

Council Briefing Agenda

Date: Tuesday, 26 March, 2024

Time: 9:00 am

Location: Civic Centre, Te Iwitahi, 9 Rust Avenue

Elected Members: His Worship the Mayor Vince Cocurullo
Cr Gavin Benney
Cr Nicholas Connop
Cr Ken Couper
Cr Jayne Golightly
Cr Phil Halse
Cr Deborah Harding
Cr Patrick Holmes
Cr Scott McKenzie
Cr Marie Olsen
Cr Carol Peters
Cr Simon Reid
Cr Phoenix Ruka
Cr Paul Yovich

For any queries regarding this meeting please contact the Whangarei District Council on (09) 430-4200.

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2. Reports / Ngā Ripoata	
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2.1 Easter Sunday Shop Trading Policy

Meeting:	Council Briefing
Date of meeting:	26 March 2024
Reporting officer:	Will McNab (Strategic Planner – Bylaws) Injoo Riehl (Strategic Planner)

1 Purpose / Te Kaupapa

To seek feedback from Elected Members on options to review Council's Easter Sunday Shop Trading Policy.

2 Background / Horopaki

2.1 Easter Sunday has historically been a restricted trading day, but since 2016 the Shop Trading Hours Act has enabled councils to create a policy to allow shops to open

In 2016, Central Government amended the Shop Trading Hours Act 1990 (the Act) to give councils the power to create a policy to permit shops to open on Easter Sunday. Without a policy, only certain shops, such as dairies, pharmacies, cafes/restaurants, garden centres, souvenir shops and service stations, can legally open for trade. Even with a policy, off-licence alcohol stores are not permitted to open.

Under section 5A of the Act, a local Easter Sunday Shop Trading Policy can allow shops to open either:

- a) district-wide; or
- b) in selected parts of the district.

A policy cannot require shops to open or specify trading hours or the types of shops that can open.

Section 2 of the Act provides a definition of 'shop':

<https://www.legislation.govt.nz/act/public/1990/0057/latest/DLM212356.html>

2.2 Council must now review its Easter Sunday Shop Trading Policy, which was adopted in 2019 and allows shops to open across the district on Easter Sunday

Council adopted the current Policy (Attachment 1) in February 2019. It allows shops to trade on Easter Sunday throughout the Whangārei District.

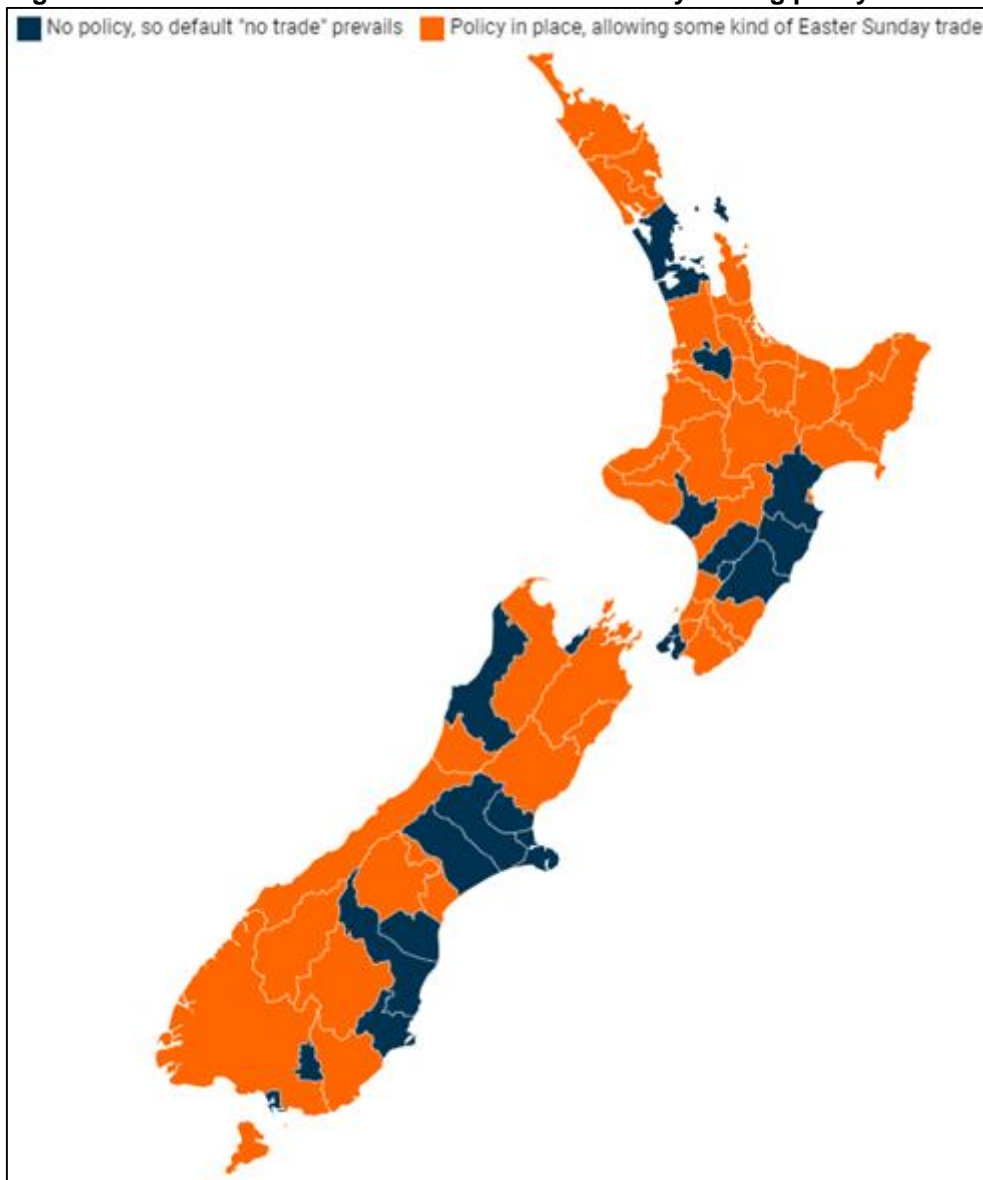
Under section 5C of the Act, Council must review the Policy five years after adopting it and consult on its preferred approach using the Special Consultative Procedure under section 83 of the Local Government Act 2002 (LGA).

3 Discussion / Whakawhiti kōrero

3.1 Most areas in New Zealand have an Easter Sunday trading policy in place, including the Far North and Kaipara districts

About two-thirds of territorial authorities in New Zealand have an Easter Sunday trading policy (Figure 1). The largest cities – Auckland, Christchurch, Wellington and Hamilton – are notable exceptions.

Figure 1: Territorial authorities with an Easter Sunday trading policy



Source: Infometrics (2022 data)

3.2 Christianity remains the largest religious denomination in the Whangārei District, but its share has been declining and it now represents only one-third of the population

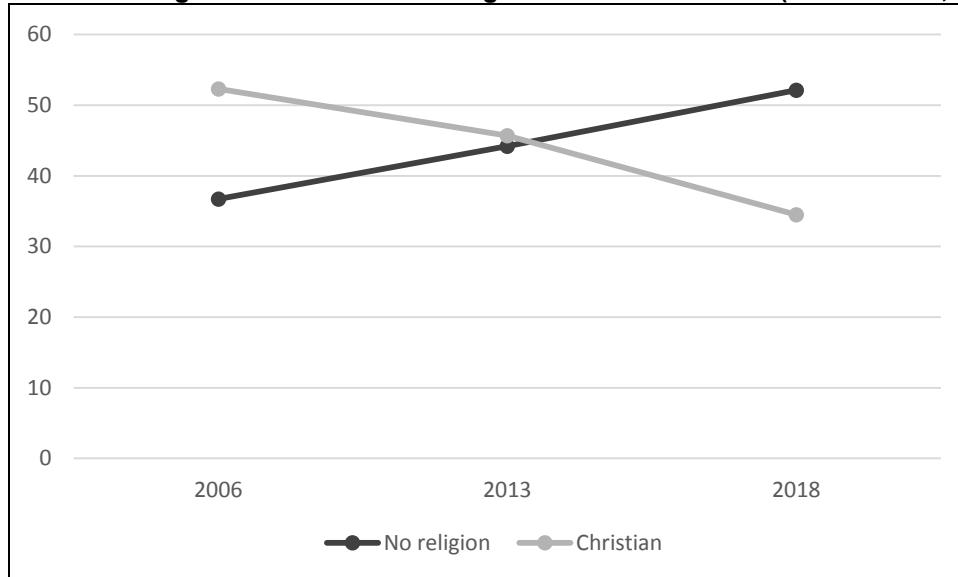
Traditionally, Easter in New Zealand is regarded as a religious holiday. In the Christian faith, Easter Sunday commemorates the resurrection of Jesus from the dead following his crucifixion and death on Good Friday.

Easter traditions and celebrations vary between different dominations and cultures. More recently in New Zealand, the long Easter weekend has been enjoyed as an opportunity for

family time, holidaying and contemporary secular celebrations, such as eating hot cross buns and chocolate eggs.

According to 2018 census data (the most recent available), approximately one-third of the District's population identifies as some form of Christian (Chart 1). This figure has been declining over time: in 2006, 52.3% identified as Christian.

Chart 1: Religious affiliation in Whangārei District over time (census data, %)

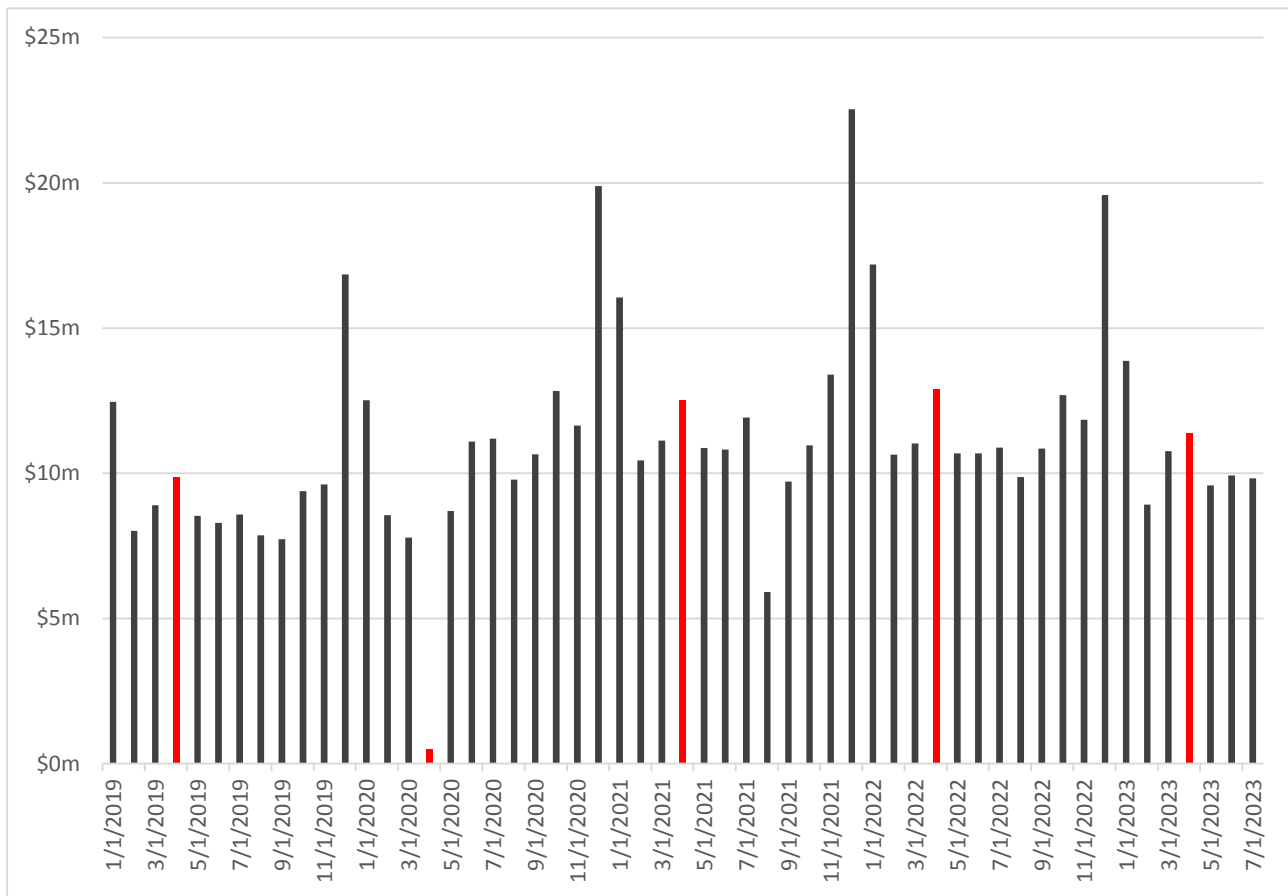


Source: Stats NZ

The trend decline in the population identifying as Christian has been mirrored by a trend rise in the number of people claiming no religious affiliation, which now form the majority. Whangārei is also home to people adhering to other religions, including Hinduism (0.8% in 2018), Buddhism (0.6%), Islam (0.2%), Judaism (0.1%) and spiritualism and other beliefs (1.8%).

3.3 Easter is a relatively important time of year for spending by tourists at local retailers

Data from the Ministry of Business, Innovation and Employment (MBIE) on electronic card spending by tourists in Northland (including Far North and Kaipara districts) show that since 2019, the month containing the Easter holidays has consistently been the third- or fourth-busiest month of the year for brick-and-mortar retailers (Chart 2).

Chart 2: Monthly card spending by domestic tourists in Northland (excl. food, alcohol and fuel)

Source: Ministry of Business, Innovation and Employment.

Interpretation: Months containing Easter are shown in red. Data shows “other retail spending” on electronic card transactions. The data excludes alcohol, food, beverages, fuel and other automotive products, most of which are not directly affected by the Policy. April 2020 coincided with the first nationwide covid-19 lockdown.

A more precise picture of the economic benefits of allowing retailers to trade on Easter Sunday could be obtained by contracting an external provider to estimate cyclically adjusted, daily local spending data and draw comparisons with the period before the Policy came into effect.

In the presence of a proxy (monthly regional tourism spending) that confirms the intuition that the Easter holidays are a relatively important time of year for local retailers, and given the cost of commissioning comparable studies, staff have opted not to seek this data prior to this Briefing.

3.4 The Act provides some protection for employees, who retain the right to refuse to work on Easter Sunday although are not paid time and a half if they do work

The Act provides some protection for employee rights. Employers must provide at least four weeks’ notice to staff of their intention to open on Easter Sunday. In addition, all shop employees have the right to refuse to work on Easter Sunday and are not required to provide their employer with a reason for refusing to work.

On the other hand, trade unions in particular express concern that employees may be pressured to work on Easter Sunday. Also, Easter Sunday is not a public holiday, so employees who do work are not entitled to time-and-a-half pay.

3.5 Council has three options: 1) Readopt; 2) amend; or 3) revoke the Policy

Council has three main options after reviewing the Policy:

1. **Readopt the Policy:** Council could continue to allow Easter Sunday trading throughout the District (with minor changes such as map corrections to reflect the new ward boundaries).
2. **Amend the Policy:** Council could decide to continue to allow Easter Sunday trading, but only in part(s) of the District.
3. **Revoke the Policy:** Council could make Easter Sunday trading prohibited again by revoking the Policy (noting certain types of shop are permitted to trade – see 2.1 above).

Council must consult using the Special Consultative Procedure under section 83 of the LGA regardless of its preferred approach. Under the Act, there is no further requirement to review a local Easter Sunday trading policy after it has been reviewed once.

Table 1: Options analysis

Option 1: Readopt the Policy (with minor changes)	
Strengths	Weaknesses
<ul style="list-style-type: none"> • Business-friendly, for local retailers with a physical storefront (local brick-and-mortar retailers). • Local economic benefits • Treats all businesses consistently • Enables choice and flexibility – shops may trade if they wish to • Reduces confusion for businesses and consumers • Employees have the opportunity to work if they choose. • Employees are entitled by law to refuse to work on Easter Sunday • Consistent with Kaipara, Far North and most of regional New Zealand. 	<ul style="list-style-type: none"> • Perceived by some as disregarding Christian religious holiday and traditions. • Retail employees lose a guaranteed day off work (may prefer time for rest, family time, religious and/or cultural practices) • Some employees may be and/or feel pressured to work
Option 2: Amend the Policy to allow trading only in part(s) of the District	
Strengths	Weaknesses
<ul style="list-style-type: none"> • Shops in targeted areas may open • May support areas more heavily frequented by tourists • Employees have the opportunity to work if they choose. • Employees are entitled by law to refuse to work on Easter Sunday 	<ul style="list-style-type: none"> • Perceived by some as disregarding Christian religious holiday and traditions • Affected retail employees lose a guaranteed day off work (may prefer time for rest, family time, religious and/or cultural practices) • Some employees may be and/or feel pressured to work

	<ul style="list-style-type: none"> • May be viewed as inequitable as some shops are allowed to trade while others are not • May create confusion by adding complexity and inconsistency • May require additional resources to educate business owners and lead to non-compliance • Souvenir shops are already exempt under the Act
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Option 3: Revoke the Policy	
Strengths	Weaknesses
<ul style="list-style-type: none"> • Recognises Easter Sunday is a religious (Christian) holiday • Protects employees' rights by giving retail workers a guaranteed day off 	<ul style="list-style-type: none"> • Local shops miss opportunity to trade, forgoing revenue • May inconvenience residents and tourists • Inconsistent with Kaipara and Far North • May be perceived as anti-business • May require additional resources to educate business owners and lead to non-compliance • Local brick-and-mortar retailers may be further disadvantaged relative to online retailers. • Employees do not have the opportunity to work if they choose.

3.6 Next steps: Council must consult on its preferred approach.

Staff will use the feedback received from Elected Members at this Council Briefing to draft a decision report to adopt a Statement of Proposal (SOP) at the April 2024 Council Meeting. Council must consult on the proposal for at least one month irrespective of the option it chooses to pursue.

Council may opt to delegate the authority to hear oral submissions to a panel of Elected Members or staff. For background, Council received 29 submissions on the Policy in 2018, of which two submitters requested to be heard.

4 Attachments / Ngā Tāpiritanga

Attachment 1 - Easter Sunday Shop Trading Policy



***Easter Sunday
Shop Trading
Policy***

1. *Relevant legislation*

Shop Trading Hours Act 1990.

2. *Purpose*

To enable shops in the Whangarei District to trade on Easter Sunday if they wish to.

3. *Definitions*

The Act means the Shop Trading Hours Act 1990

Shop has the same meaning as the Act

4. *Policy*

- 4.1 Any shop is permitted to open on Easter Sunday in the Whangarei District (see map in Appendix One).
- 4.2 This Policy applies to the shops trading in the Whangarei District.

5. *Related matters*

- 5.1 This policy does not:
 - a. apply to any day other than Easter Sunday
 - b. control the types of shops that may open, or their opening hours
 - c. apply to the sale and supply of alcohol on Easter Sunday from licensed premises, which is regulated by the Sale and Supply of Alcohol Act 2012.
- 5.2 Council is not responsible for the enforcement of this Policy. Enforcement will be undertaken by the central government department that is responsible for the administration of the Act.
- 5.3 This Policy neither requires shops to open, or individuals to shop on Easter Sunday.
- 5.4 All shop employees can refuse to work on Easter Sunday, pursuant to the provisions in the Act.

Appendix 1: Map of the Whangarei District





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2.2 Alcohol Control Bylaw – alcohol ban areas

Meeting: Council Briefing
Date of meeting: 26 March 2024
Reporting officer: Will McNab (Strategic Planner – Bylaws)

1 Purpose / Te Kaupapa

To discuss proposed alcohol ban areas and the consultation approach.

2 Background / Horopaki

2.1 Council determined in November 2023 that an alcohol control bylaw remains the right tool for the job; now it must assess the proposed locations and operative times of the ban areas

At a Council Meeting on 23 November 2023, Council made the key determination that the Alcohol Control Bylaw (the Bylaw, Attachment 1) remained the most appropriate tool available to Council to address the problem of alcohol-related crime and disorder in public places.

It also declared that a high level of alcohol-related crime and disorder was likely to arise if the Bylaw did not continue, drawing on data recorded by CitySafe officers in the city centre and desktop research to justify its assertion.

The next step in the review process is to assess the need to amend, subtract or add to the alcohol ban areas (Attachment 2) made under the authority of the Bylaw. This Briefing is an opportunity for Elected Members to discuss the proposed locations and operative times of these bans.

The discussion will be supported by a PowerPoint presentation.

2.2 New Zealand Police have provided data on alcohol-related callouts in Whangārei District

New Zealand Police have provided localised data on alcohol-related callouts from their Communications and Resource Deployment (CARD) database (Attachment 3). When a Police Officer attends an incident in response to a 111 or 105 call for service, they decide whether alcohol was a contributing factor and report it in this system.

Staff note that the data do not distinguish between drinking that took place in people's homes, licensed premises or public places as defined by section 147 of the Local Government Act 2002 (LGA).

2.3 Staff have sought to complement the Police data by inviting over 100 organisations to provide anecdotal feedback

On 12 January 2024, staff sent a request for anecdotal reports of drinking and antisocial behaviour in public places to over 100 organisations, including hapū, residents' and ratepayers' associations, Community Safety Network members, Te Whatu Ora/Health New Zealand, sports associations, schools and environmental groups.

Recipients were invited to complete a short online survey via Council’s website with questions designed to meet statutory requirements under sections 147 and 147A the LGA. An information brochure (Attachment 4) was included in the email outlining the review process, clarifying common misconceptions about the Bylaw and spelling out the kinds of feedback Council was seeking.

The survey was live on Council’s website until 23 February. The feedback received is included in Attachments 5 (online survey responses) and 6 (email responses).

Staff have also addressed the Te Huinga hapū forum, the Positive Ageing Advisory Group and the Youth Advisory Group, and held discussions with Northland Regional Council (NRC) and the Department of Conservation (DOC).

2.4 Alcohol ban areas must be proportionate to actual crime and disorder and justifiable as a reasonable limit on people’s rights and freedoms

If Council amends or introduces a new ban, it must be satisfied that:

- a. the ban can be justified as a reasonable limitation on people’s rights and freedoms; and
- b. a high level of crime or disorder—
 - i. in the case of a new ban, has demonstrably been caused or made worse by alcohol consumption in the area; or
 - ii. in the case of an amended ban, is likely to arise if the ban does not continue; and
- c. the ban is appropriate and proportionate in the light of that likely crime or disorder.¹

2.5 Council faces a lower evidential hurdle to continue existing bans than to amend or create new ones

Before deciding that an alcohol ban area should continue without amendment, Council “must be satisfied that the level of crime or disorder experienced before the ban came into force (being crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area concerned) is likely to return to the area to which the bylaw is intended to apply if the bylaw does not continue.”²

3 Discussion / Whakawhiti kōrero

3.1 The online survey elicited only 25 responses, of which 14 were from individuals

Of the 25 items of feedback received (excluding public sector agencies), five respondents did not support banning alcohol consumption in public places at all. Another two respondents did not see a need for a ban in their location.

Reasons for the low response rate (less than 25%) may include:

- the time of year. Many recipients were still on annual leave when the survey invitation was sent on 12 January;
- disappointment at the Bylaw’s narrow scope, which was a recurring theme in verbal discussions with stakeholders;
- a lack of alcohol-related crime and disorder in public places to report.

Much of the feedback expressed a desire for alcohol bans in public places, whereas only 11 respondents substantiated this desire with descriptions of antisocial behaviour. Staff note that public support for an alcohol ban in a location is not a sufficient criterion alone for Council to ban alcohol in that location under the LGA.

¹ See sections 147A(1) and (3) of the LGA.

² Section 147A(2) of the LGA.

3.2 The evidence supports banning alcohol in some public places, especially in the city centre, but less so in most coastal areas

This section summarises the salient information gathered to date from desktop research, which informed the initial findings report presented to Council in October 2023; Council's CitySafe data on the city centre; Police CARD data on alcohol-related callouts; an online survey and information brochure sent to over 100 organisations; and meetings with staff from NRC and DOC.

City centre

The Police data confirm the CitySafe data presented to Council in late 2023, which showed a relatively high incidence of antisocial behaviour and litter caused or exacerbated by alcohol consumption in public places in the city centre.

Police support enlarging the boundaries of the city centre ban to include the Okara Shopping Centre carpark, a stretch of Port Road and the carparks at Cobham Oval and beneath the Te Matau a Pohe bridge, respectively. An enlarged city centre ban is also supported by photographic evidence, gathered in 2022 as evidence for an off-licence application, of littered cans and bottles in the area.

The Northland Events Centre Trust accepts the status quo of no alcohol ban outside the Semenoff Stadium.

Police and staff discussed whether there was a need to extend the ban to include Carruth Park off Maunu Road, which is adjacent to an off-licence alcohol store. However, the data provided does not indicate clear evidence of a high level of crime or disorder related to drinking in that location.

300m coastal ban

Council currently bans alcohol within 300 metres landwards of the mean low water springs mark (MLWS) across the coastline of the entire District.

Precisely where this particular ban applies is also highly uncertain, given the nonexistence of a single source of truth to represent MLWS. By not being accompanied by a map, it also fails to comply with clause of 6.2(a) of the Bylaw.

Both the Bylaws Act 1910, which prevails over the bylaw-making parts of the LGA, and more than a century of case law argue against retaining the 300m coastal ban in its current form. There are two recent examples of case law in which the courts cited proportionality and reasonableness to rule against a blanket prohibition under a bylaw:

1. *Schubert vs Whanganui District Council (2011)*. The Whanganui District Council (Prohibition of Gang Insignia) Act 2009 enabled the council to ban the display of gang patches in specified areas of the Whanganui District. The council specified a ban would apply to the entire urban area, as well as targeted areas elsewhere in the District. The High Court ruled that the "ultra vires" (outside the authority of) the council, due to the unreasonable nature of the blanket ban.
2. *NZMCA vs Marlborough District Council (2021)*. The Marlborough District Council had prohibited freedom camping under a bylaw across the entire coastline of the Marlborough District. Challenged by the New Zealand Motor Caravan Association, the High Court found that the blanket nature of the ban was unreasonable and therefore invalid.

If Council deems that there are sufficient grounds to ban alcohol in areas that are covered by the current 300m coastal ban but not by other coastal bans, then it would better meet the intent of the Act by introducing bans in targeted areas instead.

Note that some large stretches of coast, such as the Mimiwhangata peninsula and almost the entire length of Bream Bay, are covered by the DOC-administered Northland Reserves

Bylaws 2007. These bylaws prohibit disorderly behaviour, which includes being intoxicated and/or using loud, abusive, foul, indecent or obscene language.

Under those bylaws, both rangers and Police may expel offending people and confiscate their alcohol. Under regulations made under section 123A of the Reserves Act 1977, failure to comply can result in a fine of up to \$400 (compared with \$250 a breach of Council's Alcohol Control Bylaw).

Urban neighbourhood centres

Police have provided data to support retaining bans in Te Kamo, Onerahi, Otaika, Otangarei, Tikipunga and Waipu.

Submitter no. 11 described antisocial, offensive and aggressive behaviour related to drinking among homeless and permanent vehicle dwellers along Beach Road in Onerahi over the summer months. The submitter called for a targeted ban in the area.

Coastal communities

Survey respondent no. 5 provided an account of night-time drinking and littering from within moving vehicles to support of a new ban in the One Tree Point/Marsden Cove area.

Survey respondent no. 7, writing on behalf of the Waipu Primary School, noted vandalism in the Waipu area, in particular over the summer, but "nothing major".

Survey respondent no. 13, writing on behalf of the Ocean Beach Residents' Association, reported only very minor incidents in recent years, but supported an alcohol ban being retained at Ocean Beach.

Survey respondent no. 15 supported banning alcohol in principle, but observed that there is no apparent problem at Teal Bay.

Survey respondent no. 19, writing on behalf of the Whananaki Beach Residents' and Ratepayers' Association, are "very happy" with the current bans at Whananaki.

Survey respondent no. 24, writing on behalf of the Puke Kopipi Native Plant Restoration Project in Ngunguru, reported the coincidence of intoxicated people, littered bottles and vandalism at Puke Kopipi.

The Waipu Cove Reserve Board emailed to request that a ban remain in place at Waipu Cove, adding that the Bylaw has "significantly enhanced public safety" in their community.

The Tutukaka Ratepayers' and Residents' Association emailed a detailed submission recommending that Council continue to ban alcohol in public places along the Tutukaka Coast.

Concluding remarks

The information collected and presented during this review suggests that Whangārei has a conspicuous problem of alcohol-related crime and disorder in the city centre, and to a lesser extent in other neighbourhood centres, but that the problem is not as widespread as implied by the extent and operative hours of the current alcohol ban areas.

These results do corroborate the finding reported at the Council Briefing on 25 October 2023 that New Zealanders – and especially youth – are now drinking less on average than they used to.

3.3 The next key review milestone is to adopt a Statement of Proposal (SOP), including the proposed Bylaw and associated alcohol ban areas, for public consultation

Following feedback received at this Briefing, the proposed Bylaw and alcohol ban areas made under the authority of the Bylaw will be packaged into a Statement of Proposal for statutory consultation, to be presented for adoption at a forthcoming Council Meeting.

Staff propose consulting on the Bylaw and associated alcohol ban areas in June, after statutory consultations on the Dog Policy and Bylaw, Psychoactive Substances Policy and Easter Sunday Shop Trading Policy. Staff expect the consultation period to overlap with that on the Future Development Strategy.

4 Attachments / Ngā Tāpiritanga

- Attachment 1 - Draft Alcohol Control Bylaw
- Attachment 2 - Current alcohol ban areas
- Attachment 3 - Police CARD data on alcohol-related incidents
- Attachment 4 - Information brochure
- Attachment 5 - Online survey submissions
- Attachment 6 - Email submissions

Alcohol Control Bylaw 2018

(as at XX XXXX 2024)

Pursuant to the Local Government Act 2002, Whangarei District Council makes the following bylaw about alcohol control in public places

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Attachment 1 - Draft Alcohol Control Bylaw

1 Title

This Bylaw is the Alcohol Control Bylaw 2018.

2 Commencement

2.1 This Bylaw comes into force on 19 December 2018.

2.2 Amendments to this Bylaw come into force on XX XXXX 2024.

3 Application

This Bylaw applies to the Whangārei District.

Part 1: Preliminary Provisions

4 Purpose

The purpose of this Bylaw is to reduce crime and disorder in public places that is caused or made worse by alcohol consumed there.

Related information:

The Act provides explicit details about what this type of bylaw can control. Generally, any transporting of alcohol in unopened containers within an alcohol ban area is permitted, subject to certain conditions. See section 147 of the Act for further details.

Alcohol ban areas do not apply to licensed premises, which can include situations where a special licence has been issued for a specific event. Licensed premises can include areas of public places such as footpaths.

Under the Act, only constables (New Zealand Police Officers) can take enforcement action under this Bylaw. Constables have powers of arrest, search and seizure under the Act and can also issue infringement notices.

5 Interpretation

5.1 Any word used in this Bylaw that is defined in sections 5, 147, 169, 169A or 243 of the Act, or section 5 of the Sale and Supply of Alcohol Act 2012, has, for the purposes of this Bylaw, the same meaning as in those sections, unless otherwise provided for in this clause.

5.2 In this Bylaw, unless the context otherwise requires—

Act means the Local Government Act 2002.

Council means the Whangareai District Council.

Whangārei District means the area within the boundaries of the Whangārei District and includes all coastal areas to the line of mean low water springs.

5.3 Any related information, attachments and links are for information purposes only and do not form part of this Bylaw.

5.4 The Interpretation Act 1999 applies to this Bylaw.

Attachment 1 - Draft Alcohol Control Bylaw

Part 2: Control of Alcohol

6 Alcohol ban areas

- 6.1 Council may, by resolution, declare alcohol ban areas in which the consumption, bringing in and possession of alcohol in public places is prohibited or controlled.
- 6.2 Any resolution made under clause 6.1 must also—
 - (a) include a map of the alcohol ban area;
 - (b) specify the time(s) that any prohibition or control applies, and whether the alcohol ban area is permanent or temporary;
 - (c) if consumption, bringing in and possession of alcohol is controlled rather than prohibited, specify the nature of the control.
- 6.3. No person may consume, bring into or possess alcohol in any public place (including inside a vehicle) in an alcohol ban area in breach of a resolution made under clauses 6.1 and 6.2.
- 6.4. Clause 6.3 does not apply to a person who is acting pursuant to, and in accordance with any conditions of, a consent granted under clause 12.1.

*Related information: As at **XX XXXX 2024**, the Act defines a public place for the purposes of alcohol control as—*

“a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but does not include licensed premises.”

7 Permanent alcohol ban areas

- 7.1 Council may under clause 6.1 declare an area to be a permanent alcohol ban area at all times, or for specified, recurring periods of time.
- 7.2 Council will consult in accordance with section 82 of the Act on any proposal to declare, amend or revoke a permanent alcohol ban area.

Related information: All resolutions of Council declaring alcohol ban areas are contained in the Register of Resolutions included as additional information to this Bylaw.

8 Temporary alcohol ban areas

- 8.1 Council may under clause 6.1 declare an area to be a temporary alcohol ban area for a specified period not exceeding seven consecutive days.
- 8.2 Council will give public notice of a temporary alcohol ban area at least 14 days before the temporary alcohol ban area comes into force.

Attachment 1 - Draft Alcohol Control Bylaw

9 Matters to be considered before declaring alcohol ban areas

9.1 Before declaring a permanent alcohol ban area, Council—

- a. must consider views presented to Council through consultation on the proposal to declare a permanent alcohol ban area:
- b. must consider the relevant criteria in sections 147A and 147B of the Act, as applicable:
- c. may consider any other matter it considers relevant.

9.2 Before declaring a temporary alcohol ban area, Council—

- a. must consider the relevant criteria in sections 147A and 147B of the Act, as applicable;
- b. where the temporary alcohol ban area applies to an event, may consider—
 - i. the nature and type of the event:
 - ii. the history (if any) of the event:
 - iii. the number of people expected to attend the event:
 - iv. the area in which the event is to be held:
 - v. whether the Police support the proposed temporary alcohol ban area:
 - vi. whether the Police will be present at the event to enforce it; and
- c. may consider any other information it considers relevant.

Related information: Records of resolutions made for temporary alcohol bans will not be included in the Register of Resolutions, but are permanently recorded through appropriate Council records of meetings, minutes and resolutions.

Part 3: Enforcement Powers

10 Enforcement

10.1 A constable may use their powers under the Act to enforce this Bylaw.

10.2 This Bylaw authorises a constable to exercise the power of search under sections 169(2)(a) and 170(2) of the Act for temporary alcohol ban areas declared in accordance with clauses 6 and 8.

Related information: Section 170(2) of the Act provides constables with additional powers of search in relation to temporary alcohol controls that have been notified and indicated by signage in accordance with section 170(3) of the Act.

Attachment 1 - Draft Alcohol Control Bylaw

Part 4: Offences and Penalties

11 Bylaw breaches

11.1 Every person who breaches this Bylaw commits an offence.

11.2 Every person who commits an offence under this Bylaw is liable to a penalty under the Act.

Related information: As at XX XXXX 2024, the penalty for breaching an alcohol control bylaw is an infringement fee of \$250 under the Local Government (Alcohol Control Breaches) Regulations 2013.

Part 5: Exceptions

12 Exceptions

12.1 Council may issue a consent to any person, or class of persons, to allow the consumption, bringing in and possession of alcohol in a public place (including inside a vehicle) within an alcohol ban area.

12.2 In considering an application for a consent under clause 12.1, Council will consider the following matters:

- a. The purpose of the exception:
- b. The proposed duration of the exception:
- c. The area of the proposed exception:
- d. Whether the area is under the control of, or managed by, Council:
- e. Whether any other permits are required from Council for the event:
- f. Any other matter Council considers relevant.

12.3 Council may prescribe conditions for any such consent, including, but not limited to–

- a. the duration of the consent:
- b. the exact location to which the consent applies:
- c. the maximum number of people the consent applies to.

12.4 Council may by resolution made after consultation that gives effect to the requirements of section 82 of the Act–

- a. prescribe a fee for receiving and processing an application and issuing a consent:
- b. determine situations when consent fees may be remitted, refunded or waived.

12.5 Council may cancel a consent at any time.

Related information: Exceptions for events with special licences do not require consent under clause 12.1, as they are excluded from the definition of public place that applies to this Bylaw.

Attachment 1 - Draft Alcohol Control Bylaw

Part 6: Savings and Transitional Provisions

13 Existing resolutions and consents

- 13.1 Resolutions made under clause 6.1 prior to amendments in clause 2.2 coming into force continue to apply until amended, replaced or revoked by Council.
- 13.2 Consents issued under clause 12.1 prior to amendments in clause 2.2 coming into force remain valid subject to clause 12.5.

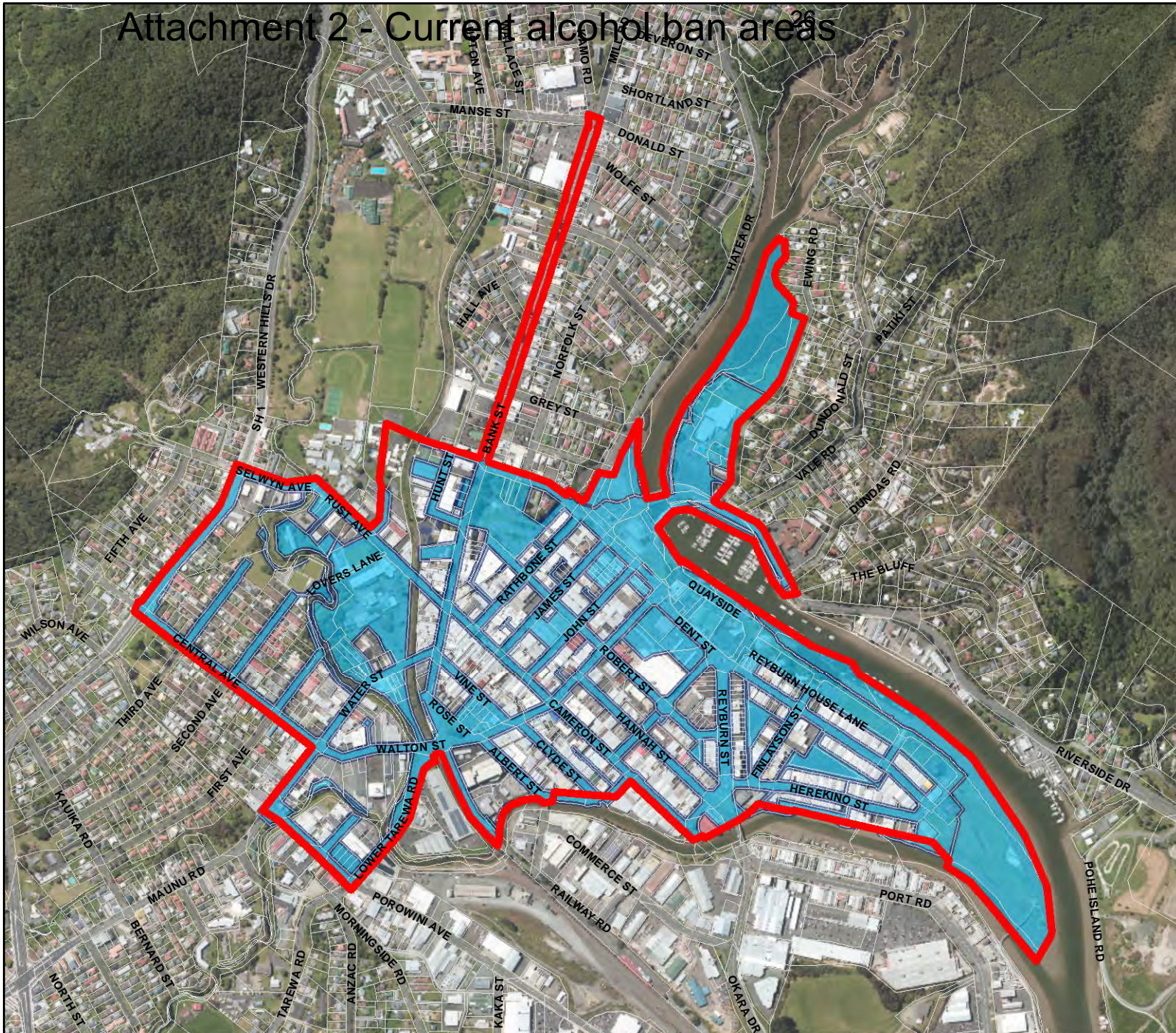
Draft

Whangarei District Council – Alcohol Control Bylaw 2018



Alcohol Control Areas – made by Council resolution

Map #	Area	Operative times	Decision date	Commencement date
1	Whangarei CBD	24 hours a day, seven days a week	13/12/2018	19/12/2018
2	Kamo			
3	Marsden Village			
4	Matapouri			
5	Oakura			
6	Onerahi			
7	Otaika			
8	Otangarei			
9	Otuhau; Whangarei Falls			
10	Pataua North & South			
11	Tikipunga			
12	Waipu			
13	Whananaki – Moureeses Bay			
14	Whananaki			
NA	All public places 300 metres landwards from the line of mean low water springs			

Attachment 2 - Current alcohol ban areas



MAP 1 - CENTRAL BUSINESS DISTRICT

-  Alcohol Control Area Boundary
-  Public Place

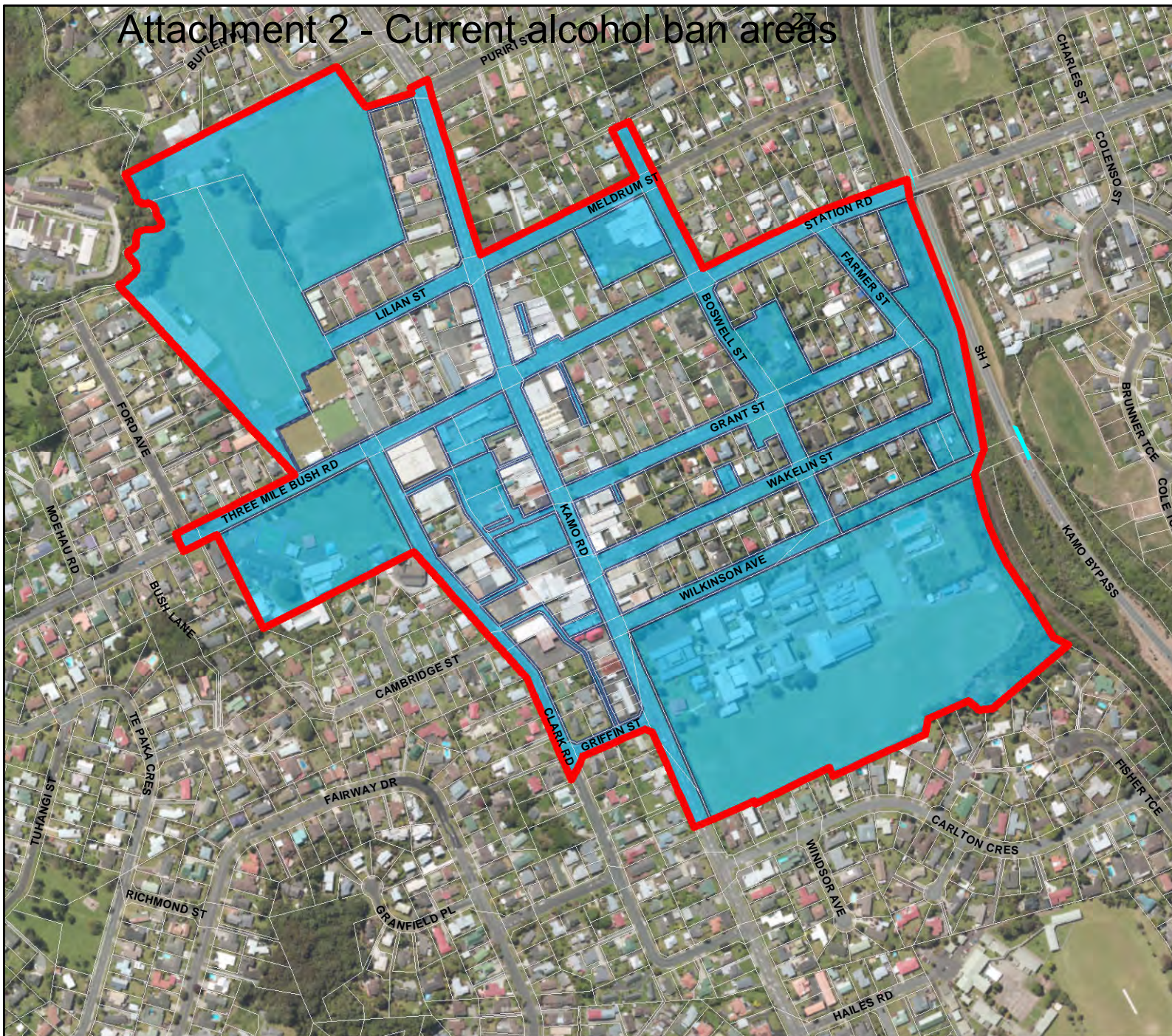
Operative times:
24 hours a day, 7 days a week

This map provides indicative public places within the alcohol control area. It is up to constable discretion to determine whether a place is a public place in accordance with section 147 of the Local Government Act 2002 for enforcement purposes, and may include a location that is not indicated as a public place within the alcohol control area boundaries.





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Public places shown as indicative. Mean low water springs shown as indicative.

Attachment 2 - Current alcohol ban areas

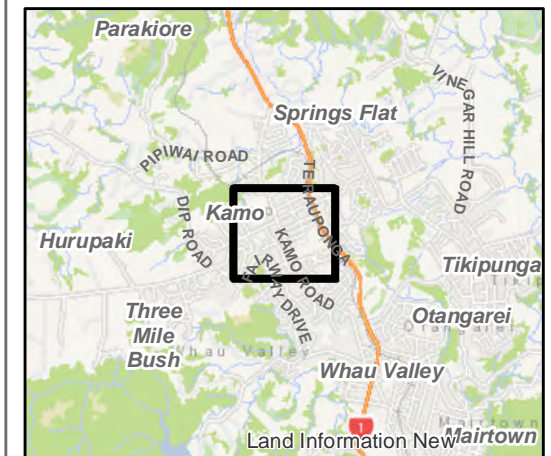


MAP 2 - KAMO

-  Alcohol Control Area Boundary
-  Public Place

Operative times:
24 hours a day, 7 days a week

This map provides indicative public places within the alcohol control area. It is up to constable discretion to determine whether a place is a public place in accordance with section 147 of the Local Government Act 2002 for enforcement purposes, and may include a location that is not indicated as a public place within the alcohol control area boundaries.





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Public places shown as indicative. Mean low water springs shown as indicative.

Attachment 2 - Current alcohol ban areas



MAP 3 - MARS DEN VILLAGE

-  Alcohol Control Area Boundary
-  Public Place

Operative times:
24 hours a day, 7 days a week

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


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Public places shown as indicative. Mean low water springs shown as indicative.

Attachment 2 - Current alcohol ban areas ²⁸

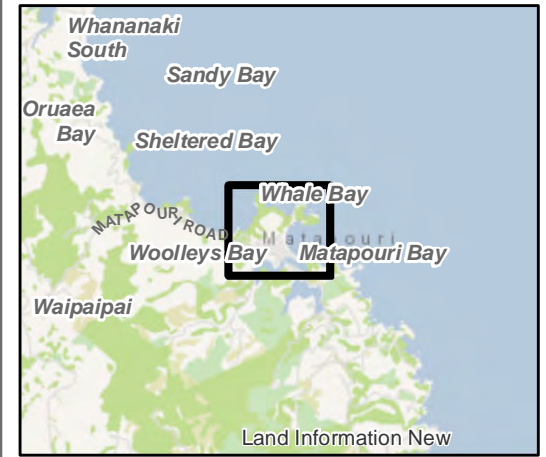


MAP 4 - MATAPOURI

-  Alcohol Control Area Boundary
-  Public Place

Operative times:
24 hours a day, 7 days a week

This map provides indicative public places within the alcohol control area. It is up to constable discretion to determine whether a place is a public place in accordance with section 147 of the Local Government Act 2002 for enforcement purposes, and may include a location that is not indicated as a public place within the alcohol control area boundaries.





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Public places shown as indicative. Mean low water springs shown as indicative.

Attachment 2 - Current alcohol ban areas ³⁰

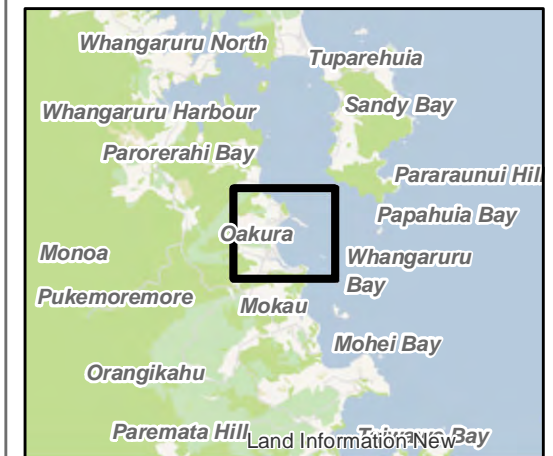


MAP 5 - OAKURA

-  Alcohol Control Area Boundary
-  Public Place

Operative times:
24 hours a day, 7 days a week

This map provides indicative public places within the alcohol control area. It is up to constable discretion to determine whether a place is a public place in accordance with section 147 of the Local Government Act 2002 for enforcement purposes, and may include a location that is not indicated as a public place within the alcohol control area boundaries.





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Public places shown as indicative. Mean low water springs shown as indicative.

Attachment 2 - Current alcohol ban areas

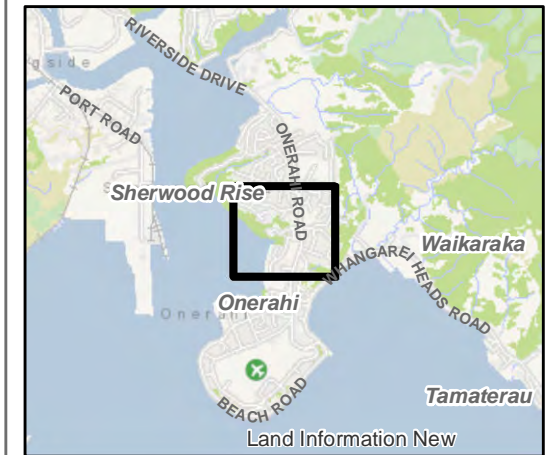


MAP 6 - ONERAHI

-  Alcohol Control Area Boundary
-  Public Place

Operative times:
24 hours a day, 7 days a week

This map provides indicative public places within the alcohol control area. It is up to constable discretion to determine whether a place is a public place in accordance with section 147 of the Local Government Act 2002 for enforcement purposes, and may include a location that is not indicated as a public place within the alcohol control area boundaries.





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Public places shown as indicative. Mean low water springs shown as indicative.

Attachment 2 - Current alcohol ban areas

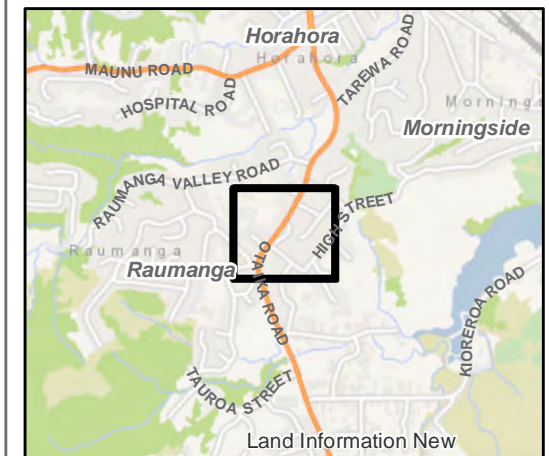


MAP 7 - OTAIKA

-  Alcohol Control Area Boundary
-  Public Place

Operative times:
24 hours a day, 7 days a week

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Public places shown as indicative. Mean low water springs shown as indicative.

Attachment 2 - Current alcohol ban areas

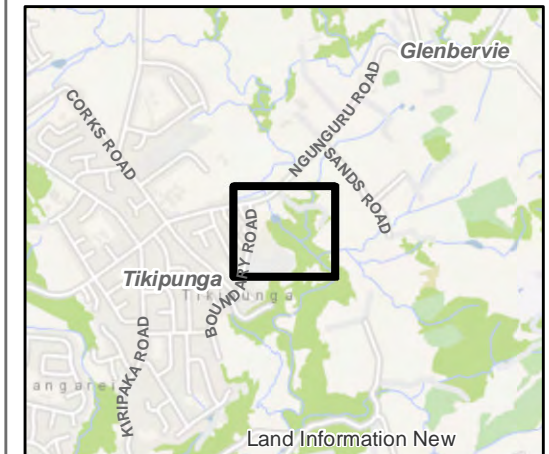


MAP 9 - OTUIHAU; WHANGAREI FALLS

-  Alcohol Control Area Boundary
-  Public Place

Operative times:
24 hours a day, 7 days a week

This map provides indicative public places within the alcohol control area. It is up to constable discretion to determine whether a place is a public place in accordance with section 147 of the Local Government Act 2002 for enforcement purposes, and may include a location that is not indicated as a public place within the alcohol control area boundaries.





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Public places shown as indicative. Mean low water springs shown as indicative.

Attachment 2 - Current alcohol ban areas ³⁵



MAP 10 - PATAUA NORTH AND SOUTH

-  Alcohol Control Area Boundary
-  Public Place

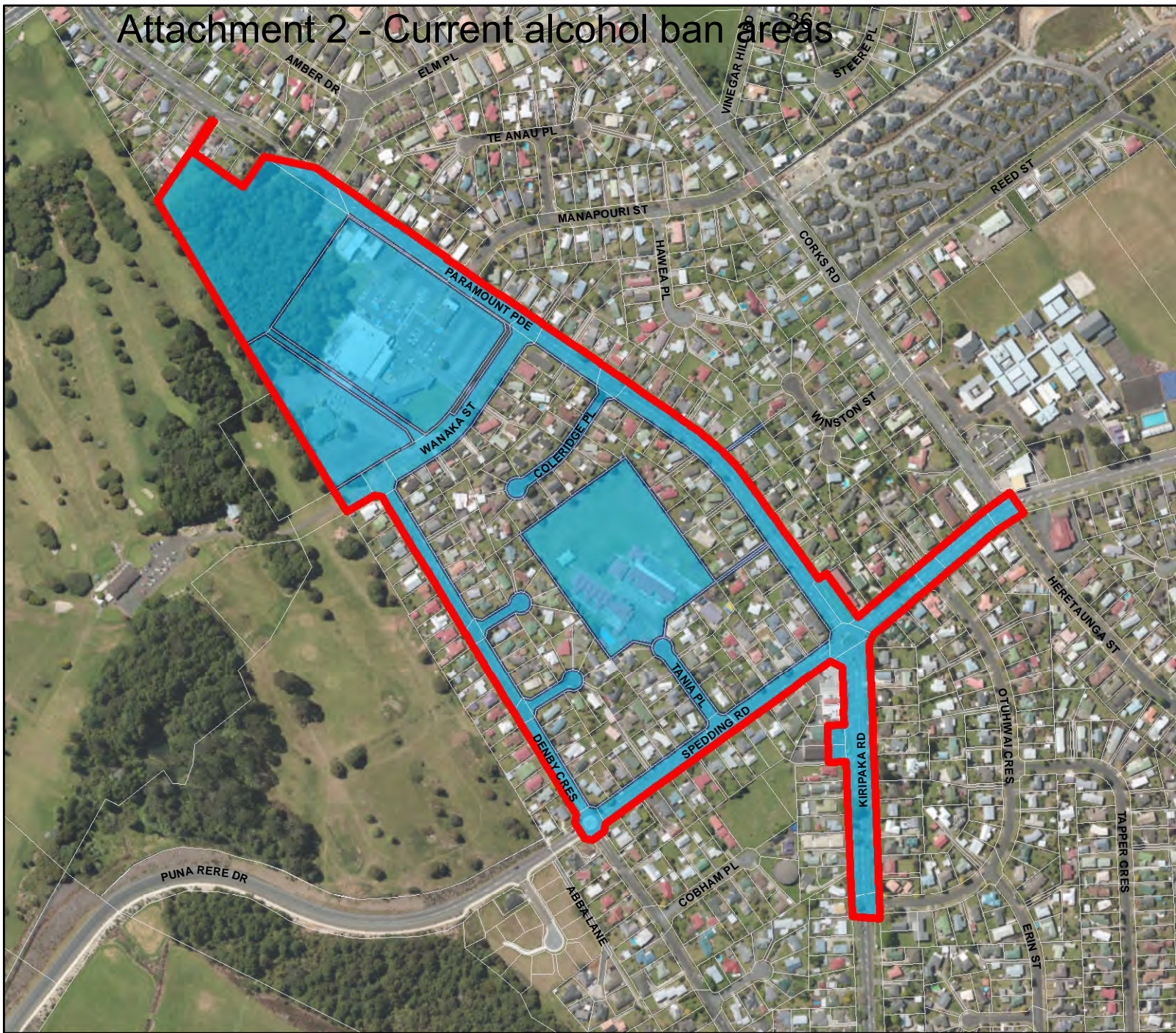
Operative times:
24 hours a day, 7 days a week

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Public places shown as indicative. Mean low water springs shown as indicative.

Attachment 2 - Current alcohol ban areas

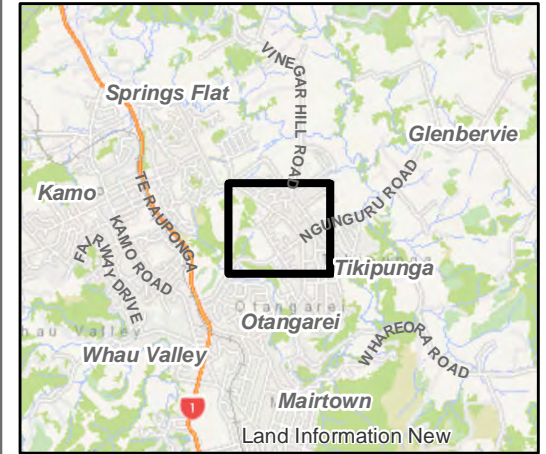


MAP 11 - TIKIPUNGA

-  Alcohol Control Area Boundary
-  Public Place

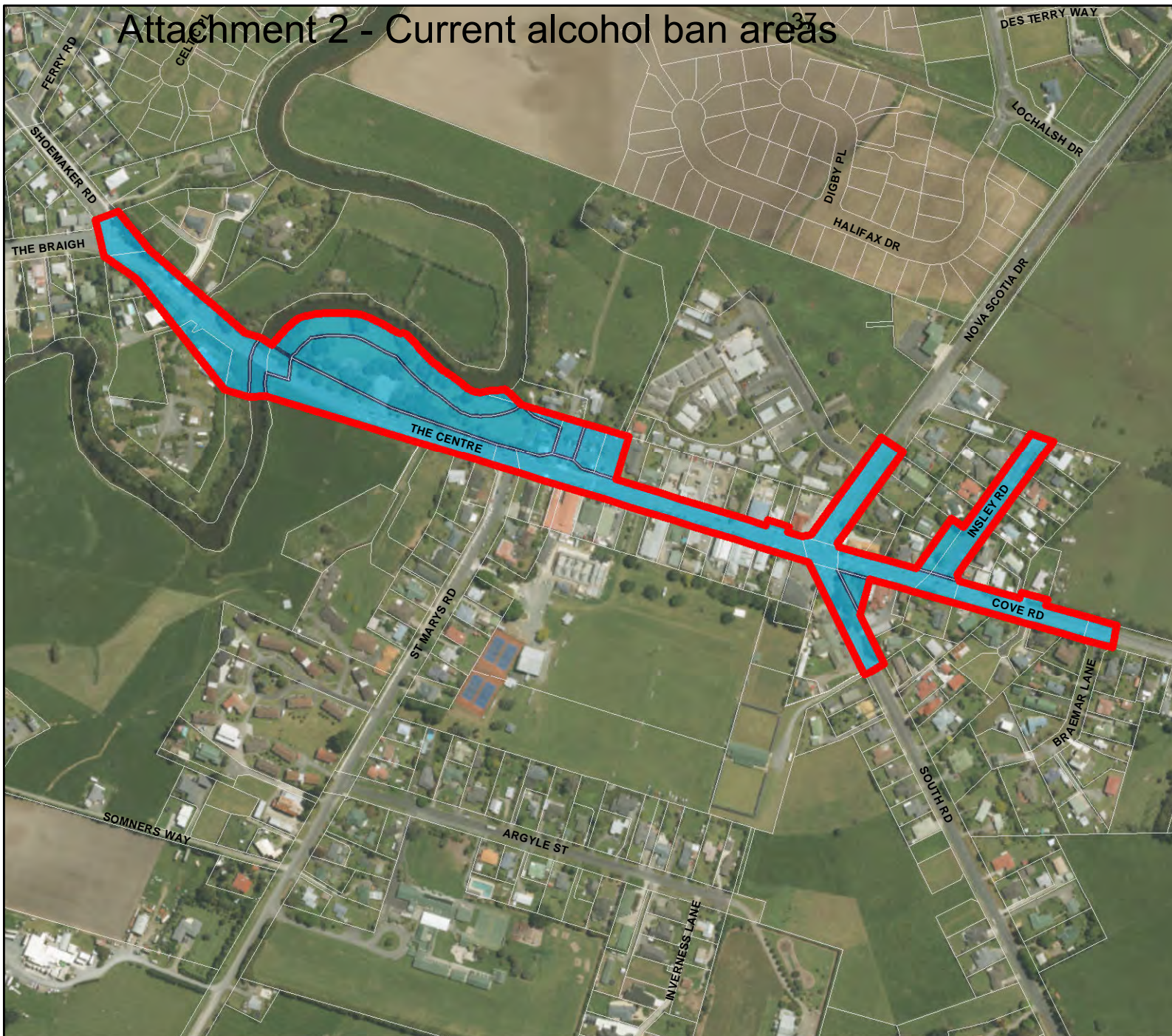
Operative times:
24 hours a day, 7 days a week

This map provides indicative public places within the alcohol control area. It is up to constable discretion to determine whether a place is a public place in accordance with section 147 of the Local Government Act 2002 for enforcement purposes, and may include a location that is not indicated as a public place within the alcohol control area boundaries.





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Public places shown as indicative. Mean low water springs shown as indicative.

Attachment 2 - Current alcohol ban areas

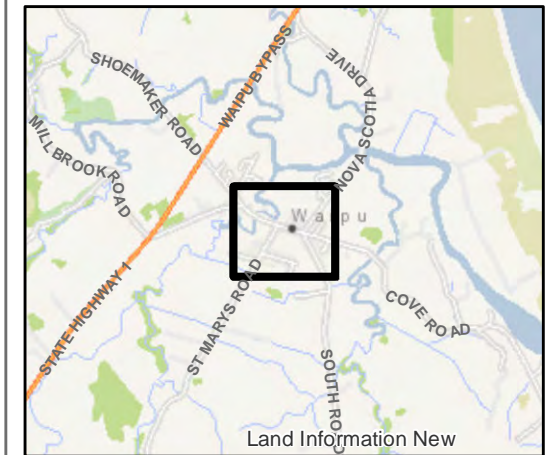


MAP 12 - WAIPU

-  Alcohol Control Area Boundary
-  Public Place

Operative times:
24 hours a day, 7 days a week

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Public places shown as indicative. Mean low water springs shown as indicative.

Attachment 2 - Current alcohol ban areas ³⁸

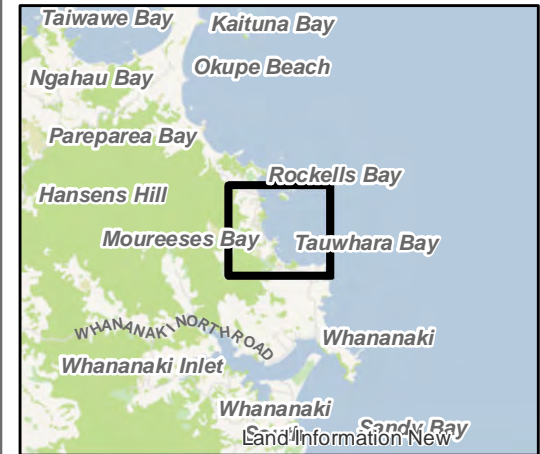


MAP 13 - WHANANAKI - MOUREESES BAY

-  Alcohol Control Area Boundary
-  Public Place

Operative times:
24 hours a day, 7 days a week

This map provides indicative public places within the alcohol control area. It is up to constable discretion to determine whether a place is a public place in accordance with section 147 of the Local Government Act 2002 for enforcement purposes, and may include a location that is not indicated as a public place within the alcohol control area boundaries.





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Public places shown as indicative. Mean low water springs shown as indicative.

Attachment 2 - Current alcohol ban areas



MAP 14 - WHANANAKI

-  Alcohol Control Area Boundary
-  Public Place

Operative times:
24 hours a day, 7 days a week

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Public places shown as indicative. Mean low water springs shown as indicative.

WDC Alcohol Control Bylaw

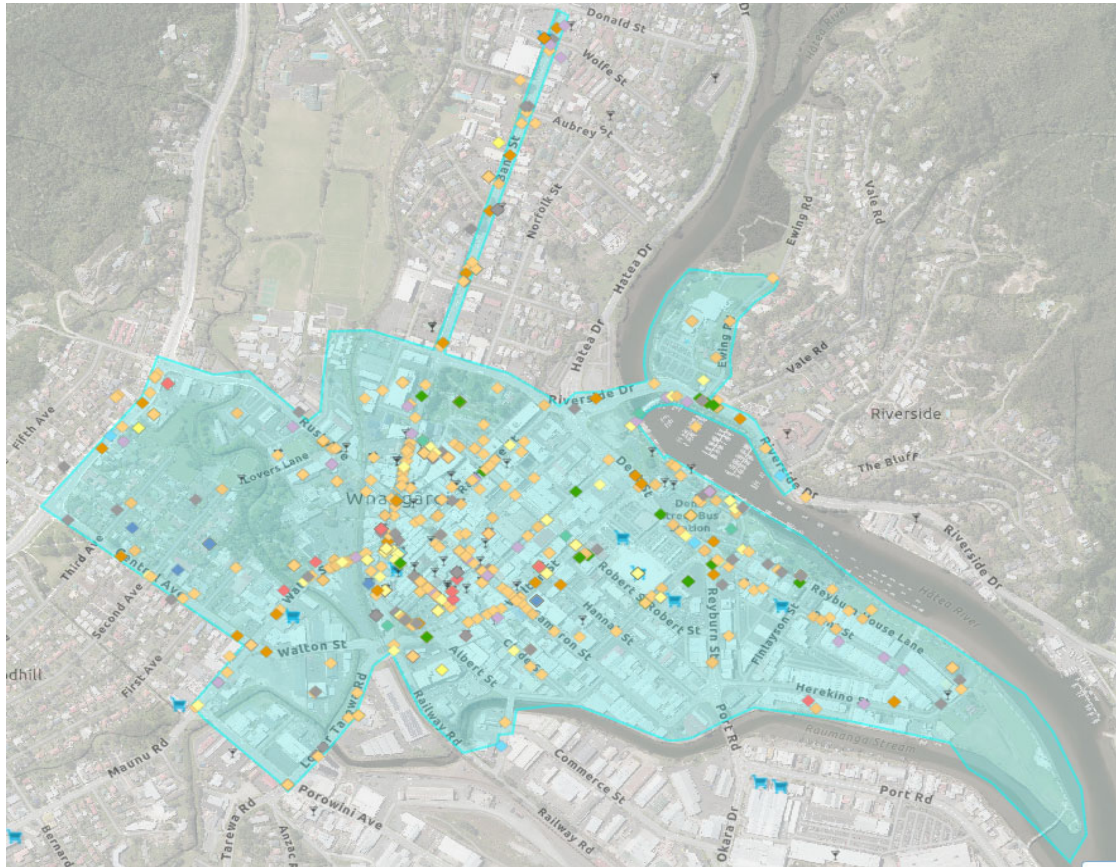
Police Demand

15 November 2023



Attachment 3 - Police CARD data on¹²alcohol-related incidents

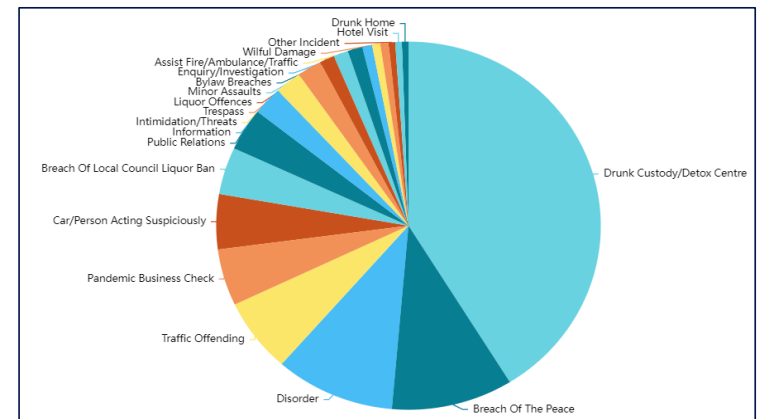
Central Business District 2019 - 2023



Map displays police calls for service for alcohol related incidents

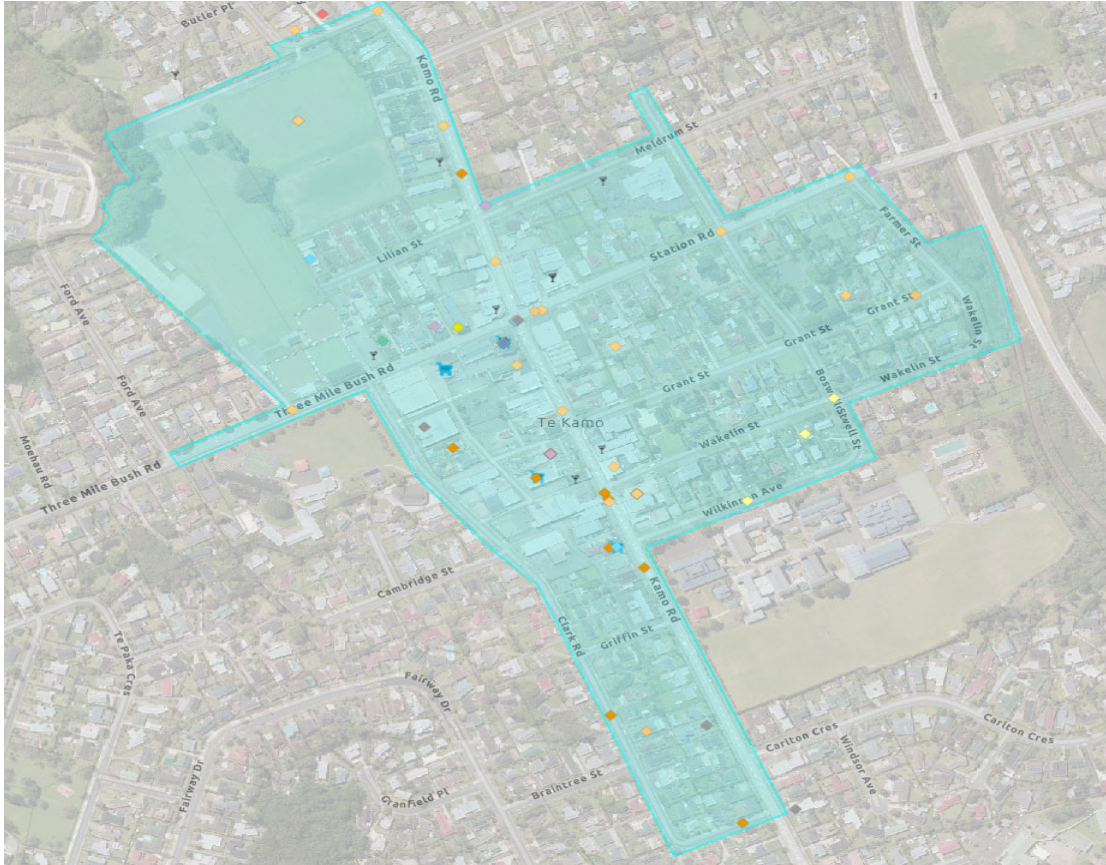
Police calls for service	
Year	YoY Change
2019	
2020	15% ▲
2021	32% ▼
2022	28% ▲
2023	*26% ▼

**Year not complete*



Attachment 3 - Police CARD data on¹³alcohol-related incidents

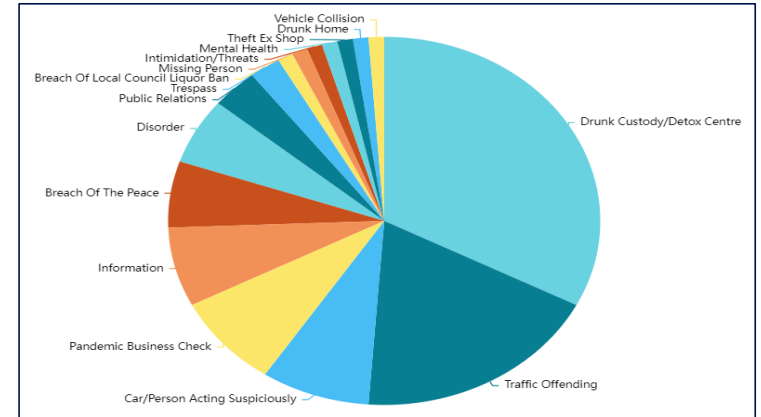
Kamo 2019 - 2023



Map displays police calls for service for alcohol related incidents

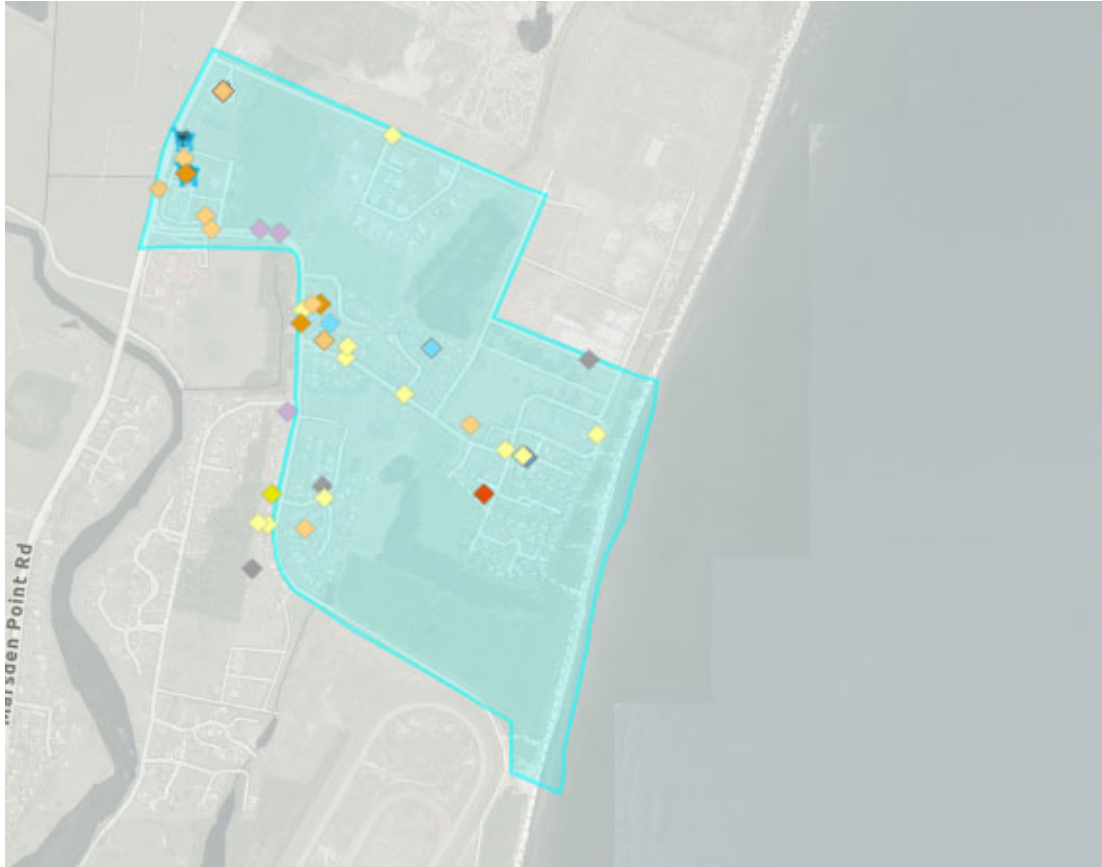
Police calls for service	
Year	YoY Change
2019	
2020	12% ↓
2021	47% ↓
2022	25% ↑
2023	*7% ↑

*Year not complete



Attachment 3 - Police CARD data on¹⁴alcohol-related incidents

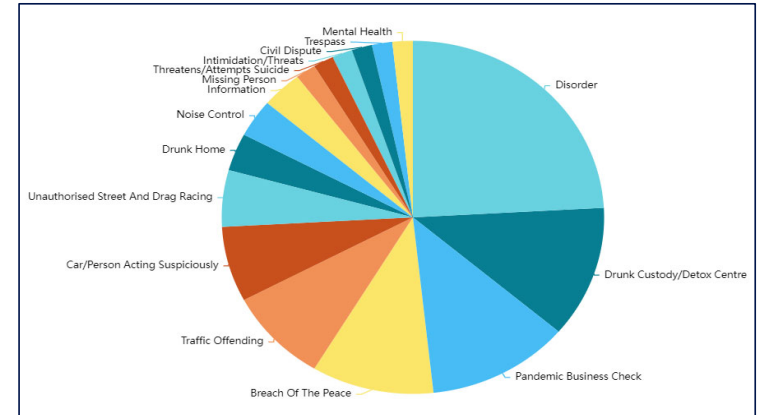
Marsden Village 2019 - 2023



Map displays police calls for service for alcohol related incidents

Police calls for service	
Year	YoY Change
2019	
2020	58% ↑
2021	37% ↓
2022	25% ↓
2023	*33% ↓

*Year not complete



Attachment 3 - Police CARD data on⁴⁵alcohol-related incidents

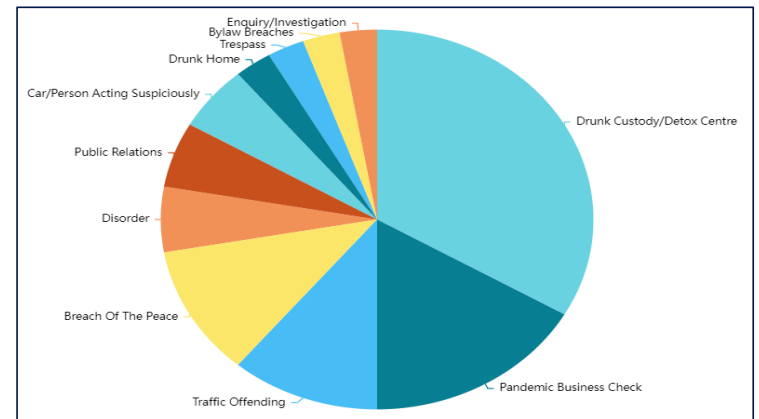
Onerahi 2019 - 2023



Map displays police calls for service for alcohol related incidents

Police calls for service	
Year	YoY Change
2019	
2020	220% ↑
2021	50% ↓
2022	50% ↓
2023	*25% ↓

**Year not complete*



Attachment 3 - Police CARD data on⁴⁶alcohol-related incidents

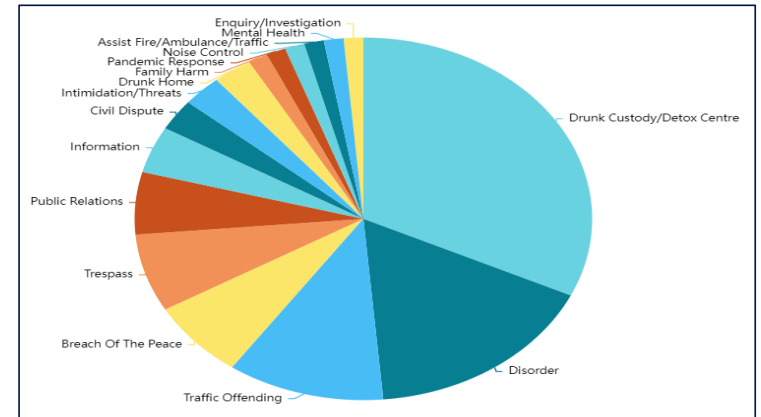
Otaika 2019 - 2023



Map displays police calls for service for alcohol related incidents

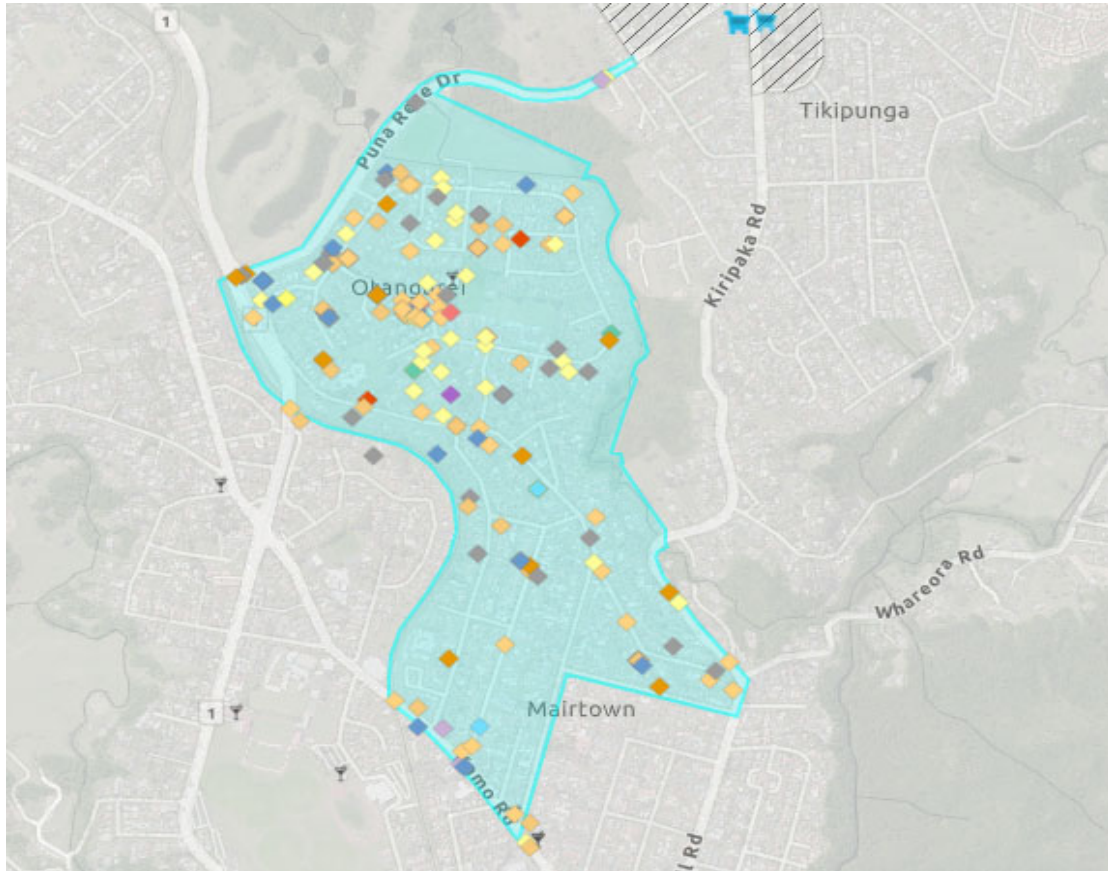
Police calls for service	
Year	YoY Change
2019	
2020	67% ↑
2021	5% ↓
2022	63% ↓
2023	*86% ↑

*Year not complete



Attachment 3 - Police CARD data on 17 alcohol-related incidents

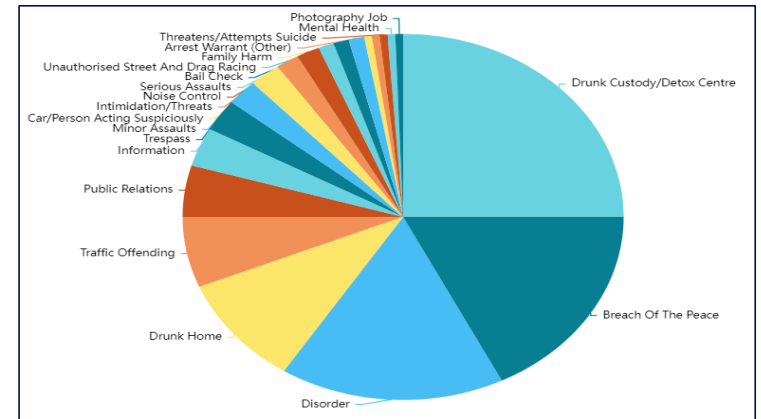
Otangarei 2019 - 2023



Map displays police calls for service for alcohol related incidents

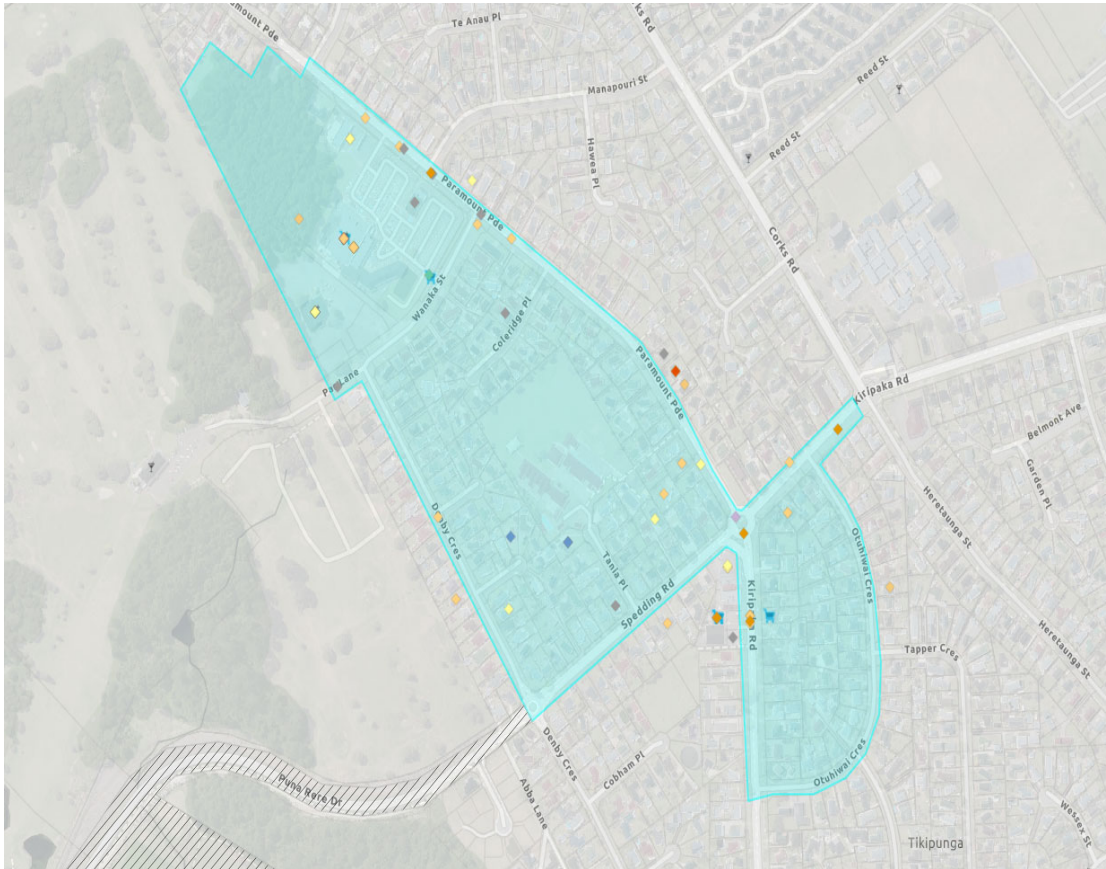
Police calls for service	
Year	YoY Change
2019	
2020	12% ↑
2021	30% ↓
2022	6% ↓
2023	*45% ↓

*Year not complete



Attachment 3 - Police CARD data on¹⁸alcohol-related incidents

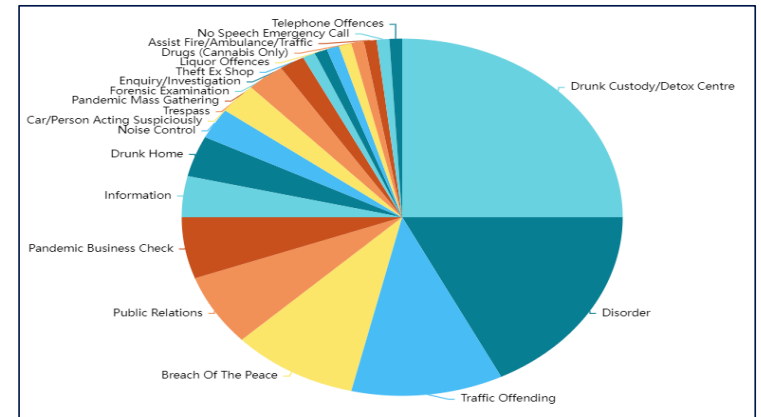
Tikipunga 2019 - 2023



Map displays police calls for service for alcohol related incidents

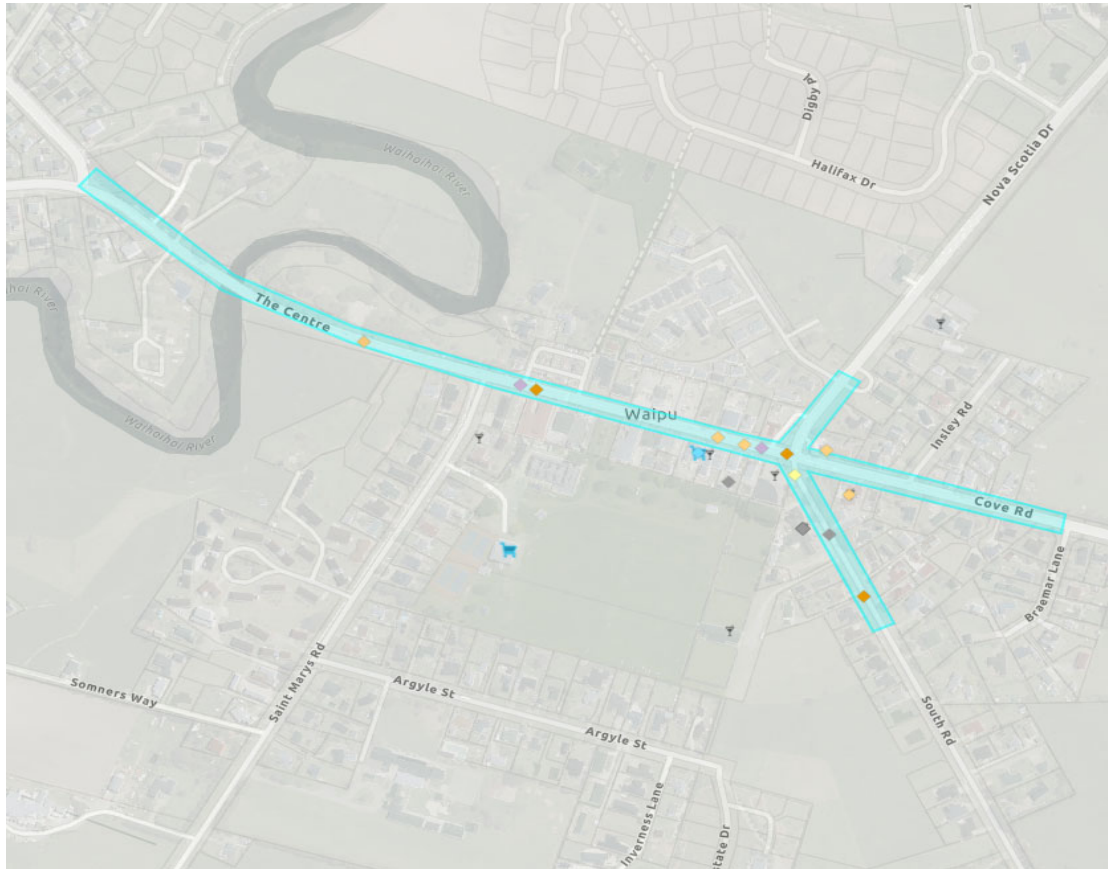
Police calls for service	
Year	YoY Change
2019	
2020	47% ↑
2021	35% ↓
2022	17% ↓
2023	*20% ↓

**Year not complete*



Attachment 3 - Police CARD data on¹⁹alcohol-related incidents

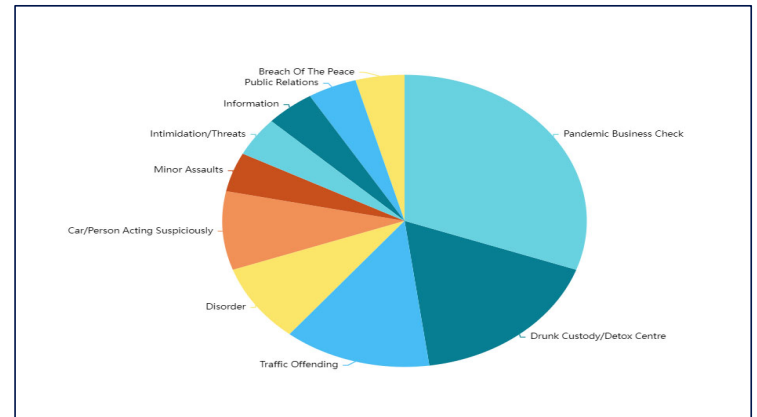
Waipu 2019 - 2023



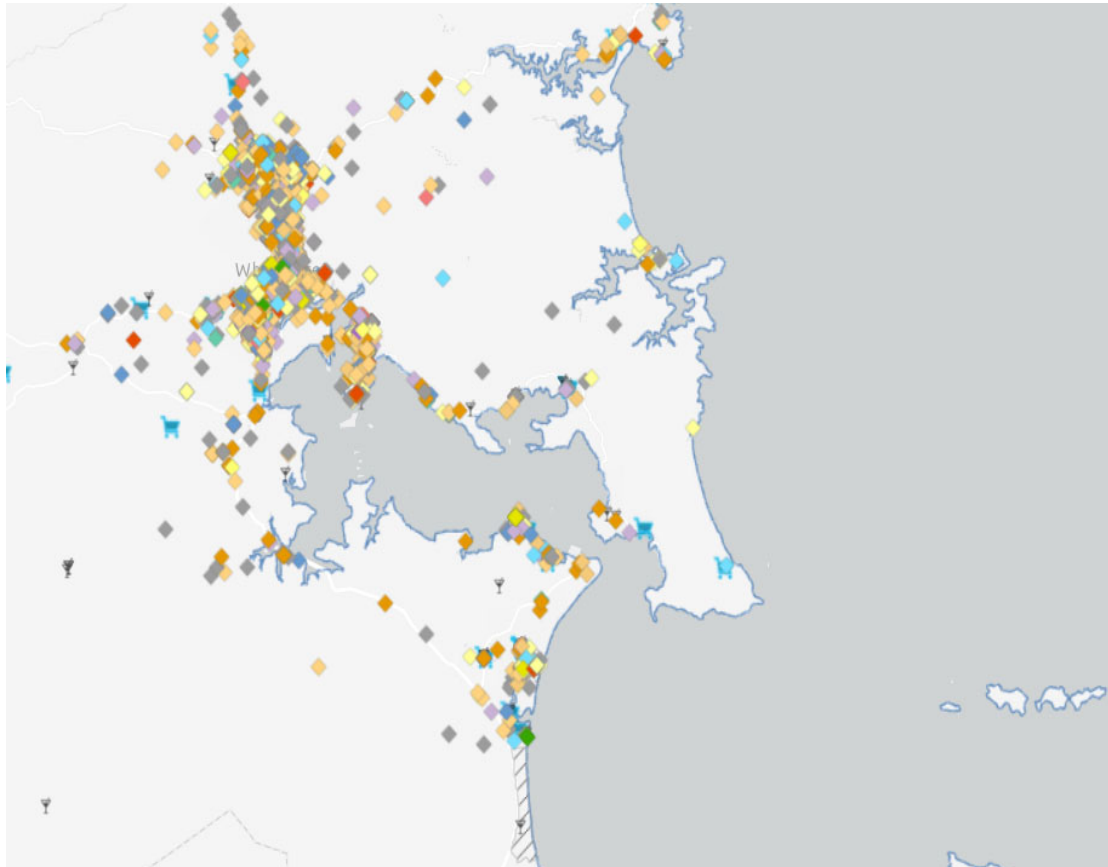
Map displays police calls for service for alcohol related incidents

Police calls for service	
Year	YoY Change
2019	
2020	450% ↑
2021	91% ↓
2022	nil
2023	*200% ↑

*Year not complete



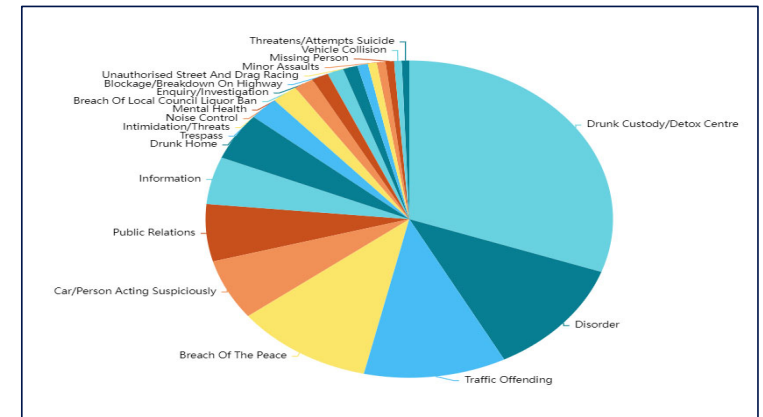
Whangarei 2019 - 2023



Map displays police calls for service for alcohol related incidents

Police calls for service	
Year	YoY Change
2019	
2020	20% ↑
2021	21% ↓
2022	5% ↓
2023	*35% ↓

*Year not complete



Proposed Boundary



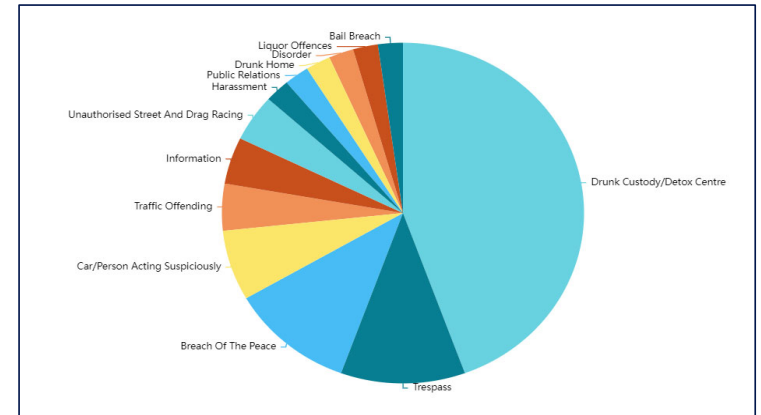
Okara Park 2019 - 2023



Map displays police response and calls for service for alcohol related incidents

Alcohol Related Incidents	
Year	YoY Change
2019	
2020	11% ↓
2021	60% ↓
2022	311% ↑
2023	*54% ↓

*Year not complete

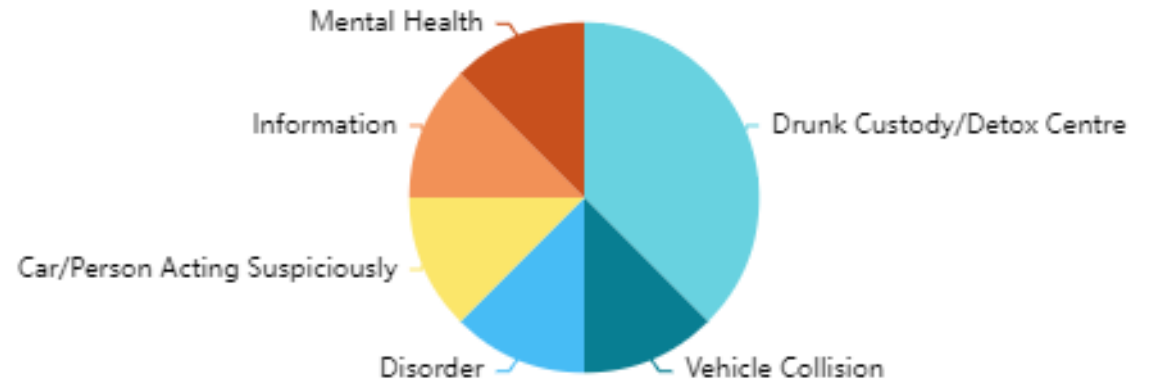


Okara Drive Carpark 2019 - 2023



Map displays police calls for service for alcohol related incidents

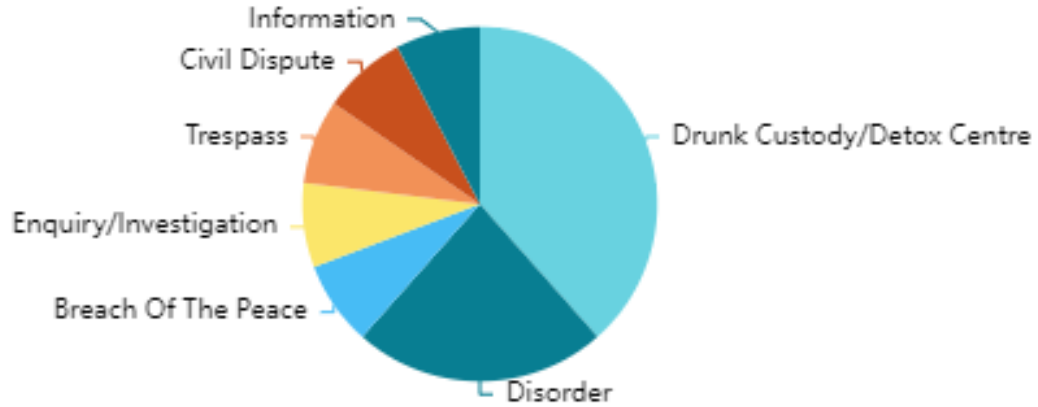
Police calls for service	
Year	YoY Change
2019	
2020	33% ↓
2021	50% ↓
2022	100% ↓
2023	200% ↑



Attachment 3 - Police CARD data on alcohol-related incidents
Carruth Park – Maunu Road 2019 - 2023



Police calls for service	
Year	YoY Change
2019	
2020	50% ↓
2021	300% ↑
2022	50% ↓
2023	100% ↑



Map displays police calls for service for alcohol related incidents

TALK TO US ABOUT ALCOHOL IN PUBLIC PLACES

*Alcohol Control
Bylaw review*



Whangarei
District Council

www.wdc.govt.nz/HaveYourSay

HELP US KEEP OUR COMMUNITIES SAFE

We're reviewing our Alcohol Control Bylaw and want your input to inform a new draft Bylaw for public consultation in mid-2024.



FAQ

WHAT IS THIS BYLAW ABOUT?

We can use the Bylaw to ban alcohol in public places where drinking leads to a high level of criminal or disorderly behaviour.

WHAT IS MEANT BY PUBLIC PLACES?

Public place includes areas like parks, beaches, schools and carparks. It does not include licensed premises like bars and restaurants.

WHAT IS THIS BYLAW NOT ABOUT?

The Bylaw is not about the location or number of licensed premises or the hours that alcohol is for sale. These things are regulated outside the Bylaw.

WHO ENFORCES THE BYLAW?


Only Police Officers can enforce the Bylaw.

WHAT POWERS DOES THE BYLAW GIVE POLICE?

Police can search people and vehicles for alcohol in an alcohol ban area.

WHEN CAN COUNCIL BAN ALCOHOL IN PUBLIC PLACES?

Under the law, any alcohol ban needs evidence that drinking in that place leads to a high level of crime or disorder.



Attachment 4 - Information brochure

WHAT TYPE OF FEEDBACK DO WE NEED FROM YOU AND YOUR COMMUNITY?

- Details of the public place where you want to see a ban continued, lifted or introduced
- Descriptions of the type(s) of crime or disorder you have witnessed that you believe has resulted from drinking in that place
- When this crime or disorder happens (time of day, season, etc.)
- What else you think could be done to prevent this crime or disorder.

ALCOHOL CONTROL BYLAW REVIEW TIMELINE

Early engagement	January-February 2024
Adopt draft Bylaw for public consultation	April 2024
Statutory consultation on draft Bylaw	May 2024
Adopt new Bylaw	July 2024

HAVE YOUR SAY

Visit www.wdc.govt.nz/HaveYourSay to provide your feedback.

Council's current bylaw and alcohol control areas can be viewed online at www.wdc.govt.nz/AlcoholBan.

For more information about the review or the consultation process, email will.mcnab@wdc.govt.nz.





Private Bag 9023, Te Mai, Whangārei 0143, New Zealand

Te Iwītahi, 9 Rust Avenue, Whangārei

Ruakākā Service Centre, Takutai Place, Ruakākā

P: +64 9 430 4200

E: mailroom@wdc.govt.nz

W: www.wdc.govt.nz

[Facebook.com/WhangareiDC](https://www.facebook.com/WhangareiDC)

Alcohol Control Bylaw review



Submitted on 13 December 2023, 3:52PM
Receipt number ALCOHOL-4
Related form version 1

Your details

Name [REDACTED]

I am writing this submission As an individual

Organisation name

Email address [REDACTED]

Phone number [REDACTED]

Preferred contact Email

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder? No

Where would you like to see an alcohol ban continued or introduced?

What crime or disorder have you witnessed that you think is the result of drinking in that place?

When and how often does this happen?

What do you think could be done to prevent this crime or disorder?

Alcohol Control Bylaw review



Submitted on	22 December 2023, 12:58PM
Receipt number	ALCOHOL-5
Related form version	1

Your details

Name	[REDACTED]
------	------------

I am writing this submission	As an individual
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Organisation name	
-------------------	--

Email address	[REDACTED]
---------------	------------

Phone number	[REDACTED]
--------------	------------

Preferred contact	Email
-------------------	-------

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder?	Yes
--	-----

Where would you like to see an alcohol ban continued or introduced?	Introduce a new ban area to cover One Tree Point and Marsden Cove, including the La Pointe, Kowi Lakes, The Landing and Marsden Cove subdivisions, the Shearwater St reserve, La Pointe golf course, future recreation reserves in The Landing and marina areas in Marsden Cove
---	---

What crime or disorder have you witnessed that you think is the result of drinking in that place?	Drinking and littering of bottles and RTD cans, particularly around the open undeveloped area near Educare One Tree Point, and thrown out of hooning and street racing vehicles along Plover St and One Tree Point Rd
---	---

When and how often does this happen?	Irregularly, about two to three times a week on average, usually at night (mostly between 9pm and 1am, occasionally between 1am and 4am)
--------------------------------------	--

What do you think could be done to prevent this crime or disorder?	De-emphasise our drinking culture and introduce a mindset of mutually respectful behaviour, stop passing down bad behaviours and perceived entitlements to younger and future generations. I understand that Council has very limited means to achieve that, however, implementing additional bans and ramping up communication and education can send a strong message.
--	--

Alcohol Control Bylaw review



Submitted on 12 January 2024, 9:29AM
Receipt number ALCOHOL-6
Related form version 1

Your details

Name [REDACTED]

I am writing this submission As an individual

Organisation name

Email address [REDACTED]

Phone number

Preferred contact Email

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder? Yes

Where would you like to see an alcohol ban continued or introduced?

What crime or disorder have you witnessed that you think is the result of drinking in that place?

When and how often does this happen?

What do you think could be done to prevent this crime or disorder? Ban the sale of alcohol in supermarkets and make all sales go through a trust like in west auckland.

Alcohol Control Bylaw review



Submitted on	13 January 2024, 9:31AM
Receipt number	ALCOHOL-7
Related form version	1

Your details

Name	Julie Turner
I am writing this submission	On behalf of an organisation
Organisation name	Waipu Primary School
Email address	[REDACTED]
Phone number	[REDACTED]
Preferred contact	Email

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder?	Yes
Where would you like to see an alcohol ban continued or introduced?	Beaches, schools, parks
What crime or disorder have you witnessed that you think is the result of drinking in that place?	A bit of vandalism but nothing major or recently. It really hasn't been a huge issue at the school.
When and how often does this happen?	Over Summer holidays
What do you think could be done to prevent this crime or disorder?	Cameras help but often those that do the crime are savvy enough to know how to avoid the cameras. Regular Police patrols - unlikely in a rural area such as where we are.

Alcohol Control Bylaw review



Submitted on 15 January 2024, 2:03PM
Receipt number ALCOHOL-8
Related form version 1

Your details

Name Thomas Nance
I am writing this submission On behalf of an organisation
Organisation name Whangarei Quarry Gardens
Email address [REDACTED]
Phone number [REDACTED]
Preferred contact Email

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder? Yes

Where would you like to see an alcohol ban continued or introduced?

What crime or disorder have you witnessed that you think is the result of drinking in that place?

When and how often does this happen?

What do you think could be done to prevent this crime or disorder?

Alcohol Control Bylaw review



Submitted on 17 January 2024, 2:15PM
Receipt number ALCOHOL-10
Related form version 1

Your details

Name Anna Markwick
I am writing this submission On behalf of an organisation
Organisation name Sport Northland
Email address [REDACTED]
Phone number [REDACTED]
Preferred contact Email

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder? Yes
Where would you like to see an alcohol ban continued or introduced? Continue alcohol bans in public places e.g. parks, reserves and beaches
What crime or disorder have you witnessed that you think is the result of drinking in that place? Don't witness it as much (because of alcohol bans, which is a good thing), however when we have witnessed its been disorder - aggressive & intermediating behaviour
When and how often does this happen? Have witnessed it in the summer holidays
What do you think could be done to prevent this crime or disorder? There are so many layers that lead to crime and disorder, however for the purposes of this consult piece, continue with banning alcohol in public places

Alcohol Control Bylaw review



Submitted on 18 January 2024, 9:46AM
Receipt number ALCOHOL-11
Related form version 1

Your details

Name [REDACTED]
I am writing this submission As an individual
Organisation name
Email address
Phone number
Preferred contact

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder? Yes
Where would you like to see an alcohol ban continued or introduced? Onerahi foreshore - Beach Road, Cliff Street and Pah Road
What crime or disorder have you witnessed that you think is the result of drinking in that place? A number of homeless people live in the area and they drink on a regular basis, even though alcohol is banned in the area 300m from the water. As a result of their drinking or in conjunction with their drinking, they play loud music, leave rubbish around and/or fill up the public bins, swear and use offensive language, drink and drive, are drunk by the children's playground, don't pay attention to their wandering dogs, and trespass on to private property.
When and how often does this happen? It was at its worst this summer holidays as there was the a group of 5 or so people living in the area on a permanent basis. At the worst, this was happening 2-4 nights a week when they would gather together. The WDC issued a number of them with warning letters which moved some of them on – we would like to thank the Council staff for this. However, we would like steps to be taken to prevent this from occurring again.
What do you think could be done to prevent this crime or disorder? Ideally, if homeless and PVD refuse the help social agencies, they should be treated as freedom campers as they are not therefore registered as homeless. Therefore, they will then have a "standard" or "rules" they have to adhere to. Amourguard should have more powers to deal with antisocial behaviour,

Attachment 5 - Online survey submissions⁶⁶

including moving those on who are playing loud music from vehicles on public land (currently a police matter) and to move those on who are drinking alcohol on the foreshore. Even though this area in Onerahi is currently a no alcohol zone because it is by the water, it is not enforced and, therefore, meaningless.

This area (Beach Road, Cliff Street and Pah Road) should be specifically mentioned in the bylaws (like the Onerahi shops) (not just included by default because it is 300m from the water). It should also be clearly sign posted by the Yacht Club, carpark, boat ramps, freedom camping area and play ground.

Previously, I have requested CCTV be put up in the area to prevent crime and disorder and would once again like to make this request.

Alcohol Control Bylaw review



Submitted on	18 January 2024, 4:22PM
Receipt number	ALCOHOL-12
Related form version	1

Your details

Name	Hilda Timoti
I am writing this submission	On behalf of an organisation
Organisation name	HT Security Limited/Guardian Security
Email address	[REDACTED]
Phone number	[REDACTED]
Preferred contact	Email

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder?	Yes
Where would you like to see an alcohol ban continued or introduced?	All of our current alcohol ban areas, beaches, carparks, reserves, sports recreation areas, children's playgrounds, doggy areas, outside sport clubs.
What crime or disorder have you witnessed that you think is the result of drinking in that place?	Fights or brawls
When and how often does this happen?	At times in the Laurie Hall Carpark by Farmers Carpark
What do you think could be done to prevent this crime or disorder?	I have contacted WDC regarding the lights not on during a Friday & Saturday night. When members of the public see lights on they are less likely to get up to mischief. Currently with lights off you cannot clearly see what they are drinking or doing as they use the dark as a camouflage.

Alcohol Control Bylaw review



Submitted on	22 January 2024, 8:35AM
Receipt number	ALCOHOL-13
Related form version	1

Your details

Name	John Green
I am writing this submission	On behalf of an organisation
Organisation name	Ocean Beach Residents' Association
Email address	[REDACTED]
Phone number	[REDACTED]
Preferred contact	Email

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder?	Yes
Where would you like to see an alcohol ban continued or introduced?	To continue where it currently applies.
What crime or disorder have you witnessed that you think is the result of drinking in that place?	Only very minor incidents in recent years - mainly limited to a few leftover cans and bottles.
When and how often does this happen?	Weekends
What do you think could be done to prevent this crime or disorder?	Probably a little more education - maybe a few more, and maybe slightly more imaginative, "Take home your rubbish" signs?

Alcohol Control Bylaw review



Submitted on	22 January 2024, 11:27AM
Receipt number	ALCOHOL-14
Related form version	1

Your details

Name	[REDACTED]
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I am writing this submission	As an individual
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Organisation name	
-------------------	--

Email address	[REDACTED]
---------------	------------

Phone number	[REDACTED]
--------------	------------

Preferred contact	Email
-------------------	-------

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder?	Yes
--	-----

Where would you like to see an alcohol ban continued or introduced?	Central Whangarei
---	-------------------

What crime or disorder have you witnessed that you think is the result of drinking in that place?	Teenagers dropping bottles from railway track in Central
---	--

When and how often does this happen?	Only saw it once as don't often go out
--------------------------------------	--

What do you think could be done to prevent this crime or disorder?	More interesting events for young people to attend at reasonable costs. My issue with this Bylaw is 2 fold. I've seen Police doing bag searches in Central because a shop owner said young Maori male was responsible. I know that Maori are targetted, so I have a concern with the Police searching people and vehicles for alcohol in an alcohol ban area. On the other side, dealing with people drunken & disorderly behaviour in Central is acceptable. There are homeless who are alcoholics that sleep in Central, so this needs to be considered.
--	--

Alcohol Control Bylaw review



Submitted on 24 January 2024, 10:22PM
Receipt number ALCOHOL-15
Related form version 1

Your details

Name [REDACTED]
I am writing this submission As an individual
Organisation name
Email address [REDACTED]
Phone number [REDACTED]
Preferred contact Email
Phone

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder? Yes
Where would you like to see an alcohol ban continued or introduced? However I have not seen any alcohol related crime in Teal Bay.
What crime or disorder have you witnessed that you think is the result of drinking in that place? None - I just want to make the point that there does not seem to be any problem at Teal Bay
When and how often does this happen?
What do you think could be done to prevent this crime or disorder?

Alcohol Control Bylaw review



Submitted on	6 February 2024, 11:05AM
Receipt number	ALCOHOL-16
Related form version	1

Your details

Name [REDACTED]

I am writing this submission As an individual

Organisation name

Email address [REDACTED]

Phone number

Preferred contact Email

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder? No

Where would you like to see an alcohol ban continued or introduced?

What crime or disorder have you witnessed that you think is the result of drinking in that place?

When and how often does this happen?

What do you think could be done to prevent this crime or disorder?

Alcohol Control Bylaw review



Submitted on	13 February 2024, 3:07PM
Receipt number	ALCOHOL-18
Related form version	1

Your details

Name [REDACTED]

I am writing this submission As an individual

Organisation name

Email address [REDACTED]

Phone number [REDACTED]

Preferred contact Email

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder? No

Where would you like to see an alcohol ban continued or introduced?

What crime or disorder have you witnessed that you think is the result of drinking in that place?

When and how often does this happen?

What do you think could be done to prevent this crime or disorder?

Alcohol Control Bylaw review



Submitted on	14 February 2024, 11:55AM
Receipt number	ALCOHOL-19
Related form version	1

Your details

Name	Wendy O'Shea
I am writing this submission	On behalf of an organisation
Organisation name	Whananaki Beach Residents and Ratepayers Assn
Email address	[REDACTED]
Phone number	[REDACTED]
Preferred contact	Email

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder?	Yes
Where would you like to see an alcohol ban continued or introduced?	On behalf of the Whananaki Beach Residents and Ratepayers Association, (WBRRA) we are very happy with the status quo implemented by WDC at Whananaki, on reserves and beaches.
What crime or disorder have you witnessed that you think is the result of drinking in that place?	Due to the alcohol ban, everybody is well behaved.
When and how often does this happen?	
What do you think could be done to prevent this crime or disorder?	

Alcohol Control Bylaw review



Submitted on	15 February 2024, 8:19AM
Receipt number	ALCOHOL-20
Related form version	1

Your details

Name [REDACTED]

I am writing this submission As an individual

Organisation name

Email address [REDACTED]

Phone number

Preferred contact Email

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder? No

Where would you like to see an alcohol ban continued or introduced?

What crime or disorder have you witnessed that you think is the result of drinking in that place?

When and how often does this happen?

What do you think could be done to prevent this crime or disorder?

Alcohol Control Bylaw review



Submitted on	15 February 2024, 10:46AM
Receipt number	ALCOHOL-21
Related form version	1

Your details

Name [REDACTED]

I am writing this submission As an individual

Organisation name

Email address [REDACTED]

Phone number

Preferred contact Email

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder? No

Where would you like to see an alcohol ban continued or introduced?

What crime or disorder have you witnessed that you think is the result of drinking in that place?

When and how often does this happen?

What do you think could be done to prevent this crime or disorder?

Alcohol Control Bylaw review



Submitted on	19 February 2024, 4:10PM
Receipt number	ALCOHOL-22
Related form version	1

Your details

Name [REDACTED]

I am writing this submission As an individual

Organisation name

Email address [REDACTED]

Phone number [REDACTED]

Preferred contact Email

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder? Yes

Where would you like to see an alcohol ban continued or introduced? City CBD

What crime or disorder have you witnessed that you think is the result of drinking in that place? Intimidation, verbal and physical abuse, petty theft

When and how often does this happen? All times

What do you think could be done to prevent this crime or disorder? Suitable statutes, and then proper enforcement, especially from police.

Alcohol Control Bylaw review



Submitted on	22 February 2024, 2:53PM
Receipt number	ALCOHOL-24
Related form version	1

Your details

Name	Robyn Skerten
I am writing this submission	On behalf of an organisation
Organisation name	Puke Kopipi Native Plant Restoration Project, Ngunguru
Email address	[REDACTED]
Phone number	[REDACTED]
Preferred contact	Email

Your feedback

Do you support banning alcohol in public places where it can be shown to lead to crime and disorder?	Yes
Where would you like to see an alcohol ban continued or introduced?	Puke Kopipi, Kopipi Cr. Ngunguru
What crime or disorder have you witnessed that you think is the result of drinking in that place?	Seeing people on this site who are intoxicated and/ or under the influence of cannabis. Evidence of bottles, cans, cannabis bombs. Also, occasions of vandalism to native plants and signs - Matariki Tu Rakau Plaques, this is indeed distressing for Volunteers who have been working to weed, plant, restore Puke Kopipi since 2013. Pines were removed in 2011 and the area became infested with weeds in a short time. Now it is a pleasant attractive backdrop to Ngunguru Sports Complex, deserving of mana, a place to observe native plantings, a track up to awesome views over Ngunguru Estuary and Sandspit, also to the Hen and Chicken Islands to the south etc.
When and how often does this happen?	Sometimes during the day which is of concern when young children are using the Skate area at the base of Puke Kopipi. Mostly at night - weekends, summer holidays etc, some nights when soccer training or touch rugby series.
What do you think could be done to prevent this crime or disorder?	We have used photo evidence, communication with Ngunguru Sports Complex Leasee and the 'Skate Park' committee, WDC as owner of the land, Facebook. There is now a gate preventing vehicle access, security cameras have been discussed.

Attachment 5 - Online survey submissions⁷⁸

There is an old out of date rough barely visible sign saying 'Alcohol is prohibited' on Ngunguru Sports Complex grounds. New signs , perhaps 3, would be helpful, also at the start of the track up Puke Kopipi, so including Puke Kopipi as part of the Sports Complex grounds, along with the Golf Course and Skate area.

Attachment 6 - Email submissions

Will McNab

From: waipucoverserveboard@gmail.com
Sent: Sunday, 4 February 2024 1:03 pm
To: Will McNab
Subject: Alcohol Control Bylaw: stakeholder engagement

EXTERNAL: This email originated from outside Whangarei District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,

The Waipu Cove Reserve Board wishes to see the current alcohol ban remain in place.

At Waipu Cove the alcohol ban has allowed a positive environment to grow, where visitors and families can come to enjoy our beautiful place in the world without concern for nuisance behaviour related to alcohol.

The implementation of the alcohol ban has significantly enhanced public safety by reducing alcohol-related accidents and potential violent incidents within our community. This measure has not only improved overall well-being but has also contributed to a healthier environment, decreasing the burden of alcohol-related issues.

Moreover, the ban has fostered a more stable and harmonious social atmosphere, allowing residents and visitors within our community to thrive in a safer and more secure space.

The Waipu Cove Reserve Board has taken the additional step of employing security guards to monitor and enforce compliance with alcohol regulations, ensuring a safer environment. Their presence also can also deter potential incidents, provide quick response in case of emergencies, and contribute to the overall well-being of the community.

Ngā mihi nui,
Waipū Cove Reserve Board

Ngā mihi nui,
\$
Fiona L Stone Board Administrator, Waipu Cove Reserve Board

Email: waipucoverserveboard@gmail.com

Website: www.campwaipucove.com

Attachment 6 - Email submissions⁸⁰

Will McNab

From: Carina de Graaf <gm@nect2021.co.nz>
Sent: Tuesday, 13 February 2024 2:19 pm
To: Will McNab
Cc: Rachel O'Gorman; John Lynch; Carina de Graaf
Subject: RE: Alcohol Control Bylaw: stakeholder engagement

EXTERNAL: This email originated from outside Whangarei District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Kia ora Will

The team and I have reviewed Council's Alcohol Control Bylaw Review brochure and alcohol ban areas.

We note that Council requires evidence that drinking has led to a high level of crime or disorder, with respect to our venue (Semenoff Stadium) we cannot provide such evidence. Therefore, we accept the current status quo for our area at Okara Drive and the surrounding area.

Thank you for the opportunity to provide stakeholder engagement.

Ngā mihi

Carina de Graaf

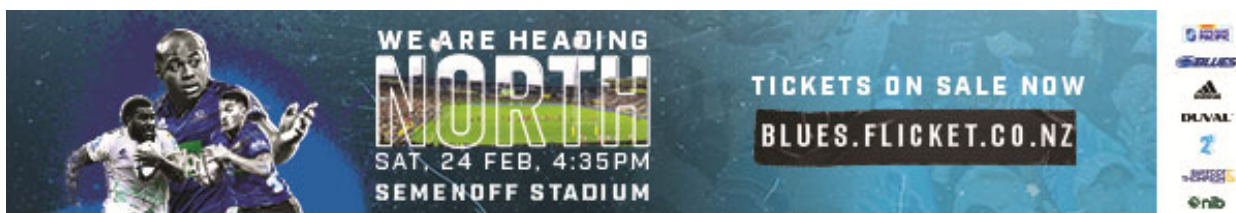
Kaiwhakahaere Matua | General Manager
Northland Events Centre (2021) Trust

022 429 6131 | 09 470 2592

gm@nect2021.co.nz

www.northlandeventscentre.co.nz

51 Okara Drive, Whangārei 0110



Attachment 6 - Email submissions⁸¹

Preliminary Advice to Whangarei District Council on the Alcohol Control Bylaw

Will McNab

Strategic Planner – Bylaws

Whangarei District Council

Tena koe Will,

Thank you for the opportunity to provide preliminary feedback on the review of the Alcohol Control Bylaw.

Context

Alcohol use in Aotearoa/New Zealand contributes to a significant burden to individuals – drinkers and non-drinkers alike, whanau/families, communities and society as a whole. This burden has been estimated to cost \$7.85 billion a year.

Alcohol is known to be the most harmful drug. Over 200 diseases and injuries are either fully or partially attributable to alcohol. It is recognised as a Group 1 carcinogen. In 2007 it was estimated that around 800 New Zealanders died prematurely as a result of their own or others alcohol use.

Around 20% of New Zealanders have a hazardous drinking pattern. This equates to 787,000 adults aged 15+ years.

Some groups experience an inequitable burden of alcohol-related harm including Māori, children and young people and those living in the most deprived neighbourhoods.

[Ref: Jackson, N., U, E., Adams, J. (2020). A Road Map for Alcohol Pricing Policies: Creating a fairer and healthier Aotearoa New Zealand. Auckland: Alcohol Healthwatch]

There are known risk factors and evidence-based responses to reduce alcohol-related harm.

Local Council's have an important role to play in reducing alcohol-related harm. Key levers available to Local Councils include;

- Local Alcohol Policies – We note that WDC does not currently have an operational LAP.
- Alcohol Control Bylaws
- Other Bylaws

Our comments focus on the area that we have an interest in which is the Tutukaka Coast.

Current Alcohol Control Bylaw

We note that the current Bylaw (2018) specifically identifies Matapouri in the list of areas covered by a permanent alcohol ban – 24 hours/7 days a week.

We also note that there is also a permanent ban relating to all public places 300m landwards from the line of mean low water springs which effectively places a ban on all coastal public reserves/domains. We understand that this blanket ban is being review and may be removed.

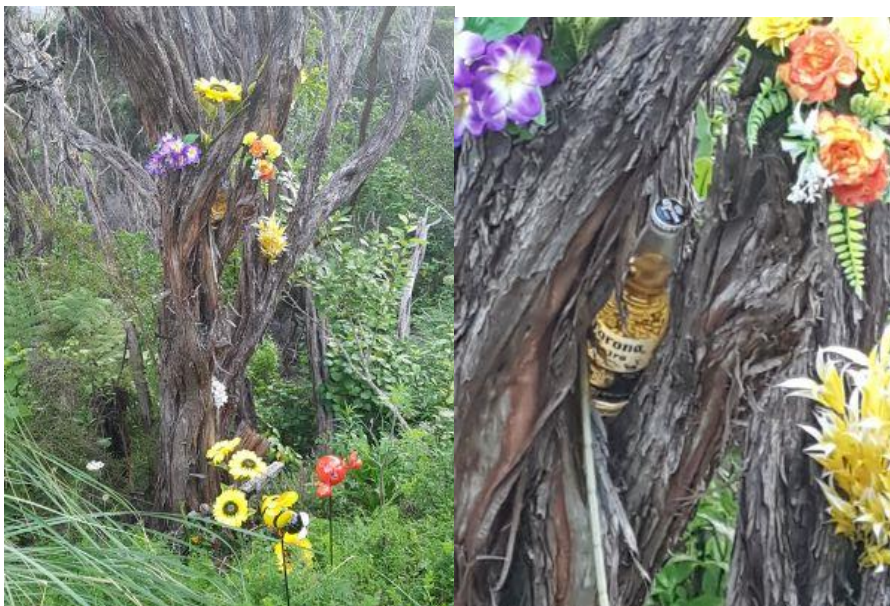
Attachment 6 - Email submissions⁸²

Community issues and priorities

During 2021 we undertook a comprehensive community research project. This helped us to better understand our community, their values and concerns. The research identified a number of issues of concern – these include the environment, the impact of tourism, road and community safety.

We have considered these in relation to alcohol and its use in public places and make the following observations.

- Road Safety
 - Many of the roads on the Tutukaka Coast are narrow, steep, bendy and often in poor repair. Speed and other risky driver behaviours are issues often raised with us and via local social media pages. This makes it essential that we do all we can to reduce the risks.
 - Our Community Research (2021) found that 63% of respondents identified road safety as an issue.
 - There is evidence that our coastal areas are used for social gatherings involving alcohol – increasing the risk of drinking and driving. There is also evidence that our roads are used by some for ‘burn-outs’, and we are aware that these activities can also involve alcohol and other drug use. These activities are generally undertaken at night/early morning bringing not only the increased risks of darkness and fatigue but also increasing the nuisance (noise) to our local community and risks for legitimate night-time road users.
 - While the impact of drinking and driving is considerable, the ultimate cost is loss of life. There are local reminders of this cost on our Coast.



A roadside shrine – at the site of a fatal crash – Tutukaka Block Road, Tutukaka (2023)

Attachment 6 - Email submissions⁸³

- Rubbish
 - Dumping of rubbish was identified by 62% of respondents to our Community Research.
 - Alcohol-related rubbish makes up a considerable percentage of road-side rubbish left on the Coast. As well as being unsightly and a burden for us to remove it also presents a safety risk for other road-users, and is an environmental risk as this rubbish can end up in our waterways, beaches and ocean.
 - This rubbish is ongoing evidence of drinking occurring in public places and on our roads. Holiday weekends and events appear to increase the prevalence of this, and suggest that visitors are a key contributor.

Attachment 6 - Email submissions⁸⁴



Rubbish – Tutukaka Block Rd, nr Kowharewa Bay 2023

Attachment 6 - Email submissions⁸⁵



Rubbish – Pine Road, Ngunguru nr Whale Tail Park February 2024

- Crime, violence, vandalism and other anti-social behaviour
 - Our Community Research found that nearly 40% of respondents identified criminal activity as an issue.
 - Our Community is close knit and our community research shows that our coast and our sense of community is greatly valued by residents and ratepayers.
 - Unfortunately we also experience crime, vandalism and other forms of anti-social behaviour. While it is difficult to quantify the contribution of public place drinking in our community - we are aware that alcohol can fuel or exacerbate these behaviours.
- Tourism and seasonal variation
 - Our Coast is also valued by others as a holiday and tourist destination. This means that during the summer and other holiday periods our population increases significantly with holiday-makers and tourists from nearby Whangarei, further afield in Aotearoa/New Zealand and overseas.
 - 67% of respondents to our Community Research identified pressures created by the influx of tourists including; road conditions, rubbish, pressure on the environment as an issue.
 - This puts pressure on all our roads, public facilities and beaches and reserves.
 - There is also an increase the number and scope of events such as markets, concerts etc during these times.

Attachment 6 - Email submissions⁸⁶

- It also increases the prevalence of alcohol use in public places.
- Much of the attraction to our coast is the numerous opportunities to enjoy the water – swimming, fishing, boating. Alcohol use associated with water-based activities is a known risk factor in drowning related deaths and injury.
- Enforcement
 - Our Coast is somewhat remote. We do not have a local Police station.
 - While we are aware that local alcohol controls may not always be enforced, they do offer a deterrent and a reminder that this is an area of increased risks.
 - We do not have access to data to demonstrate the links between public place drinking and the issues of concern for our community.
- Our fragile environment
 - The Coastal environment beautiful and is a taonga – enjoyed by local residents and visitors alike.
 - It is also extremely fragile – requiring our protection.
 - It is home to many species of native flora and fauna and provides nesting places for a number of endangered birds.
 - Alcohol use is known to impair brain function and decision-making – making risky behaviour more likely. This can present risks for our environment – lighting of fires, vehicles on beaches, lack of respect for natural reserves and nesting habitats, vandalism and rubbish etc.
- Licensed premises
 - There are numerous licensed premises in our community – providing places where alcohol use can take place in controlled environments covered by the Sale and Supply of Alcohol Act 2012.

Given the above points we believe our Coast and community does require effective controls on alcohol use in public places.

We recommend that;

- a) That WDC consider the protections that the existing Alcohol Control Bylaw may have offered to Matapouri, and the wider Tutukaka Coast, and the potential impacts of removing these protections.
- b) That WDC consider the above mentioned community issues and concerns in determining areas to be included by the new Alcohol Control Bylaw, and identify appropriate alternative controls should the blanket ban across coastal areas be lifted.
- c) That WDC consider the following areas for inclusion in Alcohol Control Bylaw - public areas in coastal locations including; Matapouri, Sandy Bay, Woolleys Bay, Whale Bay reserve, Tutukaka (public areas/village green), Church Bay, Kowharewa Bay, Pacific Bay, Rauhomaumu/Dolphin Bay, Whangaumu/Wellington Bay, Ngunguru, Scows Landing.
- d) That WDC ensure better signage and awareness of the areas included in the Alcohol Control Bylaw.
- e) That WDC makes efforts and supports improved data gathering and reporting on alcohol-related matters to ensure informed decision-making.

If you have any questions please don't hesitate to contact us.

Attachment 6 - Email submissions⁸⁷

Rebecca Williams

Secretary

Tutukaka Coast Ratepayers and Residents Associations

Email secretary@tutukakacoast.org Ph: 021 862 250

Brief of Evidence

Jeff GARNHAM, Health Protection Officer, Te Whatu Ora – Health New Zealand (Te Tai Tokerau/Northern Region).

Application for Off Licence: **Kaushik Enterprises Limited T/A Super Liquor Maunu**

Application No: **LL2101230**

1. My name is Jeffery John GARNHAM. I am a Health Protection Officer.
2. I have been employed as a Health Protection Officer in the Northland region since 1993. I have been based in Kerikeri for the last 25 years.
3. As a Health Protection Officer, I am warranted for the following roles: Biosecurity Officer, Hazardous Substances Enforcement Officer and until November 2021, a Drinking Water Assessor. All of these roles involve the assessment of a variety of substances or activities for their risk to the public.
4. From 1993 to 2013, two thirds of my full time role was contracted to the Far North District Council as an Environmental Health Officer. This covered the regulation of premises under the Health Act 1956, the Food Act and the Sale of Liquor Act 1989. Also the investigation of nuisances and sub-standard housing under the Health Act 1956.
5. In the past I have been an active member Far North Alcohol team (now the Tri Agency Team) and have carried out assessment of many licensed premise in the past.
6. As a Health Protection Officer one of my roles is to assist the Medical Officer of Health in the investigation of applications such as this one.
7. The underlying function of a Health Protection Officer is assessing the risk to health created by hazards to the public (one of which is alcohol), and ensuring that appropriate measures are in place to either remove, isolate or minimise the exposure to the hazard to wherever possible prevent harm occurring.

Public Health in principle is precautionary and preventative. Where I am a warranted officer it may be an enforcement role or as is the case today, presenting evidence in a regulatory process. A *“Precautionary Principle” states that action should be taken to prevent harm “even if some cause or effect relationship has not been fully established scientifically”*

8. In investigating this application, I have carried out the following:
 - i. On Monday the 12th of September I Inspected a 4 areas of Whangarei to determine the effect that the presence of off licenses may be having on the amenity and good order by assess and document the presence of empty beer and RTD bottles and cans. These have been document by photos and the areas looked at were i. immediate vicinity (approximately 200 metre radius) of Super Liquor at 4 Port Road (Appendice 1). ii. Maunu Road (Appendice 2) iii. Railway Road (Appendice 3) iv. Okara Drive and Port Road (Appendice 4).The assessments above are not intended as an in depth analysis but rather to see where empties (or the parts of) were found in and around the area assessed. I will also make comment on empties noted but not documented in and around Whangarei.
 - ii. Reviewed 20 CCTV Activate Weekly Reports bottles counts to obtain a measure of the level of empty being found in Whangarei. It is understood that the bottle

Attachment 6 - Email submissions⁸⁸

count takes place in only part of the Liquor Ban area and the area covered is mainly Vine, Bank and Rathbone street.

- iii. Reviewed Super Liquor, Thirsty Liquor, Liquorland and BottleO websites.
- iv. I have spoken to a Whangarei District Council Parks and Reserve worker at Barge Park and the Principal of Maunu School with regards to littering in the area.

General Observations

9. In my observations empties are sighted with greater abundance where there is a lack of ownership/ frequency of maintenance of the land or roadside assessed.
10. If a location is secluded in some way and/or is convenient to either an off license or the road travelled, then it is more likely to be used as a location for drinking in or from vehicles.
11. I have noted empties in the form of RTD's and Beer Bottles on the roadside while driving SH 1 and 10 Whangarei – Kerikeri, (including Western Hills Drive) and SH 14 for 3 - 4 km past Maunu School.
12. Discarded RTD's and Beer bottles (or the parts thereof) are not are not hard to find, put it simply the more you look the more you will find.
13. In my opinion drinking in cars is a frequent occurrence throughout Northland and is an inappropriate form of alcohol consumption.

Empties in the Vicinity of 4 Port Road (Super Liquor) (Appendice 1)

14. This area had an initial impression of having good amenity with pathways and gardens being clear and clean in and around the road frontage of the commercial buildings.
15. On closer inspection it is obvious that this is not the case. It is likely that the appearance of amenity and good order is being maintained by the efforts of the property owners and council by clearing the empties away.
16. When the area around Super Liquor was walked, there were 11 locations within about 200 metres where considerable number of empties were found. Point 4 is of particular interest due to the number of empties found and the variety. This site had the appearance of being used frequently for the consumption of alcohol. NB not all photos for this site were included in this brief.

Maunu Road (Silverstream Road – Maunu School) (Appendice 2)

17. The road from Silverstream to Maunu has on the whole manicured and well-tended verges with the upper end of this section of road and associated footpaths being lined with agapanthus.
18. The road was driven and locations marked on the map in appendices 2 were inspected.
19. Overall the area appeared to have good amenity, the empties found were in hard to reach or see places suggesting that littering of empties is occurring and that they are being cleared away. This is confirmed by a conversation with
 - i. Discussion with a Whangarei District Council Parks and Reserve worker at Barge Park. They said that there was little or no empties found in the Park as the gates were shut at night but on the road verge outside the park they did find them.

Attachment 6 - Email submissions

- ii. On the 14th September in a phone conversation the Principal of Maunu School stated “that the school had a reoccurring litter problem around the swimming pool and bus bay area. This included empty alcohol containers that have either been brought in to the property or thrown over the fence from passing traffic and people assembling in the bus bay area”

Railway Road (Appendices 3)

20. The land around the railway station and the road itself was walked.
21. Empties found were in areas where there was either seclusion from afterhours public view i.e. in and around the Railway Station or where they are harder to find and clear away. In this case behind the hurricane fence on the station side of the bridge where a good variety and number of empties were found. It was noteworthy that on the other side of the bridge there were no empties found where the grass and weeds are well tended.

Okara Drive and Port Road (Appendices 4)

22. Okara Drive and Port Road were driven, and a number of locations were inspected and documented.
23. In the vicinity of points 1 and 2 where the grass and general area appeared to receive less maintenance there appeared to be a greater number of empties, than Okara drive where commercial premises have a more groomed appearance Point 3.

CCTV Activate Weekly Reports

24. Healthy Environments Team Ngā Tai Ora Te Whatu Ora Te Tai Tokerau receives the weekly CCTV Activate Weekly Reports to Council for a review of the bottle counts in the 20 reports held on file (2 reports were missing) from the 28/02/22 til the 22/08/22. Showed a total of 1062 bottles found averaging 53 bottles per weekend.
25. The following comment is made in the CCTV Activate Weekly report to Council (for the Week Commencing 22/08/22) “With the amount of alcohol consumed in them in the future Carparks and Pavements may be included as Licenced Premises.”

Website Search (Appendices 5)

26. As part of enquiring into this application I have looked at the 4 (Super Liquor, Thirsty Liquor, Liquorland and BottleO websites). On opening Superliquor site it displays the most searched item “RTDs” which to me would indicate that this is likely to be their best seller. The other 3 sites open up on a menu with no indication or directing to most searched items.

Summary of Evidence

27. There is already considerable loss of amenity and good order in the locations that were assessed.
28. The effect on amenity by the disposal of empties is at least in part masked by them being cleared away by properties owners and/or the council.
29. Drinking in or from cars is occurring in Whangarei as is the disposal of empties from them.
30. Superliquor major selling item is likely to be RTDs.

Attachment 6 - Email submissions⁰¹

- 31.** The siting of a full off-license at the location proposed would I believe encourage drinking in or from cars and have a greater than minor adverse effect on the amenity value in the area, particularly Maunu School and other locations and should not be approved.

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Attachment 6 - Email submissions⁰³

1. Codys Box



2. Cruisers and Codys Empties



3. Tui's Vodka RTD



Attachment 6 - Email submissions

4. Empties Tree RTD's and Beer



5. Codys Box and Empties



6. ArtyD

7. Tui Beer

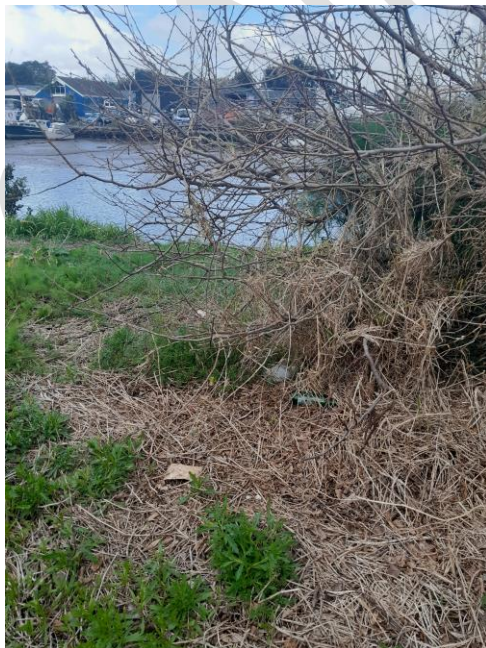


Attachment 6 - Email submissions⁰⁶

8 Multiple Cody Cans



9. Beer Bottle



Attachment 6 - Email submissions⁰⁷

10. Vicinity Chemist and Rip Curl Okara

Billy Maverick

Smirthnoff



Codys



Attachment 6 - Email submissions⁰⁸

11. in the Vicinity of 18 Okara Drive and Carters

White Cloud Vodka



Shards of Corona Bottle



Corona Bottle



Appendix 2

Empties RTD and Beer Maunu Road



1. Silverstream Road



2. Maunu Road

Barrell No 51 bourbon and dry Cola.



Steinlager



Attachment 6 - Email submissions

LongWhite Vodka RTD



McGuigans Black Label



Rinse Lemon Vodka and Soda



3. Two Vodka Cruisers



4. Cody



5. Barge Park Walkway

Steinlager



6. Barge Park Road Side

Broken Woodstock bottle



KGB Can



Export 33 Beer Bottle



Smirnoff Soda Lime and Lemon



Attachment 6 - Email submissions ¹⁰²

Canadian Club (Whisky RTD)



7. Bus Bay Maunu School

Malibu Passion fruit n Rum



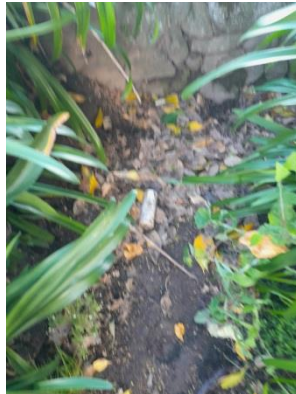
Long White Vodka



Gentleman Jack Jack Daniels and Cola



Vodka Cruiser



Location of Empties found in Bus Bay
Note crushed RTD bottom left of photo



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Appendix 3



1. Empties at the end of Railway Road Carpark

Tui Beer Can



Woodstock Can



Corona



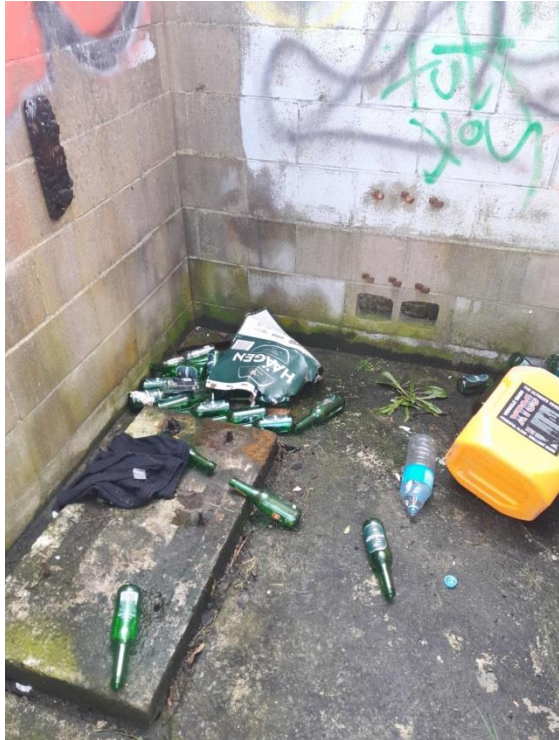
Steinlager top



Codys Bourbon and Cola



2. Beer Bottles



3. Hagen Beer Glass Shards



4. Carpark Corner of Woods and Railway

Brand not identified 4.8%



5. Fence beside bridge



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Attachment 6 - Email submissions ¹⁰⁸



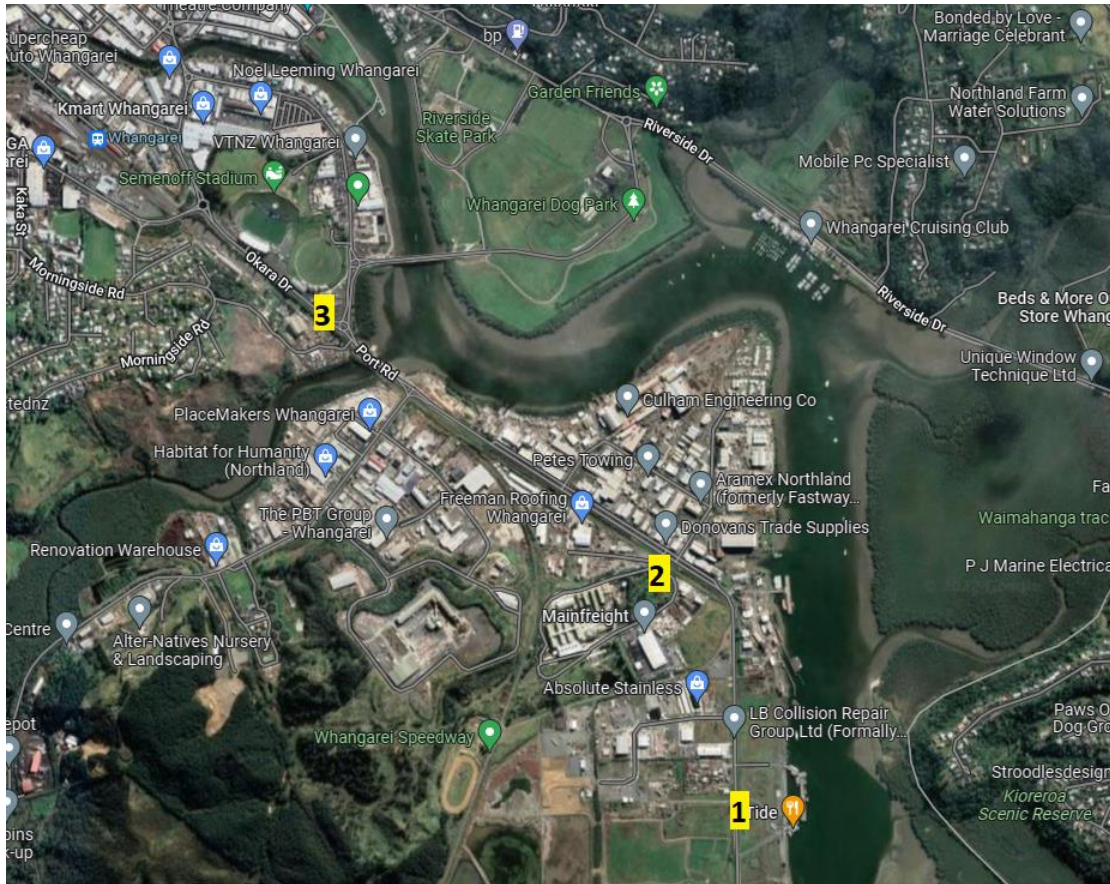
6. Otherside of the bridge



Attachment 6 - Email submissions

Appendix 4

Port Road



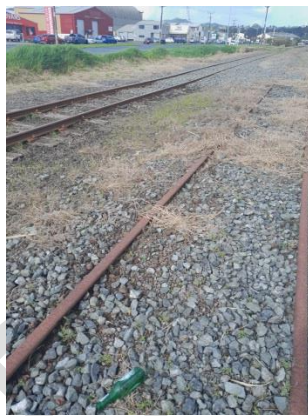
1.



Attachment 6 - Email submissions



2.



3.





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2.3 Psychoactive Substances Policy

Meeting:	Council Briefing
Date of meeting:	26 March 2024
Reporting officer:	Will McNab (Strategic Planner – Bylaws)

1 Purpose / Te Kaupapa

To seek direction on the review of Council's redundant Psychoactive Substances Policy.

2 Background / Horopaki

2.1 Central Government enacted a new regulatory regime in 2013 to address the rising availability and use of new kinds of recreational drugs, known as “legal highs”

Central Government responded to the proliferation of new synthetic drugs like party pills, herbal highs and synthetic cannabis, commonly known at the time as “legal highs”, by passing the Psychoactive Substances Act 2013 (the Act).

The Act shifted the burden of proof, from Government needing to demonstrate the harms associated with a substance before it could be regulated, to the manufacturer needing to demonstrate the substance posed no more than a low risk of harm before it could be distributed for personal use.

The Psychoactive Substances Regulatory Authority (the Authority) was set up to administer the approval regime for new psychoactive products. It granted interim approvals to a number of existing products on the market during the establishment phase of the Act.

While the Act prohibited sales from places like dairies, supermarkets, alcohol stores and service stations, it also allowed for territorial authorities to adopt a “local approved products policy” to specify geographic locations where these products could be sold within their jurisdiction.

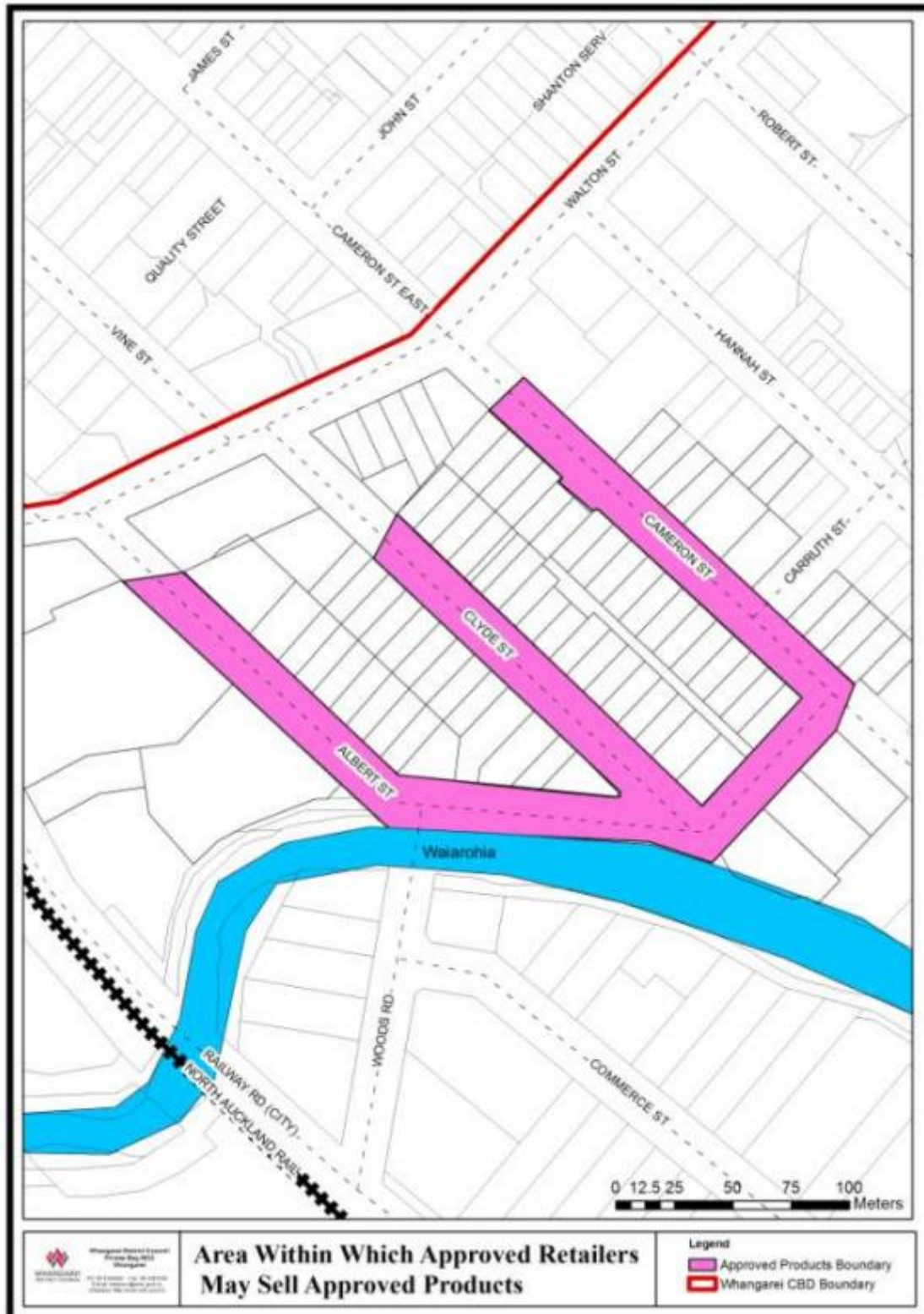
2.2 Council adopted the Psychoactive Substances Policy in 2014 under the Act to regulate where products approved by the Authority could be sold in the Whangārei District...

By adopting the Policy at the time, Council could confine legal sales of approved products to a location of its choice, with the stated purpose of reducing harm to the community.

The Policy designates a small, fixed “approved zone” southeast of Walton Street within which approved retailers may operate (Figure 1). The Policy also specifies that no retailer can operate within 300 metres of another.

Prospective retailers could apply for a licence with the Authority, which would issue licences for retail sale only within the approved zone specified by Council's Policy. Under the Act, Council plays no role in issuing or enforcing licences.

Figure 1: Location of approved zone for the sale of legal highs in Whangārei



NB: Retailers must be separated by at least 300 metres.

2.3 There are no longer any approved products for the Policy to regulate, and the Authority considers any new approval highly unlikely

A 2014 amendment to the Act removed all interim product approvals and licences from the New Zealand market and introduced more stringent approval criteria for new products, including by banning animal testing in their development. Since then, there have no longer been any products for the Policy to regulate.

The Authority considers it highly unlikely that any products will be approved in the foreseeable future under current legislation.

2.4 The Policy is overdue for review, but remains in force until amended or revoked by Council resolution

The Policy was due for its five-year statutory review in 2019. However, the Policy “does not cease to have effect because it is due for review or is being reviewed.”¹

Effectively, the Policy will remain in force until Council resolves to amend or revoke it. Any such decision would need to be consulted on following the Special Consultative Procedure under section 83 of the Local Government Act 2002 (LGA).

To date, several territorial authorities have chosen to readopt their local approved product policies, while others have opted to revoke theirs.

2.5 The Policy is redundant and Council may wish to consider revoking it

Staff’s view is that the Policy is redundant. Even if it had any products to regulate in the future, in its current form the Policy would no longer meet the very objectives it sets out to achieve.

Council may wish to consider revoking it.

3 Discussion / Whakawhiti kōrero

As long as the Policy remains in force, Council is sending a signal to potential investors and developers that the current approved zone is the location to sell any future approved legal highs in the Whangārei District.

3.1 Beyond lacking a foreseeable purpose, the current Policy is also no longer best practice

3.1.1 The location of the approved zone is no longer appropriate given the Policy’s harm-reduction objectives, which may be better met by a more agile Policy

Many other councils’ policies take a more agile approach: instead of containing retail activity to a small, fixed area, they define sensitive sites near which no licences will be issued. Examples of sensitive sites include schools, places of worship and community facilities.

Council’s approved zone is located two blocks from the 155 Open Arms day centre, which provides wraparound services for homeless people. In other councils’ policies, 155 Open Arms would be considered a sensitive site.

The fixed nature of the current Policy’s approved zone stops it from adapting to changes in land use over time. Moreover, the approved zone sits within a Mixed Use District Plan zone, where educational facilities are a permitted activity.

¹ Section 69(5) of the Psychoactive Substances Act 2013.

3.1.2 The Policy encourages monopoly

The Policy's approach of defining a small fixed approved zone for the sale of legal highs at the same time as requiring separation of at least 300 metres between retailers implicitly encourages a monopoly situation. At most locations within the approved zone, the establishment of a single licensed retailer would preclude any competition (see Figure 2).

Without any threat of competition, a monopoly retailer has less incentive not to engage in exploitative behaviour, price their products excessively or reduce their quality.

Figure 2: Maps showing 300m walking distances from different points in the approved zone





Interpretation: the dash-dot lines approximate 300m walking distances from the red dot.

3.2 Council has three reasonably practicable options: 1) revoke; 2) readopt without amendment; or 3) amend

3.2.1 Option 1: Revoke the Policy

Considering the Policy is both obsolete and no longer fit for its stated purpose, Council may decide to revoke it.

Council would be required to consult on such a decision following the Special Consultative Procedure under section 83 of the LGA. This added burden on staff resources could be mitigated by running consultation at the same time as that for the Easter Sunday Shop Trading Policy.

3.2.2 Option 2: Readopt the Policy without amendment

Council may decide to readopt the Policy without substantive amendment. This option offers the path of least resistance in terms of staff resources in the short term, and it would not require public consultation under the Act.

However, the Policy is no longer fit for purpose. Retaining it as a “placeholder” could also potentially mislead investment decisions.

3.2.3 Option 3: Review and amend the Policy

Council could direct staff to undertake a thorough review of the Policy in the anticipation that the Authority may approve products for sale in the future.

Like revocation, any substantive amendments to the existing Policy would require consultation under section 83 of the LGA. This option would consume the most staff resources in the short term.

Table 1: Summary of options

Options	Pros	Cons
1. Revoke	- Eliminates obsolete and imperfect Policy	- Must consult under S83
2. Readopt	- Delays consultation	- Retains obsolete Policy no longer fit for purpose - Risks misleading investment decisions if intention is to amend in future
3. Review and amend	- Potential to improve on existing Policy in anticipation of any future product approvals	- Use of staff time - Highly unlikely to serve a purpose before next five-year review date - Must consult under S83

3.3 Council would be consulted on any legislative change that increased the likelihood of a new product entering the market

The Authority would consult with councils before making any change that increased the likelihood of a new product gaining approval for retail sale. In the event Council revoked the current Policy, this advance warning would give it time to adopt a fit-for-purpose Policy before any new product hit the market.

4 Attachments / Ngā Tāpiritanga

Attachment 1 – Psychoactive Substances Policy

Whangarei District Council Psychoactive Substances Policy

June 2014

Whangarei District's Locally Approved Products Policy

Psychoactive Substances Policy

Contents

1. Introduction and Background
2. Definitions
3. Objectives
4. Locations/Guidelines
5. Review
6. Schedules
 - a. Map of appropriate zone for the location of approved psychoactive substance retailers

1. Introduction and background

The Psychoactive Substances Act 2013 commenced on 18 July 2013 and regulates the importation, manufacture and supply of psychoactive substances.

The regulation of retail premises selling psychoactive substances is enforced by the NZ Police and the Ministry of Health. Licences are issued by the Psychoactive Substances Regulatory Authority. The Authority is the Director-General of Health. Council has no role in issuing of licences or enforcement.

The Act allows Council to develop a 'Local Approved Products Policy' to help the Psychoactive Substances Regulatory Authority manage the geographical location of where approved products can be sold.

The provisions as they apply to councils are detailed in Sections 66 - 69 of the Act.

2. Definitions

The Act	The Psychoactive Substances Act 2013
The Policy	Whangarei District's Locally Approved Products Policy
The Authority	The Psychoactive Substances Regulatory Authority
Approved product	A psychoactive product approved by the authority under section 37 of the Act
Retail premises	A premises for which a licence to sell approved products has been granted
The Council	The Whangarei District Council and its successors
The Community	Residents of the Whangarei District
CBD	The central business district as defined in Schedule 2
Appropriate zone	The space, surrounded by the CBD, that approved products can be sold within the Whangarei District
Community Facility	A space or structure that exists to provide public services
Educational Facility	A space or structure that exists to provide educational services

3. Objectives

The purpose of this policy is to provide consistent guidance to The Authority when considering applications from the Whangarei District.

The content of this policy has been constructed to meet the following objectives:

- Ensure that Council and the community have influence over the location and density of retail premises in the Whangarei District
- Provide an appropriate zone for the retailing of psychoactive products and minimise harm to the

community caused through the proliferation of approved retailers.

- Ensure the density of approved retailers within an approved zone does not allow for an increase in approved retailers within Whangarei District.
- Minimise the exposure to or risk of harm to sensitive communities from the sale of approved psychoactive products.
- Maintain a reasonable proximity between 'on-licence' premises that sell alcohol and retailers who sell Psychoactive Products.

To achieve these objectives the locations and guidelines below are derived through 3 key strategic approaches:

1. Restrictions on locations
2. Restrictions in relation to proximity
3. Requesting restrictions on operating hours

4. Locations, Proximity and Operating Hours

The location of the appropriate zone is provided for in the attached map. The boundaries laid out by this Map are:

- Along Albert Street, from the North Western boundary of the property numbered 4 Albert Street and South Eastern boundary of the property numbered 1 Albert Street, to the intersection with Lower Cameron Street
- Along Lower Cameron Street, from the South Eastern boundary of the property numbered 89 Cameron Street, to the intersection with Albert Street
- Along Clyde Street, from the North Western boundary of the property numbered 28 Clyde Street and South Eastern boundary of the property numbered 15 Clyde Street, to the intersection with Albert Street
- This excludes service lanes

The proximity from one retailer to another is limited to 300 linear metres following the road layout within the approved zone. Those roads being:

1. Albert Street
2. Lower Cameron Street
3. Clyde Street

Managing the hours that retail premises are operating directly influences the success of this policy and the achievement of its objectives. Minors and students are exposed to the operations of retail premises, if these are to occur during school hours. If a licence is granted, Council considers that appropriate operating hours for an approved retailer should be from 10am – 2pm and from 6pm – 8pm.

5. Review

The Community Services Manager will monitor the implementation of this policy.

The policy will be reviewed every 5 years as required by the Psychoactive Substances Act 2013, or at the request of Council, or in response to change legislative/statutory requirements, or in response to an issue that may arise.

6. Schedules

See the following attachments:

- a. Map of appropriate zone for the location of approved psychoactive substance retailers

