



Otorohanga

District Council

*Otorohanga - where kiwi can fly
A dynamic, inclusive and unique district*

OPEN AGENDA

Ōtorohanga Community Board Te Poari Hapori o Ōtorohanga

Membership:	Chairperson	Upoko o te Poari Hapori o Ōtorohanga	Kat Brown-Merrin
	Deputy Chairperson	Upoko Tiriwā o te Poari Hapori o Ōtorohanga	Peter Coventry
	Board Member	Mema o te Poari Hapori o Ōtorohanga	Jo Butcher
	Board Member	Mema o te Poari Hapori o Ōtorohanga	Tori Muller
	Councillor – Ōtorohanga	Kaikaunihera – Ōtorohanga	Katrina Christison
	Councillor – Ōtorohanga	Kaikaunihera - Ōtorohanga	Steve Hughes

Notice is hereby given that an ordinary meeting of the Ōtorohanga Community Board will be held in the Council Chambers, Ōtorohanga District Council, 17 Maniapoto Street, Ōtorohanga on Monday, 3 July 2023 commencing at 4.00pm.

Tanya Winter
CHIEF EXECUTIVE

28 June 2023

All attendees at this meeting are advised that the meeting will be electronically recorded (audio and video) for the purpose of webcasting to the Council's YouTube channel. Every care will be taken to maintain individuals' privacy; however, attendees are advised they may be recorded as part of the general meeting proceedings.

ROLE OF THE COMMUNITY BOARD

The Community Boards are a separate entity to the Council. The role of a Community Board is set out in Section 52 of the Local Government Act 2002.

- 1 Represent, and act as an advocate for, the interests of its community
- 2 Consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board
- 3 Maintain an overview of services provided by the territorial authority within the community
- 4 Prepare an annual submission to the territorial authority for expenditure within the community
- 5 Communicate with community organisations and special interest groups within in the community
- 6 Undertake any other responsibilities that are delegated to it by the territorial authority.

DELEGATIONS BY OTOROHANGA DISTRICT COUNCIL

The Council is authorised to delegate powers to the Community Boards. Council has made the following specific delegations, to be exercised in accordance with Council policy.

POWER TO ACT**Reserve Funds**

Full decision-making authority on the use of Reserve Funds in accordance with the Terms of Reference for the fund.

- a. Ōtorohanga General Reserve Fund (OCB)
- b. OCB Property Development Reserve (OCB)

Discretionary Fund

Full decision-making authority on the use of the Board's discretionary fund in accordance with the Terms of Reference for the fund.

POWER TO RECOMMEND**Long Term Plan/Annual Plan/ Policy Issues**

Authority to make a submission to the Long Term Plan/Annual Plan process on activities, service levels and expenditure (including capital works priorities) within the Board's area or to make a submission in relation to any policy matter which may have an effect within the Board's area.

Advocacy/Submission to Other Agencies

Recommend to Council inclusions to submissions/advocacy to external organisations.

QUORUM

A majority of members (including any vacancies).

MEETING FREQUENCY

Monthly or as required.

COMMUNITY BOARD MEMBER CONTACT DETAILS

Kat Brown-Merrin	katbrownmerrin@otodc.govt.nz	021 139 3676
Peter Coventry	petercoventry@otodc.govt.nz	027 493 0117
Jo Butcher	jobutcher@otodc.govt.nz	027 500 8800
Tori Muller	torimuller@otodc.govt.nz	021 022 57427
Steve Hughes	stevehughes@otodc.govt.nz	021 161 8487
Katrina Christison	katrinachristison@otodc.govt.nz	021 153 0774

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There are no workshops planned.	

OPENING FORMALITIES**COMMENCEMENT OF MEETING | TE TĪMATANGA O TE HUI**

The Chairperson will confirm the livestream to YouTube is active then declare the meeting open.

OPENING PRAYER/REFLECTION/WORDS OF WISDOM | KARAKIA/HURITAO/WHAKATAUKĪ**APOLOGIES | NGĀ HŌNEA**

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The meeting may accept or decline any apologies. For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that specific meeting(s).

If an apology is received the following resolution is recommended: That Ōtorohanga Community Board receive and accept the apology from xxx for (non-attendance, late arrival, early departure).

LATE ITEMS | NGĀ TAKE TŌMURI

Items not on the agenda for the meeting require a resolution under section 46A of the Local Government Official Information and Meetings Act 1987 stating the reasons why the item was not on the agenda and why it cannot be dealt with at a subsequent meeting on the basis of a full agenda item. It is important to note that late items can only be dealt with when special circumstances exist and not as a means of avoiding or frustrating the requirements in the Act relating to notice, agendas, agenda format and content.

Should a late item be raised, the following recommendation is made: That Ōtorohanga Community Board accept the late item ... due to ...

Should the Board resolve to discuss a late item, the following recommendation is made: That Ōtorohanga Community Board confirm the order of the meeting as indicated in the agenda with the late item ... to be heard ...

DECLARATION OF CONFLICT OF INTEREST | TE WHAKAPUAKANGA PĀNGA TAHARUA

Members are reminded to stand aside from decision making when a conflict arises between their role as an elected member and any private or external interest they may have.

Should any conflicts be declared the following recommendation is made: That Ōtorohanga Community Board receive the declaration of a conflict of interest from ... for item ... and direct the conflict to be recorded in Council's Conflicts of Interest Register.

CONFIRMATION OF MINUTES | TE WHAKAŪ I NGĀ MENETI

The unconfirmed minutes of the previous Board meeting are attached on the following page.

Staff recommendation

That the open minutes of the Ōtorohanga Community Board meeting held on 6 June 2023, having been circulated, be taken as read and confirmed as a true and correct record of that meeting.



Ōtorohanga

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OPEN MINUTES

Ōtorohanga Community Board Te Poari Hapori o Ōtorohanga

Membership:	Chairperson	Upoko o te Poari Hapori o Ōtorohanga	Kat Brown-Merrin
	Deputy Chairperson	Upoko Tiriwā o te Poari Hapori o Ōtorohanga	Peter Coventry
	Board Member	Mema o te Poari Hapori o Ōtorohanga	Jo Butcher
	Board Member	Mema o te Poari Hapori o Ōtorohanga	Tori Muller
	Councillor – Ōtorohanga	Kaikaunihera – Ōtorohanga	Katrina Christison
	Councillor – Ōtorohanga	Kaikaunihera - Ōtorohanga	Steve Hughes

Minutes of an ordinary meeting of the Ōtorohanga Community Board held in the Council Chambers, Ōtorohanga District Council, 17 Maniapoto Street, Ōtorohanga on Tuesday, 6 June 2023 commencing at 4.00pm.

Tanya Winter
CHIEF EXECUTIVE

12 June 2023

ORDER OF BUSINESS

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Apologies Ngā hōnea	4
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Confirmation of minutes Te whakaū i ngā meneti	
PUBLIC FORUM HUI TŪMATANUI	5
DECISION REPORTS NGĀ PŪRONGO WHAKATAU	
No reports	-
INFORMATION ONLY REPORTS NGĀ PŪRONGO MŌHIOHIO ANAKE	
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No reports	-
BOARD PROJECTS	
Project 1: Picnic in the Park	6
Project 2: Ōtorohanga Hauora and Connectivity Trail	6
Project 3: Ōtorohanga Kai Forest	6
Project 4: Ōtorohanga Dog Park	6
OTHER BUSINESS ĒTAHI ATU TAKE	
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Meeting closure Katinga o te hui	7
WORKSHOPS HUI AWHEAWHE	
Draft Long Term Plan 2024-34	Open

UNCONFIRMED

PRESENT

Chairperson Kat Brown-Merrin, Deputy Chairperson Peter Coventry, Board Member Jo Butcher, and Councillors Katrina Christison and Steve Hughes.

IN ATTENDANCE

Chief Executive Tanya Winter, Group Manager Engineering & Assets Mark Lewis, Group Manager Regulatory & Growth Andrew Loe, Group Manager Strategy & Community Nardia Gower, Manager Community Facilities Jared le Fleming, Executive Assistant Day Dowd and Manager Governance Kaia King.

OPENING FORMALITIES

COMMENCEMENT OF MEETING | TE TĪMATANGA O TE HUI

Chairperson Brown-Merrin declared the meeting open at 4.00pm.

APOLOGIES | NGĀ HŌNEA

RESOLVED O30: That Ōtorohanga Community Board receive and accept the apology from Board Member Tori Muller for non-attendance.

Councillor Christison | Board Member Butcher

LATE ITEMS | NGĀ TAKE TŌMURI

There were no late items.

DECLARATION OF CONFLICT OF INTEREST | TE WHAKAPUAKANGA PĀNGA TAHARUA

There were no declarations.

CONFIRMATION OF MINUTES | TE WHAKAŪ I NGĀ MENETI

Deputy Chairperson Coventry advised two typos were sent to the Governance Manager for amendment.

RESOLVED O31: That the open minutes of the Ōtorohanga Community Board meeting held on 15 May 2023, having been circulated, be taken as read and confirmed as a true and correct record of that meeting with the minor corrections.

Councillor Hughes | Deputy Chairperson Coventry

PUBLIC FORUM

No members of the public had requested to speak.

DECISION REPORTS

No reports.

INFORMATION REPORTS

ITEM 15: KERBSIDE RUBBISH COLLECTION WASTE AUDIT - DECEMBER 2022

Council’s Manager Community Facilities, J le Fleming summarised the report and in response to a query advised the biggest area of concern was food waste. This was due to its large volume and heavy weight along with landfill methane release. He also advised that were legislative changes which will be presented at a future Board meeting as the Ministry for the Environment and local government media programme around waste commences.

RESOLVED O32: That the Ōtorohanga Community Board receive the report titled ‘Kerbside refuse collection waste audit’ (document number 691484) from J le Fleming, Manager Community Facilities.

Councillor Christison | Deputy Chairperson Coventry

ITEM 16: CIVIL DEFENCE EMERGENCY MANAGEMENT QUARTERLY REPORT

Council’s Group Manager Regulatory & Growth, A Loe took the report as read and highlighted the Government fund announcement to buy out non-habitable properties in Hawkes Bay, Auckland and Thames-Coromandel district following Cyclone Gabrielle. He also noted the national emergency notification test held the previous weekend.

RESOLVED O33: That the Ōtorohanga Community Board receive the report titled ‘Kerbside refuse collection waste audit’ (document number 691484) from J le Fleming, Manager Community Facilities.

Deputy Chairperson Coventry | Councillor Christison

PUBLIC EXCLUDED

No items.

BOARD PROJECTS

PROJECT 1: PICNIC IN THE PARK

Chairperson Brown-Merrin referred Members to the agenda and proposed the allocation be up to \$1,000.

RESOLVED O34: That the Ōtorohanga Community Board allocate up to \$1,000 excluding GST from the Board’s discretionary fund for the establishment of an events box.

Councillor Christison | Board Member Butcher

PROJECT 2: ŌTOROHANGA HAUORA AND CONNECTIVITY TRAIL

Board Member Butcher advised the project group meeting discussed at the previous Board meeting was postponed and will now be held on 16 June. She noted the project group were looking to kick start the physical work with one to three pieces of equipment and would bring a proposal to the next Board meeting for consideration.

PROJECT 3: ŌTOROHANGA KAI FOREST

Councillor Christison proposed an additional project be included in the Board Projects list. She advised a group of eight people had commenced discussions on a kai forest and Facebook feedback indicated strong community support.

RESOLVED O35: That the Ōtorohanga Community Board accept Ōtorohanga Kai Forest as Board project 3.

Councillor Hughes | Deputy Chairperson Coventry

PROJECT 4: ŌTOROHANGA DOG PARK

Board Member Butcher proposed an additional project be included in the Board Projects list. She advised the project was not to establish a new park but was focused on improvements in the current Ōtorohanga township dog exercise areas.

RESOLVED O36: That the Ōtorohanga Community Board accept Ōtorohanga Dog Park as Board project 4.

Councillor Christison | Board Member Butcher

OTHER BUSINESS**BOARD MEMBER UPDATES**

No updates.

RESOLUTION REGISTER

Chairperson Brown-Merrin referred Members to staff updates and recommendation in the agenda.

RESOLVED O37: That the Ōtorohanga Community Board confirm the removal of resolutions O27 and O28 from the Board's Resolution Register.

Councillor Christison | Councillor Hughes

CLOSING FORMALITIES**MEETING CLOSURE**

Chairperson Brown-Merrin declared the meeting closed at 4.16pm.

WORKSHOPS**Draft Long Term Plan 2023-24**

Council's Group Manager Strategy & Community, N Gower spoke to a presentation.

Review of the Liquor Bylaw

Council's Group Manager Regulatory & Growth, A Loe spoke to a presentation.

PUBLIC FORUM | HUI TŪMATANUI

Public forums are designed to enable members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the local authority. Requests to attend the public forum must be to the Manager Governance (governance@otodc.govt.nz) at least **two working days before the meeting**. Requests should outline the matters that will be addressed by the speaker. A period of up to 30 minutes will be available for the public forum.

Speakers can speak for up to five (5) minutes. No more than two speakers can speak on behalf of an organisation during a public forum. At the conclusion of the presentation elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker. Following the public forum, no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

No member of the public has confirmed they wish to speak at the close of the agenda.

DECISION REPORTS | NGĀ PŪRONGO WHAKATAU

DISCLAIMER: The reports attached to this Open Agenda set out recommendations and suggested resolutions only. Those recommendations and suggested resolutions DO NOT represent policy until such time as they might be adopted by formal resolution. This Open Agenda may be subject to amendment either by the addition or withdrawal of items contained therein.

Item 17: Review of the Alcohol (Liquor) Control Bylaw – Statement of Proposal

To: The Chairperson and Members of the Ōtorohanga Community Board

From: Andrew Loe, Group Manager Regulatory & Growth

Date: 3 July 2023

Relevant community outcomes: Engaged Vibrant Thriving



1 Purpose | Te Kaupapa

1.1 To advise the Board on the review of the Ōtorohanga District Liquor Control Bylaw and the process to consult with the community on the Bylaw through the special consultative procedure.

2 EXECUTIVE SUMMARY | WHAKARĀPOPOTO MATUA

2.1 Ōtorohanga District Council adopted a Liquor Control Bylaw on 9 October 2007 which prohibited the consumption and procession of alcoholic drinks in all public places and reserves on the Kāwhia peninsula during the period from Christmas Eve to 3 January.

2.2 In 2012 Council commenced the mandatory five-year review required for new bylaws and following strong feedback from the Kāwhia Community and by way of public consultation the ban was extended by a month to conclude after Waitangi Day.

2.3 It is a requirement of the Local Government Act that Council must now conduct a further review of the Bylaw being ten years since the date of the last review.

3 Staff Recommendation | Tūtohutanga a ngā Kaimahi

That the Ōtorohanga Community Board recommend the Ōtorohanga District Council:

- a continue with an Alcohol (Liquor) Control Bylaw; and,
- b approve the Alcohol Control Bylaw 2023 Statement of Proposal for public consultation in accordance with the special consultative process of the Local Government Act.

4 CONTEXT | HOROPAKI

Purpose of an alcohol control bylaw

4.1 This bylaw was initially adopted by Council in the aftermath of events on 1 January 2007 when public disorder and violence in Kāwhia resulted in the death of a young man.

4.2 The purpose of this Bylaw is to regulate and control:

- the consumption of alcohol in a public place; and
- the bringing of alcohol into a public place; and
- the possession of alcohol in a public place.

Reasons for the proposal

4.3 It is a requirement of the Local Government Act that Council must conduct a review of the Bylaw being ten years since the date of the last review. For an alcohol control bylaw this process requires Council must be satisfied that:

- the bylaw can be justified as a reasonable limitation on people's rights and freedoms; and
- a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and
- the bylaw is appropriate and proportionate in the light of that likely crime or disorder.

4.4 In reviewing this Bylaw, Council must use the Special Consultative Procedure set out in section 83 of the Local Government Act 2002.

4.5 To commence this review, we have engaged with elected members and local iwi to seek guidance on the content of the statement of proposal that will be notified for public consultation. The statement of proposal will consider the following options and provide a recommendation to the community on the proposed content of the Bylaw:

- continue the bylaw without any changes or,
- revoke the bylaw or,
- propose changes to the scope or conditions of the bylaw.

The review

4.6 The review began with a search of Council records for reports and complaints involving alcohol over the preceding five years. The resulting list was small and is summarized below.

- Nov 2017, underage drinking, and bottle smashing in Windsor Park, Ōtorohanga.
- Nov 2019, no manager on duty at a licensed premise in Kāwhia.
- Aug 2020, Police attended an event at a licensed premise in Ōtorohanga. Hearing held before DLC.
- Sept 2022, Police attend incident outside licensed premise in Kāwhia.
- Nov 2022, Complaint from member of public about disorder inside licensed premise in Kāwhia.
- Jan Feb 2023, Multiple noise complaints for property in Ōtorohanga, alleged excessive consumption of alcohol.

- 4.7 Unfortunately, these details provide no information to help evaluate the effectiveness or otherwise of the Bylaw.
- 4.8 Police, the Medical Officer of Health, and Doctor Burton, Kāwhia GP who have a front-line view and experience on this matter are considered to be key stakeholders in this review and will be requested to provide submissions that will help shape the final content of the bylaw.
- 4.9 An opportunity arose to conduct an informal survey of Kāwhia residents and visitors during
- 4.10 A Community Day held at the Kāwhia Community Centre on Saturday 3 June. We received 32 responses from people attending the Community Day or completing the survey online making up a more valid statistical sample.
- 4.11 All responses were anonymous with 85% of respondents stating the Bylaw had made Kāwhia safer and 90% saying the Bylaw should continue in force. Additional comments said consideration should be given to extending the period that the bylaw was in force, providing more signage and having more visible enforcement.

Legislative amendments

- 4.12 The introduction of the Sale and Supply of Alcohol Act 2012 in July 2013 has seen references to “Liquor” in the Local Government Act amended to “Alcohol”. Consequential changes to the Bylaw when it is presented to Council for notification of the Statement of Proposal will be:
- The title – Ōtorohanga District Council Alcohol Control Bylaw 2023
 - Part 3. Definition of Alcohol
 - Subsequent references to ‘liquor’ will be changed to ‘alcohol’. i.e., Liquor Ban becomes Alcohol Ban.

The special consultative process

- 4.13 This report on the review of the Bylaw is being presented to the Kāwhia Community Board and the Ōtorohanga Community Board prior to the Ōtorohanga District Council notifying the proposed Alcohol Control Bylaw 2023 and Statement of Proposal for consultation.
- 4.14 For the purpose of this review Council must decide whether to retain or revoke the current Bylaw. If the Bylaw is to remain it can be amended or the existing Bylaw can be continued without any changes.
- 4.15 All these options require that Council must use the Special Consultative Procedure set out in section 83 of the Local Government Act 2002, to allow an opportunity for the community to have their say on the proposal. The public consultation will run for a minimum of 28 days and any submitter can present their submission to Council in writing or in person before a final decision is made.

5 CONSIDERATIONS | NGĀ WHAI WHAKAAROTANGA

Significance and engagement

- 5.1 There is a statutory requirement to use the Special Consultative Procedure set out in section 83 of the Local Government Act 2002 when conducting a review of this policy. Council must conduct a review of the Bylaw ten years after the date of the last review.

Impacts on Māori

- 5.2 Iwi authorities have been advised of the policy review and asked if they wish to provide any input into the review.

Risk analysis: Council's top risks

- 5.3 Matters being considered in this report are not identified as one of Council's top risks.

Risk analysis: Other considerations

- 5.4 If the enforcement provisions of the Bylaw are strengthened there will be a proportionate loss of freedoms for members of the public. This loss would have to be balanced and assessed against any additional degree of public safety or amenity provided by such a change.

Should the Bylaw be revoked past events indicate there is a likelihood that a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw previously applied.

Police are the agency that enforce the provisions of this Bylaw and it is a useful tool to assist their role of maintaining community safety. However, at the time of year the Bylaw is in force their resources are stretched across the entire country and visibility of Police personnel may not always meet community expectations.

Policy and plans

This bylaw was adopted by Council in 2007 under powers conferred upon territorial authorities by the Local Government Act 2002. Local bylaws are subject to regular reviews prescribed by legislation.

Legal

- 5.5 The Local Government Act, section 145 states that:

"A territorial authority may make bylaws for its district for 1 or more of the following purposes:

- *protecting the public from nuisance:*
- *protecting, promoting, and maintaining public health and safety:*
- *minimising the potential for offensive behaviour in public places."*

5.6 In 2007 Council believed that all these thresholds were met when deciding to adopt this Bylaw. The recent survey conducted in Kāwhia indicates that opinion is still held by many residents.

Financial

5.7 The cost of undertaking this policy review will be absorbed into current operational budgets.

6 DISCUSSION | HE KŌRERORERO

6.1 The legislation provides three options to consider when reviewing this Bylaw.

- revoke the bylaw which means the removal of control over drinking alcohol in public places
- continue the bylaw without amendment
- amend the bylaw.

Recommendation option and rationale

6.2 The recommended option is that Ōtorohanga Community Board support the continuation of an Alcohol Control Bylaw and the notification of a Statement of Proposal for community consultation on the proposed Alcohol Control Bylaw 2023.

6.3 There have been suggestions to increase the time that the Bylaw is in force however any such move brings a proportionate loss of freedom to members of the public who are not causing any nuisance. In the absence of any reported breaches of the bylaw the special consultative process is the best method to judge public feeling on this issue.

7 APPENDICES | NGĀ ĀPITIHINGA

Appendix #	Name
1	Liquor Control Bylaw 2007
2	Review of the Alcohol Control Bylaw 2023 – Statement of Proposal

Liquor Control Bylaw 2007



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THE OTOROHANGA DISTRICT COUNCIL LIQUOR CONTROL BYLAW

Adopted pursuant to a resolution passed by the Otorohanga District Council on 12th October 2005.

Reviewed and approved without change by the Otorohanga District Council on 4th December 2012.

Amended in accordance with a resolution passed by the Otorohanga District Council on 19th December 2013 (first and second schedules).

In exercise of the powers and authorities conferred on it by Section 147 of the Local Government Act 2002, and all other authorities enabling it in that behalf, the Otorohanga District Council makes the following Bylaw.

1. TITLE AND COMMENCEMENT

This bylaw shall be known as “**The Otorohanga District Council Liquor Control Bylaw**” and shall come into force on 9 October 2007.

2. PURPOSE

The purpose of this Bylaw is to regulate and control

- (a) the consumption of liquor in a public place ; and
- (b) the bringing of liquor into a public place; and
- (c) the possession of liquor in a public place.

3. DEFINITIONS

In this Bylaw, unless inconsistent with the context,

“liquor” means alcohol as defined in the Sale and Supply of Alcohol Act 2012

“public place” (a) means a place as defined in the First Schedule to this Bylaw-

- i. that is under the control of the Otorohanga District Council; and
- ii. that is open to, or being used by, the public, whether or not there is a charge for admission; and

(b) includes –

- i. a road, whether or not the road is under the control of the Otorohanga District Council; and
- ii. any part of a public place.

(c) but excludes any public place or part of a public place which is set aside for the consumption of alcohol in connection with al

fresco dining and which is clearly defined by the placement of tables and chairs, and is included as part of premises which have a liquor licence issued under the Sale and Supply of Alcohol Act 2012.

4. ACTS PROHIBITED IN PUBLIC PLACES

4.1 During the currency of this bylaw, the following activities are prohibited in a public place at the times set out in the Second Schedule to this Bylaw:-

- (a) The consumption of liquor;
- (b) The possession of liquor;
- (c) The bringing of liquor into any public place; and
- (d) In conjunction with a prohibition relating to liquor under paragraphs (a) to (c), the presence or use of a vehicle in a public place.

5. AMENDMENT OF TIMES AND DATES OF APPLICATION OF BYLAW

5.1 The dates and times specified in the Second Schedule to this Bylaw may be amended from time to time by resolution of the Otorohanga District Council in accordance with Section 151 of the Local Government Act 2002.

6. EXCEPTIONS TO PROHIBITION

This bylaw does not prohibit, in the case of liquor in an unopened bottle or other unopened container –

- (a) The transport of that liquor from premises that adjoin a public place during any period when, under the Sale and Supply of Alcohol Act 2012, it is lawful to sell liquor on those premises for consumption off the premises provided the liquor is promptly removed from the public place;
- (b) The transport of that liquor from outside a public place for delivery to premises that adjoin the public place provided the premises are licensed for the sale of liquor under the Sale and Supply of Alcohol Act 2012;
- (c) The transport of that liquor from outside a public place to premises that adjoin a public place:
 - (i) by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
 - (ii) from those premises to a place outside the public place by a resident of those premises, provided the liquor is promptly removed from the public place.

7. ENFORCEMENT OF BY-LAW

For the avoidance of doubt, Sections 169 and 170 of the Local Government Act 2002 (which relate to the powers of arrest, search and seizure by members of the New Zealand Police) apply in respect of this Bylaw.

8.0 WAIVER

The Chief Executive is hereby delegated the authority to waive these requirements for special events of a specific purpose, duration and location that would otherwise be in breach of this bylaw.

9. OFFENCES AND PENALTY

- 9.1 Every person commits an offence against this bylaw who does or omits or causes to be done or omitted any act contrary to the provisions of this Bylaw.
- 9.2 Any person who commits an offence against this bylaw is liable on conviction to a fine not exceeding \$20,000.00.

The above bylaw was made pursuant to a resolution passed by the Otorohanga District Council on 9 October 2007 and amended in accordance with a resolution passed by the Otorohanga District Council on 19th December 2013.

The Common Seal of the Otorohanga District Council was hereto affixed in the presence of:



Mayor



Chief Executive





Date

FIRST SCHEDULE - AREA OF LIQUOR BAN

Kawhia & Aotea

First Schedule - Location

This Bylaw shall apply to the following location:- the towns of Kawhia and Aotea and all of the surrounding area, west of Aotea Road, as shown and described on the attached map 'Kawhia and Aotea Liquor Ban Area', in all public places including roads, beaches and reserves.

SECOND SCHEDULE - DATES AND TIMES OF LIQUOR BAN

Second Schedule - Period

This Bylaw shall be in force 24 hours per day, in all public places within the Kawhia & Aotea Liquor Ban Area from 4.00pm on the 23 December till 4.00 on the 7 February*.

“In the event of Waitangi Day falling on a Saturday or Sunday the bylaw period will end at 4.00pm of the Tuesday following Waitangi Day.”

7



Statement of Proposal

Proposed Alcohol (Liquor) Control Bylaw 2023

June 2023

STATEMENT OF PROPOSAL



BACKGROUND

Following a very troubled New Years Eve on 1 January 2007 which saw drunken brawling in the streets of Kāwhia, assaults on Police, property damage and the murder of a young man, Ōtorohanga District Council introduced a Liquor Control Bylaw which prohibited the consumption and possession of alcoholic drinks in all public place and reserves on the Kāwhia peninsula.

Following public consultation, the Liquor Control Bylaw 2007 (the Bylaw) was adopted by Council on 9 October 2007.

In 2012 Council commenced a mandatory five year review required for new bylaws. There was initial support for extending the period that the Bylaw would be in force to make it a permanent year-round restriction. However, following strong feedback received from the Kāwhia Community and public consultation the ban was only extended by a month to conclude after Waitangi Day.

The bylaw period now runs from Christmas Eve through to the day after Waitangi Day or the following Tuesday if Waitangi Day falls on a weekend.

PURPOSE OF THE BYLAW

The purpose of this Bylaw is to regulate and control:

- a) the consumption of liquor in a public place; and
- b) the bringing of liquor into a public place; and
- c) the possession of liquor in a public place.

REASONS FOR THE PROPOSAL

It is a requirement of the Local Government Act that Council must conduct a further review of the Bylaw being ten years since the date of the last review. For an alcohol control bylaw this process requires Council must be satisfied that:

- a) the bylaw can be justified as a reasonable limitation on people's rights and freedoms; and
- b) a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and
- c) the bylaw is appropriate and proportionate in the light of that likely crime or disorder.

In reviewing this Bylaw, Council must use the Special Consultative Procedure set out in section 83 of the Local Government Act 2002.

To commence this review, we engaged with your elected members and local iwi to seek guidance on the content of the statement of proposal that will be notified for public consultation. The statement of proposal will consider the following options to provide a recommendation to the community on the proposed content of the Bylaw.

- a) Continue the bylaw without any changes or,

- b) Revoke the bylaw or,
- c) Propose changes to the scope or conditions of the bylaw.



THE REVIEW

The review began with a search of Council records for reports and complaints involving alcohol over the preceding five years. The resulting list was small and is summarized below.

- a) Nov 2017, underage drinking and bottle smashing in Windsor Park Ōtorohanga.
- b) Nov 2019, no manager on duty at a licensed premise in Kāwhia.
- c) Aug 2020, Police attended an event at a licensed premise in Ōtorohanga. Hearing held before DLC.
- d) Sept 2022, Police attend incident outside licensed premise in Kāwhia.
- e) Nov 2022, Complaint from member of public about disorder inside licensed premise in Kāwhia.
- f) Jan Feb 2023, Multiple noise complaints for a property in Ōtorohanga, alleged excessive consumption of alcohol.

Unfortunately, these details provide no information to help evaluate the effectiveness or otherwise of the Bylaw.

Police, the Medical Officer of Health, and Doctor Burton, Kāwhia GP who have a front-line view and experience on this matter are considered to be key stakeholders in this review and will be requested to provide submissions that will help shape the final content of the bylaw.

An opportunity arose to conduct an informal survey of Kāwhia residents and visitors during a Community Day held at the Kāwhia Community Centre on Saturday 3 June. We received 32 responses from people attending the Community Day or completing the survey online which is a more valid statistical sample.

All responses were anonymous with 85% of respondents stating the Bylaw had made Kāwhia safer and 90% saying the Bylaw should continue in force. Additional comments said consideration should be given to extending the period the bylaw was in force, providing more signage and having more visible enforcement.

LEGISLATIVE AMENDMENTS

The introduction of the Sale and Supply of Alcohol Act 2012 in July 2013 has seen references to “Liquor” in the Local Government Act amended to “Alcohol”. Consequential changes to the Bylaw when it is presented to Council for notification of the Statement of Proposal will be:

- a) The title – Ōtorohanga District Council Alcohol Control Bylaw 2023
- b) Part 3. Definition of Alcohol
- c) Subsequent references to ‘liquor’ will be changed to ‘alcohol’. i.e., Liquor Ban becomes Alcohol Ban.

RECOMMENDED OPTION

Ōtorohanga District Council supports the continuation of an Alcohol Control Bylaw and will notify a Statement of Proposal for community consultation on the proposed Alcohol Control Bylaw 2023. The content

of the proposed bylaw will remain unchanged apart from those updates required due to changes in legislation.



There have been suggestions to increase the time that the Bylaw is in force however any such move brings a proportionate loss of freedom to members of the public who are not causing any nuisance. In the absence of any reported breaches of the bylaw the special consultative process is the best method to judge public feeling on this issue.

CONSULTATION AND SUBMISSIONS

In reviewing this Bylaw, Council must use the Special Consultative Procedure set out in section 83 of the Local Government Act 2002.

Anyone can make a submission on the review of the Alcohol (Liquor) Control Bylaw, and we encourage you to tell us your views. A submission form will be included with the Statement of Proposal.

Copies of the Statement of Proposal are available on Ōtorohanga District Council website www.otodc.govt.nz, or alternatively, hard copies are available from the Council Office, 17 Maniapoto St, Ōtorohanga. For any queries, please phone 07 873 4000.

When you complete the submission form, email or write to us, please indicate if you wish to speak at the hearing, and we will send you more details closer to the time.

Submissions on the review will be received from TBC 2023 up to 5.00pm TBC 2023.

Submissions may be submitted to Council in the following manner – post, hand delivery or email.

Details of each of these methods are as follows:

Email: info@otodc.govt.nz

Post: Alcohol Control Bylaw Review
Ōtorohanga District Council
PO Box 11
Ōtorohanga 3940

Hand Delivery: Ōtorohanga District Council
17 Maniapoto St
Ōtorohanga

KEY DATES

Date	Step
TBC	Submissions Open
TBC	Submissions Close
TBC	Council Hearing of Submissions
TBC	Council Deliberations and Decision on Review of Bylaw

INFORMATION ONLY REPORTS | NGĀ PŪRONGO MŌHIOHIO ANAKE

DISCLAIMER: The reports attached to this Open Agenda set out recommendations and suggested resolutions only. Those recommendations and suggested resolutions DO NOT represent policy until such time as they might be adopted by formal resolution. This Open Agenda may be subject to amendment either by the addition or withdrawal of items contained therein.

Item 18: Ōtorohanga town concept plan – implementation plan update

To: The Chairperson and Members of the Ōtorohanga Community Board

From: Ross McNeil, Chief Advisor

Date: 3 July 2023

Relevant community outcomes: Engaged Vibrant Thriving



1 Purpose | Te Kaupapa

1.1 To provide an update on progress with implementing the Ōtorohanga Town Concept Plan (ŌTCP).

2 Executive Summary | Whakarāpopoto Matua

2.1 A part-time (20 hours/week), fixed term (2 years) role has been established to support the implementation of the ŌTCP priority projects. This role – Community Projects Lead – has just been filled and the immediate focus (for Council-led projects) will be on:

- Huipūtea Development (Master Plan)
- Reserves Management Strategy
- Multipurpose Community Centre - Feasibility Study
- Resource Recovery Centre – Feasibility Study
- CCTV Network – Scoping, Funding & Management/Operating Considerations

2.2 The remaining actions are being progressed by either Council staff (e.g., Arts, Culture, Heritage Strategy) or partner organisations (e.g., Sport Waikato). The actions relating to roads are on hold until Council can appoint a new Roding Manager.

3 Staff Recommendation | Tūtohutanga a ngā Kaimahi

That the Ōtorohanga Community Board receive the report titled ‘Ōtorohanga Town Concept Plan – Implementation Plan Update’ (document number 698254) from Ross McNeil, Chief Advisor.

4 Discussion | He Kōrerorero

4.1 At its March 2023 meeting the Board considered a report on implementing the ŌTCP. The report signalled that the 48 actions planned to be progressed by 2025 were prioritised to ensure a manageable programme of delivery, with 18 identified as the highest priority (11 led by Council and 7 by partner organisations).

4.2 It was noted that the anticipated adoption of the Kāwhia/Aotea and Ōtorohanga Rural concept plans later in the year would establish their own actions plans with associated implementation expectations and prioritisation.

4.3 The report signalled the need for additional staff resourcing to support ŌTCP implementation, which would be funded from the \$2.1M budget the Council had confirmed in the current Long-Term Plan.

PUBLIC EXCLUDED | TAKE MATATAPU

No reports.

BOARD PROJECTS**PROJECT 1: PICNIC IN THE PARK**

Board Members will provide a verbal update at the meeting.

PROJECT 2: ŌTOROHANGA HAUORA AND CONNECTIVITY TRAIL

Board Members will provide a verbal update at the meeting.

PROJECT 3: ŌTOROHANGA KAI FOREST

Board Members will provide a verbal update at the meeting.

PROJECT 4: ŌTOROHANGA DOG PARK

Board Members will provide a verbal update at the meeting.

OTHER BUSINESS | ĒTAHI ATU TAKE**BOARD MEMBER UPDATES**

Board members who have attended meetings on behalf of the Ōtorohanga Community Board may give feedback to the Board. This is a discussion item only and no resolutions can be made from the discussion.

COMMUNITY BOARD DISCRETIONARY FUND

At the end of May 2023, the Board had available \$4,855.00 excluding GST in the discretionary fund. The Board resolved to spend \$1,000.00 excluding GST on an events box to support Board events. The remaining balance was of \$3,855.00 excluding GST.

A request was received by Chairperson Brown-Merrin to determine if the fund could be used as a contribution by the Board towards the Ōtorohanga District Development Board's Ōtorohanga Christmas Parade traffic management plan and implementation costs.

Staff can confirm this is within the terms of reference and can be considered by the Board.

Staff recommendation

That the Ōtorohanga Community Board approve a one-off grant of \$3,500.00 excluding GST to the Ōtorohanga District Development Board for their Ōtorohanga Christmas Parade project’s traffic management plan and implementation costs.

The new financial year commences on 1 July and the Board will have \$5,000.00 excluding GST available to grant during the 23/24 financial year. The discretionary fund will now be a regular item on agendas.

Date of grant	Resolution number	Recipient	Purpose	Amount
				\$0

RESOLUTION REGISTER

Previous resolutions of the Ōtorohanga Community Board which are not yet finalised are outlined below.

Resolution #	Date resolved	Resolution	Staff update
	02/12/20	1. Support the proposal to pursue achieving the status of being a Motorhome Friendly Town in Ōtorohanga, and; 2. Support the installation of a free public dump station on Council owned land off the end of Rangipare Street, Ōtorohanga, as per the site photo provided in this report and; 3. Support an amendment to the current Traffic Bylaw or the development of a Freedom Camping Bylaw or Policy to enable Freedom Camping in designated areas around the district, and; 4. Support the acceptance of the funding offered by NZ Motor Caravan Association of \$12k to cover the installation of the dump stations, and; 5. Support the acceptance of the offer from NZ Motor Caravan Association to fund up to \$3k towards the first 3 years of operational costs, and; 6. Support the acceptance of the offer from NZ Motor Caravan Association to supply to Council free of charge the certified pre-cast waste unit along with all the appropriate signage for users, and; 7. Support the approval for the ongoing operational costs of the dump station beyond the period of cover from the NZ Motor Caravan Association funding, at an estimated cost of \$800-\$1000 p/a to be funded from the public conveniences operational	NZMCA/Caltex have submitted a land use consent application to Council for a dump station at the service station as this is a new activity. The application is with the regulatory team waiting to be processed. It is suggested the Board’s resolution is now no longer relevant and should be removed from the Register.

		budget, subject to Long Term financial considerations and adoption of such. On the condition that; a) The Ōtorohanga Community Board members themselves undertake engagement with iwi and any others that is satisfactory to them. b) The outcomes of that engagement is reported back to Council so that Council can make a third decision.	
	08/04/21	Resolved that the Group Manager Engineering report be received and that the Ōtorohanga Community Board allocate funding up to an amount of \$25,000 from the Ōtorohanga General Reserve Fund for the replacement of the decorative lighting around the street light posts in the Ōtorohanga Town Centre.	An update will be provided to the Board at the meeting.

Staff recommendation

That the Ōtorohanga Community Board revoke the resolution made on 2 December 2020 as follows:

Resolved that the Ōtorohanga Community Board;

1. Support the proposal to pursue achieving the status of being a Motorhome Friendly Town in Ōtorohanga, and;
2. Support the installation of a free public dump station on Council owned land off the end of Rangipare Street, Ōtorohanga, as per the site photo provided in this report and;
3. Support an amendment to the current Traffic Bylaw or the development of a Freedom Camping Bylaw or Policy to enable Freedom Camping in designated areas around the district, and;
4. Support the acceptance of the funding offered by NZ Motor Caravan Association of \$12k to cover the installation of the dump stations, and;
5. Support the acceptance of the offer from NZ Motor Caravan Association to fund up to \$3k towards the first 3 years of operational costs, and;
6. Support the acceptance of the offer from NZ Motor Caravan Association to supply to Council free of charge the certified pre-cast waste unit along with all the appropriate signage for users, and;
7. Support the approval for the ongoing operational costs of the dump station beyond the period of cover from the NZ Motor Caravan Association funding, at an estimated cost of \$800-\$1000 p/a to be funded from the public conveniences operational budget, subject to Long Term financial considerations and adoption of such.

On the condition that;

- a) The Ōtorohanga Community Board members themselves undertake engagement with iwi and any others that is satisfactory to them.
- b) The outcomes of that engagement is reported back to Council so that Council can make a third decision.

Mr. Buckman / Mr. Coventry

CLOSING FORMALITIES

MEETING CLOSURE | KATINGA O TE HUI

The Chairperson will declare the meeting closed.

WORKSHOPS | HUI AWHEAWHE

There are no workshops planned.