



Te Kaunihera-ā-Rohe o Ngāmotu

NEW PLYMOUTH DISTRICT COUNCIL

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## MEETING AGENDA

# CLIFTON COMMUNITY BOARD

**Wednesday 26 March 2014  
at 2.00pm**

**Urenui Community Centre**

Chairperson:	Mr	Ken	Bedford
Members:	Mr	John	Hill
	Mrs	Judith	Ransom
	Mrs	Elaine	Selby
	Cr	Craig	McFarlane

**CLIFTON COMMUNITY BOARD**  
**WEDNESDAY 26 MARCH 2014**

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*Community Boards*

**Role of community boards (s52 Local Government Act 2002)**

- a) represent, and act as an advocate for, the interests of its community; and
- b) consider and report on matters referred by the council and other matters of interest
- c) maintain an overview of services provided by the council within the community; and
- d) prepare an annual submission to the council for expenditure within the community;
- e) communicate with community organisations and special interest groups within the community; and
- f) undertake any other responsibilities that are delegated to it by the territorial authority.

**Addressing the community board**

Members of the public have an opportunity to address a community board during the public forum section or as a deputation.

*A public forum section* of up to 30 minutes precedes all community board meetings. Each speaker during the public forum section of a meeting may speak for up to 10 minutes. In the case of a group a maximum of 20 minutes will be allowed.

A request to make a *deputation* should be made to the secretariat within two working days before the meeting. The chairperson will decide whether your deputation is accepted. The chairperson may approve a shorter notice period. No more than four members of a deputation may address a meeting. A limit of 10 minutes is placed on a speaker making a presentation. In the case of a group a maximum of 20 minutes will be allowed.

**Definitions in reports**

The reports contained in this agenda address the requirements of the Local Government Act 2002 in relation to decision making. For the purpose of clarity, the following definitions apply:

*Significance assessment* refers to the degree of importance in terms of its likely impact on the current and future well-being of the district, as articulated by the seven Community Outcomes (Connected, Prosperous, Secure and Healthy, Skilled, Sustainable, Together and Vibrant); the persons likely to be affected by, or interested in, the matter, and the extent to which strength of feeling exists or is known to exist on the issue; changes or potential changes to the levels of services currently offered to the community and therefore the current and future capacity of the council to perform its roles, and the financial and other costs of doing so.

*Views of those affected* refers to those persons, including tangata whenua, who are likely to be affected by, or have an interest in, the issue. A description of the affected parties, a description of the processes, methods and levels of consultation used to identify their views, along with a summary of those views will provide a means of presenting the community viewpoint on the issue. Where the views of those affected have not yet been sought, the future means of seeking those views will be set out.

*Tangata whenua considerations* refers to those matters that the local authority must assess in relation to its undertaking of decisions. Where an option for the achievement of the objective of a decision involves a significant matter in relation to land or bodies of water, the local authority must take into account the relationship of Maori, and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna and other taonga.

**APOLOGIES**

None advised.

**PUBLIC FORUM**

Onaero Residents Association

**DEPUTATIONS**

None advised.

**A ITEMS FOR DECISION BY CLIFTON COMMUNITY BOARD**

**A1 UNCONFIRMED MINUTES OF CLIFTON COMMUNITY BOARD**

*Recommendation:*

That the minutes of the Clifton Community Board meeting held on 12 February 2014 be confirmed as a true and accurate record.

**A2 MEMBERS ACTIVITY REPORT FOR KEN BEDFORD**

This report advises of the community board activities of Ken Bedford in the period to 7 March 2014.

**A3 MEMBERS ACTIVITY REPORT FOR JUDITH RANSOM**

This report advises of the community board activities of Judith Ransom in the period to 17 March 2014

**B ITEMS FOR RECOMMENDATION TO COUNCIL**

**B1 PROPOSED CLOSURE DATE FOR COLSON ROAD LANDFILL**

The purpose of this report is to provide an update on the predicted remaining life of Colson Road regional landfill and the intention to notify South Taranaki District Council of the closure date as required by the Regional Waste Services Management Agreement between New Plymouth District Council, Stratford District Council and South Taranaki District Council.

**B2 LOCAL APPROVED PRODUCTS (PSYCHOACTIVE SUBSTANCES) POLICY**

The Psychoactive Substances Act 2013 (the Act) received royal assent in July 2013. The purpose of the Act is to regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise the harm to individuals who use psychoactive substances. Within the Act Territorial

authorities were empowered to develop a Local Approved Products Policy (LAPP) to regulate where the approved products may be sold.

This purpose of this report is to propose an LAPP to cover both the New Plymouth and the Stratford Districts. Stratford District Council resolved on 25 February to release the draft policy for consultation.

**B3 HOUSING FOR THE ELDERLY – CONSULTATION ON THE FUTURE OF THE HOUSING PORTFOLIO**

The purpose of the report is to present information about the nature of the housing for elderly portfolio and service that can support the Council to decide on a preferred policy option for consultation.

**B4 DRAFT LOCAL ALCOHOL POLICY - CONSULTATION**

The purpose of this report is to present background information that describes the nature of the alcohol environment in the New Plymouth District, and the basis for the proposed draft Local Alcohol Policy.

The report proposes that the draft Local Alcohol Policy be released for consultation.

The report has been prepared in co-operation with the Stratford District Council, with important evidential data supplied by the Taranaki District Health Board and the Police. The background information has been used to help Council understand and prioritise alcohol related issues that may be addressed within a Local Alcohol Policy (LAP).

**B5 NEW PLYMOUTH DISTRICT PLAN: PLAN CHANGE PLC14/00042 - FINANCIAL CONTRIBUTIONS FOR NEW AREAS OF OPEN SPACE IN GROWTH AREAS**

The purpose of this report is to recommend that Plan Change PLC14/00042 Financial Contributions for New Areas of New Open Space is publicly notified for submissions. The Plan Change seeks to introduce Financial Contribution provisions to ensure that the costs of providing reserves for open space are appropriately apportioned to the new growth areas that generate the demand for this space.

**MINUTES OF CLIFTON COMMUNITY BOARD**

<b>FILE REFERENCE:</b>	DP-14-02 DM1531723
<b>MEETING DATE:</b>	Wednesday 12 February 2014 at 2.00pm.
<b>VENUE:</b>	Urenui Community Centre
<b>MEMBERS PRESENT:</b>	Ken Bedford (Chairperson), John Hill, Elaine Selby and Cr Craig McFarlane
<b>APOLOGIES:</b>	Judy Ransom
<b>STAFF IN ATTENDANCE:</b>	Jan Higley, Julie Straka, Jayne Beer, Mark Hall, Steve Bowden, Warren Dalgleish
<b>NON-MEMBERS PRESENT:</b>	Mayor Andrew Judd, Crs Colin Johnston, Grant Coward and John McLeod

Deputy Mayor Heather Dodunski advised her unavailability to attend prior to the meeting

**PART A****MATTERS FINALLY DETERMINED BY THE CLIFTON COMMUNITY BOARD UNDER DELEGATED AUTHORITY AND REFERRED TO THE COUNCIL FOR INFORMATION AND RECORD****1. Confirmation of Minutes**

**FILE REFERENCE:** DP-14-02 DM 1491077

Resolved:

That the minutes of the Clifton Community Board meeting held on 13 November 2014 were confirmed as a true and accurate record.

**2. Code of Conduct – Community Boards**

**FILE REFERENCE:** DM 1517678

The purpose of this report is to provide community boards with the option of adopting a Code of Conduct based on the New Plymouth District Council Elected Members Code of Conduct.

Resolved:

That having considered all matters raised in the report the Clifton Community Board adopts the draft code of conduct attached to this report.

**3. Members Activity Report – Ken Bedford**

**FILE REFERENCE:** **DP-09-05, DM1516832**

The purpose of this report is to provide an update of the Clifton Community Board activities of Ken Bedford in the period to 31 January 2014.

Resolved:

That having considered all matters raised in the report, that the report be received.

**ITEM A1****ITEM FOR DECISION****4. Members Activity Report – John Hill****FILE REFERENCE: DP-09-05, DM1518416**

The purpose of this report is to provide an update of the Clifton Community Board activities of John Hill in the period to 31 January 2014.

Resolved:

That having considered all matters raised in the report, the matters raised considering the Clifton Community Board road trip be received.

Democracy Advisor's note:

The matters relating to the Long Term Plan were not received by the Clifton Community Board.

**PART B****ITEMS FOR FINAL DETERMINATION BY THE COUNCIL****5. Customer and Regulatory Services Report – Quarter 2 (October – December 2013/2014)****FILE REFERENCE: DM 1516080**

This report presents data for the second quarter of 2013/2014 from Customer Support and the following regulatory areas: land use and subdivision consents and monitoring, building control, environmental health, animal control, parking, liquor and food licensing and control and bylaw enforcement.

Resolved:

That having considered all matters raised in the report the Council note the information provided.

**6. Activity Report – Environmental Strategy and Policy****FILE REFERENCE: DM 1517437 PP-05-05.v01**

This report provides an update of the Environmental Strategy and Policy work programme.

Resolved:

That having considered all matters raised in the report this report be received for information.

**7. District Licensing Committee Administration Policy****FILE REFERENCE: DM1500820**

The purpose of this report is to present the District Licensing Committee Administration Policy.

Resolved:

That having considered all matters raised in the report the District Licensing Committee Administration Policy (Appendix A) is adopted.

8. **Commercial Trading in Public Places Policy and Events in Parks and Reserves Policy**

**FILE REFERENCE:** DM 1483329

The purpose of this report is to adopt two new policies, one concerning the use of public space including parks and reserves and road reserves for commercial trading, and the second for events on parks and reserves.

Resolved:

That having considered all matters raised in the report:

1. The Commercial Trading in Public Places Policy (Appendix One) be adopted.
2. The Events on Parks and Reserves Policy (Appendix Two) be adopted.
3. The fees structure at Appendix Three be adopted.
4. The events (2.3.8) and commercial use (2.3.2) sections of the General Policies for Council Administered Reserves (2006) be revoked.
5. Policy P05-014 Organised and Commercial Activity on the Coastal Walkway be revoked.

9. **Parking Prohibitions, Restrictions, Bus Stops and Traffic Control Measures**

**FILE REFERENCE:** RT 12 08 05; DM 1517731

The purpose of this report is to recommend the creation of parking prohibitions, restrictions, bus stops and traffic control measures at various locations throughout the New Plymouth District.

Resolved:

That having considered all matters raised in the report, and pursuant to the New Plymouth District Council Consolidated Bylaws 2008 Part 13: Traffic, the following parking prohibitions and restrictions in New Plymouth District be imposed or revoked as appropriate:

**NEW PLYMOUTH**

*St Aubyn Street (SH44)*

1. Revoke the existing P30 minute parking bay on the north side of St Aubyn Street from 108.5 – 114.5m measured in an easterly direction from the prolongation of the west kerb of Lawry Street.
2. Create a bus stop on the north side of St Aubyn Street from 90.8 – 114.5m measured in an easterly direction from the prolongation of the west kerb of Lawry Street.

*Dawson Street*

3. Revoke the existing “Police Vehicles Only” parking on the east side of Dawson Street from 22 – 34.2m and 40.7 – 45.5m measured in a northerly direction from the prolongation of the north kerb of St Aubyn Street.

**ITEM A1****ITEM FOR DECISION**

4. Restrict parking to a maximum of 60 minutes on the east side of Dawson Street from 22 – 34.2m and 40.7 – 45.5m measured in a northerly direction from the prolongation of the north kerb of St Aubyn Street.

*Courtenay Street*

5. Create the following on the north side of Courtenay Street measured in an easterly direction from the prolongation of the east kerb of Eliot Street:
  - i) 185 – 197.7m P15 minute parking
  - ii) 197.7 – 223.5m Parking Prohibition
6. Revoke the existing P15 minute parking (2 bays) on the north side of Courtenay Street (SH3) from 211.7 – 223.5m measured in an easterly direction from the prolongation of the east kerb of Eliot Street.

*Devon Street West*

7. Prohibit parking on the south side of Devon Street West from 0 – 71.5m measured in a westerly direction from the prolongation of the west kerb of Robe Street.

*Calvert Road*

8. Prohibit parking on the east side of Calvert Road from 46.6 – 64.1m measured in a northerly direction from the prolongation of the north kerb of Devon Street West (SH45).

*Fulford Street*

9. Restrict parking on the south side of Fulford Street to “P120 minute, 8am – 6pm, Mon – Fri” from 58.1 – 70.1m measured in a westerly direction from the prolongation of the west kerb of Dawson Street.

*Beach Street*

10. Revoke existing P30 minute parking on the west side of Beach Street and replace with P60 minute parking from 7.7 – 14.7m and 30.5 – 39.0m measured in a northerly direction from the prolongation of the north kerb of Devon Street East.
11. Revoke existing P30 minute parking on the east side of Beach Street and replace with P120 minute parking from 25.5 – 31.0m measured in a northerly direction from the prolongation of the north kerb of Devon Street East.

*Devon Street East*

12. Revoke existing P30 minute parking and replace with P60 minute parking on the south side of Devon Street East measured in an easterly direction from the prolongation of the east kerb of Paynters Avenue from:
  - i) 46.6 – 54.0m: P60 parking
  - ii) 67.9 – 73.5m: P60 parking
  - iii) 84.5 – 92.6m: P60 parking



*Lemon Street*

13. Revoke the existing “P120 minute, 8am – 6pm, Mon – Fri” parking on the north side of Lemon Street from 65.3 – 74.3m measured in an easterly direction from the prolongation of the east kerb of Eliot Street.

*Gover Street*

14. Prohibit parking on the west side of Gover Street from 0 – 18m measured in a northerly direction from the prolongation from the north kerb of Gilbert Street.
15. Prohibit parking on the west side of Gover Street from 0 – 17m measured in a southerly direction from the prolongation of the south kerb of Gilbert Street.
16. Prohibit parking on the east side of Gover Street from 0 - 14m measured in a northerly direction from the prolongation of the north kerb of Gilbert Street.
17. Prohibit parking on the east side of Gover Street from 0 – 15m measured in a southerly direction from the prolongation of the south kerb of Gilbert Street.

*Gilbert Street*

18. Prohibit parking on the north side of Gilbert Street from 0 – 10m measured in a westerly direction from the prolongation of west kerb of Gover Street.
19. Prohibit parking on the north side of Gilbert Street from 0 – 8.4m measured in an easterly direction from the prolongation of the east kerb of Gover Street.
20. Prohibit parking on the south side of Gilbert Street from 0 – 6m measured in an easterly direction from the prolongation of the east kerb of Gover Street.
21. Prohibit parking on the south side of Gilbert Street from 0 – 7m measured in a westerly direction from the prolongation of the west kerb of Gover Street.

*Powderham Street*

22. Create the following parking prohibitions/restrictions on the south side of Powderham Street measured in a westerly direction from the prolongation of the west kerb of Robe Street:
  - i) 0 – 36.8m: No Stopping
  - ii) 36.8 – 68.5m: P30 minute parking (4 parallel bays)
  - iii) 81.2 – 89.2m: Mobility Parking bay (“Pay at Machine”)
  - iv) 89.2 – 101.5m: No Stopping

*Parsons Street*

23. Prohibit parking on the south side of Parsons Street from 29.4 – 51.8m measured in an easterly direction from the prolongation of the east kerb of Glenpark Avenue.
24. Prohibit parking on the south side of Parsons Street from 0 – 22m measured in a westerly direction from the prolongation of the west kerb of Carrington Street.

*Ridge Lane*

25. Prohibit parking on the west side of Ridge Lane from 56.5 – 121m measured in a northerly direction from the prolongation of the north kerb of Rogan Street.

**ITEM A1****ITEM FOR DECISION**

26. Prohibit parking on the east side of Ridge Lane from 56 – 73m measured in a northerly direction from the prolongation of the north kerb of Rogan Street.

*Marama Crescent*

27. Create a Give Way control on Marama Crescent at its intersection with Paritutu Road.

*Azalea Place*

28. Prohibit parking on the south side of Azalea Place from 0 – 53m measured in a westerly direction from the prolongation of the west kerb of Brooklands Road.

*Gill Street*

29. Revoke the existing parking prohibition on the south side of Gill Street from 113.1 – 118.8m measured in an easterly direction from the prolongation of the east kerb of Liardet Street.
30. Revoke the existing “Pay by Space” bay and replace with a “P5 Loading Zone – Goods Vehicles Only” restricted parking bay on the south side of Gill Street from 107.1 – 118.8m measured in an easterly direction from the prolongation of the east kerb of Liardet Street.

*BELL BLOCK**Nugent Street*

31. Prohibit parking on the east side of Nugent Street from 30.2 – 85m measured in a southerly direction from the prolongation of the south kerb of Kingsford Street.
32. Prohibit parking on the west side of Nugent Street from 41.2 – 87.6m measured in a southerly direction from the prolongation of the south kerb of Warkworth Grove.

*Murray Street*

33. Prohibit parking on the south side of Murray Street from 62.5 – 102.5m measured in a westerly direction from the prolongation of the west kerb of Wynyard Street.
34. Prohibit parking on the north side of Murray Street from 62.5 – 103.7m measured in a westerly direction from the prolongation of the west kerb of Wynyard Street.

*Paraite Road*

35. Prohibit parking on the west side of Paraite Road from 49 – 73m measured in a northerly direction from the prolongation of the north kerb of Connett Road West.
36. Prohibit parking on the west side of Paraite Road from 130 – 218.7m measured in a southerly direction from the prolongation of the south kerb of De Havilland Drive West.

*URENUI**Ngakoti Street*

37. Prohibit parking on the west side of Ngakoti Street from 35 – 48.3m measured in a southerly direction from the prolongation of the south kerb of Nikorima Street (SH3).

10. **Quarterly Report on Council Energy Management & Greenhouse Gas Reduction Programme - 1 October to 31 December 2013**

**FILE REFERENCE:** CM 10 05 04 v03, DM 1504851

The purpose of this report is to table the Energy Management Services Team report on savings made across the spectrum of Council operations in respect of electricity, gas, and fuel consumption and consequential reduction in green house carbon emissions through an in-house Energy Management Programme first initiated in 2006. The report covers the quarterly period 1 October – 31 December 2013.

*Resolved:*

That having considered all matters raised in the report it is noted that:

- a) Since 2006, an Energy Management Policy Programme has been in place with the objective of optimising efficient energy use in order to reduce its impact on the environment; eliminate waste and reduce expenditure for the benefit (both current and future) of the community and ratepayers.
- b) The Energy Management Programme is a continuous improvement programme including monitoring, tracking and reviewing results/targets using quarterly reporting.
- c) The Energy Management Programme is a combination of behavioural change and alterations to existing infrastructure.
- d) The Energy Programme covers the spectrum of energy resources that includes electricity, natural gas and liquid fuels (petrol and diesel) used in buildings; pumping of water (both potable and waste); treatment of wastewater; and vehicle fleet running.
- e) Since inception of the Energy Management Programme actual savings of greater than \$1.1m, and savings against “Business as Usual” of greater than \$1.8m have been made in expenditure.

- f) The Energy Management Report for the quarterly period 1 October to 31 December 2013 is attached as Appendix A.
- g) Unless directed otherwise, further quarterly reports will be provided.

11. **Performance Report – 1 July to 31 December 2013**

**FILE REFERENCE:** PP-05-05, DM 1510739

The purpose of this report is to advise of the Council's performance against the objectives in the Long-Term Plan 2012-2022 for the first half of the 2013/14 financial year (1 July 2013 to 31 December 2013).

Resolved:

That having considered all matters raised in the report, that the report on the performance against objectives for the period ending 31 December 2013 be received.

12. **Proposed Ground Only Lease for the Former Scout Hall at Yandle Park**

**FILE REFERENCE:** ID 1333, CM-08-20; DM: 1494008v.2

The purpose of this report is to request that the Council approve a new ground only lease to Te Runanga o Ngati Mutunga for the area of the old Scout Hall at Yandle Park.

Resolved:

That having considered all matters raised in the report:

- Subject to public notice, a 21 year lease with a 12 year right of renewal to Te Runanga o Ngati Mutunga for part of Yandle Park (see Appendix One), at a rental of \$1 per annum if demanded, be approved. The lease site is the former Scout Hall and associated car park at Section 114 & 115 Town of Urenui, granted pursuant to section 73(3) of the Reserves Act.
- It is noted that if no submissions are received opposing the lease, officers will proceed with processing the lease. If objections are received, a new report will be presented to the Council.
- It is noted that the Council is empowered through a delegation from the Minister of Conservation to approve leases under section 73(3) of the Reserves Act 1977.

13. **Solid Waste Kerbside Collection Contract Renewal**

**FILE REFERENCE:** WW-06-07-04; DM 1490575

The purpose of this report is to seek approval from the Council for Council officers to enter into contract negotiations with the preferred tenderer for the renewal the kerbside collection contract commencing October 2015.

Resolved:

That having considered all matters raised in the report and noting that tenders have been received for the renewal of the solid waste kerbside collection contract with effect from 1 October 2015:

- a) The inconsistency with the LTP forecast from 2015/16 onward is noted, along with the reasons for these inconsistencies as required by the section 80 of the Local Government Act.
- b) Council officers be authorised to enter into contract negotiations with the preferred tenderer and the Chief Executive be authorised to approve and execute the final contract agreement.
- c) Subject to successful tender negotiations, approval is given to adopt Option C of the solid waste kerbside collection contract, being the weekly collection of rubbish bags, fortnightly collection of 240L bin for mixed recyclables and fortnightly collection of a crate for glass (on alternating weeks).
- d) The opt-in greenwaste collection is not provided as part of the kerbside service.
- e) The purpose of the Solid Waste Development Fund (part of Council resolution of 1 November 1993) be revoked.
- f) The new purpose of the Solid Waste Development Fund be approved as follows:
- To receive, hold and disburse monies primarily for capital, renewal and emergency maintenance works associated with the District's solid waste systems including landfills and transfer stations. Also to disburse monies to smooth the financial impacts of operational costs arising from service level changes. This may include expenditure on feasibility studies, design, land purchase, physical works and any other aspects of the overall project.*
- g) It is noted that the Solid Waste Development Fund will be used to fund the purchase of the bins required for the new service and that \$1.5m from the fund will be used to fund a portion of operating costs in 2015/16 and 2016/17 in order to smooth the impact on rates of the new collection system.

The meeting closed at 2.40pm.



**MEMBERS ACTIVITY REPORT FOR KEN BEDFORD**

**PREPARED BY:** Ken Bedford  
**WARD/COMMUNITY:** Clifton Community Board  
**DATE:** 7 March 2014  
**FILE REFERENCE:** DP-14-03, DM1532995

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**SUMMARY/OBJECTIVE**

This report advises of the community board activities of Ken Bedford in the period to 7 March 2014.

**RECOMMENDATION**

**That having considered all matters raised in the report, the report be received.**

**ACTIVITIES****Yellow Bristle Grass**

I have received several comments from farmers over the rapid spread of this grass throughout the district. All of the farmers have requested a better liaison between the Council and Farmers over the Council's spraying and mowing programme. A case was quoted where the Bristle grass was sprayed one day and then the berm mowed the following day.

**Tree Trimming**

Residents at No 2 Motukari Place Onaero took it upon themselves to virtually remove a tree on the berm outside their residence. Neighbours are very upset as to the visual impact this now has on an otherwise tidy street.

**Snapper Flat**

Again residents are concerned at the lack of action on river erosion plus the removal of the safety fence in this area.

**Road Speed Signs**

The local Lions Club are endeavouring to have illuminated speed signs, showing the vehicle's speed, place at both entrances to Urenui Township. I understand, payment of these signs will be the responsibility of the local Lions Club. Land Transport has approved these signs and if provided will install and maintain free of charge.

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## ITEM A2

## ITEM FOR DECISION

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### **Urenui Walkway**

There appeared to be some confusion over the length of the concrete path from the swing bridge to the roadway. At the same time there had been no consultation with the Urenui Golf Club as the walkway was being placed on their land. After consultation with all parties, agreement has now been reached for an amended length of the walkway, plus the placement of a plaque acknowledging the contribution from TET. In hindsight, it is a pity that this community board has not seen any plans of the walkway, nor been included in any of the recent discussions with the Golf Club.

### **Tongaporutu Resident Meeting**

During February, Parks and members of the Clifton Community Board met with residents from the Tongaporutu area to discuss ideas for future development of the area. This was a well attended meeting with plenty of good ideas being suggested.

### **Onaero Residents Association**

A meeting of the Onaero Residents Association was attended by John Hill and myself together with Council representatives. This was to discuss the erosion report undertaken by Tokin Taylor. A further meeting is being called to formulate a submission to the Annual Plan for a resource consent to be obtained for the construction of a low abutment as suggested in the report.



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**MEMBERS ACTIVITY REPORT FOR JUDITH RANSOM**

**PREPARED BY:** Judith Ransom  
**WARD/COMMUNITY:** Clifton Community Board  
**DATE:** 17 March 2014  
**FILE REFERENCE:** DP-14-03, DM1532998

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**SUMMARY/OBJECTIVE**

This report advises of the community board activities of Judith Ransom in the period to 17 March 2014.

**RECOMMENDATION**

**That having considered all matters raised in the report, the report be received.**

**ACTIVITIES**

1. Request from Resident on Princess Street Waitara to shift 50k sign from his driveway and other road issues in the area - referred him to John Hill.
2. Rubbish on Kaipikari Rd / Wilson Rd corner still happening despite our advice in the newsletter.
3. Checked out new pathway being constructed from swing bridge - caught offenders "tagging" it.
4. Chaired Domain meeting.



**PROPOSED CLOSURE DATE FOR COLSON ROAD LANDFILL**

PREPARED BY: Kimberley Hope (Manager Compliance)  
TEAM: Water and Wastes  
APPROVED BY: Mark Hall (Manager Water and Wastes)  
WARD/COMMUNITY: District-wide  
DATE: 14 March 2014  
FILE REFERENCE: DM1531663

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**PURPOSE**

The purpose of this report is to provide an update on the predicted remaining life of Colson Road regional landfill and the intention to notify South Taranaki District Council of the closure date as required by the Regional Waste Services Management Agreement between New Plymouth District Council, Stratford District Council and South Taranaki District Council.

**EXECUTIVE SUMMARY**

The remaining life of the Colson Road landfill is calculated every six months. The latest survey undertaken in November 2013 indicates an estimated closure date of 30 June 2019, based upon current compaction rates.

Under the Regional Waste Services Management Agreement, Council is required to give notice to Stratford and South Taranaki District Councils of the estimated closure date for Colson Road landfill and will provide sufficient time for South Taranaki District Council to develop the Central landfill in order to accept waste following the closure of Colson Road landfill.

**RECOMMENDATION**

**That having considered all matters raised in the report, it is noted that:**

- a) **The estimated closure of Colson Road regional landfill is 30 June 2019.**
- b) **Through the Regional Waste Services Management Agreement, NPDC has an agreement with South Taranaki District and Stratford District Council to take waste to the central landfill following the closure of Colson Road Regional Landfill.**
- c) **Council officers will notify South Taranaki District Council of the estimated landfill closure date as required by the Regional Waste Services Management Agreement in order for South Taranaki District Council to have sufficient time to develop the central landfill to accept the region's waste following closure of Colson Road regional landfill.**

# ITEM B1

## ITEM FOR RECOMMENDATION

### SIGNIFICANCE ASSESSMENT

In terms of the Council's Significance Policy this matter is of:

Low significance       Medium significance       High significance

This matter has been assessed as low significance because the report is provided to the Council for information in order to outline the method for determining the remaining life in the landfill, including the assumptions and risks related to predicting the appropriate timing for landfill closure.

Notifying Stratford District Council (SDC) and South Taranaki District Council (STDC) of the remaining life at the Colson Road regional landfill and expected closure date is a contractual requirement of the Regional Waste Services Management Agreement under clause 6.1.5. This agreement was developed through the Solid Waste Working Party and signed in 2008.

### BACKGROUND

#### Council's Solid Waste System

The Council's solid waste system incorporates three distinct parts:

1. A kerbside collection of residual waste and recyclables.
2. Transfer stations for public drop off of waste.
3. A landfill for final disposal of residual waste.

The three parts must be planned together if the Council solid waste activity is to successfully and sustainably achieve the stated levels of service. The kerbside collection contract has been tendered and the recommendations reported to the Council on 18 March 2014. The resource recovery facility (part two of these three parts) was the subject of a report to the Council in June 2013. The construction of this facility was approved by the Council and Council officers are currently developing the contract with Envirowaste Services Limited as the preferred proposer, with design and construction of the first stage of this facility to be completed by October 2015.

This report concerns part three of these three parts, and relates to the life of Colson Road regional landfill and the use of the central landfill following its closure.

#### Colson Road Regional Landfill

The Colson Road landfill began operating in 1975 accepting waste from the New Plymouth district in conjunction with a number of other small landfills. Over the following two decades stages 1 and 2 of the landfill were filled. In the late 1990s planning for a third stage began, and following the granting of consents and a site designation, Stage 3 was constructed and began to accept waste in May 2002. Stage 3 was designed as a Class A landfill, with appropriate lining and leachate control incorporated into the design. Stage 3 continues to accept waste with a total design capacity of 800,000 tonnes according to the original design.

### Regional Waste Services Management Agreement

Following a report to the Council on 27 August 2001, investigations into Taranaki shared services for solid waste disposal was approved and the Regional Solid Waste Disposal Working Party was established in 2003 to investigate landfill options. This working party has since become the Taranaki Solid Waste Management Committee.

Through the investigations of the working party it was recommended that Colson Road landfill become the regional landfill for Taranaki and the central landfill be consented as the future regional landfill. In 2007 the Colson Road landfill was consented as a regional landfill and began accepting waste from Stratford and South Taranaki districts in 2007/08. It is now the only landfill operating in the Taranaki region.

As part of this process the Regional Waste Services Management Agreement was developed to formalise the agreement for the disposal of refuse for the Taranaki region. The goals of the agreement are for all councils to:

1. *Meet the requirements of their respective Long Term Council Community Plans;*
2. *Obtain the most cost effective long term option for disposal of refuse;*
3. *Obtain the most cost effective solution for the provision of solid waste services while retaining the right to set their own levels of service;*
4. *Meet the objectives of the Regional Waste Strategy and their respective District Waste Management Plans.*

The agreement was signed in 2008, and outlines the responsibilities of each council in relation to the Colson Road landfill, central landfill, and regional waste services (i.e. the kerbside collection contract). Under this agreement, NPDC will become a customer of STDC using the central landfill, reflecting a reciprocal of the current arrangement where STDC is a customer of NPDC and uses Colson Road landfill.

Clause 6.1.5 of the Regional Waste Services Management Agreement requires NPDC to:

*“...regularly and at least once every twelve months inform STDC and SDC in writing as to the estimated remaining capacity and estimated closure date of the Colson Road landfill to enable STDC and SDC to be fully aware of the remaining capacity and likely closure date of the Colson Road landfill”.*

Based on the assessment of space available and estimated closure date, and in accordance with the regional agreement, Council officers will provide notice of the intended closure date to SDC and STDC. This will enable sufficient time to design and construct the central landfill prior to the closure of Colson Road landfill.

# ITEM B1

## ITEM FOR RECOMMENDATION

### DISCUSSION

#### Remaining Landfill Life

The Colson Road landfill has a fixed amount of airspace. The level of waste compaction that can be achieved when filling the airspace determines how many tonnes can be disposed of. Surveys of the landfill are undertaken every six months to monitor the total air space consumed and determine the level of compaction being achieved. This provides data on which to determine how much space is left and the length of time it will take to fill the landfill.

The level of compaction since the stage 3 landfill has been operating has been variable and in the early years, one tonne of waste took up 1.5m<sup>3</sup> of air space. Based on this a landfill capacity of 800,000 tonnes was determined. With the introduction of a compactor to the site with the commencement of the current landfill operations contract in 2009, compaction improved significantly and now on average 1 tonne of waste takes up 1m<sup>3</sup> of air space. This has resulted in an increase in capacity to approximately 1,000,000 tonnes. This has extended the life of the landfill from an expected closure in 2014-16 to 2019.

The most recent survey was completed on 12 November 2013. Table 1 and 2 present the remaining capacity of the landfill in both air space and tonnage respectively. Based on this survey a further 409,000 tonnes is available as long as the current level of compaction continues to be achieved.

Table 1 Total air space available in Colson Road landfill as at 12 November 2013

Total landfill capacity	(m <sup>3</sup> )	1,150,000
Air space used	(m <sup>3</sup> )	741,000
Air space available	(m <sup>3</sup> )	409,000

Table 2 Total tonnage available in Colson Road landfill as at 12 November 2013

Total landfill capacity	(tonnes)	1,029,000
Tonnage used	(tonnes)	620,000
Tonnage available	(tonnes)	409,000

The actual closure date is determined based on predicted annual tonnes of waste disposed to landfill and allows for an annual growth of 1% in waste.

With an annual increase of 1% in waste volumes the landfill has capacity to accept waste up to about December 2019.

### OPTIONS

Council officers will provide SDC and STDC with notification of the estimated remaining capacity of 409,000 tonnes (as at 12 November 2013) in accordance with Clause 6.1.5 of the Regional Waste Services Management Agreement along with an estimated closure date. To allow for some variation in quantities and a contingency, an estimated closure date of 30 June 2019 is appropriate.

**IMPLICATIONS ASSESSMENT****Local Government Purpose**

The matter comes within the scope of the Council's lawful powers, including satisfying the purpose statement in section 10 of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities for good quality (i.e. efficient, effective and appropriate to present and anticipated future circumstances):

Local Infrastructure       Local public services       Performance of regulatory function

The monitoring of remaining landfill capacity and intention to inform SDC and STDC of the estimated closure date is considered to promote management of solid waste infrastructure effectively and efficiently.

**Community Outcomes**

This matter contributes to the following community outcomes:

Connected       Skilled       Prosperous       Secure and Healthy  
 Together       Vibrant       Sustainable

Community outcomes are the outcomes that the Council aims to achieve in meeting the current and future needs of communities for good-quality local infrastructure, local public services and performance of regulatory functions.

The consideration of community outcomes under section 77(1)(b)(ii) of the Local Government Act 2002 are addressed through appropriate planning for the long term solid waste facilities. The ongoing monitoring of landfill life to inform future landfill options contributes to these community outcomes.

**LTP / Annual Plan**

Is this matter currently budgeted for?       Yes       No

The landfill surveys are included in the operational solid waste budget.

**Consistency with Policy and Plans**

The matter is consistent with the Council's plans and policies, including the Waste Management and Minimisation Plan.

**Legal**

This report is in respect of the implementation, under delegated authority, of decisions that have already been made in the Regional Waste Services Management Agreement.

**Tangata Whenua Maori**

This report is in respect of the implementation, under delegated authority, of decisions that have already been made by the Council. Any considerations specific to tangata whenua were considered in the approval of those agreements.

**Community Views and Preferences**

This report is in respect of the implementation, under delegated authority, of decisions that have already been made by the Council. The views of those affected were considered in the approval of those agreements.

**Risk Analysis**

The key purpose to estimating landfill life is to provide sufficient time for STDC to construct the central landfill prior to the closure of Colson Road landfill. Landfill life is affected by both the compaction achieved at the landfill and the estimated tonnages disposed.

Although we have some control over landfill compaction, we have less control over the amount of waste generated in the district. If this was to increase significantly this could reduce further the remaining life of the landfill.

Annual waste volumes have generally varied by  $\pm 1\%$  in recent years, but have ranged between  $-1\%$  and  $4\%$  since 2008. An annual increase of  $1\%$  is considered a reasonable estimate for the growth in waste tonnages, taking into account the effectiveness of waste minimisation initiatives being implemented.

To assess the impact of a variation to the waste tonnages a sensitivity analysis has been undertaken. This shows that if waste generation increased at  $4\%$  per year then the landfill will fill up one year earlier, i.e. by June 2018.



## LOCAL APPROVED PRODUCTS (PSYCHOACTIVE SUBSTANCES) POLICY

PREPARED BY: Louise Tester (Senior Policy Advisor)  
TEAM: Corporate Strategy and Policy  
APPROVED BY: Simon Pickford (Manager Executive Services)  
WARD/COMMUNITY: District Wide  
DATE: Thursday 16 January 2014  
FILE REFERENCE: DM1513142

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### PURPOSE

The Psychoactive Substances Act 2013 (the Act) received royal assent in July 2013. The purpose of the Act is to regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise the harm to individuals who use psychoactive substances. Within the Act Territorial authorities were empowered to develop a Local Approved Products Policy (LAPP) to regulate where the approved products may be sold.

This purpose of this report is to propose an LAPP to cover both the New Plymouth and the Stratford Districts. Stratford District Council resolved on 25 February to release the draft policy for consultation.

### EXECUTIVE SUMMARY

The proposed policy would restrict the sale of approved psychoactive substances within the combined area of the New Plymouth District and the Stratford District to the central business district of New Plymouth, as included in the Business A Environment Area under the New Plymouth District Plan, provided that no premises where these products are sold is within:

- 100m of any other premises selling these products, and
- 50m of any kindergarten, early childhood centre, school, education facility, youth centre, reserve or playground (sensitive sites).

### RECOMMENDATION

**That having considered all matters raised in the report:**

- In accordance with section 68 of the Psychoactive Substances Act 2013, the Draft Local Approved Products Policy (Appendix A) be approved for consultation.**
- In accordance with section 69 of the Psychoactive Substances Act 2013 the Statement of Proposal (Appendix B) be released for consultation.**

**ITEM B2****ITEM FOR RECOMMENDATION**

- c) **That the consideration of submissions received on the draft policy be heard by a Joint Hearing Committee comprised of no less than three (3) and no more than five (5) representatives from each of the New Plymouth and Stratford District Councils.**
- d) **The Mayor appoints the New Plymouth District Council members of the Joint Local Approved Products Hearings Committee.**

**SIGNIFICANCE ASSESSMENT**

In terms of the Council's Significance Policy this matter is of:

Low significance       Medium significance       High significance

This matter has been assessed as medium significance because the proposed policy seeks to mitigate community concerns to the extent permissible under the Act.

**BACKGROUND**

Psychoactive products have been sold in New Zealand for 10 years. Before now the market was unregulated with the sale of psychoactive substances allowed if they were not on statutory lists. In this time the types of psychoactive substances have at least doubled each year, and there has been increasing concern about the black market risks.

Internationally the number of substances, the speed of their development, and global marketing that is difficult to control, has made prohibition increasingly unrealistic. Other approaches have come to be seen as more realistic options, including licensing regimes, and various combinations of civil and criminal based legislation. Large policy development documents issued by the UK Drug Policy Commission (Reuter 2011) and the British Columbia Health Officers Council (2011) provide an overview of the issues. These documents discuss the issues in depth and both support a move to harm minimisation rather than prohibition.

In New Zealand, the use of psychoactive substances is high, reflecting the relative isolation from the global trade in hard drugs such as cocaine and heroin. The prominence of problems with BZP party pills saw the introduction of a new schedule into the Misuse of Drugs Act 1975. This made it illegal to sell restricted substances to persons under 18, to supply free promotional products and to advertise in print and broadcast media.

BZP was the first substance to be regulated under this change in the legislation and in 2008 the legal trade in either BZP or TFMPP (another type of "party pill") was banned. The introduction of other new (and unregulated) substances followed the ban. The legislation at the time required harm to be proven before a substance could be restricted. This approach enabled the introduction of other new and unregulated substances to replace those that had been banned. As the risk profile of many of the new substances was unknown, the government was in favour of changing the approach to one of requiring manufacturers to establish the safety of their product before it was allowed to be sold rather than waiting to prove harm through a series of fatalities and adverse reactions.

Psychoactive Substances Act 2013

In July 2013 the Psychoactive Substances Bill was passed, regulating the importation, manufacture, sale and supply of psychoactive substances. The Act has a harm minimisation approach.

The Act sets up a Psychoactive Substances Regulatory Authority (the Authority), within the Ministry of Health, to license premises that are permitted to sell the 'approved products'. The Act does not permit products to be sold from the following:

- dairies, convenience stores and supermarkets;
- service stations;
- bars and bottle stores;
- premises that are not fixed structures (e.g. tents or marquees);
- vehicles or conveyances (e.g. mobile street carts); and
- any other place or premises as maybe specified in regulations.

Approved products may only be sold to persons aged 18 years and over. Monitoring and enforcement of the Act is undertaken by the Police and the Ministry of Health.

During the select committee stage of the bill, the government proposed that an authority be given for territorial authorities to develop local approved product policies (LAPPs). The policies, similar to local alcohol policies, class 4 gaming machine policies, and the Prostitution Reform Act 2003, are able to specify those areas of a district where the sale of approved products is permissible. They can also ensure that outlets are a minimum distance away from various types of community facilities, such as schools and other community facilities.

An LAPP is not enforceable in itself, in the same manner as with gambling venue policies or Local Alcohol Policies. However the Authority's draft regulations (released February 2014) have proposed that an application to establish a retail premise must demonstrate its compliance with a territorial local authority's LAPP.

Retailers currently only hold interim licences to sell approved products. Full licences will be granted in 2015 following the government's approval of regulations in late 2014. The Act does not specify the type of conditions that may be placed on a licence. The Authority has broad discretionary powers to set a range of licence conditions. There is no ability, however, for a LAPP to contain conditions for licences.

Since the Act came into effect 170 premises have been granted interim licences to sell approved products. Prior to the Act there were 3000 – 4000 premises selling the products. 47 products were granted preliminary approval; however a subsequent proof of harm has resulted in the products being withdrawn from sale. In the first six months of the Act, Police has laid 39 charges (including the two reported in the New Plymouth district, and one in South Taranaki).

## ITEM B2

## ITEM FOR RECOMMENDATION

Hamilton City Council was the first authority to adopt an LAPP (March 2014). At the point of adoption, six of the premises selling the psychoactive products were issued with a 21 day suspension whilst the Authority thoroughly investigated the implications of the location restrictions on the existing premises. After the 21 day investigation period the Authority will make determinations about compliance of the premises with the Council's policy and may lift the licence suspensions or cancel licences. What this means for TLA's across New Zealand is that the impact of a policy will have immediate effect.

### DISCUSSION

An LAPP is limited to specifying those areas of a district in which products approved by the Authority may be sold. Those areas cannot be so restrictive as to constitute a *de facto* ban on sale. The provision of section 67(2) relating to joint policies does, however, allow for two or more districts to be considered as one for the purposes of the Act. The proposed policy is a policy developed by the Stratford and New Plymouth District Councils.

A LAPP is required to be reviewed, using the special consultation provisions, at least every five years.

#### Content of a LAPP

The LAPP is limited to specifying locations where products may or may not be sold. The policy must not have the effect of prohibition. This would be *ultra vires* to the intent of the Act. In terms of its location considerations, the LAPP (section 68 of the Act) may include:

- spatial variations within a district (existing licensing environment, population characteristics, nature and severity of psychoactive substance issues); and
- urban (e.g. central city, city fringe, town centres, rural towns, neighbourhoods, suburbs) and rural parts, high risk / high stress areas, and
- proximity considerations (to certain types of premises or facilities).

#### Statutory Authority

The Act governs the sale of psychoactive substances in New Zealand. Sections 66 to 69 grant territorial authorities the power to create local approved products policies governing where retailers can sell substances within their areas.

#### ***“66 Territorial authority may have local approved products policy***

- (1) *Any territorial authority may have a policy relating to the sale of approved products within its district.*
- (2) *A local approved products policy may—*
  - (a) *provide differently for different parts of its district; and*
  - (b) *apply to only part (or 2 or more parts) of its district; and*
  - (c) *apply differently to premises for which licences of different kinds are held or have been applied for.*
- (3) *No territorial authority is required to have a local approved products policy.*

**67 Territorial authorities may adopt joint local approved products policy**

- (1) *Two or more territorial authorities may adopt a single local approved products policy for their districts.*
- (2) *If subsection (1) applies, the 2 or more territorial authorities are to be treated in respect of the local approved products policy as if they were a single territorial authority with a single district.*

**68 Content of local approved products policy**

*A local approved products policy may include policies on one or more of the following matters:*

- a) the location of premises from which approved products may be sold by reference to broad areas within the district;*
- b) the location from which approved products may be sold by reference to proximity to other premises from which approved products are sold within the district; and*
- c) the location of premises from which approved products may be sold by reference to proximity to premises or facilities of a particular kind or kinds within the district (for example, kindergartens, early childhood centres, schools, places of worship, or other community facilities).*

**69 Adoption and review of local approved products policy**

- (1) A territorial authority that wishes to have a local approved products policy must adopt the policy in accordance with the special consultative procedure in section 83 of the Local Government Act 2002.*
- (2) A local approved products policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement.*
- (3) A territorial authority must, as soon as practicable after adopting or amending a local approved products policy, provide a copy of the policy to the Authority.*
- (4) A territorial authority must complete a review of a local approved products policy within 5 years after the policy is adopted and then at intervals of not more than 5 years.*
- (5) A local approved products policy does not cease to have effect because it is due for review or is being reviewed.”*

In terms of community facilities, these can potentially include a wide range of facilities (libraries, museums, halls, and club houses on reserves, recreational facilities, theatres, health or mental health facilities). There is a potential to have buffer zones, but councils must be careful not to effectively prohibit the supply of the products.

**State of sale of psychoactive products**

Currently the New Plymouth District has five retailers (four of whom are currently trading) who hold interim licences to sell approved psychoactive products. These retailers are all located within the central business area of New Plymouth. There is no information available concerning the extent of these businesses in terms of either turnover or customer base.

**ITEM B2****ITEM FOR RECOMMENDATION**

The Stratford District had one retailer of psychoactive products but that retailer has ceased trading them due to the prohibition under the Act in regard to dairies and convenience stores.

In terms of the Act the highest profile available psychoactive substances are synthetic cannabinoids designed to be used in a similar fashion to cannabis. However a range of party pills and various “synthetic highs” are also available for purchase.

Community effects

Communities throughout New Zealand have made their opposition to any sale of psychoactive substances very clearly known. In both the New Plymouth and Stratford Districts this took the form of a very visible and widely attended protest action in 2013 outside particular dairies which at that stage were selling the products.

There is almost no solid quantitative data available in New Zealand concerning the effects of synthetic cannabinoids, in particular, on the wider community and even very little on the direct health effects of any of these substances. There has been a growing weight of anecdotal evidence, however, which has spilled over into community based protests concerning the sale of these products. There remains, however, little evidence to inform policy development.

The Taranaki Medical Officer of Health has provided a report which provides data on the number of admissions / referrals made to the Base Hospital since 2011 (attached to the report). Data from the Taranaki District Health Board Drug and Alcohol Service show that between 1 October 2012 and 31 January 2014 there were 102 adult referrals for people with problems caused by synthetic cannabis. Synthetic cannabis referrals steadily increased from October 2012 and peaked in June 2013. After this there was an initial decline which coincided with the enactment of the Psychoactive Substances Act 2013. However referrals in January 2014 have increased once again. The referrals currently account for 8% of referrals to the Drug and Alcohol Service.

As reported in the local media the Police have laid charges against 3 people in Taranaki in relation to a contravention of the Act.

A large number of research papers have been published over the last decade showing correlations between the increasing incidence of both community and health effects with the increased location and density of alcohol, gambling and fast food outlets, both within New Zealand and internationally. Similar evidence relating to the effects from the sale of psychoactive substances is not yet available, but the proof of harm is growing.

In part because of this, the government has given the ability for local policies to be developed to restrict the locations from where psychoactive products may be sold. Whilst there is no ability to restrict either the number of premises, except by way of a density control, or the premises hours of operation, it must be presumed that the Act assumes a correlation between location in some undefined sensitive area and community problems concerning the sale of psychoactive substances. It is for this reason that councils have been given a local authority to determine this matter.



**OPTIONS**

There are three main options available to the council:

- 1) No policy
- 2) District Plan Restrictions
- 3) Policy restrictions.

1) No policy

No Council policy acknowledges the Ministry of Health as the primary regulators of the legislation. This option would fail to address the identified risks associated with the sale and supply of psychoactive substances and would fail to meet the purpose of the Act, which is to regulate the availability of psychoactive substances to protect health and minimise harm. The absence of a policy would allow premises to seek a licence across residential and business areas of the district.

2) Location restrictions aligned with RMA permitted activities.

Given the solely retail nature of premises dealing psychoactive substances it is appropriate that such premises be limited to areas where typically retail premises would be found. As the Act precludes co-location with dairies and convenience stores (as found in residential areas), any restriction would be most appropriately formed around business zoning.

The New Plymouth District Plan (NPDP) allows an activity to be located anywhere provided that it meets the effects-based rules of the Plan. As those effects are environmental in nature, the NPDP will not restrict the location of premises selling psychoactive substances in any way. This may differ should a situation arise where premises also catered for the consumption of approved substances in a manner similar to premises licensed for the sale and consumption of alcohol (through the generation of noise, traffic considerations and other environmental effects).

As an alternative, it is possible to link an LAPP spatial requirement to the Business Environment Area as shown on the NPDP planning maps. The potential risk, however, remains that this would allow the location of premises in areas which are very close to residential areas, schools etc. This would particularly be the case in satellite business areas within New Plymouth.

The Stratford District Plan (SDP) has an activity based rule regime which does not include retail premises in any areas as a permitted activity except in the Business Zone. There are, however, in a similar manner to the NPDP, such areas which are in close proximity to residential areas, schools etc.

It is therefore unlikely that merely linking to a permitted activity status or business zoning in the district plan would mitigate the risks assumed under the Act.

**ITEM B2****ITEM FOR RECOMMENDATION**3) Policy Restrictions3a) Policy location restrictions – Business Areas

Central business district (CBD) areas are depicted in both district plans by way of either the Business A Environment Area, on the NPDP planning maps, or the Retail Only Area, on the SDP planning maps. In the New Plymouth District the Business A Environment Area incorporates the CBDs for New Plymouth, Waitara and Inglewood. In the Stratford District the Retail Only Area incorporates only the CBD for Stratford.

There is a synergy between these specifically zoned retail areas and the Act in regard to community effects. These retail areas have an amenity type and level typically associated with high density retail development which precludes the practical location of sensitive activities such as education centres and residential development. They are generally regarded as being appropriate for a range of activities, including night clubs, taverns and bars which, in terms of the age restrictions under the Act at least, are commensurate with the sale of psychoactive substances.

There is a further alternative within this option in regard to the inclusion or not of Waitara, Oakura, Bell Block and Inglewood. In terms of community views it is probable that these areas would not be seen as being appropriate for the sale of psychoactive substances. The communities are relatively small and have limited existing facilities in terms of the sale of alcohol or similar activities. The central retail areas are restricted in size and within close proximity to residential areas and other sensitive land uses.

3b) Policy location restrictions – New Plymouth Business Area A

Section 67 of the Act allows the entire New Plymouth and Stratford districts to be treated as one district for the purposes of the Act. As the Stratford District currently does not have any premises dealing with psychoactive substances and the Stratford CBD area is only 350m by 270m and surrounded by reserves and residential land, it would be appropriate to consider Stratford in the same manner as the smaller business areas in the New Plymouth District.

Given that the stated purpose of the Act is to minimise harm primarily by regulating availability, it would be appropriate to limit the availability to being within the central retail area of the largest centre, New Plymouth. This both reduces the relative visibility of any premises and reduces the effective footprint of the industry within the community. Restricting the premises to the centre of New Plymouth can support monitoring because of the defined restricted location, the presence of CCTV cameras, and the general presence of people in the area.

3c) Proximity restrictions – other similar premises

The Act allows for density restrictions in so far as the policy can place limitations on the distance between certain kinds of premises. Given the Act purpose it is preferred that a proximity limit is placed between premises selling psychoactive substances.



Any distance chosen is, in a sense, arbitrary as there is no data available to guide the decision. If it is accepted that some restriction is necessary to achieve the Act purpose then the distance should allow a reasonable limit on the number of premises without being able to effectively ban them. A distance of 100m has been promoted in other territorial authority areas considering such policies and appears to be a reasonable compromise in terms of allowing premises and meeting the need to minimise harm.

### 3d) Proximity restrictions – sensitive sites

The Act allows for proximity restrictions between premises and undefined “*premises or activities of a particular kind or kinds*”. Section 68 then lists particular examples including, but not restricted to “*kindergartens, early childhood centres, schools, places of worship, or other community facilities*”. Section 5(2) of the Interpretation Act 1999 therefore limits the proximity restrictions to being in regard to similar community facilities and this is in accordance with concerns raised when the matter was considered by the Select Committee.

It is considered that the list of uses includes reserves and playgrounds in addition to kindergartens, early childhood centres and schools. In addition youth centres are also community facilities which are particularly directed towards persons under the age of 18 years. Each of these types of facilities requires a government certification or approval (through the Ministry of Health, the Ministry of Education or the Ministry of Social Development) or are facilities operated by the territorial authority as community facilities and are therefore clearly regulated and identified.

Any distance chosen will compound with the density provision to further limit the availability of sites. If a distance of 100m is used then, in New Plymouth this would restrict premises to being located in the north-western sector of the CBD. None of the existing premises are in this area and none would comply with the policy. The lack of CCTV coverage and general nature of this area mean that this approach would not be appropriate. By adopting a 50m buffer in this area then the majority of existing premises would comply and there would be options available within the central part of the CBD.

A 50m buffer in the smaller commercial areas of Waitara, Inglewood, Bello Block, Oakura and Stratford is not considered appropriate due to the close proximity of residential areas. This lesser buffer distance is meaningless in terms of protecting from harm in such locations, being approximately the combined width of three typical urban properties. A 100m buffer distance effectively discounts those smaller commercial areas from having any premises. This reinforces the recommended policy approach that Waitara, Inglewood and Stratford are too small in terms of its urban environment to support retailers of psychoactive substances in these locations.

Maps showing the CBD areas of New Plymouth, Waitara, Inglewood, Bell Block, Oakura and Stratford are contained within the Statement of Proposal and show the relationship of these areas to potentially sensitive activities both within and adjacent to those areas.

**ITEM B2****ITEM FOR RECOMMENDATION****Summary of Option Assessment**

<b>Option Number</b>	<b>Option</b>	<b>Costs</b>	<b>Benefits</b>
1	No Policy	<p>Fails to avoid potential conflict with sensitive uses.</p> <p>Fails to meet the purpose of the Act.</p>	<p>No identified benefit to community.</p> <p>Would allow the otherwise unrestricted access of products by those persons wishing to purchase them.</p>
2	Restrict to District Plan Business Zone	Fails to avoid potential conflict with sensitive uses.	No additional regulation.
3a	Restrict to CBD areas	Proximity of Waitara and Inglewood, Bell Block and Oakura CBDs to residential areas and other sensitive uses may create conflict.	<p>Clear and concise policy.</p> <p>Would allow the sale of products to those persons who wish to purchase them in Waitara Inglewood, Bell Block, Oakura, Okato and Stratford.</p>
3b	Restrict to New Plymouth CBD	Concentrates the premises to New Plymouth	Proximity of Stratford CBD to reserves and residential areas may create conflict.
3c	Restrict density of premises	<p>If less restrictive it would be unlikely to meet the purpose of the Act.</p> <p>If more restrictive it would be likely to effectively prohibit the sale of product.</p>	<p>Meets the purpose of the Act in minimising harm through restricting location.</p> <p>Still allows access to products by those persons wishing to purchase them.</p>
3d	Restrict proximity to sensitive sites	<p>If less restrictive it would be unlikely to meet the purpose of the Act.</p> <p>If more restrictive it would be likely to effectively prohibit the sale of product.</p>	<p>Meets the purpose of the Act in minimising harm through restricting location.</p> <p>Still allows access to products by those persons wishing to purchase them.</p>

**Preferred Options**

Based on an assessment of the options, the recommendation (for the New Plymouth and Stratford districts, for the purpose of the policy treated as one district) is option 3 (and its sub parts) as follows:

- ✓ 3b - Psychoactive substances may be sold in the area shown as Business A Environment Area in the New Plymouth Central Business District.
- ✓ 3c - Within that broad area no premises selling psychoactive substances may be within a distance of less than 100m from any other premises selling psychoactive substances.
- ✓ 3d - No premises selling psychoactive substances may be within a distance of less than 50m from any kindergarten, early childhood centre, school, education facility, youth centre, reserve or playground.

These options allow for the continuation of the majority of current retailers of psychoactive substances (should they meet the criteria set by the Authority to obtain a full licence) whilst ensuring that any new retailers also operate in locations which minimise the potential harm to sensitive communities.

The proposed options are identified as the most cost effective for the community. A restriction of the sale of psychoactive products can support a reduction in consumption which is likely to have a positive cost benefit on health services. The location restrictions will limit the number of sites that may be able to operate in the CBD, and make policing and allow for an effective use of police resources (premises will be located within CCTV monitored area, and within a small area). Once the policy is developed there is no on-going resource implication for the Council, but considerable social benefits are likely to be realised on behalf of the community.

## IMPLICATIONS ASSESSMENT

### Local Government Purpose

The matter comes within the scope of the Council's lawful powers, including satisfying the purpose statement in section 10 of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities for good quality (i.e. efficient, effective and appropriate to present and anticipated future circumstances):

Local Infrastructure       Local public services       Performance of regulatory function

The proposed policy would allow Council to fulfil its regulatory function as provided for under the Act. The proposal fully meets the purpose and requirements of the Act in regard to such policies.

As discussed under 'Options' above, the matter will be delivered in the way that is most cost-effective for households and businesses.

### Community Outcomes

This matter contributes to the following community outcomes:

Connected       Skilled       Prosperous       Secure and Healthy  
 Together       Vibrant       Sustainable

Community outcomes are the outcomes that the Council aims to achieve in meeting the current and future needs of communities for good-quality local infrastructure, local public services and performance of regulatory functions.

The consideration of community outcomes under section 77(1)(b)(ii) of the Local Government Act 2002 is addressed under 'Options' in this report.

**ITEM B2****ITEM FOR RECOMMENDATION****LTP / Annual Plan**

Is this matter currently budgeted for?

Yes

No

The development of the policy falls within the Corporate Strategy and Policy budget. There is no on-going operational costs. Based on the cooperation with the Stratford District Council, the estimated cost associated with the development of the policy has been \$5,000, for 100 hours of work.

**Consistency with Policy and Plans**

There are no associated Council policy or plans.

**Legal**

The Council has the authority to develop a policy under section 66 of the Act. The content of the policy is within the parameters set out in section 68 of the Act.

**Tangata Whenua Maori**

There is no evidence or data to support a statement that this issue is more or less relevant to tangata whenua Maori.

**Community Views and Preferences**

The opposition to the sale of psychoactive substances is clearly known. The community at large will be interested in the proposed policy. The Police and Taranaki Health Board have each signalled their interest in this matter, and whilst the policy itself cannot mitigate the harms caused by these substances, restrictions on location can potentially manage effects through limited access in communities. The proposed location restrictions will be of interest to the New Plymouth CBD businesses.

Consultation on the proposed policy will be undertaken with the existing psychoactive substance retailers, the New Plymouth Business Community, Community Boards, Komiti Maori, the New Plymouth Police, the Medical Officer of Health, and the wider community of the New Plymouth district.

**Risk Analysis**

The proposed policy carries little or no identified risk to Council and is tightly constrained by the Act in terms of scope.

The risk in not adopting a policy is that psychoactive substances premises shall be permitted to establish across the districts, posing a risk to communities.

**ADDITIONAL INFORMATION**

Report of the Medical Officer of Health

**APPENDICES**

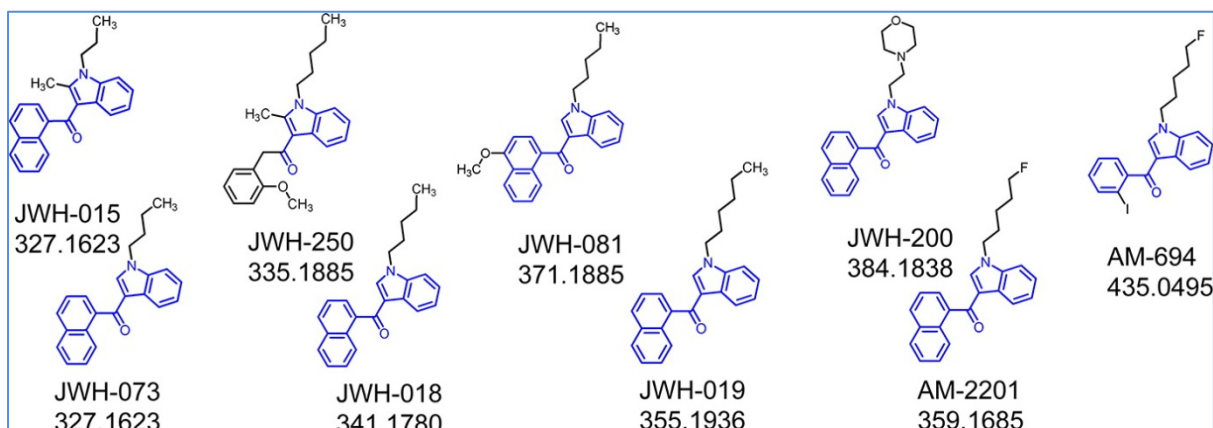
A - Draft Local Approved Products Policy

B - Statement of Proposal.

## Medical Officer of Health Report

# “The Nature and Severity of Psychoactive Substances-Related Health Problems Arising in the District”

Information supplied to the New Plymouth District Council to assist with the drafting of a Local Approved Products Policy pursuant to the Psychoactive Substances Act 2013



Dr Jonathan Jarman

Taranaki District Health Board

7 February 2014

## Nature and Severity of Psychoactive Substances-Related Health Problems arising in the District – Medical Officer of Health Report

### Key Points

1. The purpose of this report is to provide information on psychoactive substances-related health problems for the New Plymouth District Council so that the council can make informed decisions under the Psychoactive Substances Act 2013 about protecting the health and minimising harm to individuals who use psychoactive substances.
2. Synthetic cannabinoid products are a mix of dried herbs and spices that have been sprayed with a synthetic cannabinoid chemical which is similar to the active ingredient in marijuana.
3. Prior to the passing of the Psychoactive Substances Act 2013 these synthetic cannabinoid products were actively marketed to adolescents and young adults as safe and legal alternatives to marijuana and were readily available at local retail outlets such as corner dairies.
4. While the many of the effects of smoking synthetic cannabinoid containing products are similar to smoking marijuana, the adverse effects displayed by users of these artificial substances are different from those found in cannabis users.
5. Reported side effects included tachycardia (high heart rate), vomiting, agitation, drowsiness, psychosis, hallucinations, anxiety, headache, seizures and tremors. More recently an increase in more serious adverse effects have been reported particularly altered level of consciousness, agitation, confusion, paranoia, violent behaviour, seizures and acute kidney injuries.
6. At present almost nothing is known about the pharmacology, toxicology and safety profile of the 100 or so chemicals known to have cannabinoid receptor activity.
7. The majority of people referred to the Taranaki DHB Drug and Alcohol Service between 1 October 2012 and 31 January 2014 had problems caused by alcohol (774 people) or “organic” cannabis (301 people). However during this time 102 people were referred to the service with problems caused by synthetic cannabis.
8. Prior to the passing of the Psychoactive Substances Act 2013 in July 2013 there was a steadily increasing number of people being referred to the Drug and Alcohol Service in Taranaki because of problems caused by the use of synthetic cannabis products. This number significantly reduced in the months following the enactment of the legislation however the number of referrals appear to have started to increase again.
9. The main people at risk are young males.

**Recommendations for a Local Approved Products Policy in the New Plymouth District:**

- 1. Ideally all forms of synthetic cannabinoid products should be prohibited - however this option is not available for territorial authorities under the Psychoactive Substances Act 2103.**

In theory restricting the number of premises selling psychoactive substances as occurred through the enactment of the Psychoactive Substances Act 2013 should have reduced the level of harm. However this does not seem to have worked judging by the recent referrals to the Taranaki DHB drug and alcohol service.

- 2. Locate premises which sell psychoactive substances in places where there is a strong police presence and where there are crime preventions measures in place such as closed circuit TV**

Synthetic cannabinoid substances have the potential to cause severe health problems and can be associated with criminal activities. Therefore it is recommended that premises which sell these products should be well away from suburban family areas and well away from sensitive sites such as schools. They should be located in places where there is a strong police presence and there are crime prevention activities such as closed circuit television.

- 3. Consider other strategies separate to a Local Approved Products Policy**

Unfortunately Local Approved Products Policies are unlikely to make a big difference to the amount of harm caused by psychoactive substances. There are also other options separate to the Psychoactive Substances Act 2013 which could be considered if there was strong public feeling about the continuation of the sale of these psychoactive substances.

For example it is difficult to understand how products that are supposed to have “no more than a low risk of harm to individuals who use it” can continue to be a problem in Taranaki with 12 referrals to the Drug and Alcohol Service in January 2014. The Psychoactive Substances Regulatory Authority can withdraw a product from the market if adverse effects, including reports of addiction, are confirmed. A joint interagency campaign in partnership with the community to encourage reporting of harms following the use of synthetic cannabinoid products could be considered in Taranaki.



**Purpose**

The purpose of this report is to provide information on psychoactive substances-related health problems for the New Plymouth District Council so that the council can make informed decisions under the Psychoactive Substances Act 2013 about protecting the health and minimising harm to individuals who use psychoactive substances.

**Background**

Synthetic cannabinoid products have been available in Europe since at least 2006<sup>1</sup> and have been legally available in New Zealand for several years. These products are a mix of dried herbs and spices that have been sprayed with a synthetic cannabinoid chemical which is similar to the active ingredient in marijuana. Prior to the passing of the Psychoactive Substances Act 2013 these synthetic cannabinoid products were actively marketed to adolescents and young adults as safe and legal alternatives to marijuana and were readily available at local retail outlets such as corner dairies.

Following public and health professional concern the Government passed the Psychoactive Substances Act 2013 which was enacted on 18 July 2013. The purpose of the Act is “to regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals who use psychoactive substances”.

Since the Psychoactive Substances Act came into force the number of retail outlets selling psychoactive products has reduced from an estimated three to four thousand unregulated sellers to less than 170 licensed premises nationwide, a reduction of around 95 percent. From an estimated 200 products on the market prior to legislation the number of products available has reduced by over 75 percent to less than 50 products. The sale of psychoactive products is prohibited from dairies, convenience and grocery stores, supermarkets, service stations and liquor outlets while the sale of psychoactive products to people under 18 years of age is prohibited and no-one under 18 years of age is permitted to purchase or possess psychoactive products<sup>2</sup>.

In the future, only products assessed by the Psychoactive Substances Regulatory Authority as posing “no more than a low risk of harm to individuals who use it” will be available for sale in New Zealand. The Authority is currently operating an interim regime while the Psychoactive Substances Regulations are developed<sup>2</sup>.

The Act allows territorial authorities to develop a local approved products policy (LAPP) but does not require them to do so. A local approved products policy (LAPP) is a set of decisions made by a territorial authority in consultation with its community about the location of premises from which approved psychoactive substances may be sold within the district.

<sup>1</sup> European Monitoring Centre for Drugs and Drug Addiction. Thematic paper - Understanding the ‘Spice’ phenomenon. Luxembourg: Office for Official Publications of the European Communities, 2009.

<sup>2</sup> Ministry of Health. Quick facts about the Psychoactive Substances Act. Available: <http://www.health.govt.nz/our-work/regulation-health-and-disability-system/psychoactive-substances/quick-facts-about-psychoactive-substances-act> Accessed 6.2.14.



Through local approved products policies, communities will be able to develop policies on one or more of the following matters:

- a) the location of premises from which approved products may be sold by reference to broad areas within the district
- b) the location from which approved products may be sold by reference to proximity to other premises from which approved products are sold within the district
- c) the location of premises from which approved products may be sold by reference to proximity to premises or facilities of a particular kind or kinds within the district (for example, kindergartens, early childhood centres, schools, places of worship, or other community facilities).

The Act does not allow a territorial authority to have a LAPP that bans or prohibits the sale of psychoactive products within the district.

Four interim licenses have been granted in the New Plymouth district by the Authority – see Map 1. These licence holders will have the opportunity to apply for full licenses once regulations have been developed by the Authority.

### What are Psychoactive Substances?

Psychoactive substances which are the active ingredients in party pills, energy pills and herbal highs are defined by the Act as a “substance, mixture, preparation, article, device or thing that is capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance” [s9 Act].

The focus of this public health advisory is on **synthetic cannabinoids** – a large family of unrelated chemicals that mimic the actions of tetrahydrocannabinol (THC) - the active ingredient of cannabis.

"Spice" was the earliest in a series of synthetic cannabinoids sold in many Western countries. Since then a number of other similar products have been developed for sale such as "Kronic", "Northern Lights", "K2", "Zeus", "Puff", "Tai High", "Aroma" and "Magic Dragon"<sup>3</sup>. These types of products only came to the public attention in October 2010<sup>4</sup>.

### The Adverse Health Effects of Synthetic Cannabinoids

Synthetic cannabinoids are structurally different from THC (the active component of cannabis) but are designed to act in similar ways to affect the cannabinoid system in the brain.

<sup>3</sup> New Zealand Drug Foundation. Synthetic cannabis – what are they? Available: <http://www.drugfoundation.org.nz/synthetic-cannabinoids/what-they-are> Accessed 6.2.14.

<sup>4</sup> Schep L. Synthetic Cannabinoids. Presentation given in Timaru on 21 May 2013. Available: <http://www.timaru.govt.nz/news-in-your-council/688-synthetic-cannabinoids-community-presentations.html>

**ITEM B2****ITEM FOR RECOMMENDATION**

While the many of the effects of smoking synthetic cannabinoid containing products are similar to smoking marijuana, the adverse effects displayed by users of these artificial substances are different from those found in cannabis users. At present almost nothing is known about the pharmacology, toxicology and safety profile of the 100 or so chemicals known to have cannabinoid receptor activity<sup>1</sup>.

A review of the literature published since 2011 was carried out by the Ministry of Health as part of the safety assessment of psychoactive substances<sup>5</sup>. The most important findings of this review were that:

- despite media reported high levels of use in some populations, there is a paucity of reports and research in the medical literature;
- there is a common set of adverse reactions reported across the range of psychoactive substances which may be attributable to all of the synthetic cannabinoids;
- symptoms including: tachycardia (high heart rate), agitation, vomiting, sweating, hypertension, fainting, hypotension, confusion, cramp, rhabdomyolysis (muscle damage), and breathlessness have been reported;
- while several of the adverse reactions reported for synthetic cannabinoids are similar to those reported for cannabis, the prevalence of some adverse events appear to be increased for synthetic products;
- some adverse events appear only to occur with the synthetics;
- the underlying cause of the some of the severe adverse events of concern, specifically seizures and acute tubular necrosis, remain undetermined;
- due to the unregulated nature of the market, and in absence of quality testing systems, most published research has not been able to determine whether these adverse events are secondary to toxicity of the molecule, contamination of the active ingredient with other unidentified substances, or poor manufacturing methods leading to delivery of uncontrolled doses.

There was a significant increase in the number of patients attending emergency departments and medical centres following the smoking of these drugs in the two years prior to the passing of the Psychoactive Substances Act 2013. The National Poisons Centre for example had more calls in 2012 about synthetic cannabinoids than any other single drug of abuse category<sup>6</sup>. The most commonly reported symptoms following exposure to these artificial cannabinoid chemicals were in rank order:

- tachycardia (high heart rate)
- vomiting
- agitation

<sup>5</sup> Ministry of Health. Safety Assessment of Psychoactive Products, 01/10/2013. Available: <http://www.health.govt.nz/our-work/regulation-health-and-disability-system/psychoactive-substances/how-authority-assessing-interim-products>.

<sup>6</sup> Schep L. Synthetic cannabinoids: the lows that follow legal highs. NZ Doctor 20 November 2013. Available: <http://www.nzdoctor.co.nz/in-print/2013/november-2013/20-november-2013/synthetic-cannabinoids-the-lows-that-follow-legal-highs.aspx>

- drowsiness
- psychosis
- hallucinations
- anxiety
- headache
- seizures
- tremors

Dr Leo Schep from the National Poisons Centre has described synthetic cannabinoids as a large number of artificially created chemicals which:

- Are not marijuana
- Act on the brain like marijuana
- Are more toxic than marijuana with different effects
- People use them because (a) they are easy to get, (b) you can buy them from “someone you trust”, (c) they are not illegal, and (d) they are cheaper and stronger than marijuana<sup>4</sup>.

Studies have shown those most likely to use these drugs tend to be young males between the ages of 18 and 24 years<sup>6</sup>.

An audit of admissions to an open (unlocked) adult inpatient psychiatric unit in Dunedin at the start of 2013 found that 13% of all admissions were associated with the use of synthetic cannabinoid products. Symptoms included disorganized speech and behavior, hallucinations, thought blocking, paranoid delusions and thoughts about suicide. The patients were younger than other patients admitted for drug and alcohol dependence and most symptoms resolved within one week<sup>7</sup>.

While deaths have been linked to the use of synthetic cannabinoid products in overseas countries, no deaths have been confirmed in New Zealand.

Serious cases of illness following the use of synthetic cannabinoid products have also been reported in the news media in Taranaki:

*A Taranaki teenager was left fighting for his life in hospital after a suspected overdose on synthetic cannabis. Logan Wilson, 19, was put in an induced coma in ICU at Taranaki Base Hospital, with heart and kidney failure, on Wednesday after he had smoked a product called Kryptonite. Doctors did not know if the teenager would survive.*

*However, yesterday Logan was showing signs of recovery but remained in ICU and was expected to spend a few more days in hospital...*

<sup>7</sup> Glue P et al. 2013. Hospitalisation associated with use of the synthetic cannabinoid K2. New Zealand Medical Journal 126 (1377), 18-23

*His mother, Kerry Robinson, said the drama began on Tuesday night when Logan started asking strange questions such as: "What day is it?" "Then 10 minutes later he would ask the same question again, he just kept repeating the same questions over and over again," Ms Robinson said.*

*Worried about her son, Ms Robinson rang Healthline and was told to call an ambulance and get him to hospital immediately. Doctors checked Logan and sent him home but his condition worsened overnight and he was taken back to hospital.*

*"I tried to wake him at 6.30am and he was [having seizures], unconscious and had been vomiting all through his bed.*

*"It was quite frightening," Ms Robinson said. "He kept [having seizures], he didn't stop so they put him in an induced coma." Logan's kidneys and heart were failing and Ms Robinson said doctors treating him feared the worst. "They said his vital signs were so bad that they did not expect him to open his eyes again."*

*Initially, Logan's family did not know what had caused his problems until one of his friends told them they had been smoking the powerful synthetic cannabis product, Kryptonite. Ms Robinson described the ordeal as horrific and wanted to warn others of the dangers of the products. "They have no idea what is in these products."<sup>8</sup>*

Other types of harm have also been reported in Taranaki:

*The 20-year-old Taranaki man, who has permanent name suppression, set fire to his family's house in April after his parents remonstrated with him about his addiction. The fire caused \$187,000 damage to their nearly new home. As a direct result of the artificial cannabis addiction, he developed an extreme drug-induced psychosis and has since been diagnosed with paranoid schizophrenia ..*

*The 17-year-old, Joseph Ernest Avey, of New Plymouth went out on an all nighter with his mates, torched a car then robbed and assaulted youngsters on their way to school in the morning. "It is a serious concern that the product is still available and also affordable," Mr Keegan said.<sup>9</sup>*

### **Taranaki data of health harm caused by synthetic cannabinoid products**

Data from the Taranaki District Health Board Drug and Alcohol Service show that between 1 October 2012 and 31 January 2014 there were 102 adult referrals for people with problems caused by synthetic cannabis. Synthetic cannabis referrals steadily increased from October 2012 and peaked in June 2013. After this there was an initial decline which coincided with the enactment of the Psychoactive Substances Act 2013. However referrals in January 2014 have increased once again. See Figure 2.

<sup>8</sup> Keith L. Teen warns of synthetic-drug risks. Taranaki Daily News 1 July 2013. Available at:

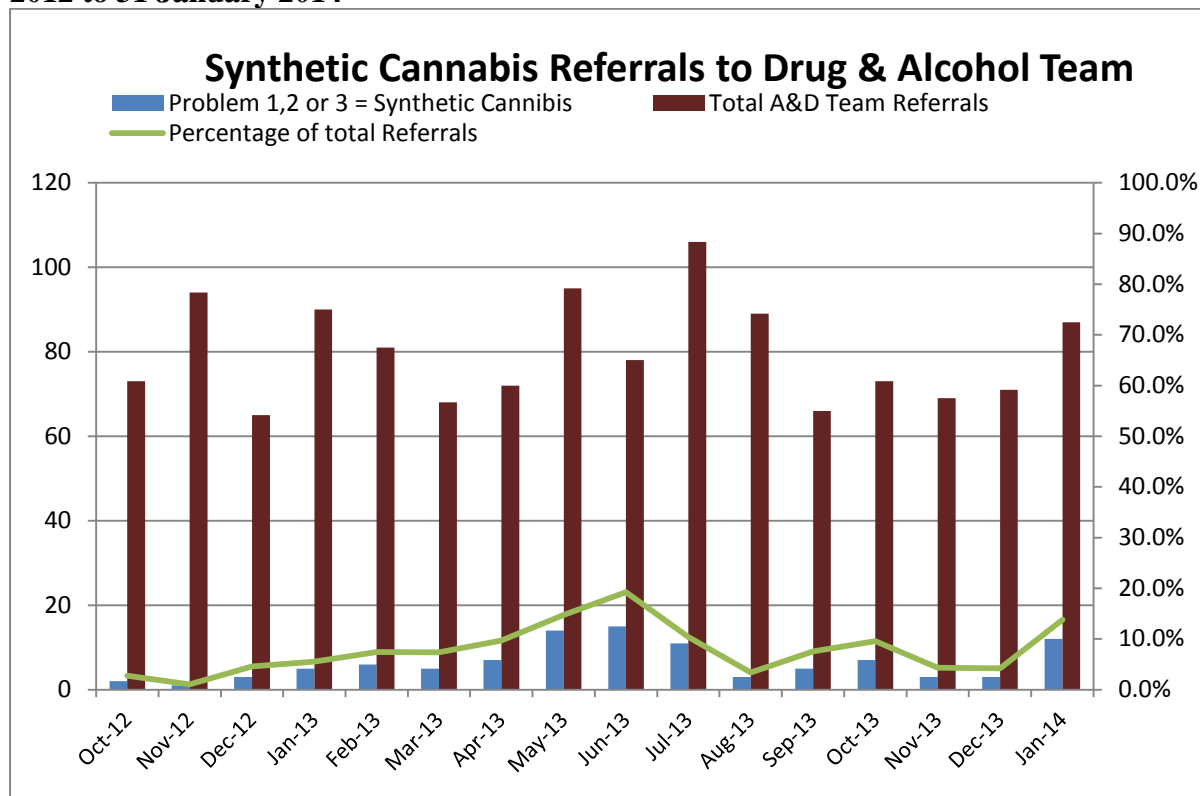
<http://www.stuff.co.nz/taranaki-daily-news/8860739/Teen-warns-of-synthetic-drug-risks>

<sup>9</sup> Humphreys L. Fake dope law 'a complete failure'. Taranaki Daily News 6 December 2013. Available at:

<http://www.stuff.co.nz/national/politics/9483797/Fake-dope-law-a-complete-failure>

In contrast in the same 16 month period there were 301 referrals for problems caused by “organic” cannabis and 774 referrals for problems caused by alcohol. Overall synthetic cannabis formed 8% of the total referrals.

**Figure 2. Comparison of referrals to the TDHB Drug and Alcohol Service, 1 October 2012 to 31 January 2014**



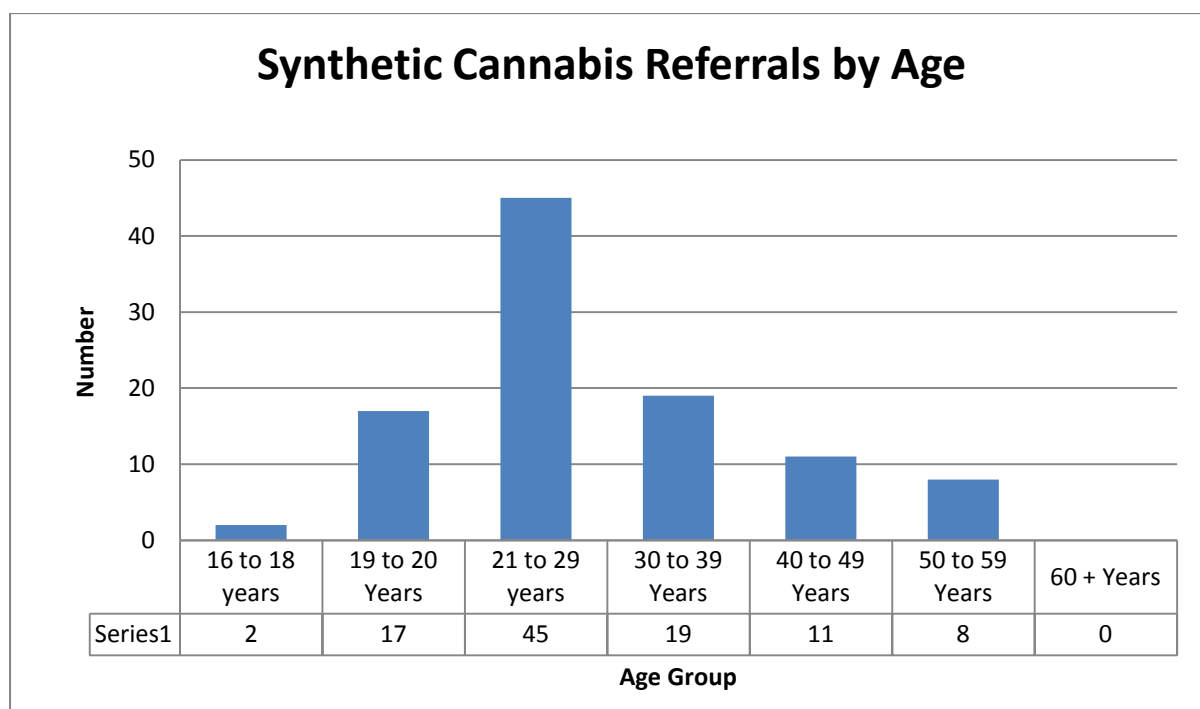
Compared with the total Taranaki population, people with problems caused by synthetic cannabis were more likely to be male, and more likely to have Maori ethnicity (the proportion of people with Maori ethnicity in Taranaki was 15.2% in the 2013 census). See Table 1.

**ITEM B2****ITEM FOR RECOMMENDATION****Table 1. Referrals to TDHB Drug and Alcohol Service by Gender and Ethnicity, 1 October 2012 to 31 January 2014**

Referrals by Gender	Synthetic Cannabis
Female	27
Male	75
Total	102
% female	26%
% Male	74%

Referrals By Ethnicity	Synthetic Cannabis
Maori	32
NZ European	67
Other	3
Total	102
% Maori	31%
% NZ European	66%
% Other	3%

People referred to the adult Drug and Alcohol Service tended to be young with nearly two thirds under the age of 30 years – see Figure 3.

**Figure 3. Referrals to TDHB Drug and Alcohol Service by Age Group, 1 October 2012 to 31 January 2014**

## Evidence-based Recommendations for the Local Approved Products Policy

Susan Bidwell from the Canterbury District Health Board carried a thorough review for the Christchurch City Council in support of the development of a Locally Approved Products Policy in January 2014<sup>10</sup>. She found that there is minimal evidence showing that limiting the location of premises that sell psychoactive substances to certain localities will minimise harmful effects. However she noted that there is extensive literature on the effects of location and density of outlets of other potentially harmful legal substances (such as alcohol, fast foods and gambling) and the association with harmful effects. She concluded that:

“In the absence of direct evidence as yet in relation to psychoactive substances it would seem reasonable to draw on these studies which, though of widely different products, are consistent in showing that increased availability is likely to be associated with increased harm.”

It is my opinion that ideally all forms of synthetic cannabinoid products should be prohibited. However this option is not available for territorial authorities under the Psychoactive Substances Act 2013. In theory restricting the availability of premises selling psychoactive substances should reduce the level of harm. However this does not seem to be working judging the recent referrals to the Taranaki DHB drug and alcohol service.

Synthetic cannabinoid substances have the potential to cause severe health problems and can be associated with criminal activities. Therefore it is recommended that premises which sell these products should be well away from suburban family areas and well away from sensitive sites such as schools. They should be located in places where there is a strong police presence and there are crime prevention activities such as closed circuit television.

Unfortunately local approved products policies appear to be unlikely to make a big difference to the amount of harm caused by psychoactive substances. There are also other options separate to the Psychoactive Substances Act 2013 which could be considered if there was strong public feeling about the continuation of the sale of these psychoactive substances. A joint interagency group could be formed consisting of Police, the District Health Board, the New Plymouth District Council and agencies which deal with drugs and youth.

For example it is difficult to understand how products that are supposed to have “no more than a low risk of harm to individuals who use it” can continue to cause problems in Taranaki with 12 referrals to the Drug and Alcohol Service in January 2014. The Psychoactive Substances Regulatory Authority can withdraw a product from the market if adverse effects, including reports of addiction, are confirmed. In fact five products have just been pulled from the shelves following evidence of harm gathered from the Centre for Adverse Reactions Monitoring and the National Poisons Centre<sup>11</sup>. A campaign to encourage reporting of harms following the use of synthetic cannabinoid products could be considered in Taranaki in partnership with the community.

<sup>10</sup> Bidwell S. Evidence relating to the density and location of outlets that sell potentially harmful substances and association with harm. Prepared for the Christchurch City Council in support of the development of Locally Approved Products Policy (LAPP) pursuant to the Psychoactive Substances Act (2013). January 2014. Canterbury District Health Board.

<sup>11</sup> McLay T. Five Harmful Psychoactive Products off Shelves. National Party Website. 27 January 2014. Available at: <http://www.national.org.nz/Article.aspx?ArticleID=42974>

**Acknowledgements**

Thank you to the following people who assisted with this public health advisory – Sharon Stokes, Maree Young and Felicity Gallacher. Also I wish to thank Susan Bidwell from the Canterbury District Health Board and Sarah Donald from the Southern District Health Board who shared their report to the Christchurch City Council with me.



## HOUSING FOR THE ELDERLY – CONSULTATION ON THE FUTURE OF THE HOUSING PORTFOLIO

PREPARED BY: Louise Tester (Senior Policy Advisor)  
 TEAM: Corporate Policy and Strategy  
 APPROVED BY: Leighton Littlewood (Manager Community Development) and Peter Handcock (Manager Property Assets)  
 WARD/COMMUNITY: District Wide  
 DATE: Friday 7 March 2014  
 FILE REFERENCE: DM 1530545 CM08-19-05

### PURPOSE

The purpose of the report is to present information about the nature of the housing for elderly portfolio and service that can support the Council to decide on a preferred policy option for consultation.

### EXECUTIVE SUMMARY

The Council currently owns 145 Housing for the Elderly units across the district. As part of an Activity and Service Level review between 2012 and 2013, the Housing portfolio was valued at \$11.94 million. As an outcome of the review the Council resolved to consider its options for the future of the housing for elderly portfolio and service.

With the rents of the properties set at 73% of market rent levels, the Council forgoes income of \$346,000. The cost of providing the service is \$1.1 million and income generated through rents is \$912,000. In 2014/15 the ratepayer contribution to the service will be \$100,000.

The main considerations for the Council in respect of identifying its preferred policy option are the financial versus the social considerations. Whilst it is reasonable to consult on several policy options, it is preferable for the Council to seek submissions around a specific proposal. The main options available to the council are to consult the community on selling all or part of the housing assets, or retaining the assets in community ownership, either with the Council or by transfer to a social housing provider. There are financial opportunities that arise from the sale of the assets. The opportunity cost of selling the assets is approximately \$700,000, which is 6% of the value of the asset which could be off set against early debt repayment. Retention of the assets and the increasing of rents in line with market rents would allow the Council to realise some operational savings and maintain its role providing a public service for elderly people, but would not realise any capital benefit.

A two stage consultation is proposed. Stage one would engage the community in targeted consultation about the future of the Housing for the Elderly portfolio. Stage two would carry the recommendation of the consultation through to the draft Long Term Plan. Final determination via the Long Term Plan is necessary because of the significance of the issue.

**ITEM B3****ITEM FOR RECOMMENDATION****RECOMMENDATION**

**That having considered all matters raised in the report:**

- a) **A commitment is made to consult publicly on the future of the Housing for the Elderly portfolio.**
- b) **The preferred policy option for consultation is identified.**
- c) **Consultation commences in July 2014, following the Council's identification of its preferred policy option and development and approval of the Statement of Proposal**

**SIGNIFICANCE ASSESSMENT**

In terms of the Council's Significance Policy this matter is of:

Low significance       Medium significance       High significance

This matter has been assessed as high significance because the decision to retain or divest of the 145 Council owned properties has significant financial and people implications. As a strategic asset, as defined by the Local Government Act 2002, any contemplation of sale of the portfolio would require consultation with the community.

The Housing for the Elderly portfolio is a significant Council asset, valued at approximately \$11.94 million in 2012. The difference between the current rental levels and market rents (27%) is \$346,000 in foregone income. The potential market value, inclusive of market rents is estimated to be \$15 million.

The consideration of the issue is important because decisions relating to the future of the asset will directly affect the 150 tenants currently residing in the properties (when there is full occupancy), as well as those on the waiting list, expecting to be placed in a property at some time in the near future.

There is also a significant level of interest in the community about whether the Council should or should not be in the business of providing a social housing function because of the impact the Council's decision will have on the wider social and rental housing market in the district. Although it should be noted that Council is a small provider of social housing in the district.

**BACKGROUND**

The Council's involvement in social housing began in the 1950's. Currently the Council owns 145 Housing for the Elderly units and directly manages 140. There are 42 bedsits, 89 one bedroom units and 14 double units. This includes 18 units in Waitara, 25 in Inglewood and the remainder in New Plymouth (including nine units in Bell Block). Within the Taranaki region there are 1246 state houses (1030 in New Plymouth), the majority of which are managed by the Housing New Zealand Corporation.

The current Council policy is to provide the accommodation to retired people on low incomes, who do not own their own home and possess other assets to a value of less than \$40,000. Current rents are at 73% of market rent levels. Since 2006, following the Council's decision to lift rents by inflation, the Council had successfully lifted rents closer to market rent levels, however market rents have increased significantly during 2012/13 and left Council rents well below market rates. The total value of the Council's foregone income because of the rental concession is \$346,000, which is equal to \$2,386 per unit per annum (\$45.88 per week).

The Housing for the Elderly Service is budgeted to cost \$1.1 million as per the draft 2014/15 Annual Plan. \$912,000 is expecting to be generated in rental income during 2014/2015. The rate payer cost of providing the service is \$100,000.

The Council's involvement in social housing has been considered at various times over the past 20 years. In 1991, the Council confirmed its role in providing a housing for the elderly service. In 1992, the Council resolved that rental levels would be set at 25% of the national superannuation levels. In 2006, the Council reaffirmed its intention to continue to provide the Housing for the Elderly Service. At this time the Council increased rents, and resolved to increase future rents according to inflation levels. Rents are not currently set according to market rent levels.

In 2010, the Council sold 11 bedsit units in New Plymouth. The decision to sell was based on the high tenant turnover in the properties, and because the units were not wholly suitable for elderly tenants. In 2012, the Council instructed officers to develop a Housing for the Elderly Strategy. In 2013, following an Activity and Services Level Review, the Council requested that a range of options be presented on the future of the Housing for the Elderly portfolio. In November 2013, Thomas Consulting produced a report for the Council, setting out a number of options for consideration. The purpose of this report is to seek formal Council approval to proceed on a process of consultation on a preferred option.

#### Government Policy

In March 2014 the government announced its Social Housing Reform Programme. The programme is aimed to improve investment in social housing and the way in which social housing is delivered. The change in policy focus will enable community social housing providers to access government funds for housing investment, and will encourage diversification in the social housing market. Under the current framework the Council will not be classified as community housing provider, because of the limited scope of people eligible for the service.

## ITEM B3

## ITEM FOR RECOMMENDATION

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### DISCUSSION

#### Costs and subsidies

Current rental revenues do not quite meet the full operating costs of the service (\$100,000 rate payer subsidy). Within the budget for the service depreciation costs for the units are included (currently \$1.07 million reserve, and increasing), but there is no account for the cost of capital. In the report from Thomas Consulting, the opportunity cost of the capital was identified at around \$700,000 a year, 6% of the cost of servicing debt, based on the sale proceeds being used for debt repayment. The amount will depend on the estimate of market yield and net value after selling costs, and inflation levels.

The current rent levels for the units mean that no tenants are receiving the full amount of Accommodation Supplement from Work and Income NZ. Accommodation Supplement will pay 70% of rents over \$89 a week (up to a maximum subsidy of \$65 a week) for those with cash assets of less than \$8,100. This applies to rents up to \$181.86 a week. The tenant pays 100% of any increase above this rent level. Increasing the rent to (or close to market levels) would increase the level of subsidy provided by Work and Income NZ through the Accommodation Supplement, shifting the subsidy away from the rate payer. In real terms, for most tenants, the rent increase would result in a cost increase of \$3 for every \$10 of increased rental levels. Increasing rents does not however allow the opportunity cost for capital to be realised, but it does result in a reduced subsidy from rate payers.

#### Demand

Current levels of demand clearly indicate the need for the provision of affordable social housing for low income persons aged 65+ years. At March 2014, there were 36 eligible people on the waiting list. The people of the Council's waiting list do not meet the high need threshold set by Housing New Zealand. The Council's housing service is partially filling a housing need that is not met by other social housing providers. The Council receives 2 to 3 enquiries each week about the housing service. Many of these enquirers do not meet the eligibility criteria and are referred to other social landlords or private landlords. During the year between 16 and 20 units usually become vacant. This means that an average length of time spent on the waiting list is 2 years. There is greater demand for units located within New Plymouth than for those in Inglewood or Waitara.

Demand for the Council units remains high, with the exception of the bedsits which are less desired. The reasons for the high demand of council units are the rent levels and support services offered by the Council. The 2011 census data reveals continued growth of the New Plymouth population, and a growth of both the number and percentage of elderly people in the district. It is reasonable to assert that the growth in the elderly population will result in an ongoing demand for the housing units.

Condition of Portfolio

Many of the units are over 50 years old and do not ideally meet the living needs of the tenants. Condition assessments of the units have revealed a number of problems with some units: lack of grab rails, inadequate car parking, no storage space for mobility scooters, the presence of steps instead of ramps, insufficient power points, limited security, lack of outdoor porches, and units that are too small and configured in a way that do not meet the needs of the elderly tenants. Should the Council keep the units, it would be a need to embark on a programme of upgrades, including an assessment as to the economic viability for some of the units.

Considerations

The Council does not have a strategy or rental policy that clearly directs officers on several key issues relating to the Housing for the Elderly: - the future design and facilities of the units and the rental level to be achieved. It is clear that the Housing for the Elderly service is a complex issue for the Council to consider. In identifying its preferred outcome, the council is encouraged to consider:

- Its role in the current and future provision of social housing for elderly people.
- The current level of operational support for the service, and whether that should be maintained, reduced or eliminated.
- The value of the capital asset, and the additional savings that may be realised from divestment of the assets.
- The ageing demographic.
- The on-going and increasing demand for social housing from elderly people.
- The value of the support function that the Council provides to its elderly tenants.
- The impact of the Council's decision on the wider social / rental housing market.
- Other housing providers (both current and potential).

There are a number of options available to the Council, which were identified in the report by Thomas Consulting. These are set out below.

**OPTIONS**

The main options available to the Council are to consult the community on its preference for the sale or retention of the assets. Recommendation 1 asks the Council to confirm its support for conducting consultation on the future of the Housing for the Elderly portfolio.

Recommendation 2 of the report asks the Council to identify its preferred policy option that is the option it wishes to consult upon. The options proposed are those identified by Thomas Consulting.

## ITEM B3

## ITEM FOR RECOMMENDATION

### Sale of assets

For each of the options that relate to the sale of assets, community consultation would be required. The issue would also require determination via the Long Term Plan because of the significance of the issue. There would be costs associated with the sale agreements and processes related to this option.

#### *1a Sell the assets to the market*

Sale of the assets, via the open market or to a single party via a first right would allow the maximum market price to be realised. The Council would then have significant financial resource at its disposal for the reduction of debt, investment or use in other services. Should the Council use the proceeds from the sale for council debt, depending on the financial yield gained from the sale, and current interest levels, the Council could save \$700,000 per annum through the early repayment of debt.

Selling the assets via a market tender process would incur fees for Estate Agent Commission. Selling to a single provider via a first right would not incur the same fees, and there may be an increased potential to provide a transition deal for tenants to the new owner.

The sale of assets would allow the new asset owner to consider the future of the tenants and the levels of rent and tenancy services they would receive. The sale of the assets to the market would require less Council Client Service staff resource.

#### *1b Sell the assets to a social service provider.*

Sale to a social service provider may yield a lower financial return for the council, and thus partially reduce the benefit of releasing the capital.

Selling the assets to a social service provider could offer greater tenancy protection (beyond their legal rights) and support. Selling the assets to a social housing provider allows the community to retain the social benefit of providing community housing. There could be an opportunity for the Council's Client Services Officer to transfer to the social housing provider, depending on the terms and conditions of the sale.

#### *1c Sell part of the assets*

The Council could sell those assets which have been harder to let, are less fit for purpose or require greater levels of renewal and maintenance. The Council would yield the lowest economic benefit from this sale option, and the proceeds realised from the sale would be considerably lower, depending on how many units were sold and the proceeds generated.

There is also an option for the Council to consider providing an option to buy to the existing tenants.

Selling some of the assets would affect fewer tenants and require less tenancy support from the Council, which may result in an operational cost saving.



**Community retention of assets.**

This option could include transferring the housing portfolio to a Community Housing Trust or retaining the portfolio by Council. The transference option would require consultation, as well as costs and staff resource associated with this process, and the ratification of the transfer would need to take place via the Long Term Plan. The retention of the housing portfolio by the Council, however, would not require consultation.

The retention of the stock either in-house or in the community may require the development of a clear policy around the rationale for that, the service levels now and in future, the degree of subsidy (both rates and foregone revenue) and an asset management plan to provide for those expectations over time.

*2a Transfer the asset to a Community Housing Trust*

The housing assets could be transferred to a Community Housing Trust, either existing or newly formed for this purpose. The management of the assets would take place by the trust. The trust would be a not for profit organisation, and would likely be focussed on the provision of a housing service. A trust would also be eligible to apply for grants and other government support, which may become available. A trust would be responsible for all renewals and upgrades, and would have authority to set rent levels.

All existing tenancies and management of operations and the waiting list could be transferred to the trust.

The Council would not receive any funds from the proceeds of sale, as the trust would retain the assets on the council's and community's behalf. The Council would remove all operational costs that are currently associated with the provision of the service.

There would be a cost to the Council in relation to the legal transfer of the asset.

*2b Retain the current stock*

The housing asset could be retained, and the rents could be increased closer to market level. Tenants could claim Accommodation Supplement. Based on current known market rents for similar accommodation, the likely increase for tenants, once accommodation supplement had been paid would be between \$3 and \$5 per week.

Retention of the stock is likely to require a significant programme of renewal and upgrade, which could be funded by the current depreciation reserve of \$1.07 million.

**Identification of proposed policy options.**

The outcome sought by the Council will determine its preferred policy option. Whilst it is reasonable to consult on several policy options, it is preferable for the Council to seek submissions around a particular proposal. The main considerations for the Council are the financial verses the social considerations. If these are accepted as the two main paradigms, there are two main policy options, each of which would meet a particular financial or social objective.

**ITEM B3****ITEM FOR RECOMMENDATION**

If the outcome sought by the Council is to maximise economic return and financial opportunity, policy option 1a is recommended. This is likely to be the most cost effective outcome.

If the Council wishes to eliminate the operational costs associated with the service, but retain a social role in supporting the provision of the housing function, option 2a is recommended.

**IMPLICATIONS ASSESSMENT****Local Government Purpose**

The matter comes within the scope of the Council's lawful powers, including satisfying the purpose statement in section 10 of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities for good quality (i.e. efficient, effective and appropriate to present and anticipated future circumstances):

Local Infrastructure       Local public services       Performance of regulatory function

The consideration about the future of the Housing for the Elderly portfolio allows the Council and community to consider the extent to which the service is public service of the Council, or whether it is beyond the scope of activity that the Council should be focussed on.

As discussed under 'Options' above, the matter will be delivered in the way that is most cost-effective for households and businesses.

**Community Outcomes**

This matter contributes to the following community outcomes:

Connected       Skilled       Prosperous       Secure and Healthy  
 Together       Vibrant       Sustainable

Community outcomes are the outcomes that the Council aims to achieve in meeting the current and future needs of communities for good-quality local infrastructure, local public services and performance of regulatory functions.

The consideration of community outcomes under section 77(1)(b)(ii) of the Local Government Act 2002 is addressed under 'Options' in this report.

**LTP / Annual Plan**

Is this matter currently budgeted for?       Yes       No

The costs of providing the Housing for the Elderly Service is met from the current approved budgets, operated within Community Development and Property Assets Teams.

The costs associated with consultation would be met from existing Corporate Strategy and Policy budgets.



The legal costs associated with any divestment of asset or transfer of ownership has not been budgeted for. The sale of assets would be undertaken by the Property Assets Team.

### **Consistency with Policy and Plans**

The matter is consistent with the Council's previous recommendation to consider the options that are available for the future of the Housing for the Elderly portfolio.

Any divestment of the housing stock will be made in accordance with the Approval of Properties and Method of Sale Policy.

### **Legal**

There is no legal obligation for the Council to provide the Housing for the Elderly Service.

The Council has legal obligations to the tenants as per the Residential Tenancies Act 1986.

### **Tangata Whenua Maori**

There are no specific issues that relate to tangata whenua. However iwi may express an interest as a purchaser for the housing portfolio, as was the case with the sale of the Cook Street properties.

### **Community Views and Preferences**

There is considerable community interest in the discussion about the future of the portfolio from the existing tenants, commercial property owners and property managers, social housing providers and the wider social housing sector. Because of the level of interest in the issue and because of the need to support people to understand the complexity of the issue targeted consultation is proposed. Targeted consultation will allow all interested and affected parties to take time to understand the issue; the Council's rationale for its preferred policy option, and for all parties to provide feedback. The people identified have more than a general interest in the issue and conducting a consultation specifically on this issue with them would allow the Council to work alongside the community and actively seek their views via conversation. As part of the consultation, submissions would also be sought from the wider district population.

If the Council accepts this proposal, consultation could take place between July and September 2014. The recommendation from this consultation regarding the future of the housing portfolio could then be included in the draft Long Term Plan.

### **Risk Analysis**

The risk in the Council not identifying a preferred policy option, and seeking feedback on all of the options is that there is a lack of clarity about the preferred position of the Council, and the reason for that position.

The risk in wrapping the consultation into a Long Term Plan process alone is that it lessens the ability for targeted consultations and focussed conversation that can aid people's understanding and support for the issue.



**DRAFT LOCAL ALCOHOL POLICY - CONSULTATION**

PREPARED BY: Louise Tester (Senior Policy Advisor)  
 TEAM: Corporate Policy and Strategy  
 APPROVED BY: Simon Pickford (Manager Executive Services) and Mary-Anne Priest (Manager Customer and Regulatory Services)  
 WARD/COMMUNITY: District Wide  
 DATE: Friday 14 March 2014  
 FILE REFERENCE: DM1524892

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**PURPOSE**

The purpose of this report is to present background information that describes the nature of the alcohol environment in the New Plymouth District, and the basis for the proposed draft Local Alcohol Policy.

The report proposes that the draft Local Alcohol Policy be released for consultation.

The report has been prepared in co-operation with the Stratford District Council, with important evidential data supplied by the Taranaki District Health Board and the Police. The background information has been used to help Council understand and prioritise alcohol related issues that may be addressed within a Local Alcohol Policy (LAP).

**EXECUTIVE SUMMARY**

This report proposes that the draft Local Alcohol Policy, prepared in accordance with the requirements of the Sale and Supply of Alcohol Act, on behalf of the New Plymouth and Stratford District Councils be released for consultation.

The draft policy contains the following provisions:

- On licence premises may be located in all business environment areas, and class 2 and 3 clubs may additionally be located in open space areas, and only class 1, 2 and 3 restaurants and theatres and cinema may be permitted in residential areas.
- Supermarkets and grocery stores and cellar door sales will be permitted in all areas.
- Stand alone off licence bottle stores will only be permitted within business environment areas.
- A “flexible cap” on off licences is proposed, meaning that the number of standalone bottle stores is limited to the number of bottle stores in operation at the time of policy adoption, except where the premise is deemed to be of sufficiently low risk and permitted by the District Licensing Committee.
- No standalone bottle store, hotel, class 1 club or tavern be permitted within 50 metres of a residential site.

**ITEM B4****ITEM FOR RECOMMENDATION**

- No new premises within 50 metres of sensitive sites (as defined in the policy).
- 8:00am opening and 2:00am closing time is proposed for on and club licence premises. 10:00am opening and 9:00pm closing time is proposed for off licence premises.
- A range of non-mandatory discretionary licence conditions, including a One-Way Door Policy is proposed.

The report proposes that the submissions on the draft policy be heard by a joint committee of the New Plymouth and Stratford District Councils in late June.

**RECOMMENDATION**

**That having considered all matters raised in the report:**

- The draft New Plymouth and Stratford Local Alcohol Policy, prepared in accordance with section 77 and 78 of the Sale and sale of Alcohol act 2012, as attached, is recommended for both the New Plymouth District Council and the Stratford District Council.**
- In accordance with section 79 of the Sale and supply of Alcohol act 2012, the draft policy and accompanied Statement of Proposal be released for consultation.**
- That the submissions received on the draft policy be considered by a Joint Hearing Committee comprised of no less than 3 and no more than 5 representatives from each of the New Plymouth and Stratford District Councils.**
- The Mayor appoints the New Plymouth District Council members of the Joint Local Alcohol Policy Hearings Committee.**

**SIGNIFICANCE ASSESSMENT**

In terms of the Council's Significance Policy this matter is of:

Low significance       Medium significance       High significance

This matter has been assessed as medium significance because the proposed draft policy seeks to mitigate community concerns (which includes those of the Police, Medical Officer of Health and Licensing Inspectors) about the misuse of alcohol to the extent that is permitted under the Sale and Supply of Alcohol Act 2012.

## BACKGROUND

### District Licensing Environment

In 2013, the Council processed 770 alcohol related licences. Of this 247 were for special licences and 369 for Managers certificates. The remaining licences related to premises. A premise licence is renewed every three years, and at February 2014, there were 204 active licences for alcohol premises in the district. The types of premises licenced in the district is as follows:

Class 1 club	4
Class 2 club	15
Class3 Club	31
Off: Supermarket, grocery store, bottle store	33
Off: Hotel, tavern	10
Off: Winery cellar door	5
ON: Class 1 restaurant, night club, tavern	34
ON: Class 2 restaurant, Hotel, Function Centre	13
Class 3 restaurant, other ON premises	56
BYO restaurants, theatres, cinemas	3

Decisions relating to the determination of alcohol licence applications are made by the District Licensing Committee.

### District Licensing Committee

The New Plymouth District Council and the Stratford District Council have established District Licensing Committees (DLC) using the same Council appointed Commissioner and nine member pool of committee members. The DLCs are governed by the same Administration Policy, and general processes of operation.

The role of the DLC is to determine all alcohol licence applications in accordance with the requirements of the Act. Specifically the Committee is responsible for determining:

- new premise licences and managers' certificates and their renewals,
- temporary authorities and temporary licences,
- variation of licences, and
- special licences.

### Local Alcohol Policies

A key development of the Act was the provision for territorial local authorities to develop a Local Alcohol Policy (LAP), to provide for conditions relating to the sale, supply or consumption of alcohol within the district. LAPs are optional, and the New Plymouth District Council resolved to develop a policy in August 2012.

A LAP may include policy statements on any or all of the following matters (section 77) relating to licensing (and no others):

**ITEM B4****ITEM FOR RECOMMENDATION**

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

When producing a draft policy, a territorial authority must have regard to (section 78),

- the objectives and policies of its district plan; and
- the number of licences of each kind held for premises in its district, and the location and opening hours of each of the premises; and
- any areas in which bylaws prohibiting alcohol in public places are in force; and
- the demography of the district's residents; and
- the demography of people who visit the district as tourists or holidaymakers; and
- the overall health indicators of the district's residents; and
- the nature and severity of the alcohol-related problems arising in the district.

The policy must be developed in consultation with the Police, Inspectors, and Medical Officer of Health (section 78), each of whom must, if asked by the authority to do so, make reasonable efforts to give the authority any information they hold relating to any of the matters that would inform the development of the LAP. Both the Police and Medical Officer of Health provided data to support the development of the policy.

A LAP is required to be reviewed, after six years using the special consultation provisions (section 97).

**Taranaki Collaboration**

The Council has been working in partnership with the Stratford and South Taranaki District Councils on the preparatory work for the LAP. A memorandum of understanding between the three local authorities sets out the wish of each Council to develop policies that are, as far as is practicable aligned across the region. Each of the Councils shared in the undertaking of a single community survey to inform the development of the policy.

The three Councils have also been working in partnership with the Police, the Medical Officer of Health, and the Fire Service. A Combined Agency Agreement has been developed between all cooperating partners setting out the roles and responsibilities of each organisation and the basis of the partnership arrangement.

The proposed LAP has been drafted as a single joint policy across the New Plymouth and Stratford Districts, with specific references to each district where appropriate.

## DISCUSSION

The District has a range of rules and processes in place that support the regulation of the alcohol environment. The proposed LAP seeks to supplement the existing processes and close the gaps, where they exist. The Liquor Control bylaw, District Plan and the range of interventions undertaken with premises and licensees by the statutory agencies support the alcohol environment in the district, but they fail to address the regulation of the sale and supply of alcohol in the holistic way that the policy can achieve.

To support the LAP development the Council undertook a process of information gathering as required by section 77 of the Act. A background paper was produced collating a range of data from the Police, Council, Medical Officer of Health and community. The background information is included in the Statement of Proposal (attached as Appendix B),

Alcohol is an important commodity in the community which brings economic benefit, social benefit and social harm. As part of his report on the sale and supply of alcohol in the district produced as part of this process, Medical Officer of Health Dr Jarman wrote:

*Alcohol, while enjoyed by many people, causes significant harm to individuals, families and communities. It is important that the benefit is continued while minimising the harm and maintaining the special family-focused environment which is typical of Taranaki.*

### **Report from the Medical Officer of Health**

The report of the Medical Officer of Health (available on request) stated that whilst alcohol is enjoyed by many people, it can cause significant harm. In 2005/6 the overall cost of alcohol-related harm to New Zealand was estimated to be \$4.4 billion. The report stated that the groups most at risk of hazardous drinking and alcohol-related health harm in New Zealand are:

- Those who drink to intoxication and/or binge drink.
- Males.
- People aged between 16 and 34 years.
- Maori and Pacific Island peoples.
- Adults living in socio-economically deprived areas.

The report noted that many studies have shown a relationship between liquor outlet density and hours of sale, and alcohol-related harm. The report highlighted that the expected rate of offences associated with licensed premises in New Zealand closing between 3.01am and 5am is 8.9 times higher than the expected rate of offences associated with licensed premises that closed before midnight. Pre-loading has been identified as an important driver of alcohol-related harm particularly for younger people. However pre-loaders still on average spend a significant amount of money at licensed premises or events.

### **Report from New Plymouth Police**

**ITEM B4****ITEM FOR RECOMMENDATION**

An analysis of alcohol related calls to the Police (report available on request) was conducted in relation to events occurring within New Plymouth from January 2008 to December 2012. During that time, Police received 16,281 calls in New Plymouth. This equated to an average of 3250 per year or 9 per day. A summary of the calls revealed:

- Alcohol related events have increased over the time period.
- A number of hotspot locations exist across the district.
- Low socio-economic communities have a high prevalence for alcohol related harm, with police being called for family violence, disorder, assaults with high levels of intoxication.
- Schools, parks and other public places are attractors for alcohol related incidents, particularly with young people. These areas are frequently left with alcohol related litter.
- Peak time periods are Thursdays, Fridays and Saturdays from 9pm to 5am the following day.
- Weekdays from the hours of 6pm to 11pm are a period of high calls to police.
- The summer months from November to January consistently record a higher number of calls throughout the five year period.
- Public holidays and the day prior to them, consistently record a higher number of calls throughout the five year period.
- Large events correspond to an increased number of calls to police.

**Council Complaints**

A limited analysis of complaints / service requests received by the Council was undertaken. The service request system showed that there were 443 reports of vandalism in the CBD between 2003 and 2013. Each year the Council and its out of hours noise contractor receive in excess of 1000 complaints about noise. The complaints mainly relate to noise from domestic properties, with high volumes of complaints received at the weekend and during the night. On an annual basis the Council and its waste collection contractors collect over 2000 tonnes of glass and aluminium cans (via kerb side collections, recycling and public bins).

A portion of this is from alcohol receptacles. Whilst the council does not record data that can prove that the complaints were linked to alcohol consumption, wider research evidence has shown at a number of environmental effects (noise, litter and vandalism) can be associated with the consumption of alcohol. The prevalence and frequency of calls indicating damage and disorder, litter, and noise, related to the CBD areas would suggest a link. It is difficult to ascertain how much resource the council expends responding to these complaints and service requests.

**Consultation and decision making process**

Section 79 of the Act requires the Council to consult on the draft policy using a special consultative procedure. Section 76 allows two or more territorial authorities to adopt a single policy for their districts, and in which case they may act as if they were one territorial local authority.

With the draft policy proposed for both Stratford and New Plymouth it is recommended that that the hearing of submissions received on the policy is conducted by a Single Hearing



Committee comprised of members from both councils. It is important that both councils singularly hear and consider the submissions to ensure that there is alignment of decisions that result in a coherent policy. The risk with each council considering the submissions separately is that the policy become unclear or incoherent or is so different that logic requires the approval of two draft policies. The appointment of a single committee to hear the submissions will not preclude different conditions or clauses that relate to each authority. A single decision making body can ensure that the intent and substance of the policy remains aligned and coherent.

Following the consideration of the matters raised under the draft policy, and its subsequent approval, the Councils can collectively notify the policy as a provisional policy. If after 30 days no appeals have been received, the policy is adopted. If however appeals are made these can be treated as one appeal process, as opposed to each council having the policies separately appealed.

### OPTIONS

The Council resolved to develop an LAP in August 2013, thus the options relate specifically to the content of the policy.

#### Location of licensed premises by reference to broad areas

There are essentially two choices in regard to limiting the location of premises: either no limitations are imposed or limitations are imposed which link to the District Plan requirements.

Given that the District Plan only considers environmental effects and not those particularly associated with alcohol consumption (good order and amenity), it is not considered appropriate to defer control of location to the District Plan.

It is proposed that the LAP should reflect both the District Plan permitted activity status and the recognised appropriate locations for different styles of premises.

*Licensed restaurants and cafes*, provided that the main focus of their operations is the sale and supply of food, carry very little risk in terms of either alcohol related or environmental effects. Land use consents can, in principle, be readily given with appropriate conditions, for any such premises. It is therefore not considered appropriate to limit their location.

*Taverns, adult premises, bottle stores, hotels and class 1 clubs* carry higher risks associated with their activities (environmentally and in most cases socially), thus location is proposed to be limited to business environment areas.

*Class 2 and 3 clubs* are generally sports clubs and premises that do not operate as full time premises, and carry a lower risk than class 1 clubs. As they are often aligned to a recreation activity these premises are proposed to be permitted in both business and residential environment areas and open space areas.

**ITEM B4****ITEM FOR RECOMMENDATION**

*Theatres and cinemas* are a lower risk premise and are proposed to be permitted in residential, business and industrial areas.

**Location of licensed premises by reference to proximity to premises of a particular kind or kinds (density control)**

The density of licensed premises within the District is below the national average. The increase in premises over the past three years has been small and has been in alignment with the increase in the district population.

The number of off licence premises is a concern that has been raised by local reporting agencies and the local community. The district currently has 48 premises that hold an off licence (supermarkets, over the counter tavern sales, grocery stores and stand alone bottle stores).

Given the now established links between availability and alcohol related problems, which primarily gave rise to the new legislation and objects of the Act, it may be appropriate to impose some limit on the density of off licence premises. However, the contested evidence that exists to support a correlation between density and crime or anti social behaviour, and the relatively stable number of premises in the district, when considered alongside the policy proposals in respect of location restrictions make the imposition of density controls a limited policy tool to effect the object of the act.

**Location of licensed premises by proximity to sensitive land uses**

There is a growing body of evidence both within New Zealand and internationally demonstrating a link between location of licensed premises and community problems. There is a particular concern over the location of premises in relation to those facilities which cater specifically for persons under the age of 18 years (including educational establishments, health and other community facilities..

There are strong similarities between this policy provision and that allowed for under the Psychoactive Substances Act 2013. It is appropriate that some buffer distance is allowed for, given the health evidence available, but it is not clear as to how large this separation should be. In practical terms the significant point is that there should be an actual separation. Largely for the sake of consistency with the proposed psychoactive substances policy and acknowledging that any smaller distance is in practice negligible, it is proposed that a distance of 100m be used.

It is also proposed because of the community concerns about the proximity of residential areas to alcohol establishments that any new premise within 50 metres of a residential area shall automatically be subject to a resource consent application process.

**Cap on further licences**

Based on an assessment of the number of alcohol establishments over the past three years, there is little evidence to suggest that there will be an exponential rise in the number of licence premises across the district. However the feedback from the community, Medical Officer of Health and the Police have indicated a particular concern in a further increase in standalone bottle stores. The community risks associated with supermarket availability and take-out sales across a bar are generally considered to be less than bottle stores, because of the different types of alcohol that can be purchased.

Acknowledging these risks, the policy proposes a flexible cap on standalone bottle stores, which would limit the number of stores to that which is in operation at the time of the policy, unless a proposed new premise was identified as being of low risk.

**Maximum trading hours**

Of all of the policy issues associated with the sale and supply of alcohol, trading hours is particularly contentious. There is substantial police and health evidence relating to community problems associated with later trading hours, although it is also noted that this varies considerably with location. Under Section 43 of the Act the default national closing time for on or club licence premises is 4:00am and for off licences is 11:00pm. The Local Alcohol Policy allows each local community to impose more restrictive hours.

In policy terms a closing hour of 3:00am or later is linked with a substantial increase in disorderly behaviour as evidenced by police and health data. This is primarily due to the length of time spent consuming alcohol, noting a prevalent behaviour pattern of patrons “pre-loading” to avoid excessive expenditure. Closing times for entertainment premises which are earlier than 1:00am are, however, too restrictive. The fees framework for alcohol premises acknowledges the risks associated with later closing, with premises closing after 2:00am increasing their risk rating and hence their fees.

Preliminary discussions suggest that 2:00am represents a reasonable balance. If this is put in place monitoring will show whether the problems currently encountered at 3:00am are shifted to the earlier hour. If a shift eventuates, the subsequent drain on community resources (Police and Health) is likely to be lessened.

It is proposed that off licence sales be limited to 9:00pm. Pre-loading and side loading with alcohol brought from off licences has been identified by the Police, Medical Officer of Health and wider research as a particular problem. The longer that off licensed premises are open to sell alcohol, the risk associated with unmonitored drinking increases. From a police perspective the consumption of alcohol can be regulated more effectively when the consumption occurs at an onlicensedpremise. When considering this policy statement, thought was given to a split between the trading hours for standalone bottle stores and grocery stores and supermarkets. However the risk fee framework issued by the government identifies all off licences as high risk, thus a single approach is proposed. One set of opening hours is also deemed to be fairer for all off licence premises.

**ITEM B4****ITEM FOR RECOMMENDATION****Discretionary conditions**

The Act allows for additional discretionary conditions to be imposed on licences to reflect local community aspirations. Whilst premises can be regulated just using the base conditions from the Act, it may be suitably pro-active to include as conditions some of the aspects of the regulatory environment which have been expected of licensees up to this point. These include:

- Host responsibility
- Involvement with any local Alcohol Accord (an operational agreement between licensees and the regulatory bodies)
- Readily identifiable door staff
- A responsibility on licensees to ensure the removal of alcohol related litter from around their premises

Other conditions may be appropriate from time to time to increase the level of public safety around licensed premises. These include:

- Exterior lighting
- CCTV cameras inside and immediately outside premises
- Encouraging a reduction in the rate of alcohol consumption
- Probationary hours for new licensees.

Whilst it is acknowledged that some of these types of conditions may not wholly supported by licensees, unless they are included in the policy they cannot be placed on licences by the District Licence Committee. Conversely, the conditions are discretionary and not mandatory for each licence. Discretionary licence conditions must be appropriate for each particular application and, if they are not, will be successfully challenged by applicants.

**One-way door restrictions**

A one way door restriction is a condition that disallows patrons from entering a bar after a certain time, i.e., you can stay or go, but you cannot come in. The evidence in favour of one way conditions is contested. For this reason the inclusion of a one way door policy is a proposed as a discretionary condition to be considered on a case by case basis.

**Summary of options**

<b>Option</b>	<b>Costs</b>	<b>Benefits</b>
No Policies	Fails to meet the objectives of the Act	No identified community benefit
Joint policy across districts	Potential for an appeal in any one district to delay progress in adoption of policy in both.	Simplifies administration of the DLC and ensures consistency across the New Plymouth and Stratford districts.
Restrict to Business Zone as per District Plan permissions.	Potentially limits the location of premises which would otherwise be only subject to District Plan controls.  District Plan location limitations would not	Aligns with established land use trends.

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	deal with the other controls permitted by the policy.	
Density controls imposed	Would place an artificial inflated value on existing licences.  Limited evidence to support a density control benefit in the district.	Would limit any increase in alcohol availability
Restrict proximity to sensitive sites	Potentially limits the location of premises which would otherwise be only subject to District Plan controls.	Minimises potential conflict between licensed premises and facilities targeting young people, and the proximity of premises to residential areas.
Cap on licensed premises	Would place an artificial inflated value on existing licences.	Would limit any increase in alcohol availability
Limit on trading hours	If less restrictive it would be unlikely to meet the objectives of the Act.  If more restrictive it would be likely to limit the operation of licensed premises to unsustainable levels.	Meets the objectives of the Act in minimising harm through restricting availability  Aligns with evidential data provide by police and health authorities

Based on an assessment of the options, the draft policy at Appendix A is proposed for consultation.

**Consultation and decision making options****Hear and consider submissions separately**

The benefit of this approach is that each full Council is involved in hearing the submissions that relate to the policy. It also allows the Council to consider those matters that specifically relate to alcohol licensing matters in its district. The benefit to Stratford Council is a swifter resolution of the process. Their committee timings allow them to adopt a provisional policy by the end of May. The timings for the New Plymouth Council mean that a provisional policy cannot be adopted until mid June.

The risk associated with this approach is that each Council may resolve differently on the same matters (which it is entitled to do). Where this is the case, serious consideration would need to be given to the maintenance of the policy as a single policy. The conduct of two hearing processes is also deemed to be a less effective and efficient means of conducting the process, and should the two processes get appealed will result in each Council resourcing appeal processes to the Alcohol Regulatory and Licensing Authority.

**Hear and consider submissions separately – but defer a decision**

There is ability for the Councils to undertake the process outlined above, and make recommendations to the other Council, before the process proceeds. This would allow the officers in each Council to work together and then propose back to both Councils any changes and seek approval of a provisional policy.

**ITEM B4****ITEM FOR RECOMMENDATION**

The benefit of this approach is that it maintains the democratic authority of each Council. The disadvantage of this approach is that it slows down the process, and would require the Officers to come back to the Councils with further reports and recommendations.

**Jointly hear and consider the submissions as a single committee**

The benefit in this approach is that it honours the collaborative process and will of each council to work together on this process. It offers a protection for each council, because there is less potential for submitters to seek different resolutions of policy requirements in each district.

A single committee is a more efficient and effective process. A single process will also allow for the single notification of the provisional policy, mitigate the risk of two appeals, and allow for the policies to come into effect at the same time.

The risk associated with this process is that each Council may feel that their individual governance authority is compromised by deferring the process to a representative group of councillors.

Based on an assessment of the options, the recommended approach is to jointly hear and consider the submissions as a single committee comprised of members from both authorities, who would be appointed by the respective Mayors. This is the most cost effective option.

**IMPLICATIONS ASSESSMENT****Local Government Purpose**

The matter comes within the scope of the Council's lawful powers, including satisfying the purpose statement in section 10 of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities for good quality (i.e. efficient, effective and appropriate to present and anticipated future circumstances):

Local Infrastructure       Local public services       Performance of regulatory function

The establishment of a Local Alcohol Policy provides guidance and direction to the District Licensing Committee. It provides transparency about expectations to applicants and statutory agencies each of whom are required to support the mitigation of harms caused by the misuse of alcohol. A policy can also support a consistency in rule application.

As discussed under 'Options' above, the matter will be delivered in the way that is most cost-effective for households and businesses.

**Community Outcomes**

This matter contributes to the following community outcomes:

- Connected       Skilled       Prosperous       Secure and Healthy  
 Together       Vibrant       Sustainable

Community outcomes are the outcomes that the Council aims to achieve in meeting the current and future needs of communities for good-quality local infrastructure, local public services and performance of regulatory functions.

The consideration of community outcomes under section 77(1)(b)(ii) of the Local Government Act 2002 is addressed under 'Options' in this report.

**LTP / Annual Plan**

Is this matter currently budgeted for?       Yes       No

The costs associated with the development of the Local Alcohol Policy are met within existing operational budgets. The costs associated with the administration of the policy, that is the determination of licences are met from the fees and charges gathered from alcohol licence applications.

**Consistency with Policy and Plans**

The matter is consistent with the Council's plans and policies, including the District Plan and the District Licensing Committee Administration Policy.

**Legal**

The policy has been developed in accordance with the provisions and authority of the Sale and Supply of Alcohol Act 2012 as it relates to the development of a Local Alcohol Policy. The principal sections are sections 75 to 78.

**Tangata Whenua Maori**

The draft policy seeks to mitigate harms from the sale and supply of alcohol for the whole community. The policy does not allow for provisions that relate to groups of people, thus the policy statements do not reflect a specific attention to Maori.

**Community Views and Preferences**

As part of the LAP development process, a survey was conducted with the community. The conclusions arising from the survey of 432 people in the New Plymouth district were:

- Most people perceive that alcohol is sold and supplied responsibly.
- Alcohol is perceived to be easily available in the district.
- Alcohol premises provide an important place to gather and are an important business in the community.
- The sense of community and the vibrancy created by alcohol outlets should not be overstated.



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- Alcohol in the community creates negative environmental effects in the form of litter, noise and anti social behaviour.
- Negative harms were perceived as more likely to occur from bars, clubs and off licences and sports clubs.
- The number of alcohol establishments was thought to be at the right number. An increase in outlets could lead to an increase in anti social behaviour.
- The current hours of operation for alcohol premises was identified as appropriate.
- Over three quarters of people had experienced negative harm, or knew someone who had experienced harm as a result of alcohol consumption.
- There was support for restrictions on premises in close proximity to educational establishments and community facilities.
- There was support for one way door policies.

A summary report of the results from the consultation is available on request.

The consultation on the draft policy is proposed to be undertaken between May and June 2014, with hearings likely to be held at the end of June.

**Risk Analysis**

The risk in not adopting the draft policy proposed at Appendix A is that it may become misaligned with the evidence gathered from the Police, Medical Officer of Health and Community.

The risk in resolving to not proceed any further with the policy is that the District Licensing Committee for New Plymouth does not have Council guidance, based on evidence to frame its decision making considerations.

**APPENDICES**

Appendix A - New Plymouth District Council and Stratford District Council Local Alcohol Policy (draft) (1510997)

Appendix B - Statement of Proposal and Background Information (1525378 / 1462906)

Appendix C - Community Survey Report (1523009)



## NEW PLYMOUTH DISTRICT PLAN: PLAN CHANGE PLC14/00042 - FINANCIAL CONTRIBUTIONS FOR NEW AREAS OF OPEN SPACE IN GROWTH AREAS

**PREPARED BY:** Juliet Hickford (Senior Policy Advisor)  
**TEAM:** Environmental Strategy & Policy Team  
**APPROVED BY:** Colin Comber (Manager Environmental Strategy & Policy)  
**WARD/COMMUNITY:** District wide  
**DATE:** 17 March 2014  
**FILE REFERENCE:** PP11-02-04.PLC14/00042, DM 1532788

### PURPOSE

The purpose of this report is to recommend that Plan Change PLC14/00042 Financial Contributions for New Areas of New Open Space is publicly notified for submissions. The Plan Change seeks to introduce Financial Contribution provisions to ensure that the costs of providing reserves for open space are appropriately apportioned to the new growth areas that generate the demand for this space.

### EXECUTIVE SUMMARY

This report recommends that the Council approves the public notification of the proposed Plan Change PLC14/00042 and the accompanying Section 32 report to the New Plymouth District Plan (District Plan) in accordance with Schedule 1 of the Resource Management Act 1991 (RMA). The Plan Change seeks to introduce Financial Contribution provisions to ensure that the costs of providing reserves for open space are appropriately apportioned to the new growth areas that generate the demand for this space.

### RECOMMENDATION

**That having considered all matters raised in the report, that pursuant to Schedule 1 of the Resource Management Act 1991 proposed Plan Change PLC14/00042 and the Section 32 report are approved for public notification. The proposed Plan Change PLC14/00042 will introduce Financial Contribution provisions to ensure that the costs of providing reserves for open space are appropriately apportioned to the new growth areas that generate the demand for this space.**

### SIGNIFICANCE ASSESSMENT

In terms of the Council's Significance Policy this matter is of:

Low significance       Medium significance       High significance

This matter has been assessed as of medium significance because providing the ability to take a financial contribution for new areas of open space in growth areas will ensure that development is appropriately funded and that the costs of development do not lie directly with the ratepayer.

**BACKGROUND**

The New Plymouth District Plan was made operative on 15 August 2005. Changes to an operative District Plan are referred to as plan changes. A plan change is a change to a District Plan which is a public process, involving consultation. When preparing a plan change the Council is required to prepare documentation on the appropriateness of the plan change in accordance with Section 32 of the RMA.

Financial contributions help promote the sustainable management of natural and physical resources in terms of Section 5 of the Resource Management Act 1991. The term financial contributions is defined in Section 108(10) of the Act, as including land or money which is required to be paid as a condition on a resource consent. Financial contributions are taken to recover the costs of providing utilities and community facilities, developing reserves and mitigating the effects of activities on the environment. If these costs are not funded through financial contributions then they will need to be funded through general rates or an alternative funding regime.

Financial contributions were introduced into the District Plan when it was notified in 1998. The financial contribution provisions provide the ability to take a financial contribution for core services such as water supply, waste water, stormwater and roading at a local level to manage the immediate off-site effects of development. However there is not ability to take a financial contribution at a localised level for new areas of open space.

The District Plan took a “district wide” approach to financial contributions for open space. The Plan signalled that there was not a requirement for any new open space and therefore a financial contribution of money would be taken from all new residential development across the district to enhance existing parks and reserves. This was known as the Community Facilities Fee.

The Development Contributions policy was introduced into the Long Term Plan in 2004. The focus of this policy is to charge contributions for water supply, waste water, stormwater, roading, parks and reserves and community facilities on a district-wide basis. The Community Facilities Fee, as provided for under the District Plan, has not been charged since the introduction of the Development Contributions Policy. Changes are currently proposed to the Development Contributions regime with the introduction of the Local Government Act Amendment Bill (No 3) into Parliament in December 2013. This Bill proposes to limit what can be taken through a Development Contribution. Following the enactment of changes in legislation corresponding changes to the Councils Development Contributions policy may be required.

There is currently no mechanism available to the Council to take a contribution (either financial contribution or development contribution) for new Parks and Reserves in new growth areas. A Plan Change is required to ensure that new areas of residential development that generate the need for local parks and reserves pay for these areas.

**DISCUSSION**

New areas of urban growth generate the need for local parks and reserves. Open space requirements are identified through structure planning and rezoning processes and are based on the Councils expected levels of service for the community. The purpose of new areas of open space can be for recreation use or beautification and can include local parks, local playgrounds, local sportsgrounds, pathways/cycleway linkages. Open space is also required to mitigate the adverse effects of development such as landscaping / beautification strips.

The Land Supply Review was initiated in 2006 to assess the supply of residential and employment (industrial and commercial) land in the District. From this process the Final Framework for Growth 2008 was adopted that sets out strategic growth directions for the urban expansion of the District. Areas for future urban development were also identified in the Oakura and Urenui Structure Plans (2006).

These residential growth areas are now identified in the District Plan as areas of future urban development (PLC09/00015). As these areas are now progressively rezoned and in some cases structure planned reserve and open space requirements have been identified.

It is important that the District Plan provides a mechanism to take a financial contribution for open space in these growth areas. It is fair and reasonable that the open space within these new areas is contributed to by the local areas and neighbourhoods that generate the demand for these spaces.

The Plan Change proposes specific changes under Objectives 5 and 22 to emphasize the need for open space to be provided by those who generate demand. A methodology is then proposed in Appendix 5 for taking a financial contribution for new areas of open space, to be known as an Open Space Base Fee. This fee is based on the value of the land that is required to be purchased for open space purposes in a particular growth area. In setting the percentage parameter of the fee consideration is given to the capital expenditure identified for the purchase and development of reserves and also likely dwelling yield.

The Plan Change proposes specific requirements for Area Q that is currently in the process of being rezoned. It is important that this Plan Change now tracks with the Area Q Plan Change to ensure that once it is made operative appropriate financial contributions can be taken. As other areas are structure planned and rezoned additional requirements can be applied through future plan changes.

The Open Space Base fee will be taken at the time of subdivision or building consent. If it is not taken at the time of subdivision then it will be taken at the time of building a new dwelling. A fee is also required for subsequent dwellings on an allotment. Provision is also made for subsequent dwellings that are then subdivided at a later date to ensure that there is no over-charging of fees.

**OPTIONS**

Three practical options are available to the Council for dealing with new areas of open space in growth areas. These are assessed below. Consideration of the appropriateness of the options and an assessment of the options against Section 32 of the RMA are provided in Appendix 2.

**1. Maintain the status quo and do not undertake the Plan Change.**

If a Plan Change is not promoted this could compromise the integrated development of future growth areas. It may not be economically feasible to develop these areas to an appropriate standard if the purchase and development of open space is not provided for. If insufficient open space results this could then lead to the residential areas with low quality public services impacting the long term sustainability and vibrancy of the District.

If there is not provision for a financial contribution the costs of providing new areas of open space in growth areas would need to be covered through alternative funding sources, such as through general rates. General rates are not the appropriate mechanism for funding growth related development as the costs more appropriately sit with the communities who are specifically generating the demand.

In a similar way spreading the contribution by adopting a “district-wide” approach is not appropriate as the adverse effects that generate the demand for new areas of open space are specific to local areas. There is no “rational nexus” for applying the contribution on a wider basis.

This is considered to be the least cost effective option in the long term as the costs of development will not be captured by those generating the demand for new services. This in turn could lead to the costs falling on the general community. In addition to this if not appropriately funded the quality of the levels of service the council provides could be compromised.

**2. Introduce a Plan Change to introduce an alternative methodology for taking a contribution. (Options are discussed in the section 32 report).**

There are different methods for taking a financial contribution for open space. Three alternative methodologies are assessed in the Section 32 report (Appendix 2). The methods assessed are both guided by the capital expenditure that is proposed to be spent in a particular area and by the projected dwelling yield for an area.

The proposed method proposed in this Plan Change, which relates to the percentage value of the allotment subject to subdivision, is the most effective for businesses and households. This method is familiar to the development community and is consistent with how Council currently negotiates for land in a development scenario. As the method is set by the allotments value it ensures that any contribution made is relative to the economic conditions relevant at the time it is taken.

Alternatively, to a District Plan Change, a change could be made to the Development Contributions Policy. The current Policy is district wide, so a change would be required to allow a contribution that serves a local area. With the provisions governing Development Contributions currently under review it is considered more appropriate to focus the immediate off-site effects of development through financial contributions.

**3. Propose a Plan Change to introduce a financial contribution for new areas of open space in growth areas based on a value related methodology (Recommended Option).**

The promotion of the Plan Change will ensure the integrated development of future growth areas by ensuring that open space is provided for on a fair and reasonable basis by those who generate the demand for open space. This will lead to residential areas being developed with high quality public services increasing the long term viability of these communities.

This is considered to be the most cost effective option in the long term by ensuring there is appropriate investment in open space resulting in high quality living environments. This option will achieve the community outcomes of sustainable by encouraging sustainable development and population growth. This option also provides for a vibrant district by ensuring “built environments and amenities are of a high standard and contribute significantly to the well-being of people and communities” and that the “district has high-quality public amenities and facilities.”

The Plan Change will allow the Council to meet the communities present and future needs for open space in the new growth areas that is the most cost-effective over the long term for households and businesses in the District.

## IMPLICATIONS ASSESSMENT

### Local Government Purpose

The matter comes within the scope of the Council’s lawful powers, including satisfying the purpose statement in section 10 of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities for good quality (i.e. efficient, effective and appropriate to present and anticipated future circumstances):

Local Infrastructure       Local public services       Performance of regulatory function

Ensuring that open space can be provided and funded in new growth areas will ensure that the council can deliver its levels of service for parks and reserves, therefore providing good quality local infrastructure. The Plan Change also ensures the effective performance of regulatory functions by ensuring there is a robust system for collecting these contributions.

As discussed under ‘Options’ above, the matter will be delivered in the way that is most cost-effective for households and businesses.

**ITEM B5****ITEM FOR RECOMMENDATION****Community Outcomes**

This matter contributes to the following community outcomes:

- Connected       Skilled       Prosperous       Secure and Healthy  
 Together       Vibrant       Sustainable

Community outcomes are the outcomes that the Council aims to achieve in meeting the current and future needs of communities for good-quality local infrastructure, local public services and performance of regulatory functions.

The consideration of community outcomes under section 77(1)(b)(ii) of the Local Government Act 2002 is addressed under 'Options' in this report.

**LTP/Annual Plan**

Is this matter currently budgeted for?       Yes       No

The proposed Plan Change has been developed within existing budgets.

**Consistency with Policy and Plans**

The matter is consistent with the Council's plans and policies including the Long Term Plan and the District Plan (natural and physical resources should be sustainably managed). The proposed Plan Change gives effect to the directions identified in the Development Contributions Policy for financial contributions for local parks and reserves to be promoted.

**Legal**

The Council is required to prepare a District Plan under the RMA. Therefore any proposed plan changes to the District Plan must be undertaken in accordance with the provisions of the RMA.

**Tangata Whenua Maori**

The tangata whenua of the district were consulted during the preparation of the District Plan. The Council continues to work with tangata whenua on resource management matters of relevance. Tangata whenua will be formally notified of this proposed Plan Change.

**Community Views and Preferences**

Affected parties will be publicly notified in accordance with the RMA and given the opportunity to make formal submissions for or against the proposed Plan Change.

**Risk Analysis**

If the Council does not propose Plan Change PLC14/00042 the risks are that:

- The Council will not be able to provide high quality open spaces to future growth areas;
- The general ratepayer will be paying for growth related development when this should be paid for by those who directly benefit from the open space asset.

**APPENDICES (attached as separate documents)**

Proposed Plan Change PLC14/00042 (DM 1509506)

Section 32 report (DM 1532787)



