

Consultation: Psychoactive Products and Class 4 Gambling policies, and Cemeteries bylaw

TO	Mercury Bay Community Board
FROM	Scott Summerfield - Strategic Planning Team Leader
DATE	28 January 2015
SUBJECT	Consultation: Psychoactive Products and Class 4 Gambling policies, and Cemeteries bylaw

1 Purpose of Report

This report provides, for information, an update on a draft Psychoactive Products Retail Location Policy, a draft Gambling Venue Policy and Board Venue Policy, and a review of the Cemeteries Bylaw. At a meeting of the Thames-Coromandel District Council on 28 January 2015 the Council directed staff to begin public consultation on these policies and the bylaw on 9 February 2015.

2 Background

A brief overview of each of the policies and the reviewed bylaw is provided below.

Proposed psychoactive product retail location policy

1. *Broad area: restrict retailers to the pedestrian core zone of Thames, Whitianga and Whangamata*

Council is proposing to use the pedestrian core zones as defined in the Proposed District Plan (the Operative District Plan refers to the zone as the pedestrian frontage zone) of our three largest town centres to define a broad area for the location of retailers. This is because there are high levels of pedestrian and vehicle activity, and therefore more public surveillance, as well as a strong police presence in these broad areas. Police have advised that pedestrian surveillance is an important element of reducing crime in town centre areas. Buffers around sensitive sites define these areas further.

It is not considered appropriate to include the town centres of Coromandel, Matarangi, Cooks Beach, Tairua and Pauanui as these smaller townships do not have the same high frequency of pedestrian activity and are not patrolled as regularly by police.

2. *Sensitive sites: placing a 50 metre buffer around sensitive sites*

The policy proposes a 50 metre buffer around sites it considers sensitive to minimise harm to at-risk people in our communities. These sites are consistent with the Act and include:

- Education facilities, schools, early childhood centres, kohanga reo, kindergartens and youth facilities
- Council administered playgrounds and swimming pools
- Skate parks
- Libraries including toy libraries
- Community halls
- Sports fields

- Medical centres and community health providers
- Social welfare and support centres
- Places of worship.

The use of a buffer around sensitive sites aligns with Council's Local Alcohol Policy and ensures that a retailer will not be next door or across the road from these sites.

A 25 metre buffer would mean a retailer could establish directly across the road from a sensitive site and therefore is not considered an appropriate option. A 75 metre buffer would be overly restrictive on where a retailer may establish, potentially meaning a retailer would be unable to establish within one of the designated town centres, and so is also not considered an appropriate buffer area.

3. *Other retailers: retailers must be at least 300 metres away from other retailers*

The policy proposes a distance of 300 metres between retailers of psychoactive substances. This ensures separation between retailers which will help prevent people from congregating in an area. Congregation could attract other harm activities to cluster in that area which can unintentionally change the character of that particular area.

Proposed gambling venue and board venue policy

The changes proposed affect the Class 4 Gambling Venue Policy. There are no substantial changes proposed to the Board Venue policy.

The draft policy makes provision for relocation and merging of class 4 gambling venues. The changes have been made with the intention of maintaining the existing sinking lid policy, but allow for flexibility for individual business owners.

The draft policy has been updated for clarity and any unnecessary background or operational information has been removed.

1. Relocations

It is proposed that the following be included in the policy:

Council will grant consent for relocation of existing class 4 venues if;

- *due to a natural disaster or fire, the licensed premises is unfit to continue to operate, or;*
- *the property is acquisitioned under the Public Works Act 1981.*

Relocation is subject to the location of the proposed new premises being an appropriate distance from;

- educational facilities, places of worship and other community facilities, and;
- other licensed class 4 venues at the time of application.

The number of class 4 gaming machines at the new premises must be the same or less than the existing class 4 venue.

Council would allow temporary relocation to a site which complies with the conditions above, in the event where the class 4 venue was to re-establish in its original location after any repairs if applicable.

2. Merges

It is proposed that the following be included in the policy:

Council will grant consent for the merger of two or more class 4 venues. The maximum number of gaming machines at the merged venue shall be the lesser of;

- *The number of merging venues multiplied by nine, or;*
- *The total number of machines in the merging venues prior to the merger.*

Council will grant consent once proof has been provided that the original class 4 venue licences have been cancelled as per s95(6)(a) of the Gambling Act 2003.

Review cemeteries bylaw

Council proposed the following changes to the existing cemeteries bylaw:

Identified Issue	Proposed response in the bylaw
1. The current bylaw does not prescribe depth of graves and there is currently a lack of clarity amongst those working in Council's cemeteries regarding standard depth of graves.	The proposed bylaw includes a standard depth of grave at 1.9m. The Thames Community Board took a decision in 1991 that all first interments were to be dug to 1.8m. Staff and the funeral industry spoken with are in agreement that the standard depth of <u>1.9m</u> is appropriate.
2. Greater clarity is required regarding standard size of caskets and standard ashes caskets. The bylaw is currently silent on ashes caskets.	Standard casket and ashes casket sizes are now included in the proposed bylaw.
3. For health and safety reasons, staff would like to see a reduction in burial hours, particularly in winter so that staff are not back-filling graves in low light and/or darkness. The hours for burials in the current bylaw permit burials until 4:00pm.	Schedule 1 of the bylaw outlines the proposed, reduced burial hours and provides greater clarity about departure times from cemeteries for the funeral cortege. The hours proposed are: <i>Summer Period - 1 October to 31 March, from 8:00am - 3:30pm. The latest funeral cortege arrival time for casket burials at the cemetery is 3:30pm. The cemetery must be cleared by the funeral cortege no later than 5:00pm.</i> <i>Winter Period - 1 April to 30 September - 9:00am -- 2:00pm. The latest funeral cortege arrival time for casket burials at the cemetery is 2:00pm. The cemetery must be cleared by the funeral cortege no later than 3:30pm.</i> Feedback from the industry was supportive of this approach and suggested the introduction of late fees or penalties as a disincentive. Fees can be outlined in the Long Term Plan fees and charges schedule and are therefore not detailed in the bylaw.

4. Greater clarity is required regarding out of district fees as the current wording in the bylaw is not clear and too much is being left to discretion of staff.	This wording in the bylaw has been clarified and processes regarding this fee have been clarified amongst staff.
5. There is currently confusion about what Council provides for 'natural or eco burials'.	This has been set out more clearly in the bylaw with respect to what is able to be provided at this time.
6. The current bylaw prevents pre-purchase of plots at the Mercury Bay (Ferry Landing) cemetery, however, staff believe that there is adequate room for pre-purchase of ashes plots.	The proposed bylaw has removed the restriction on the pre-purchase of plots at Mercury Bay which will enable the pre-purchase of ashes plots. The proposed bylaw intentionally does not list a restriction on pre-purchase as the pre-purchase is, as is set out by statute, at the discretion of the Council. Staff will still uphold the restriction on pre-purchase of casket plots at Mercury Bay (Ferry Landing) and may from time to time need to limit or cease pre-purchase of plots in other cemeteries for operational reasons.
7. The current bylaw does not expressly prevent the pre-purchase of more than one plot at a time and this matter has been subject to interpretation by staff.	This has been clarified in the proposed bylaw so that pre-purchase of only one plot at a time can occur. Requests for multiple plot purchase are at the discretion of the Council (to be approved by the Cemeteries Activity Manager).
8. There is a greater requirement being placed on staff for evidence of perpetuity entitlement for plots.	Additional guidelines have been included in the bylaw as to what Council will accept as evidence.
9. The current prescription around monuments, memorials and types of cemeteries is dated and doesn't reflect current cemetery practice or needs.	This has been updated to current practice.
10. There is no guidance in the current bylaw as to whether the Council permits the burial of animals in its cemeteries.	The bylaw has been updated to clearly state that unless interred in the casket at the time of burial, animal burials cannot be accommodated.
11. The current bylaw does not permit any animals in the cemetery unless prior consent has been obtained from Council. This clause is not consistent with the Council's current approach to disability and needs to be updated to reflect that visibility dogs are permitted.	This has been appropriately adjusted in the bylaw.

3 Discussion

Public consultation on the two policies and the revised bylaw opens at 4pm on Monday 9 February and closes on Monday 9 March. Throughout this period a number of communication outlets will be utilised by council staff to provide information on the policies and bylaw as well as to encourage submissions. These include local radio and local press.

The public is being encouraged to submit online through a new piece of consultation software which the council is using for the first time. This consultation in some ways acts as a trial run for the larger consultation on the Long Term Plan which commences on 9 March.

Due to the anticipated public interest in the Psychoactive Products Retail Location Policy staff propose a public meeting be held in each of Thames, Whangamata and Whitianga, both as these are the centres where the policy will allow retailers to establish but also as they are the largest centres in the district. Council staff will also be able to answer any questions there may be on the gambling venue and board venue policy, and on the cemeteries bylaw. Local Board members have been invited to attend these meetings.

Should you require further information on these policies and the reviewed bylaw, council staff are able to provide you with the full reports considered by Council on 28 January. The full policies and reviewed cemeteries bylaw are attached to this report.

Should you require further information on these policies and the reviewed bylaw, the full reports considered by Council on 28 January are available on the council's website.

The full policies and reviewed cemeteries bylaw are available to be read and submitted against on the consultation portal at www.haveyoursay-tcdc.objective.com.

4 Suggested Resolution(s)

That the Mercury Bay Community Board:

1. Receives the report.