



**The Ordinary Meeting of the
Kawerau District Council will be held
on Wednesday 19 July 2023
in the Council Chambers
commencing at 9.00am**

AGENDA

GUIDELINES FOR PUBLIC FORUM AT MEETINGS

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

**The Ordinary Meeting of the Kawerau District Council
will be held on Wednesday 19 July 2023
in the Council Chambers commencing at 9.00am**

A G E N D A

Opening Prayer

Apologies

Leave of Absence

A Leave of Absence from Councillor Julian is received

Public Forum

Declarations of Conflict of Interest

1 CONFIRMATION OF COUNCIL MINUTES

1.1 Ordinary Council – 28 June 2023

Pgs. 1 - 6

Recommendation

That the minutes of the Ordinary Council Meeting held on 28 June 2023 be confirmed as a true and accurate record.

1.2 Extraordinary Council – 12 July 2023

Pg. 7

Recommendation

That the minutes of the Extraordinary Council Meeting held on 12 July 2023 be confirmed as a true and accurate record.

2 RECEIPT OF COMMITTEE MINUTES

2.1 Creative Communities Scheme Assessment Committee – 7 July 2023

Pgs. 9 - 10

Recommendation

That the Minutes of the Creative Communities Scheme Assessment Committee meeting held on 7 July 2023 be confirmed as a true and accurate record.

2.2 Regulatory and Services Committee – 12 July 2023

Pgs. 11 - 13

Recommendation

That the Minutes of the Regulatory and Services Committee meeting held on 12 July 2023 be confirmed as a true and accurate record.

3 Action Schedule (101120)

Pgs. 15 - 18

Recommendation

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

4 Her Worship the Mayor's Report (101400)

Recommendation

That Her Worship the Mayor's report for the period Thursday 22 June to Wednesday 12 July 2023 is received.

**** TO BE CIRCULATED SEPARATELY****

5 Adoption of the Provisional Eastern Bay of Plenty Local Alcohol Policy (Group Manager, Regulatory and Planning) (110876)

Pgs. 19 - 177

Attached is a report on the Adoption of the Provisional Eastern Bay of Plenty Local Alcohol Policy

Recommendations

- 1. That the report "Adoption of the Provisional Eastern Bay of Plenty Local Alcohol Policy" be received.*
- 2. That Council adopts Option 1, the Provisional Eastern Bay of Plenty Local Alcohol Policy as per appendix 3 of this report, and publicly notify; and*
- 3. That the Council notes that Whakatane District Council and Opotiki District Council may make changes to reflect their community within the provisional policy for their district.*

6 Proposed Plan Change 4 (Residential Development of Stoneham Park) Adoption and Notification of Decisions (Group Manager, Regulatory And Planning) (301013)

Pgs. 178 - 320

Attached is a report on the Proposed Plan Change 4 (Residential Development of Stoneham Park) Adoption and Notification of Decisions.

Recommendations

- 1. That the report "Proposed Plan Change 4 (Residential Development of Stoneham Park) Adoption and Notification of Decisions" be received.*
- 2. That Council receives the recommendations of the hearing commissioner for the proposed Plan Change 4 – Residential Development of Stoneham Park (attachment 1 dated 12 July 2023); and*
- 3. That Council accepts the recommended decisions for the proposed Plan Change 4 – Residential Development of Stoneham Park (Attachment 1); and*
- 4. That Council agrees to publicly notify the decisions for the proposed Plan Change 4 – Residential Development of Stoneham Park (Attachment 1) as soon as practicably possible and in accordance with the First Schedule of the Resource Management Act 1991.*

7 Exclusion of the Public

Recommendation

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

1. Water Supply Fluoridation Tenders

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

General Subject of the matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1. Water Supply Fluoridation Tenders	Maintain the effective conduct of public affairs through the free and frank expression of opinions.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48 (1) (a) (i)

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

R B George
Chief Executive Officer

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**Minutes of the Ordinary Meeting of the Kawerau District Council
held on Wednesday 28 June 2023
in the Council Chamber commencing at 9.00am**

Present: Her Worship the Mayor F K N Tunui
Councillor R G K Savage
Councillor C J Ion
Councillor S Kingi
Councillor W Godfery
Councillor J Ross
Councillor R Andrews

In Attendance: Chief Executive Officer (R George)
Group Manager, Operations and Services (H van der Merwe)
Communications Manager (T Humberstone)
Economic and Community Development Manager (L Barton)
Financial Accountant (P Christophers)
Customer Service Officer (L Kerei)

Opening Prayer

Pastor Mark Kingi opened the meeting with a prayer.

Apologies

Resolved Her Worship the Mayor / Councillor Ross

Apologies from Deputy Mayor A Rangihika were received.

Leave of Absence

Resolved Councillors Ion / Savage

A Leave of Absence was granted for Councillor Julian from 21 June until 2 August at the February Council meeting.

Public Forum

There were no speakers at the Public Forum

Declarations of Conflict of Interest

No declarations of conflict of interest were received.

1 CONFIRMATION OF COUNCIL MINUTES

1.1 Ordinary Council – 31 May 2023

Resolved

Councillors Savage / Ross

That the minutes of the Extraordinary Council Meeting held on 31 May 2023 be confirmed as a true and accurate record.

1.2 Extraordinary Council – 14 June 2023

Resolved

Councillors Ion / Andrews

That the minutes of the Ordinary Council Meeting held on 14 June 2023 be confirmed as a true and accurate record.

2 RECEIPT OF COMMITTEE MINUTES

2.1 Audit and Risk Committee Minutes – 12 June 2023

Resolved

Her Worship the Mayor / Councillor Ion

That the Minutes of the Audit and Risk Committee meeting held on 12 June 2023 be confirmed as a true and accurate record.

2.2 Regulatory and Services Committee – 14 June 2023

Resolved

Councillors Ion / Ross

That the Minutes of the Regulatory and Services Committee meeting held on 14 June 2023 be confirmed as a true and accurate record.

3 Action Schedule (101120)

Resolved

Councillors Kingi / Godfery

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

4 Her Worship the Mayor's Report (101400)

Resolved

Her Worship the Mayor / Councillor Kingi

That Her Worship the Mayor's report for the period Thursday 25 May to Wednesday 21 June 2023 is received.

5 Fees and Charges 2023 / 24 (Group Manager, Finance and Corporate Services (201600))

Council discussed the report "Fees and Charges for 2023 / 24".

Resolved

Councillors Savage / Kingi

1. *That the report "Fees and Charges 2023 / 24" is received.*

2. That Council adopts the Fees and Charges (including GST) for 2023 / 24.

6 Rate Remission for High Valued Residential Properties (Group Manager, Finance and Corporate Services) (110551)

Council discussed the report "Rate Remission for High Valued Residential Properties".

Resolved

Councillors Ion / Ross

1. That the report "Rate Remissions for High Valued Residential Properties" is received.
2. That Council increased the remissions for high valued residential properties to \$4,900.00 for the 2023 / 24 rating year in accordance with Councils remission policy.

7 Balanced Budget Requirement 2023 / 24 (Group Manager, Finance and Corporate Services) (201100)

Council discussed the report "Balanced Budget Requirement for 2023 / 24".

Resolved

Councillors Kingi / Savage

1. That the report "Balanced Budget Requirement for 2023 / 24" is received.
2. That Council confirms the decision made in 1998 / 1999 to continue the policy of not funding depreciation on non-critical and non-strategic assets for 2023 / 24, as Council believes the reasons for doing so remain unchanged and that this policy is appropriate for the Kawerau District
3. That Council confirms the decision made in 1998 / 1999 to continue the policy of not funding depreciation on the portion of Roading and Storm water assets subject to Waka Kotahi (NZTA) subsidies for 2023 / 24, as Council believes the reasons for doing so remain unchanged and that the policy is appropriate for the Kawerau District.
4. That Council confirms the decision to lower the level of depreciation being funded by rates from 67% to 53%, for all Council assets, as proposed in the Consultation Document for the Annual Plan for 2023 / 24. Council believes the reason for not funding this additional depreciation, is in the best interests of the Community due to rates affordability and it is prudent defer the funding to the future when inflation is expected to have established.

8 Adoption of Annual Plan 2023 – 2024 (Group Manager, Finance and Corporate Services) (110400)

Council discussed the report "Adoption of Annual Plan 2023 – 2024".

Resolved

Councillors Ion / Ross

1. That the report "Adoption of Annual Plan 2023 – 2024" is received.
2. That Council adopts the Annual Plan 2023 – 2024 with the following amendment

- *Rephrase the wording under pictures on pages 41, 51, 57.*

9 Setting of Rates for the 2023 / 24 Financial Year (Chief Executive Officer) (209900)

Following the adoption of the 2023 / 24 Annual Plan, Council set the rates for the 2023 / 24 financial year.

Resolved

Councillors Savage / Kingi

1. *That Council sets the following rates under the Local Government (rating) Act 2002, on the rating units in the district for the financial year commencing on 1 July 2023 and ending on 30 June 2024.*

(a) Uniform Annual General Charge

A uniform annual general charge of \$850.00 (including GST) per separately used or inhabited part of a rating unit, set under section 15 of the Local Government (Rating) Act 2002 on every rateable rating unit within the district.

(b) General Rate

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

- *A rate of 0.3735 cents in the dollar (including GST) of capital value on every rateable rating unit zoned "residential", "rural lifestyle" and "reserve" in terms of Council's operative District Plan.*
- *A rate of 2.5292 cents in the dollar (including GST) of capital value for every rateable rating unit in all other land zones of Council's operative District Plan other than "residential", "rural lifestyle" and "reserve".*

(c) Water Supply Rates

A targeted rate for water supply, set under section 16 of the Local Government (Rating) Act 2002, of \$62.50 (including GST) per separately used or inhabited part of a rating unit to which water is connected (excluding those properties that are supplied by water meter)

A targeted rate for water supply, set under section 19 of the Local Government (Rating) Act 2002, of \$0.21 (including GST) per cubic metre of water supplied to any rating unit on metered water supply.

(d) Wastewater Disposal Rate

A targeted rate for wastewater disposal, set under section 16 of the Local Government (Rating) Act 2002, of \$149.50 (including GST) per separately used or inhabited part of a rating unit that is connected to Council's wastewater disposal network.

(e) Refuse Collection Rate

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

- A rate of **\$238.60** (including GST) per 60 or 80 litre residual waste bin.
- A rate of **\$298.60** (including GST) per 120 litre residual waste bin.

DUE DATES FOR PAYMENT OF RATES

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

Instalment 1	25 August 2023
Instalment 2	24 November 2023
Instalment 3	23 February 2024
Instalment 4	24 May 2024

The due dates for metered water are as follows:

	<u>Reading Date</u>	<u>Payment Due Date</u>
1.	30 September 2023	20 October 2023
2.	30 December 2023	22 January 2024
3.	31 March 2024	22 April 2024
4.	30 June 2024	22 July 2024

PENALTIES

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

- (i) A penalty of 5 percent on the amount of any instalment assessed between 1 July 2023 and 30 June 2024 and which is unpaid after the due date for that instalment, to be added on the following dates:

Instalment 1 penalty added – 28 August 2023
Instalment 2 penalty added – 27 November 2023
Instalment 3 penalty added – 26 February 2024
Instalment 4 penalty added – 27 May 2024

- (ii) A further penalty of 3 percent on any rates assessed before 1 July 2023 including previously applied penalties, which remain unpaid on 5 July 2023 to be added on the 6 July 2023.

- (iii) A further penalty of 3 percent on any rates to which a penalty has been added under (ii) above if the rates remain unpaid on 6 January 2024 to be added 8 January 2024.

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

PAYMENT OF RATES

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

10 Exclusion of the Public

Resolved

Councillors Ion / Godfery

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

1. Minutes for Confidential Meeting held on 31 May 2023

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

General Subject of the matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<i>1. Minutes for Confidential meeting held on 31 May 2023</i>	<i>Maintain the effective conduct of public affairs through the free and frank expression of opinions.</i>	<i>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48 (1) (a) (i)</i>

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

Meeting closed 09.47

F K N Tunui
Mayor

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**Minutes of the Extraordinary Meeting of the Kawerau District Council
held on Wednesday 12 July 2023
commencing at 10.34am**

Present: Her Worship the Mayor F K N Tunui
Deputy Mayor A Rangihika
Councillor W Godfery
Councillor C J Ion
Councillor S Kingi
Councillor J Ross
Councillor R G K Savage
Councillor R Andrews

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

Apologies

No apologies were received.

Leave of Absence

Resolved

Councillors Kingi / Ross

A Leave of Absence was granted for Councillor Julian from 21 June until 2 August at the February Council meeting.

Declarations of Conflict of Interest

No conflicts of interest were declared.

1 Road Naming - Putauaki Trust Industrial Area (Group Manager, Regulatory and Planning) (108212)

The Committee discussed the report on the road naming for the Putauaki Trust Industrial Area.

Resolved

Deputy Mayor Rangihika / Councillor Kingi

1. *That the report "Road Naming - Putauaki Trust Industrial Area" be received.*
2. *That staff provide further information on the process for road naming and resubmit the report to a future meeting.*

Meeting closed 10.36am

F K N Tunui

Mayor

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KAWERAU DISTRICT COUNCIL

**Minutes of the Creative Communities Scheme Assessment Committee
held on Friday 7 July 2023
in the Committee Room commencing at 1.00pm**

<u>Present:</u>	Mayor Tunui Rowena Andrews Michael Green Sarah Penlington Rahera Te Riini	Chair Councillor Community Arts Representative Community Arts Representative Iwi Representative
<u>In Attendance:</u>	Lee-Anne Butler Theresa Barnett	(Group Manager, Finance and Corporate Services) (Administration Officer)

Karakia:

Rahera Te Riini opened the meeting with a prayer.

Apologies:

Resolved

Penlington / Green

That apologies for Maryanne Tamatea and Graeme Storer are received.

Declaration of Conflicts of Interest

Michael Green and Sarah Penlington declared a conflict of interest with applications 3.1.

1. Confirmation of Minutes of The Creative Communities Scheme Assessment Committee Meeting held on 9 December 2022

Resolved

Mayor Tunui / Green

That the Minutes of the Kawerau Assessment Committee for the Creative Communities Scheme meeting held on 9 December 2022 are confirmed as a true and correct record.

2. Return of Project Completion Reports

The Committee considered Project Completion Reports from:

2022 / 2023 2nd Funding Round

Patuhoe Family Trust (Rahera Te Riini)	(Application 3.4)
Nga Onepu Aunties (Jacqueline Johnson)	(Application 3.9)

Resolved

Green / Penlington

That the information be received.

3. Funding Application Summary 2022 / 23 Funding Round

That the Funding Application Summary for the 2022 / 23 Funding Round is received.

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

3.1 Kawerau Arts Society

Michael Green and Sarah Penlington left the meeting at 2.28pm

Amount requested \$4456.00 (GST exclusive)

Purpose: Exhibition, Art Development Sessions

Resolved

Councillor Andrews / Te Riini

That an allocation of \$2,587.00 excluding GST be approved.

3.2 Rainbow Tribe Kids Care

Michael Green and Sarah Penlington re-entered the meeting at 2.34pm

Amount requested \$5484.92 (GST exclusive)

Purpose: Maori Arts and Culture Te Taiao Programme

Resolved

Penlington / Green

That an allocation of \$4103.72 excluding GST be approved.

3.3 Cheryl Wilson

Amount requested \$2150.00 (GST exclusive)

Purpose: Te Raranga Ora

Resolved

Te Riini / Green

That an allocation of \$2150.00 excluding GST be approved.

The meeting closed at 3.05pm with a karakia from Rahera Te Riini.

F Tunui
Chairperson

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**Minutes of the Regulatory & Services Committee
held on Wednesday 12 July 2023
commencing at 9.00am**

Present: Councillor C J Ion (Chairperson)
Her Worship the Mayor F K N Tunui
Deputy Mayor A Rangihika
Councillor S Kingi
Councillor W Godfery
Councillor R G K Savage
Councillor J Ross
Councillor R Andrews

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

Apologies

No apologies were received.

Declarations of Conflict of Interest

No conflict of interest was declared.

Leave of Absence

Resolved **Councillor Savage / Deputy Mayor Rangihika**

A Leave of Absence was granted for Councillor Julian from 21 June until 2 August at the February Council meeting.

Public Forum

There were no speakers at the Public Forum

PART A – REGULATORY

1 Monthly Report - Regulatory and Planning Services (340000)

The Committee discussed a report covering Regulatory and Planning activities for the month of June 2023.

Action Items:

Link to be made available on the website regarding the new regulations around Freedom Camping legislation.

Further details to made available to Elected Members regarding the dog attacks in the month of May.

Resolved

Councillors Kingi / Savage

That the report on Regulatory and Planning Services activities for the month of June 2023 is received.

PART B – NON REGULATORY

2 Monthly Report - Finance and Corporate Services (211000)

The Committee discussed a report from the Group Manager, Finance and Corporate Services covering activities for the month of June 2023.

Resolved

Councillors Ross / Godfery

That the report from the Group Manager, Finance and Corporate Services for the month of June 2023 is received.

3 Monthly Report - Operations and Services (440000)

The Committee discussed a report from the Group Manager, Operations and Services covering activities for the month of June 2023.

Action Items:

Update to be sent out to the Community regarding the positive changes in the previous discolouration of the water.

Update to be sent out to the Community regarding the roading issues on River Road by the transfer station, including the footpath and kerbing.

Resolved

Deputy Mayor Rangihika / Councillor Kingi

That the report from the Group Manager, Operations and Services for the month of June 2023 is received.

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

The Committee discussed a report from the Economic and Community Development Manager covering economic and community activities for the month of June 2023.

Action Item:

Economic and Community Development Manager to send to all Elected Members a map of the area's that are being negotiated in the Boundary Reorganisation Initiative for the alteration of the Kawerau District boundary with the Whakatane District.

Resolved

Deputy Mayor Rangihika / Councillor Ross

That the report from the Economic and Community Development Manager for the month of June 2023 is received.

5 Monthly Report – Communications and Engagement (Communications and Engagement Manager) (340100)

The Committee discussed a report from the Communications and Engagement Manager covering communications and engagement activities for the month of June 2023.

Resolved

Her Worship the Mayor / Councillor Godfery

That the report from the Communications and Engagement Manager for the month of June 2023 is received.

Meeting closed at 10.07am

C J Ion

Chairperson

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Action Schedule

Meeting Date	Resolution / Action Requested	Action	Status	Comments	Estimated Completion Date
A&R 04.02.20	Council's Risk Maturity - Improvement Programme Arrange KPMG to review Council's Risk Management Maturity profile once the tasks in progress / underway are completed.	GM F&CS	In Progress	Council has completed all areas recommended for improvement and will be engaging a consultant to further assess Council's risk maturity. An initial meeting with a potential Consultant has taken place in July. Staff are waiting for further details from the Consultant before progressing the process of a new risk assessment.	Aug/Sept start new Risk Assessment
Council 26.05.20	Results of 2020 NRB Survey (Community Satisfaction Survey) Elected Members agreed to review the way in which Council engages community satisfaction.	C&EM	Pending	After assessing providers and discussion with Whakatāne and Opōtiki, SIL Research a New Zealand based (Hawkes Bay), registered market research company with 25-plus years' experience in local government will undertake this project. SIL Research has been the provider of resident surveys for both Whakatāne and Opōtiki for a number of years. Timing of the survey moved from January (the traditional timing for the survey) to April/May with the results available by the end of May/June 2023. Plan to use multiple methods for data collection including phone, mail, social media, and targeted approaches. Project Outline available. Opportunity to assess and develop the monthly customer satisfaction survey online with SIL Research.	Draft Questions March 2023 Survey completion April/May 2023 Draft report June 2023 Final Report July 2023

Meeting Date	Resolution / Action Requested	Action	Status	Comments	Estimated Completion Date
Council 28.06.22	<p>His Worship the Mayor's Report Elected Members agreed to move the cemetery records from the toilet block area to another area of the cemetery.</p> <p><u>22.02.23 Council</u> Staff to communicate to public regarding the relocation of the cemetery records.</p>	GM O&S	In Progress	<p>A solution was developed, costed and presented to Elected Members at the May Workshop. A further Workshop was held following the June Regulatory & Services Committee Meeting. A revised plan will be presented to Council.</p> <p>Part of the Mayor's Message in the December 2022 newsletter</p> <p>As a new solution is being re-worked, and approved, we will advise the Community</p>	July 2023
R&S 12.07.22	<p>Monthly Report - Regulatory and Planning Services Iwi consultation for the Spatial Plan.</p>	GM R&P	In Progress	<p>The Eastern Bay of Plenty Spatial Plan (Our Spaces) is being developed in partnership with central government and Iwi from Whakatane, Opotiki and Kawerau. Tuwharetoa Settlement Trust has been invited to join, but declined, as they do not believe they speak for all the Iwi. Tuwharetoa Kaumatua, Te Haukākawa (Boycie) Te Rire has agreed to sit at the Governance level (once established), and will liaise with Tuwharetoa Kaumatua on who may be the appropriate person to sit at the leadership level.</p> <p><u>Update – 27 April 2023</u> Meeting with Ngāti Tuwharetoa (Bay of Plenty) Settlement Trust re: Stoneham Park Residential Development covered the Spatial and raised involvement of NTST engagement, particularly, with regard to the vision and aspirations for their whanau.</p>	Ongoing

Meeting Date	Resolution / Action Requested	Action	Status	Comments	Estimated Completion Date
R&S 12.07.22	Monthly Report – Regulatory and Planning Iwi consultation for the Spatial Plan continued			<p><u>Update – 22 May 2023</u> Hui was scheduled for 22 May with our Iwi Kaumatua (who unfortunately was ill) but attended by Mayor Faylene Tunui, Deputy Mayor Aaron Rangihika, Cr Warwick Godfery, CEO Russell George and C&EM Tania Humberstone who had invited Eastern BOP Spatial Plan Iwi Facilitators Tipene Wilson and Te Riria Potiki to give an understanding of their role within the project to assist Council and Iwi engagement; and to establish next steps in the engagement process with Council and Ngāti Tuwharetoa (Bay of Plenty Settlement Trust).</p> <p><u>Update – 24 May 2023</u> Raised at the hui with Tuwharetoa ki Kawerau Hauora, comprising various Maori Land Trust members. Request to return and present specifically on the Spatial Plan, Stoneham Park update and potential partnering opportunities.</p>	
Council 26.04.23	2025 Triennial Elections Timetable to be distributed to Elected Members regarding upcoming events - Dates of engagement hui - Communications material	FIN ACCT / C&EM	In Progress	<p>Electoral Officer, Dale Ofsoke, presented to Elected Members following the May Council meeting, specifically regarding Māori Representation, Electoral System and Representation.</p> <p>Further work will be completed to finalise the communications material that will be presented and made public.</p>	In progress June 23 November decision deadline for Māori Rep.

OC: Ordinary Council EC: Extraordinary Council
 GMF&CS: Group Manager, Finance & Corporate Services
 GMR&P: Group Manager, Regulatory & Planning
 ECDM: Economic & Community Development Manager

A&R: Audit & Risk Committee
 GMO&S: Group Manager, Operations & Services
 C&EM: Communication & Engagement Manager

R&S: Regulatory & Services Committee

Completed Items

Meeting Date	Action	Comments
R&S 14.06.23	<p>Monthly Report - Economic and Community Development</p> <p>Page 19 – Economic and Community Development Manager to provide figures to Council on the Kawerau return rate for the New Zealand Census.</p>	<p>Stats NZ are unable to provide a 100% accurate figure, as the data analysis is still in progress.</p> <p>Stats NZ have indicated that based on raw data received, the completion rate for the Kawerau District is around 72%, with a margin of error (for incorrectly completed forms) of an additional 8%. Therefore, the completion rate is up to 80%. Stats NZ consider this to be an excellent rate on comparison.</p> <p>Stats NZ plans to release the first 2023 Census data at the end of May 2024. This first release of data will include usually resident population count, Māori descent count and total dwelling count (for New Zealand and by Regional Council and Territorial Authority/Local Board).</p> <p>There will be further information on the full 2023 Census data release schedule later in the year.</p>
R&S 13.09.22	<p>Monthly Report - Economic and Community Development</p> <p>Staff to:</p> <ol style="list-style-type: none"> provide Council with a date when the Bert Hamilton Hall repairs will commence. communicate to regular hirers of the Bert Hamilton Hall about the maintenance on the Hall. organise a letter of gratitude to be sent to the guest speakers of the Kawerau Young Achievers Awards. 	<ol style="list-style-type: none"> Repair work has been completed to the roof leak, and the acoustics upgrade is completed A letter was sent to regular users and initial comms placed in latest newsletter explaining next course of action. Letter completed and circulated.

Meeting: Council

Meeting Date: 19 July 2023

Subject: Adoption of the Provisional Eastern Bay of Plenty Local Alcohol Policy

File No.: 110876

1. **Purpose**

This report provides a summary of matters arising from the consultation and the hearings and deliberations meetings held on 7 June 2023, and seeks agreement to adopt the Provisional Eastern Bay of Plenty Local Alcohol Policy.

2. **Background**

2.1 **Legislation and the role of territorial authorities in alcohol licencing**

Councils role in alcohol licensing is through the Local Alcohol Policies, the administration of District Licensing Committees (DLC), and through regulatory and enforcement roles, including Liquor Licensing Inspectors and relevant bylaws.

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

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

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

Section 4 of the Act states that the object of the Act is that:

- (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and

(b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

Whakatāne District Council, Ōpōtiki District Council, and Kawerau District Council currently have a joint LAP, named the Eastern Bay of Plenty Local Alcohol Policy ('LAP'). The policy came into effect in 2016.

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

2.2 Development of draft policy

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

Following the establishment of the Working Group, engagement was undertaken with stakeholders, and a draft Research Report was produced to inform the review of the LAP. Through this process, it was agreed that the three councils would continue to have a joint LAP, and a draft LAP was developed.

Between February and March 2023, the draft policy which was adopted for consultation by each Council (Whakatāne, Ōpōtiki and Kawerau). The draft policy included a range of amendments to enable consistency of provisions across the three districts, strengthen the policy vision and objectives, and streamline the policy.

Whakatāne District Council, on adopting the draft policy for consultation, added the following working to outline their Council's intentions. *"Whakatāne District Council would like to see maximum trading hours for supermarkets in the Whakatāne District align with those proposed for other off licences. This would mean that supermarkets in the Whakatāne District could only sell alcohol between 9am and 10pm."*

Consultation was to be undertaken using the Special Consultative Procedure set out in Section 83 of the Local Government Act 2002. A joint Hearings and Deliberations Panel was also agreed and established to receive oral and written submissions and deliberate on the draft policy.

Hearings and Deliberations Panel included:

Whakatāne District Council:

Councillor Gavin Dennis
Councillor John Pullar

Ōpōtiki District Council:

Councillor Barry Howe
Deputy Mayor Shona Browne (Chairperson)

Kawerau District Council:

Councillor Carolyn Ion
Councillor Sela Kingi

2.3 Consultation on draft policy

A Statement of Proposal, draft Eastern Bay Local Alcohol Policy and supporting documents were made available online and in hard copy for feedback between 27 March and 28 April 2023. Four consultation meetings were also held in Kawerau over this period to enable the community to come and discuss the draft policy. Social media posts were also used to inform people of the proposals and provided links to the formal submission page. Other engagement included public notices in the paper, local newsletters, radio adverts and information on each council's webpage.

The Statement of Proposal set out the following main proposals regarding the draft policy for consultation:

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

2.4 Submissions Overview

A total of fifty four submissions were received, including three late submissions. Thirty six submissions were received from Kawerau, eight from the Whakatāne District and two from the Ōpōtiki District. Plus a further eight that covered all three Districts. Of the 54 submissions received, 12 submitters requested to be heard.

The table below summarises the response to the four key proposals on the submission form. Full submissions are attached as Appendix 1.

Consultation Key Proposals	Agree	Disagree	Not answered
Do you agree with the proposal that applications for new on or off licences must be for a premise located in a zone designed for business or commercial activity in the relevant District Plan unless granted resource consent?	32 (74%)	7 (16%)	4 (9%)
Do you agree with the proposed maximum trading hours for alcohol licences below? Off-licences: 9am – 10pm (Supermarkets 8am-10pm*) On-licences: 9am – 12am Club licences: 9am - 12am Special licences: case by case *Note: Whakatāne District Council would like to see maximum trading hours for supermarkets in the Whakatāne District align with those proposed for other off-licences. This would mean that supermarkets in the Whakatāne District could only sell alcohol between 9am and 10pm.	22 (51%)	16 (37%)	5 (12%)
Do you agree with the proposal to include the below as sensitive premises/facilities? a. Primary and secondary schools b. Childcare facilities c. Children’s playground d. Medical centres e. Places of worship f. Marae	35 (81%)	5 (12%)	3 (7%)
Do you agree with the proposal to include in the policy possible discretionary conditions that could be imposed on a licence by the District Licencing Committee?	31 (72%)	7 (16%)	5 (12%)

Note: Emailed submissions have not been included in this table as they do not directly answer these questions set out in the submission form. Emailed submission comments are reflected in the summary sections below.

Summary of comments provided across all submissions received are below:

2.4.1 *Location of new on and off licenced premises*

Themes emerged the density of licenced alcohol premises with multiple premises in close proximity in certain areas such as Kopeopeo in the Whakatāne District, and the CBD in Ōpōtiki and Kawerau.

Furthermore, there is concern about the adverse impact of alcohol availability on lower socioeconomic areas and the potential harm it can cause to children and families. Specifically, Toi Te Ora recommends that there should be no new on/off

licenced premises within industrial areas and no new off-licences within NZDep areas of deprivations of 7 and above.

Of the forms submitted, 74% of respondents supported the proposal that alcohol outlets should be located in the commercial and business areas away from sensitive locations such as schools and residential areas.

Overall, the submissions reflect a preference to limit the density and location of alcohol outlets while balancing the needs of economic development with social and community concerns, which should be done on a case-by-case basis when determining an application.

2.4.2 *Maximum trading hours*

There were broad comments on the proposal to reduce maximum trading hours with suggestions from all off-licences should align with supermarkets to avoid any special treatment or business advantage, to shift workers should be able to access alcohol after their shifts, and businesses should have the choice to cater to their customers based on their needs.

51% of online and hard copy form submissions supported the proposed reduction of trading hours, with some suggesting that trading hours should be restricted even further so that venues were closed around school hours.

Toi Te Ora has recommended that the policy restrict trading hours of off-licences to 9pm (excluding supermarkets).

Clubs New Zealand supports aligning maximum trading hours across all three districts but not the proposed trading hours of 9am to 12am. They indicated Clubs should have maximum trading hours of 9am to 1am and allow the Club committee may issue more restrictive trading hours if necessary. Concerns raised related to likelihood of reduced trading hours resulting in an increase in special licence applications as Clubs rely on events to attract new members, and often these events run past 12am. Making their facilities available for events, benefit the club, its members, and the wider community.

One submission stated there is no obvious benefit in the three districts having the same maximum trading hours policy. The submissions noted that Whakatāne aspires to improve its tourism profile and it makes no sense to restrict any chance of offering a vibrant and exciting nightlife in Whakatāne. Young people are forced to find late night gatherings at unlicensed, unsupervised venues, or to travel to Tauranga for their fun. The submitter supports allowing businesses to manage their own operation professionally and punish those flouting the rules.

Foodstuffs opposes the draft policy based on the reduced morning trading hours advising trading hours should commence at 7am. The submission states there is no evidence that any harm from excessive or inappropriate consumption of alcohol is likely to be reduced from the later opening hours and therefore the proposed hours are not consistent with the object of the Act. No opposition to maximum trading hours ending at 10pm. General Distributors Limited also opposes the reduction of trading hours from 7am to 8am and accepts the maximum trading hours reducing from 11pm to 10pm.

Super Liquor opposes the reduction in trading hours, citing that their stores and other businesses may require the flexibility of earlier opening hours to purchase product, enable them to set up their venue for the day's trading and to fulfil online orders. Super Liquor also outlined there is no evidence that demonstrates the consumption of alcohol will be undertaken more safely and responsibly by differentiating between maximum trading hours for supermarkets, grocery stores and bottle stores.

Five submissions directly commented on Whakatāne District Council's note on the draft policy agreeing that supermarkets and off-licences hours should align. Another submitter believed on-licence trading hours should be maintained at 9am to 1am, with the suggestion of a one-way door policy. This would allow patrons to leave the premise but not enter or re-enter after a specified time.

2.4.3 Sensitive premises/facilities

In summary, the submissions received are largely in support of the proposal to include additional sensitive sites within the policy. The submissions highlight the importance of protecting vulnerable populations from the negative effect of alcohol, particularly the negative influence on children.

One submission recommends that public graveyards should be included, and that places of worship should not.

Foodstuffs suggests an exclusion for supermarkets and grocery stores for the location of new licences when they are required because of a change in ownership, and that the definition of sensitive premises/facilities is unreasonably broad and ambiguous. (Note: change of ownership of an existing premise is exempt from location requirements)

2.4.4 Discretionary conditions

The majority of submitters agreed with the proposal to include possible discretionary conditions in the policy.

Clubs New Zealand has suggested the policy provide more guidance and direction on when these types of discretionary conditions may be imposed. Stating the discretionary conditions should only be imposed when evidence suggests the conditions are required or will contribute to the purpose of the LAP and the Act. Clubs NZ does not support blanket conditions to all licences.

Toi Te Ora have recommended that there is a restriction of external advertising on off-licence premises.

2.4.5 Other feedback received

It was suggested that councils should commit to creating a regular forum for licensees, police, health officials, and council staff to work together as a team that supports local business owners to provide a safe, enjoyable environment that encourages people to come to our towns.

Two submissions have expressed their support for the prohibition of sale and supply of alcohol during the Matariki Public Holiday.

Foodstuffs' and Super Liquor's submissions have requested the 'exception' section of the policy takes into consideration changes of ownership of a licenced premise.

2.5 Hearings and deliberations

A Hearings and Deliberations meeting was held on Wednesday 7 June 2023. This provided the Hearings and Deliberations Panel with the opportunity to listen to the community's thoughts, review the written submissions received and discuss any possible changes to the draft policy as a result of community feedback.

2.6 Recommendations from the Hearing Committee

At the hearings and deliberations meeting on 7 June 2023, the Hearings and Deliberations Panel took into consideration the feedback received and debated the draft policy. The following was recommended:

The discussions and recommendations from the deliberations meeting are discussed in section 4.4 of this report and have been incorporated into the Provisional LAP attached as appendix 3. Appendix 4 shows the tracked changes from the draft LAP to the proposed provisional LAP.

Maximum trading hours	Draft LAP (option 2)	Proposed Provisional LAP (option 1)
Off-licences	9am – 10pm (Supermarkets 8am-10pm)	9am – 10pm
On-licences	9am – 12am	9am – 1am
Club licences	9am – 12am	9am – 12am
Special licences	Case by case	Case by case

It should be noted that the recommendations above were not agreed upon by all councillors during the deliberations.

The discussions and recommendations from the deliberations meeting have been incorporated into the Provisional LAP attached as appendix 3. Appendix 4 shows the tracked changes from the draft LAP to the proposed provisional LAP.

3. Options

There are four possible options available.

Option 1 – That Council adopt the proposed Provisional Eastern Bay of Plenty Local Alcohol Policy (Recommended option)

This option would see the adoption of the Provisional Eastern Bay of Plenty Local Alcohol Policy which includes changes discussed and suggested by the hearings and deliberations panel that respond to the submissions made during consultation. This version of the policy has been attached as appendix 3.

The changes included in the provisional policy are:

1. Maximum trading hours:
Off-licence: 9am – 10pm
On-licence: 9am – 1am
Club licence: 9am – 12am
Special licence: Case by case
2. The re-wording of the date the policy will come into effect. This date will be decided by resolution of Council after the appeals period has ended.
3. Inclusion for clarity of the policy statement for the maximum trading hours.

Changes 2 and 3 above have not been discussed or suggested by the deliberations panel. Staff have included these changes to reflect the date the policy will come into force as stated by the Act and to provide clarity around maximum trading hours.

Appendix 4 shows the tracked changes between the draft LAP used in consultation and the proposed Provisional LAP

Advantages

- The Provisional LAP takes into consideration the submissions received and reflects the research report and stakeholder input.
- The Provisional LAP reflects the discussions and recommendations of the deliberations meeting.
- Maximum trading hours for off-licences are further restricted to reduce alcohol availability and accessibility.
- No bars hours of trading will be impacted by this policy as all licenced premises currently close at 1am at the latest.

Disadvantages

- There is a risk that the licence holders that are affected will make an appeal given their hours of operation will be shortened.
- The draft policy used in consultation aimed to align on-licence hours and club licence hours in order to limit the movement between establishments. Club licences heavily depend on alcohol sales to sustain their operations and reducing their hours could potentially cause them revenue issues. Furthermore, there may be an increase in special licence applications seeking extended hours for events at clubs.

Option 2 - The Council adopt the initial draft (pre consultation) of the Eastern Bay of Plenty Local Alcohol Policy as the provisional policy

This option would see Council adopt the initial draft Eastern Bay of Plenty Local Alcohol Policy as the provisional policy. This draft was developed by the cross-council working group and incorporated initial pre-engagement with stakeholders. It reflects the research completed by staff and workshops with all three Councils. This version of the policy is attached as appendix 5.

The maximum trading hours set in the initial draft are:
Off-licences: 9am – 10pm (Supermarkets 8am-10pm*)
On-licences: 9am – 12am
Club licences: 9am – 12am
Special licences: case by case

Advantages

- This option is largely supported by those who made a submission, in particular Toi Te Ora (DHB) and pre-engagement with Police.
- On-licences and Club licences trading hours are aligned to reduce movement between bars not in close proximity to each other to reduce alcohol harm associated with drink driving.

Disadvantages

- This option does not reflect the discussions at the deliberations meeting.
- There is a risk the affected licence holders will make an appeal given their hours of operation will be shortened.

Option 3 - That the Council retains the existing Eastern Bay of Plenty Local Alcohol Policy

This option would see Council adopt and retain the existing Eastern Bay of Plenty Local Alcohol Policy, adopted in June 2016.

Advantages

- There are advantages with this option.

Disadvantages

- This option does not reflect research completed or workshops with Councillors during the process.
- This option does not consider feedback from consultation and hearings.

Option 4 - The Council revoke the existing Eastern Bay of Plenty Local Alcohol Policy

This option would see Council revoke the existing Eastern Bay of Plenty Local Alcohol Policy and not adopt a new policy. This would mean that the Kawerau District Council would no longer have a Local Alcohol Policy in place. The default provisions within the Act would apply.

Advantages

- There are no advantages with this option.

Disadvantages

- This option does not reflect the research completed or workshops with Councillors during the process.

- This option does not reflect the submissions from consultation and hearings.
- This option does not reflect the discussions of Councillors at the deliberations meeting.
- This option would require using the special consultative procedure to revoke the existing policy.
- The Kawerau District Council would not be a joint partner with Eastern Bay of Plenty Local Alcohol Policy and may be criticised for not actively seeking means to better manage the consumption and effects of alcohol.

4. Next Steps

Following this meeting, the Provisional Local Alcohol Policy is set to be considered and adopted by Ōpōtiki District Council on the 1 August 2023. Whakatane has already adopted the Provisional Local Alcohol Policy on 6 July 2023.

As the policy will be discussed at each council individually, changes to the final Provisional Policy may occur. If changes are made, the changes will only affect that particular district. i.e. If Ōpōtiki decides to change the maximum trading hours, the maximum trading hours decided will only apply to Ōpōtiki District. In saying this, there was an aim to have one consistent policy across the Eastern Bay where agreement could be reached.

Following the adoption of the Provisional Local Alcohol Policy, a public notice will be prepared to inform the public and submitters. Submitters on the draft policy will have 30 days to make an appeal on the policy to the Alcohol Regulatory and Licensing Authority. If no appeal against any element of a provisional local alcohol policy is made, the policy is adopted 30 days after its public notification.

Staff will return to Council following the appeals process, to set a date for the policy to be brought into force. From this date, all current and future licences will need to adhere to the maximum trading hours set out in the policy and the DLC will use the LAP in their decisions on applications.

4.1 Enforcement of Policy

Once a provisional local alcohol policy has been adopted and ceased to be provisional, the territorial authority concerned must give public notice of its adoption; and may then bring it into force on a day stated by resolution that is 3 months after public notice was given.

The maximum trading hours stated in the policy will become enforceable from the date it is brought into force. The other sections of the policy will only apply to new licences and renewals unless section 6 of the policy regarding exceptions applies.

The District Licencing Committee (DLC) will continue to be responsible for the decisions on licence applications and the licensing inspecting team will continue to be responsible for inquiring into all applications, appearing at the DLC and Alcohol Regulatory and Licensing Authority (ARLA), monitoring compliance and collaboration with Police and the Medical Officer of Health.

4.2 Appeals

As per Section 81 of the Act; Police, a Medical Officer of Health, or a person, or agency who made a submission as part of the special consultative procedure on the draft LAP may, within 30 days of public notification of the Provisional LAP adoption, appeal to the licensing authority. The only ground for appeal is if an element of the policy is deemed unreasonable in light of the object of the Act.

If an appeal is made, and negotiations with the appellant cannot be agreed upon, a hearing will take place and the licensing authority will issue a decision. The licensing authority must dismiss the appeal if it is not satisfied that the element is unreasonable in light of the object of the Act; or it is not satisfied that the appellant did not make a submission as part of the special consultative procedure. If the licensing authority deems the element of the LAP as unreasonable, then the Council has the option of amending the policy elements or deleting them altogether. In the case where elements are amended, the amended policy is subject to a 30 day appeal period. Only those that submitted on the draft LAP can appeal. If there are no appeals to the amendment, or appeals have been finalised, Council can then proceed to adopt the policy.

A recent Supreme Court decision ultimately decided that LAPs reflect the policy choices of a territorial authority and can be based on or influenced by community preferences and therefore do not have to be evidence-based. The Act contains default maximum trading hours, but local communities are free to choose trading hours that differ from the status quo and do not have to be justified in terms of departure from the norm. It is up to a council when adopting a LAP to take a precautionary approach. i.e. a restriction may be justified on the basis of there being a reasonable likelihood (rather than proof) that it will reduce alcohol related harm.

5. Significance and Engagement

The decisions and matters of this report will have a moderate significance due to the likely community and stakeholder interest regarding the perceived trade-off between economic and entertainment benefits and current and future wellbeing of our communities.

Engagement with key stakeholders and the wider community has been an important part of the review and is also legislatively required.

Pre-engagement was undertaken with key, legislatively defined, stakeholders such as Police, Medical Officer of Health, and Alcohol Licencing Inspector. Feedback was also gathered from Community Boards, Iwi and Hauora.

Formal consultation on the Eastern Bay of Plenty Local Alcohol Policy has been undertaken under the Special Consultative Procedure, which is prescribed in the Local Government Act 2002. Through this, 54 submissions were received, with 12 submitters requesting to be heard.

Following the adoption of the provisional policy, public notice will be given, and submitters will have the opportunity to lodge an appeal with the Alcohol Regulatory and Licensing Authority (ARLA).

6. Risks

There is a possible risk of an appeal being made against the proposed Local Alcohol Policy, which could incur cost.

7. Policy and Legal Considerations

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

6 Financial Considerations

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

7 RECOMMENDATIONS

1. That the "Adoption of the Provisional Eastern Bay of Plenty Local Alcohol Policy" report be received;
2. That the Council adopts Option 1, the Provisional Eastern Bay of Plenty Local Alcohol Policy as per appendix 3 of this report, and publicly notify; and
3. That the Council notes that Whakatāne District Council and Ōpōtiki District Council may make changes to reflect their community within the provisional policy for their district.



Michaela Glaspey

Group Manager Regulatory and Planning

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Attachments

- Appendix 1 – Written submissions received (online and hard copy forms and via email)
- Appendix 2 – Late submissions
- Appendix 3 – Proposed Provisional Eastern Bay of Plenty Local Alcohol Policy
- Appendix 4 – Provisional Eastern Bay of Plenty Local Alcohol Policy (tracked changes)
- Appendix 5 – Draft Eastern Bay of Plenty Local Alcohol Policy

Survey Responses

22 May 2020 - 08 May 2023

Draft Eastern Bay of Plenty Local Alcohol Policy - 2023 Feedback

Kōrero Mai - Let's Talk

Project: Draft Eastern Bay of Plenty Local Alcohol Policy - 2023



VISITORS					
29					
CONTRIBUTORS			RESPONSES		
11			12		
0	0	11	0	0	12
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous



Respondent No: 1
Login: Anonymous
Email: n/a

Responded At: Mar 29, 2023 12:05:31 pm
Last Seen: Mar 29, 2023 12:05:31 pm
IP Address: n/a

- Q1. Name** Tony Edelsten
- Q2. Email** [REDACTED]
- Q3. Organisation (if applicable)** Private individual
- Q4. District (if applicable)** Whakatāne
- Q5. Please note: All the information you provide in your feedback form (including your personal details) will become public documents, unless you request for your personal details to be withheld.** not answered
- Q6. Do you agree with the proposal that applications for new on or off licences must be for a premise located in a zone designed for business or commercial activity in the relevant District Plan unless granted resource consent?** No
- Q7. Do you have any comments on the Location of new on or off licences?**
Places of worship should not be used in reference to location of licensed venues
- Q8. Do you agree with the proposed maximum trading hours for alcohol licences above?** No
- Q9. Do you have any comments on Maximum trading hours?**
All off licenses should align with supermarkets. Trading hours for on licence should be from 8am to 2am
- Q10. Do you agree with the proposal to include the above as sensitive premises/facilities?** No
- Q11. Do you have any comments on Sensitive locations/facilities?**
Places of worship should not be used in reference to location of licensed venues
- Q12. Do you agree with the proposal to include in the policy possible discretionary conditions that could be imposed on a licence by the District Licencing Committee?** No
- Q13. Do you have any comments on Discretionary conditions?**
not answered

Q14. Other feedback

not answered

Q15. Attach a supporting document

not answered

Q16. Presenting your submission

I wish to speak to my submission *

Q17. Contact phone number





Respondent No: 2
Login: Anonymous
Email: n/a

Responded At: Mar 30, 2023 23:05:59 pm
Last Seen: Mar 30, 2023 23:05:59 pm
IP Address: n/a

Q1. Name

[REDACTED]

Q2. Email

[REDACTED]

Q3. Organisation (if applicable)

[REDACTED]

Q4. District (if applicable)

not answered

Q5. Please note: All the information you provide in your feedback form (including your personal details) will become public documents, unless you request for your personal details to be withheld.

I would like my details to be withheld

Q6. Do you agree with the proposal that applications for new on or off licences must be for a premise located in a zone designed for business or commercial activity in the relevant District Plan unless granted resource consent?

No

Q7. Do you have any comments on the Location of new on or off licences?

not answered

Q8. Do you agree with the proposed maximum trading hours for alcohol licences above?

No

Q9. Do you have any comments on Maximum trading hours?

I'm assuming the on and club licence hours have been written in error. 9am - 12pm? Is this meant to be 9am to 12am? 9am seems an early opening time for on premise venue. A 12am end is late enough except perhaps for new years eve celebrations. There should be an extension for this date.

Q10. Do you agree with the proposal to include the above as sensitive premises/facilities?

Yes

Q11. Do you have any comments on Sensitive locations/facilities?

not answered

Q12. Do you agree with the proposal to include in the policy possible discretionary conditions that could be imposed on a licence by the District Licencing Committee?

No

Q13. Do you have any comments on Discretionary conditions?

not answered

Q14. Other feedback

not answered

Q15. Attach a supporting document

not answered

Q16. Presenting your submission

I do not wish to speak to my submission

Q17. Contact phone number

not answered



Respondent No: 3

Login: Anonymous

Email: n/a

Responded At: Apr 04, 2023 13:13:13 pm

Last Seen: Apr 04, 2023 13:13:13 pm

IP Address: n/a

Q1. Name

[REDACTED]

Q2. Email

[REDACTED]

Q3. Organisation (if applicable)

not answered

Q4. District (if applicable)

Whakatane

Q5. Please note: All the information you provide in your feedback form (including your personal details) will become public documents, unless you request for your personal details to be withheld.

I would like my details to be withheld

Q6. Do you agree with the proposal that applications for new on or off licences must be for a premise located in a zone designed for business or commercial activity in the relevant District Plan unless granted resource consent?

Yes

Q7. Do you have any comments on the Location of new on or off licences?

not answered

Q8. Do you agree with the proposed maximum trading hours for alcohol licences above?

Yes

Q9. Do you have any comments on Maximum trading hours?

I seek that On-Licenses and Club Licenses for all districts shall include a "one-way door policy" between 11:15pm and 12am (i.e. 45 minutes before close).

Q10. Do you agree with the proposal to include the above as sensitive premises/facilities?

Yes

Q11. Do you have any comments on Sensitive locations/facilities?

That urupā / public graveyards are added to the list of examples given under the definition of "Sensitive premises/facilities".

Q12. Do you agree with the proposal to include in the policy possible discretionary conditions that could be imposed on a licence by the District Licencing Committee?

Yes

Q13. Do you have any comments on Discretionary conditions?

That "implementation of a one-way door policy" is amended to "implementation and timing of a one-way door policy" and it is also applicable to Club Licenses.

Q14. Other feedback

not answered

Q15. Attach a supporting document

not answered

Q16. Presenting your submission

I do not wish to speak to my submission

Q17. Contact phone number

not answered



Respondent No: 4

Login: Anonymous

Email: n/a

Responded At: Apr 24, 2023 10:40:10 am

Last Seen: Apr 24, 2023 10:40:10 am

IP Address: n/a

- Q1. Name Lucy Waterreus
- Q2. Email [REDACTED]
- Q3. Organisation (if applicable) Clubs New Zealand Incorporated
- Q4. District (if applicable) not answered
- Q5. Please note: All the information you provide in your feedback form (including your personal details) will become public documents, unless you request for your personal details to be withheld. not answered
- Q6. Do you agree with the proposal that applications for new on or off licences must be for a premise located in a zone designed for business or commercial activity in the relevant District Plan unless granted resource consent? Yes
- Q7. Do you have any comments on the Location of new on or off licences?
not answered
- Q8. Do you agree with the proposed maximum trading hours for alcohol licences above? No
- Q9. Do you have any comments on Maximum trading hours?
Clubs New Zealand is supportive of aligning the maximum trading hours across the three districts; however, we are not supportive of the proposed maximum trading hours of 9am-12am. Clubs New Zealand proposes that maximum trading hours of 9am to 1am the following day is appropriate and recognises that The Committee may issue any licence subject to more restrictive trading hours. Based on the research report three of the six Clubs New Zealand's member clubs based within the districts have maximum trading hours of 9am – 1am, and one club has trading hours of 9am – 2am. These clubs will see a reduction in maximum trading hours despite being reputable and responsible licence holders. Many clubs rely on the hireage of their facilities for special occasions, events, sporting tournaments and more. These events allow clubs to remain competitive and attract new members and often these events will run past 12am. Clubs New Zealand is concerned that the reduction in maximum trading hours will only result in an increase in special licence applications when a more permanent solution of a small increase in the proposed maximum trading hours is more appropriate. In most cases the clubs will choose to close earlier than the maximum trading hours allow, factoring in patronage and staffing considerations, however, having the ability to operate until 1am will allow these clubs to offer the use of their facilities for events that benefit the club, its members and the wider community.
- Q10. Do you agree with the proposal to include the above as sensitive premises/facilities? Yes

Q11. Do you have any comments on Sensitive locations/facilities?

not answered

Q12. Do you agree with the proposal to include in the policy possible discretionary conditions that could be imposed on a licence by the District Licencing Committee? Yes

Q13. Do you have any comments on Discretionary conditions?

With regard to discretionary conditions, it is acknowledged that the Act allows for wide-ranging discretions as to the conditions that may be applied to a licence, however, we would like to see policies provide more guidance and direction on when these types of discretionary conditions may be imposed. Clubs New Zealand would expect these types of discretionary conditions would only be imposed if there is evidence to suggest the conditions are required or that they will substantially contribute to the purposes of the LAP and the Act. Clubs New Zealand has found that in other districts discretionary conditions are applied on a blanket basis and we do not believe that this approach is consistent with the intents of the Act.

Q14. Other feedback

not answered

Q15. Attach a supporting document

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/abcf70876db241fcc59831379706a156e638ea04/original/1682289553/2ef48adac8b9799cc2413feca36d978a_Clubs_New_Zealand_Submission_-_Eastern_Bay_of_Plenty_Draft_Local_Alcohol_Policy.pdf?1682289553

Q16. Presenting your submission

I do not wish to speak to my submission

Q17. Contact phone number

not answered



Respondent No: 5

Login: Anonymous

Email: n/a

Responded At: Apr 27, 2023 14:15:33 pm

Last Seen: Apr 27, 2023 14:15:33 pm

IP Address: n/a

- Q1. Name** Mem Jenner
- Q2. Email** [REDACTED]
- Q3. Organisation (if applicable)** not answered
- Q4. District (if applicable)** Whakatane
- Q5. Please note: All the information you provide in your feedback form (including your personal details) will become public documents, unless you request for your personal details to be withheld.** I would like my details to be withheld
- Q6. Do you agree with the proposal that applications for new on or off licences must be for a premise located in a zone designed for business or commercial activity in the relevant District Plan unless granted resource consent?** Yes
- Q7. Do you have any comments on the Location of new on or off licences?**
Proximity of the new licence in relation to other existing on and off licences. Density of all including existing and new on and off licences. - Kopeopeo is a prime example to be concerned if any new on or off licences are approved: There are 7 on and off licences operating in close proximity to each other. (less than a block apart) 23 King St - The Mill Liquorsave 23 King St - King St Super Liquor 32 King St - Kopeopeop Indian Restaurant & Bar 45 King St - Pak n Save 68 King St - Sunshine Coast Superette 110-112 King St - Super Liquor 9 James St - Kope Turf & Bar
- Q8. Do you agree with the proposed maximum trading hours for alcohol licences above?** No
- Q9. Do you have any comments on Maximum trading hours?**
Supermarkets should follow Off licence hours especially when you have them once again in close proximity.
- Q10. Do you agree with the proposal to include the above as sensitive premises/facilities?** Yes
- Q11. Do you have any comments on Sensitive locations/facilities?**
Consideration once again to proximity and density of other on and off licence premises are just as important to the above premises and facilities.
- Q12. Do you agree with the proposal to include in the policy possible discretionary conditions that could be imposed on a licence by the District Licensing Committee?** No

Q13. Do you have any comments on Discretionary conditions?

not answered

Q14. Other feedback

not answered

Q15. Attach a supporting document

not answered

Q16. Presenting your submission

I wish to speak to my submission *

Q17. Contact phone number





Respondent No: 6

LogIn: Anonymous

Email: n/a

Responded At: Apr 27, 2023 17:36:49 pm

Last Seen: Apr 27, 2023 17:36:49 pm

IP Address: n/a

- Q1. Name** Rhonda Webb
- Q2. Email** [REDACTED]
- Q3. Organisation (if applicable)** Plains Hotel and Quart House Bar
- Q4. District (if applicable)** Whakatane
- Q5. Please note: All the information you provide in your feedback form (including your personal details) will become public documents, unless you request for your personal details to be withheld.** I would like my details to be withheld
- Q6. Do you agree with the proposal that applications for new on or off licences must be for a premise located in a zone designed for business or commercial activity in the relevant District Plan unless granted resource consent?** Yes
- Q7. Do you have any comments on the Location of new on or off licences?**
We have enough Off Licences to service our current population. If local Council are wanting to grow tourism in our areas more On Licences should be encouraged.
- Q8. Do you agree with the proposed maximum trading hours for alcohol licences above?** No
- Q9. Do you have any comments on Maximum trading hours?**
Hours should be standardised across all Off Licences 8am to 11pm. Supermarkets should not receive any special treatment or business advantage. Also shift workers should be able to access alcohol at the end of their shifts similar to regular workers, so after a night shift or after a late afternoon shift. 10pm is too early for the lifestyle of many modern people. Also for people wanting to enjoy a night out 12am is also too early for the lifestyle of many modern people. Maximum trading hours don't have to be used every day but businesses should have the choice to cater to their customers based on their needs. Having some On Licences in town restricted to earlier closing has resulted in a downturn for other On Licences because there is limited choice for customers and they choose to leave our towns and drive an hour away to experience a more vibrant late night night life.
- Q10. Do you agree with the proposal to include the above as sensitive premises/facilities?** No
- Q11. Do you have any comments on Sensitive locations/facilities?**
Supermarkets should be included as sensitive locations as children from birth, people of faith, unwell people, people of all cultures regularly go into a supermarket and are faced with alcohol choices. If the intention is to protect people of all ages etc from alcohol then supermarkets must also be included as they are the most common place people come into contact with alcohol. Supermarkets regularly treat alcohol as a loss leader.

Q12. Do you agree with the proposal to include in the policy possible discretionary conditions that could be imposed on a licence by the District Licencing Committee? No

Q13. Do you have any comments on Discretionary conditions?

There is nothing in the draft that allows for consultation between the licensee and the committee. It is unfair that a committee could possibly impose conditions that may be detrimental to the business by adding unnecessary additional cost to a business that is already meeting the standards of Host Responsibility. The draft is too broad when it states "These may include but are not limited to conditions concerning...."

Q14. Other feedback

Council should commit to creating a regular forum for licensees, police, health officials and council staff to work together as a team that supports local business owners to provide a safe, enjoyable environment that encourages people to come to our towns and experience what we have to offer without being too restrictive. Tourists and holiday makers have expectations when making decisions on where they want to visit and want to enjoy a fun vibrant night life. Parents of young adults are surely happier with their young ones drinking in a supervised environment rather than at random parties. Allowing sales of single beer and RTD items reduces consumption rather than forcing customers to purchase more than they want. Bottles of wine are not on the restricted list, they are much larger and have a higher ABV than beer and RTDs some bottles of wine are only a few \$ more than a single RTD. Work on ways to enforce the rules and regulations currently in place to avoid overwhelming local businesses with unnecessary red tape.

Q15. Attach a supporting document not answered

Q16. Presenting your submission I wish to speak to my submission *

Q17. Contact phone number 



Respondent No: 7
Login: Anonymous
Email: n/a

Responded At: Apr 28, 2023 09:19:55 am
Last Seen: Apr 28, 2023 09:19:55 am
IP Address: n/a

- Q1. Name** David McCallion
- Q2. Email** [REDACTED]
- Q3. Organisation (if applicable)** Slims Bar
- Q4. District (if applicable)** not answered
- Q5. Please note: All the information you provide in your feedback form (including your personal details) will become public documents, unless you request for your personal details to be withheld.** not answered
- Q6. Do you agree with the proposal that applications for new on or off licences must be for a premise located in a zone designed for business or commercial activity in the relevant District Plan unless granted resource consent?** not answered
- Q7. Do you have any comments on the Location of new on or off licences?**
not answered
- Q8. Do you agree with the proposed maximum trading hours for alcohol licences above?** not answered
- Q9. Do you have any comments on Maximum trading hours?**
not answered
- Q10. Do you agree with the proposal to include the above as sensitive premises/facilities?** not answered
- Q11. Do you have any comments on Sensitive locations/facilities?**
not answered
- Q12. Do you agree with the proposal to include in the policy possible discretionary conditions that could be imposed on a licence by the District Licensing Committee?** not answered
- Q13. Do you have any comments on Discretionary conditions?**
not answered

Q14. Other feedback

not answered

Q15. Attach a supporting document

not answered

Q16. Presenting your submission

not answered

Q17. Contact phone number

not answered



Respondent No: 8

Login: Anonymous

Email: n/a

Responded At: Apr 28, 2023 09:33:18 am

Last Seen: Apr 28, 2023 09:33:18 am

IP Address: n/a

- Q1. Name** David McCallion
- Q2. Email** [REDACTED]
- Q3. Organisation (if applicable)** Slims Bar
- Q4. District (if applicable)** OPOTIKI
- Q5. Please note: All the information you provide in your feedback form (including your personal details) will become public documents, unless you request for your personal details to be withheld.** I would like my details to be withheld
- Q6. Do you agree with the proposal that applications for new on or off licences must be for a premise located in a zone designed for business or commercial activity in the relevant District Plan unless granted resource consent?** No
- Q7. Do you have any comments on the Location of new on or off licences?**
No comment
- Q8. Do you agree with the proposed maximum trading hours for alcohol licences above?** No
- Q9. Do you have any comments on Maximum trading hours?**
I did not agree with the proposed reduction of closing hours for On-License in our district. We have always maintained a safe, controlled and supervised premises. My staff and I ensure the compliance with the Sale & Supply of Liquor Act, we believe that a licensee should have the ability to make a decision when deciding whether to close early or not. We should have the choice operating in our exiting trading hours with are 9am - 1am closing.
- Q10. Do you agree with the proposal to include the above as sensitive premises/facilities?** No
- Q11. Do you have any comments on Sensitive locations/facilities?**
No comment
- Q12. Do you agree with the proposal to include in the policy possible discretionary conditions that could be imposed on a licence by the District Licencing Committee?** No

Q13. Do you have any comments on Discretionary conditions?

not answered

Q14. Other feedback

not answered

Q15. Attach a supporting document

not answered

Q16. Presenting your submission

I wish to speak to my submission *

Q17. Contact phone number





Respondent No: 9
Login: Anonymous
Email: n/a

Responded At: Apr 28, 2023 11:24:54 am
Last Seen: Apr 28, 2023 11:24:54 am
IP Address: n/a

- Q1. **Name** Melissa Renwick
- Q2. **Email** [REDACTED]
- Q3. **Organisation (if applicable)** Hospitality NZ
- Q4. **District (if applicable)** not answered
- Q5. **Please note: All the information you provide in your feedback form (including your personal details) will become public documents, unless you request for your personal details to be withheld.** not answered
- Q6. **Do you agree with the proposal that applications for new on or off licences must be for a premise located in a zone designed for business or commercial activity in the relevant District Plan unless granted resource consent?** Yes
- Q7. **Do you have any comments on the Location of new on or off licences?**
not answered
- Q8. **Do you agree with the proposed maximum trading hours for alcohol licences above?** No
- Q9. **Do you have any comments on Maximum trading hours?**
Please see attached submission paper.
- Q10. **Do you agree with the proposal to include the above as sensitive premises/facilities?** Yes
- Q11. **Do you have any comments on Sensitive locations/facilities?**
We believe that each site when in proximity to these additional sites/premises should be reviewed on a case-by-case basis with some degree of common sense applied as to whether the location is appropriate and not have a blanket rule.
- Q12. **Do you agree with the proposal to include in the policy possible discretionary conditions that could be imposed on a licence by the District Licencing Committee?** Yes
- Q13. **Do you have any comments on Discretionary conditions?**
not answered

Q14. Other feedback

not answered

Q15. Attach a supporting document

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/118626d0f5d05a2de1b655aa940b5d7017655ce4/original/1682636899/59ad11703fb4dcdffad014f44b9efeb1_HNZ_Eastern_Bays_Submission_-_LAP.pdf?1682636899

Q16. Presenting your submission

I wish to speak to my submission *

Q17. Contact phone number





Respondent No: 10
Login: Anonymous
Email: n/a

Responded At: Apr 28, 2023 12:24:41 pm
Last Seen: Apr 28, 2023 12:24:41 pm
IP Address: n/a

- Q1. Name** Rebecca Williams
- Q2. Email** [REDACTED]
- Q3. Organisation (if applicable)** Alcohol Healthwatch
- Q4. District (if applicable)** not answered
- Q5. Please note: All the information you provide in your feedback form (including your personal details) will become public documents, unless you request for your personal details to be withheld.** not answered
- Q6. Do you agree with the proposal that applications for new on or off licences must be for a premise located in a zone designed for business or commercial activity in the relevant District Plan unless granted resource consent?** Yes
- Q7. Do you have any comments on the Location of new on or off licences?**
Refer submission attached
- Q8. Do you agree with the proposed maximum trading hours for alcohol licences above?** not answered
- Q9. Do you have any comments on Maximum trading hours?**
Refer submission attached
- Q10. Do you agree with the proposal to include the above as sensitive premises/facilities?** not answered
- Q11. Do you have any comments on Sensitive locations/facilities?**
Refer submission attached
- Q12. Do you agree with the proposal to include in the policy possible discretionary conditions that could be imposed on a licence by the District Licencing Committee?** not answered
- Q13. Do you have any comments on Discretionary conditions?**
Refer submission attached

Q14. Other feedback

Refer submission attached

Q15. Attach a supporting document

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/994cad5c537d7574c517eb0067ae6727f809be07/original/1682641468/f07ed6ecb473caf0ac2309b2b4af576f_Alcohol_Health_watch_submission_on_Eastern_Bay_of_Plenty_LAP_28_April_2023.docx?1682641468

Q16. Presenting your submission

I wish to speak to my submission *

Q17. Contact phone number





Respondent No: 11
Login: Anonymous
Email: n/a

Responded At: Apr 28, 2023 14:03:51 pm
Last Seen: Apr 28, 2023 14:03:51 pm
IP Address: n/a

Q1. Name

[REDACTED]

Q2. Email

[REDACTED]

Q3. Organisation (if applicable)

[REDACTED]

Q4. District (if applicable)

not answered

Q5. Please note: All the information you provide in your feedback form (including your personal details) will become public documents, unless you request for your personal details to be withheld.

I would like my details to be withheld

Q6. Do you agree with the proposal that applications for new on or off licences must be for a premise located in a zone designed for business or commercial activity in the relevant District Plan unless granted resource consent?

not answered

Q7. Do you have any comments on the Location of new on or off licences?

In support of there being no more liquor licenses granted in the lower socioeconomic areas. 1. Reduce availability and accessibility 2. Limit tamariki/rangatahi and whanau exposure to liquor stores

Q8. Do you agree with the proposed maximum trading hours for alcohol licences above?

Yes

Q9. Do you have any comments on Maximum trading hours?

Agree with the proposed maximum trading hours, however to reduce and limit tamariki/rangatahi exposure to alcohol and foot traffic going in and out of local alcohol stores, off-license maximum trading hours should be recommended to be made from 10am to 9pm - with the support and push for off-licenses to also close from 3pm to 4pm as tamariki/rangatahi are headed home from school/kohanga during those times.

Q10. Do you agree with the proposal to include the above as sensitive premises/facilities?

Yes

Q11. Do you have any comments on Sensitive locations/facilities?

not answered

Q12. Do you agree with the proposal to include in the policy possible discretionary conditions that could be imposed on a licence by the District Licencing Committee?

Yes

Q13. Do you have any comments on Discretionary conditions?

not answered

Q14. Other feedback

1. Māori make up the majority of the population here in the small town of Tāneatua. There is a heavy presence of tamariki/rangatahi within the community and are exposed to the traffic that go in and out of the off-license liquor store that is located on the main road in Tāneatua. https://www.citypopulation.de/en/newzealand/northisland/bay_of_plenty/1259__taneatua/ 2. The off-license is located in a place where tamariki/rangatahi and whanau often visit. It is situated across the road from the Hauora, across from the playground, next door to Tūhoe Hauora's Te Tai Hub (Gym facility, music studio, clinic/consult rooms) and located 600m from Tāneatua School and 500m from Tāneatua Kōhanga Reo. Once again, to minimize possible risks and harm to tamariki/rangatahi and exposure to alcohol and foot traffic into the store, we ask that the liquor store be closed from 3pm to 4pm as tamariki/rangatahi are headed home from school/kohanga during those times. Matariki Public Holiday 3. Lastly, we encourage and are in full support of the prohibition of sales of alcohol during Matariki Public Holiday.

Q15. Attach a supporting document

not answered

Q16. Presenting your submission

I do not wish to speak to my submission

Q17. Contact phone number

not answered



Respondent No: 12
Login: Anonymous
Email: n/a

Responded At: Apr 28, 2023 15:57:59 pm
Last Seen: Apr 28, 2023 15:57:59 pm
IP Address: n/a

- Q1. Name** Grant Webb
- Q2. Email** [REDACTED]
- Q3. Organisation (if applicable)** The Quarthouse Bar Whakatane The Plains Hotel Edgecumbe
- Q4. District (if applicable)** Whakatane
- Q5. Please note: All the information you provide in your feedback form (including your personal details) will become public documents, unless you request for your personal details to be withheld.** I would like my details to be withheld
- Q6. Do you agree with the proposal that applications for new on or off licences must be for a premise located in a zone designed for business or commercial activity in the relevant District Plan unless granted resource consent?** Yes
- Q7. Do you have any comments on the Location of new on or off licences?**
if Supermarkets or 'Large Dairies' are selling alcohol they should be under the same rules.. the trading hours should be the same. If it is so important to separate the sale of alcohol from the public then start with the obvious.
- Q8. Do you agree with the proposed maximum trading hours for alcohol licences above?** No
- Q9. Do you have any comments on Maximum trading hours?**
We already operate at more restrictive hours than most of the country. This proposal now conveniently lumps three completely different areas together for no obvious benefit that might support the purpose of the act. Whakatane has aspirations to improve our Domestic and International Tourism profile. Potential profits and job opportunities are being wasted by our own self fulfilling perception of ourselves. It makes no sense to treat Whakatane and Kawerau and Opotiki in the same ways. It makes no sense to restrict any chance of offering a vibrant and exciting night life in Whakatane that might attract tourists by strangling the late night entertainment offer even more than the national default setting just to stay uniform with Kawerau. Can you imagine Queenstown or Taupo presenting this proposal? We have a young population who are already forced to find their late night gathering at unlicensed, unsupervised venues, or to travel to Tauranga for their fun. As a parent I would much prefer my children to have trained professionals serving them monitored drinks in a safe establishment, and not having to drive an hour away just to be in that environment. Removing the ability to choose to operate later or earlier due to the reasonable expectations or the behaviour of the crowd on the night greatly diminishes the on going ability to encourage people to drink in safer licensed establishments. Shutting all bars at a perceived early time together has in the past created a swill mentality, pressure will be on operators to negate a 12oclock swill and will likely further encourage late unsupervised drinking. Allow businesses to manage their operation professionally and punish those who are flouting the rules, we are not a bad town of unruly savages compared to the rest of NZ, why legislate us as if we are.

Q10. Do you agree with the proposal to include the above as sensitive premises/facilities? No

Q11. Do you have any comments on Sensitive locations/facilities?

All these 'sensitive' people are forced to walk through a strongly profitable budget priced bottlestore every time they go to their local supermarket to purchase groceries. If you believe selling alcohol in the view of children, people with addictions, people from Marae, people of faith, people who are mentally or physically unwell, needs to be stopped surely you would start at supermarkets and 'large dairies' where customers have no choice but enter or pass by the bottlestore. It must be difficult to argue that they are not one of the strongest influences because most New Zealanders have to enter their premises most weeks of their lives, our outlets all have restricted entry to protect many of these people, for the others it is a choice if they want to enter.

Q12. Do you agree with the proposal to include in the policy possible discretionary conditions that could be imposed on a licence by the District Licencing Committee? No

Q13. Do you have any comments on Discretionary conditions?

The introduction of more restrictions at the discretion of a committee who may have any number of preconceived impressions, biases, influences and prejudices (this proposal highlights some of these for example lumping all three councils plans together like this) with little consideration for the viability, trading history or long term goals of the businesses and area involved, and with little fairness when comparing Whakatane with wider New Zealand Hospitality LAPs does fill me with some dread.

Q14. Other feedback

If this committee truly wants to improve alcohol related issues in the three districts start by showing the respect to go to each area and address their needs as a stand alone region. Encourage drinkers to make the best decisions when drinking alcohol. We need them to prefer to drink at a much safer licensed premise with professionally licensed supervision. That won't happen if they are treated like they can't be trusted later than a 12am curfew. Support bars to attract people who want entertainment, companionship and just to have a beer with a mate, especially later at night. Take them from drinking at random parties, or leaving the bar to continue at some ones house, or travelling long distances to a 'better town', or just drinking alone at home around the kids. If Police, Council and Bar Operators could regularly meet to discuss issues, opportunities, how to do things better, manage problem individuals or groups, managing events or holiday crowds, and working together supporting positive initiatives and ideas, then we can work together to move past this negative perception we seem to have around Hospitality and our population, especially in Whakatane. I noticed a proposal around the sale of single bottles in bottlestores. Overwhelmingly the feedback is that customers manage their consumption and spend by purchasing less than a full box, crate or pack. If they go to a party or gathering with a full pack they tend to drink it all, if they have a full pack at home they are likely to drink it. It seems so contradictory to suggest we force people to purchase more than they want so they can drink in a less harmful way? Also Wine is by far our strongest % ready to drink product, can be purchased at a great value for spend (\$8 per 750ml bottle at supermarkets) and is sold mainly as less than a case. thank you for this opportunity to have a say.

Q15. Attach a supporting document not answered

Q16. Presenting your submission I wish to speak to my submission *

Q17. Contact phone number



SUBMISSION FORM
PUKĀ TĀPAETANGA

DRAFT EASTERN BAY OF PLENTY LOCAL ALCOHOL POLICY – 2023

We are reviewing the Eastern Bay of Plenty Local Alcohol Policy and want to hear your views on our proposals.

You can view the draft policy and supporting documents on each council's website.

YOUR DETAILS

FULL NAME: Brett T.G. Pacey

ORGANISATION: (if applicable)

PHONE:

EMAIL:

ORGANISATION: (if applicable)

Please note: All the information you provide in your feedback form (including your personal details) will become public documents, unless you request for your personal details to be withheld.

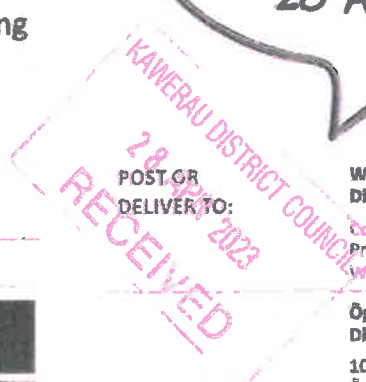
I would like my details to be withheld

PRESENTING YOUR SUBMISSION

Dates to be confirmed once consultation has closed. Each speaker is allocated 5 to 10 minutes, depending on the number of speakers. We will contact you to arrange a speaking time – please include your email and daytime phone number in your contact details.

I do not wish to speak to Council about my submission

I wish to speak to Council about my submission
Council will contact all submitters who wish to be heard and advise them of the confirmed date and time.



POST OR
DELIVER TO:

Whakatāne District Council
Commerce Street
Private Bag 1002
Whakatāne 3120

Murupara Service Centre
Pine Drive
Murupara

Ōpōtiki District Council
108 St John Street
Ōpōtiki 3122

Kawerau District Council
2 Ranfurly Court
Kawerau 3169

EMAIL SUBMISSIONS:

submissions@whakatane.govt.nz
info@odc.govt.nz
submissions@kaweraudc.govt.nz

SUBMIT ONLINE:

koreromaui.whakatane.govt.nz/local-alcohol-policy-2023

kaweraudc.govt.nz

N.B. No matter where you live in the Eastern Bay of Plenty you can use this link to submit online.

EMAIL ENQUIRIES:

submissions@whakatane.govt.nz
info@odc.govt.nz
submissions@kaweraudc.govt.nz

PHONE ENQUIRIES:

Whakatāne: (07) 306 0500
Ōpōtiki: (07) 315 9030
Kawerau: (07) 3069009

WEBSITES:

whakatane.govt.nz
odc.govt.nz
kaweraudc.govt.nz

The Local Alcohol Policy applies to the whole Eastern Bay of Plenty, please feel free to ask questions or provide your feedback at any of the locations listed below.