

Notice is hereby given that an ordinary meeting of the Hearings Committee will be held on:

**Date:** Wednesday 31 May 2017  
**Time:** 1.00 pm  
**Meeting Room:** Council Chambers  
**Venue:** 126-148 Oxford Street  
Levin

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## Hearings Committee

### OPEN AGENDA

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#### MEMBERSHIP

<b>Chairperson</b>	Cr Jo Mason	
<b>Members</b>	Cr Piri-Hira Tukapua	
	Cr Bernie Wanden	
<b>Reporting Officer</b>	Mr Mike Lepper	(Customer & Regulatory Services Manager)
<b>Meeting Secretary</b>	Mrs Karen Corkill	

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Full Agendas are available on Council's website  
[www.horowhenua.govt.nz](http://www.horowhenua.govt.nz)

Full Agendas are also available to be collected from:  
Horowhenua District Council Service Centre, 126 Oxford Street, Levin  
Foxton Service Centre/Library, Clyde Street, Foxton,  
Shannon Service Centre/Library, Plimmer Terrace, Shannon  
and Te Takere/Library, Bath Street, Levin



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File No.: 17/171

## Policy on Dangerous and Insanitary Buildings 2017 - Hearing of Submissions

### 1. Purpose

To provide the platform for the Hearings Committee (Committee) to hear and consider submissions received on the Policy on Dangerous and Insanitary Buildings 2017 (Policy) and make subsequent recommendation to Council in respect of the policy.

### 2. Executive Summary

Council consulted on this policy using the Special Consultative Procedure (SCP) under the Local Government Act 2002 (the Act) with submissions closing 17 March 2017. Two (2) submissions have been received and these must now be considered by the Committee acting under delegated authority of Council. A summary of those submissions complete with Officer comment is in Section 5 of this Report.

### 3. Recommendation

- 3.1 That Report 17/171 Policy on Dangerous and Insanitary Buildings 2017 - Hearing of Submissions be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That after the consideration of submissions the Committee recommend to Council that the Dangerous and Insanitary Buildings Policy 2017 attached as **Attachment A** be adopted (as may be amended by the Committee) and that on adoption by Council the Insanitary and Dangerous provisions be removed from the Insanitary, Dangerous and Earthquake-Prone Buildings Policy 2006.

### 4. Background / Previous Council Decisions

- 4.1 At the 1 February 2017 meeting of Council it was resolved to consult on the review of this Policy using SCP – Report 17/7 refers.
- 4.2 The ability to hear and consider submissions is delegated to the Hearings Committee of Council which specifically has – “all functions except the actual adoption, pertaining to the formulation and review of Policy and Bylaws. This delegation entails calling for submissions, consideration and hearing of submissions received, and providing a subsequent recommendation to Council”.

### 5 Discussion

- 5.1 Consultation included public notice being given in “The Chronicle” Newspaper, as well as notification on Council’s website.
- 5.2 A total of two submissions have been received, of which both submitters have indicated they wish to appear before the Committee.
- 5.3 In the two submissions received the following topics were raised –
  - a. Earthquake Prone Buildings;
  - b. Heritage Buildings.

5.4 A summary of submissions together with Officer comment follows:

#### Earthquake Prone Buildings

Mrs Anne Hunt (speaking to submission), **Submission 1** attached as **Attachment B** – The submitter believes that the proposed passive approach to identifying buildings is unsatisfactory given the seismic events nationally. The submitter states “This policy alone is sufficient evidence to leave this council unprotected should there be a loss of life if a building collapses or for the loss of revenue for commercial operators if the CBD is forced to close down because of one or two buildings.”

Officer Comment – The Building (Earthquake-prone Buildings) Amendment Act 2016 sets out changes to the legislative requirement of Territorial authorities in relation to the management of Earthquake-prone Buildings. Therefore the earthquake-prone elements to this policy have been removed. Section 23 of the Amendment Act relates. Furthermore, the Ministry for Business Innovation and Employment has held a number of briefing sessions with territorial authority staff to provide guidance on the requirements of the new legislation. Council representatives from the Regulatory Services and Policy Teams attended. Transition planning has commenced and it is anticipated Council will be compliant with the new legislation when it is enacted on 1 July 2017.

#### Heritage Buildings

Mrs Anne Hunt (speaking to submission), **Submission 1** attached as **Attachment B** – In the opinion of the submitter it is not unreasonable for Council to take a leadership role in the preservation of heritage buildings in the district by liaising with Heritage New Zealand and the development of a strategy to provide financial assistance to heritage building owners.

Heritage New Zealand Pouhere Taonga (speaking to submission), **Submission 2** attached as **Attachment C**– The submitter strongly recommends that the following amendments be made

- i. Acknowledge the Principles of the Building Act 2004 relating to historic heritage, including that set out in section 4(2) (l) of the Act.
- ii. Specify that where possible Council will work with building owners, Heritage New Zealand, and other stakeholders to prevent buildings becoming dangerous or insanitary and to resolve a dangerous and insanitary notice on a heritage building in a way that protects and conserves historic heritage value.
- iii. Set out incentives that Council may offer to assist the satisfactory remediation of a heritage building subject to a dangerous or insanitary notice.
- iv. Establish that when considering if a heritage building should be given a dangerous and insanitary notice, and how to resolve such a notice, Council will consider if the building has been subject to intentional deferred maintenance or unconsented alterations.

Officer Comment – The matters relating to heritage buildings in both submissions present valid argument. In the 2017/18 Annual Plan process Council consulted on options to set aside an annual amount of money to be made available as incentives for the conservation of heritage buildings in the district; Council’s preferred option being an annual allocation of \$50,000. Adoption of the 2017/18 Annual Plan is scheduled to occur at the 21 June 2017 meeting of Council. Although the funding of incentives to heritage property owners formed part of the Draft Annual Plan process, the specifics of how a conservation fund might be used has not been addressed.

The New Zealand Historic Places Trust (now Heritage New Zealand Pouhere Taonga) guidelines on the Dangerous, Earthquake Prone, Insanitary Buildings and Dangerous Dams Policies published in 2007 recommends that “In implementing the dangerous, earthquake-prone, or insanitary building provisions of the Building Act, territorial authorities should work with owners and other agencies to ensure positive heritage outcomes”.

Council’s approach to heritage buildings that may have been subject to intentional or deferred maintenance or to unconsented alterations is detailed in Chapter 13 of the Operative District Plan. Policy 13.2.6 states “Unless exceptional circumstances exist, avoid the demolition or destruction of Group 1 buildings and sites included in the Historic Heritage Schedule.” Moreover, it is intended that when working with Heritage New Zealand Pouhere Taonga that this potential reality be addressed and a resolution sort that as far as reasonably practical ensures positive heritage outcomes.

It is therefore recommended to the Committee that the draft Policy be amended to reflect the Council’s commitment to working with Heritage New Zealand Pouhere Taonga and other stakeholders.

Section 4(2)(l) of the Building Act 2004 states “the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value”.

Preservation of the intrinsic value of heritage buildings was clearly expressed in the 2006 Insanitary, Dangerous and Earthquake Prone Policy. The recommendation from Heritage New Zealand Pouhere Taonga suggesting acknowledgment of the principles in the Building Act relating to Heritage Buildings in the new 2017 Policy is therefore supported.

Following the review of the submissions, it is recommended that section 4 of the Policy be amended to reflect the supported changes. The suggested amendment is as follows;

#### **4. Heritage Buildings**

- 4.1 Council believes it is important that heritage buildings within the District do not pose a risk to the safety of occupants or other buildings. However, Council does not wish to see the intrinsic heritage value of such buildings adversely affected by structural improvement measures.
- 4.2 Heritage buildings (that is those buildings identified in the Horowhenua District Council Operative District Plan or by Heritage New Zealand Pouhere Taonga) will be assessed in the same way as other dangerous or insanitary buildings.
- 4.2 Where a heritage building has been identified as dangerous or insanitary, discussions will be held with owners of the building, Heritage New Zealand Pouhere Taonga and other stakeholders to identify a mutually acceptable way forward if possible. Special efforts will be made to meet heritage objectives specified in the Operative District Plan.
- 4.3 The fact that a building has heritage status does not mean that it can be left in a dangerous or insanitary condition. As per Section 125(2)(f) of the Act, a copy of any notice issued under Section 124 of the Act will be sent to Heritage New Zealand Pouhere Taonga where a heritage building has been identified as a dangerous, affected or insanitary building.

## **6 Options**

The Committee needs to hear those submitters who appear in support of their submission, and then consider all submissions received by Council and this Officer Report and recommendations. The Committee then needs to make its decisions and provide a relevant recommendation to Council – see recommendation 3.3.

## 6.1 Cost

There are no costs associated with this matter.

### 6.1.1 Rate Impact

There is no rate impact.

## 6.2 Community Wellbeing

There are no negative impacts on Community Wellbeing arising from the Policy review process.

## 6.3 Consenting Issues

There are no consenting issues.

## 6.4 LTP Integration

Not Applicable.

## 7 Consultation

Consultation was undertaken as required during the review process of this policy. No further consultation is required.

## 8 Legal Considerations

There are no Legal Requirements or Statutory Obligations affecting options or proposals.

## 9 Financial Considerations

There is no financial impact.

## 10 Other Considerations

There are no other considerations.

## 11 Next Steps

Following the resolutions of the Committee, a report will be prepared to Council reflective of the Committee's decisions on the matter.

## 12 Supporting Information

<b>Strategic Fit/Strategic Outcome</b> – Not Applicable
<b>Decision Making</b> – Not Applicable
<b>Consistency with Existing Policy</b> Consistent with Council's Heritage Strategy.
<b>Funding</b> – Not Applicable
<b><u>Confirmation of statutory compliance</u></b> In accordance with section 76 of the Local Government Act 2002, this report is approved as: a. containing sufficient information about the options and their benefits and costs, bearing in




- mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

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Author(s)	Vaimoana Miller <b>Customer Experience Lead</b>	
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Approved by	Monique Davidson <b>Group Manager - Customer and Community Services</b>	
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**DRAFT**

**POLICY ON DANGEROUS AND  
INSANITARY BUILDINGS  
2017**

***Adopted :***

RM8 No:

-2-

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HOROWHENUA DISTRICT COUNCIL  
DANGEROUS AND INSANITARY BUILDINGS  
POLICY 2017

1. Introduction and Background

- 1.1 Section 131 of the Building Act 2004 ("the Act") requires territorial authorities ("TAs") to have a policy on dangerous and insanitary buildings. Additionally, Council is now also required to take into account affected buildings<sup>1</sup>.
- 1.2 One of the key purposes of the Act, as set out in Section 3, is to ensure 'people who use buildings can do so safely and without endangering their health'. Section 4 details the principles to be applied in performing functions under the Act and specifically states that TAs must take these principles into account in the adoption and review of their dangerous and insanitary building policies.
- 1.3 This policy was originally adopted by the Horowhenua District Council ("Council") on 31 May 2006 in accordance with the requirements of the Building Act 2004.
- 1.4 The policy is required to state<sup>2</sup>: The approach that the Council will take in performing its functions under the Act; Council's priorities in performing those functions; and how the policy will apply to heritage buildings.
- 1.5 In reviewing, amending and adopting this policy, Council has followed the special consultative procedure set out in Section 83 of the Local Government Act 2002.
- 1.6 In many, but not all, cases whether a building is dangerous, affected or insanitary status will not be readily apparent. For that reason, any attempt to identify these buildings proactively is unlikely to be successful unless Council has considerable resources to undertake inspections and evaluations of buildings.
- 1.7 As a consequence, the most likely sources of information concerning dangerous, affected or insanitary buildings continues to be from building occupants, neighbours, or as the result of an inspection by the Police, the Fire Service or other agencies authorised to inspect buildings. Other sources of information will be known directly by Council, possibly following a significant weather event.
- 1.8 Relying on complaints to provide information concerning potentially dangerous or insanitary buildings continues to be the most practical way in which Council can identify both these buildings and affected buildings within the district and undertake its statutory responsibilities.

2. Definitions

The following definitions, contained in the Building Act 2004, will be used to determine whether a building is insanitary, dangerous or earthquake-prone:

- **Dangerous:** (s121(1)) – "A building is dangerous for the purposes of this Act if –
  - a. in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause –
    - (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
    - (ii) damage to other property; or
  - b. in the event of fire, injury or death to any person in the building or to persons on other property is likely."
- **Insanitary:** (s123) "A building is insanitary for the purposes of this Act if the building
  - a. is offensive or likely to be injurious to health because –

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- (i) of how it is situated or constructed; or
    - (ii) it is in a state of disrepair; or
  - b. has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
  - c. does not have a supply of potable water that is adequate for its intended use; or
  - d. does not have sanitary facilities that are adequate for its intended use.”
- **Affected building:** (s121A) “The building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby –
    - a. a dangerous building as defined in Section 121; or
    - b. a dangerous dam within the meaning of Section 153.”

### 3. Policy Approach

#### 3.1 Policy Principles

Provisions of the Act with regard to dangerous, affected or insanitary buildings reflect the government’s broader concern with the safety of the public in buildings, and with the health and safety of people occupying buildings that may be considered to be dangerous, affected or insanitary. However, Council recognises that public safety must be balanced against the other broader economic issues and in relation to other Council Policy.

#### 3.2 Overall Approach

- (i) Sections 124 to 130 of the Act provide the authority necessary for TAs to take action on dangerous, affected or insanitary buildings and set out how this action is to be taken.
- (ii) Council will continue to encourage the public to discuss their development plans with Council and to obtain building consent for work Council deems is necessary prior to any work commencing. This is particularly important in order to avoid creating dangerous or insanitary conditions that could be injurious to the health of occupants, particularly children and the elderly, or where safety risks are likely to arise from a change in use.
- (iii) Council has in the past relied upon complaints from various sources to identify dangerous or insanitary buildings and will continue with this passive approach.

#### 3.3 Identifying Dangerous, Affected or Insanitary Buildings

- (i) Council will:
  - Take a passive approach to identification of buildings.
  - Actively respond to and investigate all buildings complaints received.
  - Identify from these investigations any buildings that are dangerous, affected or insanitary.
  - For dangerous buildings, inform the owner(s) and occupier of the building to take action to reduce or remove the danger; as is required by Sections 124 and 125 of the Act; (and liaise with the New Zealand Fire Service when Council deems it is appropriate, in accordance with Section 121(2) of the Act).
  - For insanitary buildings, inform the owner(s) of the building to take action to prevent the building from remaining insanitary as is required by Sections 124 and 125 of the Act (and liaise with the Medical Officer of Health when required to assess whether the occupants may be neglected or inform).
- (ii) For affected buildings, inform the owner(s) of the building only when restricting entry to the building.

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### 3.4 Assessment Criteria

- (i) Council will assess dangerous, affected or insanitary buildings in accordance with the Act and established case law, as well as the building code.
- (ii) Council will:
  - Investigate as to whether the building is occupied.
  - Assess the use to which the building is put.
  - Assess whether the dangerous or insanitary conditions pose a reasonable probability of danger to occupants or visitors, or to the health of any occupants of the building. Upon the determination that a building is dangerous assess whether the dangerous building poses a reasonable probability of danger to occupants or visitors of any adjacent, adjoining or nearby buildings.
- (iii) Considerations as to dangerous assessment where a building is either occupied or not may include:
  - Structural collapse.
  - Loose materials/connections.
  - Overcrowding.
  - Use which is not fit for purpose.
  - Seeking advice from the New Zealand Fire Service<sup>3</sup>.
- (iv) Considerations as to insanitary assessment where a building is occupied may include:
  - Adequate sanitary facilities for the use.
  - Adequate drinking water.
  - Separation of use for kitchen and other sanitary facilities.
  - Likelihood of moisture penetration.
  - Natural disaster.
  - Defects in roof and walls/poor maintenance/occupant misuse.
  - The degree to which the building is offensive to adjacent and nearby properties.
- (v) A building will be deemed to be an affected building if it is adjacent, adjoining or nearby a building which Council has assessed as being a dangerous building.

### 3.5 Taking Action

- (i) In accordance with Sections 124 and 125 of the Act the Council will:
  - Advise and liaise with the owner(s) of the buildings identified as being dangerous, affected or insanitary.
  - As a consequence of a building being identified as dangerous consider whether any buildings should be regarded as being an affected building for the purposes of the Act.
  - May request a written report on the dangerous building from the New Zealand Fire Service.
- (ii) If found to be dangerous or insanitary:
  - Attach written notice to the building requiring work to be carried out on the building, within a time stated in the notice being not less than ten (10) days, to reduce or remove the danger.
  - Give copies of the notice to the building owner, occupier, and every person who has an interest in the land, or is claiming an interest in the land, as well as the Heritage New Zealand Pouhere Taonga, if the building is a heritage building.
  - Contact the owner at the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with.

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- Where the danger is the result of non-consented building work, Council will formally request the owner(s) to provide an explanation as to how the work occurred and who carried it out and under whose instructions; (and apply for a Certificate of Acceptance if applicable).
  - Pursue enforcement action under the Act if the requirements of the notice are not met within a reasonable period of time as well as any other non-compliance matters.
- (iii) Where Council has determined under Section 121A of the Act that a building is an “affected building” Council may do any or all of the following:
- Erect a hoarding or put up a fence around the building;
  - Attach a notice warning people not to approach the building;
  - Issue a written notice restricting entry to the affected building for particular purposes or to particular groups of people for a maximum period of thirty (30) days. Such notice may be reissued once for a further thirty (30) days.
- (iv) If the building is considered to be immediately dangerous or insanitary Council may:
- Cause any action to be taken to remove that danger or insanitary condition (this may include prohibiting persons using or occupying the building and demolition of all or part of the building); and
  - Take action to recover costs from the owner(s) if Council must undertake works to remove the danger or insanitary condition.
  - The owner(s) will also be informed that the amount recoverable by Council will become a charge on the land on which the building is situated.
- (v) All owners have a right of appeal as defined in the Act, which can include applying to the Department of Building and Housing for a determination under Section 177 of the Act.

3.6 Interaction between the Dangerous and Insanitary Buildings policy and related sections of the Act:

- (i) Section 41: Building consent not required in certain cases.
- (ii) In cases where a building is assessed as being immediately dangerous or insanitary Council may not require prior building consent to be obtained for any building work required so as to remove the dangerous or insanitary condition immediately. However, where Council has issued a notice under Section 125(1) of the Act it must advise the owner of the building if a building consent will be required prior to the owner commencing any remedial works to the building.
- (iii) Prior to the lodging of a building consent application for the work required under the notice it is imperative that building owners discuss any works with Council. In those circumstances where Council has not required a building consent to be issued prior to the commencement of the remedial works required by the notice, the building owner will still be required to apply for a certificate of compliance as required by the Act.

3.7 Record Keeping

- (i) Any buildings identified as being dangerous or insanitary will have a notation placed on the property file for the property on which the building is situated until the danger or insanitary condition is remedied.
- (ii) A notation will be placed on the property file of an affected building until such time as the dangerous condition of the adjacent, adjoining or nearby building has been rectified.

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- (iii) In addition, the following information will be placed on the Land Information Memorandum (LIM):
- Notice issued that the building is dangerous, insanitary or is an affected building.
  - Copy of letter to owner(s), occupier and any other person that the building is dangerous, insanitary or is an affected building.
  - Copy of the notice given under Section 124(1) that identifies the work to be carried out on the building and the timeframe given to reduce or remove the danger or insanitary condition.

### 3.8 Economic Impact of Policy

Due to the lower number of dangerous, affected or insanitary building encountered annually by Council, the economic impact of this policy is, at this date, considered to be low.

### 3.9 Access to Information

- (i) Information concerning dangerous, affected or insanitary buildings will be contained on the relevant LIM and Council records.
- (ii) In granting access to information concerning dangerous, affected or insanitary buildings, Council will confirm to the requirements of the Local Government Official Information and Meetings Act 1987 and Local Government Act 2002.

## 4. **Heritage Buildings**

- 4.1 No special dispensation will be given to heritage buildings under this policy.
- 4.2 The fact that a building has heritage status does not mean that it can be left in a dangerous or insanitary condition. As per Section 125(2)(f) of the Act, a copy of any notice issued under Section 124 of the Act will be sent to Heritage New Zealand Pouhere Taonga where a heritage building has been identified as a dangerous, affected or insanitary building.

## 5. **Priorities**

- 5.1 The Council will give priority to buildings where it has been determined that immediate action is necessary to fix dangerous or insanitary conditions. Immediate action will be required in those situations to fix those dangerous or insanitary conditions such as prohibiting occupation of the property, putting up a hoarding or fence or taking prosecution action where necessary.
- 5.2 Buildings that are determined to be dangerous or insanitary, but not requiring immediate action to fix those dangerous or insanitary conditions, will be subject to the minimum timeframes to prevent the building from remaining dangerous or insanitary (not less than ten (10) days) as set in Section 124(1)(c) of the Act.

## 6. **Policy Review**

This policy will be reviewed on a 5 yearly basis from the date of adoption as required by section 132(4) of the Building Act 2004.

### Notes



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- <sup>1</sup> Section 132(a) Building Act 2004 which came into force on 27 November 2013
- <sup>2</sup> Section 131(2) of the Building Act 2004
- <sup>3</sup> Section 121(2)(a) of the Building Act 2004

DRAFT

RECEIVED ON  
17/03/2017

**Tamara Catchpole**

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**From:** Customer Services - Public  
**Sent:** Friday, 17 March 2017 8:46 a.m.  
**To:** Records Processing  
**Subject:** FW: Draft Dangerous and Insanitary Buildings Policy  
**Attachments:** CCE\_000090.pdf

For your action

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**From:** Anne Hunt [<mailto:annehunt@inspire.net.nz>]  
**Sent:** Thursday, 16 March 2017 6:11 p.m.  
**To:** Customer Services - Public; Michael Feyen  
**Subject:** Draft Dangerous and Insanitary Buildings Policy

I have deliberately numbered and signed all the pages so I will know if this document has been doctored in any way. It has happened in the past to other people and therefore this precaution is necessary.

Cheers  
Anne Hunt



Virus-free. [www.avast.com](http://www.avast.com)

RECEIVED ON  
17/03/2017

OFFICE USE ONLY

RM8 No:

Submission No:

**Submission form to Draft Dangerous and Insanitary Buildings Policy**

Please print clearly using a black or dark blue pen

**Your details**

Mr / (Mrs) Miss / Ms / Dr (circle) Name: Anne Hunt

Name of Organisation (if applicable) .....

Postal address: 17 Nash Parade  
Torles Beach Post Code 4815

Phone: 063637750 A/H ..... Mobile .....

Email: annehunt@inspire.net.nz

**Communication**

Preferred method of communication:  email  post

**Presentation**

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**My submission(s)**

Please complete your submission on the form overleaf. Please note that your submission will be part of a public agenda.

You can post your submission to: Dangerous and Insanitary Buildings Policy  
Horowhenua District Council  
Private Bag 4002  
Levin 5540

OR drop it into Council at 126 Oxford Street, Levin; or Te Takere; your local library or Service Centre. Alternatively fax to (06) 366 0983 or email to: [enquiries@horowhenua.govt.nz](mailto:enquiries@horowhenua.govt.nz).

Submission forms can be completed on line or downloaded from [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz).

We need to receive your submission by 5.00 pm on Friday, 17 March 2017.

18 pages attached



RM8 No: D17/4831

1

**DRAFT POLICY ON DANGEROUS AND UNSANITARY BUILDINGS 2017**

This “Dangerous and Insanitary Buildings Policy” is the type of policy written by a council that is required to have a dangerous and insanitary policy but does so reluctantly.

Therefore this policy in itself is dangerous.

“How tragic could it have been had people been at work?” asked Statistics NZ’s chief when a ceiling collapsed in her agency’s modern Wellington office block during the 14/11 earthquake last year.

There are two factors that make this policy significant in the Horowhenua, the high liquefaction risk and the state of retail buildings in this district’s second largest commercial area.

I am sure that I do not need to dredge out all the reports that were made available to me during my time on council and reproduce them for this current council.

Those of us who are aware of Foxton’s history will be aware of the disastrous fires that razed the town’s shopping centre a century ago which led to the introduction of a ‘brick zone’ requiring all buildings within the area to be constructed of brick.

This occurred before the Napier earthquake that prompted the introduction of laws setting building standards to reduce future major loss of life.

I vividly recall Mike Lepper visiting the Manawatu Herald office where I worked as a journalist and warning that the wall beside my desk was likely to collapse in an earthquake. Ever since then, I have been conscious of the need for workplace safety and was relieved when my employers moved us to a new building removed from risk.

One needs only to walk down the alleyway in the heart of Foxton to view the state of the masonry that has crumbled away after exceeding its life span.

While on council, I was frequently accused of being a scaremonger.

I raised my concerns about the state of Foxton’s Main Street buildings in 2009 when retailers were invited to a meeting on a Main Street upgrade and I was censured by council for organising a civil defence meeting in the wake of the Christchurch earthquake. I appreciate heritage buildings, but not at a human cost.



2

Neville Gimblett had invited me to view the internal state of structural walls in his business premises, and although he invested heavily in his own earthquake upgrade, all would be of no avail if a neighbouring structure collapsed, killing his customers as they walked away and forcing the closure of the CBD in its entirety.

So I urge you to take this policy seriously.

The economic impact on tourism due to the disruption of roading, rail and fundamental infrastructure in Kaikoura and the chaos in Wellington following the 14/11 earthquake should be a wake-up call for us all.

At the time, I was dealing with the Wellington High Court, Crown Law and Buddle Findlay; all of whom apologised for delays caused by building evacuations and lack of access to records. Fortunately, the earthquake occurred in the middle of the night, when no staff were occupying these structures.

“How tragic has it been because people were at work?” is a question I hope no Horowhenua employer will be forced to ask, because this policy is not stringent enough to require consistent safety standards throughout the district.

You claim at 1.8 that relying on complaints to provide information concerning potentially dangerous or unsatisfactory buildings continues to be the most practical way in which Council can identify both these buildings and affected buildings within the district and undertake its statutory responsibilities.

Your policy is to take a passive approach to identification of buildings.

I was the Kere Kere ward councillor when the Horowhenua District Council passed resolutions on 7 August 2013 to close the Foxton Service Centre and the Foxton Courthouse Museum to the public from Friday 9 August 2013 due to ‘the high risk of catastrophic failure’.

A mere nine days later, Foxton was rocked by a 6.5 earthquake centred on Seddon.

The Foxton service centre constructed in 1923 is of the same age and similar in construction to the majority of retail buildings in Foxton’s Main Street.

In fact, these extracts from a NZ Historic Places Trust publication reveals that many of Foxton’s heritage buildings were erected prior to the service centre. The only building of a similar vintage is the Foxton water tower also built in 1923.



3

Furthermore a building will be deemed to be an affected building if it is adjacent, adjoining or nearby a building which council has assessed as being a dangerous building.

Cr Gimblett as a former retailer and Cr Brannigan as a civil defence manager will be aware where these heritage buildings are situated, and these are not the only buildings that are deemed to be earthquake-prone. I am aware of others.

While a councillor, I brought my concerns about these buildings to the attention of council as early as 2009, and was treated with disdain. Since then, Christchurch has experienced two earthquakes, while Kaikoura and Wellington were seriously affected by the earthquake that fortunately occurred at midnight on 14 November 2016.

One of the key purposes of the Building Act 2004 is to ensure people who use buildings can do so safely and without endangering their health.

So despite these earthquakes, the Horowhenua District Council still intends to take a passive approach to identification of buildings.

This policy alone is sufficient evidence to leave this council unprotected should there be a loss of life if a building collapses or for the loss of revenue for commercial operators if the CBD is forced to close down because one or two buildings collapse.

Not only customers, but pedestrians including international tourists could be killed.

I as a ratepayer do not want to be held liable for the costs incurred as a result of a policy that demonstrably fails to fulfil its statutory duty to keep people safe.

Imagine how you would feel if it was your children, your parents, your spouse or your siblings crushed by falling unreinforced masonry, or cascading bricks.

You would curse those councillors who failed in their fiduciary duty to you.

Whilst I agree that the fact that a building has heritage status means that it cannot be left in a dangerous condition, I believe that it is a short-sighted approach not to give any special dispensation to heritage buildings under this policy. Simply sending a copy of any notice issued on to Heritage New Zealand Pouhere Taonga is not recognising the intrinsic value of our heritage.

Eight years ago, Heritage NZ offered to come up to Foxton and recommend a collaborated approach to preserve our heritage buildings. This offer was rejected.



4

It is not unreasonable for this council to take a pro-active approach by making a policy decision to undertake a leadership role in preserving heritage buildings by liaising with Heritage New Zealand Pouhere Taonga and developing a strategy to assist those owners who have invested in these buildings as a commercial venture but do not have the expertise and financial resources to preserve them for posterity.

According to this policy, due to the lower number of dangerous, affected or insanitary buildings encountered annually by Council, the economic impact of this policy is, at this date, to be considered low.

Quite the contrary.

Council and the community has invested a combined \$7.4m in the Te Awahou Nieuwe Stroom project which is expected to generate an increase in tourism revenue.

But the council has not contributed any commitment to a policy to give prospective businesspeople the confidence to develop or retain business opportunities here.

Seven years after Christchurch, there are still people struggling to get back on their feet after their buildings were red-stickered or insurance pay-outs delayed.

Therefore councils who take these policies seriously will steal the march on those who have the laissez-faire attitude that it will never happen in their patch.

New Zealand's second and third largest cities have been affected by earthquakes.

Meanwhile insanitary buildings receive even less attention.

For insanitary buildings, council proposes to "inform the owner(s) of the building to take action to prevent the building from remaining insanitary as is required by Sections 124 and 125 of the Act (and liaise with the Medical Officer of Health when required to assess whether the occupants may be neglected or inform)". (sic)

This paragraph is poorly worded.

The wording of the Act is precise, and all criteria should be inserted in the policy.

Insanitary buildings are those that do not have a supply of potable water or sanitary facilities that are adequate for its intended use.



5

Local authorities must also take into consideration s193 of the Local Government Act 2002 that does not allow restriction of a water supply to create unsanitary conditions.

I have attached two e-mails from a council source that relate directly to unsanitary conditions.

During a Maori Land Court hearing Mr Duffy as Horowhenua's mayor at the time had assured Judge Harvey that the northern Lake Horowhenua Domain building contained ablution facilities. Mr Taueki had previously testified that there were no toilets in the building.

The Chief Executive confirmed that the Rowing Club does not have any toilet facilities but claimed that this building was used only for the storage of boats and associated equipment.

The reason I had brought this matter to his attention was testimony in court that the rowing club members urinated in the bushes on the other side of the Domain boundary, causing offence to the owners for whom this site is waahi tapu.

At the time, the rowers were using the lake for training and were generally returning to shore about an hour later.

The second e-mail also relates to Lake Horowhenua, with the Chief Executive claiming that he cut the water off to a building based on instructions from the Chair of the Lake Trust.

It appears that the Horowhenua District Council has no qualms disconnecting the water supply and creating an unsanitary building to remove an owner even though the LGA expressly forbids that action.

However it is nice to know that landlords can instruct the council's CEO to disconnect the water supply in order to evict people. This procedure certainly beats dealing with the Tenancy Tribunal and tenancy laws!

Seriously though, any policy should ensure that unlawful activity is prohibited.

Anne Hunt

16 March 2017





6

Nauawatu Regional  
Committee  
Box 732,  
Palmerston North.

Dear Anne, Our committee has just reprinted this  
— originally produced in 1986 — after it had  
been updated / corrected by members of the  
Foxton Historical Society.

I hoped you could do an article  
in the 'Nauawatu Herald' to let Foxtonians  
know it is available again — We have  
printed only 200 copies so it could run  
out fairly quickly since we have been  
receiving some back orders since the  
first edition ran out.

you can if you need any further info  
contact either Margaret  
Speirs or me.

Yours faithfully,

Dorothy Pilkington

publications officer

NZHTP regional committee

ph: PN 3542014

MUSEUM (FORMER COURTHOUSE) MAIN STREET

7



OWNER: HOROWHENUA DISTRICT COUNCIL  
LEGAL DESCRIPTION: LOT 2 DP 30219  
CERTIFICATE OF TITLE: 7A/102 FORMERLY DEED 33/208

Although the present building was constructed comparatively recently, in 1929, this site is of greater historic significance. It was here that the first Courthouse for Foxton and for the Manawatu district was built. This building was a small wooden structure, apparently erected by the Government on land belonging to the Maori people in the 1860s. The land did not pass into Crown ownership until 1872. The first definite reference to the courthouse is on an 1873 survey map of the township.

The existing building replaced the earlier wooden structure in 1929 (possibly after a fire had destroyed the previous Courthouse) and Court sittings were held in it until 1970 when the Justice Department decided to cease using Foxton as a separate Court. It was subsequently used for a short time as storage and office space by the Police Department (the police station is on the adjacent Main Street section), then left vacant. At that stage the Foxton Historical Society secured the building for use as a museum. It currently houses both artifacts and a collection of historic documents and photographs, which concentrate particularly on the flax industry which was so important to Foxton. The courthouse was built in 1929, of brick and concrete. The original interior has survived intact.

**LAW OFFICE, MAIN STREET**

8



OWNERS: J C SIMPSON & J H WEST  
LEGAL DESCRIPTION: PART LOTS 11  
AND 12 DP 118  
CERTIFICATE OF TITLE: 341/51,  
FORMERLY DEED 30/135, 452, 477

This has been the site of Foxton's chief Law Office since 1904, when Reginald Moore first established his practice. His original offices were burnt down on 22 July 1912, in a blaze which destroyed the complete block of one-storey wooden premises on the eastern side of Main Street, from the tobacconist (Ernest Ball - himself in temporary premises after a fire on the western side of the street) next to Whyte's Hotel, to G H Stiles' drapery forty feet from the Presbyterian Church.

Mr Moore moved for a short time to the Drainage Board's offices, until this replacement building was complete. Its rateable value in 1916 was £545.

In 1918 Mr Moore went into partnership with Martin Bernard Bergin and the firm was known as Moore and Bergin until 1948. (Moore himself left the law practice in 1925 to study medicine).

Joseph Bergin (Bernard Bergin's son) joined the firm in 1948 and after his father died (1949) entered into partnership with Michael Cleary.

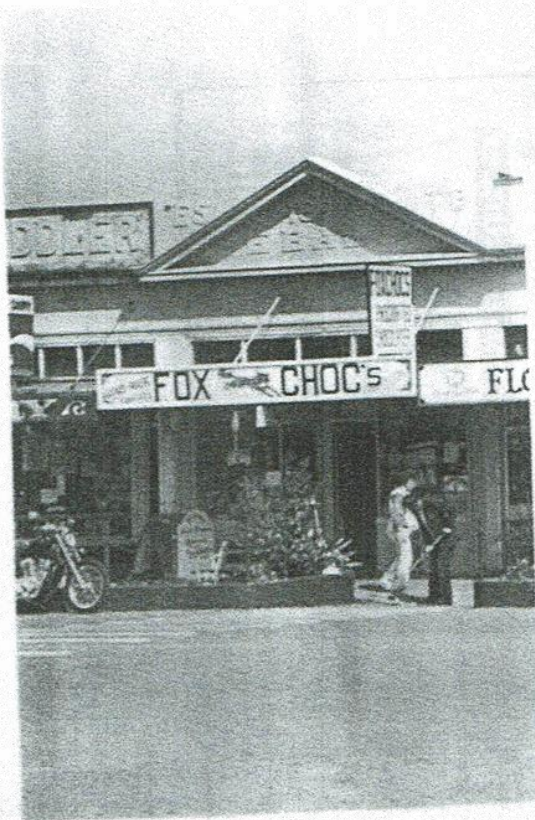
In 1968 Joseph Bergin was appointed to the magistracy. The firm continued to operate as Bergin and Cleary for many years, subsequently becoming M P Cleary. In 1991 the firm is Simpson, West & Co.

It is not known who designed this very 'classical' facade - with its Ionic pilasters and pediment yoked heterogeneously together with rounded arches and Gothic lettering - but the front half of the building is still entirely unaltered. The office has been through two major earthquakes since it was constructed; that of 1942 left large cracks in the internal wall around the saferoom (without however impairing its efficiency).

The drainage was modernised in 1924, and in 1962 two extra rooms were added at the back and an internal wall shifted to modify the office space.

**"BALL'S BUILDING", MAIN STREET**

9



OWNERS: N T RICHES, M E FINCH,  
DAHI NARAN  
LEGAL DESCRIPTION; PART SECTION  
112 DP 660  
CERTIFICATE OF TITLE: WN 214/93  
(Riches), WN 219/94 (Finch), WN 214/92  
(Naran)

The fire which destroyed this site on the eastern side of Main Street in June 1912 burnt out the garage owned by Mr and Mrs Martin Boyle and the neighbouring premises which they leased to Mr E Snow, Bootmaker. The Boyles joined Messrs Healey and Fraser in employing the firm of C T Natusch and Sons of Wellington to design a replacement building.

The new property comprised three small shops, with separate frontages on the lower storey and an integrated design for the upper facade. The shops were leased (south to north) to William Bullard (a saddler), Ernest Ball (hairdresser), and Richard T Betty, who took over Mr Snow's bootmaking business. In 1914 or 1915 these three men bought their premises from the Boyles.

Little is known of Mr Ball or Mr Betty, but William Bullard had come out from Surrey to Bulls, then to Foxton, in 1889. He married Miss Himalaya Osborne and the couple lived at 51 Avenue Road for the rest of their lives.

The shops are now respectively a dairy, a hand made chocolate shop and a florist.

The Natusch street frontage is little changed and the upper facade still bears the original names, though unfortunately that of Mr Betty has been partially erased.

76 MAIN STREET

10



OWNER: MRS M W DONNELLY  
LEGAL DESCRIPTION: PART SECTION  
113, DP 660  
CERTIFICATE OF TITLE: DEED  
216/126

Donnelly's Pharmacy (formerly Healey's Pharmacy) is one of the group of shops designed by C T Natusch and built by Thomas Rimmer, though it has been separated from the other two buildings in the group by the construction of a TAB on the vacant section between them.

The original two-storeyed premises of Foxton's chemist, Ernest Healey, were completely razed in a fire on 2 June 1912. The blaze also destroyed most of the other buildings on the western side of Main Street, including those of Mr Healey's neighbours William Bullard, a saddler by trade, and Mr Boyes, a dentist. These two latter premises were owned by C Golder and Alfred Fraser respectively and all three owners commissioned replacement premises immediately from Natusch. The cost to Mr Healey was £1485.

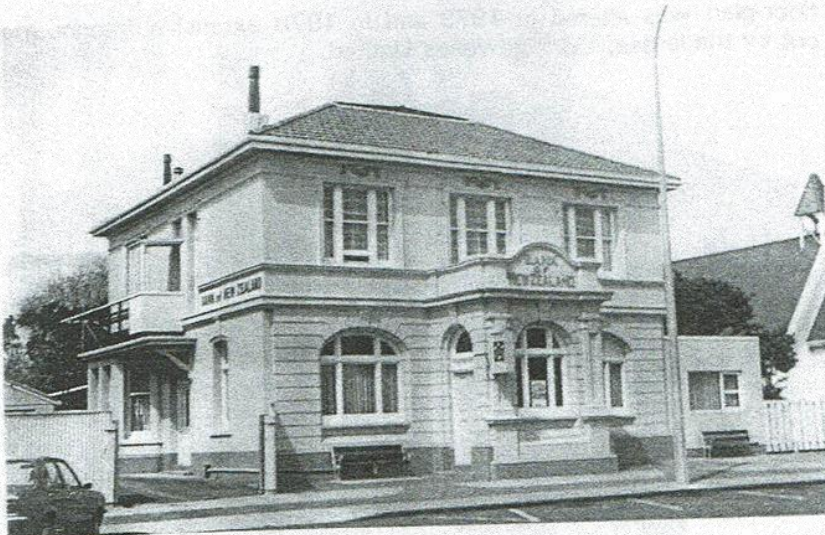
Despite an accident during construction, when one of the builders was knocked out by staging being lowered from the upper floor, the new building was ready by Christmas 1912. As well as selling the usual chemist's sundries and druggist's supplies, it had a darkroom and facilities for testing eyesight.

Ernest Healey owned these premises until 1952, leasing to H E Garbett, Israel Corn, and Thomas F Crotty for approximately 20 years. The shop was purchased by chemist Mr William Stuart Donnelly in 1952. Mr Donnelly was Mayor of Foxton from 1972 until shortly before his death in 1978. The present owner is Mrs M W Donnelly, who leases the shop to Mr John Paltridge.

The upper front facade is virtually the only untouched part of the building. The street-frontage of the lower storey has been rebuilt to extend fully to the pavement (1961) and the upper floor has been converted into separate living quarters; this entailed adding an exterior staircase on the right side and substantially altering the interior. The inside staircase has been removed, and the wall dividing the sales and business areas of the shop moved backward.

**BANK OF NEW ZEALAND**

11



OWNER: BANK OF NEW ZEALAND  
LEGAL DESCRIPTION: PART SECTION 167  
CERTIFICATE OF TITLE: C/1276

The Bank of New Zealand's first agency in Foxton opened in July 1874 under the charge of Mr G P Hill until the arrival of the permanent Manager J N Flower. (A Bank of Australasia, now part of ANZ, opened a few days later). This was a year after the building of the new wharf at Foxton and of a tramline inland, when a steady traffic of settlers and supplies had been established.

In 1876, single-storey wooden premises were built, with a manager's residence attached; this was the year the wooden tram-tracks to Palmerston North were replaced by the railway line. The first Bank however suffered the fate of most early wooden buildings, burning down in August 1905. Later that year the Bank of New Zealand bought an adjoining piece of land from Herbert Austin, so the replacement Bank was a more imposing, though still single-storey, wooden building. This again incorporated a manager's residence. It was designed by Thomas Turnbull & Son and built by Alexander Speirs. The second bank was also destroyed by fire, in July 1912.

This building, the third Bank of New Zealand, was constructed from the more solid material of brick. It was designed by Crichton and McKay and built by a Levin contractor, Harvey and Company, in 1913. The Manager's residence was on the upper storey. Banking was very different when this bank opened. The gold sovereign was still in use until 1914; the half sovereign was only replaced by the ten-shilling note in 1916.

**WATER TOWER**

12

OWNER: HOROWHENUA DISTRICT  
COUNCIL  
LEGAL DESCRIPTION: PART LOT 1 DP  
30/85  
CERTIFICATE OF TITLE: 7A/958



The watertower was built in 1923 to give pressure for the new water reticulation system, whereby water obtained from artesian wells on the southern boundary was pumped into storage tanks in the tower.

The system was the outcome of long debate and a series of unsatisfactory proposals - among them an offer by the Levin Borough council for a gravitation supply of water from their intake, at an annual charge. A substantial artesian water and drainage scheme was first considered in 1910, but was defeated by the reluctance to borrow £20,000.

A decade later however, the ratepayers approved a debt of £36,000 for the purpose of 'Water Supply and Drainage'. In the interim both sides of Main Street, Whyte's Hotel, Perreau's and Hennessey's stores, and Harmer's block (which was in front of the War Memorial Hall) had all been burnt down, and Foxton had acquired an 'unenviable notoriety for conflagrations'.

The contract for construction was won by the firm of Climie and Son and water was flowing by May 1923. A fire brigade was established in the same year, and improvements to many homes date from this time also.

In Committee Meeting of Council  
07 August 2013

13

## In Committee Seismic Evaluations of Council Property

File No.: 13/710

### Confidentiality

<b>Reason:</b>	The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.
<b>Interests:</b>	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. s7(2)(d) - The withholding of the information is necessary to avoid prejudice to measures protecting the health and safety of members of the public.
<b>Grounds:</b>	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

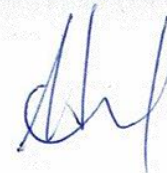
### Purpose

To present to Council the findings seismic assessments for Councils buildings received to date and to recommend a way forward for Council to respond, now it is in receipt of the seismic assessments of its buildings.

### Recommendation

- a. That Report 13/710 on Seismic Evaluations of Council Property be received.
- b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- c. That Council closes the Foxton Service Centre and the Foxton Courthouse Museum to the public from Friday 9 August 2013 due to the high risk of catastrophic structural failure.
- d. That Council notifies all tenants and users and earthquake-prone buildings, following Councils decision notifying them of the risks associated with occupying an earthquake prone building.
- e. That a public media release is made following Councils decision and affected parties being notified, and signage is installed on Councils earthquake-prone buildings.
- f. That earthquake-prone buildings will not be used by Council for Council arranged events and meetings, thus allowing use and entry to be a voluntary choice.

### Discussion





14

Anne Hunt

**From:** David Clapperton <davidc@horowhenua.govt.nz>  
**Sent:** Thursday, 24 September 2015 10:13 a.m.  
**To:** Anne-Marie HUNT; David McCorkindale; Gallo Saidy  
**Subject:** RE: [Approval Required] FW: Lake Horowhenua unsanitary building

Anne

I can confirm that the Rowing Club does not have any toilet facilities. It is my understanding that this building is used for the storage of boats and associated equipment only and therefore does not need any toilet facilities. If it becomes evident that the rowing club is using this facility for purposes other than storage then Council will need to work with the club to ensure that the building is used for its intended purpose only, or upgrade the facility to meet an intended meet.

**David Clapperton**  
Chief Executive Officer  
Tumuaki

**Horowhenua District Council**

126 Oxford Street, Levin 5510

Private Bag 4002, Levin 5540

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[www.facebook.com/HorowhenuaDC](http://www.facebook.com/HorowhenuaDC)

**Horowhenua**  
DISTRICT COUNCIL

**Horowhenua**

15

**Anne Hunt**

**From:** David Clapperton <davidc@horowhenua.govt.nz>  
**Sent:** Friday, 3 February 2017 8:10 AM  
**To:** Anne-Marie HUNT; Gallo Saidy  
**Subject:** RE: Creating an unsanitary building.

Anne

Please don't pass on the comment that Council cut the water off as this would be incorrect.

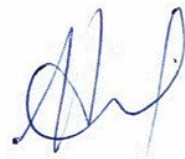
Council undertook the action based on instruction from the Chair of the Lake Trust.

**David Clapperton**  
Chief Executive • Tumuaki

126 Oxford Street, Levin • Private Bag 4002, Levin 5540  
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*Working together to take Horowhenua from Good to Great*

**Horowhenua**  **We are.  
Local Government.**





New Zealand Legislation  
**Building Act 2004**

Warning: Some amendments have not yet been incorporated

*Powers of territorial authorities in respect of dangerous, affected, earthquake-prone, or insanitary buildings*

Heading: amended, on 28 November 2013, by section 29 of the Building Amendment Act 2013 (2013 No 100).

**124 Dangerous, affected, earthquake-prone, or insanitary buildings: powers of territorial authority**

- (1) This section applies if a territorial authority is satisfied that a building in its district is a dangerous, affected, earthquake-prone, or insanitary building.
- (2) In a case to which this section applies, the territorial authority may do any or all of the following:
  - (a) put up a hoarding or fence to prevent people from approaching the building nearer than is safe;
  - (b) attach in a prominent place on, or adjacent to, the building a notice that warns people not to approach the building;
  - (c) except in the case of an affected building, issue a notice that complies with section 125(1) requiring work to be carried out on the building to—
    - (i) reduce or remove the danger; or
    - (ii) prevent the building from remaining insanitary;
  - (d) issue a notice that complies with section 125(1A) restricting entry to the building for particular purposes or restricting entry to particular persons or groups of persons.
- (3) This section does not limit the powers of a territorial authority.

Section 124: replaced, on 28 November 2013, by section 30 of the Building Amendment Act 2013 (2013 No 100).



New Zealand Legislation  
**Building Act 2004**

Warning: Some amendments have not yet been incorporated

**125 Requirements for notice requiring building work or restricting entry**

- (1) A notice issued under [section 124\(2\)\(c\)](#) must—
- (a) be in writing; and
  - (b) be fixed to the building in question; and
  - (c) be given in the form of a copy to the persons listed in subsection (2); and
  - (d) state the time within which the building work must be carried out, which must not be less than a period of 10 days after the notice is given or a period reasonably sufficient to obtain a building consent if one is required, whichever period is longer; and
  - (e) state whether the owner of the building must obtain a building consent in order to carry out the work required by the notice.
- (1A) A notice issued under [section 124\(2\)\(d\)](#)—
- (a) must be in writing; and
  - (b) must be fixed to the building in question; and
  - (c) must be given in the form of a copy to the persons listed in subsection (2); and
  - (d) may be issued for a maximum period of 30 days; and
  - (e) may be reissued once only for a further maximum period of 30 days.
- (2) A copy of the notice must be given to—
- (a) the owner of the building; and
  - (b) an occupier of the building; and
  - (c) every person who has an interest in the land on which the building is situated under a mortgage or other encumbrance registered under the [Land Transfer Act 1952](#); and
  - (d) every person claiming an interest in the land that is protected by a caveat lodged and in force under [section 137](#) of the [Land Transfer Act 1952](#); and
  - (e) any statutory authority, if the land or building has been classified; and
  - (f) Heritage New Zealand Pouhere Taonga, if the building is a heritage building.
- (3) However, the notice, if fixed on the building, is not invalid because a copy of it has not been given to any or all of the persons referred to in subsection (2).

Compare: 1991 No 150 s 71

Section 125 heading: replaced, on 28 November 2013, by [section 31](#) of the [Building Amendment Act 2013](#) (2013 No 100).

Section 125(1): replaced, on 28 November 2013, by [section 31](#) of the [Building Amendment Act 2013](#) (2013 No 100).

Section 125(1A): inserted, on 28 November 2013, by [section 31](#) of the [Building Amendment Act 2013](#) (2013 No 100).

Section 125(2)(f): amended, on 20 May 2014, by [section 107](#) of the [Heritage New Zealand Pouhere Taonga Act 2014](#) (2014 No 26).



## New Zealand Legislation Local Government Act 2002

Warning: Some amendments have not yet been incorporated

- This version was reprinted on 27 May 2016 to make a correction to section 310 under section 25(1)(j)(i) of the Legislation Act 2012.

### 193 Power to restrict water supply

- (1) The water supply to a person's land or building may be restricted by a local government organisation in any manner it thinks fit if the person—
  - (a) commits an offence against this subpart; or
  - (b) fails or refuses to do anything required by this Part in respect of water, water pipes, waterworks, or water races; or
  - (ba) fails to comply with any bylaw of a local authority that relates—
    - (i) to water, water pipes, waterworks, water races, or water supply; and
    - (ii) to the person's land or building; or
  - (c) fails or refuses to do anything that he or she has undertaken or agreed to do in respect of the water supply to his or her land or building; or
  - (d) refuses entry to, or obstructs, an enforcement officer under [section 182](#).
- (2) Restriction of the water supply under subsection (1) must not create unsanitary conditions in, or associated with, the land or building.
- (3) Restriction of the water supply under subsection (1) is subject to [section 69S](#) of the Health Act 1956.

Section 193(1)(ba): substituted, on 28 June 2006, by [section 21](#) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).  
Section 193(3): added, on 1 July 2008, by [section 16](#) of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

A handwritten signature in blue ink, appearing to be 'A. P.' or similar.



HERITAGE NEW ZEALAND  
POUHERE TAONGA

File ref: 33002-076

17 March 2017

Dangerous and Insanitary Buildings Policy  
Horowhenua District Council  
Private Bag 4002  
Levin 5540



To whom it may concern

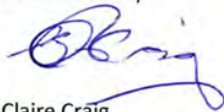
**RE. HERITAGE NEW ZEALAND POUHER TAONGA SUBMISSION ON DRAFT DANGEROUS AND INSANITARY BUILDINGS POLICY**

1. Thank you for the opportunity to make a submission on the draft Horowhenua Dangerous and Insanitary Buildings Policy (the Draft Policy).
2. Heritage New Zealand Pouhere Taonga (Heritage New Zealand) is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (the HNZPTA) for the identification, protection, preservation, and conservation of New Zealand's historic and cultural heritage. Heritage New Zealand is New Zealand's lead heritage agency.
3. HNZPT is opposed to section 4 of the Draft Policy, which states that "[n]o special dispensation will be given to heritage buildings under this policy".
4. Heritage New Zealand agrees that no building should be left in a dangerous or insanitary condition that endangers public safety. However, Heritage New Zealand considers that current wording of the policy fails to reflect Horowhenua District Council's (the Council) responsibility to, where possible, protect and conserve the historic heritage value of its heritage resources. This is set out in section 4(2)(l) of the Building Act 2004, which requires territorial authorities to take into account "the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value".
5. Councils have a responsibility to ensure that heritage buildings do not become dangerous or insanitary and to take into account heritage values if a building does become dangerous or insanitary. This responsibility is codified in the following District Plan provisions:
  - Objective 13.2.1: To protect significant historic heritage that reflects the culture and history of the Horowhenua District from inappropriate subdivision, use, and development.
  - Policy 13.2.3: Enable the maintenance, redecoration, repair, and adaptive reuse of buildings and sites included in the Historic Heritage Schedule.
  - Policy 13.2.6: Unless exceptional circumstances exist, avoid the demolition or destruction of Group 1 buildings and sites included in the Historic Heritage Schedule.
  - Policy 14.2.7: Discourage the demolition of Group 2 buildings included in the Historic Heritage Schedule.
6. Goal 3.2.2 of the Horowhenua District Heritage Strategy is also to "appropriately protect and manage heritage resources that have been identified."
7. The 2017-2018 draft Annual Plan also acknowledges these Council responsibilities and the public good aspects of historic heritage. The draft proposes options for incentives for conservation of

heritage buildings, with the preferred option an annual allocation of \$50,000 for conservation of privately owned historic heritage.

8. The current Draft Policy is contrary to the above objectives, policies, and goals in that it does not impart a duty upon Council to, where possible, work with building owners, Heritage New Zealand, and other stakeholders to resolve issues in a way that conserves historic heritage values. Rather, the Draft Policy could facilitate the loss of heritage buildings without Council giving due regard to historic heritage values.
9. In 2007, the then Historic Places Trust produced guidance for local authorities on preparing policies for earthquake prone, dangerous, and insanitary buildings. Attachment 1 contains a copy of this document. The guidance encourages local authorities to try and work with building owners to discuss possible solutions regarding dangerous and insanitary buildings this should also include a discussion of possible incentives to encourage remediation. On this matter, councils should consider non-regulatory incentives to support owners of heritage buildings. This can include actions such as establishing a grant fund (as proposed in the draft Annual Plan), waiving consent fees, rates rebates, and loans that are then recuperated through future rates payments.
10. It is also important that councils address risks to heritage buildings that lead to them becoming dangerous or insanitary. Of particular concern is where a building owner has intentionally deferred maintenance or undertaken unconsented alterations with a view to achieving "demolition by neglect".
11. With these matters in mind, Heritage New Zealand strongly recommends that, the Draft Policy be amended to:
  - Acknowledge the Principles of the Building Act 2004 relating to historic heritage, including that set out in section 4(2)(l) of that Act.
  - Specify that where possible Council will work with building owners, Heritage New Zealand, and other stakeholders to prevent buildings becoming dangerous or insanitary and to resolve a dangerous and insanitary notice on a heritage building in a way that protects and conserves historic heritage value.
  - Set out incentives that Council may offer to assist the satisfactory remediation of a heritage building subject to a dangerous or insanitary notice.
  - Establish that when considering if a heritage building should be given a dangerous and insanitary notice, and how to resolve such a notice, Council will consider if the building has been subject to intentional deferred maintenance or unconsented alterations.
12. Heritage New Zealand wishes to be heard in support of its submission.

Yours sincerely



Claire Craig

General Manager  
Central Region  
Heritage New Zealand Pouhere Taonga

Attachments

Attachment 1: Sustainable Management of Historic Heritage: Dangerous, earthquake prone, insanitary buildings and dangerous dams policies

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**Attachment 1: Sustainable Management of Historic Heritage: Dangerous, earthquake prone, insanitary buildings and dangerous dams policies**



New Zealand  
**Historic Places Trust** *Pouhere Taonga*

**SUSTAINABLE MANAGEMENT  
OF  
HISTORIC HERITAGE**

**Guide No. 9**

**HERITAGE PROVISIONS:  
DANGEROUS, EARTHQUAKE PRONE,  
INSANITARY BUILDINGS AND  
DANGEROUS DAMS POLICIES**

**BUILDING ACT 2004**



3 August 2007

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**Sustainable Management of Historic Heritage Guidelines**

**Guide No.9**

**Heritage provisions: Dangerous, Earthquake Prone, Insanitary  
Buildings and Dangerous Dams Policies  
Building Act 2004**

Author: Robert McClean

This guide was approved by the Board for public distribution on 24 March 2006. The NZHPT acknowledges the assistance of the Department of Building and Housing in the preparation of this guidance.

While the NZHPT acknowledges the contribution of other agencies and organisations, the opinions and views expressed in this guide are those of the NZHPT only.

Comments and feedback can be provided to the New Zealand Historic Places Trust Pouhere Taonga about this guideline. Please send comments to:

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## 1. Introduction

Sustainable development of the built environment promotes the conservation of heritage buildings and heritage dams for future generations. Sustainable development encourages a long-term risk management approach to ensure buildings and dams are safeguarded from hazards such as earthquake and fires.

Heritage buildings and heritage dams are of importance to the nation. While they are places of public interest, heritage buildings and heritage dams are often privately owned. New Zealand's building regulations have ensured the survival of many heritage buildings and heritage dams over the years and appropriately designed earthquake strengthening work will ensure heritage buildings and heritage dams survive for future generations. Such earthquake strengthening works should be designed to involve minimal loss to heritage fabric.

Policies prepared under the Building Act 2004 should ensure that the special issues concerning heritage buildings and heritage dams are recognised and provided for, especially issues relating to the need to strengthen dangerous heritage buildings, the need to minimise any damage or loss of heritage fabric, provision of incentives, and the interests of owners and other stakeholders.

### 1.1 The Guide

This guide is for territorial authorities in respect to heritage provisions of policies for dangerous, earthquake-prone, and insanitary buildings.<sup>1</sup> It is also relevant for the development of policies for dangerous dams, in terms of recommended processes and procedures. It is acknowledged that many local authorities have already prepared draft policies or are in a consultative process.

The guide discusses some key heritage-related principles relating to dangerous building and dam issues and explains the concept of a heritage building and heritage dam. Examples of model policies are provided for local authorities to consider incorporating into their policy processes.

The New Zealand Historic Places Trust (NZHPT) acknowledges that the extent to which guidance regarding policy development and implementation of voluntary practice by territorial and regional authorities is applied will be subject to the resources allocated for such tasks by a community.

As a first step, local authorities should discuss the preparation of the policies with the relevant regional or area office of the NZHPT. Ideally, there should be an opportunity for NZHPT input before formal public notification of the proposed policy in view of promoting a 'partnership approach'.

---

<sup>1</sup> For the purposes of this guide, the term 'building' and 'dam' is as defined in the Building Act 2004

In addition to discussions with relevant organisations, a 'working party' approach to the preparation of the policies should be encouraged with the participation of NZHPT, community boards, heritage groups, and other stakeholders. Generally, the NZHPT will base its advice and advocacy to local authorities on this guide.

For further information, please contact the nearest regional or area office of NZHPT.

## **1.2 Building Act 2004**

The Building Act 2004 regulates all building work in New Zealand and:

- sets performance standards (including the Building Code);
- establishes a licensing regime for building practitioners;
- requires local authorities (and private organisations) to become registered and accredited building consent authorities to carry out building control functions; and
- establishes a new regulatory regime for dam safety.

The functions of territorial authorities as building consent authorities are outlined in the Building Act 2004. These functions include:

- issuing of building consents;
- issuing of project information memoranda;
- issuing of notices to fix (section 164);
- keeping of building consent information and the provision of public access to building information;
- carrying out of building work on default (section 220); and
- inspections and enforcement.

Regional authorities also perform the function of a building consent authority in relation to dams.

In exercising functions under the Building Act 2004, building consent authorities need to ensure that buildings are safe, promote physical independence and wellbeing, have adequate fire escape provisions and are designed, constructed, and able to be used in ways that promote sustainable development. Also building consent authorities are required to take into account the principles of section 4(2)(f) of the Building Act 2004 which include the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value.

Further information about the Building Act 2004 is available from the Department of Building and Housing's website: [www.dbh.govt.nz](http://www.dbh.govt.nz) or [www.building.govt.nz](http://www.building.govt.nz)

Under section 131 of the Building Act 2004, territorial authorities must adopt a policy on dangerous, earthquake-prone, and insanitary buildings. The policy must state:

- (a) the approach that the territorial authority will take in performing its functions under this Part; and
- (b) the territorial authority's priorities in performing those functions; and
- (c) how the policy will apply to heritage buildings.

Complementary to the regional authority administered dam safety regime, under section 161 of the Building Act 2004, regional authorities must adopt policy on dangerous dams. Dangerous dam policies must state how the policy will apply to heritage dams.

Policies for dangerous, earthquake-prone, and insanitary buildings and dangerous dams must be adopted in accordance with the special consultative procedure outlined in section 83 of the Local Government Act 2002. This means the policies must be subject to public consultation processes with the opportunity for public submissions and an open hearing.

## 2. Key Concepts and Principles

The purpose of the Building Act is to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings, to ensure that –

- (a) people who use buildings can do so safely and without endangering their health; and
- (b) buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and
- (c) people who use a building can escape from the building if it is on fire; and
- (d) buildings are designed, constructed, and able to be used in ways that promote sustainable development.

Sustainable development is a key Government objective as detailed in *Sustainable Development for New Zealand, Programme of Action*, January 2003. This report defines sustainable development as ‘development which meets the needs of the present without compromising the ability of future generations to meet their own needs.’<sup>2</sup> This requires processes that take account of the social, economic, environmental, and cultural effects of our decisions. In particular, the Programme of Action highlights the importance of culture and the achievement of sustainable cities that incorporate a holistic approach to historic heritage.<sup>3</sup>

It is an internationally accepted principle and practice that the identification, protection, preservation, and conservation of buildings of historical and cultural heritage importance are an essential element of sustainable development. In other words, to achieve sustainable development, buildings of historical and cultural importance must be identified, preserved, and conserved.<sup>4</sup>

In applying the purpose of the Building Act, a number of principles are outlined in section 4. In terms of historic heritage, the relevant principles include:

<sup>2</sup> Department of Prime Minister and Cabinet, *Sustainable Development for New Zealand, Programme of Action*, January 2003.

<sup>3</sup> *ibid*, p 22

<sup>4</sup> Christine Phillips, *Sustainable Place – A Place for Sustainable Development*, Wiley-Academy, West Sussex, 2003

- (d) the importance of recognising any special traditional and cultural aspects of the intended use of a building;
- (l) the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value.

The Minister responsible for the administration of the Building Act, Chief Executive of the Department of Building and Housing, and local authorities are required to 'take into account' these principles to the extent they are performing functions or duties, or exercising powers, in relation to the grant of waivers or modifications of the building code and the adoption or review of policy on dangerous, earthquake-prone, and insanitary buildings or, as the case may be, dangerous dams.

There can be tensions between the requirements of the Building Act 2004 and with the purpose and principles of the Historic Places Act 1993, and the Resource Management Act 1991. The tension stems from the focus of ensuring building safety, amenity, and access under the Building Act 2004, and the protection of historic heritage as a matter of national importance under the Resource Management Act 1991 and the purpose of the Historic Places Act 1993 to promote minimum change of heritage buildings in order to conserve and preserve historical and cultural heritage values.

It is critical that in meeting the requirements of the Building Act and the Building Code, positive heritage outcomes are also achieved. For example, the implementation of the Building Act should not result in the premature demolition of heritage buildings. In addition, buildings should not be abandoned due to excessive upgrade costs to meet the requirements of the Building Code. Any prolonged abandonment will eventually lead to demolition.

The new local authority policies for dangerous buildings and dams must have a strong heritage component and heritage issues require special consideration.

The policies need to meet the purpose of the Building Act 2004, including the concept of sustainable development, and take into account any special traditional and cultural aspects of the intended use of a building and the need to facilitate the preservation of buildings of significant cultural, historical or heritage value. In addition, they must state how the policy will apply to heritage buildings and dams.

### 3. Existing Guidance

There is some guidance available in relation to heritage building issues in the context of the former Building Act 1991. For example, in 2000 the NZHPT published 10 heritage guidelines. These guidelines included earthquake strengthening, fire safety, and making heritage buildings accessible.<sup>5</sup> While these guidelines contain useful information, they do require updating in light of the new Building Act. A copy of these guidelines can be obtained from NZHPT.

<sup>5</sup> Lou Robinson and Ian Bowman, *Earthquake Strengthening Heritage Guidelines*, NZHPT, 2000  
Carol Caldwell and Hamish MacLennan, *Fire Safety Heritage Guidelines*, NZHPT, 2000  
Julia Gatley, *Making Heritage Buildings Accessible*, NZHPT, 2000



In 2004, some further guidance brochures were developed by the NZ Fire Service and NZHPT with regard to fire safety.<sup>6</sup>

As part of this guidance series, the NZHPT has developed an overview guide on the Building Act 2004 and historic heritage (see Guide No.6 of this series).

The Department of Building and Housing has produced a range of guidance material on the new Building Act and its procedures. The information is available on the Department's website and the specific 'Building Act' website.

The Department of Building and Housing has prepared a guide in respect to the preparation of a policy for earthquake-prone buildings. Please contact the Department to obtain a copy of *Earthquake-Prone Building Provisions of the Building Act 2004 Policy Guidance for Territorial Authorities*, June 2005 or download the guide from:  
<http://www.building.govt.nz/publish/publications.php>

#### 4. Heritage Buildings

In the preparation of earthquake-prone, dangerous and insanitary buildings policies, the term 'heritage buildings' is adopted in section 131 of the Building Act. This term is also used in sections 125 with regard to provision for copies of requirement notices to be provided to the NZHPT.

**There is an important distinction between earthquake-prone policies and dangerous and insanitary buildings policies under section 131 of the Building Act.**

Earthquake-prone buildings can include any buildings with the exception of buildings that are wholly or mainly for residential purposes unless the building comprises 2 or more storeys and contains 3 or more household units.<sup>7</sup>

Earthquake-prone building policies under section 131 of the Building Act do not cover residential heritage buildings unless that residential building comprises 2 or more storeys and contains 3 or more household units. This provision should be made clear within local authority policies.

Dangerous and insanitary building policies under section 131 apply to all types of buildings as there is no exclusion for residential buildings within the meaning of dangerous and insanitary buildings. Consequently, all types of heritage buildings may be covered by dangerous and insanitary buildings policies.

Within the meaning of building under section 8 and 9 of the Building Act, it is appropriate that a local authority indicates in policies the community's understanding of heritage buildings within its district or region.

<sup>6</sup> NZ Fire Service, NZHPT, *Protecting and Preserving what we Value*.

<sup>7</sup> Section 122, Building Act 2004

To capture the wide-ranging nature of the terms heritage buildings, it is suggested that they may include, but not be limited to:

- Any building within any proposal to register or any registered historic place, historic area, wahi tapu, or wahi tapu area under the Historic Places Act 1993.
- Any building listed as a historic heritage item in any district or regional plan prepared under the Resource Management Act 1991.
- Any heritage building or Actively Managed Historic Place listed in a Historic Resources Strategy or Conservation Management Strategy and Conservation Management Plan prepared under the Conservation Act 1987.
- Any heritage building listed in a reserve management plan prepared under the Reserves Act 1977.
- Any building established by the Maori Land Court under the Te Turi Whenua Maori Land Act 1993 for historic and cultural purposes and buildings of importance to tangata whenua.
- Any building associated with a historic cemetery or memorial.
- Any building managed for heritage purposes by agencies such as NZHPT, Ministry of Culture and Heritage, the Department of Conservation, and local authorities.
- Any building that is subject to a heritage order, heritage covenant or other protective covenant.
- Any other heritage building deemed to have heritage value using best practice criteria and research, including buildings identified within national or district heritage inventories or heritage policy.

It is important to note, that a heritage building that has been constructed before 1900 may also be an archaeological site under the Historic Places Act 1993. Under section 2 of the Historic Places Act 1993, an archaeological site is defined as any place in New Zealand that either – was associated with human activity that occurred before 1900; or is the site of the wreck of any vessel where that wreck occurred before 1900; and – is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand. Under section 9(2) of the Historic Places Act 1993, the NZHPT may declare any post-1900 site to be covered by the archaeological site definition in section 2 by notice in the *Gazette*.<sup>8</sup>

<sup>8</sup> In 2004, the NZHPT declared the Napier Prison Wall an archaeological site under section 9(2) of the Historic Places Act 1993.

Section 10 of the Historic Places Act 1993 directs that an authority is required from the New Zealand Historic Places Trust if there is “reasonable cause” to suspect an archaeological site (recorded or unrecorded), may be modified, damaged or destroyed in the course of any activity. An authority is required for such work whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted.

Policies for dangerous buildings should also provide for any building of special traditional or cultural usage and buildings of significant cultural historical, or heritage value in terms of section 4(c) of the Building Act 2004. These buildings may include churches, marae, and papakainga.

#### **Marae**

Marae are special buildings of cultural heritage value and are unique to New Zealand/Aotearoa. Marae may be both historic and contemporary. They can include a number of buildings, including the whare nui, whare kai, and associated facilities. Often marae are associated with a whare karakia, urupa and papa kainga.<sup>9</sup>

The traditional structure of marae may present many Building Act-related challenges. For example, fire is a particular hazard for many marae and protecting marae from fire is of primary importance.<sup>10</sup> It is unknown how many marae in the country would be considered to be dangerous or earthquake-prone. Local authorities should ensure marae communities are supported to undertake engineering assessments to identify buildings at risk and to carry out required strengthening work in a culturally appropriate manner.

For further information about the conservation of marae buildings. Contact: Dean Whiting, Maori Heritage Manager (Central/Southern), NZHPT, phone 04 494 8043

<sup>9</sup> Whare nui: meeting house; whare kai: dining hall; whare karakia: church; urupa: burial ground; Papa kainga: residential village

<sup>10</sup> NZ Fire Service, NZHPT, Ministry of Consumer Affairs, *Protecting Marae from Fire Nga whakatupato ahi mo te marae*, 2005

## **5. Heritage-Related Policies on Dangerous, Earthquake-Prone and Insanitary Buildings.**

The Building Act 2004 provides special provisions for certain categories of buildings which are considered to be either dangerous, earthquake-prone or insanitary.<sup>11</sup> With regard to earthquake-prone buildings, these buildings are those which will have their 'ultimate capacity exceeded in a moderate earthquake.'<sup>12</sup> A moderate earthquake means, in relation to a building:

an earthquake that would generate shaking at the site of the building that is of the same duration as, but that is one-third as strong as, the earthquake shaking (determined by normal measures of acceleration, velocity, and displacement) that would be used to design a new building at that site.<sup>13</sup>

In simple terms, a building may be considered earthquake-prone if it is assessed to be less than one-third of the current standard for new buildings. As stated above, this provision relates to all types of buildings with the exception of residential houses unless the residential building comprises 2 or more storeys and contains 3 or more household units.<sup>14</sup>

If a territorial authority considers that a building is dangerous, earthquake-prone or insanitary, the territorial authority can take action to safeguard both life and property. These actions include putting up a hoarding or fence to prevent people approaching the building, attaching a public warning notice, or issuing a written notice to the owners requiring them to reduce or remove the danger or prevent the building from remaining insanitary.<sup>15</sup> A copy of any such notice must be provided to the NZHPT if the building is a heritage building.<sup>16</sup>

In implementing the dangerous, earthquake-prone, or insanitary building provisions of the Building Act, territorial authorities should work with owners and other agencies to ensure positive heritage outcomes.

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<sup>11</sup> See definitions of dangerous, earthquake-prone, and insanitary buildings: sections 121-123 Building Act 2004

<sup>12</sup> Section 122(1)(a) Building Act 2004

<sup>13</sup> Building (Specified Systems, Change the Use, and Earthquake-Prone Buildings) Regulations 2005

<sup>14</sup> Section 122, Building Act 2004

<sup>15</sup> Section 124 Building Act 2004

<sup>16</sup> Section 125(2)(f) Building Act 2004

## 5.1 Overall Approach

Territorial authorities have the policy option of taking a more active approach in terms of carrying out evaluations of all buildings within their districts and the identification of high-risk buildings. A more passive or reactive approach involves assessments triggered by applications made under the Building Act.

The NZHPT considers the overall approach for heritage buildings could vary between the active and passive approaches depending upon the nature of the heritage building resource in the district, the level of earthquake risk, and the resources of the community.

In many districts, an active approach may be favourable to ensure heritage buildings at risk are identified. As noted in the introduction of this guide, sustainable development favours a long-term risk management approach to ensure buildings are safeguarded from earthquakes for future generations.

The identification process should ensure owners are contacted at an early stage. Requirements for engineering assessments and strengthening of heritage buildings at risk should be accompanied by strong funding incentives to provide appropriate support.

It should also be recognised that many heritage buildings may enjoy protection under other legislation such as the Resource Management Act 1991 (RMA), Conservation Act 1987, or the Historic Places Act 1993. In addition, any survey of buildings can be integrated into State of the Environment reporting procedures under the RMA.

The overall approach may also be passive in that any action involving a heritage building involving an initial assessment, detailed assessment and any improvement of structural performance is restricted to a trigger by an application under the Building Act 2004. These applications may involve building alterations, change of use, and extension of life or subdivision.

Whatever approach is chosen by Council, this approach should be discussed fully with building owners, community organisations and stakeholders including the NZHPT.

## 5.2 Identifying earthquake-prone buildings

The process of identifying earthquake-prone buildings includes preliminary investigations, initial evaluation processes (IEP), detailed assessment of earthquake performance, and developing priority listings.

In terms of developing the IEP and actual detailed assessment of earthquake performance, a grading system has been developed by the NZ Society of Earthquake Engineering (NZSEE) as outlined in Appendix 2 of the *Earthquake-Prone Building Provisions of the Building Act 2004 Policy Guidance for Territorial Authorities*, June 2005.

The NZSEE grading system establishes categories of high, moderate and low risk according to structural performance scores. Effectively many buildings built prior to 1976 may fall within the high risk category. Any grading system should be applied to all

types of buildings and the process of identification should not be less rigorous for heritage buildings.

Many pre-1976 buildings are likely to have heritage values that require consideration when deciding on appropriate action to be undertaken to strengthen these buildings. Systems to identify earthquake-prone buildings should acknowledge previous earthquake strengthening works on the building.

### **5.3 Taking action on dangerous, earthquake-prone, or insanitary buildings**

Under sections 124-129 of the Building Act, territorial authorities have various options in dealing with dangerous, earthquake-prone or insanitary buildings. The options include preventing access to a dangerous site, erecting public warning notices or issuing a written notice to the owners requiring that the danger is reduced or removed or preventing the building from remaining insanitary. A territorial authority can also apply to the District Court for an order authorising the carrying out of building works (including demolition) and recovering the costs of these works from the owner.

In order to avoid the demolition or loss of heritage buildings, a territorial authority should, in the first instance, consult owners and the NZHPT about any proposed action to be considered under sections 124-129 of the Building Act. A territorial authority should also examine the option of preventing access to a dangerous site and putting up warning notices before considering issuing a notice to the owners to reduce or remove the danger. If a notice is issued under section 124 of the Act, the local authority should provide information about how the danger can be reduced without requiring demolition.

In some circumstances, territorial authorities may consider carrying out strengthening work on buildings under section 126 of the Building Act and, if necessary and appropriate, waive costs of this work with regard to a heritage building.

Also in the implementation of sections 124-129, territorial authorities should consider the effect of other legislation. For example, if a building is listed within the district plan, it is likely that resource consent will be required to demolish, remove, or alter under the RMA. In addition, if the building was built before 1900, an archaeological authority may be required from the NZHPT to carry out significant earthworks (including demolition and relocation) on the property.

It is important that the actual level of upgrading required must have regard to individual circumstances of the building including heritage considerations. For strengthening or stabilisation the general objective 'should be to minimise the adverse effects on the building fabric and the spaces within the building.'<sup>17</sup> In order to achieve this goal, assessments should consider alternative standards of earthquake strengthening work and the resulting effects on the heritage fabric and character of the building.

Generally, the level of earthquake strengthening works relating to heritage buildings should be at least 33% of current Design Standards to comply with the Building Act 2004. However, each building must be assessed on an individual and 'case by case' basis. As indicated by NZHPT, 'consideration should be given to higher threshold and

<sup>17</sup> Lou Robinson and Ian Bowman, *Guidelines for Earthquake Strengthening*, NZHPT, 2000, p 4

strengthening levels for buildings containing people in crowds, or of prime importance to the community in terms of heritage value of the building or contents.<sup>18</sup>

It is important that territorial authorities and owners should engage an appropriate heritage professional for the assessment of appropriate strengthening works affecting any heritage building.

#### 5.4 Incentives

Council can target non-regulatory financial incentives and advice to support the owners of heritage buildings in order to meet the requirements of the Building Act 2004. A grant fund should be made available to ensure heritage buildings are upgraded and strengthened in an appropriate manner and with minimal intervention. Grant funds can also assist in the preparation of conservation and management plans, professional conservation advice, and assessments for heritage buildings at risk.

The NZHPT is currently exploring the development of more effective incentive programmes targeted towards heritage buildings at risk.

##### **The National Heritage Preservation Incentive Fund**

In 2003 the Government established the National Heritage Preservation Incentive Fund of \$0.5m annually, to be administered and allocated by the NZHPT, to encourage the conservation of nationally significant heritage in private ownership.

Any property in private ownership that is either registered as a registered Category I historic place under the Historic Places Act, or could satisfy the requirements for Category I registration, is eligible to apply to the fund. Sites of significance to Maori, such as wahi tapu, are also eligible.

Conservation projects that involve stabilisation work, including earthquake strengthening or fire protection, are eligible for application to the Fund.

For further information, contact your nearest NZHPT office (see appendix) or the NZHPT's website: [http://www.historic.org.nz/heritage/funding\\_nhpif.html](http://www.historic.org.nz/heritage/funding_nhpif.html)

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<sup>18</sup> *ibid*, p 5

**Checklist: Implementation of Dangerous, Earthquake-Prone and Insanitary Heritage Buildings under the Building Act 2004**

- Has the Council's draft policy on dangerous, earthquake-prone or insanitary buildings provided for heritage buildings?
- Is the building a dangerous, earthquake-prone or insanitary building? Note that a residential heritage building cannot be regarded as earthquake-prone unless it comprises of 2 or more storeys and contains 3 or more household units.
- Is the building a heritage building? Check Council Policy or seek advice from NZHPT or heritage professional.
- Is the building listed within a Regional or District Plan under the RMA? If yes, it is likely resource consent will be required to alter, remove or demolish the building.
- Is the building an archaeological site under the Historic Places Act 1993? If yes, an archaeological authority may be required from NZHPT to remove or demolish the building.
- Has expert heritage professional advice been obtained?
- Are there funds available to assist owners prepare a heritage assessment, structural assessment or conservation plan?
- Has NZHPT or other heritage stakeholders been consulted?
- What level of structural strengthening work is required?
- Would structural strengthening work result in damage to heritage fabric or the site?
- Have a range of alternative strengthening options and levels been investigated?
- Are there alternatives to demolition, including restricting public access and erecting warning notices?
- Ensure NZHPT receives notice as required under section 125 of the Building Act 2004.



### **5.5 Examples of Model Heritage-Related Policies on Dangerous, Earthquake-Prone and Insanitary Buildings.**

Below are examples of the types of policies that territorial authorities may include in policy documents relating to dangerous, earthquake-prone and insanitary buildings:

#### **General**

*The Council, in the implementation of procedures under the Building Act 2004 with regard to dangerous, earthquake-prone, or insanitary buildings, will take into account any special traditional and cultural aspects of the intended use of a building and the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value. This will be achieved by:*

- *Recognising the range of heritage buildings that may exist in the district, including the NZHPT Register, listed heritage places, buildings of significance to iwi, and other buildings of significance to the community.*
- *Ensuring early identification of heritage buildings at risk.*
- *Ensuring early consultation with owners of heritage buildings.*
- *Informing and involving relevant statutory organisations, including NZHPT with regard to any heritage buildings identified as at risk.*
- *Considering heritage values when managing any building identified as at risk.*
- *Considering heritage values when developing upgrading proposals.*
- *Providing targeted assistance to the owners of heritage buildings.*

#### **Earthquake-Prone Buildings**

*The Council, in the implementation of procedures under the Building Act 2004 with regard to earthquake-prone buildings, will ensure that generally non-residential heritage buildings in the district will be considered in the development and implementation of the Policy.*

*Non-residential heritage buildings may include any structure on the NZHPT Register, listed heritage places, buildings of significance to iwi, and other buildings of significance to the community.*

*In relation to any detailed assessment of buildings at risk and in relation to any heritage building, the following matters will be considered:*

- *The heritage significance, integrity and condition of the historic heritage including any significant components or fabric and features of heritage value.*

- *Any relevant economic matters.*<sup>19</sup>
- *Any statutory protection, including any listing in the District Plan, reserve management provision, covenant or heritage order, or as an archaeological site under the Historic Places Act 1993.*
- *Any advice from NZHPT, professional conservation organization or heritage professional, including Council's own heritage advisers (if relevant).*
- *The principles of the ICOMOS New Zealand Charter.*<sup>20</sup>
- *Any relevant conservation report, conservation plan, condition report, management plan, heritage assessment or other document.*<sup>21</sup>

*In implementing the provisions of section 124-129 of the Building Act, Council will consider alternative methods to avoid unnecessary demolition of heritage buildings including:*

- *Restricting public access and erecting public warning notices (section 124(1)(a)(b)).*
- *Consulting owners and NZHPT in relating to any proposed written notice requiring work.*
- *Providing extended timeframes for heritage buildings in relating to any written notice requiring work.*
- *Ensuring that any written notice requiring work provides options to repair the building as appropriate.*
- *Examining options for Council to repair buildings under section 126 including considering waiving costs to owners if appropriate.*

*In assessing the upgrading of heritage buildings to meet the Building Act requirements, the local authority will examine alternative levels of compliance with the Building Act and consider the varying effects on the heritage values of the building. In addition, any assessment for the upgrading of heritage buildings will consider the following matters:*

- *The principles of the ICOMOS New Zealand Charter.*
- *Ensuring that all new work involves minimal possible intrusion to the site and the heritage fabric of the building.*
- *Any advice from NZHPT, professional conservation organization or heritage professional, including Council's own heritage advisers.*

<sup>19</sup> Economic matters may include direct use values (i.e. commercial) indirect use values (i.e. recreational), option values, bequest values, and existence values. NZ Law Society Seminar Booklet, *Economics and the RMA*, August 2004

<sup>20</sup> See ICOMOS New Zealand: <http://www.icomos.org.nz/>

<sup>21</sup> Local authorities should consider the potential need to formulate these documents and plans in some instances if they do not already exist prior to proposing a program of strengthening works.

*Council will promote the use of non-regulatory financial incentives and advice to provide assistance to owners of heritage buildings at risk. This incentive will be operated in collaboration with other central government and private incentive and grant schemes. The total sum of monies available in the fund will be established in the Council's Long Term Council Community Plan.*

## 6. Heritage-related Policies on Dangerous Dams.

The Building Act 2004 establishes a dam safety regime that requires dam owners to assess a dam according to the potential impact of a failure of the dam on persons, property and the environment.<sup>22</sup> A dam owner must also register the dam and its classification with the relevant regional authority. The dam safety regime is administered by regional authorities. If a dam is assessed to be a 'medium potential impact dam' or a 'high potential impact dam', the owner of the dam must prepare, or arrange for the preparation of, a dam safety assurance programme which is audited by a recognised engineer.<sup>23</sup> Owners of dams where a dam safety assurance programme has been approved must also supply an annual dam compliance certificate to the relevant regional authority which has been audited by a recognised engineer.

The New Zealand Dam Safety Guidelines 2000, developed by the New Zealand Society on Large Dams (NZSOLD), is the primary guidance information on safety assessment matters. See the NZSOLD website:

<http://www.ipenz.org.nz/nzsold/publications.htm>

Regulations under the Building Act 2004 will prescribe:

- The competency and qualifications of recognised engineers.
- Criteria and standards for the classification of dams (as having *low*, *medium* or *high* potential impact).
- Criteria and standards for dam safety assurance programmes.
- The format and content of dam compliance certificates.
- Definitions applying to dangerous dams (moderate flood, moderate earthquake).
- Criteria and standards for dam owner accreditation.
- Reporting.

For further information about the regulatory regime for dams, please refer to the Department of Building and Housing's website: [www.dbh.govt.nz](http://www.dbh.govt.nz).

<sup>22</sup> A dam, under the Building Act, means (a) an artificial barrier, and its appurtenant structures, that – (i) is constructed to hold back water or other fluid under constant pressure so as to form a reservoir; and (ii) is used for the storage, control, or diversion of water or other fluid; and (iii) retains 3 or more metres depth, and holds 20 000 or more cubic metres volume, of water or other fluid; and (b) includes – (i) a flood control dam; and (ii) a natural feature that has been significantly modified to function as a dam; and (iii) a canal; but (c) does not include a stopbank designed to control floodwaters.

<sup>23</sup> Section 140 Building Act 2004

## 6.1 Dangerous Dams and Heritage Dams

The Building Act 2004 contains special provision for dangerous dams. These are dams that are high potential impact dams or medium potential impact dams<sup>24</sup> and are likely to collapse in the ordinary course of events, in a moderate earthquake, or in a moderate flood, or are leaky.<sup>25</sup> Unlike a dangerous building, the collapse of a dam may have serious consequences for people and the environment in a large area.

If a regional authority is satisfied that a dam is dangerous, it may put up a hoarding or fence to prevent access to the dam, attach a warning notice, or give written notice requiring work to be carried out on the dam in order to reduce or remove the danger. A copy of any notice must be provided to the NZHPT if the dam is a heritage dam.

Dangerous dams are generally substantial structures that are likely to collapse or are leaky. Consequently, the dangerous dams would not include many small dams such as minor irrigation dams.

Regional authorities are required to prepare a policy on dangerous dams under section 161 of the Building Act. This policy must state how the policy will apply to heritage dams. Heritage dams would only come within the policy if they are considered to be dangerous within the meaning of section 153 of the Building Act. This would mean that many small historic dams would not be covered by the policy.

The NZHPT considers that regional authorities should undertake a survey of dams within the region to identify dangerous heritage dams. This would mean identifying any large dams that are registered by the NZHPT, listed in the regional or district plan, recorded as an archaeological site, within a reserve or regional park, or identified by best practice research and research by any other organisation such as the Institution of Professional Engineers New Zealand (IPENZ) or the New Zealand Society on Large Dams (NZSOLD).<sup>26</sup>

Regional authorities should also note that the archaeological authority provisions of the Historic Places Act 1993 may apply to any dam dating from pre-1900.

If a heritage dam has been identified as dangerous or remedial work has been identified through a dam safety assurance programme, the NZHPT should be consulted before any actions are undertaken by the regional authority under sections 153-160 of the Act and similar policies should apply as per the above guidance for dangerous buildings outlined above.

<sup>24</sup> In the absence of regulations, guidance on 'medium and high potential impact dams' is provided by NZSOLD, *New Zealand Dam Safety Guidelines*, November 2000. This guideline states that a medium potential impact dam is likely to have a dam height in the 10-20 metre range, but not exceeding 15 metres if the stored volume exceeds 1,000,000 cubic metres. A high potential impact dam will have a height and storage capacity in excess of a medium potential impact dam.

<sup>25</sup> Section 153 Building Act 2004

<sup>26</sup> For a list of heritage dams identified by IPENZ Heritage Committee and entered into the Heritage Database, see: <http://www.ipenz.org.nz/heritage>

## 6.2 Managing Heritage Dams

Heritage dams can present many challenges for both consent authorities and owners. Many heritage dams were constructed for water supply or pumping purposes that have now long ceased and it may be difficult to identify when the dam was built. It is also often the case that dams are located within the riverbed and not owned by the adjoining landowner or the ownership status is generally unknown. These dams are known as orphan structures. Some heritage dams have continued to function with reduced water levels to reduce risk to the public.

Councils should develop strategies to manage all heritage dams, including orphan structures. As a first step, the ownership and history of the dam should be investigated. Many orphan structures may be the responsibility of the Crown if the Crown owns the riverbed beneath them.

Heritage dams and orphan structures may present other issues in addition to safety concerns. For example, in Taranaki, dams have posed a major barrier to fish passage. In this region, the regional authority has undertaken an inventory of dams with a program of altering the dams to provide suitable fish passage. As shown in the Taranaki experience, there can be tensions between the safety standards of the Building Act 2004, the heritage principles of the Historic Places Act 1993 and the sustainable management purpose of the RMA.

### Karori Wildlife Sanctuary Dams

The Karori Wildlife Sanctuary in Wellington includes two large dams. The lower dam is one of New Zealand's best examples of a puddled core earth dam and dates from 1874. It was the first water supply dam in Wellington. Both dams are managed as part of the wildlife sanctuary and provide a habitat for indigenous flora and fauna and have reduced water levels to reduce the risk to the public. The dams are also the site of historic gold workings.

In 1997, Bob Offer wrote a detailed account of New Zealand's historic dams in his book entitled *Walls of Water, A History of Pioneer Dam Building in New Zealand*. This book was published by the Dunmore Press. Copies of the book can be ordered from the NZSOLD website: <http://www.ipenz.org.nz/nzsold/wallsforwater/>

The NZHPT considers that dams should be managed in an integrated manner to achieve both safety, historic, and environmental objectives. Policies prepared under section 161 of the Building Act are limited to managing dangerous dams and cannot address some of wider management issues relating to all types of dams.

The NZHPT suggests regional authorities prepare a non-statutory dams strategy. This strategy would cover issues relating to:

- Principles for managing dams.
- Regulatory requirements of the Building Act 2004, Historic Places Act 1993, RMA, and other relevant legislation.
- The preparation of a dam inventory for the region.
- Heritage issues, including a program of identification of 'heritage dams'.

- Environment issues, including river flow and fish passage.
- Ownership and responsibility issues, including issues relating to orphan dams.
- Other issues associated with dams such as access.

The Strategy should be prepared in consultation with all key stakeholders and the public, including NZHPT and NZSOLD.



Ross Creek (No.1) Earth Dam in Dunedin (registered Category I historic place) was built in 1865 and is one of the earliest water supply dams in New Zealand.

Photo: Dunedin City Council

### **6.3 Examples of Model Heritage-Related Policies on Dangerous Dams.**

*The Council, in the implementation of procedures under the Building Act 2004 with regard to dangerous dams, will take into account any special traditional and cultural aspects of the intended use of a dam and the need to facilitate the preservation of dams of significant cultural, historical, or heritage value. This will be achieved by:*

- *Developing strategies to identify heritage dams in the region.*
- *Ensuring consultation with key statutory agencies, including NZHPT, on the development of heritage grading and assessment processes.*
- *Ensuring early identification of heritage dams at risk.*
- *Ensuring early consultation with owners of heritage dams.*
- *Informing and involving relevant statutory organisations, including NZHPT with regard to any heritage dam identified as at risk.*
- *Considering heritage values when managing any dam identified as at risk.*
- *Considering heritage values when developing upgrading proposals.*
- *Providing targeted assistance to the owners of heritage dams.*

*In relation to any detailed assessment of dams at risk and in relation to any heritage dams, the following matters will be considered:*

- *The heritage significance, integrity and condition of the heritage dam including any significant components or fabric and features of heritage value.*
- *Any relevant economic matters.<sup>27</sup>*
- *Any statutory protection, including any listing in the District Plan, reserve management provision, covenant or heritage order, or as an archaeological site under the Historic Places Act 1993.*
- *Any advice from NZHPT, or professional conservation organization or heritage professional, including Council's own heritage advisers.*
- *The principles of the ICOMOS New Zealand Charter.<sup>28</sup>*
- *Any relevant conservation report, conservation plan, condition report, management plan, heritage assessment or other document.<sup>29</sup>*

<sup>27</sup> Economic matters may include direct use values (i.e. commercial) indirect use values (i.e. recreational), option values, bequest values, and existence values. NZ Law Society Seminar Booklet, *Economics and the RMA*, August 2004

<sup>28</sup> See ICOMOS New Zealand: <http://www.icomos.org.nz/>



*In implementing the provisions of section 153-160 of the Building Act, Council will consider alternative methods to avoid unnecessary demolition of heritage dams including:*

- *Reducing water levels.*
- *Restricting public access and erecting public warning notices (section 154(1)(a)(b)).*
- *Consulting owners and NZHPT in relating to any proposed written notice requiring work.*
- *Providing extended timeframes for heritage dams in relating to any written notice requiring work.*
- *Ensuring that any written notice requiring work provides options to repair the heritage dam as appropriate.*
- *Examine options for Council to repair heritage dams under section 126 including considering waiving costs from owners if appropriate.*

*Council will promote the use of non-regulatory financial incentives and advice to provide assistance to owners of heritage dams at risk. This incentive will be operated in collaboration with other central government and private incentive and grant schemes. The total sum of monies available in the fund will be established in the Council's Long Term Council Community Plan.*

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<sup>29</sup> Local authorities should consider the potential need to formulate these documents and plans in some instances if they do not already exist prior to proposing a program of strengthening works.



File No.: 17/202

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## Proposed Resource Consent Fees 2017/18

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### 1. Purpose

The purpose of this report is to provide the platform to allow the committee to hear and consider submissions received on the Proposed Resource Consent Fees 2017/18, and provide a subsequent recommendation to Council.

### 2. Executive Summary

- 2.1 Council consulted on proposed fees and charges using the Special Consultative Procedure (SCP) under the Local Government Act 2002 (Act) with submissions closing 24 April 2017. One submission was received and this must now be considered by the Committee acting under delegated authority of Council. A summary of this submission complete with Officer comment is contained in Section 5 of this Report.
- 2.2 After hearing the submission the Committee is required to make a subsequent recommendation to Council in respect of these fees and charges.

### 3. Recommendation

- 3.1 That Report 17/202 Proposed Resource Consent Fees 2017/18 be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act
- 3.3 That after the consideration of submissions the committee recommend to Council the adoption of the proposed Resource Consenting fees and charges, attached as **Attachment A**, or as may be amended by the Committee, to apply in the Horowhenua District effective 01 July 2017.

### 4. Background / Previous Council Decisions

- 4.1 At the 15 March 2017 Council meeting it was resolved to consult on the proposed fees and charges for Resource Consenting purposes, using the SCP with submissions closing on 24 April 2017 – Report 17/73 refers.
- 4.2 The ability to hear and consider submissions on this matter is delegated to the Hearings Committee from Council.

### 5. Discussion

- 5.1 Consultation included an email to our Resource Consenting Industry distribution list, consisting of 60 members, public notice being given in “The Chronicle” Newspaper, as well as notification on Council’s website.
- 5.2 One submission has been received and the submitter does not wish to speak but does wish to be present to answer any questions the Committee may have.
- 5.3 A summary of the submission, attached as **Attachment B**, together with officer comments follows:

Ms Sue Graham, Truebridge Associates Ltd, Submission. The submitter has raised 4 points;

1. That the proposed "10 Day Land Use Consent" fixed fee of \$2,000.00 be deleted and the "Fast Track Consent" with a fixed fee of \$480.00, and processing time of 5 working days, be reinstated. The submitter believes that increasing the costs to the proposed amount and doubling the processing time, could not be considered fair and reasonable. The submitter mentions that the Resource legislation Amendment Bill is trying to make the resource consent process easier and faster for minor rule breaches and Council should follow suit by making fees realistic;

Officer Comment - There is now clearly defined criteria which applications are required to meet in order to qualify for the proposed "10 Day Land Use Consent" process. This process is an option for applicants who wish to pay for a premium service, as opposed to the previous "Fast Track Consent" process, which was completed at the Planners discretion and was set at an unrealistic timeframe of 5 days and therefore could be declined during periods of heavy workload. We are very aware of the contents of the Amendment Bill, and we are also aware that previous charges did not cover our costs. The Resource Management Act (RMA) also allows us to recover/charge actual and reasonable costs.

2. That the increase in the s125 Application fee is not fair and reasonable. This is for an extension of time to give effect to a resource consent which generally has straightforward reasons and would not cost Council staff \$750.00 to process;

Officer Comment - Previously, the s125 fee was unrealistic and was not covering costs. Either the fees were being invoiced at the end of the process, or they were not charged at all and were written off. The proposed fee takes account of actual costs and means we are meeting Councils funding policy;

3. Hearing costs of \$3,200.00 should be written as a deposit and charged at cost, rather than written as a fee/charge.

Officer Comment - As per the proposed fees and charges, Hearings costs are listed as a deposit and this is outlined on the proposed fees and charges structure.

4. The submitter is unsure why 20% has been added to the cost of s42A planning reports when Councils summary of info says no changes for planning fees.

Officer Comment - The 20% fee additional to the cost of consultant s42A planning reports reflects the costs associated with outsourcing reports, much the same as the other miscellaneous matters referred to, which are also to reflect costs associated with these matters.

Overall, the submission is not supported.

## 6. Options

The Committee needs to consider the submission. The submitter does not wish to speak to their submission but is happy to answer any questions the Committee may have. The Committee then needs to make its decisions and provide a relevant recommendation to Council – see recommendation 3.3.

### 6.1 Cost

There are no costs associated with this matter.

Option	Cost
N/A	N/A
N/A	N/A

### 6.1.1 Rate Impact

There is no rate impact.

### 6.2 Community Wellbeing

There are no negative impacts on Community Wellbeing arising from the proposed Resource Consenting fees and charges 2017/18.

### 6.3 Consenting Issues

There are no consenting issues.

### 6.4 LTP Integration

Not Applicable.

## 7. Consultation

Consultation was undertaken as outlined previously in this report.

## 8. Legal Considerations

There are no legal requirements or statutory obligations affecting the options or proposals, other than consideration being given that the fees and charges are reasonable and fair.

## 9. Financial Considerations

There is no financial impact.

## 10. Other Considerations

There are no other considerations at this point.

## 11. Next Steps

Following the resolutions of the Committee, a report will be prepared for Council reflective of the Committee's decisions on this matter.

## 12. Supporting Information

**Strategic Fit/Strategic Outcome – N/A**

**Decision Making – N/A**

**Consistency with Existing Policy – N/A**

**Funding – N/A**


### **Confirmation of statutory compliance**


In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### 13. Appendices

No.	Title	Page
A	Statement of Proposal - Resource Consenting (Planning) Fees and Charges for the 2017/18 Year	71
B	Submission – Proposed Fees & Charges 2017/18 Food Act 2014 and Resource Consenting – Sue Graham – Truebridge Associated Ltd – 21 April 2017	75

Author(s)	Aroha Pakau <b>Consents Lead</b>	
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Approved by	Monique Davidson <b>Group Manager - Customer and Community Services</b>	
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# Statement of Proposal



# Planning Fees and Charges for the 2017/18 Year

**HOROWHENUA DISTRICT COUNCIL  
PLANNING FEES 2017/18**

**1. INTRODUCTION**

This Statement of Proposal has been prepared to fulfil the requirements of section 83 of the Local Government Act 2002 (LGA) and section 36(2) of the Resource Management Act 1991 (the Act).

The Act provides the Council with the ability to fix fees to recover the direct and indirect costs of Council's functions under the Act.

Council is proposing to fix fees to recover these costs.

Prior to fixing fees under the Act, the Council is required to consult on the proposed fees using the special consultative procedure of the LGA 2002.

**2. REASON FOR PROPOSAL**

Council has decided to set fees to recover a portion of the direct and indirect costs of its functions performed under the Act.

Recovering costs in this manner recognises the benefit to the direct user of the service while also recognising the public benefit for the community in relation to the functions performed. This aligns with Council's Revenue and Financing Policy, which identifies that in funding regulatory services functions, the majority of funds should be sourced through fees with a minority funded through general rates.

In fixing fees under section 36 of the RMA a local authority is required to have regard to the requirement that the sole purpose of the charge is to recover reasonable costs incurred by the local authority in respect of the activity to which the charge relates, and a particular person or persons should only be required to pay a charge to the extent that the benefit of the local authorities actions to which the charge relates is obtained by those persons as distinct from the community of the local authority as a whole.

**3. PROPOSAL TO SET FEES**

Council proposes the following fee structure to ensure the recovery of a proportion of the direct and indirect costs incurred by Council in performing its functions commencing 1 July 2017.

- (a). Fees and charges are set under the Resource Management Act 1991.
- (b). All fees and charges are GST inclusive and are effective from 1 July 2017, and Council reserves the right to review any fees and charges at any time.
- (c). Fees are charged for processing a wide variety of "planning" related applications processed under the Resource Management Act 1991 or the Local Government Act 1974 and 2002. Some fees and charges have a fixed fee, and others require a



deposit and are then charged on an hourly rate basis which will be invoiced on completion of processing.

- (d). Ten Day Land Use
- (i) For consents with a Controlled or Restricted Discretionary Activity only, where there are a maximum of two non-compliances;
  - (ii) Does not apply when referrals to other departments/organisations are required;
  - (iii) Have complete written approvals from all potentially affected parties (e.g. all adjoining/opposite neighbours);
  - (iv) A meeting with a Resource Management Planner is required prior to lodging any application to ensure all necessary information is provided to avoid unnecessary delay for the applicant.
- (e). Applicants may apply for the remission of any charges and have the right of objection and appeal to any “additional” charges that may be incurred (s36(6) Resource Management Act 1991).
- (f). Deposit fees/charges are ‘non-refundable’.
- (g). Consents may incur additional charges relating to any required monitoring inspections.

#### 4. PROPOSED FEES AND CHARGES

Description	Fee/Charge
<b>Consent Applications</b>	
Processing Fee	\$150.00 per hour
10 Day Land Use Consents	\$2,000.00 fee
Land Use Consent (non-notified)	\$1,000.00 deposit
Subdivision Consents (non-notified)	\$1,200.00 deposit
Digital Capture Levy (applies to all consent applications)	\$25.00 fee
<b>Other Applications</b>	<b>Deposit &amp; Time Based</b>
Bond Administration	\$200.00 fee
s125 Extension of Time	\$750.00 fee
s221 Preparation of Consent Notice	\$210.00 fee
S223 Approval of Land Transfer Plan	\$150.00 fee
Certificate of Compliance	\$600.00 deposit
Existing Use Certificate	\$600.00 deposit
s127 Application	\$600.00 deposit
s221 Consent Notice Amendment and/or cancellation	\$600.00 deposit
s224(c) or (f) Application	\$400.00 deposit
Outline Plan approval or waiver	\$600.00 deposit

Any other application or certificate under the RMA	\$205.00 deposit
Any other application under provisions of LGA 1974 not repealed	\$500.00 deposit
<b>Notification &amp; Hearing Costs</b>	<b>Fee/Charge</b>
Limited Notification	\$1,115.00 deposit
Full Notification	\$2,230.00 deposit
Hearing Costs – Council Hearings Committee	\$3,200.00 deposit based on 6 hour hearing
Commissioner Costs	At cost
s357 Lodgement of Objection & Assessment	\$550.00 deposit
<b>Miscellaneous Matters</b>	<b>Fee/Charge</b>
Consultant s42A planning reports	Cost + 20%
Specialist Reports	Cost + 20%
Mileage	AA rate applicable
Disbursements	Cost + 20%
Pre-Hearing Meetings	Cost + 20%
Title Searches	Cost + 20%

5. **HAVE YOUR SAY**

- Post to : Proposed Fees & Charges 2016/17 Submission, Horowhenua District Council, Private Bag 4002, Levin 5540;
- Deliver To : Horowhenua District Council, 126 Oxford Street, Levin;
- Email to : [recordsprocessing@horowhenua.govt.nz](mailto:recordsprocessing@horowhenua.govt.nz);
- Fax to : (06) 366 0983.

Please note that submissions must be received by 5.00 pm on 24 April 2017.

**Submission Form**  
**Proposed Fees & Charges 2017/18**  
- Food Act 2014, Food Premises  
- Resource Consenting (Planning)



OFFICE USE ONLY
TRIM# _____
Submission No: _____

Please print using a black or dark blue pen

**Your details**

Name: Mr / Mrs / Miss / Ms / Dr (circle): Sue Graham

Name of organisation (if applicable): Truebridge Associates Ltd

Postal address: 522 Queen Street  
Levin Post Code: 5540

Telephone: day: 3686249 evening: \_\_\_\_\_ mobile: 027 7733682

Email: sue@truebridge.co.nz

**Communication**

Preferred method of communication:  Email  Telephone  Post

**Presentation**

Submissions will be heard by the Hearings Committee, with hearing dates to be confirmed once submissions close.

Do you wish to present your comments to Council in person at a hearing?  Yes  No

I wish to be present to answer questions if needed

**My Submission(s):**

Please note your submission will be included in a public agenda.

I object to the proposed "10 Day Land Use Consents" having a fixed fee of \$2000.00.

I seek that this category is deleted & that the "Fast Track Consent" with a fixed charge of \$480.00 and processing time of 5 working  
(continued overleaf)

**Return your submission by:**

**Post to:** Proposed Fees & Charges 2017/18 Submission, Horowhenua District Council, Private Bag 4002, Levin 5440.

**Deliver to:** Horowhenua District Council, 126 Oxford Street, Levin; or Te Takere; Foxton Library or Shannon Library

**Email to:** [recordsprocessing@horowhenua.govt.nz](mailto:recordsprocessing@horowhenua.govt.nz)

**Fax to:** (06) 366 0983

**We need to receive your submission by 5.00 pm on 24 April 2017**

Copies of the Proposed Fees & Charges 2016/17 (Food Act and Planning) and the Summary of Information are available at Council's Levin office, Te Takere, Foxton Library, and Shannon Library. It can also be found on-line at [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz)

If you would like copies posted to you, please contact the Horowhenua District Council, Phone (06) 366 0999 or email: [enquiries@horowhenua.govt.nz](mailto:enquiries@horowhenua.govt.nz)

RM8 No: D17/18601

### Submission form to Proposed Fees & Charges 2017/18

\* Food Act 2014

Resource Consenting (Planning)

Note: \* Please clearly indicate which fees your submission relates to.

#### My submission(s):

days in reinstated.  
When the Fast Track Consent was introduced in July 2015 it was put in place to allow for a minimal fee & fast processing time for minor consents such as boundary setback breaches and other breaches of District Plan rules which require little consideration. One example of this type of Land Use Consent is a building within a Flood Hazard Overlay which is obviously well above any flood risk. As the District Plan maps have horizons indicative Flood layer overlaid and buildings within this area apart from primary production buildings require resource consent some consents are required in high areas which are rubber stamping exercises and require little in the way of reporting from Council planners. I don't believe increasing the cost of these minor consents by more than four times the Fast Track Consent fee and doubling the processing time could be considered Fair & Reasonable. Central Govt though its Resource Legislation Amendment Bill which has passed its third reading is trying to make the resource consent process easier and faster for people, particularly for minor rule breaches. Councils should be following suit by making fees realistic for people. I realise that for minor breach people could apply for a standard Land Use Consent with a \$1000.00 deposit but this is also too high and would result in Council having to do refunds which they are trying to avoid. I don't think increasing the S125 application fee from \$360 to a \$750 fee is fair and reasonable. This is an extension of time to give effect to a resource consent which generally has straight-forward reasons and would not cost Council Staff \$750 to process. The hearing costs of \$3200.00 are written as a fee/charge rather than a deposit. These should be a deposit & charged at cost. Not sure why 20% has been added to the cost of S142A planning reports from consultants and other miscellaneous matters. Council's summary of info says no changes for planning fees.

File No.: 17/220

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## Draft Local Alcohol Policy - Hearing of Submissions

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### 1. Purpose

To provide the platform for the Hearings Committee to hear and consider submissions received on the Draft Local Alcohol Policy (LAP) and then make a subsequent recommendation to Council in respect of the Policy.

### 2. Executive Summary

- 2.1 Council consulted on this draft policy using the Special Consultative Procedure (SCP) under the Local Government Act 2002 (Act) with submissions closing on 17 March 2017. A total of forty-five (45) submissions were received and these must now be considered by the Committee acting under delegated authority of Council. A summary of those submissions complete with Officer comment is contained in Section 5 of this report.
- 2.2 After hearing the submissions the Committee is required to make a subsequent recommendation in respect of the draft Policy, and as may be amended.

### 3. Recommendation

- 3.1 That Report 17/220 Draft Local Alcohol Policy - Hearing of Submissions be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That after the consideration of submissions the Committee recommend to Council that the draft Local Alcohol Policy attached as **Attachment A** be adopted as may be amended by the Committee as a provisional Local Alcohol Policy.

### 4. Background / Previous Council Decisions

- 4.1 At the 1 February 2017 meeting of Council it was resolved to consult on the draft LAP using the SCP with submissions closing 17 March 2017- Report 16/189 refers.
- 4.2 The ability to hear and consider submissions is delegated to the Hearings Committee of Council which specifically has – “all functions except the actual adoption pertaining to the formulation and review of policy and bylaws. This delegation entails calling for submissions, consideration and hearing of submissions received, and providing a subsequent recommendation to Council”.

### 5. Discussion

- 5.1 A total of 45 submissions have been received and 12 submitters indicated that they wish to talk to appear before the Committee.
- 5.2 The submissions have been grouped together according to who the submitter is and are as follows :
- 1) Group 1 - Submission from Alcohol Healthwatch and similar community submissions (**Attachment C**).
  - 2) Group 2 – Individual submissions from members of the community (**Attachment D**).

- 3) Group 3 – Submissions from partner agencies involved with alcohol regulation (**Attachment E**).
  - 4) Group 4 – Submissions from liquor retailers (**Attachment F**).
- 5.3 Attached as Attachment A is the draft LAP that was consulted on and Attachment B contains statistics relating to the number, location and trading hours of licensed premises in the Horowhenua District.
- 5.4 A summary of submissions together with officer comments follows:
- 1) Group 1 – Submission from Alcohol Healthwatch and similar community submissions.
    - a. One submission was received from Alcohol Healthwatch and 35 similar submissions in a standard format were received from members of the community. All of these submissions were in favour of Council having a local alcohol policy in place but stated that the LAP must have the effect of reducing current levels of alcohol availability in the region. One of the Group 1 submissions was not submitted by the person named on the submission, this person contacted Council and said that they had no knowledge of the LAP or their submission. This submission had been invalidated and was not included in the total count, bringing the total number of Group 1 submissions to 35.
    - b. Nine of the Group 1 submitters indicated that they wanted to speak to their submissions, they were Dr Nicki Jackson from Alcohol Healthwatch, Glenn McCutcheon from Communities Against Alcohol Harm, Corrine Smith, Eliza Wade, Dominic Smith, Maru Kowhana Smith, Peter Ward, Annamarie Smith and Kim Anderson Smith (submissions 7, 8, 1, 2, 3, 4, 5, 6 and 9 respectively).
    - c. Specific points from the submitters include:

### Hours

The submitters made the following recommendations/comments:

- i. That clause 6.1 is amended so that the maximum trading hours for off-licenced premises are reduced to 10am until 9pm.
- ii. That clause 7.1 is amended so that the maximum trading hours for on-licenced premises are reduced to 10am until 12am – including restaurants.
- iii. That clause 9.1 is amended so that club licenced premises cease trading at 12am.
- iv. That the LAP prohibits special licences having trading hours beyond the default maximum trading hour of 4am and that special licences should not be permitted to trade beyond the final hour prescribed for on-licences.
- v. Glenn McCutcheon (Communities Against Alcohol Harm), submission 8, suggested that trading hours for on-licenced premises are reduced from 1pm until 12am and that general trading hours of midday until midnight would be easier to remember.

Officer comments:

The maximum permitted trading hours identified in Clauses 6.1, 7.1 and 9.1 provide a balanced approach between the maximum permitted trading hours and the current operating hours of licensed premises.

At present twenty-five (25) premises are licensed to trade outside of the maximum trading hours proposed in the draft LAP. The number and types of premises that are currently licensed to trade outside of the proposed maximum trading hours are as follows:

- 1 Club premises is licenced to trade before 8am
- 5 Off-licenced premises are licenced to trade after 10pm

- 7 On-licenced premises are licenced to trade before 9am
- 8 On-licensed premises are licenced to trade after 1am
- 4 On-licensed premises are licensed to trade both before 9am and after 1am

The maximum trading hours proposed in clauses 6.1, 7.1 and 9.1 represent a significant reduction in permitted opening hours for local licensed premises.

Points i. – v. relating to reducing the maximum trading hours are not supported.

### **Locations**

The submitters made the following recommendations/comments:

- vi. That clause 6.2(b) is amended to include Marae and health facilities in the list of sensitive sites.
- vii. Corrine Smith, submission 1, also suggested that urupa and rivers are added to the list of sensitive sites.
- viii. Brian and Cynthia Bishop, submission 35, suggested that clause 6.2(b) is amended to include hotels, churches, bus stops for college students and public toilets.

Officer comments:

The goal of limiting the location of licensed premises near certain types of facilities is to reduce the possibility of location related harm. The types of premises included in the LAP as “sensitive sites” in clause 6.2(b) are generally places where people, particularly minors, congregate.

The submitters’ suggestion in point vi. above that Marae and health care facilities are added to the list of sensitive sites is supported. The definition of public parks should also be expanded to read “public parks and reserves” to remove confusion as to whether a reserve is a park.

The inclusion of rivers and urupa in clause 6.2(b) as suggested in point vii. is not supported as there is no evidence to indicate that the proximity of licensed premises to these areas is associated with location related harm.

With regards to Bryan and Cynthia Bishop’s suggestions in point vii.; places of worship are already included in the list of premises. The addition of hotels and public toilets to the list is not supported; however the addition of bus stops used by school children is supported.

### **Notice of Licence Application**

- ix. Submitters supported the notification requirements outlined in clause 6.3 but recommended an online notification system with email functionality.

Officer comment:

The notification requirements outlined in clauses 6.3 and 7.3 of the Draft LAP imposes requirements that are over and above the requirements of the Act and do not fall within the matters outlined in Section 77 of the Act (which relate to what can be in a LAP). Clauses 6.3 and 7.3 should be removed from the LAP.

With regards to the submitters’ point regarding online notifications – while this is beyond the scope of this policy, the concept is one that is worthy of investigation at an operational level.

### **Discretionary conditions**

- x. The submitters supported clause 6.4 for off-licenced premises regarding discretionary conditions, but recommended provisions prohibiting the sale of single

- alcoholic drinks and require off-licences to cease alcohol sales when children leave school.
- xi. Clause 9.2 was supported by submitters, with a further recommendation from Alcohol Healthwatch that discretionary conditions are added relating to the restriction of hazardous drinking practices, such as drinking games.
  - xii. Alcohol Healthwatch also recommended the addition of a discretionary condition around the control of dangerous alcohol products being sold in the Horowhenua District.
  - xiii. Clause 7.4 was supported, and particular reference was made to supporting a one-way door policy for on-licenced premises.
  - xiv. Alcohol Healthwatch also recommended that Council includes discretionary conditions for on-licenced premises to help control noise in residential areas.

Officer comment:

The Sale and Supply of Alcohol Act 2012 allows DLCs to impose any condition that is consistent with it. There are number of mandatory conditions outlined in the Act as well as discretionary conditions that the DLC can impose on licences. The discretionary conditions in the draft LAP are not an exhaustive list of conditions that can be applied to a licence and serve as a guide as to conditions that the DLC may wish to consider.

With regards to the point x., it is acknowledged that Auckland Council has added conditions relating to single alcohol sales and ceasing sales during hours when children are leaving school to their provisional LAP. The DLC may wish to apply consider these conditions if there are issues with individual off-licensed premises, however the addition of these points to the discretionary conditions is not supported due to a lack of evidence that this has been an issue in the Horowhenua area.

Similarly, regarding point xi., hazardous drinking practices at club premises have not been identified as being a current issue in the Horowhenua District. The addition of this point to the list of discretionary conditions is not supported; however the DLC may still choose to use this condition on club licences if any issues with hazardous drinking practices are identified.

The suggestion from Alcohol Healthwatch that a discretionary condition regarding the sale of dangerous alcohol products (point xii.) is not supported it is the role of Central Government to regulate any dangerous alcohol products.

Support for the one-way door policy as a discretionary condition for on-licensed premises is noted.

Alcohol Healthwatch suggested in point xiv. that Council includes discretionary conditions for on-licensed premises to assist with controlling noise in residential areas. The addition of this point to clause 7.4 is not supported as there are processes for managing noise that are already in place under the Resource Management Act 1991 and the DLC still has the option of applying conditions relating to noise control if there are ongoing noise issues with the premises.

**Other matters**

The submitters made the following recommendations/comments:

- xv. Submitters suggested that an addition is made to the policy to allow for provisions to control alcohol advertising within 500m of schools and early childcare facilities.
- xvi. Glenn McCutcheon, submission 31, recommended that all alcohol advertising is removed.
- xvii. Submitters suggested that Council applies a regional cap or sinking lid approach for on and off licences.



xviii. Graeme Jukes, submission 32, recommended that no further licences be granted in Shannon.

Officer comment:

The submitters' suggestions in point xv. & xvi. in relation to the location of alcohol advertising are not supported as an amendment to this policy. There are already provisions in the District Plan relating to the location of businesses and remote signage. These provisions are considered appropriate with regards to alcohol advertising and the DLC can consider applying discretionary conditions relating to alcohol related advertising on a case by case basis if it is deemed necessary.

It is acknowledged that in some areas of the country there are very strong associations between density of licensed premises and alcohol related harm. A study by Cameron *et al.* (2013)<sup>1</sup> into the relationship between alcohol outlet density and alcohol related harm was referenced in the submission by Alcohol Healthwatch. While this study makes conclusions regarding generalized areas of the country as identified on the map, it does not specifically mention the Horowhenua District at all. Council is not aware of the availability of any local data comparing outlet density to alcohol related harm in the Horowhenua District. For this reason density provisions have not been included in the draft LAP and instead we have focussed on the proliferation of outlets based on numbers of licensed premises.

A table showing numbers of licensed premises in the Horowhenua District over the last 6 years is presented in **Appendix B**. The table shows that the total number of licensed premises in the Horowhenua District has remained stable over the last 6 years and there do not appear to be any trends with proliferation of licensed premises.

The adoption of a sinking lid policy or regional cap as referred to in point xviii. above is not supported.

Graeme Jukes' suggestion that no further licences be granted in Shannon is also not supported.

<sup>1</sup>Cameron, M.P., Cochrane, W., Gordon, C., & Livingston, M. (2013). The locally-specific impacts of alcohol outlet density in the North Island of New Zealand, 2006-2011. Research report commissioned by the Health Promotion Agency. Wellington: Health Promotion Agency.

## 2) Group 2 – Individual submissions from members of the community

- a. Four individual submissions were submitted from members of the community and community groups. One was from Sam Jennings on behalf of himself and the three other submissions were on behalf of Horowhenua Grey Power Association Incorporated, Waitarere Beach Progressive Association and Horowhenua Community Wellbeing Committee (submissions 36, 37, 38 and 39 respectively).
- b. A letter was received from Lew Rohloff on behalf of Horowhenua Grey Power Association Incorporated, submission 37, stating that Horowhenua Grey Power has not explored the feasibility of formulating a 'policy position' on alcohol, its availability or its risks to the general wellbeing of our communities. The letter said that they felt that the LAP is a matter better considered by individual commentators or organisations specifically charged with responsibility for community behavioural standards.
- c. A submission was received from Sharon Freebairn on behalf of Waitarere Beach Progressive & Ratepayers Association, submission 38, stating that the Committee are happy with the content of the policy.
- d. Horowhenua Community Wellbeing Committee, submission 39, expressed their view as a collective that the proposed LAP is fit-for-purpose for the Horowhenua environment.
- e. Mr Sam Jennings, submission 36, highlighted what he considered to be a number of deficiencies in the draft LAP these include the following:

### Types of licences

- i. Mr Jennings requested that the notes at the bottom of clause 5.2 regarding types of licences are altered to delete the line 'Special licenses are to allow the sale or supply of alcohol at events and are not intended to be a substitute for a "club", "on" or "off" licence.' In Mr Jennings' opinion this portion of the notes does not state the correct legal position as the Act does not state this.

### Locations

- ii. Mr Jennings suggested that the wording of clause 6.2(a) was too absolute and suggested that the language be changed to recognise that this may be a general approach because it doesn't follow that a premises not fitting those requirements would never be approved for an off-licence.
- iii. Mr Jennings expressed his opinion with regards to the proposed distance of no more than 100m as the distance between new off-licensed premises and sensitive sites (clause 6.2(b)). Mr Jennings considered the selection of 100m as being arbitrary and serving no real useful purpose. Mr Jennings suggested that the wording of the LAP is altered to state that 'the presence of these other premises are likely to influence decisions around the permitted hours of operation of any new off-licensed premises'. Similar comments were made with regards to section 7.2 – locations for on-licences.

### Notice of Licence Application

- iv. Mr Jennings sought clarification around clause 6.3 regarding who would be considered a potentially affected party

### Special Licences

- v. Mr Jennings proposed a change to clause 8.1 regarding hours of special licences and that each application should stand on its merits with regards to hours rather than the DLC considering extensions to the proposed special licence hours in exceptional circumstances.

Officer comment:

Support for the draft LAP expressed by Waitarere Beach Progressive Association and Horowhenua Wellbeing Committee is noted.

With regards to point i. from Mr Jennings, the note regarding special licences not intended to be a substitute for a "club", "on" or "off" licence is consistent with the intent of section 41 of the Sale and Supply of Alcohol Act 2012. The change to the wording of the note proposed by Mr Jennings is not supported.

Clause 6.2(a) reflects the requirements of the Resource Management Act 1991 and it is a requirement that any licensed premises comply with this provision. The suggestion presented in point ii. to change the wording of clause 6.2(a) is not supported.

The suggestion in point iii. to make points 6.2(b) and 7.2(b) discretionary rather than a requirement is not supported. The 100m distance from "sensitive sites" is considered to be the standard in New Zealand and as been adopted by many Councils in LAPs.

With regards to point iv., the notification requirements outlined in clauses 6.3 and 7.3 of the draft LAP imposes requirements that are over and above the requirements of the Act and do not fall within the matters outlined in Section 77 of the Act (which relate to what can be in a LAP). Clauses 6.3 and 7.3 should be removed from the LAP.

Clause 8.1 regarding hours for special licences should be removed as maximum trading hours do not apply to special licences, as a result the changes suggested in point v. are not required.

- 3) Group 3 – Submissions from partner agencies involved with alcohol regulation
- a. A submission was received from Dr Rob Weir on behalf of Public Health Service, MidCentral DHB in support of the draft LAP (submission 42). The submission stated that the policy is considered fit for purpose and a proportionate response for the circumstances and situations currently existing in the Horowhenua District Council area.
  - b. Senior Constable Simon Carter made a submission on behalf of Levin Police (submission 41). The submission supported the LAP.
  - c. The submission from Levin Police suggested an amendment regarding discretionary conditions (clause 1.7) highlighting the fact that the discretionary conditions listed in the LAP do not limit the ability of the DLC to apply additional conditions to licences at their discretion.
  - d. Levin Police sought clarification as to whether discretionary conditions must be displayed to the public at the entry points of the business as this will assist with monitoring and compliance.
  - e. A submission was received from the Health Promotion Agency (HPA) (submission 40) the submission expressed support for the goals and objectives of the draft LAP and stated that they relate well to the objectives of the Act. HPA made the following recommendations:
    - i. Health Promotion Agency recommended that trading hours for special licences are not granted for trading hours outside of the national maximum default hours allowed for in the Act.
    - ii. That the number of events permitted in a special licence application is reduced to 12 within a 6 month period.
    - iii. That Council consider the addition of density measure in any areas with high community stress and/or high alcohol-related harm.
    - iv. That Council consider the addition of more discretionary conditions for club licences.

Officer comment:

The general support for the LAP by Public Health Unit, MidCentral and Levin Police is acknowledged. These agencies were involved with the drafting of the LAP as partner agencies in the regulation of the sale and supply of alcohol in the district.

The support expressed in the submission from the Health Promotion Agency is acknowledged and appreciated.

HPA's comments regarding trading hours for special licences are acknowledged, however clause 8.1 regarding hours for special licences should be removed as maximum trading hours do not apply to special licences. As a result the changes suggested in point i. are not required.

With regards to points ii. and iv., the discretionary conditions outlined in the draft LAP are only guidelines for the DLC and they can apply conditions as they see fit on a case by case basis. Accordingly, the change suggested in points ii. and iv. above are not supported, but it is acknowledged that the DLC may wish to apply further discretionary conditions to licences on an individual basis.

The issue of density of licensed premises was raised by the Health Protection Agency as well as Group 1 submitters (clause 5.4 of this report). Council is not aware of the availability of any local data comparing outlet density to alcohol related harm in the

Horowhenua District. For this reason density provisions have not been included in the draft LAP and instead we have focussed on the proliferation of outlets based on numbers of licensed premises. A table showing that numbers of licensed premises in the Horowhenua District have remained stable over the last 6 years is presented in **Appendix B**. The addition of density measure to the draft LAP is not supported.

4) Group 4 – Submissions from liquor retailers

- a. Four submissions were received from licensees or owners of companies that hold liquor licenses in the Horowhenua District.
- b. Progressive Enterprises Limited's submission (number 44) that was largely in support of the draft LAP and did not seek to make any changes.
- c. Kevin O'Malley's submission, submission 45, sought some clarification around discretionary conditions for off-licences.
- d. A submission was received from Brian and Cynthia Bishop, licensees of the Club Hotel in Shannon (submission 35). This submission was in the standard format of the Group 1 submissions and has been counted as part of Group 1 rather than as an individual submission from a liquor retailer.
- e. Foodstuffs North Island Limited (submission 43) generally supported the elements of the draft LAP that apply to their businesses operating in the Horowhenua District, but suggested some amendments and error corrections to ensure that the LAP aligns with the Sale and Supply of Alcohol Act 2012. Specific comments from Foodstuffs North Island Limited are as follows:

**Hours**

- i. The submission was in support of the proposed 7am commencement time for off licences proposed in clause 6.1.
- ii. While Foodstuffs North Island Limited recognised that they currently do not have any stores in the district that operate beyond 10pm, it was noted that their ideal maximum trading hours would be extended to cease at 11pm.
- iii. The submitter commented that it was unclear whether the maximum trading hours applied to off-licensed premises that carry out remote sales of alcohol.

Officer comment:

The submitter's preference for trading hours to cease at 11pm is noted as is the fact that their existing premises are currently licensed until 10pm. As a consequence no change is required to the maximum trading hours.

The maximum trading hours outlined in clause 8.1 do not apply to off-licensed premises carrying out remote sales as this would be in conflict with section 49 of the Act.

**Location**

- iv. Clarification was sought around whether clause 6.2(a) regarding restrictions around the issuing of off-licences for premises outside of the commercial zone adds anything to the existing regulatory regime.
- v. Foodstuffs North Island Limited suggested that Council defines the kinds of premises that would be considered sensitive sites as referred to in clause 6.2(b).

Officer comment:

It is acknowledged that clause 6.2(a) does not add anything to the existing regulatory regime as this clause does not provide any restrictions beyond the requirements of the

Horowhenua District Plan. This is also the case for clause 7.2(a). Both of these clauses have been included in the draft LAP to provide clarity for applicants and the public around the requirements for off-licensed premises that wish to operate outside of the commercial zone. Accordingly, no change is required.

With regards to point v., the premises types considered in clause 6.2(b) have been specified in the draft LAP and suggestions for additional types of premises from submitters is largely supported.

### **Notice of Licence Application**

- vi. The submitter noted that the notification requirements for licence applications referred to in Clause 6.3 of the Draft LAP imposes requirements that are over and above the requirements of the Act and do not fall within the matters outlined in Section 77 of the Act (which relate to what can be in a LAP).

Officer comment:

The submitter's comments are noted and, as previously acknowledged, clauses 6.3 and 7.3 should be removed.

### **Discretionary conditions**

- viii. The submitter noted that the wording of the third point in clause 6.4 relating to Crime Prevention through Environmental Design (CPTED) is not clearly drafted.
- ix. Foodstuffs North Island Limited suggested that the reference to supermarkets and bottle stores is not required in clause 6.4 as it serves only to repeat the primary paragraph of clause 6.4.
- x. The submitter suggested that the discretionary condition relating to advertising signage is amended to make it clear that it relates to alcohol-related advertising signage.
- xi. The submitter notes that they did not consider that the wording of the conditions relating to advertising signage is within the intent of the Act as it is prescriptive with regards to what the District Licensing Committee will consider when assessing an application with regards to amenity and good order.

Officer comment:

The submitter's comments with regards to point vii. are noted. The third point in clause 6.4 should be amended as follows:

- The first sentence should be removed.
- The second sentence should be changed to read 'Supermarkets, grocery stores and bottle stores will give effect to the principles of Crime Prevention through Environmental Design (CPTED) with regards to the following outcomes:'

With regards to point viii., the draft LAP specifically mentions supermarkets and bottle stores as there is a distinction between CPTED for these premises and for other off-licensed premises, such as businesses that hold on and club licences in addition to off-licences. In these premises sales generally take place over the bar and the CPTED principles for on-licensed premises apply. The suggested change is not supported.

The LAP deals with matters relating to the sale and supply of alcohol only and therefore by default any reference to advertising signage can only apply to alcohol related advertising signage. The applicant's point is noted however and it is agreed that the advertising signage section of clause 6.4 should be amended to refer to the display of alcohol-related advertising signage.

The submitter's concerns regarding the wording of the point x. is noted as is their concern that the language is too prescriptive. The discretionary conditions are simply a guide as to conditions that the DLC may wish to consider and it is at the Committee's discretion as to what discretionary conditions are applied to licences

### Drafting clarification

- xii. The submitter recommended that the wording in clause 1.3 is amended so that the phrase “to set restrictions and conditions for licenced premises” is amended to say “suggest restrictions and discretionary conditions for licences premises”.
- xiii. The submitter recommended that Clause 1.5 is amended to change “recommend” to “suggest” and amend “impose conditions on groups of licences, such as “one-way door” condition...” to “suggest a “one-way door” condition.
- xiv. It was suggested that the wording in Clauses 2.2, 5.2 and 5.3 is amended to better align with the specific wording of the Act.
- xv. Clarity was sought as to the objectives of the draft LAP outlined in clause 4.0, in relation to what is meant by ‘whether a proposed licence application will meet the criteria of the LAP’. The submitter noted that it is for the DLC to determine whether the applicant meets the criteria of the Act.
- xvi. The submitter noted an error with an extra full stop at the end of the first bullet point in clause 8.3.

#### Officer comment:

The submitter’s general concerns regarding the wording of the draft LAP and the need for the LAP to not interfere with the DLC’s discretion in decision making is noted. The LAP was drafted in conjunction with a number of agencies, which included the District Licensing Committee.

Point xii. regarding the wording of clause 1.3 is not supported as the LAP does set restrictions and conditions with regards to maximum trading hours and locations of premises.

The recommendation made in point xiii. is not supported. The wording of clause 1.5 is consistent with the wording provided in guidance documents provided from the Health Promotion Agency. It is however recommended that the wording of clause 1.5 is amended from ‘through a LAP the community is able to’ to ‘Once adopted the LAP will be able to’ to reflect that although the community has input into the content of the LAP, the LAP itself is the regulatory instrument in this case.

Point xiv. is noted and the changing of clauses 2.2, 5.2 and 5.3 to reflect the specific wording of the Act is supported.

The second point in clause 4 ‘provides certainty and clarity for applicants and the public as to whether a proposed licence application will meet the criteria’ relates to the fact that a LAP provides guidance to both the applicants and the public about the “local rules” with regards to the sale of alcohol. Having clear information about this in the form of the LAP will hopefully have the result that applicants self-assess their application with regards to the LAP before they submit their application. It also provides the public with information about what is considered to be “acceptable” which will assist the public to make decisions about whether to object to applications. It is acknowledged that the DLC makes the decision as to whether the application meets the criteria of the LAP, however point xv. is not supported as the intent of the wording of the objectives does not take away from the decision making power of the DLC.

### Specific comments from Progressive Enterprises Limited are as follows:

- i. Progressive Enterprises Limited did not propose any changes to the draft LAP.
- ii. The submission from Progressive Enterprises Limited stated that while the company supports the default national trading hours of 7am-11pm they do not oppose the trading hours proposed in the draft LAP. The submitter noted that their premises in Levin operate within the off-licence trading hours of 7am-10pm proposed in the draft LAP.
- iii. The submission from Progressive Enterprises Limited also queried whether Council can specify notification requirements in a LAP.

Officer comments:

The submitter's preference for trading hours to cease at 11pm is noted as is the fact that their existing premises are currently licensed until 10pm. As a consequence no change is required to the maximum trading hours.

With regards to point ii., the submitter's comments are noted and it is agreed that clauses 6.3 and 7.3 should be removed.

**Specific comments from Kevin O'Malley are as follows:**

- i. Mr O'Malley's submission drew attention to two points of concern regarding discretionary conditions. One is that the point of sale is near the entrance and the other was with regards to having sufficient numbers of staff to ensure control of the premises during trading hours. Mr O'Malley made reference to his 24 years operating his off-licensed premises and said that he has changed his point of sale three times over that period and that its current location is considered to be the most suitable for his business for a number of reasons including visibility. Mr O'Malley also stated his belief that if businesses are granted licences, they are assumed capable of rostering their staff.

Officer comment:

The discretionary conditions allow the DLC to impose further conditions on a business if they see fit. This will be applied on a case by case basis and it is not intended to be a "one size fits all" approach with any discretionary conditions being applied to any premises unless there is reason to do so.

## 6. Options

The Committee needs to hear those submitters who appear in support of their submissions and then consider all submissions received by Council, this Officer report and recommendations made the Committee then needs to make it's decisions and provide a relevant recommendation to Council – see recommendation 3.3.

### 6.1 Cost

There are no costs associated with this matter.

Option	Cost
N/A	N/A
N/A	N/A

#### 6.1.1 Rate Impact

There is no rate impact associated with this matter.

### 6.2 Community Wellbeing

There are no negative impacts on community wellbeing arising from this process. Consultation was conducted with the community including the Horowhenua Community Wellbeing Committee, which allowed an input into this process.

### 6.3 Consenting Issues

There are no consenting issues.

#### 6.4 LTP Integration

Not applicable.

### 7. Consultation

Consultation was undertaken as required by the Sale and Supply of Alcohol Act 2012 and in accordance with the LGA 2012. Direct consultation was carried out with community and resident groups, local holders of liquor licences. Muaūpoko Tribal Authority and Te Runanga O Raukawa Incorporated were also included in the direct consultation.

### 8. Legal Considerations

There are no legal requirements or statutory obligations affecting the option or proposals at this point.

### 9. Financial Considerations

There is no financial impact

### 10. Other Considerations

There are no other considerations at this point.

### 11. Next Steps

11.1 Following the resolution of the committee a report will be prepared for Council reflective of the Committee's decisions on this matter.

11.2 Dependent upon Council's decisions there may be further steps that will be required to be undertaken.

### 12. Supporting Information

<b>Strategic Fit/Strategic Outcome</b> – Not applicable
<b>Decision Making</b> – Not applicable
<b>Consistency with Existing Policy</b> – Not applicable
<b>Funding</b> – Not applicable
<b><u>Confirmation of statutory compliance</u></b> In accordance with section 76 of the Local Government Act 2002, this report is approved as: a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and, b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

#### **Confirmation of statutory compliance**


In accordance with section 76 of the Local Government Act 2002, this report is approved as:


- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.



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Author(s)	Megan Leyland <b>Compliance Lead</b>	
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Approved by	Monique Davidson <b>Group Manager - Customer and Community Services</b>	
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**Hearings Committee Report - Draft Local Alcohol Policy- Attachment A**

STATEMENT OF PROPOSAL



# LOCAL ALCOHOL POLICY



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## HOROWHENUA DISTRICT COUNCIL LOCAL ALCOHOL POLICY

### 1. INTRODUCTION AND EXPLANATORY MATERIAL

- 1.1 The Sale and Supply of Alcohol Act 2012 (the Act) has the following objectives:
- (a) that the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
  - (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
- 1.2 Alcohol related harm is defined very widely and includes any crime, damage, death, disease, disorderly behaviour, illness or injury, and harm to individuals or the community, either directly or indirectly caused by excessive or inappropriate alcohol consumption.
- 1.3 The Act allows territorial authorities to make a local alcohol policy (LAP). The LAP is a set of policies, made by the Council in consultation with its community, about the sale and supply of alcohol in its geographical area. Horowhenua District Council has decided to develop a LAP for its district and to set restrictions and conditions for licensed premises within the district.
- 1.4 Once the LAP comes into force, Council's District Licensing Committee (DLC) and the Alcohol Regulatory Licensing Authority (ARLA) must have regard to the policy when they make decisions on licence applications.
- 1.5 Through a LAP the community is able to:
- Limit the location of licensed premises in particular areas or near certain types of facilities, such as in specific neighbourhoods or near schools or churches;
  - Limit the density of licensed premises by specifying whether new licences or types of licences should be issued in a particular areas;
  - Impose conditions on groups of licences, such as a "one-way door" condition that would allow patrons to leave premises but not enter or re-enter after a certain time;
  - Recommend discretionary conditions for licences;
  - Restrict or extend the default maximum trading hours set in the Act, which are:
    - 8.00 am – 4.00 am for on-licences (such as hotels and restaurants)
    - 7.00 am - 11.00 pm for off-licences (such as bottle stores and supermarkets).
- 1.6 Where the LAP does set maximum trading hours, the District Licensing Committee has discretion to set the permitted trading hours as more restrictive than the maximum trading hours in the LAP.
- 1.7 The LAP can be more restrictive in its provisions relating to licensed premises, but cannot permit activities not allowed by the District Plan. The Horowhenua District Plan provides for entertainment activities (including licensed premises) within the commercial zone, or by resource consent.
- 1.8 Section 117 of the Act permits the District Licensing Committee and the Alcohol Regulatory Licensing Authority to issue any licence subject to "any reasonable conditions not inconsistent with this Act". The LAP includes policies to guide the District Licensing

Committee and Alcohol Regulatory Licensing Authority as to the discretionary conditions that may be appropriate.

## 2. CRITERIA FOR CONSIDERING LICENSING APPLICATIONS

2.1 The purpose of the LAP is to provide local guidance to the Council's District Licensing Committee in deciding whether to issue or renew a licence.

2.2 Under section 105 of the Act, the DLC has to have regard to a range of matters in addition to any relevant local alcohol policy when considering a licence application. The types of matters include:

- the object of the Act;
- the suitability of the applicant;
- the design and layout of any proposed premises;
- whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the licence;
- whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effected of the issue of existing licences, but –
  - it is nevertheless desirable not to issue any further licences.

2.3 The Act says that a licence may be refused or conditions applied if the issue of the licence, or the consequences of the issue of the licence, would be inconsistent with the LAP (section 108 and 109). Where a licence is renewed and it will be inconsistent with the provisions of the LAP, conditions may be imposed (section 133).

## 3. GOALS OF THIS LAP

The LAP provides direction for the DLC so that licensing decisions:

- contribute to Horowhenua being a safe and healthy District;
- reflect local communities' character and amenity and their values, preferences and needs;
- encourage licensed environments that foster positive, responsible drinking behaviour and minimise alcohol-related harm.

## 4. OBJECTIVES OF THE LAP

The objectives of the LAP are to provide a policy which:

- reflects the views of local communities as to the appropriate location, number, hours and conditions that should apply to licensed premises within their communities;
- provides certainty and clarity for applicants and the public as to whether a proposed license application will meet the criteria of the LAP;
- provides effective guidance for the decisions of the DLC and ARLA.

## 5. DEFINITIONS

5.1 When reading this LAP, the following words and phrases have been used. For further details refer to the section of the Act referenced.

## 5.2 Types of Licences

- **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 premises for consumption somewhere else (see section 17 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 customer (see section 21 of the Act); and
- **special licences** which 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).

### Notes:

Some premises hold more than one licence – for example, a tavern may also hold an off-licence and be able to sell alcohol which is consumed off the premises.

The Act allows special licences to be issued for up to 12 months. Unlike other kinds of licence, special licences are not subject to the Act's default maximum hours so can apply up to 24 hours a day. Special licenses are to allow the sale or supply of alcohol at events and are not intended to be a substitute for a "Club", "on" or "off" licence.

## 5.3 Other terms

**bottle store** means retail premises where (generally speaking) at least 85% of the annual sale revenue is expected to be earned from the sale of alcohol for consumption somewhere else (refer section 32(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.

**club** means a body that –

- (a) is a body 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).

**grocery store** grocery store means a shop that –

- (a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and
- (b) comprises premises where –
  - (i) a range of food products and other household items is sold; but
  - (ii) the principal business carried on is or will be the sale of food products (refer sections 5(1) and 33(1) of the Act).

**hotel** means premises used or intended to be used in the course of business principally for providing to the public –

- (a) lodging; and
- (b) alcohol, meals, and refreshments for consumption on the premises (refer section 5(1) of the Act).

**night-club** a place of entertainment open at night which normally provides music and space for dancing and may provide a show, e.g. of comedy or other 'acts'.

**supermarket** means premises with a floor area of at least 1,000 m<sup>2</sup> (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items) (refer section 5(1) of the Act).

**tavern** means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public

## 6. OFF-LICENCES

### 6.1 Hours

The following maximum trading hours apply to all off-licensed premises in the Horowhenua District territorial area and includes all off-licence sales including over the counter sales:

Monday to Sunday	7.00 am to 10.00 pm.
------------------	----------------------

### 6.2 Location

- (a) From the date this LAP comes into force no off-licences are to be issued for any premises unless that premises is already licensed; or is located on land zoned commercial or a Resource Consent has been granted by Council for its operation either before or after that date.
- (b) No new off-licences in respect of a bottle store shall be issued for any premises located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship, public park, or other Off-Licence premises existing at the time the licence application is made.

Note: Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.

### 6.3 Notice of Licence Application

Applicants for NEW or RENEWALS of an Off Licence are required to give notice to potentially affected parties within 100 metres of the legal site boundary of the premises. This requirement is additional to notifications required by the Act,

#### 6.4 Discretionary Conditions

Conditions relating to the following matters may be appropriate for off licences:

- Supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores;
- Display of safe drinking messages/material;
- Application of the principles of Crime Prevention Through Environmental Design. Supermarkets and bottle stores will give effect to the principles of Crime Prevention Through Environmental Design where they achieve the following outcomes:
  - Lighting
    - internal lighting inside the premises enables passive surveillance by staff and active surveillance by CCTV
    - lighting allows customers to be seen as they enter the premises
    - lighting allows staff to check IDs
    - external areas such as car parks and loading bays are well lit, subject to the requirements of any resource consent or a district plan rule.
  - Internal Layout
    - general points of sale are positioned near the main entrance.
  - CCTV
    - CCTV is installed in suitable locations to monitor vulnerable areas (areas which are not easily or not continuously monitored by staff).
    - customers are aware of the CCTV system.
  - Staff
    - relevant staff understand how to operate the CCTV system.
    - there are sufficient numbers of staff to ensure control of the premises during trading hours.
  - Advertising Signage - the display of advertising signage will be considered as part of the effect on the amenity and good order of the locality during the application consideration process.

### 7. ON-LICENCES

#### 7.1 Hours

The following maximum trading hours apply to all on-licensed premises in the Horowhenua District territorial area (other than hotel in-bedroom (mini-bar) sales):

Monday to Sunday 9.00 am to until 1.00 am the following day

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

Monday to Sunday 24 hours per day.

#### 7.2 Locations



- (a) From the date this LAP comes into force no on-licences are to be issued for any premises unless that premises is already licensed; or is located on land zoned commercial or a Resource Consent has been granted by Council for its operation either before or after that date.
- (b) No new on-licences shall be issued for any premises located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship, or public park existing at the time the licence application is made.

Note: Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.

### 7.3 Notice of Licence Application

Applicants for NEW or RENEWALS of an On Licence are required to give notice to potentially affected parties within 100 metres of the legal site boundary of the premises. This requirement is additional to notifications required by the Act,

### 7.4 Discretionary Conditions

Conditions relating to the following matters may be considered generally appropriate for on-licensed premises such as night-clubs and late-night bars:

- 'One-way door' restrictions;
- The time entertainment finishes;
- Provision of additional security (staff) after 'x' hour;
- The installation and operation of CCTV cameras on the exterior of, and within a premises;
- Provision of effective exterior lighting;
- Restrictions on the size of servings (e.g. 'doubles') and time of 'last orders';
- Management of patrons queuing to enter the licensed premises;
- Restriction on the use of outdoor areas after 'x' hour;
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours may be more restrictive than the maximum trading hours contained in this LAP;
- Application of the principles of Crime Prevention Through Environmental Design;
- The display of advertising signage will be considered as part of the effect on the amenity and good order of the locality during the application consideration process.

The following conditions may be appropriate for on-licensed premises such as BYO restaurants:

- The holder of a manager's certificate to be on duty during busy periods, e.g. Thursday, Friday and Saturday nights;
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours are more restrictive than the maximum trading hours contained in this LAP.

## 8. SPECIAL LICENCES

## 8.1 Hours

The hours (opening and closing) and duration of a special licence are set at the discretion of the DLC for each event, having regard to the nature of the event or series of events. The following maximum trading hours apply to all special licenses in the Horowhenua District territorial area:

Monday to Sunday	generally the closing time for any special licence shall not exceed 1am on any given day, however the DLC may consider extensions in exceptional circumstances.
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## 8.2 On and Off-site

Special licences may be issued both for off-site consumption (e.g. wine sales from a market stall) or for on-site consumption, e.g. at a community event or when a bar has a special licence to open earlier/close later for significant events. Generally for premises holding existing on-licences, the conditions of a special licence will specify a closing time no more than two hours later than permitted by their on-licence.

## 8.3 Discretionary Conditions

In addition to the discretionary conditions in Section 147 of the Act, the following conditions may be considered appropriate for special licences:

- Any special licence for a series of events should not be for a period exceeding 6 months, and the number of events is not to exceed 20.
- A 'One-way door' restriction to apply from a specified time.
- No glassware is to be taken outside the building or onto grass or artificial grass surfaces.
- Plastic containers or cans to be used for any event (except when it is being served and remains within the building).
- Areas to be clearly defined / cordoned off / demarcated where liquor is being sold/consumed outside of the building, e.g. beer tent. Where appropriate people are to remain within the defined area.
- The holder of a manager's certificate to be present when alcohol is available for sale, or the number of manager's certificate holders required may be specified.
- The maximum number of alcoholic drinks per sale transaction may be specified.
- A register to be maintained recording any incidents or issues of concern, and is to be available to Police or Licensing Inspector on request.

## 9. CLUB LICENCES

### 9.1 Hours

The following maximum trading hours apply to all club-licensed premises:

Monday to Sunday	9.00 am until 1.00 am the following day.
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### 9.2 Discretionary Conditions

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Conditions relating to the following matters may be appropriate for Club licensed premises depending on the size and nature of the club:

- a requirement for the holder of a manager's certificate to be present when alcohol is available for sale during busy periods, e.g. more than 100 people are on the Club premises.

10. **POLICY REVIEW**

Pursuant to section 97 of the Act Council must review its LAP using the Special Consultative Procedure no later than six (6) years after it comes into force and no later than six (6) years after the most recent review of it was completed.

**Hearings Committee Report - Draft Local Alcohol Policy- Attachment B**

Table 1 – Number of licenced premises in Horowhenua District over the last 6 years

<b>Year</b>	<b>Number of Licenced Premises</b>
2011/12	69
2012/13	70
2013/14	76
2014/15	71
2015/16	71
2016/17*	71

\*Figures as of 1 May 2017

Table 2 – Number, type and location of currently licenced premises in Horowhenua District

<b>Location</b>	<b>Premises Type</b>	<b>Number</b>
Manakau/Ohau	Club	1
	Off Licence	1
	On Licence	4
Waitarere	Club	1
	Off Licence	2
	On Licence	2
Levin	Club	12
	Off Licence	9
	On Licence	16
Shannon	Club	3
	Off Licence	2
	On Licence	1
Foxton	Club	6
	Off Licence	5
	On Licence	7
Tokomaru	Club	1
<b>Total</b>		<b>73</b>

HEARINGS COMMITTEE REPORT - DRAFT LOCAL ALCOHOL POLICY - ATTACHMENT C

Submission form to Draft Local Alcohol Policy

OFFICE USE ONLY  
Received 17 March 2017  
RM8 No:  
Submission No: 1 Group 1

Please print clearly using a black or dark blue pen

Your details

Mr / Mrs / Miss  Ms / Dr (circle) Name: Corrine Smith  
Name of Organisation (if applicable) N/A  
Postal address: 45 CLAPHAM STREET  
SHANNON Post Code 4821  
Phone: - A/H - Mobile 021 2583124  
Email: corrinesmith@outlook.com

Communication

Preferred method of communication:  email  post

Presentation

Do you wish to present your comments to Council in person at a hearing:  Yes  No

My submission(s)

Please complete your submission on the form overleaf. Please note that your submission will be part of a public agenda.

You can post your submission to:  
Local Alcohol Policy  
Horowhenua District Council  
Private Bag 4002  
Levin 5540

OR drop it into Council at 126 Oxford Street, Levin; or Te Takere; your local library or Service Centre. Alternatively fax to (06) 366 0983 or email to: [enquiries@horowhenua.govt.nz](mailto:enquiries@horowhenua.govt.nz).

Submission forms can be completed on line or downloaded from [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz).

We need to receive your submission by 5.00 pm on Friday, 17 March 2017.

RM8 No: D16/168613

Corrine Smith - Submission 1 - Group 1

Submission form to Draft Local Alcohol Policy

My submission(s):

\* See attached form.

\* Obligation under Te Tiriti o Waitangi

I also remind the council of its obligations under sections 4 and 81 of the Local Government Act 2002, which requires the Council to facilitate participation by Maori in its decision-making concerning this Policy.

RM8 No: D16/168613

Corrine Smith - Submission 1 - Group 1

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Corrine Smith  
Name of Organisation (if applicable) N/A  
Postal address: 45 CLAPHAM STREET  
SHANNON Post Code 4821  
Phone:                      A/H                      Mobile 021 2583 124  
Email: corrinesmith@outlook.com  
Preferred method of communication:  Email  Post  
Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

- We <sup>are</sup> deeply concerned about the negative effects alcohol has on our community.
- We support Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

- We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.
- We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.
- We support the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are Marae, Unipa, Rivers

~~I~~We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

~~I~~We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

~~I~~We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

~~I~~We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, ~~I~~We **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

~~I~~We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

~~I~~We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

~~I~~We **support** the discretionary conditions for on-licences, special licences and club licences.

~~I~~We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

~~I~~We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.



Eliza Wade  
Submission 2 Group 1  
Received 17 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Eliza Wade

Name of Organisation (if applicable) .....

Postal address: 31 Sheppard St

..... Post Code 4821

Phone: 06 3627705 A/H ..... Mobile 021 298 7681

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

~~I~~**We** are deeply concerned about the negative effects alcohol has on our community.

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**1) Off-licences**

~~I~~**We do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

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~~I~~**We support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

Eliza Wade - Submission 2 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Dominic Smith  
Submission 3 Group 1  
Received 17 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs (Miss) / Ms / Dr (circle) Name: Dominic Smith

Name of Organisation (if applicable) .....

Postal address: 13a/147 Newmarket Road, Mt Albert Auckland

Post Code 1022

Phone: ..... A/H ..... Mobile 0220418751

Email: dominic.smithxxx@gmail.com

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

~~I~~**We** are deeply concerned about the negative effects alcohol has on our community.

~~I~~**We support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

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~~I~~**We support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

Dominic Smith - Submission 3 - Group 1

~~I/We~~ **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

~~I/We~~ **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

~~I/We~~ **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

~~I/We~~ **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, ~~I/we~~ **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

~~I/We~~ **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

~~I/We~~ **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

~~I/We~~ **support** the discretionary conditions for on-licences, special licences and club licences.

~~I/We~~ **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

~~I/We~~ further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

**Submission form to Draft Local Alcohol Policy**

OFFICE USE ONLY  
Received 17 March 2017  
RM8 No:  
Submission No: **Submission 4 - Group 1**

Please print clearly using a black or dark blue pen

**Your details**

Mr / Mrs / Miss / Ms / Dr (circle) Name: MARU KOWHANA SMITH

Name of Organisation (if applicable) .....

Postal address: 12 CHURCHILL CRESCENT SHANNON

Post Code AS21

Phone: 06 362 7946 A/H ..... Mobile 027 526 5663

Email: .....

**Communication**

Preferred method of communication:  email  post

**Presentation**

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**My submission(s)**

Please complete your submission on the form overleaf. Please note that your submission will be part of a public agenda.

You can post your submission to: Local Alcohol Policy  
Horowhenua District Council  
Private Bag 4002  
Levin 5540

OR drop it into Council at 126 Oxford Street, Levin; or Te Takere; your local library or Service Centre. Alternatively fax to (06) 366 0983 or email to: [enquiries@horowhenua.govt.nz](mailto:enquiries@horowhenua.govt.nz).

Submission forms can be completed on line or downloaded from [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz).

We need to receive your submission by 5.00 pm on Friday, 17 March 2017.

RM8 No: D16/168613

Maru Kowhanā Smith Submission 4 - Group 1

**Submission form to Draft Local Alcohol Policy**

My submission(s):

# See attached form

# Obligation under Te Tiriti O Waitangi

I also remind the Council of its obligations under section 4 and 81 of the Local Government Act 2002 which requires the Council to facilitate participation by Maori in its decision making concerning this policy

RM8 No: D16/168613

Maru Kowhana Smith - Submission 4 - Group 1

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Maru Kowhana Smith

Name of Organisation (if applicable) .....

Postal address: 12 Churchill Crescent Shannon

Post Code 4821

Phone: 063627946 A/H ..... Mobile: 0275265663

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

Maru Kowhana Smith - Submission 4 - Group 1

I/~~We~~ **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/~~We~~ **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/~~We~~ **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/~~We~~ **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/~~we~~ **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/~~We~~ **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/~~We~~ **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/~~We~~ **support** the discretionary conditions for on-licences, special licences and club licences.

I/~~We~~ **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/~~We~~ further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.



# Submission to Draft Local Alcohol Policy



Submission 5, Group 1

Submission date: 17/03/2017 7:04 AM

Receipt number: 10

Question	Response
Notes for Submitters	
Contact Details	
Title:	Mr
Full Name:	Peter Ward
Name of Organisation (if applicable):	
Postal Address for Service:	635 Makerua Road Tokomaru RD4 Palmerston North
Postcode:	4474
Daytime Telephone:	0212872172
After Hours Telephone:	
Mobile:	
Email:	p.robert.ward@gmail.com
Preferred method of communication:	Email
Do you wish to present your comments to Council in person at a hearing?:	Yes
My Submission(s)	
My Submission	<p>Please disregard and discard the earlier submitted statement as it was incomplete. Apologies for the inconvenience.</p> <p>Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy. I am deeply concerned about the negative effects alcohol has on our community. I support Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP must have the effect of reducing</p>

Peter Ward - Submission 5 - Group 1

Question	Response
	<p>current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.</p> <p>1) Off-licences I do not support the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.</p> <p>I do not support the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.</p> <p>I support the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites.</p> <p>I support the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.</p> <p>I recommend that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.</p> <p>I support the discretionary conditions, but further recommend provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).</p> <p>2) On-licences I do not support the on-licence trading hours of 9am to 1am. We recommend the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we support the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.</p> <p>I do not support a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.</p> <p>I recommend that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.</p> <p>3) Club licences and special licences I support the discretionary conditions for on-licences, special licences and club licences.</p> <p>I do not support the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.</p> <p>I further recommend that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.</p>
Submission Attachments	
Privacy Act 1993	
Council Use Only	
Date Received:	
RM8 Number:	
Submission No:	

Submission 6 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Annamae Smith

Name of Organisation (if applicable) .....

Postal address: 47a Kerikeri Road

CHRISTCHURCH Post Code .....

Phone:..... A/H ..... Mobile 0212223738

Email: awleasaulcitsa@gmail.com

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....  
.....  
.....

Annamarie Smith  
Submission 6 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

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I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

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I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Obligations under the Treaty of Waitangi  
We also remind the council of its obligations under sections 4 and 81 of the Local Government Act 2002, which require the council to facilitate participation by Maori in its decision making involving this policy.

# Submission to Draft Local Alcohol Policy



Submission 7, Group 1

Submission date: 15/03/2017 13:38 PM

Receipt number: 8

Question	Response
Notes for Submitters	
Contact Details	
Title:	Dr
Full Name:	Nicki Jackson
Name of Organisation (if applicable):	Alcohol Healthwatch
Postal Address for Service:	Private Bag 99407, Newmarket, Auckland
Postcode:	1149
Daytime Telephone:	09 520 7035
After Hours Telephone:	
Mobile:	0211879749
Email:	director@ahw.org.nz
Preferred method of communication:	Email
Do you wish to present your comments to Council in person at a hearing?:	Yes
My Submission(s)	
My Submission	Please find the submission of Alcohol Healthwatch attached.
Submission Attachments	<a href="#">AHW_Submission_HorowhenuaDraft_LAP_15March2017.pdf</a>
Privacy Act 1993	
Council Use Only	
Date Received:	
RM8 Number:	
Submission No:	



Submission on Horowhenua District Council's Draft Local Alcohol Policy

15 March, 2017

Alcohol Healthwatch is an independent charitable trust working to reduce alcohol-related harm. We are contracted by the Ministry of Health to provide a range of regional and national health promotion services. These include: providing evidence-based information and advice on policy and planning matters; coordinating networks and projects to address alcohol-related harms, such as alcohol-related injury, fetal alcohol spectrum disorder, supply to minors and tertiary student drinking; and coordinating or otherwise supporting community action projects.

Thank you for the opportunity to provide feedback on the Horowhenua District Council's Draft Local Alcohol Policy.

We would appreciate being contacted about the possibility of providing an oral submission.

If you have any questions on the comments we have included in our submission, please contact:

Dr. Nicki Jackson  
Executive Director  
Alcohol Healthwatch  
P.O. Box 99407, Newmarket, Auckland 1149  
P: (09) 520 7035  
E: [director@ahw.org.nz](mailto:director@ahw.org.nz)

## 1. Introduction

Firstly, we would like to commend the Horowhenua District Council on their commitment to develop a draft Local Alcohol Policy (LAP). We recognise the magnitude of developing such a policy and wish to acknowledge the efforts of the policy team, Council members and stakeholders in undertaking this work on behalf of their community.

A LAP which has the effect of reducing the current availability of alcohol has the ability to significantly minimise alcohol-related harm in the Horowhenua District. By incorporating evidence-based measures to address the physical and temporal availability of alcohol, a LAP can support other harm reduction interventions in the local area and assist in sending a strong signal to communities regarding the harms associated with alcohol consumption.

We are acutely aware of the burden placed on Horowhenua communities through their involvement with individual licensing applications. Community members are required to keep up-to-date with licence applications in their neighbourhoods, collect evidence regarding their objections and take time out of their busy lives to travel to and attend District Licensing Committee hearings. A strong LAP can greatly assist to alleviate this burden, enabling Horowhenua to achieve its vision of going from "good to great". Having a strong LAP also supports a key policy objective of the Sale and Supply of Alcohol Act 2012 (hereon referred to as the 'Act'), which is to "improve community input into local alcohol licensing decisions". This priority was included in the Act in response to widespread community concerns and objections throughout New Zealand to the proliferation of outlets, the proximity of off-licences to sensitive sites such as schools, and their associated visual (and other) impact in the local surrounds.

The content of a LAP must be determined on its ability to contribute to achieving the object of the Act, that being:

- *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.*

*For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—*

- (a) 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*
- (b) 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 paragraph (a).*

Therefore, a LAP must seek to do two things: Firstly, it needs to reduce the significant levels of alcohol-related harm that already exists in Horowhenua and secondly; it needs to prevent further alcohol-related harm from happening (where able). Overall, we believe

further provisions in Horowhenua's LAP should be included to maximise the effectiveness of the policy in minimising alcohol-related harm.

## 2. Goal of the Draft Local Alcohol Policy (Section 3 of the Draft LAP)

Alcohol Healthwatch **supports** the goals of the policy as outlined in Section 3. However, we recommend that a specific goal of the LAP should be that licensing decisions enable the achievement of the Object of Act through the use of reasonable measures.

*Alcohol Healthwatch supports the goals of the policy.*

*Alcohol Healthwatch recommends that one of the goals specifically refers to enabling the achievement of the Object of the Act. For example, a fourth bullet point on page 4 of the policy could state "enable achievement of the Object of the Act through the use of reasonable measures" or wording to that effect.*

## 3. Off-licence provisions (Section 6 of the Draft LAP)

### a. Maximum trading hours (Section 6.1)

Alcohol Healthwatch **does not support** the proposed off-licence trading hours (i.e. 7am to 10pm). For reasons listed below, we would prefer that the maximum trading hours for off-licences be 10am to 9pm, and these are the hours we are recommending to all of the 67 Territorial Authorities in New Zealand.

In regards to the early opening hour of 7am, we believe it is not unreasonable to require an off-licence premises to open after 10am. The purpose of the LAP is to minimise harm; this can be addressed through a reduction in the exposure of alcohol (and its advertising) to children on their journey from home to school. Research has documented the association between exposure to alcohol advertising around schools and intentions to use alcohol among very young adolescents.<sup>1</sup> Exposure to in-store displays of alcohol may also predict an increased probability of drinking.<sup>2</sup> Although the Draft LAP prohibits no new off-licences within 100 metres of the legal site boundary of any school, existing outlets will continue to pose a risk in relation to exposure to alcohol advertising. Protecting the current generation (particularly vulnerable groups such as children) from harm can greatly assist in minimising future harm from alcohol use in the communities of Horowhenua. Furthermore, a later opening hour will restrict the accessibility of alcohol to those with an alcohol dependence. Social service providers in New Zealand have previously described the negative impact of early opening hours on persons with alcohol dependence.

<sup>1</sup> Pasch, K.E., Komro, K.A., Perry, C.L., Hearst, M.O., Farbaksh, K., 2007. Outdoor alcohol advertising near schools: what does it advertise and how is it related to intentions and use of alcohol among young adolescents? *Journal of Studies on Alcohol and Drugs* 68, 587–596.

<sup>2</sup> Collins, R. L., Ellickson, P. L., McCaffrey, D., & Hambarsoomians, K. (2007). Early Adolescent Exposure to Alcohol Advertising and Its Relationship to Underage Drinking. *The Journal of Adolescent Health* : Official Publication of the Society for Adolescent Medicine, 40(6), 527–534. <http://doi.org/10.1016/j.jadohealth.2007.01.002>



Presently, many supermarkets in New Zealand are open for their primary source of business (e.g. selling groceries) outside of their licensed hours for the sale of alcohol. As such, a 10am opening trading hour for alcohol in a supermarket that opens at 7am would not be unusual. Furthermore, in the transcript of the Auckland Council Provisional LAP hearing (February 2017) it is noted by a Progressive Enterprise witness that alcohol contributes approximately 10% of their total sales.<sup>3</sup> Alcohol Healthwatch believes that there are many more positive benefits accrued from the later opening hour when compared to any loss of profits from the supermarket sector. Furthermore, economic imperatives regarding the chosen elements included in a LAP (e.g. justifying early opening hours using economic reasons) are not permitted.<sup>4</sup>

With regards to the closing hour of 10pm, New Zealand research has shown that the purchase of alcohol from an off-licence premises after 10pm was approximately twice as likely to be made by heavier drinkers.<sup>5</sup> International research has also demonstrated the significant reductions in alcohol-related hospital admissions (particularly among adolescents and young adults) when off-licence hours are restricted.<sup>6,7</sup>

By adopting a **precautionary approach** within Horowhenua's LAP (see Court of Appeal Decision *My Noodle Ltd vs. Queenstown-Lakes District Council* (2009) and ARLA decision in 2015 PH 129-131 *Foodstuffs North Island Limited, Progressive Enterprises Limited, Super Liquor Holdings Ltd vs. Thames Coromandel District Council*), we believe that a 9pm closing can achieve the object of the Act by minimising harm in the Horowhenua District. Currently, five Councils in New Zealand with an adopted LAP<sup>8</sup> require a 9pm closing.

In addition, Alcohol Healthwatch **supports** the consistency of trading hours for bottle stores, supermarkets, and grocery stores. It is known that, in Auckland, approximately 75% of all alcohol is sold from off-licences (43% from bottle stores, 32% from supermarkets).<sup>9</sup> Although we do not have the same data available to determine the situation in Horowhenua, it is clear that off-licence supply is very important in terms of alcohol harm reduction. Restrictions to the supply of alcohol from these sources is likely to bring about many positive benefits for the Horowhenua region.

<sup>3</sup> Redwood Corporation Limited, New Zealand Police, Foodstuffs North Island Limited, Super Liquor Holdings Limited, Medical Officer of Health, Progressive Enterprises, Salutations Hotels Limited and Takapuna Residents Group vs Auckland Council, ARLA 284011/2015, 284091/2015, 284393/2015, 284394/2015, AND 284408/2015. Page 95.

<sup>4</sup> B & M Entertainment Ltd., Capital and Coast District Health Board, Foodstuffs North Island Ltd., Wellington Inner City Residents and Business Association Inc., Medical Officer of Health, New Zealand Police, Progressive Enterprises Ltd., Super Liquor Holdings Ltd. versus Wellington City Council. [2015] NZARLA PH 21-28.

<sup>5</sup> Casswell, S., Huckle, T., Wall, M., & Yeh, L.-C. (2014). International Alcohol Control study: pricing data and hours of purchase predict heavier drinking. *Alcoholism Clinical and Experimental Research*, 38(5):1425-31.

<sup>6</sup> Wicki M, Gmel G. Hospital admission rates for alcoholic intoxication after policy changes in the canton of Geneva, Switzerland. *Drug Alcohol Depend*. Nov 1 2011;118(2-3):209-215.

<sup>7</sup> Marcus J, Siedler T. Reducing binge drinking? The effect of a ban on late-night off-premise alcohol sales on alcohol-related hospital stays in Germany. *Journal of Public Economics*. 3// 2015;123:55-77.

<sup>8</sup> Hauraki District Council, Mackenzie District Council, Timaru District Council, Waimate District Council, Thames-Coromandel District Council

<sup>9</sup> Insight Economics (2014). Economic analysis of Auckland Council's draft Local Alcohol Policy. Prepared for Hospitality New Zealand.

*Alcohol Healthwatch does not support the proposed maximum trading hours for off-licence premises in the Horowhenua district:*

*We recommend the maximum trading hours of 10am – 9pm (with no exemptions for supermarkets and grocery stores).*

**b. Location of off-licence premises (section 6.2)**

Alcohol Healthwatch notes that the Draft LAP provides for the issuing of off-licences if they are already licensed or are provided for within the District Plan.

Section 93 of the Act permits the development of LAPs to “*be more restrictive than the relevant district plan.*” We **recommend** that the Horowhenua District Council utilises this opportunity provided for in legislation to identify neighbourhoods in their District that may be at increased risk of alcohol-related harm or are currently experiencing high levels of harm. By examining an area’s characteristics pertaining to outlet density, socio-economic deprivation, alcohol-related harm indicators and ethnic composition, areas at high risk of alcohol harm can be identified and prioritised within policies.

Areas with existing high levels of outlet density warrant special attention and protection. There is a growing body of high-quality evidence demonstrating the association between off-licence outlet density and harm in both adults and young people (e.g. increased hospital admissions for assault and chronic alcohol-related admissions and an increased prevalence of risky drinking).<sup>10,11,12</sup>

The degree of risk posed by off-licence availability has been found to vary across areas of the North Island of New Zealand<sup>13</sup>. This means that, for the same level of off-licence density, some areas experience more harm than others. Within this research, the impact of five outlet density measures were assessed in their relationship with violent offences and police-attended motor vehicle accidents: 1) clubs, e.g. sports clubs, 2) bars and nightclubs, 3) other on-licences, e.g. restaurants, cafés, 4) supermarket and grocery store off-licences, and 5) other off-licences, e.g. bottle stores.

The strength of the relationships between outlet density and harm in the Horowhenua region is shown in Figures 1-3 and Figures 5-7. In relation to violent offences, **significant relationships with the density of four of the five outlet measures were evident in the Horowhenua District; bars/nightclubs, other on-licences, supermarkets and grocery stores, and other off-licences.** For example, an additional licensed supermarket or grocery store in the Horowhenua area was found to be associated with up to 3.5 additional violent

<sup>10</sup> Babor et al (2010). Alcohol No Ordinary Commodity: Research and Public Policy. 2nd ed. Oxford University Press (p.145).

<sup>11</sup> Livingston, M. A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction*. 2011;106(5):919-25.

<sup>12</sup> Livingston, M. Alcohol outlet density and harm: comparing the impacts on violence and chronic harms. *Drug Alcohol Rev*. 2011;30(5):515-23.

<sup>13</sup> Cameron, M.P., Cochrane, W., Gordon, C., & Livingston, M. (2013). The locally-specific impacts of alcohol outlet density in the North Island of New Zealand, 2006-2011. Research report commissioned by the Health Promotion Agency. Wellington: Health Promotion Agency.

offences per year (light blue shaded area in Figure 1). The light green shaded area covering the Horowhenua region in Figure 2 shows a much stronger relationship between other off-licence premises (e.g. bottle stores) and additional violent offences (i.e. an additional 2.7 to 8 violent events per year for each additional outlet).

In relation to motor vehicle accidents, **relationships were found for the density of other on-licences (e.g. restaurants) and other off-licences (e.g. bottle stores)**. Given the heterogeneity in strength of relationships between outlet density and harm across the North Island, similar variation in levels of harm *within* the Horowhenua District are also likely.

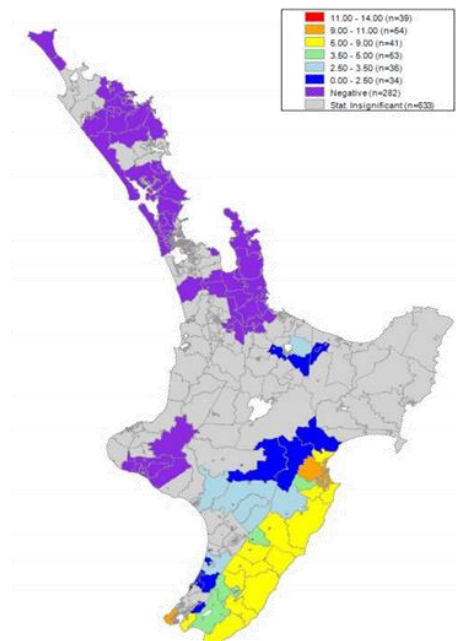


Figure 1. Locally specific point parameter estimates for the relationship between supermarket and grocery store density and violent offences in the North Island, 2006-2011.

Dr Nicki Jackson - Alcohol Healthwatch - Submission 7 - Group 1

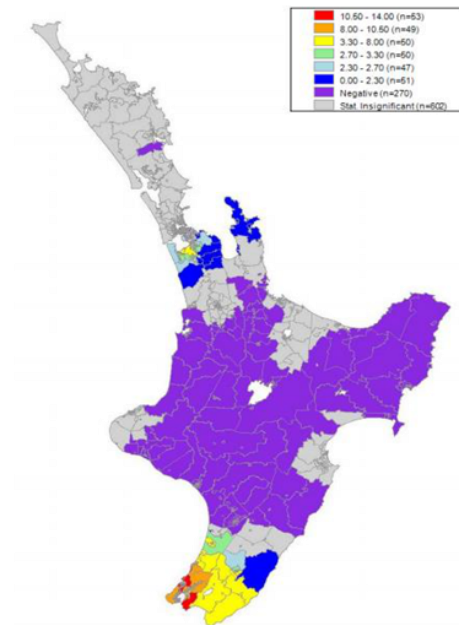


Figure 2. Locally specific point parameter estimates for the relationship between other off-licence (e.g. bottle stores) density and violent offences in the North Island, 2006-2011.

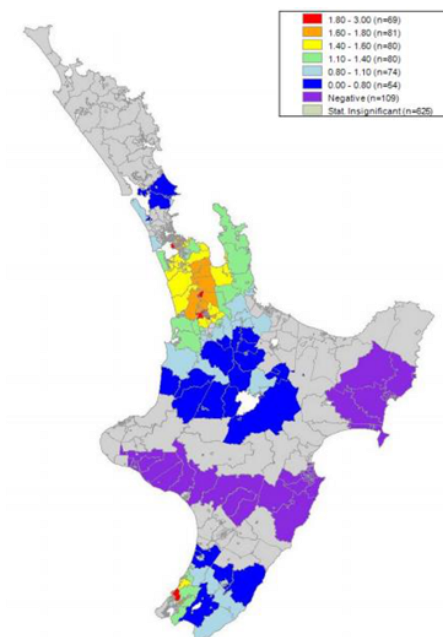


Figure 3. Locally specific point parameter estimates for the relationship between other off-licence (e.g. bottle stores) density and motor vehicle accidents in the North Island, 2006-2011.

The spatial variation in risk of off-licence outlet density across the North Island region may be due to a number of factors. Associations are likely to be moderated by an area's characteristics, namely ethnic composition and socio-economic deprivation. Certainly, inequalities in harm are clearly evident in New Zealand, whereby Māori populations have more hazardous patterns of drinking<sup>14</sup> than non-Māori New Zealanders, and markedly higher levels of both acute and chronic health harm from alcohol.<sup>15</sup>

The reasons for this disproportionate level of harm by ethnicity are likely to be varied, but research in New Zealand<sup>16</sup> has demonstrated that off-licence outlets have a disproportionately negative impact on young (aged 15-14 years) Māori and Pacific populations as well as young (15-24 years) European females (when compared to the relevant reference group). This means that for the same level of off-licence density in a neighbourhood, the negative effects on risky alcohol consumption are greater for these population groups.

As shown in Table 1, a greater proportion of Māori residents live in the Horowhenua District as compared to New Zealand as a whole.

Table 1. Ethnicity profile of Horowhenua District and New Zealand (total population).

	Horowhenua	New Zealand
<b>European</b>	77.9%	70.0%
<b>Māori</b>	21.6%	14.1%
<b>Pasifika</b>	4.6%	7.0%
<b>Asian</b>	3.2%	11.1%
<b>MELAA*</b>	0.3%	1.1%
<b>Other</b>	1.7%	1.6%

\* Middle Eastern, Latin American and African

Socio-economic deprivation also plays a role as an independent risk factor for alcohol harm, over and above the pattern or level of alcohol consumption. In the Horowhenua District, almost two-thirds (64%) of the Horowhenua District meshblocks<sup>17</sup> have a deprivation decile between 8 and 10 (Figure 4).

<sup>14</sup> Ministry of Health. 2016. Annual Update of Key Results 2015/16: New Zealand Health Survey. Wellington: Ministry of Health.

<sup>15</sup> Connor J, Kydd R, Shield K, Rehm J. The burden of disease and injury attributable to alcohol in New Zealanders under 80 years of age: marked disparities by ethnicity and sex. *N Z Med J.* 2015;128:15-28.

<sup>16</sup> Ayuka F, Barnett R, Pearce J. Neighbourhood availability of alcohol outlets and hazardous alcohol consumption in New Zealand. *Health Place.* 2014;29:186-199.

<sup>17</sup> Meshblock: typically 30-60 dwellings

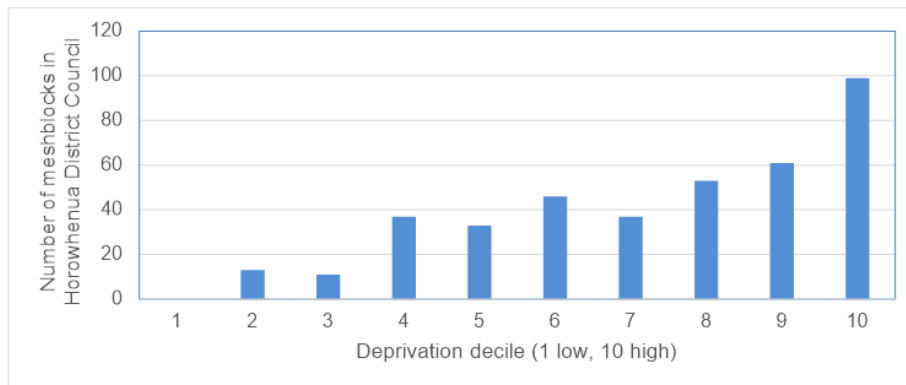


Figure 4. Number of meshblocks in each decile of deprivation in Horowhenua District.

Given the proportion of population groups in the Horowhenua District with a heightened vulnerability to the negative effects of off-licence outlets, together with the significant relationships evident between off-licence density and harm in the Horowhenua region, Alcohol Healthwatch **recommends** further provisions are put in place to restrict outlet densities, particularly within high-risk areas. We recommend restrictions including a freeze on the issuing of new off-licence outlets for a proposed period of time or the application of a sinking lid policy in neighbourhoods with high proportions of at-risk population groups. Tighter controls are likely to bring about many positive benefits, including an alleviation of the burden placed on communities through the licensing objection process.

Without such broad areas provided for in policies, many Councils are left to rely on the good order and amenity clause in the Act to deal with location and density controls in their districts. In early 2012 a review was carried out of several planning decisions by the Victorian Civil and Administrative Tribunal (VCAT) in Australia.<sup>18</sup> The author of this review found that one of the fundamental difficulties that local government faced was that the planning legislation focused its judgement on public amenity, not on public health and safety needs. The author concluded that, in spite of local governments' attempts to use the amenity frame, "the consideration of amenity impacts is often arbitrary and inconsistent, and delivers unpredictable outcomes. Moreover, it is extremely difficult for local governments to present a convincing case with the data they have available" (p.10).<sup>19</sup> This is especially the case for new licence applications, as experience in New Zealand has shown.

*Alcohol Healthwatch recommends further provisions are put in place to restrict off-licence outlet densities, particularly within high-risk areas of the Horowhenua District. We recommend restrictions including a freeze on the issuing of new off-licence outlets for a proposed period of time or the application of a sinking lid policy in neighbourhoods with high proportions of at-risk population groups.*

<sup>18</sup> Cited in: Streker, P. (2012). Under the influence: What local governments can do to reduce drug and alcohol related harms in their communities. *Prevention Research Quarterly*, No. 19. Australian Drug Foundation: Australia.

<sup>19</sup> Ibid.

**c. Sensitive sites and issuing of further licences (Section 6.2)**

Alcohol Healthwatch **supports** the provision that no new off-licences in respect of a bottle store shall be issued for any premises located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship, public park, or other off-licence premises existing at the time the licence application is made. It is interesting to note that many of these sensitive sites were previously considered in licence applications in the Sale of Liquor Act 1962, but later removed in the liberalising legislation of 1989.

By limiting the clustering of particular types of premises (e.g. off-licences) and prohibiting the location of outlets in close proximity to sensitive sites, the negative impacts of outlets on the wellbeing of our communities can be minimised.<sup>20</sup> With regards to the clustering of off-licences in areas, it has been shown in New Zealand that the clustering of outlets in low income areas leads to higher levels of competition between the outlets, leading to lower prices, longer operating hours and later weekend closing times.<sup>21</sup> This situation concurs with evidence from Australia.<sup>22</sup> To address density issues, the adopted Local Alcohol Policies of Waikato District Council, New Plymouth District Council and Stratford District Council include a cap on the total number of bottle stores over the period of the LAP, whilst the Hauraki District Council adopted LAP includes a presumption against the issuing of new off-licences.

Having alcohol outlets operating near sensitive sites (or facilities of a particular kind) may enable the normalisation of alcohol use among children, where alcohol is perceived as a product that is just the same as any other ordinary commodity. However, alcohol is not an ordinary commodity and we should not encourage an environment in which our children view it as being one.

As described earlier, exposure to outdoor alcohol advertising may lead to greater intentions by young people to drink. A LAP can address this harm by further restricting exposure to our young populations through including a provision to restrict the amount of alcohol advertising on, and around, licensed premises (particularly if they are located in close proximity to sensitive sites). Therefore, Alcohol Healthwatch **recommends** that location-based controls are used in the LAP to control the amount of alcohol advertising that is visible within 500m from schools and early childcare facilities.

Furthermore, additional sensitive sites should be considered in the LAP. To date, additional (to Horowhenua's Draft LAP) sensitive sites identified in other Local Alcohol Policies throughout New Zealand have included: Marae, community facilities, playgrounds, high crime areas, high deprivation areas, recreational activities, residential areas, health facilities, and

<sup>20</sup> Cameron, M.P., Cochrane, W., Gordon, C., and Livingston, M. (2013). *The Locally-Specific Impacts of Alcohol Outlet Density in the North Island of New Zealand, 2006-2011*, research report commissioned by the Health Promotion Agency, Hamilton: National Institute for Demographic and Economic Analysis, University of Waikato.

<sup>21</sup> Cameron, M.P., Cochrane, W., McNeill, K., Melbourne, P., Morrison, S. L., Robertson, N. (2010b). *The spatial and other characteristics of liquor outlets in Manukau City: The impacts of liquor outlets report no. 3*. Wellington: Alcohol Advisory Council of New Zealand.

<sup>22</sup> Morrison, C., W.R. Ponicki, and K. Smith, Social disadvantage and exposure to lower priced alcohol in off-premise outlets. *Drug and Alcohol Review*, 2015. 34(4): p. 375-378.

alcohol treatment centres. Alcohol Healthwatch **recommends** that Council strongly consider the inclusion of Marae within the list of sensitive sites in the policy (to protect Māori communities), and alcohol treatment centres (to protect those with alcohol dependence).

Alcohol Healthwatch **supports** the public notification requirements as prescribed in the Draft LAP. We support the importance of Council encouraging community awareness and participation in the licensing process; reflecting a key priority objective of the Sale and Supply of Alcohol Act. We recommend an online notification system, which can include personalised alerts regarding new applications (similar to Auckland Council's use of the online notification system <http://www.alcoholnotices.co.nz/>).

*Alcohol Healthwatch recommends:*

1) That council strengthens the location-based controls in the LAP to control the amount of alcohol advertising that is visible within 500m from schools and early childcare facilities. For example, the following provision could be included

**“An off-licence will not be issued or renewed unless the premises has no more than 2 main external signs, with either a total site coverage not measuring more than 15m<sup>2</sup>, or the coverage allowed under the District Plan, whichever is lesser”.**

2) That the council considers the inclusion of a wider list of specified 'sensitive sites' in the policy as detailed in the discussion above (e.g. Marae). Sites deemed as 'sensitive' should be identified by the community.

3) Alcohol Healthwatch **supports** an increased notification requirement, and recommends the use of an online approach to increase awareness and convenience for community members.

**d. Discretionary conditions for off-licences (Section 6.4)**

Alcohol Healthwatch **supports** the discretionary conditions for off-licences included in the draft policy.

We further **recommend** provisions which restrict the sale of single alcoholic beverages (single sales) and require the closing of off-licences located near schools during the hours that children leave school (i.e. 3-4pm). Restrictions on single sales can greatly assist compliance with liquor bans in Horowhenua and may reduce pre-loading or side-loading surrounding licensed premises. Research has documented the association between single sales and alcohol-related violence and crime.<sup>23</sup> Furthermore, an intervention to reduce single sales was found to reduce rates of alcohol-related ambulance attendances among 15 to 24 year olds.<sup>24</sup> Single units of alcohol are likely to be favoured by those who are heavy drinkers and also price sensitive; namely adolescents and young adults, and those with an alcohol dependence. Many

<sup>23</sup> Parker RN1, McCaffree KJ, Skiles D.. The impact of retail practices on violence: the case of single serve alcohol beverage containers. Drug Alcohol Rev. 2011 Sep;30(5):496-504. doi: 10.1111/j.1465-3362.2011.00318.x.

<sup>24</sup> Masho, S. W., Bishop, D. L., Edmonds, T., & Farrell, A. D. (2014). Using Surveillance Data to Inform Community Action: The Effect of Alcohol Sale Restrictions on Intentional Injury-related Ambulance Pickups. Prevention Science, 15(1), 22–30. <http://doi.org/10.1007/s11121-013-0373-y>



licensees in New Zealand have already signed an undertaking not to offer for sale any single alcoholic beverages from their premises.

A suitable discretionary condition may therefore be:

*"The licensee must not sell single units of mainstream beer, cider or RTDs in less than 445ml packaging. Boutique and handcrafted beer and cider are exempt from this provision."*

Due to strong community concern regarding the availability of alcohol around schools, conditions have been placed on licences in New Zealand which require them to close between 3pm and 4pm. A discretionary condition relating to this approach is recommended in the Horowhenua District.

Finally, we are aware that new and innovative alcohol products are constantly being added to the retail market. Some of these products, for example alcohol sachets, can cause difficulty for event organisers, enforcement agencies and can also be very dangerous for members of the public to consume. We think that these types of products may be able to be controlled through this section of the LAP and urge council to consider this.

**Alcohol Healthwatch supports:**

*1) The discretionary conditions for off-licences being included in the policy*

*Alcohol Healthwatch recommends that the LAP allows the DLC to impose conditions relating to:*

*a) the sale of single alcoholic beverages.*

*b) an off-licence located near a school closing as children leave school (i.e. 3-4pm).*

*c) the control of dangerous alcohol products being sold in the Horowhenua region.*

#### **4. On-licence provisions (Section 7 of the Draft LAP)**

##### **a. Trading hours (Section 7.1)**

Alcohol Healthwatch recognises that the proposed trading hours for on-licence taverns, bars, pubs and nightclubs are more restrictive than the national maximum default hours. As detailed in the Horowhenua District Council minutes (1 February 2017), we also note that the proposed closing hour of 1am will result in a significant reduction from the trading hours currently *permitted* in the region. Alcohol Healthwatch **does not support** the proposed trading hours of 9am to 1am. We recommend that Council strongly considers the hours of 10am to 12am, particularly in more suburban and rural areas. Currently, three Councils with adopted policies require a 12am closing in suburban areas.<sup>25</sup> Should the 1am closing remain in the policy, we **support** the inclusion of the one-way door restriction as discretionary condition. Furthermore,

<sup>25</sup> Waipa District Council, Waitomo District Council, Otorohanga District Council

we **recommend** that restaurant licence trading hours should not go beyond 12am, to more-closely align with their main purpose or principal business (i.e. selling meals). A closing hour of 12am for restaurants and cafés can be found within the adopted LAPs of Waitomo District Council and Otorohanga District Council.

A consistent and strong body of high-quality evidence has demonstrated the impact of on-licence trading hours on alcohol-related harm. Of the mechanisms available in a LAP, restricting the trading hours of licensed premises is likely to have one of the greatest impacts on reducing harm.<sup>26,27</sup> One of the real benefits of reducing the trading hours is that the intervention costs nothing to implement; compared to the expense that host responsibility-type licensing conditions such as increased security, lighting and CCTV cameras can have for businesses.

The evidence demonstrates that for every hour of earlier closing, alcohol-related harm is reduced. As the saying goes, “nothing good happens after midnight”. Compared to premises which close at 12am or earlier, the expected rate of offending increases markedly for each additional hour remaining open (1.6 times greater between 12:01am and 1am; 2.2 times greater between 1:01am and 2am; 4.2 times greater between 2:01am and 3am; 8.9 times greater for those closing between 3:01am to 5am). Subsequently, research in Australia has shown that for every hour a venue is open after midnight, there was a 17% increase in drink driving, assaults, and ED attendances.<sup>28</sup>

**Alcohol Healthwatch does not support:**

*The proposed trading hours of 9am to 1am, but recommends that Council adopt the hours of 10am – 12am, particularly in more suburban and rural areas.*

*We **recommend** that restaurant licence trading hours should not go beyond 12am.*

#### **b. Location and density policies relating to new on-licences (Section 7.2)**

High densities of on-licensed premises in New Zealand, including restaurants, has been shown to be associated with increased levels of alcohol consumption and harm.<sup>29,30</sup>

As shown in Figures 5 and 6, the association between bar/nightclub and licensed restaurant/café density and violent offences in the Horowhenua region is statistically significant. For example, in the Horowhenua region an additional bar or nightclub is

<sup>26</sup> Babor et al (2010). *Alcohol No Ordinary Commodity: Research and Public Policy*, 2<sup>nd</sup> ed. Oxford University Press (p.145).

<sup>27</sup> Miller, P et al. (2012). *Dealing with Alcohol and the Night Time Economy (DANTE)*. Final report. National Drug Law Enforcement Research Fund: Australia. AND Miller, P et al. (2013). *Patron Offending and Intoxication in Night-Time Entertainment Districts (POINTED)*. Final report. National Drug Law Enforcement Research Fund: Australia.

<sup>28</sup> Chikritzhs et al (2002). The Impact of Later Trading Hours for Australian Public Houses (Hotels) on Levels of Violence. *Journal of Studies on Alcohol and Drugs*. Vol 63:Issue 5.

<sup>29</sup> Law Commission. (2010). *Alcohol in our Lives: Curbing the Harm: A report on the review of the regulatory framework for the sale and supply of liquor*. Wellington: Law Commission.

<sup>30</sup> Cameron, M.P., Cochrane, W., McNeill, K., Melbourne, P., Morrison, S. L., Robertson, N. (2011). *A spatial econometric analysis of selected impacts of liquor outlet density in Manukau City: The impacts of liquor outlets report no. 4*. Wellington: Alcohol Advisory Council of New Zealand.

associated with six to nine additional violent offences per year. An association between other on-licence density (e.g. restaurants) and motor vehicle accidents is also evident (Figure 7), but not with bar and nightclub density. As only two outcomes (violence and accidents) were measured in this North Island study, other harms associated with the density of bars and nightclubs may be present.

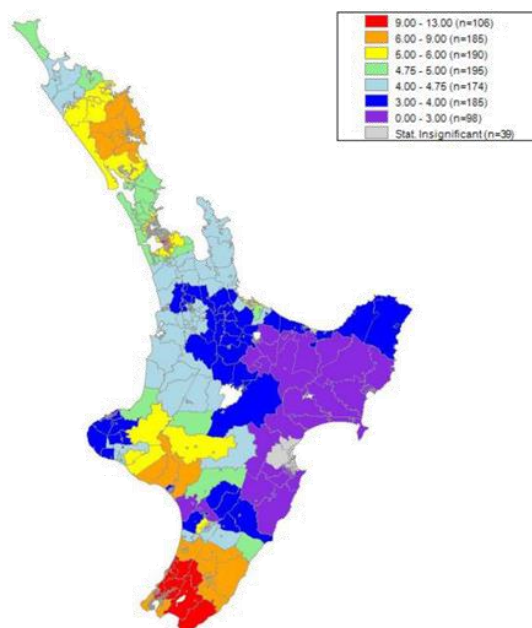


Figure 5. Locally specific point parameter estimates for the relationship between bar and nightclub density and violent offences in the North Island, 2006-2011.

Dr Nicki Jackson - Alcohol Healthwatch - Submission 7 - Group 1

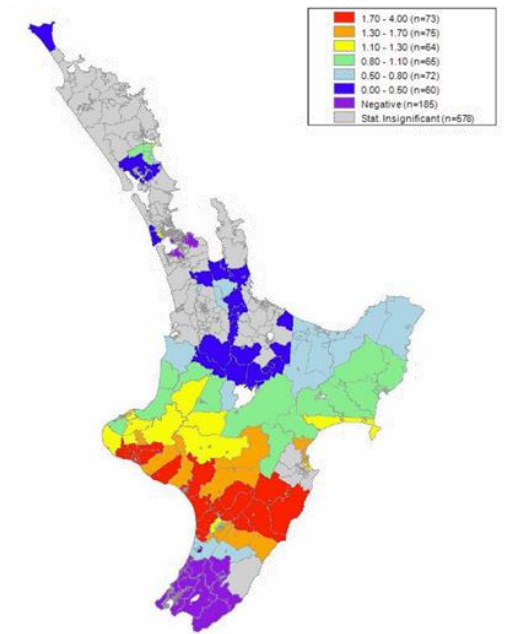


Figure 6. Locally specific point parameter estimates for the relationship between other on-licence (e.g. restaurants) density and violent offences in the North Island, 2006-2011.

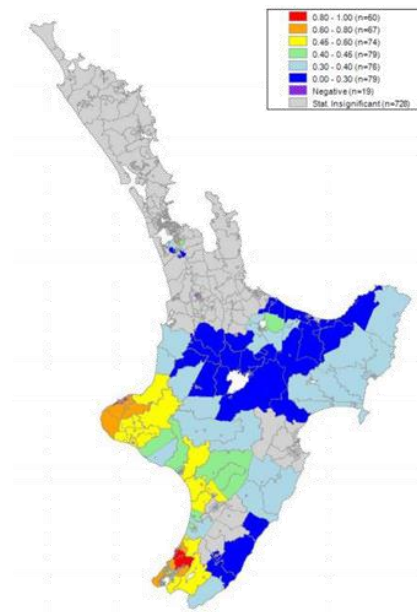


Figure 7. Locally specific point parameter estimates for the relationship between other on-licence density and motor vehicle accidents in the North Island, 2006-2011.

As such, the local evidence (when placed alongside the strong body of national and international research) detailing the negative effects of on-licence density warrants further restrictions in the Horowhenua region to minimise the harm from alcohol. For these reasons, we recommend the following provisions be included in the LAP:

*Alcohol Healthwatch recommends:*

1) That the Horowhenua District Council enables the LAP to manage the number of licences in its region in a more comprehensive and evidence-based manner. This would include:

a) a 'regional cap' on all on-licensed premises in the district and

b) a 'sinking lid' option for priority areas and/or other communities in the region.

**c. Discretionary conditions (Section 7.4)**

Alcohol Healthwatch **supports** the inclusion of discretionary conditions in the draft policy. We believe that licence conditions can be an effective measure to assist councils to ensure that the sale, supply and consumption of alcohol is undertaken safely and responsibly and that the harm caused by the excessive or inappropriate consumption of alcohol is minimised (as per the object of the Act). However, there is also evidence showing that these types of interventions are limited in their effectiveness if not accompanied by stronger evidence-based restrictions to the availability of alcohol.<sup>31</sup> Research also shows that discretionary conditions are more effective if they are applied in a consistent manner.<sup>32</sup>

We **support** the inclusion of a one-way door restriction as a discretionary condition. Within New Zealand, ALAC (now part of the Health Promotion Agency) conducted an evaluation of the Christchurch one-way-door intervention in 2008<sup>33</sup>. The evaluation found that while there was no overall reduction in alcohol-related crime in the inner city, there were reductions in some subsets of crime. It also showed that the one-way door intervention relied on effective working relationships by all parties, including Police and licensees. Additionally, in Dunedin in 2008 approximately 25 inner-city bars took part in a one-way door trial for 3 months, demonstrating a reduction in alcohol-fuelled violence in the central city<sup>34</sup>. Anecdotal evidence from licensing inspectors and NZ Police also appears to be strong for one-way door policies.

Alcohol Healthwatch believes that one-way door restrictions can be a useful tool to have available in a comprehensive policy, and if applied consistently, can help to reduce harm. The approach works by staggering the time that customers leave licensed premises (thereby

<sup>31</sup> Miller, P et al. (2012). *Dealing with Alcohol and the Night Time Economy (DANTE)*. Final report. National Drug Law Enforcement Research Fund: Australia. AND Miller, P et al. (2013). *Patron Offending and Intoxication in Night-Time Entertainment Districts (POINTED)*. Final report. National Drug Law Enforcement Research Fund: Australia.

<sup>32</sup> Ibid.

<sup>33</sup> Law Commission (2010). *Alcohol in our lives: Curbing the Harm. A report on the review of the regulatory framework for the sale and supply of liquor*. Wellington: New Zealand.

<sup>34</sup> NZ Police (2009). *Policing Fact Sheet: Licensed premises trading hours*. Prepared by: Organisational Performance Group, Police National Headquarters: Wellington.

decreasing crowds of people exiting licensed premises at the same time) and reduce migration between premises (which Police contend is one of the main issues confronting them late at night). They can also help decrease preloading behaviour. However, on their own and, if inconsistently applied, one-way doors are unlikely to be effective.

If one-way door restrictions are implemented, Alcohol Healthwatch recommends that they be evaluated. Setting up a monitoring and evaluation project to assess the effectiveness of one-way doors in reducing harm will greatly assist the review of the adopted LAP over the six-year implementation period. Due to their overall mixed effectiveness in the literature, local evidence is needed to ensure that they are contributing to harm reduction outcomes.

*Alcohol Healthwatch supports:*

- 1) *The use of a one-way door intervention as a discretionary condition, and recommends that a monitoring and evaluation programme is used to evaluate its effectiveness*
- 2) *That council considers including discretionary conditions for on-licences to help control noise within residential areas. E.g. Outdoor areas are not to be used for dining or drinking after a specified hour.*

## **5. Policies relating to special licences (Section 8 of the policy)**

### **a. Maximum trading hours for special licences (Section 8.1)**

We **recommend** a general 12am cease of trading for special licences, in line with our recommendations regarding the trading hours for on-licences. Any extensions beyond this trading hour should not extend beyond the maximum default hours prescribed for on-licences in the national legislation. We suggest that special licences should be granted for special events rather than for an extension of trading hours.

*Alcohol Healthwatch does not support:*

- 1) *the proposed trading hours for special licences. We **recommend** that the general cease of trading is 12am and that any extensions in hours provided (beyond 12am) do not extend beyond the maximum default trading hours of on-licence premises (4am)*

### **b. Discretionary conditions to be applied to all onsite special licences (Section 8.3)**

Alcohol Healthwatch **supports** the discretionary conditions proposed for special licences in the draft policy.

*Alcohol Healthwatch supports:*

- 1) *the Discretionary Conditions for special licences included in the Draft LAP.*

## 6. Policies relating to club licences (Section 9 of the policy)

### a. Maximum trading hours for club licences (Section 9.1)

Alcohol Healthwatch **does not support** the proposed maximum trading hours for club licences in the draft policy (9am to 1am).

Club licences, in particular those held by sports clubs, have been reported in research (as well as anecdotally) to contribute to the risky drinking behaviours among participants at the club.<sup>35</sup> Therefore, we recommend a further restriction in trading hours (to 10am-12am) than what is proposed in the draft policy to reflect the level of risk posed by these drinking settings.

*Alcohol Healthwatch does not support:*

*1) The proposed maximum trading hours for club licences in the draft policy and recommends the maximum trading hours be 10am to 12am*

### b. Discretionary conditions (Section 9.2)

Alcohol Healthwatch **supports** the inclusion of a condition to require a holder of a manager's certificate to be present when alcohol is available for sale during busy periods, e.g. more than 100 people are on the Club premises.

Additional conditions could also be considered, such as restricting activities (e.g. player of the day sculling competitions) and limiting the consumption of alcohol to the club house.

*Alcohol Healthwatch supports the discretionary condition as outlined in the draft policy.*

*Alcohol Healthwatch further recommends:*

*1) That council includes discretionary conditions relating to the restriction of hazardous drinking practices and where alcohol can be consumed.*

## 7. Conclusion

Once again, we would like to commend Horowhenua District Council on committing to develop a draft LAP. The LAP provision in the Sale and Supply of Alcohol Act 2012 provides a mechanism that, if used effectively, can reduce alcohol-related harm. However, we strongly believe that for current levels of harm to be minimised in the Horowhenua District further evidence-based measures will need to be included in the draft policy. If no real reductions in the availability of alcohol occur in the Horowhenua region, the significant burden placed on communities to have their say on licensing matters will remain and the Council will be limited in achieving its vision of going from "good to great".

<sup>35</sup> O'Brien, K. (2011). Commentary on Terry-McElrath & O'Malley (2011): Bad sport – exorcizing harmful substances and other problems. *Addiction*, 106, 1866-1867.

# Submission to Draft Local Alcohol Policy



Submission date: 12/03/2017 8:28 AM

Submission 8 - Group 1

Receipt number: 7

Question	Response
Notes for Submitters	
Contact Details	
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Preferred method of communication:	Email
Do you wish to present your comments to Council in person at a hearing?:	Yes
My Submission(s)	
My Submission	
Submission Attachments	<a href="#">CAAH Submission Horowhenua District Council Local Alcohol Policy.pdf</a>
Privacy Act 1993	
Council Use Only	
Date Received:	
RM8 Number:	
Submission No:	





### Submission on Horowhenua District Council's Draft Local Alcohol Policy

Email to: [enquiries@horowhenua.govt.nz](mailto:enquiries@horowhenua.govt.nz)

We are deeply concerned about the negative effects alcohol has on our communities.

We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

#### 1) Off-licences

We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, **maximum trading hours of 10am to 9pm are recommended.**

We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or **applying a sinking lid approach.**

We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites.

We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

We **recommend** that Council includes a provision in the policy to prohibit alcohol advertising on the exterior of off-licences.

We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (e.g. 3-4pm).

## 2) On-licences

We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

We **support** the discretionary conditions for on-licences, special licences and club licences.

We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

## Obligations under Te Tiriti o Waitangi (Treaty of Waitangi)

We also remind the Council of its obligations under sections 4 and 81 of the Local Government Act 2002, which requires the Council to facilitate participation by Maori in its decision-making concerning this Policy.

Glenn McCutcheon, Committee Member

Communities Against Alcohol Harm  
PO Box 47397, Ponsonby Auckland, 1011  
Email: nana\_glenn@hotmail.com

Email is our preferred method of communication:

We wish to present our comments to Council in person at a hearing.

Kim Anderson Smith  
Submission 9 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Kim Anderson Smith

Name of Organisation (if applicable) .....

Postal address: 16 Sullivan Ave, CHRISTCHURCH

Post Code 8023

Phone:..... A/H ..... Mobile 02 2492052

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

.....  
.....

Kim Anderson Smith - Submission 9 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Skye Fowler Pitman  
Submission 10 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Skye Fowler Pitman

Name of Organisation (if applicable) .....

Postal address: 91 Cowell Street

Braceley CHRISTOPHER Post Code 8023

Phone: ..... A/H ..... Mobile 022 182 843

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

.....  
.....

Skye Fowler Pitman - Submission 10 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Legacy Takarua-McCutcheon  
Submission 11 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Legacy Takarua-McCutcheon

Name of Organisation (if applicable) .....

Postal address: 13/697 New North Rd  
Sandringham Post Code 1022

Phone: ..... A/H ..... Mobile 0220103058

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.



Harlow Takarua-McCutcheon  
Submission 12 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Harlow Takarua-McCutcheon

Name of Organisation (if applicable) .....

Postal address: 13/697 New North Rd,

Sandvickham Post Code 1022

Phone: ..... A/H ..... Mobile 022 010 3058

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Kiri Pitman  
Submission 13 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs Miss / Ms / Dr (circle) Name: Kiri Pitman

Name of Organisation (if applicable) .....

Postal address: 47a Kaiti Heights Rd

CHRISTCHURCH Post Code 8023

Phone: 022225738 A/H ..... Mobile .....

Email: aweasults@gmail.com

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

Kiri Pitman - Submission 13 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Rawiri Te Kanawa  
Submission 14 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Rawiri Te Kanawa

Name of Organisation (if applicable) .....

Postal address: 47a Kauriway Road

..... Post Code .....

Phone:..... A/H..... Mobile 0212223738

Email: awtekanawa@gmail.com

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Katana Pitman  
Submission 15 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Katana Pitman

Name of Organisation (if applicable) .....

Postal address: 47a Kerdleys Road

CARISTOCHOKI Post Code 8023

Phone:..... A/H..... Mobile 021223338

Email: aukasobaka@gmail.com

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....  
.....  
.....

Katana Pitman - Submission 15 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.



Kingston Taukama Pitman  
Submission 16 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Kingston Taukama Pitman  
Name of Organisation (if applicable) .....  
Postal address: 26/3, Aldershot Street  
Horowhenua Post Code Christchurch  
Phone: ..... A/H ..... Mobile 0210443800  
Email: .....  
Preferred method of communication:  Email  Post  
Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....  
.....  
.....

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Kingston Hall  
Submission 17 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / ~~Mrs~~ / ~~Miss~~ / Ms / Dr (circle) Name: Kingston Hall

Name of Organisation (if applicable) .....

Postal address: 31 Stafford St

Shannon Post Code 4821

Phone: 3627 705 A/H ..... Mobile .....

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

~~I~~**We** are deeply concerned about the negative effects alcohol has on our community.

~~I~~**We support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

~~I~~**We do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

~~I~~**We do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

~~I~~**We support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

.....  
.....

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Laurelle McGrath  
Submission 18 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Laurelle McGrath

Name of Organisation (if applicable) .....

Postal address: 24 Cousins Ave  
Loxton Beach Post Code 4815

Phone: ..... A/H ..... Mobile 022 0279103

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

Q We are deeply concerned about the negative effects alcohol has on our community.  
Q We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

Q We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

Q We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

Q We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....  
.....  
.....

Laurelle McGrath - Submission 18 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

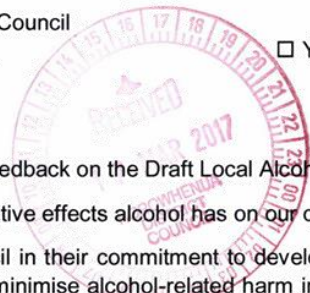
Donald Howie  
Shannon Progressive Association  
Submission 19 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: DONALD HOWIE  
Name of Organisation (if applicable) SHANNON PROGRESSIVE ASSOCIATION  
Postal address: 44 MARGARET STREET  
SHANNON Post Code 4821  
Phone: 362 7872 A/H            Mobile 021 267 4279  
Email: DONALD.HOWIE@GMAIL.COM

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council in person at a hearing:  Yes  No



**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....  
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.....

Donald Howie - Shannon Progressive Association - Submission 19 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

( Vice President ) *Judith Bayne*



Elizabeth Ketu  
Submission 20 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr (Mrs) Miss / Ms / Dr (circle) Name: Elizabeth Ketu  
Name of Organisation (if applicable) .....  
Postal address: 26 Vance Street Shannan  
Post Code 4821  
Phone: 06 3627 938 A/H ..... Mobile .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community. ✓

I/We support Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo. ✓

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended. ✓

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach. ✓

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are..... ✓

Elizabeth Ketu - Submission 20 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community. ✓

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities. ✓

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm). ✓

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour. ✓

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate. ✓

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region. ✓

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences. ✓

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am. ✓

Claude P. Ketu  
Submission 21 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr ~~Mr~~ / ~~Miss~~ / ~~Mrs~~ / Dr (circle) Name: CLAUDE P. KETU  
Name of Organisation (if applicable) NEW LIFE CHURCH, SHANNON  
Postal address: 26 VANCE STREET  
SHANNON Post Code A021  
Phone: 063627938 A/H Mobile 0276460334  
Email: claudep.ketu@gmail.com  
Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community. ✓

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo. ✓

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended. ✓

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach. ✓

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are..... ✓  
.....  
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Claude P. Ketu - Submission 21 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community. ✓

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities. ✓

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## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour. ✓

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate. ✓

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region. ✓

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences. ✓

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences. ✓

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am. ✓

Rosa Gray  
Submission 22 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Rosa Gray

Name of Organisation (if applicable) .....

Postal address: .....

Post Code 8840 4821

Phone: ..... A/H ..... Mobile 0210501682

Email: rosa.23.02@yahoo.com

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

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I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

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I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Fred Larsen  
Submission 23 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr/ Mrs / Miss / Ms / Dr (circle) Name: FRED LARSEN

Name of Organisation (if applicable) .....

Postal address: 15 CHURCHILL CREW

SHANNON Post Code 4821

Phone: ..... A/H ..... Mobile 021 1489 552

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

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**I/We support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

Fred Larsen - Submission 23 - Group 1

~~I~~We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

~~I~~We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

~~I~~We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

~~I~~We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, ~~I~~We **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

~~I~~We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

~~I~~We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

~~I~~We **support** the discretionary conditions for on-licences, special licences and club licences.

~~I~~We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

~~I~~We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.





Hoani Barclay  
Submission 24 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: HOANI BARCLAY

Name of Organisation (if applicable) .....

Postal address: 11 Johnson Street Foxton

Post Code 4814

Phone: ..... A/H ..... Mobile 0221282196

Email: hokays650@gmail.com

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

~~I~~**We** are deeply concerned about the negative effects alcohol has on our community.

~~I~~**We support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

~~I~~**We do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

~~I~~**We do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

~~I~~**We support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

~~I/We support~~ the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

~~I/We support~~ **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

~~I/We support~~ the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

~~I/We do not support~~ the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, ~~I/We support~~ the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

~~I/We do not support~~ a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

~~I/We support~~ **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

~~I/We support~~ the discretionary conditions for on-licences, special licences and club licences.

~~I/We do not support~~ the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

~~I/We support~~ further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Donald Hanson  
Submission 25 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Donald Hanson

Name of Organisation (if applicable) .....

Postal address: 31 Stafford St

..... Shannon Post Code 4821

Phone:..... A/H ..... Mobile —

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

~~I/We~~ are deeply concerned about the negative effects alcohol has on our community.

~~I/We~~ **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

~~I/We~~ **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

~~I/We~~ **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

~~I/We~~ **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

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.....

Donald Hanson - Submission 25 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

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I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Mrs Felqitscher  
Submission 26 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr (Mrs) Miss / Ms / Dr (circle) Name: Felqitscher

Name of Organisation (if applicable) .....

Postal address: 20 Stout Street

..... Post Code 4801

Phone:..... A/H ..... Mobile .....

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

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Mrs Felqitscher - Submission 26 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

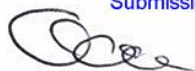
## 3) Club licences and special licences

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I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Jade Pitman Smith  
Submission 27 - Group 1



**Submission on Horowhenua District Council's Draft  
Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Jade Pitman Smith

Name of Organisation (if applicable)

Postal address:

26/3 Aldershot Street

Aranui Christchurch

... Post Code 8023

Phone: ..... A/H .....

Mobile 0210443800

Email:

Preferred method of communication:

- Email
- Post

Do you wish to present your comments to Council  
in person at a hearing:

- Yes
- No

**SUBMISSION**

Thank you for the opportunity to provide feedback on  
the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects  
alcohol has on our community.

I/We **support** Horowhenua District Council in their  
commitment to develop a Local Alcohol Policy (LAP).  
Not only can a strong LAP minimise alcohol-related  
harm in our region, it can significantly alleviate the  
burden placed on community members involved in  
individual licensing applications and decisions. In  
particular, it is very difficult for Horowhenua residents to  
gather information and evidence pertaining to the impact  
of a new premises on the local amenity when it is yet to



open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

1) Off-licences

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

.....



.....  
.....  
.....

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of

Jade Pitman Smith - Submission 27 - Group 1

trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Hine Presling  
Submission 28 - Group 1  
Received 16 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Hine Presling

Name of Organisation (if applicable) .....

Postal address: 315 KISHWORTH AVE  
ARKLES BAY AKL Post Code 0932

Phone:..... A/H ..... Mobile .....

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

Hine Presling - Submission 28 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

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## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.



Vivien Presling  
Submission 29 - Group 1  
Received 16 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Vivien Presling

Name of Organisation (if applicable) .....

Postal address: 31 B RISHWORTH AVE

ARKLES BAY - AKL Post Code 0932

Phone:..... A/H ..... Mobile 02041106598

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

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I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

Vivien Presling - Submission 29 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

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I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

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I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.



Summer Pitman Fowler  
Submission 30 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Summer Pitman Fowler

Name of Organisation (if applicable) .....

Postal address: 19 Castle Street  
Waiwera CHRISTCHURCH Post Code 8023

Phone: 0220182843 A/H ..... Mobile .....

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

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.....  
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Summer Pitman Fowler - Submission 30 - Group 1

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## 2) On-licences

I/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, I/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

I/We **support** the discretionary conditions for on-licences, special licences and club licences.

I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.



Glenn McCutcheon  
Submission 31 - Group 1  
Received 20 March 2017

**Submission form to Draft Local Alcohol Policy**

\*Refer to Attachment

Please print clearly using a black or dark blue pen

OFFICE USE ONLY

RM8 No:

Submission No:

**Your details**

Mr (Mrs) Miss / Ms / Dr (circle) Name: Glenn McCutcheon

Name of Organisation (if applicable) .....

Postal address: 3/22 Tennessee Ave

Manurewa East Post Code 2024

Phone: ..... A/H ..... Mobile .....

Email: .....

**Communication**

Preferred method of communication:  email  post

**Presentation**

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**My submission(s)**

Please complete your submission on the form overleaf. Please note that your submission will be part of a public agenda.

You can post your submission to: Local Alcohol Policy  
Horowhenua District Council  
Private Bag 4002  
Levin 5540

OR drop it into Council at 126 Oxford Street, Levin; or Te Takere; your local library or Service Centre. Alternatively fax to (06) 366 0983 or email to: [enquiries@horowhenua.govt.nz](mailto:enquiries@horowhenua.govt.nz).

Submission forms can be completed on line or downloaded from [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz).

We need to receive your submission by 5.00 pm on Friday, 17 March 2017.

RM8 No: D16/168613

Glenn McCutcheon - Submission 31 - Group 1

Submission form to Draft Local Alcohol Policy

My submission(s):

~~\* See attachment~~

Submission  
improving  
to the community

\* Members of the newly formed LAP NEED  
to be members of the local community.  
Not from outside the area.

\* Off licences.

Maximum trading hours to be 10 till 10  
Not 7am. Far too early for those from  
night shifts to obtain alcohol and  
start drinking. Then leads to domestic  
violence.

1,5. No controlling of alcohol advertising.  
Removal of all alcohol advertising is  
what I am recommending. Those  
of us in the community who partake  
in drinking know where to buy  
alcohol.

2 On licences. 1. Trading hours. 10am  
is catering for people who cannot live  
without a drink. 1pm to 12am is  
suffice.

RM8 No: D16/168613

P.T.O.

Glenn McCutcheon - Submission 31 - Group 1

2/2. How is the 12am cease of alcohol sales going to be managed?  
is there going to be a controlled check on this?

3/2. I support an opening time of midday to midnight. 12 to 12, easy to remember.

Glenn McCutcheon,

Glenn McCutcheon - Submission 31 - Group 1

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mr / Miss / Ms / Dr (circle) Name: Glenn McCutcheon

Name of Organisation (if applicable) .....

Postal address: 3/22 Tennessee Ave

Mangere Post Code 2024

Phone: ..... A/H ..... Mobile .....

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

Glenn McCutcheon - Submission 31 - Group 1

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

## 2) On-licences

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I/We **do not support** a 1am closing trading hour for restaurants. A restaurant's principal business is the sale of food/meals and therefore a 12am cease of alcohol sales is more appropriate.

I/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

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I/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Graeme Jukes  
Submission 32 - Group 1  
Received 20 March 2017

**Submission form to Draft Local Alcohol Policy**

OFFICE USE ONLY

RM8 No:

Submission No:

Please print clearly using a black or dark blue pen

**Your details**

Mr /  Mrs /  Miss /  Ms /  Dr (circle) Name: Jukes, Graeme

Name of Organisation (if applicable) .....

Postal address: 212 Okuku Road, Opiki

Palmerston Nth Post Code 4474

Phone: 06 3627 853 A/H ..... Mobile .....

Email: .....

**Communication**

Preferred method of communication:  email  post

**Presentation**

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**My submission(s)**

Please complete your submission on the form overleaf. Please note that your submission will be part of a public agenda.

You can post your submission to: Local Alcohol Policy  
Horowhenua District Council  
Private Bag 4002  
Levin 5540

OR drop it into Council at 126 Oxford Street, Levin; or Te Takere; your local library or Service Centre. Alternatively fax to (06) 366 0983 or email to: [enquiries@horowhenua.govt.nz](mailto:enquiries@horowhenua.govt.nz).

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We need to receive your submission by 5.00 pm on Friday, 17 March 2017.

RM8 No: D16/168613

Graeme Jukes - Submission 32 - Group 1

**Submission form to Draft Local Alcohol Policy**

**My submission(s):**

Shannon is a low Socio & Economic area with a large number of unemployed and at risk youth.

The area is well served with 2 liquor outlets at present.

No further outlets should be granted in this town. The gravity of this can be emphasised by the brutal alcohol fuelled attack and robbery of an 80 year old pensioner last year.

RM8 No: D16/168613

Graeme Jukes - Submission 32 - Group 1

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr Mrs / Miss / Ms / Dr (circle) Name: Jukes Graeme

Name of Organisation (if applicable) .....

Postal address: 212 Okuku Road, Opiki, Palmerston North

Post Code 4474

Phone: 06 36 273534/H Mobile .....

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

~~I~~We are deeply concerned about the negative effects alcohol has on our community.

~~I~~We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

**1) Off-licences**

~~I~~We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

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~~I~~We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....



I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

I/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

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I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Te Omaki Rauhihi  
Submission 33 - Group 1  
Received 20 March 2017

**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr /  Mrs /  Miss /  Ms /  Dr (circle) Name: Te Omaki Rauhihi

Name of Organisation (if applicable) .....

Postal address: 25 Vance Street

Post Code A821

Phone: 063627514 A/H ..... Mobile .....

Email: .....

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council  
in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

I/We **support** Horowhenua District Council in their commitment to develop a Local Alcohol Policy (LAP). Not only can a strong LAP minimise alcohol-related harm in our region, it can significantly alleviate the burden placed on community members involved in individual licensing applications and decisions. In particular, it is very difficult for Horowhenua residents to gather information and evidence pertaining to the impact of a new premises on the local amenity when it is yet to open for business. Even more challenging is the requirement to take time out of our busy lives to attend District Licensing Committee hearings. Having a strong LAP can assist our communities whilst supporting the Government's intention of New Zealand's liquor legislation which is to "improve community input into local alcohol licensing decisions". However, for positive change to occur, the LAP **must** have the effect of reducing current levels of alcohol availability (i.e. number of liquor outlets and/or trading hours) in our region, and not simply maintaining the status quo.

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I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are.....

Te Omaki Rauhihi - Submission 33 - Group 1

Submission form to Draft Local Alcohol Policy

My submission(s):

\* ATTACHMENT FOLLOWS

Obligation under  
Treaty of Waitanga

We also remind the Council of its  
obligation under Section 4 and 81 of  
the Local Government Act 2002, which  
require the Council to facilitate partic-  
ipation by Maori in its decision-  
making concerning this policy  
I Rauhihi

RM8 No: D16/168613

I/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

I/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

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I/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

Sharon Williams - Shannon-Foxton Anglican Parish  
Submission 34 - Group 1

**Submission form to Draft Local Alcohol Policy**

OFFICE USE ONLY

RM8 No:

Submission No:

**RECEIVED ON  
17/03/2017**

Please print clearly using a black or dark blue pen

**Your details**

Mr / (Mrs) / Miss / Ms / Dr (circle) Name: ... SHARON WILLIAMS  
Name of Organisation (if applicable) ... SHANNON-FOXTON ANGLICAN PARISH  
Postal address: ... 47 OTAURU ROAD  
..... SHANNON ..... Post Code ... 4821  
Phone: ... 06 3627559 ..... A/H ..... Mobile 027 3930414  
Email: ... sharonhumphrey@hotmail.com .....

**Communication**

Preferred method of communication:  email  post

**Presentation**

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**My submission(s)**

Please complete your submission on the form overleaf. Please note that your submission will be part of a public agenda.

You can post your submission to: Local Alcohol Policy  
Horowhenua District Council  
Private Bag 4002  
Levin 5540

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Submission forms can be completed on line or downloaded from [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz).

We need to receive your submission by 5.00 pm on Friday, 17 March 2017.

RM8 No: D16/168613

My submission(s): Sharon Williams - Shannon-Foxton Anglican Parish -  
Submission 34 - Group 1

Thank you for inviting me to submit on this matter.

I respectfully request that decision-makers prioritise the holistic health needs of communities when creating the Horowhenua District Council's Draft Local Alcohol Policy.

I have had the opportunity to view and consider the draft submission from Alcohol Healthwatch Whakatipu to Waipiro and consider this to be a very comprehensive submission, covering relevant points and issues for our communities. This submission is far more eloquent than anything I could ever hope to write and seemingly covers all relevant considerations. This submission, created by one or more expert professionals, refers to current research and data that supports its recommendations.

I respectfully request that the relevant decision-makers give very close attention and consideration to this mentioned submission (albeit now likely out of draft and in a final version) when creating and refining the HDC draft Local Alcohol Policy.

Sharon Amanda Humphrey Williams



RM8 No: D16/168613

Brian and Cynthia Bishop  
Submission 35 - Group 1  
Received 20 March 2017

**Submission form to Draft Local Alcohol Policy**

OFFICE USE ONLY

RM8 No:

Submission No:

Please print clearly using a black or dark blue pen

**Your details**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Brian and Cynthia Bishop

Name of Organisation (if applicable) Cynthia Marie Bishop

Postal address: 2 Ballance Street Shannon

Post Code 4821

Phone: 06-3627800 A/H 063627834 Mobile 0272740168

Email: B.R.N. - Bishop - G mail - com

**Communication**

Preferred method of communication:  email  post

**Presentation**

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**My submission(s)**

Please complete your submission on the form overleaf. Please note that your submission will be part of a public agenda.

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Local Alcohol Policy  
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We need to receive your submission by 5.00 pm on Friday, 17 March 2017.

RM8 No: D16/168613

Brian and Cynthia Bishop - Submission 35 - Group 1

Submission form to Draft Local Alcohol Policy

My submission(s):

ALCOHOL IN SMALL COMMUNITIES  
IS A MAJOR PROBLEM WITH CLUBS  
TO MANY BOTTLE STORES CAUSING PRICE WARS,  
ELEGAL BARS OPERATING WITH OUT LICENCES,  
"NO ONE DOING ANYTHING ABOUT IT  
JUST A CHECK!!

ALL COUNCILS ARE DOING IS CREATING  
A NIGHTMARE

PERSONALLY I HAVE HAD A COPY!!  
OF THE LOCAL ALCOHOL POLICY,  
CHANGES GOT TO BE MADE

REGARDS  
BRIAN BISHOP  
PUBLICANS CLUB HOTEL SHAWNEE

RM8 No: D16/168613



**Submission on Horowhenua District Council's Draft Local Alcohol Policy**

Mr / Mrs / Miss / Ms / Dr (circle) Name: Brian Bishop

Name of Organisation (if applicable) Cynthia Mary Bishop

Postal address: 2 RAILANCE STREET SHAWDOD

Post Code 4821

Phone 06 3627866 A/H 06 3627334 Mobile 027 2740168

Email: B.R.N. BISHOP @ G.MAIL.COM

Preferred method of communication:  Email  Post

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**SUBMISSION**

Thank you for the opportunity to provide feedback on the Draft Local Alcohol Policy.

I/We are deeply concerned about the negative effects alcohol has on our community.

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**1) Off-licences**

I/We **do not support** the proposed maximum trading hours of 7am to 10pm. Early trading hours can harm young people on their journey to school via exposure to alcohol marketing and advertising. In addition, early trading hours increase the opportunities for persons with alcohol dependence to purchase alcohol. As shown in New Zealand research, purchases of alcohol from off-licence outlets with later trading hours are more likely to be made by heavy drinkers. For these reasons, maximum trading hours of 10am to 9pm are recommended.

I/We **do not support** the extent to which the Draft LAP protects vulnerable population groups in the Horowhenua region. The Council should identify geographical areas at high risk of alcohol harm and adopt measures to limit the availability of alcohol. For example, Council should control off-licence supply by either placing a freeze on the issue of new off-licence premises (e.g. for a specified period of time) or applying a sinking lid approach.

I/We **support** the current list of sensitive sites provided in the policy, but further recommend that Marae and health facilities (particularly alcohol treatment centres) are included in the list of sensitive sites. Other sensitive sites which should be included in the policy are:

- DISTANCES BETWEEN ROTINE SHOPS & HOTEL
- " FROM CHURCHES ETC.
- " PLUS STOPS COLLEGE STUDENTS
- " PUBLIC TOILETS

1/We **support** the notification requirements for off-licence applications and recommend that an online system (with email alert functionality) is also used to relieve the burden placed on community members involved in liquor licensing issues in their community.

1/We **recommend** that Council includes a provision in the policy to control the amount of alcohol advertising that is visible within 500m of schools and early childcare facilities.

1/We **support** the discretionary conditions, but further **recommend** provisions are included which prohibit the sale of single alcoholic drinks and require off-licences to cease alcohol sales when children leave school (i.e. 3-4pm).

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1/We **do not support** the on-licence trading hours of 9am to 1am. We **recommend** the hours of 10am to 12am, given that alcohol-related offending typically increases exponentially after midnight. In addition, 1/we **support** the inclusion of the one-way door discretionary condition, especially when applied to premises with the latest closing hour.

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1/We **recommend** that either a regional cap or sinking lid approach is used in relation to the number of on-licences permitted within the Horowhenua region.

## 3) Club licences and special licences

1/We **support** the discretionary conditions for on-licences, special licences and club licences.

1/We **do not support** the proposed trading hours for club licences of 9am to 1am; rather a 12am cease of trading is recommended. Special licences should not be permitted to trade beyond the final trading hour prescribed for on-licences.

1/We further **recommend** that the LAP prohibits special licences having trading hours which extend beyond the national default maximum trading hour of 4am.

HEARINGS COMMITTEE REPORT - DRAFT LOCAL ALCOHOL POLICY - ATTACHMENT D

## Submission to Draft Local Alcohol Policy

Submission date: 3/9/2017

Submission 36 - Group 2

Receipt number: 6

Question	Response
Notes for Submitters	
Contact Details	
Title:	Mr
Full Name:	Sam Jennings
Name of Organisation (if applicable):	
Postal Address for Service:	16 Waiaute Rd, RD 31, Levin
Postcode:	5573
Daytime Telephone:	0294711130
After Hours Telephone:	0294711130
Mobile:	0294711130
Email:	sam@jennings.co.nz
Preferred method of communication:	Email
Do you wish to present your comments to Council in person at a hearing?:	No
My Submission(s)	
My Submission	I am by no means an expert on liquor licensing or sale/supply legislation, but the policy has several deficiencies which are detailed in the attached document. I am happy to speak to these if required, but otherwise I am happy to let the written submission speak for itself.
Submission Attachments	<a href="#">HDC_Subs on alcohol policy.pdf</a>
Privacy Act 1993	
Council Use Only	
Date Received:	10/3/2017
RM8 Number:	IM17/1282
Submission No:	

Submission on Draft LAP by S Jennings

Notes:

*Some premises hold more than one licence – for example, a tavern may also hold an off licence and be able to sell alcohol which is consumed off the premises.*

*The Act allows special licences to be issued for up to 12 months. Unlike other kinds of licence, special licences are not subject to the Act's default maximum hours so can apply up to 24 hours a day.*

***Special licences are to allow the sale or supply of alcohol at events and are not intended to be a substitute for a "Club", "on" or "off" licence.***

The bolded portion of the note should be deleted – it does not state the correct legal position.

The Act does not say this. This note appears to be HDC's spin or take on how Clubs ought to operate. A club may decide that it wishes to only have a small number of club meetings or 'events' (whether they are special or regular in character) per year where alcohol is supplied or sold instead of holding a club licence year round. A Club licence may be overkill or inappropriate for a particular Club and a special licence may be more appropriate to their circumstances. So as long as they meet the requirements to apply for and obtain a special licence then they should be free to do so. The policy should not exclude this or create an impression that this is not acceptable.

6.2 Location

*(a) From the date this LAP comes into force no off-licences are to be issued for any premises unless that premises is already licensed; or is located on land zoned commercial or a Resource Consent has been granted by Council for its operation either before or after that date.*

This aspect of the policy states this as an absolute. As a policy document it cannot substitute for law. I suggest the language be changed to recognise that this may be the general approach, but it does not follow that a premises not fitting these requirements would never be approved for an off licence.

It should not close off the possibility that someone outside of these criteria may come along with a comprehensive plan which complies with the Act and meets the objectives of the LAP.

You would be better to change the language to say:

***New off licences will generally only be issued for any premises that:***

- *are already licensed;*
- *located on land zoned commercial;*
- *have obtained or hold a Resource Consent permitting activities consistent with the sale or supply of alcohol.*

***Any premises that does not meet these requirements is unlikely to be issued with an off licence unless they can show:***

**[specify the factors or important criteria that led you to close this off to the above situations]**

*(b) No new off-licences in respect of a bottle store shall be issued for any premises located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship, public park, or other Off-Licence premises existing at the time the licence application is made.*

*Note: Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises*

**There is no compelling or persuasive policy rationale advanced for why this policy statement has been included.**

The selection of 100m is arbitrary. It serves no real useful purpose. This policy statement appears more directed at creating a defacto situation where the possibility of a new off licence premises is almost impossible. This is effectively legislating through policy and is inappropriate. In practice there would be very few locations in the entire district where a new off licence premises (even if they were the most lawful, compliant and responsible operator) could now establish.

There is no policy analysis sitting along side this draft policy that suggests any of the above premises deserve or warrant special protection from activities associated with off-licences. It is anticipated that this policy statement is driven in part by the desire not to have young and vulnerable people observing people purchasing alcohol. Avoiding the normalisation of such activities may be a valid pursuit, but it is reasonable to expect that visitors and members of the above premises (schools etc) would still travel past off-licensed premises (either by car, public transport or foot). To that end the 100m distance seems pointless.

It is also suggested that no new off licence should be granted to a premises that is within 100m from another premises. This is absurd. If the policy were directed at minimising the availability of alcohol or avoiding competition that drives prices down then the distance would be expressed as significantly more than 100m. It may be more beneficial to have premises with off licences closely located together so that they are easier to police and monitor and any potential for harm is concentrated rather than dispersed across the entire community.

It would be better to simply state in the policy that the presence of these other premises are likely to influence decisions around the permitted hours of operation etc. For example it may be entirely compatible to have an off-licence premises operating at different hours to when a school or childcare might be operating.

### *6.3 Notice of Licence Application*

*Applicants for NEW or RENEWALS of an Off Licence are required to give notice to potentially affected parties within 100 metres of the legal site boundary of the premises. This requirement is additional to notifications required by the Act,*

Submission 36 - Group 2

The policy does not make it clear what or who a “potentially affected party” is. This should be clarified.

7.2 Locations

*(a) From the date this LAP comes into force no on-licences are to be issued for any premises unless that premises is already licensed; or is located on land zoned commercial or a Resource Consent has been granted by Council for its operation either before or after that date.*

*(b) No new on-licences shall be issued for any premises located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship, or public park existing at the time the licence application is made.*

*Note: Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.*

**Same comment as above re 6.2**

8. SPECIAL LICENCES

8.1 Hours

*The hours (opening and closing) and duration of a special licence are set at the discretion of the DLC for each event, having regard to the nature of the event or series of events. The following maximum trading hours apply to all special licenses in the Horowhenua District territorial area:*

*Monday to Sunday generally the closing time for any special licence shall not exceed 1am on any given day, however the DLC may consider extensions in exceptional circumstances.*

**There is no guidance in the policy that identifies what might be considered ‘exceptional circumstances’. This language either needs to be explained for removed. The policy should just allow special licence applications to stand on their merits. For example, it may be that a special licence could be sought for an event that celebrates something occurring at a certain time (e.g. New Year Eve or a special AM time – like a time of birth). These would not generally ‘exceptional’ circumstances, but are valid ‘events’ that may, merely by their design, require or justify a different time range that the policy provides for.**

**The focus should instead be on the length of the event – because it is the total time available for consumption that will drive the risk levels around potential harm, rather than the times at which the consumption occurs (i.e. an special licence that permits sale/supply between 2pm and 1am could have higher levels of consumption than something that is approved for 10pm to 3am).**

Submission 37 - Group 2  
Received 16 March 2017



16 march 2017

Local Alcohol Policy  
Horowhenua District Council  
Private Bag 4002  
Levin 5540.

RECEIVED ON  
16/03/2017

Submission.

#### Draft Local Alcohol Policy

Thank you for the opportunity to submit to the consultation phase of the review of Local Alcohol Policy.

Horowhenua Grey Power has not explored the feasibility of formulating a 'policy position' on alcohol, its availability or its risks to the general wellbeing of our communities. For this reason it has not been possible within the time frames applicable to this activity to determine a 'group' opinion on these considerations.

Our feeling is that this matter is better considered by individual commentators or organisations specifically charged with responsibility for community behavioural standards.

Sincerely

A handwritten signature in black ink, appearing to read "Lew Rohloff".

Lew Rohloff  
Vice President  
Horowhenua Grey Power Association Incorporated.

Submission 38 - Group 2  
Received 17 March 2017

**Waitāre Progressive Association**  
**Waitarere Beach Progressive & Ratepayers Association Inc**  
ESTABLISHED 1945

2 March 2017

Mike Lepper

Customer & Regulatory Services Manager

Horowhenua District Council

Private Bag 4002

Levin 5540

Dear Mike

**Local Alcohol Policy Consultation**

Thank you for sending through the Draft consultation document as above.

We have discussed this within our committee and we are happy with the content of the policy.

Thank you for the opportunity to be involved in the process.

Yours faithfully

Sharon Freebairn

Secretary – Waitarere Beach Progressive & Ratepayers Assn.



**Submission to Draft Local Alcohol Policy  
Community Wellbeing Committee submission(s):**

The Horowhenua Community Wellbeing Committee supports the submission proposed to be submitted by Mid Central District Health Board in support of the Horowhenua District Council Draft Local Alcohol Policy and understands that the New Zealand Police have also indicated support for the draft Policy that is currently being consulted on, as well.

This submission recognises the limitations of such a Policy and understands that only certain matters (as per section 77 of Sale and Supply of Alcohol Act 2012 below) can be contained and addressed within this Policy.

**77 Contents of policies:**

- (1) A local alcohol policy may include policies on any or all of the following matters relating to licensing (and no others):
  - (a) location of licensed premises by reference to broad areas:
  - (b) location of licensed premises by reference to proximity to premises of a particular kind or kinds:
  - (c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds:
  - (d) whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district:
  - (e) maximum trading hours:
  - (f) the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions:
  - (g) one-way door restrictions.
- (2) Paragraphs (a) to (d) of subsection (1) do not apply to special licences, or premises for which a special licence is held or has been applied for.
- (3) A local alcohol policy must not include policies on any matter not relating to licensing.

On that basis, the Community Wellbeing Committee considers that the Council's draft Local Alcohol Policy adequately addresses the situations that exist in the District whilst still being near enough to the status quo to enable commercial interests and the public to feel they have not been left out of consideration. Our collective view is therefore that the Local Alcohol Policy (LAP) proposed is "fit-for-purpose" for the Horowhenua environment.

Note- Some members of the Committee abstained from the discussion due to Conflict of Interest.

HEARINGS COMMITTEE REPORT - DRAFT LOCAL ALCOHOL POLICY - ATTACHMENT F

REL0619

Health Promotion Agency  
Submission 40 - Group 3  
Received 17 March 2017



Level 1, BNZ Centre | 120 Hereford Street | Christchurch 8011  
PO Box 2688 | Christchurch 8140 | New Zealand  
Ph 03 963 0218

17 March 2017

Local Alcohol Policy  
Horowhenua District Council  
Private Bag 4002  
Levin 5540

To Whom It May Concern

### **Horowhenua Draft Local Alcohol Policy**

Thank you for providing the opportunity for the Health Promotion Agency (HPA) to comment on the Horowhenua District Council draft Local Alcohol Policy (LAP).

**We wish to speak to this submission.**

### INTRODUCTION

HPA has the statutory function of giving advice and making recommendations on the sale, supply, consumption, misuse and harm from alcohol. Since 1 July 2012 HPA assumed the functions of the former Alcohol Advisory Council of New Zealand and Health Sponsorship Council and some functions of the Ministry of Health.

We congratulate Horowhenua District Council on its commitment to develop a LAP. The development of a LAP provides an opportunity for communities to become involved in how alcohol is sold in their neighbourhoods.

The object of the Sale and Supply of Alcohol Act 2012 is that the sale, supply, and consumption of alcohol should be undertaken safely and responsibly, and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised. LAPs play an important role in meeting these objectives and provide the Council with a mechanism to reflect the needs of the community and minimise the harm locally.

### ENGAGEMENT

HPA encourages and supports territorial authorities to develop policies that are well consulted and reflect local community views. We are pleased to see that the Council has engaged with Police, the Medical Officer of Health, Licensing Inspectors and the District Licensing Committee (DLC) as part of the LAP development process. LAPs should also reflect the view of the community as much as possible, and for this reason we recommend that in the early stages of the development of the draft LAP, engagement with a broad sector of the community and stakeholders should be undertaken.

HPA:683839v1

This wider engagement, if reflected in the policy, will provide the Council with a policy that is more likely to reflect the desires of the community.

## BACKGROUND PAPERS

There was limited information available to submitters on the demography of the district's residents and visitors, the overall health indicators and the nature and severity of the alcohol-related problems in the area. If there was an earlier Council report, it would have been useful if this was made available. HPA is aware that many councils are finding it difficult to source good data, especially local data, but we suggest that it is important to provide stakeholders with information around alcohol-related harm so that there is an understanding behind the policy element decisions made by the Council.

## POLICY PURPOSE, AIMS AND SCOPE

LAPs not only provide guidance to DLCs, the Alcohol Regulatory and Licensing Authority (ARLA) and local alcohol retailers, but they also provide an opportunity for communities to be involved in shaping the trading hours, location and density of licences and conditions on licensed premises in ways that fit with community desires. HPA is supportive of the goals and objectives of the draft LAP and they relate well to the objectives of the Act.

## TRADING HOURS

HPA supports a reduction in trading hours for licensed premises because national and international research indicates there is a relationship between the hours of sale of alcohol and alcohol-related harm. Findings show both an increase in harm when trading hours are increased and a decrease in harm when trading hours are reduced<sup>1</sup>. We encourage territorial authorities to set maximum trading hours that are appropriate for the community and take into account the views of the community through good engagement and consultation on the development of the policy.

Ministry of Justice undertook research as part of the development of the risk-based fees regime. The findings indicate that the rate of attributable alcohol-related offences associated with licensed premises increases with later closing times. Compared with expected offences when premises close at midnight, the rate is 1.6 times higher when they close at 1am rising to 8.9 times when they close at 5am<sup>2</sup>.

<sup>1</sup> Babor T., Caetano, R., Casswell, S., Edwards, G., Giesbrecht, N., Graham, K., Grube, J., Hill, L., Holder, H., Homel, R., Livingston, M., Osterberg, E., Rehm, J., Room, R., Rossow, I. (2010). *Alcohol: No Ordinary Commodity: Research and public policy*, 2<sup>nd</sup> edn. Oxford: Oxford University Press.

<sup>2</sup> Ministry of Justice. (2013). *Risk-based licensing fees. Identifying risk factors for the New Zealand context*. Wellington: Ministry of Justice.

In the same report, the Ministry of Justice presented empirical data suggesting a link between off-licence premises and alcohol-related harm. Findings included:

- seventy six percent of alcohol is sold through off-licences<sup>3</sup>
- sixty percent of alcohol-related offences are linked to home and public consumption which in turn is linked to off-licence purchase<sup>4</sup>
- a high level of alcohol-related harm occurs between the hours of 10pm and 5am, and the growing differential in prices between off-licence and on-licence premises has led to the phenomenon of pre-loading and side-loading, where people consume large quantities of alcohol before entering an on-licence premises or leave to top up before re-entering. Off-licence premises with later trading hours are more likely to be associated with pre-loading and side-loading, thus contributing to alcohol-related harm<sup>5</sup>.

Ministry of Justice's research provides further support that limiting trading hours for the sale of alcohol is a key policy lever for reducing alcohol-related harm.

Therefore we support the trading hours proposed for off-licences and support a consistent approach to all off-licences having the same trading hours. We also support the trading hours proposed for clubs and on-licences.

## SPECIAL LICENCES

In LLA 1813/92<sup>6</sup> the Liquor Licensing Authority (the Authority) reminded District Licensing Agencies that they must avoid the issue of special licences for series of occasions or events that in effect give the applicant the same, similar or even greater licensed hours than may be sanctioned by the Authority in a permanent licence. Therefore, HPA is supportive of the Council having some guidelines around trading hours for special licences. However, as we do not support 24-hour-trading we think that special licences should not exceed the national maximum trading hours of 8am to 4am even in exceptional circumstances. The proposed limits on the maximum number of events included in special licence for a series of events is very relaxed compared with many other areas. We suggest that not more than 12 events in a six month period would be more appropriate.

<sup>3</sup> SHORE and Whariki Research Centre

<sup>4</sup> Police POLD data

<sup>5</sup> Ministry of Justice. (2013). *Risk-based licensing fees: Identifying risk factors for the New Zealand context*. Wellington: Ministry of Justice.

<sup>6</sup> <http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZLLA/2002/50.html?query=LLA5201813/92>. It stated that if there is a possibility of meeting the statutory objective, then it is entitled to test whether that possibility is a reality

### **Recommendation**

***That special licence trading hours are not granted for trading hours outside of the national maximum default hours allowed for within the Act and that the number of events in a six month period is reduced to 12***

### LOCATION OF PREMISES

The Law Commission's consultation found that communities feel strongly about the location of premises where alcohol is sold<sup>7</sup>. LAPs are the main mechanism for people to have a say about how alcohol is sold in their communities so we are pleased to see that the Council has considered the proximity of licensed premises to sensitive sites and to existing premises in the case of off-licences. We are supportive of the provisions that a 100m buffer around sensitive sites will apply.

### DENSITY PROVISIONS

The Law Commission's consultation also found that outlet density is one of the most pressing issues around the sale of alcohol for many communities. Studies have suggested an association between the number of outlets and increased levels of alcohol consumption at a neighbourhood level.

Research undertaken by the University of Waikato National Institute of Demographic and Economic Analysis looked at the impacts of liquor outlets in Manukau City. The research found that:

- on-licence outlets are most dense in areas with good transport links, such as in town centres and areas with high amenity value. This is because these outlets cater to consumers who are looking for a destination at which to drink, or where drinking is incidental to some other activity such as eating a meal
- off-licence outlet density is not only related to population density, (a higher population density is associated with a higher density of off-licence outlets), but also to relative deprivation (higher relative deprivation is associated with higher density of off-licence outlets)
- further, off-licence outlets are not typically gathered together in clusters but are distributed throughout the area. While this reduces local competition it also increases access to alcohol at a neighbourhood level

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<sup>7</sup> Law Commission. (2010). *Alcohol in our Lives: Curbing the Harm: A report on the review of the regulatory framework for the sale and supply of liquor*. Wellington: Law Commission.

- areas with more off-licence outlets have higher levels of competition between those outlets, leading to lower prices, longer operating hours and later weekend closing times<sup>8</sup>
- higher numbers of off- and on-licences were associated with a higher number of police events. In particular, off-licence density was associated with higher levels of anti-social behaviours, drug and alcohol offences, family violence, property abuse, property damage, traffic offences and motor vehicle accidents. Density of clubs and bars was associated with higher levels of anti-social behaviour, dishonesty offences, drug and alcohol offences, property abuse, property damage, sexual offences, traffic offences and violent offences. Density of restaurants and cafes was associated with higher levels of dishonesty offences, property abuse, traffic offences and motor vehicle accidents<sup>9</sup>.

The most recent research by the University of Waikato<sup>10</sup> investigated the impact of alcohol outlet density on police activity at the local (Census Area Unit) level across New Zealand from 2007 to 2014. The results build on previous research and show that off-licence outlets density has simple direct positive relationships with violence, anti-social behaviour and sexual offences. That is, additional off-licences are associated with additional incidents of these types of social harm. Off-licence density also has positive relationships with drug and alcohol offences, property damage and motor vehicle crashes, but in these cases the nature of the relationship is influenced by the size of the population (where a positive relationship is present for low population areas)<sup>11</sup>. This research also found that bottle stores and supermarkets were similar in terms of their impacts on social harm<sup>12</sup>.

Overall, the evidence behind decreasing the number of alcohol outlets to decrease alcohol-related harm is strong, and we therefore support the use of tools that will assist with limiting the density of outlets. A number of councils around New Zealand have developed measures for reducing density within their draft LAPs, especially in communities where there is already high community stress and/or alcohol-related harm. We therefore suggest that Horowhenua District Council consider whether there are areas that would benefit from measures that limit the further growth of licensed premises.

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<sup>8</sup> Cameron, M.P., Cochrane, W., McNeill, K., Melbourne, P., Morrison, S. L., Robertson, N. (2010b). *The spatial and other characteristics of liquor outlets in Manukau City: The impacts of liquor outlets report no. 3*. Wellington: Alcohol Advisory Council of New Zealand.

<sup>9</sup> Cameron, M.P., Cochrane, W., McNeill, K., Melbourne, P., Morrison, S. L., Robertson, N. (2011). *A spatial econometric analysis of selected impacts of liquor outlet density in Manukau City: The impacts of liquor outlets report no. 4*. Wellington: Alcohol Advisory Council of New Zealand

<sup>10</sup> Cameron, M.P., Cochrane, W., Livingston, M. (2017 version 2). *The relationship between alcohol outlets and harm: A spatial panel analysis for New Zealand, 2007-2014*. Wellington: Health Promotion Agency.

<sup>11</sup> Reported associations are statistically significant at the 10% level.

<sup>12</sup> Tests of equality of coefficients show supermarkets and bottle stores are similar (the tests were not statistically significant) for seven out of the eight social harms examined. As a result they were treated as a single combined off-licence category.

**Recommendation**

***That the Council consider the addition of density measures in any areas with high community stress and/or high alcohol-related harm***

**DISCRETIONARY CONDITIONS**

We are pleased to see that the Horowhenua District Council has considered the addition of discretionary conditions. An indicative list does not fetter the discretion of the DLC to impose '...any reasonable condition' on a licence as set out in section 117(1) of the Act, and is very helpful in cases where reporting agencies or members of the public may be asked by the DLC to consider what conditions they think might minimise any negative impacts if the licence were to be granted. HPA believes that carefully considered licence conditions can be an effective measure to promote safe, responsible sale and supply of alcohol and to minimise the harm caused by its excessive or inappropriate consumption in line with the object of the Sale and Supply of Alcohol Act 2012. It is because of this that we suggest that more consideration is given to a broader list of discretionary conditions for clubs including things like CCTV, lighting, size of servings, CPTED, incident registers and ServeWise training.

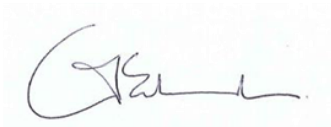
**Recommendation**

***That the Council consider the addition of more discretionary conditions for club licences***

**CONCLUSION**

Once again, thank you for the opportunity to comment on the Horowhenua District Council's draft LAP. Please do not hesitate to contact Cathy Bruce, Principal Advisor Local Government, e-mail [c.bruce@hpa.org.nz](mailto:c.bruce@hpa.org.nz), phone 03 963 0218 if you would like to discuss any parts of this submission further.

Yours sincerely



Cath Edmondson  
**General Manager Policy, Research and Advice**

HPA:683839v1

Levin Police  
Submission 41, Group 3  
Received 17 March 2017

**Megan Leyland**

---

**From:** CARTER, Simon (Sye) <Simon.Carter@police.govt.nz>  
**Sent:** Friday, 17 March 2017 10:18 a.m.  
**To:** Mike Lepper; PIGOTT, Ian; MORETTO, Lance  
**Subject:** Horowhenua District Council - LAP Submission. March 2017

Good Morning,

This email relates to the above Draft Local Alcohol Policy (LAP) and the consultation / submission period ending at 1700hrs on Friday 17 March 2017.

- Police fully support the proposed LAP.

In the LAP with reference to Discretionary Conditions for all licence classes, can the wording be considered to include that the conditions listed in this Policy are not limited to or excludes additional conditions and remains at the discretion of the appropriate licensing authority or words to that effect. It is felt that by not having wording similar, recorded in the Policy, what is recorded are the only options available to be used and if another condition is imposed it can be can challenged by the licensee.

- Specific and / or conditions such as the one door policy operating must be displayed to the public upon entry. This will also assist in the monitoring and compliance.

**Quick question in reference to: 1.Introduction and Explanatory Material - Point 1.5**

When the setting of discretionary conditons are imposed within the LAP guidelines against a specific licence being new or existing, is there a requirement for a new licence certificate to be produced displaying these conditions, date of effect and end point (if there is one). An example maybe that a current establishment/s operating within the Horowhenua district has a condition imposed to operate a one way policy after 0000hrs. Will a new licence certificate that is displayed, produced to show this new condition or would a one door policy be more of a blanket group condition for all on-licence premises both existing and new. Establishments such as Sel's bar may not met cretia for a one door conditions where as the large and busy establishments such as Fatboyz will be. Another example is when an application of a special licence event is held where expected numbers will exceed a certain level, an 'x' amount of certified crowd controllers are required to be present.

- Are there set time periods for these conditons once in place.

Thank you

*Simon*



**Simon CARTER**  
**Senior Constable SCI962**  
**Community Constable**  
**Levin Police**

✉ New Zealand Police | Bristol Street, Levin |  
PO Box 242 | Levin 5540 | New Zealand  
Ph: 06 3660500 or DDI 06 3660576  
Cell: 021 191 4766



Dr Rob Weir  
Public Health Services, MidCentral DHB  
Submission 42 - Group 3

RECEIVED ON  
17/03/2017

**Submission form to Draft Local Alcohol Policy**

OFFICE USE ONLY

RM8 No:

Submission No:

Please print clearly using a black or dark blue pen

**Your details**

Mr / Mrs / Miss / Ms (Dr (circle)) Name: **Robert Weir**

Name of Organisation (if applicable) **Public Health Services, MidCentral DHB**

Postal address: **Public Health Unit, Private Bag 11036,**

**Palmerston North** Post Code **4442**

Phone: **(06) 350 9110** A/H Mobile

Email: **Robert.weir@midcentraldhb.govt.nz**

**Communication**

Preferred method of communication:  email  post

**Presentation**

Do you wish to present your comments to Council in person at a hearing:  Yes  No

**My submission(s)**

Please complete your submission on the form overleaf. Please note that your submission will be part of a public agenda.

You can post your submission to: Local Alcohol Policy  
Horowhenua District Council  
Private Bag 4002  
Levin 5540

OR drop it into Council at 126 Oxford Street, Levin; or Te Takere; your local library or Service Centre. Alternatively fax to (06) 366 0983 or email to: [enquiries@horowhenua.govt.nz](mailto:enquiries@horowhenua.govt.nz).

Submission forms can be completed on line or downloaded from [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz).

We need to receive your submission by 5.00 pm on Friday, 17 March 2017.

RM8 No: D16/168613

Dr Rob Weir - Public Health Services, MidCentral DHB - Submission 42 - Group 3

Local Alcohol Policy  
Horowhenua District Council  
Private Bag 4002  
Levin 5540

Email: [enquiries@horowhenua.govt.nz](mailto:enquiries@horowhenua.govt.nz)

**17<sup>th</sup> March 2017**

**CONSULTATION – Draft Local Alcohol Policy**

Thank you for the opportunity to provide comment on the Draft Local Alcohol Policy (LAP).

The Public Health Service of MidCentral District Health Board (MCDHB) takes an interest in issues relating to alcohol both in terms of its general concern for the Health of the community, and as a specific reporting agency under the Sale and Supply of Alcohol Act 2012.

We have been involved in the consultation around this draft and would consider that at this point in time the proposed Policy is fit for purpose, and a proportionate response for the circumstances and situations currently existing in the Horowhenua District Council area.

Yours sincerely



Dr Rob Weir  
**Medical Officer of Health,**  
fFor **Public Health Service**  
**MidCentral DHB**

HEARINGS COMMITTEE REPORT - DRAFT LOCAL ALCOHOL POLICY - ATTACHMENT F



Foodstuffs North Island Limited  
Submission 43 - Group 4

P: +64 9 621 0600  
W: foodstuffs.co.nz

FOODSTUFFS  
NORTH ISLAND LIMITED  
60 Roma Road, Mt Roskil  
DX Box CX 15021  
Auckland 1440  
New Zealand

24 March 2017

Horowhenua District Council

RECEIVED ON  
27/03/2017

By email [michael.EL@horowhenua.govt.nz](mailto:michael.EL@horowhenua.govt.nz)

**Submission on the Horowhenua District Council's Draft Local Alcohol Policy**

**Summary of submission**

Foodstuffs is the franchisor of the PAK'nSAVE, Gilmours, New World, Four Square and Write Price brands. Foodstuffs takes many steps to ensure our stores are responsible retailers of alcohol.

Foodstuffs believes that the maximum licensed hours for supermarket and grocery stores should be 7am-11pm, but recognises that its stores do not currently operate past 10pm.

It should be made clearer in the draft LAP that the proposed maximum trading hours do not apply to remote sales of alcohol.

Provisions in the draft LAP relating to notification, special licences and discretionary conditions that are ultra vires the Act should be removed or amended.

The draft LAP should be drafted clearly to align with the Act and any errors should be amended.

**Who we are**

The Foodstuffs Co-operatives franchised stores employ more than 30,000 people nationwide across approximately 137 New World, 50 PAK'nSAVE, 274 Four Square stores and other related brands. This extended footprint means we are an integral component of almost all local communities big and small throughout New Zealand.

As a proudly 100% Kiwi owned and operated business, the Foodstuffs Co-operatives have grown from humble beginnings to become New Zealand's biggest grocery distributor, and one of the country's largest organisations. Stores are active members of their communities and as large employers continuously strive to give back by sponsoring and giving support to a wide range of charitable initiatives, sports teams and schools.

Foodstuffs North Island Limited (**Foodstuffs**) is the franchisor of 44 PAK'nSAVE, 98 New World, 183 Four Square, and 7 Gilmours stores. It is also franchisor of the Write Price brand in the North Island. Our stores are a major employer in the Horowhenua Region with six franchised stores. Our stores in the Region are as follows:

- Write Price
- Foxton New World
- Levin New World
- Four Square Foxton Beach
- Four Square Shannon
- Four Square Waitarere

We may in the future open more stores in your Region.

**Steps undertaken by Foodstuffs to ensure our stores are responsible retailers of alcohol**



Foodstuffs works hard to ensure that it, and every one of its stores, is a responsible retailer of alcohol. As a business, we ensure our stores understand fully their obligations under the current legislation regarding the sale of liquor.

Before a new employee can sell alcohol to customers, they must complete induction training which teaches the employee about their responsibilities under the Sale and Supply of Alcohol Act 2012 (**Act**). All employees must then undertake refresher courses which they must pass. There are voluntary online courses which store owners can recommend to their staff and, on occasion, Foodstuffs may require employees to complete this online course in addition to their mandatory training. After receiving training, staff are required to sign an acknowledgement stating that they understand their obligations under the Act.

All duty managers and operation managers are required to carry out their Licence Controller Qualification and Foodstuffs requires that all stores have at least two people employed with their General Manager's Certificate, with supermarkets having a much larger number than this.

Our point of sale systems prompt the verification of age when an alcohol product is scanned. All stores have an "Under 25: ID required" policy which requires anyone who looks under the age of 25 to provide proof of their age.

Additionally, we have an independent programme in place where all of our stores are 'mystery shopped' to ensure proof of age compliance is being adhered to. There are heavy penalties for liquor audit fails (both internal and 'police stings'), which include fines, additional training programmes and referring repeat offenders to our Board of Directors which can result in a store owner's franchise agreement with Foodstuffs being terminated.

Due to the seriousness of the consequences of a liquor audit failure, our store owners are vigilant in ensuring that the Act is adhered to, in particular the prohibitions on supply to minors and intoxicated persons.

#### ***Foodstuffs' submissions***

Foodstuffs appreciates the opportunity to provide feedback on the draft LAP. Foodstuffs commends the Council on producing a Draft LAP which seeks to balance the needs of the community, local business and other key stakeholders such as the Police and Medical Officers of Health, who each have differing perspectives and views on alcohol in the community.

#### ***Submission one - Maximum hours for off-licences***

We set out below for your reference the current licence and store trading hours for our stores in your Region.

Store	Store opening hours (week days maximum)		Current Licence Hours
Write Price	7am	8pm	7am to 9pm
Foxton New World	7am	8pm	7am to 11pm
Levin New World	7am	10pm	7am to 11pm
Four Square Foxton Beach	7am	9pm	7am to 8pm
Four Square Shannon	5am	7pm	7am to 11pm
Four Square Waitarere	7am	7pm	7am – 11pm

#### ***Morning Hours***

The draft LAP proposes that the maximum licensed hours for all off-licences will commence at 7am. We fully support this proposal as it covers all of our stores existing morning hours and we are



unaware of any research that shows that restricting the morning hours for off-licences reduces alcohol-related harm.

*Evening hours*

The draft LAP proposes that the maximum trading hours for all off-licences will conclude at 10pm.

Ideally, Foodstuffs would like to see the maximum trading hours for the Horowhenua District extended to 11pm.

This is because maximum licensed hours are not the default licence hours that licensees can obtain as a right – the licence hours are set by the licence decision-maker after assessment of the licence application (or renewal application) in accordance with the Act. We do not believe there would be many off-licence holders who would have legitimate reasons for needing a liquor licence to 11pm, and we value the flexibility that allows legitimate and scrupulous off-licence holders to apply for such a licence if future growth in the Horowhenua District indicated that customers would benefit from this. In addition, we believe that there are many valid reasons for distinguishing supermarkets and grocery stores from other types of off-licences.

We believe that the Council should consider the likelihood of harm being caused by the differing types of premises. Most sales of alcohol from our supermarkets and grocery stores occur when a customer is purchasing alcohol as part of a wider grocery shop. Our supermarkets and grocery stores can only sell beer and wine, they cannot sell RTDs or spirits, and they will also be subject to the 'Single Area condition' limiting the location of alcohol in the store to a particular defined area.

However, Foodstuffs recognises that we currently do not have any stores in the Horowhenua District operating beyond 10pm.

*Ultra Vires*

We note that it is unclear whether the maximum trading hours provision is purporting to restrict the hours for *all* sales of off-licence alcohol, including *remote* sales of alcohol made pursuant to an off-licence. Restricting the hours for remote sales of alcohol is ultra vires the Act, as section 49 of the Act specifically exempts remote sales from the trading hours restrictions.

**Submission two – Location**

*Clause 6.2(a)*

The draft LAP contains certain restrictions on the issuing of off-licences for premises outside of the commercial zone. However, it is unclear whether this clause adds anything to the existing regulatory regime, as the District Plan and Resource Consent process already determine whether an off-licence can establish outside of the commercial zone.

*Clause 6.2(b)*

We support the Council's recognition in this provision of the different types of off-licences and the differing likelihoods of harm attributable to these off-licences. However, we would suggest that the Council consider defining the sites referred to in this provision, such as 'school' and 'public park'.

**Submission four - Notice of Licence Application**

*Ultra Vires*

Foodstuffs acknowledges that the Council may have concerns with the notification provisions prescribed in the Act.

However, provisions of a local alcohol policy that impose requirements in relation to notification of applications for new off-licences or renewals of off-licences, that are over and above the requirements of the Act, do not fall within the matters outlined in section 77 of the Act. Clause 6.3 of the Draft LAP is therefore ultra vires.

It is important to note that the Act prescribes the form and the manner in which applicants must make and notify their applications. These obligations are not to be imposed by the Territorial Authority, as this would be an interference with the independent statutory role of licensing authorities and the separation of powers doctrine implied in the Act at sections 77(1), 108 and 109.

#### **Submission five – Discretionary conditions**

##### *Crime Prevention Through Environmental Design*

Foodstuffs notes that the provision in clause 6.4 relating to the application of the principles of Crime Prevention Through Environmental Design (**CPTED**) is not clearly drafted.

Given that certainty and clarity is an objective of the Draft LAP, we suggest amending the wording of this provision to 'Application of the following principles of Crime Prevention Through Environmental Design.' and deleting the sentence 'Supermarkets and bottle stores...the following outcomes'. We make this suggestion because the list included in that provision is not a list of outcomes, rather it is a list of principles, and the reference to supermarkets and bottle stores serves only to repeat the primary paragraph of clause 6.4. These amendments would both simplify and clarify the provision, without changing the substantive effect.

##### *Advertising Signage*

We assume that the condition relating to advertising signage relates to *alcohol* product advertising, as required by section 77(3) of the Act. To ensure that this is clear, we suggest including the words 'alcohol-related' directly before 'advertising signage'.

However, we also have concerns that the specific wording of this condition is ultra vires the Act. The provision purports to prescribe what the District Licensing Committee (**DLC**) must consider when determining the effect of an off-licence application on amenity and good order of the locality. It is unlikely that a District Licensing Committee would not consider alcohol related advertising signage when making this determination, but significantly, the Act gives the responsibility for undertaking this evaluative decision specifically to the licensing authority as an independent body from the Territorial Authority. It is not for the Territorial Authority to prescribe how a licensing authority is to exercise its decision-making functions.

We also consider that this condition, or a modified condition specifically relating to alcohol-related advertising signage, should be listed as a separate discretionary condition from the list of CPTED principles.

For completeness, we note that this condition is repeated in the Draft LAP at clause 7.4.

#### **Submission six - Special licences**

##### *Hours*

Foodstuffs has similar concerns in relation to clause 8.1 as a special licence is not subject to section 43 of the Act (default national maximum trading hours). As noted in the Draft Lap, the hours and duration of a special licence are at the discretion of the DLC for each event.

We therefore suggest that the Council amend this clause to clarify that it is a discretionary condition that the DLC 'may' consider for special licences, where appropriate.

**Submission seven - Drafting clarification**

In relation to the general clarity of the Draft LAP, we have noticed some minor drafting errors and/or points of clarification that we would like to suggest that the Council take into consideration. We note that in a recent decision by the Alcohol Regulatory and Licensing Authority in relation to appeals of the Dunedin City Council's Local Alcohol Policy, it was determined that:

'A LAP can provide parameters for a DLC to operate within (provided they are consistent with the object of the Act), but that does not permit a territorial authority the ability to make discretionary conditions under the Act compulsory thereby fettering a DLC's discretion in respect of a particular application before it. The LAP is one of the matters to be considered under s 105, when granting a licence. But a LAP cannot seek to do more than indicate 'at a policy level' what kinds of discretionary conditions a DLC might consider in respect of individual applications.'<sup>1</sup>

*Clauses 1.3*

We note that the phrase 'to set restrictions and conditions for licensed premises' suggests that the LAP may fetter the discretion of a DLC. We therefore suggest amending the wording to 'suggest restrictions and discretionary conditions for licensed premises...'.

*Clause 1.5*

For similar reasons, we suggest amending 'Recommend' to 'Suggest' and to amend 'Impose conditions on groups of licences, such as a "one-way door" condition...' to 'Suggest a "one-way door" condition...'.

*Clause 2.2*

We suggest amending this clause to better align with the specific wording in the Act to state:

'...The matters include:

...

whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence; and

whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that -

- They would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
- It is nevertheless desirable not to issue any further licences.'

*Clause 4*

We commend the Council for seeking certainty and clarity as objectives for its Draft LAP. However, we note that it is unclear what is meant by 'whether a proposed license application will meet the criteria of the LAP'. We note that the criteria for licence applications is set out in the Act, and although the LAP is something to which the DLC must have regard, whether the applicant meets the criteria of the Act is for the DLC to determine.

*Clause 5.2*

<sup>1</sup> Dunedin City Council v Foodstuffs South Island Limited & Ors [2016] NZARLA PH 21 - 26 at [93].

We suggest amending the 'special licences' provision to 'on-site special licence' and 'off-site special licence', and also amending the 'Notes' provision to '...a tavern will hold an on-licence and may also hold an off-licence to be able...'.  
*Clause 5.3*

*Clause 5.3*

We note that 'annual sale revenue' should be 'annual sales revenue' and that the section reference should be section 32(1)(b) of the Act. We also note that at (a) in the 'club' provision 'a body having' should be 'a body corporate having' and that in the supermarket definition 'means premises' should be 'means supermarket premises'.

We also suggest that for clarity the reference to 'food product' is '(as defined in the Act)' and the reference to 'principal business' is '(as determined in accordance with the Act and the regulations made under the Act)'. In addition, the definition of 'tavern' should include '(but does not include an airport bar (as defined in the Act)).'

Foodstuffs would also like to seek clarity around the meaning of '(generally speaking)' in the bottle store provision and as to why 'principally' is underlined in the 'bar' provision.

*Clause 8.3*

We note there appears to be a minor drafting error at the end of the first bullet point in this clause.

**Presenting submission in person**

Once again, Foodstuffs is grateful for the opportunity to make this written submission. We would also like the opportunity to present our submission in person, together with a number of our franchisees.

Regards

**Angela Dimery**

Solicitor

**FOODSTUFFS**

NORTH ISLAND LIMITED

DD: (09) 621 0703 | M: 021 191 0346 | E: [angela.dimery@foodstuffs.co.nz](mailto:angela.dimery@foodstuffs.co.nz)

Support Centre, 60 Roma Road, Mt Roskill, Auckland 1440, New Zealand  
DX Box CX 15021 or PO Box 27480 Mount Roskill, Auckland 1440, New Zealand

100%  
NZ OWNED



# Submission to Draft Local Alcohol Policy



Submission date: 17/03/2017 13:33 PM

Progressive Enterprises Limited  
Submission 44 - Group 4

Receipt number: 11

Question	Response
Notes for Submitters	
Contact Details	
Title:	Mr
Full Name:	Paul Radich
Name of Organisation (if applicable):	Progressive Enterprises
Postal Address for Service:	Progressive Enterprises Limited Private Bag 93306 Otahuhu, Auckland 2024
Postcode:	2024
Daytime Telephone:	(09) 255 3070
After Hours Telephone:	
Mobile:	
Email:	paul.radich@countdown.co.nz
Preferred method of communication:	Email
Do you wish to present your comments to Council in person at a hearing?:	Yes
My Submission(s)	
My Submission	Please see attached.
Submission Attachments	<a href="#">Horowhenua Draft LAP submission FINAL.pdf</a>
Privacy Act 1993	
Council Use Only	
Date Received:	
RM8 Number:	
Submission No:	

**SUBMISSION TO THE HOROWHENUA DISTRICT COUNCIL  
ON THE HOROWHENUA DRAFT LOCAL ALCOHOL POLICY**

**17 MARCH 2017**



PROGRESSIVE

Progressive Enterprises Ltd  
Head Office  
80 Favona Road  
Mangere Auckland  
Tel 09 275 2788  
Fax 09 275 3074  
Private Bag 93306  
Otahuhu Auckland 1133  
New Zealand

**By email:** [enquiries@horowhenua.govt.nz](mailto:enquiries@horowhenua.govt.nz)  
(Subject line – *Proposed Local Alcohol Policy – Submission*)

**From:** Progressive Enterprises Limited  
Private Bag 93306  
Otahuhu  
Auckland 2024

**Contact Person:** Paul Radich  
**Phone:** (09) 255 3070  
**Email:** paul.radich@countdown.co.nz

Pp on behalf of Paul Radich

Paul Radich  
Alcohol Responsibility Manager, Corporate Affairs  
Progressive Enterprises Limited

Progressive Enterprises wishes to appear before the Horowhenua District Council ("Council") to present this submission.

## 1. KEY POINTS

### Introduction

- 1.1 Progressive Enterprises supports the purpose and object of the Sale and Supply of Alcohol Act 2012 ("the Act") and we are committed to selling beer and wine in a responsible and safe manner. We believe that the Horowhenua Draft Local Alcohol Policy ("Draft LAP") is a sensible response to the local needs of Horowhenua.

### Licensed hours

- 1.2 Whilst we support the application of the Act's national default off-licence hours (ie 7am to 11pm) we do not oppose a 10pm off-licence hour restriction in the Horowhenua district.

### Location for off-licences

- 1.3 We do not oppose the locational controls of the Draft LAP. We are unsure whether a Draft LAP can specify notification requirements and suggest that the Council obtain advice on that aspect.

### Discretionary conditions

- 1.4 We also believe that the discretionary conditions are suitably clear that they can be reasonably understood and applied by the District Licensing Committee and licence holders.

### Potential changes to the Draft LAP

- 1.5 In the event that the Council considers altering the Draft LAP, we would like the opportunity to discuss the appropriateness of the changes as we do not know what changes other submitters might seek.

## 2. PROGRESSIVE ENTERPRISES

- 2.1 Progressive Enterprises is one of New Zealand's leading supermarket operators and currently operates over 180 Countdown supermarkets across New Zealand. It is also the franchisor of the SuperValue and FreshChoice brands in New Zealand, which represents a further 55+ stores, independently operated by local franchisees. Some of the SuperValue and FreshChoice stores are small supermarkets and are categorised under the Act as grocery stores. We include them when we refer to supermarkets in this submission.
- 2.2 We are a retail investor and employer in the Horowhenua area, and play an active part in the communities we work and live in. In Horowhenua district, we operate one Countdown supermarket which is Countdown Levin, which usually trades between 7am and 10pm and has current licensed hours of 7am to 10pm.
- 2.3 We understand and agree that drinking alcohol has the potential to cause serious harm<sup>1</sup> particularly if people drink alcohol excessively or inappropriately. To address this potential harm the Act sets in place a default national licensing approach and also allows councils to tackle local issues, supported by evidence of actual alcohol related harm ("ARH") in the local community.

<sup>1</sup> Law Commission Report, Alcohol in Our Lives at chapter 2.

Progressive Enterprises Limited - Submission 44 - Group 4

- 2.4 Reducing ARH caused by the excessive and inappropriate consumption of alcohol needs action from all parts of the community. As a retailer, we have a role to play together with other off-licensees, on-licensees, regulatory agencies and consumers. We are committed to ensuring that all our stores sell and supply alcohol (beer and wine) in a safe and responsible manner and have written policies to ensure this (see **Appendix 1** for more details). We support efficient, effective and reasonable initiatives that minimise ARH and we are proud to have a number of policies and processes in our stores which go beyond minimum measures prescribed by legislation.
- 2.5 By law, supermarkets sell beer and wine only. We appreciate that a licence to do so is not a right, but a privilege, and we work very hard to maintain that privilege. With 2.5 million customers across the country each week, Progressive Enterprises is nationally recognised as a good operator within the licensing industry. Our ID 25 policies are over and above that required by the law and through our business practices, we strive to achieve best practice in the way that we promote and sell beer and wine.
- 2.6 We note that decisions on the Draft LAP are also made under the Local Government Act 2002 ("**LGA**"). Under the LGA, councils need to assess matters such as the benefits and costs of each option in terms of the present and future interests of the district or region<sup>2</sup>. To make these sort of decisions it is critical to have a sound evidence base.

**3. RECOMMENDATIONS**

- 3.1 Progressive Enterprises does not seek changes to the Draft LAP provisions.

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<sup>2</sup> Section 77 of the Local Government Act 2002.

**APPENDIX 1: PROGRESSIVE ENTERPRISES AS A RESPONSIBLE OPERATOR**

1. Progressive Enterprises has a Liquor Policy and we also have in-store communications which address the sale of beer and wine in our supermarkets.
2. Our policy makes it clear that intoxicated persons are not permitted to enter or remain on the premises. Observing customers tends to be easier in a supermarket environment owing to the fact that it is brightly lit and there is individual interaction at the check-out. This is supported by the extremely small number of off-licence breaches which occur in our supermarkets across New Zealand, despite serving 2.5 million customers every week. Our supermarkets already have extensive CCTV coverage.
3. The supermarket store experience itself promotes the availability of food and non-alcoholic beverages. Under the new Act, supermarkets are not able to display non-alcoholic beverages within the "single area" for beer and wine (except alcohol-free beer and wine).
4. In our stores specifically, every sale of beer or wine must be approved by a supervisor, no matter whether the customer is 18 or 80. We have an ID 25 policy which is above and beyond the legal requirement around identification, as well as a policy to request identification where a member of the group looks under 25 and our staff reasonably believes that there is a possibility that beer or wine may be being purchased for this person. We believe most customers are now very aware of what constitutes appropriate ID. Store supervisors will ask for drivers licence, passport or the HANZ card, and no other form of ID is acceptable.
5. It is our company policy not to sell beer or wine that specifically markets to and promotes the consumption of alcohol by young people. We also have a policy of not selling beer or wine below cost.

Re Local Alcohol Policy Submission

Kevin O'Malley  
Submission 45 - Group 4  
Received 16 March 2017

To whom it may concern.

I Kevin O'Malley would like to make a submission in regards to the new Local Alcohol Policy

My two points of concern are regarding 6.4.

The first being that the general points of sale are positioned near the entrance. I believe this should be administered on a case by case basis. I have been in the Liquor Retailing business at Super Liquor for the last 24yrs & have positioned my point of sale in three different places. The current position enables staff to observe the stores interior and the exterior through our glass windows. This has resulted in a sharp decrease in shoplifting. Also a better ability to monitor the outside of our store to see who is approaching or loitering outside & also who may be associating with minors.

The other issue is around what are sufficient number of staff to ensure control of the store during trading hours. Obviously we need to carry enough staff to run the business properly from a Health & Safety perspective & to ensure that we are not losing stock to shoplifting. I believe if we are granted a Liquor licence we are assumed to be capable of regulating how we roster our staff with these factors in mind.

Yours Sincerely

Kevin O'Malley

I do not wish to be heard when submissions are considered.



# Fees and Charges 2017/18 : Food Act Premises

File No.: 17/226

## 1. Purpose

To provide a platform for the Hearings Committee (Committee) to make a recommendation to Council in respect of the proposed schedule of fees and charges in respect of Food Premises that are subject to the Food Act 2014 for the 2017/18 year commencing 1 July 2017.

## 2. Recommendation

- 2.1 That Report 17/226 on Fees and Charges 2017/18 : Food Act Premises be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the Committee recommend to Council that the proposed Food Act Premises fees and charges be adopted to apply for the 2017/18 year.

## 3. Background/Previous Council Decisions

At the 15 March 2017 meeting of Council it was resolved to consult on the proposed Food Act Fees using the Special Consultative Procedure (SCP) under the Local Government Act 2002 (Act) with submissions closing 24 April 2017 – report 17/73 refers.

## 4. Issues for Consideration

- 4.1 There are no issues requiring the consideration of the committee. All background material and information was provided to Council when the fees and charges were proposed, report 17/73.
- 4.2 The proposed fees and charges attached as Attachment A were consulted on. Consultation included a direct mail out to all food premises that are currently registered with Horowhenua District Council.
- 4.3 No submissions were received relating to the proposed Food Act fees. The Committee now needs to make a recommendation to Council to adopt the fees and charges in respect of Food Act Premises to apply for the 2017/18 year – see recommendation 2.3.

## Attachments

No.	Title	Page
A	Proposed Fees and Charges 2017/18: Food Act Premises	233



### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and

preferences of affected and interested parties bearing in mind the significance of the decision.

### Signatories

Author(s)	Megan Leyland <b>Compliance Lead</b>	
Approved by	Monique Davidson <b>Group Manager - Customer and Community Services</b>	



# Statement of Proposal



# Food Act Premises Fees and Charges for the 2017/18 Year

## HOROWHENUA DISTRICT COUNCIL FOOD ACT PREMISES FEES 2017/18

### 1. INTRODUCTION

This Statement of Proposal has been prepared to fulfil the requirements of section 83 of the Local Government Act 2002 (LGA) and section 205(2) of the Food Act 2014 (the Act).

The Act provides the Council with the ability to fix fees to recover the direct and indirect costs of Council's functions under the Act.

Council is proposing to fix fees to recover these costs.

Prior to fixing fees under the Act, the Council is required to consult on the proposed fees using the special consultative procedure of the LGA 2002.

### 2. COUNCIL'S FUNCTIONS UNDER THE FOOD ACT 2014

Council performs the following functions under the Act:

- Registration

Receiving and processing of applications for registration of food businesses.

- Verification

Undertaking verification activities for those businesses operating under a Food Control Plan or a National Programme.

- Compliance and Monitoring Activities

Undertaking compliance and monitoring activities across the District.

### 3. REASON FOR PROPOSAL

Council has decided to set fees to recover a portion of the direct and indirect costs of its functions performed under the Act.

Recovering costs in this manner recognises the benefit to the direct user of the service while also recognising the public benefit for the community in relation to the functions performed. This aligns with Council's Revenue and Financing Policy, which identifies that in funding regulatory services functions, the majority of funds should be sourced through fees with a minority funded through general rates.

### 4. PROPOSAL TO SET FEES

Council proposes the following fee structure to ensure the recovery of a proportion of the direct and indirect costs incurred by Council in performing its functions commencing 1 July 2017.

Proposed Fees

<b>Food Fees Under the Food Act 2014</b>		
<u>Function</u>	<u>Fees (incl GST)</u>	<u>Notes</u>
Registering a Food Control Plan that is based on a MPI template	\$200.00 fixed fee	
Registering a business under a national programme	\$150.00 fixed fee	
Renewing the registration of a Food Control Plan that is based on a MPI template	\$150.00 fixed fee	
Renewing the registration of a business operating under a national programme	\$150.00 fixed fee	
Amendment to registration	Charged at hourly rate of \$150.00 per hour	
Verification of a Food Control Plan that is based on an MPI template	\$150.00 fixed fee for up to 1 hour then additional time is charged at \$150.00 per hour	
Verification of a National Programme	\$75.00 fixed fee (for up to 1 hour) then additional time is charged at \$150.00 per hour	
Compliance and Monitoring	Charged at hourly rate of \$150.00 per hour	
Charges for travel outside of Horowhenua District	Cost + 20%	If the verifier is required to travel outside of the Horowhenua District to verify a template Food Control Plan or a National Programme

5. **HAVE YOUR SAY**

- Post to : Proposed Fees & Charges 2017/18 Submission, Horowhenua District Council, Private Bag 4002, Levin 5540;
- Deliver To : Horowhenua District Council, 126 Oxford Street, Levin;
- Email to : [recordsprocessing@horowhenua.govt.nz](mailto:recordsprocessing@horowhenua.govt.nz);
- Fax to : (06) 366 0983.

Please note that submissions must be received by 5.00 pm on Friday 24 April 2017.

## MOTION TO EXCLUDE THE PUBLIC

### Resolved

"THAT the Hearing Committee pursuant to Section 48, Local Government Official Information and Meetings Act 1987, resolves that the public be excluded from the following parts of the proceedings of this meeting;

- 17/171 Policy on Dangerous and Insanitary Buildings 2017**
- 17/202 Proposed Resource Consent Fees 2017/18**
- 17/220 Draft Local Alcohol Policy – Hearing of Submissions**
- 17/226 Fees and Charges 2017/17 : Food Act Premises**

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 and Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public on the following grounds;

Subject to sections 6, 8 and 17 of the Local Government Official Information Act 1987, the withholding of the information is necessary:

- 48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

### AND FURTHER

THAT the decisions reached during the public excluded section of the meeting be made public."