



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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REGULATORY COMMITTEE

Open Agenda

Meeting Date:	Tuesday 23 July 2019
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Time:	3pm
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Venue:	Council Chamber Hawke's Bay Regional Council 159 Dalton Street Napier
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Committee Members	Councillor Jeffery (In the Chair), Acting Mayor White, Councillors Boag, Brosnan, Dallimore, Hague, McGrath, Price, Tapine, Taylor, Wise and Wright
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Officer Responsible	Director City Strategy
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Administration	Governance Team
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ORDER OF BUSINESS

Apologies

Mayor Dalton

Conflicts of interest

Public forum

Nil

Announcements by the Acting Mayor

Announcements by the Chairperson

Announcements by the management

Confirmation of minutes

That the Minutes of the Regulatory Committee meeting held on Tuesday, 11 June 2019 be taken as a true and accurate record of the meeting.61

Agenda items

- 1 Adoption of the Draft Stormwater Bylaw 2019 for Public Consultation.....3
- 2 Delegation to Chief Executive to Approve Liquor Bans for Large Events20
- 3 Hastings District and Napier City Council's Joint Local Alcohol Policy (LAP)22
- 4 City Strategy Regulatory Activity Report - 4th Quarter53

Public Excluded

Nil

AGENDA ITEMS

1. ADOPTION OF THE DRAFT STORMWATER BYLAW 2019 FOR PUBLIC CONSULTATION

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	772829
<i>Reporting Officer/s & Unit:</i>	Cameron Burton, Manager Environmental Solutions Kim Anstey, Planner Policy/Analyst

1.1 Purpose of Report

To seek Council approval of the draft Napier City Council Stormwater Bylaw 2019, the accompanying Statement of Proposal and to authorise officers to commence the special consultative procedure for adopting the bylaw.

Officer's Recommendation

The Regulatory Committee:

- a. Confirm, in accordance with Section 155 of the Local Government Act 2002, that a Stormwater Bylaw is the most appropriate way of addressing the issues of:
 - i. Protection of the public stormwater system, and the land, structures, and infrastructure associated with that network from damage, misuse or loss.
 - ii. The ability to manage the development, maintenance and use of the public stormwater network, and the land, structures, and infrastructure associated with that network, and provide for the conditions on which connections to the public stormwater network may be made or maintained.
 - iii. Ensuring that discharges into the public stormwater network are appropriately managed, and do not damage the network or compromise the Council's ability to comply with any applicable network discharge consent and Council's water quality targets.
- b. Approve the review of the Draft Napier Stormwater Bylaw 2019 and the Statement of Proposal, and;
- c. Authorise Officers to proceed with public notification and the special consultative procedure as prescribed in the Local Government Act for adopting a bylaw.

Chairperson's Recommendation

That the Council resolve that the officer's recommendation be adopted.

1.2 Background Summary

Napier City Council first adopted a Stormwater Bylaw on 12 December 2012. At this time, Council determined under Section 155 of the Local Government Act (LGA) that a bylaw was the most appropriate way of addressing the issue of stormwater contamination and the issue of unlawful damage or alteration to our network. Council is required to confirm this determination at each bylaw review.

The bylaw is a key tool to assist Council in adhering to Stormwater Discharge Permit Conditions issued by the Hawke's Bay Regional Council. The current bylaw has given Council the ability to:

- Control the discharge of contaminants into the stormwater network
- Require the use of the network for the drainage of stormwater only
- Protect the network from damage or unauthorised alteration

The bylaw is due for its first review which has provided us with the opportunity to address some of the limitations with the current bylaw. Under Section 86 of the Local Government Act 2002, to amend, revoke, or replace a bylaw, a Territorial Authority is required to use the special consultative procedure as stipulated in Section 156.

1.3 Issues

The Environmental Solutions team have been administering the bylaw to assist with requiring 'at source' pollution control for industrial sites that have been deemed high risk under the bylaw. This work is essential for ensuring Council is able to comply with Stormwater Network discharge permit conditions. The team have determined the following limitations of the bylaw in its current form:

- a) There is no ability for Council to require non-high risk sites, with substandard operating procedures, to provide a Pollution Prevention Plan (a management plan demonstrating how contaminants will not enter the Council controlled stormwater network). It is sometimes bakeries and other seemingly innocuous activities (typically not defined as high risk sites) that are the worst offenders for discharging contaminants into the stormwater network. Council requires greater control to be able to manage these discharges from all sites, not just those deemed high risk.
- b) There is limited power to recover costs for pollution control work from sites whether they are considered high risk, or not. Currently, cost recovery is only possible from laboratory analysis of an event occurring from sites that are high risk that have a Pollution Prevention Plan. If high risk sites do not have a plan, or a site is deemed low risk, Council is unable to recover costs.
- c) The current bylaw primarily relates to the control of construction activities through reliance on the Code of Practice for Subdivision and Land Development and is therefore not currently capturing all possible risks to the network. The reviewed bylaw provides additional tools for managing construction activities, for example through the control of sustained excessive loads on the network, such as what may be experienced through earthworks.

The review of the bylaw has been undertaken with solutions to these issues at the forefront, and with particular emphasis on addressing HBRC concerns around the discharge of contaminants from NCC networks.

1.4 Significance and Engagement

Community engagement and feedback on the draft will be undertaken in accordance with the following sections of the LGA:

- a) Section 82 - Principles of Consultation;
- b) Section 82A - Information requirements for consultation required under this Act;
- c) Section 83 - Special Consultative Procedure.

In following these requirements, Council will identify those who will or may be affected by, or have an interest in, the decision. The following groups have been identified:

- All properties owners in Napier's Industrial zones
- Hawke's Bay Territorial Authorities (HBRC, HDC)
- Iwi Authorities, mana whenua groups
- Department of Conservation
- Forest and Bird
- Ahuriri Estuary Protection Society

The general public will be notified by the usual communication channels (dedicated website page, facebook alerts, news item, press release, public notice)

The approval of the draft bylaw and statement of proposal will trigger the beginning of the special consultative procedure. Below is a summary of the steps and estimated timeframes for this process:

Step	Timeframe
Prepare a statement of proposal which must include; a draft of the proposed bylaw, the reason for the proposal, and a report on any relevant determinations by the local authority. A copy of the Statement of Proposal is attached to this report.	Completed
Council adopts the statement of proposal and draft Stormwater Bylaw for consultation.	20 August 2019
The statement of proposal is publically notified, along with the method for submitting and the submission timeframe (being not less than one month).	September – October 2019
A public hearing takes place to hear any verbal submissions, Council deliberates and makes a final decision, with or without amendments to the Bylaw arising from submissions.	November 2019
Public notice of adopted bylaw.	December 2019

1.5 Implications

Financial

The legal fees incurred during the review, and the costs associated with consultation on the draft bylaw will be met through existing operational budgets.

Social & Policy

The review of the Stormwater Bylaw has provided an opportunity to strengthen our ability to manage pollution 'at source'. The reviewed bylaw will give us the mechanism to assist Council in:

- achieving Council's significant aspirations and visions toward environmental excellence;

- Support our efforts throughout the organisation to improve the Ahuriri Estuary in line with the Ahuriri Estuary and Coastal Edge Master Plan;
- Enable tighter controls on contaminants entering our stormwater network, the protection of the public stormwater system for damage and misuse, and provide for the conditions on which connections to the network can be made;
- Aligning with the community's desire to see better water quality outcomes from the stormwater and drainage water conveyed through our stormwater and urban waterways networks;
- Provides greater leverage to enable Council to meet resource consents held by Hawkes Bay Regional Council and Napier City Council, and the expectations of the soon to be notified TANK Plan change.

The status quo has not been effective in controlling the discharge of contaminants from the Council controlled stormwater network. The updates to the Stormwater Bylaw will be quite a significant change to those individuals and/or companies who have been historically complacent relaxed with the level of contaminants discharged in their stormwater in the past. The new bylaw will apply to all industrial users and override any existing use rights where contaminants are entering into the network.

Community engagement and feedback is required to ascertain the community's desire to achieve a balance between striving for the greater environmental good versus the inconvenience and cost to industries that will be required to treat pollution at source, before it enters our network and is discharged into a receiving environment.

Risk

The risks associated with this report include Council not adopting the draft bylaw for public consultation at this meeting. This could result in the legislative timeframes for this review not being met, and a revoke of our Stormwater Bylaw 2012.

1.6 Options

The options available to Council are as follows:

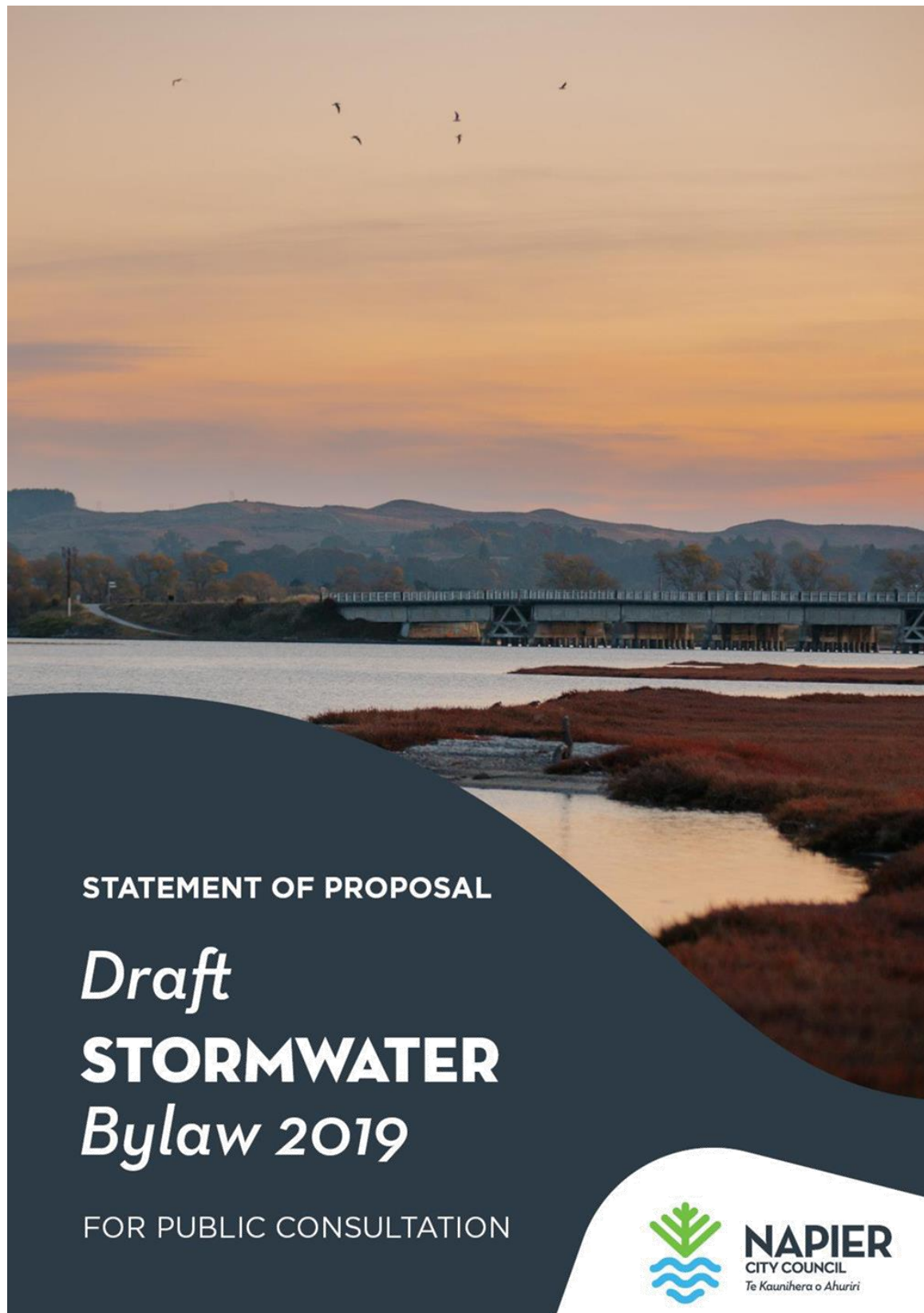
- a. Retain the current bylaw.
- b. Adopt the reviewed bylaw as the most effective way of dealing with the perceived problem, resolve to notify the draft reviewed bylaw for public consultation and feedback and authorise officers to proceed with public notification through the special consultative procedure prescribed in the Local Government Act 2002.

1.7 Development of Preferred Option

For the reasons outlined above, Officers recommend that Council supports options b. Retaining the current bylaw without review would mean we are not meeting our legal obligations under the Local Government Act and our environmental obligations under the Resource Management Act 1991.

1.8 Attachments

- A Statement of Proposal, including Draft Stormwater Bylaw 2019 [↓](#)



STATEMENT OF PROPOSAL

Draft
STORMWATER
Bylaw 2019

FOR PUBLIC CONSULTATION



Proposal

Napier City Council proposes to revoke its existing Stormwater Bylaw 2012 and adopt a new Stormwater Bylaw 2019.

This statement of proposal is prepared under Sections 83, 83AA and 86 of the Local Government Act 2002. This document contains:

- A summary of the information contained in the statement of proposal;
- A copy of the draft bylaw

Summary of Information

Napier City Council is proposing to change its approach to protecting and managing the stormwater network to ensure requirements are clear and enforceable. The Council wants to hear what ratepayers and stakeholders think of the revised approach.

The Bylaw has been revised to:

- Make it clear that certain activities that damage or pose a threat to the stormwater network are prohibited and will need to be managed through an approval with Council;
- require all new connections to the public stormwater network to have an approval from the Council;
- Require discharges of certain types of stormwater to the public stormwater network require an approval (even if there is already a connection in place);
- Clarify obligations in relation to private stormwater systems;
- Outline the process for obtaining an approval where one is required under the Bylaw, and the matters Council may take into account, and make the subject of conditions;
- Detail the implications of failing to comply with the conditions of an approval, or with the Bylaw itself.

Before making any final decisions on the proposed Bylaw, the Council wishes to hear from you. You can make a submission: [Insert Council info re submission process TBC]

Background Information

There is a rising awareness of the importance of water quality in New Zealand, and Napier City Council has a commitment to maintaining or improving water quality in the District. Discharges from the public stormwater network are regulated by discharge consents issued by Hawkes Bay Regional Council to Napier City Council. These consents contain a number of conditions aimed at protecting the receiving environment. Additional requirements are expected to arise over the next 10 years as a result of the introduction of the TANK Plan Change to the Hawkes Bay Regional Resource Management Plan, and the related implementation plan. In order to ensure its ability to meet its Resource Management Act obligations, Napier City

Council needs to know what is being discharged to the network, and to be able to appropriately manage and control discharges to the network.

The current Stormwater Bylaw goes a significant way to providing the Council with control over discharges to the public network. However, a review identified a number of gaps and ways the Bylaw could be clarified to ensure its requirements are clear and that the process for obtaining approval to discharge to the network is transparent.

Problems to be addressed by the Bylaw

There are three main issues that need to be addressed by the Stormwater Bylaw.

Protection of the Public Stormwater Network

The public stormwater network is susceptible to physical damage or obstruction, for instance as a result of building works which damage the network or from waste materials being disposed to the network or washed into the network in a storm event. It is important that the network be protected from such damage by having in place clear rules for working in close proximity to the network and the ability for Council to control any such work and enforce those rules if necessary.

Managing the use of the Public Stormwater Network

It is important that Council knows what is being discharged to its system, so it can ensure the network itself, or its ability to comply with regional consent or plan requirements is not compromised. The key times for Council involvement in stormwater management are when new connections are made to the stormwater network, or when the type of discharge to the network through an existing connection changes. There needs to be a clear system for Council to be fully informed about the type of connection and discharge, and appropriate mechanisms to ensure discharges do not contain contaminants or that might otherwise undermine the efficiency of the network.

Managing the use of Private Stormwater Systems

The proper functioning of the public stormwater network requires private stormwater systems, including any management devices for improving water quality, to be operated and maintained to ensure their design purpose is achieved, especially during storm events. Council reserves the right to monitor, inspect and request works be carried out by the owner, occupier or manager of private stormwater systems to ensure they do not cause a nuisance or adversely impact on the public stormwater network.

Options to address these Issues

1. Status Quo

The Stormwater Bylaw 2012 contains provisions protecting the stormwater network primarily in relation to construction activities, by reference to requirements of the Napier City Council

District Plan, and the associated Code of Practice for Subdivision and Land Development. The District Plan and the Code of Practice is currently subject to review. A key objective of this review is to tighten provisions relating to stormwater management. It is considered that the current approach of the bylaw that focuses on construction activities only, does not capture all possible risks to the stormwater network. A review of the bylaw, alongside a review of the District Plan and Code of Practice, provides an opportunity to align Council's main regulatory tools for managing stormwater.

2. Amend the Bylaw

The revised Bylaw aims to ensure the issues outlined above are comprehensively addressed in a clear way, such that readers know what they can and cannot do, whether they require an approval from Council, and if so, the process and matters that might be taken into account. While there is the option under the revised Bylaw to include controls in an external document such as a Code of Practice, it is made clear that any such document will need to go through a public process and be the subject of a Council resolution. This provides an appropriate balance between public input and flexibility to ensure accordance with best practice over the 10 year life of the Bylaw.

3. Public Education

An important part of stormwater management is public awareness and education, and Napier City Council is continuing its efforts to ensure site owners are aware of their obligations and best practice. Having a bylaw which clearly sets out obligations, prohibitions and means of obtaining approval to access the stormwater network will assist Council officers in ensuring site owners understand their role in achieving good water quality in the District.

4. Reliance on existing statutory powers

Legislation such as the Local Government Act 2002 and 1974 provide certain controls, such as that is an offence to connect a private drain to a public drain without the written authority of the Council. However some powers in legislation need to be 'activated' by inclusion in a bylaw, such as Local Government Act 2002, Section 163 which gives Council the power to remove or alter works in breach of a bylaw if authorised by the bylaw to do so. As a whole, revocation of the bylaw, and relying on legislative requirements and public education only, is not considered a viable option. It would not provide comprehensive and easily understood protection of the network or allow Council to manage discharges to the network to protect the environment and ensure compliance with its regulatory requirements. It is considered sufficient to rely on legislation in relation to enforcement which prescribes set processes, rather than to specify or restrict enforcement options under the Bylaw.

Preferred Option

Of the options above, Council considers a combination of options 2, 3 and 4 provide the most appropriate way to address issues around stormwater management in the District. This involves amending the Bylaw as outlined above, while relying on legislation for enforcing the

Bylaw. Council's approach to public education will be assisted by, and continue in parallel with administration of, the Bylaw.

Statutory Requirements

Under the Local Government Act 2002, Napier City Council must have determined that a bylaw is the most appropriate way of addressing the perceived problem. [Refer to date of Council resolution to this effect].

Council must then determine whether the proposed bylaw is the most appropriate form of bylaw, and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990. The Council has determined that the draft Bylaw is the most appropriate form of bylaw and is satisfied that no issues arise under the Bill of Rights. However, a final determination of these matters under the Local Government Act 2002, Section 155(2), will be made following the hearing of submissions, prior to adopting the final version of the Stormwater 2019 Bylaw.

The Council is using the special consultative procedure as amended by the Local Government act 2002, Section 86, in relation to the making of the Bylaw and revoking of the 2012 Bylaw. The process for making and hearing of submissions on the draft Bylaw is set out above.

Napier City Council Stormwater Bylaw 2019

Draft for Consultation

Title

1. This bylaw is the Stormwater Bylaw 2019.

Commencement

2. This bylaw comes into force on [TBC].

Purposes

3. The purposes of this bylaw are to:
 - a) Protect the public stormwater system, and the land, structures, and infrastructure associated with that network from damage, misuse or loss.
 - b) Manage the development, maintenance and use of the public stormwater network, and the land, structures, and infrastructure associated with that network, and provide for the conditions on which connections to the public stormwater network may be made or maintained.
 - c) Ensure that discharges into the public stormwater network are appropriately managed, and do not damage the network or compromise the Council's ability to comply with any applicable network discharge consent and Council's water quality targets.

Definitions

4. In this bylaw, unless the context otherwise requires;

Approval means a written approval issued by Council in accordance with the process set out in clauses 9 – 11 below, or an equivalent approval issued by Council prior to this bylaw commencing.

Contaminant has the same meaning as in the Resource Management Act 1991

Control means a prohibition, restriction or control relating to stormwater management specified in any guideline or Code of Practice confirmed by a Council resolution after giving consideration to the views and preferences of persons likely to be affected by, or have an interest in, the matter.

Council means the Napier City Council or any authorised officer.

Industrial or trade premises has the same meaning as in the Resource Management Act 1991.

Manager means a person who controls or manages any premises, or any activity or event on any premises, or operates a part of the stormwater network on the premises,

regardless of whether that person is the owner of those premises or that part of the stormwater network.

Nuisance has the same meaning as in section 29 of the Health Act 1956 and in the context of this bylaw includes:

- (a) danger to life;
- (b) danger to public health;
- (c) flooding of any building floor or sub-floor, or public road;
- (d) damage to property;
- (e) damage to the stormwater network;
- (f) erosion or subsidence of land;
- (g) adverse effects on the environment;
- (h) adverse loss of riparian vegetation;
- (i) anything that causes a breach or potential breach of any stormwater discharge consent condition binding the Council (including an accumulation of chemicals causing a breach).

Owner means the person who owns premises from which stormwater originates or on which stormwater is located.

Private Stormwater System means any component of the stormwater network that drains water from premises on private land to a receiving environment or up to the point of service connection with the public stormwater network and includes pipes, gutters, downpipes, catchpits, swales, subsoil drains, stormwater treatment devices, and any stormwater management device or redundant stormwater system.

Public Stormwater Network means any component of the stormwater network vested in, or under the control of, the Council, whether or not any part of the network passes through private land.

Redundant system means a system, structure or device that has been replaced by another system, structure or device and is no longer required as part of the stormwater network under any building consent or resource consent condition or engineering approval related to the site.

Regulated Stormwater means any stormwater which:

- (a) Contains contaminants;
- (b) Discharges from industrial or trade premises;
- (c) Is required by a Control to obtain an Approval.

Service connection has the same meaning as in the Local Government Act 2002.

Stormwater means surface water run-off resulting from rainfall.

Stormwater management device means a device or facility used to reduce stormwater runoff volume, flow and/or contaminant loads prior to discharge. Including, but not limited to:

- rain gardens
- porous paving
- infiltration trenches
- sand filters
- green roofs
- wetlands
- ponds
- rain water tanks
- propriety devices.

Stormwater network includes any land, structure or infrastructure associated with stormwater drainage, including but not limited to:

- (a) open drains and watercourses, overland flow paths, drainage reserves, inlet structures, pipes and other conduits, manholes, chambers, traps, outlet structures, pumping stations, attenuation and treatment structures, and devices;
- (b) the public stormwater network; and
- (c) private stormwater systems.

Environmental management plan means a plan, howsoever named, which relates to a specific site and/or activity being carried out on the site and addresses the specific stormwater management approach for that site and/or activity.

***Explanatory Note:** This definition encompasses 'pollution prevention plans', 'urban site specific stormwater management plans', 'operation and maintenance plans' and other documents meeting the purpose described in the definition.*

- 4.2 Unless the context requires another meaning, a term or expression that is defined in the Council's Introductory Bylaw 2014 and used but not defined in this bylaw has the meaning given by the Introductory Bylaw 2014.
- 4.3 Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw or the Introductory Bylaw 2014 has the meaning given by the Act.

Protection of Stormwater Network

5. No person shall:

- a) cause or allow to be caused, any damage to the stormwater network;
- b) allow any material, chemical (including chlorine and detergents), rubbish, litter, or other substance that causes or is likely to cause a nuisance, directly into the public stormwater network;

***Explanatory Note:** Without limiting the scope of this rule, but for the avoidance of doubt, swimming or spa pool water arising from emptying or backwashing may not*

be discharged into the stormwater network. Disposal of such water is to the wastewater network as provided for in the Wastewater Drainage Bylaw.

- c) deposit or permit any material, chemical (including chlorine and detergents), rubbish, litter, or other substance likely to cause a nuisance on entering the public stormwater network, to be located so that it is likely to enter the public stormwater network in any storm event;
 - d) obstruct any stormwater network, in a manner that adversely affects or may affect the efficiency and/or safety of the public stormwater network;
 - e) remove vegetation from or damage vegetation in any wetland on a premises that the person owns, occupies, or manages, if the removal or damage is likely to adversely affect the ability of the wetland to contribute to the performance of the stormwater network, unless the Council approves or that person is expressly authorised by an operative resource consent.
- 5.2 Every person excavating or working around the stormwater network must take due care to ensure the excavation or work does not damage and/or compromise the integrity of the stormwater network.
- 5.3 Any person who knows of damage to the stormwater network must report it to the Council immediately.

Approvals for works affecting Stormwater Network

- 6.1 A person must obtain an Approval before:
- a) Erecting any structure on, over, or within the distance from the public stormwater network specified in any relevant Control;
 - b) undertaking any excavation or work that is likely to result in damage to the public stormwater network;
 - c) removing any existing cover material or placing any additional material over the public stormwater network that is likely to result in damage to the public stormwater network;
 - d) covering any stormwater inlet, outlet, treatment device, service opening or manhole in a way that is likely to restrict access to the public stormwater network or detrimentally affect the performance of the public stormwater network; or
 - e) causing a temporarily or permanently sustained excessive load on the public stormwater network that is likely to result in damage to the network.

Connections to Public Stormwater Network

- 7.1 No person may, without an Approval:
- a) make any new service connection to the public stormwater network; or

- b) alter or modify any part of the public stormwater network or the hydraulic performance of the public stormwater network.

Discharges to Public Stormwater Network

- 8.1 No person may discharge, directly or indirectly, Regulated Stormwater, into the public stormwater network without an Approval.

Private Stormwater Systems

- 9.1 The owner, occupier and manager of a private stormwater system must ensure that the system:
- a) Complies with any relevant Control;
 - b) is maintained in good operating condition; and
 - c) does not cause or contribute to nuisance.
- 9.2 The owner, occupier, or manager of a premises that has a soakage system as part of a private stormwater system must ensure that the soakage system disposes of the stormwater from the site in accordance with any Control.
- 9.3 The owner, occupier or manager of a private stormwater management device must, on request by the Council:
- a) provide such information as is required to demonstrate that the stormwater management device is operated and maintained to achieve its purpose and not cause nuisance in a storm event; and
 - b) carry out such works as are required to ensure the stormwater management device meets its purpose.
- 9.4 The owner, occupier or manager of a private on-site stormwater management device must:
- a) keep a copy of the operations and maintenance manual (owner's manual) and as built drawings for the device available; and
 - b) produce that copy of the owner's manual and as built drawings upon request by the Council.
- 9.5 The owner of a redundant system must remove or de-commission a redundant system if required by the Council to do so and within the time specified by Council.
- 9.6 The owner of a redundant system that has been removed or de-commissioned must ensure that the premises on which the system is located or was previously located is restored to the satisfaction of the Council.

Applications for Approval

- 10.1 An application to obtain the approval of the Council under this bylaw must be:
- a) made in the prescribed form; and
 - b) accompanied by:
 - (i) payment of the application and processing fees; and
 - (ii) a proposed environmental management plan, if required by Council;
 - (iii) such further supporting information as the Council requires to process the application.
- 10.2 Having received and considered an application for approval, the Council may at its discretion:
- a) grant the application subject to such conditions as the Council considers fit; or
 - b) decline the application.

Consideration of application for Approval

- 11.1 When considering an application for Approval, and the conditions to which the Approval will be subject should the application be granted, the Council may take into account any of the following:
- a) Consistency with the purposes of the bylaw;
 - b) any known past operational or compliance issues which may affect, or may in the future affect, the performance of the stormwater network;
 - c) the characteristics, features, and nature of the infrastructure, premises, stormwater asset, device, private stormwater system, and public stormwater network;
 - d) consistency with any catchment management plan and/or integrated management plan for the catchment;
 - e) compliance with any relevant Control;
 - f) the extent to which the Approval will impact on Council's compliance with any network discharge consent;
 - g) any operational policy, guidance document, or management practice approved by the Council;
 - h) any potential cumulative harmful effect which may arise over time or in combination with other effects due to approvals granted by the Council in the affected sub-catchment;
 - i) the complexity of the issue and the cost required to suitably resolve it;

- j) whether any other approvals are held in relation to the activity requiring Approval, such as resource consents; and
- k) any other reasonable considerations the Council considers appropriate.

Conditions of Approval

12.1 The Council may make an Approval subject to conditions addressing the following matters:

- a) Implementation of, and ongoing compliance with, an environmental management plan which has been prepared to the satisfaction of Council;
- b) the location, design and specifications, of the work or activity;
- c) construction and maintenance requirements for the work or activity;
- d) the specific approved point(s) of service connection into which the stormwater must be discharged;
- e) the average and maximum volume of the discharge of stormwater, the average and maximum rate of the discharge of stormwater, and the duration of any maximum volume or rate of the discharge of stormwater;
- f) the provision of appropriate screens, filters, silt traps, or other partial or preliminary pre-treatment process, equipment, or storage facilities designed to regulate the quality, quantity, and rate of discharge or other characteristics of stormwater prior to the point of discharge to the public stormwater network;
- g) the frequency with which any equipment required by the approval must be maintained and cleaned;
- h) the design, location, and specification of, and any material alteration to, the private stormwater system;
- i) the provision of a bond or insurance in favour of the Council where failure to comply with the approval could result in damage to the public stormwater network or the Council being in breach of any statutory obligation;
- j) recording the presence of any on-site stormwater management device as an encumbrance on the certificate of title for the premise; and
- k) any other reasonable conditions the Council considers appropriate.

Maintenance and construction requirements

13.1 The owner, occupier or manager of a premises on which work occurs for which the Council has given Approval must comply with all conditions of the Approval.

- 13.2 The Council may inspect the work at suitable intervals and notify the owner, occupier or manager of a premises if maintenance must be carried out. Maintenance must be carried out within the advised timeframe and to the standard specified by the Council.
- 13.3 The costs associated with the inspection by the Council and maintenance required by the Council under this clause must be borne by the owner or manager of a premises, unless required otherwise by the Council.

Non-compliance with conditions of an Approval

- 14.1 Where a person does not comply with the terms and conditions of the Approval granted by the Council, including compliance with an environmental management plan for the site, without limiting Council's enforcement options, the Council may take one or more of the following steps:
- a) Issue a written warning to the person, which may be considered as evidence of a prior breach of a condition of the approval during any subsequent review of the Approval;
 - b) Review the Approval, which may result in:
 - i) amendment of the Approval; or
 - ii) suspension of the Approval; or
 - c) withdrawal of the Approval.

Enforcement

- 15.1 It is a breach of this bylaw to fail to comply with any requirement of this bylaw.
- 15.2 Owners, occupiers, and managers of premises on private land are jointly and individually responsible for compliance with this bylaw in respect of those premises.
- 15.3 The Council may require the owner, occupier or manager of a premises by written notice to remedy any breach of this bylaw.
- 15.4 The Council may, pursuant to section 163 of the Local Government Act 2002:
- a) remove or alter a work or thing that has been constructed in breach of this bylaw; and;
 - b) recover any costs of removal or alteration from the person who committed the breach.

2. DELEGATION TO CHIEF EXECUTIVE TO APPROVE LIQUOR BANS FOR LARGE EVENTS

Type of Report:	Legal and Operational
Legal Reference:	Local Government Act 2002
Document ID:	747876
Reporting Officer/s & Unit:	Rachael Horton, Manager Regulatory Solutions

2.1 Purpose of Report

The purpose of this report is to request delegated authority to be granted to the Chief Executive to allow for temporary liquor bans to be imposed during large events.

Officer's Recommendation

The Regulatory Committee:

- a. Approve the request to grant delegated authority to the Chief Executive to allow for temporary liquor bans to be imposed for large events.

Chairperson's Recommendation

That the Council resolve that the officer's recommendation be adopted.

2.2 Background Summary

Temporary liquor bans are used to help control alcohol related behaviour in areas surrounding large events, such as concerts and festivals. The ability to apply temporary liquor bans is provided in clause 4 of the Napier City Public Places Liquor Control Bylaw 2014 (the Bylaw):

"From time to time additional areas may be designated as a Specified Public Place for particular time periods, related to specified events or times of the year. Where additional areas are so designated, a minimum of 14 days public notice shall be given prior to the event or particular time of years, specifying the additional areas, and the period when the specification applies. Public notices shall also be affixed in or adjacent to the additional specified public place(s) at such times that the liquor control applies." [Extract]

Under the current bylaw, temporary liquor bans have not been delegated to the Chief Executive, yet the authority to waive a liquor ban or grant a licence to enable the possession and consumption of alcohol for special events has been delegated to the Chief Executive or his/her nominated officer.

The Chief Executive is seeking the delegated authority to impose temporary liquor bans to help manage anti-social behaviour in the areas surrounding large events, such as concerts and festivals.

Why is the delegation required?

Large scale events such as concerts and festivals often include the sale and supply of alcohol. The reason for applying for a temporary liquor ban is to ensure public safety by prohibiting event attendees from consuming alcohol in the surrounding areas when commuting to and from the event venue.

Large events require the application of a Special Liquor Licence to allow for the sale and supply of alcohol by the event organisers for the duration of the event. There is a legislative timeframe to apply for this licence, being 20 working days prior to the event taking place. This is generally the trigger for considering whether it is necessary to impose a temporary liquor ban for the areas surrounding the event.

Many applications for Special Liquor Licences are not received until right up to the 20 working day timeframe, which is insufficient time for Officers to submit a report to Council to seek approval for a temporary liquor ban.

Delegating this to the Chief Executive will ensure:

- timely processing of temporary liquor ban applications
- sufficient public notice is given as required under the bylaw
- legislative timeframes are kept for the processing of Special Liquor Licences

2.3 Issues

Some large events host over 10,000 guests with Police reporting alcohol-related behaviour on the streets and private properties around the event venue. This behaviour also includes littering of glass bottles and cardboard in and around the area.

Liquor bans are enforced by Police under sections 169 and 170 of the Local Government Act 2002. It is Police preference that a temporary liquor ban be put in place in the areas surrounding large events to allow for enforcement action where necessary.

2.4 Significance and Engagement

The Bylaw requires public notification of a temporary liquor ban at least 14 days before the event. Public notices are also required to be published in the newspaper and displayed at all major entry points to the designated Specified Public Place and.

2.5 Social & Policy

Temporary liquor bans align with the objectives of the recently adopted Joint Alcohol Strategy, particularly Objective 2: Foster safe and responsible events and environments.

Liquor bans reduce the level of anti-social behaviour and assist Police in ensuring a safe environment for patrons and residents in the surrounding streets.

2.6 Attachments

Nil

3. HASTINGS DISTRICT AND NAPIER CITY COUNCIL'S JOINT LOCAL ALCOHOL POLICY (LAP)

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Sale and Supply of Alcohol Act 2012
<i>Document ID:</i>	769251
<i>Reporting Officer/s & Unit:</i>	Rachael Horton, Manager Regulatory Solutions

3.1 Purpose of Report

The purpose of this report is to obtain a resolution from Council on setting a date at which the Hastings District and Napier City Council's Joint Local Alcohol Policy (LAP) comes into force.

Officer's Recommendation

The Regulatory Committee:

- a. Receive the report of the Manager, Regulatory Solutions titled "Hastings District and Napier City Council's Joint Local Alcohol Policy (LAP)".
- b. Resolve that in accordance with section 90 of the Sale and Supply of Alcohol Act 2012:
 - i. The Local Alcohol Policy is publicly notified
 - ii. The Local Alcohol Policy comes into force on 21 August 2019
 - iii. The Local Alcohol Policy hours provision in Section 5 of the Local Alcohol Policy comes into force on 21 November 2019.
- c. That a preliminary review be considered in three years after the policy becomes operative with a compulsory full review required within six years of the enforcement date.
- d. That a research working party of the key agencies is developed to start gathering evidence to support the full review of the policy in six years as required by the Sale and Supply of Alcohol Act 2012.

Chairperson's Recommendation

That the Council resolve that the officer's recommendation be adopted.

3.2 Background Summary

In late 2012 Hastings District Council and Napier City Council resolved to develop a joint LAP for Hastings and Napier. A draft LAP was developed as per the requirements of the Sale and Supply of Alcohol Act 2012 (the Act). **(LAP as Attachment A)**

The draft LAP became provisional in 2016 and was subsequently appealed as a result of the public notification process.

The appeals were resolved in 2019 and the PLAP was adopted by the Alcohol Regulatory and Licensing Authority (ARLA) on 12 June 2019.

A summary of the development process (**Attachment B**) and the ARLA decision (**Attachment C**) are appended to this report.

The status quo for licensing hours remains in place until the LAP comes into force.

3.3 Summary of LAP provisions

The LAP includes the following provisions:

<u>ON-LICENCE TYPE</u>	<u>MAXIMUM TRADING HOURS</u>
Taverns/bars/pubs/night-clubs	8.00am to 3.00am the following day Monday to Sunday One way door restriction: Mandatory at 2 am
Cafes/restaurants/wineries/winery restaurants	8.00am to 2.00am the following day Monday to Sunday
Entertainment Venues	Licensing hours are to be consistent with the nature and activities of the premise and in general shall range from: 8.00am to 2.00am the following day Monday to Sunday
<u>OFF LICENCE TYPE</u>	<u>MAXIMUM TRADING HOURS</u>
Supermarkets and Grocery Stores	7.00am to 10.00pm Monday to Sunday
All other off licenses	9.00am to 10.00pm Monday to Sunday
<u>CLUB LICENCE TYPE</u>	<u>MAXIMUM TRADING HOURS</u>
	8.00am to 1.00am the following day Monday to Sunday
<u>SPECIAL LICENCE PROVISIONS:</u>	
SSAA default conditions apply	
<u>LOCATION OF LICENSED PREMISES (DENSITY CONTROLS):</u>	
No further off-licenses are to be issued for any premises being a bottle store on land located within: Flaxmere - the Commercial Service or Suburban Commercial zone in Flaxmere, or any Precinct within the Flaxmere Village Centre Zone or Scheduled sites 1 and 2 within Flaxmere Camberley - the suburban commercial zone in Camberley Maraenui – the Reserve, Suburban Commercial and Residential Zone in Maraenui	
<u>DISCRETIONARY CONDITIONS</u>	
Various	

3.4 Significance and Engagement

A Special Consultative Procedure was completed as a part of the development of the joint LAP.

Extensive consultation with the NZ Police and Hawkes Bay District Health Board as required by the Act.

Additional evidence gathering was completed in 2018 to reassess the councils' policy position.

3.5 Future Reviews

Section 97 of the Act requires that a LAP must be reviewed no later than six years after it came into force. Recommendation C takes into account this requirement.

3.6 Concluding Comments

The LAP has been through thorough public consultation and has required a high level of evidence to support the provisions.

New evidence was examined in 2018 from both the District Health Board and the NZ Police to show that the councils did not have sufficient evidence to support stronger restrictions. This was then confirmed by legal advice from HDC legal counsel and external legal support from Katia Fraser of Meredith Connell.

In December 2018, it was five years since the regulations relating to the LAPs were implemented. 32 of the 33 LAPs around the country were appealed and in most cases the appeals resulted in lesser restrictions (longer trading hours) for premises.

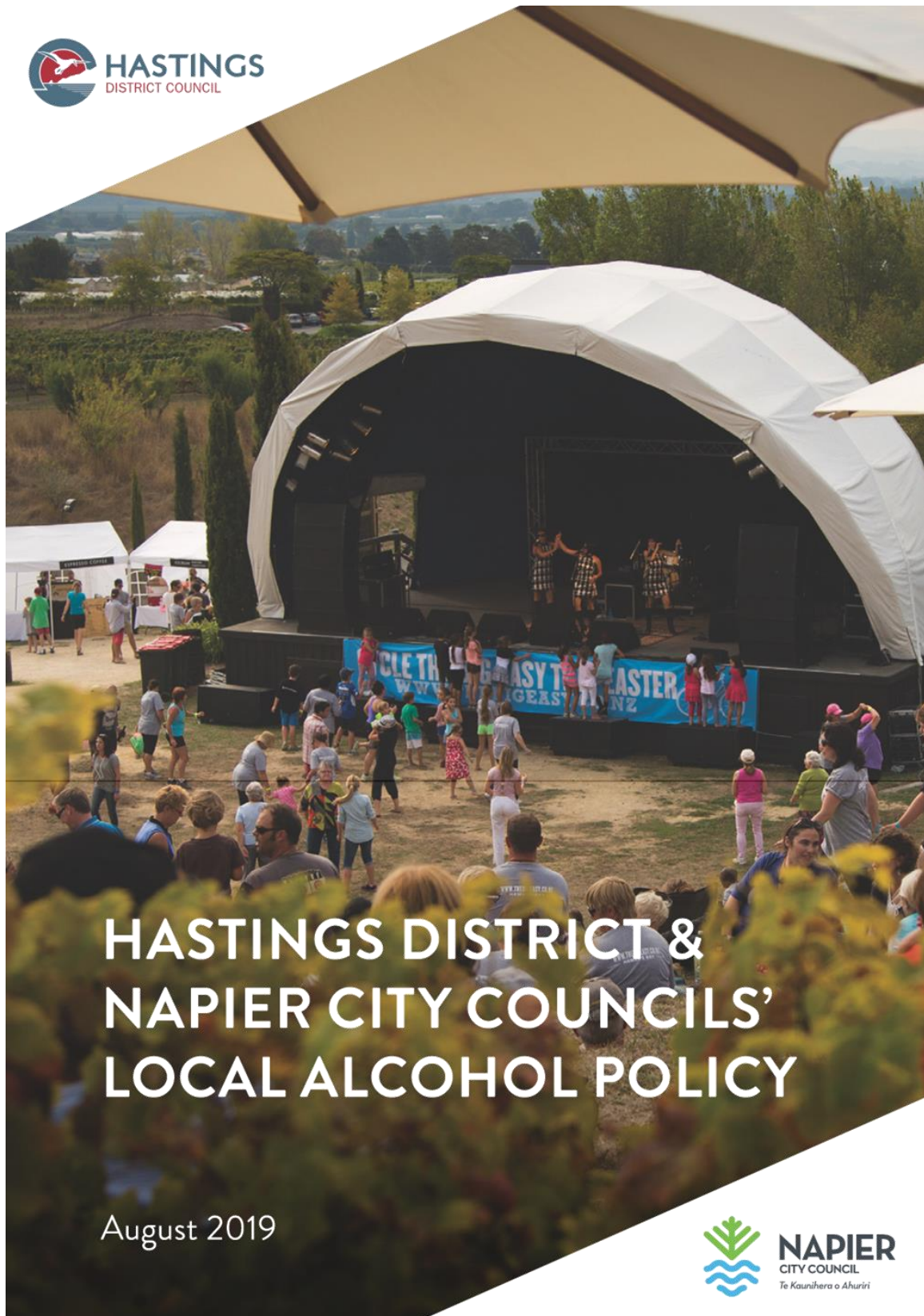
Each appeal process on average took two years one month and 28 days to settle, leaving the less restrictive national default provisions to be in force in the interim.

The Hastings District Council and the Napier City Council Joint LAP is one of the only LAPs around the country that has successfully gained a restriction on further licences being issued for bottle stores in a specific area.

In light of the evidence to support the LAP position, the adoption of the LAP is a positive outcome and the provisions under the joint LAP will further protect the community from alcohol related harm.

3.7 Attachments

- A Final Hastings and Napier Local Alcohol Policy [↓](#)
- B Summary of Development Process [↓](#)
- C Final Decision of ARLA [↓](#)



HASTINGS DISTRICT & NAPIER CITY COUNCILS' LOCAL ALCOHOL POLICY

August 2019



LOCAL ALCOHOL POLICY

CONTENTS

1. INTRODUCTION	4
2. LAP OUTCOMES.....	5
3. OBJECTIVES OF THE LAP	5
4. POLICY PRINCIPLES	5
5. HOURS	7
6. SPECIAL LICENCES	8
7. LOCATION OF LICENSED PREMISES	8
BOTTLE STORE RESTRICTION AREA MAP FLAXMERE	10
BOTTLE STORE RESTRICTION AREA MAP CAMBERLEY	11
BOTTLE STORE RESTRICTION AREA MAP MARAENUI	12
8. DISCRETIONARY CONDITIONS.....	13
DEFINITIONS.....	15
APPENDIX 1 – REASONS.....	18

LOCAL ALCOHOL POLICY

1. INTRODUCTION

The Sale and Supply of Alcohol Act 2012 (the Act) was enacted on 18 December 2012. The Act allows territorial authorities to develop a local alcohol policy (LAP) and it allows two or more territorial authorities to develop a joint LAP. This is the joint Local Alcohol Policy for the Hastings District and Napier City territorial areas. This policy applies to any licensing application made to a District Licensing Committee within Hastings District or Napier City.

Under the Act a Local Alcohol Policy is to consist of a set of decisions made by Council in consultation with the Police, Medical Officers of Health and licensing inspectors as well as the community about the sale and supply of alcohol. Once the LAP is in place, the Council's District Licensing Committee and the Alcohol Regulatory and Licensing Authority will have to consider the policy when they make decisions on licence applications.

THE LOCAL ALCOHOL POLICY:

- May restrict the default maximum trading hours set out in the Act.
- May impose conditions on groups of licences such as one-way door conditions whereby a patron is allowed to leave a premise after a certain time but not enter or re-enter after a certain time.
- May specify restrictions on the location of licensed premises in particular areas or near facilities of particular kinds.
- May specify whether further licences (or licences of a particular kind or kinds) should be issued for premises in a particular area.
- May recommend discretionary conditions.

2. LAP OUTCOMES

This Local Alcohol Policy will guide decisions on alcohol licence applications by the District Licensing Committee in the aim of:

- Creating a safe and healthy community free from alcohol related harm
- Fostering safe and responsible drinking environments
- Reflecting community views on the sale and supply of alcohol within the district.

3. OBJECTIVES OF THE LAP

The objectives of the Sale and Supply of Alcohol Act (2012) are that:

- The sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
- The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

Beyond the objectives stated in the Act, the objectives of Hastings District and Napier City Council's Local Alcohol Policy are:

- To support the purpose and intent of the Sale and Supply of Alcohol Act 2012.
- To identify what types of harm caused by the excessive or inappropriate consumption of alcohol the community is concerned about and address those harms to the extent appropriate.
- To provide a framework for the District Licensing Committee and Alcohol Regulatory and Licensing Authority to guide their decisions on alcohol licence applications.
- To promote transparency and provide clarity for the public and applicants about whether an application will meet the provisions of the LAP.
- To demonstrate leadership to achieve a safe drinking culture.
- Work collaboratively with community and agencies on initiatives to reduce alcohol related harm.

4. POLICY PRINCIPLES

- The use of the discretionary conditions will seek insofar as is possible to meet the principles of Crime Prevention through Environmental Design (CPTED) and the preservation of good order and amenity.
- A preliminary review of the policy shall be initiated three years after the policy becomes operative to determine whether a full review is required earlier than the six year review required under s 97 of the Sale and Supply of Alcohol Act 2012.



6 | HASTINGS DISTRICT & NAPIER CITY COUNCILS' LOCAL ALCOHOL POLICY

LOCAL ALCOHOL POLICY

5. HOURS

The following maximum trading hours apply to all licensed premises within the Hastings District and Napier City territorial areas.

5.1 ON-LICENCE HOUR

ON LICENSE TYPE	MAXIMUM TRADING HOURS
Taverns/bars/pubs/night-clubs	8.00am to 3.00am the following day Monday to Sunday One way door restriction: Mandatory at 2.00am
Cafes/restaurants/wineries/winery restaurants	8.00am to 2.00am the following day Monday to Sunday
Entertainment Venues	Licensing hours are to be consistent with the nature and activities of the premise and in general shall range from: 8.00am to 2.00am the following day Monday to Sunday

NOTE: The owner/operator of an on-licensed premise will be constrained by the hours defined by any resource consent or District Plan requirements. The above-stated hours do not imply any right to operate outside any requirements set under the Resource Management Act 1991.

5.2 OFF-LICENCE HOURS

OFF LICENSE TYPE	MAXIMUM TRADING HOURS
Grocery stores and supermarkets	7.00am to 10.00pm Monday to Sunday
All other off licenses	9.00am to 10.00pm Monday to Sunday

LOCAL ALCOHOL POLICY

5.3 CLUB LICENCE HOURS

CLUB LICENCE TYPE	MAXIMUM TRADING HOURS
	Licensing hours are to be consistent with the nature and activities of the club and in general shall range from: 8.00am to 1.00am the following day Monday to Sunday

6. SPECIAL LICENCES

Special Licences may be issued for the on-site or off-site consumption of alcohol for a special event or series of events. The Sale and Supply of Alcohol Act 2012 allows special licences to be issued for up to 12 months. Unlike other kinds of licences, special licences are not subject to the Act's default maximum trading hours so can apply up to 24 hours a day. Special licences are to allow the sale and supply of alcohol at events and are not intended to be a substitute for an "on", "off" or "club" licence.

Applications for special licences should be filed 20 working days prior to the intended event. This time period is specified by statute to allow sufficient time for reporting by the Police, Medical Officer of Health and Licensing Inspector. Applications submitted with less than 20 working days available to the District Licensing Committee may not be processed in time for the event and are submitted at the applicant's risk.

All applications must comply with the provisions of the District Plan. Conditions may be imposed on any special licence to mitigate the potential for noise or other environmental effects. Where an objection to an application is received the application will be referred for a formal hearing to the District Licensing Committee for a decision.

7. LOCATION OF LICENSED PREMISES

From the date this LAP comes into force, no further off-licences are to be issued for any premises being a bottle store on land located within:

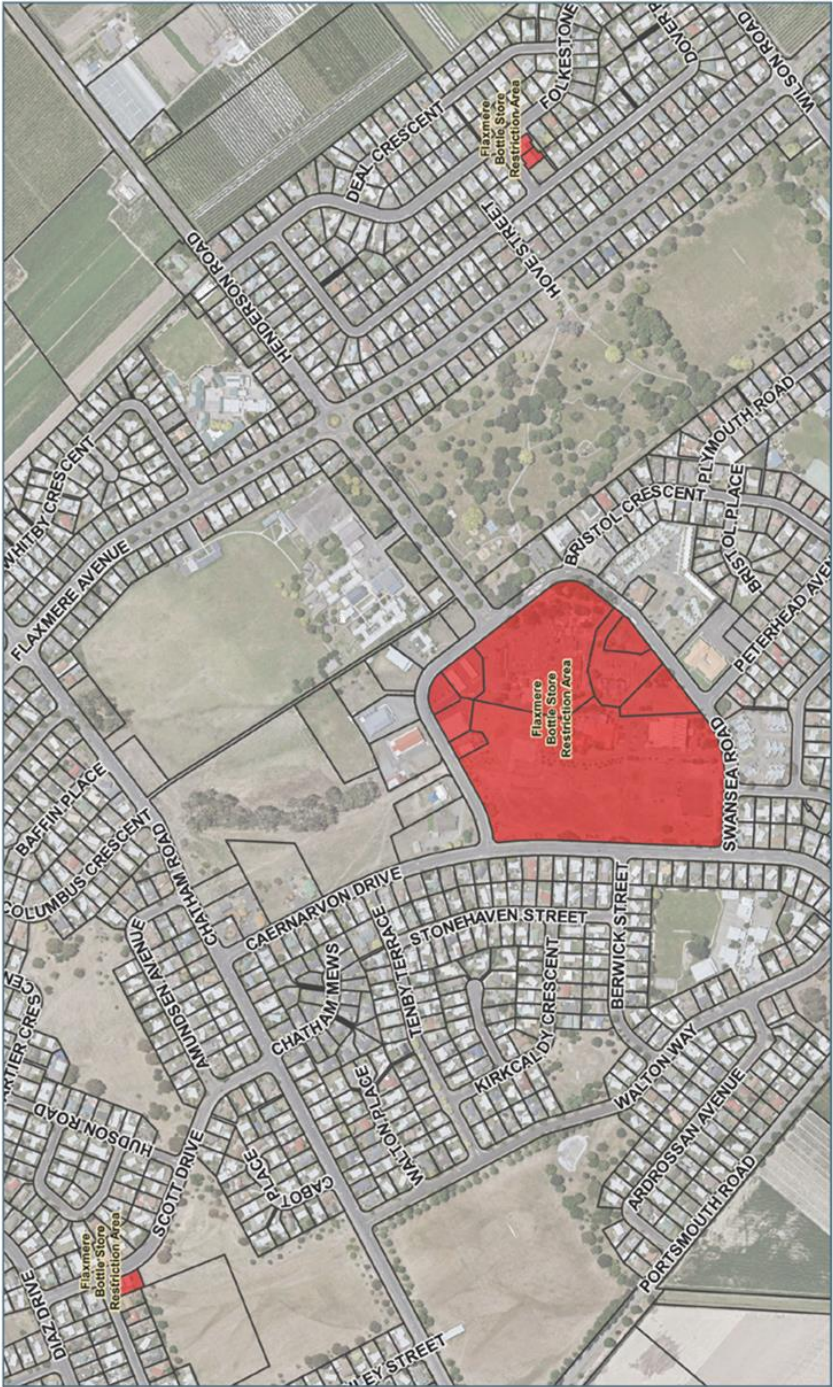
- Flaxmere - the Commercial Service or Suburban Commercial zone in Flaxmere, or any Precinct within the Flaxmere Village Centre Zone or Scheduled sites 1 and 2 within Flaxmere shown as identified in Map 1.
- Camberley - the suburban commercial zone in Camberley identified in Map 2.
- Maraenui – the Reserve, Suburban Commercial and Residential Zone in Maraenui identified in Map 3.

NOTE: In all areas not listed above the District Licensing Committee may grant an on, off or club licence for any premises located in any zone where the sale and supply of alcohol is a permitted activity under the relevant District Plan. Applications will not be considered in other areas unless resource consent has been granted.

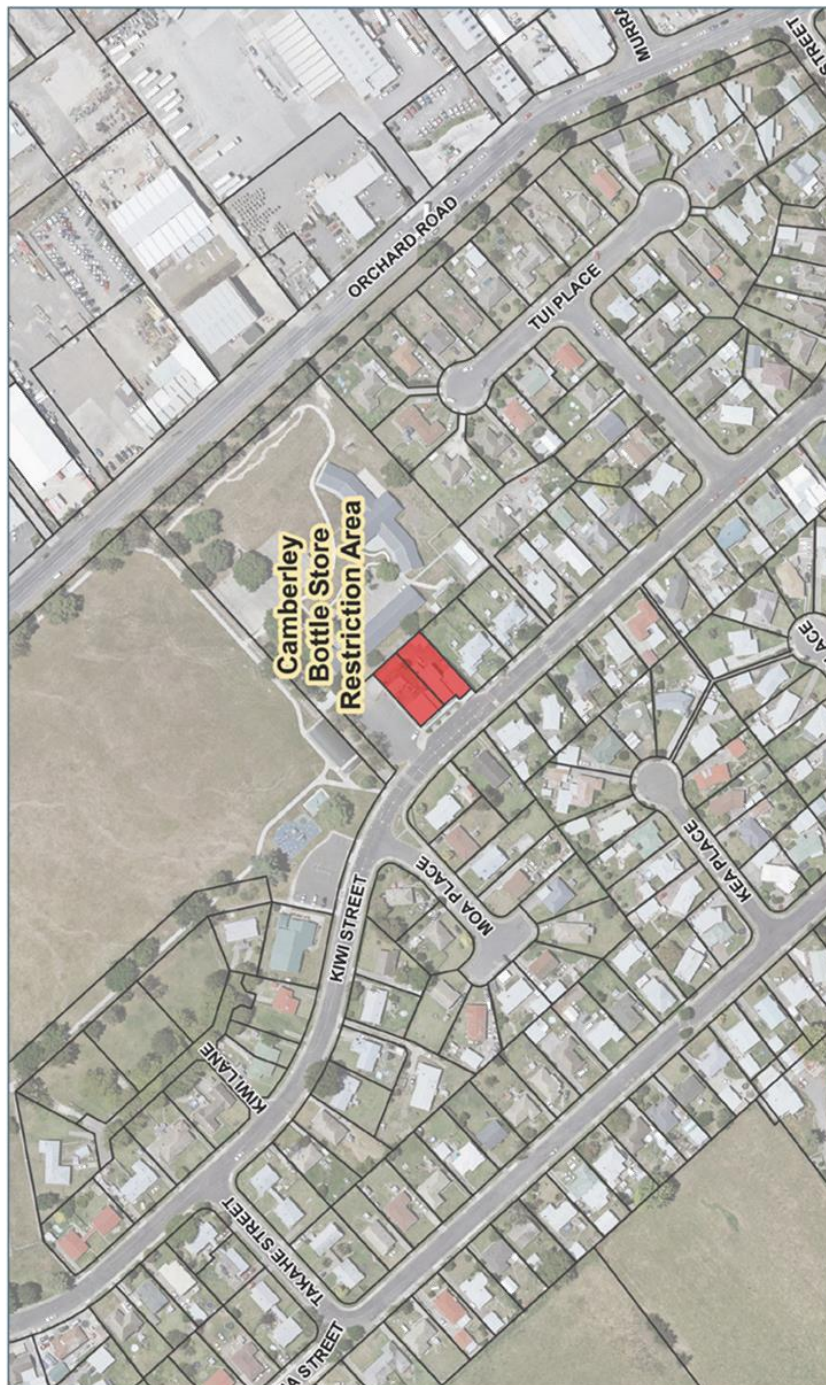


HASTINGS DISTRICT & NAPIER CITY COUNCILS' LOCAL ALCOHOL POLICY | 9

BOTTLE STORE RESTRICTION AREA MAP FLAXMERE

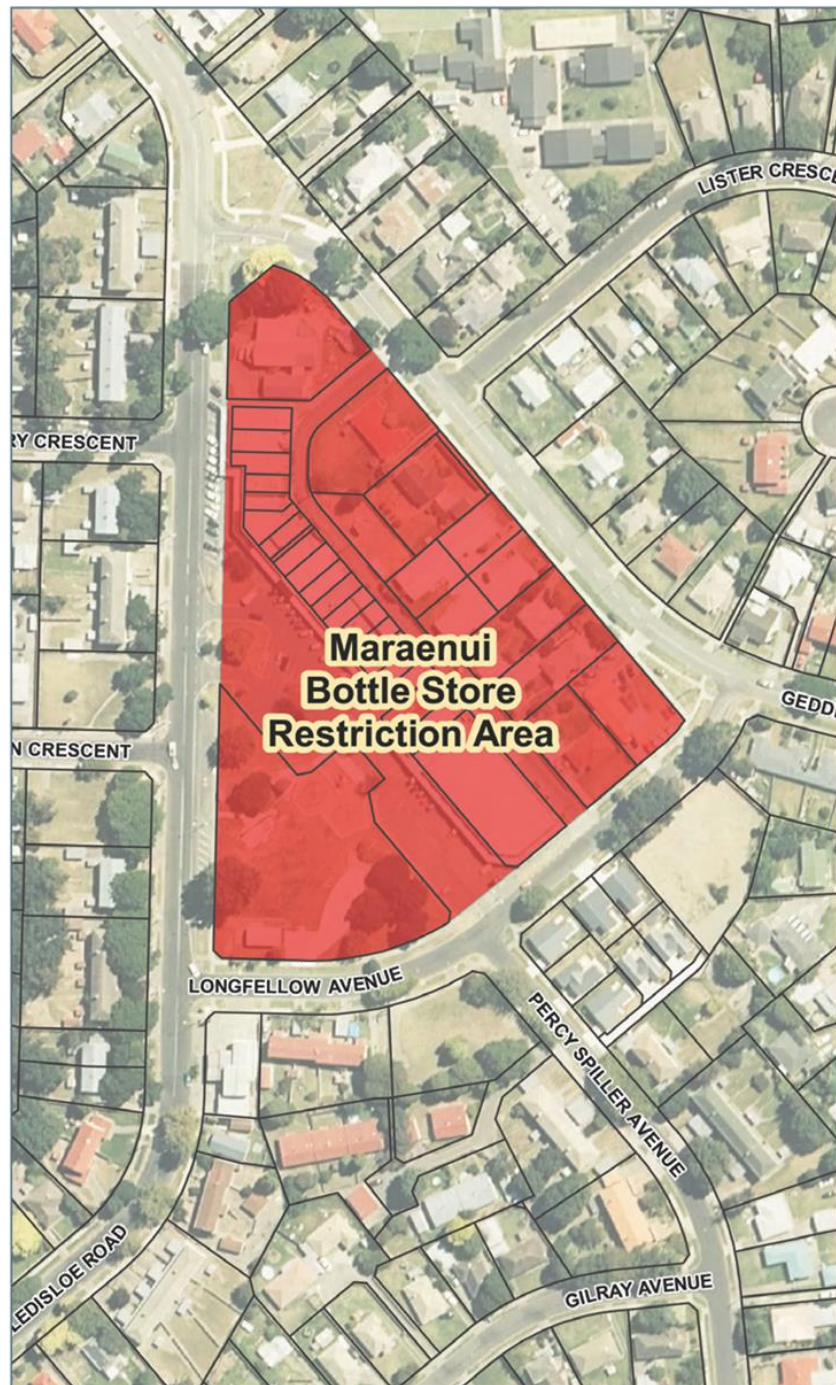


BOTTLE STORE RESTRICTION AREA MAP CAMBERLEY



HASTINGS DISTRICT & NAPIER CITY COUNCILS' LOCAL ALCOHOL POLICY | 11

BOTTLE STORE RESTRICTION AREA MAP MARAENUI



12 | HASTINGS DISTRICT & NAPIER CITY COUNCILS' LOCAL ALCOHOL POLICY

8. DISCRETIONARY CONDITIONS

Section 117 of the Act permits a District Licensing Committee to issue any licence subject to any reasonable conditions not inconsistent with the Act.

Discretionary conditions are in addition to the mandatory conditions specified within the Act. This provision allows the District Licensing Committee a wide ranging discretion as to conditions that may be applied to a licence. In order to provide some guidance to the District Licensing Committee and some certainty to applicants, the following conditions are a list of those which may be imposed by the District Licensing Committee where they are considered appropriate. In using its discretion to apply conditions, the District Licensing Committee will be guided by the following:

- **CONNECTION** – whether there is a connection between the problem to be addressed and the proposed activity
- **IMPACT** – whether in the opinion of the District Licensing Committee the proposed condition will contribute to making the drinking environment safer and minimise harm
- **REASONABLENESS** – whether it is within the capabilities of the applicant or licensee to satisfy this condition.

NOTE: While the District Licensing Committee has the discretion to add any condition(s) that it deems to be appropriate, it is anticipated that an applicant would have the opportunity to submit comments to the District Licensing Committee prior to the imposition of any condition that may have a financial or management impact on their business.

LOCAL ALCOHOL POLICY

The following are examples of conditions which may be applied to alcohol licences by the District Licensing Committee:

ON-LICENCES

- CCTV cameras (location and number)
- Provision of effective exterior lighting
- No serving in glass containers at specified times
- Number of door-staff and provision of additional security staff after specified times
- Management of patrons queuing to enter the licensed premise
- Limit on the number of drinks per customer at specified times
- No shots or types of drinks to be served after specified times
- Limit on drink sizes after specified times
- Conditions relating to management: such as certificated staff required if the maximum occupancy exceeds a prescribed number or if recommended by Police or the Inspector, requirement for multiple managers etc
- One way door restrictions
- Provision of transport for patrons
- Restriction on the use of outdoor areas after a specified time

CLUB LICENCES

- Conditions relating to management: such as certificated staff required at all clubs unless the bar is staffed voluntarily and membership is below a prescribed number.

OFF-LICENCES

- Display of safe drinking messages/material

SPECIAL LICENCES

- Restriction on the type of drinks sold, the alcohol percentage of the drinks and the type of containers the drinks are served in
- One way door restrictions

DEFINITIONS

Alcohol	means a substance— <ul style="list-style-type: none"> (a) that— <ul style="list-style-type: none"> (i) is or contains a fermented, distilled, or spirituous alcohol; and (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or (b) that— <ul style="list-style-type: none"> (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and (ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or (c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people (refer section 5(1) of the Act)
Alcohol related harm	<ul style="list-style-type: none"> (a) means the harm caused by the excessive or inappropriate consumption of alcohol; and (b) includes- <ul style="list-style-type: none"> (i) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and (ii) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in subparagraph (i) (refer section 5(1) of the Act)
Bottle store	means retail premises where at least 85% of the annual sale revenue is expected to be earned from the sale of alcohol for consumption somewhere else (refer section 31(1) of the Act)
Bar	in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol (refer section 5(1) of the Act)
Café	has the same meaning as restaurant in terms of the licence

LOCAL ALCOHOL POLICY

Club	means a body that- <ul style="list-style-type: none"> (a) Is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or (b) Is a body corporate whose object is not (or none of whose objects is) gain; or (c) Holds a permanent club charter (refer section 5(1) of the Act)
Club licences	where the licensee (e.g. a club) can sell and supply alcohol for consumption on the club premises by authorised customers (see section 21 of the Act);
Entertainment Venue	means premises used or intended to be used in the course of business principally for providing any performance or activity such as but not limited to theatre, cinema, bowling, pool/snooker/billiard hall, brothel, function centre, wedding venue, live entertainment venue, strip club.
Grocery Store	means a shop that has the characteristics normally associated with shops of the kind commonly thought of as grocery shops such as but not limited to annual sales revenue, product range; and comprises premises where a range of food products and other household items are sold; but the principal business carried on is or will be the sale of food products (refer section 33(1) of the Act). In most cases grocery stores will be less than 1,000 m ² in size
Hotel	means premises used or intended to be used in the course of business principally for providing to the public- <ul style="list-style-type: none"> (a) Lodging; and (b) Alcohol, meals, and refreshments for consumption on the premises (refer section 5(1) of the Act)
Night-club	has the same meaning as tavern in terms of the licence
On-licences	where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there (see section 14 of the Act);



Off-licences	where the licensee sells alcohol from a premise for consumption somewhere else (see section 17 of the Act);
Pub	has the same meaning as tavern in terms of the licence
Restaurant	means premises that- <ul style="list-style-type: none"> (a) Are not a conveyance; and (b) Are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises (refer section 5(1) of the Act)
Special licences	can be either on-site or off-site special licences. With an on-site special, the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it. With an off-site special, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it (see section 22 of the Act).
Supermarket	means premises commonly thought of as a supermarket with a floor area of at least 1000m ² , including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items.
Tavern	<ul style="list-style-type: none"> (a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but (b) does not include an airport bar (refer section 5(1)). (ie, an airport bar is not treated as a tavern for alcohol licensing purposes).
Winery	means an activity carried out on the same site as a vineyard involving wine making and cellar door sales (the retail sale of the wine produced on the site), and any related entertainment facilities including the serving of food and beverages (refer Hastings District Plan definitions section).

APPENDIX 1 – REASONS

Reasons for the key elements of the Local Alcohol Policy are provided as follows. The reasons outline the key considerations of the Local Alcohol Policy Joint Committee as a result of hearing and considering all of the submissions and the reporting officer's report, as well as the appeals to the Provisional Local Alcohol Policy.

CLAUSE	REASONS
ON-LICENCE HOURS The maximum trading hours for: Taverns/bars/pubs/night-clubs are 8.00am to 3.00am the following day Monday to Sunday with a mandatory one way door restriction at 2.00am	<p>The opening hours of 8am for all on-licence venues are consistent with the default opening hours set out under the Act.</p> <p>The closing hours are consistent with historical closing hours outlined under previous Hastings and Napier Sale of Alcohol Policies as being 7am-3am.</p> <p>The Committee does not have evidence that the on-licence hours for taverns/ bars/pubs/ night-clubs should be further restricted in the territorial authority areas of Napier and Hastings.</p> <p>The Committee considered that because of the range of controls that apply to on-licences and the number of conditions and measures that on-licences are bound by to ensure they are operated responsibly that a 3.00am closure is appropriate. The Police and Medical Officer of Health while supporting a 2.00am close also recognised that licenced premises are a good place to consume alcohol in a safe way.</p> <p>The Committee considered that a one-way door should be mandatory at 2.00am as it provides an extra tool in the management of potential alcohol harm by reducing the likelihood of the movement of patrons between venues.</p> <p>From the submissions made by the Police and some licence holders, the evidence supports the implementation of a mandatory one-way door policy. Evidence indicated previous voluntary local trials of a one-way door policy were successful.</p>



CLAUSE	REASONS
Cafes/restaurants/wineries/winery restaurants are 8.00am to 2.00am the following day Monday to Sunday.	<p>The Committee determined that there should not be a differentiation between trading hours for taverns/bars/pubs/night-clubs and cafes/restaurants/wineries and that by having the same licence hours provides for more effective monitoring and enforcement.</p> <p>The Committee recognises that these businesses are commercial enterprises and market demand dictates closing time, and that these venues generally close at 11pm and only on occasion would go through to 2.00am.</p>
Entertainment venues licensing hours are to be consistent with the nature and activities of the premise and in general shall range from 8.00am to 2.00am the following day Monday to Sunday.	The Committee recognises that the District Licensing Committee should have the ability to determine licence hours which are consistent with the nature and activity of the premises.

APPENDIX 1 – REASONS

CLAUSE	REASONS
OFF-LICENCE HOURS The maximum trading hours for: Wineries, hotels, bars, taverns and bottle stores are 9.00am to 10.00pm Monday to Sunday	<p>The Committee determined the opening hours of 9.00am will assist in reducing alcohol related harm given that many of these premises are located in suburban or local communities and are more easily accessible to residential areas.</p> <p>Stopping the sale of alcohol at 10.00pm will also assist in reducing the incidences of pre-loading, side-loading and the further purchases of alcohol by people who have already been drinking throughout the evening and will therefore contribute to reducing the potential for alcohol related harm.</p>
Grocery stores and supermarkets 7.00am to 10.00pm Monday to Sunday	<p>The main purpose of supermarkets and grocery stores is to sell food, with alcohol sales being secondary to that. Having a 7.00am opening hour provides for the convenience of supermarket and grocery shoppers carrying out their normal grocery purchases at that time.</p> <p>Stopping the sale of alcohol at 10.00pm will assist in reducing incidences of pre-loading, side loading and the further purchases of alcohol by people who had already been drinking throughout the evening, and will therefore contribute to reducing the potential for alcohol related harm.</p> <p>There is no differentiation between closing hours for off-licences, as all alcohol can result in alcohol related harm. At this point in time, there is not sufficient local evidence to support a difference in the closing hours of different off-licences.</p>

CLAUSE	REASONS
<p>CLUB LICENCE HOURS</p> <p>Licensing hours are to be consistent with the nature and activities of the club and in general shall range from 8.00am to 1.00am the following day Monday to Sunday.</p>	<p>The start time for Club Licences at 8am is consistent with the default starting time set out in the Act.</p> <p>The finishing hours are consistent with historical operating hours of clubs in the territorial authority areas of Napier and Hastings with no evidence of alcohol related harm associated with these hours to justify imposing more restrictive hours. Further, the District Licensing Committee will be able to set licence hours which are consistent with the nature and activities of the club.</p>
<p>SPECIAL LICENCES</p> <p>Special Licences may be issued for the on-site or off-site consumption of alcohol for a special event or series of events. The Sale and Supply of Alcohol Act 2012 allows special licences to be issued for up to 12 months. Unlike other kinds of licences, special licences are not subject to the Act's default maximum trading hours so can apply up to 24 hours a day. Special licences are to allow the sale and supply of alcohol at events and are not intended to be a substitute for an "on", "off" or "club" licence.</p> <p>Applications for special licences should be filed 20 working days prior to the intended event. This time period is specified by statute to allow sufficient time for reporting by the Police, Medical Officer of Health and licensing inspector. Applications submitted with less than 20 working days available to the District Licensing Committee may not be processed in time for the event and are submitted at the applicant's risk.</p> <p>All applications must comply with the provisions of the District Plan. Conditions may be imposed on any special licence to mitigate the potential for noise or other environmental effects. Where an objection to an application is received the application will be referred for a formal hearing to the District Licensing Agency for a decision.</p>	<p>No maximum trading hours for special licences are specified in this policy due to the uncertainty of types of events and when these may occur. Maximum trading hours for special licences are also not prescribed in the Act.</p> <p>The Committee considers that it is appropriate for the District Licensing Committee to consider each application on its own individual merits taking into account the statutory criteria that must be considered and that conditions may be imposed on a Special Licence to mitigate adverse effects.</p>

APPENDIX 1 – REASONS

CLAUSE	REASONS
<p>LOCATION OF LICENSED PREMISES</p> <p>From the date this LAP comes into force, no further off-licences are to be issued for any premises being a bottle store on land located within:</p> <ul style="list-style-type: none"> • FLAXMERE - the Commercial Service or Suburban Commercial zone in Flaxmere, or any Precinct within the Flaxmere Village Centre Zone or Scheduled sites 1 and 2 within Flaxmere shown as identified in Map 1. • CAMBERLEY - the suburban commercial zone in Camberley identified in Map 2. • MARAENUI - the Reserve, Suburban Commercial and Residential Zone in Maraenui identified in Map 3. <p>NOTE: In all areas not listed above the District Licensing Committee may grant an on, off or club licence for any premises located in any zone where the sale and supply of alcohol is a permitted activity under the relevant District Plan. Applications will not be considered in other areas unless resource consent has been granted.</p>	<p>The Committee determined that there was sufficient local evidence to justify the implementation of location restrictions.</p> <p>A number of submissions were in support of location restrictions for Flaxmere and Camberley and submissions from the Police and Medical Officer of Health also requested that there also be bottle store restrictions put in place in Maraenui.</p> <p>That Maraenui has similar demographic and social problems as Flaxmere and Camberley and the Committee considered that it was therefore appropriate for a 'no further bottle store restriction' to be applied to Maraenui.</p> <p>Evidence from the Medical Officer of Health also showed that the Hastings Regional Hospital Emergency Department alcohol-related injury presentations are more likely to occur in private residences than licensed premises and that young people particularly those from high deprivation areas are more at risk of presenting with alcohol-related injuries than those from less deprived areas.</p> <p>The Committee did not consider further restrictions in relation to proximity to premises or facilities of a particular kind or kinds were warranted as it considers the District Licensing Committee to be in the best position to consider this on a case by case basis with the criteria relating to amenity and good order contained in the Act.</p>
<p>DISCRETIONARY CONDITIONS</p>	<p>The Committee notes that by their nature, discretionary conditions may or may not be applied by the District Licensing Committee and that the intention of this element of the policy is to draw attention to the types of conditions that the District Licensing Committee could consider. Outlining such conditions in the policy also provides some guidance to applicants regarding the nature and scope of potential discretionary conditions.</p>



Hastings and Napier LAP development process summary

DATE	DESCRIPTION
June – August 2013	Research Paper Completed - in coordination with NZ Police and The Hawkes Bay District Health Board / Draft Issues and Options paper developed / Joint Draft LAP developed based on evidence
September 2013	Special Consultative Procedure: NCC resolved at their meeting on 18 September 2013 and HDC at their meeting on 19 September 2013, that the Statement of Proposal and its attachments be adopted for the special consultative procedure in accordance with Section 83 of the Local Government Act 2002.
December 2013	A Joint Committee consisting of an Independent Commissioner and Councillors from the Hastings District Council and Napier City Councils was established to hear submitters. A Terms of Reference was developed between the two councils. Joint Committee Members: Rob Lutter –Napier City Council Faye White - Napier City Council John Cocking - Napier City Council Bowers - Hastings District Council Lester - Hastings District Council Watkins - Hastings District Council Independent Commissioner: Bill Wasley
February – April 2014	Hearing of submissions on the Draft Local Alcohol Policy by Joint committee. Reported to Joint Committee on 13 May 2014 on submissions and recommendations. Committee resolved to defer consideration of draft LAP until appeals on other NZ Territory Authorities (TA's) were resolved.
Feb 2016	Report back to Joint Committee with updates on other TA's Appeals. Joint committee decision to the Hastings District and Napier City Councils that they adopt the Draft Local Alcohol Policy.
28 April 2016	Hastings District Council Committee of the whole decision at the meeting 28 April 2016, to adopt the Draft LAP , the LAP becomes provisional.
August – September 2016	Three appeals received regarding off licence trading hours under The SSAA 2012 Section 205. <ul style="list-style-type: none"> • Foodstuffs North Island Ltd • Progressives Enterprises Ltd • Super Liquor
September 2017	Alcohol Regulatory and Licensing Authority (ARLA) notified Hastings District Council and Napier City Council of appeals and approximate appeal dates: June 2018.
November – December 2017	Council officer meetings regarding appeals and appeal process. Legal Opinion re Appeals process and likelihood of success at appeals. Formal Negotiations with appellants began as recommended by legal.

January 2018 – December 2018	Additional research and evidence gathered to support negotiations with appellants. Continued negotiations with appellants
4 March 2019	ARLA approved negotiated settlement agreement and sent Consent Order
22 March 2019	Final Appeal Process Started for Element 5.2 (off licence hours only) The Councils gave final notice to certain original submitters advising them of the proposed negotiated changes providing a final chance to lodge an appeal with ARLA. Final Appeal period ended 30 April 2019.
May / June 2019	Final policy document was resubmitted to ARLA with the amended Element 5.2 (off licence hours). ARLA is satisfied that “Element 5.2 has been amended and is not unreasonable in light of the object of the Act based on the evidence provided. Therefore in accordance with s 87 (3) of the Act the resubmitted LAP is now approved and adopted.” [2019] NZARLA 96-97 Councils are now required to state an enforcement date by resolution.

[2019] NZARLA 96-97

UNDER the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of appeals pursuant to section 81 of the Act

BETWEEN WOOLWORTHS NEW ZEALAND LIMITED and FOODSTUFFS NORTH ISLAND LIMITED
Appellants

AND HASTINGS DISTRICT COUNCIL and NAPIER CITY COUNCIL
Respondents

AND SUPER LIQUOR HOLDINGS LIMITED and MEDICAL OFFICER OF HEALTH
Section 205 Parties

BEFORE THE ALCOHOL REGULATORY AND LICENSING AUTHORITY

Chairperson: District Court Judge K D Kelly
Members: Ms J D Moorhead

**FINAL DECISION OF THE AUTHORITY
(ON THE PAPERS)**

[1] Following a hearing at Hastings on 4 March 2019, and by way of a consent order dated 5 March 2019, the Authority asked the respondents to reconsider element 5.2 of their Provisional Local Alcohol Policy (PLAP) (along with any part of the off-licence section of Appendix 1 as a consequence of its reconsideration of that element).

[2] By way of a joint memorandum dated 27 May 2019 the respondents have advised that they have reconsidered element 5.2 and all parties have confirmed that they are in agreement with the resubmitted element of the PLAP.

[3] The respondent now resubmits the amended PLAP to the Authority for approval pursuant to s 84(1)(b) of the Act.

[4] The Authority is satisfied that in accordance with the Authority's Practice Note dated 19 March 2015 the respondents have informed all those who made submissions on the original element in its draft PLAP:

- (a) of the terms of the proposed element; and
- (b) of their rights under s 205(2)(d) of the Act.



2

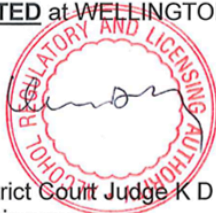
[5] No persons have entered an appearance opposing the proposed element either in terms of s 205(2)(d) or (e) of the Act.

[6] On that basis, and in accordance with its Practice Note dated 19 March 2015 and s 86(2) of the Act, the Authority has considered the proposed element without a public hearing.

[7] The Authority is satisfied that element 5.2 that the Authority asked the respondent to reconsider in its consent order dated 5 March 2019, has been replaced by an amended element that is not unreasonable in light of the object of the Act.

[8] Therefore, in accordance with s 87(3) of the Act the resubmitted PLAP is now adopted.

DATED at WELLINGTON this 12th day of June 2019



District Court Judge K D Kelly
Chairperson
Alcohol Regulatory and Licensing Authority

4. CITY STRATEGY REGULATORY ACTIVITY REPORT - 4TH QUARTER

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	773730
<i>Reporting Officer/s & Unit:</i>	Rachael Horton, Manager Regulatory Solutions

4.1 Purpose of Report

To provide an information update on the regulatory activity in the city in each quarter. The report attached covers the fourth quarter from 1 April until 30 June 2019.

Officer's Recommendation

The Regulatory Committee:

- a. Receive the Quarterly City Strategy Regulatory Activity Report for the period 1 April 2019 to 30 June 2019.

Chairperson's Recommendation

That the Council resolve that the officer's recommendation be adopted.

4.2 Background Summary

The City Strategy Regulatory activity report provides a planning and regulatory activity overview for information purposes. The report covers activity in building control, resource consents, environmental health, animal control, noise, parking and liquor licensing.

4.3 Issues

Quarterly City Strategy Regulatory Activity Report for the period 1 April 2019 to 30 June 2019 is provided as **Attachment A**.

Highlights over the period include:

- Over \$39 million dollars' worth of building consents issued.
- Building consents issued for 49 new dwellings.
- 49 special liquor licenses received.
- 72 Land Information Memorandums issued.
- 3,091 property files were viewed.
- 1,419 dogs were registered.

4.4 Significance and Engagement

There are no matters that need consideration under the Significance and Engagement Policy in this report, and no other engagement is required.

4.5 Options

The options available to Council are as follows:

- a. To receive the Quarterly City Strategy Regulatory Activity Report for April to June 2019 for information purposes.

4.6 Attachments

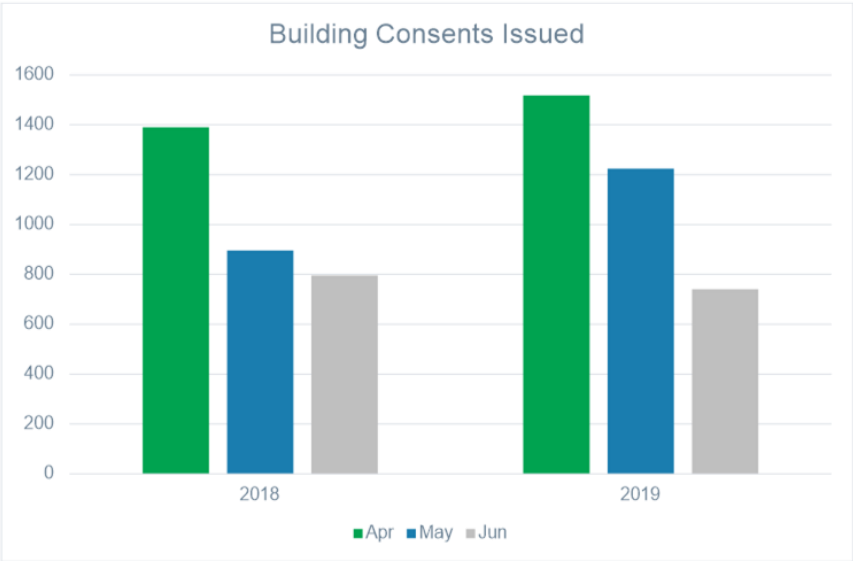
- A City Strategy Regulatory Activity Report - April - June 2019 [↓](#)



Quarterly City Strategy Regulatory Activity Report
1 April 2019 – 30 June 2019

Building Consents

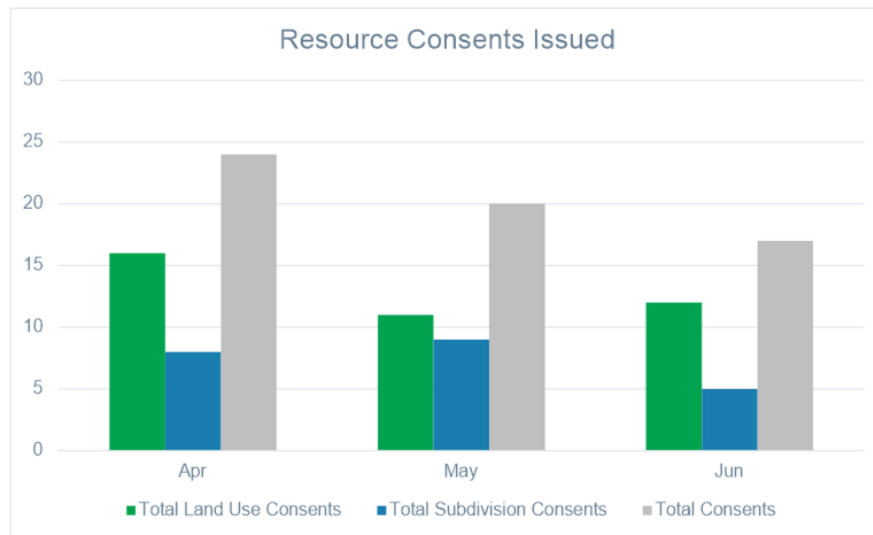
Building consents activity for the quarter saw a total of 365 building consents issued with a total estimated value of \$39,554,133 which also included 49 new dwelling. The figure below shows a steady trend with the previous year.





Resource Consents

This quarter saw a total of 61 Resource Consents (22 subdivision & 39 land use) approved, with 100% of these applications being processed within statutory time frames.



Food Act 2014

A total of 96 audits were completed during April to June 2019. All businesses in the area have now been transitioned to the new legislation and we are now moving into a business-as-usual phase as we continue to support businesses to comply.

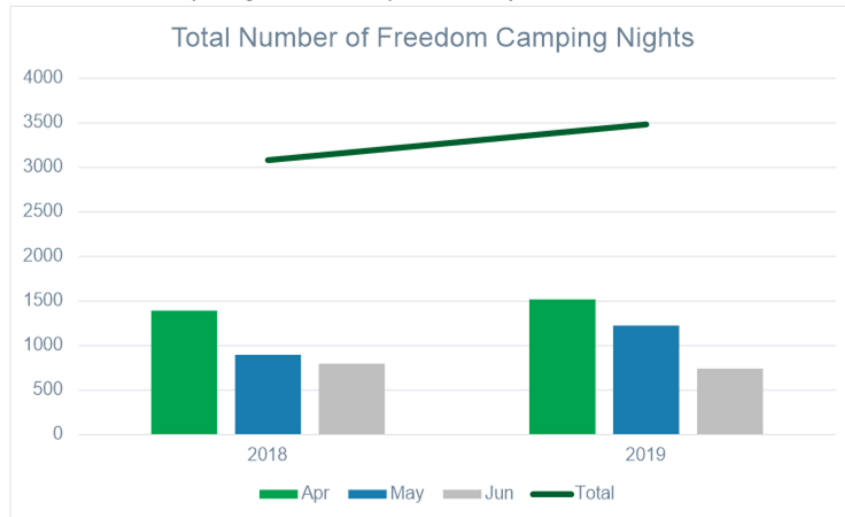
Requests for Service Environmental Health

246 service requests were received for Environmental Health related activities for the quarter. Of these service requests, 25 requests were for bylaw related requests and 10 were for animal nuisance related requests.



Freedom Camping

For the quarter there have been a total of 3,482 freedom camping nights, which is a significant increase of 1,852 nights in comparison to the same quarter in 2018. The average number of vehicles per night was 51 in April, 40 in May and 25 in June.



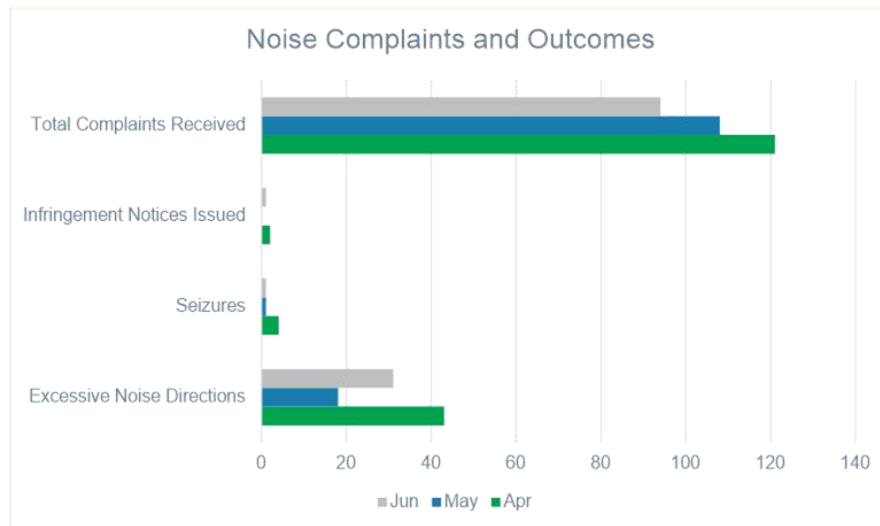
Monitoring of the sites continues with officers educating and encouraging compliance by the campers. Twice nightly patrols occur for each site to ensure vehicles are complying with the bylaw, and moving those who are non-compliant on to correct locations.

285 infringement notices were issued during the quarter, 7 of which were issued for freedom camping more than 10 nights in any 30-day period.



Noise Control

323 noise complaints were received between April and June 2019. 92 of these complaints resulted in Excessive Noise Directions (END), 6 complaints resulted in seizures and 3 infringement notices issued for noise related offences.



Liquor Licensing

There has been a consistent volume of liquor licensing applications this quarter, with a total of 130 licenses received. Of this, 49 applications were for Special Licenses. In addition to the applications, one hearing was held.

Parking

4,594 infringement notices were issued for the quarter. Of which, 2,603 (57%) have been paid and 350 (8%) notices have been cancelled.

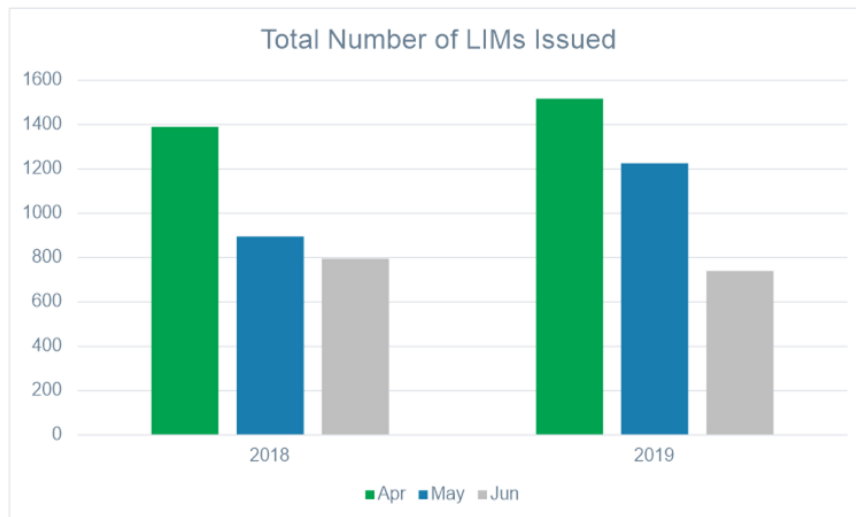
The most common offence for this quarter was parking over the time limit by less than 30 minutes.

Park mate

At the time of producing this report the June data was unavailable. The total transactions for April was 10,529, while May saw a total of 13,252 transactions. Both April and May transactions have significantly increased by over 50%. This is a strong increase and may be explained by the increased promotion of Parkmate through new signage on lollipop meters. The most popular car park was Dickens Street East in April and Hastings Street in May.

**Land Information Memorandum (LIM) and Property File View**

The quarter saw a total of 72 LIMs issued, which is a slight decrease from 95 LIMs issued in the same quarter in 2018.

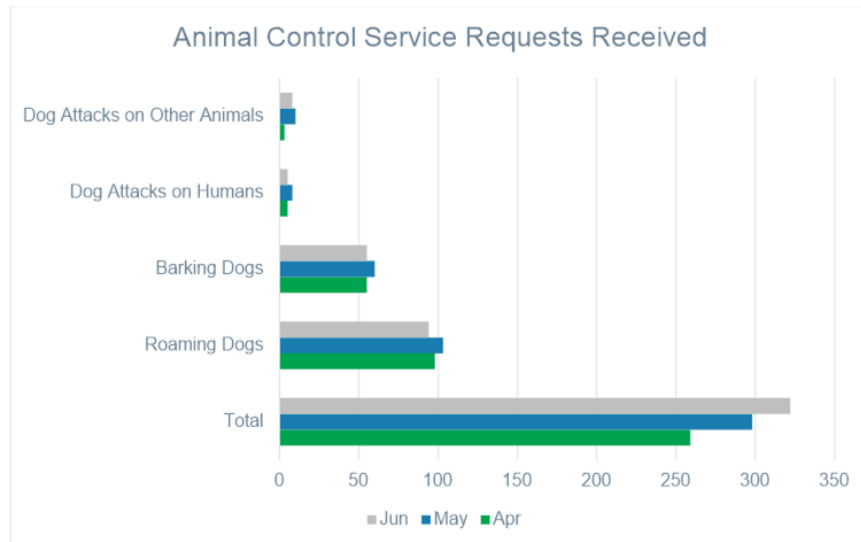


3,091 property files were viewed throughout this quarter, compared to 2,487 requests in the same quarter in 2018. The most popular street was Kennedy Road.



Animal Control

From April to June 2019, 879 service requests were received. 295 requests were for dogs roaming. 170 requests were received for barking dogs and requests for collection of found dogs. The remainder of the requests were related to information requests and related dog behavior.



There were 18 reports of dog attacks on humans and 21 reports of dog attacks on other animals. Each of these reports were investigated and appropriate action was taken.

During this quarter 80 infringement notices were issued.

192 dogs were impounded and of these dogs, 91 dogs were returned to owner. There were also 5 dogs rehomed, and 59 dogs euthanized in this quarter.

REGULATORY COMMITTEE

Open Minutes

Meeting Date:	Tuesday 11 June 2019
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Time:	3.36pm-4.05pm
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Venue	Council Chamber Hawke's Bay Regional Council 159 Dalton Street Napier
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Present	Councillor Taylor (In the Chair), Acting Mayor White, Councillors Boag, Dallimore, Hague, Jeffery, McGrath, Price, Tapine, Wise and Wright
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In Attendance	Chief Executive, Director Corporate Services, Director Community Services, Director Infrastructure Services, Director City Services, Manager Regulatory Solutions, Manager Building Consents, Manager Communications and Marketing, Manager City Development, Team Leader Policy Planner, Strategic Planning Lead, Manager Asset Strategy, Team Leader Parking
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Administration	Governance Team
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Apologies

Councillors White / Wise

That the apologies from Mayor Dalton and Councillor Brosnan be accepted.

Carried

Conflicts of interest

Councillor Jeffery declared an interest in Agenda Item 1. To manage this interest he elected to step down as Chair for the full meeting and asked his Deputy, Councillor Taylor, to Chair the meeting in his place.

Public forum

Nil

Announcements by the Acting Mayor

Nil

Announcements by the Chairperson

Nil

Announcements by the management

Nil

Confirmation of minutes

Councillors Wright / Price

That the Minutes of the meeting held on 30 April 2019 were taken as a true and accurate record of the meeting.

Carried

Questions from Councillors for Further Action

<i>Item</i>	<i>Requestor</i>	<i>Action</i>	<i>Responsible</i>
2	Cr Tapine	The Strategic Planning Lead confirmed that she would provide a copy of the traffic engineer's report to Councillors.	City Strategy

AGENDA ITEMS

1. EARTHQUAKE-PRONE BUILDINGS - IDENTIFICATION OF PRIORITY BUILDINGS - CONSULTATION

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Building Act 2004
<i>Document ID:</i>	737346
<i>Reporting Officer/s & Unit:</i>	Malcolm Smith, Manager Building Consents

1.1 Purpose of Report

The report provides an analysis of submissions received on the Statement of Proposal that will enable Council to identify priority buildings under the earthquake-prone building legislation.

At the Meeting

The Manager Building Consents spoke to the report and outlined the process undertaken to date. He confirmed that priority areas have been identified based on documents and guidance from MBIE, and the next step will be to engage an officer to check whether any unreinforced masonry buildings are located within those areas.

In response to questions from Councillors, the following points were clarified:

- Priority areas were identified as being areas with potentially unreinforced masonry buildings and high vehicle or high pedestrian traffic.
- Most unreinforced masonry buildings in Napier were destroyed in the 1931 earthquake. Those that remain would most likely be located in Taradale or the CBD. Officers advised that they have been conservative in their assessment by including other high traffic areas.
- It was noted that some of the buildings that did survive the earthquake will have already had strengthening work completed.
- Urgency is required as Council has a statutory requirement to identify the priority buildings by the end of this year. The sooner the priority areas are identified the sooner an officer can be appointed to complete the next stage of identifying the buildings.
- Template letters have been prepared and will be sent out to all affected building owners advising them of the next steps.

Committee's recommendation

Councillors Wright / Hague

That the Regulatory Committee:

- Receive the submissions on the Earthquake-Prone Buildings – Identification of Priority Buildings Statement of Proposal.

-
- b. Adopt the Earthquake-Prone Buildings – Identification of Priority Buildings Statement of Proposal as notified.
 - c. That a **DECISION OF COUNCIL** is required urgently to enable Council Officers to meet a legislative deadline.

Carried

**Council
Resolution**

Councillors White / McGrath

That Council:

- a. Receive the submissions on the Earthquake-Prone Buildings – Identification of Priority Buildings Statement of Proposal.
- b. Adopt the Earthquake-Prone Buildings – Identification of Priority Buildings Statement of Proposal as notified.

Carried

2. RENEWAL OF LICENCE TO OCCUPY - SUNDAY MARKET

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	736053
<i>Reporting Officer/s & Unit:</i>	Fleur Lincoln, Strategic Planning Lead

2.1 Purpose of Report

The purpose of this report is to obtain approval in principle the granting of a Licence to Occupy agreement with Margaret Habib of the Sunday Market for the carpark within the Marine Parade foreshore north of Ocean Spa for a term of 3 years, subject to the s.54(1)(d) Reserves Act 1977 process being successfully completed.

At the Meeting

In response to questions raised by Councillors, the Strategic Planning Lead clarified the following points:

- A traffic engineer was engaged to assess any potential safety concerns in the area. The traffic engineer visited the market on six separate occasions, one of which was while a large cruise ship was in town. The conclusion was that although there is a lot of activity in that area while the market is held, this did not cause a safety issue and he is confident that the market can operate in a safe manner. He has made a number of mitigation recommendations and is comfortable that Council approve the licence to occupy.
- It was noted that the initial trial period of one year was extended to allow Council officers time to work with the market organisers to resolve a number of issues.
- There is only minor action required from depot staff, on occasion, in relation to maintaining facilities at the site.
- The only complaints received in the past have been from the previous owner of another business that operated from the reserve. These complaints had been dealt with by the Reserves Team and no complaints have been received from the new owners of that business.
- It was noted that the market organisers have asked for the licence to occupy to be renewed. The organisers have expressed concerns in the past with having to relocate, on occasion, due to other events being held in the area. Now that an acceptable alternative location has been found, that being Anderson Park, the organisers decided that this was an acceptable trade off to be able to keep their prime location on the Marine Parade.
- A more permanent location could not be found that meets the organiser's criteria for the site. The criteria includes but is not limited to a 3000m2 hard surface area, facilities, power, walking distance to CBD.
- The size of the market will always be limited to the confines of the space.
- The market organisers are advised of other events as soon as Council is made aware of the dates. In most cases they are given notice months in advance as the events are mainly large annual events.

-
- It was noted that the speed limit will be reduced just before the car park entrance which should result in cars slowing down at that point as they enter the lower speed area.

A number of Councillors expressed their concern around a three year term for the licence to occupy. They believed that it would be better to grant the licence to occupy for a shorter period to ensure that staff continued to try and find an alternative permanent location for the market. They noted that the current site is not a sustainable long term solution and would like some certainty from staff that they will continue to look for suitable alternatives. It was advised that the three year term was proposed to give some certainty to the market organiser and store holders.

The size of the market was another concern for some Councillors and it was noted that officers will continue to monitor the situation and work alongside the organisers to resolve any concerns.

The Strategic Planning Lead confirmed that she would provide a copy of the traffic engineer's report to Councillors.

Committee's recommendation

Councillors Boag / McGrath

That the Regulatory Committee:

- a. Approve in principle, the granting of a Licence to Occupy to Margaret Carolyn Habib for a term of 3 years, subject to the s.54(1)(d) Reserves Act 1977 process being successfully completed.

Councillors Dallimore, Hague and Acting Mayor White voted against the motion.

Carried

The meeting closed at 4.05pm.

Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval