AGENDA

1. OPENING PRAYER

2. APOLOGIES

3. DECLARATIONS OF INTEREST

NB. ‘Pecuniary Interest’ is when a member either directly or indirectly could potentially benefit financially as the result of a decision made in relation to an item on this agenda.

4. PRESENTATIONS

None.

5. MATTERS ARISING – ACTION SHEET

6. LATE ITEMS AND GENERAL BUSINESS

Section 46A of the Local Government Official Information and Meetings Act 1987 states:

(7) An item that is not on the agenda for a meeting may be dealt with at the meeting if –

(a) the local authority by resolution so decides, and

(b) the presiding member explains at the meeting at a time when it is open to the public, -

(i) the reason why the item is not on the agenda; and

(ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

(7A) Where an item is not on the agenda for a meeting, -

(a) that item may be discussed at the meeting if –

(i) that item is a minor matter relating to the general business of the local authority; and

(ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

(b) No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discuss.”
7. CONFIRMATION OF COUNCIL MINUTES

7.1 Inaugural Council meeting – 30 October 2013 ........................................................................5

Motion to be moved: “That the minutes of the Inaugural Council meeting held
30 October 2013 be confirmed as a true and correct record.”

8. REPORTS OF COMMITTEES

a) Rotorua Lakes Community Board ..........................................................................................13

Motion to be moved: “That the draft report of the Inaugural Lakes Community Board meeting
held 31 October 2013 be received.”

9. STAFF REPORTS

9.1 Governance and Strategy

RECOMMENDATION 1: Final Results for 2013 Election .................................................................18
RECOMMENDATION 2: Council Endorsement of the Rotorua 2030 New Directions and Proceed
with Public Engagement .................................................................................................................23
RECOMMENDATION 3: Establishment of the Committee Structure and Appointment of
Chairpersons, Deputy Chairpersons and Members 2013-2016 .....................................................41
RECOMMENDATION 4: Adoption of Order of Business .................................................................61
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Balance of 2013 .................................................................................................................................64
RECOMMENDATION 6: Remuneration Authority’s Communications Allowance .........................68
RECOMMENDATION 7: Appointment of Council Representation to the Lakes Community Board
2013-2016 ........................................................................................................................................70
RECOMMENDATION 8: Council Representation on Other Entities ...............................................72

9.2 Matters for Delegation

RECOMMENDATION 9: Approval of the Draft Local Alcohol Policy for Public Consultation ........79
RECOMMENDATION 10: Temporary Liquor Ban – Raggamuffin Concert 2014 .........................112
RECOMMENDATION 11: Temporary Liquor Ban – National Rugby Sevens Tournament 2014 ....126
RECOMMENDATION 12: Tarawera Landing Café Lease Extension ................................................140

10. FEEDBACK FROM STRATEGY PORTFOLIO GROUPS

11. NOTICES OF MOTION

None.

12. WRITTEN QUESTIONS

None.
13. **RESOLUTION TO GO INTO PUBLIC EXCLUDED (TO CONSIDER AND ADOPT CONFIDENTIAL ITEMS)**

13.1 **MOTION TO BE MOVED:** “That the public be excluded from the following parts of the proceedings of this meeting, namely to consider 3 reports by the Chief Financial Officer on rating matters.

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

<table>
<thead>
<tr>
<th>General subject of each matter to be considered</th>
<th>Reason for passing this resolution in relation to each matter</th>
<th>Ground(s) under Section 48(1) for passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rating Classification Change Request 75-21-690 RECOMMENDATION 13 Page 148</td>
<td>To protect the privacy of natural persons (the disclosure of the information could be prejudicial to the personal interests of the property owners concerned).</td>
<td>Section 48(1)(a) Section 7(2)(a)</td>
</tr>
<tr>
<td>Remission of Rates in Extraordinary Circumstances – Application for Consideration 75-21-530/23 RECOMMENDATION 14 Page 158</td>
<td>To protect the privacy of natural persons (the disclosure of the information could be prejudicial to the personal interests of the property owners concerned).</td>
<td>Section 48(1)(a) Section 7(2)(a)</td>
</tr>
<tr>
<td>Rates Information in Land Information Memorandum 75-21-690 RECOMMENDATION 15 Page 163</td>
<td>To protect the privacy of natural persons (the disclosure of the information could be prejudicial to the personal interests of the property owners concerned).</td>
<td>Section 48(1)(a) Section 7(2)(a)</td>
</tr>
</tbody>
</table>

13.2 **CONFIDENTIAL ITEMS**

RECOMMENDATION 13: Rating Classification Change Request ...............................................................148
RECOMMENDATION 14: Remission of Rates in Extraordinary Circumstances – Application for Consideration .................................................................158
RECOMMENDATION 15: Rates Information in Land Information Memorandum .............................................163

G Williams
Chief Executive
MINUTES OF
THE INAUGURAL MEETING OF COUNCIL
HELD 30 OCTOBER 2013
ROTORUA DISTRICT COUNCIL

MINUTES OF THE INAUGURAL COUNCIL MEETING
HELD ON 30 OCTOBER 2013 AT 7PM
IN THE COUNCIL CHAMBER, ROTORUA DISTRICT COUNCIL

PRESENT: Mayor Chadwick (Chairperson)
Cr Donaldson, Cr Bentley, Cr Gould, Cr Hunt, Cr Kent, Cr McVicker, Cr Maxwell,
Cr Raukawa-Tait, Cr Searancke, Cr Sturt, Cr Tapsell and Cr Wepa.

APOLOGIES: None.

IN ATTENDANCE: Councillors’ guests and friends

OFFICERS PRESENT: G Williams, Chief Executive; A Bell, Group Manager Infrastructure Services;
J-P Gaston, Group Manager Corporate & Customer Services; M Rawson, Group
Manager Economic and Regulatory Services; O Hopkins, Manager Corporate
Planning & Support; M Kingi, Director Kaupapa Maori; R Dunn, Democracy Manager
and C Peden, Committee Administrator.

Note: Pursuant to Schedule 7, clause 21 (4) of the Local Government Act 2002 this meeting was chaired by the
Chief Executive, Geoff Williams, until Her Worship the Mayor made her declaration.

1. WHAKATAU BY DIRECTOR KAUPAPA MAORI, MAURIORA KINGI

Mauriora Kingi invited Pihopa Kingi to present a whakatau.

2. WELCOME BY CHIEF EXECUTIVE, GEOFF WILLIAMS

3. APOLOGIES

None.

5. MAKING AND ATTESTING OF MAYORAL DECLARATION

Her Worship the Mayor made her declaration in accordance with clause 14 of schedule 7 of the Local

6. HER WORSHIP THE MAYOR ASSUMES CHAIR – INAUGURAL SPEECH

The Mayor gave her inaugural speech (Attachment 1).

7. MAKING AND ATTESTING OF COUNCILLOR’S DECLARATIONS
8. DECLARATIONS OF INTEREST

None.

9. REPORTS OF OFFICERS

9.1 CHIEF EXECUTIVE

9.1.1 RECOMMENDATION 1: DECLARATIONS BY MAYOR AND COUNCILLORS

RESOLVED

1. That the report ‘Declarations by Mayor and Councilors’ be received;

2. That the Mayor and Councilor’s elected in terms of Clause 14 of Schedule 7 of the Local Government Act 2002, sign declarations; and

3. That the following declarations be noted:

   MAYOR
   Stephanie Anne CHADWICK
   (Mayor’s declaration was witnessed by Chief Executive Geoff Williams)

   COUNCILLORS
   • Peter Nikolas BENTLEY
   • David Werner DONALDSON
   • Mark GOULD
   • Karen June HUNT
   • Robert Duncan Stevenson KENT
   • Michael John McVICKER
   • Trevor Horowaewae MAXWELL
   • Mary Gayle (Merepeka) RAUKAWA-TAIT
   • Glenys Patricia SEARANCKE
   • Charles William STURT
   • Tania Arihia TAPSELL
   • Janet Grace WEPA
   (Councillors’ declarations were witnessed by Mayor Steve Chadwick)

4. That a copy of the Mayor’s inaugural speech be included in the minutes as tabled.

C13/10/167
CARRIED

9.1.2 RECOMMENDATION 2: LEGISLATIVE ADVICE FOR THE INCOMING COUNCIL

RESOLVED

1. That the report titled ‘Legislative Advice for the Incoming Council’ be received.

C13/10/168
CARRIED
9.1.3 RECOMMENDATION 3: APPOINTMENT OF DEPUTY MAYOR

RESOLVED

Mayor Chadwick ) 1. That the report “Appointment of Deputy Mayor” be received.
Cr Maxwell ) 2. That the Council affirms the appointment by the Mayor of Councillor Dave Donaldson as Deputy Mayor.

C13/10/169 CARRIED

Cr Donaldson requested that his abstention from voting be noted.

9.2 GROUP MANAGER CORPORATE AND CUSTOMER SERVICES

9.2.1 RECOMMENDATION 4: SETTING OF FIRST ORDINARY COUNCIL MEETING FOR THE TRIENNIUM

RESOLVED

Cr Hunt ) 1. That the report titled “Setting of First Ordinary Council Meeting for the Triennium” be received; and
Cr Wepa ) 2. That the First Ordinary Meeting of the Triennium be set for Thursday 28 November 2013 at 9:30am.

C13/10/170 CARRIED

9.2.2 RECOMMENDATION 5: ADOPTION OF THE ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2013

RESOLVED

Cr Donaldson ) 1. That the report “Adoption of the Annual Report for the Year Ended 30 June 2013” be received;
Cr Searancke ) 2. That the minutes of the Corporate & Customer Services Extraordinary meeting held 27 September 2013 be received;
 ) 3. That the minutes of the Corporate & Customer Services Extraordinary meeting held 10 October 2013 be received;
 ) 4. That Council adopt the audited Annual Report for the year ended 30 June 2013; and
 ) 5. That Council adopt the draft Annual Report Summary 2013 and, following inclusion of any minor amendments, requests that the summary be finalised for public release.

C13/10/171 CARRIED

The meeting closed at 7:38pm
To be confirmed by Mayor Chadwick and the Chief Executive at the Council meeting on 28 November 2013

Mayor

Chief Executive
Embargoed
Until 7.30pm Wednesday 30 October 2013

MAYOR’S INAUGURAL SPEECH
For Inaugural Meeting of Rotorua District Council
30 October 2013

Kia ora tatou ki a koutou katoa - e hapa ana i tenei kaupapa. E nga Rongatirau, E nga tumuaki. E nga iwi. E hoa ma, E te whenau kua hui mai – nei, ki tenei whare ki te korero i nga memo hou. Tena koutou, tena koutou, tena koutou katoa

I stand before you today as the elected leader of the community that I love - the community that welcomed me as a visitor from Hawkes Bay – the community that has given me the opportunity and challenge to show a new and different leadership for the next era of change in our wonderful place.

John and I have lived here since 1975 when we returned from our OE. We had searched Aotearoa for a place in the sun, for a bi-cultural city on the move, a place to raise our children, a place that could give us both the chance to contribute our talents and skills as a Midwife and Lawyer.

Rotorua for us, was the perfect place to be. And being the mid-point between Auckland and Wellington, it was the perfect stopover for our friends and family who were never far away. We set up house in Koutu (or as John liked to put it – in Lower Kawaha Point) and we gradually became immersed in community life, school boards, community trusts and professional organisations.

Our three children went to local schools and then went on to gain degrees, travel the world and they returned to Aotearoa to raise their own families. We are truly blessed to have six mokopuna and one more is on the way.

Our commitment to this place is symbolised by our planting of a millennium tree on Pukeroa Hill.

I want to thank John for his understated love, support and pride in our achievements together. He is so tolerant and clever and on any given day you can never be sure what he will come up with next. With him, life is never boring.

Our kids grew up with wonderful families who were very much part of the Rotorua community and who have always supported us in our various adventures - dear friends like the Edwards, the Koutu Mafia of the Grants and the Puhas. They too, like us, were not from here but we became a part of the Rotorua landscape.
We had close links with Ohinemutu through the Yates and Morrison whanau and those friendships endure today.

Starting my journey here in the health sector, I was inspired by Inez Kingi with the establishment of Tipu Ora and Te Utuhi Manaakitanga Trust. In my eyes, Inez and Bishop were true pioneers in that field. Together we learned the meaning of enduring relationships with communities and how to get things done.

Bishop Manuhia Bennett taught me about politics, patience and the art of the possible. He provided me with wisdom and loving guidance whenever I was confused or unsure of tikanga and the colourful History of Te Arawa. As important, he tolerated with a wry smile my stance that I was spiritual but not religious.

Don Stafford was my historian along with Hapi Winiata and through their friendship and erudition I learned a lot about Rotorua and its people – always willing to share, always looking out for me – one armed with books and the other with whai korero.

I entered local body politics and stood for Council at the urging of Glenys Searancke and Lyall Thurston. It was their wily political skills that taught me a lot of what made my next step possible. Grahame Hall and Johnny Lepper taught me that polar opposites work if you have a shared vision. John Keane was another mentor who was always ready for a chat and advice wisely given.

Imagine their collective response when I then entered central government for another phase of political life! They all remained loyal friends who were able to respect different views of how to progress issues.

To Glenys and my other fellow survivors from that time, Charles Sturt and Trevor Maxwell, I say thank you for hanging around long enough to welcome me back - for we were all on Council together on my first foray into local body politics in 1996.

Back then, I was most proud of chairing the steering group that established the School for Young Parents, an initiative that endures as a successful model today.

My experiences in Wellington taught me perseverance, patience, the value of teamwork and having stamina in order to survive and achieve goals. For this was the art of politics that I loved so much – the art of how to get things done.

It was the Slow-burn Smoke-Free Environment Act and Newborn Hearing screening that I am most proud to have been associated with when I was in Parliament.

Added to that were the community pluses – such as the re-build of Rotorua hospital, the completion of Te Whare Taonga o Te Arawa and the securing of funding to start the journey of the clean-up of our lakes – all of which I am proud to have played a part in.

I loved working under the leadership of Helen Clark and she remains significant to my style of leadership today. She is a heroine in my eyes and getting out of the country to let John Key pick up from her term also taught me how to move on gracefully.

We love this place because it has been good to us. John has always described Rotorua as the only city in New Zealand that grew up around the Pa and that is what has defined us in many ways. Here's how to look at something with fresh eyes - we moved on from Koutu to live in Kawaha Point. As a reminder, John tells everyone that we now live in Upper Koutu.
Going full circle, I have now come back home to this Pa-City with a kete full of wisdom, experience and skills I have picked up along the way – my mission is to use that kete to lead Rotorua into its next exciting phase.

I will be focussed on building a team of skilled and committed individuals to develop a broader and deeper sense of community involvement to make our dreams come true. We all agree that vision, drive and sustainable growth are the key to making that happen.

It is one thing to be measured on more jobs, increased investment and reduced debt. It is another to create a Heartland City that is simply the best, where the rest of the country can’t help but talk about us – and where people come from around the world to see for themselves. From the Pa City to the Spa City.

Let’s recreate ourselves, let’s define a new attitude that expresses pride and a sense of place and purpose, let’s make this city buzz with excitement and expectation. That’s where I’m heading – why don’t you join me?

“Kaua ma te wae wae tutuki engari ma te upoko pākau.”

“Persevere with determination, don’t be put off by the small obstacles.”

No reira, tena koutou, tena koutou, tena koutou katoa.

Steve Chadwick
Rotorua Mayor
MINUTES OF
THE INAUGURAL MEETING OF THE
ROTORUA LAKES COMMUNITY BOARD
HELD 31 OCTOBER 2013
MINUTES OF THE INAUGURAL Rotorua Lakes Community Board Meeting
Held Thursday, 31 October 2013 at 1.30pm
In the Council Chamber, Rotorua District Council

Present:
Geoff Palmer (Chairperson)
Leo Meharry, John Dyer and Mr Phill Thomass

Apologies:
None.

In attendance:
Mayor Chadwick, Cr Bentley, Cr Donaldson, Cr Gould and Cr Searancke.
Members' guests.

Officers present:
G Williams, Chief Executive; J-P Gaston, Group Manager Corporate and Customer Services; A Bell, Group Manager Infrastructure Services; D Foster, Chief Financial Officer; R Dunn, Democracy Manager; and C Peden, Committee Administrator.

Note: Pursuant to Schedule 7, clause 21(4) of the Local Government Act 2002, the meeting was chaired by Her Worship the Mayor, Hon Steve Chadwick, until the newly-appointed chair made his declaration.

1. MIHI BY MAURIOA KINGI, DIRECTOR KAUPAPA MAORI

2. WELCOME

Mayor Steve Chadwick declared the meeting open and welcomed everyone present.

3. APOLOGIES

None.

4. REPORTS OF OFFICERS

4.1 GROUP MANAGER CORPORATE AND CUSTOMER SERVICES

4.1.1 RECOMMENDATION 1: DECLARATIONS BY Rotorua Lakes Community Board Members

The board resolved:
Mr Palmer  )  1. That the report ‘Declarations by Rotorua Lakes Community Board members’ be received;
Mr Thomass  )

2. That Rotorua Lakes Community board members elected in terms of Clause 14 of Schedule 7 of the Local Government Act 202, sign declarations;
3. That the following declarations be noted:
   - Leo James Keith Meharry
   - Geoffrey Lupton Palmer
   - John Robert Dyer
   - Phillip Thomass

CARRIED

4.1.2 RECOMMENDATION 2: LEGISLATIVE ADVICE FOR THE INCOMING Rotorua Lakes Community Board

The board resolved:

Mr Meharry  )  That the report titled 'Legislative Advice For The Incoming Rotorua Lakes Community Board' be received and contents noted.
Mr Palmer  )

CARRIED

4.1.3 RECOMMENDATION 3: ELECTION OF CHAIRPERSON

Her Worship the Mayor called for nominations. There being only one nomination, the following resolution was passed:

The board resolved

Mr Meharry  )  1. That the report ‘Election of Chairperson’ be received and contents noted;
Mr Dyer  )  2. That Geoffrey Palmer is declared to be the chairperson of the Rotorua Lakes Community Board pursuant to Clause 17 of Schedule 7, Local Government Act 2002.

CARRIED

The Mayor vacated the chair at 1.45pm and Mr Palmer assumed the chair.

4.1.4 RECOMMENDATION 4: ELECTION OF DEPUTY CHAIRPERSON

The board resolved

Mr Palmer  )  That Recommendation 4 be deferred until a future meeting, once the two Council representatives have been appointed.
Mr Meharry  )

CARRIED

4.1.5 RECOMMENDATION 5: ADOPTION OF ORDER OF BUSINESS

The board resolved

Mr Meharry  )  1. That the report titled ‘Adoption of Order of Business’ be received and contents noted;
Mr Thomass  )  2. That the Rotorua Lakes Community Board confirm the order of business for its meetings as follows:

   1. Welcome
   2. Apologies
3. Public forum  
4. Presentations  
5. Confirmation of minutes  
6. Reports of officers (including any correspondence)  
7. Notices of motion  
8. Questions  

CARRIED  

4.1.6 RECOMMENDATION 6: CODE OF CONDUCT FOR ROTORUA LAKES COMMUNITY BOARD  

The board resolved:  
Mr Palmer  
Mr Thomass  

That Recommendation 6 be deferred until a future meeting.  

CARRIED  

4.1.7 RECOMMENDATION 7: 2013 REMUNERATION FOR ROTORUA LAKES COMMUNITY BOARD MEMBERS  

The board resolved:  
Mr Meharry  
Mr Dyer  

1. That the report titled ‘2013 Remuneration for Rotorua Lakes Community Board Members’ be received;  
2. That the annual remuneration for the Rotorua Lakes Community Board be noted as follows:  
   Chairperson (1) $11,000  
   Board members (3) $ 5,500  

CARRIED  

4.1.8 RECOMMENDATION 8: NOMINATIONS FOR ZONE REPRESENTATIVES ON THE NEW ZEALAND COMMUNITY BOARDS EXECUTIVE COMMITTEE  

The board resolved:  
Mr Meharry  
Mr Thomass  

1. That the report titled ‘Nominations for Zone representatives on the New Zealand Community Boards’ Executive Committee be received;  
2. That nominations will be reconsidered at the next meeting of the board.  

CARRIED  

4.1.9 RECOMMENDATION 9: LAKE TARAWERA BOAT TRIP  

It was agreed that the boat trip would be reconsidered at the next meeting of the board on 28 November.  

The board resolved:  
Mr Meharry  
Mr Thomass  

That the report titled ‘Lake Tarawera Boat Trip’ be received.  

CARRIED
4.1.10 RECOMMENDATION 10: 2013 LAKES COMMUNITY BOARD MEETINGS

**The board resolved:**

Mr Thomass  
Mr Meharry

1. That the report titled ‘2013 Lakes Community Board Meetings’ be received; and

2. That the next meeting of the Rotorua Lakes Community Board be re-scheduled to Thursday 28 November 2013, to commence at 1.30pm at Rotorua District Council.

CARRIED

Meeting closed at 2.20pm
DESTINATION

ROTORUA DISTRICT COUNCIL

STAFF REPORTS
1. PURPOSE

The purpose is to report the final results of the 2013 election for Rotorua District Council.

2. RECOMMENDATION 1:

1. That the report ‘Final Results of the 2013 Council Election’ be received; and

2. That Council note the following results as declared by Public Notice on 19th October 2013:

   Mayor: Hon Steve (Stephanie) Chadwick
   Councillors:
   Merepeka Raukawa-Tait
   Trevor Maxwell
   Charles William Sturt
   Dave Donaldson
   Tania Tapsell
   Mark Gould
   Karen Hunt
   Peter Bentley
   Glenys Searancke
   Janet Wepa
   Rob Kent
   Mike McVicker

   Rotorua Lakes Community Board members:
   John Dyer
   Leo Meharry
   Geoff Palmer
   Phill Thomass

3. That Council note that feedback was provided to Local Government New Zealand (LGNZ) by Council’s Deputy Electoral Officer.
3. **FINAL RESULTS**

The results of the 2013 Rotorua District Council elections held on Saturday 12th October were:

**MAYORALTY: (One candidate to be elected)**

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHADWICK, Steve (Stephanie)</td>
<td>11,630</td>
</tr>
<tr>
<td>WINTERS, Kevin Allen</td>
<td>4,789</td>
</tr>
<tr>
<td>KENT, Rob Independent</td>
<td>2,462</td>
</tr>
<tr>
<td>BOSMA, Janine RangiMarie Independent</td>
<td>384</td>
</tr>
<tr>
<td>HINDMARSH, Helen Louise</td>
<td>331</td>
</tr>
<tr>
<td>INFORMAL 48</td>
<td></td>
</tr>
<tr>
<td>BLANK VOTING PAPERS 351</td>
<td></td>
</tr>
</tbody>
</table>

Steve (Stephanie) Chadwick was declared elected Mayor of Rotorua District Council by Public Notice on the 19th October 2013.

**COUNCILLORS: (Twelve Councillors at large to be elected)**

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>RAUKAWA-TAIT, Merepeka</td>
<td>10,145</td>
</tr>
<tr>
<td>MAXWELL, Trevor</td>
<td>9,162</td>
</tr>
<tr>
<td>STURT, Charles William Independent</td>
<td>9,004</td>
</tr>
<tr>
<td>DONALDSON, Dave</td>
<td>8,955</td>
</tr>
<tr>
<td>TAPSELL, Tania</td>
<td>8,798</td>
</tr>
<tr>
<td>GOULD, Mark</td>
<td>8,453</td>
</tr>
<tr>
<td>HUNT, Karen</td>
<td>8,238</td>
</tr>
<tr>
<td>BENTLEY, Peter</td>
<td>8,123</td>
</tr>
<tr>
<td>SEARANCKE, Glenys</td>
<td>7,761</td>
</tr>
<tr>
<td>WEPA, Janet</td>
<td>6,984</td>
</tr>
<tr>
<td>KENT, Rob Independent</td>
<td>6,830</td>
</tr>
<tr>
<td>MCVICKER, Mike</td>
<td>6,619</td>
</tr>
<tr>
<td>CALNAN, Julie</td>
<td>6,541</td>
</tr>
<tr>
<td>NEWMAN, Fraser Independent</td>
<td>6,226</td>
</tr>
<tr>
<td>CHATER, Nick</td>
<td>5,883</td>
</tr>
<tr>
<td>BOWEN, Leandra</td>
<td>5,634</td>
</tr>
<tr>
<td>MACPHERSON, Reynold</td>
<td>4,856</td>
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<tr>
<td>PATTERSON, Dave</td>
<td>4,841</td>
</tr>
<tr>
<td>WU, Waitsu Independent</td>
<td>4,368</td>
</tr>
<tr>
<td>HEDGES, Bill Independent</td>
<td>4,338</td>
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<tr>
<td>STOREY, Victor</td>
<td>3,934</td>
</tr>
<tr>
<td>BIDOIS, Yvonne (Te Rangikaheke)</td>
<td>3,901</td>
</tr>
<tr>
<td>RIDINGS, Kingsley</td>
<td>3,425</td>
</tr>
<tr>
<td>BENNETT, Hemi</td>
<td>2,854</td>
</tr>
<tr>
<td>SANTIAGO, Carolyn Community Works</td>
<td>2,831</td>
</tr>
</tbody>
</table>
RAHURAHU, Debs 2,708
PARATA, June 2,597
HINDMARSH, Helen Louise 2,487
WAQANIMARAVU, Mericia Independent 2,412
TIBBLE, Ratu Tuhou Independent 2,242
LEWGOR, Alexis Independent 2,141
INFORMAL 117
BLANK VOTING PAPERS 246

Rotorua Lakes Community Board (4 vacancies)

Votes Received:

PALMER, Geoff Rotorua Lakes Community 654
MEHARRY, Leo Rotorua Lakes Community 599
THOMASS, Phill Rotorua Lakes Community 561
DYER, John Rotorua Lakes Community 521
GARDINER, Davey 385
DIXON, Harry 185

INFORMAL 1
BLANK VOTING PAPERS 146

Council Election Statistics:
The voter return was 43.44%, being a .03% increase on the 2010 elections.

4. ATTACHMENTS
Attachment 1 – Council Officer feedback to Local Government New Zealand
BRIEFING NOTE

18 November 2013

LGNZ Post-Election Survey: Higher voter turnout 2013 vs. 2010

Completed survey responses by: Rotorua District Council

1. For which council are you responding to the survey questions?

Rotorua District Council

2. What did your council consider to be the three primary factors that contributed to increased voter turnout for your council? Please describe below.

1. Contested Mayoralty election from January 2013 2. High media interest in the election - local papers published a number of election stories 3. Large number of candidates for council (42)

3. Were there any other factors that contributed to the increased voter turnout?

1. Maybe the Orange election t-shirts worn by our customer centre staff through election nominations and voting periods - hoped that helped. 2. Posters in Customer Centre, Library as well. 3. Business & Community groups held meetings but not a large number

4. If increased community engagement and marketing were included in these contributing factors, please outline the nature of these activities and why you believe they contributed to the increased turnout.

Marketing helps as it increases people's awareness. Council's need to be able to promote the election on a neutral basis as community engagement does increase voter turnout. Whether organising all candidate meetings for all of the community can be included on a neutral basis remains to be seen. If there are legal guidelines this would help councils to organise these activities...

5. Did your council use social media to encourage voting in the local authority elections? If so, please list which channels were used (e.g. Facebook, Twitter, YouTube).

Yes

We had an election page with facts, timelines etc on our webpage and it was also on the above social media sites
6. If your council did use social media to encourage voting in the local authority elections, which channels were considered to be the best and why?

unknown...

7. Did your council have any specific activities aimed at engaging young people in local authority elections? If so, what were they?

No

8. What was done differently from the 2010 local authority elections to engage the community in the 2013 local authority elections?

Nothing

9. What would you suggest be done to encourage an even higher voter turnout for your council at the next local authority elections in 2016?

More community engagement if able to be done legally- have all candidate meetings to encourage people to see and hear the candidates. E-voting as well as postal and ballot box. Allow our Youth Officer to get involved with the youth council to have meetings to encourage young voters and e-voting. We had a 21 year old past youth councillor stand and she is now on Council. This also meant we had a lot of young voters.

10. Is there anything else you would like to tell us about your council’s community engagement and voter turnout?

Please lets have e-voting as another option and also devise a legal neutral way for Council’s to promote community engagement and encourage voter turnout.
COUNCIL ENDORSEMENT OF THE ROTORUA 2030 NEW DIRECTIONS AND PROCEED WITH PUBLIC ENGAGEMENT

Report prepared by: Jean-Paul Gaston, Executive Director
Report approved by: Geoff Williams, Chief Executive

1. PURPOSE

The purpose of this report is to formalise endorsement of the Rotorua 2030 New Directions development and to proceed with testing the new direction through a planned community engagement programme with the community.

2. RECOMMENDATION 2:

1. That the report “Council Endorsement of the Rotorua 2030 New Directions and Proceed with Public Engagement” be received;

2. That the Council resolves to endorse the Rotorua 2030 vision and agrees to proceed with a community engagement programme to test the vision with the community from 30 November to 15 December 2013;

3. That Council note:

   • that the community engagement will follow the engagement plan summary as introduced at the workshop on 12 November
   • a programme of pop-up meetings, and will involve: newspaper and on-line information and feedback processes. A schedule of times and locations will be published in the local newspapers.
   • a training session on community engagement to take place on 29 November at 10.30am.

4. BACKGROUND

Since the elections Council have been on a journey to formulate a basis of a new vision for the district – Rotorua 2030 and a new governance structure to support it. At a workshop on 12 November the Council were presented with the final structure of that vision and were introduced to the beginning of collateral to support an approach that will now test the vision with the community

The Mayor and Council have agreed to test this vision by way of a community engagement process and shall take the vision out to the community to gain feedback and suggestions

A presentation on the feedback will be provided to all Councillors at the Council meeting on 19 December.
5. **DISCUSSION AND OPTIONS SECTIONS**

6. **ASSESSMENT OF SIGNIFICANCE**

“The decisions or matters of this report are not considered significant in accordance with the Council’s Policy on Significance.

7. **COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

A programme for community engagement which takes the Rotorua 2030 vision out to the community has been decided upon as the way to test the vision to gain feedback. This engagement process will run for a two week period from approximately 2 December to 13 December. Results from the feedback will be presented to the Council meeting on 19 December.

8. **CONSIDERATIONS**

8.1 **Financial/budget considerations**

The community engagement programme is an unbudgeted item at the time the 2013/14 budgets were set.

8.2 **Policy and planning implications**

N/A

8.3 **Risks**

There is a small amount of risk and nervousness that the feedback may not be in support in the vision. It is agreed that testing the vision and obtaining feedback is the best way to ensure that the vision has captured the expectations of the community and if needed the vision can be amended if there are issues/factors that have been missed.

8.4 **Authority**

The Mayor and Council have the authority to proceed with undertaking a community engagement programme.

10. **ATTACHMENTS**

Attachment 1: Rotorua 2030 – Vision slides.
Attachment 2: Engagement plan summary.
Attachment 3: Pop-up meetings programme
This is our home.  
We are its people.  
We're connected to each other through our culture and communities.  
We're innovative and we share what we learn.  
We're driving opportunity, enterprise and diversity.  
We're supporting a legacy of sustainability for our environment.  
Rotorua is a place for everyone – tatou tatou.
Our Journey

We are immensely fortunate to live in Rotorua - a very special part of New Zealand / Aotearoa. It is a place that has captured the imaginations of generations of New Zealanders, and literally millions of people from all over the world.

We boast a unique history, rich heritage and cultural diversity, and we are surrounded by an amazing natural landscape and untapped resources. Rotorua people epitomise the great qualities that make us proud New Zealanders.

Our council, our community and our partners have together achieved some significant things in the past and in recent years - like real inroads into improving the water quality of our iconic lakes. And we remain committed to building on these successes.

However, there are areas where we are struggling to meet the challenges that confront us today - where we are not making the progress our community deserves.

Rotorua people are concerned, even anxious, about these areas. They include:

- Lack of Growth
- Family incomes
- Our economy
- Unemployment
- Our homes
- Our inner city
NEW DIRECTIONS

Our Journey

So Rotorua District Council is embarking on a journey to take our district forward - to craft a positive tomorrow for all our residents.

The journey starts with determining where we want to be in the future - what we want Rotorua to be by 2030.

And along this journey we need to reach some milestones, starting with what we want to achieve together by 2016 when the current three-year council term ends.

But to make these achievements real, we need real change. And real change means all of us coming together. Or as our district crest succinctly puts it "tatau tatau - we together."

Our New Directions need both short term gains and long term goals.

And Rotorua District Council has to change. Over the next few months we will review all of our activities and functions to ensure we are doing the right things. We will reshape and realign the organisation so we are focussed on moving towards our vision for the future - Rotorua 2030.

NEW DIRECTIONS

Our Journey

We will do some things differently. We will do some new things. And we will stop doing things if they do not fit in with the vision for 2030.

We are committed to working closely with our community to ensure the destination we have identified is the right one - for without a clear and agreed destination our journey to the future can not be successfully navigated.

We have already started working in ways that are markedly different from the past.

One example is a new partnership with the Inner City Focus Group to revitalise the heart of the city. This is about the council supporting the community to define and lead changes that are making a substantial difference. This is how we will be working in the future.

We have identified six more key areas where we want to work closely with our community in new genuine partnerships that offer short term wins and long term direction.

Our journey to Rotorua 2030 has begun...
1. A resilient community...

Inclusive, liveable and safe
neighbourhoods give us a sense of
place; and confidence to be involved
and connected.
2. Outstanding places to play...
recreation opportunities are part of our lifestyle; connecting us, transporting us
and surrounding us

3. Loved homes...
quality, affordable homes are safe and warm, and available to meet everyone’s needs
4. Vibrant city heart...
our inviting and thriving inner
city reflects our unique
heritage and lakeside
location

5. Business enterprise...
we boast a diverse and sustainable
economy energised by our natural
resources and innovative people
6. Employment choices...
we are a prosperous connected community, growing our education, training and employment opportunities

7. Unspoilt environment...
we are known globally for our clean, natural environment, air quality and healthy lakes
Rotorua 2030 Goals

1. A resilient community
2. Loved homes
3. Outstanding places to play
4. Vibrant city heart
5. Business enterprise
6. Employment choices
7. Unspoilt environment

Priorities 2016

What we will achieve first
Develop a vibrant city heart that attracts people and activity

Our shared success looks like ...

✓ Few empty shops
✓ People on our streets
✓ Optimistic retailers
✓ More diverse use of our inner city
✓ Viewed as an exciting and safe place to live, work and visit.

Develop our economic base by growing existing & attracting new businesses to our region

Our shared success looks like ...

✓ New jobs
✓ Higher skilled workforce
✓ Reduced unemployment
✓ Increased household income
✓ New and different businesses.
✓ An increasingly attractive investment environment

Flagship Projects:
✓ Centres of excellence and innovation in clean energy, spa city, fresh water, IWI development, tourism and ‘Wood First’.
Support residential renewal and the creation of healthy homes

Our shared success looks like ...

- Homes are insulated and affordable to heat
- Growth in property values
- Residential building consents reflect growth in new builds and refurbishment.

Flagship Projects:

- Sustainable alternative energy options eg geothermal.

Sustainable infrastructure and affordable, effective council services

Our shared success looks like ...

- A sustainable 30 year infrastructure plan
- Evidenced ability to manage and repay debt
- Rates are within affordable levels
- Transparent, trusted financial managers
- Affordable, cost-effective and valued council services.
Priorities 2016
WHAT WILL WE ACHIEVE TOGETHER FIRST

1. Develop a vibrant city heart that attracts people and activity
2. Develop our economic base by growing existing, and attracting new, businesses to our region
3. Support residential renewal and the creation of healthy homes
4. Sustainable infrastructure & affordable, effective council services

Tatou Tatou – We Together
HOW WE ARE GOING TO DO IT

What makes the difference between a good movie and a bad movie?

“Getting everyone involved to make the same movie!”
- Francis Ford Coppola
Our Commitment

- Engaging with the community to develop a unified accord for a clear new future
- Supporting community leadership of our new strategies
- Working innovatively, outside traditional delivery mechanisms, to drive more cost effective and more efficient services
- Ensuring all our work programmes align with the district’s ambitions
- Reshaping our organisation to become more effective and responsive.

Key Strategies

- People strategy (youth, families and older persons)
- Sustainable living strategy
- Sustainable economic growth strategy
- Sports & recreation strategy
- Creative communities strategy
- Inner city revitalisation strategy
ROTORUA 2030
TATOU TATOU – WE TOGETHER
Community Engagement pre Xmas

Purposes:

- Ensuring a “common agenda” by checking Rotorua 2030 Visions and Priorities 2016 with the community and inviting feedback
- Demonstrating and nurturing a culture of engagement and “tatou tatou – we together”

Once the whole community has endorsed and improved the visions and priorities, work on each strategy can commence including more detailed engagement with stakeholders.

Engagement Collateral

- Visual displays of New Directions 2030 and Priorities 2016 for “pop-up” displays and website
- Short survey form for both on-line feedback and completion at “pop-up” clinics
- Guide sheet for Councillors - “pop-up clinic” approach, roles, Q and As and do’s and don’ts for community engagement
Short Term Community Engagement – Approach

- 30 November, survey starts (online and paper-based, including through Daily Post/Weekender), and promoted through social media and the RDC website.
- 30 November - "pop-up community feedback clinics" with Councillors commence, starting with a CBD location during Santa Parade event.
- 30 November - 14 December survey and 1-2 hour pop-up clinics continue, including:
  - With iwi
  - At Rotary North Market, the Library, the Skatepark, Aquatic and Youth Centres, at Mokoia Community House, Linton Park Community Centre, Ngongotaha etc.
  - At events which happen during that time period
  - At specific times in the Council building itself, bringing the public "back in"...
  - Other ideas?
- ANALYSIS, INTEGRATION and FEEDBACK: Information compiled and summary reported, amendments to Rotorua 2030 and Priorities 2016 made and published.
- Planning commences for engagement with stakeholders around specific priority areas.

Timetable

- W/C Nov 11
- Council Meeting/End of Year Review Workshop
- Regular meetings and Council Staff briefings
- Key Council Meetings
- Engagement Activities
- Communications to support engagement activities underway (e.g. media, social media, website, newsletter etc.)
- Timetable for the remainder of the engagement period
- End of year review meeting
- Key Council Meetings
- Engagement Activities
- Communications to support engagement activities underway (e.g. media, social media, website, newsletter etc.)
### Community Engagement – Rotorua 2030

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Location</th>
<th>Time</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sat 30 Nov</td>
<td>Pop up at Rotary Market</td>
<td>Kuirau Park</td>
<td>7am – 12pm</td>
<td>TBC</td>
</tr>
<tr>
<td>Sun 1 Dec</td>
<td>Pop up at Soundshell Market</td>
<td>Soundshell</td>
<td>10am – 3pm</td>
<td>TBC</td>
</tr>
<tr>
<td>Mon 2 Dec – 13 Dec</td>
<td>Pop up at Inner City</td>
<td>City Focus area</td>
<td>10am-2pm daily</td>
<td>TBC</td>
</tr>
<tr>
<td>Tue 3 Dec</td>
<td>Pop up at Library Live</td>
<td>Library</td>
<td>TBC</td>
<td></td>
</tr>
<tr>
<td>Thu 5 Dec</td>
<td>Pop up at Night Market</td>
<td>Tutanekai St</td>
<td>5pm – 8pm</td>
<td>TBC</td>
</tr>
<tr>
<td>Sun 8 Dec</td>
<td>Pop up at Weetbix Tryathon</td>
<td>Kuirau Park</td>
<td>TBC</td>
<td></td>
</tr>
<tr>
<td>Tue 10 Dec</td>
<td>Pop up at Library Live</td>
<td>Library</td>
<td>TBC</td>
<td></td>
</tr>
<tr>
<td>Thu 12 Dec</td>
<td>Pop up at Night Market</td>
<td>Tutanekai St</td>
<td>5pm – 8pm</td>
<td>TBC</td>
</tr>
<tr>
<td>Thu 12 Dec</td>
<td>Pop up at Rotorua Youth District Balls</td>
<td>Energy Events Centre</td>
<td>TBC</td>
<td></td>
</tr>
<tr>
<td>Fri 13 Dec</td>
<td>Pop up at Candles by candlelight</td>
<td>Kuirau Park</td>
<td>TBC</td>
<td></td>
</tr>
<tr>
<td>Sun 15 Dec</td>
<td>Pop up at Hot Lakes Market</td>
<td>The Arts Village</td>
<td>TBC</td>
<td></td>
</tr>
</tbody>
</table>
# Establishing the Committee Structure and Appointment of Chairpersons, Deputy Chairpersons and Members 2013-2016

Report prepared by: Oonagh Hopkins, Acting Group Manager Corporate & Customer Services  
Report approved by: Geoff Williams, Chief Executive.

## 1. PURPOSE

The purpose of this report is to confirm a committee structure that will best meet the decision-making requirements of Council and support good governance. A new committee structure is intended to assist in providing a more focused approach on operation and financial monitoring and greater strategic focus on Council’s “Rotorua 2030” direction and the key priorities set for 2016.

## 2. RECOMMENDATION 3:

1. That the report “Establishment of the Committee Structure and Appointment of Chairpersons, Deputy Chairpersons and Members 2013-2016” be received; and

2. That Council resolves to establish for the triennium 2013-2016, pursuant to clauses 10, 11, 14 and clause 19, 30(1) and 31 of Schedule 7 of the Local Government Act 2002, the following Council committee structure:

<table>
<thead>
<tr>
<th>Council</th>
<th>Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinary Council</td>
<td>Chairperson: Her Worship the Mayor</td>
</tr>
<tr>
<td></td>
<td>Deputy Chairperson: Deputy Mayor</td>
</tr>
<tr>
<td></td>
<td>Councillors – All members</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Committees of the whole</th>
<th>Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Strategy, Policy &amp; Finance</td>
<td>Chairperson: Cr Raukawa-Tait</td>
</tr>
<tr>
<td></td>
<td>Deputy Chairperson: Cr Hunt</td>
</tr>
<tr>
<td></td>
<td>Councillors – All members</td>
</tr>
<tr>
<td>2. Operations and Monitoring</td>
<td>Chairperson: Cr Wepa</td>
</tr>
<tr>
<td></td>
<td>Deputy Chairperson: Cr Sturt</td>
</tr>
<tr>
<td>Committees</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td></td>
</tr>
<tr>
<td><strong>1. Te Arawa Partnership</strong></td>
<td>To be determined following review process.</td>
</tr>
</tbody>
</table>
| **2. District Licensing Committee** | Chairperson: Cr Hunt  
Deputy Chairperson: Cr Gould |
| **3. Tourism Committee** | Councillor: Cr Donaldson (Deputy Mayor)  
Alternative: Cr Maxwell |
| The membership of the Tourism Committee shall be comprised of:  
i. an independent Chairperson;  
ii. four other appointments; and  
iii. one Councillor. |
| **4. Statutory Hearings Committee** | Chairperson: Cr Searancke (Certified)  
Councillors: as required to hear notified R.C. applications  
Cr Hunt (Certified)  
Cr Wepa (Certified)  
Cr Bentley  
Cr Gould  
Cr Kent  
Cr Tapsell |
| **5. Chief Executive's Performance Review Committee** | Chairperson: The Mayor  
Deputy Chairperson: Deputy Mayor |
| Councillors – All members |

<table>
<thead>
<tr>
<th>Sub-committees</th>
</tr>
</thead>
</table>
| **1. Audit and Risk Committee** | Chairperson: The Mayor  
Deputy Chairperson: Deputy Mayor  
Chair and Deputy Chair of Strategy, Policy and Finance;  
Chair and Deputy Chair of Operations and Monitoring;  
Chair of Statutory Hearings Committee  
One external representative |
3. **BACKGROUND**

Following the release of the final election results 2013, Council have been on a journey led by the Mayor to position themselves towards the delivery of a unified focus for the triennium and in support of the Rotorua 2030 work. Within this is a set of priorities for delivery by 2016. A well-defined and structured decision making framework will give effect to that unified focus.

A paper on Governance Structures 2013-2016 provided a review of the different committee structures that Council could consider in order to deliver the unified focus for 2030 (Attachment 1).

The Mayor introduced a potential committee structure within the briefing session held on 7 November. This structure was further developed within the Governance workshop on 12 November.

4. **DISCUSSION AND OPTIONS**

There are a number of committee structures that are most commonly used amongst Councils. These were presented in the Governance Paper 2013-2016 and are summaries below:

4.1 **Functional Committee structures**

This is the approach currently used by the Rotorua District Council. The committee structure follows the organisation structure with policy and operational decisions taken within the Infrastructure, Corporate & customer services and Economic & regulatory committees. This has operated effectively through the last term of Council though some overlap, duplication and confusion has occurred as to the ‘home’ of specific issues or policy decisions. Externally, and in terms of the clarity of the ‘governance’ role some confusion exists within this structure.

<table>
<thead>
<tr>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Clear for staff in organisation</td>
<td>• Mix of policy and operations</td>
</tr>
<tr>
<td>• Clear for Group Managers</td>
<td>• Lack of clarity about ‘governance role’</td>
</tr>
<tr>
<td></td>
<td>• Do not necessarily change or may need to change with changes in organisational structure</td>
</tr>
<tr>
<td></td>
<td>• Potential to support silo’s</td>
</tr>
</tbody>
</table>

4.2 **Thematic committee structure**

A number of councils used the thematic approach to committees following the introduction of community outcomes in 2002. The focus on themes enabled these council’s to focus on outcomes and to mix up traditional functional reporting e.g. wastewater reporting under ‘environmental’ themed committees rather than with other ‘infrastructure’. Whilst bringing together different functional aspects of the business to report to thematic committees governance functions, such as strategy and policy and monitoring and review, remain mixed. Many councils also experienced a degree of confusion as to the ‘home’ for particular issues where there was an impact on a range of themes/outcomes e.g. waste water - is it about the environment primarily or health? Confusion around the appropriate governance ‘home’ of issues/services/projects is likely to be more significant than with a functional based arrangement of committees. Other issues noted from around the country have included the impacts of reviewing community outcomes and the consequential adjustments to committee structures.

<table>
<thead>
<tr>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Outcome / theme focus</td>
<td>• Confusion as to committee ‘owning’ issue / project where multiple outcomes</td>
</tr>
<tr>
<td></td>
<td>• Mix of policy and operations</td>
</tr>
<tr>
<td></td>
<td>• Lack of clarity about ‘governance role’</td>
</tr>
<tr>
<td></td>
<td>• Do not necessarily change or may need to change with changes in organisational structure.</td>
</tr>
</tbody>
</table>
4.3 **Governance focused committee structure**
This model supports good governance decision making and is applied in a number of larger local authorities, including Auckland, Tauranga and Hamilton to name a few.

This approach seeks to emphasize and focus committees around each distinct purpose of the governance role e.g. forward planning - strategy and policy development, review and performance accountability, and operations.

Other advantages include the separation of policy setting/direction from operations and the formalised review/performance/risk function. The formalised review of performance (financial and non-financial), risk and audit are an area where elected members at the RDC have lower levels of time allocated than is evident in other councils. The review of performance is primarily limited to one day per quarter, with the Audit Committee meeting also held quarterly.

<table>
<thead>
<tr>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Clear for staff in organisation</td>
<td>• Tendency to establish ‘functional’ sub-committees</td>
</tr>
<tr>
<td>• Clear for external</td>
<td>• Less effective if not committee of the whole</td>
</tr>
<tr>
<td>• Clear focus of ‘governance role’ for elected members</td>
<td></td>
</tr>
<tr>
<td>• Coordination independent of vision/focus</td>
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</tbody>
</table>

This structure is considered to be the most appropriate for the Rotorua District Council 2013-2016.

5. **ASSESSMENT OF SIGNIFICANCE**

Council is required to comply with the decision making provisions outlined in Part 6 of the Local Government Act 2002. The Council's Policy on Significance details thresholds and criteria that the Council has determined it should consider in deciding whether a decision is significant.

Under the Council's Determining Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance because the delegations are in accordance with the provisions of the Local Government Act 2002. Subsequently a decision will not prompt consideration of Council’s Policy on Significance.

6. **COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

The Local Government Act 2002 mandates that council’s must establish a committee structure and that this structure is up to the governing body on how this will be set up.

In line with community engagement of the New Directions 2030 the community structure will be outlined as one of the mechanism to be used to test the progress of the priorities.

7. **CONSIDERATIONS**

7.1 **Financial/budget considerations**
The cost of decision making is already built into the democracy budgets and is determined by the Remuneration Authority.

7.2 **Policy and planning implications**
The decision to establish a committee structure as outlined in the recommendation is in line with the Council’s ‘New Direction 2030’ vision work.
7.3 **Risks**
There are no major risks associated with the decisions or matters.

7.4 **Authority**
The Mayor has the authority to make a decision on a structure for committees under the Local Government Act Section 41A.

8. **ATTACHMENTS**
Attachment 2: Proposed Committee Structure
1. **PURPOSE**

The Council needs to provide for an appropriate governance structure that will enable it to effectively discharge its responsibilities over the next three years. This report details some options for consideration towards the formation of a new committee structure and associated delegations.

The purpose of this report is to start a discussion on a committee structure that will best support the council in delivering its vision over the next three years.

It is important to note, that given this is a discussion document the Mayor could however invoke their powers to determine all committees and their chairs.

2. **EXECUTIVE SUMMARY**

This report presents a number of changes to the governance structure from that of the previous council to improve the overall effectiveness of the Rotorua District Council. The reports provides a broad overview and options for the Rotorua District Council. The report is intended to aid in the design of a governance structure that will be highly inclusive at both a political and community level and facilitate quality decision making. Councils in New Zealand do not fit in a one-size-fits-all category. For councils to be efficient, they need to operate in a way that is in the best interests of their community.

Staff will bring a subsequent report outlining the proposed terms of reference to later meeting. At this time recommendations on sub-committees (if any) will also be made. Recommendations will also include Te Arawa standing committee and the Tourism committee.

3. **BACKGROUND**

The Rotorua District Council has been operating a functional committee structure for the last three years. The committee structure follows the organisation structure with policy and operational decisions taken within the Infrastructure, Corporate & customer services and Economic & regulatory Committees.

The Council can under Clause 30 Schedule 7 appoint the committee it considers appropriate or the Mayor can appoint the committees under Clause 41A. Once the Council has delegated any of its responsibilities, powers of duties, the Committee “can exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them” (Clause 32 (1) (3) Schedule 7 of the LGA 2002).
4. THE GOVERNANCE ROLE

The governance role involves making decisions for the overall benefit of the community both now and for the future. The governance role is similar to that of the role of a director on a board, however there are differences:

- In addition to the stewardship/governance role, elected members also have ‘quasi judicial’ roles delegated to them by Parliament as well as the right to levy a tax;
- Local government tends to be more complex than a commercial enterprise as it has a broad range of functions and objectives involving difficult trade-offs; and
- the democratic mandate which requires members to act as representatives has no equivalent in the commercial world.

4.1 Principles for good governance

Governance is primarily about setting the future direction of the district and ensuring assets and resources are suitable for achieving that direction. This will involve setting priorities and making trade-offs between the wants/needs of the community and its citizens and affordability.

Key aspects of the governance role include strategic planning, decision-making, policy and strategy review, scrutiny of management’s performance and community leadership and engagement.

There is significant literature about what good governance is in the public sector. “Grow” the Elected Members’ Governance Handbook 2013 provides some excellent descriptions. Other descriptions include the following from the Australian public Sector Commission report “Building Better Governance”:

“Public sector governance covers:
… the set of responsibilities and practices, strategies, policies and procedures, exercised by an agency’s executive, to provide strategic direction, ensure objectives are achieved, manage risks and use resources responsibly and with accountability.

Good governance is about both:
- performance - how an agency uses governance arrangements to contribute to its overall performance and the delivery of goods, services or programmes, and
- conformance – how an agency uses governance arrangements to ensure it meets the requirements of the law, regulations, published standards and the community expectations of probity, accountability and openness.”

The basic building blocks that need to be considered when establishing or reviewing governance arrangements are:
- strong leadership, culture and communication
- appropriate governance committee structures
- clear accountability mechanisms
- working effectively across organisational boundaries
- comprehensive risk management, compliance and assurance systems
- strategic planning, performance monitoring and evaluation, and
- flexible and evolving principle-based systems.

4.2 The purpose of local government

The purpose of local government is defined in section 10 of the LGA 2002. The purpose was changed in 2012. Section 10 states:

“The purpose of local government is:
(a) To enable democratic local decision-making and action by, and on behalf of, communities; and
(b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.”

Good-quality is defined as “efficient, effective and appropriate to present and anticipated future demand”. The first part of the purpose statement balances leadership with the mandate to make decisions on behalf of the community, and a requirement to allow for active participation by the community. It recognises both the representative and participatory aspect of local government. The second part of the purpose statement recognises a council’s role as a provider or services.

5. THE DIFFERENCE BETWEEN GOVERNANCE AND MANAGEMENT

Where does the governance and management role start and finish. This boundary between the two will at times be an issue that is raised and needs to be dealt with. Elected members are most effective and successful when there is a strong focus on strategic activity to guide future development of the community and make decisions including the decision to delegate a range of operational decisions to the chief executive who will further delegate to his staff.

Many of the critical success factors of this are already well underway/have been developed through the new directions journey which commenced directly after the election. These include:

- Developing a unifying vision for the district
- Identification of the major issues then setting goals and objectives
- Adopting comprehensive plans
- Making decisions about which programmes and services should be provided
- Adopting long term budgets.

6. MAYORAL POWER

Clause 3 of the new section 41A of the Local Government Act 2002 provides for the Mayor

1. To establish committees of the territorial authority
2. To appoint the chairperson of each committee established and make the appointment before the other members of the committee are determined
3. May appoint himself or herself to the Committees

However nothing in this section limits or prevents a Council from discharging or reconstituting committees or chairpersons of those committees established by the Mayor by way of Council resolution at a later date. The Mayor can decline to exercise the powers outlined above.

LGNZ advice (attached in Attachment 1) recommends that:

“... mayors continue to work with individual councillors and seek agreement for both a committee structure and possible chairs and only use the subsection 3 powers where there is clear support from councillors. Some councils convene workshops in order to arrive at this point.”

7. GOVERNANCE STRUCTURES

In order to make effective decisions that will be in line with the council’s vision for the district and the objectives set towards achieving/reaching this vision, an appropriate and effective structure for how these important decisions are to be made, needs to be established.
A council can delegate to any committee any of its functions, duties, or powers except those that must be exercised by the full council. A committee can further delegate functions, duties, and powers to subcommittees unless prohibited by its council. All delegations by council’s or committees must be recorded in a delegations register that must be found in the council’s governance statement.

The committee or subcommittee has the full authority of council in respect of decision-making powers delegated. The council cannot usually rescind or amend a decision made by a committee to which the council has delegated the decision-making power.

Certain decisions must be exercised by the full council and cannot be delegated, these are:

- the power to make a rate
- the power to make a bylaw
- the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan
- the power to adopt a long-term plan, annual plan, or annual report
- the power to appoint a chief executive
- the power to adopt policies required to be adopted ad consulted on under the LGA 2002 in association with the long-term plan, or developed for the purpose of the local governance statement; and
- the power to adopt a remuneration and employment policy

Council’s tend to arrange standing committees around three general themes; functional, thematic and governance based. Each option is detailed below with pros and cons.

7.1 Functional Committee structures

This is the approach currently used by the Rotorua District Council. The committee structure follows the organisation structure with policy and operational decisions taken within the Infrastructure, Corporate & customer services and Economic & regulatory committees. This has operated effectively through the last term of Council though some overlap, duplication and confusion has occurred as to the ‘home’ of specific issues or policy decisions. Externally, and in terms of the clarity of the ‘governance’ role some confusion exists within this structure.

<table>
<thead>
<tr>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clear for staff in organisation</td>
<td>Mix of policy and operations</td>
</tr>
<tr>
<td>Clear for Group Managers</td>
<td>Lack of clarity about ‘governance role’</td>
</tr>
<tr>
<td></td>
<td>Do not necessarily change or may need to change with changes in organisational structure</td>
</tr>
<tr>
<td></td>
<td>Potential to support silo’s</td>
</tr>
</tbody>
</table>

7.2 Thematic committee structure

A number of councils used the thematic approach to committees following the introduction of community outcomes in 2002. The focus on themes enabled these council’s to focus on outcomes and to mix up traditional functional reporting e.g. wastewater reporting under ‘environmental’ themed committees rather than with other ‘infrastructure’. Whilst bringing together different functional aspects of the business to report to thematic committees governance functions, such as strategy and policy and monitoring and review, remain mixed. Many councils also experienced a degree of confusion as to the ‘home’ for particular issues where there was an impact on a range of themes/outcomes e.g. waste water - is it about the environment primarily or health? Confusion around the appropriate governance ‘home’ of issues/services/projects is likely to be more significant than with a functional based arrangement of committees. Other issues noted from around the country have included the impacts of reviewing community outcomes and the consequential adjustments to committee structures.
7.3 Governance focused committee structure

This model supports good governance decision making and is applied in a number of larger local authorities, including Auckland, Tauranga and Hamilton to name a few.

This approach seeks to emphasis and focus committees around each distinct purpose of the governance role e.g. forward planning - strategy and policy development, review and performance accountability, and operations.

Other advantages include to the separation of policy setting/direction from operations and the formalised review/performance/risk function. The formalised review of performance (financial and non-financial), risk and audit are an area where elected members at the RDC have lower levels of time allocated than is evident in other councils. The review of performance is primarily limited to one day per quarter, with the Audit Committee meeting also held quarterly.

8. ASSESSMENT OF SIGNIFICANCE

The decisions or matters of this report are not considered significant in accordance with the Council’s Policy on Significance

9. COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

The decision on governance arrangements and subsequently delegations is one that can be appropriately made by the Council.

10. CONSIDERATIONS

10.1 Financial/budget considerations

Governance costs have been budgeted for. The approval of specific delegations has no direct budget implication.

10.2 Policy and planning implications

N/A

10.3 Risks

Any risks can be managed by the Council monitoring the effectiveness of the structure and the delegations.
11. **CONCLUSION**

A change to the Local Government Act, community expectation and new focus on the leadership of the Mayor/Councillors makes it extremely important that we provide the best building blocks to support governance. A committee structure that helps to focus specifically on the strategic planning; decision making; policy and strategy review; scrutiny of management’s performance and community leadership and engagement is therefore proposed.

12. **ATTACHMENTS**

   Appendix 1: LGNZ information
   Appendix 2: Existing committee structure
APPENDIX 1

New Mayoral Powers

The Local Government Act 2002 Amendment Act 2012 provided additional powers for mayors which will come into effect immediately after the 2013 elections on October 12. These powers are modelled on the powers given to the Mayor of Auckland Council although not as extensive.

As the Better Local Government Fact Sheet published by DIA states, all Mayors will have formal powers similar to those of the Auckland Mayor. This will mean that they can:

- lead the development of council plans, policies and budgets;
- appoint the deputy mayor;
- establish council committees; and
- appoint chairs to those council committees.

It is important to note that use of these powers is discretionary. This means that management will need, immediately after an election, to ascertain whether and how mayors wish to exercise their new mandate. The powers can also be used at any time during the triennium.

We have prepared this briefing paper to help manage that process, it sets out the new legislative provisions, discusses potential issues mayors should be aware of when deciding whether to use their new powers or not, and suggests an indicative process.

The legislative provisions

The reasons behind the changes are outlined in the Better Local Government Discussion paper published in early 2012, the Government stated that:

Mayors are the public face of councils and publicly carry the responsibility for their decisions. The problems is that there is a mismatch in the current local government framework between the high level of interest, scrutiny and engagement in mayoral elections ... and their limited formal powers over the governing body of a council. Mayors need the capacity to provide clearer and stronger leadership.

More detail was given in DIA’s report to the Select Committee on this provision, which stated:

The proposed new section is intended to give the mayor a greater say in the governance structures and leadership of the council, but does not change the requirement for council decisions and policies to be made by the majority of council members. The powers are designed to assist the mayor to build an effective leadership team with a coalition of support across the council, thereby strengthening the leadership and capability of the council itself within the community.
In order to strengthen that leadership role the LGA 2002 was amended as follows:

### 41A Role and powers of mayors

1. The role of a mayor is to provide leadership to:
   a) the other members of the territorial authority; and
   b) the people in the district of the territorial authority.

2. Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority’s plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.

3. For the purposes of subsections (1) and (2), a mayor has the following powers:
   a) to appoint the deputy mayor;
   b) to establish committees of the territorial authority;
   c) to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor:
      i) may make the appointment before the other members of the committee are determined; and
      ii) may appoint himself or herself.

(3A) However, nothing in subsection (3) limits or prevents a territorial authority from:
   a) Removing in accordance with Cl. 18 of sch. 7, a deputy mayor appointed by the mayor under subsection 3a, or
   b) Discharging or reconstituting, in accordance with cl. 30 of Sch. 7, a committee established by the mayor under sub section (3)(b); or
   c) Appointing, in accordance with cl. 30 of Sc. 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b), or
   d) Discharging, in accordance with cl. 31 of Sch. 7, a chairperson appointed by the mayor under subsection (3)(c)

4. A mayor is a member of each committee of a territorial authority

4A. To avoid doubt a mayor must not delegate any of his/her powers under subsection (3)

5. To avoid doubt:
   a) Clause 17(1) of Sch. 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the TA declines to exercise the power in subsection (3)(a)
   b) Clauses 25 and 26(3) of Sch. 7 do not apply to the appointment of the chairperson of a committee of a territorial authority established under subsection (3)(b) unless the mayor of the TA declines to exercise the power in subsection (3)(c) in respect of that committee.

In summary, the legislation provides mayors with a discretionary power to:
- appoint the deputy chair;
- appoint committee chairs; and
- determine the number and terms of reference of council committees. But not the membership or the delegations.

These powers were amended by the select committee, which made explicit the ability of councils to:
- remove a deputy mayor appointed by the mayor;
- discharge a committee established by the mayor;

---

1 Section (3a) (4A) and 5 were added by the Select Committee.
• appoint additional committees; and
• discharge any chairpersons appointed by the mayor.

Please note; these changes, which are law, have not yet been incorporated into the principal act which can be found at legislation online, they will, however, be included in the Principal act once they are in force, which is immediately after the coming elections.

Factors to consider before exercising subsection 3 powers

The Government's original intent for providing mayors with additional powers was to strengthen the leadership capacity of mayors and their accountability, by making it easier for citizens to determine who should be held accountable for a council's policies and programmes. It is also designed to encourage aspiring mayors to campaign as part of a team as, if successful, the new mayor is more likely to be able to appoint his/her supporters to key positions and thus be better placed to implement their programmes.

However, the Select Committee's intervention ensures that the mayoral powers cannot effectively be used unless the mayor has, or is able, to enlist the support and/or confidence of the majority of councillors.

Managers should work with their mayors as soon as possible after an election to develop the process for considering and adopting a new committee structure, chairs and deputy mayor. We recommend that mayors continue to work with individual councillors and seek agreement for both a committee structure and possible chairs and only use the subsection 3 powers where there is clear support from councillors. Some councils convene workshops in order to arrive at this point.

Where there is clear agreement, either through negotiation with councillors individually or through a workshop, mayors may wish to use their new subsection (3A) powers and simply implement the generally agreed model and/or proposed chairs. This has the advantage of being able to organise the affairs of the council more quickly than waiting for the first council meeting. As noted above, the Mayor's powers to appoint chairs and the council's ability to discharge the Mayor's appointments can occur at any time in the triennium.

For your information the process for choosing the deputy mayor and committee chairs is covered in depth in the New Mayors' workshops, held immediately after each election. Experienced mayors generally recommend that their new colleagues avoid publicly nominating chairs until they are certain that they have the support of a majority of councillors. It is also covered in the latest version of the elected members' handbook.
Possible process for establishing committees and appointing chairs

As soon as possible after October 12 election management meets with mayor to discuss process for agreeing committee structure and chairs.

Mayor requests council workshop to discuss committee structures and chairs.

Where there is consensus or majority agreement the mayor may choose to use his/her subsection 3 powers to establish new committee structure and appoint chairs.

If mayor elected as part of a majority team he/she may decide to use Subsection 3 powers to determine committee structure and chairs.

Where agreement cannot be reached or mayor decides not to use subsection 3 powers, issue referred to council meeting which votes on committee structure and chairs.
PROPOSED GOVERNANCE STRUCTURE

It is recommended that Council adopt a governance focused approach to its committee structures. On this basis it is recommended that Council consider establishing the following structure and associated components, specifically:

- Council
- Committees of Council
- Sub-Committee
- Standing Committees
- Working/Strategy Groups

Council

It is proposed that Council will have the responsibility for:
- All requirements that can not be delegated from council – see section 8.0

Certain decisions must be exercised by the full council and cannot be delegated, these are:
- the power to make a rate
- the power to make a bylaw
- the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan
- the power to adopt a long-term plan, annual plan, or annual report
- the power to appoint a chief executive
- the power to adopt policies required to be adopted ad consulted on under the LGA 2002 in association with the long-term plan, or developed for the purpose of the local governance statement, and
- the power to adopt a remuneration and employment policy

Committees of Council

It is proposed to establish two whole of Council committees:

Strategy/Policy & Finance Committee

It is proposed that the Strategy/Policy and Finance Committee will have responsibility for:

- Development of the LTP, Annual Plan and Annual Report for recommendation to Council for adoption
- Development of the financial strategy and budgets for the LTP and Annual Plans
- Development of strategy, policy and planning frameworks for recommendation to Council for adoption
- Adopting the statement of intent for council controlled organisations
- Rating policy
- Treasury and funding functions
- Delegations of powers to sub-committee(s) if so established
Operational Performance & Monitoring Committee

It is proposed that the Operational Performance and Monitoring Committee will have responsibility for:

- Monitoring the performance of the Council in terms of the organisational targets set in the LTP and annual plan – both financial and non-financial.
- Monitoring and reviewing performance of the CCOs
- Tender and procurement monitoring
- Major capital projects review and monitoring
- Delegation of powers to the Audit and Risk committee

Standing Committees

Te Arawa Partnership
Under review

Audit and Risk Committee

The core responsibilities of an audit committee may include overseeing the effectiveness of:

- the internal control environment;
- monitor the Council’s external and internal audit process
- ensure Council fulfills its legal responsibilities
- ensure the independence and effectiveness of Council’s internal Audit processes
- monitor existing corporate policies and recommend new corporate policies to prohibit unethical, questionable or illegal activities;
- provide a communication link between management, internal auditors/external auditors and Council
- support measures to improve management performance and internal controls;
- the risk management framework
- financial reporting
- the effectiveness of governance arrangements
- all external accountability reporting, including non-financial performance and the clarity of links between non-financial performance measures and strategy

Tourism Committee

Rotorua Tourism Committee, the group tasked with driving implementation of the district’s tourism master plan alongside Destination Rotorua Marketing, Rotorua Visitor Centre & i-SITE, and Events and Venues Rotorua.

Statutory Hearings Committee

The purpose of this Committee is to consider and resolve all issues associated with or arising from the Council’s District Plan, consider and resolve all planning applications and objections under the Resource Management Act 1991 where a hearing is required and to consider and resolve all issues arising from or related to the Council’s regulatory functions apart from liquor licensing matters which will be heard by the District Licensing Committee.
The Chairperson and the majority of members of the Hearings Committee must be accredited under the Resource Management Act 1991 with the Chairperson having the Chairpersons endorsed accreditation. The key means of achieving accreditation is to obtain certification through the Making Good Decisions Programme which is developed and delivered by the Ministry for the Environment in partnership with Local Government New Zealand.

The requirement from September 2014 is for all members of the Hearings Committee to be accredited. The membership of the Hearings Committee will be reviewed at this point.

**District Licensing Committee**

The DLC is a result of the new Sale and Supply of Alcohol Act 2012 which comes into effect on 18 December. The DLC will give balance to our community’s concerns about the excessive and harmful consumption of alcohol and the effects this has.

**CEO Performance Committee**

The setting and tracking of the Chief Executive’s key performance area, contract renewal etc.
ADDITION OF ORDER OF BUSINESS

Report prepared by: Rick Dunn, Democracy Manager
Report approved by: Oonagh Hopkins, Acting Group Manager Corporate and Customer Services

1. PURPOSE

The purpose of the report is to advise Council that standing orders (New Zealand Standard Model Standing Orders for Meetings of Local Authorities and Community Boards (NZS 9202:2003 as adapted) require that Council must adopt an order of business for its ordinary meetings (clause 3.7.1.)

2. RECOMMENDATION

1. That the report “Adoption of order of business be received

AND

2. That the Council confirm the order of business for its full Council meetings as follows:

AGENDA

1. Opening Prayer
2. Apologies
3. Declarations of Interest
4. Presentations
5. Matters Arising – Action Sheet
6. Late items and general business
7. Confirmation of Council minutes
8. Reports of Committees
9. Staff reports
10. Feedback from Strategy Portfolio Groups
11. Notices of motion
12. Written Questions
13. Public Excluded business

3. BACKGROUND

3.1 Apart from the first meeting following an election the legislation leaves it to Council to determine the order of business.

3.2 At a meeting the business is dealt with in the order set out in the agenda unless the Chairperson gives precedence to any particular item of business. Any business from which the public is excluded is usually dealt with at the end of the meeting.
4. **DISCUSSION**

**Option 1 - 2013-2016 Order of Business**
A new order of business has been put forward by the Mayor to reflect the refreshed way the Council will undertake its decision making. This is a reflection of the New Directions 2030 work.

The new order of business to be put forward is as follows:

**AGENDA**

1. Opening Prayer  
2. Apologies  
3. Declarations of Interest  
4. Presentations  
5. Matters Arising – Action Sheet  
6. Notification of late items, feedback and general business  
7. Confirmation of Council minutes  
8. Confirmation of Committee minutes  
9. Staff reports  
10. Notices of motion  
11. Written Questions  
12. Public excluded business

The intent of this new order of business is to make the full ordinary council meetings less ceremonial and show increased leadership and direction to decision making.

**Option 2**
Option 2 is to retain the order of business used in the 2010-2013 term. This order of business was as follows:

**AGENDA**

1. Opening Prayer  
2. Apologies  
3. Declarations of Interest  
4. Presentations  
5. Reports of Mayor and Deputy Mayor  
6. Confirmation of Council minutes  
7. Reports of committee (minutes)  
8. Reports of officers  
9. Notices of motion  
10. Written Questions  
11. Confidential minutes and reports

5. **ASSESSMENT OF SIGNIFICANCE**

5.1 The decision does not prompt consideration of Council’s Policy on Significance.
6. **CONSIDERATIONS**

6.1 **Financial/budget considerations**

Not applicable.

6.2 **Policy and planning implications**

The Strategic purpose is to adopt an order of business for Council meetings. This is being undertaken in accordance with the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987, to enable Council and the Lakes Community Board to deal with business in the order set out on the agenda.

6.3 **Risks**

There are no perceived risks in introducing this format to the order of business.

6.4 **Authority**

The Council under New Zealand Standard Model Standing Orders for Meetings of Local Authorities NZS 9202 2003 must adopt an order of business for its ordinary meetings (clause 3.7.1.)

7. **ATTACHMENTS**

None.
CONFIRMATION AND ADOPTION OF SCHEDULE OF MEETINGS FOR THE BALANCE OF 2013

Report prepared by: Rick Dunn, Manager Democracy
Report approved by: Oonagh Hopkins, Acting Group Manager Corporate & Customer Services

1. PURPOSE

This report presents recommendations to Council that relates to the adoption of a schedule of meetings for the period November - December 2013.

2. RECOMMENDATION 5

1. That the report titled “Confirmation and Adoption of Schedule of meetings for the Balance of 2013’ be received;

2. That pursuant to clause 19(6) and 21(5)(d) of the Local Government Act 2002, read together with the provisions of the Local Government Official Information and Meetings Act 1987, the schedule of meetings of Council for the period 28 November to 31 December 2013 be adopted; and

3. That it be noted that Council meetings will be run in place of an adopted committee structure, with Council meetings on 12 and 19 December, and an extraordinary Council meeting on 5 December, completing the balance of Council meetings for 2013.

3. BACKGROUND

3.1. Clause 19(6) of Schedule 7 of the Local Government Act 2002 provides that the Council adopt a schedule of ordinary meetings (Attachment 1).

3.2. A schedule of meetings for the balance of 2013 is attached for the Council’s approval (Attachment 2).

4. DISCUSSION AND OPTIONS SECTIONS

Council has the legal obligation to implement a political process for the efficient and effective governance of the Rotorua district. This report addresses only one aspect of the political process namely Council and Committee meeting times which will ensure that Councils legal responsibilities for the remaining part of 2013 is carried out.

5. ASSESSMENT OF SIGNIFICANCE

The decision does not trigger consideration of Council’s Policy on Significance.
6. **COMMUNITY INPUT / ENGAGEMENT AND PUBLICITY**

Community consultation is not considered necessary in relation to this agenda item.

7. **ATTACHMENTS**


Attachment 2: Meeting Calendar for the remaining part of 2013.
Clause 19(6) of Schedule 7 of the Local Government Act 2002

Calling of meetings

19. General provisions for meetings—
   (1) A local authority must hold the meetings that are necessary for the good government of its region or district.
   (2) A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.
   (3) A meeting of a local authority must be called and conducted in accordance with—
       (a) this schedule; and
       (b) Part 7 of the Local Government Official Information and Meetings Act 1987; and
       (c) the standing orders of the local authority.
   (4) A local authority must hold . . . meetings at the times and places that it appoints.
   (5) Unless clause 22 applies, the chief executive must give notice in writing to each member of the time and place of [a] meeting—
       (a) not less than 14 days before the meeting; or
       (b) if the local authority has adopted a schedule of meetings, not less than 14 days before the first meeting on the schedule.
   (6) If a local authority adopts a schedule of . . . meetings,—
       (a) the schedule—
           (i) may cover any future period that the local authority considers appropriate; and
           (ii) may be amended; and
       (b) notification of the schedule or of any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment.
ROTORUA DISTRICT COUNCIL

The Mayor
Members
COUNCIL

REMUNERATION AUTHORITY’S COMMUNICATIONS ALLOWANCE

Report prepared by: Rick Dunn, Democracy Manager
Report approved by: Oonagh Hopkins, Acting Group Manager Corporate & Customer Services

1. PURPOSE

The purpose of this report is to inform Councillors and Community Board members of the annual Communications Allowance approved by the Remuneration Authority.

2. RECOMMENDATION

1. That the report “Remuneration Authority’s Communication Allowance” be received;
2. That Council notes that the Communications Allowance came into effect following the Elections 2013;
3. That Council resolves to make a pro-rata communications payment of $747.40 for the period 13 October 2013 to 30 June 2014.

3. BACKGROUND

The Remuneration Authority has been undertaking a review of the current process for setting levels of remuneration for elected members and had hoped the review would have been completed in time to implement in July 2012. However it became clear that the level of engagement required with local government to ensure the smooth implementation of the review could not take place within this timeframe.

In November 2012 the Remuneration Authority released a document “Remuneration Setting Proposals for Local Authorities 2013 and beyond” and asked for feedback on the following issues: setting of base councillor salaries, meeting fees, unitary council loading, expenses and reimbursements, additional responsibilities, base community board salaries, size index and transition to new system. Additional feedback was requested for: average hours worked per week – governance and average hours worked per week – representation. Rotorua District Council responses were forward to the authority on 20 December 2012.

4. DISCUSSION AND OPTIONS

The Remuneration Authority has completed its review of the remuneration setting for Local Government elected members.

The updated Communications Policy comes into effect following the 2013 Local Authority Elections.
The Authority’s preferred approach would be that councils provide necessary equipment, consumables, servicing and reimburse on proof of expenditure on other costs that might occur. The Authority is aware of two issues that make applying that policy unpopular with both elected members and council staff:

- The desire by some elected members to utilise the communication equipment they own and are familiar with to undertake council business and an unwillingness to segregate personal and council usage.
- The operational cost of managing a reimbursement system that requires production of proof of expenditure.

The intention where all equipment is provided by elected members is that an annual maximum allowance of $1,050 (current level $750) would be permitted. This approach is in line with Council’s current policy.

The communication allowance covers the following indicative cost elements:

- $250 p.a. for landline and broadband connections
- $400 p.a. to cover council generated calls, texts and data through mobile phones
- $150 p.a. for the use of a personal computer
- $150 p.a. for the use of an electronic tablet
- $40 for printer/scanner
- $60 for telephone (mobile or handset)

5. ASSESSMENT OF SIGNIFICANCE

No assessment is required.

6. COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

No community engagement is required.

7. CONSIDERATIONS

7.1 Financial/budget considerations

The communications allowance forms part of the Remuneration Authority’s determination.

7.2 Policy and planning implications

The principal statutory provisions which apply are the Seventh Schedule of the Local Government Act 2002 and the Remuneration Authority Act 1977.


Rotorua District Council’s “Elected Members Expenses & Allowances Policy” (RDC-402187) has been updated.

7.3 Risks

No risks have been identified.
1. **PURPOSE**

   The purpose of the report is for Council to receive nominations and vote to appoint two Councillors to the Lakes Community Board.

2. **RECOMMENDATION 7**

   1. That the report “Appointment of Council representation to the Lakes Community Board be received;

   2. That nominations for two positions on the Rotorua Lakes Community Board be called;

   3. That Council resolves to appoint Councillors ………………………… and ……………………….. to represent Council on the Rotorua Lakes Community Board.

3. **BACKGROUND**

   The Local Government Commission in 2007 determined that a Rotorua Lakes Community Board be established. The area covered by the Lakes Community Board includes the communities around Lakes Rotoiti, Rotoma, Okareka and Tarawera.

   The Lakes Community Board elects its own Chair and and two Councillors can be appointed. Appointment to the Community Board is per the decision of Council as a whole under the normal nomination and decision making process. The Community Board is not a committee of Council therefore the Mayoral powers have no affect here.

4. **DISCUSSION AND OPTIONS**

   N/A
5. **ASSESSMENT OF SIGNIFICANCE**

The decisions or matters of this report are not considered significant in accordance with the Council’s Policy on Significance.

6. **COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

Consultation on this matter is not required as it is a decision to be made by Council as a requirement of the Local Electoral Act 2001.

7. **CONSIDERATIONS**

7.1 **Financial/budget considerations**

There are no cost implications to Democracy for the appointment of two Councillors to the Lakes Community Board.

7.2 **Policy and planning implications**

N/A

7.3 **Risks**

N/A

7.4 **Authority**

Section 19 (F) (3) provides that Council must appoint members to the Lakes Community Board and that members appointed are less than half the number of elected Lakes Community Board Members.
1. **PURPOSE**

   The purpose of this report is to affirm the representation of Councillors on other entities (sub-committees, boards, trusts, etc) that are in alignment with Council’s Rotorua 2030 direction and Councillor portfolio areas.

2. **RECOMMENDATION 8**

   1. That the report Council representation on other entities be received;

   2. That pursuant to Clauses 10, 11, 14 and Clauses 19 30 (1) and 31 of Schedule 7 of the Local Government Act 2002, where relevant, Council appoint representatives as ex-officio positions to other entities as follows:

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Appointee(s)</th>
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<tbody>
<tr>
<td>Access (formerly Disability Action Committee)</td>
<td>Cr Bentley</td>
</tr>
<tr>
<td>Arts Charitable Trust</td>
<td>Mayor Chadwick</td>
</tr>
<tr>
<td>BOPRC Public Transport Subcommittee</td>
<td>Cr Searancke (Cr Wepa alternate)</td>
</tr>
<tr>
<td>BOPRC Regional Transport Committee</td>
<td>Mayor (Cr Searancke alternate)</td>
</tr>
<tr>
<td>Civic Arts Trust</td>
<td>Cr Tapsell</td>
</tr>
<tr>
<td>Civil Defence Emergency Management Group</td>
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<td>Raukawa Charitable Trust / Rotorua District Council Joint Management Committee</td>
<td>Mayor Chadwick and Crs Hunt, Raukawa-Tait and Wepa</td>
</tr>
</tbody>
</table>

*NB. New members to be registered with Maori Land Court*
3. That Council resolves to base any future decisions for representation in accordance with Council policy “Mayor & Councillors Membership of Not-for-Profit Organisations Policy” and note (as per the policy):

- That when the Mayor or Councillor(s) represent RDC on not-for-profit groups, it is as an ex-officio member.

3. BACKGROUND

Following each local body election, decisions are made as to which Councillors will represent RDC on a variety of working groups, committees and trusts. The decisions made at the Council meeting, in general, stand for the balance of the triennium which follows the election.

Under Clause 30(1), (7) and 31 of Schedule 7 of the Local Government Act 2002 – Local Authorities and community boards and their members, where relevant, appoint representatives to other entities (see Attachment 1).

The Oxford Dictionary defines a “representative” as a “person chosen, or elected to speak and act on behalf of others in a legislative assembly or deliberative body”. For the purpose of this report the deliberative body is seen to include groups, committees, or trusts.

The terms of reference, rules or constitution of each group, committee or trust outlines their focus, and how the group conducts their business. The role of individuals could be as a trustee or ex officio member. In law, a trustee is an individual person or member of a board given control or powers of administration of property in trust, with a legal obligation to administer it solely for the purposes specified. A trustee has a vote in the decision making of the group, committee or trust.

A business dictionary defines ex-officio as ‘Holding a position or membership due to the power or influence of one’s office, and not by election or appointment.”. A chairperson, for example, can be an ex-officio member of all board appointed committees. Such positions and their attached voting and other privileges are
detailed in the bylaws of the organisation. In local government the parallel example is that a Mayor may be offered positions in the way outlined for a chairperson, mentioned earlier in this paragraph.

In other settings, ex-officio members bring their knowledge and experiences to discussions when the group is conducting their business. Many ex-officio members are unable to vote and directly influence decisions of the group, committee or trust.

4. **ASSESSMENT OF SIGNIFICANCE**

   This subject does not trigger Council’s Significance Policy.

5. **COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

   There is no requirement for community input to this review. The outcome of the process does contribute to the community’s perception of elected members and their activities in the community.

6. **CONSIDERATIONS**

   6.1 **Financial/budget considerations**
   N/A

   6.2 **Policy and planning implications**
   The decision to maintain council representation of the other entities listed is in line with Council’s approach to alignment Councillors with portfolios which are directly related to the strategy suite that is being developed.

   6.3 **Risks**
   Councillors need to bear in mind their roles and responsibilities under the “Code of Conduct” and that the focus of representation on these entities is to provide a link between the group and the Council.

   6.4 **Authority**
   The Mayor and Council under the Local Government Act have the ability to appointment representatives to other entities.

7. **ATTACHMENTS**

   Attachment 1 – Mayor & Councillor Membership of Not-for-Profit Organisations policy
   Attachment 2 – Local Government Act 2002, schedule 7, clause 30 and 31
   Attachment 3 – Council representation on other entities
1.5 MAYOR & COUNCILLORS MEMBERSHIP OF NOT-FOR-PROFIT ORGANISATIONS POLICY

<table>
<thead>
<tr>
<th>Date Adopted</th>
<th>Next Review</th>
<th>Officer Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 December 2011</td>
<td>30 November 2013</td>
<td>Democracy Manager</td>
</tr>
</tbody>
</table>

Policy Purpose:

To define Rotorua District Council’s relationship with not-for-profit groups and organisations in Rotorua, and to outline the nature of the role the Mayor and Councillors fulfil on these groups.

Policy:

A. That when the Mayor or Councillor(s) represents RDC on not-for-profit groups, it is as an ex-officio member only. Ex officio is defined here as: attending meetings of the Trust, participating in discussions, and abstaining from formal voting at meetings of the Trust.

B. That if the Mayor or a Councillor is an ex-officio/trust member of a Trust, they withdraw/abstain from voting at RDC meetings on decisions that would benefit the trust e.g. RDC grant committee discussion. However, they may speak in support of the Trust they represent.

C. That elected members act as a link between the not-for-profit groups/organisations/trusts whose meetings they are attending and Rotorua District Council (RDC). In this link role, the focus is communication. That is: arranging for the minutes from meetings to be captured within RDC’s filing system, if they are not already, and sharing decisions of RDC with the groups, as appropriate.

D. That any new requests for Mayor or Councillor Representation as trustees on not-for-profit trusts, groups or organisations, be declined.

E. That the following Rotorua based organisations are accepted as the definitive list of not-for-profit groups who will have an elected member presence, as an ex-officio representative of RDC:
   i. Civic Arts Trust
   ii. Arts Rotorua Charitable Trust
   iii. Drive wise Rotorua Trust
   iv. Rotorua Charitable Christmas Parade Trust

F. That the following Rotorua based organisations are accepted as the definitive list of not-for-profit groups who will have an elected member presence, as a trustee representative of RDC:
   i. QE Hospital Trust
   ii. Rotorua Community Youth Centre Trust

G. That the not-for-profit groups with a Councillor serving as a trustee is reviewed at the next local body election in 2013, with the aim of moving Council representation from trustee to ex officio.
Subordinate decision-making structures

30 Power to appoint committees, subcommittees, other subordinate decision-making bodies, and joint committees

- (1) A local authority may appoint—
  - (a) the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate; and
  - (b) a joint committee with another local authority or other public body.

(2) A committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority.

(3) A committee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body.

(4) A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs.

(5) Unless expressly provided otherwise in an Act,—
  - (a) a local authority may discharge or reconstitute a committee or subcommittee or other subordinate decision-making body; and
  - (b) a committee may discharge or reconstitute a subcommittee.

(6) Nothing in this clause entitles a local authority or committee to rescind or amend a decision made under a delegation authorising the making of decision by a committee, a subcommittee, or another subordinate decision-making body.

(7) A committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body.

(8) A joint committee appointed under this clause is deemed to be both a committee of the local authority and a committee of the other local authority or public body.

(9) This Part applies to a joint committee except that—
  - (a) the powers to discharge any individual member and appoint another in his or her stead must be exercised by the local authority or public body that made the appointment; and
  - (b) the quorum at a meeting consists of—
    - (i) half of the members if the number of members (including vacancies) is even; or
    - (ii) a majority of members if the number of members (including vacancies) is odd; and
o (e) the committee may appoint and remove its own chairperson or deputy chairperson.

(10) For the purposes of a public body that is not a local authority, subclauses (8) and (9) apply to the extent that they are not inconsistent with the law applicable to committees of the public body.

Compare: 1974 No 66 ss 114P, 114R, 114S(3)-(5)


Section 31 Membership of committees and subcommittees

• (1) A local authority may appoint or discharge any member of a committee or a subcommittee.

(2) Unless directed otherwise by the local authority, a committee may appoint or discharge any member of a subcommittee appointed by the committee.

(3) The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes, or knowledge that will assist the work of the committee or subcommittee.

(4) Despite subclause (3),—

o (a) at least 1 member of a committee must be an elected member of the local authority; and

o (b) an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.

(5) If a local authority resolves that a committee, subcommittee, or other decision-making body is not to be discharged under clause 30(7), the local authority may replace the members of that committee, subcommittee, or other subordinate decision-making body after the next triennial general election of members.

(6) The minimum number of members—

o (a) is 3 for a committee; and

o (b) is 2 for a subcommittee.

Compare: 1974 No 66 s 114R
## Council Representation on other entities

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Appointee(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access (formerly Disability Action Committee)</td>
<td>Cr Bentley</td>
</tr>
<tr>
<td>Arts Charitable Trust</td>
<td>Mayor Chadwick</td>
</tr>
<tr>
<td>BOPPRC Public Transport Subcommittee</td>
<td>Cr Searancke (Cr Wepa alternate)</td>
</tr>
<tr>
<td>BOPPRC Regional Transport Committee</td>
<td>Mayor (Cr Searancke alternate)</td>
</tr>
<tr>
<td>Civic Arts Trust</td>
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</tr>
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<td>Drivewise Rotorua Trust</td>
<td>Cr Gould</td>
</tr>
<tr>
<td>Iwi Consultative Committee</td>
<td>by tribal appointment</td>
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<tr>
<td>Kaimai Catchments Forum</td>
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<td>Mayor Chadwick and Crs Hunt, Raukawa-Tait and Wepa</td>
</tr>
<tr>
<td>RDC Community Grants Scheme</td>
<td>Crs Gould, Kent and Sturt + 1 Te ASC member</td>
</tr>
<tr>
<td>RDC Crime Prevention Fund for Community Projects</td>
<td>Crs Bentley, Gould &amp; Tapsell + 1 TASC member</td>
</tr>
<tr>
<td>RDC Creative Communities Fund Committee</td>
<td>Cr Maxwell + 1 TASC member</td>
</tr>
<tr>
<td>RDC Neighbourhood Matching Fund Committee</td>
<td>Cr Wepa + 1 TASC member</td>
</tr>
<tr>
<td>Road Safety Action Plan</td>
<td>Cr Gould</td>
</tr>
<tr>
<td>Rotorua Bike Festival Trust</td>
<td>Cr Donaldson</td>
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<tr>
<td>Rotorua Community Youth Centre Trust</td>
<td>Mayor Chadwick and Cr Tapsell</td>
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<tr>
<td>Rotorua Lakes Community Board</td>
<td>Crs Bentley and Kent</td>
</tr>
<tr>
<td>Rotorua Te Arawa Lakes Strategy Group</td>
<td>Mayor and Cr Hunt (Cr Searancke alternate)</td>
</tr>
<tr>
<td>Te Arawa River Iwi Trust Joint Management Committee</td>
<td>Mayor Chadwick and Crs Donaldson and Raukawa-Tait</td>
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<tr>
<td>Te Maioha o Parekarangi Youth Justice Residence, Rotorua</td>
<td>Cr Sturt</td>
</tr>
<tr>
<td>Tuhourangi Protocol</td>
<td>Mayor and Crs Hunt and Maxwell</td>
</tr>
<tr>
<td>Upper Waikato Liaison Subcommittee</td>
<td>Cr Wepa</td>
</tr>
<tr>
<td>Friends of the Library</td>
<td>Cr McVicker</td>
</tr>
<tr>
<td>Friends of the Rotorua Museum of Art &amp; History</td>
<td>Cr Hunt</td>
</tr>
<tr>
<td>Councillors’ Room</td>
<td>Cr McVicker</td>
</tr>
</tbody>
</table>
1. **PURPOSE**

The purpose of this report is to seek Council approval to commence public consultation on the Draft Local Alcohol Policy (LAP). The outgoing Council approved the draft LAP on 26 September last, but felt it was appropriate that the new Council have ownership of this process and they recommended this to the incoming Council.

2. **EXECUTIVE SUMMARY**

In December 2012 Council made the decision that a Draft LAP should be developed in conjunction with our partner agencies, iwi, stakeholders and industry. Since then staff held 15 public meetings with various parties during 2013 seeking feedback from those involved on the views expressed by staff and the late Cr Waaka during the meetings. This process then culminated in a final Council-lead workshop held on the 17 July last where the draft LAP was discussed in full.

As the previous Council was instrumental in the development of the draft LAP it was critical that they approve this document, but with the pending Local Body elections scheduled they felt that the ultimate ownership should lay with the incoming Council. On the 26 September the previous Council approved the draft LAP with a recommendation that this go before the incoming Council for final approval and agreement to commence public consultation using the special consultative procedures of the Local Government Act 2002.

3. **RECOMMENDATIONS**

1. That the report Approval of the Draft Local Alcohol Policy for Public Consultation be received.

2. That the Committee notes:
   - Public consultation commences on 20 January 2014
   - Submissions close on 7 March 2014
   - Hearings of submissions be scheduled for April 2014
   - Deliberations on submissions be scheduled for May 2014, the last two dates to be set once the Council calendar is set for 2014

4. **BACKGROUND**

The new Sale and Supply of Alcohol Act 2012 set the basis for providing the community with a greater say in liquor licensing matters within their respective communities. This was enacted by parliament to address the
perceived lack of ability for communities to address the proliferation of premises (mainly bottle stores), and the associated harm caused in the community by the excessive and inappropriate consumption of alcohol.

Part of the overall changes implemented in the new legislation were to give each Council the ability to develop a Local Alcohol Policy that would address concerns for their area, then by following the special consultative procedures of the Local Government Act engage with the industry and community alike to ensure the views and policices addressed are those of the total community.

It has been a long process to get to this point with staff commencing the process in early 2011 once it was clear the intent of the Bill. This process was to start to gather information and set systems in place to assist with the decision making process around the Draft LAP. In Rotorua we have been fortunate to have followed an in-depth pre-consultation process not just around the communities’ expectations, but also those of the industry and sector groups. Members of the Te Arawa standing committee have also provided invaluable input to this process, not only from a Maori perspective but from the wider community, as harm caused by the inappropriate and excessive consumption of alcohol is something that impacts on all residents.

It should be noted that the late Councillor Waaka as the appointed Chairperson of the District Licensing Committee (DLC) fronted all 15 public meetings and was a powerhouse behind ensuring that the draft LAP we have produced fairly reflected all the views expressed at these meetings. Maureen’s input from a staff point of view was invaluable.

Since then there was a Council-lead workshop where the full impact of the proposed draft LAP was discussed. This workshop included Councillors, Te Arawa standing committee members, Police, Toi Te Ora public health and staff. The final adjustments were made to the proposed draft and this then became the draft that the outgoing Council approved on the 26 September last.

5. **DISCUSSION AND OPTIONS SECTIONS**

Developing a draft LAP is a new function for each Council on behalf of their communities and as stated this Council made the decision to commence this process in December 2012. As informed at that initial meeting at any time during the process, the Council can make a further decision to abandon the process up to the time when they finally adopt the LAP.

The recommendation from staff is that this process should continue as the LAP does set the guidelines for the new powers and functions of the District Licensing Committee when they commence their role on the 18 December 2013. This document when finally adopted will ensure that there is certainty, not only for the liquor industry but, will essentially be this Council’s contract with its community around reducing alcohol related harm through the excessive and inappropriate consumption of alcohol.

Having a LAP will ensure consistency of decision making process but will ensure that those wishing to enter into this industry will understand the clear guidelines as contained within the policy. The aim is also to ensure that our Inner City is still a vibrant place to visit and ensure that businesses can conduct themselves with some certainty and a level playing field for all concerned.

6. **ASSESSMENT OF SIGNIFICANCE**

The decisions or matters of this report are not considered significant in accordance with the Council’s Policy on Significance, but once adopted will set clear guidelines for all decisions being made around liquor licensing matters within our District.
7. COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

Significant core-consultation with the community, Iwi, industry and sector groups has been carried out and official consultation, once approved, will commence using the special consultative procedures as outlined in the Local Government Act. The following is the proposed timetable for this process:

- Public consultation commences: 20 January 2014
- Submissions close: 7 March 2014
- Hearings of submissions: scheduled April 2014
- Deliberations on submissions: scheduled May 2014

8. CONSIDERATIONS

8.1 Financial/budget considerations

Allowances have been made for the public advertising of the consultation process and this is in both print and radio media, it is estimated to be in the vicinity of $5,000 to $6,000. Staff will use other free media where appropriate including Council’s website and Facebook account. Funding is already included within the operations of the appropriate cost centre involved.

8.2 Policy and planning implications

This policy development is not inconsistent with Council’s Long-term Plan as this was budgeted for and discussed during this process. Where appropriate alignment with the draft District Plan has also been made to ensure consistency with the objectives set out during this review.

8.3 Risks

Whilst the risks to Council are minimal staff are of the view that should this policy development not proceed there would be clearly a negative impact on the public perception especially around a “safe and caring community”.

Whilst the Sale and Supply of Alcohol Act clearly signals that for the DLC to function effectively there should be a LAP for the District, it does not make this development mandatory. How the committee would carry out effectively their functions without the guiding principles of a LAP, they would still have to make these decisions in a vacuum which would leave those decisions open to clearly being challenged.

8.4 Authority

The Sale and Supply of Alcohol Act 2012, sections 75 to 97 clearly outline the authority and process for the development of a LAP, the balance of the Act ensures that where a LAP is in force, it is given due weight when the DLC is making all decisions related to licensing matters before it.

10. ATTACHMENTS

Attachment 1: Draft Local Alcohol Policy
DRAFT
LOCAL ALCOHOL POLICY

ROTORUA DISTRICT COUNCIL
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1 BACKGROUND TO THE POLICY

In December 2012 the Alcohol Reform Bill was passed by Government. The Bill was the result of a Law Commission report into legislation and policies around the sale, supply and consumption of alcohol in New Zealand. The result of the Alcohol Reform Bill was three new Acts:

- The Sale and Supply of Alcohol Act 2012
- The Local Government (Alcohol Reform) Amendment Act 2012
- The Summary Offences (Alcohol Reform) Amendment Act 2012

Rotorua’s Local Alcohol Policy (LAP) aims to provide local guidance for how we meet the objectives of the Sale and Supply of Alcohol Act 2012 (the Act) in our community. The object of the Act is to ensure “the sale, supply and consumption of alcohol be undertaken safely and responsibly; and the harm caused by excessive or inappropriate consumption of alcohol be minimised”. Under the Act each Territorial Authority can develop a LAP relevant to their District.

In broad terms the LAP can:

- Limit the location and/or number of licensed premises, taking into account factors such as proximity to certain activities and facilities (sensitive sites),
- Restrict or extend maximum opening hours where alcohol is available, as outlined in the Act, and
- Impose conditions related to the issuing of licenses

This Draft Local Alcohol Policy (The Policy) has been developed in conjunction with elected representatives of the Rotorua District Council (RDC), Iwi, liquor licensing staff, police, medical officers of health, licensees, the tourism industry and other interested parties.

The Policy is now presented for further public and industry consultation as required by Subpart 2 of the Local Government (Alcohol Reform) Amendment Act 2012.
Consultation Process:

The Rotorua District Council (RDC) and the Rotorua District Licensing Committee (RDLC) encourages public input into the draft Policy. All interested parties can fairly have their say by:


It may also be viewed in hard copy at the Council offices, the City Focus and the Library.

Your feedback on the LAP is invited until 7 March 2014.

The easiest way to give feedback is online at www.rdc.govt.nz or by completing a feedback form at the Council offices, the City Focus or the Library.

If you have any questions please see a Liquor Licensing Officer at the Council or contact us:

Rotorua District Council
Phone: 07 348 4199
Email: mail@rdc.govt.nz
Website: www.rdc.govt.nz

LAP Proposed Development Timeframes:

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 January 2014 – 7 March 2014</td>
<td>Submit feedback on Provisional LAP</td>
</tr>
<tr>
<td>April – May 2014</td>
<td>Hearings and deliberations on submissions</td>
</tr>
<tr>
<td>May 2014</td>
<td>Provisional policy produced and open for appeal (30 days following public notification)</td>
</tr>
<tr>
<td>June 2014</td>
<td>Appeals (if any) heard by the Alcohol Regulatory and Licensing Authority</td>
</tr>
<tr>
<td>August 2014 (approximately)</td>
<td>Final adoption and implementation</td>
</tr>
</tbody>
</table>
2 INTRODUCTION

Rotorua District Council has developed this Policy to take an active role in protecting the safety and health of our community. Development of the Policy allows the community to work together to develop and implement strategies that are relevant to reduce the harmful effects of alcohol for our residents.

The draft Policy incorporates the views of residents and the liquor licensing trade, as well as Iwi, police, Toi Te Ora Public Health Service and other stakeholders. All have shared their views as to how alcohol could be responsibly managed within the Rotorua District.

These stakeholders are united in their desire to see the Policy reduce excessive and inappropriate use of alcohol and improve community safety from alcohol-related harm. RDC recognises the liquor licensing trade for their efforts to self-regulate and control negative outcomes of alcohol supply, and their positive participation in the Policy's creation.

It is also recognised that appropriate use of alcohol in social settings is an enjoyable pastime that many people value. Additionally, Rotorua has a vibrant hospitality industry that attracts national and international visitors. Responsible alcohol consumption is an enjoyable part of many visitors' experience and a contributor to Rotorua's night-time economy.

However, alcohol is also a significant cause of disease, disability and social harm. Its negative impacts include illness, injury, violence, crime, motor vehicle accidents and death. Leaving aside the obvious cost to individuals and their families, these impacts also come at a significant economic cost to the community, which must provide emergency, healthcare and other services. A Rotorua District Council commissioned report “The Impacts of Liquor Outlets in Rotorua District” (May 2012) outlines the extent of negative social and economic impacts in the local community.

The Policy is therefore designed to encourage the socially responsible use of alcohol in the Rotorua community, keeping in mind the importance of tourism and hospitality to our economy, whilst also protecting the safety of residents and visitors and minimising the social and economic impacts of alcohol-related harm.

The LAP is an instrument to do this by fairly and consistently defining the number, type and location of outlets; the hours and conditions under which they trade; restrictions on who may purchase alcohol; and the circumstances under which it can be supplied. It is the combined effect of these policies that determines their efficacy in protecting the Rotorua community from alcohol related harm.
3  THE OBJECT OF THE ACT

(1) The object of the Act is that

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

and

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

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

(a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol

and

(b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a)"
4 POLICY OVERVIEW

For the first time, the Act has enabled Territorial Local Authorities (TLAs) to create a Policy that takes into consideration residents’ concerns regarding the impacts of alcohol in the community. The creation of a local policy is optional, and if no Local Alcohol Policy exists, then the Act is the default policy.

RDC has opted to create an LAP to offer clear guidance to the hospitality industry, such as hotels, cafe’s, restaurants, bottle stores and bars for how they should operate to create a safe and social entertainment environment within our community. The LAP is designed to help encourage socially responsible use of alcohol and protect the community from the impacts of alcohol related harm, by reducing excessive and inappropriate use of alcohol.

The purpose of this Policy is to clearly define the requirements that must be met when an application for a liquor licence is made, the parameters used to determine whether a liquor licence be granted or renewed, and the basis for granting or refusing different liquor licence types within the District. The Policy provides guidance to applicants and the RDLC when determining a licence application and the impact this will have (negative or positive) within the community.

The following sections outline Rotorua’s Policy responses to sections 77 (1) (a) to (e) of the Act.

In particular the issues addressed are:

4.1 Policy Principles
4.2 The role of the Rotorua District Licensing Committee
4.3 Host Responsibility
4.4 Location of licensed premises within the District
4.5 Location of licensed premises in proximity to premises or facilities of particular kinds (sensitive sites)
4.6 Whether further licences (or licences of particular kinds) should be issued for premises in the District, or parts of the District
4.7 Maximum trading hours
4.8 Accommodation Providers
4.9 One-way door restrictions
4.10 Definition of the Inner City for the purposes of this Policy
4.11 Social Impact Reports
5.0 Other issues to be addressed
   5.1 Signage on premises
   5.2 Sale of single serve alcoholic drinks
   5.3 Special licences for holders of club licences
   5.4 Food requirements for special licences
   5.5 Events that can be held via special licence

4.1. Policy Principles

When using this policy, the following principles must be taken into account:

- All RDLC considerations should have regard to the needs and views of local communities,
- All RDLC processes regulating the sale and supply of alcohol should be transparent, consistent and objective,
- All RDLC actions should promote the object and be consistent with the provisions of the Sale and Supply of Alcohol Act 2012, and
- All RDLC decisions will be based on evidence and will be considered objectively.
4.2. Rotorua District Licensing Committee

The Rotorua District Licensing Committee (RDLC) is a semi-judicial body, responsible for hearing and determining all liquor applications, including manager’s certificates within the District. They are also responsible for any enforcement proceeding lodged with the Alcohol Regulatory Licensing Authority. The RDLC is made up of the Chairperson and Deputy Chairperson (both elected members of Rotorua District Council) and two community members appointed by Council serving a five year period. This LAP is formulated as an integral base for which the decisions of the RDLC shall be based.

The RDLC takes a proactive approach to liquor licensing, including working with industry, special interest groups, partner agencies and the public to ensure the objective of the Act is met and appropriate legislation complied with. Government made the decision that all functions and costs of operating the District Licensing Committees across New Zealand will be meet by the new fee regime set by Government and levied against licensees.

The RDLC also has a role as an educator for the liquor licensing trade to ensure that the LAP is understood and implemented, and that enforcement action is only ever a last resort.

The LAP defines the role of the RDLC with the following policy statement:

**POLICY STATEMENT:**

The Rotorua District Licensing Committee will continue to encourage public participation and consultation in liquor issues generally, with a particular emphasis on:

- Awareness of the Rotorua District Licensing Committee and its role;

- Awareness of the Licensee’s responsibility in ensuring a responsible approach to liquor consumption; and

- Awareness of a procedure by which the public can make complaints about licensed premises, and object, where appropriate, to licence applications.
The LAP also states RDLC’s responsibility to collaborate with partner agencies in a positive and proactive manner as defined by the Act, and work with other relevant bodies and groups, including, but not limited to, the Health Promotion Agency (formerly ALAC), Hospitality New Zealand (HNZ), and Sports Club Association of New Zealand (SCANZ).

Further, preventative education, especially for younger persons, is seen as part of the overall strategy to reduce alcohol-related harm. The RDLC will maintain a continuing public awareness, education and communications role in the community to foster prevention of alcohol-related harm.

**POLICY STATEMENT:**

- The RDLC maintains a continuing public awareness and communication role, targeting the above-mentioned groups, with a view to increasing public awareness of the need to “curb alcohol related harm” within our community.

- The RDLC acknowledges the vital role of proactive education and will support where possible partner agencies in delivering agreed programmes targeted at education around the safe consumption of alcohol, supporting the overall objective of the Act.

- That the RDLC annually allocates funding (as approved by RDC), for education programmes aimed at “reducing alcohol-related harm” in our community.
4.3. Host Responsibility

As part of operating successful licensed premises, a licensee must be a responsible host, ensuring the safety of patrons and providing service of the world-class standard expected from a tourism destination like Rotorua.

This Policy outlines minimum host responsibility requirements. Demonstrating host responsibility and displaying a policy on premise for staff and customers to view is mandatory for any liquor licence holder.

POLICY STATEMENT:

That all On-Licence and Club premises must have a host responsibility policy and this policy should be an integral part of the day to day operations of such premises. It is expected that the policy should be easy to read not only for the staff but also the customers and should include but not be limited to:

- Transportation options and clear signage displayed within the premise.
- Provision and promotion of substantial food options.
- Provision and promotion of low and non-alcoholic drinks.
- Dealing with minors and / or intoxicated persons.

Each premise must display the host responsibility policy in an area where customers can easily read it.
4.4. Location of licensed premises within the District

The placement and number (or density) of alcohol outlets within local neighbourhoods is a key concern to the Rotorua community. Of particular concern are off-licence outlets. Off-licence outlets tend to be located in areas of high social deprivation and population density, while on-licence outlets tend to be located in main centres and areas of high amenity value.

The density of liquor outlets has a direct correlation to alcohol-related harm within communities. New Zealand and international research shows a correlation between increased outlet density and increased alcohol related problems, particularly violence. "In particular, off-licence density is associated with higher levels of anti-social behaviors, drug and alcohol offences, family violence, property abuse, property damage, traffic offences and motor vehicle accidents."

After reviewing an extensive body of research and considering the community's views, the RDC proposes the following policy statement with regard to the placement of off-licence liquor outlets:

**POLICY STATEMENT:**

- That after this Policy has come into force no NEW Off-Licence applications will be accepted for premises within 1000 metres as measured along the footpath (from the main entrance of one premise to the main entrance of the other premise) from another already operating Off-Licence.

- That any area within the Rotorua District with a Deprivation Index of 8 and greater will have no new liquor Off-Licences granted. This Policy Statement will be the base guidance for the RDLC.

- For the RDLC to consider other types of applications under this policy, the applicant must provide a social impact report that clearly demonstrates how their proposal will minimise the alcohol related harm generally associated with the granting of this type of licence, and how the proposal will add to the amenity value of the area. The report must also demonstrate how the applicant will also meet the object of the Act.

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2 The Impacts of Liquor Outlets in Manukau City, ALAC (2010)
3 Alcohol in Our Lives, Curbing the Harm, Law Commission (2010)
4 The Impacts of Liquor Outlets in Manukau City, ALAC (2010)
Exemption:
The above Policy statement does not apply to supermarkets as defined within this Policy. It also
does not apply to taverns (that hold both an On-Licence and an Off-Licence) or rural areas of the
Rotorua District that have a licensed premise, at the commencement of this Policy.

4.5. Location of licensed premises in proximity to premises or facilities of particular kinds

It is important to the Rotorua community that liquor outlets (off-licences only) are not allowed to operate
within a pre-defined distance from one or more ‘sensitive sites’. Sensitive sites include educational
facilities and Marae.

Research\(^5\) shows that the purchase of alcohol from off-licence outlets can lead to secondary harms in
surrounding areas. For example, purchased alcohol is commonly consumed close to the point of sale,
with a negative impact on community safety in public spaces such as parks and bus-stops. Off-licence
outlets can also be vulnerable to robbery, vandalism and graffiti, which not only create safety issues but
also degrade the surrounding amenity value of the area.

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**POLICY STATEMENT:**

- That no NEW liquor outlets (Off-Licences, as defined within this Policy) will be
  granted if they are within 500 metres, as measured along the footpath (from the
  main entrance of one premise to the main entrance of the other premise), of any
  site defined as sensitive, where that sensitive site was in operation at the time
  that this Policy came into force.

- For the RDLC to consider other types of applications under this policy, the
  applicant must provide a social impact report that clearly demonstrates how their
  proposal will minimise the alcohol related harm generally associated with the
  granting of this type of licence, and how the proposal will add to the amenity
  value of the area. The report must also demonstrate how the applicant will also
  meet the objective of the Act.

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\(^5\) Alcohol in Our Lives, Curbing the Harm, Law Commission (2010)
Exemption:

This Policy statement does not apply to the area defined as the Inner City.
The above Policy statement does not apply to supermarkets (as defined within this Policy), or
taverns (that hold both an On-Licence and an Off-Licence) or rural areas of the Rotorua District
that have a licensed premise, at the commencement of this Policy.

Any identified sensitive site can have itself declassified as such by writing to the RDLC, and
should a site believe that they should be added to this list of sites they can apply in writing to
the RDLC clearly outlining as to why they believe they should be added to the list.

“Sensitive Sites” for the purposes of the LAP:

Education Facilities
Includes learning sites such as pre-school, primary, secondary and tertiary institutions and
institutes delivering educational services for groups such as unemployed people, youth,
elderly or groups with special educational needs.

Marae
Community meeting places or surrounds. Marae customarily means the open space in front of
a meeting house upon which various ceremonial occasions are centred. For the purpose of
the LAP, a Marae also consists of a wharenui (Maori meeting house) and/or a wharekai/hall,
together with the surrounding area of open ground. It includes buildings normally used in
conjunction with the meeting house or hall, the whole being located on a defined parcel or
parcels of land and administered by legally appointed trustees of a trust body for the common
use or benefit of a defined group of Maori people.
4.6. Whether further licences (or licences of particular kinds) should be issued for premises in the District, or any stated part of the District

RDC believes there are sufficient liquor licences within the District to meet the alcohol supply requirements of residents and visitors alike. Residents have expressed great concern at the number of new applications for licensed premises, which are neither welcomed nor required within their communities. Due to the limitations of the Sale of Liquor Act 1989, these concerns have historically fallen on deaf ears. The new Act allows these concerns to be heard and addressed. We propose that the LAP allows for community involvement, with the following policy:

**POLICY STATEMENT:**

That no new applications for permanent liquor licences will be received by the RDLC, unless accompanied by a social impact report. For the RDLC to consider other types of applications under this policy, the applicant must provide a social impact report that clearly demonstrates how their proposal will minimise the alcohol related harm generally associated with the granting of this type of licence, and how the proposal will add to the amenity value of the area. The report must also demonstrate how the applicant intends to meet the object of the Act.

**Exemption:**

This Policy statement does not apply to the area defined as the Inner City in Appendix 1 or specific sites of development, as defined and approved under the District Plan.

The RDLC will also consider liquor licence applications for sites within or outside these areas, that have approved resource consent.

This Policy statement does not apply where a currently licensed premise is sold and the new owners are applying to continue trading in their own right; in such instances, the application will be determined under the provisions of the Act and other appropriate sections of this Policy.

This Policy statement does not apply to supermarkets, (as defined within this Policy) or taverns (that hold both an On-Licence and an Off-Licence) or rural areas of the Rotorua District that have a licensed premise, at the commencement of this Policy.

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4.7. Maximum trading hours

There is clear evidence of a direct correlation between hours of trade for licensed premises and alcohol-related harm to the community. The Law Commission report identified that longer trading hours were contributing to increasing law and disorder problems for Police and Emergency Services. RDC believes that the benefits of alcohol availability must be balanced against the known harm caused by excessive intoxication in Rotorua’s entertainment precinct and communities.

This Policy suggests differing trading hours for liquor outlets within the entertainment precinct defined as the Inner City and those located in suburban and rural areas. It also proposes shorter maximum trading hours than permitted by the Act. A research study canvassing Bay of Plenty resident views showed the majority of respondents favoured reduced opening hours. The proposed opening hours aim to balance the needs of our vibrant entertainment precinct, with accommodation providers needing to provide a restful sleep, within the same environment.

As allowed for in Section 90 (2) and (6) of The Act, the proposed hours will apply to all licensed premises three months after this Policy comes into force.

The new Act has set the default national maximum trading hours as:
Sale of alcohol for consumption on licensed premises: 8.00 am on any day to 4.00 am on the next day
Sale of alcohol for consumption off licensed premises: 7.00 am on any day to 11.00 pm on the same day.

This Policy proposes the following trading hours for new liquor outlets within and outside the Inner City zone:

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1 Queenstown Lakes District Licensing Agencies Policy to reduce trading hours in the "My Noddie Limited and others" PH 008/2010 held in June 2010 and the subsequent High Court appeal
POLICY STATEMENT:
That the hours for any Liquor Outlet will be:

WITHIN THE INNER CITY
- Sale of alcohol for consumption on licensed premises: 8.00 am on any day to 3.00 am on the next day;
- Sale of alcohol for consumption off licensed premises – 10.00 am on any day to 10.00 pm on the same day
- Sale of alcohol for consumption on club licensed premises:
  Sunday to Friday: 8.00 am to 12 midnight
  Saturday and Public Holidays: 8.00 am to 1.00 am the following day

OUTSIDE THE INNER CITY
- Sale of alcohol for consumption on licensed premises: 8.00 am on any day to 1.00 am on the next day
- Sale of alcohol for consumption off licensed premises: 10.00 am on any day to 08.00 pm on the same day
- Sale of alcohol for consumption on club licensed premises:
  Sunday to Friday: 8.00 am to 12 midnight
  Saturday and Public Holidays: 8.00 am to 1.00 am the following day

Exemption:
This Policy statement does not apply to Supermarkets (as defined by this Policy) operating outside of the Inner City whose closing hours will be the same as Supermarkets operating within the Inner City.

Where a Club licence already has hours previously approved outside of this Policy unless in the opinion of the RDLC they should be reduced to these default hours they will remain in force.
4.8. Accommodation Providers and Caterers

The Visitor Industry is a significant contributor to Rotorua’s GDP and RDC acknowledges the vital role the accommodation sector plays in ensuring a quality visitor experience within our district.

RDC supports a safe and social visitor environment, whilst maintaining high levels of quality service through the provision of 24 hour guest services and appropriate catering provided to functions. The LAP allows approved accommodation providers and catering endorsed licence holders to supply alcohol (including minibars) to overnight guests 24 hours a day, 7 days a week and to functions that are catered.

Whilst the Sale and Supply of Alcohol Act 2012 does not directly refer to Accommodation Providers or Caterers for these hours, Section 45 of the Act, accompanied by an appropriate LAP provision, ensures current 24/7 guest services, provided for as a condition of an accommodation provider licence or a catering endorsed licence, can be maintained.

POLICY STATEMENT:
Where an accommodation provider applicant can or a caterer can demonstrate to the RDLC that their licence should allow for a 24 hour guest service, and/or mini-bars within the rooms, and catering to functions, the RDLC may grant such a licence, with these conditions included.
4.9. One-way door restrictions

The former Rotorua District Licensing Agency, along with many responsible licensees, has for some time used one-way door restrictions to help reduce alcohol-related harm. A one-way door policy means patrons can remain on premise until closing time (3 am, say), but cannot enter the premises after a specified time (such as 1 am). This prevents patrons from migrating between premises after a predetermined time, with licensees unaware of their previous alcohol consumption.

RDC believes the policy has reduced alcohol-related incidents and that there should now be a level playing field for all premises, especially those within the inner city, with a one-way door restriction from 1am each day.

The potential impacts of such a restriction – for example, pressure on transportation and policing resources – can be mitigated, and RDC believe the benefits outweigh the costs.

POLICY STATEMENT:
That all on-licensed premises will be required to have, as a condition of their licence, a one-way door restriction from 1.00 am each day that they are open. That all new and renewals of on-licensed premises will be subject to this condition being added.
That all club-licensed premises will be required to have, as a condition of their licence, a one-way door restriction from 12.00am (midnight) each day that they are open. That all renewals of club-licensed premises, will be subject to this condition being added.
The Alcohol Accord group will encourage all licensed premises (both On and Club-Licences) to implement this one-way door restriction before their licence is due for renewal.
4.10. Definition of Inner City Area

For the purposes of the Policy the area known as the Inner City is clearly defined. The Policy definition is the same as the District Plan definition, and is attached to this Policy as Appendix 1.

4.11. Social Impact Reports

Any application for a new On, Off or Club-Licence must be accompanied by a Social Impact report. The RDLC will consider the report in the context of the application and the RDC’s overall Policy and legislative objectives.

The report must:

- Clearly demonstrate how their proposal will minimise the alcohol related harm generally associated with the granting of this type of licence,
- Demonstrate that granting the licence will add to the amenity value of the area in which the licence applies, and
- Show how the applicant intends to meet the object of the Act.
5 OTHER ISSUES TO BE CONSIDERED AS PART OF THIS POLICY

Section 73 (3) of the Act states:
“A local alcohol policy may include policies on any matter not relating to licensing that is relevant to the object of this Act.” This section addresses such matters and includes an appropriate policy statement for each.

5.1 Signage on premises and the impact on the aesthetic value of an area

Liquor outlets can attract criminal and anti-social behaviours, such as graffiti and vandalism, over and above that directly related to the consumption of alcohol. Additionally, licensees can have inappropriate or too much signage in the attempt to gain a competitive advantage. Research shows a correlation between excessive advertising and inappropriate purchasing and consumption of alcohol. While RDC acknowledges that retailers are entitled to signage that meets the requirements of the local Bylaws or the District Plan, other retailers do not typically have the same level of signage on or around their premises as liquor outlets (especially Off-Licences) and a signage restriction is one measure the community has proposed.

RDC fully support the principles of Crime Prevention through Environmental Design (CPTED) for licensed premises, and how these principles can impact on crime prevention and safety in and around licensed premises. For new licenses, or renewals, the RDLC will review whether applicants have given due consideration to the CPTED principles and applied them to the premises concerned.

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5 Alcohol in Our Lives, Curbing the Harm, Law Commission (2010)
POLICY STATEMENT:

That all Off-Licence liquor outlets restrict signage to two main signs attached to the outside of the premises only, with either a total site coverage not measuring more than 15 metres square, or the coverage allowed under the District Plan, whichever is smaller.

That no movable signage will be permitted on the property, or road reserve including the footpath. That where a licensed premise has been subject to vandalism and/or graffiti, the owner/licensee shall repair or remove the vandalism or graffiti at the earliest opportunity, and no later than 48 hours after having it brought to their attention by the RDLC.

Exemption:

This Policy statement does not apply to Supermarkets (as defined by this Policy) that already have special provisions within The Act.
5.2 Restriction on the sale of single serve alcoholic drinks

The practice of Off-Licence premises selling singular quantity, single serve alcoholic drinks to the public is of great concern. Most commonly, it is ready to drink “RTD’s” (also known as “alcopop’s”) or individual beer bottles that can be purchased in singular quantities. RTD's are pre-mixed drinks of generally between 5% and 12% alcohol by volume that are contained in single-serve containers, but packaged into minimum quantities of four. Some Off-Licence operators break the original packaging to sell singular quantities. This can also occur with beer products. The relatively cheap price per individual container makes drinking more accessible to young people. This practice also further encourages consumption within the immediate environment of the licensed premise that in many situations are also covered by a Liquor Ban, and issues with littering and potential harm of the immediate community. This Policy proposes to ban the sale of singular quantity, single serve containers by Off-Licensed premises, by maintaining the original packaged quantity as the minimum quantity that may be sold. An exception is wines and specialty beers that may be packaged as single quantity serves.

POLICY STATEMENT:

That the practice of Off-Licence premises selling singular quantity, single serve alcoholic beverages to the public will not be accepted, within the area known as the “city limits” as defined in the Policy by the map in Appendix 2. Alcohol must be sold in the original minimum packaged quantity provided by the supplier, and no single shot serves even if provided by the supplier.

Exemption:

This Policy statement does not apply to wines and specialty beers that are supplied packaged in single quantity serves.
5.3 Special licences for holders of Club Licences

Studies show that clubs are disproportionately high contributors to alcohol-related harm scores¹². This may be partly the result of the historical privilege of clubs under the old Sale of Liquor Act 1989. In recent years, however, there has been criticism of clubs morphing into de-facto on-licensed premises by way of substantial Special Licence applications. This was partially addressed in the Act under section 63, but RDC believes there should also be a policy statement to set out the level of special licences for clubs.

POLICY STATEMENT:

That the following type of events would be accepted and determined as special licence applications from clubs: member birthdays, anniversaries and weddings, club functions for members (and non-members) that require extended hours for example fundraising, New Year’s eve etc., and functions being hosted for other groups that are not club members like prize giving’s, after match functions etc. This list is not exhaustive but would be the basis of determining special licence applications;

Funeral / Tangi:

In the event of a funeral or Tangi taking place at a club premises, there will be a fast track process put in place with the agreement of the reporting Agencies and this will be free of charge.

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5.4 Food requirements for Special licences

The supply of food is an important element in ensuring any Special Licence event is successful and that alcohol-related harm is reduced. For the purpose of the following Policy Statement, three food classes are defined, as follows:

(a) **Snack Food** – is not limited to but may include cracker biscuits and cheese, pickles, salad vegetables as a dip, nachos and canapés.

(b) **Light Food** – is not limited to but may include pies, filled rolls, toasted sandwiches, french fries and hot savouries.

(c) **Substantial Food** – is not limited to but may include buffet or menued meals, smorgasbords, and fish and chips.

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**POLICY STATEMENT:**

That all Special Licence events shall have food available appropriate to the duration and type of event and that each application will be measured according to the following time frames:

(a) Events up to two hours duration must have a minimum of snack food

(b) Events up to five hours duration must have a minimum of light food

(c) Events in excess of five hours duration must provide substantial food
5.5 **Restriction on number of events that can be held via a Special Licence**

Special Licences play a vital part in allowing special events to be successfully hosted with alcohol supplied in a safe, well managed manner. However, a Special Licence should not substitute for a full Liquor Licence that meets the requirements of the Act. RDC believes that guidance is needed to ensure the number of events held by means of a Special Licence is managed responsibly.

**POLICY STATEMENT:**

The number of events that can be applied for by way of a Special Licence is as follows:

(a) Seasonal events for premises like unlicensed sports clubs: No more than 52 events within one calendar year.

(b) Twelve month duration licences for premises such as work social groups: A maximum of 52 events within one calendar year, but restricted to one night per week, with four additional events allowed for special events.

(c) Twelve month duration licences for premises such as theatre groups: Unlimited events within one calendar year, but must be directly related to shows/performances or other member events that are clearly associated with members or supporters of that group.
6 FURTHER READING

"The Impacts of Liquor Outlets in Rotorua District", Community Policy & Resources Department, May 2012.
"The Impacts of Liquor Outlets in Manukau City" ALAC, 2010.

7 DEFINITION OF LIQUOR PREMISES

On Licence:
This provides for the sale and supply of liquor for consumption in or on the specified licensed premises, i.e. cafes, taverns and hotels. The area specified as licensed is defined on plans provided and may include outside areas. e.g. hotels, taverns, restaurants.

Club Licence:
Similar to an On Licence but specific to a club premises and club members, affiliates and guests of club members.

Off Licence:
Provides for the sale of liquor (take home) which is to be consumed elsewhere. May include bottle stores and supermarkets. (Some hotels and taverns may hold both an off and on licence.)
There are several categories of Off-License and for the purpose of this Policy they are defined as follows:

Supermarkets:
A premise where there is a floor area of at least 1000m2 which can include fresh meat, fruit, vegetables and delicatessen items. Supermarkets can only sell beer and wine.

Grocery stores:
A premise less than 1000m2, that has a range of food products and other household items for sale but where the principal business is the sale of food products. A more specific definition of what comprises food products can be found in s.33 of the Act. Only beer and wine can be sold in grocery stores.

Bottle Stores
Premises where the main product for sale is alcohol of any type – e.g. wine, beer, spirits, ciders etc. Usually these premises are stand-alone. They cannot be situated wholly or partially within another shop, unless part of a hotel or tavern style on licence where liquor can be sold either in a separate store or over the bar.
8 COMMENCEMENT OF THIS POLICY

This Policy was duly adopted by the Rotorua District Council by a resolution passed on the ___ day of ______ 20__, and was confirmed following consideration of submissions received during a special consultative procedure, by a resolution passed on the ____ day of ______ 20__.

THE COMMON SEAL of the
ROTORUA DISTRICT COUNCIL

was hereto affixed in the presence of:

...........................................

MAYOR

...........................................

CHIEF EXECUTIVE
APPENDIX 2 – CITY LIMITS
TEMPORARY LIQUOR BAN – RAGGAMUFFIN CONCERT 2014

Report prepared by: Graham Lowe, Senior Regulatory Officer
Report reviewed by: Neven Hill, Manager Regulatory Services
Report approved by: Mark Rawson, Group Manager Economic and Regulatory Services

1. PURPOSE

That the Council consider a request from the Police for the imposition of a temporary liquor ban in specified streets in Westbrook from 1600 hours (4.00pm) Thursday, 30 January 2014 to 1600 hours (4.00pm) Sunday, 2 February 2014. This will enable the Police to control the possession and consumption of liquor in the "specified public place" on the occasion of the Raggamuffin Concert that is being held at the International Stadium.

2. EXECUTIVE SUMMARY

The following recommendation relates to Clause 8(b) of the Public Places Liquor Control Bylaw 2009 which gives Council the powers to declare an area as a “specified public place” for the purposes of controlling the consumption and bringing of liquor into the same area. This has been a successful tool for reducing harm and increasing public safety within this area and is another example of Council working closely with partner agencies in this case the Police to achieve a positive outcome for our community.

3. RECOMMENDATION 10

1. That the report ‘Temporary Liquor Ban – Raggamuffin Concert 2014’ be received;

2. That Council resolves that the following areas shall be a “specified public place” for the period 1600 hours (4.00pm) Thursday, 30th January 2014 to 1600 hours (4.00pm) Sunday, 2nd February 2014.

The “specified public place” includes:

- Pukehangi Road from the Utuhina Stream Bridge to its intersection with Malfroy Road;
- Springfield Road from the Utuhina Stream Bridge to its intersection with Otonga Road;
- Devon Street from its intersection with Old Taupo Road to its intersection with Pukehangi Road;
- Malfroy Road from its intersection with Pukehangi Road to its intersection with Jervis Street;
- Jervis Street from its intersection with Malfroy Road to its intersection with Huia Street;
• Huia Street from its intersection with Jervis Street to its intersection with Devon Street;
• The whole of Smallbone Park, situated on the southern side of Devon Street;
• The whole of Ray Boord Park Reserve located between Devon Street and Thebes Street (to be utilised for car parking for the event);
• The whole of the Westbrook Reserve located off Petrie Street (to be utilised for car parking for the event);
• The whole of the Devon Street Reserve located off the southern side of Devon Street.

4. BACKGROUND

The Public Places Liquor Control Bylaw 2009 that came into effect on the 1st December 2009 included a provision to enable Council to declare any other area in its district that is currently not subject to the provisions of the Bylaw, to become subject to the Bylaw provisions for a specified period.

A temporary liquor ban has been successfully imposed for previous Raggamuffin concerts that have been held for a number of years and when Rotorua hosted several games for the Rugby World Cup 2011.

The imposition of a temporary liquor ban in a specified public place around the Rotorua International Stadium will allow the Police to actively enforce its provisions to prevent and reduce the incidences of alcohol related offences and undesirable behaviours.

5. DISCUSSION AND OPTIONS

In a written request to Council, the Police believe the provisions of the Public Places Liquor Control Bylaw, alluded to above, are an ideal tool to assist in the reduction of alcohol related harm which had been experienced with previous Raggamuffin concerts where this provision was not available. Police seek to have the environs around the International Stadium declared a liquor free zone for the duration of the event.

The Police have previously provided details of incidents that occurred during earlier Raggamuffin Concerts, which has led to their current request for a temporary liquor ban.

The majority of arrests and offences committed during both the 2008 and 2009 events occurred outside of the event site proper, in the environs and in almost every case alcohol was a causative factor.

With the introduction of the temporary liquor ban for the Raggamuffin concerts, these incidents have basically ceased, which clearly indicates the usefulness of this tool as part of the overall Police strategy.

6. ASSESSMENT OF SIGNIFICANCE

The decisions or matters of this report are not considered significant in accordance with the Council’s Policy on Significance.

7. COMMUNITY INPUT / ENGAGEMENT AND PUBLICITY

The Council already has a sound understanding of the views and preferences of the persons likely to be affected or interested in the matter due to similar events held in the past and the positive feedback received from residents living in the temporary liquor ban area and from the Police who enforce it.
To ensure that the public is adequately notified of the proposed temporary liquor ban, Council will need to erect signage at strategic locations, as well as placing a public notification in the newspaper as required by Clause 8. In conjunction to these measures, this information will also be on the Council and Police websites.

8. **CONSIDERATIONS**

8.1 **Financial/budget considerations**

A budgeted amount of $1,200.00 has been included for this event. Funding includes newspaper advertising and amending dates on signage.

8.2 **Policy and planning implications**

This decision is consistent with temporary liquor bans made in the past and contributes to the safety and wellbeing of the community in the area.

8.3 **Risks**

The request made by the Police is a good example of why the provisions of Clause 8 were included in the Bylaw. There is no doubt that the imposition of a temporary liquor ban will go a long way to ensuring public safety for those who attend the event and will assist the Police in dealing with those who opt to behave irresponsibly in the environment surrounding the event venue.

8.4 **Authority**

The provisions of Clause 8 of the Public Places Liquor Control Bylaw 2009 apply and are as follows:

"APPLICATION OF BYLAW TO SPECIFIED PUBLIC PLACES"

Clause 2 of this Bylaw does apply to:

a) Any public place that is a specified public place by reason of it being within the area described in the Schedules to this Bylaw; and

b) Any other public place which Council may from time to time resolve shall be a specified public place for a specified period, subject to prior public notice of such restriction being given on two occasions in a newspaper circulating in the Rotorua District, with the first such notice being given not less than 14 days prior to the restriction coming into force and the second such notice being given not less than 7 days prior to the restriction coming into force.

9. **ATTACHMENTS**

Attachment 1: Police request for the Temporary Liquor Ban
Attachment 2: Copy of Public Places Liquor Control Bylaw 2009 (1st six pages)
Attachment 3: Map of the area to be subject to the Temporary Liquor Ban
24 September 2013

The Chief Executive
Rotorua District Council
Private Bag 3029
Rotorua Mail Centre

Submissions in respect of a Temporary Liquor ban in Public Places near the Rotorua International Stadium during the Raggamuffin Music Festival 2014

1. Introduction

1.1 This submission is made by Inspector Edward Van Den Broek on behalf of the Rotorua Police. The purpose of this submission is to seek a temporary liquor ban for the 2014 Raggamuffin Music Festival, similar to those successfully imposed around the environs of the Rotorua International Stadium, for previous Raggamuffin and other large scale public events, including recent Rugby World Cup fixtures.

2. Background

2.1 The Raggamuffin Music Festival has been held annually at the Rotorua International Stadium since 2008 and attracts up to 32,000 persons, making it the biggest public event Rotorua Police have to plan for.

   The hosting of the Raggamuffin Music Festival brings with it inherent risk for Police and partner agencies. Festival organisers and the Rotorua community. One of the most significant risks is how to manage excessive alcohol consumption before, during and after the event. The undesirable behaviours and offending caused by alcohol abuse is exacerbated by the fact the Raggamuffin Music Festival is 12 hours in duration and held in the middle of summer. Excessive alcohol consumption in the past has contributed to various occurrences, including disorder, assault, domestic violence and a perception by some in the community that the Festival is unsafe and not well managed.

2.3 For the 2010, 2011, 2012 and 2013 festivals the Rotorua District Council accepted a Police submission that established a temporary liquor ban in a specifically defined area around the Rotorua International Stadium. This made the consumption, bringing, or
possession of liquor into the area an offence under Clause 8b of the Public Places Liquor Control Bylaw 2009, for the period between 1600 hours Friday to 1600 hours Sunday.

Police have actively enforced these temporary liquor bans in the past, using an intelligent intervention\(^1\) approach to any offending detected. This approach, coupled with proactive advertising of the ban, are credited with greatly assisting in the prevention of alcohol related harm and undesirable behaviours at previous Raggamuffin Festivals, and also enhancing public perception of safety at the event and within its environs.

2.4 Such action has also negated the problem of dangerous litter in parks, roads and public places within the defined area (a major issue at the first festival in 2008), favourably enhanced the communities’ perception of the event, and demonstrated that the potential for alcohol related harm associated with the Festival is understood and well managed by Police, Rotorua District Council, Festival organisers and other stakeholders.

2.5 The success of this initiative is now viewed as part of large scale public event management best practice\(^2\) and has seen further liquor bans used for International Rugby fixtures at the Rotorua International Stadium, including the recent Rugby World Cup fixtures.

3. **Raggamuffin Music Festival Format for 2014**

The format of the 2012 Raggamuffin Music festival introduced a Friday evening 'Raggamuffin Pre Party' event. This 'Pre Party' involved a five event at the upper field of the Rotorua Stadium where several bands played to a crowd of approximately 5000 people. Alcohol was sold at the 'Pre Party'. This was over and above the Saturday event.

Accordingly the 2014 event will see the same format as the previous 2 years, with a Friday evening event.

Raggamuffin Pre Party

Friday 31 January 2014 – 1700 to 2300 hours

Raggamuffin Music Festival

Saturday 1 February 2013 – 1000 hrs to 2300 hrs

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\(^1\) In this context intelligent intervention, means that Police realise, subject to the circumstances at the time, not every breach may result in or warrant arrest, however some form of proactive and practical intervention will be made.

\(^2\) In 2010 Rotorua Police presented a paper on Policing at Large Scale Public Events to the New Zealand Police Research Symposium. It was judged best paper at the Symposium, by a panel of international Crime Science experts, resulting in the author receiving the 2010 Symposium Crime Science award.
4. **Recommended specified area**

3.1 In relation to the 2014 Ragamuffin Music Festival, Police propose the Rotorua District Council resolve to have the following area designated as a specific public place for the control of liquor under the Rotorua District Council Public Places Liquor Control Bylaw 2009:

Specified public places:

The entire area bounded by:

a) Pukehangi Road from the Utuhina Stream bridge to its intersection with Malfroy Road;

b) Springfield Road from the Utuhina stream bridge to its intersection with Otonga Road;

c) Devon Street from its intersection with Old Taupo Road to its intersection with Pukehangi Road;

d) Malfroy Road from its intersection with Pukehangi Road to its intersection with Jervis Street;

e) Jervis Street from its intersection with Malfroy Road to its intersection with Huia Street;

f) Huia Street from its intersection with Jervis Street to its intersection with Devon Street;

g) The whole of Smallbone Park situated on the southern side of Devon Street;

h) The whole of Ray Boord Park Reserve located between Devon Street and Thebes Street (to be utilised for carparking for the Event);

i) The whole of the Westbrook Reserve located off Petrie Street (to be utilised for carparking for the Event);

j) The whole of the Devon Street Reserve located off the southern side of Devon Street.

The Liquor ban would relate to public places only and include Smallbone Park, Ray Boord Park, all public roads and event car parks but would not include the Rotorua International Stadium.

3.2 The proposed timings for the 2014 ban are:

**1600 hours Thursday 30 January to 1600 hours Sunday 2 February 2013.**

3.3 It is also recommended that appropriate signage, similar to those used for previous events, be erected and maintained in prominent positions two weeks prior to the event and the proposed temporary ban be
widely advertised both locally and nationally including the Rotorua District Council and promoter’s website.

4. Summary

4.1 Police believe previous environs liquor bans at the Rotorua International Stadium have been very successful in preventing crime, enhancing the Festival attendee’s experience, providing assurance to the community and further supporting the image of Rotorua as a safe, caring and desirable visitor and event destination. The environs liquor ban allows Police to take decisive action against a small number who’s offending is alcohol related. Such offending has the real potential to become a more serious crime, which can cause reputational damage to the Raggamuffin Music Festival as well as the Rotorua community and severely impact on Rotorua’s image as a premier event destination.

4.2 The liquor ban serves to encourage responsible consumption of alcohol inside the event which, as a licensed premise, is subject to rigid controls that are under the constant scrutiny of Police, Rotorua District Council and DHB liquor compliance staff. An additional benefit of this form of environmental control is that the risk of young people being able to access and consume liquor in public places is greatly reduced - as a result of reduced opportunities.

Should the Rotorua District Council have any further queries or comment on this document I would both appreciate and welcome the opportunity to advance this submission further.

Ed Van Den Broek
Inspector
Area Manager; Prevention
Rotorua Police
ROTORUA DISTRICT COUNCIL
PUBLIC PLACES LIQUOR CONTROL BYLAW 2009
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1. **SCOPE AND GENERAL**

**PURSUANT** to the powers contained in the Local Government Act 2002, and any other authority enabling it in that behalf, the Rotorua District Council **HEREBY RESOLVES** to make the following Bylaw:

1.1 **SHORT TITLE**

This Bylaw shall be known as the “Rotorua District Council Public Places Liquor Control Bylaw 2009”.

1.2 **COMMENCEMENT**

This Bylaw shall come into force on the 1st day of December 2009.

1.3 **PURPOSE**

The purpose of this Bylaw is to provide for liquor control in specified public places in the Rotorua District in order to protect the public from nuisance, enhance public safety, and minimise the potential for offensive behaviour. Specifically, this Bylaw is intended to address problems associated with dangerous littering, disorderly behaviour, wilful damage and physical assaults arising from the possession or consumption of liquor in certain public places in the Rotorua District.

1.4 **INTERPRETATION**

1.4.1 In this Bylaw, if not inconsistent with the context:

- **Council** means Rotorua District Council.

- **Exempt specified public place** means any specified public place which Council may from time to time resolve shall be exempt from the provisions of this Bylaw for a specified period.

- **Liquor** means any fermented, distilled, or spirituous liquor (including spirits, wine, ale, beer, porter, honeymead, stout, cider and perry) that is found on analysis to contain 1.15 percent or more alcohol by volume.

- **Public place** means a place:
  
  a) that is under the control of Council; and
  
  b) that is open to, or being used by, the public, whether or not there is a charge for admission; and includes
  
  c) a road, whether or not the road is under the control of Council; and also includes
  
  d) any part of a public place.
Rotorua District means the district subject to the jurisdiction of Council.

Specified public place means:

a) any public place that is within the area described in the Schedules to this Bylaw; and
b) any other public place which Council may from time to time resolve shall be a specified public place for a specified period.

1.4.2 Any references in the Schedules to this Bylaw to any road, street or drive shall, unless the context otherwise requires, be deemed to be a reference to both sides of such road, street or drive.

1.4.3 The Explanatory Notes to this Bylaw are not intended to have any legal effect, but are intended to outline the powers of the police and the consequences of breaching this Bylaw.

2. ACTS PROHIBITED IN SPECIFIED PUBLIC PLACES WITHIN THE ROTORUA DISTRICT

Subject to clauses 3, 4 and 5 of this Bylaw, the following acts are prohibited at all times:

a) the consumption of liquor in any specified public place;
b) the bringing of liquor into any specified public place;
c) the possession of liquor in any specified public place;
d) in conjunction with any of the above prohibited acts, the presence or use of a vehicle in a public place.

3. EXCEPTIONS TO PROHIBITION FOR RESIDENTS AND THEIR VISITORS

Clause 2 of this Bylaw does not apply to liquor in an unopened bottle or other unopened container for the purpose of the transport of that liquor from outside a specified public place to premises that adjoin a specified public place:

a) by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
b) from those premises to a place outside the specified public place by a resident of those premises or his or her bona fide visitors, provided the liquor is promptly removed from the specified public place.

4. EXCEPTIONS TO PROHIBITION FOR LICENSED PREMISES

Clause 2 of this Bylaw does not apply:

a) in the case of liquor in an unopened bottle or other unopened container, to the transport of that liquor from premises that adjoin a specified public place during any period when, under the Sale of Liquor Act 1989, it is lawful to sell liquor on those premises for consumption off the premises, provided the liquor is promptly removed from the specified public place;
b) in the case of liquor in an unopened bottle or other unopened container, to the transport of that liquor from outside a specified public place for delivery to premises that adjoin the specified public place, provided the premises are licensed for the sale of liquor under the Sale of Liquor Act 1989; c) to the possession and/or consumption of liquor at any premises within a specified public place in compliance with a licence for the sale and/or consumption of liquor under the Sale of Liquor Act
1989, including any footpath areas that are used in conjunction with those premises and which are clearly defined by the placement of tables and chairs outside those premises.

5. **EXCEPTIONS FOR SPECIAL LICENCES**

Clause 2 of this Bylaw does not apply to:

a. such parts of any specified public place in respect of which a special licence under the Sale of Liquor Act 1989 has been granted for any occasion or event or series of occasions or events described in the licence.

b. in the case of liquor in an unopened bottle or other unopened container, to the transport of that liquor from outside a specified public place to the specified public place in respect of which a special licence under the Sale of Liquor Act 1989 has been granted for any occasion or event or series of occasions or events described in the licence.

6. **EXCEPTIONS FOR EXEMPT SPECIFIED PUBLIC PLACES**

Clause 2 of this Bylaw does not apply to any exempt specified public place, subject to prior public notice of such exemption being given in a newspaper circulating in the Rotorua District not less than 7 days prior to the exemption coming into force.

7. **EXCEPTIONS FOR OFF- LICENCES ENDORSED UNDER SECTION 51 OF THE SALE OF LIQUOR ACT 1989**

Clause 2 of this Bylaw does not apply to:

a. an off-licence granted to a person who is conducting the business of a caterer, which licence has been endorsed under section 51 of the Sale of Liquor Act 1989; subject to

b. Council being given not less than 14 days' written notice that liquor will be sold pursuant to such off-licence for consumption by persons attending any reception, function, or other social gathering promoted by any person or association of persons other than the holder of the licence.

8. **APPLICATION OF BYLAW TO SPECIFIED PUBLIC PLACES**

Clause 2 of this Bylaw does apply to:

a. any public place that is a specified public place by reason of it being within the area described in the Schedules to this Bylaw; and

b. any other public place which Council may from time to time resolve shall be a specified public place for a specified period, subject to prior public notice of such restriction being given on 2 occasions in a newspaper circulating in the Rotorua District, with the first such notice being given not less than 14 days prior to the restriction coming into force and the second such notice being given not less than 7 days prior to the restriction coming into force.

**THIS BYLAW** is in addition to, and does not derogate from, the provisions of any other Council Bylaw purporting to deal with the control of liquor in any place under its control.

**THIS BYLAW** was duly made by the Rotorua District Council by a resolution passed on the 27th day of August 2009. The Rotorua District Council Public Places Liquor Control Bylaw 2003 shall be and is hereby revoked with effect from 1 December 2009.
The Common Seal of the
ROTORUA DISTRICT COUNCIL
was hereunto affixed in
the presence of:

__________________________________ Mayor

__________________________________ Chief Executive
TEMPORARY LIQUOR BAN – NATIONAL RUGBY SEvens TOURNAMENT 2014

Report prepared by: Graham Lowe, Senior Regulatory Officer
Report reviewed by: Neven Hill, Manager Regulatory Services
Report approved by: Mark Rawson, Group Manager Economic and Regulatory Services

1. PURPOSE

That the Council consider a request from the Rotorua Police for the imposition of a temporary liquor ban be put in place in specified streets in Westbrook from 0600 hours (6.00am) Saturday, 11th January 2014 to 2100 hours (9.00pm) Sunday, 12th January 2014. This will enable the Police to control the possession and consumption of liquor in the “specified public place” on the occasion of the National Rugby Sevens Tournament that is being held at the International Stadium.

2. EXECUTIVE SUMMARY

The following recommendation relates to Clause 8(b) of the Public Places Liquor Control Bylaw 2009 which gives Council the powers to declare an area as a “specified public place” for the purposes of controlling the consumption and bringing of liquor into the same area. This has been a successful tool for reducing harm and increasing public safety within this area and is another example of Council working closely with partner agencies in this case the Police to achieve a positive outcome for our community.

3. RECOMMENDATION

1. That the report “Temporary Liquor Ban – National Rugby Sevens Tournament 2014” be received;

2. That the Council resolves that the following areas shall be a “specified public place” for the period 0600 hours (6.00am) Saturday, 11th January 2014 to 2100 hours (9.00pm) Sunday, 12th January 2014.

The “specified public place” includes:

- Pukehangi Road from the Utuhina stream bridge to its intersection with Malfroy Road.
- Springfield Road from the Utuhina stream bridge to its intersection with Otonga Road
- Devon Street from its intersection with Old Taupo Road to its intersection with Pukehangi Road.
- Malfroy Road from its intersection with Pukehangi Road to its intersection with Jervis Street.
- Jervis Street from its intersection with Malfroy Road to its intersection with Huia Street.
- Huia Street from its intersection with Jervis Street to its intersection with Devon Street.
- The whole of Smallbone Park situated on the southern side of Devon Street.
- The whole of Ray Boord Park Reserve located between Devon Street and Thebes Street (to be utilised for car parking for the event).
- The whole of the Westbrook Reserve located off Petrie Street (to be utilised for car parking for the event).
- The whole of the Devon Street Reserve located off the southern side of Devon Street.

4. BACKGROUND

The Public Places Liquor Control Bylaw 2009 that came into effect on the 1st December 2009 included a provision to enable Council to declare any other area in its district that is currently not subject to the provisions of the Bylaw, to become subject to the Bylaw provisions for a specified period.

A temporary liquor ban has been successfully imposed for previous large scale events such as the Raggamuffin concert that has been held for a number of years and when Rotorua hosted several games for the Rugby World Cup 2011.

The imposition of a temporary liquor ban in a specified public place around the Rotorua International Stadium will allow the Police to actively enforce its provisions to prevent and reduce the incidences of alcohol related offences and undesirable behaviours.

5. DISCUSSION AND OPTIONS

In a written request to Council, the Police believe the provisions of the Liquor Control Bylaw, alluded to above, are an ideal tool to assist in the reduction of alcohol related harm which had been experienced with previous events where this provision was not available. Police seek to have the environs around the International Stadium declared a liquor free zone for the duration of the event.

The Police have previously provided details of incidents that occurred during the other events, which has led to their current request for a temporary liquor ban.

The majority of arrests and offences committed during previous events occurred outside of the event site proper, in the environs and in almost every case alcohol was a causative factor.

With the introduction of temporary liquor bans for events, these incidents have basically ceased, which clearly indicates the usefulness of this tool as part of the overall Police strategy.

6. ASSESSMENT OF SIGNIFICANCE

The decisions or matters of this report are not considered significant in accordance with the Council’s Policy on Significance.
7. **COMMUNITY INPUT / ENGAGEMENT AND PUBLICITY**

The Council already has a sound understanding of the views and preferences of the persons likely to be affected or interested in the matter due to similar events held in the past and the positive feedback received from residents living in the temporary liquor ban area and from the Police who enforce it.

To ensure that the public is adequately notified of the proposed temporary liquor ban, Council will need to erect signage at strategic locations, as well as placing a public notification in the newspaper as required by Clause 8. In conjunction to these measures, this information will also be on the Council and the Police websites.

8. **CONSIDERATIONS**

8.1 **Financial/budget considerations**

A budgeted amount of $1,200.00 has been included for this event. Funding includes newspaper advertising and amending dates on signage.

8.2 **Policy and planning implications**

This decision is consistent with temporary liquor bans made in the past and contributes to the safety and wellbeing of the community in the area.

8.3 **Risks**

The request made by the Police is a good example of why the provisions of Clause 8 were included in the Bylaw. There is no doubt that the imposition of a temporary liquor ban will go a long way to ensuring public safety for those who attend the event and will assist the Police in dealing with those who opt to behave irresponsibly in the environment surrounding the event venue.

8.4 **Authority**

The provisions of Clause 8 of the Public Places Liquor Control Bylaw 2009 apply and are as follows:

“APPLICATION OF BYLAW TO SPECIFIED PUBLIC PLACES”

Clause 2 of this Bylaw does apply to:

c) Any public place that is a specified public place by reason of it being within the area described in the Schedules to this Bylaw; and

d) Any other public place which Council may from time to time resolve shall be a specified public place for a specified period, subject to prior public notice of such restriction being given on two occasions in a newspaper circulating in the Rotorua District, with the first such notice being given not less than 14 days prior to the restriction coming into force and the second such notice being given not less than 7 days prior to the restriction coming into force.

9. **ATTACHMENTS**

Attachment 1: Police request for the Temporary Liquor Ban
Attachment 2: Copy of Public Places Liquor Control Bylaw 2009 (1st six pages)
Attachment 3: Map of the area to be subject to the Temporary Liquor Ban
30 September 2013

The Chief Executive
Rotorua District Council
Private Bag 3029
Rotorua Mail Centre

Rtorua 3046

Submissions in respect of a Temporary Liquor ban in Public Places near the Rotorua International Stadium during the National Rugby Sevens Tournament 2014

1. Introduction

1.1 This submission is made by Senior Sergeant Denton Grimes on behalf of the Rotorua Police. The purpose of this submission is to seek a temporary liquor ban for the 2014 National Rugby Sevens Tournament, similar to those successfully imposed around the environs of the Rotorua International Stadium, for previous Raggamuffin and other large scale public events, including 2011 Rugby World Cup fixtures.

2. Background

2.1 In 1997 and 1998 Rotorua hosted the tournaments. Since those years Sevens Rugby has gained increased International and National recognition and popularity with players and supporters especially in New Zealand where the Wellington leg of the IRB World Series is traditionally known as the largest outdoor party in New Zealand. Since 2004 the National Tournament has been held in Queenstown with over 5000 people attending both days of the tournament.

The hosting of the National Rugby Sevens Tournament brings with it inherent risk for Police, Partner Agencies, Tournament Organisers and the Rotorua Community. One of the most significant risks is how to manage excessive alcohol consumption before, during and after the event. The undesirable behaviours and offending caused by alcohol abuse is exacerbated by the fact the tournament is up to 8 hours in duration on each day. From experience Police are aware that excessive alcohol consumption at events has contributed to various occurrences, including disorder, assault, domestic violence and a perception by some in the community that Events are unsafe and not well managed.
2.3 For previous Raggamuffin festivals and Rugby World Cup 2011 games the Rotorua District Council accepted a Police submission that established a temporary liquor ban in a specifically defined area around the Rotorua International Stadium. This made the consumption, bringing, or possession of liquor into the area an offence under Clause 8b of the Public Places Liquor Control Bylaw 2009.

Police have actively enforced these temporary liquor bans in the past, using an intelligent intervention\(^1\) approach to any offending detected. This approach, coupled with proactive advertising of the ban, are credited with greatly assisting in the prevention of alcohol related harm and undesirable behaviours at previous Festivals and Events, and also enhancing public perception of safety at the event and within its environs.

2.4 Such action has also negated the problem of dangerous litter in parks, roads and public places within the defined area (a major issue previously), favourably enhanced the communities' perception of the event, and demonstrated that the potential for alcohol related harm associated with such Festivals and Events is understood and well managed by Police, Rotorua District Council, Festival/Event organisers and other stakeholders.

2.5 The success of this initiative is now viewed as part of large scale public event management best practice\(^2\).


The tournament is played over two days. The format for the 2014 tournament has not yet been confirmed, but previous tournaments held in Queenstown showed that 22 Teams attended and competed in the tournament. This is made up of 16 Men's Teams and 6 Women's Teams. They are divided into Pools and play a round robin format on the first day and depending on results, on the second day teams play in a knockout and final type system.

On Saturday the 11th January the games start at 10.30am and go through to 7.30pm.

On Sunday the 12th January the games start at 9.00am and the tournament concludes with a presentation at around 8.00pm.

\(^1\) In this context intelligent intervention, means that Police realise, subject to the circumstances at the time, not every breach may result in or warrant arrest, however some form of proactive and practical intervention will be made.

\(^2\) In 2010 Rotorua Police presented a paper on Policing at Large Scale Public Events to the New Zealand Police Research Symposium. It was judged best paper at the Symposium, by a panel of international Crime Science experts, resulting in the author receiving the 2010 Symposium Crime Science award.
4. **Recommended specified area**

3.1 In relation to the 2014 National Rugby Sevens Tournament, Police propose the Rotorua District Council resolve to have the following area designated as a specific public place for the control of liquor under the Rotorua District Council Public Places Liquor Control Bylaw 2009:

Specified public places:

The entire area bounded by:

a) Pukehangi Road from the Utuhina Stream bridge to its intersection with Malfroy Road;

b) Springfield Road from the Utuhina stream bridge to its intersection with Otonge Road;

c) Devon Street from its intersection with Old Taupo Road to its intersection with Pukehangi Road;

d) Malfroy Road from its intersection with Pukehangi Road to its intersection with Jervis Street;

e) Jervis Street from its intersection with Malfroy Road to its intersection with Huia Street;

f) Huia Street from its intersection with Jervis Street to its intersection with Devon Street;

g) The whole of Smallbone Park situated on the southern side of Devon Street;

h) The whole of Ray Boord Park Reserve located between Devon Street and Thebes Street (to be utilised for carparking for the tournament);

i) The whole of the Westbrook Reserve located off Petrie Street (to be utilised for carparking for the tournament);

j) The whole of the Devon Street Reserve located off the southern side of Devon Street.

The Liquor ban would relate to public places only and include Smallbone Park, Ray Boord Park, all public roads and tournament car parks but would not include the Rotorua International Stadium.

3.2 The proposed timings for the 2014 ban are:

0600 hours Saturday 11th January to 2100 hours Sunday 12th January.

3.3 It is also recommended that appropriate signage, similar to those used for previous Festivals and Events, be erected and maintained in prominent positions two weeks prior to the event and the proposed temporary ban be widely advertised both locally and nationally including the Rotorua District Council and promoter’s website.
4. Summary

4.1 Police believe previous environs liquor bans at the Rotorua International Stadium have been very successful in preventing crime, enhancing the Festival/Event attendee’s experience, providing assurance to the community and further supporting the image of Rotorua as a safe, caring and desirable visitor and event destination. The environs liquor ban allows Police to take decisive action against a small number who’s offending is alcohol related. Such offending has the real potential to become a more serious crime, which can cause the reputation of Rotorua to be damaged and impact on the image of Rotorua as a premier event destination.

4.2 The liquor ban serves to encourage responsible consumption of alcohol inside the tournament venue which, as a licensed premise, is subject to rigid controls that are under the constant scrutiny of Police, Rotorua District Council and DHB liquor compliance staff. An additional benefit of this form of environmental control is that the risk of young people being able to access and consume liquor in public places is greatly reduced - as a result of reduced opportunities.

Should the Rotorua District Council have any further queries or comment on this document I would both appreciate and welcome the opportunity to discuss this submission further.

Denton Grimes  
Senior Sergeant  
Area Manager; Community & Youth Services  
Rotorua Police
COPY OF PUBLIC PLACES LIQUOR CONTROL BYLAW 2009 (1ST SIX PAGES).

ROTORUA DISTRICT COUNCIL
PUBLIC PLACES LIQUOR CONTROL BYLAW 2009
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6. **SCOPE AND GENERAL**

**PURSUANT** to the powers contained in the Local Government Act 2002, and any other authority enabling it in that behalf, the Rotorua District Council **HEREBY RESOLVES** to make the following Bylaw:

6.1 **SHORT TITLE**

This Bylaw shall be known as the **“Rotorua District Council Public Places Liquor Control Bylaw 2009”**.

6.2 **COMMENCEMENT**

This Bylaw shall come into force on the 1st day of December 2009.

6.3 **PURPOSE**

The purpose of this Bylaw is to provide for liquor control in specified public places in the Rotorua District in order to protect the public from nuisance, enhance public safety, and minimise the potential for offensive behaviour. Specifically, this Bylaw is intended to address problems associated with dangerous littering, disorderly behaviour, wilful damage and physical assaults arising from the possession or consumption of liquor in certain public places in the Rotorua District.

6.4 **INTERPRETATION**

1.4.1 In this Bylaw, if not inconsistent with the context:

- **Council** means Rotorua District Council.

- **Exempt specified public place** means any specified public place which Council may from time to time resolve shall be exempt from the provisions of this Bylaw for a specified period.

- **Liquor** means any fermented, distilled, or spirituous liquor (including spirits, wine, ale, beer, porter, honeymead, stout, cider and perry) that is found on analysis to contain 1.15 percent or more alcohol by volume.

- **Public place** means a place:
  
  e) that is under the control of Council; and

  f) that is open to, or being used by, the public, whether or not there is a charge for admission; and includes

  g) a road, whether or not the road is under the control of Council; and also includes

  h) any part of a public place.
Rotorua District means the district subject to the jurisdiction of Council.

Specified public place means:

c) any public place that is within the area described in the Schedules to this Bylaw; and

d) any other public place which Council may from time to time resolve shall be a specified public place for a specified period.

1.4.2 Any references in the Schedules to this Bylaw to any road, street or drive shall, unless the context otherwise requires, be deemed to be a reference to both sides of such road, street or drive.

1.4.3 The Explanatory Notes to this Bylaw are not intended to have any legal effect, but are intended to outline the powers of the police and the consequences of breaching this Bylaw.

7. ACTS PROHIBITED IN SPECIFIED PUBLIC PLACES WITHIN THE Rotorua DISTRICT

Subject to clauses 3, 4 and 5 of this Bylaw, the following acts are prohibited at all times:

e) the consumption of liquor in any specified public place;

f) the bringing of liquor into any specified public place;

g) the possession of liquor in any specified public place;

h) in conjunction with any of the above prohibited acts, the presence or use of a vehicle in a public place.

8. EXCEPTIONS TO PROHIBITION FOR RESIDENTS AND THEIR VISITORS

Clause 2 of this Bylaw does not apply to liquor in an unopened bottle or other unopened container for the purpose of the transport of that liquor from outside a specified public place to premises that adjoin a specified public place:

c) by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or

d) from those premises to a place outside the specified public place by a resident of those premises or his or her bona fide visitors, provided the liquor is promptly removed from the specified public place.

9. EXCEPTIONS TO PROHIBITION FOR LICENSED PREMISES

Clause 2 of this Bylaw does not apply:

d) in the case of liquor in an unopened bottle or other unopened container, to the transport of that liquor from premises that adjoin a specified public place during any period when, under the Sale of Liquor Act 1989, it is lawful to sell liquor on those premises for consumption off the premises, provided the liquor is promptly removed from the specified public place;

e) in the case of liquor in an unopened bottle or other unopened container, to the transport of that liquor from outside a specified public place for delivery to premises that adjoin the specified public place, provided the premises are licensed for the sale of liquor under the Sale of Liquor Act 1989;

f) to the possession and/or consumption of liquor at any premises within a specified public place in compliance with a licence for the sale and/or consumption of liquor under the Sale of Liquor Act
1989, including any footpath areas that are used in conjunction with those premises and which are clearly defined by the placement of tables and chairs outside those premises.

10. **EXCEPTIONS FOR SPECIAL LICENCES**

Clause 2 of this Bylaw does not apply to:

c. such parts of any specified public place in respect of which a special licence under the Sale of Liquor Act 1989 has been granted for any occasion or event or series of occasions or events described in the licence.

d. in the case of liquor in an unopened bottle or other unopened container, to the transport of that liquor from outside a specified public place to the specified public place in respect of which a special licence under the Sale of Liquor Act 1989 has been granted for any occasion or event or series of occasions or events described in the licence.

6. **EXCEPTIONS FOR EXEMPT SPECIFIED PUBLIC PLACES**

Clause 2 of this Bylaw does not apply to any exempt specified public place, subject to prior public notice of such exemption being given in a newspaper circulating in the Rotorua District not less than 7 days prior to the exemption coming into force.

7. **EXCEPTIONS FOR OFF-LICENCES ENDORSED UNDER SECTION 51 OF THE SALE OF LIQUOR ACT 1989**

Clause 2 of this Bylaw does not apply to:

a. an off-licence granted to a person who is conducting the business of a caterer, which licence has been endorsed under section 51 of the Sale of Liquor Act 1989; subject to

b. Council being given not less than 14 days' written notice that liquor will be sold pursuant to such off-licence for consumption by persons attending any reception, function, or other social gathering promoted by any person or association of persons other than the holder of the licence.

8. **APPLICATION OF BYLAW TO SPECIFIED PUBLIC PLACES**

Clause 2 of this Bylaw does apply to:

a. any public place that is a specified public place by reason of it being within the area described in the Schedules to this Bylaw; and

b. any other public place which Council may from time to time resolve shall be a specified public place for a specified period, subject to prior public notice of such restriction being given on 2 occasions in a newspaper circulating in the Rotorua District, with the first such notice being given not less than 14 days prior to the restriction coming into force and the second such notice being given not less than 7 days prior to the restriction coming into force.

**THIS BYLAW** is in addition to, and does not derogate from, the provisions of any other Council Bylaw purporting to deal with the control of liquor in any place under its control.

**THIS BYLAW** was duly made by the Rotorua District Council by a resolution passed on the 27th day of August 2009. The Rotorua District Council Public Places Liquor Control Bylaw 2003 shall be and is hereby revoked with effect from 1 December 2009.
The Common Seal of the
ROTORUA DISTRICT COUNCIL
was hereunto affixed in
the presence of:

__________________________________ Mayor

__________________________________ Chief Executive
1. **PURPOSE**

The purpose of this report is to inform Councillors about the Tarawera Landing Lease and to seek their approval to enter into a new 10 year lease with the incumbent lessee.

2. **EXECUTIVE SUMMARY**

- The Tuhourangi Protocol Committee have resolved that the lease for the Tarawera landing Café not be extended upon expiry in December 2013

- The operative reserve management plan for Tarawera Landing Recreation Reserve states that “a further term of ten years shall be made available to the lessee upon negotiation at or prior to the expiry of the current lease term.”

- The operative Tarawera Landing Reserve Management Plan was jointly prepared by Tuhourangi and Council in 2007 and 2008

- Legal opinion from Davies Burton states that Council faces a significant litigation risk were it to deny any further security of tenure.

3. **RECOMMENDATION 12**

1. That the report ‘Tarawera Landing Cafe Lease Extension’ be received.

2. That Council approves the entering into a new ten year lease with the current incumbent lessees of the Tarawera Landing Café effective from 1 January 2014, terminating on 31 December 2024.

4. **BACKGROUND**

In January 2011 the Council received from the lease holders of the Tarawera Landing Café a request to extend the lease by a further ten years from the expiry of the existing lease. The existing lease ends of the 31 December 2013 with no right of renewal.

This report seeks to provide back ground information to the lease, starting with why the lease exists and finishing with some comments around the legal opinion that Council has received.
History of the Lease

The Tarawera Landing Café is located on the Tarawera Landing Reserve at the end of Tarawera Road on the shores of Lake Tarawera.

The Tarawera Landing Café building was originally the ticket office for the Waimangu Round Trip which was constructed more than seventy years ago on Road Reserve that was then administered by the Crown. The 1974 Local Government Act vested all local roads to the Rotorua County Council and subsequently to the Rotorua District Council.

In 1997 Tarawera Launch Services purchased the old ticket office from the Department of Conservation. Council then resolved to grant a lease to the Lake Tarawera Launch Services for the site occupied by their building. However because the building was located on road reserve, a formal lease could not be given and Tarawera Launch Services and the Council entered into an ‘Agreement to Lease’ in June 1998. The agreement had a clause that required RDC to change the legal status of the land to reserve."

In January 1998 Council resolved that the carpark area at the end of Tarawera Road becomes reserve to enable it to be leased and better managed over the long term.

With the signing of the Protocol Agreement in early 2005, between Tuhourangi and Council their objection to the proposed road stopping and creation of a new recreation reserve was withdrawn. The road was officially stopped on the 25 October 2005 and the Tarawera Landing Recreation Reserve was formally created.

Council entered into a lease over the café/shop on the 26 October 2005 fulfilling Councils obligation under the “Agreement to Lease” entered into in 1998. This lease expires on the 31 December 2013 with no further rights of renewal.

In November 2009 the lease was sold to The Landing Café Lake Tarawera (2009) Ltd. A request to renew the lease for a further 10 years from the expiry date of the existing lease was received by Council in January 2011. This is still pending consent from Council.

Reserve Management Plan

Between 2007 and 2008, Council in partnership with Tuhourangi Ngati Wahiao prepared a reserve management plan for the Tarawera Landing Recreation Reserve which was approved following a joint Tuhourangi/Council hearing in February 2008.

In terms of the café lease the reserve management plan makes the following statement:

5.1.5 A further term of ten years shall be made available to the lessee upon negotiation at or prior to the expiry of the current lease term.

Council as the administering body of the reserve is obliged to comply with the management plan in regard to the reserve with any amendment requiring approval from the Minister of Conservation.

Tuhourangi Protocol Meetings

The question of extending the lease was first raised at the June 1st 2011 meeting. At this time Tuhourangi iterated their opposition to the extension of the lease. However the recommendations from that meeting indicate that Council was to commence negotiations to extend the lease from the 1 January 2014 and that Tuhourangi enter into discussions with the Café lessees over their aspirations for the area including the area that the café sits on.

This has been the stance from all subsequent Protocol meetings with Tuhourangi unable to progress their discussions. At the last protocol meeting held on the 10 September 2013 the following resolution was passed:
2. That the lease is not extended upon expiry in December 2013 unless legal advice is to the contrary, where upon the Council should enter into a new lease with the incumbents for a period of ten years from the expiry of the existing lease with no right of renewal or extension after that period.

Based on this clause the Council has obtained a legal opinion that a new lease should be entered into for a further ten year term with the incumbent lessees. The conclusion from the legal opinion is reproduced below.

a. Council should grant further security of tenure on the basis contemplated by the management plan and the August 2009 letter. So far as the current tenant is concerned, as I have made clear Council faces a significant litigation risk were it to deny any further security of tenure.

Based on this opinion and the recommendation contained within the last Tuhourangi Protocol Meeting (10 September 2013) Council should enter into a use lease for the Tarawera Landing Café for a further ten years with the incumbent lessees.

Clause 3 from the Protocol Meeting requests that the Tarawera Landing Management Plan be formally reviewed. This can be conducted as a matter of course but will take two to three years to complete.

5. DISCUSSION AND OPTIONS

Option 1 – Not to renew the lease

If the lease not renewed then Council will be open to litigation regarding this issue as discussed with in the legal opinion obtained by Council. However Council would be respecting the wishes of Tuhourangi as a Protocol partner under this option.

Option 2: Renew the lease

Council would renew the lease for a further term of ten years with no further rights of renewal. The new lease would be negotiated around the current conditions already contained within the existing lease. This decision is however at odds with the direction that Tuhourangi would like Council to follow.

6. ASSESSMENT OF SIGNIFICANCE

The decisions or matters of this report are not considered significant in accordance with the Council’s Policy on Significance.

7. COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

The issue of extending another ten year lease to the café was included in the Draft Tarawera Landing Reserve Management Plan prepared by Tuhourangi and Council and put through an extensive public consultation process. There was a joint Tuhourangi/ Council Hearing prior to the plan being adopted with the lease clause remaining unchanged.
8. CONSIDERATIONS

8.1 Financial/budget considerations

There are no direct financial implications associated with this decision. As a result of extending the lease Council will continue to receive the income so generated. If Council were not to grant the lease it could expose itself to a significant financial compensation claim through litigation.

8.2 Policy and planning implications

The leasing of the Café land for a further ten years is consistent with the Tarawera Landing Management Plan and the Reserves Act through the enhancement of recreational opportunities on the reserve.

8.3 Risks

There are no large scale negative effects of this decision. It will however have an impact of the relationship that Council has with Tuhourangi.

8.4 Authority

As the administrator of the reserve Council has the authority to enter into a new lease over the existing lease area. This decision has only been brought before Council because of the sensitive nature of the situation.

9. ATTACHMENTS

Attachment 1: Relevant section of Tuhourangi Protocol Meeting Minutes 10 September 2013
Attachment 2: Aerial of Tarawera Landing
Attachment 1: Relevant section of Tuhourangi Protocol Meeting Minutes 10 September 2013

8.0 Tarawera Landing Reserve:

Robbie Atkinson gave an overview of the purpose of the report attached to agenda. Its purpose is to bring together all the information with the proposal/recommendation to be taken to the Infrastructure Services Committee meeting in November.

It is included in today’s agenda solely for discussion, information, amendments and changes. So whatever is forwarded for recommendation to the Infrastructure Services Committee meeting in November is supported by the Protocol.

John Waaka made comment regarding the omission in the recommendation of consultation with the Tribes. He referred back to the fact that he is still trying to obtain the fee simple of the café.

His Worship the Mayor suggests we include a 4th recommendation. “The drip line fee simple of the Café be returned to Tuhourangi” Robbie advised this would require a full resource consent process. Council would need to decide that they will be going against the District Plan rules to allow this, in order to get the fee simple separated from the reserve. Robbie advised it’s not impossible but it could be seen as setting a precedent. His Worship the Mayor confirmed with Robbie that it’s not impossible, but it will be difficult and it won’t be a quick process.

Cr Karen Hunt asked the question. Is it about the lease money? John Waaka advised it’s not about the money it’s about the benefit (the land) to come back to Tuhourangi.

Cr Hunt asked since we haven’t had the District Plan hearings yet, could this issue could be addressed during this period next year? Robbie advised the Lakes A zone doesn’t come under the District plan. Cr Karen Hunt advised that we owe it to this Committee to move this forward and at least get the wheels in motion and suggested an amendment to recommendation 3 to include consultation with the Tuhourangi Tribal Authority.

Anaru Rangiheuea gave a summary of Tuhourangi’s Aspiration, including the development of a piece of section at Tarawera. We are in the process of consent applications and have been communicating with Simon Bell (RDC - Resource manager)

Karen Walmsley asked for clarification of Recommendation 2 and why it’s still being recorded as her understanding would be that renewing of the lease would be dependant up on recommendation 3.

Further discussion took place regarding this recommendation as this appears to be a no win situation from Tuhourangi’s point of view who have objected to the lease constantly. Andy Bell suggested we look at the intent of this Recommendation.

Recommendation 3

The Protocol Committee endorse the following recommendations that will be made to the Infrastructure Services Committee Meeting on 18th November 2013.

Resolved

John Waaka
Cr Karen Hunt

1. That the report “Tarawera Landing Lease – A History” be received and contents noted.

2. That the lease is not extended upon expiry in December 2013 unless legal advice is to the contrary, where upon the Council should enter into a new
lease with the incumbents for a period of ten years from the expiry of the existing lease with no right of renewal or extension after that period.

3. That a formal review of the reserve management plan in consultation with Tuhourangi be completed prior to the expiry of the new lease and as part of that review mechanisms be put in place to enable Tuhourangi’s aspirations for Punaromia.

4. That the drip line of approximately 329 m² of the café (in fee simple) be returned to Tuhourangi Tribal Authority.

CARRIED

Footnote – The fourth point of the recommendation will the focus of another report to Council.
Attachment 2: Aerial of Tarawera Landing