

Notice of Meeting:

I hereby give notice that an ordinary meeting of the Dunedin City Council will be held on:

Date: Tuesday 24 September 2024
Time: 10.00 am
Venue: Council Chamber, Dunedin Public Art Gallery, The Octagon,
Dunedin

Sandy Graham
Chief Executive Officer

Council
SUPPLEMENTARY AGENDA

MEMBERSHIP

Mayor
Deputy Mayor

Mayor Jules Radich
Cr Cherry Lucas

Members

Cr Bill Acklin	Cr Sophie Barker
Cr David Benson-Pope	Cr Christine Garey
Cr Kevin Gilbert	Cr Carmen Houlahan
Cr Marie Laufiso	Cr Mandy Mayhem
Cr Jim O'Malley	Cr Lee Vandervis
Cr Steve Walker	Cr Brent Weatherall
Cr Andrew Whiley	

Senior Officer

Sandy Graham, Chief Executive Officer

Governance Support Officer

Lynne Adamson

Lynne Adamson
Governance Support Officer

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***Note:** Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.*

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REPORTS

ACTIONS FROM RESOLUTIONS OF COUNCIL MEETINGS

Department: Civic

EXECUTIVE SUMMARY

- 1 The purpose of this report is to show progress on implementing resolutions made at Council meetings.
- 2 As this report is an administrative report only, there are no options or Summary of Considerations.

RECOMMENDATIONS

That the Council:

- a) **Notes** the Open and Completed Actions from resolutions of Council meetings as attached.

DISCUSSION

- 3 This report also provides an update on resolutions that have been actioned and completed since the last Council meeting. Note that items on the Forward Work Programme are not included in the attached schedules.

NEXT STEPS

- 4 Updates will be provided at future Council meetings.

Signatories

Author:	Lynne Adamson - Governance Support Officer
Authoriser:	Clare Sullivan - Manager Governance

Attachments

	Title	Page
↓A	Open Public Action List	5
↓B	Closed Public Action list	9

Key	
Changes to timeframes	
Progress to date update	Bold

PUBLIC COUNCIL RESOLUTIONS					
OPEN ACTION LIST					
SEPTEMBER 2024					
Meeting Date	Resolution	Report	Resolution or Action to be Taken	Group	Status
25/09/2023	CNL/2023/216	Approval to Grant Electricity Easement to Aurora Energy Limited – Part Rotary Park	<p>Grants, as administering body of Rotary Park, pursuant to Section 48 of the Reserves Act 1977, an easement in gross to Aurora Energy Limited for the installation of a new electricity transformer and associated cabling over part of the Rotary Park (Record of Title OT14A/258).</p> <p>Decides the criteria for exemption from public notification has been met.</p> <p>Acting under its delegation from the Minister of Conservation dated 12 June 2013 and pursuant to Section 48 of the Reserves Act 1977, approves an easement in gross to Aurora Energy Limited for the installation of a new electricity transformer and associated cabling over part of Rotary Park (Record of Title OT14A/258).</p>	Parks and Recreation	September 2024 – survey plans have been completed and reviewed by the Council and are now awaiting plan approval by Land Information NZ so easement registration can then be completed.
28/11/2023	CNL/2023/277	Right of Way Easement over part Dunedin Town Belt for 139 Harbour Terrace, Dunedin	<p>Acting in its capacity as the administering body of the Dunedin Town Belt Recreation Reserve pursuant to the Reserves Act 1977:</p> <p>Approves the partial surrender of an existing vehicular Right of Way easement as it relates to Lot 2 DP 390403 (Instrument 8489286.2)</p> <p>Grants a Right of Way easement over part of the Dunedin Town Belt Recreation Reserve to land held as Lot 1 DP 575078 located at 139 Harbour Terrace, Dunedin, subject to the conditions outlined in this report.</p> <p>Approves increasing of the existing annual fee for the Right of Way from \$1,265.00 including GST to \$1,500.00 including GST for use of the Dunedin Town Belt Recreation Reserve for access to the property at 139 Harbour Terrace, Dunedin.</p> <p>Decides that the criteria for exemption from public notification has been met.</p> <p>Acting under delegation from the Minister of Conservation dated 12 June 2013, and pursuant to section 48 of the Reserves Act 1977;</p> <p>Approves the partial surrender of an existing vehicular Right of Way easement as it relates to Lot 2 DP 390403 (Instrument 8489286.2) and</p> <p>Consents to the grant of a Right of Way easement over part of the Dunedin Town Belt Recreation Reserve to land held as Lot 1 DP 575078 located at 139 Harbour Terrace, Dunedin, subject to the conditions outlined in this report.</p>	Parks and Recreation	September 2024 – Unchanged - Council is still waiting for advice from the Developer's lawyers that the variation of an existing requirement is completed before the Agreement to Surrender and Grant Right of Way Easement can be executed.

Key	
Changes to timeframes	
Progress to date update	Bold

PUBLIC COUNCIL RESOLUTIONS					
OPEN ACTION LIST					
SEPTEMBER 2024					
Meeting Date	Resolution	Report	Resolution or Action to be Taken	Group	Status
30/01/2024	CNL/2024/011	Approval to Grant Electricity Easement to Aurora Energy Limited – Part Local Purpose (Esplanade) Reserve at Burnside, Dunedin	Grants , as administering body of the Local Purpose (Esplanade) Reserve, pursuant to Section 48 of the Reserves Act 1977, an easement in gross to Aurora Energy Limited for the installation of an underground fibre cable and associated cabling over part of the Local Purpose (Esplanade) Reserve at Burnside (Record of Title 201821). Decides the criteria for exemption from public notification has been met. Acting under its delegation from the Minister of Conservation dated 12 June 2013 and pursuant to Section 48 of the Reserves Act 1977, approves an easement in gross to Aurora Energy Limited for the installation of an underground fibre cable and associated cabling over part of the Local Purpose (Esplanade) Reserve at Burnside (Record of Title 201821).	Parks and Recreation	September 2024 – Unchanged – A separate matter relating to mining rights in Council’s reserve land is being co-ordinated by DCC’s Legal Team. These mining rights are to be transferred to Council. Once the mining rights have been transferred then the Aurora Easement will be registered.
31/07/2024	CNL/2024/138	New Zealand Master Games Final Report	Agrees that the Dunedin (New Zealand) Masters Games Trust would collaborate with the Council to ensure the event's future sustainability.	Events	September 2024 – the work is ongoing.
27/08/2024	CNL/2024/156	Zero Carbon Plan Advisory Panel – Draft Terms of Reference	Adopts the Zero Carbon Plan Advisory Panel Terms of Reference with agreed amendments to the frequency of reporting and meetings and membership.	Sustainability Group	September 2024 – The inaugural Zero Carbon Plan Advisory Panel meeting is scheduled for 20 September. The 2024/25 Implementation Plan is on the agenda.
27/08/2024	CNL/2024/157	Proposed 2024/25 Zero Carbon Implementation Plan	Refers the proposed 2024/25 Zero Carbon Implementation Plan to the Zero Carbon Advisory Panel to refine the implementation plan for approval by Council before 31 October 2024. Requests that the Zero Carbon Alliance invites Business South to become a member of the Zero Carbon Advisory Panel.	Sustainability Group	September 2024 – The Zero Carbon Collaboration Group meetings are biannual. The next is scheduled for October. This is a forum in which to progress membership Changes.
27/08/2024	CNL/2024/161	Proposed Road Closure	Resolves to close the roads as set out in the minutes (pursuant to Section 319, Section 342, and Schedule 10 clause 11(e) of the Local Government Act 1974 (LGA 1974)) for the following event: Motorsport Hillclimb – Saturday 16 and Sunday 17 November 2024	Transport	September 2024 – the roads will be closed for the event.

Key	
Changes to timeframes	
Progress to date update	Bold

PUBLIC COUNCIL RESOLUTIONS					
OPEN ACTION LIST					
SEPTEMBER 2024					
Meeting Date	Resolution	Report	Resolution or Action to be Taken	Group	Status
NOTICE OF MOTION					
31/01/2024	CNL/2023/013	Notice of Motion - Dunedin Hospital	<p>Supports the New Dunedin Hospital being built to the specifications in the Final Detailed Business Case approved by Cabinet, and that the Dunedin City Council will not accept changes that reduce the long-term capacity of the New Dunedin Hospital, or that compromise in any way the clinical services available to residents of the city and the wider region.</p> <p>Seeks the commitment of all parliamentary parties to adequately fund that work.</p> <p>Engages with stakeholders to support this advocacy position.</p> <p>Commits to fund a public campaign in support of 1 – 3 above, up to \$130,400 and seek support funding from other sources.</p>		September 2024 – The Campaign has resumed. A protest march will be held on 28 September 2024.
27/03/2024	CNL/2024/066 and CNL/2024/067	Notice of Motion – Single Use Cups	<p>Declares a commitment to Dunedin City becoming Single Use Cup (SUC) free as part of its broader waste minimisation goals.</p> <p>Directs the DCC CEO to make the following Dunedin City Council venues SUC free by the end of 2024:</p> <ul style="list-style-type: none"> i) Civic Centre ii) Dunedin Public Library iii) Toitū iv) DPAG 	Civic	September 2024 – A coms plan is being developed which will be sent to all staff.
			<p>Includes in the DCHL Letter of Expectation 25/26 a requirement that Dunedin Venues Management Limited and the venues it controls or manages are SUC free by the end of 2025.</p>		September 2024 – This was included in the 2024/25 DCHL Letter of Expectation and will be included in the 2025/26 DCHL Letter of Expectation.
			<p>Promotes the SUC free initiative to the business and hospitality communities through Council networks and events;</p>		September 2024 – The Grow Dunedin Partnership members and DCC promote the SUC initiative with staff to use at functions. Crockery and glassware is utilised at functions whereby they can be washed, reused and recycled for the next event.
			<p>Includes the SUC initiative as a consultation topic in the 9 year plan;</p>		September 2024 – No change (the SUC initiative will be included in the draft 9 year plan as a consultation topic).
			<p>Writes to Central Government to seek legislative change to ban all Single Use Cups.</p>		September 2024 – The letter will be sent.

Key	
Changes to timeframes	
Progress to date update	Bold

PUBLIC COUNCIL RESOLUTIONS					
OPEN ACTION LIST					
SEPTEMBER 2024					
Meeting Date	Resolution	Report	Resolution or Action to be Taken	Group	Status
25/6/2024	CNL2024/124	Notice of Motion – Place Based Funding	<p>Directs staff not to distribute the \$30,000 increase in the Place-Based Funding pool for the 2024-25 year as per Council resolution (CNL/2021/121).</p> <p>Notes that resolution (CNL/2021/121) would be subject to further consideration once the Grants Review had been completed as part of the nine-year plan.</p>	Community Partnerships	September 2024 – No change - The funds have been included in the Place Based Funding pool for the 2024-25 year. Staff have been advised not to distribute the additional \$30,000.
NON PUBLIC COUNCIL RESOLUTIONS RELEASED IN PUBLIC					
30/10/2023	CNL/2023/268	Appointment of District Licensing Committee Members	Notes that expressions of interest for new community members for the District Licensing Committee will be sought.	Civic	September 2024 – Expressions of Interest for positions on the District Licensing Committee are being sought.

Key	
Changes to timeframes	
Progress to date update	Bold

PUBLIC COUNCIL RESOLUTIONS COMPLETED ACTION LIST SEPTEMBER 2024					
Meeting Date	Resolution	Report	Resolution or Action to be Taken	Group	Completion
25/6/2024	CNL/2024/117	Proposed Event Road Closures –September 2024	Resolves to close the roads as set out in the minutes (pursuant to Section 319, Section 342, and Schedule 10 clause 11(e) of the Local Government Act 1974 (LGA 1974)) for the following events: 2024 Emerson’s Dunedin Marathon – Saturday 14 and Sunday 15 September 2024.	Transport	The were closed for the Emerson’s Dunedin marathon as resolved.
31/7/2024	CNL/2024/145	Proposed Event Road Closures – August 2024	Resolves to close the roads detailed in the minutes (pursuant to Section 319, Section 342, and Schedule 10 clause 11(e) of the Local Government Act 1974 (LGA 1974)) for the following events: Special Rigs for Special Kids – Sunday 25 August 2024	Transport	The roads were closed for the Special Rigs for Special Kids event.
27/08/2024	CNL/2024/155	Submission on the Redesign of the Vocational Education and Training System	Approves the DCC submission on the “Redesign of the vocational education and training system” Authorises the Chief Executive Officer to make any minor editorial amendments to the submission.	Enterprise Dunedin Corporate Policy	The submission was sent on 27 August 2024.
27/08/2024	CNL/2024/161	Proposed Event Road Closures	Resolves to close the roads as set out in the minutes (pursuant to Section 319, Section 342, and Schedule 10 clause 11(e) of the Local Government Act 1974 (LGA 1974)) for the following event: Graduation Parade – Friday 13 September 2024	Transport	The roads were closed for the graduation parade.

FORWARD WORK PROGRAMME FOR COUNCIL - SEPTEMBER 2024

Department: Civic

EXECUTIVE SUMMARY

- 1 The purpose of this report is to provide the updated forward work programme for the 2024-2025 year (Attachment A).
- 2 As this is an administrative report only, there are no options or Summary of Considerations.

RECOMMENDATIONS

That the Council:

- a) **Notes** the updated Council forward work programme as shown in Attachment A.

DISCUSSION

- 3 The forward work programme is a regular agenda item which shows areas of activity, progress and expected timeframes for Council decision making across a range of areas of work.
- 4 As an update report, the purple highlight shows changes to timeframes. New items added to the schedule are highlighted in yellow. Items that have been completed or updated are shown as bold.

NEXT STEPS

- 5 An updated report will be presented to future Council meetings.

Signatories

Author:	Lynne Adamson - Governance Support Officer
Authoriser:	Clare Sullivan - Manager Governance

Attachments

	Title	Page
	Forward Work Programme	13

Key	
New item	
Changes to timeframes	
Completed; progress to date update	Bold

Council Forward Work Programme - September 2024														
Area of Work	Reason for Work	Council role (decision and/or direction)	2024				2025							
			Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	August
Dunedin City Council Annual Report	Statutory requirement under the LGA.	Decision to adopt the Annual Report. Progress to date: The 30 June 2024 Annual Report (subject to Audit) will be adopted at the October Council meeting.		Report										
Committee Structure Delegations Manual	Council may delegate to committees those powers necessary for them to carry out their responsibilities in an efficient and effective way. Any changes to the Committee Structure Delegations manual must be done by Council.	Consider and decide on proposed changes to the Committee and Structure Delegations Manual.	Ongoing Work											
LGNZ AGM Remits and Rules	Remits and rule changes to be considered at the AGM.	Consider and decide on remits and rule changes. Progress to date: The next meeting will be held in August 2025.											Report	LGNZ AGM
South Dunedin Future	Provide updates on the South Dunedin Future programme including the climate adaptation plan. (Council 31 July 2024 - CNL/132)	Progress to date: Review of the draft risk assessment for South Dunedin has identified information gaps that require filling before public release, which will now be delayed. There is a report on the agenda which will provide further advice. Workshops on the risk assessment and adaptation options have been rescheduled for November and December, respectively. It is anticipated that the risk assessment and adaptation options technical reports will now be presented to Council early 2025, aiming for February. Despite these delays, the SDF programme remains on track to deliver an adaptation plan for South Dunedin by late 2026.	Report		Workshop	Workshop		Reports						

Council Forward Work Programme - September 2024															
Area of Work	Reason for Work	Council role (decision and/or direction)	2024				2025								
			Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	August	Sept
Financial Results	To provide Council the financial result (YTD), financial position and a quarterly update on capital programme expenditure on the months it is not presented to FCCO.	Noting the financial results. Progress to date: Financial result reports be presented to either Finance and Council Controlled Organisations Committee or Council future meetings.	Report to FCCO	Report	Report to FCCO	Report		Report to FCCO	Report	Report	Report to FCCO	Report	Report	Report to FCCO	
Zero Carbon	Provide updates on the Zero Carbon work programme. (Council 31 July 2024 - CNL/2024/133 and 27 August 2024 CNL/2024/258)	To advance the work programme across all three work streams in line with Zero Carbon Plan implementation plan, EMRP and the Zero Carbon Policy. Progress to date: Following the meeting of the Zero Carbon Plan Advisory Panel, the Zero Carbon 2024/25 Implementation Plan will be presented to the October Council meeting.	Ongoing Work	Report	Ongoing work										
Unitary Authority	Provide a report on the establishment of a unitary authority (Council 27 August 2024 - CNL/224/162)	Provide a report on options for progressing discussions about a possible unitary authority for Otago. Progress to date: A report will be presented to the December 2024 Council meeting.				Report									
Submissions to central government and other external parties.	Provide feedback on proposals from central government and other external parties.	Consider and decide on draft submission on central government and other external parties proposals. Progress to date: There have been two submissions considered by Council from 1 July 2024 - 30 June 2025 and there are two submissions on the agenda.	Report	As and when required											
Council Controlled Organisations															
Aurora Energy	Proposal regarding Aurora Energy Ltd (Council 20 March 2024 - CNL/2024/055)	Consider feedback and make a decision on the Aurora Energy proposal. Progress to date: An options report is on the agenda for decision.	Report												
Company Statements of Intent	Agrees to the completed 2024/25 Statements of Intent of Dunedin City Holdings Ltd and its subsidiary and associate companies. (Council 25 June 2024 (CNL/2024/119)	Progress to date: The final Statements of Intent 2024/25 were presented to the June 2024 Council meeting.		Workshop on Letter of Expectation	Draft Letter of Expectation			Possible Workshop	Consider draft SOI's		Approve SOI's				

Council Forward Work Programme - September 2024														
Area of Work	Reason for Work	Council role (decision and/or direction)	2024				2025							
			Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	August
Second Generation District Plan (2GP) Work Programme														
2GP - Appeals/Making 2GP Operative Plan	To deal with appeals received on the 2GP and Variation 2 to the plan, and to make the 2GP operative. (Council 31 July 2024 CNL/2024/134)	Progress to date: The Dunedin City District Plan (2024) became partially operative on 19 August 2024. There are 6 site-specific appeals awaiting resolution.	Ongoing Work											
2GP - Minor Improvements Plan Change	A change to the 2GP that involves a range of minor improvements.	Decide on Variation 3 to the 2GP to be notified for consultation purposes. Progress to date: Staff have finalised the documentation for notification of the proposed minor changes. There was a workshop held in June and a report is on the agenda for approval to notify. Notification is proposed for November 2024.	Report		Notification									
2GP - Heritage and multi-unit development design plan change	Plan Change to the 2GP - Heritage and multi unit development design.	Plan Change 2 was initiated by SPEC on 20 August. Progress to date: A workshop was held with Councillors in September.	Workshop											
Policies Work Programme:														
Litter Compliance Policy Review	A review of the Litter Compliance Policy which was previously approved on 25 May 2021. (Council - 31 July 2024 - CNL/2024/137)	The Litter Compliance Policy review was due for review. Territorial authorities can adopt infringement notice provisions under the Litter Act 1979. This empowers the authority to infringe and charge for incidents of litter and illegal dumping. Progress to date: Consultation was undertaken in August and there is a report on the agenda	Report											
Naming Rights and Sponsorship Policy	Develop a policy that will give clarity to naming rights on DCC assets.	Consider and decide on a proposed Naming Rights policy. Progress to date: This work has not been scheduled.												

Council Forward Work Programme - September 2024														
Area of Work	Reason for Work	Council role (decision and/or direction)	2024				2025							
			Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	August
Local Alcohol Policy Review	A review of the Local Alcohol Policy which came into effect in February 2019.	<p>The Dunedin Local Alcohol Policy must be reviewed no later than 6 years from when it becomes effective.</p> <p>Progress to date: Stakeholder feedback has been received and reviewed. A workshop was held in September and a report is on the agenda. The hearings are expected to be held in mid-late November 2024. Recommendations will be presented to Council in early 2025.</p>	Report	Consultation	Hearings		Report							

Completed Work		
Area of Work	Reason for Work	Decision made
Otago Hockey	Working with Otago Hockey to investigate options for the replacement of the hockey turfs at Harbour Terrace. (Council 12 March 2024 - CNL/2024/046)	<p>Consider taking over ownership of the turfs and replace turfs in the 2024/25 year.</p> <p>Progress to date: A report on ownership was considered and approved at the Annual Plan deliberations.</p>

9 YEAR PLAN FORWARD WORK PROGRAMME - SEPTEMBER 2024

Department: Civic

EXECUTIVE SUMMARY

- 1 The purpose of this report is to provide a forward work programme for the development of the 9 year plan (Attachment A).
- 2 As this is an administrative report only, there are no options or Summary of Considerations.

RECOMMENDATIONS

That the Council:

- a) **Notes** the updated Council forward work programme as shown in Attachment A.

DISCUSSION

- 3 The forward work programme at Attachment A shows the areas of work being undertaken, along with an indication of when 9 year plan workshops will be held, and when reports are expected to be presented to council and / or committees. The forward work programme highlights changes made to timeframes, any new items, and items that have been completed.
- 4 The forward work programme provides that budget decisions will be made in January 2025. Some items in the work programme indicate that a report will be presented to the January meeting. Not all will have their own report but may be incorporated into an overall report such as the capital budget report.
- 5 Option reports may be presented to Council before the January 2025 meeting, to enable budgets to be prepared for those options in time for the January budget meeting.

NEXT STEPS

- 6 An updated report will be presented to future Council meetings.

Signatories

Author:	Sharon Bodeker - Special Projects Manager
Authoriser:	Sandy Graham - Chief Executive Officer

Attachments

	Title	Page
↓A	Forward Work Programme - September 2024	19

Key	
New item	
Completed; progress to date update	Bold

Council - 9 Year Plan Forward Work Programme - September 2024											
Area of Work	Reports and/or workshops	2024				2025					
		Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
Overall	9 year plan development	Ongoing work, workshops, report				Reports	Consultation document	Submission process		Hearings Deliberations	Adoption
City Development	Heritage Action Plan - investment and implementation	Site visit	Activity Workshop	Report		Report					
	Building incentives and vacant inner city space			Workshop		Report					
	Centres upgrade - options for various centres	Site visit	Activity Workshop	Report		Report					
Creative Partnerships	Long term investment options for the Ōtepoti Live Music Action Plan		Activity Workshop			Report					
	Performing Arts Venue		Activity Workshop			Report					
Economic Development	Workshop on activity		Activity Workshop								
	Dunedin Railways report on options.		To be determined								
Engagement	Engagement	Report to Civic			Report		Consultation document	Submission process		Hearings Deliberations	
	Community Board plans - workshop		Workshop								
	Significance and Engagement Policy		Report								
	Community Engagement Plan (External)					Report					

Area of Work	Reports and/or workshops	2024				2025					
		Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
Galleries, libraries and museums	Tūhura Otago Museum – ongoing operating budget requirements			Workshop		Report					
	Consider entry charges at Toitū and the Art Gallery for non- Dunedin residents, and charges for all to large exhibitions		Activity Workshop	Report							
Finance	Investment Plan		Workshop								
	Waipori Fund SIPO renewal		Workshop			Report					
	DCHL review					Report					
Finance	Revenue and Financing Policy		Activity Workshops	Report		Report					
	Rates Remission Policy			Report							
	Significant Forecasting Assumptions - Financial			Report							
	CAPEX budgets			Workshops	Workshops	Report					
	OPEX budgets, financial statements			Workshops	Workshops	Report					
	Fees and Charges					Report					
	Rating Information					Report					
	Development Contributions Policy	Workshop		Workshop		Report					
	Financial Strategy		Workshops			Report					
Grants	Grants Review				Report			Consultation		Finalise Policy	
Infrastructure	Infrastructure Strategy		Workshop	Workshop		Report					
	Statements - Variation Water and Sanitary Services and WMMP						Report				
Levels of service and Groups of Activities	Levels of Service and performance measures		Activity Workshop			Report					
	Groups of activities		Activity Workshop								

Area of Work	Reports and/or workshops	2024				2025					
		Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
Parks and Recreation	Review of sports field charges			Workshop		Report					
	Aquatics		Activity Workshop	Site visit		Report					
	Playgrounds		Activity Workshop / Report								
	Green spaces		Activity Workshop								
	Predator Free		Activity Workshop			Report					
Parks and Recreation	Policy framework to consider funding for community organisations undertaking work on DCC land or achieving council objectives				Report						
Property	Municipal Chambers	Site visit	Activity Workshop			Report					
	231 Stuart Street (former Fortune Theatre)	Site visit	Activity Workshop Report								
	258 King Edward St, costs to fix		Activity Workshop	Report							
	Community Halls - update		Activity Workshop								
	Sammy's - costs to fix		Activity Workshop								
	Community Housing rental - options		Activity Workshop		Report						
	Tar Pits		Activity Workshop	Report							
	Sims Building update		Activity Workshop	Report							
	Parking fees and charges - new charges		Activity Workshop		Report						
Regulatory Services	Workshop on activity		Activity Workshop								

Area of Work	Reports and/or workshops	2024				2025					
		Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
South Dunedin Future/Climate Change/Coastal	South Dunedin Future update	Report		Workshop	Workshop Report						
	Climate change adaptation plan - costed options		Activity Workshop								
	Zero Carbon		Activity Workshop Report			Report					
	Forbury Park					Workshop					
	Kettle Park	Workshop	ICOM Report								
Strategic Support	Significant forecasting assumptions - non financial		Activity Workshop Report								
	Community Outcomes and Indicators				Report						
	City Profile					Report					
Strategic Support	Strategic overview content				Report						
	Strategic refresh		2 Workshops		Report						
Transport	Peninsula Connection - unfunded sections		Activity Workshop			Report					
	Central City project - business case for remainder of the central city plan, including the city to waterfront connection.		ISCOM Update report								
	Strategic pedestrian and cycleway network plan		Activity Workshop / ISCOM Report								
Waste	Waste Minimisation Management Plan		Workshop Report					Consultation		Hearings	Adoption
	Smooth Hill		Activity Workshop	Report							
	Use of waste levy		Activity Workshop								

Area of Work	Reports and/or workshops	2024				2025					
		Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
3 Waters	Activity workshop	Site visit	Activity Workshop								
	Future of 3 Waters		Activity Workshop								
	Water Services Delivery Plan	Report to ISCOM									
Other	Foulden Maar		To be determined								
	Transport Place		To be determined								

REVIEW OF DUNEDIN'S LOCAL ALCOHOL POLICY

Department: Civic

EXECUTIVE SUMMARY

- 1 Dunedin City Council's Local Alcohol Policy (LAP) took effect on 1 February 2019 and is required to be reviewed no later than six years after it came into force, i.e. by 1 February 2025.
- 2 The draft replacement LAP (Attachment A) contains several proposed changes from the current LAP (Attachment B). These changes, based on feedback from stakeholders, are to improve alcohol outcomes by amending on and off-licence maximum hours, place a moratorium on new off-licence premises in an area north of the Octagon, and include some discretionary conditions able to be used by the District Licensing Committee (DLC).
- 3 It is proposed that the draft LAP go out for consultation via the statutorily required special consultative procedure under the Local Government Act (2004) after it has been reviewed for legal compliance. Submissions received will be considered by a hearings sub-committee.

RECOMMENDATIONS

That the Council:

- a) **Approves** the draft Local Alcohol Policy, subject to legal review, for public consultation via the special consultative procedure under the Local Government Act (2004).
- b) **Notes** that the Chair of the Hearings Panel, Cr O'Malley has exercised his delegation to appoint the panel which is Cr O'Malley (Chair) and Crs Barker, Benson-Pope, Garey, Gilbert, Walker and Whiley.
- c) **Notes** that the panel will consider the submissions and report back to Council to seek approval of the final LAP.

BACKGROUND

- 4 The Sale and Supply of Alcohol Act 2012 (the Act) allows territorial authorities to develop local alcohol policies. LAPs are not mandatory, however if one is developed certain criteria must be considered. Once adopted, a territorial authority must bring the LAP into force on a day stated by resolution.
- 5 LAPs are aimed at ensuring the accessibility and availability of alcohol is in line with the objectives of the Act, which is that the sale, supply and consumption of alcohol is undertaken

safely and responsibly, and that alcohol related harm minimised. Licences can be refused if they are contrary to a LAP and conditions may be imposed on a licence if they are required by a LAP.

- 6 The LAP must only contain matters that relate to licensing. Section 77(1) of the Act states that any or all of the following matters may be included:
 - a) location of licensed premises by reference to broad areas
 - b) location of licensed premises by reference to proximity to premises of a particular kind or kinds
 - c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds
 - d) whether further 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
 - e) maximum trading hours
 - f) the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions
 - g) one-way door restrictions.
- 7 When producing the draft policy, the Council must have regard to:
 - a) the objectives and policies of the district plan
 - b) the number of licences of each kind held for premises in the district, and the location and opening hours of each of the premises
 - c) any areas in which bylaws prohibiting alcohol in public places are in force
 - d) the demography of the district's residents
 - e) the demography of the people who visit the district as tourists or holiday makers
 - f) the overall health indicators of the district's residents
 - g) the nature and severity of the alcohol-related problems arising in the district.
- 8 The Council must consult with the Police, Medical Officer of Health and Licensing Inspectors before the draft LAP is finalised.
- 9 Last year the Sale and Supply of Alcohol (Community Participation) Amendment Act (2012) came into force. One of the consequences of the amendment is that final LAPs can no longer be appealed by submitters, although they still have the option of a Judicial Review. The amendment also allows greater community participation in the licensing process by removing some of the barriers to objecting to licence applications. Further, there is no longer a requirement to do a provisional local alcohol policy for notification.

DISCUSSION

- 10 The Council's current LAP came into force on 1 February 2019, meaning that it expires on 1 February 2025. Originally the adopted LAP was to undergo a 'rapid' review after two years to gauge the effect it was having on the community and identified alcohol-related harms. This was not undertaken because of the 2020 pandemic and subsequent disruption to hospitality generally.

- 11 Various groups (Attachment C) were asked for initial feedback on the current LAP. Some changes have been suggested including a reduction in licence hours for both on and off-licences and the inclusion of discretionary conditions to off-licences.
- 12 The following table summarises the proposed changes which have been incorporated into the draft replacement LAP for public consultation:

Element of LAP	Current	Proposed	Comment
Off-licence hours	7.00 am to 10.00 pm	7.00 am to 9.00 pm	To reduce the late, impulse purchase of alcohol.
New off-licence premises	No restrictions	No new premises in an area between the Octagon and Gardens Shopping Centre	To limit supply of alcohol in the area occupied by predominantly 18-24 year olds.
On-licence hours	Opening time 8.00 am	Opening time 9.00 am	Considered unnecessary to offer alcohol for sale at 8am. A low impact adjustment.
Entertainment Venues	5.00 pm to 4.00 am	5.00 pm to 3.00 am	To align the late night venue closing times.
'Sensitive facility' definition	Educational/recreational facilities likely to attract people under 18 years of age.	Include marae and places of worship.	To respect attendees at marae and places of worship
Off-licence external advertising	No restrictions	No promotion or advertising of alcohol on exterior of premises. <i>Discretionary condition dependent on premises location.</i>	Research indicates there is a relationship between young people's exposure to alcohol advertising and earlier uptake of drinking and heavy drinking among adolescents who already drink. ¹
Club managers	No requirement to be present on the premises when the bar is open.	Certified manager to be present after 5pm or when patron numbers exceed 50 people. <i>Discretionary condition dependent on nature of club and nature of activities.</i>	Some clubs are higher risk of alcohol-related harm occurring. The requirement to have a certified manager present would ensure greater compliance with the conditions on the licence relating to alcohol harm minimisation.

¹ Sargent, J. D. & Babor, T. F. The relationship between exposure to alcohol marketing and underage drinking is causal. *J. Stud. Alcohol Drugs Suppl.* 113–124 (2020) doi:10.15288/jsads.2020.s19.113.

- 13 The proposed change in closing time for off-licence premises would mean alcohol was less readily available for impulse purchase of alcohol. The changes to the Act will now allow this to proceed because the element could not be appealed. Auckland City Council has recently adopted their LAP which includes off-licence hours of 7.00 am to 9.00 pm.
- 14 It is proposed a moratorium on new off-licences would apply to the following area:



There have been no new licensed premises in the proposed area for over 10 years, however the inclusion of this element would stop any new off-licence premises being established in the vulnerable student area.

- 15 There is no restriction mentioned in the current LAP regarding external advertising or promotion of alcohol. The subject has recently been raised at three off-licence hearings and the District Licensing Committee (DLC) has imposed conditions relating to what they consider is acceptable. The inclusion of this element in a LAP may be considered a 'discretionary' condition to be used by the Committee after considering all the factors relating to the premises, for example, its location in relation to sensitive facilities.
- 16 On-licence premises across the district can currently open at 8.00 am. A proposed later opening time of 9.00 am will likely have a minimal impact upon premises in Dunedin. While licensed cafes would still be able to open earlier, they would not be able to sell alcohol.
- 17 Dunedin currently has one premises classified as an 'entertainment' venue with the 5.00 pm to 4.00 am licence hours. It is considered unnecessary by the regulatory agencies, the Police, Medical Officer of Health, and Licensing Inspectors, for a premises to be open past 3.00 am.
- 18 Licensed clubs must have a certified manager, however there is currently no requirement for that person to be at the club when it is trading. It is proposed that certified managers are to be present after 5.00 pm or when there are 50 or more people present. This is proposed is a discretionary condition for the Committee to impose when considering any risks associated with the premises.

- 19 The definition of a ‘sensitive facility’ which is used in the current LAP does not include marae or places of worship. It is proposed to include these into the definition.

OPTIONS

Option One – Recommended Option

- 20 Approve the attached draft LAP, subject to legal review, for public consultation.

Advantages

- Further reduction of alcohol-related harm in the community by improving the safe and responsible sale and consumption of alcohol.
- The community will have the opportunity to make submissions on the proposed LAP to reflect their views.
- The change in legislation will allow the resulting policy to better reflect the aspirations of the community.

Disadvantages

- Possible extra costs for specified clubs to have a certified manager on site after 5pm.

Option Two – Abandon the LAP

- 21 This option would mean the current LAP would expire on 1 February 2025.

Advantages

- No Council resources will be used in the development, and subsequent monitoring, of a LAP.

Disadvantages

- While alcohol licences could still be granted, the default position for all licences would be as set out in Act without reference to the local context.
- Alcohol-related harm in the community may increase without any further checks and balances that a LAP can provide.
- The DLC would have no ability to grant licences which reflected the wishes of the community.

NEXT STEPS

- 22 Obtain a legal review of the draft LAP prior to its notification.
- 23 Publicly notify the draft LAP with public consultation to take place between 14 October and 14 November 2024.
- 24 Submissions Hearings to occur on 27 and 28 November, and on 4 and 5 December if required.

25 Report to Council with a final proposed LAP for adopting at its January 2025 meeting.

Signatories

Author:	Kevin Mechen - Alcohol, Psychoactive Substances and Gambling Advisor
Authoriser:	Robert West - General Manager Corporate Services

Attachments

	Title	Page
↴A	Draft Local Alcohol Policy	33
↴B	Current Local Alcohol Policy	47
↴C	Stakeholders Consulted	59

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision enables democratic local decision making and action by, and on behalf of communities.
This decision promotes the social well-being of communities in the present and for the future.
This decision promotes the cultural well-being of communities in the present and for the future.

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Future Development Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Integrated Transport Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Parks and Recreation Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	✓

This proposal aligns with the following strategic priorities: Social Wellbeing’s priorities of vibrant and cohesive communities, and safe and healthy people; Economic Development priority of a compelling destination; and Future Development priorities of liveable city, and vibrant and exciting city.

Māori Impact Statement

The 2022/23 New Zealand Health Survey by the Ministry of Health found that the highest prevalence of hazardous drinking was among Māori men (30.9%). The large differences still persist in the prevalence of hazardous drinking between Māori and non-Māori in the previous surveys. Māori men were 1.5 times more likely to report hazardous drinking than non-Māori men. Māori women were 1.98 times more likely to report hazardous drinking than non-Māori women. By reducing harm from alcohol, the Crown are more effectively meeting their obligations under the Treaty of Waitangi. Article Two of the Treaty of Waitangi guarantees Māori authority over their taonga, including their hauora (health).

Sustainability

There are no implications for sustainability.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no identified implications for the LTP/Annual Plan, Financial or Infrastructure Strategies.

Financial considerations

There are no financial considerations identified.

Significance

This decision is considered to be low significance in terms of the Council’s Significance and Engagement Policy.

SUMMARY OF CONSIDERATIONS

Engagement – external

Various organisations were consulted with during the development of the draft LAP, including: Police, Medical Officer of Health/Health NZ Southern, St John Ambulance, University of Otago, Students’ Associations, University Proctor, ADL NZ, ACC, Hospitality NZ, Students for Sensible Drug Policy Ōtepoti Dunedin, Know Your Stuff, and Mirror Services.

Engagement - internal

The Licensing Inspectors and DCC in-house legal counsel were consulted during the drafting of the LAP.

Risks: Legal / Health and Safety etc.


There are no known risks. If the LAP is not renewed, the default position stated in the Sale and Supply of Alcohol Act 2012 would apply, and the District Licensing Committee still has the ability to impose conditions on licences on a case-by-case basis after considering the information presented.

Conflict of Interest

There is no known conflict of interest.

Community Boards

There are no known implications for the Community Boards.

DRAFT LOCAL ALCOHOL POLICY			
Approved by:			
Sponsor:			
Department responsible:			
Date approved:		Reviewed:	
Next review date:		DOC ID:	

PURPOSE

The Dunedin Local Alcohol Policy (LAP) seeks to balance the statutory requirements and object of the Sale and Supply of Alcohol Act (the Act), meeting both the reasonable needs and expectations of residents and businesses, and the city’s desire to support vibrant, sustainable, and resilient communities. The LAP emphasises the role of safe and responsibly managed drinking environments in achieving this outcome.

SCOPE

This LAP will provide guidance to the District Licensing Committee (DLC) and to the Alcohol Regulatory and Licensing Authority (ARLA), setting expectations about aspects of the sale and supply of alcohol in Dunedin. Both entities must have regard to the content of any relevant LAP when making decisions under the Act.

1.0 INTRODUCTION

The National Context

In 2012, the Government passed the Sale and Supply of Alcohol Act, thereby establishing a new national framework regulating the sale and supply of alcohol. The purpose of this Act is to put in place a new system of control that is reasonable and its administration helps to achieve the object of the Act.

The object of this legislation is twofold: that the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised. The Act allows territorial authorities to develop a LAP to meet these objectives at a local level.

Harm is defined broadly by the Act, and includes –

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

The Act is prescriptive about the aspects of sale and supply of alcohol that a Local Alcohol Policy can influence:

- further restrictions on the default **maximum trading hours** set by the Act
- limits on the **location** of licensed premises in particular areas or near certain types of facilities
- limits on the **density** of licensed premises in particular areas
- imposition of **conditions** on types of licences
- recommendations on **discretionary conditions** for licences.

The Local Context

Dunedin's alcohol-related challenges result largely from the city's unique geography and its demographics.

Dunedin has a compact urban core with the location of a high proportion of the city's licensed premises clustered around the Octagon in the Central Business District (CBD). The Octagon operates as the main hospitality hub for the late-night economy – concentrating both vibrancy and the problems associated with late-night drinking. As the country's second largest district by land area, Dunedin also has smaller suburban and rural centres serving more isolated communities, and where licensed premises serve an important social function.

Dunedin Police have stated that the CBD is the primary area for alcohol-related calls for service. Calls to fights, disorder, assaults, and breaches of the peace are the most common.

As a tertiary education hub, the city is home to proportionately more 15 – 24 year olds than other New Zealand centres. First year students arrive in Dunedin just as they reach the age at which they are legally able to purchase alcohol (18 years), and at a time when they are seeking opportunities to meet and socialise with other young people. Student accommodation is clustered in the North Dunedin area which immediately surrounds the tertiary institutions. Student parties in the area act as a magnet for non-students. This combination makes the city's young people particularly vulnerable to hazardous drinking and alcohol-related harm.

- Dunedin Hospital reports that in 2019, there were 1860 alcohol-related presentations to the Emergency Department (4% of total presentations) with the highest numbers presenting between 6pm Saturday and 6am Sunday. The 18 – 24 year age group made up 51% of those presentations.¹
- The Otago region has a higher rate of alcohol-related hospital admissions for young people (15-24 year old age group) than other Southern Health regions.

The city also faces challenges that are a function of nation-wide issues – New Zealand's drinking culture, and a historically loose regulatory regime.

Analysis of Police data indicates that:

- As the night becomes later, offences become more serious and the ages of the offenders increases
- 73% of those arrested for violence offences and 93% arrested for disorder offences were affected by alcohol
- About 84% of alcohol is consumed in off-licence settings in situations where there is little or no control

2.0 LOCATION

While there is no restriction on the location of licensed premises other than defined in the Dunedin District Plan, licences for new hotels, taverns or bottle stores will not generally be granted for a premises that is near to or adjacent to any 'sensitive facility', such as schools and playgrounds (see the glossary for the full definition). Applications for other types of new premises, for example restaurants/cafes, etc, will be considered on a case-by-case basis.

To avoid any misinterpretation, 'near to or adjacent to' will be defined as being within **100m** of the nearest boundary to the sensitive facility.

In the case of clubs, other than the general restrictions stated above, the licence shall be for a premises that is located on, or is in close proximity to, the ground or facility used by the club.

3.0 OUTLET DENSITY

Research demonstrates that outlet density has a significant influence on alcohol-related harm².

While each licence application is considered on its merits, the DLC must consider the amenity and good order of the area in which the premises is situated, as well as the object of the Act. Outlet density may also be considered so far as the possible impact of the premises at that location on the local environment.

Dunedin does not have many new premises being opened although premises do change ownership. Those that are opening tend to be restaurant/café style premises and are considered a low risk of harm.

North Dunedin has a significantly higher density of young people (18 – 24-year-olds) than other parts of the city³. This age group has demonstrated a higher rate of alcohol misuse and abuse when compared to other groups⁴. There has been concern expressed at the availability of off-licence alcohol in the area.

In an effort to minimise the availability of alcohol in the predominantly student area, a **moratorium on new off-licence premises** in the area north of the Octagon bound by Stuart Street and Moray Place (south), Filleul and Queens Streets, the Gardens Shopping Centre and Anzac Avenue (Schedule 1). 'New' is defined as being a previously unlicensed locality.

This moratorium will be reviewed at the next review of this Policy.

4.0 MAXIMUM OCCUPANCY

On-licence and club-licensed premises allow the consumption of alcohol on site. Some of these premises, for example taverns and larger sports clubs, can be prone to overcrowding.

Assistance in determining the maximum number allowed in a building can be obtained from the DCC's Building Services Department, Fire and Emergency New Zealand or a registered fire engineer. Details can be found in the current New Zealand Building Code and Fire Safety and Evacuation of Buildings Regulations 2006.

The maximum number for the premises **must** be clearly displayed beside the alcohol licence.

5.0 PREMISES

5.1 On-licence Premises

A premises holding an on-licence can sell and supply alcohol to patrons for consumption on those premises. Examples include hotels, taverns/pubs, restaurants, and cafés.

On-licences can also be endorsed under section 37 of the Act, which gives restaurants the ability to allow 'bring your own' (BYO); that is, patrons bring their own alcohol to consume with their meals.

While it is a characteristic of on-licensed premises that they provide a controlled environment in which people drink alcohol, some premises have more potential to cause harm than others. Hotels and taverns/pubs attract people for the purpose of consuming alcohol and are therefore more likely to be the source of alcohol-related harm than restaurants and cafes where food and dining is their mainstay.

The DLC must consider the style of premises when trading hours and other conditions are considered.

Some licensees may have separate permission from the DCC to use the footpath space in front of their premises to allow patrons to sit and consume alcohol. This activity is predominantly in the central city but there are other areas where licensees allow patrons to make use of outdoor public space.

5.1.1 Maximum Trading Hours

The holder of an on-licence must ensure no alcohol is sold or supplied on the premises on the restricted days unless the person is on the premises to dine.

Subject to sections 46 (no sales outside permitted trading hours) and 47 (restricted days) of the Act, the following maximum trading hours will apply:

On-licence Premises: Maximum Trading Hours

On-licence in or adjacent to metropolitan residential areas (listed in Schedule 2)	Sunday to Thursday 9am to 11pm Fridays and Saturdays 9am to 12 midnight
On-licence in non-residential areas – hotels and taverns/pubs	Monday to Sunday 9am to 3am the following day • 2.30 am one-way door
On-licence in non-residential areas – restaurants/cafes	Monday to Sunday 9am to 1am the following day
On-licence in remote areas (listed in Schedule 3)	Monday to Sunday 9am to 2am the following day

5.1.2 Discretionary Conditions – Section 110

The DLC may impose further conditions on any on-licence in accordance with section 110(1) of the Act relating to the following:

- the restrictions relating to the restricted days (see the glossary for the full definition)
- any one-way door that shall apply
- any designation that shall apply
- the people, or kinds of people, to be served
- provision and promotion of food and low and non-alcoholic beverages
- promotion of alternative transport options.

5.1.3 Discretionary Conditions – Section 117

Under section 117 of the Act the DLC may include any other condition that is reasonable and not inconsistent with the Act, including, but not limited to -

- the management of any outside area – including the use of public space where applicable
- the management of queues when/if they form outside the premises
- security arrangements for the premises (e.g., door staff, CCTV, lighting)
- the management of BYO alcohol to a premises. The DLC may consider it appropriate to ask for a 'Premises Management Plan' to address the following: steps proposed to promote/ensure the safe and responsible sale, supply and consumption of alcohol on the premises, specifically
 - prevention of intoxication – the identification of and management of intoxicated people (*including the location of any 'safe area' on the premises*)
 - management of multiple drinks purchased and consumed on the premises (including shots)
 - management of violent or aggressive people and/or volatile situations
- steps proposed to prevent the sale and supply of alcohol to prohibited people. E.g., people under 18 years of age, intoxicated people
- the types of promotions likely to be used to attract patrons to the premises
- how it is proposed to limit the exposure of children to 'alcohol-related' advertising and promotions.

5.2 Off-licence premises

A premises holding an off-licence is one where people can purchase alcohol for consumption away from those premises. The licensee can also supply alcohol free, as a sample, for consumption on the premises. Examples of off-licence premises include bottle stores, supermarkets and grocery stores.

Off-licences can also be granted to remote sellers, that is, companies that take orders via the internet, facsimile or telephone, and the alcohol is delivered to the buyer.

5.2.1 Maximum Trading Hours

All off-licence premises are prohibited from making sales or supplying alcohol on the restricted days.

An exception to Easter Sunday applies to grape, fruit or vegetable wine made on the premises or where the produce is grown on the land on which the premises is situated. An example of this would be a vineyard.

The maximum trading hours for all off-licence premises in the Dunedin district shall not exceed the following:

Monday to Sunday 7 am to 9 pm

5.2.2 Discretionary Conditions – Section 116

Further to the conditions that must be imposed under section 116(2) of the Act the DLC will impose further conditions on any off-licences in accordance with section 116(1)(a), (b) or (c) of the Act relating to the following:

- steps to promote/ensure supply of alcohol to prohibited people does not occur e.g., people under the age of 18 years and intoxicated people.
- the types of alcohol to be sold from premises issued an off-licence pursuant to section 34. In the case of supermarkets and/or grocery stores reference should be made to section 58 of the Act.

5.2.3 Discretionary Conditions – Section 117

The DLC may include any other condition that is reasonable and not inconsistent with the Act and including, but are not limited to:

- security arrangements for the premises (e.g. CCTV, lighting) appropriate to the type of premises.
- the restrictions relating to the restricted days in accordance with section 48
- any designation that shall apply, e.g., bottle stores shall usually be designated supervised areas
- there shall be no advertising or promotion of alcohol products, or alcohol branding, on the exterior of the premises.

5.3 Club licence premises

A club is a ‘body corporate’ that has as its object the participation in, or promotion of, any sport or other recreational activity for anything other than gain. A club can also be a ‘body corporate’ whose object is something other than gain.

There are some clubs that hold permanent club charters from previous Acts. These have been carried over to the new regime.

Holders of club licences may sell or supply alcohol only to authorised customers. An ‘authorised customer’ is defined in the Act as:

- a) A member of the club concerned; or,
- b) On the premises at the invitation of, and is accompanied by, a member of the club concerned; or,
- c) An ‘authorised visitor’, which means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.

5.3.1 Maximum Trading Hours

The maximum trading hours for club licence premises in the Dunedin district shall not exceed the following:

- Sunday to Thursday 10am to 11pm
- Fridays and Saturdays 10am to 12 midnight.

5.3.2 Discretionary Conditions – Section 110 and Section 116

The DLC will apply conditions in accordance with section 110(1) of the Act on any club licence, including but not limited to the following:

- provision and promotion of food and low and non-alcoholic beverages
- the steps proposed by the licensee in the application for the licence aimed at promoting the responsible consumption of alcohol
- the promotion of alternative transport options.

Pursuant to section 117 of the Act, the DLC may include any other condition that is reasonable and not inconsistent with the Act, including but not limited to:

- security arrangements for the premises (e.g., door staff, CCTV, lighting)
- steps to promote/ensure the safe and responsible sale, supply, and consumption of alcohol on the premises
- prevention of intoxication – the identification and management of intoxicated people (including the location of 'safe' area in the premises)
- management of multiple drinks purchased and consumed on the premises (including shots)
- management of violent or aggressive people and/or volatile situations
- steps to prevent the sale and supply of alcohol to prohibited people, e.g., people under 18 years of age intoxicated people
- the limitation of the exposure of children to 'alcohol' messages
- a requirement to have a certified manager present in a club when there are 50 or more people present in the bar or after a set time, depending on the nature of the club. For example, a rugby club may require a certified manager to be present after 5.00 pm.

5.3.3 Returned and Services' Association (RSA)

RSA Clubs are established for the enjoyment of returned servicemen and Anzac Day is set aside to honour the memory of those who served their country.

The DLC will include early trading hours on Anzac Day as part of the licence to allow RSA Clubs to open early for members after the commemoration services.

6.0 SPECIAL LICENCES

Special licences may be obtained to allow the sale and/or consumption of alcohol at events or occasions on premises that are either unlicensed or are licensed but they wish to operate outside the normal conditions of the licence, for example extending their trading hours or the licensed area.

A special licence **may not** be used to allow a premises to carry on trading when they should otherwise be closed, for example, on the restricted days of Good Friday, Easter Sunday, Christmas Day and before 1pm on Anzac Day.

On-site special licences are granted when the alcohol is bought and consumed at the event or occasion. Common examples include wedding receptions held at unlicensed locations, clubs that

allow their premises to be used for activities unrelated to the club or an on-licence premises using a space not covered by the licence.

Special licences can also be granted to a manufacturer, distributor, importer, or wholesaler of alcohol, for **off-site** sales where the alcohol bought under the special licence is consumed at some other place. For example, off-site special licenses may be issued for markets and fairs.

An 'event' is described as an occasion and a gathering and may include a series of events. It has been held that while an event is not necessarily special, the licence grants the licensee the privilege of being able to sell and supply alcohol.

The Dunedin DLC will consider the following criteria when determining whether or not an 'event' qualifies for a special licence:

- the nature of the event or occasion
- that the true purpose for the function is other than the mere enjoyment of bar facilities. For example, guests at a wedding or people with a special interest in a sports game
- that attendance is by invitation, pre-purchased ticket or payment on entry
- that the alcohol is ancillary to the purpose of the event
- that people attending will see a difference between the event ambiance and a normal trading day (applies mainly to premises extending their normal licence)
- the extent of the planning – the less organised the greater the likelihood the planning was an after-thought to the application for the special licence therefore the 'special nature' of the proposed event may be doubtful
- regularity is not necessarily a disqualifying feature.

There are occasions in Dunedin when an event is of a scale that it is deemed to be 'special' for the city as a whole. Examples of these are test matches and music shows held at the Forsyth Barr Stadium, New Year's Eve celebrations and the ID Fashion week. The DLC will generally, on those occasions, grant special licences to those wishing to make the most of these occasions. However, each application will be treated on its merits.

Occasionally there are events happening in other parts of the country, or world, that are televised and may hold appeal for local people. The DLC will consider these applications according to the above-mentioned criteria.

When the applicant is from a licensed premises, there will generally need to be a separation between normal bar activities and the event for which the special licence is granted. For example, there may be an expectation that the premises is closed for a period prior to the event starting.

6.1 Considering an application

The impact on the community is a prime consideration when assessing any application.

It is expected that the applicant will have considered the impact on the neighbouring area and will include a plan of how any negative effects will be mitigated.

When considering an application for a special licence, the Committee is conscious of the fact that the licence is of a short duration, but it must still consider the impact of the event on the amenity and good order of the location.

If the application is for a large-scale event, an **Event Management Plan** will be required. The Plan will detail how the organisers will manage security, monitor the sale and consumption of alcohol, and how they will address any concerns of the local residents and public health and safety concerns, for example, noise and traffic movements.

6.2 Maximum Trading Hours

Special licences for unlicensed premises will usually be restricted to 1am on the day following the start of the event. If there are multiple days covered by the special licence the restriction will apply on each of the days. In exceptional circumstances the DLC may grant greater hours.

For premises already holding an on or club licence, special licences will be granted only for the maximum hours for that kind of premises as stipulated in this LAP. If the current hours are already at the maximum, greater hours will be granted only in exceptional circumstances as determined by the DLC.

6.3 Conditions

The DLC will apply conditions to special licences issued by the DLC relating to:

- the days on which and the hours during which alcohol may be sold and supplied
- any designation that shall apply
- the people, or kinds of people, able to be served
- provision and promotion of food and low and non-alcoholic beverages
- the place or places on the premises at which water is to be freely available
- restricting the types of containers used for the sale or supply of alcohol
- promotion of alternative transport options
- exclusion of the public
- any reasonable condition consistent with the object of the Act.

6.4 Management of Special Licensed Events

A special licence requires a certified manager to be present.

However, if the DLC is satisfied the event is low risk and the named person has some experience, they may waive the requirement to have a certified manager present.

6.5 Multiple Events on One Special Licence

The Act allows the DLC to grant a special licence for a series of events or occasions. The DLC will require the multiple events named in a special licence application to be related in some way. Examples include a theatre group performing several performances over several days or an organisation holding a series of quiz nights.

7.0 REVIEW OF LOCAL ALCOHOL POLICY

Section 97 of the Act requires this policy to be reviewed no later than six (6) years after it comes into force.

The LAP will not cease to have effect when it is undergoing the review process.

DRAFT

DEFINITIONS

Act – the Sale and Supply of Alcohol Act 2012.

Alcohol-related harm – harm caused by the excessive or inappropriate consumption of alcohol, including any crime, damage, death, disease, disorderly behaviour, illness or injury directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol. This applies to the individual, the community or **society generally**.

ARLA – Alcohol Regulatory and Licensing Authority.

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

Bottle store – a retail premises where at least 85% of the annual sales revenue comes from the sale of alcohol for consumption somewhere else.

BYO-endorsed on-licence – licensed to allow patrons to bring their own alcohol to a restaurant for consumption with their meal.

Club – a body corporate having as its objective the participation in or promoting a sport or other recreational activity, otherwise than for gain; or is a body corporate whose object is not gain; or, holds permanent club charter.

Club licence – a club licensed to sell and supply alcohol on their premises.

Dine – to consume a substantial meal, that is something other than a snack. For the purposes of the Act, one may only consume alcohol in the period of one hour before and after a substantial meal on any Restricted Day.

DLC – District Licensing Committee comprising a chairperson and two community members.

Education facility – any early childhood facility, school or tertiary institution.

Entertainment – an activity involving a live performance intended to entertain patrons.

Environment – the social, economic, aesthetic and cultural conditions that affect the amenity values of the people and their communities.

Event – an occasion and a gathering and may include a series of events.

Grocery store – a premises where a range of food products and other household items is sold but the principal business carried on is or will be the sale of food products.

Health facility – a premises from which medical and psychological services are provided.

Hotel – a premises providing lodging as well as alcohol, meals and refreshments for consumption on the premises.

Large-scale event – an event with an anticipated patronage of more than 150 people. However, a common-sense approach will be taken by the Committee which will consider the purpose of the event, the likely patronage, duration and location.

Licensing Inspector/Inspector – an inspector appointed pursuant to section 197(1) of the Sale and Supply of Alcohol Act 2012.

Metropolitan area – the area associated with and surrounding Dunedin's main urban area (see Schedule 1).

Off-licence – licensed to sell, supply and deliver alcohol for consumption away from the premises.

On-licence – licensed to sell and supply alcohol for consumption on the premises.

Playground – any outdoor area provided for children to play in and will usually contain various activity apparatuses.

Prohibited people – people who are under 18 years of age or who are intoxicated.

Recreational facility – any sporting complex, including swimming pools.

Remote area - an area associated with and surrounding small communities (see Schedule 2)

Restaurant/café – a premises that is used, or intended to be used, principally for the supply of meals or snacks for consumption on the premises.

Restricted area – people under the age of 18 years may **not** enter.

Restricted days – Good Friday, Easter Sunday, Christmas Day and before 1.00 pm on Anzac Day.

Safe area – an area within a premises where an intoxicated person can be taken and observed until such time as alternative care and/or transport can be arranged.

Secretary of the DLC - the title applied to the principal administrative officer of the Dunedin City Council by the Act.

Sensitive facility – any educational or recreational facility or playground likely to attract predominantly young people under the legal purchase age, any health facility, marae, and places of worship.

Series of events or special occasions – a series of related events or occasions.

Special licence – a ‘temporary’ licence allowing the holder to sell and supply alcohol at an event or special occasion. An on-site special licence applies to sale for consumption at the event or special occasion. An off-site special licence allows sales of alcohol for consumption away from the event or special occasion.

Supermarket – a premises with a floor area of at least 1000m² which includes any separate departments set aside for fresh meat, fresh fruit and vegetables, and delicatessen items.

Supervised area – people under the age of 18 years may only be present if accompanied by their parent(s) or legal guardian.

Tavern/pub – a premises used or intended to be used in the course of their business principally for providing alcohol and other refreshments to the public.

Temporary authority – an order granted by the DLC authorising a person or company to trade ‘on the back’ of an existing licence when a business changes ownership. The holder of a temporary authority is subject to the conditions on the underlying licence and or any other the DLC may impose.

Young person – under 18 years old.

Schedule 1 – Proposed Off-licence Moratorium Area



Schedule 2 – Metropolitan Residential Areas

Dunedin City
Green Island
Mosgiel
Port Chalmers

Schedule 3 – Remote Areas

Brighton
Hyde
Karitane
Macandrew Bay
Middlemarch
Outram
Portobello
Warrington
Waitati
Waikouaiti

Relevant Legislation:	Sale and Supply of Alcohol Act 2012
Associated Documents:	<p>INFORMATION REFERENCES</p> <p>The references cited in the Local Alcohol Policy do not form part of the policy. They contain information to help users understand the rationale for the policy. The references may be updates at any time.</p> <ol style="list-style-type: none"> 1. <i>“Alcohol related Presentations to Dunedin Hospital’s Emergency Department: January to December 2019”</i>, Public Health Service of Southern DHB, September 2020 2. Kypri, K., Bell, M L., Hay, G C., Baxter, J., <i>“Alcohol outlet density and university student drinking: a national study”</i> [2008] 103 <i>Addiction</i> 1131 at 1138; Livingston, M., <i>“A Longitudinal Analysis of Alcohol Outlet Density and Assault”</i> [2008] 32 <i>Alcoholism: Clinical and Experimental research</i> 1074 3. Statistics New Zealand, Age Distribution, 2023 Census 4. Kypri, K., Langley, J., Whigham, P A., and Wiggers, J., (2005) <i>Geospatial aspects of alcohol-related harm in New Zealand</i>. In: 17th Annual Colloquium of the Spatial Information Research Centre (SIRC 2005: A Spatio-temporal Workshop), 24-25 November 2005, Dunedin, New Zealand, p. 149

DUNEDIN LOCAL ALCOHOL POLICY (LAP)

1.0 INTRODUCTION

1.1 Purpose

The Dunedin Local Alcohol Policy (LAP) seeks to balance the statutory requirements and object of the Sale and Supply of Alcohol Act (the Act), with meeting the reasonable needs of residents and businesses, and the city's desire to support vibrant, sustainable and resilient communities. The LAP emphasises the role of safe and responsibly-managed drinking environments in achieving this outcome.

This LAP will provide guidance to the District Licensing Committee (DLC) and to the Alcohol Regulatory and Licensing Authority (ARLA), setting expectations about aspects of the sale and supply of alcohol in Dunedin. Both entities must have regard to the content of any relevant LAP when making decisions under the Act.

1.2 The National Context

In New Zealand, alcohol is a legal drug and its production, consumption and availability is widespread. Alcohol is not, however, an ordinary consumer product – it is an addictive psychoactive substance – and excessive or inappropriate consumption results in considerable harm both to individuals and to the wider community.

In 2012, the Government passed the Sale and Supply of Alcohol Act, thereby establishing a new national framework regulating the sale and supply of alcohol. The object of this legislation is twofold:

- 1 – the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and,
- 2 – the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

Harm is defined broadly by the Act, and includes –

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

Establishment of the new framework has empowered the Dunedin City Council, in consultation with the community, to develop a LAP that is responsive to local alcohol-related challenges.

The Act is prescriptive about the aspects of sale and supply of alcohol that a Local Alcohol Policy can influence:

- further restrictions on the default **maximum trading hours** set by the Act
- limits on the **location** of licensed premises in particular areas or near certain types of facilities
- limits on the **density** of licensed premises in particular areas
- imposition of **conditions** on types of licences
- recommendations on **discretionary conditions** for licences.

1.3 The Local Context

Dunedin's alcohol-related challenges result largely from the city's unique geography and its demographics.

Dunedin has a compact urban core with the location of a high proportion of the city's licensed premises clustered around the Octagon in the Central Business District (CBD). The Octagon operates as the main hospitality hub for the late night economy – concentrating both vibrancy

Dunedin's Local Alcohol Policy

and the problems associated with evening drinking. As the country's second largest city by land area, Dunedin also has smaller suburban and rural centres serving more isolated communities, where licensed premises serve an important social function.

Dunedin Police have stated that the CBD is the primary area for alcohol-related calls for service. Calls to fights, disorder, assaults and breaches of the peace are the most common.

As a tertiary education hub, the city is home to proportionately more 15 – 24 year olds than other New Zealand centres. These young people arrive in Dunedin just as they reach the age that they are legally able to purchase alcohol (18 years), and at a time when they are seeking opportunities to meet and socialise with other young people. Student accommodation is clustered in the North Dunedin area which immediately surrounds the tertiary institutions, with student parties in the area acting as a magnet for non-students. This combination makes the city's young people particularly vulnerable to hazardous drinking and alcohol-related harm.

- Dunedin Hospital reports that the highest numbers of alcohol-related presentations occur between 12 midnight and 4am with the 18 – 24 year age group the most commonly represented¹.
- The Otago region has a higher rate of alcohol-related hospital admissions for young people (15-24 year old age group) than other Southern District Health Board regions.

The city also faces challenges that are a function of nation-wide issues – New Zealand's drinking culture, and a historically loose regulatory regime.

Analysis of police data indicates that:

- as the night becomes later, offences become more serious and the age of offenders increases
- 73% of those arrested for violence offences and 93% arrested for disorderly offences were affected by alcohol
- about 76% of alcohol purchased is consumed in off-licence settings for drinking in situations where there is little or no control.

2.0 LOCATION

While there is no restriction on the location of licensed premises other than defined in the Dunedin District Plan, licences for new hotels, taverns or bottle stores will not generally be granted for a premises that is near to or adjacent to any 'sensitive facility', such as schools and playgrounds (see the glossary for the full definition). Applications for other types of new premises, for example restaurants/cafes, etc, will be considered on a case by case basis.

To avoid any misinterpretation, 'near to or adjacent to' will be defined as being within **100m** of the nearest boundary to the sensitive facility.

In the case of clubs, other than the general restrictions stated above, the licence shall be for a premises that is located on, or is in close proximity to, the ground or facility used by the club.

3.0 OUTLET DENSITY

Research demonstrates that outlet density has a significant influence on alcohol-related harm².

While each licence application is considered on its merits, the DLC must consider the amenity and good order of the area in which the premises is situated, as well as the object of the Act. Outlet density may also be considered so far as the possible impact of the premises at that location on the local environment.

Dunedin does not have many new premises being opened although premises do change ownership. Those that are opening tend to be restaurant/café style premises and are considered a low risk of harm.

North Dunedin has a significantly higher density of young people (18 – 24 year olds) than other parts of the city³. This age group has demonstrated a higher rate of alcohol misuse and abuse when compared to other groups⁴. This will be taken into account when applications from this area are considered by the DLC.

Dunedin's Local Alcohol Policy

4.0 MAXIMUM OCCUPANCY

On-licence and club-licensed premises allow the consumption of alcohol on site. Some of these premises, for example taverns and larger sports clubs, can be prone to overcrowding.

There are two methods of determining maximum occupancy. One is based on the size of the exits from the building and the other on the number of toilet facilities available in the premises. Assistance in determining the maximum number allowed in a building can be obtained from the DCC's Building Services Department, NZ Fire Service or a registered fire engineer. Details can be found in the current New Zealand Building Code and Fire Safety and Evacuation of Buildings Regulations 2006.

The maximum occupancy will be the lesser total as determined by the two methods of calculation.

The maximum number for the premises **must** be clearly displayed beside the alcohol licence.

5.0 PREMISES

5.1 On-licence Premises

A premises holding an on-licence can sell and supply alcohol to patrons for consumption on those premises. Examples include hotels, taverns/pubs, restaurants and cafés.

On-licences can also be endorsed under section 37 of the Act, which gives restaurants the ability to allow 'bring your own' (BYO); that is, patrons bring their own alcohol to consume with their meals.

While it is a characteristic of on-licensed premises that they provide a controlled environment in which people drink alcohol, some premises have more potential to cause harm than others. Hotels and taverns/pubs attract people for the purpose of consuming alcohol and are therefore more likely to be the source of alcohol-related harm than restaurants and cafes where food and dining is their mainstay.

The DLC must consider the style of premises when trading hours and other conditions are considered.

Some licensees may have separate permission from the DCC to use the footpath space in front of their premises to allow patrons to sit and consume alcohol. This activity is predominantly in the central city but there are other areas where licensees allow patrons to make use of outdoor public space.

5.1.1 Maximum Trading Hours

The holder of an on-licence must ensure no alcohol is sold or supplied on the premises on the sacrosanct days unless the person is on the premises to dine.

Subject to sections 46 (no sales outside permitted trading hours) and 47 (sacrosanct days) of the Act, the following maximum trading hours will apply:

- 13 Should the Council pass both of these resolutions, the resolutions would then be gazetted and the Council and the Society can proceed to settle the Land gifting.

OPTIONS

Option One – Recommended Option

- 14 This option confirms acceptance for the gifting of the Land and authorises public notification of the intention to declare the Land to be recreation reserve subject to the Reserves Act 1977.

Advantages

- The community benefits from addition of a significant area of land to the Portobello Domain Recreation Reserve and the ability to manage the Land as reserve to enhance the existing range of recreational opportunities in this locality.

Disadvantages

- The Council will be responsible for all costs in relation to the Land.

Option Two – Status Quo

- 15 This would involve either seeking a new lease from the Society (although the Society is winding up) or the land being offered by the Society on the open market.

Advantages

- The Council will not have any costs in relation to the Land.

Disadvantages

- The Portobello Domain Recreation Reserve retains its current form and size, and recreational opportunities in this locality remain somewhat limited.

NEXT STEPS

- 16 If the recommendations above are confirmed, then arrangements will be made to undertake the public notification of the intention to declare the Land to be recreation reserve subject to the Reserves Act 1977 and receive any submissions.

Signatories

Author:	Owen Graham - Senior Leasing and Land Advisor
Authoriser:	Heath Ellis - Acting Group Manager Parks and Recreation Jeanette Wikaira - General Manager Arts, Culture and Recreation

Attachments

	Title	Page
↓A	Aerial photo showing Otago Peninsula A&P Society land to be Gifted to DCC	65
↓B	Executed ASAP The Otago Peninsula Agricultural & Pastoral Society land gift to DCC	66

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision enables democratic local decision making and action by, and on behalf of communities. The recommended option relates to the provision of new land for public recreational use

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Integrated Transport Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and Recreation Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Acquiring this land will add to the opportunities for passive and active recreation in this rural setting.

Māori Impact Statement

No known impacts for Māori.

Sustainability

The extension of the Portobello Domain through acquiring the land will provide the ability to consider new recreational activities and uses for the land otherwise not presently possible in this location.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

None at this time.

Future uses once identified may require recognition through subsequent LTP or Annual Plans.

Financial considerations

No immediate costs other than those required to effect the transfer of ownership should approval be given to accept the land gifting.

Significance

The decision has been assessed as being of low significance under Council’s Significance and Engagement Policy.

Engagement – external

With the Trustees of The Otago Peninsula Agricultural and Pastoral Society

Engagement – internal

Council’s Chief Executive Officer, Parks and Recreation Senior Leadership Team and Council’s in-house Legal team

Risks: Legal / Health and Safety etc.

There are no material risks associated with the decisions.

SUMMARY OF CONSIDERATIONS

Conflict of Interest

There are no known conflicts of interest.

Community Boards

The land to be gifted is located within the Otago Peninsula Community Board area.
The Community Board is aware of the proposed gift of land and supports the purchase.

