

**AKAROA/WAIREWA COMMUNITY BOARD
22 SEPTEMBER 2010**

**Minutes of a meeting of the Akaroa/Wairewa Community Board
held on Wednesday 22 September 2010 at 9.30am in the Board Room,
4238 Christchurch Akaroa Road, Little River.**



PRESENT: Stewart Miller (Chairman), Bryan Morgan (Deputy Chairman), Jane Chetwynd and Pam Richardson.

APOLOGIES: Apologies were received and accepted from Claudia Reid and Eric Ryder.

Prior to the commencement of business, the Chairman commended the Civil Defence personnel, along with the Akaroa and Little River Fire Services, Police, Orion and volunteers on the work they had carried out during the recent earthquake on Saturday 4 September 2010. Members agreed it was a great team effort.

The Board also acknowledged the work of His Worship the Mayor, Bob Parker, who had a calming influence with the public in his ability to reassuring them of the outcome. Members **requested** that their thanks be recorded.

The Board reports that:

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. TEMPORARY LIQUOR BAN OKAINS BAY NEW YEARS EVE

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager Strong Communities
Author:	Terence Moody, Principal Advisor – Environmental Health

PURPOSE OF REPORT

1. To consider a proposal for a Temporary Alcohol Ban for the Okains Bay beach and reserve area.

EXECUTIVE SUMMARY

2. A request has been received from the Okains Bay Reserve Management Committee to introduce a liquor ban covering the Okains Bay beach and reserve for the period from 31 December 2010 to 1 January 2011 (New Year's Eve). The Police through the officer in charge in Akaroa have indicated support for such a ban.
3. Both parties have provided information as to problems caused in the area during the New Year period of 2009/2010 (and previous years) and consider a temporary ban should be introduced this year in an attempt to preclude issues of disorder and alcohol-related harm occurring.
4. There are a number of considerations the Council has to make before applying a temporary alcohol ban. These are detailed in Clause 5(2) in the Christchurch City Council Alcohol Restrictions in Public Places Bylaw (and paragraph 11 of this report). In addition the Council needs to ensure it has met the consultation requirements under Sections 77 to 82 of the Local Government Act 2002 (the Act).
5. Specifically for the proposed temporary alcohol ban in Okains Bay the Council needs to give further consideration to the areas to be covered by the ban and the time/duration of the ban.
6. The Council could approve a recommendation from the Community Board to initiate the process to introduce the temporary alcohol ban at its 23 September 2010 meeting. Staff could then carry out the necessary work to satisfy these considerations and requirements in time for the new Council to decide on the matter at its first meeting in November or December 2010.

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FINANCIAL IMPLICATIONS

7. Financial provision will be required for public notices and display advertisements as well as appropriate signage. The costs of enforcement rest with the Police under powers in the Local Government Act 2002.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

8. There is no specific budgetary provision for introducing temporary alcohol bans. The costs of investigating the temporary ban can be absorbed in the Long Term Policy and Planning Activity. The costs of public notices and signage could be absorbed in the Enforcement and Inspection Activity as per page 95 of the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

9. The Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 (the Bylaw) provides the power to put Temporary Alcohol Ban Areas in place, by resolution, to control anticipated or potential negative alcohol-related behaviour associated with specified events or specified dates. Section 151 of the Act and section 13 of the Bylaws Act 1910 make it clear that a bylaw may contain discretion. The Council must be careful to ensure that any discretion left to the Council is not so great that it might be considered unreasonable (which could make the bylaw, or part of it, invalid). To ensure this is not the case, clause 5 of the bylaw specifies a number of matters the Council must consider before it imposes a temporary ban.
10. The Act allows for such liquor bans in public places which are under the control of the Council as opposed to public places as defined in other legislation. It can include roads over which the Council has control but not private parking areas for example.
11. Under clause 5(2) of the Bylaw the Council must consider, in the case of resolving to introduce any temporary alcohol ban, the following matters:
 - the nature of the expected event
 - the number of people expected to attend;
 - the history of the event (if any); and
 - the area in which the event is to be held; and
 - the nature and history of alcohol-related problems usually associated with the area, together with any anticipated alcohol-related problems; and
 - whether the benefits to local residents and to the city outweigh the restrictions imposed on local residents and other people in the area covered by the resolution;
 - any information from the Police and other sources about the proposed dates, the event or the area to be covered by the resolution; and
 - whether the Police support the proposed Temporary Alcohol Ban Area.

Have you considered the legal implications of the issue under consideration?

12. Yes – as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

13. Introducing a temporary alcohol ban in Okains Bay could be considered to broadly align to the following LOS in the Strengthening Communities Activity Management Plan, 2.2.3.1. *Maintain Safe City Accreditation every 15 years.*

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ALIGNMENT WITH STRATEGIES

14. The Safer Christchurch Strategy aims to see rates of injury and crime decline, for people to feel safe at times in Christchurch City and for Christchurch to have excellent safety networks, support people and services.

Do the recommendations align with the Council's strategies?

15. Yes – as above.

CONSULTATION FULFILMENT

16. The Okains Bay Reserve Committee advise that there is community support for the proposal. At this stage no consultation has been carried out by staff.

STAFF RECOMMENDATION

It is recommended that the Council commence the process to introduce a Temporary Alcohol Ban in the Okains Bay beach and reserve area on 31 December 2010 to 1 January 2011.

BOARD CONSIDERATION

The Akaroa/Wairewa Community Board considered this report at its meeting held on 22 September 2010.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND (THE ISSUES)

17. A request has been received from the Okains Bay Reserve Management Committee to introduce a liquor ban covering the Okains Bay beach and reserve on the 31 December 2010 and 1 January 2011 due to problems caused in the past with underage drinking, dangerous driving, and unacceptable behaviour, allegedly associated with excessive drinking in public places at the time of New Year celebrations.
18. The public place liquor ban is supported by Senior Constable Steve Dittmer who is officer in charge Akaroa. The police report advises that last New Years Eve there was considerable disorder caused by alcohol consumption by young people attracted to a publicised "Cave Rave" at a nearby cave on the beach. Activities of the Police concentrating on possession of alcohol at the cave area led to the young people congregating in the Okains Bay Camping Ground with the subsequent concern of families in the area. The Police are working with the Okains Bay Camp to detract underage youth from taking over the camp for this one night. Increased security and unaccompanied youth under 18 years will be addressed.
19. Under the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 the Council may declare a Temporary Alcohol Ban Area by resolution. Before doing so the Council must consider the nature and history of alcohol-related problems associated with the area together with any anticipated alcohol-related problems. Whether the benefits to local residents and to the city outweigh the restrictions placed on other persons; information from the Police about the proposed dates and times and whether they support the Temporary Alcohol Ban Area.
20. The letter from the Okains Bay Reserve Management Committee indicates that there is full support from the local community and the Police have provided information as to the reasons for the ban and expressed their support for it.

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THE OBJECTIVES

21. To consider a proposal to introduce a Temporary Alcohol Ban Area in some of the public places under the control of the Council in the Okains Bay area.

THE OPTIONS

Option 1 – Do Nothing

22. Evidence from the Police indicates that a certain amount of disorder occurred during the New Year period in 2009/2010 and this is corroborated by the Okains Bay Reserve Management Committee. Both parties consider that while there is an option to do nothing this would not address the consumption of alcohol in public places nor avoid the congregation of young people at that time and in that area. To this end the “do nothing” option was rejected.

Option 2 – Permanent Alcohol Ban

23. Due to the timing of introducing a permanent ban in the area, which would require an amendment to the schedule of the bylaw, and undertaking a Special Consultative Procedure, this option was not preferred. There would be insufficient time for the Council to receive a report and undertake the required consultative procedure and establish the ban before the New Year.

THE PREFERRED OPTION

Option 3 – Introduce a Temporary Alcohol Ban

24. The Council may, by resolution, determine that a temporary alcohol ban can be applied on the evidence that a problem could exist during the period. This could come into effect by the due date.

This was **submitted** to the Council meeting on 30 September 2010 as a report from the Board Chairman.

PART B – REPORTS FOR INFORMATION

2. DEPUTATIONS BY APPOINTMENT

Nil

3. PRESENTATION OF PETITIONS

Nil.

4. NOTICES OF MOTION

Nil.

5. CORRESPONDENCE

5.1 AKAROA HERITAGE PARK TRUST

The Board considered a letter from the Akaroa Heritage Park Trust regarding the maintenance and the lease of the Park. Members were informed that a deputation from the Akaroa Heritage Park Trust would be attending a future meeting of the Board to discuss these issues.

The Board **decided** to receive the correspondence.

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6. BRIEFINGS

Nil

7. COMMUNITY BOARD ADVISER'S UPDATE

The Board **received** information from the Community Board Adviser on forthcoming Board related activities and projects.

- **Christopher Cape – Recording of Properties and Locations for Historical Purposes**

The Board **received** a letter from Mr Cape, and advice that Mr Cape had written to all of the Community Boards to seek support for his project. The Board agreed although the proposal has merit, it is more appropriate that the Council keep records for archiving purposes.

- **New Zealand Historic Places Trust – Proposal to Register Te Urupā o Kāti Mamoe ki Ōnuku, Akaroa as a Wāhi Tapu**

The Board **decided** to support in principle the proposal to register Te Urupā o Kāti Mamoe ki Ōnuku, Akaroa as a Wāhi Tapu and to ask the Museum Advisory Committee to consider the details of the proposal and provide any comments from members to the Board, to be taken into consideration when deciding whether to make a submission on this proposal.

- **Akaroa Places and Spaces Plan – Drop in Sessions**

The Board **agreed** that staff be asked to be precise when advertising public consultation sessions so that the public are aware of the purpose of the session.

- **Safety Related Projects on Banks Peninsula**

The Board **decided** to request staff identify safety related projects on Banks Peninsula, and that a seminar be held early in 2011 to enable the Board to have direct input into suggested projects that could be considered for funding.

8. ELECTED MEMBERS INFORMATION EXCHANGE

Specific mention was made of the following matters:

- **Health Centre – Health Advisory Group**

The Board discussed the possibility of the establishment of a Health Advisory Group. The Board **agreed** that this matter be held over for further discussing in the new Council term.

- **Spoil and Vegetation**

The Board was informed that contractors removing large quantities of spoil had to travel long distances to dump the spoil and it was questioned why landowners could not be given permission to allow the dumping of spoil on their land without having to obtain a resource consent from Canterbury Regional Council.

The Board was also informed that due to the Council fire ban in the rural areas, local Reserve Management Committees are unable to burn vegetation without a resource consent.

The Board **agreed** to request staff to write to Environment Canterbury to ask what options may be available for the dumping of spoil and the burning of vegetation in public reserves.

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- **Liquor Licensing Application**

The Board was informed that a liquor licence application has been received requesting the hours of operation being 7am to 2am the following day, and that at a recent seminar a recommendation had been received from the Akaroa Police that liquor licences only be granted to 1am.

The Board **agreed** that staff inform the District Licensing Agency that the Board supports the recommendation of the Akaroa Police that all liquor licensing applications' hours of operation cease at 1am.

9. QUESTIONS UNDER STANDING ORDERS

Nil.

PART C – DELEGATED DECISIONS

10. CONFIRMATION OF MINUTES

10.1 Ordinary Meeting – 11 August 2010

The Board **resolved** that the minutes of the ordinary meeting held on Wednesday 11 August 2010 be confirmed.

11. CONSIDERATION OF APPLICATIONS FOR NEIGHBOURHOOD WEEK FUNDING

The Board considered a report on applications for Neighbourhood Week funding and to set in place a process should any late applications need to be considered.

(a) The Board **resolved** to approve the allocation of Neighbourhood Week funding as follows:

Group	Activity	Amount Allocated
Little River Wairewa Community Trust	Breakfast	\$420
Evelyn Oliver	BBQ Luncheon – Ngaio Point, Duvauchelle	\$150
Akaroa Resource Centre Trust	Family Picnic Day	\$325
Top of the Harbour Group	"Ho Down" Country and Western Theme	\$408
Joanne Cameron	Community Garage Sale – Entire Community, Birdlings Flat	\$110
Robinsons Bay Reserve Management Committee	Picnic	\$200
McQueens Valley Mountain Bike Club	BBQ/Neighbourhood Clean Up	\$230
Elizabeth Carter	Neighbourhood BBQ	\$157

(b) The Board **resolved** to decline the allocations of Neighbourhood Week funding to the Akaroa District Promotions Incorporated for a community food and wine fest and to Sue Lovett for a finger food buffet tea for three new residents to the district.

12. APPLICATION TO AKAROA/WAIREWA DISCRETIONARY RESPONSE FUND – LITTLE AKALOA RESERVE MANAGEMENT COMMITTEE

The Board considered a report for funding from the Little Akaloa Reserve Management Committee of \$1,000 to the 2010/11 Akaroa/Wairewa Community Board Discretionary Response Fund.

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The Board **resolved** to grant \$500 from its 2010/11 Discretionary Response Fund to the Little Akaloa Reserve Management Committee towards a automated external defibrillator for use in Little Akaloa.

The Board **decided** to request staff to pursue the concept of purchasing defibrillators in bulk as other communities may wish to obtain one.

13. NEW ZEALAND COMMUNITY BOARDS' BEST PRACTICE AWARDS 2011

The Board considered a report seeking its views as to whether it wishes to submit any entries to the New Zealand Community Board Conference Best Practice Awards 2011.

The Board **resolved** not to submit an entry to the New Zealand Community Boards' Best Practice Awards 2011.

14. AKAROA RECREATION GROUND – AKAROA RESOURCE COLLECTIVE TRUST'S LEASE/LICENCE APPLICATION

The Board considered a report, under delegated authority from the Council, presenting an application from the Akaroa Resource Collective Trust (ARTC) to lease the area of the pavilion at the Akaroa Recreation Ground, formally occupied by the Akaroa Tennis Club, and to licence the adjacent netball court.

The Board **resolved** acting under delegated authority of the Council to grant under Section 12 of the Local Government Act 2002:

- (a) A lease over the section of the pavilion, formally leased to the Akaroa Tennis/Netball Club, which is of approximately 72 square metres this being part of Lot 2, DP 2868, Lot 1 DP 79110, and Section 2 Survey Office Plan 18642 contained in CT CB45A/1127 being vested in the Council for reclamation and public recreation known as the Akaroa Recreation Ground.
- (b) A licence over the adjacent netball court with the basketball hoop located beside it, this area being approximately 650 square metres in area.
- (c) The granting of the lease licence being for a period of up to 33 years, broken into three periods of 11 years each subject to the following conditions:
 - (i) That the proposed lease being publicly advertised as required under section 138 of the Local Government Act 2002.
 - (ii) That there is a satisfactory outcome to the public consultation process.
 - (iii) That the Akaroa Resource Collective Trust have the right to ask for a renewal of their lease for a further term at the end of each of the first two terms, subject to the Council being satisfied that the conditions of the lease have been met, and that there is sufficient need for the facilities and amenities provided, and that some other use should not have priority in the public interest.
 - (iv) That the lease/licence terms be negotiated by the Corporate Support Manager in consultation with the Policy and Leasing Administrator, City Environment Group. This to include the rental charged, the level of which is to take into account the level of service provided to the community by the Trust's activities, and the requirement that the Trust will be responsible for all maintenance of the building during the lease term.
 - (v) That the lease area is being maintained by the Akaroa Resource Collective Trust in a safe and tidy condition at all times.

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- (vi) That the Akaroa Resource Collective Trust is not to erect any other structures, or change the inside partitioning of the building within the lease/licence area without the prior approval of the Transport and Greenspace Manager, and if necessary the Council, before making application for any resource and building consents required.
- (vii) That all costs associated with the issuing of the lease and any development within the leased area be the responsibility of the Akaroa Resource Collective Trust. Subsequent maintenance of the internal and external fabric of the building during the lease period be the responsibility of both parties as mutually agreed.
- (viii) That the lease agreement is to include a clause which indemnifies the Council and its servants from all claims or demands of any kind, and all liability in respect to any damage or injury occurring to any person or property as a result of the Akaroa Resource Collective Trust activities on the site.
- (ix) That the Akaroa Resource Collective Trust is to show proof to the Policy and Leasing Administrator that it has a minimum \$1,000,000 public liability insurance policy in place for the lease/licenced area. This policy must be maintained in place for the duration of the lease period.
- (x) At the end of the lease period, or upon surrender or termination of the lease the building and the Akaroa Resource Collective Trust's fixed improvements to the building are to be returned to the ownership of the Council at no cost to the Council.
- (xi) If the lease is surrendered or terminated for any reason, then the licence agreement will be automatically surrendered or terminated at the same time.
- (xii) If during the period of this lease a new tennis or netball club becomes established in Akaroa, and the club wishing to have access to the courts and the associated pavilion for their activities the Trust is to work with the Council and in conjunction with the Akaroa/Wairewa Community Board to provide access to the pavilion for the Club, in a way that it does not compromise the Akaroa Resource Collective Trust's activities, or the security of the building.

The Board Chairperson thanked Jane Chetwynd and Eric Ryder for their input and contributions to the Board during the term, and declared the meeting closed at 12.20pm.

DATE THIS TH DAY OF 2010.

**SIGNED BY THE CHAIRMAN OF THE BOARD AND THE
COMMUNITY BOARD ADVISER PURSUANT TO STANDING ORDER 3.18.2**

**STEWART MILLER
CHAIRMAN**

**LIZ CARTER
COMMUNITY BOARD ADVISER**