



## **ENVIRONMENTAL SERVICES COMMITTEE MEETING**

**on**

**Tuesday 18 July 2017**

**at 9.00am**

**Council Chamber  
Timaru District Council  
2 King George Place  
Timaru**

## **TIMARU DISTRICT COUNCIL**

**Notice is hereby given that a meeting of the Environmental Services Committee will be held in the Council Chamber, District Council Building, 2 King George Place, Timaru on Tuesday 18 July 2017 commencing at 9.00am.**

### **Committee members:**

Cllrs Kerry Stephens (Chairperson), Sally Parker (Deputy Chairperson), Peter Burt, Andrea Leslie, Paddy O'Reilly, David Jack, Richard Lyon, Steve Wills, the Mayor and a representative of Tangata Whenua.

### **LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968**

Committee members are reminded that if you have a pecuniary interest in any item on the agenda, then you must declare this interest and refrain from discussing or voting on this item, and are advised to withdraw from the meeting table.

Bede Carran  
**CHIEF EXECUTIVE**

## **ENVIRONMENTAL SERVICES COMMITTEE**

**18 JULY 2017**

### **AGENDA**

<b>Item No</b>	<b>Page No</b>	
<b>1</b>		<b>Apologies</b>
<b>2</b>		<b>Identification of Urgent Business Items</b>
<b>3</b>		<b>Identification of Matters of a Minor Nature</b>
<b>4</b>		<b>Declaration of Conflicts of Interest</b>
<b>5</b>		<b>Chairperson's Report</b>
<b>6</b>	<b>1</b>	<b>Confirmation of Minutes</b>
<b>7</b>	<b>4</b>	<b>Road Naming Proposal – Dalwood Lane</b>
<b>8</b>	<b>13</b>	<b>Joint Local Alcohol Policy - Evaluation Report</b>
<b>9</b>	<b>24</b>	<b>Civil Defence Organisational Arrangements - Appointment of Local Controllers</b>
<b>10</b>		<b>Consideration of Urgent Business Items</b>
<b>11</b>		<b>Consideration of Minor Nature Matters</b>
<b>12</b>	<b>27</b>	<b>Exclusion of the Public</b>
<b>1</b>	<b>29</b>	<b>Confirmation of Minutes</b>
<b>2</b>	<b>31</b>	<b>Readmittance of the Public</b>

**ENVIRONMENTAL SERVICES COMMITTEE**  
**FOR THE MEETING OF 18 JULY 2017**

**Report for Agenda Item No 6**

**Prepared by - Tracy Tierney**  
**Group Manager Environmental Services**

**Confirmation of Minutes**

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Minutes of a meeting of the Environmental Services Committee held on 13 June 2017.

**Recommendation**

**That the minutes of the Environmental Services Committee meeting held on 13 June 2017, excluding the public excluded items, be confirmed as a true and correct record.**

## **TIMARU DISTRICT COUNCIL**

### **MINUTES OF A MEETING OF THE ENVIRONMENTAL SERVICES COMMITTEE HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL BUILDING, 2 KING GEORGE PLACE, TIMARU ON TUESDAY 13 JUNE 2017 AT 9AM**

**PRESENT** Cllrs Sally Parker (Acting Chairperson), Peter Burt, Dave Jack, Andrea Leslie, Richard Lyon, Paddy O'Reilly, Kerry Stevens and Steve Wills, the Mayor and Arowhenua runanga representative Te Wera King

**APOLOGIES** Raewyn Hessel - Pleasant Point Community Board  
Gavin Oliver – Geraldine Community Board

**IN ATTENDANCE** Lloyd McMillan – Temuka Community Board (for public part of meeting)  
Chief Executive (Bede Carran), Acting Group Manager Environmental Services (Sharon Taylor), District Planning Manager (Mark Geddes), and Council Secretary (Joanne Brownie)

#### **1 INTRODUCTION**

The Mayor opened the meeting, noting that since the preparation of the Committee agenda, former councillor and Environmental Services Committee Chairperson Tracy Tierney had resigned. Acting Chairperson Sally Parker will therefore chair the meeting.

#### **2 IDENTIFICATION OF URGENT BUSINESS**

The Committee agreed to consider a report regarding the Council representative on the Ecosystems and Indigenous Biodiversity Stakeholder Group as urgent business, with the public excluded.

#### **3 DECLARATION OF CONFLICTS OF INTEREST**

The Mayor confirmed there were no issues with conflicts of interest arising as a result of the resignation of Tracy Tierney as a councillor on 7 June and her appointment as the Group Manager Environmental Services commencing in July.

#### **4 DECLARATION OF AROWHENUA REPRESENTATIVE**

Te Wera King made and signed the declaration to be a member of the Environmental Services Committee as required by the provisions of Clause 14, Schedule 7 of the Local Government Act 2002.

#### **5 CONFIRMATION OF MINUTES – 2 MAY 2017**

Proposed Cllr Wills  
Seconded Cllr Leslie

“That the minutes of the Environmental Services Committee meeting held on 2 May 2017, excluding the public excluded items, be confirmed as a true and correct record.”

**MOTION CARRIED**

## 6 ROAD RENAMING PROPOSAL

The Committee considered a report by the Planner on a renaming proposal for Uprichard Road, Peel Forest. The Committee noted the renaming is a correction of an historical spelling error and has the support of other property owners and residents of the road.

Proposed Clr Jack  
Seconded Clr Wills

“That the renaming of ‘Uprichard Road’ to ‘Upritchard Road’ be approved.”

MOTION CARRIED

## 7 EXCLUSION OF THE PUBLIC

Proposed Clr Wills  
Seconded Clr Burt

“That the Committee resolves to exclude the public on the grounds contained in Section 48(1) of the Local Government Official Information and Meetings Act:

### Confirmation of Minutes

Section 7(2)(j)

The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.

Section 7(2)(f)(i)

The withholding of the information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority.

### Ecosystems & Indigenous Biodiversity Stakeholder Group

Section 7(2)(a)

The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.

MOTION CARRIED

## 8 READMITTANCE OF THE PUBLIC

Proposed Clr Jack  
Seconded Clr Wills

“That the public be readmitted to the meeting.”

MOTION CARRIED

The meeting concluded at 9.25am.

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Chairperson

## ENVIRONMENTAL SERVICES COMMITTEE

FOR THE MEETING OF 18 JULY 2017

Report for Agenda Item No 7

Prepared by - Hayden Blackler  
Planner

### Road Naming Proposal – Dalwood Lane

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#### Purpose of Report

1. To refer a road naming proposal to the Committee.

#### Background

2. Subdivision Consent no.101.2015.236 has been granted for an 11 allotment subdivision located at the eastern end of Quarry Road (Timaru Christian School site). The approved right of way access is to serve six residential properties. The location of the site is shown in Figure 1, while the layout of the subdivision is shown in Figure 2.



Figure 1 – Location of the site.



Figure 2 – Subdivision layout.

#### Statutory Matters

3. Council has power under Section 319 of the Local Government Act 1974 (LGA) to name roads.

#### Road Naming Policy

4. Council's policy on the naming of streets, roads and private ways is attached as Appendix 1.
5. In respect of naming a new road, the policy invites the subdivider to submit three names (in order of preference) with reasons for the suggestions, along with details of any consultation undertaken. In this instance only the one road name has been suggested by the applicant. The Environmental Services Committee will then consider the submission and approve the recommended road name, or direct the applicant to provide further suggestions for consideration.
6. Of particular significance to this application is Section 4.2 of Council's Road Naming Policy which specifies that *"while it is Council policy not to directly name private ways, if names are to be allocated to private ways then the names shall be in accordance with the Approval Criteria and Style Guide"*.
7. Although this policy is ambiguous, it does allow for the naming of private ways and therefore it is considered that the road naming proposal is acceptable in principle. The ambiguous nature of Policy 4.2 should be addressed in the review of Council's Road Naming Policy.

#### Assessment

##### *Dalwood Lane*

8. The applicant has given the following reason for proposing the name 'Dalwood Lane':

*"Dalwood is a typical little English village in Devon, England. It is where the applicant's ancestors left from to come to New Zealand in the mid 1800's".*

9. The above reason has historical significance to the applicant and is therefore considered to be consistent with Council's road naming criteria. Additionally I can confirm that the proposed road name does not already exist in the District and that there are no similar names known to the writer. Regarding the road type, naming it 'Lane' is considered to be an acceptable road naming type.
10. There are internal concerns over the ambiguity of the Naming of Streets, Roads and Private Ways Policy which need to be addressed. This includes inconsistency between the policy and the Australian / New Zealand Standards for Rural and Urban Addressing.
11. With regard to the above, Council's road naming policy does not exempt private ways from being named. Additionally the Australian / New Zealand Standard for Rural and Urban Addressing specifies that private accesses serving more than five address points should be named (proposed road will serve six household units). However to address the concerns, the following is noted:
  - Properties accessed via the private way will be legally numbered under 'Dalwood Lane' not Quarry Road and therefore will not result in any confusion.
  - Delivery services, emergency services and the likes frequently update their systems and with the latest version of the cadastre to recognise new roads and road naming changes.
  - In accordance with Council's road naming criteria all road signs for private ways are required to be annotated 'Private'. This is considered sufficient to ensure that landowners and the public are aware that 'Dalwood Lane' is a private road and not Council's responsibility to maintain.
  - The applicant is intent on naming the private way. Not officially naming the private way will cause confusion.
12. In conclusion it is considered that the proposed road name is acceptable in terms of Council's Road Naming Policy and the Australian / New Zealand Standard for Rural and Urban Addressing.

### **Options**

- Accept the proposed road name.
- Decline the proposed road name.
- Amend the proposed road names.
- Ask the applicant(s) for revised names.

### **Identification of Relevant Legislation, Council Policy and Plans**

Policy on the Naming of Streets, Roads and Private Ways (attached).

Australian / New Zealand Standard – Rural and Urban addressing. AS/NZS 4819:2011. (not attached)

### **Assessment of Significance**

13. This matter is not deemed significant under the Council's Significance and Engagement Policy.

### **Consultation**

14. Council's Land Transport Manager has been consulted.

### **Other Considerations**

15. There are no other relevant considerations.

**Funding Implications**

16. The road naming policy states that the developer shall pay Council for the required sign and installation. Therefore, the road naming proposal should not affect Council funding.

**Conclusion**

17. In conclusion, it is considered 'Dalwood Lane' to be an acceptable road name.

**Recommendations**

- a) That the report be received.
- b) That the name 'Dalwood Lane' be approved.
- c) That a private road sign be erected at the applicants cost
- d) That Section 4.2 of the Council's policy of naming streets, roads and private ways be reviewed to address the ambiguity.

## Appendix 1 – Council Road Naming Policy

### Naming of Streets, Roads and Private Ways Policy

Approved by:	Environmental Services Committee
Date Approved:	21 June 2017
Keywords:	Naming, names, streets, roads, private ways

#### 1.0 Purpose

This policy outlines the requirements for selecting names for new roads and previously unformed roads, and for renaming existing roads.

#### 2.0 Background

The Local Government Act 1974, Sections 319(j) and 319A gives Council authority to name roads. Names are generally required for new roads in subdivisions, or when previously unformed roads are constructed. In addition, existing roads may be renamed.

This policy defines the requirements for naming roads in the district.

#### 3.0 Key Definitions

The Local Government Act 1974 defines private way and road as follows:

*“private way means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this Part exists within any district”*

*“road means the whole of any land which is within a district, and which—*

- a) immediately before the commencement of this Part was a road or street or public highway; or*
- b) immediately before the inclusion of any area in the district was a public highway within that area; or*
- c) is laid out by the council as a road or street after the commencement of this Part; or*
- d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or*
- e) is vested in the council as a road or street pursuant to any other enactment;— and includes—*
- f) except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:*

- g) *every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—*

*but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roading Powers Act 1989”*

## **4.0 Policy**

### **4.1 New Roads**

The subdivider is invited to submit three names (in order of preference) with reasons for the suggestions, along with details of any consultation undertaken<sup>1</sup>. The Resource Environmental Services Committee will consider the submission and determine the road name in the context of the Name Selection Criteria and Style Guide and the Australian/New Zealand Standard - Rural and Urban Addressing.

### **4.2 Private Ways**

While it is Council policy not to directly name private ways, if names are to be allocated to private ways then the names shall be in accordance with the Approval Criteria and Style Guide.

### **4.3 Renaming Roads and Naming of Existing Legal but Previously Unformed Roads**

- (a) The request to alter existing road names or to name existing but previously unformed legal roads will be forwarded to the Group Manager Regulatory Services to determine whether the request is appropriate. If agreed then it will be recommended to the Resource Planning and Regulation Committee to decide on the road name. The Resource Planning and Regulation Committee will decide the appropriate level of consultation in accordance with the Council Significance and Engagement Policy and Section 82 of the Local Government Act 2002.
- (b) When a road is requested to be renamed, a minimum of 85% of residents/property owners on that road must approve of the change.

### **4.4 Name Selection Criteria**

The following factors shall be taken into account when selecting street and road names under 4.1-4.3:

- A. Historical or geographical significance.
- B. Well known, or previously well known, names of farms or properties located on the land to which the new road relates, or in its vicinity
- C. Maori names of local significance. Appropriate consultation and advice from Te Runanga o Arowhenua Society Incorporated should be sought.

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<sup>1</sup>Note that the three different road names shall each be distinctly different. Suggesting the same name with three different road types e.g. Poplar Street, Poplar Close, Poplar Place would not be considered three different road names.

- D. Names of local residents who have achieved prominence in their chosen fields such as arts, sport, commerce, politics, local government, military, etc. Naming after persons living is generally avoided. Permission of surviving relatives should be obtained where appropriate.
- E. Continuing an established theme in a neighbourhood.
- F. Where more than one road is being created in a subdivision, a common theme is recommended for the names.
- G. A significant feature in the area (for example, geographical feature, landscape, flora, fauna). Naming after features which do not exist in the area should be avoided (for example, naming after native trees or plants that are not evident in the area, or views that cannot be identified).
- H. Where an existing street is being extended, the street extension will be the same as that of the existing street.
- I. Names cannot be offensive, insensitive or commercially based.
- J. All road signs for private ways shall be annotated "Private" at the applicants expense.
- K. The Council may not necessarily accept the marketing name for a development as a road name for any road within a development.
- L. A new road shall not be named the same, or sound similar to a road already in existence within the District. Proposed road names will be checked against Councils RAMMS database <sup>2</sup> to avoid duplication.

#### 4.5 Style Guide for Names

To ensure a consistent standard of road naming, the following style guide should be applied:

- A. In general the "road type" of a road/private way will reflect the public/private nature of a road, or the geography of the area and in accordance with the naming guide below:

Type of Road	Road Name
Relatively short, Cul-de-sacs	Place, Court, Close, Grove, Way, Courtyard, Rise
Loop Road to same Street	Crescent, Loop, Circle
Rural Road	Road
Long cul-de-sacs, Through Roads	Road, Street, Drive, Ridge, Terrace
Narrow Road, Service Lane	Lane
Wide spacious roads	Avenue, Boulevard, Parade
Street in Commercial areas	Arcade, Mall, Plaza, Square, Street, Road
Short Road leading to water	Landing
Rural State Highway	Highway

The above is a guide only and people are welcome to make other suggestions. However, it is Council's prerogative to name streets and the Council may refuse to approve names considered unsuitable for any reason.

- B. An individual's full name will only be used where the name is of reasonable length and the first name needs to be used to correctly identify the individual being commemorated. Full names longer than 15 letters will not usually be considered. In these instances, consideration will be given to using only the surname.
- C. Short names for short streets are suggested for practical reasons.
- D. Symbols intended to add emphasis to a letter e.g. à should not be used, to ensure the clarity of signs is maximised.

#### **4.6 Compliance with Australian/ New Zealand Standard**

Compliance with the Australian/New Zealand Standard - Rural and Urban addressing AS/NZS 4819:2011 is mandatory. Where there is conflict with this policy and the before mentioned standard, the standard shall prevail.

#### **4.7 Road Name Sign Specifications**

When the new name is confirmed, the road name sign is required to comply with the Council Road Name Sign Specifications.

#### **4.8 Cost Allocation**

For new roads in subdivisions the developer shall pay Council for the required sign(s) and installation. For existing legal but previously unformed roads and roads being renamed Council shall meet the cost of sign(s) and installation.

#### **4.9 Ornamental Road Name Signs**

If a developer erects their own ornamental name sign(s) and/or post, in addition to the Council name sign, and that ornamental name sign is damaged or stolen, then Council shall not be responsible for the repair or replacement of that name sign.

These sign types should ordinarily be positioned on private property (or the property boundary).

If a developer requires a sign to be positioned within the road reserve, an application must be submitted to Council for consideration. The application may, or may not be approved.

#### **4.10 Lodgement of Road Names**

In accordance with section 319A of the Local Government Act 1974, if the Council names any road for the first time, or alters the name of a road, the Council will as soon as practicable send a copy of the relevant resolution to the Registrar-General of Land and the Surveyor-General.

<b>6.0 Delegations, References and Revision History</b>	
<b>6.1 Delegations</b> - Identify here any delegations related to the policy for it to be operative or required as a result of the policy	
<b>6.2 Related Documents</b> - Include here reference to any documents related to the policy (e.g. operating guidelines, procedures)	
<b>6.3 Revision History</b> – Summary of the development and review of the policy	
<b>6.1 Delegations</b>	
<b>Delegation</b>	<b>Delegations Register Reference</b>
Resource Planning and Regulation Committee (Council decision 15 September 2015) – delegated authority for road naming	N/A (no delegation)
<b>6.2 References</b>	
<b>Title</b>	<b>Document Reference</b>
Australian/New Zealand Standard - Rural and Urban addressing AS/NZS 4819:2011 Road Name Signs Specification	<a href="http://www.standards.co.nz">www.standards.co.nz</a> #102907 #1958, F1869: Land Use and Planning Policy

## **ENVIRONMENTAL SERVICES COMMITTEE**

**FOR THE MEETING OF 18 JULY 2017**

**Report for Agenda Item No 8**

**Prepared by - Paul Cooper  
Environmental Compliance Manager**

### **Joint Local Alcohol Policy - Evaluation Report**

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#### **Purpose of Report**

1. The purpose of this report is to evaluate the implementation and performance of the Joint Local Alcohol Policy (LAP) in accordance with Section 6 of the policy (LAP attached as an Appendix).

#### **Background**

2. The Mackenzie, Waimate and Timaru District Councils (Councils) resolved, after consultation with their respective communities, to produce a LAP to provide locally relevant policies for licensing within our respective Districts. The Councils recognise that within the community there is a level of community concern regarding the effects of excessive and inappropriate drinking. The preliminary consultation and research demonstrated that there is a desire for setting of local policies on licensing of premises that to best serve our Districts and reflect the community concern regarding inappropriate alcohol consumption.
3. The Councils formed the view that a LAP is an important tool to assist the District Licensing Committee in making its decisions and to help in the achievement of the objects of the Sale and Supply of Alcohol Act 2012 (the Act). The object of the Act is that:
  - The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
  - The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
4. Once a Joint Committee of the Councils had consulted and heard submissions on the proposed LAP it became a Draft LAP. Appeals were received and heard by the Alcohol Regulatory and Licensing Authority (ARLA). Following ARLA's hearing and decisions on the appeals, it became the LAP. The LAP became effective and was implemented on 21 December 2015 in accordance with the Act.
5. Section 6 of the LAP requires that the policy be evaluated, by the three Councils it relates to, after 18 months. The purpose of the evaluation is to establish the performance of the policy and whether or not any changes need to be made. It also talks in the policy of a review to be conducted after the evaluation in 2017. Further to this self imposed evaluation and review, section 97 of the Act requires that a LAP be reviewed using the Special Consultative Procedure no less than every 6 years from implementation (before March 2022).

### What the LAP Controls

6. The LAP places controls over the following in our district:
- Hours of operation for ON and OFF licences
  - Discretionary conditions for particular types of business e.g. restaurants or function centres
  - One way door policy for late night premises
  - Door security mandatory on late night premises
  - Location of new licensed premises in relation to sensitive sites.

### Feedback from Local Stakeholders

7. A number of key local stakeholders have been asked to provide some feedback to assist with this evaluation. That feedback is summarised below;
8. Medical Officer of Health - Shayne Broughton was spoken to as the local representative for the Medical Officer of Health (MoH). He stated that anecdotal evidence suggests that the CBD drinking environment has improved since the introduction of the LAP, being mindful that the breath alcohol and blood alcohol levels (for driving of vehicles) were lowered in December of 2014 and that local Alcohol Inspectors and Police have been more proactive in targeting intoxication over the same period. Based on discussions with licensees and observations, the MoH is of the opinion that the LAP is working well. A recommendation for consideration when the LAP is reviewed is that consideration be given to placing a moratorium on any new OFF licences, as it is the opinion of the MoH that these premises are the source of alcohol which causes the most harm in the community.
9. NZ Police - The local Police were spoken to and Alcohol Harm Reduction Officer Sergeant Mylen Hamilton's opinion on behalf of his organisation was that the LAP is working and fit for purpose. He was not able to provide any statistical data from Police records at this stage in terms of local crime statistics related to irresponsible alcohol consumption.
10. Hospitality New Zealand – Hospitality NZ was canvassed for an opinion and provided some feedback after surveying approximately 70 of their local members from across the three districts. Of the ten licensees that replied to the survey request, one stated in relation to the 9:00pm closing for OFF licence sales over the bar, that patrons were bulk buying at around 7:00pm. Another licensee stated that the 9:00pm closing for OFF licence sales was inconsistent with other centres in New Zealand and some people did not understand and could get quite abusive when no OFF licence sales were available after 9:00pm.
11. Commissioner of the Timaru, Waimate and Mackenzie District Licensing Committees – Commissioner Cain stated that the lack of a working definition of the terms “special” and “event” in terms of the application of the Act when processing applications for a Special Licence has been problematic. The issue is one that is largely created by the Act itself but the Commissioner has recently made a determination and defined the terms in the absence of a definition in case law. In all other respects the Commissioner is of the view that the LAP is functioning correctly and in accordance with the Act.

12. Council Managers from each District with Oversight of the Activity – Property and Regulatory Group Manager Sue Kelly for Waimate District Council, Planning and Regulations Manager Nathan Hole for Mackenzie District Council and Environmental Compliance Manager Paul Cooper for Timaru District Council have discussed the implementation and performance of the LAP. We are in agreement that there has been no negative feedback about the LAP since implementation to any of the three Councils. Licensees largely appear to be simply getting on with business and applying the policy as it was intended to function. The policy itself is functioning correctly and in accordance with the Act.

#### **Identification of Relevant Legislation, Council Policy and Plans**

13. This evaluation is a mechanism that was built into the LAP itself to ensure Council was informed about the functioning of the policy once it had been operating for a reasonable amount of time. The relevant legislation and policy that relate to LAP licensing matters are as follows:
- Sale and Supply of Alcohol Act 2012
  - Sale and Supply of Alcohol Regulations 2013
  - Joint Local Alcohol Policy for the Timaru, Waimate and Mackenzie Districts.

#### **Funding Implications**

14. There are no funding implications relating to the evaluation of the LAP.

#### **Conclusion**

15. The LAP is a tool developed by local Councils to develop, implement and to address local issues that exist in relation to alcohol related harm. The cooperation exhibited between the Timaru, Waimate and Mackenzie District Councils and their various stakeholders in both the development of the policy, and its operation since implementation has contributed to a smooth transition and an effective LAP. The LAP is fit for purpose in the current local environment and no changes are recommended at this time. The writer further recommends that the review mentioned in section 6 of the LAP, in light of this evaluation, is no longer required and that a resolution is sought stating this. The policy should be subjected to a full review prior to March 2022, in accordance with s97 of the Act.

#### **Recommendation**

**That the report be received and noted and Council notes it is satisfied with the outcome of the Joint Local Alcohol Policy Evaluation Report. Council does not require a review of the policy to be conducted in accordance with section 6 of the policy until such time that the review is required by law, unless circumstances arise in the interim that dictate a review is required.**

## Appendix – Local Alcohol Policy

# MACKENZIE, TIMARU AND WAIMATE DISTRICT COUNCILS JOINT LOCAL ALCOHOL POLICY

## 1. Background

This Local Alcohol Policy (LAP) has been developed jointly by the Mackenzie, Timaru and Waimate District Councils. The Policy sets out a framework for reasonable and consistent decision making in the local administration of the Sale and Supply of Alcohol Act 2012 (the Act). It provides guidance to existing and prospective licensees about their role in reducing alcohol harm which is reflected through the communities' views and expectations.

### **1.1 Purpose and Objectives of the Sale and Supply of Alcohol Act 2012**

The Act puts in place a new system of control over the sale and supply of alcohol. The key characteristics of this new system are that:

- it is reasonable and
- the administration of the Act will help achieve the Acts objectives.

The object of the Act is to:

- (a) ensure that the sale, supply, and consumption of alcohol is undertaken safely and responsibly; and
- (b) minimise the harm caused by the excessive or inappropriate consumption of alcohol.

### **1.2 Local Alcohol Policy Development**

The government wants to improve community input into local alcohol licensing decision making. Under Section 75 of the Act territorial authorities have the discretion, to establish a Local Alcohol Policy (LAP). All three district Councils decided to work collaboratively on this policy for enhanced efficiency in administration, education and policing.

Section 77 of the Act prescribes what a LAP can cover, these are:

- (a) the location of licensed premises by reference to broad areas:
- (b) location of licensed premises by reference to proximity to premises of a particular kind or kinds:
- (c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds:
- (d) whether further licenses (or licenses of a particular kind or kinds) should be issued for premises in the district concerned, or any part of the district:
- (e) maximum trading hours:
- (f) the issue of licenses, or licenses of a particular kind or kinds, subject to discretionary conditions:
- (g) one-way door restrictions.

These matters (a) to (d) do not apply to special licenses, or premises for which a special license is held or has been applied for.

A local alcohol policy cannot include policies on matters unrelated to licensing. Section 78 of the Act outlines the matters that a Council must have regard to when producing a draft policy.

These are:

- (a) the objectives and policies of its district plan;
- (b) the number of licenses of each kind held for premises in its district, and the location and opening hours of each of these premises;
- (c) any areas where bylaws prohibiting alcohol in public places are in force;
- (d) the demography of the district's residents;
- (e) the demography of people who visit the district as tourists or holidaymakers;
- (f) the overall health indicators of the district's residents; and
- (g) the nature and severity of the alcohol-related problems arising in the district.

When producing a draft policy a Council must consult with the Police, Licensing Inspectors, and Medical Officers of Health, each of whom must make reasonable efforts to give a Council any information they hold relating to any of the matters stated in (a) to (g) above. All three agencies supplied a submission on this policy.

## 2. Definitions

**Alcohol** A substance that is or contains fermented, distilled, or spirituous liquor, which; in whatever form (such as frozen liquid, or a mixture of a frozen liquid and another substance or substances,) is found on analysis to contain 1.15% or more ethanol by weight, in a form that can be consumed by people.

**Alcohol Management Plan** is a plan of measures and actions designed to manage the sale and supply of alcohol to achieve the objectives of the Sale and Supply of Alcohol Act 2012.

### **Alcohol-related harm -**

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

**Amenity and good order of the locality**, in relation to a licensing application, means the extent to which, and ways in which, the locality in which the premises concerned are situated (or, in the case of a conveyance, the localities where the conveyance is likely to travel) are pleasant and agreeable.

**Authorised customer** in relation to premises a club license is held for, means a person who -

- (a) is a member of the club concerned; or
- (b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or
- (c) is an authorised visitor.

**Authorised visitor** in relation to premises a club license is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.

**Bar**, in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol

**Bottle store** means retail premises where at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else.

**Business zone** or commercial zone means land zoned as type of business or commercial zoning in the relevant district plan at the time when the relevant OFF-Licence application is determined. For the avoidance of doubt, the term includes land zoned for business activities (in contrast to industrial or residential activities) in any subsequent district plan, irrespective of the specific name of the zone.

**Club** means a body that—

- (a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or
- (b) is a body corporate whose object is not (or none of whose objects is) gain; or
- (c) holds permanent club charter.

**Discretionary condition**

The licensing authority or licensing committee concerned may issue a license subject to particular conditions if –

- (a) there is any relevant local alcohol policy and
- (b) in its opinion, the issuing of the license or the consequences of the issuing of the license, without those conditions would be inconsistent with the policy.

The holder of a license must comply with every condition subject to which it has been issued or renewed.

**District**, in relation to a territorial authority, has the meaning given by section 5(1) of the Local Government Act 2002.

**Early Childhood Education** A centre licensed under the Education (Early Childhood Centres) Regulations 1998 and meets Section 310 of the Education Act 1989.

**Food product -**

- (a) does not include -
  - (i) alcohol, confectionery, ready-to-eat prepared food, or snack food; or
  - (ii) a drink (other than milk) sold in a container with a capacity of 1 litre or less; but
- (b) includes delicatessen items that are not ready-to-eat prepared food or snack food

**Grocery store** means a shop that -

- (a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and
- (b) comprises premises where—
  - (i) a range of food products and other household items is sold; but
  - (ii) the principal business carried on is or will be the sale of food products

**Inspector** means an inspector appointed under section 197(1); and, -

- (a) in relation to premises that are not a conveyance, means an inspector appointed by the chief executive of the territorial authority in whose district the premises are situated; and

- (b) in relation to a conveyance, means an inspector appointed by the chief executive of the territorial authority in whose district the principal place of business in New Zealand of the applicant or licensee (as the case may be) is situated

**Large event** means an event that the territorial authority believes on reasonable grounds will have patronage of more than 400 people.

**Local alcohol policy -**

- (a) means a policy, in force under section 90, relating to the sale, supply, or consumption of alcohol (or to 2 or all of those matters) within the district of a territorial authority or the districts of 2 or more territorial authorities; and
- (b) in relation to a territorial authority, means a policy, in force under section 90, relating to the sale, supply, or consumption of alcohol (or to 2 or all of those matters) within its district or the districts of 2 or more territorial authorities that include it

**Medium event** means an event that the territorial authority believes on reasonable grounds will have patronage of between 100 and 400 people.

**OFF-License** is a license for premises where the licensee can sell alcohol for consumption somewhere else.

**ON-License** is a license for premises where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol. This includes 'Bring Your Own' restaurants and caterers.

**One-way door restriction**, in relation to a license, is a requirement that, during the hours stated in the restriction, -

- (a) no person is to be admitted (or re-admitted) into the premises unless he or she is an exempt person; and
- (b) no person who has been admitted (or re-admitted) into the premises while the restriction applies to the license is to be sold or supplied with alcohol.

**Primary School** -Schools offering education to children from Year 1 up to Year 8 or a variation of the Years.

**Ready to Drink Product (RTD)**, is a pre-packaged, pre-measured, and pre-mixed alcoholic beverage combining a spirit, wine, malt or fruit base with a carbonated soft drink or juice.

**Restaurant** means premises that—

- (a) are not a conveyance; and
- (b) are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises.

**Secondary School** - Schools offering education for students from Year 9 up to Year 15, and sometimes Year 7 and 8 as well.

**Small event** means an event that the territorial authority believes on reasonable grounds will have patronage of fewer than 100 people.

**Supermarket** – means premises with a floor area of at least 1,000 m<sup>2</sup> including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables and delicatessen items.

**Tavern -**

- (a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but
- (b) does not include an airport bar.

### **3. License Conditions**

The following conditions will be applicable to licensed premises in all three districts unless otherwise stated.

#### **3.1 ON-License**

The premises where an ON-license (other than an on-license endorsed under section 37 of the Act) is held, the licensee:

- (a) can sell and supply alcohol for consumption there; and
- (b) can let people consume alcohol.

Policies related to ON-licenses also apply to:

- Bring Your Own (BYO) restaurants (endorsed under section 37 of the Act)
- Caterers (endorsed under section 38 of the Act)

#### **3.2 Hours of Operation**

The hours of operation for ON- Licenses apply to premises in the Mackenzie, Waimate and Timaru Districts after consideration of the reports from the Licensing Inspectors, Police and Medical Officer of Health.

Note: An application for an ON-license must comply with the Resource Management Act 1991 and Building Act 2004 before it is lodged.

The operation of ON-License, (Function centres, Restaurants and Cafes) premises are as follows:

Monday to Sunday: 7.00am to 1.00am (the following day)

The operation of ON-License, (Taverns, Hotels, Bars and Nightclubs) premises are as follows:

Monday to Sunday: 7.00am to 3.00am (the following day)

In the case of Hotels, alcohol may be sold or supplied at anytime to any guest residing on the premises.

#### **3.2.1 Discretionary conditions of ON-licenses (Function centres, Restaurants and Cafes) may include:**

- Restriction on the consumption of alcohol in outdoor areas after midnight (0000 hours)

#### **3.2.2 Discretionary conditions for ON-Licenses (Taverns, Hotels, Bars and Nightclubs) may include:**

- Dedicated door security staff must be provided on Thursday, Friday, Saturday nights and for any event occurring at any Tavern, Hotel, Bar and Nightclub with 100 or more people attending.
- Restriction on the consumption of alcohol in outdoor areas after midnight (0000 hours)
- No new licensed premise to be within 100 meters of any Early Childhood Centre, Primary school or Secondary school

- No shots or double spirit mixes should be sold from 30 minutes prior to closing.

### **3.2.3 Location of ON – License Premises**

From the date this LAP comes into force, no further ON-licenses are to be issued for any premises unless that premises is located on the applicable zoned land described in the District Plan or a Resource Consent has been granted by Council for its operation.

### **3.3 OFF–Licenses**

The premises where an OFF-License is held, the licensee can sell alcohol for consumption off the premises. While these premises are open the licensee can supply alcohol free for consumption on the premises as a sample up to 40ml. This excludes samples of undiluted spirits which are to be supplied as a sample of up to 25ml.

The holder of an OFF-License may sell alcohol on or from the premises for it to be delivered elsewhere endorsed under section 40 of the Act.

#### **3.3.1 Hours of Operation**

The hours of operation for OFF- Licenses apply to premises in the Mackenzie, Timaru and Waimate Districts after consideration of the reports from the Licensing Inspectors, Police and Medical Officer of Health.

Note: An application for an OFF-license must comply with the Resource Management Act 1991 and Building Act 2004 before it is lodged.

The operation of OFF-License premises (Stand alone premises, Grocery Stores, Hotel style, Supermarkets and Bottle stores) are as follows:

Monday to Sunday: 7.00am to 9.00pm

The following hours apply to hotel in-bedroom (mini-bar) sales:

Monday to Sunday: 24 hours per day

#### **3.3.2 Discretionary conditions of OFF-Licenses (Hotel style, supermarkets and bottle stores) may include:**

- The main façade of the premises, being the principal front of a building that faces onto a street or open space of any new licensed premise must not be within 100 meters of any Early Childhood Centre, Primary school or Secondary school, except that this policy shall not apply to premises that are located:
  - In a business zone of the Waimate District Plan;
  - In a business zone of the Mackenzie District Plan;
  - In a commercial zone of the Timaru District Plan.
- Supervised designation for bottle stores (excluding supermarkets and grocery stores) to ensure unaccompanied minors do not enter bottle store premises.

#### **3.3.3 Location of OFF–License Premises**

From the date this LAP comes into force, applications for new OFF-licenses for any premises will only be granted if that premise is located on the applicable zoned land described in the District Plan or once a Resource Consent has been granted by Council for its operation.

### **3.4 CLUB Licenses**

On premises for which a club license is held, the licensee can sell and supply alcohol to authorised customers (within the meaning of section 60(3)), for consumption there.

A significant number of clubs are in or adjacent to residential areas. The sale of liquor must be ancillary to the Club's activities, and the licensed hours must reflect the hours of the operation of the principle club activity.

#### **3.4.1 Hours of Operation**

The operation of CLUB License premises are as follows:

Monday to Sunday: 9.00am to 1.00am (the following day)

### **3.5 Special Licenses**

#### **3.5.1 Hours of Operation**

Restrictions on hours will be imposed if the District Licensing Committee considers it appropriate in respect of any environmental or other considerations which may require constraints on the hours of operation. Such issues may be raised by the Licensing Inspector, Police, Medical Officer of Health or other relevant affected parties.

Special licenses can cover an event or series of related events to a maximum of 20 events per premise per year (1 July to 30 June). A maximum of 15 events will be issued per 6 month period.

#### **3.5.2 Discretionary conditions of special licenses may include:**

- Sale of Ready to Drink (RTD) alcoholic beverages to be under 5% alcohol
- Provide an Alcohol Management Plan.
- No alcohol is to be sold in glass containers for events exceeding 100 people
- License area to be clearly defined where liquor is to be consumed eg Beer tent.
- Wine not to be sold by the bottle.
- Maximum number of alcoholic drinks per purchase may be specified.

#### **3.5.3 Licensed Hours**

No Special License will be granted to extend later than 2am.

## **4. One Way Door**

All premises licensed to open to 3.00am shall apply a one way door restriction at 2.00am on Friday, Saturday and Sunday morning and for any event exceeding 100 people occurring at the premises.

## **5. Policy Statement**

### **5.1 Application and Scope**

This policy applies to any licensing application made to a District Licensing Committee in the Mackenzie, Timaru and Waimate Districts.

#### **5.1.1 Transitional Provisions**

The provision of this policy come into effect XXX (Council determination usually 30 days) after the Provisional policy is adopted.

#### **5.1.2 Exemptions**

Any application for a new license or license renewal for any premises which had a current license at the date this policy came into effect is exempt from the provisions of this policy relating to the location of licensed premises. The exemption remains in force for as long as the premises remains continuously licensed and will cease to exist when the current license or any subsequent license for the premises is surrendered or not renewed.

#### **5.1.3 Relationship to the Act**

This policy does not include all the provisions that may apply to license applications and should therefore be read in conjunction with the Act, which contains a number of additional provisions.

## **6. Policy Review**

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

An evaluation will be conducted 18 months after the policy comes into effect. If this evaluation results in an assessment that changes may be needed, the policy will be reviewed.

If the evaluation does not indicate the need for any changes, a review will be initiated in 2017 and thereafter no later than 6 years after it came into force.

## **7. Adopted By and Date**

This policy was approved by the Joint Timaru, Mackenzie and Waimate District Councils Hearing Committee on the 29 November 2013 and adopted by Timaru, Mackenzie and Waimate District Councils on 21 December 2015.

## **ENVIRONMENTAL SERVICES COMMITTEE**

### **FOR THE MEETING OF 18 JULY 2017**

#### **Report for Agenda Item No 9**

**Prepared by - Bede Carran  
Chief Executive**

#### **Civil Defence Organisational Arrangements – Appointment of Local Controllers**

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##### **Purpose of Report**

1. To acquaint the Council with proposed Civil Defence organisational arrangements prompted by the appointment of Tracy Tierney as Group Manager Environmental Services.

##### **Background**

2. Changes in Council senior management over the past year have prompted changes to our Civil Defence Controller appointees.
3. It is anticipated that, if the change proposed within this report is accepted and once training is undertaken that this will further enhance Councils ability to be well prepared to manage any event which may arise.
4. It is proposed that the new Group Manager Environmental Services be appointed as a Local Controller, along with Craig Motley, Recreation Facilities Manager. A summary of relevant experience and competencies for each is attached.
5. These appointments establish a complement of the following personnel who could, in a civil defence emergency, act as controllers:

Mr Gary Foster – Controller  
Mr Paul Cooper – Controller  
Mr Justin Bagust – Controller  
Ms Tracy Tierney – Controller  
Mr Craig Motley – Controller.

##### **Options**

6. To retain our current arrangements where we have three controllers.
7. To identify alternate personnel to become controllers.
8. To appoint two additional controllers as identified above.

##### **Identification of Relevant Legislation, Council Policy and Plans**

9. Civil Defence and Emergency Management Act 2002
10. Canterbury Civil Defence Plan
11. Local arrangements associated with the above Plan.

**Assessment of Significance**

12. This matter is not deemed significant under the Council's Significance Policy.

**Consultation**

13. Nil. However the Civil Defence and Emergency Management Group should be advised of and requested to endorse this appointment.

**Other Considerations**

14. Nil

**Funding Implications**

15. This proposal is not anticipated to have significant financial implications.

**Conclusion**

16. The appointments proposed will create a situation where the Council will have a greater number of controllers where at least one of whom is likely to be available at any time. It is also anticipated that, with five controllers, the Council would be equipped to manage an event of considerable duration should this prove necessary.

**Recommendations**

- a) That the report be received.
- b) That the Committee supports the nomination of Tracy Tierney and Craig Motley to be appointed as Civil Defence Controllers by CDEM.

## RELEVANT EXPERIENCE AND COMPETENCIES

### Tracy Tierney

Transferable skills relevant to the position of Local Controller:

- Leadership – within a variety of diverse and complex environments. By the nature of consulting work is skilled at assessing situations quickly, work effectively with others and providing effective solutions.
- Decision making – is able to assimilate large volumes of information from a variety of sources to make informed decisions
- Communication – is practiced at utilising a wide range of communications methods and styles to clearly and succinctly deliver key messages

Qualifications:

- Bachelor of Business Studies – Strategic Management
- Resource Management Act Decision Maker – Chairperson

Work experience:

- 2010-2017 Elected Representative – Timaru District Council
- 2015-2017 Director / Consultant – KPMG Enterprise
- 2000-2015 Director / General Manager – Pivot Services Limited

### Craig Motley

Transferable skills relevant to the position of Local Controller:

- Served as a commissioned officer in the RNZAF (Trade Education – Physical Fitness Officer - PFO) from 1991-2003 attaining the rank of Flight Lieutenant (equivalent to Captain in the Army). During that time in addition to my PFO duties I worked at the RNZAF Survival School, Officer Training Squadron as a member of the Directing Staff and on various operational exercises within New Zealand and also in Australia, Fiji and Antarctica.
- From 2006-2011 I worked for Christchurch City Council and during that time undertook some CD training as I was nominated by the Recreation Services due to my previous military background. After the earthquakes of 2010 and 2011 I worked in CD roles for several weeks each time, such as Welfare Centre Manager at Pioneer Stadium and Burnside High and then in the EOC as a Welfare Manager.

**ENVIRONMENTAL SERVICES COMMITTEE**  
**FOR THE MEETING OF 18 JULY 2017**

**Report for Agenda Item No 12**

**Prepared by**     **Tracy Tierney**  
                         **Group Manager Environmental Services**

**Exclusion of the Public**

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**Recommendation**

That the Committee resolves to exclude the public on the grounds contained in Section 48(1) of the Local Government Official Information and Meetings Act:

**Confirmation of Minutes**

Section 7(2)(a)

The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.