



SOUTH WAIRARAPA DISTRICT COUNCIL
Minutes from 3 November 2021

Present:	Mayor Alex Beijen, Deputy Mayor Garrick Emms, Councillors Pam Colenso, Rebecca Fox, Leigh Hay, Brian Jephson, Pip Maynard, Alistair Plimmer, and Brenda West.
In Attendance:	Harry Wilson (Chief Executive), Russell O’Leary (Group Manager Planning and Environment), Karen Yates (Policy and Governance Manager), Rick Mead (Manager Environmental Services), Bryce Neems (Amenities and Waste Manager), and Suzanne Clark (Committee Advisor). Wairarapa Trails Action Group: Greg Lang (CDC Mayor), Jo Gillander.
Conduct of Business:	Due to COVID-19 restrictions this meeting was held via video conference and live streamed to Council’s YouTube channel. All members participating via video conference count for the purpose of the meeting quorum in accordance with clause 25B of Schedule 7 to the Local Government Act 2002. The meeting was held in public under the above provisions from 10:00am to 11:15am except where expressly noted.

Open Section

Cr Jephson read the Council affirmation.

A1. Apologies

There were no apologies.

A2. Conflicts of Interest

Cr West, Cr Plimmer, and Cr Maynard declared a conflict of interest with agenda item C1 Adoption of Proposed Alcohol Control Bylaw and would not participate in debate or decision of the matter.

Cr Emms and Cr Colenso held a manager’s license but did not believe they had a conflict of interest.

A3. Acknowledgements and Tributes

Cr Colenso acknowledged the passing of Martinborough community member Daisy Lake who was in her 100th year. In addition to contributing to the community, she had provided employment within the family’s sheepskin factory.

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A4. Public Participation

There was no public participation.

A5. Actions from public participation

There were no actions from public participation.

A6. Extraordinary Business

There was no extraordinary business.

B Recommendations from Committees

B1. Recommendations from Assets and Services Committee

Mayor Lang and Ms Gillander outlined how the Plan had been developed and answered members' questions on opportunities for business and government funding for development and maintenance of the proposed trails.

Members' discussed safety concerns of trail users, the potential for renaming Tauherenikau, the intention for a trust to be established to oversee trail maintenance, and reporting of progress through the Assets and Services Committee.

Ms Gillander undertook to determine at what point in development the cycle trail would be classified as 'signature' or other significant classification under government definitions.

COUNCIL RESOLVED (DC2021/88):

1. To receive the Recommendations from the Assets and Services Committee Report.

(Moved Cr Hay/Seconded Cr Colenso)

Carried

2. That Council supports the Wairarapa Five Town Trails Master Plan.

(Moved Cr Maynard/Seconded Cr West)

Carried

3. That Council delegates authority to the Chief Executive to work with the three Wairarapa District Councils and Wairarapa Trails Action Group to research and create a suitable legal entity with appropriate and representative governance to deliver the Wairarapa Five Towns Trail Master Plan.

(Moved Cr Maynard/Seconded Cr West)

Carried

C Decision Reports from Chief Executive and Staff

C1. Adoption of Proposed Alcohol Control Bylaw

Councillors Plimmer, West and Maynard did not participate in the following debate or subsequent decision.

Ms Yates advised that the proposed new wording for the bylaw purpose was an outcome of the submissions process and hearings and did not require further consultation.

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COUNCIL RESOLVED (DC2021/89):

1. To receive the Adoption of the Alcohol Control Bylaw 2021 Report.
(Moved Cr Hay/Seconded Cr Colenso) Carried
2. Agrees that, in accordance with section 147A of the Local Government Act 2002, the bylaw is justified as a reasonable limitation on people's rights and freedoms.
(Moved Cr Jephson/Seconded Cr Fox) Carried
3. Agrees that, in accordance with section 155 (1) of the Local Government Act 2002, the bylaw is the most appropriate way of addressing the perceived problem of crime or disorder caused or made worse by the consumption of alcohol in public places.
(Moved Cr Hay/Seconded Cr Fox) Carried
4. Agrees that, in accordance with section 155(2) of the Local Government Act 2002, the bylaw is the most appropriate form of bylaw and is not inconsistent with the New Zealand Bill of Rights Act 1990.
(Moved Cr Jephson/Seconded Cr Colenso) Carried
5. Adopts the Alcohol Control Bylaw 2021 as recommended by the Planning and Regulatory Committee, with the following amendments to the proposed Bylaw:
 - a) **Delete the Purpose stated in the proposed Bylaw and replace it with the following:**
 2. Purpose
 - 2.1 The purpose of this Bylaw is to control the consumption, bringing into, or possession of alcohol in public places to reduce and mitigate crime and disorder that is caused or made worse by the presence or consumption of alcohol in those places. The controls in this Bylaw apply:
 - a) to any public place subject to an alcohol ban, as listed in Schedule 1 to this Bylaw; or
 - b) where a temporary ban for specified events or specified periods is made by Council resolution in accordance with clause 5. Alcohol bans, when applied in accordance with the relevant legislation and supported by the available evidence, mitigate the potential for noise, litter, vandalism, violence, and other forms of crime or disorder which would otherwise occur in the absence of a permanent or temporary ban.
 - 2.2 This Bylaw limits individual rights and the freedom to consume, bring into, or possess alcohol in public places only to the extent that can be reasonably justified. Any such limits imposed under this Bylaw are designed to be appropriate and proportionate to the level of crime and disorder which would otherwise occur in those places, as determined by evidence and proper assessment. Other strategies are also utilised to address alcohol-related crime and disorder, and include existing Police powers to protect public

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safety, Council powers to regulate licensed premises, and public education.

b) Insert new clause 7 Council Permission, below, and renumber clauses 7 to 9 in the proposed Bylaw as clauses 8 to 10:

7. Council Permission

7.1 Any person may apply to the Council for prior written permission for any activity that would be in breach of any prohibition under this Bylaw. A special licence may be issued under the Sale and Supply of Alcohol Act 2012 in respect of any location or event and may include waivers and dispensations (subject to and in accordance with the terms of that special licence).

(Moved Cr Hay/Seconded Cr Fox) Carried

6. Notes that following the adoption of the bylaw, the bylaw will come into force on 4 November 2021 and will be operational.

(Moved Cr Fox/Seconded Cr Colenso) Carried

7. Agrees to support officers' recommendations for investigation into measures to address issues of cyclists' safety and care for tourists in the wider South Wairarapa district.

(Moved Cr Fox/Seconded Cr Jephson) Carried

C2. Adoption of Proposed 2022 Council Calendar

Members discussed the meeting cycle gap and requested that officers prepare a 2022 calendar with a 6-weekly meeting gap for consideration, with an option for the Finance, Audit and Risk Committee to meet on a monthly basis. Officers should also review spacing of the Wairarapa Library Service Joint Committee meetings.

Committee and subcommittee delegations and integrating them and community boards in the cycle to achieve feedback and meeting time and day was discussed.

COUNCIL RESOLVED (DC2021/90):

1. To receive the Adoption of the 2022 Schedule of Ordinary Meetings Report.

(Moved Cr Maynard/Seconded Cr Fox) Carried

Confirmed as a true and correct record

.....(Mayor)

.....(Date)

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