



TO THE MAYOR AND COUNCILLORS OF THE MACKENZIE DISTRICT COUNCIL

Membership of the Planning and Regulation Committee:

Cr Murray Cox (Chairman)
Claire Barlow (Mayor)
Cr Noel Jackson
Cr Evan Williams
Cr Russell Armstrong
Cr James Leslie
Cr Graham Smith

Notice is given of the Meeting of the Planning and Regulation Committee to be held on Thursday, July 23, 2015, following the completion of the Asset and Services Committee meeting.

VENUE: Council Chambers, Fairlie.

BUSINESS: As per agenda attached

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER



PLANNING AND REGULATION COMMITTEE

Agenda for Thursday, July 23, 2015

APOLOGIES

DECLARATIONS OF INTEREST

MINUTES:

Confirm and adopt as the correct record the minutes of the Planning and Regulation Committee meeting held on March 17, 2015, including those parts taken in public excluded.

REPORTS:

1. Proposed Local Alcohol Policy
2. Fire Service Submission Review
3. Manager's Activity Report - Verbal

PUBLIC EXCLUDED:

Resolve that the public, be excluded from the following part of the proceedings of this meeting namely:

1. Plan Change 13 – Verbal Report

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Plan Change 13	Maintain legal Professional privilege	48(1)(a)(i)

This resolution is made in reliance on Section 48(1)(a)(i) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows: *All items under section 7(2)(g).*

GENERAL BUSINESS:

ADJOURNMENTS:

12.00pm: Lunch

3.00pm: Afternoon tea

MACKENZIE DISTRICT COUNCIL

MINUTES OF A MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD IN THE COUNCIL CHAMBERS, FAIRLIE, ON TUESDAY, MARCH 17, 2015, AT 1.28PM

PRESENT:

Cr Murray Cox (Chairman)
 Mayor Claire Barlow
 Cr Graham Smith
 Cr James Leslie
 Cr Evan Williams
 Cr Noel Jackson
 Cr Russell Armstrong

IN ATTENDANCE:

Wayne Barnett (Chief Executive Officer)
 Nathan Hole (Planning and Regulation Manager)
 Julie Jongen (Committee Clerk)
 Rob Hands (Principal Rural Fire Officer) (Left meeting at 2.00pm)

APOLOGIES:

No apologies

DECLARATIONS OF INTEREST:

There were no declarations of interest.

MINUTES:

Resolved that the minutes of the meeting of the Planning and Regulation Committee meeting held on February 3, 2015, including those parts taken in public excluded be confirmed and adopted as the correct record of the meeting.

Noel Jackson/Graham Smith

REPORTS:

**SOUTH CANTERBURY RURAL FIRE COMMITTEE DRAFT STATEMENT OF
INTENT AND PROPOSED BUDGETS:**

PURPOSE OF REPORT:

For the Committee to consider adopting the draft statement of intent and to discuss the budget request for rural fire.

RESOLVED:

1. That the report be received.

Claire Barlow/Russell Armstrong

2. That the Committee agrees to adopt the SCRFC's 2015/16 draft statement of intent subject to confirming the budget expenditure for Mackenzie District Council.

Rob Hands spoke about the budget including a capital welfare fund for volunteers who may fall into hardship.

Cr Cox questioned if we would need a fund when most volunteers would be covered by ACC.

Rob explained it would be more for those in hardship and to assist those families. This fund would be when ACC doesn't assist and it would only be used in extreme situations. There hasn't been buy in from Oamaru or Timaru yet.

This is different to health monitoring which is offered to the volunteers every year.

Mayor Barlow asked if rural fire is fully funded from the rural works and services rate, Nathan Hole replied yes it is.

Cr Graham Smith stated he can see merit in this fund but there is a lot more to be discussed and looked in to.

Cr Evan Williams and Cr Murray Cox agreed in principle of a fund.

Resolved not to commit until further information on the welfare fund for volunteers was provided. Rob Hands will report back to council at a later date.

Murray Cox/Noel Jackson

Rob hands spoke about a replacement fire truck. Council currently own the fire truck, with new funding from the National Rural Fire Authority, therefore council will only need to subsidise 50%.

Cr Murray Cox asked if the Fairlie tank is due for replacement this year. Rob replied saying it is 23 years old and he tries not to replace them until they are 25 years old.

Resolved that the Draft statement of intent be accepted.

Graham Smith/James Leslie

The Meeting was adjourned at 2.00pm for LGNZ workshop.

Meeting recommenced at 4.05pm

TELECOM SUBDIVISION SERVICING IN THE RURAL ZONE:

PURPOSE OF REPORT:

For the Committee to discuss and decide on whether landline phone services should still be required to be provided to rural sections as the policy in the District Plan suggests.

Resolved:

1. That the report be received.
2. That the Committee supports no longer requiring landline phone connections to be provided to the boundary of rural properties as a subdivision requirement.

Claire Barlow/Russell Armstrong

NOTE: The following agenda items were not discussed and deferred to a following meeting due to time constraints.

PLANNING AND REGULATION MANAGER'S ACTIVITY REPORT: (Verbal)

PLAN CHANGE 13: (Verbal)

VERBAL REPORTS FROM THE WATER ZONE COMMITTEES:

**THERE BEING NO FURTHER BUSINESS THE
CHAIRMAN DECLARED THE MEETING CLOSED AT 4.10PM**

CHAIRMAN: _____

DATE: _____

MACKENZIE DISTRICT COUNCIL

REPORT TO: PLANNING AND REGULATION COMMITTEE

SUBJECT: PROPOSED LOCAL ALCOHOL POLICY

MEETING DATE: 23 JULY 2015

REF: REG 2/4

FROM: NATHAN HOLE, PLANNING & REGULATIONS MANAGER

PURPOSE OF REPORT:

For the Committee to adopt the amended Provisional Local Alcohol Policy (PLAP), taking into account the recommendations of the Alcohol Regulatory and Licensing Authority (ARLA) following the resolution of appeals by consent order.

STAFF RECOMMENDATIONS:

1. That the report be received; and
2. That the Committee adopts the amended Provisional Local Alcohol Policy.

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

ATTACHMENTS:

1. Consent Order from ARLA
2. Amended PLAP following from the resolution of appeals. The amendments are highlighted in red.

BACKGROUND:

Council's joint PALP was appealed to ARLA by Progressive Enterprises Ltd, Foodstuffs South Island Ltd, and Ignition Group Ltd (on behalf of Super Liquor Holdings).

The appeals were resolved through negotiation with a memorandum of understanding submitted to ARLA on 19 May 2015. ARLA issued a consent order on 27 May 2015 resolving all of the appeals but requiring the Councils to adopt the amended PLAP.

POLICY STATUS:

N/A, the process pursuant to the Sale and Supply of Alcohol Act 2012.

SIGNIFICANCE OF DECISION:

This not significant in terms of Council's Significance and Engagement Policy.

ISSUES & OPTIONS:

N/A

CONSIDERATIONS:

This matter is process related and is simply implementing ARLA's decision on appeals which is in accordance with the joint memorandum submitted by the councils and the appellants.

Following adoption of the amended PLAP by the councils, the PLAP will be resubmitted to ARLA. There is then a process to confirm that appellants agree with the amendments, and the original submitters in terms of the amended element.

ASSESSMENT OF OPTIONS:

N/A

CONCLUSION:

This is an administrative step following the resolution of the appeals on the PLAP, moving towards having an approved LAP.

ALCOHOL REGULATORY AND LICENSING AUTHORITY
(Sale and Supply of Alcohol Act 2012)

IN THE MATTER

of appeals under s.81 of the Sale
and Supply of Alcohol Act 2012

AND

IN THE MATTER

of appeals by **PROGRESSIVE
ENTERPRISES LIMITED,
FOODSTUFFS SOUTH ISLAND
LIMITED and IGNITION GROUP
LIMITED**

Appellants

AND

**TIMARU DISTRICT COUNCIL,
WAIMATE DISTRICT COUNCIL
and MACKENZIE DISTRICT
COUNCIL**

Respondent

AND

**MEDICAL OFFICER OF HEALTH,
CANTERBURY DISTRICT HEALTH
BOARD, NEW ZEALAND POLICE
and ALCOHOL ACTION SOUTH
CANTERBURY**

Section 205 parties

BEFORE THE ALCOHOL REGULATORY AND LICENSING AUTHORITY

Chairman: District Court Judge J J Weir
Members: Ms J D Moorhead
Mr D E Major

HEARING at TIMARU on 20 May 2015

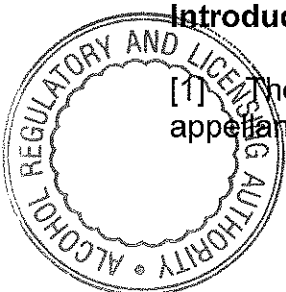
APPEARANCES

Mr C A O'Connor – for appellants and respondents
Mr S J Broughton – for Medical Officer of Health and for Canterbury District Health Board
Sergeant M G Lord – NZ Police
Mr D E J Veal – for Alcohol Action South Canterbury

CONSENT ORDER

Introduction

[1] The Authority has read and considered the appeals and the memorandum of the appellants and respondent Councils dated 19 May 2015.



[2] The Authority now makes this order pursuant to s.83(2)(a) and (b) of the Act, such order being by consent rather than representing a decision or determination on the merits.

[3] The Authority understands for present purposes that:

(a) the appellants and respondent Councils to the proceedings have executed a memorandum requesting this order; and

(b) the appellants and respondent Councils are satisfied that this order falls within the Authority's jurisdiction and conforms to the relevant requirements and objectives of the Act.

Order

[4] Therefore, the Authority orders the Timaru, Waimate and Mackenzie District Councils to reconsider element 3.2.2 of their Provisional Local Alcohol Policy.

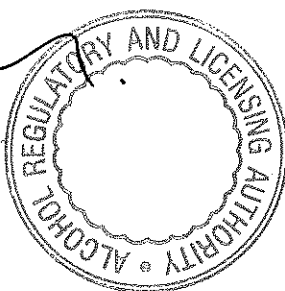
[5] All of the appeals on the Timaru, Waimate and Mackenzie District Councils' Provisional Local Alcohol Policy are fully resolved by this consent order pursuant to s.83(1) of the Act, but are adjourned pending the Councils' reconsideration of the element.

[6] There is no order for costs.

DATED at WELLINGTON this 27th day of May 2015



M Galvin
Deputy Secretary



MACKENZIE, TIMARU AND WAIMATE DISTRICT COUNCILS

JOINT LOCAL ALCOHOL POLICY

1. Background

This Local Alcohol Policy (LAP) has been developed jointly by the Mackenzie, Timaru and Waimate District Councils. The Policy sets out a framework for reasonable and consistent decision making in the local administration of the Sale and Supply of Alcohol Act 2012 (the Act). It provides guidance to existing and prospective licensees about their role in reducing alcohol harm which is reflected through the communities' views and expectations.

1.1 Purpose and Objectives of the Sale and Supply of Alcohol Act 2012.

The Act puts in place a new system of control over the sale and supply of alcohol. The key characteristics of this new system are that:

- it is reasonable and
- the administration of the Act will help achieve the Acts objectives.

The object of the Act is to:

- (a) ensure that the sale, supply, and consumption of alcohol is undertaken safely and responsibly; and
- (b) minimise the harm caused by the excessive or inappropriate consumption of alcohol.

1.2 Local Alcohol Policy Development

The government wants to improve community input into local alcohol licensing decision making. Under Section 75 of the Act territorial authorities have the discretion, to establish a Local Alcohol Policy (LAP). All three district Councils decided to work collaboratively on this policy for enhanced efficiency in administration, education and policing.

Section 77 of the Act prescribes what a LAP can cover, these are:

- (a) the location of licensed premises by reference to broad areas:
- (b) location of licensed premises by reference to proximity to premises of a particular kind or kinds:
- (c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds:
- (d) whether further licenses (or licenses of a particular kind or kinds) should be issued for premises in the district concerned, or any part of the district:
- (e) maximum trading hours:
- (f) the issue of licenses, or licenses of a particular kind or kinds, subject to discretionary conditions:
- (g) one-way door restrictions.

These matters (a) to (d) do not apply to special licenses, or premises for which a special license is held or has been applied for.

A local alcohol policy cannot include policies on matters unrelated to licensing. Section 78 of the Act outlines the matters that a Council must have regard to when producing a draft policy.

These are:

- (a) the objectives and policies of its district plan;
- (b) the number of licenses of each kind held for premises in its district, and the location and opening hours of each of these premises;
- (c) any areas where bylaws prohibiting alcohol in public places are in force;
- (d) the demography of the district's residents;
- (e) the demography of people who visit the district as tourists or holidaymakers;
- (f) the overall health indicators of the district's residents; and
- (g) the nature and severity of the alcohol-related problems arising in the district.

When producing a draft policy a Council must consult with the Police, Licensing Inspectors, and Medical Officers of Health, each of whom must make reasonable efforts to give a Council any information they hold relating to any of the matters stated in (a) to (g) above. All three agencies supplied a submission on this policy.

2. Definitions

Alcohol –

A substance that is or contains fermented, distilled, or spirituous liquor, which; in whatever form (such as frozen liquid, or a mixture of a frozen liquid and another substance or substances,) is found on analysis to contain 1.15% or more ethanol by weight, in a form that can be consumed by people.

Alcohol Management Plan is a plan of measures and actions designed to manage the sale and supply of alcohol to achieve the objectives of the *Sale and Supply of Alcohol Act 2012*.

Alcohol-related harm -

- (a) the harm caused by the excessive or inappropriate consumption of alcohol; and
- (b) includes—
 - (i) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
 - (ii) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in subparagraph (i).

Amenity and good order of the locality, in relation to a licensing application, means the extent to which, and ways in which, the locality in which the premises concerned are situated (or, in the case of a conveyance, the localities where the conveyance is likely to travel) are pleasant and agreeable.

Authorised customer in relation to premises a club license is held for, means a person who -

- (a) is a member of the club concerned; or
- (b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or
- (c) is an authorised visitor.

Authorised visitor in relation to premises a club license is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.

Bar, in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol

Bottle store means retail premises where at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else.

Business zone or commercial zone means land zoned as a type of business or commercial zoning in the relevant district plan at the time when the relevant off licence is determined. For the avoidance of doubt, the term includes land zoned for business activities (in contrast to Industrial, Residential, Rural activities) in any subsequent district plan, irrespective of the specified name of the zone.

Club means a body that—

- (a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or
- (b) is a body corporate whose object is not (or none of whose objects is) gain; or
- (c) holds permanent club charter.

Commercial zone or Business zone means land zoned as a type of business or commercial zoning in the relevant district plan at the time when the relevant off licence is determined. For the avoidance of doubt, the term includes land zoned for business activities (in contrast to Industrial, Residential, Rural activities) in any subsequent district plan, irrespective of the specified name of the zone.

Discretionary Condition

The licensing authority or licensing committee concerned may issue a license subject to particular conditions if –

- (a) there is any relevant local alcohol policy and
- (b) in its opinion, the issuing of the license or the consequences of the issuing of the license, without those conditions would be inconsistent with the policy.

The holder of a license must comply with every condition subject to which it has been issued or renewed.

District, in relation to a territorial authority, has the meaning given by section 5(1) of the Local Government Act 2002.

Early Childhood Education A centre licensed under the Education (Early Childhood Centres) Regulations 1998 and meets Section 310 of the Education Act 1989.

Food product -

- (a) does not include -
 - (i) alcohol, confectionery, ready-to-eat prepared food, or snack food; or
 - (ii) a drink (other than milk) sold in a container with a capacity of 1 litre or less; but
- (b) includes delicatessen items that are not ready-to-eat prepared food or snack food

Grocery Store means a shop that -

- (a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and
- (b) comprises premises where—

- (i) a range of food products and other household items is sold; but
- (ii) the principal business carried on is or will be the sale of food products

Inspector means an inspector appointed under section 197(1); and, -

- (a) in relation to premises that are not a conveyance, means an inspector appointed by the chief executive of the territorial authority in whose district the premises are situated; and
- (b) in relation to a conveyance, means an inspector appointed by the chief executive of the territorial authority in whose district the principal place of business in New Zealand of the applicant or licensee (as the case may be) is situated

Large Event means an event that the territorial authority believes on reasonable grounds will have patronage of more than 400 people.

Local alcohol policy -

- (a) means a policy, in force under section 90, relating to the sale, supply, or consumption of alcohol (or to 2 or all of those matters) within the district of a territorial authority or the districts of 2 or more territorial authorities; and
- (b) in relation to a territorial authority, means a policy, in force under section 90, relating to the sale, supply, or consumption of alcohol (or to 2 or all of those matters) within its district or the districts of 2 or more territorial authorities that include it.

Medium event means an event that the territorial authority believes on reasonable grounds will have patronage of between 100 and 400 people.

OFF-License is a license for premises where the licensee can sell alcohol for consumption somewhere else.

ON-License is a license for premises where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol. This includes 'Bring Your Own' restaurants and caterers.

One-way door restriction, in relation to a license, is a requirement that, during the hours stated in the restriction, -

- (a) no person is to be admitted (or re-admitted) into the premises unless he or she is an exempt person; and
- (b) no person who has been admitted (or re-admitted) into the premises while the restriction applies to the license is to be sold or supplied with alcohol.

Primary School -Schools offering education to children from Year 1 up to Year 8 or a variation of the Years.

Ready to Drink Product (RTD), is a pre-packaged, pre-measured, and pre-mixed alcoholic beverage combining a spirit, wine, malt or fruit base with a carbonated soft drink or juice.

Restaurant means premises that—

- (a) are not a conveyance; and
- (b) are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises.

Secondary School - Schools offering education for students from Year 9 up to Year 15, and sometimes Year 7 and 8 as well.

Small event means an event that the territorial authority believes on reasonable grounds will have patronage of fewer than 100 people.

Supermarket – means premises with a floor area of at least 1 000 m² including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables and delicatessen items.

Tavern -

- (a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but
- (b) does not include an airport bar.

3. License Conditions

The following conditions will be applicable to licensed premises in all three districts unless otherwise stated.

3.1 ON-License

The premises where an ON-license (other than an on-license endorsed under section 37 of the Act) is held, the licensee:

- (a) can sell and supply alcohol for consumption there; and
- (b) can let people consume alcohol.

Policies related to ON-licenses also apply to:

- Bring Your Own (BYO) restaurants (endorsed under section 37 of the Act)
- Caterers (endorsed under section 38 of the Act)

3.1.1 Hours of Operation

The hours of operation for ON- Licenses apply to premises in the Mackenzie, Waimate and Timaru Districts after consideration of the reports from the Licensing Inspectors, Police and Medical Officer of Health.

Note: An application for an ON-license must comply with the Resource Management Act 1991 and Building Act 2004 before it is lodged.

The operation of ON-License, (Function centres, Restaurants and Cafes) premises are as follows:

Monday to Sunday: 7.00am to 1.00am (the following day)

The operation of ON-License, (Taverns, Hotels, Bars and Nightclubs) premises are as follows:

Monday to Sunday: 7.00am to 3.00am (the following day)

In the case of Hotels, alcohol may be sold or supplied at anytime to any guest residing on the premises.

3.1.2 Discretionary conditions of ON-licenses (Function centres, Restaurants and Cafes) may include:

- Restriction on the consumption of alcohol in outdoor areas after midnight (0000 hours)

3.1.3 Discretionary conditions for ON- Licenses (Taverns, Hotels, Bars and Nightclubs) may include:

- Dedicated door security staff must be provided on Thursday, Friday, Saturday nights and for any event occurring at any Tavern, Hotel, Bar and Nightclub with 100 or more people attending.
- Restriction on the consumption of alcohol in outdoor areas after midnight (0000 hours)
- No new licensed premise to be within 100 meters of any Early Childhood Centre, Primary school or Secondary school
- No shots or double spirit mixes should be sold from 30 minutes prior to closing.

3.1.4 Location of ON – License Premises

From the date this LAP comes into force, no further ON-licenses are to be issued for any premises unless that premises is located on the applicable zoned land described in the District Plan or a Resource Consent has been granted by Council for its operation.

3.2 OFF–Licenses

The premises where an OFF-License is held, the licensee can sell alcohol for consumption off the premises. While these premises are open the licensee can supply alcohol free for consumption on the premises as a sample up to 40ml. This excludes samples of undiluted spirits which are to be supplied as a sample of up to 25ml.

The holder of an OFF-License may sell alcohol on or from the premises for it to be delivered elsewhere endorsed under section 40 of the Act.

3.2.1 Hours of Operation

The hours of operation for OFF- Licenses apply to premises in the Mackenzie, Timaru and Waimate Districts after consideration of the reports from the Licensing Inspectors, Police and Medical Officer of Health.

Note: An application for an OFF-license must comply with the Resource Management Act 1991 and Building Act 2004 before it is lodged.

The operation of OFF-License premises (Stand alone premises, Grocery Stores, Hotel style, Supermarkets and Bottle stores) are as follows:

Monday to Sunday: 7.00am to 9.00pm

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

Monday to Sunday: 24 hours per day

3.2.2 Discretionary conditions of OFF-Licenses (Hotel style, supermarkets and bottle stores) may include:

(i) The main façade of the premises, being the principal front of a building that faces on to a street or open space, of any new licensed premises must not be within 100 metres of any early childhood centre, primary school or secondary school, except that this policy shall not apply to premises that are located:

- In a business zone of the Waimate District Plan;
- In a business zone of the Mackenzie District Plan;
- In a commercial zone of the Timaru District Plan.

(ii) Supervised designation for bottle stores (excluding supermarkets and grocery stores) to ensure unaccompanied minors do not enter bottle store premises

3.2.3 Location of OFF–License Premises

From the date this LAP comes into force, applications for new OFF-licenses for any premises will only be granted if that premise is located on the applicable zoned land described in the District Plan or once a Resource Consent has been granted by Council for its operation.

3.3 CLUB Licenses

On premises for which a club license is held, the licensee can sell and supply alcohol to authorised customers (within the meaning of section 60(3)), for consumption there.

A significant number of clubs are in or adjacent to residential areas. The sale of liquor must be ancillary to the Club's activities, and the licensed hours must reflect the hours of the operation of the principle club activity.

3.3.1 Hours of operation

The operation of CLUB License premises are as follows:
Monday to Sunday: 9.00am to 1.00am (the following day)

3.4 Special Licenses

3.4.1 Hours of operation

Restrictions on hours will be imposed if the District Licensing Committee considers it appropriate in respect of any environmental or other considerations which may require constraints on the hours of operation. Such issues may be raised by the Licensing Inspector, Police, Medical Officer of Health or other relevant affected parties.

Special licenses can cover an event or series of related events to a maximum of 20 events per premise per year (1 July to 30 June). A maximum of 15 events will be issued per 6 month period.

3.4.2 Discretionary conditions of special licenses may include:

- Sale of Ready to Drink (RTD) alcoholic beverages to be under 5% alcohol
- Provide an Alcohol Management Plan.
- No alcohol is to be sold in glass containers for events exceeding 100 people
- License area to be clearly defined where liquor is to be consumed eg Beer tent.
- Wine not to be sold by the bottle.
- Maximum number of alcoholic drinks per purchase may be specified.

3.4.3 Licensed hours

No Special License will be granted to extend later than 2am

4. One Way Door

All premises licensed to open to 3.00am shall apply a one way door restriction at 2.00am on Friday, Saturday and Sunday morning and for any event exceeding 100 people occurring at the premises.

5. Policy Statement

5.1 Application and Scope

This policy applies to any licensing application made to a District Licensing Committee in the Mackenzie, Timaru and Waimate Districts.

5.1.1 Transitional provisions

The provision of this policy come into effect XXX (Council determination usually 30 days) after the Provisional policy is adopted.

5.1.2 Exemptions

Any application for a new license or license renewal for any premises which had a current license at the date this policy came into effect is exempt from the provisions of this policy relating to the location of licensed premises. The exemption remains in force for as long as the premises remains continuously licensed and will cease to exist when the current license or any subsequent license for the premises is surrendered or not renewed.

5.1.3 Relationship to the Act

This policy does not include all the provisions that may apply to license applications and should therefore be read in conjunction with the Act, which contains a number of additional provisions.

6. Policy Review

The three territorial authorities will monitor the policy to ensure it is operating to full effect.

An evaluation will be conducted 18 months after the policy comes into effect. If this evaluation results in an assessment that changes may be needed, the policy will be reviewed.

If the evaluation does not indicate the need for any changes, a review will be initiated in 2017 and thereafter no later than 6 years after it came into force.

7. Adopted by and Date

This policy was amended by the Joint Timaru Mackenzie and Waimate District Councils Hearing Committee following the Appeals Hearing on 20 May 2015 and the subsequent Consent Order issued on 27 May 2015 by Judge JJ Weir.

This policy was approved by the Timaru District Council, Waimate District Council and Mackenzie District Council and adopted on the June 2015.

MACKENZIE DISTRICT COUNCIL

REPORT TO: PLANNING AND REGULATION COMMITTEE

SUBJECT: FIRE SERVICE SUBMISSION REVIEW

MEETING DATE: 23 JULY 2015

REF: LAN 14/5

FROM: NATHAN HOLE, PLANNING & REGULATIONS MANAGER

PURPOSE OF REPORT:

For the Committee to receive the Council's submission on the Government's review of the Fire Service in relation to rural fire.

STAFF RECOMMENDATIONS:

1. That the report be received, and
2. That the Committee notes the submission made to the Department of Internal Affairs on Council's behalf.

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

ATTACHMENTS:

1. Council submission dated 10 July 2015.
2. South Canterbury Rural Fire Authority (SCRFC) submission dated 10 July 2015.

BACKGROUND:

On 27 May, the Minister of Internal Affairs (Hon. Peter Dunne) released a Fire Services Review discussion document. As this discussion is retrospective I have not attached a copy of the discussion document.

On 28 May the Minister held a stakeholder meeting in Timaru to discuss the recently released discussion document. The meeting was attended by Council staff, as well as members of SCRFC.

Members of SCRFC meet on 2 July to discuss preparing their submission which was due on 10 July. In consultation with the Planning and Regulation Committee chairman, a Council submission was prepared and submitted on 10 July.

POLICY STATUS:

N/A

SIGNIFICANCE OF DECISION:

This does not trigger the Council's significance and engagement policy.

DISCUSSION:

The proposal released for consultation provided three options for how rural fire services could be delivered ranging from essentially the current arrangement through to an integrated fire service providing both urban and rural fire services without the need for local government involvement. The analysis concluded that there was too much uncertainty around the alternative options, and in terms of the rural community some modification around the status quo provided the best level of service at the best value.

CONCLUSION:

With limited time available, a submission was made on the basis that it was consistent with SCRFC's submission, and that it was best option for Mackenzie District's rural community.



Mackenzie District Council

10 July 2015

Hon Peter Dunne
Minister of Internal Affairs
fireservicesreview@dia.govt.nz

Dear Minister

Fire Services Review Discussion Document – Submission from Mackenzie District Council

Mackenzie District Council is a member of the South Canterbury Rural Fire Authority (SCRFA), an enlarged rural fire district comprising six member agencies. The Council supports the submission made by the SCRFA, and aims to put that in context with the Mackenzie District and the community it represents.

Current Situation

Mackenzie District Council has benefitted from being part of an enlarged rural fire district for the past 17 years. This collaboration has enabled the SCRFA to employ a full-time principal rural fire officer (PRFO), ensuring that the members are able to benefit from that professional advice and guidance. As a result, all three territorial authorities have sound tankers and equipment, and volunteers are appropriately trained at all times. In addition, by being part of the enlarged rural fire district, the Authority has recently benefited from additional National Rural Fire Authority funding.

Under the SCRFA model, Mackenzie District Council owns its own equipment outright and therefore determines how the district is resourced in terms of fighting rural fires. If Mackenzie was not part of an enlarged rural fire district, then the possibility of operating a substandard fleet of tankers and equipment would be likely to arise in future. However, because Mackenzie works collaboratively with two other territorial authorities, and is guided by the same PRFO, this has always resulted in all three authorities abiding by the advice of the PRFO, and maintaining their tankers and equipment to the same standard.

Assessment of Options

When assessing the options, the key issue for Mackenzie District Council is: *are the members of the community whom it represents getting the best level of service, at the most affordable price?* The Council's preference is for some modification of options 1 or 2, going further than option 1, but moving back from option 2, essentially preferring an 'option 1.5'.

This option would be a continuation of the status quo for SCFFA, whereby enlarged rural fire districts become compulsory, and where those enlarged rural fire authorities are more adequately funded by the NRFA.

Under the existing framework, SCRFA has been working towards further enlarging its rural fire district by merging with the Ashburton Rural Fire Authority, which would then make the South Canterbury Rural Fire District (SCRFD) boundaries consistent with NZ Fire Service Area 22. Mackenzie District Council supports this proposal, and believes that this is an optimal size to provide the efficiencies of bulk funding and resourcing, but is not too large to result in disconnection with the communities that the enlarged rural fire district represents. This optimisation has occurred under SCFRA's existing framework, which is very similar to option 1.

Mackenzie has two issues with option 2 as proposed. The first is the potential size of the rural fire district. As stated above, any rural fire district larger than the NZ Fire Service Area 22 would result in too great a separation between the members and the community the Board represents. Experience has shown that both confidence and efficiencies are lost if the authority becomes too large. The most significant factor is to determine what the optimal size is for each authority, and Mackenzie District Council believes that the local communities are best placed to make that decision. This is the way SCFRA has conducted its assessment in relation to determine whether or not to merge with the Ashburton Rural Fire Authority.

The other concern with option 2 is that this option has a governance board which is not appointed by the territorial authority members, yet territorial authorities would still be the principal funders. For territorial authorities to be accountable to the people to whom they rate for this service, they need to be in control of who they choose to represent them on the governance board. As soon as the territorial authority is one step removed from the decision making process, there is a loss of control on the outcomes of the decisions that the Board makes, yet the territorial authority is still the principal funder. While some might consider this to be beneficial, the high standards met through the current collaborative approach between the three Councils in the enlarged rural fire district negates the need for the separation proposed by option 2.

Option 3 was initially considered to have some attraction. However the Council's objectives for rural fire management in its District are for community involvement in setting the levels of service, and at the lowest cost to that community. Option 3 does not provide for that.

We are of the view that the community could lose control of its assets and their distribution, leading to a loss of service. In addition, while the community under this option may not be funding rural fire through rates, it would be funding rural fire by some other means, whether by insurance levies or some other means. The Council believes that after working in an enlarged rural fire district for 17 years, a slight modification of option 1 will provide the best level of service to the community at the most affordable price.

Another concern with option 3 is that Mackenzie District is very large, has a high fire risk, but with a low population has the least fires within the SCRFD. At present, the community (through the Council) funds rural fire to the standard that it sees fit. Mackenzie has a modern tanker fleet,

and adheres to a rigid replacement tanker programme. Option 3 if adopted may result in the community losing their say as to what tankers are located where. The centralised model of option 3 may result in someone other than the community determining that the tankers that were funded by community, are better placed in a more metropolitan rural area than the Mackenzie District, due to their assessment of risk. There are already examples of this within the NZ Fire Service, as many of our volunteers are NZ Fire Service volunteers as well and see these struggles in the smaller rural communities.

Conclusion

Mackenzie District Council has analysed the options by looking at what is best for the community it represents. Rural fire authorities throughout New Zealand rely on volunteers. Many of those volunteers receive the benefits of the service that they help provide by living and working in the rural community. That is why it is important that the community receives the best possible service at the most affordable price. Mackenzie District Council strongly believes that an outcome between option 1 and 2 would provide that. Any other option would derogate from the underlying principles on which Mackenzie District Council has provided its rural fire service delivery as part of an enlarged rural fire district over the last 17 years.

Thank you for the opportunity to make a submission.

Yours faithfully



Nathan Hole
Planning & Regulations Manager

nathan@mackenzie.govt.nz

10 July 2015

Hon Peter Dunne
Minister of Internal Affairs
fireservicesreview@dia.govt.nz

Dear Minister,

Fire Services Review Discussion Document – Submission from South Canterbury Rural Fire Authority

The South Canterbury Rural Fire Authority (SCRFA) is made up of six member agencies. The membership of the Authority is listed at the end of this letter. The SCRFA support the intent of the review and we would like to see change in both rural fire and in urban fire services.

This submission represents the majority view of our board members. In addition a number of individual member agencies have submitted on the particular circumstances in their agency.

Researched information

Previous reviews and Views

1. Mr Hensley presented a paper at the 2000 Forest and Rural Fire Association of NZ Conference outlining his comments on the 1989 Review and its adoption by Government. In this paper he stated;
 - i) *“We considered a merger, with one National Fire Service covering both urban and rural fire, but ruled that out on the grounds that the nature of urban and rural fires is fundamentally different.”*
2. That situation is as true today as it was in 1989. The basic principles identified by the Hensley Committee, remain as relevant today as they were in 1989. These were:

Fire is part of land-use and cannot be treated apart from other land use issues;

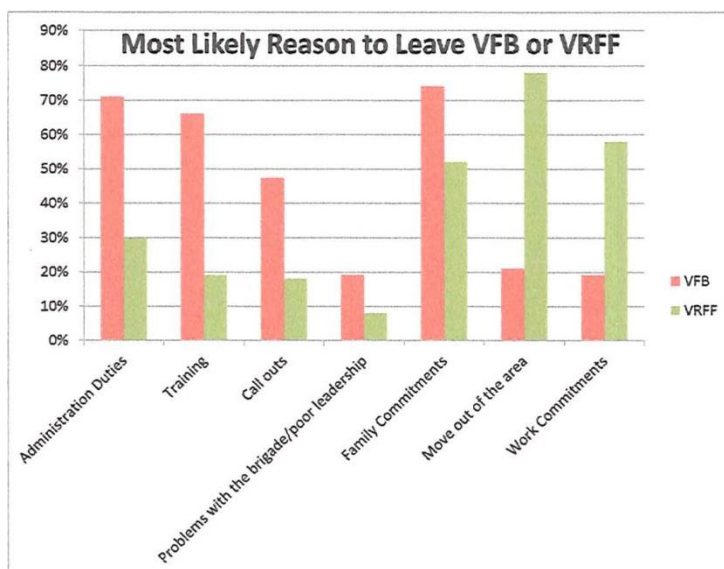
 - ii) *Fire is a local issue which requires local answers.* Note: This traditional decentralization has enabled the interests of farmer, foresters and conservation to be reconciled in widely differing local circumstances;

- iii) *Continue to rely on the voluntary principle in fighting rural fires.* Note: It is the cheapest alternative, and underlines local responsibility, and mobilizing large amounts of volunteer labour in a crisis seems the most effective way of dealing with the intermittent nature of rural fires;
 - iv) *Local application should be matched by national standards.* Note: Rural fires require local methods modified to ensure that standards for such key matters as equipment, training and communications must be common and therefore set nationally;
 - v) Where fires spread across local boundaries better coordination rather than greater direction is needed from the centre.
3. Since the major national changes in 1990 it is disappointing to note that the DIA Review Team has stated in the Discussion Document that no major changes have occurred with the rural fire structure in New Zealand. This is not correct. There has been a major ongoing programme of development of Enlarged Rural Fire Authorities to capture the many advantages of scale, including better co-ordination during fire incidents, the wider range and depth of resources available and a greater ability to adopt land use management initiatives in such an environment.
 4. For example- The South Canterbury Rural Fire Authority has been operating as an ERFA for 17 years. The Authority is looking at options to increase its foot print to ensure their operation is both efficient and effective and able to meet national standards by the National Rural Fire Authority and goals set out in the SCRFA Strategic Plan.

The SCRFA is also part of the wider Canterbury Regional Committee now known as the Northern South Island Regional Committee. The NSIRC has been operating as a default ERFA because there is a will amongst the operating Rural Fire Authorities to provide a professional service to their communities. The Committee has been leading the way in a number of projects

- Wild Fire Threat
- Strategic Tactical Fire Management Planning
- Coordinated Incident Management Training
- Regional Incident Response
- Coordinated Incident Management of multiple events

5. The above have only been achieved with the internal support of the member agencies and the other Rural Fire Authorities agency support. I.e. the dedicated Fire Managers cannot carry out large incident management without the support of staff from within the member agency.
6. **Volunteer Recruitment and Retention**
 The discussion document identifies that volunteers are a valuable part of the fire services and that we need to support them in any and every way possible, that we need to retain their knowledge and skill that we need to generate incentives for them to continue to remain in the volunteer service.
 We need to remember that there is a difference between the urban and rural volunteer this is identified in the *Rural Fire Authority Volunteer Rural Fire Force NZ Fire Service Volunteer Brigade Recruitment and Retention report*
 Consider the information from the graph below that show why volunteers are leaving the service



The SCRFA volunteers are happy with the current governance and management structure and would resist any change that would increase the workload beyond reasonable levels.

They are there to serve their communities for the risk that is identified.

The current coverage within the area from NZFS brigades negates the need for the current rural crews to be involved in extra activities such as motor vehicle accidents and medical.

Current Situation

The National Rural Fire Authority has been promoting Enlarged Rural Fire Districts for over 20 years. There has been a real push from the NRFA following the last review of the fire services. Within the National Rural Fire Authority strategy for ERFDs they have identified that there should be somewhere between 15 – 20 ERFDs to cover the country.

The NRFA achievement over the past couple of years shows that there is now 60% of the country covered in ERFD management. In the South Island only North, Central and Mid Canterbury remain outside of the ERFD management.

The advantage of the current ERFD process is that they have been developed by agreement from the members and not directed from Wellington, that the model can be developed to suit the local members and address local risk. We appreciate that there are slight differences within the current ERFDs that do require change. Both the Principal Rural Fire Officers Group and the ERFD Chairs Group are working together to ensure the most consistent approach to fire management can be delivered.

The advantage of the current models of regional decision making is that communities and stakeholders take ownership of their fire risks and participate in fit for purpose solutions suited to the characteristics of their local area. The buy in and ownership of fire management services by the local community is critical to rural fire management and should be protected through the reform process.

There is a lack of data on the activities and capabilities in rural fire areas and therefore systematic analysis of strengths and weaknesses is difficult to undertake. However, two of the most significant problems that we face in rural areas are resources, including a lack of funding; and a heavy reliance on

volunteer forces. This particularly impacts on the delivery of reduction activities forcing undue reliance on response capability and capacity.

Discussion of Options

Assessment of the three options against the problems identified and discussed in the discussion document:

Option 1 – We believe that an enhanced status quo would work however does not go far enough to support Rural Fire Authorities in the future. While the Commission’s mandate would be changed to include non-fire response it is difficult to see how this option will achieve any more than a modest improvement in leadership, capability, coordination and investment.

There needs to be a change to the funding of fire services to ensure that all are funded adequately.

Option 2 – Coordinated Service Delivery is appealing as it is a natural evolution of the current policy of encouraging the formation of ERFDs for rural fire management but with more structure with the provision of national services, systems, standards and guidelines and funding. The document indicated two areas of concern:

(1) There is a requirement that there only be one RFA in a Fire District.

The indication from the Minister of Internal Affairs that the fire district might look like a rugby franchise (two in the South Island) this would NOT meet the needs of our members. Our members have already resolved that they do not want to look at anything that looks like Environment Canterbury. They believe that ECAN is an example of loss of control and direction from the communities that we serve.

This option would be attractive if the district was similar to that of the current Fire Service areas (Area 22 South Canterbury joint with Ashburton RFA).

(2) That the Governance Board would be appointed by the Commission in consultation with the RFA.

Our members are enthusiastic and proud of their involvement on the Governance Board and feel that they have contributed well to the governance of the SCRFA over the last 17 years. There is a ‘healthy mix’ around the table of people from forestry, conservation, farming backgrounds that have firefighting experience to elected Council representatives, Council Regulatory Managers, and an experienced governance administrator. The Board has acted on the requirement from the NRFA to have an Independent Director and believe that this action has added value to the governance process. The Board would like to retain the ability to appoint an appropriate person that can support the values of their member agency and the wider area of the ERFD.

Option 3

The South Canterbury RFA **does not** support Option 3.

There is not enough information within the review document to make an informed decision.

The document suggests there will be no local funding and in the next sentence suggest that local arrangement could allow for local funds,

“This option assumes there would be no local funding of rural fire, but depending on the results of consultation, this option could be changed to continue some local funding “

There is a concern that a ‘one service’ will be driven from the top down and the local issues will not be addressed.

Funding

Funding will always be a fraught issue. In principle the beneficiary of the service should fund its cost however it is not always easy to establish the beneficiary, especially in communities where all benefit to some extent but some to a greater extent than others. The current funding method has received much criticism. For example, some forest owners claim they fund rural fire through several mechanisms, as rate payers through house and vehicle insurance, through insurance of their forest and by funding their own equipment and capability to fight fires on their own property.

Given funding from taxes and direct from Council rates has been discounted funding will continue to come from a variety of sources, not just insurance levies but also local Councils and Department of Conservation. Currently the Fire Services Levy is collected from insurances to the value of \$360 million with \$10 million going to the rural fire sector and distributed through the NRFA to RFAs.

There has always been a debate about the equality of the distribution of these funds.

It would be helpful to all RFAs if they could receive an increase in the share of the total \$360million. This issue has been debated for a number of years and needs to be resolved.

Any future option for managing rural fire needs to receive adequate funding; simply changing the process to distribute the funds without increasing the available funds is not sufficient.

Conclusions

The South Canterbury Rural Fire Authority understands that a modified status quo will not resolve the issues that the collective fire services face in the future.

For that reason the SCRFA support a modified Option 2. Highlighting the following points:

- The size of the RFA is restricted to a similar size of the current NZ Fire Service area not their regions allowing a 'bottom up' approach to rural fire management.
- That financial member agencies of the RFA get the opportunity to appoint representatives to the Governance Board.
- That the NRFA continue to support and encourage the Enlarged Rural Fire Districts process as the outcomes of the DIA review process will take time to implement.
- That the design team for future fire management to include current NZ leaders in rural fire management

The South Canterbury Rural Fire Authority wishes to thank the Department of Internal Affairs for the opportunity to submit on the review and remind them that SCRFA want to be fully involved in the future process of the Fire Services Review; we volunteer both staff and board members to be involved in any way that the DIA think suitable.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A. L. Munro', written in a cursive style.

Alastair Munro
Chairman
South Canterbury Rural Fire District Committee

South Canterbury Rural Fire Authority

Mackenzie District Council
Timaru District Council
Waimate District Council
NZ Forest Owners Assn. representative – Blakely Pacific Ltd
Department of Conservation
New Zealand Fire Service