I hereby give notice that the hearing to consider submissions on the Auckland Council proposal to amend the Reserve Management Plan for Devonport Domain will be held on:

**Date:** Tuesday, 30 October 2018  
**Time:** 2:00pm  
**Meeting Room:** Devonport-Takapuna Local Board Chamber  
**Venue:** Takapuna Service Centre  
1 The Strand  
Takapuna

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**HEARING AGENDA**  
Proposal to amend the Reserve Management Plan for Devonport Domain  
Devonport-Takapuna Local Board Hearings Panel

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**MEMBERSHIP**

- **Chairperson**  
George Wood, CNZM  
- **Members**  
Mike Cohen, QSM, JP  
Jan O'Connor

Heather Skinner  
Democracy Advisor  
23 October 2018

Contact Telephone: 021 190 5687  
Email: heather.skinner@aucklandcouncil.govt.nz  
Website: www.aucklandcouncil.govt.nz

---

**Note:** The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
WHAT HAPPENS AT A SPECIAL CONSULTATIVE PROCEDURE MEETING

INTRODUCTION

At the start of the meeting, the Chairperson will introduce the members sitting on the hearing panel and council staff and he/she will briefly outline the procedure for the hearing. The Chairperson may then call upon the parties present to introduce themselves to the panel. The Chairperson is addressed as Mr Chairman or Madam Chair.

Catering is not provided at the hearing.

Scheduling submitters to be heard
Approximately one week prior to the hearing, a timetable for all submitters who have returned their hearing attendance form will be prepared. Please note that during the course of the hearing, changing circumstances may mean that the proposed timetable is delayed or brought forward. Submitters wishing to be heard are therefore requested to ensure that they can be available to attend the hearing and present their evidence, as and when they may be required. A staff member from Local Board Services will advise submitters, at the earliest possible opportunity, on any changes to the timetable.

The Meeting Procedure

The usual procedure for the meeting is as follows:

- The reporting officer may be asked by the Chairperson to give a brief introduction of the Special Consultative Procedure before them.

- Submitters (for and against the proposal) are then called upon to speak. Submitters may also be represented by legal counsel or consultants and may call witnesses on their behalf. Each speaker may be questioned in turn by the Hearing Panel. The council officer's report will identify any submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their late submission should be accepted. Only if the Hearing Panel accepts the late submission can the late submitter speak.

- Should you wish to present written information (evidence) in support of your submission, please ensure you provide the number of copies as indicated on your notification letter previously sent to you.

- Only members of the hearing panel can ask questions about submissions or evidence. You can suggest questions for the panel to ask, but the panel does not have to ask them. No cross examination either by the applicant or by those who have lodged submissions is permitted at the hearing.

- After the submitters have presented their cases, the chairperson may call upon council officers to comment on any matters of fact or clarification.

- Following the presentation of all the evidence, the panel will deliberate in public. The public do not have any speaking rights during the deliberation process, but may attend to observe. The panel will then make a recommendation to the Devonport-Takapuna Local Board and all submitters will be sent a copy of the decision.
Proposal to amend the Reserve Management Plan for Devonport Domain

DATES AND TIMES

HEARINGS

<table>
<thead>
<tr>
<th>DATE</th>
<th>START TIME</th>
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<tbody>
<tr>
<td>Tuesday 30 October 2018</td>
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PUBLIC DELIBERATIONS

<table>
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<td>3</td>
<td>Declaration of Interest</td>
</tr>
<tr>
<td>4</td>
<td>Hearing of submissions on Auckland Council’s proposal to amend the Reserve Management Plan for Devonport Domain</td>
</tr>
</tbody>
</table>
1 Welcome

2 Apologies

At the close of the agenda no apologies had been received.

3 Declaration of Interest

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

The Auckland Council Code of Conduct for Elected Members (the Code) requires elected members to fully acquaint themselves with, and strictly adhere to, the provisions of Auckland Council’s Conflicts of Interest Policy. The policy covers two classes of conflict of interest:

i. A financial conflict of interest, which is one where a decision or act of the local board could reasonably give rise to an expectation of financial gain or loss to an elected member

ii. A non-financial conflict interest, which does not have a direct personal financial component. It may arise, for example, from a personal relationship, or involvement with a non-profit organisation, or from conduct that indicates prejudice or predetermination.

The Office of the Auditor General has produced guidelines to help elected members understand the requirements of the Local Authority (Member’s Interest) Act 1968. The guidelines discuss both types of conflicts in more detail, and provide elected members with practical examples and advice around when they may (or may not) have a conflict of interest.

Copies of both the Auckland Council Code of Conduct for Elected Members and the Office of the Auditor General guidelines are available for inspection by members upon request.

Any questions relating to the Code or the guidelines may be directed to the Relationship Manager in the first instance.
Hearing of submissions on Auckland Council’s proposal to amend the Reserve Management Plan for Devonport Domain

File No.: CP2018/19990

Te take mō te pūrongo / Purpose of the report

1. To provide contextual information and a summary of the submissions received in relation to Auckland Council’s proposal to amend the Reserve Management Plan (RMP) for Devonport Domain under Section 41(9) of the Reserves Act 1977.

Whakarāpopototanga matua / Executive summary

2. The Devonport Domain Reserve Management Plan approved in 1993 restricts liquor sale hours for clubs located on the Domain. The Domain is a classified recreation reserve for open space and active recreation under the Reserves Act 1977.

3. In early 2018, North Shore Rugby Club Incorporated applied for a special liquor licence for an event outside the hours prescribed for the club in the RMP and was therefore unable to gain approval. The deed of lease is informed by the RMP and in this case is silent. Therefore, the RMP is the primary reference was deciding whether permission should be given.

4. Options for the club to have a special licence for the sale and consumption of liquor outside the hours prescribed by the RMP were explored with the council’s legal team. Their recommendation is to insert a clause into the RMP to allow all clubs located on it to apply for a limited number of special liquor licences (four each) each year. These could be applied for in connection to fundraising and other special events where alcohol is supplied in addition to the current licensed hours in the club licence.

5. At its business meeting of 15 May 2018, the Devonport-Takapuna Local Board:
   - approved the public notification of Auckland Council’s intention to amend the Devonport Domain Reserve Management Plan subject to conditions;
   - approved, if required, the appointment of a hearing panel of local board members to consider submissions or objections received, and for the panel to reach a decision.

6. A public notice was placed in the North Shore Times on 22 May 2018 inviting submissions with a closing date of 22 June 2018. Seven submissions were received. All supported the clubs having the ability to apply for special licences but felt that four was too few to meet the clubs’ needs and that it should be higher. One submitter wished to be heard in person, North Shore Cricket Club Incorporated.

7. This report summarises the submissions information and provides background information and the policy framework to assist the hearing panel in its review and consideration of the submissions received.

8. The options for the hearing panel to consider are:
   - proceed with the amendment of the RMP as publicly notified for four special licences, by inserting a new clause in the Devonport Domain Reserve Management Plan;
   - decline the proposed amendment for four special licences and notify a new proposal for an increased number of special licence opportunities each year.
Ngā tūtohunga / Recommendation/s
That the Devonport-Takapuna Local Board Hearings Panel:

a) receive and consider the written submissions in respect of the proposal to amend the Devonport Domain Reserve Management Plan.
b) receive and consider the presentation from North Shore Cricket Club Incorporated in respect of the proposal to amend the Devonport Domain Reserve Management Plan
c) thank all submitters for their attendance and presentations.

Horopaki / Context

Devonport Domain

9. Devonport Domain is 7.8 hectares (more or less) in area and includes the Vauxhall Sportfields. The Domain extends northwards from King Edward Parade at Torpedo Bay to Vauxhall Road (Attachment A).

10. The Domain comprises three titles, Allotments 36, 37 and 39, Section 2, Parish of Takapuna. The Domain is held by the Crown through the Department of Conservation as a classified recreation reserve subject to the Reserves Act 1977, and is vested in the council, in trust for recreation purposes.

11. The Devonport Domain RMP approved in 1993 describes the Domain as an intensely used active recreational facility serving a wide local community and has a long history as the home ground to several eminent sports clubs. It provides that this use will continue to be accommodated in the future, through maintenance of playing surfaces, the allocation of the fields and renewing of leases. The RMP also notes that because of the close proximity to surrounding houses, activities on the Devonport Domain have the potential to impact on the residential area around it.

12. There are four community organisations that hold community leases for premises on the Devonport Domain: North Shore Rugby Football Club Incorporated, Masonic Cricket Club, North Shore Cricket Club Incorporated and Devonport Bowling Club.

The Statutory Framework

13. The Reserves Act 1977 empowers administrating bodies to decide the intended use of reserves within the reserve classification and to grant leases and approve changes to RMPs for those purposes guided by public consultation and in compliance with the prescribed legislation and processes.

14. Recreation reserves are for the primary purpose of providing areas for recreation and sporting activities, the physical welfare and enjoyment of the public with an emphasis on the retention of open spaces and on outdoor recreational activities (Section 17(1) Reserves Act 1977).

15. The secondary purposes of the administration of recreation reserves are to:
   • allow the public freedom of entry and access to the land subject to such conditions as are considered necessary for the protection and well-being of the reserve and for the protection and control of the public using it;
   • conserve those qualities which contribute to the pleasantness, harmony and cohesion of the natural environment and to the better use and enjoyment of the reserve.

16. RMPs provide a framework and guidance for future use, development and maintenance of reserves. The Reserves Act 1977 requires administrating bodies to keep its RMPs under continuous review (Section 41(4)).
The Auckland Unitary Plan

17. Devonport Domain is zoned Open Space – Sport and Active Recreation Zone (Attachment B) in the Auckland Unitary Plan (Chapter H7.6) which states:

- this zone applies to public open spaces used for indoor and outdoor organised sports and active recreation activities. This includes facilities such as sports fields, hardstand areas, hardcourt areas and greens.
- these spaces often include the provision of buildings and structures such as grandstands, sport and community clubrooms and toilets and changing facilities associated with these uses.
- commercial activities accessory to the primary function of the public open space may be undertaken in appropriate locations. These activities generally provide economic benefit as well as informal benefits such as passive surveillance.

18. Objectives H7.6.2. of the Sport and Active Recreation Zone include the following:

1. Indoor and outdoor sport and active recreation opportunities are provided for efficiently, while avoiding or mitigating any significant adverse effects on nearby residents, communities and the surrounding areas.
2. Activities accessory to active sport and recreation activities are provided for in appropriate locations and enhance the use and enjoyment of areas for active sport and recreation.
3. Larger scale, or clusters of land-based marine-related recreation facilities, are recognised and provided for while maintaining and enhancing public access to and along the coast.

Alcohol Sale and Consumption

19. In 2015, changes to the processing of liquor licensing applications now require applicants to request the consent of landowners prior to making an application. The council is the landowner for the Domain. Clubs can hold a club licence and can also apply for special licences for events but only within the hours stated in the RMP. The difference between the two types can be explained as follows (Table one):

Table one: Comparison of liquor license types

<table>
<thead>
<tr>
<th>Licence category</th>
<th>Description</th>
</tr>
</thead>
</table>
| Club licences    | - A club licence is for the sale supply and consumption of alcohol to, club members, their guests, members of clubs who have a reciprocal agreement; and guests of reciprocal members.  
- Clubs are required to apply for an alcohol licensing building and planning certificate when applying for the club licence. |
| Special licences | Special licences may be approved for:  
- one-off events where alcohol will be for sale or the event is ticketed, but open to the public.  
- family events or where the host is providing alcohol free of charge or it is a BYO event.  
- BYO is only permitted if the Club’s bar is not open and operating (s62 Sale and Supply of Alcohol Act 2012) and the event is closed to the public.  
- Clubs can apply for a special licence each time an event requiring one is held at their clubrooms.  
- As a general rule to manage activity, there should be one club member to every 10 members of the public attending. |
20. Table two explains special licence considerations under different circumstances. When assessing applications for approval, events must also be ancillary to the recreational function of the domain. In giving consent, the council may impose such conditions as it may in its discretion think appropriate.

**Table two: Special licence considerations.**

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Special licence required?</th>
<th>Conditions to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>A club wants to serve alcohol within their licensed hours.</td>
<td>No</td>
<td>It must fall within the club’s licensed hours and meet the terms of their club licence.</td>
</tr>
<tr>
<td>A club wants to hold an alcohol inclusive event that is free or involves selling tickets to the general public. The event may or may not be connected to a match or training.</td>
<td>Yes</td>
<td>It must fall within the club’s licensed hours etc. Consent to apply for a special licence can be given as long as the activity is permitted within the lease agreement and RMP.</td>
</tr>
<tr>
<td>A club wants to hold an alcohol inclusive event for members only (free or ticketed).</td>
<td>No</td>
<td>It must fall within the club’s licensed hours etc.</td>
</tr>
<tr>
<td>An independent party wants to hire the clubrooms for a function (e.g. a wedding, birthday party).</td>
<td>Yes</td>
<td>It must fall within the club’s licensed hours etc.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Club must apply for a special licence as they manage the sale of the alcohol. No BYOs are permitted for Clubs (if the bar is open and operating). This also includes alcoholic beverages for toasts etc, unless bought through the Club.</td>
</tr>
</tbody>
</table>

21. In early 2018, North Shore Rugby Club Incorporated applied for a special licence for an event and it was unable to gain approval as the proposed time was outside the hours prescribed in the RMP. The deed of lease is informed by the RMP and in this case, the lease did not describe the hours of liquor sales, so direction is provided by the RMP.

22. The operative RMP includes management objectives and policies relating to liquor licensing. Policies 5.9.1 and 5.9.2 considered at the time of preparation of the RMP that liquor licensing hours for the clubs were appropriate with no need to extend them. The RMP is now 25 years old and the club has expanded its recreational offer to members, including Sunday games.

23. Compliance - North West area has confirmed there have been no issues with the club breaching its trading hours.

**Short-term options to review the licensed hours**

24. In the short term, the advice has been to insert a clause into the RMP so that clubs may have a limited number of special licences for the sale and consumption of liquor each year outside the hours prescribed in the RMP. This would allow all clubs located at the domain to have a limited number of special licences each year (up to four events per year for each club) that could cover fundraising and other special purpose or generally unexpected events such as funerals.
25. Staff considered a suitable number for special licences during preparation of the report to the 15 May 2018 Devonport-Takapuna local board business meeting. The solution recommended is designed to be a temporary measure to allow some flexibility until a full review of the RMP can be undertaken. The number recommended in May is not considered to be a significant change or increase to the provisions of the RMP.

Tātaritanga me ngā tohutohu / Analysis and advice

26. At its business meeting on 15 May 2018 the Devonport-Takapuna Local Board passed a resolution (DT/2018/66) approving the public notification of council’s intention to amend the RMP for Devonport Domain (Attachment C). A public notice was placed in the North Shore Times on 22 May 2018 (Attachment D). The submission period closed on 22 June 2018. This produced seven submissions in support of the proposal to allow extended liquor sale hours. They are summarised in Table three and included in full as Attachment E. All objected to the number proposed on the basis that limiting the number of special licences to four per annum per club was restrictive and that a greater number should be provided to each club. One submitter requested to be heard.

27. The clubs consider that the hours in the club licence prescribed in the RMP limit activities that support growth and development, including their ability to fundraise.

28. The club licence hours can be considered when the RMP is reviewed. This RMP review could commence in financial year 2019/2020 at the earliest.

Table three: Summary of submissions to the proposal to change the Devonport Domain Management Plan to allow extended liquor sale hours.

<table>
<thead>
<tr>
<th>Name</th>
<th>Submission synopsis</th>
<th>Supports change</th>
<th>Support more special licence opportunities</th>
<th>Wishes to be heard – Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Shore Rugby Club – Chairman submission</td>
<td>Support proposal – 4 special licence opportunities too few. Social events are an important part of fundraising for the club</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>North Shore Rugby Club – Club Captain submission</td>
<td>Support proposal – 4 special licence opportunities too few. Eight might cover the events.</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>J Pettiffer</td>
<td>Rugby Club committee member. Should have the ability to pool the 16 proposed specials. Have been granted special licences outside the scope of the management plan in the past</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>D Hale</td>
<td>Rugby Club Patron. Clubs should have the ability to pool the 16 proposed specials.</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>B Westgate</td>
<td>Rugby Club Junior Chairman. Four special licences per annum too few would like to see eight.</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>North Shore Cricket Club – Club Manager</td>
<td>No evidence that 4 special licences are appropriate – should be 10. Use for fundraising</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>J Wyatt and C Edmeades</td>
<td>Would support more than four special licences – makes good use of a valuable community asset.</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>
29. The options for the hearing panel are:
   - proceed with the amendment of the RMP as publicly notified for four special licences, by inserting a new clause in the Devonport Domain Reserve Management Plan;
   - decline the proposed amendment for four special licences and notify a new proposal for an increased number of special licence opportunities each year.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views
30. The Devonport-Takapuna Local Board is the allocated authority to support the amendment of the RMP.
31. Council staff sought input at a local board workshop on 3 April 2018 regarding North Shore Rugby Club’s request and the RMP. There was support to publicly notify a proposal to amend the RMP.
32. Under the Local Government (Auckland Council) Act 2009 local boards have been allocated decision making for non-regulatory matters including decisions relating to local, recreation, sport and community facilities. The Devonport-Takapuna Local Board therefore as the administrating body has full decision-making authority in respect of the proposal at Devonport Domain subject to all legislative and policy requirements being met and will be informed by the recommendations of the hearing panel.

Tauākī whakaaweawe Māori / Māori impact statement
33. Auckland Council is committed to meeting its responsibilities under Te Tiriti o Waitangi and its broader legal obligations to Māori. The council recognises these responsibilities are distinct from the Crown’s Treaty obligations and fall within a local government Tāmaki Makaurau context. These commitments are articulated in the council’s key strategic planning documents, the Auckland Plan 2050, the Long-term Plan 2018-2028, the Unitary Plan and Local Board Plans.
34. Ensuring community facilities are well maintained and accessible for all members of the community, will be of benefit to all, including Māori.

Ngā ritenga ā-pūtea / Financial implications
35. The cost of public notification of council’s intention to amend the RMP was covered by Auckland Council’s Community Facilities Department.

Ngā raru tūpono / Risks
36. The purpose of special licences is to accommodate unforeseen or activities related to fundraising that cannot be undertaken within the approved club licence hours.
37. It is important that this is considered in light of what is reasonable as an ancillary activity to the primary purpose of the reserve classification for recreation.
38. If the amendment is not granted, the clubs still have the ability to apply for special licences that are within the timeframes within the RMP.
39. A full review of the RMP would be required to consider significantly increasing opportunities for special licences or removing limitations on liquor trading hours. This RMP review could commence in financial year 2019/2020. Waiting until then to make a decision on the current proposal would result in a large fundraiser event that one club relies on for revenue being unable to proceed.
40. If the local board wishes to provide a greater number of special licence opportunities, this will have to be re-notified. This would delay the larger fundraiser events that the clubs rely on for revenue.

41. To re-report and advertise again is time consuming and introduces uncertainty as the reaction of the community to a greater number of licence opportunities is unknown.

Ngā koringa ā-muri / Next steps

42. Following the hearing, the panel will deliberate in public and report their views and recommendations to the board as to whether to proceed with the change to allow clubs to apply for four special licences per annum or an alternative course of action. Council staff will prepare the report to the local board on the panel's decision.

Ngā tāpirihanga / Attachments

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<td>Site plan of Devonport Domain and Vauxhall Sportsfields, 28 Vauxhall Road Devonport 0624</td>
<td>17</td>
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<tr>
<td>B</td>
<td>Unitary Plan zoning for Devonport Domain and Vauxhall Sportsfields, 28 Vauxhall Road Devonport 0624</td>
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</tr>
<tr>
<td>C</td>
<td>Devonport-Takapuna Local Board resolution DT/2018/66 dated 15 May 2018</td>
<td>21</td>
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<td>D</td>
<td>Public notice in the North Shore Times published 22 May 2018</td>
<td>23</td>
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<tr>
<td>E</td>
<td>Submissions on proposal to amend the Devonport Domain Reserve Management Plan</td>
<td>25</td>
</tr>
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</table>

Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Wendy Zapart - Community Lease Advisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Rod Sheridan - General Manager Community Facilities</td>
</tr>
<tr>
<td></td>
<td>Eric Perry - Relationship Manager</td>
</tr>
</tbody>
</table>
Attachment A: Site plan of Devonport Domain and Vauxhall Sportsfields, 28 Vauxhall Road Devonport 0624

Devonport Domain, outlined in red includes the Vauxhall Sportsfields
Property area 7.88 hectares (more or less)
Attachment B: Unitary Plan zoning for Devonport Domain and Vauxhall Sportsfields, 28 Vauxhall Road Devonport 0624

Property Summary extract from ACC GIS viewer:
This summary lists searched address, legal description, Zone and other limitations that apply to the site.
Address RA28 Vauxhall Road Devonport 0624
Legal Description
Appeals
Modification
Plan Changes, Plan Change 10, Historic Heritage Schedule, Historic Heritage Overlay
Extent of Place [rcp/dp], View PDF, Notified, 25/01/2018
Zone Open Space - Sport and Active Recreation Zone
Precinct
Overlays
Natural Heritage: Notable Trees Overlay - 1190, 3 Pohutukawa
Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - Mount Victoria, Height Sensitive Areas
Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - T1, Rangitoto Island, Viewshafts
Built Heritage and Character: Historic Heritage Overlay Place [rcp/dp] - 2701, Masonic Cricket Club Clubhouse
Built Heritage and Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 1221, Residence
Built Heritage and Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 1220, Residence
Controls
Controls: Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise
Controls: Macroinvertebrate Community Index - Urban
Designations
Designations: Airspace Restriction Designations - ID 4311, Defence purposes - protection of approach and departure paths (Whenuapai Air Base), Minister of Defence

Weblink for Open Space zone:
Refer H7.6 for zone description and Table H7.9. Activity table for activity status and related standards under H7.11.
13 Proposal to notify and amend the Reserve Management Plan for Devonport Domain

Wendy Zapart, Community Lease Advisor and Karen Walby, Community Lease Advisor were in attendance to address the board in support of this item.

Resolution number DT/2018/66

MOVED by Member M Cohen, seconded by Member M Sheehy:

That the Devonport-Takapuna Local Board:

a) approves public notification of the proposal to amend the Devonport Domain Reserve Management Plan

b) approves the amendment of the Devonport Domain Reserve Management Plan (subject to there being no objections or submissions), by inserting the following clause into the Devonport Domain Reserve Management Plan:

i. at council’s sole discretion the clubs may apply for up to four special licenses for the sale and consumption of liquor each year outside the hours described in the Reserve Management Plan.

c) appoints a hearing panel consisting of Chairperson G Wood, Member J O’Connor and Member M Cohen to consider any objections or submissions to the proposal.

d) notes that the issuing of any special licenses must comply with the terms and conditions of the Sale and Supply of Alcohol Act 2012 and must be referred to the Devonport-Takapuna Local Board for formal approval.

CARRIED

Secretarial Note: Member J McKenzie declared an interest in item 13, Proposal to notify and amend the Reserve Management Plan for Devonport Domain.

14 New road name for subdivision at 384 East Coast Road, Sunnynook

Resolution number DT/2018/67

MOVED by Deputy Chairperson G Gillon, seconded by Member J O’Connor:

That the Devonport-Takapuna Local Board:

a) approves the road name Dreaver Way for the private road constructed for the subdivision undertaken by W & H Developments Limited at 384 East Coast Road, Sunnynook in accordance with section 319(1)(j) of the Local Government Act 1974.

CARRIED
Proposal to amend the Reserve Management Plan Devonport Domain

Pursuant to Section 4189 of the Reserves Act 1977, Auckland Council gives notice that it intends to amend the wording of the Reserve Management Plan for Devonport Domain. The Domain is a classified recreation reserve for open space and active recreation under the Reserves Act 1977.

The Devonport Domain Reserve Management Plan approved in 1993 restricts liquor sale hours for clubs located on the Domain. The proposed change is to insert the following clause into the Devonport Domain Reserve Management Plan that:

"At council's sole discretion the clubs may apply for up to four special licences for the sale and consumption of liquor each year outside the hours described in the Reserve Management Plan and the leases to each club.

Any person wishing to object to or make a submission on the proposed change may do so in writing to Auckland Council, Private Bag 92300, Victoria St West, Auckland 1142, Attention: Wendy Zapart, no later than 5pm on Friday 22 June 2018. Alternatively, objections may be emailed to wendy.zapart@aucklandcouncil.govt.nz

Submitters should state if they wish to be heard. Any information provided to the Council will become subject to the Local Government Official Information and Meetings Act 1987 and may be released by the Council under that Act. Any submitter should state if the whole or any part of the submission is to be kept confidential.

If you require any further information or have any questions please contact: Wendy Zapart, Community Leisure Advisor, Auckland Council, Private Bag 92300, Victoria St West, Auckland 1142
Email: wendy.zapart@aucklandcouncil.govt.nz
09 977 6504
021 226 5583

Find out more: phone 09 301 0101
or visit aucklandcouncil.govt.nz

Auckland Council
**Attachment E: Submissions on proposal to amend the Devonport Domain Reserve Management Plan**

<table>
<thead>
<tr>
<th>Item 4</th>
</tr>
</thead>
</table>

| From: | Victoria Maxwell |
| Sent: | Thursday, 14 June 2018 9:42 a.m. |
| To: | Wendy Zapart |
| Subject: | FW: Submission attached |
| Attachments: | CCF11062018.pdf |
| Follow Up Flag: | Follow up |
| Flag Status: | Flagged |

Good morning Wendy,

Re the attached submission sent to you on 11 June, would you please change the very last sentence which refers to club members, take out 100 and add “1,000”. I hope I’m not too late for this change.

Thank you and kind regards,
Max Webb
Chairman
NORTH SHORE RUGBY FOOTBALL CLUB

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| From: Victoria Maxwell |
| Sent: Monday, 11 June 2018 11:57 a.m. |
| To: ‘wendy.zapart@aucklandcouncil.govt.nz’ |
| Subject: Submission attached |

Good morning Wendy,

Please find attached our Submission. If you have any queries, please contact me on...

Kind regards,
Max Webb
Chairman
NORTH SHORE RUGBY FOOTBALL CLUB INC.
11 June 2018

As Chairman of the North Shore Rugby Football Club Inc., I make the following submission on behalf of our members. It is not necessary to be heard. The submission covers the salient points.

Our Club, established in 1873, has always been an integral part of the Devonport community. We have well over 1000 members, field 40 teams featuring 400 boys and girls, 200 senior players and over 100 people give their team freely to coach and administrate them. We are totally amateur and self-funding.

We understand our lease agreement with the Council does not allow for special liquor licences for daytime activities other than from 3pm on Saturdays during the rugby season. This means the 100s of special licences granted to us since 1993 have all been given in error by the Council. We appreciate the Domain Management Plan is due for review and this situation may be rectified then but in the short term, the Council is proposing to add a clause to the lease to allow us to apply for up to four special liquor licences each year. The purpose of our submission is to respectfully point out that a maximum of four each year is woefully inadequate for our needs.

The Council by granting special licences to our club for many years has encouraged the community’s expectation that our excellent facilities be available to it. Our hall is the largest in Devonport, has recently been refurbished and furnished to a high standard. It is available to the community for hire at a very low rate, which is often waived in support of families or local organisations. We have a strong demand for luncheon and afternoon family celebrations and of course, funerals.

It costs our members roughly $200,000 per annum to operate our club. We have support from trust grants and local business sponsors, but our main revenue is derived from member subscriptions, and our famous Seagulls Luncheon, which is essential to our survival. For over 30 years, this event has raised a huge amount of funds, not only for our Club but for the local community such as the Wilson Home, Takapuna Grammar School and the Wakatere Boating Club. We also regularly host a North Shore and Takapuna Old Boys luncheon. Our Rippa Rugby twilight matches for boys and girls aged from 5 to 7 are most popular and a great family event.
If there are only four special licences available to us, our committee finds itself in a very difficult position. Through no fault of our own, we find we now have to make choices. Who do we reject? Our honoured Old Boys, grieving families, small children and their families to mention just a few. What is particularly confusing to us is that we are by far the largest sports club on the domain with the greatest membership with the best facilities with a strong community demand yet we are compared to the other three clubs who the Council proposes to grant the same four special liquor licences. The Cricket Club is closed during the winter, the MCC has a minor membership and only opens during the winter when our Premiers play at home in an attempt to attract our crowd into their bar. The Bowling Club would have no more than a few dozen members and is virtually defunct and would have little demand if any for any special licences. None of these three clubs have the facilities to compare with either size or quality with ours. They are unsuitable for large community gatherings.

We are not seeking liquor licences for late night parties, rather for family orientated daytime events and our Seagulls luncheons. We are not arguing that 16 special licences each year are not adequate for the Devonport Domain sports clubs, just that your proposal to grant four to each club until the Domain Management Plan is reviewed appears ill-conceived. Our Club cannot serve the Devonport community or our 100 plus members with just the four. A minimum of ten would be far more realistic.

Max Webb
Chairman
NORTH SHORE RUGBY FOOTBALL CLUB INC.
Attention

Wendy Zapart

I do not wish to be heard.

Regards

Chris T

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Chris Tankard

Hillside
Attention
Wendy Zapart

Submission Re Proposal To Amend The Reserve Management Plan Devonport Domain

14-06-18

My Name is Chris Tankard,
Club Captain, Life Member NSRFC

I have been involved with the NSRFC for the last 34 years. I played Prem Rugby for the Club 48 games then became the Secretary / Manager for 2 years. I Headed overseas coaching in the USA came back and coached u19, Prem 2 and for 4 years was the Prem Head Coach. When my rugby Coaching finished I was appointed onto the committee and for the last 16 years I have been the NSRFC Club Captain, also the COC Delegate for the Club with the North Harbour Rugby Union and was also honoured with a Life Member Badge. I have seen a lot of very good young men and young women grow through the NSRFC.

In all my years at the Club I have only seen good that the Club has done within the community. I was one of the four who set up our Seagull Luncheon Club which has now been going for over 20+ years and has seen us raise money not only for the Club but other local Sports Bodies including the Takapuna Grammar School Rowing Club, Wakatere Yatch Club, local Sea Scouts, also other School sports and when we first started the Seagulls the Wilson Home. We have had numerous Funerals at the Club, have had Book Launches, had former Prime Minister John Key launching the Rugby World Cup volunteers team back in 2001 and numerous other events.

We do not need to extend our Liquor Licence for later hours but we do need to have more flexible daytime hours. Funerals are an example of this and for families living on the Peninsula, the Rugby Club is a fine place to hold a non-religious funeral. The beauty of the Club for these families is that the whole service can be held at the one venue and with us having a kitchen and a bar, not only for alcohol but also for kids drinks and non-alcohol drinks. We make the Club available for members and non members, it is available for the whole community.

Having 4 special Licences are not enough for all our needs but having 8 would nearly cover them. We may not use them all in one season i.e. funerals etc but it would give us more options. This year already we have missed a Takapuna Prem game Old Boys Luncheon which would have started at Noon. We have missed a couple of Friday night rippa Rugby tournaments which are for just the Local Boys and Girls. We would have had our Seagull Luncheon by now but until we sort the Licence out it is on hold. The Seagull Luncheon is a must for us to survive as a Club and it is our major Fund raiser.

With the continued congestion of Lake Rd we were planning on trying to have the Club open on our 6 Prem home games this year where we were going to offer a midday lunch and the chance to have a beer or glass of wine with your meal. By being open a couple of hours earlier this would have helped with the traffic flow into Devonport for our members and visiting guests.

We are a very responsible organisation with a very good and respected committee and offer a very safe and healthy environment to our Junior and Senior members.

regards
Chris Tankard
Club Captain
NSRFC
> Good morning Wendy
> 
> Please find attached my submission in relation to the Proposal to amend the Reserve Management Plan for Devonport Domain.
> 
> Kind regards
> Joanne Pettifer
>
>
Auckland Council

I am writing in response to the Proposal to amend the Reserve Management Plan for Devonport Domain. I do not need my submission to be heard.

I am a local resident and a current member of the North Shore Rugby Football Club committee. My family has been associated with the North Shore Rugby Football Club for a number of generations and I presently have one son still playing senior rugby. My father played his rugby at the Club from the age of 5 years old and I guess, if I had been male, I would have also! It is fair to say the Club has always been part of family life and a significant place within our community. You just have to visit on a Saturday afternoon to see the clubhouse full with local families and visitors having a great time. It is also one of the largest facilities in our borough which can be used from time to time for other related purposes.

As is the case for every non-profit organization the need to rely on the financial support of others within our community has increased over the years. No longer can we fund our facility and activities with player subscriptions alone. Although it may not be palatable for everyone we are, in part, reliant on the proceeds we make from our bar takings and potential use of our facility to fund the costs associated with putting both junior and senior teams on the field. Over the years we have done that by running highly successful fundraising events which has also allowed us to share the proceeds with other great community groups.

I have reviewed the current Reserve Management Plan, dated November 1993, and made the following observations –

- It is now almost 25 years old and in that time there has been significant changes to the use of the domain by the relevant clubs.
- The hours of liquor licensing in Appendix VII is disproportionate to the current use of the facilities to which they relate.
- The document does not record any liquor licence for the Masonic Cricket Club despite them currently having one. I can only assume this licence was sought and granted after Reserve Management Plan was implemented.
- The process that is currently being undertaken to make a change to the Reserve Management Plan does not appear to put any restrictions on any proposed changes.

For a number of years the Club has requested and been granted liquor licences that were for times outside of those recorded in the Reserve Management Plan. I understand that ability to obtain special licences has now changed and the proposal is that “At council’s sole discretion the clubs may apply for up to four special licences”. This puts our club into a difficult position. It appears that the proposal for four licences each year for “the clubs” would equate to a possible total of sixteen special licences given there are four clubs referred to in the document. In my view this fails to take into account the size of the clubs, their significance in the community or the facilities or functions they offer. In addition, it does not seem to take into account the impact that restriction will have on our club and the flow on effect to the community. The disparity is the most obvious when you look at the number of hours the Bowling Club has despite it being rarely used.

It is my submission that the proposal should not restrict the number of special licences the Council may grant to each club given that it is always going to have the ability to use its discretion. I am not suggesting the Council should allow for more than the proposed sixteen licences (as per the current proposal) rather that there would be the ability for a club to apply, if necessary, for a greater number than four from the pool of sixteen. This slight change would be more equitable and reflective of the current use of the Domain until there is a full review of the Reserve Management Plan that will take into account the current and future use of those using the Devonport Domain.

Joanne Pettifer
Devonport, 13 June 2018
Wendy Zapart

From: Hale, Dianne
Sent: Monday, 18 June 2018 1:19 p.m.
To: Wendy Zapart
Cc: Submission to the District Licensing - NS Rugby Football Club
Attachments: 20180618131035119.pdf

To who it may concern

Please find my submission supporting the NS Rugby Club in their application regarding special licences.

Regards

Dianne Hale

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This email may contain information that is confidential or legally privileged. If you have received it by mistake, please:
(1) reply promptly to that effect, and remove this email and the reply from your system;
(2) do not act on this email in any other way.
Thank you.
14 June 2018

To Whom It May Concern

I was accorded the privilege of being appointed as the Patron for the North Shore Rugby Football Club Inc (NSRFC) approximately 15 years ago and have held that position ever since so I am very aware of the value that the club provides to the local and wider community.

I became aware recently that the club has been unintentionally operating outside of the Devonport Domain Reserve Management Plan (DDMP), and has been doing so since November 1993. The councils, both NSCC in the past, and Auckland Council, have been granting special licences without any problem since that date, both also unaware of the conditions of the DDMP until very recently.

The club is seeking an amendment to the DDMP to enable them to continue offering the service to the community in a similar vein to that of the past 25 years. I also note that the public proposal notice is indicating that the amendment proposed would enable up to 4 special licences a year to be granted to this club, as the suggestion is that 16 special licences be shared between the 4 clubs that operate out of the immediate area of the Devonport Domain. In my opinion that number would put huge funding constraints on the NSRFC as they have a number of regular commitments and also desire to be able to react positively to requests that are unforeseen such as funerals. I have officiated at a number of funerals held in the club rooms, usually for somebody who has had association with the club, but as this is the largest hall in Devonport that is not always the case. Whilst I appreciate that a funeral can be held without a special licence it is frequently the case where the family like to be able to offer attendees the ability to be able to enjoy a drink at the ceremony and as a result a special licence would be required at very short notice.

The club has for many years held a ‘Seagull’s Luncheon’, and another is the traditional luncheon held when NSRFC play the Takapuna RC in the North Harbour Senior Competition. These are just 2 examples of where a special licence would be required and don't take into consideration other fund raising initiatives held by the club.

I am also privileged to be the patron of the Devonport Bowling Club. This club is much smaller, with a relatively small membership, and has very little need, if ever, to apply for a special licence. I would put the Masonic Cricket Club in a similar situation as they only operate on a Sunday in a social cricket situation, and again only have a limited membership, in comparison with the NS Cricket Club (NSCC) and the NS Rugby Football Club who both have large memberships and rely on special licences to deliver the funding to provide the funding to subsidise their juniors and keep them active, healthy and occupied, which usually results in keeping them out of court.
Wearing my other hat, I am also a Magistrate sitting in the Auckland District courts and all too often I see young people appearing who, had they been involved in sports may have been kept out of court. A late District Court Judge was well known for his quote 'that a kid is sport is kept out of court'. Hence my plea for common sense to prevail and the special licences be granted for the clubs that genuinely provide value to young people.

The NSRFC is one of the largest rugby football clubs within the NS area, it is also one of the oldest and has a strong sense of tradition and allegiance. Now with younger generations frequently unable to live in the immediate area wanting to remain with the club that their fathers, grandfathers, and often great grandfathers played for becomes a funding challenge. The club is desperate to be able to ensure that these younger players can continue to enjoy the traditions that their forefathers started and if they cannot raise the funding required that may become impossible.

In my opinion the club has operated in a reliable and responsible manner, and will continue to do so. It is very conscious of the residential environment that it operates in and has always welcomed the neighbours as members, whether in the player capacity or as social members.

Hopefully common sense will prevail and if there is to be a total of 16 special licences granted that the NSRFC and NSCC share them all, or at least share the majority. I would also recommend that if possible flexibility be given to the clubs to share the special licences so that if one of the clubs has an unexpected request but have used their quota for the year and the other club(s) hasn't it would enable the other club to forfeit one of their special licences in favour of the club in need.

I would be happy to be heard in support of this submission, but do not want to delay the decision-making process, as due to my court sitting commitments it is quite likely I would not be available on the date of the hearing.

I am happy to be contacted if you require any further information.

Dianne Hale QSO JP
20th June 2018

Re: Proposal to amend the Reserve Management Plan Devonport Domain

To Whom it May Concern,

I am the Junior Chairman of the North Shore Rugby Football Club (NSRFC), one of the four Devonport Domain clubs affected by the proposed change to the Reserve Management Plan advertised in the North Shore Times on 22nd May 2018. I am making the following submission that the proposed four annual special licences are inadequate for the needs of our club and community. I do not wish to be heard.

I have been involved with NSRFC for the last five years. My first involvement was as a coach and parent when my eldest child began playing Rippa rugby at four years of age. This year, I have been given the privilege of leading the management of our junior club as Junior Chairman. We have over 400 children aged from four to 13 playing rugby this season across 32 teams. Every team usually has two parent coaches and a parent referee.

My philosophy with our junior players is simple. I believe that keeping children playing team sport until they leave our club at the end of Year 8 is a fantastic way to prepare them for their high school years and beyond. Team sport builds physical, emotional and social confidence. With the ever increasing pressures on our children, teenagers and young adults, these traits are crucial for building great adults.

To bring my philosophy to life, we’re focusing on three main areas:

1. Every player matters, not just our best players. We make it clear to our coaches that their goal is to get every child back next season. We expect all players to get equal game time over the season and that all teams within each grade should be as equally skilled as possible to give all kids a chance to play with different abilities as they develop their own skills.
2. Be organised and be responsive to our junior families. Ensure our families know what is going on, communicate effectively with them and always listen and respond to their needs promptly.
3. Promote a sense of community and belonging within our junior families. There is something special about a club that can bring together people of very different backgrounds with a common interest.

The last two points above are important for this submission. They are less about our junior players and more about their families. Ultimately, it’s these parents that strongly influence the choices our players make about coming back and spending another season with NSRFC. Families are spoilt for choice with how they spend their time so its imperative that if we want to keep children playing sport, we have to make sure their families love being involved with our club.

We work hard on creating experiences that both our kids and their families enjoy. This includes Friday evening games, full day tournaments, social and fundraising events and Sunday friendly games. Often, the events take place outside the hours of our liquor licence. Consumption of alcohol is never something we promote with our junior families but it is something they often expect. This is because
they have countless other options within our community to enjoy a social drink if that is what they choose to do on any given day. Therefore, restricting our ability to meet the expectations of our families can impact on their enjoyment and connection to our club. This in turn makes it more challenging to keep their children involved in the club – our ultimate goal!

I submit that four special licences per year is inadequate for NSRFC. Our junior club alone would be able to use at least that amount each year and this is ignoring the needs of our whole club and our community for the many annual events we are expected to support. I would like to see at least eight annual licences provided.

Yours Sincerely,

Brad Westgate
NSRFC Junior Chair
Hi Wendy,

Please find attached North Shore Cricket Club's submission on the proposal to amend the Reserve Management Plan relating to Devonport Domain.

If you have any questions don't hesitate to get in touch.

Kind Regards,

Gillian Scott
Club Manager North Shore Cricket Club
Phone:
www.northshorecricket.co.nz
21 June 2018

This submission is made on behalf of the North Shore Cricket Club.

The North Shore Cricket Club (NSCC) was established in 1864 and is one of the oldest cricket clubs in New Zealand. It has been a fixture of Devonport and a user of Devonport Domain since 1912. NSCC is currently home to over 340 junior players and their families, a Premier Reserve women’s team, 3 senior two day men’s teams, 3 social T20 teams and a Presidents grade side, as well as our many social members and supporters. NSCC is more than just cricket club though – it is a community hub.

By public notice dated May 22 2018 the NSCC was made aware that the Auckland Council (AC) proposed to change the Devonport Doman Reserve Management Plan (Plan) to insert the following clause:

*At Council’s sole discretion the Clubs may apply for up to four special licences for the sale and consumption of liquor each year outside the hours described in the Reserve Management Plan and the leases to each Club.*

The NSCC wishes to submit on the above proposal and to be heard in support of its submission. The key matters of concern to the NSCC arising from the proposed amendment to the Plan are as follows:

1. It is understood that the proposed amendment is not to be interpreted to apply a ceiling of only four special licences for all clubs covered by the Plan. The intention is to place a ceiling limit of 4 special licences per Club. The plan should be amended to make that clear. But that number would be unreasonably small and unduly effect the ability of NSCC to raise funds. There does not seem to be any evidence why the number of special licences should be limited. If a limit is to be imposed at all – and NSCC is not in favour of an arbitrary limit being set – it should be 10 special licences per Club.

2. The NSCC has concerns with the proposed amendment to the Plan. The proposed change to the Plan seems designed to reduce flexibility and place a fixed ceiling limit on the ability of clubs to obtain liquor licences. The NSCC takes its obligations under the Sale and Supply of Alcohol Act 2012 (SLA) seriously. It has a good track record. It considers that the appropriate place to manage the sale of alcohol should be through the SLA licencing process, not imposed via an amendment to the Plan. This would ensure that the purposes and principles around the minimisation of harm that are promoted in the SLA are advanced without using a secondary process that has the risk of creating uncertainty and confusion. NSCC considers that determining whether to issue licences should be made on an individual application basis under the SLA. This would assist to promote individual accountability as opposed to using a broad brush approach under the Plan which applies to all clubs for an indeterminate period of time. If the council considers that the Plan should be used to ensure compliance with the SLA then it should deal with such matters in a more general manner (eg. Users of the reserve should comply with their obligations under the SLA and should ensure that they maintain the amenity and good order of the area at all times).

3. The risk of inconsistency is demonstrated by the fact that the current rules in the Plan do not reflect the terms of NSCC’s current licencing regime. In the event that the NSCC
may want to change its operating hours in the future, requiring reference back to the
Plan does not provide flexibility. The NSCC would prefer to keep the Plan broad and
leave the specifics around licencing for the dedicated process under the SLA and the
licencing regime.

4. It is important to understand that the NSCC has to survive on fundraising. The major
source of fundraising is the operation of the bar and café for club members and guests
and the ability to hold functions (its annual marquee cricket lunch is a social highlight
and enables the NSCC to obtain sufficient cash flow to operate each year). The other
revenue source is the ability of the Club to hire out its clubrooms for private use. Again,
it is unclear how the Plan will impact this area – will any licences obtained by private
users be caught by any limit under the Plan?

5. It is unclear how breaches of the Plan would be enforced.

On reflection the NSCC considers that the idea of pre-determining and limiting the
numbers of available special licences is not the best approach. All clubs need to be
able to raise funds and have the flexibility to undertake fundraising opportunities. To
reduce that flexibility through the unusual mechanism of the Plan would seem
unnecessary when the SLA already provides the framework and the officers of the AC
responsible for making licencing decisions can take all relevant matters into account.

To the extent that local residents are impacted by any proposals, again, the
appropriate place to address those matters is within the licencing regime itself.

As a matter of general comment, having been a tenant of the Domain for over 100
years, the NSCC only has an interest in working with the community. After all, the
club is made up of people from the local community itself.

Kind regards

North Shore Cricket Club
Wendy Zapart

From: Jeremy Wyatt
Sent: Friday, 22 June 2018 1:08 p.m.
To: Wendy Zapart
Cc: Catherine Edmeades
Subject: Devonport Domain liquor license submission

Thank you for the opportunity to make a submission on the number of special liquor licenses that is appropriate for the North Shore Rugby club. This submission is on behalf of Jeremy Wyatt and Catherine Edmeades.

We live at 13 b Burgess Rd. We have lived there for approximately 6 years. Our property has a gate accessing the carpark area behind the North Shore Rugby Club. We're not members, don't play rugby and don't visit the club rooms often. However we enjoy living next to the club and enjoy the buzz of Saturday morning kids games and adult games in the afternoon. We also enjoy seeing the facility used for training during the week.

We understand that the proposal is to allow 4 special licenses for liquor outside the hours described in the Reserve Management Plan. We understand that this would provide for some late night events and some community functions during the day.

We think that the number of special licenses should be increased beyond four. Like any not for profit organisation, the club needs to be able to earn some money to enable it to be sustainable. It also needs to be able to host community interest functions for its members and other members of the community, such as funerals and 21st celebrations. We do not think that four special licenses is enough to enable the club to be sustainable and for the community to be able to fully use and enjoy this asset.

Places such as this are valuable community assets and need to be enabled and supported to a greater degree than is proposed.

We particularly think that daytime events should be enabled to a greater degree. There seems to be little effect of these functions other than putting a community asset to good use and enabling them to be sustainable.

Living right next to the club, we would prefer not to see a party there every Saturday night. However we do not have concerns about the number of evening events being increased from the current level. We have not experienced any problems in the past with special night functions, apart from a bit of noise which seems to finish before midnight or earlier.

We do not need to be heard but are happy to attend if the commissioners have any questions.

Thanks for your consideration,

Jeremy Wyatt and Catherine Edmeades