



**The Ordinary Meeting of the
Kawerau District Council will be held
on Tuesday, 28 June 2022
in the Council Chambers
commencing at 9.00am**

AGENDA

GUIDELINES FOR PUBLIC FORUM AT MEETINGS

1. A period of thirty minutes is set aside for a public forum at the start of each Ordinary Council or Standing Committee meeting, which is open to the public. This period may be extended on by a vote by members.
2. Speakers may address meetings on any subject. However, issues raised must not include those subject to legal consideration, or be issues, which are confidential, personal, or the subject of a formal hearing.
3. Each speaker during the public forum is permitted to speak for a maximum of three minutes. However, the Chairperson has the discretion to extend the speaking time.
4. Standing Orders are suspended for the duration of the public forum.
5. Council and Committees, at the conclusion of the public forum, may decide to take appropriate action on any of the issues raised.
6. With the permission of the Chairperson, members may ask questions of speakers during the period reserved for public forum. Questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

**Minutes of the Ordinary Meeting of the Kawerau District Council
held on Tuesday 31 May 2022
in the Council Chamber commencing at 9.00am**

Present: His Worship the Mayor M J Campbell
Deputy Mayor F K N Tunui
Councillor B J Julian
Councillor C J Ion (via Zoom)
Councillor D Sparks (via Zoom)
Councillor W Godfery
Councillor A Rangihika
Councillor R G K Savage

In Attendance: Chief Executive Officer (R George)
Group Manager, Regulatory and Planning (M Glaspey)
Group Manager, Finance & Corporate Services (P Christophers)
Economic and Development Manager (L Barton)
Communications Manager (T Humberstone)
Administration Officer (T Barnett)

Apologies

Resolved **Deputy Mayor Tunui / Councillor Savage**

An apology from Councillor Kingi was received.

Leave of Absence

No leave of absence were received.

Opening Prayer

Pastor Mark Kingi opened the meeting with a prayer.

Public Forum

No public forum was heard.

His Worship the Mayor acknowledged the passing of previous Deputy Mayor Anthony (Tony) Gore, Daphne Reid and Murray Hanright.

Declarations of Conflict of Interest

No declarations of conflict of interest were received.

1 CONFIRMATION OF COUNCIL MINUTES

1.1 Ordinary Council – 26 April 2022

Resolved

Councillors Julian / Rangihika

That the minutes of the Ordinary Council Meeting held on 26 April 2022 is confirmed as a true and accurate record.

2 RECEIPT OF COMMITTEE MINUTES

2.2 Regulatory and Services Committee – 17 May 2022

Resolved

Chair Ion / Councillor Savage

That the Minutes of the Regulatory and Services Committee held on 17 May 2022 is confirmed as a true and accurate record.

3 Action Schedule (101120)

Action Item:

Group Manager, Finance and Corporate Services to provide a report for next Audit and Risk meeting clarifying insurance questions for Elected Members.

Resolved

Councillors Sparks / Rangihika

That the updated Action Schedule of resolutions/actions requested by Council is received.

4 His Worship the Mayor's Report (101400)

Resolved

His Worship the Mayor / Deputy Mayor Tunui

That His Worship the Mayor's report for the period Wednesday 20 April 2022 to Tuesday 24 May 2022 is received.

5 Annual Plan Performance for the Nine Months ended 31 March 2022 (Group Manager, Finance and Corporate Services) (110400)

Council discussed the report "Annual Plan Performance for the Nine Months ended 31 March 2022"

Resolved

Councillors Savage / Julian

That the report "Annual Plan Performance for the Nine Months ended 31 March 2022" is received.

6 Waste Minimisation and Management Plan 2022 (Engineering Manager) (404000)

Council discussed a report from the Engineering Manager on Council's Waste Minimisation and Management Plan 2022.

Resolved

Councillors Ion / Julian

- 1. That the report "Waste Minimisation and Management Plan 2022" be received.*
- 2. That Council accepts the 2012 Waste Minimisation and Management Plan as the current Waste Minimisation and Management Plan.*

7 Exclusion of the Public

Resolved

Councillors Savage / Rangihika

That the public is excluded from the following part of the proceedings of this meeting, namely:

- 1. Confirmation of Minutes of the Ordinary Council Meeting (Confidential) – 26 April 2022*
- 2. Cost Removal of Contaminated Material – Central Cove*
- 3. Development of Pools Changing Room*
- 4. Process Required to Complete Legalisation of East Bank Road*

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

General Subject of the 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
<p>1. Confirmation of Minutes of the Ordinary Council Meeting (Confidential) – 26 April 2022.</p> <p>2. Cost of removal of contaminated material – Central Cove.</p> <p>3. Development of pools changing room.</p> <p>4. Process required to complete the legalisation of East Bank road.</p>	<p>Maintain the effective conduct of public affairs through the free and frank expression of opinions.</p>	<p>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.</p> <p>Section 48 (1) (a) (i)</p>

This resolution is made in reliance on Section 48(1) (a) of the Local Government Official Information & Meetings Act 1987 and the particular interest or interests protected by Section 7 (2) (b) (i) of that Act.

Meeting Closed 3.40pm

M J Campbell

Mayor

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Minutes of the Extraordinary Meeting of the Kawerau District Council held on Tuesday 14 June 2022 commencing at 10.30am

Present: His Worship the Mayor M J Campbell (Chair)
Deputy Mayor F K N Tunui
Councillor W Godfery
Councillor C J Ion
Councillor B Julian
Councillor Kingi
Councillor R G K Savage
Councillor D Sparks

In Attendance: Chief Executive Officer (R George)
Group Manager, Finance and Corporate Services (P Christophers)
Group Manager, Regulatory and Planning (M Glaspey)
Group Manager, Operations and Services (H van der Merwe)
Communications Manager (T Humberstone)
Acting Economic and Community Development Manager (L Barton)
Administration Officer (T Barnett)

Apologies

No apologies were received.

Declarations of Conflict of Interest

No conflicts of interest were declared.

Opening Prayer

Councillor Kingi opened the meeting with a prayer.

1 Consideration of Submissions to the Annual Plan 2022 – 2023 Consultation Document (Manager Communications and Engagement) (110400)

Council considered the submissions of the Annual Plan 2022 – 2023 Consultation Document.

Resolved

His Worship the Mayor / Councillor Ion

1. *That the report "Consideration of Submissions to the Annual Plan 2022-2023 Consultation Document" be received.*
2. *That Council resolves to consider the submissions to the Annual Plan 2022-2023 Consultation Document; and*
3. *That following consideration of submissions to the two consultation matters contained in the Annual Plan 2022-2023 Consultation Document Council resolves*
 - *The uniform annual general charge is increased to 750k for 2022 – 2023*
 - *That the general rate differential is amended to 48% residential and 52% Commercial/ Industrial.*

- *Council defers the establishment of asbestos disposal site, removing operating costs and revenue (adding a further 200k to rates).*
 - *That 50k is added to the budget for an asbestos site concept plan and resource consent funded from the depreciation reserve.*
4. *For those proposals it determines to pursue, determine to forward detailed proposals for consideration as part of the project planning and to respond to submitters to that effect; and*
 5. *Respond to all submissions raised by submitters to the Annual Plan 2022 – 2023 Consultation Document.*

Meeting closed 12.50am

M J Campbell

Mayor

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**Kawerau District Council Minutes of an
Audit and Risk Committee held on 7 June 2022
commencing at 1.00pm**

Present: Philip Jones – P J Associates (Chair) (Via Zoom)
His Worship the Mayor – M J Campbell
Councillor F K N Tunui
Councillor C J Ion
Councillor D Sparks
Councillor A Rangihika

In Attendance: Chief Executive Officer (R George)
Group Manager, Finance & Corporate Services (P Christophers)
Group Manager, Regulatory and Planning (Michaela Glaspey)
Health and Safety Officer (Paul Snook)
Administration Officer (T Barnett)

Apologies

No apologies were received.

Declarations of Conflict of Interest

No conflicts of interest were received.

1 Occupational Health and Safety Management System Status (Health and Safety Officer) (509500)

The Committee reviewed the Health and Safety Officers report.

Resolved **His Worship the Mayor / Councillor Rangihika**

That the report "Occupational Health and Safety Management System Status" is received.

2 Treasury Report to 30 April 2022 (Group Manager, Finance and Corporate Services) (110551)

The Committee reviewed the Treasury Report to 30 April 2022.

Resolved **Councillors Ion / Chair Jones**

That the report "Treasury Report to 30 April 2022" is received.

3 2021 / 2022 Annual Report Timetable (Group Manager, Finance and Corporate Services) (110400)

The Committee discussed the report “2021 / 2022 Annual Report Timetable”.

Resolved

Councillors Sparks / Rangihika

- 1. That the report “2021 / 2022 Annual Report Timetable” is received.*
- 2. That the Audit and Risk Committee concluded no further amendments were needed at this time.*

4 Annual Plan Performance for the 9 Months Ended 31 March 2022 (Group Manager, Finance and Corporate Services) (110400)

The Committee reviewed the Annual Plan Performance for the 9 Months Ended 31 March 2022.

Resolved

Deputy Mayor Tunui / Councillor Ion

That the report “Annual Plan Performance for the 9 Months Ended 31 March 2022” is received.

5 Insurance Policies – 2021 / 22 (Group Manager, Finance and Corporate Services) (201000)

The Committee reviewed the additional information requested regarding Councils Insurance Policies – 2021 / 22.

Resolved

His Worship the Mayor / Councillor Rangihika

That the report “Insurance Policies – 2021 / 22” is received.

Meeting closed 1.45pm

P Jones

Chairperson

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**Minutes of the Regulatory & Services Committee
held on Tuesday, 14 June 2022
commencing at 9.00am**

Present: Councillor C J Ion (Chairperson)
His Worship the Mayor M J Campbell
Deputy Mayor F K N Tunui
Councillor B Julian
Councillor S Kingi
Councillor W Godfery
Councillor A Rangihika
Councillor R G K Savage
Councillor D Sparks (via Zoom)

In Attendance: Chief Executive Officer (R George)
Manager, Finance and Corporate Services (P Christophers)
Manager, Regulatory and Planning (M Glaspey)
Manager, Operations and Services (H van der Merwe)
Economic and Community Development Manager (L Barton)
Communications and Engagement Manager (T Humberstone)
Administration Officer (T Barnett)

Apologies

No apologies were received.

Declarations of Conflict of Interest

No conflict of interest was declared.

PART A – REGULATORY

1 Monthly Report - Regulatory and Planning Services (340000)

The Committee discussed a report covering Planning, Compliance and Capability activities for the month of May 2022.

Action Item:

Group Manager, Regulatory and Planning to invite the Commissioner Orr from the District Licencing Committee to come in and speak to Elected Members.

Resolved

Councillors Savage / Rangihika

That the report on Regulatory and Planning Services activities for the month of May 2022 is received.

PART B – NON REGULATORY

2 Monthly Report - Finance and Corporate Services (211000)

The Committee discussed a report from the Manager, Finance and Corporate Services covering activities for the month of May 2022.

Action Items:

Group Manager, Finance and Corporate Services to send an email to Elected Members outlining what the Hayes Online Database is.

Group Manager, Finance and Corporate Services to send an email out to Elected Members advising of amount of how much asbestos has been transported out of Kawerau from Central Cove.

Resolved

Councillors Kingi / Julian

That the report from the Group Manager, Finance and Corporate Services for the month of May 2022 is received.

3 Monthly Report - Operations and Services (440000)

The Committee discussed a report from the Group Manager, Operations and Services covering activities for the month of May 2022.

Action Item:

Group Manager, Operations and Services to provide Council with a report on the amount of asbestos and the cost of transporting it out of Kawerau from the Netball Pavilion.

Resolved

Councillors Savage / Kingi

That the report from the Group Manager, Operations and Services for the month of May 2022 is received.

4 Monthly Report - Economic and Community Development (Economic and Community Development Manager) (309005)

The Committee discussed a report from the Economic and Community Development Manager covering economic and community activities for the month of May 2022.

Resolved

Councillors Kingi / Godfery

That the report from the Economic and Community Development Manager for the month of May 2022 is received.

4 Funding Application – Firmin Lodge and Bert Hamilton Hall Acoustics Improvements (Economic and Community Development Manager) (340000)

The Committee discussed a report from the Economic and Community Development Manager regarding applying for funding for acoustics improvements at Firmin Lodge and the Bert Hamilton Hall.

Resolved

His Worship the Mayor / Councillor Julian

- 1. That the report "Funding Application – Firmin Lodge and Bert Hamilton Hall Acoustics Improvements" be received.*
- 2. That the Regulatory and Services Committee approves a funding application to NZCT for \$35,888 (excluding GST) towards the Firmin Lodge and Bert Hamilton Hall acoustics improvements.*
- 3. That the Regulatory And Services Committee approves to carry forward the \$10,000 2021 / 2022 budget to the 2022 / 2023 financial year.*

Meeting closed at 10.06am

C J Ion

Chairperson

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KAWERAU DISTRICT COUNCIL

**Minutes of the Creative Communities Scheme Assessment Committee
held on Thursday, 16 June 2022
in the Committee Room commencing at 3.30pm**

<u>Present:</u>	Sela Kingi	(Chair) (Councillor)
	Berice Julian	(Councillor)
	Warwick Godfery	(Councillor)
	Trish Brady	(Arts Representative)
	Bernie Milne	(Arts Representative)
	Skarlett Starr	(Community Representative)
	Kelly Johnson	(Iwi Representative)

In Attendance: Peter Christophers (Group Manager, Finance and Corporate Services)

Karakia:

Councillor Julian opened the meeting with a prayer.

Apologies:

Resolved

Julian / Starr

That apologies for Maryanne Tamatea and Barbara Morgan are received.

Declaration of Conflicts of Interest

Bernie Milne declared a conflict of interest with applications 3.2 and 3.3, and Kelly Johnson declared a conflict of interest with applications 3.4, 3.8 and 3.9

1. Confirmation of Minutes of The Creative Communities Scheme Assessment Committee Meeting held on 18 November 2021

Correction:

Iwi Representative should be Kelly Johnson not Kelly Johnston.

Resolved

Godfery / Milne

That the Minutes of the Kawerau Assessment Committee for the Creative Communities Scheme meeting held on 8 December 2021 are confirmed as a true and correct record.

2. Return of Project Completion Reports

The Committee considered Project Completion Reports from:

2020 / 21 Funding Round 1

Kawerau Arts Society

2020 / 21 Funding Round 2

Kawerau Photography Group

Resolved

Starr / Godfery

That the accountability Report for 2020 / 21 Funding Round 1 and 2020 / 21 Funding Round 2 be received.

3. Funding Application Summary 2021 / 22 Funding Round

Chair Kingi explained to members the assessment criteria to be used for each application and requested that each application be scored accordingly.

Resolved

Julian / Starr

That the Funding Application Summary for the 2021 / 22 Funding Round is received.

The committee assessed each application and scored the applications as follows:

	Applicant	Ave Score (out of 20)
	Kawerau Cosmopolitan Club	17
	Kawerau Arts Society	17.2
	Elizabeth (Hally) Barlow	17.6
	Patuhoe Whanau Trust	14.7
	Amanda Louise Strutt	15.2
	The Mirocovolunteering Collective	10.3
	Dawn Hill	14.9
	Cheryl Wilson	15.2
	Nga Onepu Aunties	15.9
	Everybody is a Treasure	6.0

3.1 Kawerau Cosmopolitan Club

Amount requested: \$1500.00 (GST exclusive)

Purpose: Tiroiro Wheti o Matariki – Celebrating Matariki

Resolved

Godfery / Johnson

That funding of \$1500.00 excluding GST is approved.

3.2 Kawerau Arts Society

Bernie Milne withdrew from the meeting at 4.06pm

Amount requested: \$1000.00 (GST exclusive)

Purpose: Kawerau Matariki Interactive Mural.

Resolved

Starr / Julian

That funding of \$1000.00 including GST is approved.

3.3 Elizabeth (Hally) Barlow

Amount requested: \$1777.00 (GST exclusive)

Purpose: Kawerau Matariki Art Exhibition

Resolved

Brady / Kingi

That an allocation of \$1777.00 excluding GST is approved.

3.4 Patuhoe Whanau Trust

Bernie Milne returned to the meeting at 4.25pm

Kelly Johnson withdrew from the meeting at 4.25pm

Amount requested: \$4300.00.00 (GST exclusive)

Purpose: Tiroiro Whetu Matariki

Resolved

Julian / Milne

That funding of \$1920.00 excluding GST is approved.

3.5 Amanda Louise Strutt

Kelly Johnson returned to the meeting at 4.35pm

Amount requested: \$3120.00 (GST exclusive)

Purpose: Kawerau Tamariki and Rangitahi Dance Classes

Resolved

Starr / Godfery

That funding of \$3120.00 excluding GST is approved.

3.6 The Mircovolunteering Collective

Amount requested: \$2000.00 (GST exclusive)

Purpose: Empowering young people to use their creativity to make a difference in their community through 'mircovolunteering'

The application for \$2,000.00 was not approved.

3.7 Dawn Hill

Amount requested: \$1540.00 (GST exclusive)

Purpose: Nga Tapu o Te Tini o Kawerau – Walking in the footsteps of Te Tini o Kawerau.

Resolved

Julian / Milne

That funding of \$1540.00 excluding GST is approved.

3.8 Cheryl Wilson

Kelly Johnson withdrew from the meeting at 4.15pm

Amount requested: \$800.00 (GST exclusive)

Purpose: Wananga around ta moko / mataroa / moko kauae

Resolved

Starr / Milne

That funding of \$800.00 excluding GST is approved.

3.9 Jacqueline Johnson and Kathy Whetu - Nga Onepu Aunties

Amount requested: \$5723.52 (GST exclusive)

Purpose: To operate 3 noho-wananga in the weekend for Rangitahi aged 18 and older.

Resolved

Starr / Brady

That funding of \$5442.16 excluding GST is approved.

3.10 Everybody is a Treasure

Kelly Johnson returned to the meeting at 5.35pm

Amount requested: \$4000.00 (GST exclusive)

Purpose: Kawerau – Visual Poetry Jam

The application for \$4,000.00 was not approved.

Chair Kingi thanked members for their attendance.

The meeting closed at 5.45pm with a prayer from Berice Julian

S Kingi

Chairperson

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Action Schedule

Meeting Date	Resolution / Action Requested	Action	Status	Comments	Estimated Completion Date
A&R 04.02.20	Council's Risk Maturity - Improvement Programme Arrange KPMG to review Council's Risk Management Maturity profile once the tasks in progress / underway are completed.	GM F&CS	In Progress	Council has now completed all areas recommended for improvement and will be engaging a consultant to further assess Council's risk maturity.	Sept 2022
Council 26.05.20	Results of 2020 NRB Survey Elected Members agreed to review the way in which Council engages community satisfaction.	GM F&CS	Pending	Staff are reviewing alternative methods of measuring community satisfaction for the 2022-23 Annual Plan.	July 2022
R&S 08.02.22	Monthly Report - Operations and Services Update Elected Members on the cleanup of the town's gutters.	GM O&S	In Progress	Clean up of the town's gutters is ongoing.	Ongoing
R&S 17.05.22	Monthly Report - Finance and Corporate Services Update Elected Members if the Honours Board from the old NZCU building can be kept at the Museum.	GM F&CS	In Progress	Confirmation to be given to the July Regulatory and Services Committee Meeting.	July 2022
R&S 17.05.22	Monthly Report - Operations and Services Provide a report to Elected Members on the trees that need felling.	GM O&S	In Progress	A Report will be provided to the July Regulatory and Services Committee Meeting.	July 2022
R&S 14.06.22	Monthly Report - Regulatory and Planning Group Manager, Regulatory and Planning to invite Commissioner Orr from the District Licencing Committee to come in and speak to Elected Members.	GM R&P	In Progress	Invite has been sent out and awaiting a response.	July 2022

Meeting Date	Resolution / Action Requested	Action	Status	Comments	Estimated Completion Date
R&S 14.06.22	Monthly Report – Operations and Services Group Manager, Operations and Services to provide Council with a report on the amount of asbestos and the cost of transporting it out of Kawerau from the Netball Pavilion.	GM O&S	In Progress	A Report will be provided to the July Regulatory and Services Committee Meeting.	July 2022

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OC: Ordinary Council EC: Extraordinary Council A&R: Audit & Risk Committee R&S: Regulatory & Services Committee
 GMF&CS: Group Manager, Finance & Corporate Services GMO&S: Group Manager, Operations & Services
 GMR&P: Group Manager, Regulatory & Planning CE&M: Communication & Engagement Manager

Completed Items

Meeting Date	Action	Comments
R&S 12.04.22	Monthly Report - Finance and Corporate Services Provide a report to Elected Members on the contaminated areas and the cost to dispose of asbestos. The report will then be made available to the community.	A report was included in the May Council Agenda.
R&S 17.05.22	Monthly Report – Finance and Corporate Services Update Elected Members if the computer literacy programmes will still be held at the library.	An update was provided at the June Regulatory and Services Committee meeting.
Council 31.05.22	Action Schedule Provide a report for next Audit and Risk meeting clarifying insurance questions for Elected Members.	An update was provided to the June Audit and Risk Committee meeting.
R&S 14.06.22	Monthly Report – Finance and Corporate Services Group Manager, Finance and Corporate Services to send an email to Elected Members outlining what the Hayes Online Database is. Group Manager, Finance and Corporate Services to send an email out to Elected Members advising of amount of how much asbestos has been transported out of Kawerau from Central Cove.	An email was sent to Elected Members. An email was sent to Elected members.

Meeting Council
Meeting Date: 28 June 2022
Subject: His Worship the Mayor's Report
File No. 101400

1 **Purpose**

The purpose of this report is to outline meetings, functions and events that I have hosted, attended and/or participated in from the period Wednesday, 25 May to Tuesday 21 June 2022.

May

- Council Workshop
- Meeting with Greg Campbell regarding Transport Stocktake on behalf of BOP Regional Council
- Meeting with David Turner of Sequal Lumber
- Presentation to Trust Horizon
- Meeting with Kowhai Park Body Corp
- Monthly Council Meeting

June

- Civil Defence Emergency Management Group Workshop via Zoom
- Mayors Taskforce for Jobs meeting via Zoom
- Meeting with Leith Comer, Chair of Ngāti Rangitihi
- Catch-up with Te Haukākawa (Boycie Te Rire)
- Council Workshop
- Audit & Risk Committee Meeting
- Bay of Plenty Mayoral Forum, Tauranga
- Mayors Taskforce for Jobs Core Group meeting via Zoom
- Farewell Morning Tea for Wu Khoo
- Presentation to Grey Power Meeting
- Meeting with Ruth Montgomery and John Whitehead regarding Dog Exercise areas
- Monthly Regulatory & Services Committee Meeting
- Farewell Afternoon Tea for Stuart Cook
- Council Workshop
- Matariki Community Planting Day

2 **RECOMMENDATION**

That His Worship the Mayor's report for the period Wednesday, 24 May to Tuesday 21 June 2022 be received.



Malcolm Campbell, JP
Mayor

Meeting: Council
Meeting Date: 28 June 2022
Subject: Alcohol Control Bylaw 2022
File No.: 320100

1 Background

The Local Government Act 2002 (LGA) gives local authorities the power to make bylaws and sets out reasons including to minimise the potential for offensive behaviours in public places. In section 147 of the LGA, provides a particular power to make bylaws for alcohol control purposes.

The Kawerau District Council Liquor Control Bylaw 2004 was made following a request from the NZ Police and consultation with the Kawerau Community. As required, it was then reviewed in 2009 where minor changes were approved.

A bylaw under the LGA, must be reviewed no later than 5 years after it was first made and then at 10-yearly intervals.

Since the last review the Sale and Supply of Alcohol Act 2012 has come into force (18 December 2012). As a result of the new legislation, the Liquor Control Bylaw 2009 ('bylaw') has become out of date and in need of review.

A review appeared to have been commenced in 2012, however this was not completed. As a result of not completing a review within the required timeframe essentially means the bylaw would have been revoked on the 2nd June 2021.

Kawerau Senior Sergeant of NZ Police also requested amendment to the bylaw to enable Police to actively enforce the bylaw.

2 Situation

A draft Kawerau District Council Alcohol Control Bylaw 2022 was prepared for Council to review. The Council reviewed the proposed draft Bylaw at a workshop held on 21 June 2022.

Amendments to the draft have been made as requested by Council and has been attached for your reference.

Kawerau District Council needs to confirm whether an alcohol Bylaw is still an effective means to keep the community safe, prevent harm and reduce public nuisance from the consumption of alcohol within the Kawerau District.

Council also needs to determine whether this is the most appropriate form of bylaw and to consider whether it gives rise to any implications under the NZ Bill of Rights Act 1990, and, if satisfied on both counts, resolve to commence the special consultative procedure.

3 Policy and Legal Considerations

The Alcohol Control Bylaw will contribute to the community outcomes by helping to keep the community safe, prevent harm, reduce public nuisance, and improve the environment within the Kawerau centre. This Bylaw also complements our role as an alcohol licensing authority for Kawerau District.

An alcohol bylaw is an effective means to support Police in their role of policing disorder in our District, by enabling them with powers to enforce the alcohol ban in the central district minimising associated public nuisance and assisting in the prevention of harm to persons and property.

It is considered that the draft Bylaw would not give rise to any implications under or be inconsistent with the New Zealand Bill of Rights Act 1990.

It would therefore be acceptable for Council to adopt the draft Bylaw and commence the special consultative procedure.

4 Significance and Engagement

A draft statement of proposal must be prepared for the public special consultative procedure. This is under development currently and is proposed to be completed for the meeting on 28 June 2022 for Council to consider.

The proposed programme for the special consultative procedure is as follows:

- 28 June 2022 - Draft Kawerau District Council Alcohol Control Bylaw 2022 adopted by Council.
- 12 July 2022 - Statement of Proposal completed and approved by Council at the Regulatory and Service Committee Meeting.
- 18 July 2022 – Public Notice calling for submissions – Beacon
- 19 August 2022 – Submissions Close 5pm (extra week)
- 30 August 2022 – Hearing of submissions by Special Council Meeting following the Ordinary Council Meeting. Submissions determined and any agreed changes incorporated into the draft Bylaw.
- 13 September 2022 – Council confirms or declines to approve the commencement of the Kawerau District Council Alcohol Control Bylaw 2022

5 RECOMMENDATIONS

1. That that the Draft Alcohol Control Bylaw 2022 report be received.
2. That pursuant to section 155 of the Local Government Act 2002, council resolves that an alcohol control bylaw remains the most appropriate way to prevent harm and minimise inappropriate and offensive behaviour that can arise from alcohol consumption in public places within Kawerau District.
3. That pursuant to section 155 of the Local Government Act 2002, the draft Kawerau District Council Alcohol Control Bylaw 2022 is also the most appropriate form of bylaw, and it is not inconsistent with the New Zealand Bill of Rights Act 1990.
4. That the draft Kawerau District Council Alcohol Control Bylaw 2022 be adopted by Council with a resolution to commence the special consultative procedure.
5. That what amendments if any need to be included in the draft bylaw?



Michaela Glaspey
Group Manager Regulatory and Compliance

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KAWERAU DISTRICT COUNCIL

Alcohol Control Bylaw 2022

Kawerau District Council

Alcohol Control Bylaw 2022

Explanatory Statement

The Kawerau District Council wishes to address issues of inappropriate, annoying and offensive behaviour arising from alcohol consumption in public places.

The Kawerau District Council has determined that a Bylaw is the most appropriate mechanism to address these issues and to enhance public safety and community well-being without unduly restricting public rights. The objective of this Bylaw is to help, protect the public from nuisance and, promote and maintain public health and safety.

The Bylaw is made under the powers granted to territorial authorities by Part 8 of the Local Government Act 2002.

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Kawerau District Council Alcohol Control Bylaw 2022

1 Title and Commencement

This Bylaw may be cited as “The Kawerau District Council Alcohol Control Bylaw 2022” and shall come into force on (date to be confirmed).

2 Purpose

The purpose of this Bylaw is to control the consumption of alcohol in public places to reduce alcohol related harm.

3 Interpretation

For the purpose of this Bylaw the following definitions shall apply:

Alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012 (or any subsequent legislation in amendment of, or substitution for, the same).

Bylaw means the Kawerau District Council Alcohol Control Bylaw 2022.

Council means the Kawerau District Council.

Public Place has the meaning given by section 147 of the Local Government Act 2002 (or any subsequent legislation in amendment of, or substitution for, the same).

Offence means an offence under Section 239A of the Local Government Act 2002 that is a breach of this Bylaw (or any subsequent legislation in amendment of, or substitution for, the same).

Vehicle has the meaning as contained in section 2(1) of the Land Transport Act 1998 (or any subsequent legislation in amendment of, or substitution for, the same).

4 Alcohol-Free Area

- 4.1 Alcohol Free Areas are public places specified in Schedule 1. The following acts are prohibited 24 hours a day 7 days a week:
- a) the consumption of alcohol in an alcohol free area;
 - b) bringing of alcohol into an alcohol free area;
 - c) possession of alcohol in an alcohol free area;
 - d) use of a vehicle, in conjunction with an act relating to alcohol as set out in clauses 4.1 a to c.

5 Temporary Alcohol-Free Area

- 5.1 The Council may from time to time, by notified resolution, specify public place/s, events and/or timeframes to which this Bylaw shall apply. This is refer to as a temporary alcohol free area.
- 5.2 The following acts are prohibited at the place and for the timeframe as set out in the notified resolution made under clause 5.1:
- a) the consumption of alcohol;
 - b) bringing of alcohol into a temporary alcohol free area;
 - c) possession of alcohol in a temporary alcohol free area;
 - d) use of a vehicle, in conjunction with an act relating to alcohol as set out in clauses 4.1 a to c.

6 Special Licences

- 6.1 Clause 4 and 5 of this Bylaw shall not apply to the consumption or possession of alcohol acquired pursuant to a special licence granted by Council under the Sale and Supply of Alcohol Act 2012 for a special public event held within a specified alcohol-free area, when the alcohol is being consumed within that area as part of the public event. (Special licence applications must be received 20 working days prior to event – applications available on Kawerau District Council’s website).

7 Dispensation

- 7.1 The Chief Executive Officer of Council may, on written application by any person including a Council Officer, grant a dispensation of operation of any part of the Bylaw for the purpose of enabling consumption and/or possession of alcohol in a public place at the time of any special event.
- 7.2 In considering an application for dispensation, the decision maker shall obtain and consider the opinion of the NZ Police before determining the outcome.
- 7.3 Any dispensation, of any part of this Bylaw shall be granted only in respect of specific location and timeframe associated with the special event, for the purpose of enabling better enjoyment of the event by members of the public.
- 7.4 The provisions of clauses 4 shall not apply to any public place or specified part of that public place in respect of which a dispensation has been granted.
- 7.5 Public notification of any dispensation approved must be advertised in a newspaper circulating in Kawerau District and on the Council website and facebook page for at least 7 days prior to the commencement of the dispensation.

7.6 A fee may be charged to the applicant for the dispensation to cover any direct cost associated with the public notice and/or obtaining a police response to the application under this clause. This fee may be refunded, remitted or waived at the discretion of the Chief Executive.

8 Exceptions to Bylaw

8.1 Exceptions to clauses 4 and 5 of this Bylaw are set out in section 147(4) of the Local Government Act 2002 (or any subsequent legislation in amendment of, or substitution for, the same). Section 147(4) of the Local Government Act 2002 states -

A bylaw under this section does not prohibit, regulate, or control, in the case of alcohol in an unopened container -

- (a) the transport of the alcohol from licensed premises next to a public place, if—
 - (i) it was lawfully bought on those premises for consumption off those premises; and
 - (ii) it is promptly removed from the public place; or
- (b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
- (c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
- (d) the transport of the alcohol from premises next to a public place to a place outside the public place if—
 - (i) the transport is undertaken by a resident of those premises; and
 - (ii) the alcohol is promptly removed from the public place.

8.2 Licensed Premises - Any land where the sale of alcohol is authorised by any licence granted under the Sale and Supply of Alcohol Act 2012 is excluded from the definition of a public place for the purpose of this Bylaw.

9 Offences and Breaches

9.1 Every person breaches this Bylaw who:

- a) does, or allows anything to be done, which is contrary to this Bylaw or any part of it; or
- b) fails to do, or allows anything to remain undone, which ought to be done within the time and in the manner required by this Bylaw or any part of it; or
- c) does anything which this Bylaw prohibits; or
- d) fails to comply with any notice given under this bylaw or any part of it or any condition of a consent or licence granted by Council; or
- e) obstructs or hinders any Council Officer or other Council appointed person in performing any duty or in exercising any power under this Bylaw.

9.2 Every person who breaches this Bylaw commits an offence and may be issued an infringement notice as set out in section 239A of the Local Government Act 2002.

10 Notices

10.1 Council may give notice to any person in breach of this Bylaw to carry out any remedial action in order to comply with the Bylaw and every such notice shall state the timeframe in which the remedial action is to be carried out and may be extended from time to time.

11 Powers of Arrest, Search and Seizure

11.1 A member of the Police may, in any prohibited or restricted alcohol area, without warrant enforce this Bylaw using the power of search, seizure and arrest as set out in s169 (2) and (3) of the Local Government Act 2002. Police actions must be completed in accordance with s170 of the Local Government Act 2002.

Section 169 (2) Local Government Act 2002

(2) A constable may, without warrant

(a) for the purpose of ascertaining whether alcohol is present, search -

- (i) a container (for example, a bag, case, package, or parcel) in the possession of a person who is in, or entering, a restricted place; or
- (ii) a vehicle that is in, or is entering, a restricted place:

(b) seize and remove any alcohol (and its container) that is in a restricted place in breach of an alcohol ban:

(c) arrest any person whom the constable finds committing an offence:

(d) arrest any person who has refused to comply with a request by a constable—

(i) to leave a restricted place; or

(ii) to surrender to a constable any alcohol that, in breach of an alcohol ban is in the person’s possession.

(3) Alcohol or a container seized under subsection (2)(b) is forfeited to the Crown if the person from whom the alcohol or container is seized pays the infringement fee.

12 Penalties

12.1 Every person who commits an offence against this Bylaw shall be subject to the penalties set out in the Local Government Act 2002.

13 Revocations and changes

13.1 The Liquor Control Bylaw 2009 is hereby revoked.

13.2 The Kawerau District Council Alcohol Control Bylaw 2022 was duly made by a resolution passed at a meeting of the Kawerau District Council held on (date to be inserted) following a special consultative procedure.

The Common Seal of the
Kawerau District Council
was affixed hereto in the presence of:

.....
Mayor

.....
Chief Executive Officer

.....
Date

FIRST SCHEDULE – ALCOHOL FREE AREAS

The following places shown in map 1, are Alcohol Free areas 24 hours a day and 7 days a week:

- Kawerau Town Centre bounded by and including Islington Street, Onslow Street and Plunket Street.
- The area from Onslow Street by the Navalmen's Club through to and including Prideaux Park. This includes the areas around the Ron Hardie Recreation Centre such as the circus paddock, outdoor basketball courts, BMX track and skateboard park.
- Tamarangi Drive from Parimahana Drive to the Town Centre (including Liverpool Street and Islington Street).
- Keith McKenzie Park

The following place shown in map 1, is an Alcohol-Free areas 24 hours a day and 7 days a week:

- Stoneham Walk

The following places shown in map 1, is an Alcohol-Free areas 24 hours a day and 7 days a week:

- The Kawerau Cemetery

Meeting: Council

Meeting Date: 28 June 2022

Subject: Central Cove – Re-commence Section Sales

File No.: 110400

1 Purpose

The purpose of this report is to request that elected members approve the re-commencement of section sales in Central Cove.

2 Background

Generations Homes built the first nine homes at Central Cove prior to any asbestos being detected at the development.

Asbestos has been removed from seven sections to date (lots: 8, 9, 10, 12, 17, 18, & 19).

The cost for removing and disposing of asbestos, testing and replacing with clean fill for the seven sections was approximately \$700k.

The biggest cost is the disposal of the contaminated material (Landfill charges - \$220 per m³). This has totalled \$385,020.

The revenue from the sale of these sections was \$755,000.

Council resolved 31 May 2022 that Generation Homes Ltd not market any more sections at Central Cove as at that stage as Council was pursuing the possible establishment of an asbestos disposal site.

Generation Homes since has asked that Council approve the marketing of sections again - those that unlikely to contain asbestos. They want to target first home buyers, and will look to construct houses that meets the criteria for a Government grant.

3 Development Costs and Revenue for Central Cove

The following table shows the total estimated costs for the Central Cove subdivision, the revenue received, the value of the remaining sections.

	Central Cove
Total Sections	31
Sections Sold	19
Remaining Sections	12
Total Estimated cost	\$1,904,200
Surplus (Deficit) to Date	\$148,300
Value of Remaining Sections	\$1,490,000

4 Risks Associated with Leaving the Asbestos Material Onsite at Central Cove

There are at least two more sections in Central Cove that are likely to contain asbestos and if asbestos is uncovered, Council will be required to remove it by specialist contractors.

Some initial testing can be undertaken to see if asbestos is present, however, these tests will not pick-up asbestos that is buried beyond a certain depth. Also as testing is usually random plots of a section, there is always the possibility that it could be missed.

Therefore, it recommended that Council resolve that staff and the housing working party meet with Generation Homes Ltd to determine which sections in Central Cove can be made available for sale

5 RECOMMENDATIONS

1. That the report "Central Cove – Recommence Section Sales" be received.
2. That Council authorises the Housing Working Party to work with Generation Homes Ltd to approve selected sections (those least likely to contain asbestos) to be available for sale.



Peter Christophers, BBS, ACA

Group Manager, Finance & Corporate Services

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Meeting: Council
Meeting Date: 28 June 2022
Subject: Pre-election Report 2022
File No: 107000

1 Purpose

The purpose of this report is to inform councillors of the “Pre-election Report” which the Chief Executive is required to produce, pursuant to section 99A of the Local Government Act 2002, at least 2 weeks prior to nomination day (15 July 2022).

2 Background

The Local Government Act 2002 was amended in 2010 and the amendment introduced a number of changes which were designed to provide greater transparency and accountability. One of these changes was the requirement to produce a pre-election report prior to the nomination date. The purpose of the pre-election report is to give the community and potential candidates information concerning the Council’s financial performance and also what is intended for the future.

As Council has a resident population of less than 20,000, it is able to adopt the reduced reporting requirements permitted by section 99A of the Local Government Act 2002.

The pre-election report is not intended to be a promotion (or criticism) document for the current council.

3 Summary of Pre-Election Report

The following are the main components of the Pre-election report:

3.1 Rates, rate increases, borrowing and return on investments

This statement compares these figures with those that are in the financial strategy for 2022/23. Council adopts a financial strategy as part of the Long Term Plan.

3.2 Funding Impact Statement

The funding impact statement, which is required for both the Annual Report and the Long Term Plan is the principal means of measuring financial performance. The figures are taken from Council’s Long Term Plan 2021 – 2031 and the Annual Plan for 2022/23.

3.3 Statement of Financial Position

The statement of financial position shows anticipated position for 2022/23 (Annual Plan), as well as for 2023/24, 2024/25 and 2025/26 (from the LTP 2021-31).

3.4 Major Projects Planned

These include the capital projects for the next four years which have been identified in Council's Annual Plan (for 2022/23) and the 2021-31 Long Term Plan for the subsequent years.

4 Appendix

Appended to this report is Council's 2022 Pre-Election Report.

5 RECOMMENDATION

That the report "Pre-election Report 2022" be received.



Peter Christophers, BBS, ACA

Group Manager, Finance and Corporate Services

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KAWERAU DISTRICT COUNCIL

Pre-election Report 2022



What is a pre-election report?

The pre-election report provides information to the community concerning the Council's anticipated financial performance and financial position for 2022/23 and the three subsequent financial years.

The pre-election report must include the major projects planned for 2022/23 as well as the following 3 years. Also the report includes information on: total rates, the rate increases, borrowing (including any limits) and return on investment, compared to the amounts that Council has specified in its Financial Strategy.

As Kawerau District Council is a local authority which has a resident population of less than 20,000 people, this pre-election report includes the information that is required in clauses 36(1)(b) & (c) and 37 of schedule 10 of the Local Government Act 2002.

However, if anyone requires any further financial information or explanation of the figures in this report then they should contact Peter Christophers, Group Manager Finance and Corporate Services, Kawerau District Council.

Rates, rate increase, borrowing and return on investments (compared to the financial strategy)

The following table lists the total amount of rates, the rate increase, borrowing and investment returns along with the limits specified in Councils Financial Strategy for 2022/23 (as per Councils Long Term Plan 2021 – 2031) compared with the two previous years:

	Annual Report	Long Term Plan	Annual Plan
	2020/21	2021/22	2022/23
Total rates:	\$10,673,155	\$11,244,050	\$11,953,620
Rate Increase limit (%) (Inflation plus 2%)	3.3%	5.6%	7.9%
Rate Increase actual (%)	2.9%	5.3%	6.3%
Rates as % of total revenue (limit 88%)	64.8%	75.1%	71.4%
Total borrowing for year excluding leases*	\$0	\$2,000,000	\$4,000,000
Borrowing limit (< 50% of total assets)	\$0	\$39,433,200	\$51,906,000
Investment return	\$17,574	\$16,990	\$34,390
Investment return (%)	0.4%	0.4%	0.7%

*Currently Council has no public debt apart from finance leases for photocopiers and telephones, however, Council intends to borrow up to \$12 million over 6 years from 2022 to fund the replacement of all steel and AC water pipes. The total borrowing will be well within Council's borrowing limit.

Annual
Plan
2022/23
\$

FUNDING IMPACT STATEMENT

Long Term Plan
2023/24 2024/25 2025/26
\$ \$ \$

Annual Plan 2022/23 \$		2023/24 \$	2024/25 \$	2025/26 \$
SOURCES OF OPERATING FUNDS				
10,762,550	General rates, UAGC and rate penalties	10,960,620	11,406,680	11,929,630
1,191,070	Targeted rates	1,235,440	1,248,920	1,275,500
241,020	Subsidies and grants for operating purposes	255,340	242,210	248,840
1,660,500	Fees and charges	1,704,500	1,772,930	1,805,870
34,390	Interest and dividends from investments	30,070	32,560	34,070
2,020,000	Fuel tax, fines, infringements and other receipts	624,340	626,500	693,720
15,909,530	TOTAL OPERATING FUNDING (A)	14,810,310	15,329,800	15,987,630
APPLICATIONS OF OPERATING FUNDING				
13,079,140	Payment to staff and suppliers	12,047,790	12,139,630	12,452,230
110,000	Finance costs	129,000	177,300	231,800
0	Other operating funding applications	0	0	0
13,189,140	TOTAL APPLICATIONS OF OPERATING FUNDING (B)	12,176,790	12,316,930	12,684,030
2,720,390	SURPLUS/(DEFICIT) OF OPERATING FUNDING (A-B)	2,633,520	3,012,870	3,303,600
SOURCES OF CAPITAL FUNDING				
834,750	Subsidies and grants for capital purposes	587,290	388,240	399,490
0	Development and Financial contributions	0	0	0
1,995,490	Increase/(decrease) in debt	1,983,500	1,982,000	1,980,000
0	Gross proceeds from sale of assets	0	0	0
0	Lump sum contributions	0	0	0
4,020,000	Other dedicated capital funding	1,280,000	0	0
6,850,240	TOTAL SOURCES OF CAPITAL FUNDING (C)	3,850,790	2,370,240	2,379,490
APPLICATIONS OF CAPITAL FUNDS				
Capital expenditure:				
3,300,000	- to meet additional demand	1,040,000	0	0
330,000	- to improve level of service	280,000	0	0
5,220,360	- to replace existing assets	5,210,090	5,333,500	5,913,080
720,270	Increase/(decrease) in reserves	(45,780)	49,610	(229,990)
0	Increase/(decrease) of investments	0	0	0
9,570,630	TOTAL APPLICATIONS OF CAPITAL FUNDING (D)	6,484,310	5,383,110	5,683,090
(2,720,390)	SURPLUS/(DEFICIT) OF CAPITAL FUNDING (C-D)	(2,633,520)	(3,012,870)	(3,303,600)
0	FUNDING BALANCE ((A-B)+(C-D))	0	0	0

Annual Plan 2022/23 \$	STATEMENT OF FINANCIAL POSITION	Long Term Plan		
		2023/24 \$	2024/25 \$	2025/26 \$
ASSETS				
Current assets				
5,074,310	Cash and other financial assets	5,075,172	5,228,644	5,154,777
1,720,340	Trade and other receivables	1,785,960	1,823,120	1,900,730
417,910	Inventories	483,120	332,830	199,180
0	Other Financial Assets	0	0	0
7,212,560	Total current assets	7,344,252	7,384,594	7,254,687
Non-current assets				
96,502,730	Property, plant and equipment	75,120,545	82,736,955	84,897,355
60,240	Intangible assets	62,670	65,140	67,570
36,250	Investment in CCOs	36,250	36,250	36,250
96,599,220	Total non-current assets	75,219,465	82,838,345	85,001,175
103,811,780	TOTAL ASSETS	82,563,717	90,222,939	92,255,862
LIABILITIES				
Current liabilities				
2,791,880	Trade and other payables	2,925,826	2,921,306	3,013,436
10,000	Provisions	10,000	0	0
763,990	Employee benefit liabilities	704,610	716,590	730,880
16,500	Borrowings/Leases	18,000	20,000	19,000
3,582,370	Total current liabilities	3,658,436	3,657,895	3,763,316
Non-current liabilities				
181,340	Provisions/Deferred Revenue	131,447	126,189	121,142
61,120	Employee benefits	53,570	54,480	55,560
12,668,600	Borrowings/Leases	6,039,920	8,019,920	10,000,920
12,668,600	Total non-current liabilities	6,224,937	8,200,589	10,177,622
16,493,430	TOTAL LIABILITIES	9,883,373	11,858,485	13,940,938
EQUITY				
34,649,520	Retained earnings	34,754,563	34,325,153	34,412,893
52,668,830	Other reserves	37,925,781	44,039,301	43,902,031
87,318,350	TOTAL EQUITY	72,680,344	78,364,454	78,314,924

MAJOR PROJECTS PLANNED	Annual Plan		Long Term Plan	
	2022/23	2023/24	2024/25	2025/26
	\$	\$	\$	\$
Road and Carpark Resealing	144,800	145,295	149,492	153,838
Footpath Renewals and Kerb Replacement	235,000	245,000	252,105	259,416
Street Light Renewals	32,000	32,000	32,938	33,883
Road Pavement Treatment	90,000	60,000	61,740	63,530
Minor Safety Improvements	46,000	36,050	37,095	38,171
Audio, Video, Lighting, Bins and Road Alignment	361,200	311,578	32,497	33,439
Stormwater Pipe Replacement & flood protection	250,000	50,000	751,400	785,960
Water Reticulation Renewals	2,564,000	2,715,400	2,560,148	3,201,689
UV Tube Replacement	17,000	14,320	14,992	15,681
Sewerage Pipe, Pump and Plant Renewals	1,206,000	1,428,660	818,990	868,310
Contaminated Landfill – Concept Plan	50,000	0	0	0
Library Collection Renewals	74,400	75,890	77,330	78,720
Library/Museum building/fixtures renewals	14,110	27,720	97,890	11,560
Swimming complex renewals	44,000	7,600	6,500	12,000
Halls/Public Toilet renewals	39,800	39,890	89,350	13,910
Sportsfields, Reserves and Playground renewals	113,150	83,100	84,530	92,120
Council Buildings	35,000	38,950	36,160	48,940
Vehicle and Plant Replacement	157,800	135,687	159,180	136,943
IT and Communication Equipment Replacement	64,500	31,120	36,143	32,340
Other Capital Projects	11,600	11,830	35,020	32,630
Retirement Village Units	3,300,000	1,040,000	0	0
Total	8,850,360	6,530,090	5,333,500	5,913,080

Meeting: Council

Meeting Date: 28 June 2022

Subject: Adoption of 2022/23 Annual Plan

File No.: 110553

1 Introduction

The purpose of this report is to inform members of the budget figures for 2022/23, and adopt the 2022/23 Annual Plan

2 Background

The following table includes the revenue and expenditure budgets as well as the rate increase for the 2022/23 Annual Plan.

	2021/22	2022/23
Revenue		
General Rates	10,074,470	10,762,550
Targeted Rates	1,169,580	1,191,070
Total Rates	11,244,050	11,953,620
Grants & Subsidies	1,241,850	1,075,800
Other Revenue	670,000	2,020,000
Interest Revenue	16,990	34,390
Fees and Charges	1,800,300	1,660,500
Total Revenue	14,973,190	16,744,310
Expenditure		
Personnel costs	5,868,230	6,111,890
Depreciation	3,238,240	3,316,270
Finance	28,980	110,000
Other Expenditure	5,945,730	6,967,200
Total Expenditure	15,081,180	16,505,360
Surplus/(Deficit)	(107,990)	238,950
Rate Increase (%)	5.1%	6.3%
Capital Budget	6,991,450	8,850,360

Council initially indicated in its Consultation Document a 4.4% overall rate increase. However, following consideration of submissions Council removed the costs and revenue that had been budgeted for the asbestos disposal facility which added a further \$200k to rates.

There was also a revaluation of the district in September 2021, which resulted in large valuation increases for most properties, but also a significant decrease for the Norske Skog property following its closure. Following consideration of various options on how this rating shortfall would be spread, Council decided it would change the general rate differential to 48% residential and 52% commercial/industrial (was 45:55) and increase the Uniform Annual General Charge to \$750.00 (was \$600).

The main contributors to the rate increase are:

- Additional depreciation - \$78k mostly for water supply
- Additional spatial plan costs - \$65k
- Additional remuneration authority determination & election costs - \$60k
- Additional water supply maintenance cost - \$50k
- Increased debt servicing costs - \$80k
- Additional resourcing and provision for increases - \$244K
- Provision for other cost increases (including insurance) - \$133k

Following consideration of submissions to the Consultation Document, Council resolved the following decisions:

- Removing the operating costs and revenue for the proposed asbestos contamination landfill site. This resulted in an additional rate increase of 1.8%
- Include a budget of \$50k to do a concept plan, resource consent and also further consult on proposed disposal site – funded from the depreciation reserve
- Increase the UAGC to \$750 per property and amend the general rate differential to 48% residential and 52% commercial/industrial

The overall rate increase for 2022/23 is 6.3%.

Council now needs to adopt the 2022/23 Annual Plan.

2 Policy and Plan Considerations

During the consultation period Council sought community feedback about two proposals:

- Whether to establish a contaminated landfill site to take material from the eastern Bay of Plenty
- Whether to amend the share paid by residential and commercial/industrial properties towards the general rate, following the closure of Norske Skog and the subsequent reduction in value.

There were 80 submissions, and Council considered all of these submissions.

3 Policy and Plan Considerations

An Annual Plan is prepared in the years that Council does not prepare a Long Term Plan. It reflects and is consistent with what is in the Long Term Plan for year two.

4 Significance and Engagement

Use of the special consultative procedure elicited 80 submissions on a number of topics. Council heard 15 submitters speak on the 31 May 2022 and then considered all submissions on 14 June 2022.

5 Financial Considerations

There are no cost considerations associated with the preparation and adoption of the 2022/23 Annual Plan.

6 Legal Considerations

The Annual Plan has been prepared according to the procedural and substantive requirements of the Local Government Act 2002.

7 RECOMMENDATIONS

1. That the report "Adoption of the 2022/23 Annual Plan" be received.
2. That Council resolves to adopt the 2022/23 Annual Plan as presented.



Peter Christophers BBS ACA

Group Manager Finance and Corporate Services

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SETTING OF RATES FOR THE 2022/23 FINANCIAL YEAR (CHIEF EXECUTIVE OFFICER) (209900)

Following the adoption of the 2022-23 Annual Plan, Council is required to set the rates for the 2022/23 financial year.

RECOMMENDATIONS

1. *That Council sets the following rates under the Local Government (Rating) Act 2002, on the rating units in the district for the financial year commencing on 1 July 2022 and ending on 30 June 2023.*

(a) Uniform Annual General Charge

A uniform annual general charge of \$750.00 (including GST) per separately used or inhabited part of a rating unit, set under section 15 of the Local Government (Rating) Act 2002 on every rateable rating unit within the district.

(b) General Rate

A General Rate set under section 13 of the Local Government (Rating) Act 2002 on every rating unit within the district, assessed on a differential basis as described below:

- *A rate of 0.3530 cents in the dollar (including GST) of capital value on every rateable rating unit zoned "residential", "rural lifestyle" and "reserve" in terms of Council's operative District Plan.*
- *A rate of 2.3288 cents in the dollar (including GST) of capital value for every rateable rating unit in all other land zones of Council's operative District Plan other than "residential", "rural lifestyle" and "reserve".*

(c) Water Supply Rates

A targeted rate for water supply, set under section 16 of the Local Government (Rating) Act 2002, of \$81.20 (including GST) per separately used or inhabited part of a rating unit to which water is supplied (excluding those properties that are supplied by water meter).

A targeted rate for water supply, set under section 19 of the Local Government (Rating) Act 2002, of \$0.27 (including GST) per cubic metre of water supplied to any rating unit on metered water supply.

(d) Wastewater Disposal Rate

A targeted rate for wastewater disposal, set under section 16 of the Local Government (Rating) Act 2002, of \$172.50 (including GST) per separately used or inhabited part of a rating unit that is connected to Council's wastewater disposal network.

(e) Refuse Collection Rate

Targeted rates for refuse collection set under section 16 of the Local Government (Rating) Act 2002 for rating units to which refuse collection services are available, assessed as described below:

- *A rate of \$219.90 (including GST) per 60 litre residual bin.*
- *A rate of \$279.90 (including GST) per 120 litre residual bin.*

DUE DATES FOR PAYMENT OF RATES

2. That all rates (except metered water) will be payable in four equal instalments due on:

<i>Instalment 1</i>	<i>26 August 2022</i>
<i>Instalment 2</i>	<i>25 November 2022</i>
<i>Instalment 3</i>	<i>24 February 2023</i>
<i>Instalment 4</i>	<i>26 May 2023</i>

The due dates for metered water are as follows:

	<u>Reading Date</u>	<u>Payment Due Date</u>
1.	<i>30 September 2022</i>	<i>21 October 2022</i>
2.	<i>30 December 2022</i>	<i>20 January 2023</i>
3.	<i>31 March 2023</i>	<i>21 April 2023</i>
4.	<i>30 June 2023</i>	<i>21 July 2023</i>

PENALTIES

3. That Council, applies penalties to unpaid rates (apart from metered water) as follows:

- (i) A penalty of 5 percent on the amount of any instalment assessed between 1 July 2022 and 30 June 2023 and which is unpaid after the due date for that instalment, to be added on the following dates:

Instalment 1 penalty added – 29 August 2022
Instalment 2 penalty added – 28 November 2022
Instalment 3 penalty added – 27 February 2023
Instalment 4 penalty added – 29 May 2023

- (ii) A further penalty of 3 percent on any rates assessed before 1 July 2022 including previously applied penalties, which remain unpaid on 5 July 2022 to be added on the 6 July 2022.
- (iii) A further penalty of 3 percent on any rates to which a penalty has been added under (ii) above if the rates remain unpaid on 6 January 2023 to be added 9 January 2023.

and delegates authority to the Chief Executive Officer to impose the penalties.

PAYMENT OF RATES

4. That rates shall be payable at the Offices of the Kawerau District Council, Ranfurly Court, Kawerau between the hours of 8:00am and 5:00pm, Monday to Friday.

**The Ordinary Meeting of the Kawerau District Council
will be held on Tuesday, 28 June 2022
in the Concert Chambers commencing at 9.00am**

A G E N D A

Apologies

Leave of Absence

Opening Prayer

Public Forum

Declarations of Conflict of Interest

1 CONFIRMATION OF COUNCIL MINUTES

1.1 Ordinary Council – 31 May 2022

Pgs. 1 - 4

Recommendation

That the minutes of the Ordinary Council Meeting held on 31 May 2022 be confirmed as a true and accurate record.

1.2 Extraordinary Council – 14 June 2022

Pgs. 5 - 6

Recommendation

That the minutes of the Ordinary Council Meeting held on 14 June 2022 be confirmed as a true and accurate record.

2 RECEIPT OF COMMITTEE MINUTES

2.1 Audit and Risk Committee – 7 June 2022

Pgs. 7 - 8

Recommendation

That the Minutes of the Audit and Risk Committee meeting held on 7 June 2022 be confirmed as a true and accurate record.

2.2 Regulatory and Services Committee – 14 June 2022

Pgs. 9 - 11

Recommendation

That the Minutes of the Regulatory and Services Committee meeting held on 14 June 2022 be confirmed as a true and accurate record.

2.3 Creative Communities Scheme Assessment Committee – 16 June 2022

Pgs. 13 - 16

Recommendation

That the Minutes of the Creative Communities Scheme Assessment Committee meeting held on 16 June 2022 be confirmed as a true and accurate record.

3 Action Schedule (101120)

Pgs. 17 - 18

Recommendation

That the updated Action Schedule of resolutions/actions requested by Council be received.

4 His Worship the Mayor's Report (101400)

Pg. 19

Recommendation

That His Worship the Mayor's report for the period Wednesday 25 May 2022 to Tuesday 21 June 2022 is received.

5 Alcohol Control Bylaw 2022 (Group Manager, Regulatory and Planning) (320100)

Pgs. 21 - 34

Attached is a report on the Alcohol Control Bylaw 2022.

Recommendation

- 1. That that the Draft Alcohol Control Bylaw 2022 report be received.*
- 2. That pursuant to section 155 of the Local Government Act 2002, council resolves that an alcohol control bylaw remains the most appropriate way to prevent harm and minimise inappropriate and offensive behaviour that can arise from alcohol consumption in public places within Kawerau District.*
- 3. That pursuant to section 155 of the Local Government Act 2002, the draft Kawerau District Council Alcohol Control Bylaw 2022 is also the most appropriate form of bylaw, and it is not inconsistent with the New Zealand Bill of Rights Act 1990.*
- 4. That the draft Kawerau District Council Alcohol Control Bylaw 2022 be adopted by Council with a resolution to commence the special consultative procedure.*
- 5. That what amendments if any need to be included in the draft bylaw?*

6 Central Cove – Re-commence Section Sales (Group Manager, Finance and Corporate Services) (110400)

Pgs. 35 - 36

Attached is a report requesting Council approve the continued sale of sections in Central Cove.

Recommendations

- 1. That the report "Central Cove – Re-commence Section Sales" be received.*

2. *That Council authorises the Housing Working Party to work with Generation Homes LTD to approve selected sections (those least likely to contain asbestos) to be available for sale.*

7 Pre-Election Report 2022 (Group Manager, Finance and Corporate Services) (107000)

Pgs. 37 - 43

Attached for Elected Members is the 2022 Pre-Election report which is required to be prepared in accordance with schedule 10 of the Local Government Act 2002.

Recommendations

That the report "Pre-Election Report 2022" be received.

8 Adoption of 2022 / 2023 Annual Plan (Group Manager, Finance and Corporate Services) (110553)

Pgs. 45 - 47

The purpose of this report is to inform members of the budget figures for 2022 / 2023 and adopt the Annual Plan.

Recommendation

1. *That the report "Adoption of 2022 / 2023 Annual Plan" be received.*
2. *That Council resolves to adopt the 2022 / 2023 Annual Plan as presented.*

9 Setting of Rates for the 2022 / 2023 Financial Year (Chief Executive) (209900)

Pgs. 49 - 50

Following the adoption of the 2022 / 2023 Annual Plan, Council is required to set the rates for the 2022 / 2023 financial year.

RECOMMENDATIONS

1. *That Council sets the following rates under the Local Government (Rating) Act 2002, on the rating units in the district for the financial year commencing on 1 July 2022 and ending on 30 June 2023.*

(a) Uniform Annual General Charge

A uniform annual general charge of \$750.00 (including GST) per separately used or inhabited part of a rating unit, set under section 15 of the Local Government (Rating) Act 2002 on every rateable rating unit within the district.

(b) General Rate

A General Rate set under section 13 of the Local Government (Rating) Act 2002 on every rating unit within the district, assessed on a differential basis as described below:

- *A rate of 0.3530 cents in the dollar (including GST) of capital value on every rateable rating unit zoned "residential", "rural lifestyle" and "reserve" in terms of Council's operative District Plan.*

- A rate of **2.3288** cents in the dollar (including GST) of capital value for every rateable rating unit in all other land zones of Council's operative District Plan other than "residential", "rural lifestyle" and "reserve".

(c) Water Supply Rates

A targeted rate for water supply, set under section 16 of the Local Government (Rating) Act 2002, of **\$81.20** (including GST) per separately used or inhabited part of a rating unit to which water is supplied (excluding those properties that are supplied by water meter).

A targeted rate for water supply, set under section 19 of the Local Government (Rating) Act 2002, of **\$0.27** (including GST) per cubic metre of water supplied to any rating unit on metered water supply.

(d) Wastewater Disposal Rate

A targeted rate for wastewater disposal, set under section 16 of the Local Government (Rating) Act 2002, of **\$172.50** (including GST) per separately used or inhabited part of a rating unit that is connected to Council's wastewater disposal network.

(e) Refuse Collection Rate

Targeted rates for refuse collection set under section 16 of the Local Government (Rating) Act 2002 for rating units to which refuse collection services are available, assessed as described below:

- A rate of **\$219.90** (including GST) per 60 litre residual bin.
- A rate of **\$279.90** (including GST) per 120 litre residual bin.

DUE DATES FOR PAYMENT OF RATES

2. That all rates (except metered water) will be payable in four equal instalments due on:

<i>Instalment 1</i>	<i>26 August 2022</i>
<i>Instalment 2</i>	<i>25 November 2022</i>
<i>Instalment 3</i>	<i>24 February 2023</i>
<i>Instalment 4</i>	<i>26 May 2023</i>

The due dates for metered water are as follows:

<u>Reading Date</u>	<u>Payment Due Date</u>
1. 30 September 2022	21 October 2022
2. 30 December 2022	20 January 2023
3. 31 March 2023	21 April 2023
4. 30 June 2023	21 July 2023

PENALTIES

3. *That Council, applies penalties to unpaid rates (apart from metered water) as follows:*

(i) *A penalty of 5 percent on the amount of any instalment assessed between 1 July 2022 and 30 June 2023 and which is unpaid after the due date for that instalment, to be added on the following dates:*

- Instalment 1 penalty added – 29 August 2022*
- Instalment 2 penalty added – 28 November 2022*
- Instalment 3 penalty added – 27 February 2023*
- Instalment 4 penalty added – 29 May 2023*

(ii) *A further penalty of 3 percent on any rates assessed before 1 July 2022 including previously applied penalties, which remain unpaid on 5 July 2022 to be added on the 6 July 2022.*

(iii) *A further penalty of 3 percent on any rates to which a penalty has been added under (ii) above if the rates remain unpaid on 6 January 2023 to be added 9 January 2023.*

and delegates authority to the Chief Executive Officer to impose the penalties.

PAYMENT OF RATES

4. *That rates shall be payable at the Offices of the Kawerau District Council, Ranfurly Court, Kawerau between the hours of 8:00am and 5:00pm, Monday to Friday.*

10 Exclusion of the Public

Recommendation

That the public is excluded from the following part of the proceedings of this meeting, namely:

1. Confirmation of Minutes of the Ordinary Council Meeting (Confidential) – 31 May 2022

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

General Subject of the matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<i>1. Confirmation of Minutes of the Ordinary Council Meeting (Confidential) – 31 May 2022</i>	<i>Maintain the effective conduct of public affairs through the free and frank expression of opinions.</i>	<i>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) (i)</i>

This resolution is made in reliance on Section 48(1) (a) of the Local Government Official Information & Meetings Act 1987 and the particular interest or interests protected by Section 7 (2) (b) (i) of that Act.

R B George

Chief Executive Officer

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