign would have additional text in the same font and size as "Te Tāhuhu o Te Rangi" to ensure visual continuity. It would not however be 3D. There would be a noticeable visual difference between this sign and the currently signage
Cost Consideration	Cost estimation for adding aluminium signage is approx. \$1,200 (+gst). This cost could not be met within current operating budget and if Council were to choose this option, they would need to agree to unbudgeted spend.
Alignment with Community/Iwi Feedback	This would align with feedback asking the library to be easier to identify but some may see this as not respecting the original name. Whakatōhea Iwi recommended any additional signage was not added to the front (Church St) side of the building.
Risks	<ul style="list-style-type: none"> • Signage added to the barge board (regardless of location) may be viewed as adding to or diminishing the name "Te Tāhuhu o Te Rangi". • The signage may not fully explain full functions of the library. • There will be a visible difference between this signage and the current signage which may detract from the building. • Council approving unbudgeted spend may not be viewed favourably by the community.
Staff Recommendation	Staff do not recommend this option due to the costs associated with it.

Finger Pointing Signs

In addition to looking at options to add signage to the building, staff have also investigated other options to increase awareness of where Te Tāhuhu o Te Rangi is and what its purpose is.

We have had initial discussions with Waka Kotahi to install two yellow finger pointer signs (similar to the sign for Ranginui/Woodlands Public Cemetery). These signs are 1200 by 225mm and can be installed on existing road signposts.

It is proposed the signs would read:

TE TĀHUHU O TE RANGI
Ōpōtiki District library

They would be installed on the corners of King and St John Streets and Church and Bridge Streets. Refer to Appendix D for visuals of signage and locations. Cost estimates provided by ODC Maintenance Contractors (including installation) would be approx. \$800.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance


On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be.

Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.

The level of significance related to the decision in this report is considered to be low. Because the decision is determined to have low significance in accordance with the policy, the corresponding level of engagement required is inform.

Assessment of engagement

As the level of significance has been determined to below the level of engagement required is Inform.

	Inform	To provide balanced and objective information to assist understanding about something that is going to happen.
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The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

CONSIDERATIONS

Financial/budget considerations

There are no financial implications for option one.

If option two is chosen the cost of signage can be met within the current operating budget as budget had been allocated to add signage on the doors (Opening hours etc).

If options three or four are chosen Council will need to approve the unbudgeted expenditure.

Policy and planning implications

The options provided in this report do not contradict any current Council policies or plans.

Risks

Please refer to options analysis for the identified risks.

Authority

Council has the authority to make these decisions.

CONCLUSION

This report outlines the background to the naming of Te Tahuhu o Te Rangī. It provides an overview of community voice on the issue of adding additional signage and provides four options for Council to consider.

RECOMMENDATIONS:

- 1. That the report titled "Te Tāhuhu o Te Rangī Signage" be received.**
- 2. That Council recommits and confirms the name of the building on the Cnrs of King and Church Streets as "Te Tāhuhu o Te Rangī".**
- 3. That Council note a report will be presented at a later date regarding consistent signage and branding across our buildings and sites.**
- 4. That the Council agree to option two 'signage added to front windows'.**
- 5. That the Council agree to the implementation of 'finger pointing signs' to provide additional awareness of where the library is.**

Anna Hayward

GROUP MANAGER COMMUNITY SERVICES AND DEVELOPMENT

NEW BOAT: Pakihi Kura was launched in Auckland earlier this week. Photos supplied



New mussel boat en route

Sven Carlsson

THE new Whakatōhea Mussels boat was launched at the McKellan and Wing shipyard in Auckland on Tuesday. Chief executive Peter Vitascovich said the Pakihi Kura was the company's largest vessel. At 31.5 metres long and with a carrying capacity of 112 tonnes, the new vessel would significantly expand the mussel

harvesting and marine farm maintenance capabilities of the company. "She is larger than the Northern Quest and also can carry more mussels than the Northern Quest," Mr Vitascovich said. McKellan and Wing worked with naval architects Greeninch on the vessel design and specifications. The Pakihi Kura is expected to arrive in Whakatōhea on Saturday, December 10.



MORE CAPACITY: Pakihi Kura will increase the harvesting capability of Whakatōhea Mussels.

New sign will not change library name - council

Diane McCarthy

A YEAR after the opening of the new library building, Te Tāhuhu o Te Rangī, Ōpōtiki District Council is planning to create new signage explaining its function.

Former councillor Louis Rāpōhona has posted on social media, saying that adding the word "library" to the building would "ramish" the name bestowed upon it by Whakatōhea kaumātua.

He said that as the main stones buried under the two pou were blessed as Te Tāhuhu o Te Rangī, if any other word was to be added, the pou would need to be pulled down and the main stones replaced.

"Replacement of a mauri stone is done when buildings are being replaced, not months out from the opening," he said.

"The name needs to be respected and left as it is, not transformed into 'Te Tāhuhu o Te Rangī Library' because it is more than a library, Te Tāhuhu o Te Rangī is not your yesterday 'library' it is a technology hub for the community."

Deputy mayor Shona Browne said as a justice of the peace she made a lot of appointments to meet people at the library.

"They have texted me to say, 'we can't find it, where is it?' They don't realise that this beautiful building we're so proud of is the library. That's why I brought it up."

"We've had so many people say, 'with the use of two languages these days, why do you not have the word library there as well?' If you look at the building, the name Te Tāhuhu o Te Rangī is on the left, but on the right, it is blank, so there is plenty of space to add the word library."

Councillor Tom Brooks was also instrumental in having a new sign added. He said Ōpōtiki council staff were looking at how it would be worded, but the name of the building would not change.

"This is not a rename. The name is still going to remain. All we are doing is putting up a sign to give the public some information," he said.

"It might well be in English and Māori and sign language. That's what I have suggested. At the moment, if you didn't



know what it was, you'd just drive straight past."

Mayor David Moore agreed that it was not a name change. As a boat owner, he gave the analogy that the name of a boat is not changed by the description of what it is.

"My boat's called Kororā, which is a very special name for me, but it's still a McKay boat."

The council's community services and development group manager Anna Hayward said councillors had asked staff to look into adding signage to Te Tāhuhu o Te

Rangī as there had been some community feedback that people were unaware it was a library.

She said council adopted the name for the proposed new facility in March 2016 following Whakatōhea kaumātua Te Rīkio Anomao bestowing the name upon the proposed community facility at a council meeting in January the same year.

"The tāhuhu of the wharema is the traditional library, or storehouse of knowledge, on the marae. The building's skylight tāhuhu is said to allow the wisdom of the sky father, Rangimāui, to flow into the building. The building is a space where our community can meet, learn and expand their skills and understanding of our community and the wider world so the name is wonderfully appropriate."

"There are no plans to change or alter the name of the building from Te Tāhuhu o Te Rangī."

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Kiri Allan: Your Local MP

My team and I are available via phone or email to help answer your queries. Let me and my team know if you have a question, concern or just want to speak. We will do our very best to assist with your needs.

Hon Kiri Allan MP for East Coast 07 907 1080 | office.kiri.allan@parliament.govt.nz @kiri.allan.MP



Labour NZ



НОМЫН САН
Perpustakaan
библиотека

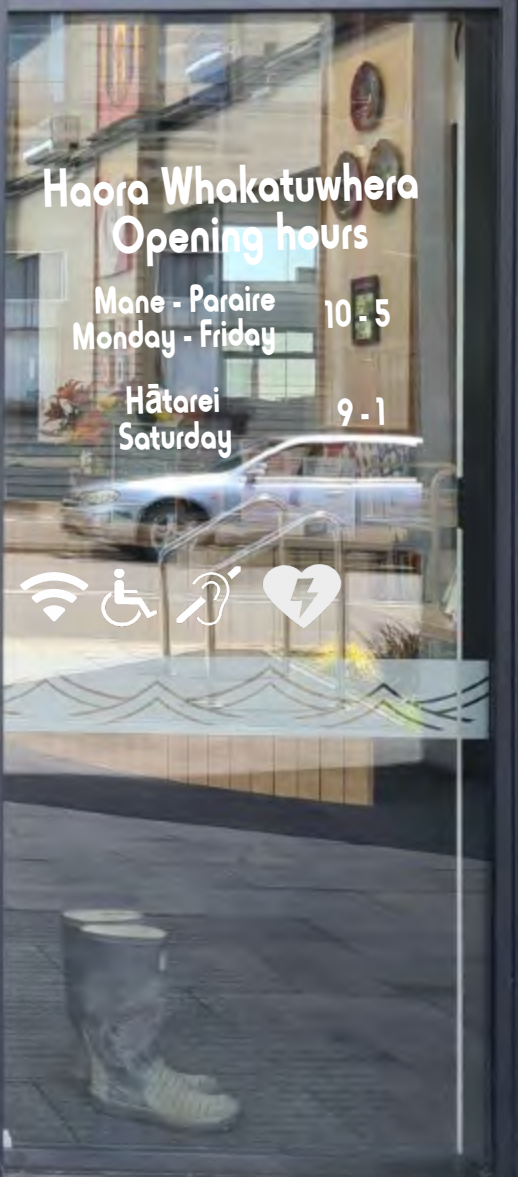
Library

Whare Pukapuka

laabrillyfrgell

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bókasafn
図書館
layiburari
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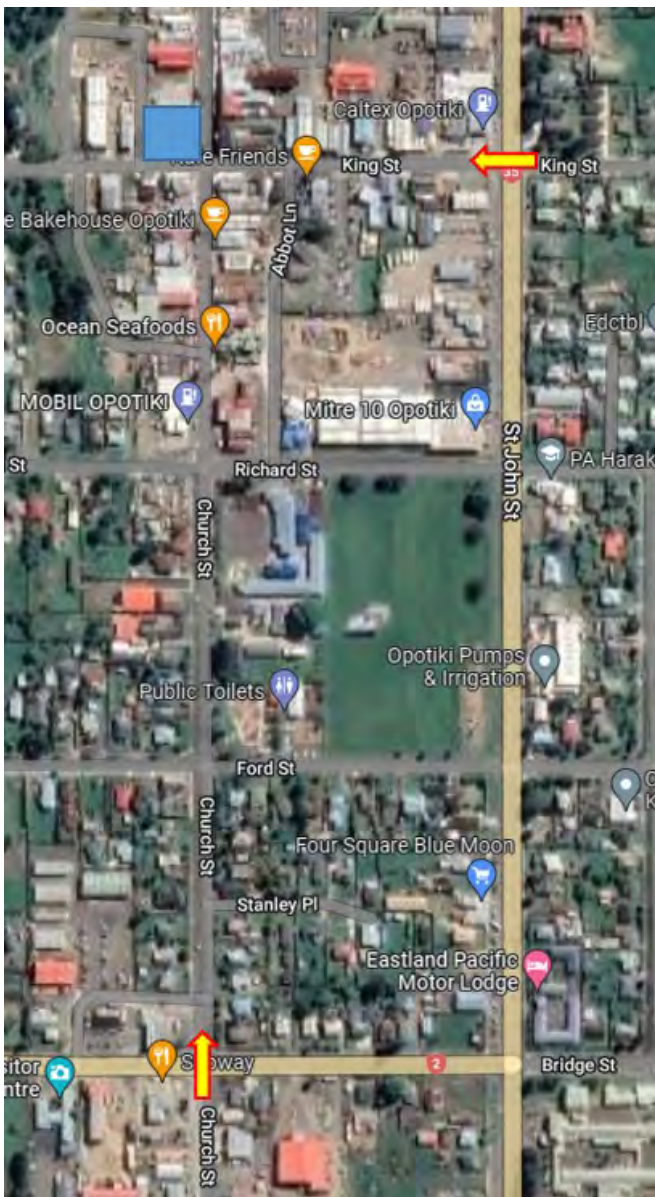
Haora Whakatuwhera
Opening hours
Mane - Paraire 10 - 5
Monday - Friday
Hātarei 9 - 1
Saturday





Ōpōtiki District Library
Te Tāhuhu o Te Rangi

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REPORT

Date : 28 February 2023

To : Ordinary Council Meeting, 21 March 2023

From : Group Manager Planning and Regulatory, Gerard McCormack

Subject : **ŌPŌTIKI HARBOUR-WHARF MASTERPLAN AND IMPLEMENTATION PLAN**

File ID : A355714

EXECUTIVE SUMMARY

The Harbour-Wharf Masterplan and Implementation Plan was endorsed in 2022 and included the possibility of the use of the wharf area for commercial boats. Open Oceans have now expressed an interest to utilise the wharf for their mussel boat operations. This arrangement would require an upgrade to the structure of the wharf to accommodate the mussel boats which is now being presented to the Council for consideration. Further to this, in response to the notice of motion that was passed in December 2022, a proposal for further public consultation for the recreational use of the wider wharf area is also presented to the Council for consideration.

This report seeks the following recommendations:

- 1. That Council endorses the option to adapt the existing Ōpōtiki wharf to provide for the use of Open Oceans for mussel boat operations subject to the satisfactory terms of a lease agreement and funding for the upgrade being agreed**
- 2. That Council endorses the development of conceptual options for accommodating community recreational uses in the vicinity of the wharf area for public consultation.**

PURPOSE

The purpose of this report is to:

- Consider the adaptation of the existing Ōpōtiki wharf for supporting commercial operations, particularly those associated with the Ōpōtiki mussel industry.
- Endorse further development of conceptual options for accommodating community recreational uses in the vicinity of the wharf area for public consultation.

BACKGROUND

The Harbour-Wharf Masterplan and Implementation Plan has been endorsed and provides the strategic direction for the Harbour development. However, it was noted at the time of endorsement that there is a need to consider transitional provisions to enable commercial/industrial operations to occur within the Ōpōtiki Wharf redevelopment. The discussion of the future use of the wharf in the master plan process has been carried out as follows:

- March-August 2022: Through a master planning process, concept sketches of the Ōpōtiki wharf were developed based on workshops and public engagement.
- September 2022: Ōpōtiki Harbour-Wharf Masterplan and Implementation Plan was endorsed by the Council.
- December 2022: Notice of motion was lodged to suspend the resolution related to the future use of the wharf until such time as fuller consultation has occurred and all options including commercial and recreational have been considered.

Harbour development completion timeframes

The new harbour entrance is expected to be open and ready for use by commercial boats at the end of 2023. The resource consent for the marina development is still being processed by the Bay of Plenty Regional Council (BOPRC) and is expected to take between 2-5 years before it is operational. Accordingly, possible interim solutions for accommodating mussel boats at the wharf have been explored.

DISCUSSION AND OPTIONS SECTIONS

Possible options for accommodating mussel boats following completion of the harbour entrance

There are two possible options that could be explored to accommodate the mussel boats in the harbour as follows.

- Option 1 - Adaptation of the existing wharf with structural alterations and additions to accommodate mussel boats (see Appendix 1).
 - Pros: Early indications from the BOPRC are that this may be able to be undertaken under the existing resource consents for the wharf. The scale of the alterations and additions are not extensive.
 - Cons: This would impact on the recreational use of the wharf. The proposal would have to be carefully considered in relation to the proposed coastguard redevelopment. This would also involve increased truck movements in the township, along with noise and odour effects. The

cost of the works to upgrade the wharf to enable mussel boats to operate from it has not been budgeted for.

- Option 2 - Construction of a wharf and jetty on the eastern side of the river training wall.
 - Pros: This would keep the mussel boats away from the recreational wharf area.
 - Cons: The construction of a wharf and jetty in this location would require a resource consent process and substantial construction process. This would likely take 2-3 years to be operational and available for use.

Recommendation - Option 1.

This option would align with the possible commercial use of the wharf as signalled in the endorsed Master Plan. The proposed construction works to enable the use of the wharf for the mussel boats are likely to be within the scope of the existing consents for the wharf area. How the upgrade of the wharf would be funded is yet to be determined and estimates for the upgrade work are currently being worked on. The Council would be able to set the terms of the use of the wharf area through the lease arrangement.

Response to notice of motion – proposal for further public consultation

In response to the notice of motion from December regarding the future use of the wharf for commercial and recreational use, the following consultation plan is proposed.

- At the Council workshop on 27th March 2023, concepts for the recreational use of the wider wharf area can be developed.
- Following this workshop, concepts would be further developed and refined and then brought back to the Council for endorsement for public consultation, along with a public consultation strategy.
- It needs to be noted that there is currently no allocated budget for this design and consultation work. It is envisaged that \$30-40,000 in consultancy fees will be required for this work. Council could either budget for this in the next annual plan or it could be paid from the existing wharf upgrade and masterplan implementation budget.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be.

Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.

The level of significance related to the decision in this report is considered to be low. Because the decision is determined to have low significance in accordance with the policy, the corresponding level of engagement required is Inform.

Assessment of engagement

As the level of significance has been determined to be low, the level of engagement required is inform according to the Engagement Framework of the Significance and Engagement Policy:

	Inform	To provide balanced and objective information to assist understanding about something that is going to happen.
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The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

CONSIDERATIONS

Financial/budget considerations

The redevelopment of the Ōpōtiki Wharf is part of the Long Term Plan (LTP) budget for 2021-2031.

Policy and planning implications

The redevelopment of Ōpōtiki wharf is consistent with the 2022/23 Annual plan and it is planned to start in year 2 of the LTP and can be spread over the following three years. The proposals are in keeping with the aim of the annual plan 2022/23 and 2021-2031 LTP.

Risks

There are no known risks associated with the decisions to endorse the Ōpōtiki wharf construction works and consultation plan.

Authority

Council has the authority to endorse the proposed Ōpōtiki wharf works and consultation plan for the recreational use of the wider wharf area.

RECOMMENDATIONS:

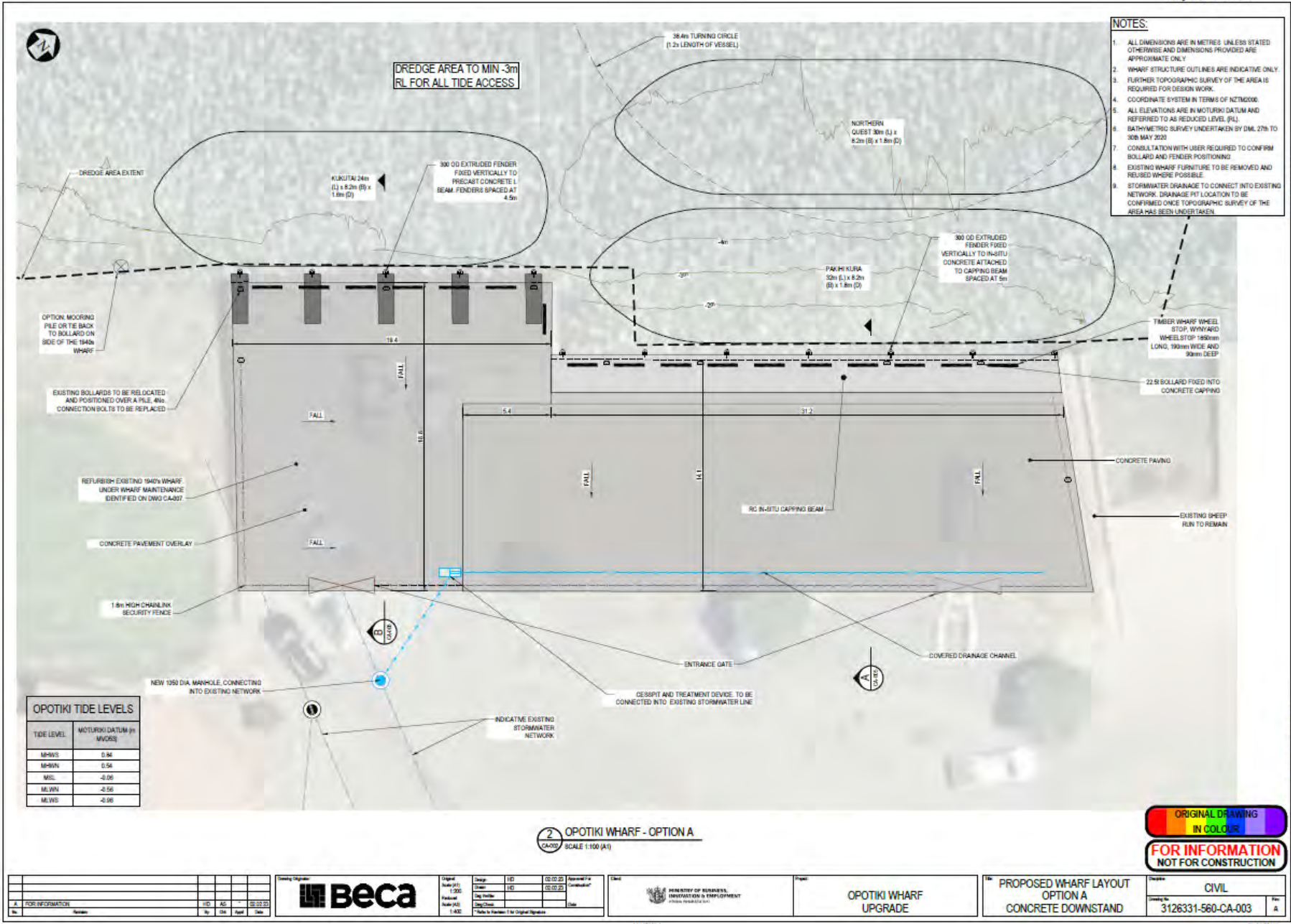
- 1. That the report titled "Ōpōtiki Harbour-Wharf Masterplan and Implementation Plan" be received.**
- 2. That Council endorses the option to adapt the existing Ōpōtiki wharf to provide for the use of Open Oceans for mussel boat operations subject to the satisfactory terms of a lease agreement and funding for the upgrade being agreed.**
- 2. That Council endorses the development of conceptual options for accommodating community recreational uses in the vicinity of the wharf area for public consultation.**

Gerard McCormack

GROUP MANAGER PLANNING AND REGULATORY

Appendix 1

Drawing Project: 08 Feb 2023 9:20 pm



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		Original Number: 1-000 Design Number: 1-000 Revision: 1-000	Date: 02.02.23 Date: 02.02.23 Date:	Project: OPOTIKI WHARF UPGRADE	Title: PROPOSED WHARF LAYOUT OPTION A CONCRETE DOWNSTAND	Discipline: CIVIL Drawing No: 3126331-560-CA-003
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REPORT

Date : 28 February 2023

To : Ordinary Council Meeting, 21 March 2023

From : Group Manager Planning and Regulatory, Gerard McCormack

Subject : **EASTERN BAY SPATIAL PLAN: ODC'S PARTICIPATION**

File ID : A352006

EXECUTIVE SUMMARY

Whakatāne District Council (WDC) and Kawerau District Council (KDC) a year ago commenced working on developing a joint spatial plan to provide for future urban growth as required by the National Policy Statement – Urban Development (NPS-UD). In addition, the Spatial Planning Bill has signalled that spatial planning for each region will be required.

ODC has discussed the possibility to join the project to develop a joint spatial plan for the Eastern Bay sub-region. This report is seeking direction on whether Opotiki District Council (ODC) should contribute to and participate in Eastern Bay Spatial Plan project.

PURPOSE

This report describes the potential advantages and disadvantages of Opotiki District Council contributing to the Eastern Bay Spatial Plan (EBSP) project.

This report is seeking direction to overturn the initial Council decision on 17 December 2020 (not to contribute to the project), by approving ODC's participation in and assignment of resources to the EBSP project. The process, scope, timing, costs and risks are outlined in this report to inform Council decision-making.

BACKGROUND

National legislation and project progress

In 2016, Council adopted the Eastern Bay Beyond Today as the spatial plan for the Eastern Bay sub-region. The spatial plan highlights key opportunities in the region and takes into account specific projects within Ōpōtiki district such as the harbour development. It is a development plan and implementation plan for the Eastern Bay of Plenty. It was created in collaboration amongst the three Eastern Bay District Councils, the Bay of Plenty Regional Council and Toi-EDA.

In 2020, the Government released the National Policy Statement – Urban Development (NPS-UD) which requires all Tier 3 territorial authorities (which Ōpōtiki is not as it does not have an urban housing area of at least 10,000 people), to provide sufficient development capacity to meet expected demand for housing in the short, medium and long term. There was discussion among the Eastern Bay of Plenty Councils and the Regional Council about creating a new sub-regional spatial plan for the Eastern Bay of Plenty, to respond to the NPS-UD and which would also feed into the forthcoming regional spatial plan.

Council decided on 17 December 2020 not to participate in developing a joint spatial plan because the spatial plan legislative requirements were not yet in place and the evidence which underpinned the Eastern Bay Beyond Today spatial plan was still relevant (including growth predictions to inform infrastructure planning) for the Ōpōtiki district.

However, following the local body elections in October, discussions occurred between the Eastern Bay Councils and Bay of Plenty Regional Council about ODC participating in the development of a joint spatial plan for Eastern Bay area which will address growth and wellbeing requirements, and to identify the future transport improvements required to support growth.

In November 2022 the Spatial Planning Bill was introduced which provides clear guidance as to expectations of the contents and process for spatial plans. The Bill requires the development of Regional Spatial Strategy (RSS) for the region, which will set out a vision and objectives for a region's development (not just urban areas) and change over a 30-year-plus time span and integrate planning across different legislative frameworks associated with the management of the natural and built environment.

Hukutaia Growth Area (HGA)

Council decided in December 2021 that the Hukutaia Growth Area is rezoned from Rural to Residential, and the Structure Plan is included in the District Plan as an overlay. The lot layout in the HGA structure plan provides further detail regarding future development potential. The HGA would meet the

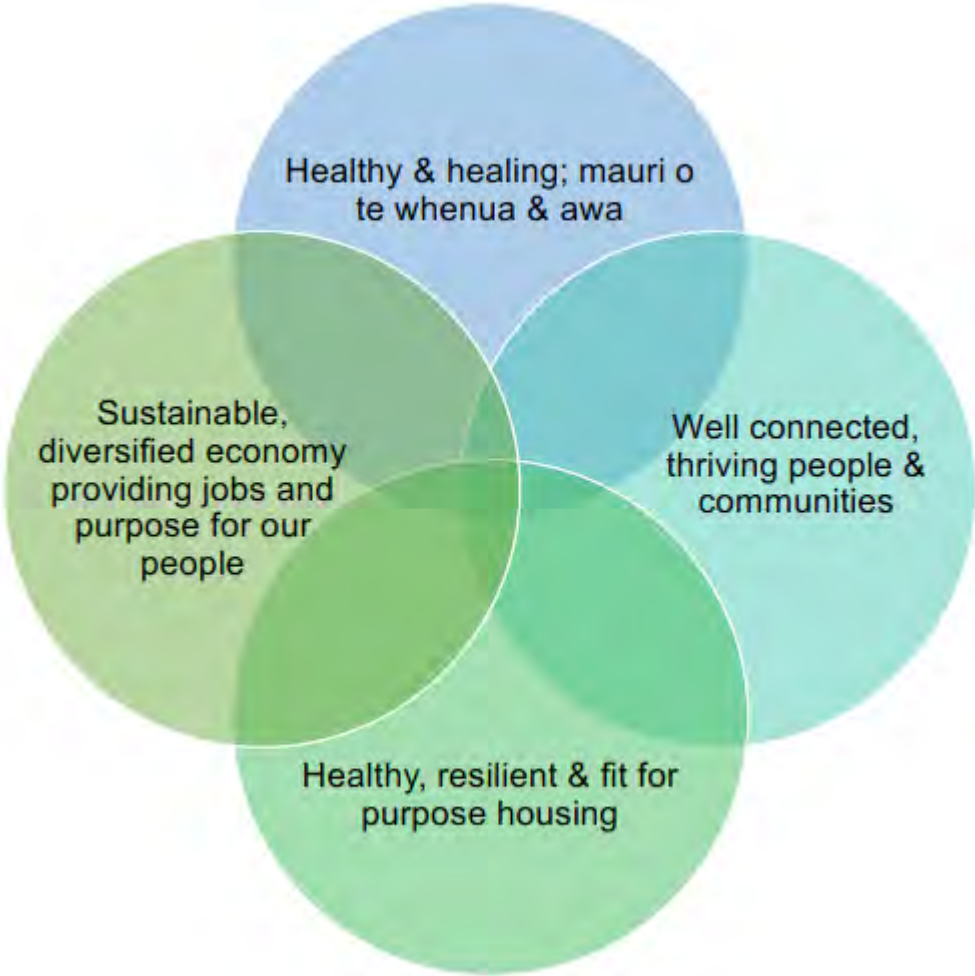
foreseeable housing demand for Ōpōtiki and therefore comply with the NPS-UD requirement to provide sufficient development capacity.

This decision was subject to IAF funding becoming available, but the application was unsuccessful. The EBSP project provides the opportunity to include the HGA as Ōpōtiki’s future growth area. The lot layout can thereafter be included into the District Plan as planned.

EBSP PROJECT

Overview

The Spatial Plan is a growth strategy for the Eastern Bay that sets out a plan of action for where and how we should grow and develop over the next 30 years. The Spatial Plan will help to shape our district by considering a range of topics relating to growth including land use, transport, three waters infrastructure, natural hazards, heritage, and natural environment values. The Spatial Plan goals are reflected in the image below.



Scope and Timing

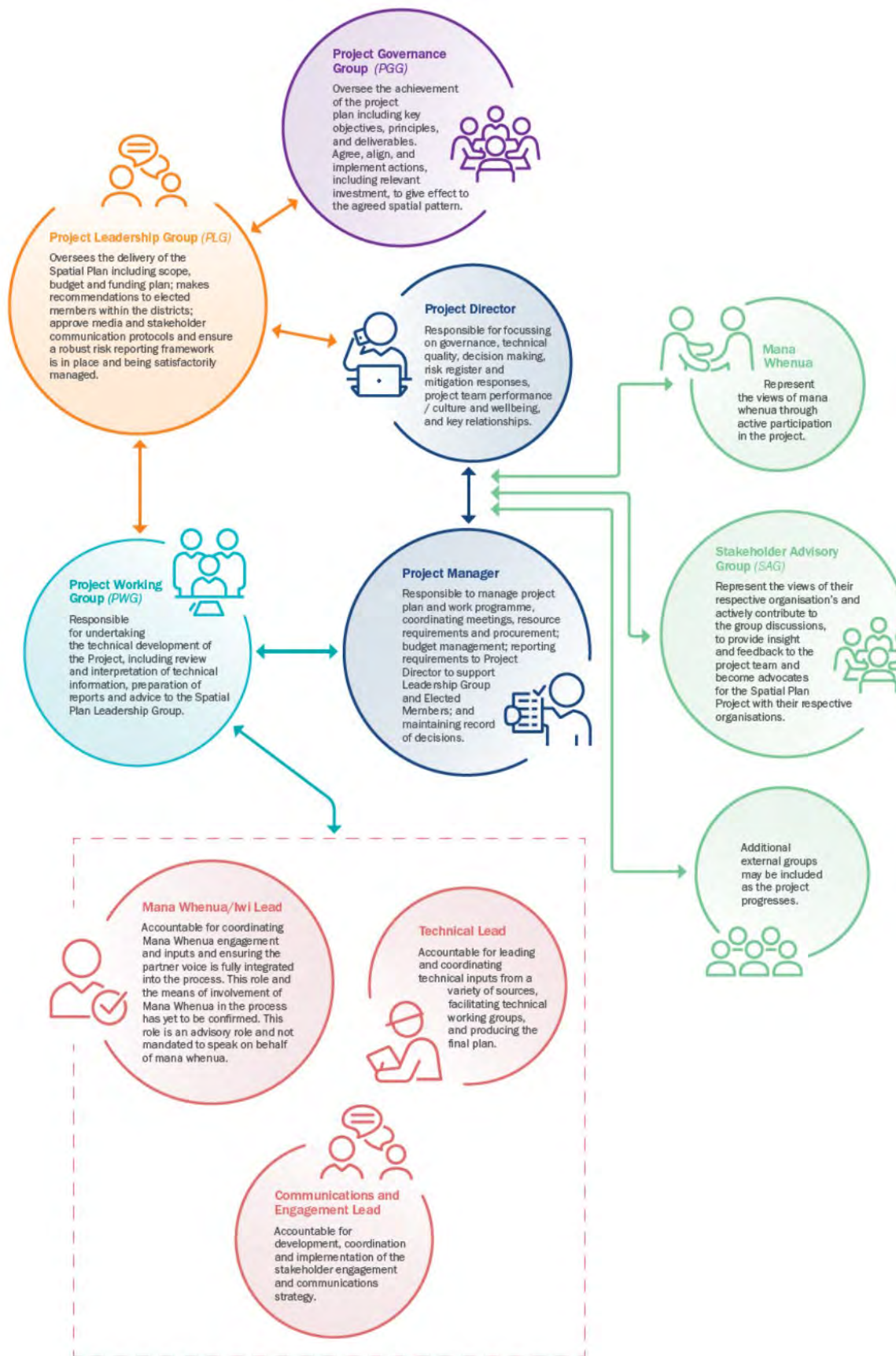
The EBSP project will be progressed through two phases. The scope and timeframes are as follows:

- Phase 1 – Population Growth Focus – develop scenarios and responses for housing, business land and infrastructure requirements to address growth management in areas of significant population growth. To be completed by December 2023.
- Phase 2 – Broader Outcomes Focus – refine the spatial plan to address the broader outcomes including revitalisation of our urban centres, climate change adaptation, water quality, coastal spatial planning, social outcomes such as housing quality, employment opportunity etc. Refresh scenarios, re-evaluate and refine the spatial plan including updating the Population Growth Focus work. This phase would ensure compliance with the emerging Spatial Planning Act requirements. To be completed by December 2025.

The next stage of the project will entail drafting an Implementation and Monitoring Plan.

Structure

The project structure and purpose of each committee is shown below (All structures are in place, apart from the Governance Group, Mana Whenua Partnering, Friends of the Project Group and Stakeholder Advisory Group).



Dependencies

The project ties in with other Council projects and statutory responsibilities:

- The intent is that Phase 1 of the project will inform the 2024 Long Term Plans and Regional Land Transport Plan.
- The Spatial Plan feeds into other policy decisions and helps to shape the District Plan review.
- The EBSP project will help with understanding growth demands and how that impacts the Council priorities for investment for things like transport, new community facilities and infrastructure upgrades:
 - Supports the longer-term forecasting of Maintenance Operation & Renewals (MOR) requirements for the transport network.
 - Supports the business case for AMP funding bids to Waka Kotahi (via the RLTP) to subsidise MOR costs.
 - Assists in identifying problem statements and understanding what, where and when capital works for new or upgraded infrastructure is needed.
 - Enables the planning for community infrastructure and supports funding applications for placemaking projects (community infrastructure such as parks/reserves, community facilities, swimming pools, medical facilities, schools, skateparks) to support the social, amenity and economic wellbeing of communities.

DISCUSSION AND OPTIONS SECTIONS

The legislative framework and project progress have changed, requiring re-evaluation of ODC's role in the scope and development of the Eastern Bay Spatial Plan.

Many of the projects identified for Ōpōtiki in the Eastern Bay Beyond Today plan have been or are due to be implemented within the next 3-5 years. The plan is now seven years old and therefore no longer reflects the longer-term aspirations for the district. The EBSP project has secured funding for some technical background research (A housing and business land assessment). If ODC joins the project, Ōpōtiki district can be included in the research and obtain up to date data (population forecasts, housing demand and supply, economic growth) which will ensure accurate projections for its future residential growth areas and infrastructure to support growth.

WDC and KDC have completed most of the technical work to inform the identification of growth areas for their districts. The project is at a point where Hukutaia Growth Area can be slotted into a joint spatial plan, to reflect urban growth demands for the Eastern Bay area. The format in which the HGA will be shown in the Spatial Plan will be reviewed by the Project Leadership Group and be subject to the

oversight by the Project Governing Group and the decision to include the HGA can be further discussed or reviewed.

Including HGA as part of this process will enable consultation to be undertaken in the context of the wider sub-regional issues. This could simplify and de-escalate potential concerns regarding the rezoning of the area. Similarly, progressing this would provide more certainty to people that have already indicated an interest in development within HGA. The spatial plan will provide a stronger justification to funders who may invest funding to service HGA.

The Spatial Planning Bill provides clear direction for the development of spatial plans and any work undertaken through the EBSP would therefore not be futile or require re-work when the Regional Spatial Strategy (RSS) for the region is undertaken. Since the Eastern Bay Spatial Plan will inform the RSS of the wider Bay of Plenty region, it is important to ensure the long-term growth scenarios and associated infrastructure and services requirements within the Ōpōtiki district are included at the plan development stage of the EBSP.

WDC and KDC have for the past year been collaborating with Bay of Plenty Regional Council to scope and develop a spatial plan in partnership with central government agencies and mana whenua for their districts. Since the joint spatial plan will inform the RSS, it is important to join the conversation to ensure the interests of Ōpōtiki are reflected.

Options

The Council has the following options in terms of its participation in the EBSP project:

Option 1: Maintain the status quo and do not participate in the EBSP project

Advantages

- The internal human resources will be stretched and other policy work may be delayed as resources are focused working on the Eastern Bay Spatial Plan.

Disadvantages

- The interests of Ōpōtiki will not carry as much weight when the RSS is being drafted and will be overshadowed by the interests of the larger cities.
- The planning framework is not available to support development to meet the community's housing need. This may further frustrate developers investing in the district.
- The lack of a planning framework to support future development may stifle future funding applications.

- The landowner, tangata whenua and stakeholder expectations aren't met, which may impact relationships and Council's reputation.

Option 2: Participate in the EBSP project

Advantages

- Spatial planning offers a mechanism to improve understanding, integration and co-ordination between Eastern Bay of Plenty local authorities. This would be achieved by defining a clear vision for the Eastern Bay of Plenty that the community wants in the future and establishing a shared set of priorities to guide future council collaboration, planning, investment and policy decisions in working towards that vision.
- It provides opportunities for mana whenua to participate in the planning and development process and realise their aspirations for future growth areas. When the expectations of tangata whenua and stakeholders are met, it could have a positive impact on relationships and Council's reputation.
- The EBSP provides the planning framework which supports residential growth and District Plan plan changes to provide for development. It provides certainty to and address the interests of developers in the district.
- An Eastern Bay of Plenty Spatial Plan will also provide a platform to strengthen the collective voice of the Eastern Bay of Plenty by recognising priority concerns that are best addressed at the Eastern Bay of Plenty level. The collective voice and shared evidence base will provide a context for engagement with partnering agencies such as regional and central government, iwi and others.
- Internal staff commitment to the EBSP project can be undertaken within the existing budget. The EBSP provides opportunities to combine financial and human resources. Council will benefit from resources and expertise external to Council that are already secured and funded. Council will benefit from technical assessments for the Ōpōtiki district that are already tendered and funded through the EBSP project.
- The EBSP is key to supporting business case for funding for infrastructure and facilities for future growth as well as inform the planning for such infrastructure by stakeholders such as Waka Kotahi.
- There are currently no major projects scheduled that would impede on staff capacity to deliver on the EBSP development.
- The project timeframe allows Council the ability to plan for the expenditure associated with implementing the EBSP.

Disadvantages

- It may be perceived by some in the community as a 'futile' exercise to identify the future growth areas and infrastructure requirements while funding and investment for HGA remains uncertain.
- Human resources and costs are focussed on and committed to the EBSP at the detriment of other projects that may arise.
- The pace of the EBSP may frustrate mana whenua's desire to include specific aspirations in the spatial plan.
- The complex iwi and hapu dynamics in the Whakatāne and Kawerau districts may frustrate the progress of a joint spatial plan and negatively impact the goals of our local tangata whenua.

The Governance Group and Leadership Group will have oversight of the project and can ensure the above disadvantages are mitigated through sound budgeting, communication strategies and relationship building.

Preferred option: Participate in the Eastern Bay Spatial Plan project.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be.

The level of significance for contributing or not contributing to a new sub-regional spatial plan is considered to be low as determined by the criteria set out in section 17 of the Significance and Engagement Policy.

Assessment of engagement

As the level of significance has been determined to be low, the level of engagement required is 'Inform' according to the Engagement Framework of the Significance and Engagement Policy. However, to ensure a streamlined decision process, a level of 'consultation' and 'involvement' engagement strategy is proposed. A consultation strategy will be drafted by the project team for consideration by the Project Leadership Group and Project Governance Group. As discussed under section "EBSP project", various stakeholders are being involved in the development of the Spatial Plan.



Inform

To provide balanced and objective information to assist understanding about something that is going to happen.



Consult

To obtain public feedback about ideas on rationale, alternatives, and proposals to inform decision making.



Involve

Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered.

COMMUNITY INPUT AND PUBLICITY

Community engagement is not required at this stage because the significance of the report is low.

CONSIDERATIONS

Financial/budget considerations

There is \$370,000 per annum in the Long Term Plan for the operational costs of reviewing the District Plan, as well as other policy projects within the Planning and Regulatory Group such as reserve management plan, bylaws, masterplans. There is therefore budget to cover staffing and some consultancy costs that may arise for the 2023-24 financial year. However, a contingency of \$50,000 is recommended to be added to the 2023/24 annual plan to cover other unforeseen costs that may arise as a result of our participation with the spatial plan.

Policy and planning implications

As discussed, under the Spatial Planning Act, all Councils will have to participate in development of a regional spatial plan. The sub-regional spatial plan for the Eastern Bay area will be a pre-cursor to that work. This will enable Ōpōtiki District Council to be ahead of the game and ensure a stronger position could be provided for the Eastern Bay region which is uniquely different from that of the remainder of Bay of Plenty region.

Risks

The known risks associated with each of the options presented are described as advantages and disadvantages, earlier in the report.

CONCLUSION

This report has reviewed the process, scope, timing, costs and risks related to progressing the EBSP. It is preferred to participate in EBSP project rather than maintaining the status quo because the benefits of the project outweigh the disadvantages, the risks are low, the project will be funded from existing LTP budget and the project aligns with the statutory requirements.

RECOMMENDATIONS:

- 1. That the report titled " Eastern Bay Spatial Plan: ODC's Participation" be received.**
- 2. That Council resolves to participate in the Eastern Bay Spatial Plan project (Option 2 as outlined in the report).**
- 3. That Council resolves to consider as part of the Annual Plan process allocating \$50,000 in the annual plan budget for 2023/24 for additional costs associated with participation in the Spatial Plan.**

Gerard McCormack

GROUP MANAGER PLANNING AND REGULATORY

REPORT

Date : 28 February 2023

To : Ordinary Council Meeting, 21 March 2023

From : Group Manager Planning and Regulatory, Gerard McCormack

Subject : **ADOPTION OF THE DRAFT EASTERN BAY OF PLENTY LOCAL ALCOHOL POLICY FOR PUBLIC CONSULTATION**

File ID : A355041

EXECUTIVE SUMMARY

This report recommends that Council adopt the Draft Eastern Bay of Plenty Local Alcohol Policy and supporting information for public consultation.

Recommendations:

- 1. That the Adoption of the of the Draft Eastern Bay of Plenty Alcohol Policy for public consultation report to be received;**
- 2. That the Council confirms that the Draft Eastern Bay of Plenty Local Alcohol Policy will continue to be a joint policy between Whakatāne District Council, Kawerau District and Opotiki District Council**
- 3. That the Council adopts the Draft Eastern Bay of Plenty Local Alcohol Policy, Statement of Proposal, and Research Report, as per appendices 1-3 for consultation between 27 March and 28 April 2023; and**
- 4. That the Council nominates two Councillors to be representatives for the joint hearings and deliberations meeting following consultation taking place:**
That Councillor _____ be appointed to the hearing panel.
That Councillor _____ be appointed to the hearing panel.

PURPOSE

The purpose of this report is for Council to adopt the Draft Eastern Bay of Plenty Local Alcohol Policy and supporting information for public consultation.

BACKGROUND

The Council has a role in alcohol licensing through the Local Alcohol Policy, the administration of the District Licensing Committee (DLC), and through its regulatory and enforcement roles, including the Council's Liquor Licensing Inspector and relevant bylaws.

Under Sections 75 and 76 of the Sale and Supply of Alcohol Act 2012 (the Act), a territorial authority (or authorities) **may** have a policy relating to the sale, supply and consumption of alcohol in its district.

The Act sets out the requirements and process for Local Alcohol Policies (LAPs). LAPs can include policies on any or all of the following matters relating to licensing (and no others):

- location of licensed premises by reference to broad areas;
- location of licensed premises by reference to proximity to premises of a particular kind or kinds;
- location of licensed premises by reference to proximity to facilities of a particular kind or kinds;
- whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district;
- maximum trading hours;
- the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions
- one-way door restrictions.\

The Council currently has a joint LAP with Whakatane District Council and Kawerau District Council, named the Eastern Bay of Plenty Local Alcohol Policy.

The policy came into effect in 2016.

Under section 97 of the Act, the policy is required to be reviewed no later than six years after it comes into force. A review of the policy was initiated in 2021.

DISCUSSION AND OPTIONS SECTIONS

A joint Council Working Group was established in October 2021. This group comprises of members from each of the three councils and has been meeting regularly to discuss engagement, key risks and issues, monitor progress and shape the draft LAP.

Since the establishment of the Working Group, engagement has been sought with stakeholders, and a draft Research Report produced which has been used to inform the review of the LAP.

Dr Nicki Jackson – Executive Director at Alcohol Healthwatch presented at the EBOP Joint Committee, a joint Council workshop was held to discuss potential improvements that could be made to the current LAP, and meetings with community boards members to discuss issues and improvements. Through this process, it has been established that the three councils would continue to have a joint LAP.

Research Report

A research paper (attached as Appendix 2) was developed to inform the 2022/23 review of the Local Alcohol Policy.

The research paper considers the current number of licences, the demography of residents, overall health indicators, and alcohol related issues in the three districts. The report also includes information gathered through the stakeholder engagement undertaken with Police, the Medical Officer of Health and Licensing Inspectors.

Pre-engagement submissions have been included as attachments to the research report.

A summary of key points in the report are provided below:

- High deprivation across all three districts puts our region at a higher risk of harms relating to alcohol.
- Data provided by the Bay of Plenty District Health Board has shown that a large proportion of hospital admissions in the region are wholly contributed to by alcohol, with numbers higher than the national average for the Ōpōtiki and Kawerau districts.
- Feedback provided from stakeholders indicates that there is great potential and support to strengthen the provisions of the current LAP. This includes placing tighter restrictions on-licence hours and venue density.
- In 2021, approximately 12% of all recorded offences recorded alcohol as a contributing factor. Violence offences made up the highest proportion of alcohol-related offending in the Eastern Bay of Plenty (EBOP) with 25% and 24% respectively in 2020 and 2021. Drug and anti-social offences made up the next highest proportion of alcohol-related offending with 20% and 21% respectively in 2020 and 2021.
- In 2020 and 2021, 25% of family violence incidents and offences flagged alcohol as a contributing factor.
- Over the last five years, alcohol was a contributing factor in serious injury and fatal crashes in the EBOP, increasing from 24% in 2017 to 50% in 2021. Alcohol as a contributing factor in minor and non-injury crashes has increased from 9% in 2017 to 23% in 2021.

- Residents in the EBOP largely support the reduction of the number of venues that sell alcohol and note that this would improve the safety of their communities.

Summary of proposed changes within Draft Policy

The draft policy includes a range of amendments proposed to the current LAP to enable consistency of provisions across the three districts, strengthen the policy vision and objectives, and streamline the policy. For comparison, the existing LAP has been included as Appendix 4.

Through developing the draft policy, feedback provided from stakeholders has been considered and balanced. The draft policy - much like the existing policy - focuses on host responsibility and enabling the DLC to have discretion when making decisions on applications. There has been strong feedback from organisations focused on wellbeing that trading hours should be reduced to minimise accessibility and exposure and that the definition of sensitive sites should be expanded upon.

Key changes include:

- The policy has been condensed and wording has been simplified where possible to provide clarity to applicants and the District Licensing Committee, and to remove reference to requirements which are already set in the Act.
- Objectives have been included to clearly provide the Councils' position and aims for each of the districts.
- The draft policy has been developed to align provisions across all three districts, with no differences between each district included.
- Any application for a new on or off licence must be for a premise located in a zone designed for commercial or business activities under the relevant District Plan, unless resource consent is granted.
- Trading hours are proposed to be aligned across all three districts as follows:
Off-licences: 9am–10pm (Supermarkets 8am-10pm)
On-licences: 9am – 12pm
Club licences: 9am - 12pm
Special licences: case by case
- The definition of sensitive sites has been extended to include primary and secondary schools, childcare facilities, children's playgrounds, places of worship, marae, and medical centres.
- Provision around new licences and proximity to sensitive sites has been reworded to better reflect and align with District Plans and provide the District Licensing Committee discretion on applications near sensitive sites.

- Example discretionary conditions applicable to each licence type have been included to provide more visibility as to what can be imposed.

Option 1 – Consult on retaining current LAP

This option would involve the Council resolving to consulting on retaining the current policy.

This option **is not recommended**. Through the findings within the Research Report, and community pre-engagement, there is support to strengthen the current policy.

Option 2 – Draft LAP is adopted for consultation (preferred option)

This option involves the Council adopting the draft LAP, which the public will then have the opportunity to provide a submission on.

This option **is recommended**. As noted in section 4.2, the proposed amendments to the current LAP will enable consistency of provisions across the three districts, strengthen the policy vision and objectives and streamline the policy.

Option 3 – consult on revoking LAP altogether

As LAPs are not mandatory, the Council may resolve to consult on revoking the current policy altogether, if it considers that a LAP is not required.

This option is **not recommended**. Revoking the LAP would mean that the licensing provisions within the Act would become default.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be.

Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.


The level of significance related to the decision in this report is considered to be medium. Because the decision is determined to have medium significance in accordance with the policy, the corresponding level of engagement required is Consult. Due to the likely community and stakeholder interest regarding the perceived trade-off between economic and entertainment benefits and the current future wellbeing of our communities.

The following criteria are of particular relevance in determining the level of significance:

- Level of impact on current and future wellbeing:**
 The perceived trade-offs between economic wellbeing and mental and physical health and wellbeing, for current and future generations across the Eastern Bay of Plenty.
- Impact on whānau/hapū/iwi:**
 Research suggests that Māori experience disproportionately higher rates of alcohol-related harm than other ethnic groups.
- Level of community interest:**
 There is anticipated to be community interest in this review due to the economic value driven by the consumption of alcohol, coupled with other parts of the community that have strong views on the societal harm caused by the sale and supply of alcohol.

Assessment of engagement

As the level of significance has been determined to be medium, the level of engagement required is Consult according to the Engagement Framework of the Significance and Engagement Policy:

	<p>Consult</p>	<p>To obtain public feedback about ideas on rationale, alternatives, and proposals to inform decision making.</p>
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Engagement and community views

Section 79 of the Act requires councils to consult on the draft policy in accordance with the Special Consultative Procedures outlined in the Local Government Act 2002. Section 78 of the Act states that there must be consultation with local communities, and key regulatory bodies such as the Police, Licensing Inspectors and Medical Officers of Health.

A communication and engagement plan has been developed where each council retains responsibility for engaging with the iwi and hapū groups within their rohe.

Engagement to date

Iwi within the Eastern BOP have been advised that this review is underway and have been asked whether, and how, they would like to be part of this review. Hauora organisations within the EBOP have also been contacted in order to support informed dialogue about this key social issue.

(Community Action on Youth and Drugs).

In Ōpōtiki District, meetings have been held with Healthy Families East Cape, Whakaatu Whanaunga Trust, and Te Ao Hou Trust.

Other key stakeholders have been advised that this review is underway, and their feedback sought. These key stakeholders include the Police, Toi Te Ora, Licensing Inspectors, EBOP Chamber of Commerce, EPIC, CAYAD, and previous appellants to the LAP.

Responses have been received from Police, Toi Te Ora, and Licensing Inspectors from Whakatāne and Ōpōtiki who have all supported the reduction of trading hours, number of licences and proximity to sensitive sites. Submissions provided have been included as appendices to the research report.

Of the previous appellants of the last LAP review, a response has been received from Ignition Group on behalf of Super Liquor Holdings who stated that the existing policy is working well, and no changes are suggested. Specifically, no change to hours of trading.

Chamber of Commerce Eastern Bay sought feedback from their members and other bars, restaurants and businesses affected. Feedback received was that there needed to be more transparency within the licencing process and that there were discrepancies between some venues within walking distance that had different trading hours within their licence.

Key stakeholders and the general public will also have the opportunity to have input into the draft LAP through the formal submission process. A Statement of Proposal has been developed to support consultation on the LAP and is attached to this report as Appendix 3 for approval.

If the Council agrees to adopt the draft Policy and Statement of Proposal for public consultation, the consultation period must be at least four weeks. Submitters will be offered an opportunity to be heard, followed by Council deliberations.

CONSIDERATIONS

Financial/budget considerations

There are no budget considerations associated with the recommendations in this report.

Policy and planning implications

No inconsistencies with any of the Council's policies have been identified in relation to this report.

Risks

Potential risks of this policy review include:

- Consultation being considered to be insufficient or too narrow;
- Possible legal challenge through the appeals process from licensees and/or liquor companies;
- Negative publicity / media coverage towards Council;
- Balancing the aspirations of organisations that benefit from sale and supply of alcohol with the risk to those affected by alcohol-related harm.

These risks are being managed by working across the three councils involved to ensure external stakeholders are identified and connected with, and by developing an engagement plan to support proactive media collateral and consistent key messages.

Authority

Guidance

- Compulsory section when a decision is being made.
- Outline who has the authority to make the required decision or to carry out the course of action recommended in the report and where the authority is pro

CONCLUSION

The draft LAP, as attached to this report, is being presented to the respective councils/committees in February and March for approval for consultation. Consultation on the policy is proposed to take place from Monday, 27th March 2023 to Friday, 28th April 2023.

Following the close of the submissions period, hearings and deliberations will take place shortly after. It is proposed that a hearings and deliberations panel is comprised of three councillors from Whakatāne District Council, and two councillors each from Kawerau and Ōpōtiki District Councils. This report recommends that the Committee nominates the two Councillors to sit on the hearings and deliberations panel.

A provisional LAP will be prepared to reflect the decisions made at the hearings and deliberations meeting/s, and recommendations made to the respective committees/councils to adopt the provisional LAP.

The provisional LAP will then be notified. Anyone who provided a submission on the draft policy during the formal consultation period can appeal the provisional policy. The provisional LAP becomes final 30

days after it is publicly notified, or appeals are resolved. The operative LAP (i.e. the current policy) continues to be in force until such a time as the new LAP is adopted.

RECOMMENDATIONS:

- 1. That the report titled “Adoption of the Draft Eastern Bay of Plenty Local Alcohol Policy for Public Consultation” be received.**
- 2. That the Council confirms that the Draft Eastern Bay of Plenty Local Alcohol Policy will continue to be a joint policy between Whakatāne District Council, Kawerau District Council and Ōpōtiki District Council.**
- 3. That the Council adopts the Draft Eastern Bay of Plenty Local Alcohol Policy, Statement of Proposal, and Research Report, as per appendices 1-3 for consultation between 27th March 2023 – 28th April 2023.**
- 4. That the Council nominates two Councillors to be representatives for the joint hearings and deliberations meeting following consultation taking place:
That Councillor _____ be appointed to the hearing panel.
That Councillor _____ be appointed to the hearing panel.**

Gerard McCormack

GROUP MANAGER PLANNING AND REGULATORY

Attached to this report:

- Appendix 1: Draft Eastern Bay of Plenty Local Alcohol Policy;
- Appendix 2: Research Report;
- Appendix 3: Statement of Proposal;
- Appendix 4: Existing Eastern Bay of Plenty Local Alcohol Policy.

Eastern Bay of Plenty Local Alcohol Policy

DRAFT



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1. Introduction

This is the joint Local Alcohol Policy of the Kawerau, Ōpōtiki and Whakatāne District Councils. The Sale and Supply of Alcohol Act 2012 (the Act) allows each territorial authority to develop a local alcohol policy for the sale, supply and consumption of alcohol in its district. The Eastern Bay of Plenty has had a joint policy in place since 2016, with a review undertaken in 2022/23.

The Eastern Bay of Plenty Local Alcohol Policy (LAP) aims to guide decision making by the District Licensing Committee (DLC) to meet the object of the Act, which is that *“the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised”*.

This LAP has been developed in collaboration with New Zealand Police, Medical Officer of Health, Licence Inspectors, and other community stakeholders, who have confirmed the need to retain a local alcohol policy for the three districts, and to strengthen its provisions.

A research paper was developed to inform the 2022/23 review of the LAP. The research paper focused on:

- the objectives and policies of the Councils' District Plans;
- the number of licences of each kind, and the location and opening hours of licenced premises in the districts;
- any areas of the districts in which bylaws prohibiting alcohol in public places are in force;
- the demography of each district's residents;
- the demography of the people who visit the districts as tourists or holidaymakers;
- the overall health indicators of each district's residents, and
- the nature and severity of the alcohol-related problems arising in the districts.

2. Policy Vision and Purpose

2.1 Vision

To support the object of the Sale and Supply of Alcohol Act 2012 and contribute to the safety and health of the communities in the Eastern Bay of Plenty.

2.2 Purpose

- To minimise alcohol-related harm in the Eastern Bay of Plenty;
- To regulate the sale, supply and consumption of alcohol so that it is undertaken safely and responsibly;
- To demonstrate leadership in supporting a safer drinking culture;
- To provide direction to the District Licensing Committee so that licencing decisions reflect local community views and aspirations.

3. Policy Principles

When using this policy, the following principles must be taken into account:

1. All District Licensing Committee considerations should have regard to the needs and views of local communities;
2. All District Licensing Committee processes regulating the sale and supply of alcohol should be transparent, consistent and objective;
3. All District Licensing Committee actions should promote the object and be consistent with the provisions of the Sale and Supply of Alcohol Act 2012;
4. All District Licensing Committee decisions will be based on evidence and will be considered objectively.

4. Application and Scope

This policy applies to any licensing application made to a District Licensing Committee in the Eastern Bay of Plenty Region.

5. Transitional provisions

The provisions of this policy relating to maximum trading hours do not come into effect until three months after the policy comes into effect.

6. Exceptions

Any application for a new licence or licence renewal for any premises which had a current licence at the date this policy came into effect is exempt from the provisions of this policy relating to the location of licenced premises (section 9.1).

The exemption remains in force unless there is a 'change of use' for those premises which does not include an alcohol licence of the same type, any future application for a licence will be considered against this policy.

7. Relationship to the Act

This policy does not include all provisions that may apply to licence applications and must therefore be read in conjunction with the Act, which contains a number of additional provisions, including in relation to issue of licences, renewal of licences, compulsory licence conditions, manager's certificates, application processes, restrictions for supermarkets and dairies, and further detail on host responsibilities.

8. Definitions

Alcohol means a substance that is or contains a fermented, distilled, or spirituous liquor, which; in whatever form is found on analysis to contain 1.15% or more ethanol by weight, in a form that can be consumed by people.

Alcohol-related harm means:

- (a) The harm caused by the excessive or inappropriate consumption of alcohol; and
- (b) Includes
 - i. Any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused or contributed to by the excessive or inappropriate consumption of alcohol; and
 - ii. Any harm to society generally or the community, directly or indirectly caused or contributed to by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in subparagraph (i).

Club licence is a licence that allows for the sale and supply of alcohol to authorised customers for consumption on the club premises to which the licence applies.

Eastern Bay of Plenty Region means the area comprised of the Kawerau District, the Ōpōtiki District, and the Whakatāne District.

Minibar means a small refrigerator in a hotel room that is stocked with alcoholic and non-alcohol beverages and snacks for guests.

Off-licence is a licence that allows for the sale and supply of alcohol on a premise for consumption off the premise and the consumption of samples on the premise during opening hours.

One-way door policy means patrons can leave a licensed premises but not enter or re-enter after a specific time.

On-licence is a licence that allows for the sale and supply of alcohol on a premise for consumption on the premise.

Sensitive premises/facilities means locations where the effects associated with the sale and supply of alcohol could be incongruous, insensitive or socially or culturally incompatible for people congregating for social, cultural, educational or recreational purposes. This includes people who may be more influenced, impressionable or vulnerable to alcohol-related harm, such as those recovering from addiction and children; or those who attend church, Marae and similar places where it is culturally and/or socially inappropriate to have a licensed premise nearby.

For the purposes of this policy 'sensitive premises/facilities' include but are not limited to:

- Primary and secondary schools
- Childcare facilities - includes any crèche, day or after-school care centre, pre-school, kindergarten, kohanga reo or play centre
- Children's playgrounds
- Medical centres - premises used to provide essential medical, physical and mental health services, as well as any addiction treatment facilities
- Places of worship - buildings and land used mainly for worship or religious purposes
- Marae

Special licence is a licence that authorises the sale, supply and consumption of alcohol at a specific place for a particular occasion, event, or series of events.

The Act means the Sale and Supply of Alcohol Act 2012.

9. Objectives and Policies

9.1 Objective 1: Licensed premises are located in appropriate areas that minimise alcohol-related harm

Policy statement: Any application for a new on or off licence must be for a premise located in a zone designed for commercial or business activities under the relevant District Plan. If required for that zone under the relevant District Plan, the applicant must obtain the necessary resource consent prior to seeking a licence. This policy anticipates that the sale and supply of alcohol will primarily be located in zones where bars, taverns, restaurants, cafes, and supermarkets can locate. Applications for premises located in zones not designed for commercial or business activities will not be considered unless a resource consent has been granted.

For all on, off, or club applications, consideration will be given to the licence's proximity to sensitive premises/facilities, and the effects that the sale and supply of alcohol could have on these premises/facilities. The Committee will exercise its judgement in relation to the significance of these effects and may decline to issue a licence where effects cannot be avoided or mitigated, or impose conditions that mitigate the effects that proximity to sensitive premises/facilities could create.

9.2 Objective 2: Maximum trading hours support appropriate accessibility to alcohol

Policy statement:

Table 1: Maximum trading hours by licence type and District

	Whakatāne	Ōpōtiki	Kawerau
On-licence	9am-12am	9am-12am	9am-12am
Off-licence	9am-10pm (Supermarkets 8am – 10pm)	9am-10pm (Supermarkets 8am – 10pm)	9am-10pm (Supermarkets 8am – 10pm)
Club licence	9am-12am	9am-12am	9am-12am
Special licence	Case by case	Case by case	Case by case

Notes:

- The hours set out in Table 1 are the maximum hours and the Committee may issue any licence subject to more restrictive trading hours.
- Minibars are exempt from the above maximum trading hours and can operate 24 hours a day, 7 days a week.

9.3 Objective 3: The District Licencing Committee will consider reasonable discretionary conditions to minimise alcohol-related harm

Policy statement: The District Licencing Committee may issue any type of licence subject to discretionary conditions appropriate to the circumstances of that licence. These may include, but are not limited to, conditions concerning:

On-licence:

- Patron number to security ratio;
- Patron number to bar staff ratio;
- Provision of additional security (staff);
- Installation and operation of CCTV cameras;
- Provision of effective exterior lighting;
- Size and types of drinks available, and time of 'last orders';
- Management of patrons inside and queuing to enter the premise;
- Use of outdoor areas;
- Number of drinks per customer;
- Permitted drinking vessels;
- Provision of transport for patrons;
- Maintenance of an alcohol-related incidents book;
- Implementation of a one-way door policy.

Off-licence:

- Required signage detailing restrictions on the sale of alcohol to minors (under 18) and intoxicated persons;
- Maintenance of an alcohol-related incidents book;
- Installation and operation of CCTV cameras;
- Provision of effective exterior lighting;
- When single sales of beer, ready to drink spirits (RTDs), or shots may occur;
- Display of advertisements, product or price specials.

Club licence:

- Patron number to security ratio;
- Patron number to bar staff ratio;
- Provision of additional security (staff);
- Installation and operation of CCTV cameras;
- Provision of effective exterior lighting;
- Size and types of drinks available and time of 'last orders';
- Management of patrons inside and queuing to enter the premises;
- Use of outdoor areas;

- Number of drinks per customer;
- Permitted drinking vessels;
- Provision of transport for patrons.

Special licence:

- Number of 'responsible persons' or certified Duty Managers to be present;
- Locations at which Managers must be present;
- Provision of free water;
- Number of drinks per customer/attendee;
- Drink containers to be opened at point of sale;
- Size and types of drinks available;
- Guard to patron ratio;
- Identification of event staff;
- Permitted drinking vessels;
- Promotion of alcohol;
- Implementation of a one-way door policy;
- Lighting requirements;
- Identifying a specific 'licenced area' within an overall 'event area'.

9.4 Objective 4: Good host responsibility is encouraged in line with the Act

Policy statement: Every licenced premises must develop a host responsibility policy containing provisions to encourage and actively inform staff and patrons about the following:

- The provision of non-alcoholic and low-alcohol drinks;
- Making drinking water freely available to customers;
- The availability of food on the premises at all times the licence is in operation;
- Steps taken to ensure alcohol is not supplied to underage, intoxicated, or otherwise prohibited persons;
- Undesignated, restricted and supervised areas;
- Help with and information about alternative transport;
- How host responsibility is promoted on the premises (e.g. by signage and staff service practices)
- Measures to protect the amenity and good order of the locality, and
- Any other matter aimed at encouraging responsible alcohol service and consumption.

10. Policy Review

The three territorial authorities will monitor the policy to ensure it is operating to the full effect.

If the monitoring of this policy does not indicate the need for any changes, a review will be initiated in 2029.

11. References and Relevant Legislation

Sale and Supply of Alcohol Act 2012;

District Plans in the Eastern Bay of Plenty region: Kawerau, Ōpōtiki and Whakatāne.

DRAFT

5.1.2 Appendix 2: Research Report(Cont.)

DRAFT Local Alcohol Policy Research Report

*Information to support the development of the Eastern Bay of Plenty Local Alcohol Policy
2022/23*



5.1.2 Appendix 2: Research Report(Cont.)

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EXECUTIVE SUMMARY

This paper sets out background information and data to support and inform a review of the Eastern Bay of Plenty Local Alcohol Policy (LAP).

Key findings:

- As of July 2022, there are a total of 136 licences throughout the Eastern Bay of Plenty (EBOP) that sell and supply alcohol. 15 in Kawerau (29.2 per 10,000 residents), 22 in Ōpōtiki (32.3 per 10,000 residents), and 99 in Whakatāne (37.9 per 10,000 residents). There are 31.1 licences per 10,000 residents in New Zealand.
- The number of special licences has continued to increase since 2015, with around 150 being issued each year for a variety of events in the region.
- Many venues such as bars specifically in Whakatāne are closing earlier than the current LAP specifies (around 12am). A ruling from ARLA which imposed a 12am closing time on a central bar had a roll-on effect of increased compliance across all bars in the CBD. As a result, other surrounding bars also decided to close at 12.
- The Alcohol Harm Reduction Officer from NZ Police has stated a reduction in trading hours at certain premises has resulted in an immediate impact and reduction on reported incidents and offences.
- The Whakatāne and Kawerau Licensing Inspector stated that the current LAP has no restrictions on proliferation of licenced premises and so in Kopeopeo there are three off-licence premises within the space of 500 metres. Kawerau township has three off-licenced premises within 300 metres, with a recent application for a fourth. Both communities are recorded as being in areas of deprivation. In the Whakatāne CBD, despite an alcohol bylaw that prevents consuming alcohol in public spaces, bar patrons were 'pre-loading' in their cars on The Strand and in the rear carparks before entering the bars. This resulted in disorder, violence, and excessive noise in the CBD.

5.1.2 Appendix 2: Research Report(Cont.)

- 1 in 5 New Zealand adults (19.9%) had a hazardous drinking¹ pattern in 2020/21.
- Men are two times more likely to be hazardous drinkers than women.
- Those aged 18-24 years have a higher rate of hazardous drinking.
- Māori are 1.7 times as likely to be hazardous drinkers, 1.3 times as likely for Pacific people.
- In 2021, approximately 12% of all recorded offences recorded alcohol as a contributing factor. Violence offences made up the highest proportion of alcohol-related offending in the EBOP with 25% and 24% respectively in 2020 and 2021. Drug and anti-social offences made up the next highest proportion of alcohol-related offending with 20% and 21% respectively in 2020 and 2021.
- In 2020 and 2021, 25% of family violence incidents and offences flagged alcohol as a contributing factor.
- In the EBOP over the last five years, alcohol was a contributing factor in serious injury and fatal crashes, increasing from 24% in 2017 to 50% in 2021. Alcohol as a contributing factor in minor and non-injury crashes has increased from 9% in 2017 to 23% in 2021.
- A survey in 2020 undertaken by Toi Te Ora showed 63.2% of Bay of Plenty residents would support reducing the number of places that can sell alcohol and 62.7% thought that more restrictions on alcohol availability would improve safety in towns and cities at night.

1.0 INTRODUCTION

1.1 Purpose

The purpose of this report is to provide an assessment of available information to support the review of the Eastern Bay of Plenty Local Alcohol Policy (LAP). Kawerau, Ōpōtiki and Whakatāne District Councils adopted the current Eastern Bay of Plenty Alcohol Policy in 2016. The Policy is required to be reviewed no later than 6 years after it came into force.

1.2 Scope

The scope and structure of this report aligns with the requirements for developing a Local Alcohol Policy as set out in section 78 of the Sale and Supply of Alcohol Act² (the Act). This section states that when a territorial authority is developing a draft policy, it must have regard to:

- the objectives and policies of the Council's District Plan;

¹ Hazardous drinkers are those who obtain an Alcohol Use Disorders Identification Test score of 8 or more, representing a pattern of drinking that carries high risk of future damage to physical or mental health.

² Sale and Supply of Alcohol Act, (2012). Section 78.

5.1.2 Appendix 2: Research Report(Cont.)

- the number of licences of each kind, the location, and the opening hours of each premises;
- any areas in which bylaws prohibiting alcohol in public places are in force;
- the demography of the district's residents;
- the demography of the people who visit the district as tourists or holidaymakers;
- the overall health indicators of the district's residents; and
- the nature and severity of the alcohol-related problems arising in the district.

While the alcohol industry provides economic benefit in the district, related information does not fall within the scope as set out above and is therefore not included in this report. The report largely focusses on the harm caused by alcohol.

1.3 Methodology

Data collection for this research report involved two key components. First, staff collated and analysed internal Council data for the three local authorities. Relevant alcohol literature was also reviewed, with a list of references provided at the end of this report. Second, staff engaged with a range of organisations and local stakeholders to make them aware of the policy review and gather data to inform the process. The New Zealand Police and health agencies are critical in this regard.

1.3.1 Data limitations

Due to the effects of the Covid-19 pandemic, including the temporary closure of venues and isolation, it is difficult to compare trends between data from 2020 onwards with previous years.

There are also limitations with the data provided by the NZ Police (Appendix 4). The statistics on alcohol-related offences are based on a subjective assessment made by the attending officer as to whether alcohol was a contributing factor. Comparisons between the Eastern Bay of Plenty and other parts of the country are influenced by differences in police resource capability and focus throughout the country.

Much of the data relating to health is collected by the Bay of Plenty District Health Board at a regional level, which covers a wider geographical area than Whakatāne, Ōpōtiki, and Kawerau. As such, drawing conclusions at a District level is challenging. Conclusions have been drawn from the wider Bay of Plenty District for health indicators.

Around the time of the alcohol reforms that resulted in the subsequent introduction of the Sale and Supply of Alcohol Act in 2012, a substantial amount of national research was undertaken and published. This research has been drawn on throughout this report, however where available, more recent research has been cited to provide an accurate representation of the problem today.

2.0 BACKGROUND

5.1.2 Appendix 2: Research Report(Cont.)

Alcohol is part of many people's lives. About four of five New Zealanders consumed alcohol in the past 12 months.³ While largely enjoyed in moderation, there can be significant negative individual and community impacts resulting from the excessive use and availability of alcohol.

2.1 Legislative Context

The Sale and Supply of Alcohol Act 2012 brought in several new provisions, including the ability for communities to have input into how alcohol is managed in their area through a Local Alcohol Policy.

It should be noted that in June 2022, a Private Members' Bill was drawn from the ballot. This Bill seeks to amend the Sale and Supply of Alcohol Act 2012 and remove the appeals process in Local Alcohol Policy adoption; end alcohol sponsorship of sport; and strengthen the criteria for District Licencing Committees when considering applications.

2.2 Te Tiriti o Waitangi

There are no specific provisions in the Act to consider Te Tiriti in relation to the sale and supply of alcohol, nor the development of Local Alcohol Policies. The Waitangi Tribunal is currently considering the Wai 2624 (Alcohol Healthcare) Claim⁴, which is focused on alcohol and the numerous ways it harms Māori and their communities. The claim highlights the failures of the Sale and Supply of Alcohol Act 2012 including the omission of any reference to Te Tiriti and that the Act fails to ensure that Māori have a place as of right on District Licencing Committees when deciding whether or not to grant a liquor licence. A specific part of the claim is in relation to Foetal Alcohol Spectrum Disorder (FASD), and was heard in March 2022. It is estimated that FASD may be the single largest disability affecting Māori and that up to 30% of prisoners in Aotearoa may be suffering FASD, yet the condition is not widely recognised by the Government or the public.

2.3 Legislative framework

2.3.1 Sale and Supply of Alcohol Act 2012

The object of the Act (section 4) is twofold: *"that the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and the harm caused by excessive or inappropriate consumption of alcohol should be minimised."*

³ Alcohol Healthwatch data for 2020/21; Nicki Jackson presentation to EBOP Joint Committee (1 July 2022)

⁴ Waitangi Tribunal, (2021).

5.1.2 Appendix 2: Research Report(Cont.)

Section 75 of the Act states that territorial authorities may have a Local Alcohol Policy (LAP) that relates to the sale, supply, and consumption of alcohol in their district (or districts, through a joint policy). LAPs aim to minimise alcohol-related harm and to align decision making on licencing matters with community views and local issues. There is no requirement for a council to have a policy. If there is no LAP in force, then the default provisions of the Act apply in relation to alcohol licencing in the local area. The added value of a LAP is that it enables community involvement in its development and a more localised, evidence-based approach that can target certain areas of harm reduction e.g., a certain geographical area.

Section 77(1) of the Sale and Supply of Alcohol Act states that a local alcohol policy *may* include policies on any of the following matters relating to licencing (and no others):

- location of licenced premises by reference to broad areas (e.g., town centres);
- location of licenced premises by reference to proximity to premises of a particular kind or kinds (e.g., another off or on-licence);
- location of licenced premises by reference to proximity to facilities of a particular kind or kinds (e.g., schools);
- whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district;
- maximum trading hours;
- the issue of licences, subject to discretionary conditions; and
- one-way door restrictions.

If there is a LAP in force, any decisions including new licences and renewals must “have regard to” the LAP⁵.

There are 4 kinds of licence:

On-licences	for sale and consumption of alcohol on the premises, e.g. hotels, taverns, night clubs, restaurants
Off-licence	for sale and consumption off the premises, e.g. bottle shops, supermarkets, grocery stores
Club licence	for sale and consumption of alcohol on club premises to members of the club, their guests, and members of affiliated clubs
Special licence	for sale at specific occasions or events

2.3.2 Impact on existing venues

⁵ Section 105 of the Sale and Supply of Alcohol Act 2012

5.1.2 Appendix 2: Research Report(Cont.)

Section 133(1) of the Sale and Supply of Alcohol Act⁶ states:

“In considering whether to renew a licence, the licensing authority or licensing committee concerned must not take into account any inconsistency between a relevant local alcohol policy and—

- (a) the renewal of the licence; or
- (b) the consequences of its renewal.”

Which means that when an existing premise with a licence requests a renewal, the DLC cannot take into account any new provisions in the Local Alcohol Policy. When there is a change of ownership however, a premise must apply for a new licence and then the new provisions may be taken into account as this is not considered a renewal.

2.4 Current Local Alcohol Policy

The current Local Alcohol Policy came into force on 22 June 2016 and is a joint policy with Kawerau, Ōpōtiki and Whakatāne Districts.

The current LAP aims to reduce alcohol related harm while balancing the economic benefits the alcohol industry provides the Eastern Bay of Plenty. It does this by adopting a relatively permissive approach, with no prescriptive provisions about the number, type, and density of licenced premises; instead relying on host responsibility requirements such as to serve alcohol to patrons responsibly, provide non-alcohol beverages and appropriate food, arrange safe transport options, and identify and manage intoxicated patrons.

2.4.1 Objectives

The objectives of the current EBOP LAP are to foster positive, responsible drinking behaviour and minimise alcohol-related harm in the Eastern Bay of Plenty region by:

1. Providing clarity for applicants and a framework for the District Licensing Committee when deciding on licensing applications in relation to:
 - The location of licenced premises
 - Whether further licences, or licences of a particular kind(s) should be issued
 - Maximum trading hours
 - One way door restrictions
 - Particular conditions

⁶ Section 133(1) of the Sale and Supply of Alcohol Act 2021

5.1.2 Appendix 2: Research Report(Cont.)

- Discretionary conditions
- 2. Enabling community views to be considered in decisions about the number and type of licenced premises and licence conditions imposed.
- 3. Informing applicants, regulatory bodies, the licensing authority, industry stakeholders and the wider community about the Councils' stance toward licensing matters.
- 4. Providing an efficient regulatory framework that is integrated with the District Plan and consents process.

2.4.2 Trading Hours

The default national maximum trading hours specified in the Act are

- On-licence & club licence: 8am-4am
- Off-licence: 7am-11pm

A LAP can specify maximum trading hours that apply in each District, which reduce the statutory default trading hours. The EBOP LAP trading hours are shown in Table 1 below. The Committee may issue any licence subject to more restrictive trading hours and may include any reasonable conditions not inconsistent with the Act⁷.

Table 1: Maximum trading hours by licence type and district.

	Kawerau	Ōpōtiki	Whakatāne
On-licence	9am-1am	9am-1am	8am-2am 8am-2.30am (Winery)
Off-licence	8am-10pm	7am-10pm	7am-11pm
Club licence	9am-1am	10am-1am	7am-2am 7am-12pm (Sports club)
Special licence	Case by case	Case by case	Case by case

The Committee may also grant on, off or a club licence for any premise located in any zone where the sale and supply of alcohol is a permitted activity under the relevant District Plan, and in any sensitive location where the applicant can demonstrate there will be no significant adverse effects.

2.4.2 District Licensing Committee

⁷ Section 117 of the Sale and Supply of Alcohol Act 2012

5.1.2 Appendix 2: Research Report(Cont.)

Council functions include a role in alcohol licensing policy through the LAP and the administration of the District Licensing Committee, as well as an enforcement and regulatory role through Alcohol Licensing Inspectors.

The District Licensing Committee (DLC) deals with alcohol licensing matters for a district (or districts) and is administered by the territorial authority. The DLC determines applications for licences, manages certificates and renewals, determines temporary applications, varies, suspends, or cancels licences, refers applications to the Alcohol Regulatory and Licensing Authority (ARLA) and conducts inquiries. As Kawerau, Ōpōtiki and the Whakatāne District Councils have a joint Local Alcohol Policy, the DLC is also combined.

2.5 Licensing inspectors

Licensing Inspectors are appointed by councils and have a responsibility to act independently from the council when exercising and performing their role. They monitor licensees' compliance with the Act, take enforcement action as required, and are required to collaborate with the Police and Medical Officer of Health to establish and maintain arrangements with each other to ensure the ongoing monitoring of licences and the enforcement of the Act. Licensing Inspectors must also inquire into and report on all applications for alcohol licences (on, off and special licences) and all applications for general manager's certificates.

2.5 Bylaws prohibiting alcohol in public places

Territorial authorities are able to make Alcohol Control Bylaws under section 147 of the Local Government Act 2002 following a full community consultation process. The purpose of an Alcohol Control Bylaws is to address concern for the harmful and negative effects associated with the consumption of alcohol in public areas, such as disorderly behaviour and criminal offending. It provides the Police with an additional tool to manage these negative consequences. Alcohol Control Bylaws and maps can be found on each District's website. A summary of each is provided below.

Whakatāne District

The Whakatāne District Council Alcohol Control Bylaw came into force on 1 July 2018. Within the Whakatāne District, alcohol controls have been imposed on:

1. All beaches, reserves, parks, boat ramps and jetties within the district; and
2. The roads specifically identified in the Whakatāne Central Business District, Hillcrest Road, the Heads and River Edge Park, the Kopeopeo Central Business District, Ōtarawairere, Kōhī Point Scenic Reserve, Ōhope, Murupara, Te Teko and Edgcumbe.

The Bylaw applies during the following specified times:

5.1.2 Appendix 2: Research Report(Cont.)

- 12pm Thursdays to 3am Mondays; and
- 12pm 24th December to 12pm 26th December; and
- 12pm 31st December to 3am 1st January.

Ōpōtiki District

The Ōpōtiki District Council adopted its current Alcohol Control Bylaw in 2019. Within the Ōpōtiki District, alcohol controls have been imposed on:

1. Ōpōtiki Town Centre, Tirohanga Beach, Maraetai Bay Reserve, and Te Kaha Hotel Road

The alcohol ban is in place 24 hours a day, seven days a week.

Kawerau District

The Kawerau District Council Alcohol Control Bylaw came into force on 1 June 2009. Within the Kawerau District, alcohol controls have been imposed on:

1. The Kawerau Town Centre bounded by and including Islington Street, Onslow Street and Plunket Street. The area from Onslow Street by the Navalmen's Club to Prideaux Park including the areas around the Ron Hardie Recreation Centre (including the circus paddock, outdoor basketball courts, BMX track and skateboard park). Tamarangi Drive from the Pinelands Hotel site into the Town Centre (including Liverpool Street and Islington Street), Stoneham Walk, Keith McKenzie Park, and The Kawerau Cemetery

The alcohol ban is in place 24 hours a day, seven days a week.

3.0 STRATEGIC CONTEXT

There are several strategic documents that will inform the review of the Eastern Bay of Plenty LAP including district visions and plans as discussed below.

3.1 District Visions

Whakatāne District Council's vision '*more life in life*' is for communities to flourish, fulfil their potential, and live life to its fullest.

Ōpōtiki District Council's vision of "Strong Community Strong Future".

Kawerau District Council's vision "To create a resilient and sustainable Kawerau that meets the needs of the future" and mission "to represent the interests and aspirations of the community, to promote social, economic, environmental, and cultural wellbeing and to ensure independence is maintained."

5.1.2 Appendix 2: Research Report(Cont.)

Council visions and outcomes should be taken into consideration throughout the review process as guiding principles and to ensure strategic alignment.

3.2 District Plans

District Plans are developed through a community process and identify significant resource management issues in a district related to land use and subdivision and how they will be managed. The following section summarises the most relevant objectives and policies of the Whakatāne, Ōpōtiki, and Kawerau District Plans. A common theme in the objectives and policies of all three District Plans is the consideration of amenity and the potential impact of activities on surrounding land uses, and the viability of commercial areas.

3.2.1 Whakatāne District Plan – objectives and policies

The Whakatāne District Plan was made operative on 21 June 2017. The most relevant objectives include:⁸

Section	Reference	Objective
Strategic	Strategic Objective 2	The adverse effects of incompatible use and development on the environment are avoided, remedied, or mitigated.
	Strategic Objective 3	Economic development and growth is stimulated by providing for a wide range of business activities.
Residential and Urban Living Zones	Objective Res1	The maintenance and enhancement of the character and amenity for dwellings and residential activities within Residential and Urban Living Zoned areas.
	Objective Res2	The avoidance of business activities and incompatible home occupations, community facilities and accommodation facilities from establishing and operating within Residential and Urban Living Zones and along urban arterial routes through residential areas unless provided for as part of an approved Structure Plan.
Business	Objective Bus1	The maintenance and enhancement of the level of amenity and the overall quality of the environment within the Business Centre, Commercial, Large Format Retail and Mixed-Use Zones
	Objective Bus2	Serviced and accessible business-zoned land complements the function, amenity and character of the District, including but not limited to the function, amenity and character of the town centres of Edgcumbe, Murupara, Kōpeōpeō, Whakatāne, Te Teko, Taneātua and Matatā.

3.2.2 Ōpōtiki District Plan – objectives and policies

⁸ Whakatāne District Council, (2017). *Whakatāne District Plan*.

5.1.2 Appendix 2: Research Report(Cont.)

The Ōpōtiki District Plan was made operative on 5 January 2021. The relevant objectives include the following:

Section	Reference	Objective
Residential	Objective 2.2.2	To manage potential adverse effects of non-residential activities to ensure that the activities complement the amenity values of the District's residential areas.
Town Centre	Objective 3.2.1	The Town Centre is vibrant, functional, attractive, and pleasant with significant cultural and historic values and is a focal point for retail, commercial, cultural and community activities.
Mixed Activity	Objective 4.2.1	To manage the combination of residential and non-residential activities and where practicable avoid, remedy, or mitigate adverse effects on the amenity values of the zone.

3.2.3 Kawerau District Plan – objectives and policies

The Kawerau District Plan was made operative on 1 May 2012. The relevant objectives are outlined below.

Section	Reference	Objective
District-wide	B1.1.1.2	To ensure that the noise levels experienced in different areas of the district and in the surrounding environs are appropriate to the character of those areas.
	B1.1.1.3	To minimise potential conflicts between high noise generating activities and more sensitive land uses.
Residential	C3.2.1	To ensure development and activities carried out within and adjacent to the residential zone, maintain and enhance the amenity and character of the existing residential environment.
Commercial	C1.2.1.1	Provide for the commercial viability and cohesiveness of Commercial Zone locations.

4.0 STAKEHOLDER ENGAGEMENT AND FEEDBACK INTO POLICY REVIEW

The Local Alcohol Policy review under the Act requires consultation with Police, Licencing Inspectors, and the Medical Officer of Health. Due to additional work created by the ongoing Covid-19 pandemic, it has been challenging to obtain necessary information to inform this review. While data and evidence has been provided in this section where possible, testimonials and comments have also been provided from those with direct experience to best understand the harm alcohol can cause on the community.

4.1 Bay of Plenty District Health Board – Medical Officer of Health

The Medical Officer of Health roles and responsibilities regarding alcohol include:

5.1.2 Appendix 2: Research Report(Cont.)

- Reporting on all applications for licences and renewals
- Making reports to DLC or ARLA where there are matters in opposition
- Providing information for development of LAPs
- Applying to ARLA for suspension of an on-licence or a club licence where there is evidence of non-compliance with public health requirements

The District Health Board also has responsibilities for responding to alcohol-related injuries and health conditions and supporting community health outcomes.

The BOP Medical Officer of Health has provided a position statement on alcohol in regard to this review. This has been included as Appendix 3. In summary, recommends that:

- A LAP should actively manage alcohol outlet density by defining limits to alcohol outlet numbers in specific areas or zones
- In particular, areas related to youth (with high youth numbers and use) should have limits on alcohol outlet density; and, the number of premises in areas of high socio-economic deprivation should be capped with the aim of the density eventually being no higher than in other areas.
- Those licences subject to density limits should be off-licensed premises and designated on-licensed premises (e.g. taverns) but not necessarily on-licensed premises where the licence is not designated (e.g. restaurants and cafes).

Also as recommended by the Medical Officer of Health, to implement the above, a tiered approach could be used to set density limits and define:

- One (or possibly two, if appropriate) higher density areas (ie, central business district entertainment precincts);
- Lower density limits in commercial areas;
- Lowest density limits in residential areas;
- Zero alcohol outlets in industrial areas.

Off-licensed premise numbers and designated on-licensed premise numbers are capped at current levels within a specified footpath distance from early childhood centres, primary, intermediate, and secondary schools, polytechnics and universities – and marae. How this distance is specified may be problematic and warrants further discussion (and GIS analysis of policy options). One option that aligns well with public opinion and public health objectives is that:

- No new outlets are permitted within 0.5 km footpath distance of education facilities and marae
- New outlets between 0.5 km and 1.0 km footpath distance may be subject to special conditions (e.g. related to hours of opening, extent of shop-front advertising)
- No conditions beyond 1.0 km footpath distance.

5.1.2 Appendix 2: Research Report(Cont.)

It is recommended by the Medical Officer of Health that maximum trading hours for off-licences are from 10.00 am to 10.00 pm.

In 2020, Toi Te Ora commissioned a survey of people living in the Bay of Plenty and Lakes Districts (Rotorua and Taupō) to understand the views of communities on a wide range of health-related issues including alcohol. Nearly 60% of respondents said they would support more restrictions on advertising and sponsorship by alcohol companies. 63.2% from the Bay of Plenty DHB said that they would support reducing the number of places that can sell alcohol and 62.7% thought that more restrictions on alcohol availability would improve safety in towns and cities at night.⁹

4.2 New Zealand Police

The New Zealand Police has several roles and responsibilities regarding alcohol. These include:

- Checking suitability of an applicant for a liquor licence
- Vetting of previous history or compliance issues
- Targeting-to-risk to reduce harm
- Assessing amenity and good order impacts (including crime)
- Site-checking new premises
- Providing a report if opposed to an application
- Preparing and attending hearings for opposition
- Commenting on Crime Prevention Through Environmental Design
- Monitoring and enforcement – undertaking compliance checks
- Undertaking Controlled Purchase Operations
- Attending incidents that occur at licenced premises, on the roads, and with private homes
- Complete breath testing

Section 78(4) of the Sale and Supply of Alcohol Act 2012 requires territorial authorities to consult with Police prior to producing a draft Local Alcohol Policy. The Police has provided an Intelligence report (see section 8) to inform this research report.

A statement from the Alcohol Harm Reduction Officer (AHRO) from the Eastern Bay of Plenty has also been provided for the purpose of this review and is attached as Appendix 4. In summary, the AHRO comments that there is no need for a LAP in the Eastern Bay of Plenty as the Act covers what is required within its stated purpose and objectives. It is the AHRO's opinion that there has been no influx in new off- and on-licences in the districts, and the ability to correlate incidents and offences with alcohol is problematic due to inconsistencies in data collection. However, the AHRO has stated that the LAP could

⁹ Toi Te Ora. (2020). *Issues of Health and Wellbeing: Population Survey 2020*.

5.1.2 Appendix 2: Research Report(Cont.)

be effective and beneficial in setting trading hours as evidenced by the reduction of trading hours at certain premises resulting in an immediate impact and reduction on reported incidents and offences.

4.3 Licensing inspectors

There are two licensing inspectors for the Eastern Bay of Plenty District – one that covers Whakatāne and Kawerau districts and one for Ōpōtiki District. The licensing Inspector for the Whakatāne and Kawerau District has provided a position statement which is included as Appendix 5. The key points raised include:

- A ruling from the Alcohol Regulatory Licensing Authority which imposed a 12 pm closing time on a central bar has had a roll-on effect of increased compliance across all bars in the CBD. As a result, there was less crime and a significant improvement to the quality of life of the residents in the area.
- Staff working in off-licence premises have related incidents where they have suffered verbal and physical abuse and have been frightened for their safety due to later closing times.
- The current LAP has no restrictions on proliferation of licenced premises and so in Kopeopeo there are three 'off-licenced' premises within the space of 500 metres.
- Kawerau township has three 'off-licenced' premises within 300 metres, with a recent application for a fourth. Both communities are recorded as being in areas of deprivation.
- Pre-loading of alcohol causes issues for bars that remain open late and significant issues are more prevalent after midnight. Lack of crime prevention strategies allow preventable problems to escalate.
- The Eastern Bay of Plenty has a high concentration of off licensed premises in areas of high deprivation.
- Whakatāne Central Business District (CBD), where most of their bars are situated, now has a significant proportion of residential accommodation.

Overall, the licensing inspector for Whakatāne and Kawerau believes that the limiting of hours for on-licences and off-licences is beneficial to communities in that it reduces the movement of people, the noise around residential areas and the risk to staff and patrons around the premises during the later hours. Limiting the number of off-licenced stores not only limits the availability of alcohol, but also the competition for sales which often results in the lowering of prices, or the single serve sales which makes alcohol more accessible for those in the low socio-economic groups.

The Licensing Inspector from the Ōpōtiki District has stated in their submission (attached as appendix 6), that the tighter restrictions of trading hours for on-licences and off-licences is beneficial to the community to reduce the movement of people, the noise and risk to staff and patrons. There have been no new on or off-licences approved in the District and no appeals from the public for licence renewals since at least 2017 when the inspector started. However, the inspector states that there has been previous opposition by the public and police for additional off-licences in the township of Ōpōtiki. It was noted that there is a high

5.1.2 Appendix 2: Research Report(Cont.)

density of on and off-licences in the Ōpōtiki township as five venues are close together (some around 100-200 meters of each other).

4.4 Other key stakeholders

Key stakeholders including EPIC, the Eastern Bay of Plenty Chamber of Commerce, and previous appellants to the provisional LAP in 2012/13 (Foodstuffs, Super Liquor, Independent Liquor) were informed of the review and invited to share their views.

Of those invited, Super Liquor Holdings/The Mill has responded stating it would like to see no changes to the current LAP (specifically, no changes to the current trading hours).

The Eastern Bay of Plenty Chamber of Commerce has engaged with all members which this Alcohol Policy review would affect and has also contacted other bars, restaurants and businesses who aren't members to gauge their feedback.

Feedback provided included comments regarding the opening hours specified on-licences, with one venue in particular noting a discrepancy between locations/venues within walking distance of each other and that their licences had different closing times. It was also highlighted that there was a need for more transparency when it comes to the licencing process.

Iwi within the Eastern BOP have been advised that this review is underway and have been asked whether, and how, they would like to be part of this review. Hauora organisations within the EBOP have also been contacted in order to support informed dialogue about this key social issue.

Staff have had a hui with Tūhoe Hauora, Ngāti Awa Social and Health Services – CAYAD Co-ordinator (Community Action on Youth and Drugs), Healthy Families East Cape, Whakaatu Whanaunga Trust, and Te Ao Hou Trust. Feedback received highlighted the concern around the number of off and on licences throughout the districts and the concern surrounding off licences near schools and health services such as Hauora and drug and alcohol addiction services. It was suggested that bottle stores should open after school starts and close between 3-4pm to reduce accessibility and exposure. Tūhoe Hauora has successfully made an agreement with the bottle store across the road from their premise in Tāneatua to close between 3-4pm as this is a main route for children leaving school.

Discussions also focussed around the need to expand on the sensitive sites listed within the current policy, and wanted to see medical centres, schools, places of worship, marae, food banks, parks, swimming pools, and cemeteries included. A written submission from Ngāti Awa Social and Health Services from their CAYAD co-ordinator has been provided as appendix 7.

5.0 LICENCE INFORMATION AND ALCOHOL AVAILABILITY

5.1.2 Appendix 2: Research Report(Cont.)

5.1 Number and location of current licences

As of July 2022, the Eastern Bay of Plenty region had a total of 136 alcohol licences for 127 venues. A venue may require more than one type of licence depending on how they intend to sell alcohol. For example, a bar may supply alcohol on and off the premise and therefore require a licence for each. Off-licences are also required for the online sale of alcohol and therefore do not have a venue that patrons can physically visit. Off-licences for an online provider allow for the distribution throughout New Zealand.

The number of licences is constantly changing as licences expire, are renewed, and new licences are sought. The table below shows the number of licences by type for each district. The register of active licences (as of July 2022) held in each district is attached as Appendix 1.

Table 2: Number of alcohol licences by type for the Eastern Bay of Plenty (July 2022)

District	Off-licences	On-licences	Club licences	Total
Kawerau District	5	5	5	15
Ōpōtiki District	7	8	7	22
Whakatāne District	28	38	33	99
Total	40	51	45	136

Maps showing the location of venues have been included as Appendix 8 to show density. From these maps, we can see a concentration of on-licences within the business zones of the districts which is common throughout New Zealand. There are three off-licences within the suburb of Kopeopeo in Whakatāne (one of these being a supermarket), which could be considered to be of high density for this particular area.

Roughly 15 current licences in the Eastern Bay of Plenty sell alcohol online. These mainly consist of chain bottle stores and supermarkets which offer a delivery service. As an online off-licence can sell online anywhere in the country, residents can purchase alcohol from outside the region. As the Eastern Bay of Plenty currently does not have delivery providers such as Deliver Easy and Uber Eats, the fast-paced delivery experienced in the larger cities such as Auckland - where alcohol can be delivered within 10 minutes - is not a concern. However, this could become a concern in the future if these delivery services expand into the area. Delivery in the Eastern Bay of Plenty by supermarkets and bottle stores take roughly 1-5 days and incurs a delivery cost.

5.2 Number of new licence applications received

The table below shows the number of new applications received for each type of licence by district. Note that 'new applications' includes applications made by a new owner of an existing venue with previous licences to operate. It also includes applications that have been declined. As such, the table does not reflect the number of 'brand new' established venues in the districts. We cannot show how many venues have closed over time due to no records being available that would indicate whether the number of

19

5.1.2 Appendix 2: Research Report(Cont.)

venues is increasing or decreasing. What the table does indicate, however, is the potential demand for new licences. We can see that during 2020 when COVID-19 had a huge effect on the business sector, there was a dramatic decrease in the number of applications for new licences. It appears that this is recovering since. There does appear to be an increase in the number of licences (specifically off-licences) that are applied for each year within the Whakatāne District.

Table 3: Number of new applications received for each type of licence by district.

District	Off-licences	On-licences	Club licences	Total
Kawerau District				
2021	1	3		4
2020				0
2019	3			3
2018		1		1
2017		1		1
Ōpōtiki District				
2021	1			1
2020	1	1		2
2019				0
2018	1	1		2
2017		1		1
2016				0
Whakatāne District				
2021	12	7	2	21
2020	5	3	1	9
2019	5	6	10	21
2018	7	2	2	11
2017	8	4	3	15
2016	2	3	6	11

5.3 Number of Special Licences

The number of special licences has continued to increase since 2015, with around 150 being issued each year for a variety of events in the region. Most special licences are issued to club venues who hold events open to non-club members. As a club licence allows for the sale of alcohol to club members, for events open to the public such as prize giving's, weddings, or birthday celebrations, a special licence must be issued. Special licences are also commonly issued for other community events and work functions.

5.4 Hours of alcohol availability

Current hours of availability differentiate depending on the licence and venue, within what is stated in the current LAP of maximum hours. Although some venues can stay open until 2am, many bars in Whakatāne central are currently closing earlier than what is licenced. Such as Cobb & Co, Office Bar and

5.1.2 Appendix 2: Research Report(Cont.)

Grill and Javaman Café. Some supermarkets in the region such as in Ōpōtiki and Kawerau have also chosen to close around 8:30pm despite licences and the current LAP allowing the sale of alcohol until 10pm in Kawerau and Ōpōtiki and 11pm in Whakatāne.

6.0 DEMOGRAPHIC PROFILE OF EASTERN BAY OF PLENTY

Understanding the demographic makeup of Kawerau, Ōpōtiki, and Whakatāne District's residents and holiday makers can highlight which communities and individuals are most vulnerable to alcohol related harm.

6.1 Population

The table below shows the population of each district aged 18 years or older, and to understand proliferation, includes the number of total licences per 10,000 adults. As of July 2022, there are a total of 136 licences throughout the Eastern Bay of Plenty that sell and supply alcohol. 15 in Kawerau (29.2 per 10,000 residents), 22 in Ōpōtiki (32.3 per 10,000 residents), and 99 in Whakatāne (37.9 per 10,000 residents). There are 31.1 licences per 10,000 residents in New Zealand.

Table 4: District-wide population in the Eastern Bay of Plenty from the 2018 census and number of alcohol licences in 2021.

District / Area (SA2)	Population 18yrs and older ¹⁰	Number of off-licences	Number of on-licences	Number of club licences	Total licences	Licences per 10,000
Kawerau District	5,124	5	5	5	15	29.2
Kawerau Industrial*			1		1	-
Tarawera Park	2,766	5	4	5	14	50.6
Monika Reserve	2,334					
Ōpōtiki District	6,810	7	8	7	22	32.3
Inlet Ōhiwa Harbour East*						
Waiotahi	1,197					
Cape Runaway	1,101	3	2	3	8	72.6
Woodlands	792			1	1	12.6
Ōpōtiki	2,577	5	6	3	14	54.3
Otara-Tirohanga	912					
Oponae	222					

¹⁰ Stats NZ (2018). Population

5.1.2 Appendix 2: Research Report(Cont.)

Whakatāne District	26,097	28	38	33	99	37.9
Manawahe	804					
Matatā – Otakiri	1,284	1	1	1	3	23.3
Onepū Spring	921					
Edgecumbe	1,173	3	1	3	7	59.67
Thornton - Awakeri	1,707	1	1	3	4	23.4
Te Teko Lakes	1,224	1	1	2	4	32.6
Coastlands	1,293	1	2	1	4	30.9
Whakatāne West	2,250	1			1	4.4
Whakatāne Central	2,634	7	20	7	34	129.0
Trident	2,499	1	2	1	4	16.0
Allandale	1,941	2		4	6	30.9
Mokorua Bush	1,098					
Wainui	1,014	1		2	3	29.5
Ōhope	2,559	4	7	2	13	50.8
Galatea	963	1	1	4	6	62.3
Waingarara – Waimana	1,536	2	1	1	4	26
Murupara	1,197	1	2	1	4	33.4
New Zealand	3,595,512				11,185	31.1

Note: Table does not include seasonal visitors.

* Information unavailable

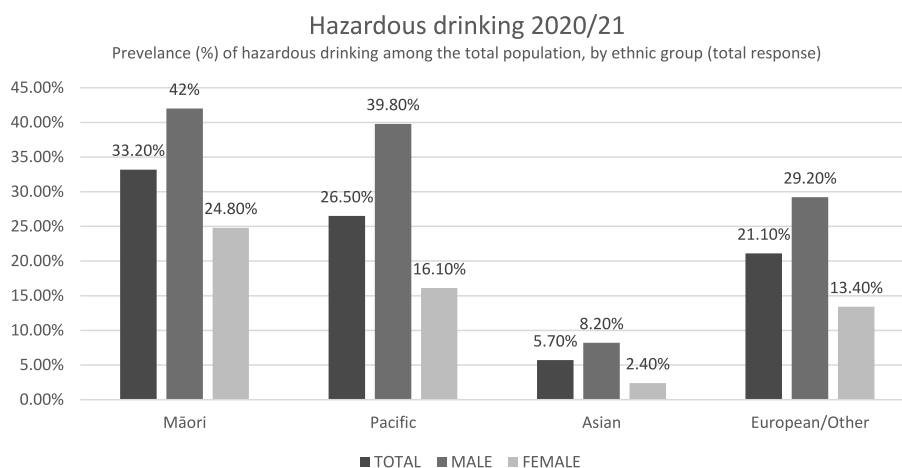
6.2 Ethnicity

Evidence has shown that alcohol-related harm in New Zealand is high to both consumers and others around them, and plays an undeniable role in the social, economic and health inequities experienced by Māori. As shown in the figure below from the 2021 New Zealand Health Survey, Māori and Pacific peoples have a higher prevalence of hazardous drinking compared to other ethnicities, with rates of hazardous drinking for Māori and Pacific people at 33.2% and 26.6%.

Māori were 1.7 times as likely to be hazardous drinkers and Pacific people were 1.3 times as likely to be hazardous drinkers than their non-Māori and non-Pacific counterparts, after adjusting for age and gender. In contrast, Asian adults were much less likely than non-Asian adults to be hazardous drinkers, after adjusting for age and gender.

Figure 5: Hazardous drinking 2020/21 in New Zealand.

5.1.2 Appendix 2: Research Report(Cont.)



In the Eastern Bay of Plenty, there is a comparatively high proportion of Māori who live in the three Districts compared to nationally, which should be strongly taken into consideration given the evidence shown that Māori have higher rates of hazardous drinking.

Table 6: Census 2018 Ethnicity by EBOP District¹¹

Ethnicity	Kawerau District (%)	Ōpōtiki District (%)	Whakatāne District (%)	New Zealand (%)
European	52.3	50.5	63.2	70.2
Māori	61.7	63.7	46.8	16.5
Pacific peoples	4.6	3.5	3	8.1
Asian	3	2.8	3.4	15.1
Middle Eastern/Latin American/African	0.3	0.3	0.3	1.5
Other ethnicity	0.8	0.7	1	1.2

6.3 Age

¹¹ Stats NZ, (2018). *Population*.

5.1.2 Appendix 2: Research Report(Cont.)

While New Zealand is expected to continue to see an ageing population, it is evident that the age structure of the Eastern Bay of Plenty is significantly different, particularly for Māori, where the median age across the 3 districts is between 26-30 years, compared to 49-58 years for non-Māori.

Table 7: Median age of residents in EBOP districts.

District	Median age (years) for Maori	Median age (years) for non-Maori	Median age for total population
Kawerau District	26.3	58.5	38.2
Ōpōtiki District	30	56.1	40.6
Whakatāne District	27.3	49.5	39.8
New Zealand	25.4	39.9	37.4

The EBOP DHB Medical Officer of Health, in their submission on the LAP review, has recommended that to reduce harm related to alcohol consumption, areas related to youth should have limits on alcohol density. The table below shows the age of residents for each area within the EBOP based on the 2018 census. Across the three Districts, the breakdown of age groups is largely the same, with under 15 making up 23% of the population, 15-29 17%, 30-64 42% and 65 and older 18%. Waingarara-Waimana has the largest percentage of under 15-year-olds and Te Teko the largest 15-29 age group.

Table 8: Age of Eastern Bay of Plenty population as of 2018¹²

District / Area (SA2)	Under 15 years	15-29	30-64	65+	# of off-licences	# of on-licences
Whakatāne District	22%	17%	43%	17%	28	38
Manawahe	16%	13%	55%	17%		
Matata-Otakiri	22%	16%	46%	16%	1	1
Onepu Spring	19%	17%	49%	14%		
Edgecumbe	24%	20%	40%	16%	3	1
Thornton-Awakeri	21%	17%	46%	15%	1	1
Te Teko Lakes	25%	23%	42%	10%	1	1
Coastlands	24%	15%	48%	13%	1	2
Whakatāne West	28%	19%	41%	13%	1	
Whakatāne Central	18%	16%	42%	24%	7	20
Trident	22%	18%	37%	23%	1	2
Allandale	19%	17%	40%	24%	2	
Mokorua Bush	17%	12%	48%	23%		
Wainui	27%	19%	43%	10%	1	
Ohope	16%	12%	44%	28%	4	7

¹² Stats NZ, (2018). Population.

5.1.2 Appendix 2: Research Report(Cont.)

Inlet Ohiwa Harbour West	-	-	-	-		
Galatea	27%	19%	44%	10%	1	1
Waingarara-Waimana	30%	19%	40%	11%	2	1
Murupara	29%	22%	39%	10%	1	2
Kawerau District	24%	18%	38%	20%	5	5
Monika Reserve	21%	16%	40%	22%		
Kawerau Industrial	10%	0%	80%	10%		1
Tarawera Park	26%	19%	37%	18%	5	4
Ōpōtiki District	23%	17%	42%	18%	7	8
Inlet Ohiwa Harbour East	-	-	-	-		
Waiotahi	18%	15%	45%	22%		
Cape Runaway	20%	14%	45%	20%	3	2
Woodlands	21%	13%	41%	25%		
Opotiki	27%	21%	40%	13%	5	6
Otara-Tirohanga	18%	17%	44%	21%		
Oponae	27%	17%	44%	12%		
Total	23%	17%	42%	18%		

6.4 Deprivation

Research shows that deprived communities experience more harm per drink, when compared to the least deprived communities with the same level of drinking. Research in New Zealand has also found there to be disproportionately more harm (i.e., dependence, alcohol-related disorder) per drink among drinkers unemployed or of low socio-economic status.¹³

The map below provides a view of socio-economic deprivation, using the New Zealand Index of Deprivation from Environmental Health Intelligence New Zealand. This measures the level of deprivation for residents in each small area (SA2) and is based on nine Census 2018 variables. Decile 1 (pale orange) represents areas that are the least deprived, decile 10 (dark red) represents areas that are the most deprived. Deprivation indices are calculated following each Census to show the relationship between socio-economic deprivation and health outcomes. The Deprivation Index is often used to determine funding formulas and for public services to describe the populations they serve.

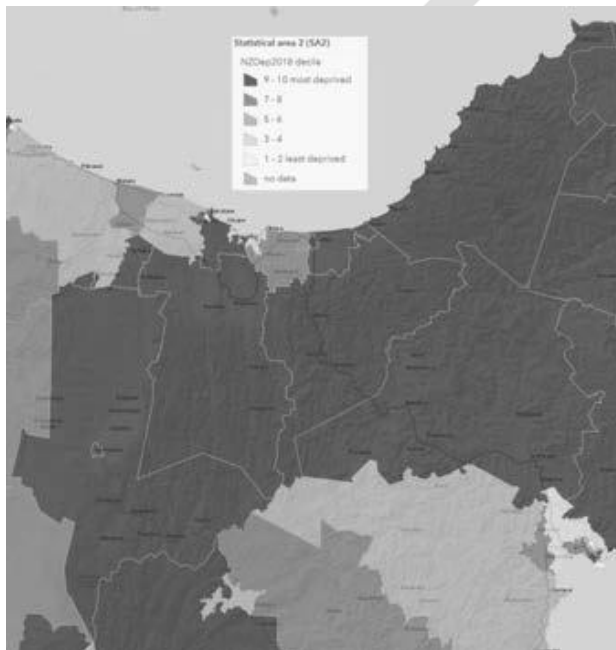
¹³ Alcohol Healthwatch (2020). *Evidence-based alcohol policies: Building a fairer and healthier future for Aotearoa New Zealand*. Auckland: Alcohol Healthwatch.

5.1.2 Appendix 2: Research Report(Cont.)

Nine census variables that measure the level of deprivation:

1. People with no access to internet at home
2. People aged 18-64 receiving a means tested benefit
3. People living in households with income below an income threshold
4. People aged 18-64 who are unemployed
5. People aged 18-64 without any qualifications
6. People not living in their own home
7. People aged under 65 living in a single parent family
8. People living in households below a bedroom occupancy threshold
9. People living in dwellings that are always damp/or always have mould greater than A4 size

Figure 9: New Zealand Index of Deprivation 2018 (Statistical Area 2)¹⁴



¹⁴ EHINZ (2018). Socioeconomic deprivation profile

5.1.2 Appendix 2: Research Report(Cont.)

As shown in the figure above, much of the Eastern Bay of Plenty is decile 10 which is the most deprived. Adults living in the most socioeconomically deprived areas were 1.3 times as likely to be hazardous drinkers as adults living in the least deprived areas.¹⁵

Given the Eastern Bay of Plenty has very high levels of deprivation and a high proportion of Māori residents, this shows that the region is at risk of higher levels of harm compared to the rest of the country.

6.5 Tourists and holidaymakers

The Eastern Bay of Plenty is a popular holiday and tourist destination with Ōpōtiki District receiving approximately 30,000 visitors annually and Whakatāne 130,000. Visitor numbers to Kawerau are unavailable. There is also a large number of holiday homes across the region that are not permanently occupied. Census 2018 data is summarised below which shows occupied and unoccupied dwellings across the 3 districts, which provide an indication of the number of holiday homes.

Table 10: Number of occupied and unoccupied dwellings in Eastern Bay of Plenty (2018 Census)¹⁶

District	Occupied Dwellings	Unoccupied Dwellings
Ōpōtiki	3,261	972
Whakatāne	12,564	1,626
Kawerau	2,511	222
TOTAL	18,336	2,820

There is also a seasonal workforce that employs both domestic and international staff. Tourists and holidaymakers contribute significantly to the region's economy, including the purchase of alcohol at local bars, restaurants, and off-licences.

6.6 Regional health indicators

In 2021, the results of the 2017-2020 Regional New Zealand Health Survey¹⁷ were published which measured some aspects of the health of residents across the Bay of Plenty region. District level data is not available within this and has been difficult to source throughout this review.

The survey showed that the health of residents in the Bay of Plenty is largely consistent with the rest of the country. However, it should be noted that the deprivation in the Eastern Bay of Plenty is higher than

¹⁵ Ministry of Health, (2021). *New Zealand Health Survey 2020/21*.

¹⁶ Stats NZ, (2018). *Population and dwellings 2018 Census*

¹⁷ Ministry of Health, (2021). *Regional Data Explorer: New Zealand Health Survey Results 2017-2020*.

5.1.2 Appendix 2: Research Report(Cont.)

that of the Western areas, as outlined earlier. Whakatāne, Ōpōtiki and Kawerau are more rural and isolated from larger cities that have greater access to healthcare. Due to poorer health outcomes for people living in low socio-economic areas, the reality of resident’s health in the Eastern Bay is expected to be worse than what is indicated in the wider region results and should be taken into consideration. The survey showed that across the Bay of Plenty, there is a higher rate of unmet health care due to the cost and transport to GP services compared to the rest of New Zealand.

Figure 11: Self-rated health in Bay of Plenty and New Zealand (15+ years) 2017-2020

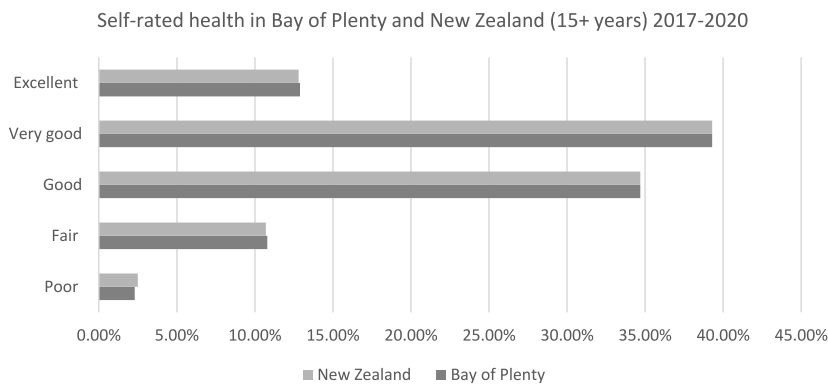
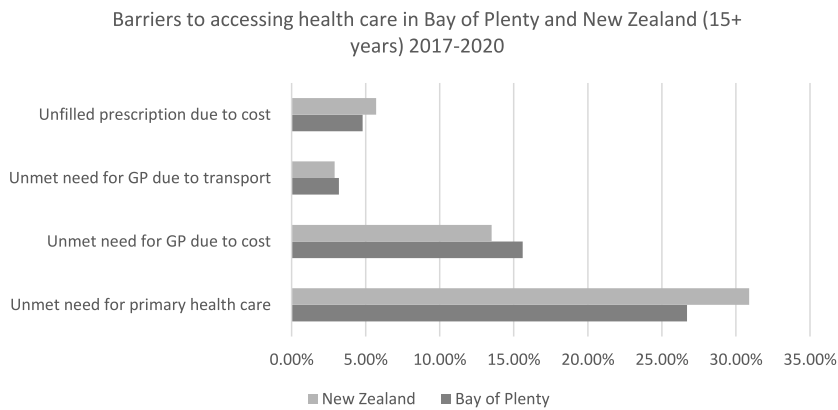


Figure 12: Barriers to accessing health care in Bay of Plenty and New Zealand (15+ years) 2017-2020



5.1.2 Appendix 2: Research Report(Cont.)

7.0 HEALTH AND WELLBEING IMPACTS OF ALCOHOL

The Ministry of Health states that while alcohol is part of many New Zealander's lives, there is no amount of alcohol that is considered safe and drinking any alcohol can be potentially harmful. This section looks more closely at alcohol consumption data, and the effect that alcohol has on wellbeing.

7.1 Alcohol consumption

The frequency and quantity of alcohol consumed are key determinants of the harm that alcohol causes in our community. Data from the New Zealand Health Survey 2020/21 has shown that 4 in 5 adults (78.5%) consumed alcohol at some point during that year. This was a decrease of 3.1% on the previous year. 1 in 5 adults (19.9%) had a hazardous drinking pattern in 2020/21. Hazardous drinkers are those who obtain an Alcohol Use Disorders Identification Test score of 8 or more, representing a pattern of drinking that carries high risk of future damage to physical or mental health.¹⁸

In 2020/21, 1 in 8 New Zealand adults (15+) consumed 6 or more drinks on one occasion at least weekly.¹⁹ In 2021, 499 million litres of alcohol were available for consumption in New Zealand, 0.8% higher than 2020 and 1.7% higher than in 2019. As a proportion of the total volume of alcoholic beverages available for consumption, between 2006 and 2021:²⁰

- Beer decreased from 67% to 59%
- Wine increased from 20% to 22%
- Spirits and spirit-based drinks increased from 13% to 20%

This research into consumption and the figures discussed has shown that a high level of alcohol consumption is prevalent across the county and is continuing to rise every year. Due to the lack of research and data at a district level, we can only assume that this level of consumption is also seen across the Eastern Bay of Plenty.

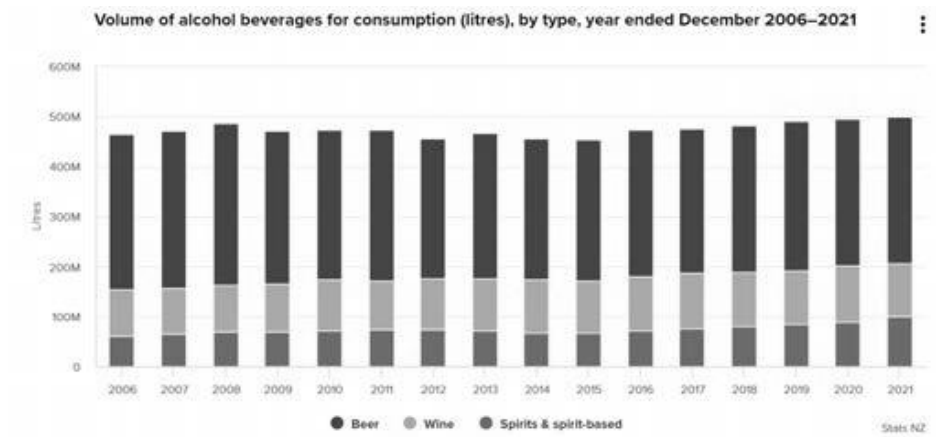
¹⁸ Ministry of Health, (2021). *Annual update of Key Results 2020/21: New Zealand Health Survey*

¹⁹ Action Point, (2021). *Drinking in New Zealand*.

²⁰ Stats NZ, (2022). *Alcohol available for consumption: Year ended December 2021*.

5.1.2 Appendix 2: Research Report(Cont.)

Figure 13: Volume of alcohol beverage for consumption (litres), by type, from 2006 – 2021 in New Zealand.
²¹



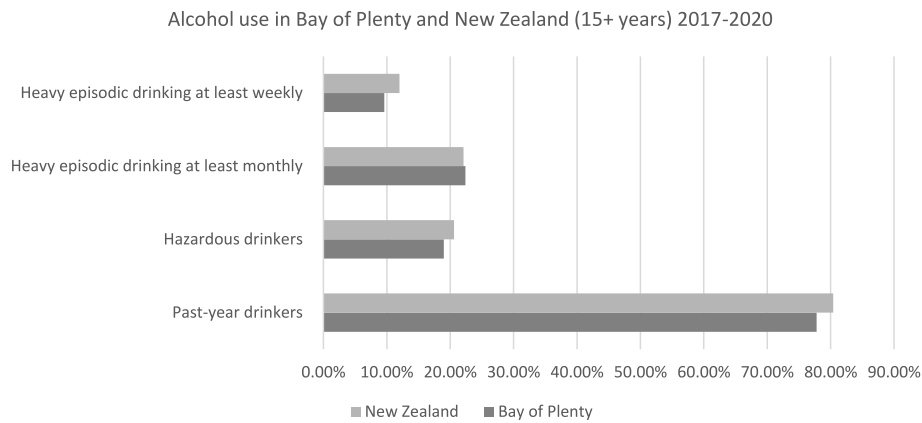
From 2006 – 2020, alcohol available for consumption increased 22.7%. However, the total population increase during this period was approximately 21.5% which could show that the consumption of alcohol is increasing closely due to the increase in population.

As the below figure from the 2017-2020 Regional New Zealand Health Survey shows, alcohol use in the Bay of Plenty is less prevalent in comparison to national figures.

²¹ Stats NZ, (2022). *Alcohol available for consumption: Year ended December 2021.*

5.1.2 Appendix 2: Research Report(Cont.)

Figure 14: Alcohol use in Bay of Plenty and New Zealand (15+ years) 2017-2020



7.1.1 Age, gender, and ethnicity in consumption

The prevalence of hazardous drinking varies between ages, socio-economic status and ethnicity and is important to consider when understanding the potential harm alcohol can cause in our region. The key findings below are of hazardous drinkers from the most recent New Zealand Health Survey in 2020/21.²²

Gender:

The prevalence of hazardous drinking was 26.9% among men and 13.2% among women. Men were two times more likely to be hazardous drinkers than women, after adjusting for age.

Age:

The highest prevalence of hazardous drinking was among those aged 18–24 years, at 34.9%. The prevalence of hazardous drinking was also high in those aged 25–34 (23.9%), 35–44 (19.8%) and 45–54 (23.8%). Of those aged 15–17 years, 10.2% had engaged in hazardous drinking in the year before taking part in the survey.

Ethnicity:

The rates of hazardous drinking for Māori and Pacific people were 33.2% and 26.6%, respectively. Māori were 1.7 times as likely to be hazardous drinkers and Pacific people were 1.3 times as likely to be hazardous drinkers than their non-Māori and non-Pacific counterparts, after adjusting for age and gender. In contrast, Asian adults were much less likely than non-Asian adults to be hazardous drinkers, after adjusting for age and gender.

²² Ministry of Health, (2021). *New Zealand Health Survey 2020/21*.

5.1.2 Appendix 2: Research Report(Cont.)

7.1.2 Impact of COVID-19 pandemic on alcohol consumption

The Covid-19 pandemic has provided a unique opportunity to look at the consumption behaviour of alcohol when during lockdown events, all on-licences and most off-licences were closed. The New Zealand Health Promotion Agency conducted a study on consumption during the 2020 level 4 lockdown and post lockdown at level 1. The findings showed:

	<u>Increase</u>	<u>No Change</u>	<u>Decrease</u>
During Level 4 Lockdown	19%	47%	34%
Post Lockdown – Level 1	14%	64%	22%

Since lockdowns in 2020, drinking habits are returning to pre-lockdown levels for most.

Reasons provided to the same study by participants stated that the increase of consumption was due to feeling stressed/anxious, being bored, and alcohol helping them become more relaxed/switch off. Reasons for decreasing consumption included not being able to, or wanting to socialise as much or go out/visit the pub etc., money/cost, not wanting to go out and buy alcohol, physical health reasons (e.g. weight, health condition, to be healthier), and that the lockdown period was a good time to reduce alcohol consumption and wanting to continue drinking less.²³

Alcohol availability, which is a useful indication of consumption, is measured on a quarterly basis by Stats NZ using tax figures and breakdowns. During April, May and June of 2020 the amount of alcohol available for consumption decreased by 9% due to on-licence premises and some off-licences being closed. Following the first national lockdown period, New Zealanders consumed more alcohol later in the year, resulting in an overall annual increase of 1.9%.²⁴ A national push for supporting local businesses, catching up on missed events and people being able to socialise again with friends and family may have been the cause of this increase.

7.1.3 Density of venues

²³ Health Promotion Agency, (2020). *Impact of Covid-19*.

²⁴ Action Point, (2021). *What we drink*.

5.1.2 Appendix 2: Research Report(Cont.)

A New Zealand study on alcohol density has found that an increase in an additional off-licence venue per 10,000 population in a census area unit is associated with 59 additional police events per year, while one additional on-licence is associated with 42 extra police events²⁵

A further factor to consider is that the high concentration of liquor outlets in particular areas of New Zealand can make the barriers to purchase very low. Increased density makes for a high convenience factor due to trading hours often being long for competition and may not require any transport or planning that might otherwise act as a deterrent to the purchase. Some outlets conduct their business in such a way that impulsive alcohol purchases are encouraged. For example, selling single cans of beer or RTDs rather than the traditional “packaged” bottles or cans. This allows small but frequent alcohol purchases.

High outlet density may contribute to a variety of secondary harms that impact negatively on a local community such as off-licence liquor stores attracting graffiti, vandalism, and property damage. The pressure to compete with other liquor retailers in an area can encourage large, alcohol price advertisements and product branding on shop fronts, adjoining walls etc. Both of these negatively affect the aesthetic value of an area, which in turn has flow-on effects for the community. Liquor stores will stay open late into the night as a means of gaining a competitive advantage. This can make these stores especially vulnerable to robberies, as there may be few people around and some venues have poor lighting and little in the way of security measures in place. In addition, it is not uncommon for people to consume alcohol that has been purchased from an off-licence in public areas close to the point of sale. This can impact negatively on a community use of its public spaces. For example a community park may become unusable because it is riddled with broken glass bottles. People may avoid using particular bus stops because they are known to be drinking hangouts. Again, as the number of outlets increases, the negative impact on public amenities is likely to increase. Specific feedback received by community organisations in Ōpōtiki and Elected Members of Ōpōtiki District Council during this review have indicated that this is a concern. Specifically, in regard to a particular off-licence that is adjacent to a skate park.

In terms of a clustering of on-licence premises, for example, having lots of pubs and bars together can mean large numbers of people - many of whom are under the influence of alcohol - coming together in one area. Fights can break out between intoxicated patrons moving between different licensed premises. Queues from neighbouring bars can run into each other resulting in aggression and fighting. Patrons shift from bar to bar in search of price promotions used to attract customers. As the number of outlets in an area increases, the risk that these types of harms will occur also increases. Thus, reducing outlet density is likely to reduce rather than merely displace much of the offending and anti-social behaviours that are associated with outlet clustering.

²⁵ New Zealand Law Commission, 92010). *Alcohol In Our Lives: Curbing the Harm*.

5.1.2 Appendix 2: Research Report(Cont.)

This link between density and lower pricing is particularly important in the New Zealand context because smaller off-licence premises already face significant price pressure from supermarkets. National studies observe lower prices in areas with a higher density of liquor outlets. Research suggests that the price elasticity of demand for alcohol is around -0.5 , that is, a 10% increase in price would result in a 5% decrease in consumption. Teenagers are particularly sensitive to price, so raising the cost of alcohol can also help reduce teenage binge drinking.

National research into outlet density around university campuses has shown that each additional off-licence alcohol outlet within 1km of respondent's residences is associated with 5,570 more alcohol related problems among drinkers (e.g. blackouts or episodes of physical aggression), and 10,130 additional second-hand effects (e.g. being insulted or humiliated or having property damaged).²⁶

7.1.4 Advertising

Links between alcohol advertising and alcohol consumption are not easy to draw in a conclusive manner as alcohol consumption is influenced by numerous individual and environmental factors, including alcohol affordability and availability. However, alcohol consumption has been shown to be associated with exposure to advertising and other promotional activity. Alcohol advertising can influence minors to drink well before the legal age of purchase.²⁷ Marketing strategies, such as alcohol sports sponsorships, embed images and messages about alcohol into young people's everyday lives. Alcohol advertising shapes and reinforces a young person's perception that alcohol use is a normal, harmless, fun, everyday behaviour. Harm from alcohol advertising also extends to persons with alcohol use disorders, including dependence, making it harder to remain sober or cut back on drinking when often exposed to this marketing.²⁸

International research on alcohol signage at licensed premises has found that exposure to outdoor alcohol advertising near schools was associated with subsequent youth intentions to use alcohol, and the more alcohol advertisements visible outside off-licence outlets, the more violent crime in the local area.

New Zealand research from University of Otago has found that more than half (52%) of children's exposure to alcohol advertising was from advertising outside the home. Shop front signage accounted for up to 30% of all alcohol marketing exposures, while alcohol signs (including billboards, sandwich boards, posters, etc.) accounted for nearly 10% of exposures. Tamariki Māori had alcohol marketing exposures

²⁶ Law Commission, (2010). *Alcohol in our lives: Curbing the harm*.

²⁷ Law Commission, (2010). *Alcohol in our lives: Curbing the harm*.

²⁸ Alcohol Healthwatch, (2021). *Taking action on alcohol outlet signage: improving amenity and preventing harm*.

5.1.2 Appendix 2: Research Report(Cont.)

that were five times greater than New Zealand European children, and Pacific children had exposure levels that were three times greater.²⁹

Accumulated evidence of the causal contribution of alcohol advertising and sponsorship to alcohol-related harm has led to the World Health Organization including restrictions on marketing as one of the “best buys” to reduce harm. Children and adolescents are particularly vulnerable, as exposure to alcohol advertising is associated with earlier initiation of drinking and with drinking larger amounts. National research has reported 50% of alcohol abuse and dependence develops before the age of 20. Among adults, exposure to marketing hinders efforts to reduce drinking or to remain sober.³⁰

New Zealand law prohibits the advertising for tobacco and vaping products. Alcohol Healthwatch New Zealand has sought local governments to consider regulating signage and advertising at alcohol outlets to protect the health of communities and improve amenity of neighbourhoods. It is recommended specifically that there should be no alcohol advertising on shop frontage other than the name of the store itself. Public support for advertising restrictions is strong, with 2281 of 2939 submissions to the Law Commission commenting on advertising and marketing. 86% supported banning or restricting all advertising of alcohol in all media.³¹

7.2 Health related problems

Alcohol causes many direct and in-direct harms and increases the risk of over 200 health conditions, both chronic and acute, and injuries. The most recent Alcohol Use New Zealand Health Survey in 2012/13 showed that alcohol harms are more prevalent among drinkers living in the most deprived areas which can further exacerbate existing social, health and economic inequalities.³²

For many health conditions alcohol consumption is a contributing factor, these conditions are known as partially attributable to alcohol. For a small set of conditions alcohol is the only cause and these conditions are said to be wholly attributable to alcohol. Alcohol is also involved in many attendances to emergency departments around the country and is known to put pressure on emergency departments on late nights in the weekends. Alcohol results in health harms that do not necessarily encounter hospital services, but in the form of GP visits for alcohol related conditions, and days off work and/or education.

²⁹ Alcohol Healthwatch, (2021). *Taking action on alcohol outlet signage: improving amenity and preventing harm.*

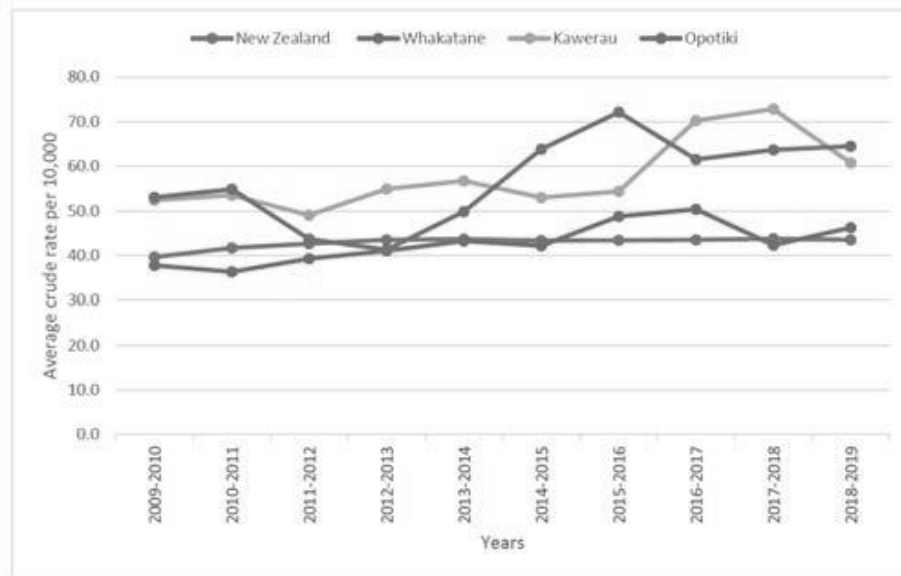
³⁰ University of Otago, (2020). *Regulation of alcohol marketing is needed to meet health, wellbeing and equity goals.*

³¹ Alcohol Healthwatch, (2021). *Taking action on alcohol outlet signage: improving amenity and preventing harm.*

³² Ministry of Health, (2015). *Alcohol use 2012/13: New Zealand Health Survey.*

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Figure 15: Crude average rates of admissions to hospital for people 15 years and older with conditions wholly attributable to Alcohol 2009-2019.³³



The data includes persons who have been admitted to hospital with a primary or secondary diagnosis wholly attributable to alcohol, regardless of the reason they were admitted to hospital. This data does not capture visits to the hospital for alcohol related issues where the person was not admitted as a patient. Over the last 10 years the crude rate for Whakatāne has been similar to the New Zealand rate while Ōpōtiki and Kawerau have had a higher rate of admissions.

In the most recent research conducted into alcohol related deaths in New Zealand, it was estimated that 802 New Zealanders under the age of 80 died from alcohol related causes in 2007. Injuries were responsible for 43% of alcohol-related deaths, cancers were responsible for 30% of alcohol-related deaths, and other long-term diseases (e.g. liver disease) accounted for 27% of alcohol-related deaths. Men were twice as likely as women to die.³⁴

³³ Toi Te Ora, (2022). *Public Health Intelligence Brief: Alcohol related harm Morbidity in the Eastern Bay of Plenty*.

³⁴ Action Point, (n.d). *Deaths and other harm from alcohol*.

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7.3 Alcohol support services

Nationally, there are several organisations dedicated to providing help with reducing alcohol harms including individual counselling, peer support services, intensive out-patient programmes and court referral programmes for drink driving. Support can be provided online, over the phone, by text, online chat, or in person. Some services include Alcohol Anonymous, Healthline, and Alcohol and Drug Helpline.

Residents in the Eastern Bay of Plenty have the availability of these national organisations and local providers including social and health services provided by Iwi, Hauora with physical locations in each district. Due to the remoteness and deprivation of some areas within the three districts, there can be additional barriers to accessing support services. Many people do not have access to a phone, internet and/or mode of transport which can make finding and getting to services difficult. Due to high deprivation levels in all three districts, this places residents not only at higher risk of harms but also the ability to seek and receive help.

8.0 CRIME AND SAFETY IMPACTS OF ALCOHOL

More New Zealanders report being harmed by the drinking of others than from their own drinking, and Wāhine Māori in particular are shown to experience disproportionately more harms from the drinking of others than other demographic groups.

The Police have provided an Intelligence Report (May 2022) for the purpose of this review which analyses data in relation to alcohol-related offences/incidents in Eastern Bay of Plenty and Murupara. Data is included for the years 2017-2021 inclusive for the area defined by the Eastern Bay of Plenty Policing Area boundary including Murupara. Information from this report has been provided in the sections below.

8.1 Crime Statistics

Nationally, offenders were under the influence of alcohol in 37% of offences committed towards another family member. For 13% of offences by family members, victims said it had led them to increase their use of alcohol and/or other drugs.³⁵

In 2021, approximately 12% of all recorded offences recorded alcohol as a contributing factor. Violence offences made up the highest proportion of alcohol-related offending in EBOP with 25% and 24% respectively in 2020 and 2021. Drug and anti-social offences made up the next highest proportion of alcohol-related offending with 20% and 21% respectively in 2020 and 2021. As demonstrated below, there has been a considerable increase in the number of offences being contributed to by alcohol.

³⁵ Ministry of Justice, (2021). *New Zealand Crime and Victims Survey 2021*.

5.1.2 Appendix 2: Research Report(Cont.)

However, we cannot state confidently that this is an increase in the harm of alcohol or better collection of this data.

Table 16: Alcohol related offending in Eastern Bay of Plenty between 2019 – 2021.

Eastern Bay of Plenty offences where alcohol contributing factor	2019	2020	2021	Change between 2019 -2021
Administration*	5%	12%	12%	7%
Dishonesty	0.3%	3%	3%	2.7%
Drug and anti-social	1%	2%	2%	1%
Property abuse	3%	9%	14%	11%
Property damage	7%	18%	17%	10%
Sexual	10%	19%	14%	4%
Violence	10%	25%	24%	14%
Total	5%	12%	12%	7%

*This includes failure to answer court/bail, escape lawful custody and obstruct/pervert/defeat course of justice.

The Police Intelligence Report provided states that previous analysis of alcohol offending in Murupara indicates that incidents and offences are likely under-reported, particularly for family harm. It is likely this is the same for the other EBOP stations and it is therefore possible that the numbers for reported incidents and offences contained in this report are lower than what is actually occurring in the area.

The following tables show the percentage of family violence incidences where the Alcohol Contributing Factor (ACF) Flag was selected.

Table 17: All family violence offences within Whakatāne, Ōpōtiki and Kawerau Districts where alcohol was a contributing factor between 2019 -2021

Eastern Bay of Plenty offences where alcohol contributing factor	2019	2020	2021	Total
Factor not recorded	473	-	-	473
No	228	628	718	1574
Unknown	53	121	155	329
Yes	86	249	287	622
Total	840	998	1160	2998
Percentage	10.2%	25%	24.7%	20.8 %

The following tables provide a breakdown of the data by district. The proportion of incidents where alcohol was a contributing factor in family violence offences are fairly similar in each district.

Table 18: Kawerau District - Family violence offences and alcohol contributing factor (2019-2021)

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Kawerau District offences where alcohol contributing factor	2019	2020	2021	Total
Factor not recorded	88	-	-	88
No	35	116	172	323
Unknown	8	23	35	66
Yes	6	46	51	103
Total	137	185	258	580
Percentage	4.4%	24.9%	20.2%	17.8%

Table 19: Ōpōtiki District- Family violence offences and alcohol contributing factor (2019-2021)

Ōpōtiki District offences where alcohol contributing factor	2019	2020	2021	Total
Factor not recorded	114			114
No	47	118	140	305
Unknown	14	24	36	74
Yes	20	51	64	135
Total	195	193	240	628
Percentage	10.3%	26.4%	26.7%	21.5%

Table 20: Whakatāne District - Family violence offences and alcohol contributing factor (2019-2021)

Sum of Whakatāne District offences where alcohol contributing factor	2019	2020	2021	Total
Factor not recorded	271			271
No	146	394	406	946
Unknown	31	74	84	189
Yes	60	152	172	384
Total	508	620	662	1790
Percentage	11.8%	24.5%	26%	21.45%

8.2 Road Policing

Consuming alcohol degrades driving performance and affects driving behaviour. Alcohol is the second biggest contributing factor to road crashes as it affects reaction times, senses, dulls judgement, vision and increases fatigue. Many studies show that the risk of being involved in a crash increase as a driver's blood alcohol level increases. At high blood alcohol levels, the risk rapidly increases.

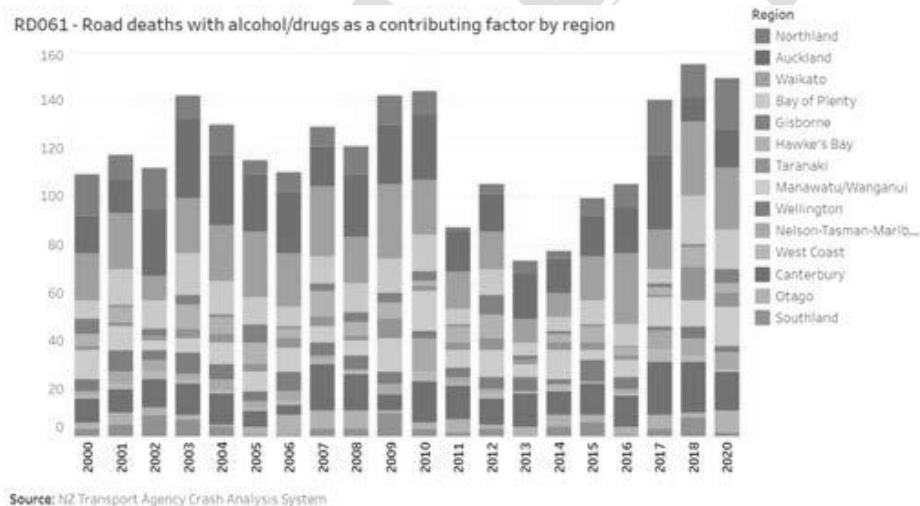
5.1.2 Appendix 2: Research Report(Cont.)

The current legal limit for alcohol is 250 micrograms per litre of breath or 50 milligrams per 100 ml of blood for drivers 20 years or over. At this limit, people are twice as likely to crash than someone who has consumed no alcohol.³⁶ There is a zero-alcohol limit for driving if you are under 20.

Driving while impaired with alcohol is a factor in 44% of all fatal crashes in New Zealand³⁷. These deaths impact families and communities and the social cost is significant. Across NZ, 90 of 318 (28%) crashes in 2020 were attributable to alcohol and alcohol was a factor in 262 serious injuries. The figure below shows all road fatalities in New Zealand where the driver had alcohol and/or drugs in their system by region. The wider Bay of Plenty region has the fourth highest rate in the country.

In the EBOP over the last five calendar years, alcohol was a contributing factor in a growing number of serious injury and fatal crashes, increasing from 24% in 2017 to 50% in 2021. Alcohol as a contributing factor in minor and non-injury crashes increased from 9% in 2017 to 23% in 2021.

Figure 21: Road fatalities in New Zealand with alcohol/drugs as a contributing factor by region from 2000-2020.³⁸



³⁶ Waka Kotahi, (2021). *Alcohol*.

³⁷ Ministry of Transport, (2020). *Annual Statistics: Alcohol and Drugs*.

³⁸ Ministry of Transport, (2021). *Annual statistics: Alcohol and drugs*.

5.1.2 Appendix 2: Research Report(Cont.)

The table below shows the number of drink driving infringement notices issued in EBOP stations and Murupara in the past five years. This has fluctuated, with the numbers issued in Whakatāne almost halving between 2017 and 2021.

Table 22: Drink driving infringements within Whakatāne, Ōpōtiki, and Kawerau Districts where the breath alcohol is over 250 but under 400 (which would have resulted in prosecution).

Drink driving infringements in Eastern Bay of Plenty	2017	2018	2019	2020	2021	Total
Edgecumbe	10	6	8	11	14	49
Kawerau	13	19	15	4	7	58
Ōpōtiki	37	39	29	23	38	166
Taneatua	6	3	4	5	4	22
Te Kaha	5	1	0	1	0	7
Te Teko	2	1	3	4	4	14
Whakatāne	102	93	77	91	54	417
Total	175	162	136	139	121	733

The impact of COVID-19 on police resourcing in 2020/21 has contributed to the reduction of ticketing. Staff were redeployed to managing COVID-19 related issues and events and working in essential front-line roles when required which likely has influenced the table above. Similarly, it is unclear whether very low numbers of infringement of liquor bans is a result of low offending, or if there were no staff available to attend.

9.0 CONCLUSION

Taking all of the information contained in this report into account, it is clear that alcohol has a large effect on the health and wellbeing of our residents. A summary of key points is noted below:

- There has been an increase in the number of new licences being applied for, showing demand and potential increase in the number of licences in the future.
- High deprivation across all three districts puts our region at a higher risk of harms relating to alcohol.
- The Eastern Bay of Plenty has a large population of Māori, and research indicates that Māori is disproportionately affected by the harms of alcohol.
- Data provided by the DHB has shown that a large proportion of hospital admissions in the region are wholly contributed to by alcohol, with numbers higher than the national average for Ōpōtiki and Kawerau districts.

5.1.2 Appendix 2: Research Report(Cont.)

- Feedback provided from our stakeholders indicates that there is great potential and support to strengthen the provisions in our LAP. This includes placing tighter restrictions on-licence hours and venue density.
- In 2021, approximately 12% of all recorded offences recorded alcohol as a contributing factor. Violence offences made up the highest proportion of alcohol-related offending in the EBOP with 25% and 24% respectively in 2020 and 2021. Drug and anti-social offences made up the next highest proportion of alcohol-related offending with 20% and 21% respectively in 2020 and 2021.
- In 2020 and 2021, 25% of family violence incidents and offences flagged alcohol as a contributing factor.
- In the EBOP over the last five years, alcohol was a contributing factor in serious injury and fatal crashes, increasing from 24% in 2017 to 50% in 2021. Alcohol as a contributing factor in minor and non-injury crashes has increased from 9% in 2017 to 23% in 2021.
- Residents in the Eastern Bay of Plenty largely support the reduction of the number of venues that sell alcohol and that it would improve the safety of their communities.

5.1.2 Appendix 2: Research Report(Cont.)

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Appendix 1

Licensed premises in Whakatāne District as of July 2022

Premise	Licence Type	Licensed hours
Café Coco	On-licence	Weekday hours, Mon-Fri: 8am-1am Weekend hours, Sat-Sun: 8am-1am
Kohutapu Lodge and Tribal Tours	On-licence	Weekday hours, Mon-Fri: 12noon-11pm Weekend hours, Sat-Sun: 12noon-11pm
Matatā Hotel	On-licence	Weekday hours, Mon-Fri: 9am-2am Weekend hours, Sat-Sun: 9am-2am
De Café	On-licence	Weekday hours, Mon-Fri: 10am to 11pm Weekend hours, Sat-Sun: 10am to 11pm
Cadera Limited	On-licence	Weekday hours, Mon-Fri, 11am-12midnight Weekend hours, Sat-Sun, 11am-12midnight
Fisherman's Wharf Café	On-licence	Weekday hours, Mon-Fri, 11am-1am Weekend hours, Sat-Sun, 11am-1am
The Quay Café	On-licence	Weekday hours, Mon-Fri, 11am-10.30pm Weekend hours, Sat-Sun, 11am-10.30pm
C'Vue Restaurant	On-licence	Weekday hours, Mon-Sun 10am-1am Weekend hours, Sat-Sun 10am-1am
Ōhope Trading Company	On-licence	Weekday hours, Mon-Fri: 11am-10pm Weekend hours, Sat-Sun: 11am-10pm
Moxi Café	On-licence	Weekday hours, Mon-Fri: 8am-10pm Weekend hours, Sat-Sun: 8am-10pm
Riverside Tavern	On-licence	Weekday hours, Mon-Fri: 9am-1am Weekend hours, Sat-Sun: 9am-1am
Whakatāne Hotel	On-licence	Weekday hours, Mon-Fri: 8am-2am Weekend hours, Sat-Sun: 8am-2am
New Hong Kong Chinese Restaurant	On-licence	Weekday hours, Mon-Fri: 11.30am-12mid Weekend hours, Sat-Sun: 11.30am-12mid
Javaman Café	On-licence	Weekend hours, Mon-Fri: 8am to 12am Weekend hours, Sat-Sun: 8am to 12am
Kope Turf Bar	On-licence	Weekday hours, Mon-Thur 10am-10pm, Fri 10am-11pm Weekend hours, Sat 10am-11pm, Sun 11am-8pm
Quart House Bar	On-licence	Weekday hours, INT/Smoking Area Mon-Fri: 9am-2am/ EXT Mon-Fri: 9am-10pm Weekend hours, Smoking Area Sat-Sun: 9am-2am/ EXT Sat-Sun: 9am-10pm
Popsies Indian Restaurant, Café and Bar	On-licence	Weekend hours, Mon-Fri: 10am to 12am Weekend hours, Sat-Sun: 10am to 12am
Cobb & Co	On-licence	Weekend hours, Mon-Fri: 8am to 2am Weekend hours, Sat-Sun: 8am to 2am
Kopeo Indian Restaurant	On-licence	Weekend hours, Mon-Fri: 11am to 11pm

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		Weekend hours, Sat-Sun: 11am to 11pm
Spice Junction	On-licence	Weekday hours, Mon-Fri, 8am-2am Weekend hours, Sat-Sun, 8am-2am
Ataturk	On-licence	Weekday hours, Mon-Fri 10am-10pm Weekend hours, Sat-Sun 10am-10pm
Whakamax Movies	On-licence	Weekday hours, Mon-Fri: 12noon-10pm Weekend hours, Sat-Sun: 12noon-10pm
Global Thai Restaurant and Bar	On-licence	Weekday hours, Mon-Fri 10am-2am Weekend hours, Sat-Sun 10am-2am
The Wagon	On-licence	Weekday hours, Mon-Fri: 11am-12mid Weekend hours, Sat-Sun: 11am-12mid
Double Zero	On-licence	Weekday hours, Mon-Fri: 9am-10pm Weekend hours, Sat-Sun: 9am-10pm
White Island Redezvous	On-licence	Weekday hours, Mon-Fri: 8am-9pm Weekend hours, Sat-Sun: 8am-9pm
Little Havana	On-licence	Weekday hours, Mon-Fri 11am-1am Weekend hours, Sat-Sun 11am-1am
Thornton Bar and Eatery	On-licence	Weekend hours, Mon-Fri: 9am to 12am Weekend hours, Sat-Sun: 9am to 12am
Cigol Restaurant	On-licence	Weekday hours, 7am-11pm Weekend hours, 7am-11pm
Office Bar and Grill	On-licence	Weekday hours, Mon-Fri: 10am-12mid Weekend hours, Sat-Sun: 10am-12mid
Detour Bar and Lounge	On-licence	Weekday hours, Mon-Fri: 9am-2am Weekend hours, Sat-Sun: 9am-2am
Waingarara Valley Wedding and Event Venue	On-licence	Weekday hours, Mon-Fri: 12pm-1am Weekend hours, Sat-Sun: 12pm-1am
The Smokin' Goose	On-licence	Weekday hours, Mon-Fri 11am-12am Weekend hours, Sat-Sun 11am-12am
Roquette Restaurant and Bar	On-licence	Weekday hours, Mon-Fri, 8am-2am Weekend hours, Sat-Sun, 8am-2am
Plains Hotel	On-licence	Weekday hours, Mon-Fri, 9am-2am Weekend hours, Sat-Sun, 9am-2am
Murupara Hotel	On-licence	Weekday hours, Mon- Fri 10am-1am Weekend hours, Sat-Sun 10am-1am
Aotearoa Breweries NZ LTD	On-licence	Weekend hours, Mon-Fri: 11am to 11pm Weekend hours, Sat-Sun: 11am to 11pm
The Comm	On-licence	Sunday to Thursday 8am - 10pm Friday and Saturday 8am - 12pm
Edgecumbe SuperValue	Off-licence	Weekday hours, Mon-Fri, 7am-10pm Weekend hours, Sat-Sun, 7am-10pm
Edgecumbe Suppa Value	Off-licence	Weekday hours, Mon-Fri, 7am-9pm Weekend hours, Sat-Sun, 7am-9pm
Kopuriki Store	Off-licence	Weekday hours, 9:00am - 9:00pm Weekend hours, 9:00am - 9:00pm

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Matatā Liquor Centre	Off-licence	Weekday hours, Mon-Fri 9am-10pm Weekend hours, Sat-Sun 9am-10pm
Ōhope Beach Four Square	Off-licence	Weekday hours, Mon-Fri: 7am to 9pm Weekend hours, Sat-Sun: 7am to 9pm
Liquorland Ōhope	Off-licence	Mon-Fri, 9am-10pm Weekend hours, Sat-Sun, 9am-10pm
TK Vineyards Limited	Off-licence – online only	Weekday hours, At any time on any day Weekend hours, At any time on any day
Tāneatua Liquor	Off-licence	Weekday hours, 10am-3pm and 4pm-7.30pm Weekend hours, 1pm-7.30pm
Te Teko Suppa Market	Off-licence	Weekday hours, 7am - 10pm Weekend hours, 7am - 10pm
Waimana General Store	Off-licence	Weekday hours, Mon-Fri: 9am-9pm Weekend hours, Sat-Sun: 9am-9pm
Celestial Wines	Off-licence	Weekday hours, Mon-Fri, 10am-7pm Weekend hours, Sat-Sun, 10am-7pm
Countdown Whakatāne	Off-licence	Weekday hours, 7am-11pm Weekend hours, 7am-11pm
New World Whakatāne	Off-licence	Weekday hours, Mon-Fri, 7am-11pm Weekend hours, Sat-Sun, 7am-11pm
Whakatāne Super Liquor	Off-licence	Weekday hours, Mon-Wed/Thur-Fri: 7am-10pm Weekend hours, Sat/Sun: 7am-11pm/7am-10pm
Whakatāne Pak'n'Save	Off-licence	Weekday hours, Mon-Fri: 7am-11pm Weekend hours, Sat-Sun: 7am-11pm
Kope Super Liquor	Off-licence	Weekday hours, Mon-Fri 9am-11pm Weekend hours, Sat 9am-11pm, Sun 9am-9pm
Awakeri Liquor Spot	Off-licence	Weekday hours, Mon-Fri, 9am-10.30pm Weekend hours, Sat/Sun, 9am-10.30pm/9am-10pm
Liquorland Whakatāne	Off-licence	Weekday hours, Mon-Fri, 9am-11pm Weekend hours, Sat/Sun, 9am-11pm/9am-10pm
Oak Off Licence	Off-licence	Weekday hours, 10-6pm Weekend hours, 10-6pm
Savvie Florists	Off-licence	Weekday hours, Mon-Fri: 9am-5pm Weekend hours, Sat/Sun: 9.30am-2pm
King Street Liquor	Off-licence	Weekday hours, Mon-Thurs/Fri, 9am-9pm/9am-10pm Weekend hours, Sat/Sun, 9am-10pm, 9am-9pm
Box and Bow	Off-licence	Weekday hours, Orders 24/7, delivery 6am-11pm Weekend hours, Orders 24/7, delivery 6am-11pm
Plains Hotel	Off-licence	Weekday hours, Mon-Fri 9am-11pm Weekend hours, Sat-Sun 9am-11pm
Murupara Hotel	Off-licence	Weekday hours, Mon-Fri, 10am-11pm Weekend hours, Sat-Sun, 10am-11pm
Ōhope Chartered Club Incorporated	Off-licence	Weekday hours, Mon-Fri, 9am-8pm Weekend hours, Sat-Sun, 9am-8pm
Aotearoa Breweries LTD	Off-licence	Weekday hours, 10am – 12am

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		Weekend hours, 10am – 12am
The Comm	Off-licence	Weekday hours, 8am – 12am Weekend hours, 8AM - 12AM
Rangitāiki Cosmopolitan Club	Off-licence	Weekend hours, Mon-Fri: 1am to 1am Weekend hours, Sat-Sun: 9am to 1am
Edgumbe Squash and Tennis Club	Club licence	Monday to Friday, 5pm to 12am Saturday, 10am to 12am
Edgumbe Sports Club Incorporated	Club licence	Weekday hours, Mon-Thur/Fri, 6pm-10pm/6pm-12mid Weekend hours, Sat/Sun, 2pm-12mid/2pm-10pm
Galatea Memorial Club Incorporated	Club licence	Monday to Friday, 10am to 12am Saturday, 10am to 1am Sunday, 10am to 10pm
Galatea Social Sports and Squash Club Incorporated	Club licence	Weekday hours, Mon-Fri: 12pm-12am following day Weekend hours, Sat-Sun: 12pm-12am following day
Matatā Rugby and Sports Club	Club licence	Weekday hours, Mon -Fri: 4pm – 10pm Saturday and Public Holidays 12pm to 12am Sunday, 4om to 9pm
Galatea Rugby and Sports Club Incorporated	Club licence	Saturday, 12pm to 12am
Murupara Golf Club Incorporated	Club licence	Weekday hours, Mon, Tues, Thur: 4pm-9pm Wed, Fri: 10:30am-12am Weekend hours, Sat-Sun: 10.30am-12am
Murupara Rugby and Sports Club Inc	Club licence	Weekday hours, Mon-Thurs/Fri: 5pm-11pm/4pm-12mid Weekend hours, Sat/Sun: 12noon-12pm/12noon/10pm
Ōhope International Golf Club Incorporated	Club licence	Monday to Sunday, 10am to 12am
Ōhope Bowling Club Incorporated	Club licence	Weekday hours, Mon-Fri:8am-12midnight Weekend hours, Sat-Sun: 8am-12midnight
Rūātoki Sports and Culture Club	Club licence	Supervised: 2pm-7pm Restricted: 7pm-12am Weekday hours, Mon-Thurs/Fri 6pm-10pm/5pm-12mid Weekend hours, Sat/Sun 2pm-12mid/12noon-10pm
Tāneatua Squash Rackets Club Incorporated	Club licence	Weekday hours, Mon-Fri, 5pm-12mid Weekend hours, Sat, 10am-12mid
Tāneatua Rugby Football Club Incorporated	Club licence	Monday to Thursday, 7pm – 10pm Friday, 7pm – 12am Saturday and Public Holidays, 12pm – 12am Sunday, 2pm – 9pm
Te Teko Golf Club Incorporated	Club licence	Weekday hours, Tue-Wed/Thu-Fri, 11am-8.30pm/11am-12mid Weekend hours, Sat/Sun, 11am-12mid/11am-11pm
Te Teko Memorial RSA Incorporated	Club licence	Monday to Friday, 4pm to 11pm Saturday, Sunday and Public Holidays, 12am to 10pm

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Marist Rugby and Sports Club Whakatāne Inc	Club licence	Weekday hours, Thu & Fri: 5pm-Midnight Weekend hours, Sat: 5pm-Midnight
Whakatāne Squash Club	Club licence	Weekday hours, Mon-Thurs/Fri: 5pm-11pm/5pm-12mid Weekend hours, Sat/Sun: 10am-12mid/11am-12mid
Whakatāne Golf Club Incorporated	Club licence	Weekday hours, Mon-Wed/Thu/Fri: 12pm-10.30pm/12pm-11pm/12pm-12am Weekend hours, Sat/Public Holiday: 10.30am-12am/10.30am-12am
Whakatāne Bowling Club	Club licence	Weekday hours, Mon-Fri: 8am-12am Weekend hours, Sat-Sun: 8am-12am
Whakatāne Town Association Football Club Inc	Club licence	Weekday hours, Mon-Thurs/Fri: 5pm-10.30pm/5pm-12mid Weekend hours, Sat/Sun: 11pm-12mid/11pm-10.30pm
Whakatāne RSA Incorporated	Club licence	Weekday hours, Mon-Fri, 9am-1am Weekend hours, Sat-Sun, 9am-1am
Whakatāne Sports Fishing Club Incorporated	Club licence	Weekday hours, Mon - Fri: 11am to 12am Weekend hours, Sat - Sun: 11am to 12am
United Rugby Sports Club (Whakatāne) Incorporated	Club licence	Weekday hours, Mon-Fri, 12noon-9pm Weekend hours, Sat-Sun, 12noon-9pm
Whakatāne Lawn Tennis Club Inc	Club licence	Weekday hours, Mon-Thur/Fri, 11am-10.30pm/11am-12mid Weekend hours, Sat/Sun, 11am-12mid/11am-9pm
Paroa Rugby and Sports Club Incorporated	Club licence	Weekday hours, Mon-Fri: 12noon-12mid Weekend hours, Sat-Sun: 12noon-12mid
Awakeri Sports and Community Club Inc	Club licence	Weekday hours, Mon-Fri 10am-12am Weekend hours, Sat-Sun 10am-12am
Bay of Plenty Regional Council Social Club Incorporated	Club licence	Weekday hours, Mon-Fri: 11am-12am Weekend hours, Sat: 11am-12am
Four Thirty Social Club Incorporated	Club licence	Monday to Friday: 4pm to 10pm
Whakatāne Darts Association Whakatāne War Memorial Hall	Club licence	Weekday hours, Thurs: 6.00pm-11:00pm Weekend hours, Sat: 10:30- 10PM, Sun: 10:00 - 7PM
Whakatāne Yacht Club	Club licence	Weekday hours, 3pm-10pm Weekend hours, 9am-10pm
Poroporo Rugby and Sports Club	Club licence	Weekday hours, Mon-Thurs: 4pm-10pm/ Fri: 4pm-12am following day Weekend hours, Sat: 4pm-12am following day/ Sun: 4pm-8pm
Ōhope Chartered Club Incorporated	Club licence	Weekday hours, Mon-Fri, 9am-2am the following day Weekend hours, Sat-Sun, 9am-2am the following day
Rangitāiki Cosmopolitan Club	Club licence	Monday to Sunday: 9am to 1am
Total:	99	

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Licensed premises in Ōpōtiki District as of July 2022

Premise	Licence Type	Licensed hours
Ōpōtiki Four Square	Off-licence	Weekday hours, Mon-Fri, 7am-8pm Weekend hours, Sat-Sun, 7am-8pm
Waihau Bay Lodge	Off-licence	Weekday hours, Mon-Fri, 10am-11pm Weekend hours, Sat-Sun, 10am-11pm
Ōpōtiki New World	Off-licence	Weekday hours, Mon-Fri, 7am-10pm Weekend hours, Sat-Sun, 7am-10pm
Thirsty Liquor	Off-licence	Weekday hours, Mon-Fri, 9am-11pm Weekend hours, Sat-Sun, 9am-11pm
Bluemoon Four Square	Off-licence	Weekday hours, Mon-Fri, 7am-9pm Weekend hours, Sat-Sun, 7am-9pm
Te Kaha Beach Resort	Off-licence	Weekday hours, Mon-Fri: 11am-10pm Weekend hours, Sat-Sun: 11am-10pm
Waingarara Valley Wedding and Event Centre	On-licence	Weekday hours, Mon-Fri: 12pm-1am Weekend hours, Sat-Sun: 12pm-1am
The Royal Hotel	On-licence	Weekday hours, Mon-Sun, 9am-1am Weekend hours, Sat-Sun, 9am-1am
Hello India Tandori Restaurant	On-licence	Weekday hours, Mon-Fri: 10am-11pm Weekend hours, Sat-Sun: 10am-11pm
Crossroad Brew Bar & Restaurant	On-licence	Weekday hours, 10AM- 1AM (following day) Weekend hours, 10AM- 1AM (following day)
Ōpōtiki Hotel	On-licence	Weekday hours, Mon-Fri, 9am-1am Weekend hours, Sat/Sun, 9am-1am/9am-11pm
Bridge Street Cafe & Grill	On-licence	Weekday hours, Mon-Fri 10am-11pm Weekend hours, Sat-Sun 10am-11pm
Slim'S Bar	On-licence	Weekday hours, Mon-Fri, 9am-1am Weekend hours, Sat/Sun, 9am-1am/9am-12mid
Crossroads	On-licence	Weekday hours, Mon-Fri: 10am-1am Weekend hours, Sat-Sun: 10am-1am
Masonic Lodge	On-licence	Weekday hours, Mon-Fri: 9am -1am Weekend hours, Sat
Te Kaha Beach Resort	On-licence	Weekday hours, Mon-Fri: 11am-10pm Weekend hours, Sat-Sun: 11am-10pm
Te Whanau-A-Apanui Rsa	Club licence	Weekday hours, Mon-Fri, 11am-12mid Weekend hours, Sat-Sun, 11am-12mid
Waihau Bay Sport Fishing Club	Club licence	Weekday hours, Mon-Fri: 1pm-1am Weekend hours, Sat-Sun: 1pm-1am
Ōpōtiki Golf Club	Club licence	Weekday hours, Mon-Thur/Fri, 11am-11pm/11am-12mid Weekend hours, Sat/Sun, 11am-12mid/11am-11pm
Ōpōtiki Bowling Club	Club licence	Weekday hours, Mon-Fri: 10am-12mid Weekend hours, Sat-Sun: 10am-12mid

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Tikirau Victory Club	Club licence	Weekday hours, Fri: 4pm-10pm Weekend hours, Sat/Sun: 4pm-10pm/2pm-10pm
Total:	22	

Licensed premises in Kawerau District as of July 2022

Premise	Licence Type	Licensed Hours
Kawerau Super Liquor	Off-licence	Weekday hours, Mon-Fri: 9 am to 10 pm Weekend hours, Sat-Sun: 9 am to 10 pm
Kawerau New World	Off-licence	Weekday hours, Mon-Fri 8am-10pm Weekend hours, Sat-Sun 8am-10pm
Star Suprette	Off-licence	Weekday hours, 8am -10pm Weekend hours, 8am -10pm
Liquor Hut Kawerau	Off-licence	Weekday hours, Mon-Fri: 9 am to 10 pm Weekend hours, Sat-Sun: 9 am to 10 pm
Kawerau Liquor	Off-licence	Weekday hours, 10am - 11pm Weekend hours, 10am - 11pm
The Mansoon Limited	On-licence	Weekday hours, Mon-Fri, 11am-11pm Weekend hours, Sat-Sun, 11am-11pm
Caymans Sports Bar	On-licence	Weekday hours, Mon-Fri, 9am-1am Weekend hours, Sat-Sun, 9am-1am
Betyi's Turkish Cafe	On-licence	Weekday hours, 10am - 10pm Weekend hours, 10am - 10pm
Jive Cafe	On-licence	Weekday hours, 10am-10pm Weekend hours, 10am-10pm
Kawerau Sports Club	Club licence	Weekday hours, Mon-Tue/Wed-Thur/Fri, 5pm-10pm/5pm-12mid/2pm-12mid Weekend hours, Sat/Sun, 2pm-12mid/2pm-10pm
Kawerau Golf and Squash Club	Club licence	Weekday hours, Mon-Thurs/Fri: 12noon-10.30pm/10am-12mid Weekend hours, Sat-Sun: 10am-12mid
Kawerau Cosmopolitan Club	Club licence	Weekday hours, 8am-1am Weekend hours, 8am-1am
Total:	12	

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Appendix 2

Status of Local Alcohol Policies, May 2022

Territorial Authority (Council / District Council)	Draft LAP notified	Provisional LAP notified	Revised Provisional LAP notified	Adopted	Status of 1 st LAP @May 2022	Status of any Reviewed/2 nd LAP @May 2022
Ashburton	Oct 2013	Mar 2015	Nov 2015	Aug 2017	Adopted	
Auckland	May 2014	May 2015	Sept 2017		Revised Provisional	
Buller	Dec 2013				Draft	
Central Hawke's Bay	Sept 2013	Aug 2015	June 2016	Sept 2018	Adopted	
Central Otago	Dec 2013				Draft	
Chatham Islands					No Draft	
Christchurch City	May 2013	May 2015	Sept 2016		Revised Provisional – since aborted	
Clutha					No Draft	
Dunedin City	Sept 2014	June 2015	May 2018	Oct 2018	Adopted	
Far North	July 2014	Sept 2015			Abandoned Provisional [†]	
Gisborne	April 2014	Sept 2014	Jan 2016	Mar 2018	Adopted	
Gore	Feb 2014	Dec 2014		Aug 2016	Adopted	2 nd LAP adopted Feb 2020
Grey					No Draft	
Hamilton City	Jan 2014	Nov 2015			Discontinued Provisional ^{††}	
Hauraki	July 2013	Dec 2013	April 2015	Aug 2016	Adopted	Draft 2 nd LAP May 2022
Horowhenua	Feb 2017	Sept 2017	Feb 2020	Aug 2020	Adopted	
Hurunui	June 2013	Mar 2014	Jan 2016	Dec 2017	Adopted	
Hutt City (Lower Hutt)	May 2013	Jan 2014	Nov 2015	Sept 2016	Adopted	2 nd LAP Adopted Oct 2018
Invercargill/ Southland*	Feb 2014	Dec 2014		Aug 2016	Adopted	2 nd LAP Adopted Dec 2019
Kaikōura	1. Aug 2013 2. Sept 2019	unknown		Feb 2020	Adopted	
Kaipara					No Draft	
Kapiti Coast					No Draft	
Manawatū					No Draft	
Marlborough	Mar 2014				Draft	
Masterton/South Wairarapa/ Carterton*	Sept 2014	June 2015	Nov 2017	Aug 2018	Adopted	
Matamata-Piako	Oct 2013	Feb 2014		April 2017	Adopted	
Napier City and Hastings*	Oct 2013	April 2016		March 2019	Adopted	
Nelson City	Aug 2013				Draft	
New Plymouth/ Stratford*	Mar 2014	Oct 2014	Mar 2016	Feb 2017	Adopted	
Otorohanga	Aug 2013	Feb 2014	Aug 2015	May 2016	Adopted	
Palmerston North City	Jul 2017 Aug 2019 Sept 2020	May 2021			Provisional	
Porirua City	June 2014	Dec 2014	April 2016	Oct 2017	Adopted	
Queenstown Lakes					No Draft	
Rangitikei					No Draft	
Rotorua Lakes	Jan 2014	Nov 2015		Feb 2019	Adopted	
Ruapehu	Aug 2013	April 2014	N/A	Aug 2014	Adopted	2 nd LAP adopted Feb 2018
Selwyn	June 2013	Jan 2014	Oct 2015	April 2017	Adopted	
South Taranaki					No Draft	
South Waikato					No Draft	
Taranua					No Draft	
Tasman	July 2013	Dec 2013		Mar 2015	Adopted	2 nd LAP adopted April 2021
Taupō					No Draft	

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Tauranga City	Aug 2013	Jan 2014		Nov 2015	Adopted	2 nd LAP in draft
Thames-Coromandel	Oct 2013	Dec 2013		Jan 2016	Adopted	2 nd LAP adopted Jan 2022
Timaru/Mackenzie/Waimate*	Oct 2013	Jan 2014		Mar 2016	Adopted	
Upper Hutt City					No Draft	
Waikato	Oct 2014	April 2015	June 2016	Jan 2017	Adopted	
Waimakariri	May 2013	Oct 2013		Feb 2015	Adopted	2 nd LAP adopted Dec 2018
Waipa	July 2013	Jan 2014		July 2016	Adopted	
Wairoa	Aug 2020	Oct 2020		Nov 2020	Adopted	
Waitaki					No Draft	
Waitomo	Aug 2013	Dec 2013	Feb 2014	June 2016	Adopted	
Wellington City	July 2013	Jan 2014			Provisional, not progressing	
Western Bay of Plenty	Aug 2013	Jan 2014		Nov 2015	Adopted	2 nd LAP adopted May 2022
Westland					No Draft	
Whakatāne/Kawerau/ Ōpōtiki (Eastern Bay of Plenty)*	July 2013	Feb 2014		Mar 2016	Adopted	
Whanganui	Mar 2017	July 2017		Aug 2019	Adopted	
Whāngārei	June 2015	Oct 2015			Provisional	

*Joint LAP

* <https://www.stuff.co.nz/auckland/local-news/northland/102878620/council-abandons-work-on-local-alcohol-policy>

** https://www.nzherald.co.nz/hamilton-news/news/article.cfm?c_id=1503366&objectid=12018539

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Appendix 3



BOPDHB Position Statement

Alcohol and Other Drugs

Introduction

The Bay of Plenty District Health Board (BOPDHB) is required under legislation:

- to improve, promote, and protect the health of people and communities;
- to promote the inclusion and participation in society and independence of people with disabilities;
- to reduce health disparities by improving health outcomes for Maori and other population groups;
- to exhibit a sense of social responsibility by having regard to the interests of the people to whom it provides, or for whom it arranges the provision of, services;
- to exhibit a sense of environmental responsibility by having regard to the environmental implications of its operations.

The BOPDHB has prepared a series of position statements which demonstrate its commitment to these objectives, and outlines its viewpoint on different health issues.

1.0 The Bay of Plenty DHB affirms the following:

- 1.1 It will undertake activities to support Government policy,
 - i) to reduce alcohol consumption at a population level
 - ii) to reduce excessive drinking by adults and young people
 - iii) to reduce the harm caused by alcohol use, including crime, disorder, public nuisance, and negative public health outcomes
 - iv) to support the safe and responsible sale, supply and consumption of alcohol
 - v) to improve community input into local alcohol licensing decisions
 - vi) to improve the operation of the alcohol licensing system
- 1.2 It will actively work towards reducing alcohol and other drug related harm inequalities in identified high-risk populations.
- 1.3 It supports the reduction of the adult drink driving limit to a Blood Alcohol Concentration of 0.05 to reduce the number of deaths and injury on our roads, and the impact that has on trauma admissions to BOPDHB hospitals.
- 1.4 It supports public health professionals in the continued monitoring of licensed premises.
- 1.5 It will advocate this position statement when opportunities arise on alcohol issues to district and regional councils and government select committees, and providing input into district and regional alcohol policies and plans.

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- 1.6 It will promote alcohol and other drugs harm reduction strategies through the provision of information to health care professionals and the public.
- 1.7 It will work to increase access to Alcohol and Other Drugs treatment options across the Bay of Plenty, particularly for high-risk populations.
- 1.8 It will work to increase opportunities for screening and brief interventions in appropriate health settings such as the Emergency Department and primary care.
- 1.9 It will link with PHOs, NGOs, other parts of the health sector and the community to ensure that it has a full understanding of current alcohol and other drug issues as experienced by the population of the BOP, and can then determine the best interventions to address any emergent issues.
- 1.10 It will engage with other sectors such as Education, Justice, NZ Police and Corrections, in a coordinated approach to plan for, promote, support and deliver alcohol and other drug harm reduction and treatment strategies through partnerships based on shared outcomes and coordinated investment.
- 1.11 When opportunities arise, it will advocate for the following approaches that are endorsed by the World Health Organisation:
 - i) raised alcohol prices
 - ii) raised purchase age of alcohol
 - iii) reduced alcohol accessibility, particularly through the reduction in the number of outlets that sell alcohol
 - iv) reduced marketing and advertising of alcohol
 - v) increased drink-driving counter-measures

2.0 The Bay of Plenty DHB notes that:

- 2.1 Alcohol is the world's most commonly used drug. The health effects of use and abuse of alcohol are variable on an individual; however there is no dispute that alcohol is a significant cause of disease and disability, and has wider implications within NZ society than other drugs.
- 2.2 Alcohol use is deeply embedded in New Zealand. While moderate alcohol use presents few immediate problems for most people, any consumption of alcohol has potential harmful effects, particularly vulnerable populations such as young people, unborn children, older people, and patients with hepatic infections. Excessive use comes at a high cost, through accidental injury, violence, motor vehicles crashes, cancer, mental health problems; alcohol addiction; and other alcohol related disorders. Decreased alcohol consumption should result in a healthier New Zealand population and lead to lower health care costs.
- 2.3 There is increasing use of recreational drugs especially amongst younger people, and abuse of prescription medicines, often amongst older people. A range of measures are required to reduce harm from these drugs, from Police surveillance and enforcement to better monitoring of the prescribing and use of medicines. The public health approaches to reducing the harm to communities is largely managed by the Ministry of Health, with five BOP providers being contracted to deliver Community Action on Youth and Drugs (CAYAD) programmes.
- 2.4 Preventing intoxication would significantly reduce the harm from alcohol. The social and physical context affects the potential for harm from intoxication, so strategies are needed that protect the drinker and others by altering the social environments where people drink.

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Toi Te Ora Public Health
PO Box 2120
TAURANGA 3144

1 August 2022

Tēnā koutou,

Re: Eastern Bay of Plenty District Council Local Alcohol Policy

Thank you for the invitation to provide feedback on the Eastern Bay of Plenty District Council Local Alcohol Policy (LAP).

Overall, it is recommended that the Eastern Bay of Plenty District Council LAP is retained and strengthened. A large body of evidence supports the idea of addressing alcohol-related harm and improving health outcomes through population-based prevention strategies that focus on changing physical and social environments. Further strengthening of the LAP provides a significant opportunity for Council to improve the local environment and culture around the drinking of alcohol.

The following is recommended to strengthen the existing LAP:

Define maximum alcohol outlet (on- and off-licensed premises) density in specific areas and zones.

It is recommended that to reduce harm related to alcohol consumption and especially excessive alcohol consumption:

- A LAP should actively manage alcohol outlet density by defining limits to alcohol outlet numbers in specific areas or zones
- In particular, areas related to youth (with high youth numbers and use) should have limits on alcohol outlet density; and, the number of premises in areas of high socio-economic deprivation should be capped with the aim of the density eventually being no higher than in other areas.

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- Those licences subject to density limits should be off-licensed premises and designated on-licensed premises (e.g. taverns) but not necessarily on-licensed premises where the licence is not designated (e.g. restaurants and cafes).

To implement the above, a tiered approach could be used to set density limits and define:

- One (or possibly two, if appropriate) higher density areas (ie, central business district entertainment precincts);
- Lower density limits in commercial areas;
- Lowest density limits in residential areas;
- Zero alcohol outlets in industrial areas.

Cap proximity of alcohol outlets at current levels within a specified footpath distance from schools, other education facilities - and marae

It is recommended that off-licensed premise numbers and designated on-licensed premise numbers are capped at current levels within a specified footpath distance from early childhood centres, primary, intermediate and secondary schools, polytechnics and universities – and marae. How this distance is specified may be problematic and warrants further discussion (and GIS analysis of policy options). One option that aligns well with public opinion and public health objectives is that:

- No new outlets are permitted within 0.5 km footpath distance of education facilities and marae
- New outlets between 0.5 km and 1.0 km footpath distance may be subject to special conditions (eg related to hours of opening, extent of shop-front advertising)
- No conditions beyond 1.0 km footpath distance.

Trading hours of off-licensed premises.

It is recommended that maximum trading hours for off-licences are from 10.00am to 10.00 pm.

Alcohol-related harm in the Eastern Bay of Plenty

Toi Te Ora Public Health reviewed the data for people living in the Eastern Bay of Plenty hospitalised with conditions wholly attributable to the consumption of alcohol (Toi Te Ora Public Health, 2022). Conditions wholly attributable to alcohol consumption are conditions considered to be entirely caused by the consumption of alcohol. These conditions represent a fraction of the health harm caused by alcohol and, for example, do not include hospitalisations from cancers or injuries where alcohol might be a contributing factor. From the data review we found the following:

- The rate of admission to hospital with conditions wholly attributable to alcohol according to the broad measure (that is, where a wholly attributable condition is either a primary or secondary

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diagnosis) has typically been higher in Kawerau and Ōpōtiki territorial authority areas than the average rate for New Zealand over the last 10 years.

- All three Eastern Bay of Plenty territorial authority areas (Whakatāne, Kawerau and Ōpōtiki) have rates of admission for wholly attributable conditions (as a primary or secondary diagnosis) caused by chronic alcohol use that are higher than the New Zealand average.
- The rate for wholly attributable conditions caused by acute alcohol use is similar to the New Zealand average in the Eastern Bay of Plenty territorial authority areas. The rates for conditions caused by acute alcohol consumption might be affected by more limited access to health services in rural areas.
- Several domiciles (small geographic areas equivalent to the Stats NZ 2013 Area Units) in the Eastern Bay of Plenty territorial authority areas rank within the top 100 (out of a total number of 1851 ranked domiciles) for the number of admissions according to the broad definition, these include Kawerau, Opotiki, and Whakatāne North.

The brief (Toi Te Ora Public Health, 2022) that details this review has been provided separately.

Issues of Health and Wellbeing – Population Survey 2020

In 2020, Toi Te Ora Public Health undertook a Health and Wellbeing Population Survey (Toi Te Ora Public Health, 2020). This is an important source of information as it helps us understand the views of people who reside in the Bay of Plenty, across a range of issues relevant to public health. Alcohol related findings showed:

- 63.2% of respondents support reducing the number of places that sell alcohol
- 59.5% of respondents support more restrictions on advertising and sponsorship by alcohol companies
- 71.6% of respondents think that supermarkets and liquor stores should not be selling alcohol before 10 am
- 62.7% of respondents think that more restrictions on alcohol availability would improve safety in towns and cities at night.

These results indicate the community is generally supportive of tighter regulatory measures to manage issues such as alcohol outlet density, sponsorship, trading hours and availability.

Alcohol outlet density

Studies show that increased alcohol outlet density (of both on- and off-licensed premises) is associated with an increase in:

- Alcohol consumption (Campbell et al, 2009)
- Levels of serious violent offending (Connor et al, 2020)

5.1.2 Appendix 2: Research Report(Cont.)

- Alcohol-related traffic crashes (Campbell et al, 2009; Connor et al, 2020)
- Harm to quality of life, including effects on work performance, relationships, physical health, and finances (Cameron et al, 2019)
- Under-age youth access and consumption of alcohol (Chen et al, 2009).

Alcohol outlet density is associated with social deprivation in New Zealand (Cameron et al, 2017; Hay et al, 2009). Overall, people have greater access to alcohol outlets when they live in more socially deprived areas. Higher alcohol outlet density results in premises competing on price and longer opening hours, further accelerating accessibility to cheap alcohol, and contributing to higher levels of alcohol consumption and alcohol-related harm (Cameron et al, 2019).

Through the LAP, Council has an ability to cap, and then lower, alcohol outlet density.

Off-licence trading hours

Increased alcohol outlet trading hours are associated with increased alcohol consumption and related harms. Evidence indicates that:

- High risk drinkers are more likely to take advantage of longer trading hours
- Longer trading hours correspond with an increase in motor vehicle crashes
- Restrictions to trading hours will contribute to preventing alcohol-related harm (Connor et al., 2020).

According to Huckle et al (2020), 73% of alcohol in New Zealand is consumed in private residences. Limiting the amount of off-licensed alcohol outlets, and restrictions on their trading hours, may lessen the consumption of alcohol in private residences. Furthermore, restricting trading hours of both on- and off-licensed premises has the most significant impact on alcohol harm reduction amongst 15 – 29 year olds (Connor et al, 2020).

The LAP and associated trading hour restrictions could make a meaningful contribution to minimising alcohol-related harm in the Eastern Bay of Plenty.

Thank you for the opportunity to provide this feedback. Please contact Toi Te Ora Public Health if you would like clarification on any points raised in this letter.

Sincerely,



5.1.2 Appendix 2: Research Report(Cont.)

Dr Neil de Wet Medical Officer of Health

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5.1.2 Appendix 2: Research Report(Cont.)

Appendix 4

Alcohol Harm Prevention Officer – NZ police Position Statement

I have been asked in my role of Alcohol Harm Prevention Officer (AHRO) with Police to comment on four questions posed by the Whakatāne District Council as it reviews the Local Alcohol Policy (LAP) for the Eastern Bay of Plenty.

The role of AHRO within Police includes completing checks for new/renewals of premise licences and managers certificates, preparing and attending hearings for any oppositions, reporting to the DLC and compliance checks. PST (Public Safety Team) attend any incidents that occur at licenced premises, complete breath testing and attend accidents/incidents on our roading system and within private homes where alcohol could have been factor.

The Eastern Bay of Plenty (EBOP) AHRO covers Whakatāne, Kawerau, Ōpōtiki and Murupara (for specials/licensing/manager applications only).

Police have been asked if a LAP is still needed in the EBOP? No. The current LAP is a 90% regurgitation of The Sale and Supply of Alcohol Act 2021' (The Act) making it nothing more than a quick reference document.

The EBOP in the time I have been here has not seen an influx of new off-licences or the opening of new on-licence premises that provide night-time entertainment. The current LAP has steered away from prescribing the number, type and density of licenced premises, looking more at the economic benefits the alcohol industry provides to the area (Whakatāne District Council, 2016).

The ability to correlate incidents/offences attended within public places or private premises where alcohol has been purchased from an off-licence premise such as a Supermarket or Bottle Store is more problematic, making the ability to look at density, trading hours and locations more difficult if this data is not being collected.

Are there benefits from having a LAP, in the Eastern Bay? Not in its current form as The Act covers what is required with its 'purpose and objectives'.

Is there any evidence for changing the existing policy? Yes, Police utilising evidence gathered have been able to get a reduction in trading hours of on-licence premises.

What matters require change and why? This follows on from the above question. If there could be one change to the LAP if it continues to exist is the 'trading hours', The current LAP does have reduced trading hours less than the default maximum under section 43 of The Act. Further reductions would be beneficial for any future new/renewals.

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5.1.2 Appendix 2: Research Report(Cont.)

An example where the LAP could be effective is the setting of trading hours. The current on-licence maximum closing time in Whakatāne is 2:00am. Police were able to get this reduced for several premises after a large number of incidents/offences were linked to them. After gathering evidence at the time of renewal Police opposed the application bringing the matter before the DLC. The outcome was a reduction in the closing time from 2:00am to midnight.

This change resulted in an immediate impact on reported incidents/offences linked to these premises.

In summary the LAP was 'to provide the policy framework for licensing decisions' to meet the object of the Act (Whakatāne District Council, 2016), the Act does that itself as the LAP provides no other local specific policies that are binding with licence holders.

A recent study looking at local alcohol policies across territorial authorities between July 2014 and January 2019 found there was no strong evidence of a reduction in crime following the implementation of local alcohol policies. (Menclova, 2021)

Going against these findings locally, Police have shown that a reduction in trading hours has had a marked impact on reducing alcohol related offences where an on-licence premise has been linked to an incident/offence.

Another driver of alcohol consumption could be attributed to the socioeconomic deprivation profile with many areas within the Eastern Bay of Plenty at decile 10. (Berl, 2020), making it a further consideration.

In conclusion reduced trading hours have had the most impact for the decline in crime related incidents/offences in the EBOP (Whakatāne) when linked to on-licence premises. A reduction in trading hours for off-licence premises you would also expect to see some reduction in calls for service to private premises where alcohol has had a causal effect.

The ultimate question that needs to be asked is 'What is it the LAP wants to achieve that is location specific to the Eastern Bay of Plenty that is not already covered by The Act?'

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5.1.2 Appendix 2: Research Report(Cont.)

Appendix 5

Statement made by Jan Pryor, Chief Licensing Inspector,

To inform the Local Alcohol Policy Review 2022

PERSONAL STATEMENT OF JAN PRYOR

The current situation:

The current Local Alcohol Policy (LAP) applies to the entire Eastern Bay of Plenty District (EBOPD) including Whakatāne, Ōpōtiki and Kawerau District Councils. The Eastern Bay of Plenty Licensing Committee covers all three of these areas, however Ōpōtiki has their own Licensing Inspector and so I cannot comment on the policy with respect to Ōpōtiki District.

Whakatāne and Kawerau each have a main residential and economic centre. The EBOPD is widespread covering an area of 12,200 km containing a number of smaller communities that satellite from these centres, some being quite rural and remote such as Murupara. The EBOPD contains a number of low socio-economic areas, and Kawerau had the country's lowest average income in 2021.

The current LAP limits the hours granted for any on-licence to:

- Whakatāne District: 9.00 am to 2.00 am the following and
- Ōpōtiki and Kawerau Districts: 9.00 am to 1.00 am the following day.

(The national default hours are 8.00 am to 4.00 am the following day)

Section 77 (1) of the Sale and Supply of Alcohol Act 2012 states:

A local alcohol policy may include policies on any or all of the following matters relating to licensing (and no others):

(a) location of licensed premises by reference to broad areas:

5.1.2 Appendix 2: Research Report(Cont.)

(b) location of licensed premises by reference to proximity to premises of a particular kind or kinds:

(c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds:

(d) whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district:

(e) maximum trading hours:

(f) the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions: (g) one-way door restrictions.

Executive summary:

- Location of licences in particular areas or near certain types of facilities:

Whakatāne Central Business District (CBD), where most of their bars are situated, now has a significant proportion of residential accommodation

- The density of licences in a particular area

The Eastern Bay of Plenty has a high concentration of off licensed premises in areas of high deprivation

- *Discretionary conditions on groups of licences, such as one-way door restrictions:*

Pre-loading of alcohol causes issues for bars that remain open late and significant issues are more prevalent after midnight. Lack of crime prevention strategies allow preventable problems to escalate.

- *The restriction of the default maximum opening hours set out in the new legislation, which are 8am to 4am for on-licences and 7am to 11pm for off-licences.*

The later the premises are open the greater the effects of noise associated with movement of people around residential areas.

The later that sale of takeaway alcohol is allowed increases the potential for preloading and greatly increases the risk of violence and abuse to staff, patrons, and service personnel.

Evidence:

On-licence -

5.1.2 Appendix 2: Research Report(Cont.)

When the current alcohol policy was adopted in March 2016 significant changes were beginning to be undertaken in the Whakatāne CBD.

Consultation with Iwi in 2010 ruled out a number of areas that had been considered to accommodate urban growth in the Whakatāne area. The *Whakatāne Integrated Urban Growth Strategy* proposed a number of options including the need for infill development in the Kopeopeo and Whakatāne town centre. As a result, a number of unit developments were approved in the Whakatāne CBD, where most of their bars are situated.

Over the following years a significant proportion of residential accommodation became available in George Street, Quay Street, and the Strand East. More development is currently being processed in the Strand East and Kopeopeo as land parcels have become available to developers.

A Licensing hearing in 2020 attracted opposition from the body corporates and residents of both the George Street and Quay Street apartments due to the amount of public nuisance and disorder around the apartments, especially after midnight on Thursday Friday and Saturday nights.

Police presented evidence to support these objections and the premises were denied a new On-licence. On appeal the Alcohol Licensing and Regulatory Authority (ARLA) reinstated the licence but with a closing time of midnight.

Currently there are 84 apartments in the streets immediately adjacent to the CBD with a consent being processed for a new development within close proximity.

The body corporates of the current apartments advise that since the apartments were first made available the demographic has change from more holiday lets to more full-time accommodation of which a proportion is retirement accommodation. The response from apartment residents to proposed 2 am closing of 'night club' style bars shows that there is little tolerance left from residents for the associated problems that they encounter.

The COVID19 pandemic has been a great leveller for the hospitality industry. In 2020 patrons were unable to access bars and restaurants, the financial hardship this caused contributed to a number of problem premises changing hands.

The new owners of those bars have voluntarily agreed to midnight closing in response to public objections from residents.

Police have reported that the midnight closing by those bars has had a roll-on effect, with increased compliance across all bars in the CBD resulting in less crime.

5.1.2 Appendix 2: Research Report(Cont.)

The body corporates have reported a significant improvement to the quality of life of the residents in the area due to the decrease in public nuisance and disorder.

New Trends of alfresco dining have also had an impact on the way people use licensed premises. Bringing the alcohol outside also brings the noise outside which has an impact for residents.

The limits of a town centre designed in the 1800s means that very few premises have outside space in which to accommodate the alfresco trend. This has meant a demand for dual use of the shared areas and footpaths in the CBD. The blurring of these areas has not assisted either the premises or the agencies to ensure compliance with licence conditions and very few licensees employ the use of barriers to define drinking and walking areas.

Some of our smaller satellite communities also do not have an appetite for the noise of bands nor the disruption of 2 am closing.

The Horseshoe Inn in Matatā was built in the early 1900s when the township was a busy commercial hub. In recent years as the township became more of a residential area, the zoning changed, the operation became increasingly subdued, and patronage declined.

The Hotel changed hands in 2020 and the style of operation also changed. Increased patronage and full use of the approved hours saw the bar remain open until 2pm. Bands play frequently in the garden bar area and summer temperatures mean that the doors and windows remain open, increasing the noise to the surrounding houses.

Noise complaints led to public objections when the licensee attempted to renew.

Pre-loading:

During the 2020 licensing hearing police submitted evidence of incidents of pre-loading around the bars in the CBD. The areas were identified as the carpark on Kakahoroa Drive, The Strand in front of the bars, the stop-bank by the I-site centre and the walled seating area in front of what is now Little Havana.

The evidence pointed at most pre-loading occurring in cars parked around the popular bars but noted that packaging was detected around the seating areas on the stop-bank and walled seating areas.

With off-licence alcohol available until 11.00 pm at much cheaper prices than the bars themselves, and 4 off-licence premises within a 1-kilometre radius of the CBD, pre-loading is facilitated making it much more difficult for duty managers to monitor levels of intoxication in the bars.

In 2022 Police reported similar issues in a Jellicoe Street bar in Kawerau where alcohol, purchased elsewhere, is being smuggled into the bar and drunken disorder is occurring outside the premises.



APPENDIX 3

Draft Eastern Bay of Plenty Local Alcohol Policy

Statement of Proposal

DRAFT



Introduction

The Eastern Bay of Plenty District Councils (Whakatāne, Ōpōtiki, and Kawerau) are reviewing the joint Eastern Bay of Plenty Local Alcohol Policy that came into effect in 2016. This Statement of Proposal is pursuant to Sections 83, 86 and 156 of the Local Government Act 2002 and outlines the changes that are being proposed, along with how you can have your say on the draft policy.

Local Alcohol Policies (LAP) are not mandatory. The Sale and Supply of Alcohol Act 2012 (the Act) allows councils to develop LAPs for their territorial areas. Once a LAP is in place, the local District Licensing Committee must have regard to the LAP when making decisions on licence applications. Without a LAP, the default provisions in the Act would apply.

The Act sets out the requirements and process for Local Alcohol Policies. LAPS can include policies on any or all of the following matters relating to licensing (and no others):

- location of licensed premises by reference to broad areas;
- location of licensed premises by reference to proximity to premises of a particular kind or kinds;
- location of licensed premises by reference to proximity to facilities of a particular kind or kinds;
- whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district;
- maximum trading hours;
- the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions;
- one-way door restrictions.

About the draft Local Alcohol Policy

The draft Local Alcohol Policy (LAP) aims to minimise alcohol-related harm and to set requirements for licensing that are aligned with community views and address local issues. The vision of the draft LAP is “*to support the object of the Sale and Supply of Alcohol Act 2012 and contribute to the safety and health of the communities in the Eastern Bay of Plenty*”.

The objects of the Act are stated as:

- 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 overall objective of the LAP review has been to strengthen and align the LAP to the Act, reduce alcohol related harm, and reflect community feedback.

Research Report

A research paper was developed to inform the 2022/23 review of the Local Alcohol Policy. The research paper focused on current number of licences, the demography of residents, overall health indicators and alcohol related issues in the districts.

The report also includes information gathered through stakeholder engagement with Police, the Medical Officer of Health and Licensing Inspectors. The full Research Report is available online.

A summary of key points are below:

- High deprivation across all three districts puts our region at a higher risk of harm relating to alcohol.
- Data provided by the Bay of Plenty District Health Board has shown that a large proportion of hospital admissions in the region are related to alcohol consumption, with numbers higher than the national average for Ōpōtiki and Kawerau districts.
- Feedback provided from stakeholders indicates that there is great potential and support to strengthen the provisions of the current LAP. This includes placing tighter restrictions for on-licence hours and venue density.
- In 2021, approximately 12% of all recorded offences recorded alcohol as a contributing factor. Violent offences made up the highest proportion of alcohol-related offending in the Eastern Bay of Plenty (EBOP) being 25% and 24% respectively in 2020 and 2021. Drug and anti-social offences made up the next highest proportion of alcohol-related offending with 20% and 21% respectively in 2020 and 2021.
- In 2020 and 2021, 25% of family violence incidents and offences flagged alcohol as a contributing factor.
- In the Eastern Bay of Plenty, over the last five years, alcohol was a contributing factor in a large number of serious injury and fatal crashes, increasing from 24% of crashes in 2017 to 50% in 2021. Alcohol as a contributing factor in minor and non-injury crashes has increased from 9% of crashes in 2017 to 23% in 2021.
- Residents in the EBOP largely support the reduction of the number of venues that sell alcohol and note that this would improve the safety of their communities.

Summary of draft changes to the LAP

1. The policy has been condensed and wording has been simplified where possible to provide clarity to applicants and the District Licensing Committee, and to remove reference to requirements which are already set out in the Act.
2. Objectives have been included to clearly provide the Councils' position and aims for each of the districts.
3. The draft policy has been developed to align provisions across all three districts, with no differences between each district included.
4. Any application for a new on or off licence must be for a premise located in a zone designed for commercial or business activities under the relevant District Plan, unless resource consent is granted.

5. Trading hours are proposed to be aligned across all three districts as follows:
Off-licences: 9am – 10pm (Supermarkets 8am-10pm)
On-licences: 9am – 12pm
Club licences: 9am - 12pm
Special licences: case by case
6. The definition of sensitive sites has been extended to include primary and secondary schools, childcare facilities, children’s playgrounds, places of worship, marae, and medical centres.
7. Provision around new licences and proximity to sensitive sites has been reworded to better reflect and align with District Plans and provided the District Licensing Committee better discretion on applications near sensitive sites.
8. Example discretionary conditions applicable to each licence type have been included to provide more visibility as to what can be imposed.

How can I have my say on the policy?

The consultation period for the Local Alcohol Policy review will begin on Monday 27th March and conclude at 5pm on Friday 28th April. This is your opportunity to let us know what you think of the draft Local Alcohol Policy, and we encourage all feedback.

You can:

- Read further information and submit using our online consultation portal
- Email your submission to your Council listed below
- Submission forms and hard copies of this statement of proposal and the draft policy are available at all District Council offices. If you have any questions about this proposal or about how to make a submission, please contact us using the details below:

Whakatāne:

4 Commerce Street, Whakatāne
07 306 0500
submissions@whakatane.govt.nz

Ōpōtiki:

108 St John Street, Ōpōtiki
07 315 3030
info@odc.govt.nz

Kawerau:

2 Ranfurly Court, Kawerau
07 306 9009
office@kaweraudc.govt.nz

Privacy Act information

The Local Government Act requires submissions to be made available to the public. All submissions will be provided to the three Eastern Bay of Plenty District Councils and will include your name. If you would like to keep your submission confidential, you will need to inform us when you provide your submission.

What happens next?

Following the closing of the submission period at 5pm, Friday 28th April 2023, all submissions will be provided to a panel comprising members of the three councils for consideration and verbal submissions will be heard. This meeting will be open to submitters and the public to attend in person or via video link if requested.

The panel will then deliberate on the draft policy and what should be included in the final LAP based on community feedback. It is anticipated that a draft policy will be adopted in late May 2023.

Important dates to remember:

Submissions open – 8am, Monday 27th March 2023

Submissions close – 5pm, Friday 28th April 2023

Hearing of submissions and deliberations – To be confirmed

EASTERN BAY OF PLENTY LOCAL ALCOHOL POLICY



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1. INTRODUCTION

This is the joint Local Alcohol Policy of the Kawerau, Ōpotiki and Whakatāne District Councils. It comes into effect on 18 March 2016. The policy applies to any licensing application made to a District Licensing Committee in the Eastern Bay of Plenty region.

The Sale and Supply of Alcohol Act 2012 (The Act) allows each territorial authority to develop a local alcohol policy (LAP) for the sale, supply and consumption of alcohol in its district. A LAP must be developed in consultation with local communities and key regulatory bodies such as the Police, licensing inspectors and Medical Officers of Health. It may have different conditions for different areas within a district.

A LAP provides the policy framework for licensing decisions to meet the object of the Act and the needs and views of communities. Additionally, a LAP has legal standing under the Act. For example:

- Licensing bodies must have regard to the applicable LAP in decisions about licence applications
- Any maximum trading hours and one way door restrictions in a LAP must be complied with, and
- Being contrary to a LAP is grounds for a licence application to be refused.

1.1 The Sale and Supply of Alcohol Act 2012

The object of the Act is that:

1. The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
2. For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—
 - a. any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
 - b. any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

1.2 District Licensing Committees

A District Licensing Committee is the committee(s) appointed by a territorial authority to deal with licensing matters for its district. Every territorial authority is required by the Act to establish one or more licensing committees. The functions of a District Licensing Committee (DLC) are:

- To consider and determine licence applications, renewals, variations, suspensions and cancellations
- To consider and determine new applications and renewals of manager's certificates
- To consider and determine applications for temporary authority
- To conduct inquiries and make reports to the licensing authority; and
- With the leave of licensing authority, to refer applications to the licensing authority.

Each DLC consists of three members appointed by a territorial authority for its district. The chairperson must be either an elected member of the Council or a Commissioner, and the two other members are appointed from a list of members established and maintained by the territorial authority. Two or more territorial authorities may have a combined list of DLC members.

1.3 Alcohol Regulatory Licensing Authority

The Alcohol Regulatory and Licensing Authority is the national body formerly known as the Liquor Licensing Authority. The functions of the authority are:

- To consider all applications referred to it by the DLC which it has given leave to be referred
- To consider and determine appeals from decisions of a DLC
- To consider and determine appeals against elements of draft local alcohol policies, and
- To consider and determine applications by Inspectors and the Police for the variation, suspension or cancellation of licences and manager's certificates.

In addition, the Authority may issue practice directions for the guidance of District Licensing Committees that it considers are necessary or desirable.

1.4 Police, Medical Officers of Health and Inspectors

The Licensing Committee, through its inspectors, administers alcohol licensing duties in conjunction with the Police and Medical Officers of Health and to a lesser extent with the Fire Service. The Police report generally on matters of suitability of applicants for licences and Manager's certificates. The Medical Officer of Health reports generally on the issue of public health and alcohol. Inspectors must act independently and report generally on the criteria for licences and manager's certificates to be considered by the Committee. All three monitor licensee compliance with the Act and their licences. Licensing inspectors, Police and Medical Officers of Health have a duty to collaborate and work together. Only the Police and the inspector may bring enforcement proceedings. The Fire Service has the right to seek a suspension of licence in the event of any failure to comply with an evacuation scheme under the Fire Service Act 1975.

1.5 Working with Stakeholders

The Kawerau, Ōpotiki and Whakatāne District Councils consider that the harm caused by excessive or inappropriate alcohol use in the Eastern Bay of Plenty region can only be minimised with the involvement of all stakeholders. As well as the three territorial authorities, District Licensing Committees and other regulatory bodies, stakeholders include central government, industry representatives, licensees, licensee patrons and the wider community.

2. POLICY OBJECTIVE

The objective of this policy is to foster positive, responsible drinking behaviour and minimise alcohol-related harm in the Eastern Bay of Plenty region by:

1. Providing clarity for applicants and a framework for the District Licensing Committee when deciding on licensing applications in relation to:
 - The location of licensed premises
 - Whether further licences, or licences of a particular kind(s) should be issued
 - Maximum trading hours
 - One way door restrictions
 - Particular conditions
 - Discretionary conditions.
2. Enabling community views to be considered in decisions about the number and type of licensed premises and licence conditions imposed.
3. Informing applicants, regulatory bodies, the licensing authority, industry stakeholders and the wider community about the Councils' stance toward licensing matters.
4. Providing an efficient regulatory framework that is integrated with the District Plan and consents process.

3. POLICY APPROACH

This policy aims to reduce alcohol related harm across the three districts, while balancing the economic benefits the alcohol industry provides the Eastern Bay of Plenty.

It does this by:

1. Not prescribing the number, type and density of licensed premises in restrictive measures, such as capping the density of licensed premises in particular areas; while,
2. Relying substantially on a requirement for licensed premises to develop and implement host responsibility policies, and on the provisions of the Act for amenity and good order (section 106) and consideration of neighbouring land uses (section 110(3)).

4. POLICY PRINCIPLES

When using this policy, the following principles must be taken into account:

1. All District Licensing Committee considerations should have regard to the needs and views of local communities.
2. All District Licensing Committee processes regulating the sale and supply of alcohol should be transparent, consistent and objective.
3. All District Licensing Committee actions should promote the object and be consistent with the provisions of the Sale and Supply of Alcohol Act 2012.
4. All District Licensing Committee decisions will be based on evidence and will be considered objectively.

5. DEFINITIONS

Alcohol means a substance that is or contains a fermented, distilled, or spirituous liquor, which; in whatever form (such as frozen liquid, or a mixture of a frozen liquid and another substance or substances,) is found on analysis to contain 1.15% or more ethanol by weight, in a form that can be consumed by people.

Alcohol-related harm means—

(a) the harm caused by the excessive or inappropriate consumption of alcohol; and

(b) includes—

(i) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and

(ii) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in subparagraph (i).

Amenity and good order of the locality, in relation to a licensing application, means the extent to which, and ways in which, the locality in which the premises concerned are situated (or, in the case of a conveyance, the localities where the conveyance is likely to travel) are pleasant and agreeable. This includes any building(s), immediate surroundings and any associated carpark on the premises. It does not refer to adjoining public thoroughfares.

Authorised customer in relation to premises a club licence is held for, means a person who—

(a) is a member of the club concerned; or

(b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or

(c) is an authorised visitor.

Authorised visitor in relation to premises a club licence is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.

Childcare centre means a licensed and/or chartered early childhood centre which offers either all day or part day teacher-led services. They include church, workplace and childcare centres and can be run by either community or private owners.

Children's playground means an area of land on a reserve, such as a public children's play area and containing permanent children's play equipment or facilities.

Eastern Bay of Plenty region means the area comprised of the Kawerau District, the Ōpotiki District and the Whakatāne District, as identified in the Local Government Act 2002.

Exempt person means any person as defined as exempt in the Sale and Supply of Alcohol Act 2012.

Licensing Authority means the Alcohol Regulatory and Licensing Authority continued in existence by section 169(1) of the Act.

Member in relation to a club, means a person who—

(a) has expressly agreed in writing to comply with the club's rules; and

(b) is recognised as a member of the club by those rules.

Minibar means a small refrigerator in a hotel room that is stocked with alcoholic and non-alcoholic beverages and snacks for guests.

Prohibited person means any person who is a minor or who is intoxicated.

Reserve means any area of land designated under the Reserves Act or zoned under the applicable District Plan.

Sensitive Location includes any location in close proximity (situated within 100 metre radius) to any:-

- Primary or secondary education establishment
- Childcare centre, or
- Children's playground.

6. POLICY STATEMENT

6.1 Application and Scope

This policy applies to any licensing application made to a District Licensing Committee in the Eastern Bay of Plenty region.

6.1.1 *Transitional provisions*

The provisions of this policy relating to maximum trading hours do not come into effect until 21 June 2016.

6.1.2 *Exceptions*

Any application for a new licence or licence renewal for any premises which had a current licence at the date this policy came into effect is exempt from the provisions of this policy relating to the location of licensed premises (clause 6.2.5). The exemption remains in force for as long as the premises remains continuously licensed and will cease to exist when the current licence or any subsequent licence for the premises is surrendered or not renewed.

6.1.3 *Relationship to the Act*

This policy does not include all the provisions that may apply to licence applications and should therefore be read in conjunction with the Act, which contains a number of additional provisions such as manager's certificates, application processes and restrictions for supermarkets and dairies.

6.2 General Provisions for Applications for Licensed Premises

6.2.1 *Criteria for issue of licences*

In deciding whether to issue a licence the Committee will have regard to the following matters provided in section 105 of the Act:

- (a) the object of the Act
- (b) the suitability of the applicant
- (c) the local alcohol policy
- (d) the days on which and the hours during which the applicant proposes to sell alcohol
- (e) the design and layout of any proposed premises
- (f) whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods
- (g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services
- (h) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence
- (i) whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—
 - (i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
 - (ii) it is nevertheless desirable not to issue any further licences
- (j) whether the applicant has appropriate systems, staff, and training to comply with the law
- (k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103

The provisions of section 28 of the Act relating to who can hold on-licences, off-licences and special licences also apply.

The Committee will also have regard to:

- Whether the premises has a current fire evacuation scheme
- Any objections to the application

The Committee will not take into account any prejudicial effect that the issue of the licence may have on the business conducted pursuant to any other licence.

6.2.2 Criteria for renewal of licences

Applications for licence renewals should be received at least 20 working days before expiry of the current licence. When considering applications, the Committee will have regard to:

- The criteria contained in section 131(1) of the Act
- The management history of the applicant
- The adequacy and implementation of the host responsibility policy for the premises
- Any objections to the renewal

The Committee will not take into account any prejudicial effect that the renewal of the licence may have on the business conducted pursuant to any other licence.

6.2.3 Objection to licensing application

Any person with a greater interest in any application than the public generally may object to the grant or the renewal of a licence. An objection must be in writing and must be filed within 15 working days after the first publication of the public notice advertising the application. The objection may only relate to the statutory criteria for the issue or renewal of a licence, as set out in 6.2.1 or 6.2.2 above.

6.2.4 Maximum trading hours

The applicable maximum trading hours for licensed premises in the Eastern Bay of Plenty region are as shown in the First Schedule to this Policy.

Note that these are the maximum hours and this does not preclude a licence being issued subject to a condition or conditions to the effect that some more restrictive maximum trading hours must be observed.

6.2.5 Location

Broad areas

The Committee may grant an on, off or club licence for any premises located in any zone where the sale and supply of alcohol is a permitted activity under the relevant District Plan. Applications will not be considered in other areas unless a resource consent has been granted.

Proximity to particular kinds of premises or facilities

The Committee may, at its discretion, grant an on, off or club licence for any premises in any Sensitive Location where the applicant can demonstrate to the satisfaction of the Committee that no significant adverse effects will arise from the premises being situated within a Sensitive Location.

6.2.6 Host responsibility

Host responsibility aims to reduce the incidence of intoxication and the risk of intoxicated individuals causing harm to themselves, to other people, or to property. It utilises a number of strategies aimed at creating safe drinking environments.

The Eastern Bay of Plenty District Councils consider that host responsibility is consistent with the object of the Act, fundamental to achieving the objective of this policy, and necessary to give effect to sections 51 – 54 of the Act. All licensed premises are therefore required to have written, operative host responsibility policies.

6.2.7 Amenity and good order

In forming an opinion about whether the issue or renewal of a licence would affect the amenity and good order of a locality, the Committee will have regard to the matters contained in section 106 of the Act and any measures contained in the applicant's host responsibility policy to ensure that:

- the premises will be kept in a safe, clean and tidy order
- noise levels will be maintained within acceptable levels set by the applicable District Plan
- nuisance effects will be mitigated, and
- vandalism, including graffiti and litter will be removed.

6.2.8 Temporary authority

A temporary authority is an order issued by the Committee authorising the applicant (or some suitable person nominated by the applicants) to carry on the sale and supply of alcohol for a period, not exceeding three months, stated in the order.

The Committee can only issue a temporary authority in relation to a premises which has a current licence. A further temporary authority application that is not accompanied by a full on-licence or off licence application for the premises will only be considered in exceptional circumstances.

6.3 On-licence Provisions

An on-licence is a licence that allows the sale and supply of alcohol on a premises for consumption on the premises. The Committee may grant on-licences for any premises that comply with the applicable provisions of the Act and this policy.

6.3.1 Compulsory on-licence conditions

The compulsory conditions set out in section 110(2) of the Act are required to be included in all on-licences. The conditions relate to:

- The days and hours during which alcohol may be sold and supplied
- Any variation of fees made subject to relevant regulations
- Where on the premises free drinking water is to be available to customers.

Under section 110(3) of the Act, in deciding the days and hours during which alcohol may be sold and supplied, the Committee may have regard to the site of the premises in relation to neighbouring land use.

6.3.2 Host responsibility policy

Every on-licence premises must develop a host responsibility policy containing provisions to encourage and actively inform staff and patrons about the following:

- The availability of non-alcoholic drinks and low-alcohol drinks
- Making drinking water freely available to customers
- The availability of a range of food on the premises at all times the licence is in operation
- Steps taken to ensure alcohol is not supplied to under age, intoxicated, or otherwise prohibited persons
- Undesignated, restricted and supervised areas
- Help with and information about alternative transport
- How host responsibility is promoted on the premises (e.g. by signage and staff service practices)
- Measures to protect the amenity and good order of the locality, and
- Any other matter aimed at encouraging responsible alcohol service and consumption.

Licensees are encouraged to develop individual policies rather than adopting a standard format.

6.3.3 Discretionary on-licence conditions

The discretionary conditions in section 110(1) of the Act are deemed to be consistent with the objective of this policy. The Committee is encouraged to require any or all of those conditions to be included in all on-licences. The conditions relate to:

- Steps to ensure observance of the provisions of the Act relating to the sale or supply of alcohol to prohibited persons (for example, the provision of additional security staff after a particular hour, restrictions on the time and size or 'last orders' and queue management).
- Steps to be taken to ensure observance of the provisions of the Act relating to management of the premises concerned (for example, CCTV cameras, exterior lighting, minimum seating and restrictions on the use of outdoor areas after a particular time).
- People to whom alcohol may be sold or supplied (subject to the provisions of the Human Rights Act) (for example, training requirements for bar staff).

The Committee may include any other reasonable condition(s) not inconsistent with the object of the Act and the objective of this policy.

6.3.4 One way door restrictions

This policy does not provide for a one way door restriction, however, the Committee may issue a licence that includes a one way door restriction as a condition using section 110 of the Act.

6.4 Off-licence Provisions

An off-licence is a licence that allows the sale of alcohol from a premises for consumption somewhere else and the supply and consumption of alcohol samples on the premises during opening hours. The Committee may grant off-licences for any premises that comply with the Act and the applicable provisions of this policy.

6.4.1 Compulsory off-licence conditions

The conditions set out in section 116(2) of the Act are required for all off-licences. The conditions relate to:

- The days and hours during which alcohol may be sold or supplied
- Any variation of fees made subject to relevant regulations
- Where on the premises free drinking water is to be available to customers while alcohol is being supplied free as a sample on the premises.

Under section 116(3) of the Act, in deciding the days and hours during which alcohol may be sold and supplied, the Committee may have regard to the site of the premises in relation to neighbouring land use.

6.4.2 Further compulsory condition for supermarkets and grocery stores

The condition provided by section 112 of the Act requiring the description of one area within the premises as a permitted area for the display and promotion of alcohol is required for all off-licences for supermarkets and grocery stores.

6.4.3 Host responsibility policy

Each off-licence premises must have a host responsibility policy appropriate to its particular situation. Host responsibility policies for off-licence premises would include requirements such as:

- The adequacy of measures to ensure that sales to minors or intoxicated persons do not occur
- Measures to ensure the amenity and good order of the locality are not affected by more than a minor extent
- Measures aimed at reducing alcohol abuse and alcohol-related harm, such as:-
 - The availability and promotion of non-alcoholic drinks and low-alcohol drinks
 - The availability of non-alcoholic or low alcohol cocktail recipes, and
 - The display of appropriate cautionary measures

6.4.4 Discretionary off-licence conditions

The Committee is encouraged to require any or all of the discretionary conditions set out in section 116(1) of the Act, where applicable, to be included in all off-licences. The conditions relate to:

- Steps to ensure observance of the Act in relation to the sale or supply of alcohol to prohibited persons (for example, the display of safe drinking messages/material and the suitable designation of all bottle stores to ensure unaccompanied minors do not enter)
- People to whom alcohol may be sold or supplied (subject to the provisions of the Human Rights Act).

The Committee may include any other reasonable conditions not inconsistent with the object of the Act and the objective of this policy.

6.5 Club Licence Provisions

A club licence is a licence that allows the sale and supply of alcohol to authorised customers for consumption on the club premises to which the licence applies. The Committee may grant club licences for any premises that comply with the applicable provisions of the Act and this policy.

6.5.1 Compulsory club licence conditions

The compulsory conditions set out in section 110(2) of the Act are required to be included in club licences. The conditions relate to:

- The days and hours during which alcohol may be sold and supplied
- Any variation of fees made subject to relevant regulations
- Where on the premises free drinking water is to be available to customers.

Under section 110(3) of the Act, in deciding the days and hours during which alcohol may be sold and supplied, the Committee may have regard to the site of the premises in relation to neighbouring land use.

6.5.2 Host responsibility policy

Every club licence premises must develop a host responsibility policy containing provisions to encourage and actively inform staff and patrons about the following:

- The provision of non-alcoholic and low-alcohol drinks
- Making drinking water freely available to customers
- The availability of food on the premises at all times the licence is in operation
- Steps taken to ensure alcohol is not supplied to under age, intoxicated, or otherwise prohibited persons
- Undesignated, restricted and supervised areas
- Help with and information about alternative transport
- How host responsibility is promoted on the premises (e.g. by signage and staff service practices)
- Measures to protect the amenity and good order of the locality, and
- Any other matter aimed at encouraging responsible alcohol service and consumption.

Licensees are encouraged to develop individual policies rather than adopting a standard format.

6.5.3 Discretionary club licence conditions

The discretionary conditions in section 110(1) of the Act are deemed to be consistent with the objective of this policy. The Committee is encouraged to require any or all of those conditions to be included in all club licences. The conditions relate to:

- Steps to ensure observance of the provisions of the Act relating to the sale or supply of alcohol to prohibited persons (for example, the provision of additional security staff after a particular hour, restrictions on the time and size or 'last orders' and queue management).
- Steps to be taken to ensure observance of the provisions of the Act relating to management of the premises concerned (for example, CCTV cameras, exterior lighting, minimum seating and restrictions on the use of outdoor areas after a particular time).
- People to whom alcohol may be sold or supplied (subject to the provisions of the Human Rights Act).
- The requirement for a duty manager to be on the premises at all times.

The Committee may include any other reasonable conditions not inconsistent with the object of the Act and the objective of this policy.

6.5.4 One way door restrictions

This policy does not provide for a one way door restriction, however, the Committee may issue a licence that includes a one way door restriction as a condition using section 110 of the Act.

6.6 Special Licence Provisions

A special licence is a licence that allows either:

- The sale and supply of alcohol on a premises designated by the licence, for consumption by people attending an event at the premises described in the licence; or
- The sale and supply of alcohol on a premises for which an on licence or a club licence is held, at a time when the sale of alcohol on the premises would otherwise be unlawful, for consumption by people attending an event at those premises described in the licence.

6.6.1 Requirement to be an 'event'

For the purposes of a special licence, an 'event' is an occasion or closely related series of occasions that occurs within 12 months after the licence is issued.

The Committee may grant a special licence where the application relates to an event that complies with the applicable provisions of the Act and this policy.

The Committee will not grant any special licence for any event where it considers a club licence or a variation to an existing licence would be more appropriate.

6.6.2 Criteria for issue of special licences

In deciding whether to issue a special licence, the Committee will have regard to the matters set out in section 144 of the Act as listed in clause 6.2.1 (a) – (c), (h) and (j) of policy and the following:

- (a) the nature of the particular event for which the licence is sought and, in particular,—
 - (i) whether the applicant is engaged in, or proposes at the event to engage the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods; and
 - (ii) whether the applicant is engaged in, or proposes at the event to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:
- (b) the days on which and the hours during which the applicant proposes to sell alcohol
- (c) the design and layout of the premises concerned
- (d) any areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas
- (e) any steps the applicant proposes to take to ensure that the requirements of this Act in relation to the sale and supply of alcohol to prohibited persons are observed
- (f) the applicant's proposals relating to—
 - (i) the sale and supply of non-alcoholic drinks and food; and
 - (ii) the sale and supply of low-alcohol drinks; and
 - (iii) the provision of help with or information about alternative forms of transport from the premises:

The licensing committee must not take into account any prejudicial effect that the issue of the special licence may have on the business conducted pursuant to any other licence.

6.6.3 Compulsory special licence conditions

The compulsory conditions set out in section 147 of the Act are required to be included in special licences. The conditions relate to:

- The days and hours during which alcohol may be sold or delivered
- Place(s) on the premises at which drinking water is to be freely available while the event is taking place

Under section 147(4) of the Act, in deciding the days and hours during which alcohol may be sold and supplied, the Committee may have regard to the site of the premises in relation to neighbouring land use.

6.6.4 Host responsibility

To reflect the Eastern Bay of Plenty District Councils' commitment to host responsibility, the Committee will have particular regard to sections 147 (1) (d) – (g) of the Act relating to the provision of food, non-alcoholic drinks and low-alcohol drinks and assistance or information about alternative transport, and section 142(1)(e) relating to amenity and good order, when considering special licence applications.

6.6.5 Discretionary special licence conditions

The discretionary conditions in section 147 of the Act are deemed to be consistent with the objectives of this policy. The Committee is encouraged to require any or all of those conditions to be included in special licences. The conditions relate to:

- Steps to ensure observance of the provisions of the Act relating to the sale or supply of alcohol to prohibited persons
- People to whom alcohol may be sold or supplied (subject to the provisions of the Human Rights Act)
- For premises where the principal business is not the manufacture or sale of alcohol, the kind or kinds of alcohol that may be sold or delivered on or from the premises
- The provision of food for consumption and the availability of low alcohol and non-alcoholic beverages
- Assistance or information about alternative forms of transport from the premises
- Excluding the public from the premises concerned
- The sale and supply of alcohol on the premises in containers of certain descriptions
- Filing of returns relating to alcohol sold pursuant to the licence.

The Committee may include other conditions in sections 110 and 116 of the Act, and any other reasonable condition(s) not inconsistent with the object of the Act and the objective of this policy.

6.6.6 Suitability of the venue

In considering whether to grant a special licence, the Committee may request a report from the NZ Fire Service about the suitability of the venue where the event is to be held.

7. POLICY REVIEW

The three territorial authorities will monitor the policy to ensure it is operating to full effect.

An evaluation will be conducted 18 months after the policy comes into effect. If the evaluation results in an assessment that changes may be needed, the policy will be reviewed.

If the evaluation does not indicate the need for any changes, a review will be initiated in 2019.

8. REFERENCES AND RELEVANT LEGISLATION

Sale and Supply of Alcohol Act 2012

Building Act 2004

Food Act 1981 and Food Hygiene Regulations 1974

Resource Management Act 1991

District plans in the Eastern BOP region: Kawerau, Ōpotiki and Whakatāne

Human Rights Act 1993

FIRST SCHEDULE: Maximum Trading Hours

The maximum trading hours that apply in each District are as shown in the table below.

Table 2: Maximum trading hours by licence type and district

	Kawerau	Ōpotiki	Whakatāne
	hours	hours	hours
On-licence	0900 - 0100	0900 - 0100	0800 - 0200 0800 - 2300 (Winery)
Off-licence	0800 - 2200	0700 - 2200	0700 - 2300
Club Licence	0900 - 0100	1000 – 0100	0700 - 0200 0700 - midnight (Sports club)
Special Licence	Case by case	Case by case	Case by case

Notes:

- The hours set out in Table 2 are the maximum hours and the Committee may issue any licence subject to more restrictive trading hours.
- Minibars are exempt from the above maximum trading hours and can operate 24 hours a day, 7 days a week.



REPORT

Date : 9 March 2023

To : Ordinary Council Meeting, 21 March 2023

From : Chief Executive Officer, Stace Lewer

Subject : **BOPLASS LTD STATEMENT OF INTENT FOR 2023-2026 AND HALF YEARLY REPORT**

File ID : A459139

EXECUTIVE SUMMARY

The BOPLASS Statement of Intent sets out the activities and intentions of BOPLASS Ltd for the coming financial year. Comment, if any, is required by 30 April 2023. The Half Yearly Report is provided for information.

PURPOSE OF REPORT

To have Council consider the BOPLASS Statement of Intent (copy attached) and make comment if Council wishes. The Half Yearly Report is also attached for information.

BACKGROUND

BOPLASS Ltd is a Council Controlled Organisation owned in 1/9th shares by the seven Bay of Plenty Councils plus Gisborne and Taupo. The company was designed to investigate, develop and deliver shared services, joint procurement and communications for any combination of, some, or all of the Councils.

Since its inception in 2006, the Chief Executives of the BOPLASS Councils have acted as Directors, advised by a Company Chief Executive, who is in turn supported by advisory groups of staff with various expertise. In recent years the Directors have benefitted from the move to an independent Chair for the Board.

The main achievements of BOPLASS have been in joint procurement and a list of projects is attached to the Statement of Intent. As a small Council we see significant value in BOPLASS managing

procurement processes, gaining savings from bulk procurement and administering contracts. We certainly see savings in financial terms but there is also value in terms of saved staff time in running the processes, and applying expertise in due diligence processes that is not available within our staffing. We also see unquantifiable efficiencies as a result of shared staff that use familiar systems.

All of Government Procurement contracts continue to provide alternative routes for bulk procurement. BOPLASS is recommending that Councils use these in circumstances where it makes sense, but for various reasons we are finding that the one size fits all approach of the AOG means that BOPLASS is still an appropriate vehicle to use.

There are a range of instances of shared services across the BOP Councils that have evolved in a “bottom up” or organic way, outside the formal BOPLASS structures. This is captured through a collaboration portal. Other Councils can find out about new collaborations through this system and then have the potential to join or at least gain some information about how similar challenges have been dealt with.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance


On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be.

Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.

The level of significance related to the decision in this report is considered to be low. Because the decision is determined to have low significance in accordance with the policy, the corresponding level of engagement required is Inform.

Assessment of engagement

As the level of significance has been determined to be low, the level of engagement required is Inform according to the Engagement Framework of the Significance and Engagement Policy:

	Inform	To provide balanced and objective information to assist understanding about something that is going to happen.
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The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

CONCLUSION

BOPLASS has value for its procurement services in terms of its ability to gain savings through bulk purchase, its ability to carry out due diligence on purchases, and to manage ongoing contracts. The value is in direct and indirect savings, efficiencies and better products.

BOPLASS is a vehicle for shared services, but not the only one. Opotiki District Council benefits from shared services or contracting services from a range of entities that are unrelated to BOPLASS.

RECOMMENDATIONS:

- 1. That the report titled "BOPLASS Ltd Statement of Intent for 2023-2026 and Half Yearly Report" be received.**
- 2. That Council considers whether it wishes to comment on the Statement of Intent.**

Stace Lewer

CHIEF EXECUTIVE OFFICER

“COUNCILS PARTNERING FOR VALUE AND SERVICE”



27 February 2023

Stace Lwer
Chief Executive Officer
Opotiki District Council
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OPOTIKI 3162

BOPLASS Ltd
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Tauranga

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Phone 07 577 7342
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Dear Stace,

The primary document setting out the company's strategic direction is the Statement of Intent which is required to be consulted on and approved by Directors each year. Schedule 8 (9) of the Local Government Act 2002 sets out the content of the document which must cover the next three financial years.

A formal draft document has been approved by the Board for circulation to Shareholders by 1 March 2023. The Directors must consider any comments made by Shareholders and approve a final document by 30 June 2023.

The approved draft is attached and is now circulated for Shareholder comment. The council's Chief Executive is the Shareholder representative and will be responsible for representing the views of the council to the Board in writing prior to 30 April 2023.

We believe that the document realistically deals with the challenges facing the company, identifies ways in which it can contribute value to its constituent councils and reflects an awareness of the challenges facing Local Government.

We look forward to any comments your council wishes to make.

Yours sincerely,

Stephen Boyle
BOPLASS Ltd



BOPLASS Ltd

STATEMENT OF INTENT FOR 2023-2026



June 2023

“COUNCILS PARTNERING FOR VALUE AND SERVICE”

1. Introduction

This Statement of Intent (SOI), developed under Schedule 8 of the Local Government Act 2002:

- Declares a public statement of the activities and intentions of BOPLASS Ltd and the objectives to which those activities will contribute.
- Provides an opportunity for the shareholders to influence the direction of BOPLASS Ltd, and
- Provides a basis for the accountability of the Directors to the Shareholders for the performance of BOPLASS Ltd.
- Covers BOPLASS Ltd and any subsidiary company established in pursuance of the objectives herein.

2. Background and Benefits

The councils that operate within the Bay of Plenty and Gisborne Regions have formed a Council Controlled Organisation (CCO) to investigate, develop and deliver Joint Procurement and Shared Services projects where delivery is more effective for any combination of some or all of the councils.

Since inception, estimated financial savings of over \$28 million have been achieved by the participating councils through undertaking joint initiatives. BOPLASS is forecast to return in excess of \$2.5 million in savings in the 2022-23 financial year.

Other benefits that have been achieved through collaboration are:

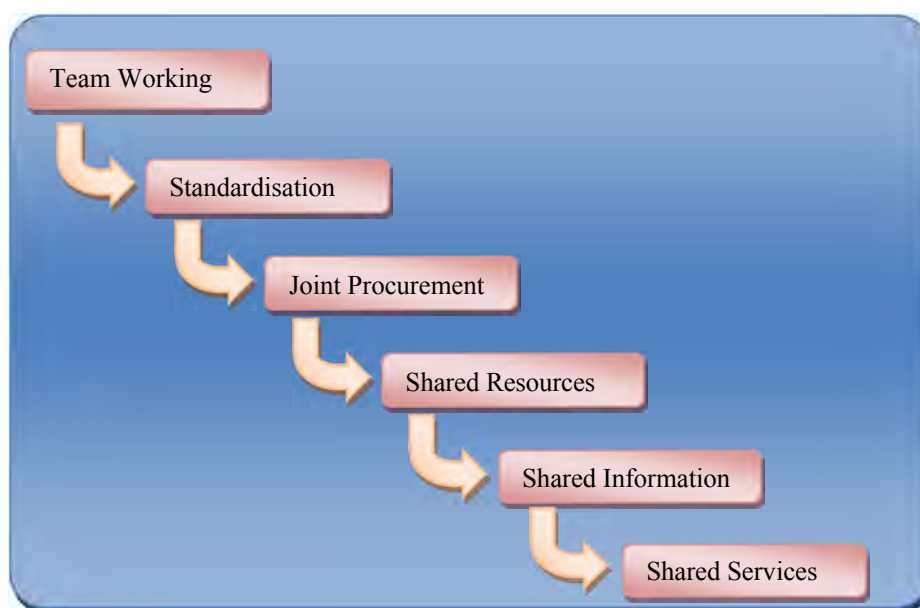
- improved levels and quality of service;
- a co-ordinated and consistent approach to the provision of services;
- reductions in the cost of support and administrative services;
- opportunities to develop new initiatives;
- economies of scale resulting from a single entity representing many councils in procurement.

These benefits and opportunities can apply to all councils irrespective of location or size.

Business processes, information architectures and functional tools differ in each council to varying degrees. The BOPLASS strategies facilitate a journey of progressive development using the approach identified in the BOPLASS Strategy and Action Plan to:

- enhance the capability to collaborate;
- encourage the elimination of barriers to collaborative action; and
- identify services that deliver viable business cases.

A generic sequence or stages of collaboration between multiple councils is followed to develop Shared Services, as shown in Figure 1.



Many of the BOPLASS Joint Procurement projects have supported the development of standard products, services or solutions across the councils. These standards assist in creating a foundation for the delivery of collaboration within the councils.

Examples of Joint Procurement and Shared Services projects are:

- Infrastructure Insurance
- Collective Training
- Aerial Imagery and LiDAR
- Provincial Growth Fund Co-funding for LiDAR Capture
- Standardised Community Engagement App
- Lone Worker Field Solutions
- Robotic Process Automation
- Accounts Payable Automation Software
- Print Media Licencing
- Insurance Valuations
- Contractor Online Inductions
- Health and Safety Management Software
- Radio Telephony (RT) Strategy
- Solid Waste Management
- Health and Safety Inter-Council Audits
- Asbestos Protocols
- Sustainable Public Procurement
- Health and Safety Benchmarking
- Video Conferencing Services
- Council Library and Cloud Services
- Inter-Council Network (ICN) Review, Redesign and Renegotiation
- Debt Collections
- Collaboration Portal
- Capital Construction and Civil Works Projects
- Fortigate Firewall Services
- Wireless WAN
- Inter-LASS Collaboration
- Human Resources Information Systems

Full list of projects included as Appendix B.

3. Our Vision

“COUNCILS PARTNERING FOR VALUE AND SERVICE”

4. Objectives of BOPLASS Ltd

Working together with the full support and involvement of staff, we will provide benefit to councils and their stakeholders through improved levels of service, reduced costs, improved efficiency and/or increased value through innovation.

These will be achieved primarily through:

Joint Procurement

Being the procurement of services or products by two or more councils from an external provider regardless of whether the service is paid for through BOPLASS or individually by participating councils.

Shared Services

Being the participation of two or more councils in the provision of a common service which may be jointly or severally hosted.

5. Nature and Scope of Activities

The principle nature and scope of the activities of BOPLASS Ltd is to:

- Use Joint Procurement to add value to goods and services sourced for its constituent councils.
- Establish the underlying technology, framework, platform and policies to enable and support collaboration.
- Facilitate initiatives that benefit councils and their stakeholders through improved levels of service, reduced costs, improved efficiency, innovation and/or increased value.
- Pursue best practice in the management of all activities to obtain best value and minimise risk.
- Demonstrate fiduciary responsibility by ensuring that its activities are adequately funded from savings achieved, levies, council contributions, or Government funding where available.
- Allow other councils or organisations to participate in its activities where this will benefit its constituent councils directly or indirectly.
- Actively monitor and engage with Shared Service developments across the public sector to identify opportunities for further development and establishing best practice.
- Represent the collective views of its Shareholders in matters with which it is associated.

6. Sustainable Future: Environmental, Social and Governance (ESG)

The board recognises the importance of ESG in BOPLASS' role and ensuring that integrated risk management and non-financial outcomes are considered in all BOPLASS joint procurement and shared services initiatives.

The company is committed to operating all aspects of its business with a focus on protecting and enhancing our communities today and in the future through sustainable environmentally responsible business practices, social contribution, and good governance.

The company has always had a stakeholder-centric approach, ensuring the company's objectives, goals and the undertaking of business are aligned with our constituent councils, our wider communities and supporting ESG outcomes that have wide-ranging benefits.

While achieving financial savings for member councils through BOPLASS joint procurement is a key objective, the company recognises the importance and responsibility of social procurement and will continue to consider the broader environmental, social and cultural outcomes as part of all BOPLASS procurement processes.

As examples, BOPLASS is working towards satisfying ESG criteria within social procurement by:

- Increasing access to BOPLASS procurement contracts for NZ businesses and local businesses, with particular focus on those groups that may have limited access to opportunities (such as Māori and Pacific Peoples' businesses).
- Giving consideration to organisations that provide employment opportunities to targeted groups and promote inclusion and diversity within their workforce.
- Recognising vendors that will help future-proof the ability of New Zealand businesses to trade.

With a focus on *Social Sustainability*, BOPLASS ensures a balanced approach is taken with the company's activities to create positive social and cultural outcomes for the local communities it serves while also maximising positive outcomes for Māori and the broader community.

Environmental Sustainability is a priority in all BOPLASS business activities – internal and external. Through collaboration and partnership with its constituent councils, BOPLASS will operate in an environmentally responsible way and will embed sustainability considerations (including ethical considerations) in a culture of excellence across its wider business and all joint procurement and shared service initiatives.

7. Governance Structure

BOPLASS Ltd will conduct itself in accordance with its Constitution, its annual Statement of Intent, and the provisions of the Companies Act 1993 and the Local Government Act 2002.

The Company is governed by its Directors. To ensure total synergy between the Company's activities and its council shareholders' activities, nine Directors are also the current Chief Executives of their respective shareholding councils. The dual roles recognise the interdependence of BOPLASS and its councils in the undertaking of its activities.

The Board also includes an independent Chair, appointed with specific skills and knowledge to add incremental value. This appointment brings experience and specialist skills that are complementary to those held by the other Directors.

Shareholder	Appointed Director
Bay of Plenty Regional Council	Fiona McTavish
Gisborne District Council	Nedine Thatcher Swann
Kawerau District Council	Russell George
Opotiki District Council	Stace Lewer
Rotorua Lakes Council	Geoff Williams
Taupo District Council	Gareth Green
Tauranga City Council	Marty Grenfell
Western Bay of Plenty District Council	John Holyoake
Whakatane District Council	Stephanie O'Sullivan
Independent Director and Chair	Craig O'Connell

A sub-committee of council delegates has responsibility for regular monitoring and governance of operational aspects of BOPLASS projects, allowing the Board to primarily focus on supporting the strategic development of the organisation.

Each activity or project is managed by an Advisory Group, nominated by the shareholding councils in that particular service. The Board retains the right to approve nominations to the Advisory Groups and all of their material decisions – there is only one Board of Directors and that remains at the umbrella or holding company level.

The Board has established a principle that participation in each initiative is decided by individual councils on an 'opt in' basis.

Services delivered are subject to a formal service level agreement between BOPLASS Ltd and the participating councils, outlining the services and activities provided, where, when and how; and reflecting the capital and operational costs being met by each service shareholder.

Joint Procurement initiatives consistent with their nominated role may be undertaken by any advisory group or as approved by the Operations Committee. In considering

Joint Procurement initiatives, the Company will take into account the opportunities available through All of Government (AoG) purchasing arrangements and, where there is demonstrated benefit to the Company or its constituent councils, support such initiatives. In assessing the benefits of a Joint Procurement initiative, opportunities for integration shall be considered. The Board has recognised that the availability of All of Government Procurement options has the potential to impact on BOPLASS' ability to provide procurement options in some categories.

Subject to the approval of shareholders in accordance with the shareholder agreement the Directors may decide that a particular activity is best managed as a subsidiary company and proceed accordingly. Any subsidiary company whose objectives are in accordance with the objectives set out in this Statement of Intent shall not be required to have a separate Statement of Intent.

8. Future Developments

The company recognises the importance of remaining adaptive in what is a complex and changing working environment. BOPLASS continues to look at new opportunities or alternative approaches to progressing projects that benefit our shareholding councils.

The Board recognise that the drive for change and/or collaboration in some key areas of council business will often be led by other groups, e.g. three waters reform, RMA changes. Although BOPLASS may not be leading these specific projects, the organisation may be considered as one of the vehicles available to assist with managing collective regional outputs from these projects.

BOPLASS Joint Procurement opportunities will continue to be actively pursued to ensure maximum savings and benefits are delivered to the participating councils through existing and new contracts.

Joint Procurement initiatives will be considered by the Board and/or its advisory groups where there is demonstrated support from two or more member councils, with councils participating on an opt-in basis.

BOPLASS will explore opportunities for councils to develop ICT solutions using middleware and cloud technologies that allow for future sharing and the development of Shared Services without the wholesale replacement of IT systems.

The Board will be looking for commitment from councils to participate in collaborative services and to provide a lead in the identification and management of opportunities and projects.

9. Inter-Regional Collaboration

The board recognise the benefits of BOPLASS proactively partnering with other local authorities and Shared Services organisations where they are either developing or considering developing cost effective services or Joint Procurement initiatives that are of value to the BOPLASS councils. The Board is looking to expand on this activity and

the range of opportunities for inter-regional partnering. BOPLASS will work towards providing improved visibility of projects being undertaken in other regions that may provide for multiple councils to participate in.

Where it is practicable, BOPLASS will work with other LASS or councils to leverage off, or participate in, services established by other collective local government groups.

The Collaboration Portal, established by BOPLASS for the sharing of information on Shared Services or Joint Procurement opportunities, has been made available to the wider local government community to provide better visibility of common projects and to encourage further cross-regional collaboration. BOPLASS will continue to market the benefits of inter-region collaboration and assist other councils through providing support and access to the Collaboration Portal.

BOPLASS has provided substantial savings to its shareholding councils through joint procurement and the Board has tasked BOPLASS with leading further inter-regional joint procurement initiatives that will provide benefit to all parties through an aggregated approach.

Significant benefits and savings have been achieved in the placement of councils' insurance through working in conjunction with other LASS. BOPLASS is considered a key contributor to the development of the interLASS insurance collective. Unfortunately, cost-effective placements and coverage are becoming more challenging to achieve as a result of the continued hardening of global insurance markets. Opportunities for the LASS groups to share resources to ensure we maintain our favourable position within the insurance industry will continue to be investigated.

10. Stakeholder Engagement

BOPLASS recognises the ambitious plans our constituent councils have for their communities and endeavours to support these aspirations through:

- Regular engagement at project, management and governance level;
- Including councils' short, medium and long-term goals within BOPLASS planning;
- Using quality information from councils to guide our decision-making;
- Identifying and developing services that directly benefit councils and/or their communities;
- Monitoring councils' future plans and remaining agile to change to include these aspirations in our own planning;
- Ensuring there are regular communications about individual council's LTP developments to assist BOPLASS with aligning with councils' strategic direction;
- Regularly communicating to ensure stakeholders are aware of what we are doing and why we are doing it;
- Involving councils in our decision-making and planning.

11. Performance Targets

To ensure the Company continues to operate effectively in both governance and management terms over the next three years the targets are to:

Target	How	Measure
Ensure supplier agreements are proactively managed to maximise benefits for BOPLASS councils.	Manage and/or renegotiate existing contracts.	Contracts reviewed annually to test for market competitiveness. New suppliers are awarded contracts through a competitive procurement process involving two or more vendors where applicable.
Investigate new Joint Procurement initiatives for goods and services for BOPLASS councils.	Procure from sources offering best value, service, continuity of supply and/or continued opportunities for integration. (Current identified projects are listed in Appendix B.)	A minimum of four new procurement initiatives investigated. Initiatives provide financial savings of greater than 5% and/or improved service levels to the participating councils.
Identify opportunities to collaborate with other LASS in Procurement or Shared Service projects where alliance provides benefits to all parties.	BOPLASS to regularly engage with other LASS to identify and explore opportunities for further inter-regional collaboration.	Quarterly reporting on engagement and a minimum of one new collaborative initiative undertaken annually.
Further develop and extend the Collaboration Portal for access to, and sharing of, project information and opportunities from other councils and the greater Local Government community to increase breadth of BOPLASS collaboration.	Increase usage of the Collaboration Portal by providing support and training material for new and existing users. Proactively market the benefits to councils.	Number of active users to increase by 5% per year.
Communicate with each shareholding council at appropriate levels.	Meeting with members of Executive Leadership Team.	At least one meeting per year.
Ensure current funding model is appropriate.	Review BOPLASS expenditure and income and review council contributions and other sources of funding.	Performance against budgets reviewed quarterly. Company remains financially viable.

12. Balance Sheet Ratios

The Local Government Act 2002 Schedule 8 (9) requires the SOI to include the projected ratio of shareholders' funds to total assets within the Forecast Statement of Financial Position. As at 30 June 2022 the consolidated Shareholder funds comprised \$52,070 and the total assets were \$1,222,864. The resulting ratio is 4.26%.

As asset owning Shared Services are approved, the Board will, if appropriate, provide a mechanism for the recognition of each council's contribution.

13. Accounting Policies

13.1 Statement of Accounting Principles

The Company will adopt accounting practices that comply with NZ IFRS, the requirements of the LGA and the Financial Reporting Act 1993.

13.2 IPSAS Accounting Standards

As a Public Sector Public Benefit Entity (PS PBE), the Company has elected to report using International Public Sector Accounting Standards for Public Benefit Entities under Tier 3 PBE standards.

13.3 Measurement Basis

The Company will follow generally accepted international accounting principles for reporting of earnings and financial position.

13.4 Specific Accounting Principles

The following are principles which will have a significant effect on the measurement of financial position:

- Accounts Receivable are stated at their expected realisable value after writing off any known bad debts and providing for doubtful debts.
- Investments are valued at the prevailing market value.
- Fixed assets are recorded at cost, less accumulated depreciation.
- Any liability for overseas funding of equipment, systems or services is based on the prevailing exchange rate as at balance date.
- Where intangible assets are purchased, such as intellectual property, these are capitalised and written off on a straight line basis over their expected life, but no greater than four years.
- All assets are depreciated over their expected useful lives. Depreciation is provided on a diminishing value basis over the estimated useful life, at the same rate as is allowed by the Income Tax Act 1994.

- It is not envisaged that the Company will hold inventories, other than those that might relate to providing information services to a number of parties. They will be valued at net realisable value.
- Taxation will be provided as required in line with relevant legislation.
- In accordance with the Public Audit Act 2001 and the Local Government Act 2002, the office of the Auditor General will be responsible for the audit of the Company's financial statements.

14. Distributions to Shareholders

The Company is not expected to make profits that would ordinarily be distributed by way of dividends. Any surplus funds (after tax) remaining from an activity or the annual operations of the Company shall be carried forward to the ensuing year and may be used to reduce service costs, invest in further developing other services, and/or as the Directors may decide.

15. Information to be Provided to Shareholders

The Company will deliver the following statements to shareholders:

- On a three-monthly basis the Financial Position and Cashflow.
- Within two months of the end of the first half of the financial year: Financial Performance and Financial Position.
- Within three months of the end of the financial year the following audited statements: Financial Position, Movements in Equity, Cashflows, Service Performance plus a summary of how the Company has tracked against its objectives and prospects for the next financial year, and a report on the Company's medium to long term plans.
- Six monthly summaries of project activities included in Half Yearly and Annual Reports.

16. Procedures for the Purchase and Acquisition of Shares

The Board will give approval before BOPLASS Ltd subscribes for, purchases or otherwise acquires shares in any company or other organisation, which is external to the group.

17. Activities for Which the Board Seeks Compensation

The ongoing activities to identify, develop, procure Shared Services will be budgeted for in advance, subject to a business case and either funded by individual councils without BOPLASS Ltd involvement, or agreed by the Board to be funded by BOPLASS Ltd with consequent recovery from participating councils.

Shareholding councils will make a contribution to the operational costs of the Company on an annually agreed basis.

The Company will also seek contributions by way of a levy or administration charges on services provided or administered. In determining an appropriate charge, the Directors may take into account the cost of running the Company, its future operational requirements, the nature and cost of the service provided, benefits achieved and councils' ability to pay.

The Company may provide services (at a cost recovery or a cost plus basis) to other non-shareholding councils within or beyond the region. Any surplus from such activity will be used to either reduce service costs and/or invest in further developing of that or other services, as agreed by the Advisory Group and by the Board.

18. Value of Shareholder's Investment

The Directors estimate that, at this stage, BOPLASS Ltd has limited commercial value. As each shareholder's investment in BOPLASS Ltd is less than \$20,000, the Board believe that fairly represents the value of their investment. The Directors will reassess the value of this shareholding on or about the 1st of March each year.

19. Financial Forecasts

The Forecast Financial Statements for the years 2023-2026 are included (Appendix A).

The Aerial Photography revenue/expenses reflects the flying programme determined by the participating councils which includes interim flying programmes and extensive region-wide flying programmes over the next five years.

A continued increase in Recoveries has been forecast to reflect the direct recovery of purchases made on behalf of councils through Joint Procurement projects.

It is the company's intention to always fully recover costs incurred on behalf of participating councils.

SOI Forecast 2023/26	Budget 2022/2023	Forecast 2023/2024	Forecast 2024/2025	Forecast 2024/2025
REVENUE				
Revenue - Core	313,992	321,837	329,878	338,120
Bank Interest Received	200	200	200	200
Council Contribution	313,792	321,637	329,678	337,920
Revenue - Projects	1,301,600	1,219,000	1,329,000	1,279,000
Aerial Photography Income	400,000	300,000	400,000	350,000
Bank Interest Received	4,100	9,000	8,000	6,000
Collaboration Portal	50,000	45,000	50,000	52,000
Lease Income - ICN	130,000	130,000	125,000	125,000
Lease Income - Video Confer.	15,000	24,000	24,000	24,000
Rebates	2,500	1,000	2,000	2,000
Recoveries	700,000	710,000	720,000	720,000
Total Operating Revenue	1,615,592	1,540,837	1,658,878	1,617,120
EXPENSES				
Expenditure - Core	384,570	390,103	401,581	410,423
ACC	850	900	950	950
Accommodation & Travel	2,100	2,200	2,200	2,200
Accounting & Audit	21,300	22,000	24,000	24,000
Administration	17,500	18,000	18,500	19,000
Amortisation	7,700	2,000	1,500	1,500
Bank Fees	200	200	200	200
Conferences	2,100	2,200	2,200	2,200
Depreciation	650	5000	4500	4000
Directors costs	21,000	23,000	23,000	25,000
Fringe Benefit Tax	3,500	3,500	4,000	4,000
General & Catering	2,200	2,400	2,400	2,400
Health and Safety	1,000	1,000	1,000	1,000
Insurance	10,500	11,500	13,000	13,000
Interest Paid - TCC Loan	500	0	0	0
Legal	2,000	2,500	2,500	2,500
Salaries	282,170	286,403	292,131	297,973
Salaries - C'Portal Opex	-16,500	-19,000	-18,000	-17,000
Staff Support Costs	17,500	18,000	18,500	18,500
Staff Training Costs	2,000	2,000	2,500	2,500
Subscriptions	1,000	1,000	1,000	1,000
Tax Advice	5,300	5,300	5,500	5,500
Expenditure - Projects	1,231,022	1,150,734	1,257,297	1,206,697
Aerial Photography Expense	400,000	300,000	400,000	350,000
Collaboration Portal Opex	27,122	28,874	30,737	30,137
Lease Expense - ICN	124,800	124,800	120,000	120,000
Lease Expense - Video Confer.	14,100	22,560	22,560	22,560
Projects - Recoveries	665,000	674,500	684,000	684,000
Total Operating Expenditure	1,615,592	1,540,837	1,658,878	1,617,120
Operational Surplus/ (Deficit) before Tax	0	0	0	0

Undertaken Joint Procurement Projects

Requiring ongoing management for performance, renewal or replacement:

- Accounts Payable automation software
- Advertising services
- Aerial imagery and LiDAR
- Air travel
- Antivirus software
- Archaeological services
- Asbestos protocols
- Banking
- Capital construction and civil works
- Cloud services
- Collective training services
- Community engagement app
- Courier services
- Cyber insurance
- Document management – EDRMS
- Document storage
- EFTPOS services
- Electricity
- Electronic purchasing
- EMA membership
- Firewall Services
- FME Server
- Fuel
- Geospatial training services
- GIS regional technical advisor
- GIS software
- GPS vehicle tracking
- Health & Safety benchmarking
- Health & Safety management software
- Health & Safety training services
- Health & Wellbeing online platform
- Historic imagery digitisation
- HR information systems
- Infrastructure as a Service
- Insurance brokerage services
- Insurance – General
- Insurance – Infrastructure
- Internet services
- IPWEA library
- Media monitoring
- N3/GSB membership
- Office supplies
- Postal services
- Print media copyright services
- Provincial Growth Fund co-funding
- Radio telephony
- Rapid antigen tests
- Reprographic – printers/copiers
- Risk management workshops
- Security services
- Telephony – voice, data, mobile
- Tender facilitation
- Transactional banking
- Travel and accommodation services
- Valuation services provider
- Video conferencing services
- Website analytics
- Wireless WAN

Identified Joint Procurement Projects

- Agenda management software
- Business continuity
- CD emergency notifications
- Chemicals
- Civil works contracts
- Civil works materials
- Community communication systems
- Contractor online inductions
- Digital signatures
- Document scanning
- Driver training
- Drug & Alcohol testing
- Engineering Codes of Practice
- Fleet purchasing and management
- Health insurance
- High volume print
- ICT security policies
- Infrastructure valuation services
- IT applications
- Lone worker field solutions
- Media distribution services
- PPE & Uniform
- Property valuation services
- Recruitment/Candidate management
- Risk profiling workshops
- Robotic Process Automation (RPA)
- Surveys and research

Shared Services

Managed by BOPLASS or by one or more constituent councils:

- After hours call management
- Archive service
- Contractor H&S prequalification
- Debt recovery services
- Employee benefit schemes
- FME licensing pool
- GIS imagery data storage
- GIS support (inter-council)
- GIS web services
- Health and safety auditing
- Historic aerial imagery digitisation
- Insurance COE
- Inter-council network
- Internal audit services
- MahiTahi LG Collaboration Portal
- Media monitoring
- Occupational health
- Radio telephony strategy
- Section 17a reviews
- Shared licence server
- Solid waste services
- Standards NZ
- Video conferencing hosting
- Waste Operator Licensing

Projects for Consideration

- Asset Management
- Building consents
- Business continuity planning
- Capital Expenditure projects
- CCTV monitoring
- Centralised insurance resource
- Civil Defence Emergency Management
- Civil works projects marketing
- Consents Processing
- Contractor online inductions
- Digital transformation
- Diversion of putrescible waste from landfill
- Document digitisation
- Driver training
- Electronic Document and Records Management System
- Geospatial services
- HR Information Systems
- Information Services
- Infrastructure development codes
- Insurance valuations
- IT hosting
- Joint software support
- Payroll
- Project management office
- Rates Collection
- Regional Civil Defence
- Risk and total assurance
- Shared datacentre
- Solid waste regional facilities strategy
- Smart cities
- Staff engagement survey systems
- Web services
- Windscreen replacement



“COUNCILS PARTNERING FOR VALUE AND SERVICE”

27 February 2023

Stace Lewer
Chief Executive Officer
Opotiki District Council
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Dear Stace

The Local Government Act 2002 requires that the BOPLASS Directors deliver to the Shareholders a report within two months of the end of the first six months of the financial year. The report is required to provide information against the objectives set out in the Statement of Intent.

The attached report and accompanying Chair's letter records the objectives of the Company and reports on performance against the performance requirements set out in the Statement of Intent.

The report was approved for presentation to Shareholder Councils by a resolution of the Board on 20 February 2023.

An electronic copy is attached.

Yours faithfully

Stephen Boyle
BOPLASS Ltd



BOPLASS Ltd

HALF YEARLY REPORT TO SHAREHOLDERS



Period ended 31 December 2022

“COUNCILS PARTNERING FOR VALUE AND SERVICE”



BOPLASS Chair's Report

It is with pleasure the Directors present their 2022/2023 Half Yearly Report to Shareholders demonstrating the considerable contribution the company makes to collaboration between councils.

In mid-2022 we were pleased to welcome Miles McConway, Ōpōtiki District Council acting CEO to the board in an interim role. Miles joined the board with prior experience with BOPLASS, and as one of the company initiators we valued his experience and his continued drive to deliver value for our councils through collaboration. As we welcomed Miles, we farewelled Aileen Lawrie. As one of the original BOPLASS directors Aileen has left a legacy of leading change across the region and proactively supporting inter-council collaboration. The Board thank Aileen for her significant contribution and wish her well for her future endeavours. With Stace Lewer's appointment as Ōpōtiki District Council CEO he joins the BOPLASS board, and we welcome his contribution.

The international insurance market remained under pressure in 2022, despite predictions that the peak may have been reached. The main drivers being inflation and the scale of ongoing losses from natural disaster events. During the renewal process BOPLASS leveraged new and existing relationships within international and local insurance markets to educate underwriters on BOPLASS councils' proactive management of risk and resiliency. Data from the BOPLASS LiDAR programme was utilised to demonstrate our councils understanding and management of natural catastrophe exposures. This three-dimensional presentation of the data was unique and was successful in capturing the attention of every syndicate, resulting in particularly good renewal outcomes. Full cover was maintained for all councils and secured with competitive terms and rates.

The MahiTahi LG Collaboration Portal has proven to be an essential tool in the identification and development of shared services opportunities and the sharing of information. In addition to new councils signing up to the portal, it is now being used by the Department of Internal Affairs for coordination and collaboration between local government staff in the Water-Reform Management Groups. Additionally, BOPLASS has supported the migration of the RSHL Te Uru Kahika Hub (regional and unitary councils) being hosted within the same environment. These are both very good examples of a BOPLASS initiative having wide-reaching benefits.

With effective management and renewal of established procurement contracts, BOPLASS has continued to ensure best value is delivered for our shareholding councils during the first six months of the year. In addition, BOPLASS is currently leading shared service and procurement projects that will deliver further value to our councils. Several of these new initiatives are being undertaken in conjunction with MW LASS and Waikato councils. It's pleasing to be developing inter-regional opportunities that provide value to each group while leveraging savings, benefits, and improved level of service across multiple councils.

Additional information about current projects is available in the attached report.

We thank staff from the participating councils and acknowledge the support we have received from them.

Yours faithfully

Craig O'Connell
Chair



BOPLASS Ltd

"COUNCILS PARTNERING FOR VALUE AND SERVICE"

HALF YEARLY REPORT TO SHAREHOLDERS

20 FEBRUARY 2023

1 INTRODUCTION

The Local Government Act 2002 requires that the Directors deliver to the Shareholders a report within two months of the end of the first six months of the financial year. The report is required to provide information against the objectives set out in the Statement of Intent. The following report records the objectives of the company and reports on performance against a table of specific performance requirements set out in the Statement of Intent.

2 OBJECTIVES OF BOPLASS LTD

The company exists to provide councils in the Bay of Plenty and Gisborne regions with an umbrella vehicle to investigate, procure, develop and deliver shared services.

Working together with the full support and involvement of staff, we will provide benefit to councils and their stakeholders through improved levels of service, reduced costs, improved efficiency and/or increased value through innovation.

These will be achieved primarily through:

JOINT PROCUREMENT

Being the procurement of services or products by two or more councils from an external provider regardless of whether the service is paid for through BOPLASS or individually by participating councils.

SHARED SERVICES

Being the participation of two or more councils in the provision of a common service which may be jointly or severally hosted.

3 GOVERNANCE

In the year to date the governance structure has remained stable with the only change being the appointment of Acting Ōpōtiki Chief Executive, Miles McConway, to the Board as Director and Shareholder Representative from June 2022 to December 2022, and subsequently, Stace Lewer, to the Board as Director and Shareholder Representative from December 2022.

4 NATURE AND SCOPE OF ACTIVITIES

The principle nature and scope of the activities of BOPLASS Ltd is to:

- *Use joint procurement to add value to goods and services sourced for its constituent councils.*
- *Facilitate shared services that benefit councils and their stakeholders through improved levels of service, reduced costs, improved efficiency, innovation and/or increased value.*
- *Pursue best practice in the management of all activities to obtain best value and minimise risk.*
- *Demonstrate fiduciary responsibility by ensuring that its activities are adequately funded from savings achieved, levies, council contributions, or Government funding where available.*
- *Allow other councils or organisations to participate in its activities where this will benefit its constituent councils directly or indirectly.*
- *Represent the collective views of its shareholders in matters with which it is associated.*

5 FUTURE DEVELOPMENTS

BOPLASS Ltd will continue to work on business cases for joint procurement and shared services that may be provided in the region or cross-regionally.

The Board has adjusted its strategy to ensure that BOPLASS is focused on continuing to deliver savings and value to councils through new and existing joint procurement initiatives while also identifying new shared services opportunities.

Current reviews for joint procurement and shared services cover but are not limited to:

- *Asset management*
- *Building consents*
- *Business continuity planning*
- *Capital Expenditure projects*
- *CCTV monitoring*
- *Centralised insurance resource*
- *Consents processing*
- *Contractor online inductions*
- *Document digitisation*
- *Driver training*
- *Geospatial services*
- *High volume print*
- *HR Information Systems*
- *Information services*
- *Infrastructure development codes*
- *Joint software support*
- *Payroll*
- *Project management office*
- *Rates collection*
- *Regional Civil Defence*
- *Solid waste regional facilities strategy*
- *Staff engagement survey systems*
- *Web services*

Other collaborative opportunities may be progressed after the Board has considered individual business cases and formally agreed to take on and deliver (or host/procure etc.) the project.

Joint procurement opportunities will continue to be identified and developed with individual councils engaging under the opt-in principle established by the Board. Joint procurement initiatives will be considered by the Board and/or its advisory groups where there is demonstrated support from two or more member councils.

The Board supports BOPLASS continuing to develop collaboration opportunities outside of the regional boundaries. BOPLASS will continue to proactively explore opportunities to partner with other Local Authorities and shared services organisations within New Zealand where they are developing, or considering developing, cost effective shared services and products that are of value to the Bay of Plenty and Gisborne councils.

BOPLASS development of the Collaboration Portal for the sharing of information on joint procurement or shared services opportunities within the constituent councils has identified a number of duplicate projects across councils that present an opportunity for further collaboration. The BOPLASS Collaboration Portal is becoming widely used by other LASS, councils, and local government organisations and provides an opportunity to assist with the identification and management of inter-regional collaboration opportunities. BOPLASS will continue to develop the Collaboration Portal and make it available to the wider local government community.

6 PERFORMANCE TARGETS

To ensure the company continues to operate effectively in both governance and management terms over the next three years the current SOI targets are to:

- Ensure supplier agreements are proactively managed to maximise benefits for BOPLASS councils.
- Investigate new joint procurement initiatives for goods and services for BOPLASS councils.
- Identify opportunities to collaborate with other LASS in Procurement or Shared Service projects where alliance provides benefits to all parties.
- Further develop and extend the Collaboration Portal for access to, and sharing of, project information and opportunities from other councils and the greater Local Government community to increase breadth of BOPLASS collaboration.
- Communicate with each shareholding council at appropriate levels.
- Ensure current funding model is appropriate.

The Board believes that all targets are being achieved or are on-track to be achieved, as is demonstrated by the following list of current initiatives.

7 CURRENT INITIATIVES

The following initiatives have been under consideration or operating during the first part of the year:

HIGHLIGHTS

- Insurance forum – BOPLASS is hosting a Local Government Risk Forum for councils across the central and upper North Island, with key speakers covering risk and insurance topics specific to local government.
- Insurance renewals - Renewals have been completed for all councils under the BOPLASS collective programme with strong underwriter interest in the programme demonstrated from new and existing syndicates – resulting in improved pricing. With underwriters now very focussed on increasing climate change risks and the impact on councils’ risk profiles, it is anticipated that the recent significant NZ weather events will create challenges for the 2023 renewal.
- Geotechnical Engineering Panel – BOPLASS is investigating opportunities for establishing a preapproved panel for accredited geotechnical engineering consultants.
- Waste Operator and Licensing Data System (WOLDS) – BOPLASS is leading this project in conjunction with Waikato councils. A shared service is to be established providing a common waste operator licensing and management system across multiple councils.
- Aerial Imagery – A tender was awarded for aerial imagery and LiDAR services covering the Eastern Bay region including urban and Maketu/Putuaki areas with LiDAR captured with 8-Pulse specifications.
- Contractor and Employee H&S Inductions – A project continues to be investigated to develop a common platform and standard for the development and management of H&S inductions – for both staff and contractor purposes.
- GIS Software and Services – A number of key contracts for councils’ geospatial software have been reviewed and renewed through collective BOPLASS agreements.
- Driver Training – BOPLASS continues to investigate options for appointing a preferred provider for driver training services.
- MahiTahi Collaboration Portal – Further growth has been achieved with the MahiTahi Collaboration Portal with additional councils joining and using it as a collaboration tool for sharing information across councils.
- E-Plan Development – BOPLASS councils are required to move current operative plans to an online environment. BOPLASS is working with current providers to explore collaborative options and opportunities to leverage a collective group rate.
- Health insurance – A project is underway to explore benefits of establishing a group scheme across the BOPLASS group.
- Health & Safety training – BOPLASS has renewed a collective agreement for councils’ H&S training services with a wider range of services now included.
- Cyber Insurance – Due to the increasing levels of claims in this category, the global cyber market has become extremely challenging with most insurers now very cautious about providing cyber cover – particularly in local government accounts. Working closely with councils’ cyber staff, BOPLASS has been able to renew the collective agreement with a further increase in cover limits.
- Agenda management software – A project is underway to investigate standardisation of software across the BOPLASS councils and the sharing of information and templates.

- Print Media Copyright Agency (PMCA) – A collective contract providing savings for all BOPLASS councils has been renewed with PMCA for councils’ print and media copyright services.
- Media Monitoring Service – BOPLASS has renewed the collective agreement for media monitoring service across the councils. The single BOPLASS portal provides substantial savings to councils while also providing a significant reduction in internal resource requirements.
- Institute of Public Works Engineering Australasia (IPWEA) – BOPLASS has renewed the single BOPLASS membership covering all councils and providing substantial savings.
- High volume print – Councils currently use a variety of solutions for their high-volume print runs including utilising large print equipment, outsourcing to external suppliers, or a mixture of both. BOPLASS is continuing to investigate alternative solutions with a focus on minimisation of resource and cost reduction.
- Lone worker field solutions – BOPLASS is investigating technologies and solutions to support council staff in lone worker situations.
- Multi-function Devices (Photocopiers and Printers) – A tender is underway for print and copy equipment across the BOPLASS councils. Significant financial and technology benefits have previously been achieved in this category through establishing a collective agreement. Given declining print volumes across councils, retaining flexibility with print fleet requirements will be imperative.
- Video Conference Services – BOPLASS has continued to develop Zoom and meeting room video conference services across the councils. Further work is being undertaken to ensure participating councils continue to have a reliable and secure service.
- Health and Safety Advisory Group – The BOPLASS and Waikato Health and Safety groups continue to collectively develop policies and protocols, significantly reducing the resources required by individual councils and helping ensure common standards and best practice are established across the greater region.
- Procurement Strategy Group – BOPLASS have established a strategy group consisting of the Procurement Leads within each council. The key purpose of the group is to collaborate and develop strategic objectives within councils’ procurement processes. The sharing of knowledge has already proven to be invaluable in councils’ development of broader outcomes within their procurement strategies, to encompass social, cultural, environmental and economic considerations.
- Inter-LASS collaboration – A number of procurement projects are underway covering multiple LASS and benefitting from the increased volumes. Collaboration across the regions is driving greater efficiencies within projects under consideration by more than one LASS and allows the projects to be better resourced.
- Communication – BOPLASS continues to regularly engage with our constituent councils, senior management and shareholders to ensure opportunities continue to be developed to the benefit of all stakeholders.
- Viability of Current Funding Model – The sources of BOPLASS funding and the viability of the funding model are regularly reviewed with financial reporting provided to the BOPLASS Board.

8 FINANCIAL REPORTS

8.1 Financial Support and Accounting Services

Accountancy services and support continue to be provided by Tauranga City Council.

8.2 Accounting Policies

The company is compliant with the accounting policies stated in the Statement of Intent.

8.3 Tier 2 PBE Accounting Standards Applied

The financial accounts are prepared with application of Tier 2 accounting standards.

8.4 Financial Reports

Financial Reports for the period to 31 December 2022 are attached.

8.5 Variations

Aerial photography revenue and expenditure is slightly higher than budgeted due to delays in the initial flying of LiDAR capture in the previous year resulting in the work being moved into the current year. This has resulted in a small portion of older contracted work being completed in 2023, which has resulted in the increased figures we see for these activities.

The salaries account is displaying a variance due to the December end payroll accrual not being included in the budgeted figures, this accrual consists of \$10,042.99 for December end wages/PAYE with an additional \$10,533 being for employee leave entitlement which supports most of the difference identified when compared to budget.

Trade debtor's total \$484,227 of our current assets, this balance is made up of \$390,000 worth of invoices that were issued in December indicating no concern around the idea of bad debts or the need for write offs. Additionally, this large completion of invoices makes up most of the GST portion totalling \$50,738 of current liabilities.

Given the nature of BOPLASS, the entity is in a healthy position heading into the second half of the year knowing that several of the core one-off expenditures are behind us while still having council contributions to supplement operational needs.

9 STAFFING, ACCOMMODATION AND SUPPORT

Staff

Staffing levels are unchanged with a part-time administrator continuing to provide additional project support and management of existing activities.

Accommodation and Support

We continue to appreciate the office space provided to us by BOP Regional Council and the support that is offered for IT and Accounting services by Tauranga City Council.

BOP LASS LTD				
STATEMENT OF COMPREHENSIVE INCOME				
FOR THE MONTH ENDED 31 DECEMBER 2022				
	Actual YTD	Budget YTD	Total Budget	YTD Variance
REVENUE				
Revenue - Core	166,676	156,996	313,992	9,680
Bank Interest Received	2,423	100	200	2,323
Council Contribution	164,254	156,896	313,792	7,358
Revenue - Projects	1,072,711	975,800	1,301,600	101,911
Bank Interest Received	2,109	2,050	4,100	59
Aerial Photography Revenue	383,434	300,000	400,000	83,434
Collaboration Portal Revenue	31,200	30,000	50,000	1,200
Lease Revenue - ICN	55,995	65,000	130,000	(9,005)
Lease Revenue - Video Conference	22,472	7,500	15,000	14,972
Projects - Recoveries Revenue	576,880	570,000	700,000	6,880
Rebates	622	1,250	2,500	(628)
TOTAL OPERATING REVENUE	1,239,388	1,132,796	1,615,592	106,592
EXPENSES				
Expenditure - Core	210,050	194,935	384,570	15,115
ACC	0	425	850	(425)
Accommodation & Travel	2,437	1,050	2,100	1,387
Accounting & Audit	0	10,650	21,300	(10,650)
Administration	10,769	8,750	17,500	2,019
Amortisation	1,142	3,850	7,700	(2,708)
Bank Fees	66	100	200	(34)
Conferences	0	1,050	2,100	(1,050)
Depreciation	2,953	325	650	2,628
Directors Costs	9,657	10,500	21,000	(843)
Fringe Benefit Tax	1,756	1,750	3,500	6
General & Catering	376	1,100	2,200	(724)
Health & Safety	0	500	1,000	(500)
Insurance	10,950	5,250	10,500	5,700
Interest Paid - TCC Loan	0	250	500	(250)
Legal	0	1,000	2,000	(1,000)
Salaries	165,423	141,085	282,170	24,338
Salaries - Projects OpEx	(9,535)	(8,250)	(16,500)	(1,285)
Staff Support Costs	8,873	8,750	17,500	123
Staff Training Costs	483	1,000	2,000	(517)
Subscriptions	0	500	1,000	(500)
Tax Advice	4,700	5,300	5,300	(600)
Tax Expense - Prior Years	0	0	0	0
Expenditure - Projects	1,035,374	940,061	1,231,022	102,363
Aerial Photography Expense	383,434	300,000	400,000	83,434
Collaboration Portal OpEx	18,053	13,561	27,122	4,492
Lease Expense - ICN	55,430	62,400	124,800	(6,970)
Lease Expense - Video Conference	23,738	14,100	14,100	9,638
Projects - Recoveries Expenditure	554,719	550,000	665,000	4,719
TOTAL OPERATING EXPENDITURE	1,245,424	1,134,996	1,615,592	117,478
OPERATIONAL SURPLUS / (DEFICIT) BEFORE TAX	(6,036)	(2,200)	0	(3,836)

BOP LASS LTD	
STATEMENT OF FINANCIAL POSITION	
AS OF 31 DECEMBER 2022	
	Actual YTD
Bank	
Cheque Account	309,751
Trust A/c Aerial Photography	196,450
Term Deposit 182 days @ 1.20%. Maturing 11 April 2022	250,000
Total Bank	756,201
Current Assets	
Trade Debtors	484,227
Accrued Revenue	41,320
Tax Payable (Tax Receivable)	9,198
Prepayments	9,221
Total Current Assets	543,966
Non-current assets	
Intangible - Computer Software	79,175
Intangible - Amortisation	(70,977)
Computer Equipment at cost	4,516
Less Accumulated Depreciation on Computer Equipment	(3,922)
Inter Council Network	25,097
Accumulated Depreciation Inter Council Network	(5,882)
Total Non-current assets	28,006
TOTAL ASSETS	1,328,173
Current Liabilities	
Business Credit Card	732
Trade Creditors	101,958
Accrued Expenses	5,653
Accrued Salaries and Wages	7,560
Accrued Leave Entitlements	10,533
GST Collected, Paid, Payments (Refunds)	50,738
Retentions	22,023
Income in Advance	1,074,579
PAYE Accruals Payable	8,934
TCC Loan	0
Total Liabilities	1,282,710
NET ASSETS	45,463
Equity	
Current Year Earnings	(6,036)
Retained Earnings	(47,503)
Share capital	99,002
TOTAL EQUITY	45,463

REPORT

Date : 28 February 2023
To : Ordinary Council Meeting, 21 March 2023
From : Asset Manager (Interim), Dale Clarke
Subject : **TRANSPORT STORM DAMAGE 2022-2023**
File ID : A354253

EXECUTIVE SUMMARY

Storm damage to transport assets following sustained rain across July 2022 and a large-scale rain event in October 2022 caused widespread damage, the total costs for the repairs for both is estimated at \$1,400,000

NZTA funding has been approved for the initial response and permanent reinstatement required. This report seeks Council approval to reallocate funding from the non-subsidised Seal Extensions Budget (\$200,000) to cover as the local share of the costs sustained from these events (\$146,279.60), as well as any unforeseen major storm events that might occur across the remainder of this financial year.

PURPOSE

To provide Council details surrounding the storm events, damaged assets, expected costs to repair.

BACKGROUND & DISCUSSION

July 2022

After an already wet finish to the 2021/22 financial year, the 2022/23 began with more rainfall. The rainfall in July did not occur in a single storm event but rather a sustained period of constant rainfall which exacerbated already saturated ground conditions and swollen rivers, causing damage at multiple locations across the district.

Figure 1 shows that rainfall in July 2022 was over double the historical average for July, with June also showing a large increase above the historical average.

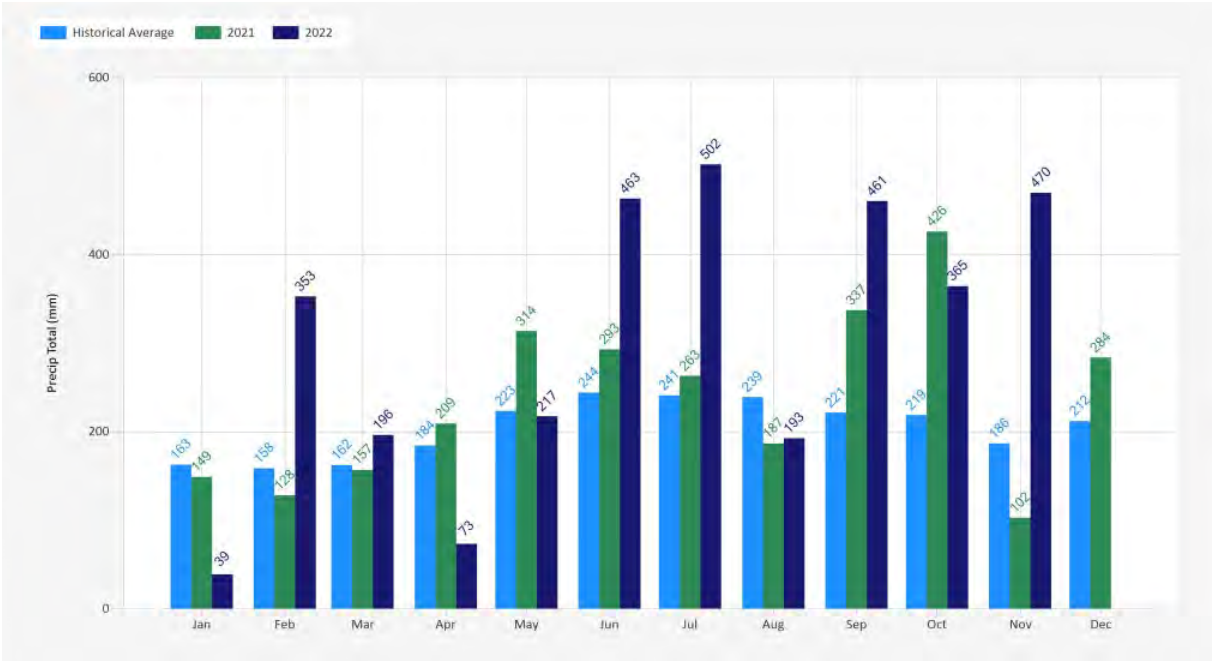


Figure 1: Monthly Rainfall Amounts 2022 (Dec 2022) - Source: BOPRC

Areas most affected by this rainfall were roads alongside the Otara River and its tributaries Tutaetoko and Pakihi streams, as well as Waiotaha Valley, Ōpape, and Whangaparaoa.



Figure 2: Flooding and subsequent road damage - Ngarue Rd, Whangaparaoa. – Provided (13/07/2022)



Figure 3: Washout on Waitahe Valley Rd – ODC (18/07/2022)

October 2022 Storm

On the first of October 2022, a rain event hit the Otago district causing major disruption.

Rainfall of 269mm fell over 4 days, with 106mm received in a single day, resulting in a 1 in 10 storm event.

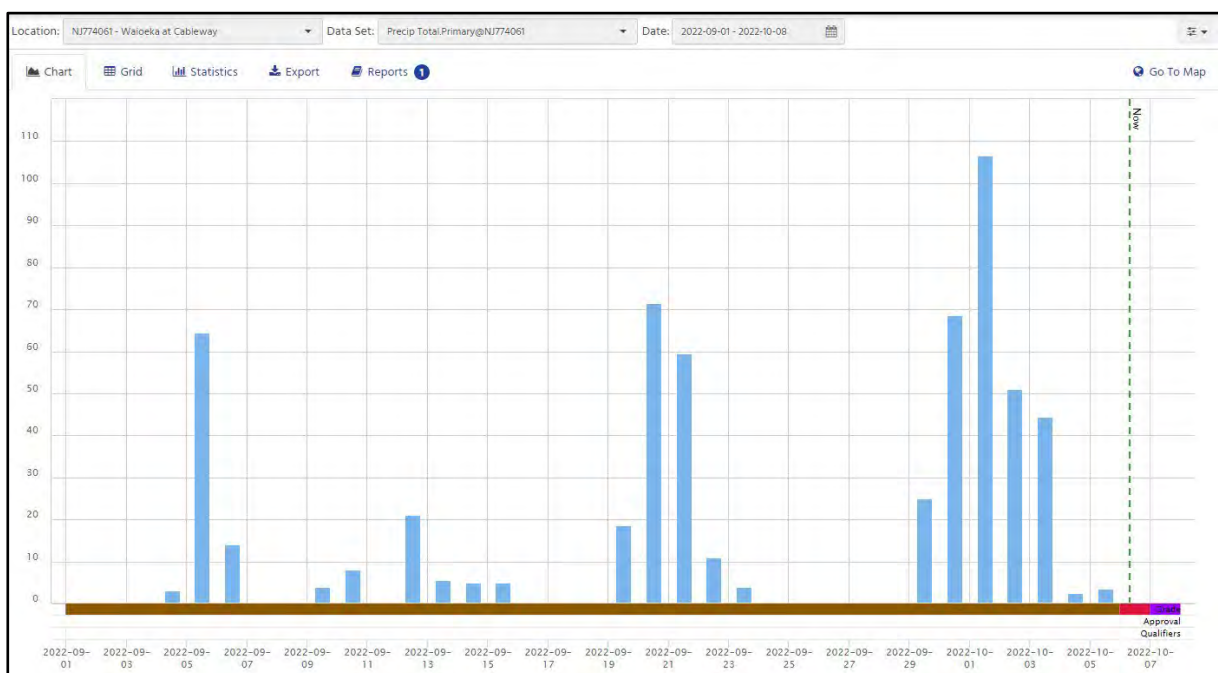


Figure 4: Daily Rainfall data from Waioeka Cableway Station (source BOPRC)

25 district roads were significantly impacted with slips, road dropouts, treefall and flooding.

Some communities were cut off for multiple days while contractors worked to reopen roads.

Some of the worst impacted roads require permanent repairs, including sites at Otara Rd, Ohiwa Harbour Rd, Omarumutu Rd, Hinahinanui Rd, Opape Beach Rd, Tutaeotoko Rd and Waitahe Valley Rd.



Figure 5: Slip on Brown Road



Figure 6: Washout alongside Otara Road



Figure 7: Treefall and road closure on Ruatuna Rd



Figure 8: Dropout on Ohiwa Harbour Rd

Initial Response and Permanent Reinstatement Costs

Event	Phase & Description	Est Cost (Excl GST)
July 2022	Initial storm response and permanent reinstatement	\$270,000
October 2022	Initial Storm Response	\$325,000
October 2022	Permanent reinstatement	\$805,000
	TOTAL	\$1,400,000

Table 1: Estimated repair costs

An application was made to NZTA for additional funding which has now been approved. These repairs are now underway and expected to be completed by the end of the financial year.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be.

Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.

The level of significance related to the decision in this report is considered to be low. Because the decision is determined to have low significance in accordance with the policy, the corresponding level of engagement required is inform.

Assessment of engagement

As the level of significance has been determined to be low, the level of engagement required is inform according to the Engagement Framework of the Significance and Engagement Policy:



Inform

To provide balanced and objective information to assist understanding about something that is going to happen.

The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

CONSIDERATIONS

Financial/budget considerations

NZTA will fund these works at the normal funding assistance rate (FAR) which is 75% for Ōpōtiki. If however within a financial year these costs exceed 10% of our approved maintenance budget, the funding for costs above that 10% threshold will be funded at an enhanced FAR of 95%.

10% of ODC's annual transport maintenance budget is \$381,398, so the NZTA funding for these costs above that amount are subsidised at the enhanced FAR of 95%

The estimated costs for this storm damage work and breakdown of funding is as follows:

Description	Total Cost Estimate	NZTA Subsidy (75%)	NZTA Subsidy (95%)	Council Share Required
July 2022 Storm	\$270,000	\$202,500.00	-	\$67,500.00
October 2022 Storm (Initial Response)	\$325,000	\$83,548.50	\$202,921.90	\$38,529.60
October 2022 Storm (Permanent Reinstatement)	\$805,000	-	\$764,750.00	\$40,250.00
Totals	\$1,400,000	\$274,744.50	\$169,740.30	\$146,279.60

Council has an annual NZTA subsidised budget for minor storm damage works of \$86,000. So far in the 2022/23 financial year \$82,029.90 of this budget has been spent, and therefore cannot be utilised to cover any of this work.

Use of the Seal Extension Budget

Council has an annual budget of \$200,000 set aside for the purpose of chip sealing gravel roads, should the landowners served by the road request it and can meet a portion of the costs (dependant on approval by council resolution). This budget is to cover the council portion of the costs as per the Seal Extension Policy 2021.

At this time, ODC have received no requests for the sealing of unsealed roads in line with policy, and it is expected that this budget will remain unspent by the end of the year.

It is recommended that the full seal extension budget be reallocated to cover the local share of the costs sustained from the storms so far this year, as well as to cover any future events that might occur during this financial year. Reallocation of the full seal extension budget when combined with NZTA funding assistance will cover up to \$2,474,408 worth of storm damage costs for the 2022/23 year.

Risks

Risk to LoS

The completion of these repair works is critical to maintaining levels of service and keeping the transport network functioning and operational. If additional spending is not approved, staff will need to reconsider other planned works and whether cuts to maintenance budgets can be used to cover these emergency repair costs. If this occurs, ODC will not be able to maintain LoS into the future and falling behind on crucial maintenance and renewals work.

Risk of Cost exceeding estimates

ODC staff, contractors and consultants have carried out in depth assessments and estimates and have allowed for contingency in these. There is a risk that the actual costs of reinstatement exceed the estimates. Staff have allowed contingency in the estimates which should reduce this risk.

Authority

As this report proposes spending not budgeted for in the LTP and the reallocation of existing budget, Council authority is needed to approve this change.

RECOMMENDATIONS:

- 1. That the report titled "Transport Storm Damage 2022-2023" be received.**

2. **That Council approves additional spending of \$1,400,000 up to a maximum of \$2,474,408 (\$146,279.60 up to a maximum of \$200,000 being Council share to be reallocated from the 2022/23 Seal Extensions Budget).**

Dale Clarke

ASSET MANAGER (INTERIM)



REPORT

Date : 17 January 2023
To : Ordinary Council Meeting, 7 February 2023
From : Workforce Development Co-ordinator, Barbara MacLennan
Subject : **ŌPŌTIKI WORKFORCE DEVELOPMENT CO-ORDINATION – UPDATE**
File ID : A331109

EXECUTIVE SUMMARY

This report updates Council on progress of the Workforce Development Co-ordination function.

PURPOSE

Ōpōtiki District Council has a dedicated workforce team to co-ordinate and support workforce stakeholders, plans, and activities.

We work closely with Iwi, industry, community, and government stakeholders to implement the local Mahi Ora Ōpōtiki Pathways to Work Plan, including management of the Ōpōtiki Mayors Taskforce for Jobs Community Recovery Programme, and oversight of local Class 1 Driver Licencing initiatives.

BACKGROUND

From the outset of planning for aquaculture and the Harbour Project, local stakeholders including Council had a focussed aspiration **to create sustainable local jobs and increase wellbeing**. From 2014 Council has actively supported a cross sector Mahi Ora - "Ōpōtiki Pathways to Work" approach and initiatives to help realise the aspiration of "together growing good jobs and the workforce" locally. In 2019, with Whakatōhea support, Council established dedicated Workforce Co-ordination and Administration positions initially enabled by funding from MBIE, and subsequently via the Mayors' Taskforce for Jobs Rural Community Resilience Programme.

Key elements of the work programme include:

- Working in partnership on projects and initiatives with local employers and services including with Te Pou Oranga ō Whakatōhea, Whakaatu Whanaunga Trust, Youth Services, the College, and government agencies. We're also building relationships along the Coast, including with Te Runanga o to Whānau ā Apanui and Te Kaha Group personnel
- Co-ordinating and promoting local job opportunities
- Supporting local businesses to secure government subsidies when possible, and grow their workforce, including through training and upskilling
- Supporting job seekers (including those engaged with local training and work readiness programmes) and helping them prepare for and find suitable work
- Managing Mayors Taskforce for Jobs subsidies
- Co-ordinating and promoting entry level training suitable for people seeking or recently in work
- Overseeing the Ōpōtiki Community Driver Mentor programme contract with Eastbay REAP and other initiatives to ensure job seekers and recent appointees are getting assistance
- Monitoring trends and outcomes

PROGRESS

Tracking Progress

Communications

We continue to collate all known local vacancies, training, and support in Ōpōtiki on the Council website at [Local Jobs, Training and Support - Ōpōtiki District Council \(odc.govt.nz\)](https://odc.govt.nz). We saw a drop in the number of vacancies available through December, likely due to many industries shutting down for the holidays.

We send fortnightly reminders of these updates to a database of over 210 recipients, including jobseekers, stakeholders, and other employment-focused partners who proactively support the people they are working with to apply for appropriate opportunities.

Benefits Realisation Study – Te Ara Moana a Toi

This important study of direct and indirect outcomes of the Harbour Construction to date has been workshopped by Council, and finalised. It is now ready for release and distribution.

Mayors' Taskforce for Jobs

Rural Community Resilience Programme Background

ODC has been in partnership with the Mayors' Taskforce for Jobs since a pilot programme in 2020. Each year we make changes and improvements based on our learning to date.

Participation

As at January 17 we have approved one MTfJ subsidy in January for 2022-2023, supporting a beauty business in Waihou Bay and bringing our total of MTfJ subsidy recipients this financial year to 31 across 13 businesses. These subsidies are small grants to be used specifically on the person being employed in the way of training, uniform/PPE, tools/equipment, or wage subsidy.

Training

We're currently gathering employer input to an industry training needs survey for recent recruits to our diverse local businesses. We've had a strong response to date, and have already started scheduling training for courses in high demand.

Events

St John Poipoia te Pitomata programme

Councillors will recall that we have confirmed a March delivery of the St John Poipoia te Pitomata (Harnessing Potential) programme. This four day course will focus on confidence building and leadership skills, as well First Aid tickets. Registrations are opening shortly.

Driver Licencing

A total of 17 local people have passed their licence test this financial year through Ōpōtiki Community Driver Mentor Programme. This is half the number anticipated and is due in part to capacity at Eastbay REAP in the latter half of 2022, and in part to the ongoing challenge around the availability of testing slots in Whakatāne. A concerted effort will be made toward Class 1 licencing in 2023, and we're confident we'll meet our target of 75 progressions of Learner to Restricted and Restricted to Full.

Working with Ōpōtiki College and industry

We are in conversation with Ōpōtiki College around multiple projects for 2023 including new initiatives in partnership with Seeka-OPAC. We'll also support work exposure and exploration projects with Year 10-12 students.

Ōpōtiki District Council Cadets

We've spoken with both cadets and managers involved in the 2021-2022 programme, reviewed learnings and developed guidance for the 2022-2023 cohort of Cadets.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance


On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be.

Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.

The level of significance related to the decision in this report is considered to be low. Because the decision is determined to have low significance in accordance with the policy, the corresponding level of engagement required is Inform.

Assessment of engagement

As the level of significance has been determined to be low, the level of engagement required is Inform according to the Engagement Framework of the Significance and Engagement Policy:

	Inform	To provide balanced and objective information to assist understanding about something that is going to happen.
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The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

Risks

There are no major risks associated with the decisions or matters.

RECOMMENDATIONS:

1. **That the report titled "Ōpōtiki Workforce Development Co-ordination – Update" be received.**
2. **That the Te Ara Moana a Toi – Benefits Realisation to October 2022 Report is approved for public release and distribution to key stakeholders following this meeting.**

Barbara MacLennan

WORKFORCE DEVELOPMENT CO-ORDINATOR

REPORT

Date : 10 March 2023
 To : Ordinary Council Meeting, 21 March 2023
 From : Chief Executive Officer, Stace Lewer
 Subject : **CHIEF EXECUTIVE OFFICER'S UPDATE**
 File ID : A371917

LGOIMA REQUESTS

LGOIMA Report (01/11/2022-08/03/2023)

Month	Submitter	Subject	Due
November 2022	Te Upokorehe Resource Management Team	Consents issued within Te Upokorehe rohe	Completed
	Michael Templeton	CDEM study	Completed
	Patty Dunseath	Correspondence for Pohutukawa Trees	Completed
	NZ Taxpayers Union	Council Artwork	22/12/2022
	Hon Simon Watts	Three waters estimates	27/12/2022
	L Hickling (Forest & Bird, Eastern Bay of Plenty Branch)	Felling of Pohutukawa at Bryan's Beach	Completed
December 2022	2022-12-11 - Stuart Ryan - New Zealand Sport Fishing Council	request for Te Arawhiti contact information	Completed
	Stilwell (CooneyLeesMorgan)	correspondence relating to RC's & BC's involving Bertram family Ohiwa Harbour road	Completed
	Ivor Jones	Council minutes pertaining to the naming of Te Tahuhu o Te Rangi - SR221218144	Completed
	Wihei Paora	Confusion of land details for 6541B & 6645 with Te kaha 35C2B titles	17/01/2023

January 2023	Daisy McWedge Fair Go	Public Place Recycling	Completed
	Jessica Durham	District Licensing Committee Decisions	Completed
	Hurae Te Rupe	All correspondence relating to Allotment 134 Parish of Waiotahe	10/02/2023
	Hurae Te Rupe	Correspondence, internal policies and guidelines for decision making information to be provided on Whakatohea Settlement and Upokoruhe	10/02/2023
	Hura Te Rupe	All correspondence for decision making on allotment 292 Waiotahe parish	Completed
	NZ Forest & Bird	Pohutukawa Felling Wagner PL	Completed
	W Chester	Request for information supporting council decision to reject complaint - SR230111465	Completed
	Ellen Cieraad	LED streetlighting	Completed
	NZ Taxpayers Union	Citizenship Ceremony Process	28/02/2023
	NZ Taxpayers	Residential rates request	28/02/2023
February 2023	Madison Chamberlain	CCTV camera questions	15/03/2023
	Owen	Swimming Pool Statistics	Completed
	NZ Health	Request for GIS data for water supply, storm water, waste water & CD sites	Completed
March 2023	Kate Adams	Adding Library title to Te Tāhuhu o Te Rangi	Completed

MEETINGS / EVENTS ATTENDED BY THE CHIEF EXECUTIVE OFFICER – 21 JANUARY 2022 – 10 MARCH 2023

23 JANUARY 2023

Citizenship Ceremony

24 JANUARY 2023

Council workshop

26 JANUARY 2023

Meeting re Eastern Bay of Plenty Health Locality Pilot

31 JANUARY 2023

Property Advisory Group meeting

1 FEBRUARY 2023

Council CEs' Entity B Group Meeting (Three Waters)

Councillor/CEO catch up meeting

Met with Vaughan Payne, CE of Entity B Water Services

2 FEBRUARY 2023

Met with Carol Ngawati, Senior Regional Advisor, Kanoa

7 FEBRUARY 2023

Ordinary Council meeting

Council workshop

8 FEBRUARY 2023

Tenders Sub-Committee meeting

9 FEBRUARY 2023

National Transition Unit People & Workforce Transition Reference Group (Three Waters) meeting, via Teams

Taituara CEs' meeting, via Zoom

10 FEBRUARY 2023

Bay of Plenty CEs discussion, via Zoom

Toi-EDA strategy meeting

13 FEBRUARY 2023

Ōpōtiki Emergency Operating Centre meetings – cyclone updates

Three Waters Reform: legal workstream drop-in meeting, via Teams

14 FEBRUARY 2023

Ōpōtiki Emergency Operating Centre meeting – cyclone update

15 FEBRUARY 2023

Councillor/CEO catch up meeting

16 FEBRUARY 2023

Meeting with Whakatōhea – history of the name Te Tahuhu o Te Rangi

17 FEBRUARY 2023

Met with Te Whānau a Apanui Chair, Matetu Herewini

Ōpōtiki Harbour Steering Group meeting

20 FEBRUARY 2023

Tauranga

BOPLASS Board meeting

Bay of Plenty CEs' Forum

21 FEBRUARY 2023

Council workshop

22 FEBRUARY 2023

Engagement session with DIA re Draft Settlement Accounts for the Three Waters Reform Programme

Ōpōtiki Marine Advisory Group meeting

23 FEBRUARY 2023

National Transition Unit People & Workforce Transition Reference Group (Three Waters) meeting, via Teams

LGNZ Leaders' meeting, via Zoom

27 FEBRUARY 2023

Communities For Local Democracy meeting, via Zoom

Strategy Planning and Regulatory Committee meeting

Performance and Delivery Committee meeting

28 FEBRUARY 2023

Entity B Debt Settlement Account Meeting (Three Waters), via Teams

Risk and Assurance Committee meeting

1 MARCH 2023

Council CEs' Entity B Group Meeting (Three Waters)

Councillor/CEO catch up meeting

2-3 MARCH 2023

Wellington

LGNZ Rural Provincial Sector Chief Executives' meeting

LGNZ Rural Provincial Sector meeting

LGNZ Rural Provincial Sector networking event

6 MARCH 2023

EBOP Spatial Plan - Project Briefing, via Teams

Property Advisory Group meeting

Met with Darren Toy, Regional Director Kāinga Ora

8 MARCH 2023

Cyclone Gabrielle – event debrief with Emergency Operations Centre staff

Meeting with Lyndon Settle, CEO Quayside Holdings

10 MARCH 2023

Ōpōtiki District Council/Sport BoP connect meeting, via Teams

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be.

Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.

The level of significance related to the decision in this report is considered to be low. Because the decision is determined to have low significance in accordance with the policy, the corresponding level of engagement required is Inform.

Assessment of engagement

As the level of significance has been determined to be below, the level of engagement required is Inform according to the Engagement Framework of the Significance and Engagement Policy:



Inform

To provide balanced and objective information to assist understanding about something that is going to happen.

The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

RECOMMENDATION:

- 1. That the report titled "Chief Executive Officer's Update" be received.**

Stace Lewer

CHIEF EXECUTIVE OFFICER

REPORT

Date : 9 March 2023

To : Ordinary Council Meeting, 21 March 2023

From : Chief Executive Officer, Stace Lewer

Subject : **RESOLUTION TO EXCLUDE THE PUBLIC**

SECTION 48 LOCAL GOVERNMENT OFFICIAL INFORMATION & MEETINGS ACT 1987

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

- 18. Confirmation of In-Committee Minutes – Ordinary Council Meeting 7 February 2023.**
- 19. In-Committee Minutes – Risk and Assurance Committee Meeting 12 December 2022.**
- 20. Laneway (Lot 9 and 10) 107 Church Street – Lease.**
- 21. Council Workshop Notes 24 January 2023.**
- 22. Council Workshop Notes 7 February 2023.**
- 23. Council Workshop Notes 21 February 2023.**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No	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
18.	Confirmation of In-Committee Minutes – Ordinary Council Meeting 7 February 2023	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
19.	In-Committee Minutes – Risk and Assurance Committee Meeting 12 December 2022	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)

20.	Laneway (Lot 9 and 10) 107 Church Street – Lease	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
21.	Council Workshop Notes 24 January 2023	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
22.	Council Workshop Notes 7 February 2023	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48 (1)(a)
23.	Council Workshop Notes 21 February 2023	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

18.	Protect the privacy of natural persons Protect information Protection from improper pressure or harassment Prevent disclosure or use of official information Carry out negotiations Maintain legal professional privilege Carry out commercial activities	Section 7(2)(a) Section 7(2)(b)(i) & (ii); (d) & (e) and Section 7(2)(c)(i) & (ii) Section 7(2)(f)(ii) Section 7(2)(j) Section 7(2)(i) Section 7(2)(g) Section 7(2)(h)
19.	Protect the privacy of natural persons Protect information (commercial sensitivity) Protection from improper pressure or harassment Carry out negotiations Prevent disclosure or use of official information	Section 7(2)(a) Section 7(2)(b)(i) & (ii) Section 7(2)(f)(ii) Section 7(2)(i) Section 7(2)(j)
20.	Protect the privacy of natural persons Protect information (commercial sensitivity)	Section 7(2)(a) Section 7(2)(b)(ii)

21.	Protection from improper pressure or harassment Prevent disclosure or use of official information for improper gain or improper advantage	Section 7(2)(f)(ii) Section 7(2)(j)
22.	Protection from improper pressure or harassment Prevent disclosure or use of official information for improper gain or improper advantage	Section 7(2)(f)(ii) Section 7(2)(j)
23.	Protection from improper pressure or harassment Prevent disclosure or use of official information for improper gain or improper advantage	Section 7(2)(f)(ii) Section 7(2)(j)