

**ENVIRONMENTAL SERVICES COMMITTEE MEETING  
HELD ON WEDNESDAY 16 MARCH 2011 IN MEMORIAL  
HALL SUPPER ROOM, ESPLANADE, KAIKOURA.**

**AGENDA**

*1. Apologies*

*2. Matters of Importance to be raised as Urgent Business*

*3. Matters Arising from the Report of 16/2/2011*

*page 88*

*4. Minutes Action & Issues List Update*

<b>MEETING</b>	<b>ACTION REQUIRED</b>	<b>BY</b>	<b>DATE ACTIONED</b>
	<i>16 FEBRUARY 2011</i>		
Environmental Services	Follow up regarding status of the Inland Road	Mayor, District Planner	A verbal update will be provided at the meeting.

*5. Environmental Services Report*

*page 29*

- *Dog/Stock/Noise Control & Security*
- *Building*
- *Resource Planning*
- *Resource Consent Update List*
- *District Planning & Environmental Planning*
- *Environmental Health*
- *Environmental Services Budget Report*

*page 57*

*6. Urgent Business*

## • **Dog/Stock/Noise Control & Security**

### **Dog Control**

1. In February there were a total of twenty calls/complaints. Two of these were incidents which related to dogs from Christchurch found wandering and they were reunited with their owners.
2. Most complaints related to roaming dogs, patrols checked the areas but no dogs were located. Three calls were received regarding a dog on Killarney Street that was rushing people as they walked by. The owner has agreed to tie the dog on a running chain until fencing can be erected to prevent the dog from having access to the front of the property. The owner is also seeking professional advice regarding training.
3. We are still monitoring the Ludstone Road property, which in the past has caused issues, but I am pleased to advise since there has only been one dog on the property the problem seems to be resolved.

### **Stock Control**

1. No stock calls were received. Three stock matters were located by patrols, a horse on Scarborough Street and two cases of dairy cattle on the flats. All were removed by the patrol or by contacting the owner direct.

### **Noise Control**

1. Seven complaints were received, these were attended and all but two required warnings and noise levels reduced. The other incidents were not considered a problem and as such no further action was taken.

## • **Building**

There were 12 Building Consents with a combined construction value of \$1,043,000 issued for the month of February 2011. These consents were for:-

Change of use to retail shop  
Three Storey Building Commercial  
Extension to Dwelling  
Alteration to roof  
Farm Shed extension  
Dwelling Alterations – PIM only  
Inbuilt fire  
Dwelling alteration and fire relocation  
Pellet fire  
Garage  
2 Marquees & Tents  
Shed

There were 9 Code Compliance Certificates and 13 Land Information Memorandums issued in February 2011.

There are currently 16 building consent on hold waiting for further information. Unfortunately we are still receiving applications which have significant levels of required detail and information missing and/or are incomplete. This is slowing the consent process down significantly. The majority of consents on hold are for new dwellings, enquiries into future projects have picked up and are being prepared to be submitted to Council for consenting, some include commercial buildings. We have recently issued a large consent for a motel in Yarmouth Street.

We continue to maintain our statutory requirements in issuing compliant applications within the specified time frames.

The Senior Building Control Officer has been drafting back to Christchurch and has been conducting building assessments following the earthquake. This however has not effected operations here to date with Tony remaining in Kaikoura.

## • **Resource Planning**

### RESOURCE MANAGEMENT

#### **Resource Consent Update: From the 7<sup>th</sup> February to the 7<sup>th</sup> March 2011.**

12 new applications were lodged during this period. 11 applications were for land use consent, and one is for a 2 lot subdivision. The number of planning consent applications is increasing and general enquires are increasing. An application from Kaikoura Wharf Developments has also been received. The proposal is to build a five start hotel along with commercial and retail opportunities at the entrance of the North Wharf (site of the Pacifica buildings). The site of the development is zoned Business B and the application is currently being reviewed.

#### **Notified Consents**

South Bay Development, South Bay Parade- Subdivision 23 residential allotments, notification closed on the 8<sup>th</sup> of February with no submissions received. A decision on the application has been delayed by the Christchurch earthquake.

HA & PM Stone State Highway 1 Oaro - Subdivision and Lane Use creation of two new allotments at State Highway 1, Oaro in an outstanding landscape area. Notification was to close on the 8<sup>th</sup> of March, however it has been extended due to the Christchurch Earthquake to allow parties in Christchurch to make submissions. Submissions will now close on the 30<sup>th</sup> of March 2011.

Marine Hotels Ltd, 191 Beach Road- Land use, addition of accommodation units. Notification has closed with 3 submissions received in opposition. The application is on hold pending payment of fees for notified consent.

#### **Monitoring**

Monitoring of consent applications and complaints is ongoing. The District Plan requires that all visitor accommodation within the residential zone requires resource consent. Council staff are currently working with property owners to obtain resource consent for non-consented visitor accommodation.

## • Resource Consent List Update

RESOURCE CONSENT UPDATE LIST FOR THE PERIOD FROM 7 FEBRUARY 2011 TO 8 MARCH 2011.

Resource consents decisions issued:

Type of Consent	Applicant	Address of Activity	Number of Lots / Guests
Land use- for earthworks in archaeological site	Kaikoura District Council	West End	
Land use -Earthworks & building in historic/archaeological site	NZ Historic Places Trust	62 Avoca Street	
Land use- Visitor accommodation up to 10 guests	Neville & Leanne Smith	136 Torquay Street	10
Land use- to exceeds site coverage	Kowleigh Trust	31 Shearwater Drive	
Land use- Visitor Accommodation 12 guests	G S Rowe	30 Avoca Street	12
Subdivision- boundary adjustment	TA, SA & JF Blunt	Bay Paddock Road	
2 Lot Subdivision & land use to build in flood zone	R N Boyd	85 Mill Road	1
2 Lot subdivision	JR & NG Smith	Dairy Farm Road	1
Land use- for earthworks in archaeological site	Wayne Anderson Electrical	Whakatu Lane	

Active consent applications currently in process:

Type of Consent	Applicant	Address of Activity
Land use- Roots Music Festival	Leo Harnett	Harnetts Road
Land use- Building dwelling in flood hazard zone	Tim O'Brien	237 Schoolhouse Road.
Land use for commercial activity in residential zone	Dolphin Encounter Partnership	22 Moa Rd
Land use – For commercial use of existing non-commercial Golf Course	Koura Bay Kaikoura Limited	Koura Bay Drive
Subdivision and Lane Use creation of two new allotments at State Highway 1 Oaro	HA & PM Stone	State Highway 1 Oaro
Subdivision 23 residential allotments	South Bay Dev.	South Bay Parade

Consent applications awaiting receipt of further information requested from applicant or on hold:

Type of Consent	Applicant	Address of Activity
Land use- Hotel & retail commercial/tourist services	Kaikoura Wharf Developments Ltd	Wakatu Quay New Wharf
Land use to exceed height for dwelling	Stephen J & Lynotte Rita Wilks	306 Scarborough St
Land Use -Visitor Accommodation up to 8 guests	R D Hughes Developments	5 McRae Gardens
Land use- Visitor Accommodation 4 and under	Kevin Taylor	162 Esplanade
Land Use -Visitor Accommodation up to 8 guests	BC Horne & TCM Candy	11 McRae Gardens
Land Use -Visitor Accommodation up to 8 guests	Bruce & Pam Ayres	22 Greenburn Way
Land use – addition of accommodation units	Marine Hotels Ltd	191 Beach Road
Land use Visitor Accommodation 8 guests	J Woods	911 Blue Duck Valley Rd
10 Lot Subdivision & Land Use	2 Crush NZ Ltd	Mt Fyffe Road
Land use- Visitor Accommodation 4 & under	The Gardners Limited	5 Brighton Street
4 Lot subdivision	Cedar Properties Marlborough Ltd	State Highway 1, Mangamaunu
2 lot subdivision	Tormar Holdings Ltd	Cnr Margate & Torquay Streets
Subdivision- Boundary adjustment	Kaikoura District Council	Maui Street
Sign Consent	The Woolshed - Davidson	Beach Road
Signs Consent	Wilson*	State Highway 1, Hapuku
Subdivision- Separation of existing title	Matariki Farms	State Highway 1 Clarence
Subdivision: 2 lot subdivision & dwellings	Reardon SJ & AR	19 Old Beach Rd
Land Use- Visitor accommodation 2 guests and non-compliance with height standard	N Mitchell	13 Swyncombe Place

Consent applications subject to appeal under sections 120 and 358 of the Resource Management Act:

Type of Consent	Applicant	Address of Activity
NONE		

Consent applications subject to objections under section 357 of the Resource Management Act:

Type of Consent	Applicant	Address of Activity
NONE		

Consent Applications declined:

Type of Consent	Applicant	Address of Activity
NONE		

Consents withdrawn:

Type of Consent	Applicant	Address of Activity
NONE		

Consents returned as incomplete:

Type of Consent	Applicant	Address of Activity
NONE		

Consent applications subject to application for declaration under section 311 of the Resource Management Act: Nil

\* Denotes Retrospective Consent

## • **District & Environmental Planning**

**District Plan & Environmental Planning Report covering 8 February to 8 March 2011.**

### **National Policy Statements**

#### Draft New Zealand Energy Strategy and Draft New Zealand Energy Efficiency and Conservation Strategy

This submission has been lodged but no date for a hearing has been set.

#### Proposed National Policy Statement on Indigenous Biodiversity

This matter is currently open for public submission until 2 May 2011. Although the document is small in size (13 pages) containing one objective and 8 policies it has the potential to significantly change how indigenous vegetation is dealt with on private property. The policies do not apply to public conservation land and seek to encourage protection and enhancement of biodiversity values. Specific concern exists with a requirement to create maps and schedules of areas of significant indigenous vegetation and significant habitats of indigenous fauna and include these in District Plans within 5 years of the Policy Statement taking effect. A copy of Council's draft submission will be provided at the April Council meeting.

### **New Zealand Coastal and Marine Areas Bill**

No further progress has been made on this Bill. Any changes will be reported to Council.

### **Canterbury Regional Council**

#### Natural Resources Regional Plan (NRRP)

Training on the NRRP has been postponed due to the Christchurch earthquake. Councillors will be kept informed of any future training opportunities.

#### Regional Coastal Environment Plan

A formal decision has now been supplied to Environment Canterbury by the external Commissioner who heard the Plan Change Application. The decision will have to be adopted in a formal Council meeting before it is released to the public. The decision has been delayed by the Christchurch earthquake.

#### Regional Land Transport Strategy (RLTS)

The Strategy is still currently in a draft. Public consultation is expected in March 2011.

#### Canterbury Regional Policy Statement (CRPS)

The CRPS has been delayed as a result of the Christchurch earthquake. Amendments have been made to Chapter 6 Land Use and Infrastructure and Chapter 16 Energy. Feedback is being provided on the changes made to these chapters.

### **New Zealand Transport Agency (NZTA)**

#### Beach Road and West End Intersection

Feedback has been provided to NZTA giving support for a walking cycling bridge. Funding approval will be required by NZTA before this project can proceed.

#### State Highway Route Security

Comments have been provided on the route security documents and feedback is awaited from NZTA. A response is yet to be received regarding whether the Inland Road is of national importance. It is likely this matter will be ongoing for some time.

### Truck Stop

The matter remains unchanged. NZTA are moving towards the creation of truck stops / rest areas. Initial thoughts are that these would be located where possible at ½ hour spacing from major centres. Opus International Consultants have now been employed by NZTA to undertake further research on this matter.

### **Current Plan Changes**

#### Business/ Industrial Zone

No further movement has occurred on this project.

#### Ocean Ridge

A separate report is attached for Council to complete the plan change process. The Plan Change is beyond appeal.

### **Bikewise**

Bikewise has been successful in February. With two major events occurring, the “Go By Bike Breakfast” which was well attended and Mayoral Challenge which involved cycling from Hamner to Kaikoura. This event was a great success and even with poor weather over sixty riders took part. Congratulations to Mayor Gray for setting the challenge.

### **Rugby World Cup**

Work has begun on Information/Welcome Boards for the North and South of the town. This project is being run with the Tourism and Development Committee. Information boards have been designed and appropriate location and landscaping details are being considered.

### **Te Korowai**

One meeting has been held since the last report to Council. It seems Marine Reserves are a sticking point for the group, and until this issue is resolved, a Strategy cannot be released.

NIWA are holding a presentation on research findings in the Kaikoura canyon on Thursday 31 March 2011, 7-9 pm in the Supper Room. The presentation will be by Ashley Rowdon, who will present on the following:

1. Geomorphology & geological processes
2. Oceanography
3. Sea floor habitats & communities - 3D fly through the canyon & some video of seafloor.

All councillors are welcome to attend.

### **Zero Waste**

External funding has been sought for recycling crates for properties with a recycling collection. A decision on the funding application will not be available until later in March.

### **Green Globe/Earthcheck**

Benchmarking data for 2009/2010 has been submitted for audit. An onsite observation audit was to be carried out in February to ensure certification is retained for 2011, the certifiers have been delayed through the floods in Brisbane and I have had no further correspondence from them.

Kaikoura is participating in a shoot with TravelWild TV. Although arriving to a wet Kaikoura the weather cleared. Special thanks must be given to the hosts of Lin Sutherland (the presenter) and Dave Warth (cameraman) which included:

Kaikoura Wilderness Walk  
Dolphin and Albatross  
Trees for Travellers  
Kaikoura Helicopters

Whale Watch  
Maori Tours  
Julie Syme – Ladies Lions / Trash to Fashion

Once footage has been edited a copy will be supplied for our use.

**Community Gardens**

The community Gardens are now up and running. Participating families have been harvesting vegetables and some have been supplied to the local food bank.

- **Environmental Health**

## **Electoral Select Committee Reform Alcohol Bill Submission Number Two**

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Attached is the submission to the Electoral Select Committee regarding the Alcohol Reform Bill that requires approval from Council.

The submission date was the 18<sup>th</sup> February 2011 and having formulated the draft response it was approved by the Liquor Licensing Sub-committee.

*It is recommended Council endorse the submission to the Electoral Select Committee Reform Alcohol Bill.*



KAIKOURA DISTRICT COUNCIL

# **Submission to the Justice and Electoral Select Committee**

*In the matter of*

## **Alcohol Reform Bill**

**From Kaikoura District Council  
The Esplanade  
KAIKOURA**

**February 2011**

## SUMMARY OF KAIKOURA

The Kaikoura District spans from the Haumuri Bluffs in the south to the Kekerengu valley in the north, covering 2,048 square kilometers of diverse landscape.

The inland boundary of our District is the Inland Kaikoura Range, climbing 2,885 metres and snow covered for much of the year. The spectacular coastline provides excellent fishing, sporting and recreation for Kaikoura's residents and visitors. The Kaikoura Canyon, at around 1,300 metres deep, provides the natural habitat for the sperm whale, and is also host to over 200 species of marine life.

Kaikoura has no large towns or cities. Approximately two thirds of the population live in Kaikoura Township itself, while the remainder live on farms and rural lifestyle blocks scattered around the District. The current population of the District is approximately 3,800.

Kaikoura District Council has a total of 44 licensed premises across the district which are categorised as follows:

<i><b>TYPE OF LICENCE</b></i>	<i><b>NUMBER IN DISTRICT</b></i>
• <b>ON LICENCE</b>	<b>30</b>
• <b>OFF LICENCE (stand alone)</b>	<b>6</b>
• <b>OFF LICENCE (combined with on licence)</b>	<b>2</b>
• <b>CLUB LICENCE</b>	<b>5</b>
• <b>BYO LICENCE</b>	<b>1</b>
<b>TOTAL</b>	<b>44</b>

Today Kaikoura is a world-class tourism destination, yet still maintains its fishing and farming heritage. The District boasts award-winning restaurants, cafés and accommodation facilities, wineries, a modern small boat facility and excellent airport facilities.

Last year Kaikoura received more than 900,000 visitors. Dramatic growth in visitor numbers is occurring because of the growing worldwide awareness and interest in conservation of marine mammals and eco-tourism activities.

## EXECUTIVE SUMMARY

Kaikoura District Council supports the introduction of the new Act as the 1989 Act is outdated and fails to provide the tools required by communities and regulators to control the adverse affects created by the misuse of alcohol.

The Council supports in particular the provisions relating to age (clauses 9, 10 and 11); Local Alcohol Plans, District Licensing Committees and the provisions for cost recovery for undertaking functions under the proposed new legislation.

The new Act must be a 'working tool' not only for liquor licence holders but also for the police, licensing inspectors, MOH officers and Licensing Committee's who are statutorily obliged to perform the prescribed duties contained in the Act. The legislation must be written in terms that all can understand and give clear directions as to what is, and what is not, permissible under the Act.

Kaikoura District Council is concerned with the overall layout, readability and interpretation of some of the sections of the Bill. Some sections are verbose, prone to ambiguity and in some cases, in our view, unnecessary. We believe that the principal rule of undertaking any review is to repair and enhance and not attempt to 'fix things that are not broken'. We are concerned that new terms have been introduced such as "under the buying age", "holdings" and 'alcohol inclusive matters' as this brings unnecessary interpretation in to play.

Kaikoura District Council asks the Select Committee to note that although we were consulted, and participated, through the Law Commission review that the consultation ceased once the Law Commissions recommendations were in the hands of central government. We believe it would have been helpful if central government had come back to its 'shop front' regulators to ensure that the Bill they were writing fitted the needs of the regulators.

Kaikoura District Council opposes the now disjointed layout of the provisions of different licence types. E.g., provisions for Off Licences are in at least 9 different places of the Bill. We believe sections relating to each licence type should be grouped together for ease of reference.

This Submission document refers specifically to the Alcohol Reform Bill, which is before the Justice and Electoral Select Committee for determination.

Kaikoura District Council welcomes this review process, embracing the positive changes that may influence the effective sale and consumption of alcohol within its District. Kaikoura District Council also recognises the importance of the consultation and submission process.

<b>BODY OF SUBMISSION</b>
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Kaikoura District Council supports the requirement for Territorial Authorities to adopt and implement effective alcohol management polices with their district. Moreover, we believe, as per our submission that in order for effective management of alcohol at local level, alcohol management polices should be a mandatory requirement. This

will encourage greater community responsibility, ownership and involvement in alcohol management district wide.

Additionally the role and involvement of the District Licensing Committee will play a pivotal role in consideration and determination, at local level, all applications for licences, managers certificates, variations and special licences. It is envisaged that the DLC will have greater empowerment and decision-making responsibilities that ultimately impact on how alcohol is effectively administered, managed and implemented within the District.

Kaikoura District Council supports the regulation on fee setting, cost recovery and performance-based fees. It recognises the need for a robust risk based fee structure that targets performance at local level of licensed premises, events and management of alcohol within Territorial Authorities.

**Kaikoura District Council respectfully submits and makes commentary to the Justice and Electoral Committee on the following matters:**

Section 4: Object

- The Council submits that the Object of the Act in (a) be strengthened to say "... and consumption of alcohol MUST be undertaken safely and responsibly.
- And in (b) ... inappropriate consumption MUST BE REDUCED not "should be minimised.

Section 5: Inclusion of an interpretation of Grocery Shop and Grocery store.

- The Council notes that a store that sells food and that is not defined as a grocery store could apply for a complimentary licence under section 37. So the current problem about convenience stores could persist.
- In any event we see little point in including these definitions. Supermarkets are not well defined and as such require a more detailed explanation or clarification in the new Act.
- Currently a grocery store whose principal business is the sale of main order household foodstuffs may hold a licence. A grocery store could be defined as being a shop of a similar nature to that of a supermarket but which does not meet the size threshold of a thousand square metres but no smaller than 300 square metres. This is a definitive measure and takes interpretation of the requirement

out of the equation. Main order household foodstuffs could also be defined as being where members of the public undertake their principal bulk grocery shopping.

- We seek an authorisation for Inspectors to be able to specify the time period for which certified accounts are provided to ensure the figures actually reflect the true nature of the store.
- We submit now is the time for clubs that hold a club licence to be an incorporated society. The whole thrust of the Bill is to increase responsibility and all commentators say there is little difference in sale and supply of alcohol under club licences and on licences. By requiring clubs to be incorporated it will provide greater accountability and structure to these organisations holding liquor licences.
- The definition of event has traditionally caused much controversy. The new definition has lessened the threshold of an event that can qualify for a Special Licence. We submit that the phrase SOCIAL gathering should be restored to this definition.

#### Section 11: Certain terms relating to age

- The Council sees no good purpose in changing purchase age to “under the buying age”. Purchase age is well understood and should remain.

#### Section 12: Licence exemptions

- Kaikoura District Council believes that all persons selling and supplying alcohol should be required to hold a licence.

#### Section 24: Club Licences

- 24(2) (b) currently says “at the invitation of” where in the old Act it was “accompanied by”. Accompanied by has been well defined in case law and means that a guest should remain in the company of the member whilst on the premises. “At the invitation of” will permit a guest to be on the club-licensed premises independently of his or her sponsor and is contrary to the intent to the guest provisions under a club licence. We submit that “accompanied by” be returned to this section.
- S.24 & S.61(3)(b) Club licences ‘authorised customer’. We see a need for a maximum number of guests to be set for a club member to invite or have accompany him/her and that number should be a maximum of 4.

#### Section 25: Special Licences

- Kaikoura District Council submits that Special Licences must be for the sale and supply of alcohol for consumption on the premises described in the licence. Not sale or supply or consumption.
- We note in section 25(3)(a) it talks of ‘social gathering’ giving weight to our submission in Section 5 on the definition of ‘event’.

#### Sections 28-33: Relating to who can hold licences

- Section 28 effectively says any type of premises holding a licence can hold another licence(s) of any other type but then the following sections create exclusions of several types, e.g., a club licence holder cannot hold an On Licence. Section 30 contains a double negative and needs to be redrafted or reworded.

#### Section 38: No Off-licences for petrol stations, dairies, conveyances or certain shops within shops.

- S.38(a)(b) a shop of the kind commonly known as a dairy. Perhaps could state “a shop of the kind commonly known as, or serving the function of, a dairy or convenience store”.
- S38 (2) (a) (ii) can be reached from a shop without leaving it. For clarification should specify public and should read – “can be reached by the public from a shop without leaving it”.
- Why has the new term ‘grocery shop’ been introduced? The Council believes it should remain as a grocery store and supermarkets.

#### Section 48: Sale and supply on the ‘sacrosanct days’.

- Kaikoura District Council agrees that On licences should be permitted to sell and supply liquor to lodgers and diners only.
- The measure under 48(3)(b) will not provide the clarity for the regulators and enforcers. The test should be a provision to the effect that alcohol can be supplied and consumed during the consumption of a meal.
- We also believe that the ‘normal licensed hours’ of the day before the sacrosanct day should be part of the day before the prohibited day. This will satisfy the needs of the hospitality industry and take away much of the desire to open on the 3 ½ sacrosanct days to make up lost revenue.

#### Section 52 Low-alcohol drinks to be available

- Kaikoura District Council submits that the wording should be changed to 'not more than 2.5%' as several popular low alcohol beverages are currently brewed at 2.5% abv.

#### Section 53 Food to be available.

- Kaikoura District Council supports a mandatory condition that food be available at all times but believe the section should be strengthened to say 'substantive food'.
- We agree with the rationale that food should be reasonably priced but believe such a condition may be outside the scope of the Sale and Supply of Alcohol Act.

#### Section 61: Sale and supply in Clubs

- This section is very much a repeat of Section 24 and introduces a new term 'authorised customer'. We recommend that this is removed.

#### Section 73: Surrender of Licence or Managers certificate.

- The Council supports the ability to surrender licences and certificates but does not believe a proportional refund should be offered as in our view the fees are 'application fees' and the money has already been expended during the application, investigation, and reporting phases of the licensing regime.
- If however there is to be an 'annual roll over fee' for some licence types a proportional refund could be considered on these occasions.

#### Section 75: Territorial Authorities MAY have Local Alcohol Policies

- The Council believes LAPs should be mandatory for all districts, particularly the ability for Council to designate alcohol-free public spaces (eg for large community events) as part of an LAP.
- It is noted that in some cases district Councils do not have specific density issues, however, it would be prudent and practical to establish suitable controls for the present, as well as the future. In some cases, Territorial Authorities may view this as a potential avenue and indeed reason for not adopting Local Alcohol Plans.

#### Section 98: Police, MOH and Inspector to inquire in to applications

- Kaikoura District Council believes there is no need for the Medical Officer of Health to inquire into and report on 'low risk' special licences. Many short dated specials are received and accepted by DLAs as a service to the industry and the public and sometimes events are organised at the last minute.

- We believe specials anticipating less than 300 attendees should only require a report from the police and the inspector, however, the MOH are invited to comment and have some involvement in certain large scale events that attract the need for local alcohol management plans.
- The current reporting times of 15 working days and 20 days before no objection can be assumed 'use up' all of the 20 working days before an event. This does not give sufficient time for the inspector to inquire into, report and then submit the file to the new DLC to consider and issue.
- If the new Act requires MOH to report on all specials then we submit the reporting time be shortened for both the police and MOH to 10 working days. If not, then the MINIMUM lodging time before the event must be pushed back to 30 working days.

#### Section 99: Who decides application for licence.

- Kaikoura District Council seeks clarification as to whether the new DLC must physically meet to determine all applications. We ask can the DLC delegate authority to the secretary of the DLC to grant applications that meet any relevant LAP and are not the subject of objections.
- We agree with the intention to have greater transparency in decision-making but flag that if applications have to wait to be determined at the next meeting of the DLC then further pressures will be placed on the reporting times of the agencies.

#### Section 105: One-way door restriction.

- The Council agrees with the concept of one-way door restrictions as they can be an effective tool to get patrons off the street and in to licensed premises later in the evenings. It also staggers the dispersal of patrons as once they are out they cannot re-enter other licensed premises and generally make their way home.
- The provisions of 105 (2) provide more questions than answers to this issue. It should simply say no 'patrons' can be re-admitted after the one-way door is in force.
- Section 105(2)(f) allows staff who have been working on the premises to re-enter and remain for up to 60 minutes after their duties have finished. The Bill is silent on whether they can be supplied with alcohol, as this amendment to the old Act was to allow 'staff drinks' regardless of our views on this matter. This should be clarified one way or the other. This section could also be largely simplified and added as part (d) of section 104.

#### Section 109: Restricted and Supervised Areas

- The Council supports the ability to designate parts of premises either as Supervised or Restricted Areas but we also seek to designate different areas at different times. Many premises operate as a restaurant during the day and quite safely morph into a tavern or nightclub at night. It would be advantageous to have the ability to have a designation kick in at an agreed time to cater for the changing focus as the day proceeds. This would be written in as a condition of licence.

#### Section 121: Renewal of licences where a LAP is in force.

- The Council supports the intent of the Act to alter conditions on existing licences at renewal time to bring them in to line with any conditions set under a LAP.

#### Section 124: Temporary Authorities

- This section is silent of referring applications for temporary authorities to the regulatory agencies.
- We recommend there be a requirement that the applications are vetted by police and reported on by the Inspector.

#### Section 125: Filing of Applications (Special Licences)

- The Council again flags the 20 working day filing time. If the government insists that MOH is to report on all specials then either the reporting time to the police and MOH must be shortened to 10 working days or the lodging time extended to 30 working days before the event to allow for thorough inquiries, gathering of reports, determination by the DLC and administration processes around the issuing of the licence.

#### Section 126: Form of application

- 126(f) seeks a mandatory requirement for RMA and Building Code certificates for Special Licences.
- These can cost up to \$400 each and take 10 days or more to be processed.
- The certificates are certainly requirements of new On and Off Licences but not required for standard Special Licences.
- We submit that the word MUST be replaced with MAY and certificates can be sought at the discretion of the DLC, based on the type of event, the scale and nature of the event.

#### Section 129: Police, Inspector and MOH to inquire into application.

- This is a duplication of section 98. The Council submits that the generic 'agencies to inquire and report' covers all licences and this section is not necessary.

#### Section 131: Additional requirements for large-scale events.

- The Council supports the requirement for the applicant to produce a management plan though we note the section does not specifically state an alcohol management plan.

#### Section 135: Particular discretionary conditions.

- The Council submits that conditions (e) food, (f) low-alcohol, and (g) non-alcoholic be mandatory conditions on all Special Licences.

#### Section 142: Appeals

- S.142(1) we seek clarification as to what constitutes a rehearing.

#### Section 177: Composition of Licensing Committees

- The Council submits submit that section 177(1) and (2) should be clarified to state that the chairperson of the DLC must be an elected member of the TA.

#### Section 178: Quorum

- As the DLC is to maintain a list of other members we submit the quorum should be kept at 3, not 2 as proposed. With a 2-person quorum and a casting vote for the Chairperson this could result in a 'single person' decision. This appears to be at odds with one of the intentions of the reforms i.e., to create greater transparency in decision-making and greater community involvement in licensing decisions.
- Council submits that each DLC should be capable and able of determining the size of the quorum within its District.

#### Section 179: TAs to establish list of licensing committee members.

- This section and the provisions of Section 182 appear to suggest that an employee of the Territorial Authority could be on the list as a prospective member.
- The Council submits that the list members must be 'independent' of territorial authority and others who may be seen as having vested interests.

- Council is concerned at the ‘makeup’ of the DLC, and submits that each district should have the capability of drawing from Council members or the public to formulate the DLC as it chooses fit.
- In the case of Kaikoura, the Council forms the licensing committee, with a sub committee of at least three elected members present. By designation of appointment, the Councillors feel that they are voted as elected members by the District to represent the wide range of views throughout the District.
- As the committee will be determining opposed applications for licences and managers certificates they will need significant experience in licensing matters and legal processes.

#### Section 181: Resignation and or removal of committee members.

- Section 181(3) reads "the territorial authority may at any time remove a member of a licensing committee or a commissioner appointed to a licensing committee for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, proved to the territorial authority's satisfaction".
- Kaikoura District Council seeks clarification on the term “misconduct”, and submits that the section must include any criminal convictions including traffic offences that place the persons suitability into question to hold to position on the DLC.
- Furthermore, this section must also include the need for any member appointed to the DLC to immediately or without delay, disclose any criminal convictions to the chair or commissioner of the DLC.

#### Section 184: Licensing Inspectors

- The Bill is silent on the need to require a level of training for appointment as a licensing inspector including advocacy skills. As all opposed applications for licences and managers are going to be determined at local level it will be important that inspectors, and MOH and Police for that matter, are adequately skilled in DLC and the principles / mechanisms of conducting a hearing.

#### Section 203: Applications for Managers Certificates

- The Council strongly submits that there be a minimum age for the granting of a managers certificate and that it be consistent with the age requirement for substantive licences, i.e. 20 years.
- Peer pressure is a significant factor when deciding whether to refuse service or assess intoxication levels. Experience and maturity can only be gained over a number of years and is fundamental to the object of this Act.

### Section 206: Criteria for Managers Certificates

- Section 206(d) requires the DLC to consider 'recent training'. The current Licence Controller qualification has an unlimited lifespan. Consideration must be given to place an expiry date of such qualification so as to require managers to undertake a refresher course to keep up to date with legislation.

### Section 212: Decision on application for renewal

- Kaikoura District Council supports the provision for the DLC to grant a shorter renewal if they hold concerns about the overall performance of the applicant during the renewal period.

### Section 213, 214 and 215: Temporary & Acting managers and notification

- These sections have traditionally been open for abuse and inconsistency. The Council does not believe the current recommendation resolves the concerns we hold.
- We recommend the following. Section 250(3) requires certain records to be kept and made available to the inspector or police for inspection.
- We submit that licensees should be required to keep a record of temporary and acting appointments and that these records are available for inspection.
- We submit that all appointments of greater than 4 hours be faxed to the regulatory agencies for their information. This should prevent the widespread abuse of the privilege of appointing unqualified persons to the important position of a manager of licensed premises.
- We support 215(4) that will permit the DLC to refuse a temporary appointment upon advice from the police and/or the inspector that the applicant is not a suitable person to be appointed.

### Section 220: Irresponsible Promotion of Alcohol

- Kaikoura District Council supports the strengthening of this section to include all types of premises and any other place.

### Section 221: Offences relating to banned or restricted alcohol products

- Kaikoura District Council supports government for taking a stand on some of the RTD variants and bulk light spirits that have entered the market place. These are the drinks of choice for those persons intent on getting as drunk as possible as quickly as possible and becoming a liability to themselves and others.

- We urge you to maintain your position and limit RTD to a maximum of 5% abv and maximum service size of 1.5 standard drinks per service vessel.

#### Section 222: Sale or supply of alcohol to people under the buying age on or from licensed premises

- The Council submits that the term “buying age” should not be used and ‘purchase age’ restored to this provision.

#### Section 224: Supplying alcohol to minors

- Kaikoura District Council supports the move to bring the responsible supply of alcohol to minors into this bill but ONLY by a parent or lawful guardians AND that the consumption of the alcohol supplied is supervised by the parent or lawful guardian.

#### Section 227: Minors in restricted or supervised areas

- The proposed 227(4)(d) permits 14-17 year olds to be in supervised areas for the purposes of selling or supplying alcohol.
- Commentators have long held that this was a drafting error of the 1989 Act and now is the time to repair this. The committee should ask themselves do they want 14-17 year olds in taverns selling and supplying liquor at 2am in the morning. We do not and are sure the public of New Zealand do not!
- Kaikoura District Council submits that minors should NOT be permitted to sell alcohol in Supervised or Restricted areas of licensed premises. They do not have the maturity or experience to perform the important functions expected of sellers of alcohol, asking for ID and assessing intoxication levels in this environment.

#### Section 243: Infringement offences

- Kaikoura District Council supports the introduction of infringement fees for certain offences under the Act.
- We note that Inspectors will be empowered to issue certain specified infringement offences including 228 permitting minors in restricted or supervised areas. In order to effectively prove this offence the inspector will require the power to demand name and address of any person suspected of being under age in licensed premises.
- We submit that this power should be included in section 252 that gives Police the power to demand name and address for specified offences.

#### Section 250: Powers of entry on licensed premises

- Kaikoura District Council supports the ability for inspectors to enter licensed premises similar to the police to ascertain compliance with conditions of licence or evidence of offences under this Act.
- In regard to section 250(3)(a) we believe the list of temporary and acting appointments that we have sought pursuant to sections 213-215 be specified as a document that must be kept.

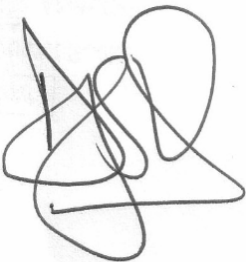
#### Section 385: Content of fees regulations

- The Council urges the government to set a robust risk based fee structure.
- As recommended in the Law Commission report licensing processes must be self-funding. It is the liquor industry making the money from alcohol and it is only fair that they should pay for the processes around regulation, compliance and enforcement activities.
- A risk-based structure will reward good performers and penalise those who require extra monitoring and enforcement procedures.

### **CONCLUSION**

Alcohol, excessive drinking and intoxication significantly contributes to New Zealand's crime rate, injury rate and road crash statistics, and is having an alarming affect on the nations overall level of health.

Kaikoura District Council recognises that regulation alone will not reverse the damage already created by the current excessive drinking culture; it is only through robust and innovative public education and treatment mechanisms that a change will be observed. This must clearly be supported by local alcohol policies, effective determinations delivered in a concise, transparent and consistent approach by the DLC's, and an enhanced enforcement approach.



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Mr David. J. Shovel  
Liquor Licensing Inspector  
Kaikoura District Council



## FOOD AND HEALTH STANDARDS (2006) LIMITED

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### DRINKING WATER MONITORING AND COMPLIANCE REPORT

**FOR THE MONTH OF: February 2011**

<b><u>WEEK: 1</u>      DATE: 8 February 2011</b>						
Reference Number	WINZ code	Time	Sample Site and Code	Total Coliforms	E.Coli	FAC
FEY0408	KAI004KU	19:40	Kaikoura Township Reticulation KAIUR (1) Alt @ Jimmy Armers Beach Toilet Block Kaikoura Township Reticulation KAISR (2) Alt @ O Woods: Mt Fyffe Road	<1	<1	n/a
FEY0407	KAI004SB	19:27	South Bay Reticulation KAISBR (1) Alt @ DOC Toilets: South Bay South Bay Reticulation KAISBR (2) Alt @ Coastguard: Sewer Pump Station	<1	<1	n/a
<b><u>WEEK: 2</u>      DATE: 14 February 2011</b>						
Reference Number	Winz Code	Time	Sample Site and Code	Total Coliforms	E.coli	FAC
FEY418	TP00217	15:50	Kaikoura Suburban KAIWS (1) @ Brunnels Road	<1	<1	0.14
FEY411	TP00217	13:35	Kaikoura Suburban KAIWR (1) @ Postmans Road	<1	<1	0.59
FEY410	TP02772	13:20	Kaikoura Township Source KAINMB (1) Main Bore @ Mt Fyffe Road (Mackle Bore)	<1	<1	0.28
FEY409	KAI004KU	13:20	Kaikoura Township Reticulation KAIUR (1) Alt @ Jimmy Armers Beach Toilet Block Kaikoura Township Reticulation KAISR (2) Alt @ O Woods: Mt Fyffe Road	<1	<1	0.19
FEY419	KAI004SB	16:15	South Bay Reticulation KAISBR (1) Alt @ DOC Toilets: South Bay South Bay Reticulation KAISBR (2) Alt @ Coastguard: Sewer Pump Station	<1	<1	0.14
FEY412	TP01001	13:45	Kincaid Source (KINS (1) @ Grange Road Bridge	<1	<1	0.73
FEY417	KIN003KI	15:15	Kincaid Reticulation KINR (1) @ Hapuku School	>200.5	<1	0.64
FEY423	TP01000	17:10	Peketa Source PEKS (1) @ Bore R Hails, Rakauni Road	<1	<1	NTU

FEY424	PEK002PE	17:15	Peketa Reticulation PEKR (1) @ hydrant tap pn Bullens Road	<1	<1	0.16
FEY422	TP01002	16:52	Fernleigh Source FERNS (1) @ Dairy Farm Inland Road Junction	<1.1	<1	0.14
FEY421	FER003FE FER003FE	16:35	Fernleigh Reticulation FERNR (1) Alt @ R Jones: Lake Hills Fernleigh Reticulation FERNR (2) Alt @ Kowleigh Inland Road	<1	<1	0.48
FEY426	TP00998	17:40	Oara Source OARNS (1) @ New Bore: Oaro River	<1	<1	n/a
FEY425	OAR001OA OAR001OA	17:32	Oaro Reticulation OARNS (1) Alt @ T Smith: Oaro M Oaro Reticulation OARNS (2) Alt @ K Semmens: North Side	<1	<1	n/a
FEY416	TP01003	14:50	East Coast System Source CLECS (1) @ Wellhead at pumpshed	<1	<1	n/a
FEY415	KAI021EA	14:40	East Coast System Reticulation CLECR (1) @ hydrant behind Woodbank School	<1	<1	n/a

**WEEK: 3**      **DATE: 23 February 2011**

NOTE: Samples taken but lab issue due to earthquake - no results obtained

Reference Number	WINZ code	Time	Sample Site and Code	Total Coliforms	E.Coli	FAC
	KAI004KU		Kaikoura Township Reticulation KAIUR (1) Alt @ Jimmy Armers Beach Toilet Block			
			Kaikoura Township Reticulation KAISR (2) Alt @ O Woods: Mt Fyffe Road			
	KAI004SB		South Bay Reticulation KAISBR (1) Alt @ DOC Toilets: South Bay			
			South Bay Reticulation KAISBR (2) Alt @ Coastguard: Sewer Pump Station			

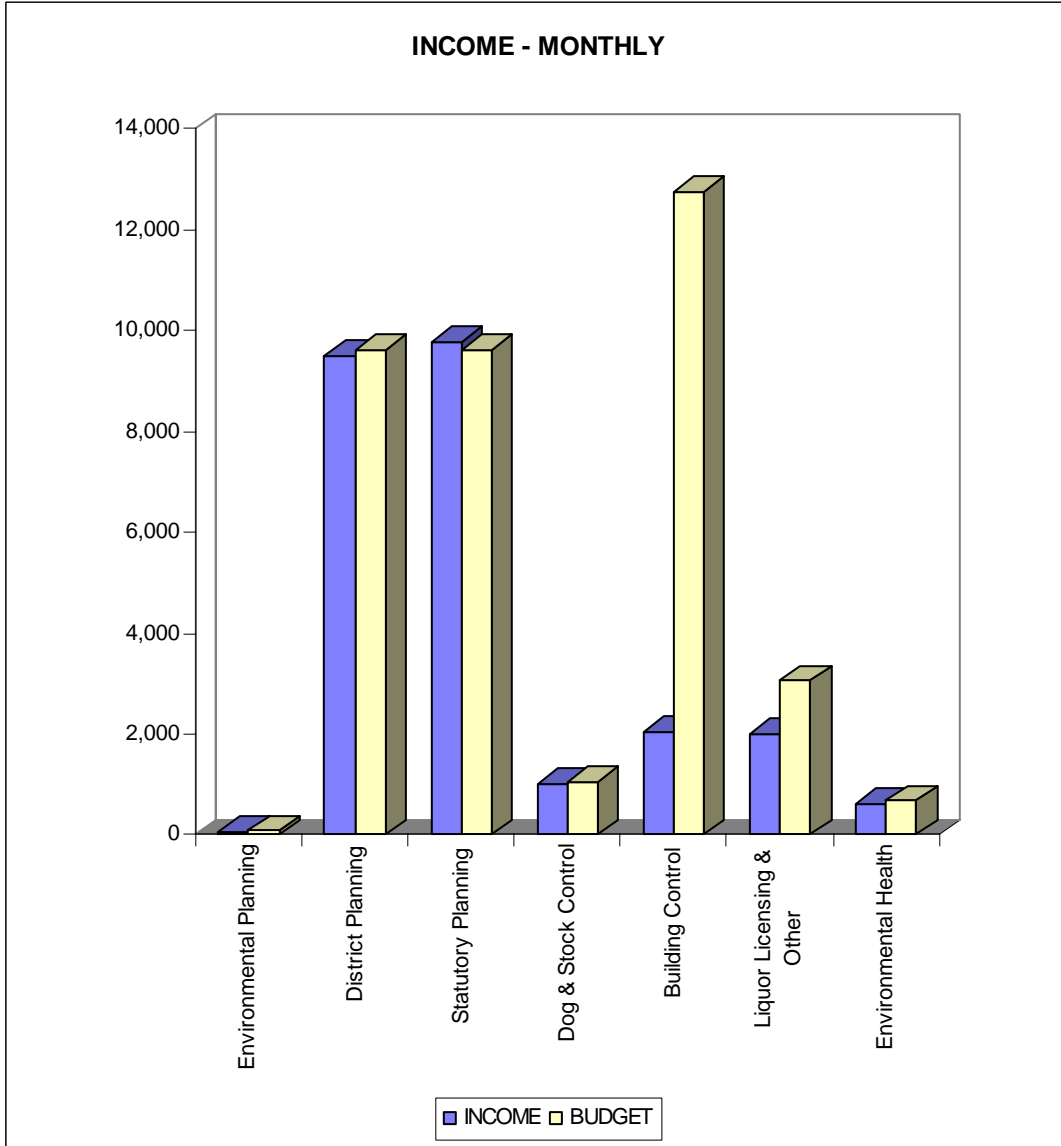
**WEEK: 4**      **DATE: 28 February 2011**

Reference Number	WINZ code	Time	Sample Site and Code	Total Coliforms	E.Coli	FAC
			Kaikoura Township Reticulation KAIUR (1) Alt @ Jimmy Armers Beach Toilet Block			
FEY008B	KAI004KU	18:05	Kaikoura Township Reticulation KAISR (2) Alt @ O Woods: Mt Fyffe Road	<1	<1	n/a
			South Bay Reticulation KAISBR (1) Alt @ DOC Toilets: South Bay			
FEY009B	KAI004SB	18:15	South Bay Reticulation KAISBR (2) Alt @ Coastguard: Sewer Pump Station	<1	<1	n/a

## Water Monitoring Monthly Report – 11 January 2011

Winz Code	Sample Site and Code	Reference Number	Time	Total Coliforms	E.coli	FAC
TP00217	Kaikoura Suburban KAIWS (1) @ Brunnels Road	FEY002	1340	<1.1	<1.1	0.65
TP00217	Kaikoura Suburban KAIWR (1) @ Postmans Road					
TP02772	Kaikoura Township Source KAINMB (1) Main Bore @ Mt Fyffe Road (Mackle Bore)	FEY001	1330	<1.1	<1.1	0.60
KAI004KU	Kaikoura Township Reticulation KAIUR (1) Alt @ Jimmy Armers Beach Toilet Block	FEY009	1625	<1.1	<1.1	0.38
KAI004KU	Kaikoura Township Reticulation KAISR (2) Alt @ O Woods: Mt Fyffe Road					
KAI004SB	South Bay Reticulation KAISBR (1) Alt @ DOC Toilets: South Bay	FEY010	1635	<1.1	<1.1	0.36
KAI004SB	South Bay Reticulation KAISBR (2) Alt @ Coastguard: Sewer Pump Station					
TP01001	Kincaid Source (KINS (1) @ Grange Road Bridge	FEY003	1355	<1.1	<1.1	1.01
KIN003KI	Kincaid Reticulation KINR (1) @ Hapuku School	FEY008	1545	<1.1	<1.1	0.95
TP01000	Peketa Source PEKS (1) @ Bore R Hails, Rakauni Road	FEY014	1730	<1.1	<1.1	N/A
PEK002PE	Peketa Reticulation PEKR (1) @ hydrant tap on Bullens Road	FEY015	1740	<1.1	<1.1	0.31
TP01002	Ferneleigh Source FERNS (1) @ Dairy Farm Inland Road Junction	FEY013	1715	<1.1	<1.1	0.49
FER003FE	Ferneleigh Reticulation FERNR (1) Alt @ R Jones: Lake Hills	FEY012	1700	<1.1	<1.1	0.70
FER003FE	Ferneleigh Reticulation FERNR (2) Alt @ Kowleigh Inland Road					
TP00998	Oara Source OARNS (1) @ New Bore: Oaro River	FEY017	0	<1.1	<1.1	N/A
OAR001OA	Oaro Reticulation OARNS (1) Alt @ T Smith: Oaro M	FEY016	0	<1.1	<1.1	N/A
OAR001OA	Oaro Reticulation OARNS (2) Alt @ K Semmens: North Side					
TP01003	Clarence / East Coast System Source CLECS (1) @ Wellhead at pumpshed	FEY005	1500	<1.1	<1.1	N/A
KAI021EA	Clarence / East Coast System Reticulation CLECR (1) @ hydrant behind Woodbank School	FEY004	1445	<1.1	<1.1	N/A
	Hapuku Café/Lodge	FEY007	1530	<1.1	<1.1	N/A
	Ocean Ridge	FEY011	1650	<1.1	<1.1	N/A

# Environmental Services Budget Report



### EXPENDITURE - MONTHLY

