

Waimakariri District Council

District Planning and Regulation Committee

Agenda

Tuesday 16 July 2024

1pm

Council Chambers
215 High Street
Rangiora

Members:

Cr Tim Fulton (Chairperson)

Cr Neville Atkinson

Cr Al Blackie

Cr Brent Cairns

Cr Jason Goldsworthy

Mayor Gordon (ex officio)

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A MEETING OF THE DISTRICT PLANNING AND REGULATION COMMITTEE WILL BE HELD IN THE COUNCIL CHAMBER, 215 HIGH STREET, RANGIORA ON TUESDAY 16 JULY 2024 AT 1PM.

Recommendations in reports are not to be construed as Council policy until adopted by the Council

BUSINESS

Page No

1 APOLOGIES

2 CONFLICTS OF INTEREST

Conflicts of interest (if any) to be reported for minuting.

3 CONFIRMATION OF MINUTES

3.1 Minutes of the meeting of the District Planning and Regulation Committee held on Tuesday 28 May 2024

6 – 10

RECOMMENDATION

THAT the District Planning and Regulation Committee:

- (a) **Confirms** the circulated Minutes of the meeting of the District Planning and Regulation Committee, held on 28 May 2024, as a true and accurate record.

3.2 Matters arising (From Minutes)

4 DEPUTATIONS

Nil.

5 REPORTS

5.1 District Licensing Committee Membership Options – Billy Charlton (Environmental Services Manager)

11 – 18

RECOMMENDATION

THAT the District Planning and Regulation Committee:

- (a) **Receives** Report No. 240607092338.
- (b) **Endorses** the recommendation to expand the membership of the District Licensing Committee by three members (from 5 to 8) with either Councillors, General Public or a combination of Councillors and General Public, including the ability for the Secretary of the District Licensing Committee to form a District Licensing Committee with Commissioners if the situation arises that the sitting Chair or Deputy Chair are not available.

AND

THAT the District Planning and Regulation Committee recommends:

THAT the Council:

- (c) **Approves** expansion of the membership of the District Licensing Committee by three members, with one new member being a Councillor and two new members being engaged from the General Public.
- (d) **Approves** updating the District Licensing Committee Delegations to allow an all Commissioner District Licensing Committee to be formed when required and only in the absence of availability of the Chair or Deputy Chair.
- (e) **Notes** that members of the General Public will be recommended to be appointed as Commissioners through a self-nomination and interview process with an interview panel consisting of the General Manager, Planning, Regulation & Environment, the Environmental Services Manager, a Human Resources representative, and the Chair of the District Licensing Committee as an advisory position on the panel. The recommendation from the panel will come back to Council for appointment as commissioners to the District Licencing Committee.
- (f) **Notes** All District Licensing Committee appointments are for a period of five years or lesser time by Council resolution.
- (g) **Notes** current Commissioner appointments (all current members) expire 5 September 2024 and following approval of the recommendations in this report, the process to renew membership and appoint new members will begin.

6 CORRESPONDENCE

Nil.

7 PORTFOLIO UPDATES

- 7.1 **District Planning – Councillor Tim Fulton**
- 7.2 **Civil Defence and Regulation – Councillor Jason Goldsworthy**
- 7.3 **Business, Promotion and Town Centres – Councillor Brent Cairns**

8 MATTER REFERRED FROM THE RANGIORA-ASHLEY COMMUNITY BOARD

- 8.1 **Proposed Changes to the Bus Stop Facility at North Loburn School – Joanne McBride (Roading and Transport Manager) and Peter Daly (Road Safety Coordinator/Journey Planner)**

(The Rangiora-Ashley Community Board considered report 240430068062 at its meeting on 10 July 2024. Staff will provide further update at the meeting).

19 – 23

RECOMMENDATION

THAT the District Planning and Regulation Committee:

- (a) **Approves** relocation of the existing school bus stop approximately 40 metres north, along the school boundary.
- (b) **Approves** the remarking and signage of the new bus stop location.

- (c) **Notes** the cost estimate of \$1000 - \$1200.
- (d) **Notes** the support of the principal of North Loburn School, and of the Ministry of Education.

9 QUESTIONS UNDER STANDING ORDERS

10 URGENT GENERAL BUSINESS

NEXT MEETING

The next meeting of the District Planning and Regulation Committee will be held on 20 August 2024.

WAIMAKARIRI DISTRICT COUNCIL

**MINUTES OF THE MEETING OF THE DISTRICT PLANNING AND REGULATION COMMITTEE
HELD IN THE COUNCIL CHAMBER, RANGIORA SERVICE CENTRE, 215 HIGH STREET,
RANGIORA, ON TUESDAY, 28 MAY 2024, AT 1PM.**

PRESENT:

Councillor T Fulton (Chairperson), Mayor Gordon, Councillors A Blackie, and B Cairns,

IN ATTENDANCE

Councillors Brine, Redmond, and Williams.

J Millward (Chief Executive), K LaValley (General Manager Planning, Regulation and Environment), J McBride (Roading and Transport Manager), P Daly (Road Safety Coordinator/Journey Planner), and T Kunkel (Governance Team Leader).

1 APOLOGIES

Moved: Councillor Blackie

Seconded: Councillor Cairns

THAT apologies for absence be received and sustained from Deputy Mayor N Atkinson and Councillor J Goldsworthy.

CARRIED

2 CONFLICTS OF INTEREST

There were no conflicts of interest declared.

3 CONFIRMATION OF MINUTES

3.1 Minutes of the meeting of the District Planning and Regulation Committee held on Tuesday, 16 April 2024

Moved: Councillor Blackie

Seconded: Councillor Cairns

THAT the District Planning and Regulation Committee:

- (a) **Confirms** the circulated Minutes of the District Planning and Regulation Committee meeting, held on 16 April 2024, as a true and accurate record.

CARRIED

3.2 Matters Arising (From Minutes)

There were no matters arising from the Minutes.

4 DEPUTATIONS

Nil.

5 REPORTS

Nil

6 **CORRESPONDENCE**

Nil.

7 **PORTFOLIO UPDATES**

7.1 **District Planning – Councillor Tim Fulton**

- The District Planning process seemed to be progressing well, and the Council received regular staff updates.
- The number of Resource Consent applications received was steady. However, there had been a slight decline from the usual numbers the Council received.
- The Council was awaiting the additional information requested in December 2023 about the Resource Consent application for a solar farm opposite the Daiken factory.
- The Resource Consent application for a 7.5-hectare solar farm at 513 Thongcaster Road has been granted. It was in quite a remote location, and all of the surrounding neighbours had given their written consent to the proposal, so it was unlikely to be contentious or high-profile. It was suggested that the Council may need more information on the solar farm market in light of the number of Resource Consent applications received for solar farms.
- The Resource Consent application submitted by Protranz International Limited to undertake quarrying activities and construct and operate a landfill on Quarry Road, Loburn, was currently being evaluated by the Planning Officer. However, further information was expected to be requested.
- The Oxford Landfill application closed on 29 April 2024, and the commissioners had until 25 June 2024 to make a decision.

Councillor Redmond questioned the designation of solar farms in the Council's District Plan. K LaValley confirmed that a solar farm was a discretionary activity under the Council's Operational District Plan; however, she would report back to the Committee on solar farms' designation in terms of the Council's proposed District Plan.

Councillor Fulton requested that the District Planning and Regulation Committee also be briefed on the criteria considered when evaluating a property's suitability for developing a solar farm, such as soil quality, etc.

7.2 **Civil Defence and Regulation – Councillor Jason Goldsworthy**

Councillor Goldsworthy was not present to provide an update.

7.3 **Business, Promotion and Town Centres – Councillor Brent Cairns**

- Mandy Palmer's art exhibition at Art on the Quay, Kaiapoi and Paul Smith's "Just Imagine" exhibition at Chamber Gallery, Rangiora, had been well received.
- SkateJam events were hosted in Kaiapoi, Oxford, and the next event would be held in Rangiora on 8 June 2024. The Council's Community Team had been requested to extend youth events to the Pegasus/Woodend area as it was the fastest-growing part of the Waimakariri District.
- Attended a well-supported Clarkville School White Elephant event.
- Attended Belinda Topp's Ideal event in Victoria Park, Rangiora, a Council-funded event. He wanted to see how well the event was organised and the number of attendees.
- Attended a local event to view the My Kitchen Rules TV show featuring Lee and Luke Barrington from Out The Gate Café in Kaiapoi. The TV Show showed Kaiapoi and the Waimakariri District in a positive light.

- Attended Ronel's Cuppa, where Mayor Gordan discussed the 2024-34 Long Term Plan and requested people to make submissions. The event was well-supported.
- Attended a Road Safety Working Party meeting, where it was advised that there had been no fatalities on local roads; however, there were five serious accidents. Twice as many speeding tickets were issued, and there had been a significant increase in drivers over the alcohol limit during the day. Also, work was being done on pedestrian crossings at Kaiapoi High and Kaiapoi North schools, and the New Zealand Police were attending some road work sites across the district to monitor driver behaviour. It was also reported that it was challenging to find qualified truck drivers.
- Met with Nigel Cook, who runs music events in and around Kaiapoi each month, which was mostly sold out, to discuss fundraising opportunities.
- Met with Blue Sky Events, which had taken over the All Together Kaiapoi events, such as Matariki, Waitangi Day, and the Spring Festival, as well as a new event, RiverSong, which was well attended. Staff resolved some trip hazards at the Kaiapoi Wharf before the RiverSong event. Blue Sky Events had a wealth of event experience and would build iconic events for Kaiapoi. Matariki would be celebrated from 26 to 28 June 2024, with a light walk on Corcoran Reserve.
- A review of the mobility parks on the Kaiapoi Wharf was being undertaken. A potentially additional mobility park would support the popular River Queen cruises and the very popular Paris for the Weekend.
- Two Kaiapoi restaurants were broken into, and one till and a tip jar were stolen. Despite the few items taken, the damage and cost to the businesses were considerable. The offenders were later apprehended in Christchurch.
- Armadillos Restaurant in Kaiapoi closed, and Suburban 412 Restaurant opened this week. The new restaurant was owned by Kostas Marks and Sheree Roberts, who also operated Tasteful Affairs at the Kaiapoi Golf Club and several other locations throughout the South Island.
- At its Annual General Meeting in July 2024, Rangiora Promotions would host a relaunch event after conducting brainstorming workshops and committee meetings to review its future focus.
- Attended Kaiapoi Promotions' monthly meeting. The group planned to host some new smaller events in Kaiapoi, some involving businesses. Kaiapoi Promotions was, also considering alternate locations for the Christmas Carnival due to issues with the land.
- The Oxford Promotions Action Committee (OPAC) was planning its Winter event, and it was anticipated that they may wish the tree at Pearson Park lit up. However, OPAC cancelled its recent monthly meeting, so no update was available.
- The Council was reviewing the town centre flags, which would be replaced in a year. This may be an opportunity to work with local designers on new designs that represent the various towns. The Council also investigated extending the town flags to the Woodend, Ravenswood, and Pegasus areas. Staff also looked at the prospect of having flags for special occasions such as Anzac and Matariki.
- The Council received positive feedback from the local public regarding the excellent service from its Compliance Team regarding changes to renewing licences.
- The Council provided mulch and edging for the Woodend/Pegasus Food Forest, which would tidy up the edges and nourish the trees.
- The New Zealand Transport Agency (NZTA) was approximately 60% through acquiring the properties for the proposed Woodend bypass.

Councillor Fulton asked if young people at events such as SkateJam could provide information on the possible location of youth facilities, such as skateparks in other areas. Councillor Cains agreed to discuss the matter with the Council's Youth Development Facilitator, Emily Belton.

8 MATTERS REFERRED FROM RANGIORA-ASHLEY COMMUNITY BOARD

8.1 Proposed School Bus Stop facility at Te Kura o Tuahiwi, Tuahiwi School – P Daly (Road Safety Coordinator/Journey Planner) and J McBride (Roading and Transport Manager)

(Report No. 240321044984 on the Kaiapoi-Tuahiwi Community Board Agenda for the meeting of 20 May 2024).

J McBride noted that approval was sought to establish a bus stop for the school bus service at Te Kura o Tuahiwi, Tuahiwi School. The new bus service would involve two buses servicing the school each morning and afternoon. The service commenced on 29 April 2024, and approximately 65 students were witnessed using it.

There were no questions from elected members.

Moved: Councillor Blackie

Seconded: Councillor Cairns

THAT the District Planning and Regulation Committee:

- (a) **Approves** the establishment of a school bus stop and associated parking restrictions as proposed by the Te Kura o Tuahiwi, Tuahiwi School, as noted in the schedule below.

Item	Town	Street	Location	Side of Street	Restriction	Qualifying Remarks	Comments for consideration
One	Tuahiwi	Tuahiwi Road	Outside Tuahiwi School	East	Bus Stop	8-9am, 2:30-3:30pm School Days	Requested by the school staff.

CARRIED

8.2 Williams Street Bus Stop Safety Improvements – P Daly (Road Safety Coordinator/Journey Planner) and J McBride (Roading and Transport Manager)

(Report No. 240322045655 on the Kaiapoi-Tuahiwi Community Board Agenda for the meeting of 20 May 2024).

J McBride highlighted the safety challenges experienced with the current Williams Street bus stop. She explained that providing a 7.8-metre entry taper for the bus stop would allow for better bus manoeuvring. However, it would necessitate the loss of one carpark. The carparking space on the approach to the bus stop was a P120 controlled parking area, which was currently 30 metres long. Providing an entry taper for the bus stop would reduce the length of that controlled parking area to 22.2 metres, accommodating four carparks.

There were no questions from elected members.

Moved: Councillor Cairns

Seconded: Councillor Blackie

THAT the District Planning and Regulation Committee:

- (a) **Approves** the reduction of the P120 parking area adjacent to the Williams Street bus stop by 7.8 metres outside no. 190 Williams Street.
- (b) **Approves** the installation of 7.8-meter no-stop lines prior to the bus stop, in compliance with the proposal in the report (Trim: 240322045655).

- (c) **Notes** that the Schedule of Parking Restrictions will be updated if the subject of this report is approved.

CARRIED

9 QUESTIONS UNDER STANDING ORDERS

Nil.

10 URGENT GENERAL BUSINESS

Nil

NEXT MEETING

The next District Planning and Regulation Committee meeting would be held on 16 July 2024.

THERE BEING NO FURTHER BUSINESS, THE MEETING CONCLUDED AT 1.19PM.

CONFIRMED

Councillor T Fulton

16 July 2024
Date

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR DECISION**

FILE NO and TRIM NO: ENV-18 2406006092338

REPORT TO: District Planning and Regulation Committee

DATE OF MEETING: 16 July 2024

AUTHOR(S): Billy Charlton – Environmental Services Manager

SUBJECT: District Licensing Committee Membership Options

ENDORSED BY:
(for Reports to Council,
Committees or Boards)


General Manager


Chief Executive

1. SUMMARY

- 1.1. This report has two functions, the first is to inform the District Planning and Regulation Committee of the changes to the Sale and Supply of Alcohol Act 2012 and the second, is to seek approval to expand the membership pool of the District Licensing Committee and to consider the introduction of a more flexible approach to appoint commissioners to sign off applications on the papers or Chair a hearing if the Chair or Deputy Chair are not available.
- 1.2. At present the Council has a District Licensing Committee comprising of five standing members, with a Chairperson and Deputy Chairperson. All members have also been appointed as Commissioners. The present members are confident and competent in their roles with the Chairperson being highly experienced heading the District Licensing Committee. The District Licensing Committee's role is to provide an unbiased and fair approach to decision making for Alcohol Licences and Manager's Certificates applications. However, there is concern that the present pool of members is too small for the anticipated future workload demands, and consideration to build the pool of District Licensing Committee members is required so Council has the required resources to meet its legislative obligations pursuant to the Sale and Supply of Alcohol Act 2012.
- 1.3. This report also discusses the option to install flexibility, if required, to create the ability to appoint commissioners to run a hearing and sign off unopposed applications if the Chair or Deputy Chair are not available. This approach would give staff the flexibility and assurances that a District Licensing Committee can be called together at short notice if needed. It will remain that the first option would be to use the Chair and/or Deputy Chair first, however, if upon discussion either is not available, there will be further flexibility of options to prevent delay.

2. RECOMMENDATION

THAT the District Planning and Regulation Committee:

- (a) **Receives** Report No. 240607092338
- (b) **Endorses** the recommendation to expand the membership of the District Licensing Committee by three members (from 5 to 8) with either Councillors, General Public or a combination of Councillors and General Public, including the ability for the Secretary of the District Licensing Committee to form a District Licensing Committee with

Commissioners if the situation arises that the sitting Chair or Deputy Chair are not available.

AND

THAT the District Planning and Regulation Committee recommends:

THAT the Council:

- (c) **Approves** expansion of the membership of the District Licensing Committee by three members, with one new member being a Councillor and two new members being engaged from the General Public.
- (d) **Approves** updating the District Licensing Committee Delegations to allow an all Commissioner District Licensing Committee to be formed when required and only in the absence of availability of the Chair or Deputy Chair.
- (e) **Notes** that members of the General Public will be recommended to be appointed as Commissioners through a self-nomination and interview process with an interview panel consisting of the General Manager, Planning, Regulation & Environment, the Environmental Services Manager, a Human Resources representative, and the Chair of the District Licensing Committee as an advisory position on the panel. The recommendation from the panel will come back to Council for appointment as commissioners to the District Licensing Committee.
- (f) **Notes** All District Licensing Committee appointments are for a period of five years or lesser time by Council resolution.
- (g) **Notes** current Commissioner appointments (all current members) expire 5 September 2024 and following approval of the recommendations in this report, the process to renew membership and appoint new members will begin.

3. BACKGROUND

- 3.1. In 2012 the Sale and Supply of Alcohol Act (the Act) was enacted and superseded the Sale of Liquor Act 1989. There was a deliberate move to the wording to illustrate the chemical nature of alcohol rather than the recreational term of liquor. The main thrust of the change was to make legislation more holistic to ensure that harm created by and associated with alcohol was in the forefront of thinking by the decision makers, being the membership of the District Licensing Committee.
- 3.2. The decision makers the District Licensing Committee are engaged by Council; however, it is important to recognise that the District Licensing Committee is not a Committee of Council. The District Licensing Committee does not report to Council, it is an independent Committee with the authority to make decisions on alcohol license applications and Manager's Certificate applications pursuant to the Sale and Supply of Alcohol Act 2012. The Council cannot influence the District Licensing Committee's decisions.
- 3.3. The current District Licensing Committee has an appointed Chairperson (Mr. Neville Atkinson) who is able to sign off all Licences and Manager's Certificates that have had no opposition from either the three agencies being the Police, Medical Officer of Health and a Licensing Inspector, (known as the Tri-agencies) or when there is no opposition received from a member of the general public. This procedure of sign off by the Chairperson alone is a legitimate process and is termed as signing off "On the papers".
- 3.4. The Current District Licensing Committee also has a Deputy Chair, Mr. Jim Gerard. Mr Gerard has indicated he would like to remain on the District Licensing Committee but would like to step down from the role of Deputy Chair. After discussions, Mr. Gerard is willing to remain in the position of Deputy Chair until the membership of the District Licensing Committee has been worked through and resolved.

- 3.5. Most of the Alcohol Licence and Manager's Certificate sign offs are completed "on the papers" by the Chairperson, alone. There have been a small number of occasions where the Deputy Chair has signed off when the Chair has not been available.
- 3.6. There are three further members of the District Licensing Committee to call upon when the Chair requires further opinion on any Licence or Manager's Certificate. Two members will join the Chair to form a committee of three to provide a quorum for discussion, which may or may not lead to the implementation of a Hearing. There does not have to be official opposition for the Chair to request a District Licensing Committee to be formed to gain other members' opinions, or to gain further opinion on whether a hearing is required. If a hearing is called when there has been no opposition there always needs to be good reasoning to do so. To note, it would be rare for this to occur.
- 3.7. A District Licensing Committee, comprising of 3 members, which would be two members and the Chair may be called together when there has been opposition from either, one or all, of the Tri-agencies, and/or from one or many members of the general public, to consider whether a hearing is required. It is the Secretary's role to engage the make-up of the District Licensing Committee and at present this is always done through discussion with the Chairperson and works well.
- 3.8. A hearing is usually required when there is opposition, from one or all of the Tri-agency members and/or the general public that cannot be resolved before final reports are written by the Tri-agencies and submitted to the District Licensing Committee through the Secretary. The need for natural justice applies to all parties involved; meaning, that in most cases if there is opposition there needs to be a hearing to make sure all parties can put their case to the District Licensing Committee for consideration unless there are exceptional circumstances that allow the District Licensing Committee to sign off an opposed application on the papers. Exceptional circumstances do not occur often and therefore it is most likely a hearing would take place if there was opposition to an application.
- 3.9. Under the Act the Chief Executive Officer of a Council is the Secretary of the District Licensing Committee by default. Councils across New Zealand typically delegate the District Licensing Committee Secretary role to a Level 3 Manager in the regulatory environment, and at Waimakariri District Council that delegation sits with the Environmental Services Manager.
- 3.10. All District Licensing Committee members have been given Commissioner status to create continuity should any standing Councillor on the District Licensing Committee not return to Council. The Commissioner status of members does give the Secretary the potential flexibility to call upon District Licensing Committee members to form a District Licensing Committee should the Chair or Deputy Chair not be available. However, this flexibility would need Council endorsement. The District Licensing Committee could then be chaired by a Commissioner if Council passed a resolution to allow an all Commissioner District Licensing Committee if ever required.
- 3.11. All District Licensing Committee members have a five-year term which can be rolled over by Council resolution for a further five years at a time. The current five-year term ends on 5 September 2024.
- 3.12. As with all legislation, amendments occur from time to time. The Act has had recent amendments which have had a two-phase implementation process. The first set of changes which are now in force (as of 31 Aug 2023) are:
- 3.12.1. Remove the ability for people to appeal provisional local alcohol policies (LAPs) to the Alcohol Regulatory and Licensing Authority (ARLA),
- 3.12.2. enable district licensing committees (DLCs) and ARLA to decline to renew a licence if the licence would be inconsistent with conditions on location or licence density in the relevant LAP, and

- 3.12.3. allow any person to object to licence applications, whether as an individual or a representative of a group or an organisation, with narrow exceptions for trade competitors and their surrogates. This change accommodates people who were excluded for reasons such as (but not limited to), may not live in the area but spend time there due to family connections, living rurally, or having a particular connection to the area.
- 3.12.4. Objectors have had the period to submit extended from 15 working days to 25 working days.
- 3.13. The second set of changes which are now in force from 30 May 2024 are:
 - 3.13.1. DLCs and Alcohol Regulatory and Licensing Authority (ARLA) will be required to consider reasonable requests from parties to attend hearings remotely,
 - 3.13.2. Changes to how a DLC hearing is run include:
 - 3.13.2.1. Avoiding unnecessary formality,
 - 3.13.2.2. Not permitting cross-examination, or the ability for parties to question other parties or their witnesses. The DLC will test evidence instead. Therefore, all questioning must be through the DLC only.
 - 3.13.2.3. Allow for tikanga to be incorporated into proceedings and
 - 3.13.2.4. Allow evidence to be received in te reo Māori
- 3.14. Council will receive more information from the Ministry of Justice to help guide the District Licensing Committee to implement the required changes sometime in 2024. As yet, that information has not be forthcoming.
- 3.15. There is no doubt that under the second phase of amendments to the Act, the Tri-agencies, especially the Inspector, will be required to conduct far deeper investigations and expand their report writing to help the District Licensing Committee fulfil their responsibilities as the Tri-agencies will not be allowed to cross-examine any party in a Hearing. This may affect resourcing requirements in the future. However, it is too early to measure any impact on resourcing and staff will continually assess the resourcing situation across all areas that Council is required to resource for alcohol licensing.
- 3.16. Due to the changes in Hearing protocols, the District Licensing Committee may require more time to consider the questions they may want to ask at a Hearing to seek clarification of information after reading the Tri-agency reports and any public objection documentation before, during and after a Hearing. At this point in time, we do not know how the changes will impact on the timeframe for a Hearing until we conduct a Hearing under the new format.

4. ISSUES AND OPTIONS

- 4.1. The members of the District Licensing Committee understand the changes set out in 3.12 and 3.13 of this report and will continue to follow a process that incorporates the changes to the Act by:
 - 4.1.1. Considering and allowing any party to present remotely, when appropriate, and
 - 4.1.2. Allowing for tikanga to be incorporated into proceedings and
 - 4.1.3. Allowing evidence to be received in te reo Māori

- 4.2. From 30 May 2024 the District Licensing Committee will not permit cross-examination. The District Licensing Committee have had training covering this change and will make provisions throughout any Hearing to formulate questions to gather all of the information they require to make their decision.
- 4.3. All questioning in a Hearing from 30 May must be through the District Licensing Committee.
- 4.4. Due to the changes of the Act, there have been extensive discussions within the District Licensing Committee membership around the need to increase the membership of the District Licensing Committee. The Council need to decide whether to continue with the process of engaging Councillors alone as the main resource to elect District Licensing Committee members or expand the membership by also engaging members of the general public that are competent and meet the necessary criteria to sit as a District Licensing Committee member.
- 4.5. Council has generally had an all-elected membership of the District Licensing Committee, either Councillors or Community board members. At present one member is a Commissioner and not elected as a Councillor or Community Board member due to retirement from the Council.
- 4.6. It would seem a practical way forward and worthy of consideration for Council to engage members of the general public to the District Licensing Committee. This would be a way for Council to add diversity to the District Licensing Committee membership. The process to recruit District Licensing Committee members from the general public would follow a normal recruitment process by advertising for experienced people, followed by interviews and reference checks which would include a Police check. Once a preferred candidate or candidates is/are found, a report to Council must be written, as Council must appoint District Licensing Committee members. This would initially be in a public excluded forum until such time a resolution has been completed.
- 4.7. There is a need to engage more District Licensing Committee members to cover the possibility of a higher number of Hearings in the future due to the changes to the Act, and more importantly the need to look to the future to make sure the District Licensing Committee can continue to run with competent and confident members with a timely and seamless process.
- 4.8. This would require either engaging further membership from Councillors or alternatively or in conjunction with Councillor engagement, to also engage members of the general public who meet the criteria to sit as a Commissioner on the District Licensing Committee pool list.
- 4.9. Expanding membership does have merit and does give the Council the opportunity to consider a modification to the model of approach used to run the District Licensing Committee. It is a common approach to have a mixture of Councillors and Independent Commissioners or members as their District Licensing Committee membership with Councils such as Marlborough District Council, Tasman District Council, Timaru District Council and Waitaki District Council using this model. These District Licensing Committees vary in configuration such as an Independent Commissioner as Chair, Councillor as Chair, Mayor as Deputy Chair with an Independent Commissioner as Chair, and a mix of Councillors and public as members.
- 4.10. With the appointment of any District Licensing Committee member, it is important to recognise the need to consider whether any conflicts of interest exist. There is a need for all members of a District Licensing Committee to not only avoid conflicts of interest but to avoid perceived conflicts of interest. Having more District Licensing Committee members allows for any District Licensing Committee member(s) to 'step down' from the decision-making process if any form of Conflict of Interest exists. This provides for greater robustness in the decision-making process and reduces the risk of appeals against a District Licensing Committee decision. It is noted that at all Waimakariri District Licensing Committee Hearings the Chair asks the question of members at the start of a Hearing, as

part of the normal protocol, whether there is any conflict of interest. There are processes to follow if there were to be a Conflict of interest.

- 4.11. As all members are appointed as Commissioners, there is a pathway available for the Secretary to allocate Chairperson duties to alternative members, rather than just one Chairperson if there is a need, such as a Conflict of interest or unavailability.
- 4.12. As discussed, the District Licensing Committee is made up of a Chairperson and 4 District Licensing Committee members, one acting as Deputy Chair when required. All District Licensing Committee members have been given Commissioner status, which was put in place to make sure that there would be a continuation of membership regardless of local body election results. As all members are Commissioners, they all could potentially act as a Chairperson for Hearings under a modified model if competent to do so, and also sign off applications that have not been opposed (On the Papers).
- 4.13. As with all members any future Commissioner would be a working member to the District Licensing Committee and paid for each hour worked when called upon.
- 4.14. It is recommended that the District Licensing Committee be expanded to eight members. Not only does this expand the membership pool, it also has potential to create a more diverse pool of members to deal with the recent changes to the Act. This recommendation is suggested regardless of any change of model to appoint a Chairperson.
- 4.15. The available options are:
 - A. Keep the same pool of five commissioners as District Licensing Committee members without additional membership.
 - B. Add three additional members to the District Licensing Committee (from 5 to 8) using Councillors as the required resource.
 - C. Add three additional members to the District Licensing Committee (from 5 to 8) through recruitment of members from the general public using a robust interview process.
 - D. Add three additions members to the District Licensing Committee (from 5 to 8) through a combination of more Councillors as members and/or recruitment of members from the general public with an interview process.
 - E. Add three additional members to the District Licensing Committee (from 5 to 8) through a combination of more Councillors as members and/or recruitment of members of the general public with an interview process and also modify the model of approach so designated Commissioners can sit as a District Licensing Committee Chair for a meeting or hearing and sign off unopposed applications if the Chair or Deputy Chair are unavailable.
- 4.16. Option E is the recommended option to the Committee and Council as it gives the Council a greater opportunity to add further diversity to the District Licensing Committee. It also allows flexibility for the Secretary to appoint a Council appointed Commissioner as Chair should the circumstance arise that the Chair and Deputy Chair are not available, thus mitigating the risk to Council of not being able to form a District Licence Committee under urgency.
- 4.17. It is noted that the Chair and Deputy Chair will always be the first and second considerations before a Commissioner is called upon.

Implications for Community Wellbeing

- 4.18. There are implications on community wellbeing by the issues and options that are the subject matter of this report. Having a greater pool of District Licensing Committee members creates a continued environment of good and fair decision making on alcohol licensing applications. A greater pool also allows for timely decisions, which is fair and

reasonable to both applicant and residents alike to maintain the Council's commitment when considering the object of the Act, which is to minimise alcohol related harm.

4.19. The Management Team has reviewed this report and support the recommendations.

5. COMMUNITY VIEWS

5.1. Mana whenua

Te Ngāi Tūāhuriri hapū are not likely to be affected by or have an interest in the subject matter of this report. The information on the recent changes to the Act provided to the Committee and Council in this report has also been provided by the Ministry of Justice to all relevant parties including Mana Whenua. The allocation of three further members to the District Licensing Committee does not change any part of the application process or the decision-making process.

5.2. Groups and Organisations

There are no groups and organisations likely to be affected by, or to have an interest in the subject matter of this report.

5.3. Wider Community

The wider community is not likely to be affected by, or to have an interest in the subject matter of this report.

6. OTHER IMPLICATIONS AND RISK MANAGEMENT

6.1. Financial Implications

There are no financial implications of the decisions sought by this report.

This budget is included in the Annual Plan/Long Term Plan.

6.2. Sustainability and Climate Change Impacts

The recommendations in this report do not have sustainability and/or climate change impacts.

6.3 Risk Management

There are no risks arising from the adoption/implementation of the recommendations in this report.

6.3 Health and Safety

There are not health and safety risks arising from the adoption/implementation of the recommendations in this report.

7. CONTEXT

7.1. Consistency with Policy

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. Authorising Legislation

7.2.1. Sale and Supply of Alcohol Act 2012

7.2.2. The Sale and Supply of Alcohol (Community Participation) Amendment Act 2023

7.3. Consistency with Community Outcomes

The Council's community outcomes are relevant to the actions arising from recommendations in this report. The social aspect of making decisions, where all people have a right to have a say promotes a place where everyone can have a sense of

belonging. Having a wider pool of District Licensing Committee members has the ability to create diversity which in turn represents all of our people.

7.4. **Authorising Delegations**

District Planning and Regulation Committee is responsible for activities relating to the Sale and Supply of Alcohol.

The Council has the delegation to appoint members to the District Licensing Committee.

WAIMAKARIRI DISTRICT COUNCIL**REPORT FOR DECISION**

FILE NO and TRIM NO: CMS 06-03 / 240430068062

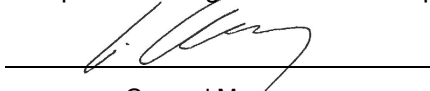
REPORT TO: RANGIORA-ASHLEY COMMUNITY BOARD

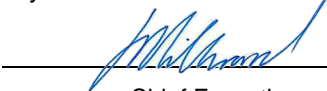
DATE OF MEETING: 10 July 2024

AUTHOR(S): Peter Daly, Road Safety Coordinator / Journey Planner
Joanne McBride, Roding and Transport Manager

SUBJECT: Proposed Changes to the Bus Stop Facility at North Loburn School

ENDORSED BY:
(for Reports to Council,
Committees or Boards)


General Manager


Chief Executive

1. SUMMARY

- 1.1. This report seeks approval to relocate the bus stop for the school bus service at North Loburn School from its current location to one approximately 40 metres further North, and to amend the bus stop signage and road markings to reflect the relocation.
- 1.2. The current bus stop location presents road safety risks which can be mitigated if the bus stop is moved a short distance further along the school boundary, making the situation safer for children and car users.
- 1.3. This request is from the Principal of the North Loburn School and is endorsed by the Ministry of Education.

2. RECOMMENDATION

THAT the Rangiora Ashley Community Board:

- (a) **Receives** Report No. 240430068062.

AND

THAT the Rangiora Ashley Community Board recommends:

THAT the District Planning and Regulation Committee:

- (b) **Approves** relocation of the existing school bus stop approximately 40 metres North, along the school boundary.
- (c) **Approves** the remarking and signage of the new bus stop location.
- (d) **Notes** the cost estimate of \$1000 - \$1200.
- (e) **Notes** the support of the principal of North Loburn School, and of the Ministry of Education.

3. **BACKGROUND**

- 3.1. The bus stop outside North Loburn School was established in 2008/2009.
- 3.2. Over time it has been identified that having the bus stopped in the designated bus stop in the current location restricts sight lines for both the cars using the adjacent school car park, and the sight lines of children entering and exiting the adjacent school pedestrian gate.
- 3.3. North Loburn School is the last stop on this Ministry of Education bus route. On dropping the students off in the morning, the bus remains in that space during the school day until it is required to uplift students at the end of the day.
- 3.4. In late 2023 the school principal arranged for a site visit to the school by representatives of the Ministry of Education, and of the bus company conducting the bus service. The group recommendation is that the bus stop is moved to the other school gate, which is 40 metres further North along the school boundary.
- 3.5. The principal has raised the request with Council.
- 3.6. Figure 1 shows the location of the existing bus stop, and the proximity of the stop to the car park entrance, and the pedestrian access gate.

Figure 1. Existing bus stop



- 3.7. Figure 2 below shows a street view of the proposed bus stop, located approximately 40 metres to the North, along the school boundary.

Figure 2. Street view of the area proposed for the bus stop.



- 3.8. The new location is adjacent to the alternative pedestrian access gate, proposed to be used by those students who use the bus service. This gate was successfully used during Covid.
- 3.9. The existing pedestrian entry/exit will still be used by those students not using the bus service. Their sight lines will be enhanced by the relocation of the bus stop, as will that of the drivers who use the school car park.
- 3.10. If approved, the proposed bus stop will be established in accordance with Bus Stop design guidelines.
- 3.11. It is proposed to mark a yellow box on the roadway in addition to the sign shown at Figure 3 below.

Figure 3. Proposed signage



- 3.12. A supplementary sign underneath this one will indicate that it is in force on school days only.

4. **ISSUES AND OPTIONS**

- 4.1. The school principal has approached council with the request and advises that the request is supported by the school Board of Trustees, and the Ministry of Education
- 4.2. The Ministry of Education has confirmed this in writing.

4.3. The following options are available:

4.3.1. Option One – Approve the relocation of the bus stop as proposed.

This is the recommended option as it mitigates the sight line risks that exist for school students or car drivers using the carpark.

4.3.2. Option Two – Decline the relocation of the bus stop.

This option would not allow the safety improvements sought by this report.

Implications for Community Wellbeing

There are implications on community wellbeing by the issues and options that are the subject matter of this report.

Encouraging the uptake of a public transport option improves road safety in the immediate area through a reduction of vehicle movements during pick up and drop off times, as well as having environmental benefits.

4.4. The Management Team has reviewed this report and supports the recommendations.

5. COMMUNITY VIEWS

5.1. **Mana whenua**

Te Ngāi Tūāhuriri hapū are unlikely to have an interest in the subject matter of this report.

5.2. **Groups and Organisations**

There are groups and organisations likely to be affected by, or to have an interest in the subject matter of this report.

The school community will benefit from the improvement in safety arising from the recommendations. Vehicles using the school carpark will have safer exit views with the bus in the new location.

There are no negative impacts for the school arising from adoption of the recommendations in the report.

5.3. **Wider Community**

There are no negative impacts for the wider community arising from adoption of the recommendations in the report.

6. OTHER IMPLICATIONS AND RISK MANAGEMENT

6.1. **Financial Implications**

There are financial implications of the decisions sought by this report. This cost to Council will be covered by the existing signage and road marking budgets.

The cost of the signage and marking changes are estimated to be approximately \$1000 - \$1200.

6.2. **Sustainability and Climate Change Impacts**

The recommendations in this report do not have sustainability and/or climate change impacts.

6.3. **Risk Management**

There are no risks arising from the adoption/implementation of the recommendations in this report. There would be ongoing safety risks associated with not approving the recommendations in this report.

6.4. **Health and Safety**

The bus service is being operated by Tranzit Coachlines, the company which operates a range of school bus services across Waimakariri District. This service will be operated under their standard operational practices, including health and safety provisions.

7. **CONTEXT**

7.1. **Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. **Authorising Legislation**

Land Transport Act 1998 Section 22 AB

7.3. **Consistency with Community Outcomes**

The Council's community outcomes are relevant to the actions arising from recommendations in this report.

7.4. **Authorising Delegations**

The Community Board has the following delegations under Section 15 of the Delegations to Community Boards:

- Approving traffic control and constraint measures on streets and recommending to Resource Management & Regulations Committee; matters relating to Council parking by-laws.

The District Planning and Regulation Committee has the delegation granted to a standing committee under the manual, including Parking Enforcement.