
**DETERMINATION REPORT – REVIEW OF THE CONTROL OF LIQUOR IN PUBLIC PLACES
BYLAW 2003**

Planning and Regulatory Committee 11th March 2008

GLOSSARY

Control of Liquor in Public Places Bylaw 2003 (the bylaw 2003)

PURPOSE OF THE REPORT

The purpose of this report is to seek approval from the Planning and Regulatory Committee to commence the review of the Control of Liquor in Public Places Bylaw 2003 (the bylaw 2003), to determine whether a bylaw is the most appropriate way of dealing with the perceived problem of alcohol related issues within the City, pursuant to section 155 Local Government Act 2002.

BACKGROUND

Section 147 Local Government Act 2002 gives local authorities specific power to make a bylaw for liquor control purposes. In addition the general bylaw making powers contained within section 145 Local Government Act 2002, allow local authorities to make bylaws for one or more of the following purposes:

- (a) protecting the public from nuisance
- (b) protecting, promoting and maintaining public health and safety
- (c) minimising the potential for offensive behaviour in public places.

In November 2003, Council adopted the Control of Liquor in Public Places Bylaw 2003, (copy attached at appendix Axx). The bylaw introduced a summer holiday period liquor ban in areas of Piha in response to Council, community and Police concerns about ongoing problems caused by the consumption of alcohol in Piha during summer months.

The bylaw also permits Council to impose 'Special Event Liquor Bans' when satisfied that the benefit of the ban outweighs any disadvantage to members of the public. This provision has been used successfully to prohibit the consumption and possession of alcohol at particular summer concerts held within the City.

Safe Waitakere staff and the Police report that the holiday ban at Piha has discouraged unacceptable behaviour associated with, and resulting from, alcohol consumption. The existing bylaw does not expire under the provisions of the Local Government Act 2002 until November 2008. Any extension to the current bylaw would enable consideration of incorporating a continued liquor ban at Piha.

Other areas within the City have been identified by Council, Police and community associations as experiencing alcohol related problems. An analysis of Police intelligence has been undertaken, and this has identified that the 3 central business districts of Henderson, Glen Eden and New Lynn, are of particular concern.

Because of the high incidence of alcohol related offending in these areas, a working party was established consisting of Safe Waitakere representatives, Police, Maori Wardens and ACC. The group formulated a range of strategies under the heading of "Project Respect" and obtained financial support from the Ministry of Justice for local initiatives. These initiatives have been

highlighted for the Committee's information and are attached at appendix Bxx. One of the initiatives identified was to explore the possibility of an alcohol ban in key areas of the city.

It is clear that a legal power exists to make a bylaw for the purposes of controlling liquor in public places pursuant to sections 147 and 145 Local Government Act 2002. The Committee must now determine whether a bylaw is the most appropriate way of addressing the perceived problem pursuant to section 155(1) Local Government Act 2002.

The extension to the bylaw, if any, will be used as an additional tool, in conjunction with other non-regulatory measures being planned.

STRATEGIC CONTEXT

The initiative is directly aligned with Council's strategic priorities of Safe City and First Call for Children, and Council's strategic platform of Strong Communities; supporting the health and wellbeing of the City's residents, building community pride and local identity. It also aligns with the City Wide Alcohol Strategy, adopted by Council in July 2005.

ISSUES

As indicated, section 155(1) of the Local Government Act 2002, requires that local authorities must determine whether a bylaw is the most appropriate way of addressing the perceived problem. In order to determine whether a bylaw is an appropriate response to the perceived problem, the first step has been to establish just what the actual problem is. Comments by the Police and community indicate that drinking in public places raises issues of annoyance and intimidation for members of the public, anti-social behaviour, littering, vandalism, under age drinking and violence. The Police will be presenting their analysis and recommendations to the Committee during consideration of this report.

In summary, there is ample evidence to show alcohol is a primary cause of disorderly behaviour and criminal offending both in public places and elsewhere. Alcohol consumption in public places is also often associated with increased problems of littering and vandalism. The presence of alcohol can also have an intimidating effect on other people using the public space for recreational and business purposes.

The Police statistics indicate that those who drink alcohol in public places are predominantly young people under the age of 25. In Waitakere, many of these young people have increasingly sought to congregate in high visibility town centre locations. When the Police arrive at the scene the behaviour is toned down, alcohol is hidden or the adults claim ownership. Police will arrest individuals if there is sufficient evidence of a substantive offence, such as supplying alcohol to a minor or behaviour type offences (disorderly behaviour, offensive language, intimidation, fighting, wilful damage), or offences under the Litter Act. Often, however no substantive offence is detected and groups also modify their behaviour in the presence of the police. Acts of violence, intimidation or harm then occur after the Police have left the area.

The outcome sought is to lessen the impact of alcohol consumption in those public places identified by the police as areas where drinking and offending is a noticeable problem. The aim is to reduce anti-social and offensive behaviour and increase the safety (and perception of safety) for members of the public.

CONSULTATION

Pre-Consultation Results

As part of the pre-consultation on the issues of alcohol related offending in public places, a survey was recently conducted at the Waitakere fireworks display held at The Trusts Stadium on 3 November 2007. The survey was conducted utilising the new "Touch Pole" technology which involves the use of interactive computer tablets. The results of the survey indicate strong support for permanent 24-hour liquor bans across the City, including parks, beaches and town centres.

A further 300 person phone survey was undertaken recently and the results of that survey indicate strong support for liquor bans as a means of controlling alcohol related behaviour.

A copy of both reports are attached (see appendix Cxx and Dxx).

City Wide Alcohol Strategy

The extension of liquor bans within Waitakere was discussed at length through the consultation process employed when drafting the City Wide Alcohol Strategy. The City Wide Alcohol Strategy, which was adopted by Council in 2005, specifically outlines the following:

4. Problem Limitation

- *Support community initiatives that focus on reducing alcohol – related crime and safety issues in areas where liquor bans have been requested.*
- *Implement and review the Control of Liquor in Public Places Bylaw 2003.*

The Trusts

Discussions relating to liquor bans within the town centres have been held with the management of the Portage and Waitakere Licensing Trusts on several occasions. The Trust management have indicated their support for implementing liquor bans as a tool to restricting drinking in public places, and specifically town centres.

Community Boards

The option of extending the bylaw 2003 to key hot spot areas within Waitakere was presented to all the Community Boards. The Community Boards have indicated that drinking in public places and the associated problems was an issue raised by the public within their respective wards on numerous occasions, and therefore they supported the extension of the bans into key hot spot areas within Waitakere.

Police

Extensive consultation with Police has taken place over this issue, they have requested that Council consider the implementation of liquor bans throughout Waitakere. The Police will be presenting a separate report to the Planning and Regulatory Committee at this meeting outlining alcohol related crime statistics and their support for the bylaw extension. A copy of the Police report is attached as appendix Exx.

Henderson Business Association

The Henderson Business Association have indicated their support for the introduction of a liquor ban within the Henderson town centre. On 23 April 2007, a public meeting was hosted by Mayor Bob Harvey in response to concerns raised by their members.

OPTIONS

Extend the Bylaw

- The Police would acquire additional powers under section 169 Local Government Act 2002 to search containers and vehicles, seize and remove liquor and arrest those committing an offence or persons who refuse to leave the public place or surrender their alcohol. It effectively gives the Police a pre-emptive strike option. These powers exist for the Police in Piha during the seasonal months and would be applicable to any areas included in an extension to the bylaw.
- Early intervention and removal of alcohol is seen as reducing the likelihood of disorderly behaviour and criminal offending. It also increases the perception of safety so people using public areas subject to a liquor ban may feel more comfortable and more likely to return.
- Licensed premises and private property would not be affected. People purchasing liquor from outlets within a liquor ban area, or transporting alcohol across the area, are not affected either, pursuant to section 147(3) Local Government Act 2002. Further street trading (dining) within a licensed area on the streets will also not be affected.
- If it was proposed that the liquor ban should cover parks and recreation areas, then families who wish to consume alcohol whilst picnicking could potentially be affected. That effect could be minimised if for example the ban was limited to specific periods, such as between 8pm and 8am.
- One risk of extending the bylaw is that problem areas are simply displaced. Groups of drinkers may simply move outside the ban area. Whilst this is a real risk, the bylaw still removes the problem of alcohol consumption in areas of high visibility and public use.

Do nothing (retain the status quo)

Whilst the current liquor control bylaw is effective in Piha during the summer months and for special events, it does not address alcohol related problems evident in areas of the city identified by the Police. If the bylaw is not extended to cover those additional areas then the options are:

- (a) Public education campaigns. There are benefits in pursuing this option, but it is unlikely to have an obvious positive effect in the short term.
- (b) Support for increased Police numbers in the City providing increased visibility and action where appropriate. The Police have already increased their presence in the town centres and as discussed above, do take action where there is evidence of a substantive offence.
- (c) Patrols by community associations/Maori Wardens. Again this option increases the visibility of an 'official' presence in hotspot areas. Without giving these persons power under a bylaw (as Enforcement Officers) they are largely powerless. Furthermore they could be exposed to unacceptable safety risks.

The Resource Management Act 1991 is not able to respond to this type of problem. There is no other regulatory mechanism available to address the issues without an Act of Parliament. Parliament has indicated that if a local authority determines that there is a need to control alcohol in public places, then a bylaw under section 147 Local Government Act 2002 is the appropriate means to do so.

SUMMARY

If the Committee are persuaded that there is a need to control alcohol in town centres and perhaps elsewhere within the city, then the analysis undertaken confirms that the most appropriate way to do so is by means of a bylaw. Initial feedback from the Community Boards and the Public has been overwhelmingly supportive of such action. The proposed extension to the current bylaw is in accordance with Council's strategic document: "Waitakere City Council City Wide Alcohol Strategy, Minimising Alcohol Related Harm and Promoting Safe Alcohol Environments in Waitakere City". The proposed extension to the bylaw will be used in conjunction with a range of multi pronged, best practice approaches, as outlined in the Strategy.

The next step is for Council officers to prepare a draft bylaw for the Council's consideration. In order to do so, those public areas within the City where there is a demonstrable need for control must be thoughtfully defined. Thought must be given not only to location, but also to hours of operation and days of the week for which the ban should apply. Further, more detailed Police statistics may be required. It may, for example, be appropriate to impose a 24 hour ban in some areas such as town centres, but no demonstrable need to do so in other areas. It is important that these matters are considered carefully. It is incumbent upon Council, pursuant to s.155 Local Government Act 2002 to be satisfied that the proposed bylaw is the most appropriate approach and that it does not contravene provisions in the New Zealand Bill of Rights Act 1990.

RESOURCES

The costs associated with the implementation extend to promulgating the bylaw, including the special consultative procedure, public notification and signage costs. The actual costs associated with the bylaw will depend on the number of locations identified for implementation. Any such costs will be reported to the Committee for their consideration, as part of the final determination report.

There are no additional resource implications for Council as the Police would enforce the bylaw.

CONCLUSION

This report concludes that Council has a specific legal power to make a bylaw for liquor control purposes pursuant to section 147 Local Government Act 2002.

Further consultation with the public is required to explore the issues outlined, and to determine the most appropriate way of progressing solutions. If the Committee agrees with the recommendation that a bylaw is the most appropriate method of addressing the perceived problem, then officers in consultation with the Police will prepare a draft updated bylaw together with a draft Statement of Proposal and Summary of Information for discussion at a future Planning and Regulatory Committee meeting.

RECOMMENDATIONS

1. That the Determination Report -- Review of the Control of Liquor in Public Places Bylaw 2003 report be received.

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2. That Council officers be directed to engage in the required consultation to explore the issues raised in this report, and canvass views on the options to address these issues including the appropriateness of a review of the Control of Liquor in Public Places Bylaw 2003, and report back to the Planning and Regulatory Committee on the outcome of that consultation.

Report prepared by: Roy Hunt, Project Leader, Alcohol Issues, Safe Waitakere and Yvonne Donaldson, Team Leader: Legal Services.

**WAITAKERE
AQUATIC & ICE
CENTRE
CHARITABLE
TRUST**

**PARRS PARK
WEST COAST RD
GLEN EDEN
PO BOX 20 185 GLEN EDEN**

CONTENT:

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2. TRUSTEES
3. OBJECTIVES AND SERVICES OF THE TRUST
4. PURCHASE OF WATERHOLE SWIMMING CENTRE
5. MANAGEMENT OF CENTRE
6. CAPITAL FUNDING
7. DAY TO DAY FUNDING
8. TIME LINE
9. BENEFITS TO WAITAKERE CITY AND WEST AUCKLAND AS A REGION
10. FIRST STAGE DESIGN DRAWINGS

1. HISTORY:

The Waitakere Aquatic and Ice Centre Charitable Trust was first set up in 2003 by the settler Jim Rae for purpose of purchasing the Waterhole Swimming Centre, to up grade and add more facilities to the Centre

2. TRUSTEES:

The make up of the personnel according to the changes to the Trust deed made at the Trust Meeting held Thursday 13th November 2007 are as follows;

3 Trustees from Aquatic

3 Trustees from Ice

1 Independent

1 Waitakere City Council

1 Sport Waitakere

Below are the Trustees at the moment and during the next 2 month further personnel will be add.

Judith Wright (Chair) Aquatic

Gareth Neilson Aquatic

Kesson Sharp Aquatic

Peter Taylor Ice

Ian Ford Ice

3. THE OBJECTIVES AND SERVICES OF THE TRUST

- To build further facilities to the Waterhole Swimming Centre in Parrs Park West Coast Rd. Glen Eden Waitakere City.
- To purchase Waterhole Swimming Centre from the Waterhole Swimming Centre Ltd
- To build an International Level Curling Rink
- To raise the funds for to Build and develop the Aquatic and Ice Centre
- To maintain the complex, long term and to ensure the day to day management is under taken by the dedicated organisation, Waterhole Swimming Centre Ltd
- To fund raise for Aquatic and Ice Education and sports development within the Centre.
- To improve the health and well being of children in Waitakere City.

THE SERVICES TO THE COMMUNITY THE TRUST WILL PROVIDE THROUGH A DEDICATED ORGANISATION

- Swimming Teaching and Aquatic Education for all ages.
- Structured learn to swim programme at low cost for schools in Waitakere City. A programme designed to have every child with in the participating Schools being able to swim the distance of 200 to 300 metres easily, and be of a standard to join any Aquatic Sport be it competitive or recreational.
- Inter-School Aquatic and Curling sports competitions.
- Facilities and Coaching for the following aquatic sports;
 - Competitive Swimming.

- Waterpolo.
- Surf Lifesaving.
- Under Water Hockey.
- Master Swimming Clubs.
- Casual swimming for the public seven days a week with some part of the complex available between 6.00am through to 10.00pm.
- Training opportunities for adults such as Tri-athletes, or other adults just wishing to keep fit.
- Pool hire for community groups.
- Education programmes for Teachers and Coaches from all over N.Z.
- Facilities for major competitions;
 - Local.
 - National.
 - International.
- Competitive Training Camps for all Aquatic Sports;
 - Local.
 - National.
- Fitness programmes (Aquatic) for teenagers and adults sports teams.
- Café open 7 day 6.00am to 10pm.
- Aquatic Shop, all aquatic-sporting goods.
- International Swim Meets and Curling competitions. The trust would raise funds to attract elite swimmers and Curlers to these competitions.

THE TRUST INTENDS TO PROVIDE FACILITIES, AND WORK WITH THE DEDICATED ORGANISATION WATERHOLE SWIMMING CENTRE LTD WHO WILL BE CONTRACTED TO MANAGE, PROVIDE AND FULFILL ALL ASPECTS OF THE OBJECTIVES OF THE TRUST. TO OPERATE THE CENTRE ON A COMMERCIAL BASIS TO ENABLE THE DAY TO DAY RUNNING COSTS ARE MET

TRUST STRUCTURE

WORKING GROUPS

TOTAL PROJECT COST
\$12,000,000

PROJECT DEVELOPMENT BOARD

MAJOR FUNDING GROUP

- Corporate sponsors (naming rights.)
- Waitakere Licensing Trust
- Portage Licensing Trust.
- Government funding organisations.
- Other funding agencies.

\$8,000,000

COMMUNITY FUNDING GROUP

- Family Sponsorship.
- Business sponsorship.
- Advertising signs for complex.
- Each individual pool naming rights.

\$1,500,000

EDUCATION AND SPORTS GROUP

- For equipment.
- Sports groups.
- Waitakere Sports Trust
- Waipareira Trust.

\$500,000

LOCAL GOVERNMENT GROUP

- Lease of land.
- Parking.
- Landscaping.
- Funding.
- Infrastructure

\$2,000,000

4. PURCHASE OF WATERHOLE SWIMMING CENTRE:

The Trust will purchase the Waterhole Swimming Centre buildings and plant from the Waterhole Swimming Centre Ltd and renegotiate the lease of land with Waitakere City Council to include the land shown on the design drawing in section 10 of this document.

The cost of the purchase is still to be negotiated between the Trust and Waterhole Swimming Centre Limited, at this stage estimated to be \$1 million to \$1.5m which is included in the capital costing of 12,000,000

On purchase of the Centre a Management Contract between the Trust and the Waterhole Swimming Centre Ltd will be negotiated, drawn up and signed.

5. MANAGEMENT OF CENTRE:

The overall management of the Centre will be carried out by Waterhole Swimming Centre Ltd; to operate the Centre on a commercial basis to enable the day to day running costs are met. Management of the Curling Rink will be a joint management between Waterhole and Curling, so that the expertise required to manage an ice rink is available to ensure this is used to gain the maximum benefit for the community

Waterhole Swimming Centre Ltd will be responsible for ensuring that the objectives the Trust are achieved at all times as set out in the Management Contract.

The Trust will be responsible for major maintenance on buildings and plant. (Aquatics and ice)

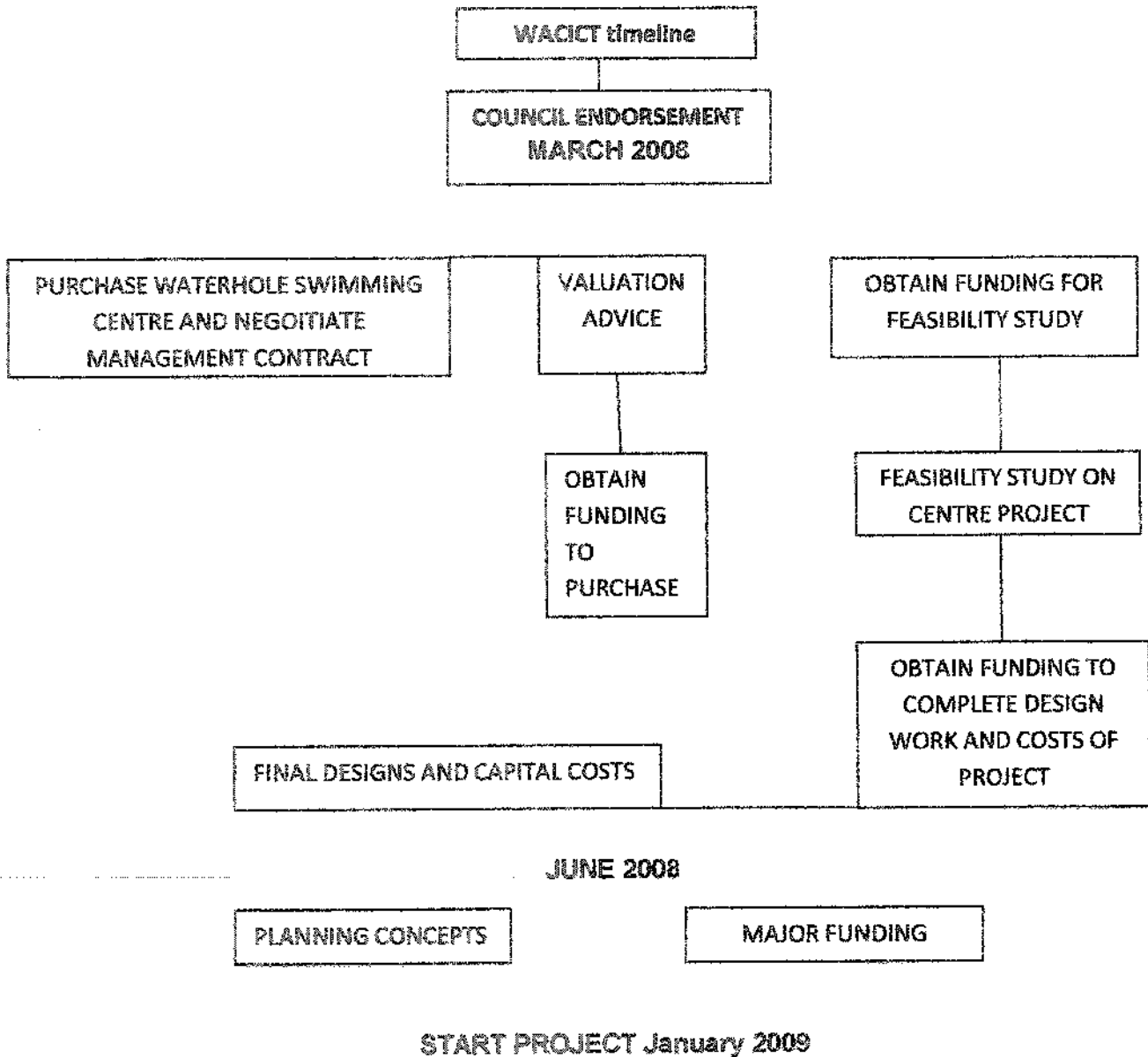
6. CAPITAL FUNDING:

Working groups will be set up during the next two months to work toward achieving the level of funding required. Listed below is the structure for these working groups;

7. DAY TO DAY FUNDING:

The day to day running costs will be met by both Aquatic and Ice, these running costs are listed in both the MANAGEMENT PROVIDER document and CURLING STUDY document which are included with this document.

8. TIMELINE:



9. BENEFITS TO WAITAKERE CITY AND WEST AUCKLAND AS A REGION:

- All schools in the Waitakere region will be able to have quality Aquatic programmes at low cost, so we can achieve NZ Water Safety targets of have every child swim 200 to 300 metres easily, while learning all aspects of water safety. There are some schools at the moment using Waterhole, but Waterhole in its present capacity can not accommodate any more. If you look in the MANAGEMENT PROVIDER document you will see CASE STUDIES which show the results achieved with these schools.
- More available pool space for all areas of the community.
- More available pool space available for Competitive swimming.
- Bring swimmers from all over NZ for competitive training camps, bringing more people into the area so providing an increase in business for Waitakere City businesses in the accommodation, transport and related services areas.
- Additional availability of public lane space to complement the already over subscribed space at West Wave. Also ensuring the public have space available when West Wave is closed for major Swim Meets.
- Provide opportunities for greater numbers of swimmers from our community to pursue competitive swimming to its highest level without needing to move or train out side West Auckland. Waterhole is the biggest swimming club in Waitakere City with over 300 members and only 3 lanes during peak time and 5 lanes in the early morning or late evening. There is nowhere to develop these swimmers to reach top national and international level if they so wish. Waterhole Swimming Centre could hire 6 lanes every week day afternoon at West Wave, but this is not available.
- There are groups wishing to hire Waterhole all the time but there is no space available.
- Expanded opportunities with learn to swim, fitness programmers for all ages, giving more people the skills to take up any Aquatic Sport.
- Commercial and profile benefits for Waitakere City by hosting more Aquatic
- Introduce to the residents of Waitakere a new sport of Curling
- Have a programme in place for schools to enable them to learn the sport
- Ensure that Waitakere City Schools gain the opportunity to compete in the national competitive sport of Curling.
- By hosting competitive curling at the Centre, this will also ensure commercial and profile benefits both for Waitakere City and the businesses and residents as a whole.

Refer to Arpass document regarding requirement for extra pool space in Waitakere City for all user groups.



AUCKLAND SWIMMING ASSOCIATION

P O Box 300 633, Albany

Ph: 448 1480 Fax: 415 4594

Email: akswim@xtra.co.nz Website: www.aucklandswimming.org.nz

29 July 2005

Waitakere Aquatic Centre
Charitable Trust Inc.
P O Box 20-185
Glen Eden

Dear Gwen,

Re: Parrs Park Development

I refer to your letter of 20 July, 2005 setting out the proposed development at Parrs Park in Waitakere City and your request for Auckland Swimming to consider supporting the development.

The Board of Auckland Swimming considered your request at its meeting on Thursday 28 July, 2005. I confirm that Auckland Swimming has identified the need for more water space throughout the Auckland region, including West Auckland, for training through to international competition. The Board are most concerned about the lack of water space for swim club activities, hindering further development of the sport.

Accordingly, Auckland Swimming Association would welcome the development outlined in your letter and in particular, the proposal for a competition pool with adequate spectator seating.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Philippa Bouzaid', written over a horizontal line.

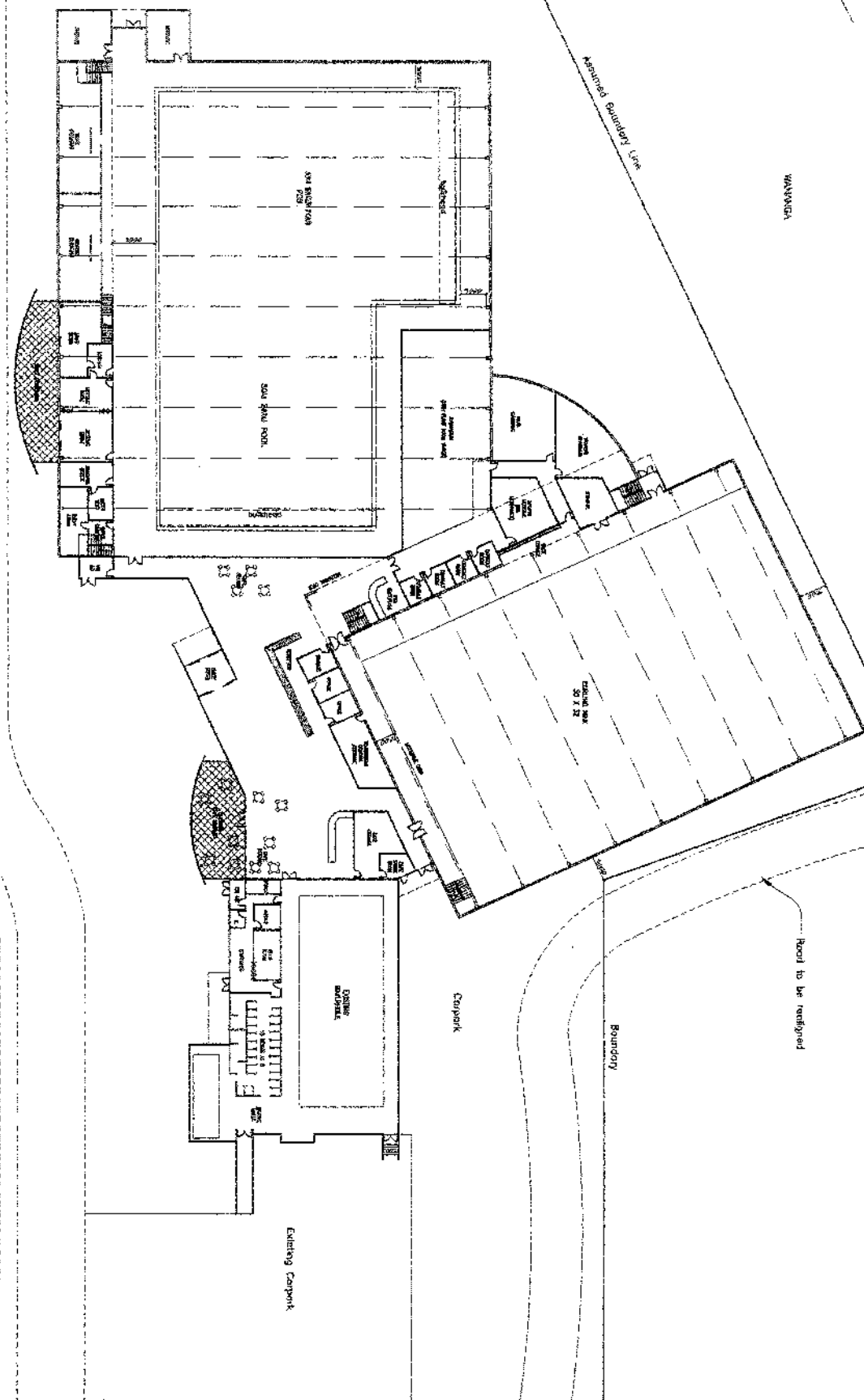
Philippa Bouzaid
Executive Officer
Auckland Swimming Association



WATERLOO

Assumed Boundary Line

Carpark



Fork access road (proposed)

Training field to remain as is

Road to be realigned

Boundary

Carpark

Existing Carpark

EXISTING BUILDING

3000 sqm
3000 sqm

EXISTING BLDG
50 x 12

A15

Senior field (operational)

WATERLOO EXTENSION WATERLOO

FEASIBILITY STUDY

Scale: 1:250 (A3) 1:500 (A3)

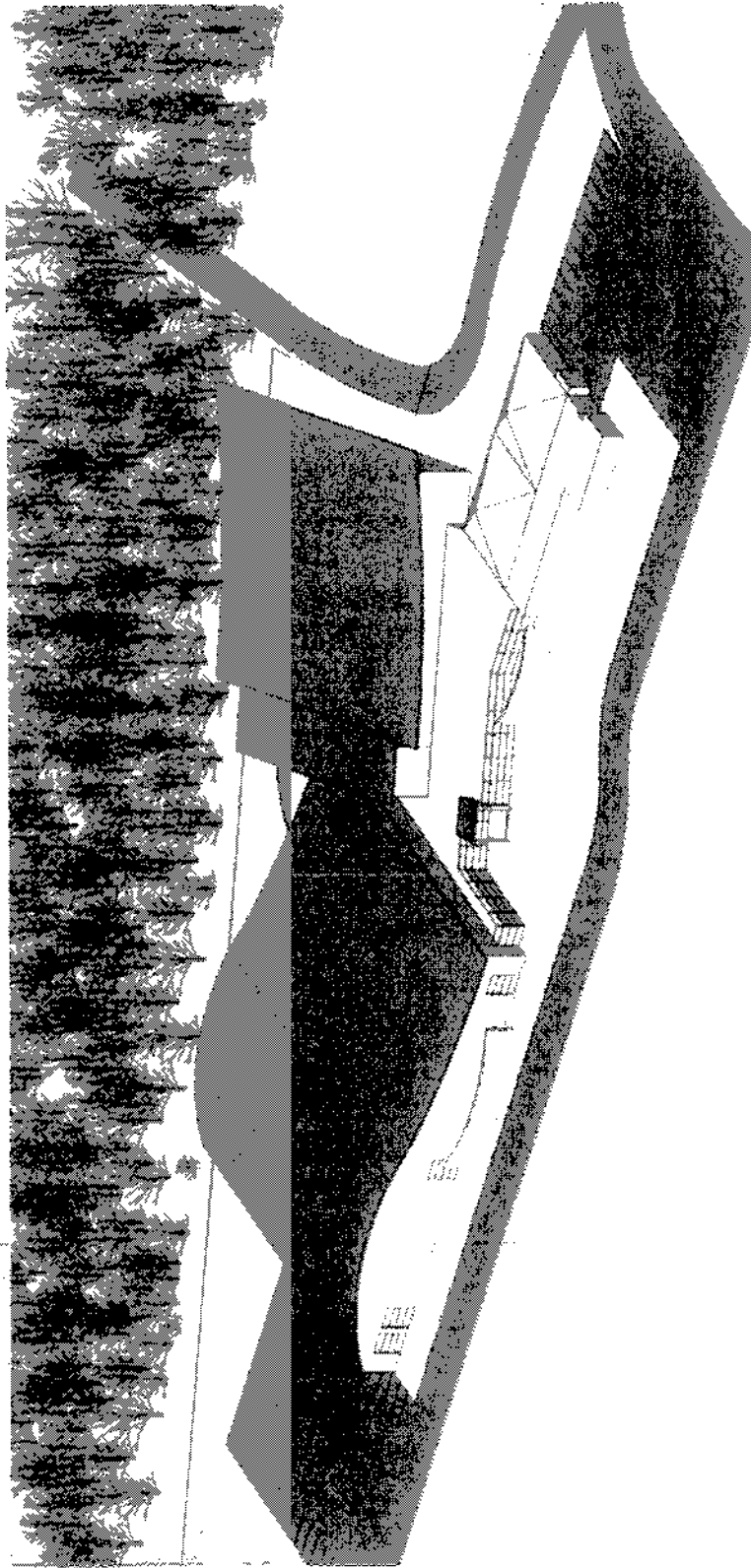
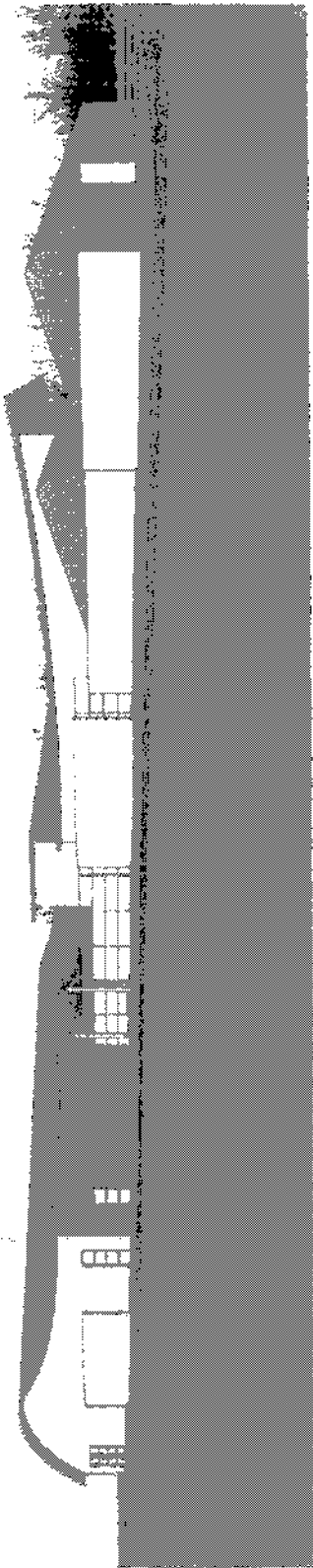
PROPOSED FLOOR PLAN

WATERLOO LTD
1771207

05-119
1771207

1

PROPOSED FLOOR AREA = 872 m²
EXISTING FLOOR AREA = 815 m²



A16

WATERHOLE EXTENSION
WATTAKEERE

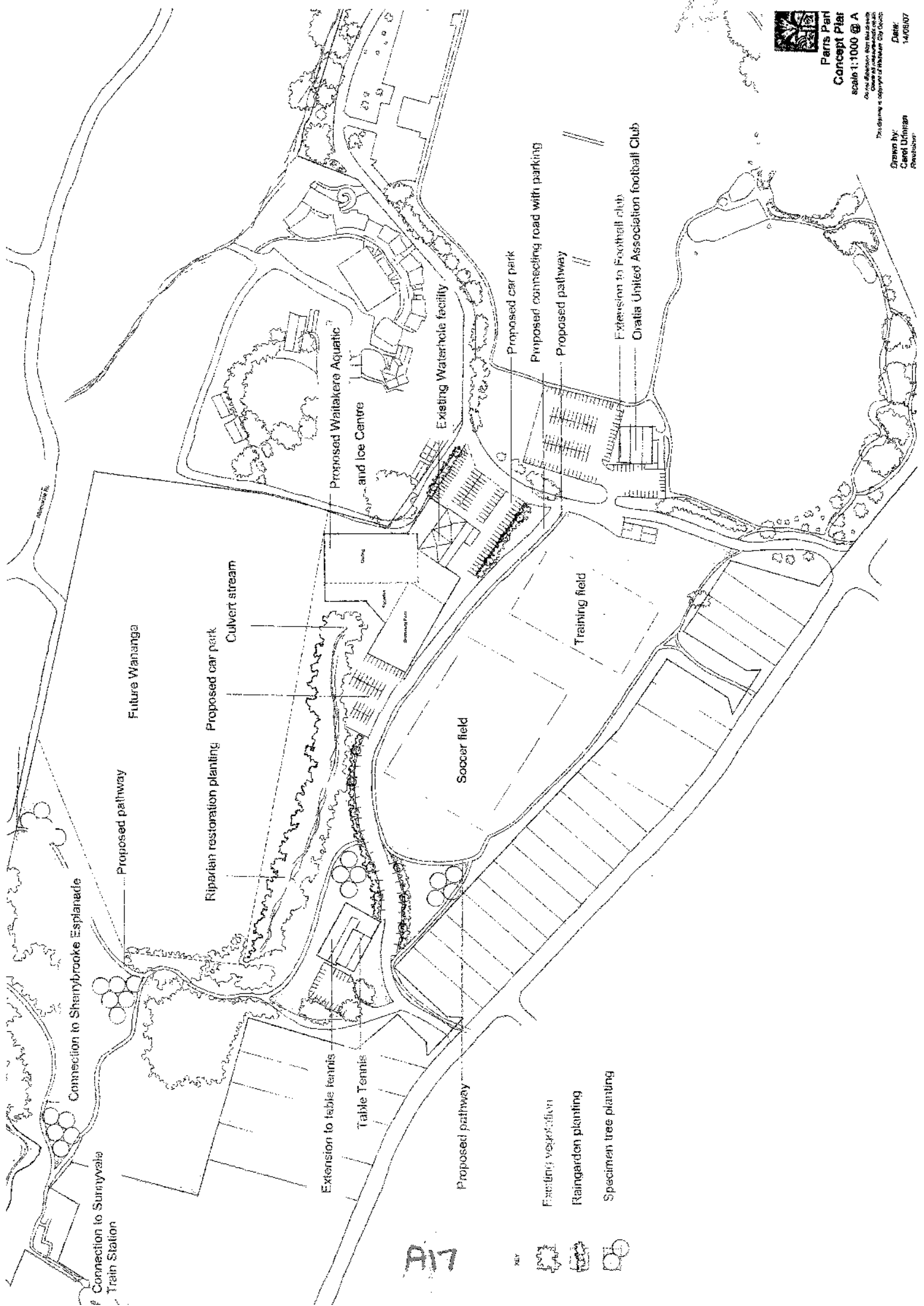
PRELIMINARY PERSPECTIVES

M'Gowan &
Morison Ltd

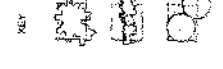
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2

12/12/07



A17





"REVEGETATION"

1. STREAM - native species suitable to conditions as buffer to water, but relatively open
2. STREAM - Native species, dense planting on boundary under nursery crop of exotics. Weed control
3. PINES - Increase native regeneration under pines through weed control and tree surgery. Long term removal of pines

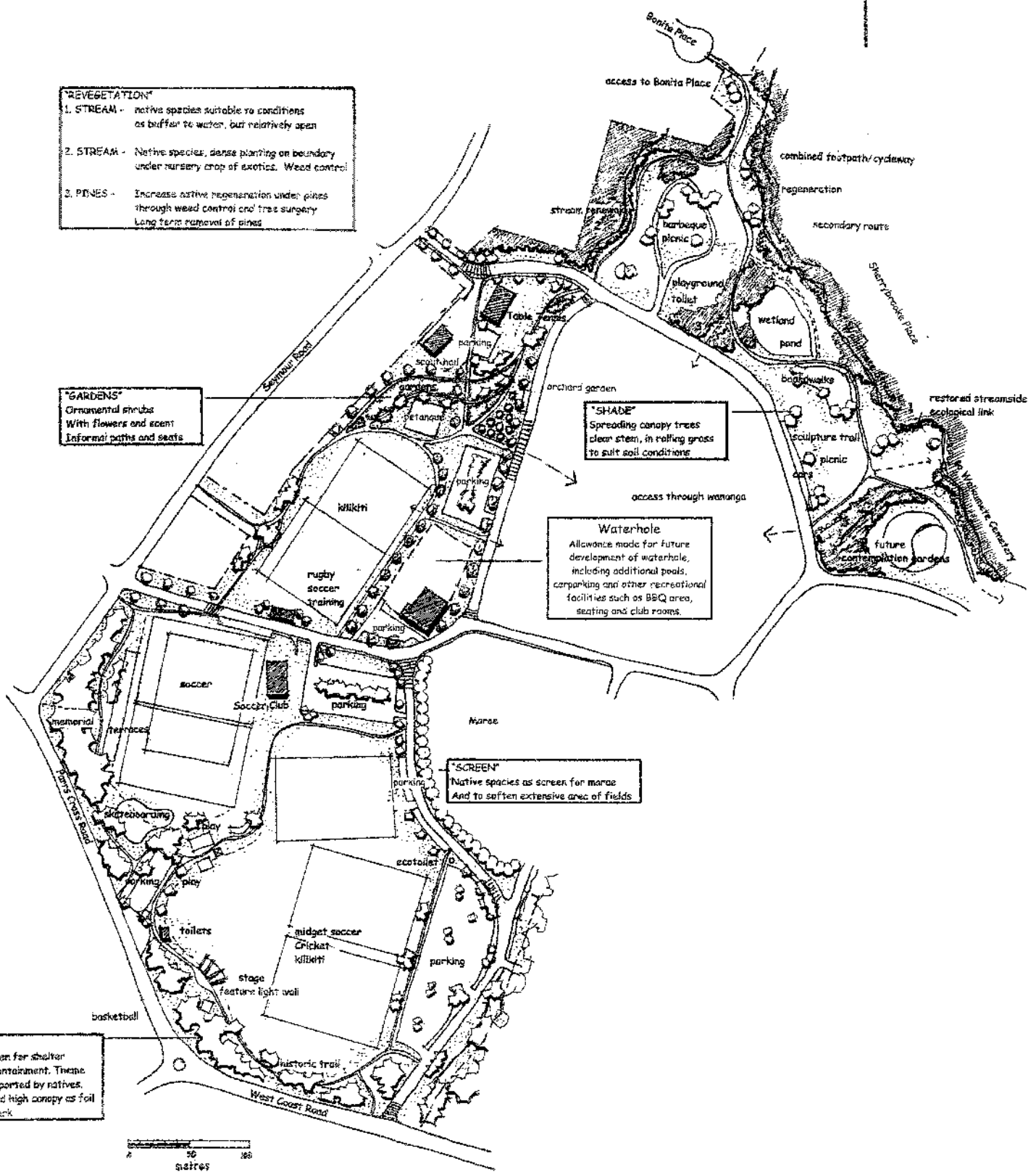
"GARDENS"
Ornamental shrubs
With flowers and scent
Informal paths and seats

"SHADE"
Spreading canopy trees
clear stem, in rolling grass
to suit soil conditions

Waterhole
Allowance made for future
development of waterhole,
including additional pools,
carparking and other recreational
facilities such as BBQ area,
seating and club rooms.

"SCREEN"
Native species as screen for marae
And to soften extensive area of fields

"SHELTER"
Strong screen for shelter
and visual containment. Theme
of guns supported by natives.
Big trees and high canopy as foil
to size of park



Prepared for Waitakere City
by Opus International Consultants Ltd June 2000

PARRS PARK AND SHERRYBROOKE RESERVE DEVELOPMENT PLAN A18 CONCEPT