



Mackenzie

DISTRICT COUNCIL

ATTACHMENTS

UNDER SEPARATE COVER -- BYLAWS

Ordinary Council Meeting

29 June 2021

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Proposed New Policies and Bylaws – Statement of Proposal

2021

Proposed Policies and Bylaws

BACKGROUND

Council policies and bylaws are a set of rules or regulations that are created to control specific activities within the Mackenzie District. Policies and bylaws are a useful way of developing a local solution to local nuisance problems. Policies and bylaws focus on those issues which Council have determined can be dealt with appropriately using regulatory enforcement.

POLICY AND BYLAW REVIEW – IDENTIFICATION OF NEW POLICIES AND BYLAWS

The Mackenzie District Council are currently reviewing our Policies and Bylaws. This process involves public consultation to make sure our policies and bylaws are useful and reflect what the community needs and wants. This process has identified the need for a new policy and two new bylaws which is outlined in this document.

A policy is a statement of the Council's position on a matter or issue which guide the delivery of our services. Bylaws are rules made by Council under the Local Government Act 2002 (the Act). Bylaws are created for the purpose of:

- Protecting the public from nuisance;
- Protecting, promoting and maintaining public health and safety; and
- Minimising the potential for offensive behaviour in public places.

The Act also lists specific purposes for which Council may make bylaws. These purposes include regulating activities such as trade waste, solid waste, keeping of animals and trading in public places. Council is also able to make bylaws to manage, regulate and protect its infrastructure, including reticulated wastewater, stormwater and water supply networks, cemeteries and parks and reserves from damage, misuse or loss. The Act also has special powers relating to making bylaws for alcohol control purposes.

Some other Acts, such as the Shop Trading Hours Act 1990 also empower Council to make policies on specific topics such as Easter Trading.

PROPOSED NEW POLICIES AND BYLAWS

The review of the current policies and bylaws identified current gaps in Council's regulatory toolbox that have resulted in impacts on the wider community. These perceived problems namely related to the Keeping of Animals, Poultry and Bees Bylaw in residential areas, trading over the Easter Holiday period and a General Bylaw to provide guidance for all other bylaws and how Council implement these.

Proposed Policies and Bylaws

When creating a bylaw/policy, Council must use the special consultative procedure and comply with section 86 of the Act if the bylaw concerns a matter identified in the Council's policy under section 76AA of the Act as being of significant interest to the public; or if the Council considers that there is, or likely to be, a significant impact on the public due to the proposed bylaw or changes to, or revocation, of the bylaw. The Council in this instance considers the matters addressed by the bylaws and policies above require the special consultative procedure as set out in the Act.

Under the Act, a bylaw must be made and reviewed by making the determinations as required by section 155 of the Act. These are:

1. Identification of a perceived problem, and consideration of whether a bylaw is the most appropriate way of addressing a perceived problem. When considering whether a bylaw is the most appropriate way to respond to a problem, the Council must consider the other regulatory and non-regulatory tools that are available to it, including existing statute and public education.
2. If a bylaw is the most appropriate way of addressing the perceived problem, then the Council must decide before making the bylaw whether:
 - a. The bylaw is the most appropriate form of bylaw; and
 - b. The bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

OTHER CONSIDERATIONS

When Council makes or amends a policy or bylaw it needs to take into account the general law that applies to bylaws. These include:

a) Repugnancy

A bylaw is in effect a local law and is subservient to primary legislation. The bylaw cannot seek to override legislation determined at a national level. If a bylaw sought to override another statute or the common law, then the bylaw would be found to be invalid because it is repugnant to the general laws of New Zealand. Section 14 of the Bylaws Act 1910 states no bylaw shall be invalid merely because it deals with a matter already dealt with by the laws of New Zealand, unless it is repugnant to provisions of those laws. Each bylaw contained within this Statement of Proposal is found not to be repugnant to any legislation.

b) Certainty

A bylaw must be certain. In other words, there must be adequate information as to the duties of those who are to obey it. Each bylaw contained within this Statement of Proposal provides adequate information on the duties and expectations of the Council, its stakeholders and the community.

c) Reasonableness

The reasonableness of any bylaw is a major consideration. There is case law about what constitutes unreasonableness in a bylaw context. Generally speaking, the following considerations are taken into account when looking at reasonableness: The surrounding

Proposed Policies and Bylaws

facts, including the nature and condition of the locality in which the bylaw takes effect, the danger or inconvenience it is designed to remedy and whether or not public private rights are unnecessarily or unjustly invaded.

A bylaw which is unnecessarily interferes with the right without producing a corresponding benefit to the inhabitants of the locality in which it applies is deemed unreasonable.

All bylaws and policies being proposed within this Statement of Proposal have found to be reasonable.

PRE-COMMUNITY ENAGEMENT

A draft Keeping of Animals Bylaw was released for community engagement. All feedback received has been considered when drafting the proposed bylaws.

WE WANT TO HEAR YOUR VIEWS

Any person, organisation or body is welcome to make a submission on the Policies and Bylaw being reviewed. The consultation period will open on Monday 5 July 2021 and will close on Friday 6 August 2021. Every person will also be given the reasonable opportunity to speak to their views with hearings scheduled to be held on Tuesday the 14th and Wednesday, the 15th of September 2021.

MAKING A SUBMISSION

You can make a submission:

- Online at: www.mackenzie.govt.nz
- Visiting a Council Office in either Fairlie and/or Twizel
- Mail to: Planning, Mackenzie District Council, Po Box 52, Main Street, Fairlie 7949

CONTACT US

If you have any questions about the Policy and Bylaw review please contact the Planning Department via email planning@mackenzie.govt.nz or by phone 03 685 9010.

Along with this Statement of Proposal, several accompanying documents have been prepared to help you understand the changes proposed and the reasons why. These documents can be found at www.mackenzie.govt.nz or the Council offices in Fairlie and Twizel.

Proposed Policies and Bylaws

Proposed Policies and Bylaws**Mackenzie District Council General Bylaw 2021****BACKGROUND**

Pursuant to Section 155 of the Act a local authority must before making a bylaw determine whether a bylaw is the most appropriate way of addressing a perceived problem. A local authority then must determine whether a bylaw is the appropriate form of bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990.

The General Bylaw will set the provisions which are common to, and form part, of all Council bylaws that come into force on or after the date of commencement of the Bylaw and will outline the requirements for both staff and residents. This will provide clarity to residents of the Mackenzie District.

The General Bylaw will not give rise to any implications under the New Zealand Bill of Rights Act 1990. The Council are operating within the powers/authority of relevant legislation.

LEGISLATION

The Bylaw can be made pursuant to Section 145 of the LGA that stipulates that a Territorial Authority may make bylaws for its district for one or more of the following purposes:

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

Any bylaw made under section 145 of the LGA must follow the special consultative procedure as set out in section 83 of the LGA.

PROPOSED BYLAW

The Draft General Bylaw is based on other Council Bylaws in New Zealand and includes provisions relating to:

- Powers of Delegation
- Power of Entry
- Serving of Orders and Notices
- Licenses
- Suspension and Revocation of Licences
- Repair and Removal of Works
- Fees and Charges
- Offences and Penalties

The General Bylaw does not set new rules for residents but more outlines the rights of Council when administering the Bylaws and the rights of residents and licence holders.

Proposed Policies and Bylaws

Council's preferred option is the establishment of a General Bylaw. Council will hear the communities view on the proposal before making a decision.

**ASSESSMENT OF PROPOSED BYLAW**

Pursuant to Section 155 of the Local Government Act 2002 a local authority must before making a bylaw determine whether a bylaw is the most appropriate way of addressing a perceived problem. A local authority then must determine whether a bylaw is the appropriate form of bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Perceived Problem

The lack of a General Bylaw means there is now one place for people to seek clarification around how Mackenzie District Council implements its bylaws. The proposed General Bylaw 2021 will rectify this issue.

Appropriate Form of Bylaw

The proposed General Bylaw 2021 is considered to be in an appropriate form to provide clarity which is its intent.

New Zealand Bill of Rights Act 1990

The proposed General Bylaw 2021 will not give rise to any implications under the New Zealand Bill of Rights Act 1990. The Mackenzie District Council (the Council) are operating within the powers/authority of relevant legislation.

The proposed General Bylaw is attached as **Appendix A**.

Proposed Policies and Bylaws

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Mackenzie District Council Keeping of Animals, Poultry and Bees Bylaw**BACKGROUND**

The Council currently has limited mechanisms to control animals in urban areas. Under the Operative Mackenzie District Plan 2004 (the District Plan) there is only one provision in the Residential Zones that stipulates that there shall be no breeding, rearing and/or keeping of pigs or bees. The current provisions do not extend to the keeping of chickens and/or roosters, the keeping of livestock such as sheep, lama and/or cattle and the keeping of cats. The District Plan does cover catteries and boarding kennels as there are commercial operations.

The keeping of animals in urban areas can have adverse effects if unmanaged including odour, noise, damage to neighbouring property and the attraction of vermin. The keeping of animals in urban areas should therefore only be enabled in a way that is acceptable to the community.

To ensure the keeping of animals, poultry and bees in urban areas in the district is well managed and does not endanger public health and safety the Council has proposed a new Keeping of Animals, Poultry and Bees Bylaw 2021.

LEGISLATION

Pursuant to Section 155 of the Local Government Act 2002 a local authority must before making a bylaw determine whether a bylaw is the most appropriate way of addressing a perceived problem. A local authority then must determine whether a bylaw is the appropriate form of bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Perceived Problem

Council has limited ability to manage the keeping of animals in urban areas apart from dogs. The keeping of animals in urban areas, if not managed appropriately can result in negative environmental and social effect.

Appropriate Form of Bylaw

A bylaw is the most appropriate mechanism to manage this issue as it clearly outlines the position of Council and what level of environment and social outcomes are anticipated in the urban environment.

New Zealand Bill of Rights Act 1990

The proposed Keeping of Animals, Poultry and Bees Bylaw 2021 will not give rise to any implications under the New Zealand Bill of Rights Act 1990. The Mackenzie District Council (the Council) are operating within the powers/authority of relevant legislation.

Proposed Keeping of Animals, Poultry and Bees Bylaw

The purpose of the proposed Keeping of Animals, Poultry and Bees Bylaw is:

Proposed Policies and Bylaws

- to promote the responsible management of animals, poultry, and bees in urban areas in the Mackenzie District; and
- to minimise the potential danger, distress, and nuisance to the community caused by animals, poultry and bees.

A summary of the provisions is provided in the Table below:

Proposed Provision	Rationale
Keeping of Pigs – Except in accordance with the Operative Mackenzie District Plan 2004 (the District Plan) and or a resource consent no person shall keep pigs in urban areas.	The keeping of pigs in the Residential 1, 2, 3, 4 and Rural Residential 1 and 2 Zones requires resource consent under the District Plan. To avoid unnecessary duplication and or requirements for owners no new provisions in relation to pigs are proposed
Keeping of Livestock – The keeping of livestock is permitted in urban areas provided the livestock does not cause a nuisance, all livestock is properly contained within the premises, manure and effluent is removed from the property or appropriately recycled or reused and all livestock has an appropriate living environment for their species. Livestock in the Bylaw includes any farm and heard animals such as cattle, horses, goats donkey, alpaca, llama and sheep	The settlements of Albury, Kimbell, Burkes Pass, Fairlie, Tekpo and Twizel are semi-rural in nature with the presence of livestock not uncommon. The keeping of livestock if managed well is not expected to create a nuisance for adjoining owners or occupiers
Keeping of Cats – The keeping of cats is permitted in urban areas provided an owner of more than two cats over the age of three months obtains a license. A license to own more than two cats may be granted, have conditions imposed or be refused at the discretion of an authorised officer. The Council strongly encourage that all cats over six months are microchipped and registered with the New Zealand Companion Animals Register, or other approved microchip registry and cats over the six months are desexed unless kept for breeding purposes. These matters will be taken into account when an authorized officer is assessing an application for a license to own more than two cats	Cats, especially feral cats, cause a range of problems in New Zealand including native bird and wildlife predation, spreading toxoplasmosis and causing nuisance to members of the community. The Council therefore support responsible domestic cat ownership and encourage all cats over the age of six months to be micro chipped, and registered, and desexed. Microchipping helps identify cat owners and desexing prevents any unwanted kittens. The Council have also set a limit of two cats per property to avoid nuisance to the community. A license to obtain more than two cats can however be applied for. The application can be granted, subject to conditions, or declined at the discretion of an authorised officer.
Keeping of Roosters and Poultry – No person shall keep roosters and or/peacocks in urban areas. Other forms of poultry in is permitted provided all poultry is kept in a properly constructed poultry house, no poultry house shall be located within 10m of an occupied dwelling (not owned by the applicant) or any other sensitive site, or within 2m of any adjoining property or such distance required by	

Proposed Policies and Bylaws

the District Plan, every poultry house shall be maintained in good repair, in clean condition free from offensive smell or overflow and free from vermin and no more than six head of poultry shall be kept at any one time. Where the above conditions cannot be met a person may apply for a license to breach the conditions.	
Keeping of Bees – Except in accordance with the District Plan and/or a resource consent under the Resource Management Act 1991 no person shall keep bees in urban areas in the Mackenzie District.	The keeping of bees in the Residential 1, 2, 3, 4 and Rural Residential 1 and 2 Zones requires resource consent under the District Plan. To avoid unnecessary duplication and or requirements for owners no new provisions in relation to bees are proposed

Council's preferred option is the establishment of a Keeping of Animals, Poultry and Bees Bylaw 2021. Council will hear the communities view on the proposal before making a decision.

The proposed Keeping of Animals, Poultry and Bees Bylaw 2021 is attached as **Appendix B**.

Proposed Policies and Bylaws

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Mackenzie District Council Easter Sunday Trading Policy 2021**BACKGROUND**

Each year Council staff receive enquiries from shop owners in the Mackenzie District regarding Easter Sunday Trading. In August 2016, the Government amended the Shop Trading Hours Act 1990. The amendment allows local Councils to adopt a policy giving retailers the options to trade on Easter Sunday.

LEGISLATION

Part 2, Subpart 1 of the Shop Trading Hours Act 1990 stipulates that a territorial authority may adopt a local Easter Sunday Shop Trading Policy to permit shops to open on Easter Sunday in an area comprising either –

- a) the whole district; or
- b) Any part or parts of the district.

Additionally, the following applies:

- a) A local Easter Trading Policy may not – permit shops to open only for some purposes.
- b) permit only some types of shops in the area to open.
- c) specify times at which shops may or may not open.
- d) include any other conditions as to the circumstances in which shops in the area may open.

A local Easter Trading Policy must include either or both of the following:

- a) a map of the area.
- b) a clear description of the boundaries of the area so that they are easily identifiable in practice.

Where a local Easter Trading Policy includes both a map and a description of the area there is inconsistency between the map and the description, the description prevails.

The policy does not apply to the sale and supply of alcohol as this is regulated under the Sale and Supply of Alcohol Act 2012.

A territorial authority must use the special consultative procedure as set out in the Local Government Act 2002 when deciding to adopt a local Easter Sunday Shop Trading Policy.

PROPOSED POLICY

Based on the enquiries received, and legislation, it is recommended that the Council adopt an Easter Sunday Shop Trading Policy that allows local Easter Sunday trading for all shops in the Mackenzie District. Council's preferred option is a policy that applies to all shops within the District. Council will hear the communities' views on this before making a decision.

It is noted that the legislation recognises that Easter Sunday is a day of significance across New Zealand and some people will choose not to work on this day. An additional change to the Shop Trading Hours Act 1990 is the workers choice provision. This gives employees and employers the ability to negotiate freely and gives

Proposed Policies and Bylaws

employees the ability to refuse work on Easter Sunday without any repercussions to the employment relationship.

The Mackenzie District Council is recognised as a holiday destination. The proposed Easter Sunday Trading Policy will provide for local businesses to open on Easter Sunday to serve holiday makers whom traditionally visit the District over this weekend.

It is noted that the Council is not responsible for the enforcement of the Policy. All enforcement is undertaken by the central department responsible for the administration of the Shop Trading Hours Act 1990.

The proposed Easter Sunday Trading Policy 2021 is attached as **Appendix C**.



Mackenzie
DISTRICT COUNCIL

Policies and Bylaws Review – Statement of Proposal

2021

Policies and Bylaws Review 2021

BACKGROUND

Council policies and bylaws are a set of rules or regulations that are created to control specific activities within the Mackenzie District. Policies and bylaws are a useful way of developing a local solution to local nuisance problems. Policies and bylaws focus on those issues which Council have determined can be dealt with appropriately using regulatory enforcement.

POLICY AND BYLAW REVIEW

The Mackenzie District Council are currently reviewing some of our Policies and Bylaws. This process involves public consultation to make sure our policies and bylaws are useful and reflect what the community needs and wants.

A policy is a statement of the Council's position on a matter or issue which guide the delivery of our services.

Bylaws are rules made by Council under the Local Government Act 2002 (the Act). Bylaws are created for the purpose of:

- Protecting the public from nuisance;
- Protecting, promoting and maintaining public health and safety; and
- Minimising the potential for offensive behaviour in public places.

The Act also lists specific purposes for which Council may make bylaws. These purposes include regulating activities such as trade waste, solid waste, keeping of animals and trading in public places. Council is also able to make bylaws to manage, regulate and protect its infrastructure, including reticulated wastewater, stormwater and water supply networks, cemeteries and parks and reserves from damage, misuse or loss. The Act also has special powers relating to making bylaws for alcohol control purposes.

Some other Acts, such as the Dog Control Act 1996 also empower Council to make bylaws on specific topics, Bylaws may be supported by accompanying policies.

WHY ARE THE POLICIES AND BYLAWS BEING REVIEWED?

Pursuant to Section 158 of the Act a territorial authority must review a bylaw no later than five years after the date on which the bylaw was made. If a bylaw is not reviewed within the required

Policies and Bylaws Review 2021

timeframe, it expires. It is then officially revoked on the date that is two years after the last date on which the bylaw should have been reviewed (Section 160A of the Act).

WHAT POLICIES AND BYLAWS ARE BEING REVIEWED?

Seven policies and bylaws are being reviewed in 2021:

1. The Solid Waste Bylaw 2013;
2. The Wastewater Network Bylaw 2014;
3. The Water Supply Bylaw 2014;
4. The Dog Control Policy and Dog Control Bylaw 2014;
5. The Market Place Liquor Ban Bylaw 2014;
6. The Class 4 Gambling Venue Policy and TAB Venue Policy 2016; and
7. The Dangerous and Insanitary Buildings Policy 2005.

AMENDING A BYLAW/POLICY

When amending a bylaw/policy, Council must use the special consultative procedure and comply with section 86 of the Act if the bylaw concerns a matter identified in the Council's policy under section 76AA of the Act as being of significant interest to the public; or if the Council considers that there is, or likely to be, a significant impact on the public due to the proposed bylaw or changes to, or revocation, of the bylaw. The Council in this instance considers the matters addressed by the bylaws and policies above require the special consultative procedure as set out in the Act.

Under the Act, a policy or bylaw must be made and reviewed by making the determinations as required by section 155 of the Act. These are:

1. Identification of a perceived problem, and consideration of whether a bylaw is the most appropriate way of addressing a perceived problem. When considering whether a bylaw is the most appropriate way to respond to a problem, the Council must consider the other regulatory and non-regulatory tools that are available to it, including existing statute and public education.
2. If a policy or bylaw is the most appropriate way of addressing the perceived problem, then the Council must decide before making the bylaw whether:
 - a. The bylaw is the most appropriate form of bylaw; and
 - b. The bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

OTHER CONSIDERATIONS

When Council makes or amends a policy or bylaw it needs to take into account the general law that applies to bylaws. These include:

a) Repugnancy

A bylaw is in effect a local law and is subservient to primary legislation. The bylaw cannot seek to override legislation determined at a national level. If a bylaw sought to override another statute or the common law, then the bylaw would be found to be invalid because

Policies and Bylaws Review 2021

it is repugnant to the general laws of New Zealand. Section 14 of the Bylaws Act 1910 states no bylaw shall be invalid merely because it deals with a matter already dealt with by the laws of New Zealand, unless it is repugnant to provisions of those laws. Each bylaw contained within this Statement of Proposal is found not to be repugnant to any legislation.

b) Certainty

A bylaw must be certain. In other words, there must be adequate information as to the duties of those who are to obey it. Each bylaw contained within this Statement of Proposal provides adequate information on the duties and expectations of the Council, its stakeholders and the community.

c) Reasonableness

The reasonableness of any bylaw is a major consideration. There is case law about what constitutes unreasonableness in a bylaw context. Generally speaking, the following considerations are taken into account when looking at reasonableness: The surrounding facts, including the nature and condition of the locality in which the bylaw takes effect, the danger or inconvenience it is designed to remedy and whether or not public private rights are unnecessarily or unjustly invaded.

A bylaw which is unnecessarily interferes with the right without producing a corresponding benefit to the inhabitants of the locality in which it applies is deemed unreasonable.

All bylaws and policies being amended within this Statement of Proposal have found to be reasonable.

PRE-COMMUNITY ENGAGEMENT

The Dog Control Policy and Dog Control Bylaw 2014, the Market Place Liquor Ban Bylaw 2014 and the Class 4 Gambling Venue Policy and TAB Venue Policy 2016 were released for pre-community engagement at the start of this year. All feedback received has been considered when reviewing the policies and bylaws.

WE WANT TO HEAR YOUR VIEWS

Any person, organisation or body is welcome to make a submission on the Policies and Bylaw being reviewed. The consultation period will open on Monday 5 July 2021 and will close on Friday 6 August 2021. Every person will also be given the reasonable opportunity to speak to their views with hearings scheduled to be held on Tuesday the 14th and Wednesday, the 15th of September 2021.

MAKING A SUBMISSION

You can make a submission:

- Online at: www.mackenzie.govt.nz

Policies and Bylaws Review 2021

- Visiting a Council Office in either Fairlie and/or Twizel
- Mail to: Planning, Mackenzie District Council, PO Box 52, Main Street, Fairlie 7949

CONTACT US

If you have any questions about the Policy and Bylaw review please contact the Planning Department via email planning@mackenzie.govt.nz or by phone 03 685 9010.

Along with this Statement of Proposal, several accompanying documents have been prepared to help you understand the changes proposed and the reasons why. These documents can be found at www.mackenzie.govt.nz or the Council offices in Fairlie and Twizel.

*Policies and Bylaws Review 2021***Mackenzie District Council Solid Waste Bylaw 2013****BACKGROUND**

The Mackenzie District Council Solid Waste Bylaw 2013 came into force on 15 October 2013. The Solid Waste Bylaw was made pursuant to Section 56 of the Waste Minimisation Act 2008 and Section 146 of the Local Government Act 2002. The objective of the Solid Waste Bylaw is to regulate the collection, transportation and disposal of waste in the district in order to protect the health and safety of the public. In addition, the Solid Waste Bylaw is required to ensure all waste collection and disposal is carried out in a way that allows the Council's Waste Management and Minimisation Plan to be implemented.

The Mackenzie District Council 2018-2024 Waste Management and Minimisation Plan sets out how Council will manage waste in the district. The goals of the Waste Management and Minimisation Plan are to:

- minimise waste to landfill and maximise diversion of waste;
- gather waste data to develop plans and policy direction; and
- protect our district and the environment from the harmful effects of waste.

LEGISLATION

Under the Act, a bylaw must be reviewed by making the determinations as required by section 155 of the Act.

Identification of a Perceived Problem and Consideration of whether Bylaw is the most Appropriate Way of Addressing a Perceived Problem

Solid waste if not appropriately managed can result in adverse nuisance effects and harm to the environment and community. Section 146 of the Act provides that a Council may make a bylaw for its district for the purposes of solid waste. A bylaw allows council to use regulatory enforcement when dealing with issues with solid waste. Education programmes and incentives to encourage our communities to minimise waste will continue under the 2018-2024 Waste Management and Minimisation Plan.

Appropriate Form of Bylaw

The Solid Waste Bylaw 2021 is largely consistent with the Solid Waste Bylaw 2013 with only minor variations proposed. The Solid Waste Bylaw is operating within the powers/authority of relevant legislation. Section 56 of the Waste Minimisation Act 2008 states that a territorial authority may make bylaws for one or more of the following purposes:

- a) prohibiting or regulating the deposit of waste;
- b) regulating the collection and transportation of waste;
- c) regulating the manner of disposal of dead animals, including their short-term storage pending disposal;
- d) prescribing charges to be paid for use of waste management and minimisation facilities provided, owned, or operated by the territorial authority;
- e) prohibiting, restricting, or controlling access to waste management and minimisation facilities provided, owned, or operated by the territorial authority; or

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- f) prohibiting the removal of waste intended for recycling from receptacles provided by the territorial authority by anyone other than—
- the occupier of the property from which the waste in the receptacle has come; or
 - person authorised by the territorial authority to remove the waste.

REVIEW OF THE SOLID WASTE BYLAW 2013

Mackenzie District Council (the Council) propose to revoke the existing Solid Waste Bylaw 2013 and replace it with an amended Solid Waste Bylaw 2021. The Solid Waste Bylaw 2021 is largely consistent with the Solid Waste Bylaw 2013 with only minor variations proposed. The purpose of the Solid Waste Bylaw 2021 is to:

- protect the health and safety of the public and persons involved in the collection or disposal of waste;
- assist with the implementation of the Council's Waste Management and Minimisation Plan;
- promote safe, efficient and effective waste management, including maximising the recovery of re-usable and recyclable resources; and
- provide for the appropriate collection, transportation and disposal of waste, re-usable and recoverable resources.

A summary of the proposed changes to the Solid Waste Bylaw are provided in Table 1.

Table 1 – Proposed Changes to the Solid Waste Bylaw 2013

Proposed Change	Rationale
Amendments to the structure, and layout of the Bylaw	Changes to the structure and layout of the Bylaw have been made to provide greater consistency between the Policies and Bylaws being reviewed/implemented
New Food Waste and Organic Waste Interpretations	New Food Waste and Organic Waste interpretations have been incorporated to provide for organic kerbside collection in future (if required)
New requirements for owners of multi-unit developments to submit to the Council a Waste Management and Minimisation Plan for approval. The requirements for a Waste Management and Minimisation Plan are specified in the Draft Bylaw and include an area on the premises for the storage of containers that is accessible to the occupiers of the units and to licensed waste operators. A multi-unit development in the Bylaw is defined as a development involving more than one residential unit per allotment and includes flats, town houses, retirement villages and visitor accommodation	Requirements for multi-unit developments have been incorporated into the Bylaw given the surge in visitor accommodation activities and air bnb in the District. The requirement for multi-unit developments to obtain an approved Waste Management and Minimisation Plan will ensure waste management is considered from the outset of development and will avoid any unnecessary nuisance to the community.
New requirements for Commercial Waste Operators to obtain a license from the Council to operate	Since the Solid Waste Bylaw 2013 came into force there has been an increased number of commercial waste operators in the district. A requirement for commercial waste operators to obtain a license will enable Council to understand the waste volumes in

Policies and Bylaws Review 2021

	the District, and how waste operators are managing the process, including managing their own health and safety. This approach is consistent with a number of territorial authorities across the country
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The New Zealand Bill of Rights Act 1990

The proposed Solid Waste Bylaw 2021 will not give rise to any implications under the New Zealand Bill of Rights Act 1990. The Mackenzie District Council (the Council) are operating within the powers/authority of relevant legislation.

The proposed Solid Waste Bylaw 2021 is attached as **Appendix A** to this document.

*Policies and Bylaws Review 2021***Mackenzie District Council Water Supply Bylaw and Wastewater Network Bylaw 2014****4****BACKGROUND**

The Mackenzie District Council Water Supply Bylaw 2014 and Wastewater Network Bylaw 2014 were adopted on 9 December 2014. Both Bylaws were made pursuant to section 146 of the Local Government Act 2002.

The objective of the Water Supply Bylaw is to regulate and manage connections to the water supply network and to protect the environment and the health of people using the water supply network.

The objective of the Wastewater Network Bylaw 2014 is to regulate and manage connections to, and discharge into, the wastewater network as well as minimising the potential for the discharge of any contaminant from the wastewater network.

The Council currently do not have a stormwater bylaw.

LEGISLATION

Under the Act, a bylaw must be reviewed by making the determinations as required by section 155 of the Act.

Identification of a Perceived Problem and Consideration of whether Bylaw is the most Appropriate Way of Addressing a Perceived Problem

Water and wastewater if not appropriately managed can result in adverse nuisance effects and harm to the environment and community. If not properly managed the network infrastructure administered by Council can also be damaged resulting in wide ranging impacts on the entire community. Stormwater networks are also owned and operated by Council and should be afforded the same protective mechanism as the water and wastewater network. A bylaw allows council to use regulatory enforcement when dealing with issues with water and wastewater networks.

Appropriate Form of Bylaw

It has been determined that an integrated bylaw will provide Council with the best mechanism for managing its network services infrastructure. This will result in the revocation of the two current bylaws and the replacement with a Water Supply, Wastewater and Stormwater Bylaw 2021.

REVIEW OF THE WATER SUPPLY BYLAW AND WASTEWATER NETWORK BYLAW

The Council propose to revoke the Water Supply Bylaw 2014 and Wastewater Network Bylaw 2014 and replace it with a draft Water, Wastewater and Stormwater Bylaw 2021. The proposed bylaw places the same general controls over each of the networks, whilst also creating additional controls where appropriate for each individual network to ensure the Council asset is not compromised. The proposed bylaw will create certainty and consistency in approach moving forward.

The key change is the integration of the current Wastewater Network Bylaw 2013 and Water Supply Bylaw 2013 into a single bylaw and the inclusion of Stormwater as a matter of control. The controls placed over these networks generally accord with the current bylaws and the proposed bylaw simplifies the controls

Policies and Bylaws Review 2021

through placing them all in one bylaw and ensuring a general approach to all the networks is adopted where appropriate.

**The New Zealand Bill of Rights Act 1990**

The proposed Water Supply, Wastewater and Stormwater Bylaw 2021 will not give rise to any implications under the New Zealand Bill of Rights Act 1990. The Mackenzie District Council (the Council) are operating within the powers/authority of relevant legislation.

The proposed Water, Wastewater and Stormwater Bylaw 2021 is attached as **Appendix B**.

*Policies and Bylaws Review 2021***Mackenzie District Council Dog Control Policy and Dog Control Bylaw 2014****6****BACKGROUND**

The Mackenzie District Council Dog Control Policy 2014 and Dog Control Bylaw 2014 were adopted on 9 December 2014. The Dog Control Policy 2014 was made pursuant to section 10 of the Dog Control Act 1996 which requires all territorial authorities to adopt a policy in respect of dogs. A Dog Control Policy, under the Dog Control Act 1996 must:

- specify the nature and application of any bylaws made.
- identify any public places in which dogs are prohibited.
- identify any public places in which dogs (other than working dogs) are to be controlled on a leash.
- identify any areas that are designated as dog exercise areas.
- state whether dogs classified as menacing dogs are required to be neutered under section 33E(1)(b) and if so whether the requirement applies to all such dogs and if not what matters are taken into account when requiring particular dogs to be neutered.
- state whether dogs classified by any other territorial authority as menacing are required to be neutered.
- include any other such detail the territorial authority thinks is appropriate including but not limited to, fees or proposed fees, owner education programmes, dog obedience courses, the classification of dog owners and the issuing of infringement notices.

The Dog Control Bylaw 2014 was made pursuant to section 10(6) and section 20 of the Dog Control Act 1996. A Dog Control Bylaw under the Dog Control Act 1996 shall be for all or any of the following purposes:

- prohibiting dogs, whether under control, or not, from specific places.
- requiring dogs, other than working dogs to be controlled on leash in specific places.
- regulating and controlling dogs in public places.
- designating specific areas as exercise areas.
- prescribing minimum standards for the accommodation of dogs.
- limiting the number of dogs that may be kept on any land or premises.
- requiring dogs to be tied up or otherwise confined during a specified period etc.

LEGISLATION

Pursuant to section 10AA of the Dog Control Act 1996 a territorial authority must review a Dog Control Policy if a Dog Control Bylaw implementing a policy requires review. In reviewing a bylaw, the territorial authority must make the determination as required by section 155 of the Act in the context of a reconsideration of the matters in section 10(4) of the Dog Control Act 1996 which read as follows:

- the need to minimise danger, distress and nuisance to the community generally; and
- the need to avoid inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not children are accompanied by adults;
- the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- the exercise and recreation need of dogs and their owners.

REVIEW OF DOG CONTROL POLICY AND DOG CONTROL BYLAW 2014

Policies and Bylaws Review 2021

The Council propose to revoke the existing Dog Control Policy and Dog Control Bylaw 2014 and replace them with an amended draft Dog Control Policy and Dog Control Bylaw 2021. The purpose of the Dog Control Policy 2021 is to:

- to ensure dog owners in the Mackenzie District met their obligations under the Dog Control Act 1996;
- to minimise the potential danger, distress, and nuisance to the community caused by dogs;
- to avoid the inherent danger in allowing dogs to have uncontrolled access to public places;
- to enable the public to use streets and public amenities without fear of attack or intimidation by dogs and
- to provide for the exercise and recreational needs of dogs and their owners.

The purpose of the Dog Control Bylaw 2021 is:

- to regulate and enforce the Mackenzie District Council Draft Dog Control Policy 2021;
- to promote the responsible management of dogs in public places;
- to provide for the recreational needs of dogs and their owners; and
- to minimise the potential for dogs to cause harm, distress or nuisance to the community, animals and wildlife.

A summary of the proposed changes to the Dog Control Policy and Dog Control Bylaw 2014 is provided in Table 2.

Table 2 - Proposed Changes to the Dog Control Policy and Dog Control Bylaw 2014

Proposed Change	Rationale
Amendments to the structure, text and layout of the Policy and Bylaw	Amendments to the structure, text and layout of the Dog Control Policy and Dog Control Bylaw are proposed to reflect legislation and to provide clarity for residents and staff
Amendments to the interpretations	Amendments to the interpretations are proposed to provide clarity for readers and to reflect legislation. A definition of effective control has been provided in response to pre-community consultation
New registration provisions	<p>The registration provisions are proposed to be expanded to reflect legislation and Councils Schedule of Fees and Charges. The classifications for dog registration are as follows:</p> <ul style="list-style-type: none"> • Urban Dogs • Neutered, Urban Dogs • Rural and Working Dogs • Disability Assist Dogs • Dangerous and Menacing Dogs • Responsible Dog Owner Status <p>The urban classification has been expanded to include any land zoned Residential 1, 2, 3, 4 and Rural Residential 1 and 2 in the Operative Mackenzie District Plan 2004 to reflect the District Plan boundaries and to provide clarity for residents</p>
Inclusion of Responsible Dog Ownership Status	In response to community feedback the Council Selected Dog Owner Policy is proposed to be replaced with a Responsible Dog Owner Status. The

Policies and Bylaws Review 2021

	Responsible Dog Owner Status is a special dog ownership status that recognises good, responsible dog owners and entitles them to a reduced annual dog registration fee. The draft Policy includes the eligibility criteria and conditions
Expansion of the Dog Prohibited Areas to include all skateparks	The Dog Prohibited Areas have been expanded to include all skateparks as children and teenagers are disproportionately represented in dog bite and injury statistics. Ensuring dogs are not in places frequented by children and teenagers makes them safer for children and teenagers to use
Changing Market Place, Twizel from a Dog Prohibited Area to a Dog Leash Area	Market Place is proposed to be changed from a Prohibited Area to a Leash Area as most participants who participated in the pre-community consultation supported Market Place being a Leash Area. The Dog Prohibited Area in Market Place is also not enforced by Council and is generally not followed by dog owners
Removal of the Fairlie Domain as Dog Prohibited Area	The Fairlie Domain is proposed to be removed as a Dog Prohibited Area to allow dog owners to exercise their dogs in the domain in the absence of a dedicated dog park or exercise area in Fairlie
Expansion of the Dog Leash Areas to include all roads including pedestrian areas such as footpaths and the margins alongside roads, whether sealed or not	The Dog Leash Areas are proposed to be expanded to include all roads and pedestrian areas as dogs if not under effective control can pose a risk to pedestrians and/or road users
Removal of the following Exercise Areas in Fairlie: <ul style="list-style-type: none"> • Strathconan Park Recreation Grounds • Mount Cook Road Green Area • McLeans Park • The Road Reserve from Gray Street South along the east side of State Highway 8 	The dog exercise areas in Fairlie are proposed to be removed as they either do not have adequate fencing and are adjacent to State Highway 8 or are used for sporting activities. Dogs if uncontrolled may run onto the road and pose a danger to road users or users of the sports ground. The Fairlie Domain has been removed as Dog Prohibited Area to allow dog owners to exercise their dogs in the domain in the absence of a dedicated dog park or exercise area in Fairlie
Inclusion of new uncontrolled and roaming dog provisions in the Policy	New uncontrolled and roaming dog provisions are proposed as uncontrolled and roaming dogs can cause a significant nuisance. The majority of complaints the Council receive are to do with roaming dogs.

The New Zealand Bill of Rights Act 1990

The proposed Dog Control Bylaw will not give rise to any implications under the New Zealand Bill of Rights Act 1990. The Mackenzie District Council (the Council) are operating within the powers/authority of relevant legislation.

The proposed Dog Control Policy and Dog Control Bylaw 2021 are attached as **Appendix C**.

*Policies and Bylaws Review 2021***Mackenzie District Council Alcohol Restrictions in Public Places Bylaw 2021****BACKGROUND**

The Market Place Liquor Ban Bylaw was adopted on the 9 December 2014, it revoked a prior bylaw made in 2005. The Bylaw provides for a liquor free area around Market Place in Twizel and aims to enhance public safety, lessen petty crime, minimize the potential for offensive behaviour in public places, and to reduce the incidence of alcohol related offences of a violent and/or destructive nature.

The Bylaw was made under section 147 of the Local Government Act 2002 which provides that a territorial authority may make bylaws for its district for the purpose of prohibiting, or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:

1. the consumption of alcohol in public places;
2. the bringing of alcohol into public places; and
3. the possession of alcohol in public places.

LEGISLATION

Pursuant to section 147 of the Act before making a bylaw for the purpose of prohibiting, or otherwise regulating or controlling the consumption and possession of alcohol a territorial authority—

- a) must be satisfied that it can be justified as a reasonable limitation on people's rights and freedoms; and
- b) except in the case of a bylaw that will apply temporarily for a large scale event, must also be satisfied that—
 - i. there is evidence that the area to which the bylaw is intended to apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and
 - ii. the bylaw is appropriate and proportionate in the light of that crime or disorder.

The proposed changes will result in the creation of Liquor Ban Areas in Fairlie and Tekapo, which are in addition to the one that already exists in Market Place Twizel. In reaching this conclusion Council consulted with the local Police who identified concerns around disorder resulting from the presence of alcohol in these places.

The sites are the main business area in which there several licensed premises as well as open space and park areas. The presence of alcohol has resulted in disorder in these locations and the proposed bylaw will provide the Police with a mechanism to maintain order in a proactive manner. Council also wishes to be proactive in managing issues related to alcohol especially when it is near open spaces and parks which are key community assets and of which no crime or disorder should be present because of alcohol consumption.

Policies and Bylaws Review 2021

REVIEW OF BYLAW

The Council propose to revoke the existing Market Place Liquor Ban Bylaw 2014 and replace it with an amended proposed Alcohol Restrictions in Public Places Bylaw 2021. The purpose of the Alcohol Restrictions in Public Places Bylaw 2021 is to:

- to reduce alcohol-related harm, damage, disorder and crime; and
- to improve community safety by prohibiting, or otherwise regulating, the possession and consumption of alcohol in public places.

A summary of the proposed changes to the Market Place Liquor Ban Bylaw 2014 is provided in Table 3.

Table 3 - Proposed Changes to the Market Place Liquor Ban Bylaw 2014

Proposed Change	Rationale
The title of the Bylaw has been changed from the Market Place Liquor Ban Bylaw to the Alcohol Restrictions in Public Places Bylaw	The Bylaw only applies to Market Place in Twizel and does not allow scope for additional permanent alcohol ban areas or for temporary alcohol ban areas by resolution of Council. An Alcohol Restrictions in Public Places Bylaw will allow for greater flexibility and allow Council to respond more efficiently to matters caused or made worse by alcohol consumption
Amendments to the overall structure and layout of the Bylaw	Changes to the structure and layout of the Bylaw have been made to provide greater consistency between the Policies and Bylaws being reviewed/implemented
Minor amendments to the interpretations and provisions	Changes to the interpretations and provisions have been made to reflect current legislation and to provide clarity for the reader
Incorporation of Permanent Alcohol Ban Areas and Temporary Alcohol Ban Areas	At present the Council has one Permanent Alcohol Ban Area (Market Place). Generic Permanent Alcohol Ban Area provisions, however, allow for flexibility. The inclusion of Temporary Alcohol Ban Areas by resolution of Council will also allow Council to respond more efficiently to matters caused or made worse by alcohol consumption at specific times of the year or during specific events
Incorporation of new signage provisions	Signage provisions have been included to allow Council to erect signage within Alcohol Ban Areas at the discretion of Council
Amendments to the Market Place Alcohol Ban Area Map	Amendments have been made to the Market Place Alcohol Ban Area map to include the Tasman Road carpark, the skateboard park, the children's playground and Events Centre. The alcohol restrictions do not apply to any events held in public places where a license under the Sale and Supply of Alcohol Act applies

Policies and Bylaws Review 2021

Two new Permanent Alcohol Ban Areas are proposed:	Two new permanent alcohol ban areas are proposed, one in Fairlie and one in Tekapo, to provide consistency within the townships and to respond concerns related to alcohol consumption. The boundaries of the proposed alcohol ban areas have been discussed with the local Police who ultimately support the inclusion of an alcohol ban
1. The Fairlie Village Centre and Village Green; and	
2. The Tekapo Village Centre and Domain	

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The New Zealand Bill of Rights Act 1990

The proposed Alcohol Restrictions in Public Places Bylaw 2021 will not give rise to any implications under the New Zealand Bill of Rights Act 1990. The Mackenzie District Council (the Council) are operating within the powers/authority of relevant legislation.

Appropriate for of Bylaw

The proposed bylaw is considered to be the most appropriate form of bylaw pursuant to section 155(2)(a) of the Act.

The proposed Alcohol Restrictions in Public Places Bylaw 2021 is attached as **Appendix D**.

*Policies and Bylaws Review 2021***Mackenzie District Council Class 4 Gambling and TAB Venue Policy 2021****12****BACKGROUND**

The Mackenzie District Council Class 4 Gambling Venue Policy and TAB Venue Policy were adopted on 8 August 2016. The Class 4 Gambling Venue Policy was made pursuant to section 101 of the Gambling Act 2003 which requires all territorial authorities to have a policy on Class 4 Venues. Any policy under the Gambling Act 2003 must have regard to the social impact of gambling and must specify whether, or not, new Class 4 Venues may be established and, if so, where they may be located. The policy may also specify restrictions on the maximum number of gaming machines that may be operated at a Class 4 Venue.

The TAB Venue Policy was made pursuant to section 96 of the Racing Industry Act 2020 which requires all territorial authorities to have a policy on TAB Venues. The policy must have regard to the social impact of gambling and must specify whether, or not, new TAB Venues may be established in the district and, if so, where they may be located.

Under the current policies Class 4 Gambling Venues can be established in the District Plan Business Zones, subject to meeting the policy standards. No new TAB venues can be established. The District has an overall cap of 65 gaming machines and no new business can operate more than nine machines.

As of 31 December 2020, there were four class 4 gambling venues in the Mackenzie District, hosting between them 36 electronic gaming machines. The number of class 4 gambling venues in the District had however remained at five since 2015, until the loss of the Tekapo Tavern in 2019. The Tekapo Tavern have recently lodged an application with Council to host up to nine gaming machines.

LEGISLATION

The Gambling Act 2003 and the Racing Act 2003 requires all Territorial Authorities to develop and Class 4 Gambling and TAB Venue Policy. The policies created under this legislation must be reviewed on a three-yearly basis. The current policies are overdue for review.

Section 102(5A) of the Gambling Act provides that the first time a Territorial Authority commences a review of a policy after the Gambling (Gambling Harm Reduction) Amendment Act 2013 comes into force, the Territorial Authority must (and may at any other time) consider whether to include a relocation policy (as defined in section 101(5)). This review considers the merits of the current relocation policy.

REVIEW OF CLASS 4 GAMBLING AND TAB VENUE POLICY 2021

The Council propose to revoke the Class 4 Gambling Venue Policy 2016 and TAB Venue Policy 2016 and replace them with a new Class 4 Gambling and TAB Venue Policy 2021. A policy that combines Class 4 gambling and TAB venues is recommended as it avoids unnecessary repetition and keeps the requirements for gambling venues in one place.

The Council is proposing options to the public to consider:

Option 1 – The Council impose a sinking lid.

Option 2 – The Council lower the overall cap on the number of gaming machines in the district.

Option 3 – The Council impose no change or impose another option not listed.

Councils preferred option is **Option X**.

Policies and Bylaws Review 2021

If the Council impose a sinking lid no approval will be given for any new Class 4 Gambling or TAB venues in the Mackenzie District. Existing Class 4 Gambling venues may continue to operate but cannot be relocated or transferred to a new venue or owner if a pub or venue closes.

A sinking lid is one option as it is one of the simplest ways of protecting people from harm caused by gambling.¹ At present 23 of the New Zealand's 67 territorial authorities have introduced a sinking lid.

The Council alternatively could reduce the overall cap on the number of gaming machines in the district to 45 machines (a reduction of 20 machines). Class 4 Venues under this scenario may be relocated and or transferred to a new venue or owner if a pub or venue closes.

A summary of the changes under either scenario is provided in Table 4:

Table 4: Summary of Changes to the Class 4 Gambling and TAB Venue Policies 2016

Proposed Change	Rationale
The Class 4 Gambling and TAB Venue Policies are merged into one Policy	To avoid unnecessary repetition and to keep the requirements for gambling venues in one place
Amendments to the overall structure and layout of the Policy	To provide greater consistency between the Policies and Bylaws being reviewed and/or implemented
Amendments and incorporations to the interpretations	To make the policy less clunky, to reflect legislation and to provide clarity for the reader
A reduction to the overall cap from 65 to 45 gaming machines or the imposition of a sinking lid	To reduce the potential for harm caused by gambling in the district
Amendments to the relocation provisions to reduce the number of machines that may be relocated (presently the maximum number of machines permitted at the original venue) to a maximum of nine. This will only apply if the Council reduce the overall cap	To reduce the potential for harm caused by gambling and to maintain a maximum of nine gaming machines per premises (the default in the Gambling Act 2003)
Removal of the combined premises provision allowing two or more clubs to combine and host up to 18 gambling machines. This will only apply if the Council reduce the overall cap	To reduce the potential for harm caused by gambling and to maintain a maximum of nine gaming machines per premises. A premise hosting up to 18 gaming machines is not considered appropriate in the small communities in the District
Inclusion of new provisions outlining additional requirements for Class 4 Gambling Venues. This will only apply if the Council reduce the overall cap	To ensure class 4 venues are appropriately managed and to reduce the potential risks of problem gambling
Minor amendments to the application provisions and the introduction of a 30-day processing time frame. This will only apply if the Council reduce the overall cap	To provide a clear and more streamlined process for applicants and Council staff

The New Zealand Bill of Rights Act 1990

¹ Recent research about the burden of gambling harm in New Zealand identified six main areas of gambling harm: decreased health, emotional/psychological distress, financial harm, reduced performance at work or education, relationship disruption/conflict/breakdown and criminal activity.

Policies and Bylaws Review 2021

The proposed Class 4 Gambling and TAB Venue Policy 2021 will not give rise to any implications under the New Zealand Bill of Rights Act 1990. The Mackenzie District Council (the Council) are operating within the powers/authority of relevant legislation.

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The proposed Class 4 Gambling and TAB Venue Policy 2021 is attached as **Appendix E**.

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Mackenzie District Council Dangerous, Affected and Insanitary Buildings Policy 2021

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BACKGROUND

The Dangerous Buildings Policy and Insanitary Buildings Policy were drafted in 2005. There is however no record of these policies being officially adopted. Furthermore, both policies are labelled as Statements of Proposal on Councils website.

The Dangerous Buildings Policy and Insanitary Buildings Policy were drafted under section 131 of the Building Act 2004 which requires territorial authorities to establish a policy on dangerous and insanitary buildings. The policy must state:

- a. the approach that the territorial authority will take in performing its functions under the Building Act 2004; and
- b. the territorial authorities' priorities in performing those functions; and
- c. how the policy will apply to heritage buildings.

REVIEW OF POLICIES

The Dangerous Buildings Policy and Insanitary Buildings Policy 2005 are recommended to be replaced with a new Dangerous, Affected, and Insanitary Buildings Policy 2021. The Dangerous, Affected, and Insanitary Buildings Policy, in accordance with the Building Act 2004, will outline Council's approach to dangerous, affected, and insanitary buildings in the District, the procedure Council will take when dealing with a dangerous, affected, and insanitary buildings and how the policy will apply to heritage buildings.

The purpose of this Policy is to provide a clear and reasonable framework of how Council will manage dangerous, affected, and insanitary buildings and reduce the risk posed to residents and visitors in the District by dangerous and/or insanitary buildings.

PROPOSED DANGEROUS, AFFECTED, AND INSANITARY BUILDINGS POLICY 2021

A summary of the recommended approach to dangerous, affected, and insanitary buildings within the Policy is provided below:

Summary of Approach to Dangerous, Affected and Insanitary Buildings
Council will first and foremost encourage all building owners to build safe and healthy buildings
A building will be deemed to be dangerous and/or insanitary when its existence is brought to Council's attention and when, after an inspection, an authorised officer with an appropriate warrant deems it to be potentially dangerous and/or insanitary.
When dangerous and insanitary conditions are found the Council will identify any affected buildings and may issue a notice under section 124(2)(c) of the Building Act 2004 requiring work to be carried out on the dangerous and/or insanitary building to reduce or remove the danger, or to prevent the building from remaining insanitary.
Where an owner fails to address the dangerous and/or insanitary state of a building or the requirements within the notice are not proceeding with reasonable speed, Council may invoke its powers under section 126 of the Building Act 2004 and apply to the District Court to gain authorisation to carry out the building

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work on the owner's behalf. If Council carries out the building work, it is entitled to recover all costs associated with that work from the building owner, as set out in section 126(3) of the Building Act 2004.	19
If the building is a heritage building, the Council will take into account its heritage values in determining an appropriate course of action. Council will consult with Heritage New Zealand Pouhere Taonga and the landowner before taking any action.	
If a building presents an immediate danger or health hazard to people within and/or around it, or to surrounding buildings, Council may invoke its powers under section 129 of the Building Act 2004 to remove the danger or fix the insanitary conditions. This may include the demolition of the building.	
Any buildings identified as being dangerous or insanitary will have a requisition placed on Council's property database for the property on which the building is situated until the dangerous or insanitary condition is remediated. In addition, copies of any notices or letters may be placed on any Land Information Memorandum (LIM).	

The New Zealand Bill of Rights Act 1990

The proposed Dangerous, Affected, and Insanitary Buildings Policy 2021 will not give rise to any implications under the New Zealand Bill of Rights Act 1990. The Mackenzie District Council (the Council) are operating within the powers/authority of relevant legislation.

The proposed Dangerous, Affected, and Insanitary Buildings Policy 2021 is attached as **Appendix F**.



Mackenzie
DISTRICT COUNCIL

Draft Solid Waste Bylaw

2021

Draft Solid Waste Bylaw 2021

Date Created:	Month 2021
Review Date:	Month Year
Department:	Planning
Responsible Officer:	Manager Planning
Sponsor:	General Manager – Operations
Approved by:	Chief Executive Officer
New Review Date:	Month Year

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Solid Waste Bylaw 2021 – Draft

1. Introduction

This Bylaw is the Mackenzie District Council Draft Solid Waste Bylaw 2021.

This Bylaw shall come into force on **DATE**.

This Bylaw has been made pursuant to section 146 of the Local Government Act 2002 and section 56 of the Waste Minimisation Act 2008.

2. Purpose

The purpose of this Bylaw is to:

- protect the health and safety of the public and persons involved in the collection or disposal of waste;
- assist with the implementation of the Council's Waste Management and Minimisation Plan;
- promote safe, efficient and effective waste management, including maximising the recovery of re-usable and recyclable resources; and
- provide for the appropriate collection, transportation and disposal of waste, re-usable and recoverable resources.

3. Principles

This Bylaw has been developed considering the purpose and principles of the Waste Minimisation Act 2008 which includes encouraging waste minimisation and decreasing waste disposal to protect the environment from harm and to provide environmental, social, economic, and cultural benefits to the community.

4. Interpretations

For the purposes of this Bylaw the following definitions shall apply. Where a definition has the same meaning as a definition in the Waste Minimisation Act 2008 (the Act), the definition for the purposes of this Bylaw includes any subsequent amendment to the definition in the Act.

For the avoidance of doubt, where a definition in the Act differs from a definition in the Bylaw, the definition in the Act takes precedence.

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Act	the Waste Minimisation Act 2008
Approved Container	any bag, mobile bin, crate or any other receptacle provided by or on behalf of Council from time to time for the purpose of Council kerbside collection or drop off to a Council waste collection point or Resource Recovery Park
Banned Material	materials identified in the First Schedule of this Bylaw or otherwise banned by Council Resolution from being disposed of to landfill
Clean Fill Material	material that, when buried, will have no adverse effects on people or the environment. Cleanfill material includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of: <ul style="list-style-type: none"> • combustible, putrescible, degradable or leachable components; • hazardous substances; • products or materials derived from hazardous waste treatment, hazardous waste stabilisation, or hazardous waste disposal practices; • materials that may present a risk to human or animal health, such as medical and veterinary waste, asbestos, or radioactive substances; or • liquid waste
Clean Fill Site	one of the Council's clean fill sites in the district
Council	the Mackenzie District Council
Council Waste Collection Point	any parcel of land which contains one or more buildings for the carrying out of any business, manufacture process, trade, retail or any other activity which is not related to residential use. It does not include a business located in a residential dwelling, such as a home occupation or professional office where the primary property designation would be residential
Commercial Premises	Any parcel of land which contains one or more buildings for the carrying out of any business, manufacture process, trade, retail or any other activity which is not related to residential use. It does not include a business located in a residential dwelling, such as a home occupation or professional office where the primary property designation would be residential
Commercial Waste	any scrap or waste materials resulting from the carrying on of any business, manufacturing process, trade, market or other undertaking. Commercial waste does not include household waste, recyclable materials, green waste, hazardous waste, prohibited waste, trade waste or banned material
Commercial Solid Waste Operator	any person who, as part of a commercial operation, collects solid waste from residential dwellings or commercial premises or who sorts and processes solid waste as part of a solid waste collection business
Council Kerbside Collection	the service being provided to properties by the Council for the collection of rubbish, recyclable materials, or any other material that Council provides an approved container for collection
Divertible Material	anything no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be disposed of or discarded, and includes any materials that are recyclable, compostable, or that can be recovered and/ or re-used, as determined by the Council by resolution
Eligible Premises	include occupied and un-occupied residential dwellings, and commercial premises that the Council has determined may receive a Council kerbside collection service
Food Waste	waste that is derived from any item of food and is organic in origin and includes fruit and vegetable scraps, meat, fish and bone discards and any other similar food waste
Green Waste	compostable plant material excluding flax and cabbage leaves
Hazardous Waste	waste that: <ul style="list-style-type: none"> • contains hazardous substances at sufficient concentrations to exceed the

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	<p>minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organism Act 1996; or</p> <ul style="list-style-type: none"> • meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433: 1999 – Transport of Dangerous Goods on Land; or • meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982; or • it does not include domestic waste, commercial-domestic waste, inorganic material, construction and demolition waste or commercial waste
Household Waste	solid waste resulting from domestic housekeeping operations. It includes waste that the Council has agreed to take from retail premises, businesses and offices where a Council kerbside collection service is provided. Household waste does not include divertible waste, hazardous waste, commercial waste, prohibited waste, trade waste or liquid waste of any natures, or any material banned or prohibited under this Bylaw
Illegal Dumping	litter, as defined in the Litter Act 1979, and solid waste that is disposed of at a public place or onto private property without the owner's consent
Litter	includes any residual waste, refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth or waste matter, or any other thing of a like nature (Litter Act 1979) or solid waste that is disposed of at a public place or onto private property without the owner's consent
Multi-Unit Development	a development involving more than one residential unit per allotment and includes flats, townhouses, retirement villages and visitor accommodation
Occupier	the inhabitant occupier of any property or premises, and in any case where any building, house, tenement, or premises is or are unoccupied shall be deemed to include the owner as hereinafter defined
Offence	includes any act or omission in relation to this Bylaw or any part thereof for which any person can be punished either on indictment or by summary process
Organic Waste	food waste and/or green waste that is specified by the Council under this Bylaw as organic matter
Owner	of any property, or as applied to any land, building or premises, means any person for the time being entitled to receive the rack rent of such property, or who would be so entitled if the same were let to a tenant at a rack rent; and where any such person is absent from New Zealand, shall include their attorney or agent
Person	includes an individual, a corporation sole, a body corporate, and an unincorporated body
Premises	any land, dwelling, storehouse, warehouse, shop, cellar, yard, building or part of the same, or enclosed space separately occupied, and all lands, buildings, and places adjoining each other and occupied together shall be deemed to be the same premises
Prohibited Waste	materials which are unacceptable in approved containers and which are identified in the Second Schedule to this Bylaw
Recyclable Materials	materials that can be converted into other products by further processing. This includes, but is not limited to, the following: paper, cardboard, glass, aluminium cans, steel cans, ferrous and non-ferrous metals or any other material Council may notify are recyclable
Resource Recovery Park	a Council owned facility where solid waste materials such as residual waste, construction and demolition waste, recyclable materials, green waste and household hazardous wastes are delivered for sorting and consolidation before

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	being taken away for treatment, processing, recycling, or disposal
Residential Unit Equivalent	is calculated by dividing the total number of people that a multi-unit residential development is designed to accommodate by the deemed average occupancy of 2.6 people per household
Residual Waste	any solid waste destined for final disposal after divertible materials have been recovered.
Re-usable Materials	items that have the potential for re-sale or re-use.
Solid Waste or Waste	is any material that is primarily not a liquid or gas that is unwanted and/or unvalued and is discarded or discharged by its owner and includes: <ul style="list-style-type: none"> • reusable materials or items, recyclable materials, cleanfill, residual waste or other material as specified by Council; and • abandoned material; and • litter.

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5. Deposit, Collection, Transportation, Storage, Processing and Disposal of Waste

5.1 Council Kerbside Collection

The Council may from time to time resolve to make and amend operational decisions in respect of the Council kerbside collection service including, but not necessarily limited to, the following:

- determining areas and types of properties within the district that the Council will provide a kerbside collection to;
- allocating the day and time of solid waste collection, including alternative days for collection on public holidays where required;
- determining the frequency of kerbside collection in each area;
- assigning approved containers to eligible premises, with the limit on the number of sets of bins to be provided being two sets per rateable property;
- designating the conditions and guidelines relating to the acceptance of solid waste materials for collection as part of a Council kerbside collection and at waste management facilities; and
- contracting any solid waste collection contractor to carry out the kerbside collection of solid waste for the Council.

5.2 Owner and Occupier Responsibilities for Kerbside Collection

Every owner or occupier of shall:

- use the approved containers for the specified waste material;
- ensure that materials are separated into the appropriate container, i.e. waste, recyclables, organic matter and glass. Materials placed in the approved containers must be done in a manner that allows the entire contents to fall out easily when the container is emptied;
- ensure that all approved containers shall be kept in a clean and sanitary manner so as not to cause offence or nuisance;
- ensure that approved containers are not intentionally damaged and notify the Council of any damage to containers. Approved containers shall be stored within the premises to reduce the likelihood of damage or theft; and
- ensure that approved containers do not contain either hazardous waste, or prohibited materials as detailed in the Second Schedule to this Bylaw and are not overloaded. Where containers have lids,

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these must be able to fully close and no containers without lids shall have materials above the height of the container.

Approved containers must be placed out for collection in accordance with Council instructions as to the positioning and the time containers must be placed at the roadside. All approved containers shall be placed in a manner that avoids obstructing the safe movement of pedestrians and traffic.

Approved containers shall be removed from the roadside no later than 24 hours after the day of collection.

Landlords shall ensure that tenants of eligible premises receive the appropriate allocation of approved containers and shall provide adequate space for storage of the approved containers.

When an approved container has been placed outside a premise for collection, no person other than the owner or occupier of that property, or any Council staff, agent or contractor shall interfere with, add to or remove any of the contents of the approved container.

No person other than the occupier/owner of the eligible premise to which the approved container has been allocated, Council staff, agent or contractor shall remove an approved container from its placement on the kerb.

Approved containers allocated to an eligible premise shall remain at the premise originally assigned to and shall not be removed for use at another premise.

Where an approved container has been damaged through negligence, misuse, abuse or alterations, the repair of damage or replacement shall be a cost recoverable from the owner or occupier of the eligible premise to which the approved container was assigned. The owner or occupier of the eligible premise shall not be liable for theft, vandalism or damage caused inadvertently by others.

The owner or occupier of an eligible premise shall make an approved container available to Council or its contractors within 24 hours of a request to inspect the container.

The owner or occupier of an eligible premise shall ensure that approved containers shall be placed in an area that would not allow a fire to spread to the rest of the building or to any road or other public place.

5.3 Council Litter Bins

Council provides street litter bins for litter and/or recyclables in public places within the District. These bins will be provided for the disposal of waste generated within a public area only. No person shall dispose of any general solid waste (household, commercial, industrial, or rural waste), green waste or clean fill in public litter bins.

5.4 Approved Containers for Kerbside Collection

The Council shall determine the types of approved containers to be supplied to eligible premises, including their size and colour.

Approved containers will be stamped with "Mackenzie District Council".

Only approved containers will be emptied. Approved containers may only be emptied by the Council's nominated kerbside collection contractor.

5.5 Kerbside Collection of Approved Containers

Approved containers shall only be emptied on the allocated collection day unless approval is given by Council for any further emptying. Containers that have been placed out after the required time or on the incorrect collection day may not be emptied and it shall be the responsibility of the owner or occupier of the eligible premise to remove the container from the roadside.

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Council's collection contractor is not required to return to empty approved containers that have not been placed out in time for emptying. In such circumstances, the owner or occupier of the eligible premises shall be responsible for emptying the approved container. However, the contractor, where possible, may return to empty an approved container.

5.6 Preparation of Waste Material for Kerbside Collection

Every occupier or owner of eligible premises shall ensure that their solid waste is sorted and separated into the corresponding approved containers for rubbish, recycling, organic matter and glass.

Solid waste materials shall be prepared in accordance with instructions provided by Council.

Solid waste shall not be packed tightly into approved containers but shall be stored in a manner that enables the contents to tip out freely.

Council may from time to time amend its instructions regarding the collection and disposal of solid waste. This may include, but is not limited to, the type of solid waste materials to be placed into approved containers and any other such matters Council considers relevant.

5.7 Placement of Approved Containers for Kerbside Collection

Approved containers shall, where possible, be placed for collection free of obstruction in the horizontal and vertical plane for emptying.

Approved containers shall be spaced at least 0.5 metres apart.

Occupiers or owners of eligible premises shall place their approved containers at the kerbside or roadside for emptying in accordance with instructions provided by Council or its contractor, no earlier than 6:00pm on the day prior to collection.

5.8 Improperly Prepared Materials and Contamination of Approved Containers for Kerbside Collection

No person shall, in an approved container or otherwise, present for disposal to landfill, banned material or prohibited waste as specified in the First and Second Schedules to the Bylaw.

Council's collection contractor shall not collect improperly prepared materials, or empty contaminated approved containers.

Where an approved container is declined for collection, the owner or occupier of the eligible premises shall be responsible for remedying or mitigating the contamination or improperly prepared materials.

Council may advise the owner or occupier of the acceptance criteria for preparation of and collection of materials in approved containers.

Where the owner or occupier fails to adhere to Council advice then Council may stop the Council kerbside collection for that eligible premise.

5.9 Multi-Unit Developments

The owner or manager of a multi-unit development must make provision for the management of all waste generated within the property.

The owner and manager of a multi-unit development must obtain from the Council a Development Waste Management and Minimisation Plan.

A Development Waste Management and Minimisation Plan must include but is not limited to:

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- identification of an adequate area on the premises for the storage of containers that is readily accessible to the occupiers of units and to a licensed waste operator to enable separate collection and transportation of residential waste, recyclable material and/or organic matter;
- the methods to be used to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism;
- identification of the means and route of access and egress to the waste storage area;
- an estimate of the volumes of residential waste, recyclable material and organic matter that will be generated; and
- the steps which will be taken to further the objective of waste minimisation.

Any person who owns, occupies or manages a multi-unit development must comply with the approved Development Waste Management and Minimisation Plan for that development.

The Council may, on application, grant a written exemption from compliance with all or any of the requirements of this clause if:

- in the opinion of Council, the costs of full compliance would be disproportionate to any resulting waste management and minimisation benefits; or
- the manager or owner demonstrates to the satisfaction of the Council that residual waste, recyclable material and organic waste are separately and regularly collected.

The Council may specify controls for the following matters in relation to the collection or transportation of waste from multi-unit developments:

- the categories of residual waste, recyclable material, organic matter and refuse that may be deposited at or collected from a multi-unit development;
- the times, locations and conditions applicable to any collection service from a multi-unit development, including the placement and retrieval of containers for collection, collection times and restrictions on the number and weight of approved containers;
- requirements to ensure the correct separation of residual waste, organic matter and recyclable materials into containers; and
- any other operational matter required for the safe and efficient operation of a collection service from a multi-unit development.

Any person who manages a multi-unit development or owns or occupies a unit in a multi-unit development must comply with any controls for the deposit, collection, transportation and management of waste in the multi-unit development by the Council.

5.10 Waste Collection and Management Facility Operators

Any commercial solid waste operator who either collects solid waste from residential dwellings or commercial premises or who sorts and processes solid waste as part of a solid waste collection business must obtain a Waste Operator License from Council to do so.

Every application for a license shall be made on the prescribed form and shall include a description of the activities undertaken. Licenses may be granted at the discretion of Council and may be subject to such terms and conditions as Council determines. A license is not transferable.

The Council may suspend or revoke a license if the license holder fails to comply with this Bylaw, any of the terms or obligations of the license, any relevant controls made under this Bylaw, or acts in a manner which the Council considers, on reasonable grounds and in light of the purpose of this Bylaw, is not suitable for the holder of a waste operator license.

5.11 Matters to be Considered for Issue of Licenses for Commercial Operators

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When exercising its discretion in granting a license and the conditions to be imposed, Council may take into account such matters including but not limited to the following:



- the suitability of the applicant to hold a license;
- the extent to which the licensed activities will promote public health and safety and achievement of Council's Waste Management and Minimisation Plan and waste reduction initiatives;
- the type of solid waste to be removed, collected or transported;
- the manner of treatment (if any) and disposal of the solid waste type, and the location of the waste management facility at which it is proposed that processing or disposal will occur;
- the frequency and location of the solid waste collection, removal, transportation or disposal services offered;
- the specifications of the vehicles, equipment and containers to be used for the collection, removal, transportation, processing or disposal of solid waste;
- the applicant's experience, reputation and track record in the solid waste industry, including any past operational issues which may affect the applicant's performance;
- the applicant's financial ability to carry out the proposed business; and
- the terms and conditions under which such disposal of solid waste is permitted and the existence of or need for any statutory approvals, authorisations or consents required to be held or complied with in respect of such disposal.

5.12 License Conditions for Commercial Operators

The terms and conditions upon which a license may be granted include, but are not limited to the following:

- a license may be granted for a term of not more than three years, and may be renewable;
- the licensee shall comply with this Bylaw for the collection, removal, transportation processing or disposal of solid waste; and
- the licensee must provide data relating to waste they have handled to the Council during the term of their license, in the form and at the times determined by Council from time to time such as:
 - the quantities of various waste categories that have been handled by the waste operator during a period of time (e.g. a three month period), including the destination of each waste type and method of processing (recycling, recovery, treatment, disposal etc).

The Council will take all reasonable steps to keep commercially sensitive information confidential, for example by aggregating such information for reporting purposes.

5.13 Council Waste Collection Points

Where a Council kerbside collection is not available, the Council may arrange for a Council waste collection point to be established. This may be a supervised or unsupervised collection point. Any deposits to such a collection point shall be in accordance with directions set by the Council; this may include, but is not limited to, the use of approved bags or containers, types of materials that will be accepted and drop off times.

5.14 Commercial Premises

The disposal of solid waste not eligible for collection by Council is the responsibility of the generator of that solid waste.

The owner of commercial premises shall ensure sufficient space is provided to accommodate containers for solid waste, including separate containers for reusable, recyclable, and waste material.

The owner or occupier of commercial premises shall sort and separate all solid waste generated at the premises so as to facilitate the collection of materials for recycling and to comply with Council's waste acceptance criteria. This waste may be placed in approved containers or contractor containers.

Solid Waste Bylaw 2021 – Draft**5.15 Placement of Containers by Commercial Solid Waste Operators**

Large containers and skips for the collection of solid waste shall not be placed on a kerbside, footpath or road reserve so as to obstruct any vehicle or pedestrian.

5.16 Commercial Solid Waste Operator's Containers

Containers supplied by a solid waste collector for solid waste collection shall comply with any health and safety requirements. It is the responsibility of the solid waste collector to ensure the safety and structural worthiness of containers.

Solid waste operator's containers shall be capable of containing the material deposited within.

Solid waste operator's containers shall be clearly labelled to indicate the material which can be placed into the container.

The solid waste operator's name and contact telephone number shall be posted on the side of the container and maintained so that it is clearly and easily able to be read at all times.

Each solid waste operator's container shall be given a unique identifier number.

5.17 Waste Acceptance Criteria for Commercial Operators

The solid waste operator shall ensure that all solid waste taken to Council's waste management facilities complies with the relevant waste acceptance criteria.

The solid waste operators shall be liable for any extra costs for processing contaminated loads or loads that do not comply with the waste acceptance criteria for the waste management facility.

5.18 Improperly Prepared Materials and Contamination in Commercial Containers

It is the responsibility of the solid waste operator to ensure that customers properly prepare solid waste materials for collection.

The solid waste operator container shall be cleaned out regularly and as necessary to avoid any odours which may cause offence or nuisance.

The solid waste operator container shall be emptied to avoid overflowing solid waste.

5.19 Disposal of Recyclable and Compostable Material by Commercial Operators

The solid waste operator shall ensure recyclable material is taken to the appropriate waste management facility for processing.

Recyclable and compostable material shall not be disposed of as rubbish into Council's landfill.

5.20 Deposits to Clean Fill Sites

Any deposits to the Council clean fill sites shall be in accordance with the Regional Council discharge permits that are current at the time of disposal. The person making the deposit is required to complete and sign the clean fill deposit form prior to making any deposits.

Access to the Council clean fill sites shall be by arrangement only.

5.21 Waste Management for Events

The Council may require event organisers to provide a Waste Management Plan to Council for approval prior to an event. The matters that the Council shall consider when determining whether a Waste Management Plan is required include:

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- the type, location and duration of the event;
- the estimated number of people to attend the event; and
- any other matters that the Council considers relevant.

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6. Other Matters

6.1 Waste Importing

No person shall import from outside the Mackenzie District commercial solid waste for disposal to Council's Resource Recovery Parks or clean fill sites unless such importing and disposal is approved by Council.

6.2 Council Waste Management Facilities

All persons entering a Council waste management facility shall:

- observe and comply with all erected signs, notices and instructions;
- comply with all waste acceptance criteria;
- pay the appropriate fees;
- not damage any plant, equipment or premise at the facility;
- separate reusable, recyclable and green waste materials as instructed by on site staff; and
- leave the site as instructed prior to closing time.

6.3 Access

Access to a Council waste management facility outside normal opening hours is determined by Council or its contractor or agent.

6.4 Removal of Material from Facilities

It shall be an offence against this Bylaw for any unauthorised person to enter, loiter, cause a disturbance, or deposit any solid waste material at or to remove any solid waste or article of any kind from a Council waste management facility.

6.5 Banned and Prohibited Materials

Materials identified in the First Schedule the Bylaw are banned from being disposed of as residual waste. These materials must be recycled appropriately by being taken to one of the Resource Recovery Parks or via the approved recycling container.

Materials identified in the Second Schedule to the Bylaw are prohibited from being disposed of to the Resource Recovery Parks, either via Council or contractor container, or by any other means including private or commercial vehicle.

6.6 Schedule to this Bylaw

Any schedule to this Bylaw shall be deemed to form part of this Bylaw, provided that any such schedule may be altered from time to time by Council resolution.

7. Offences and Penalties

Any person commits a breach of this Bylaw who does, or causes to be done, omits or neglects to do, or knowingly permits or suffers to be done or remain undone, any matter or thing required under this Bylaw.

Any person who commits a breach of this Bylaw may be liable to a fine as specified in Section 242 of the Local Government Act 2002.

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Any person who acts in breach of this Bylaw and or commits an offence may be liable on summary conviction to a fine of up to \$20,000.

A person who commits a breach of the Bylaw that is an offence under the Litter Act 1979 is liable to a penalty under that Act.

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*Solid Waste Bylaw 2021 – Draft***Schedule 1 – Banned Materials****13**

The following items shall not be disposed of as residual waste, but shall be disposed of as reusable, recyclable, or green waste material:

- Petroleum oil
- Lead acid batteries
- Newspaper and recyclable paper as notified by Council
- Cardboard
- Glass bottles and jars
- Aluminium cans.
- Rigid plastic containers as notified by Council
- Green waste as notified by Council
- Steel cans
- Ferrous and non-ferrous metals as notified by Council
- E-scrap
- Clean shrinkwrap
- Other clean flexible plastics
- Tyres
- Materials as shall from time to time be notified by Council

*Solid Waste Bylaw 2021 – Draft***Schedule 2 – Prohibited Materials****14**

The following items shall not be disposed of into an approved container destined for a Council waste management facility:

- unless any such waste is properly and sufficiently contained so as to prevent injury, damage or loss, any broken glass, broken china, broken plastic, hacksaw blade, razor blade, skewer, knife or any other object or material capable by reason of its shape or sharpness of causing injury;
- unless such waste is properly and sufficiently wrapped or contained so as to prevent injury, damage or loss, any sharp object or material capable of puncturing the approved container or capable by reason of its brittleness of shattering in the course of collection;
- any explosive, hot ashes, flammable material, infectious material, or any other matter, thing or waste of any kind whatsoever that may endanger any person, animal or vehicle which may come in to contact with the material at any time prior to, during or following collection and disposal;
- any liquid or viscous fluid;
- any radioactive wastes, but excluding domestic smoke detectors;¹
- any waste oil, lead-acid batteries, refrigerators and/or freezers that have not been de-gassed;
- any hazardous substance;
- asbestos;
- any solid waste that is not recyclable material that is placed into an Approved container or contactor container designated for recyclable material;
- compressed gas cylinders; and
- materials as shall from time to time be notified by Council.

¹ Domestic smoke detectors may be disposed of as household waste.

*Solid Waste Bylaw 2021 – Draft***Schedule 3 – Acceptance Criteria for Solid Waste in Approved Containers for Kerbside Collection****15**

Maximum weight of each bin: 80 kg

Recyclable Materials in the Yellow-lid Bin:

- all clean paper and cardboard
- all clean aluminium cans and foil
- all clean steel and tin cans
- all clean rigid plastic containers

Waste to Landfill Materials in the Red-lid Bin:

- all flexible plastics
- window glass, mirrors, windscreens, plate glass and non-compact lightbulbs
- all treated timber
- sanitary and medical items
- nappies
- polystyrene meat trays
- other items not suitable for reuse, recycling or green waste

Glass Materials in the Blue Crate:

- all clean, unbroken glass bottles and jars

All Resource Recovery Parks in the District Accept Most or All of the Following:

- batteries
- e-Scrap
- fluorescent lights
- paint
- re-usable items
- scrap metal
- standard household recyclables as above
- waste oil
- whiteware



Mackenzie
DISTRICT COUNCIL

Draft General Bylaw

2021

Draft General Bylaw 2021

Date Created:	Month Year
Review Date:	Month Year
Department:	Department
Responsible Officer:	Role Name
Sponsor:	General Manager – Operations
Approved by:	Chief Executive Officer
New Review Date:	Month Year

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*General Bylaw 2021 – Draft***1. Introduction**

This Bylaw is the Mackenzie District Council Draft General Bylaw 2021.

This Bylaw shall come into force on **DATE**.

This Bylaw has been made pursuant to section 145 of the Local Government Act 2002.

2. Purpose

The purpose of this Bylaw is:

- to set the provisions which are common to, and form part, of all Mackenzie District Council Bylaws that come into force on or after the date of commencement of this Bylaw.

3. Interpretation

For the purposes of this Bylaw the following definitions shall apply:

Act	the Local Government Act 2002
Authorised Officer	a Council officer appointed by Council to be an Enforcement Officer or a Police Officer
Council	the Mackenzie District Council
License Holder	any person who has obtained a license from the Council to do anything for which a license from the Council is required
Person	any individual, company or other commercial body

5. Powers of Delegations

Where a Bylaw provides for the issue of an order, notice or license, such order, notice or license shall be deemed to be issued in compliance with this Bylaw if it is issued by an authorised officer.

The powers or duties imposed on an authorised officer under this Bylaw may be delegated to any other officer of Council, either generally or specifically and with or without conditions.

All authorised officers appointed by Council, under or for the purpose of any repealed or expired Bylaw, and holding office at the time of the coming into operation of this Bylaw, shall be deemed to have been appointed under this Bylaw in relation to any provision of this Bylaw that with or without modification, replaces or that corresponds to a provision of the repealed or expired Bylaw.

In this Bylaw, where any written permission or approval of the Council is required, that approval may be given by the Chief Executive, and the Chief Executive may delegate all or part of that function to any other officer of Council.

6. Power of Entry

General Bylaw 2021 – Draft

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In administering and enforcing any Bylaw, the Council may utilise the applicable powers of entry in the Act and any other relevant legislation.

Every person who obstructs or hinders an authorised officer in the exercise of their power of entry under this Bylaw, may be liable to prosecution for an offence against this Bylaw.

An authorised officer exercising a power of entry onto private land is required to provide a written warrant under seal of the Council as evidence of authority to do so.

7. Serving of Orders and Notices

An authorised officer may require any person who breaches or fails to comply with the provisions of any Bylaw, or the conditions of a license, to remedy the breach or comply with the conditions of a license by giving such person notice in writing.

Any order or notice shall state the time within or date before which any remedial action must be carried out and may be extended by written authority from an authorised officer.

Where any notice, order, or other document is required to be served on any person for the purposes of this Bylaw, service may be made by:

- delivering it personally to the person;
- sending it by courier or post; or
- electronic means (email).

If such person is absent from New Zealand the order or notice may be served on that person's agent.

If the order, notice, or other document relates to land or buildings, and the owner is not known or is absent from New Zealand, or has no known agent in New Zealand, the order or notice may be:

- served on the occupier of the land or buildings; or
- if there is no occupier, placed on a noticeable part of the land or buildings.

It is not necessary to name the occupier or owner of the land or buildings if the owner is not known or has no known agent in New Zealand.

*General Bylaw 2021 – Draft***8. Licenses****3**

Any person shall obtain a license if they are doing or proposing to do anything for which a license from the Council, under any Bylaw, is required.

Every application for a license shall be made in the manner prescribed by Council and accompanied by the relevant prescribed fee.

Any license is deemed to be issued under this Bylaw if it is issued by an authorised officer.

A license may be subject to any conditions at the discretion of an authorised officer.

Unless a Bylaw provides otherwise, a license is not transferable, and no such license authorises any person other than the license holder to act in any way under its terms and conditions.

If, following a request for payment, any license fee remains unpaid, the license shall immediately cease to be valid.

9. Suspension and Revocation of License

The Council may:

- revoke a license;
- suspend a license for a specified time; or
- amend the terms and conditions of a license;

if it considers any of the following circumstances to be applicable:

- the license holder:
 - has been convicted of an offence and the Council considers the offence to have an effect on the holder's suitability to hold a license;
 - has acted or is acting in a manner contrary to the purpose of the relevant Bylaw;
 - has failed to comply with the conditions of their license; or
 - is in any way unfit to hold the license.
- the premises for which the license was issued is being used for any purpose other than that stated in the license or is in a state of disrepair contrary to the terms of the license; or
- the relevant Bylaw or the conditions of the license are not being observed.

A person whose license is suspended, during the period of suspension, shall be deemed to be unlicensed.

A license holder may appear before Council and give reasons why the license should not be revoked or suspended.

10. Repair and Removal of Works

General Bylaw 2021 – Draft

Council may use its powers under the Act to repair, remove, or cause to be repaired, removed, or altered, any work, material, or thing erected or done in contravention of a Bylaw.

Council may, under section 163 of the Act, recover the costs of such removal or alteration from the person who committed the breach.

The exercise of this authority shall not relieve any such person from responsibility for any penalty for erecting or permitting the continued existence of any such work, material or thing.

11. Documents

Council may prescribe the form of any application, certificate, license, or other document, which is required under any Bylaw.

These forms may be altered or amended at any time.

Variation from the exact form prescribed shall not render any application, certificate, license, or other document void. However, Council may reject any document where it considers the non-compliance is of significance and substantially detracts from the effect of the document.

11. Fees and Charges

Council may, by resolution:

- charge a fee for receiving and processing an application and issuing a license under this Bylaw.
- prescribe any charges to be paid for the use of a license issued under this Bylaw.
- prescribe fees that may be charged in respect of any inspection made or service given by the Council under any Bylaw, the Act or any other enactment.
- determine situations when license fees under this Bylaw may be remitted, refunded or waived.

Council may, by resolution, vary any fee in respect of any matter provided for in this Bylaw.

Council may require either full or a part payment of any fee or charge payable in respect of this Bylaw before issuing any license, approval or consent or performing any other action to which the fee or charge relates.

The Chief Executive may waive any fee charged for a license, approval or consent under this Bylaw on a case by case basis.

*General Bylaw 2021 – Draft***12. Compliance Waiver****5**

An application may be made to Council to waive full compliance with any provision of this Bylaw on the basis that it would needlessly cause harm, loss or inconvenience to any person, or the operation of any business.

On receipt of an application, Council may:

- waive the strict observance or performance of any provision of this Bylaw; or
- impose such other terms or conditions consistent with the intention and purpose of the Bylaw as Council see fit.

Except to the extent expressly stated, any waiver granted by Council shall only be applicable to the person it is granted to and shall be restricted to the particular issue considered by Council and such waiver shall not constitute a justification for the breach of the provisions of a Bylaw for anything other than the expressed terms of the waiver.

13. Offences and Penalties

Any person commits a breach of this Bylaw who:

- does, or causes to be done, or knowingly permits or suffers to be done, anything that is contrary to any provisions of a Bylaw;
- fails to do, or knowingly permits or suffers to remain undone, anything which that person was required to do under a Bylaw;
- refuses or neglects to comply with any notice or direction duly given to that person under a Bylaw within the time period specified in that notice or direction;
- obstructs or hinders an authorised officer in the performance of his or her duties under a Bylaw;
- omits, neglects or fails to obtain a current license where required under a Bylaw;
- omits, neglects or fails to pay a license fee fixed by Council; or
- fails to comply with any conditions contained in a license granted by Council.

Where it is suspected that a person has committed a breach of this Bylaw, that person shall, on the direction of an authorised officer provide their full name and address.

In accordance with section 162 of the Act, Council may apply to the District Court for an injunction to restrain a person from committing a breach or continuing to breach a Bylaw.

Every person who commits an offence against this Bylaw is liable to:

- pay the maximum fine set out in section 242 of the Local Government Act 2002; or
- any other penalty specified in an enactment for the breach of a Bylaw.



Mackenzie
DISTRICT COUNCIL

Draft Keeping of Animals, Poultry and Bees Bylaw

2021

Draft Keeping of Animals, Poultry and Bees Bylaw 2021

Date Created:	Month Year
Review Date:	Month Year
Department:	Department
Responsible Officer:	Role Name
Sponsor:	General Manager – Operations
Approved by:	Chief Executive Officer
New Review Date:	Month Year

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*Keeping of Animals, Poultry and Bees Bylaw 2021 – Draft***1. Introduction**

This Bylaw is the Mackenzie District Council Draft Keeping of Animals, Poultry and Bees Bylaw 2021.

This Bylaw shall come into force on **DATE**.

This Bylaw has been made pursuant to section 146 of the Local Government Act 2002.

2. Purpose

The purpose of this Bylaw is:

- to promote the responsible management of animals, poultry, and bees in urban areas in the Mackenzie District; and
- to minimise the potential danger, distress, and nuisance to the community caused by animals, poultry and bees.

3. Interpretation

For the purposes of this Bylaw the following definitions shall apply. Where a definition has the same meaning as a definition in the Animal Welfare Act 1999 (the Act), the definition for the purposes of this Bylaw includes any subsequent amendment to the definition in the Act.

For the avoidance of doubt, where a definition in the Act, differs from a definition in the Bylaw, the definition in the Act takes precedence.

Act	the Animal Welfare Act 1999
Animal	the same meaning as section 2 of the Act and generally means any live member of the animal kingdom including mammals, amphibians, birds, reptiles, and fish
Authorised Officer	a Council Officer appointed by Council to be an Enforcement Officer or a Police Officer
Council	the Mackenzie District Council
Livestock	any farm and herd animals, including but not limited to, cattle, horses, goats, deer, donkey, alpaca, llama and sheep
Nuisance	anything which interferes with or threatens the health or enjoyment of people, and includes things such as odour, noise, dust or the attraction of flies or vermin
Owner	a person who owns an animal, poultry and/or bees, the parent or guardian of someone who is under the age of 16 who owns an animal, poultry and/or bees, or a person who is looking after any animal, poultry and/or bees
Poultry	any live domesticated bird including but is not limited to chickens, hens, roosters, geese, ducks, pigeons, turkeys and domestic fowls of all descriptions
Urban Areas	land zoned Residential 1, 2, 3 and 4 and land zoned Rural Residential 1 and 2 in the Operative Mackenzie District Plan 2004

4. Exclusions

Keeping of Animals, Poultry and Bees Bylaw 2021 – Draft

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This Bylaw does not apply to the keeping of dogs. Council's Draft Dog Control Policy and Dog Control Bylaw 2021 address dogs separately.

This Bylaw does not address animal welfare. Animal welfare matters are dealt with by the Ministry for Primary Industries and the Society for the Prevention of Cruelty of Animals (SPCA).

5. Keeping of Animals, Poultry and Bees

5.1 General Conditions

No person shall keep any animal, poultry and/or bees, which cause, or are likely to cause, a nuisance such as noise, odour, dust or the attraction of flies or vermin.

No person shall keep any animal, poultry and/or bees, in a manner that is or is likely to become offensive to the occupier of an adjoining property, a threat to public health or an endangerment to neighbouring animals.

Any animal or poultry kept on a property shall be effectively contained or restrained within the property by a fence, tether, pen, run or case to prevent such animal or poultry straying onto any neighbouring property, road or public places. This clause does not apply to domestic cats.

If, in the opinion of an authorised officer, an animal, poultry and/or bees kept on private property are causing, or is likely to cause, a nuisance the authorised officer may issue a notice requiring the owner keeping the animal, poultry and/or bees to take such action as the officer considers necessary within any time specified to abate or prevent the nuisance including (but not limited to):

- reducing the number of animals, poultry and/or bees on the premises;
- requiring the construction, alteration, or improvement to any places of confinement or buildings used to house and/or contain animals, poultry and/or bees;
- requiring animals, poultry and/or bees to be confined during specific periods; or
- any such action as the Council deems necessary to minimise or remove the likelihood of nuisance.

A person issued with such a notice under this Bylaw must comply with the notice.

The Council may also order the removal of animals, poultry and/or bees where:

- the Council receive a complaint about the animal, poultry and/or bees;
- the Council is satisfied that the keeping of animals, poultry and/or bees on that property has resulted in adverse nuisance effects on neighbouring property or properties; or
- the Council considers the animal, poultry and/or bees to be dangerous, offensive or likely to be injurious to other persons.

5.2 Keeping of Pigs

Except in accordance with the Operative Mackenzie District Plan 2004 (District Plan) and/or a resource consent under the Resource Management Act 1991 no person shall keep pigs in urban areas in the Mackenzie District.

5.3 Keeping of Livestock

A person may keep livestock in urban areas in the Mackenzie District provided they comply with the following conditions:

Keeping of Animals, Poultry and Bees Bylaw 2021 – Draft

- no person shall keep within any premise livestock which causes a nuisance to occupiers of surrounding properties;
- all livestock shall be contained within the premise to prevent stock escaping and damage to neighbouring property;
- manure and effluent from all livestock shall be removed from the property, or appropriately recycled or reused before it becomes a nuisance; and
- all livestock shall have an adequate and appropriate living environment for their species including but not limited to companionship, space, shade and shelter.

5.4 Keeping of Cats

A person may keep cats in urban areas in the Mackenzie District provided they comply with the following conditions:

- owners of more than two cats over the age of three months must obtain a license.

A license to own more than two cats may be granted, have conditions imposed or be refused at the discretion of an authorised officer.

Terms and conditions on the granting of permission, may include (but are not limited) to:

- specifying the number of cats that may be kept at any one time;
- specifying the duration of the permission;
- restrictions as to the purpose for which such cats may be kept;
- provision for hygiene, control and regular inspection; or
- provision for the protection of other persons or property.

The Council also strongly encourage that:

- cats over six months of age are microchipped and registered with the New Zealand Companion Animals Register, or other Council approved microchip registry; and
- cats over six months are desexed (unless kept for breeding purposes and are registered with a nationally recognised cat breeders' body including New Zealand Cat Fancy Ltd. and Catz Inc.

The above recommendations will be taken into account when an authorised officer is assessing an application for a license to obtain more than two cats.

5.5 Keeping of Roosters and Poultry

No person shall keep roosters and/or peacocks within urban areas.

A person may keep other forms of poultry in urban areas provided they comply with the following conditions:

- all poultry shall be kept in a properly constructed poultry house. A poultry house shall have a rainproof roof and a floor made of solid wood, concrete or other approved material with a surrounding nib wall to which a poultry run may be attached;
- no poultry house or run shall be placed within 10 metres of any occupied dwelling (not owned or occupied by the applicant) or any other sensitive use, or within 2 metres of any adjoining property, or such greater distance as may be required under the provisions of the District Plan;
- every poultry house and poultry enclosure shall be maintained in good repair, in a clean condition free from any offensive smell or overflow, and free from vermin; and
- no more than six head of poultry shall be kept at any one time.

Where the above conditions cannot be met a person may apply for a license to breach the conditions. To apply for a license an applicant must:

Keeping of Animals, Poultry and Bees Bylaw 2021 – Draft

- apply to the Council for the relevant license on the appropriate form;
- allow an inspection of their property (if applicable); and
- pay the relevant license application/inspection fee.

A license may be granted have conditions imposed or be refused at the discretion of an authorised officer. In considering whether consent should be granted, an authorised officer shall have regard to:

- whether the property is a suitable size and location;
- the extent of the breach to the conditions;
- the previous history of the owner in relation to complaints or nuisance;
- whether the owner is complying with and familiar with their other obligations under the Bylaw; and
- any other matters an authorised officer deems necessary.

If granted, any breach of conditions shall constitute a breach of this Bylaw.

5.5 Keeping of Bees

Except in accordance with the District Plan and/or a resource consent under the Resource Management Act 1991 no person shall keep bees in urban areas in the Mackenzie District.

6. Licenses

A license issued under this Bylaw to keep animals or poultry relates to the owner, their registered animals and poultry and their property. A license is not transferable to another property or to a new owner at the same property.

A license will not expire but will need to be reapplied for if the animals and/or poultry registered at that property change or the owner moves.

A license may be granted, have conditions imposed, or be refused, at the discretion of an authorised officer. In considering whether consent should be granted, an authorised officer shall have regard to the matters outlined above and any other matter deemed necessary to minimise the potential danger, distress, and nuisance to the community caused by the animals and/or poultry.

Without limitation, the Council may impose conditions relating to:

- the number of animals and/or poultry to be kept at any one time;
- the duration of the permission;
- the purpose for which the animals and/or poultry may be kept;
- provision for hygiene control, confinement, and regular inspection; and
- provision for the protection of other persons or property.

If granted, any breach of conditions shall constitute a breach of this Bylaw.

Any license issued under this Bylaw may be revoked by the Mackenzie District Council if:

- the Council receives three separate complaints, and the authorised officer is satisfied that the complaints are reasonable and justified; and
- the license holder breaches the conditions of the license.

7. Impounding of Animals and Poultry

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An authorised officer may impound any animal and/or poultry found at large or in breach of any provision of this Bylaw.

The owner of any animal and/or poultry impounded shall pay the necessary Council fines and fees before the animal and/or poultry is released back to its owner.

8. Offences and Penalties

Every person found to be in breach of this Bylaw commits an offence and is liable upon conviction to a penalty set out in section 242(4) of the Local Government Act 2002 which provides for a fine not exceeding \$20,000.



Mackenzie
DISTRICT COUNCIL

Draft Water Supply, Wastewater and Stormwater Bylaw

2021

Draft Water Supply, Wastewater and Stormwater Bylaw 2021

Date Created:	Month 2021
Review Date:	Month Year
Department:	Department
Responsible Officer:	Role Name
Sponsor:	General Manager – Operations
Approved by:	Chief Executive Officer
New Review Date:	Month Year

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*Draft Water Supply, Wastewater and Stormwater Bylaw 2021***1. Introduction**

This Policy is the Mackenzie District Council Water Supply, Wastewater and Stormwater Bylaw 2021.

This Policy shall come into force on **DATE**.

This Policy has been made pursuant to section 146 of the Local Government Act 2002.

2. Purpose

The purpose of this Policy is:

- Manage, regulate, and protect from misuse or damage the Council's water supply, wastewater, and stormwater systems; and
- Protect the public from nuisance and maintain public health and safety.

3. Interpretations

In this bylaw, unless the context otherwise requires:

Applicant	means the owner of a property within or adjacent to a Network Infrastructure Service, seeking to obtain or vary a connection from that Network.
Approval	means approval given by the Council under the Bylaw and extends to include any conditions of that approval.
Connection	means any premises connected to the Network Infrastructure Service, which has approval to do so.
Council	means the Mackenzie District Council.
Level of Service	means the measurable and/or defined performance standards adopted by the Councils and Asset Management Plan in respect of the supply of water.
Network Infrastructure Service	means any reticulated Council water, sewer, or stormwater infrastructure.
Point of Supply	means the location of the location of the Network Infrastructure Service at which the responsibility for maintenance passes from the Council to the consumer (Refer to Schedule 1 of this bylaw).

4. General Conditions

Draft Water Supply, Wastewater and Stormwater Bylaw 2021

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4.1 Application

This chapter of the Bylaw applies to areas serviced by Network Infrastructure Services throughout the District and relates to any connections made to a point of supply with Council's network.

4.2 Application for Supply of Service

Every Person who proposes to:

- draw water from the Water Network Infrastructure; or
- discharge sewage to the Sewer Network Infrastructure; or\discharge Stormwater to the Stormwater Network Infrastructure; or
- discharge to the Sewer Network Infrastructure any Trade Waste (either continuously, intermittently or temporarily); or
- vary the Characteristics of a Consent or approval to discharge that has previously been granted; or
- vary the conditions of Consent or approval that has previously been granted; or
- vary the location of the point of supply or discharge that has previously been granted; or
- significantly change the method or means of pre-treatment for discharge under an existing consent; or
- disconnect from any Network Infrastructure Service.

shall complete an application on an Approved Form for the supply of such service, together with payment of any prescribed charges. The applicant shall provide all of the details required by Council.

Council may approve or decline any application.

The applicant shall be responsible for providing all pre and post works documentation to the satisfaction of Council.

4.3 Continuity of Supply Service

Council does not guarantee an uninterrupted or constant level of service (flow, pressure, quantity, or quality), or that an existing service which is in excess of minimum operating parameters is not altered.

4.4 Liability

Council will endeavour to provide Network Infrastructure Services in accordance with minimum operating parameters, but shall not be liable for any loss, damage, or inconvenience which any Person may sustain as a result of deficiencies in, or interruptions to any Network Infrastructure Service.

4.5 Transfer of Rights and Responsibilities

No Person may transfer to any other Person the rights and responsibilities provided under this chapter of the Bylaw.

No Person shall extend any Network Infrastructure Service by hose, pipe, or any other means beyond the Customers property.

No Person shall provide any Network Infrastructure Service to any other party without Approval from Council.

Draft Water Supply, Wastewater and Stormwater Bylaw 20213**4.6 Demand Management**

All Persons shall comply with any supply and usage restrictions and prohibitions which may be imposed from time to time by Council in order to manage supply or demand issues. Such restrictions may be publicly notified.

No Person shall in case of any such restriction or prohibition be entitled to any payment or compensation.

4.7 Wastage of Water

A Person who is supplied with water by, or on behalf of, Council shall not waste the water or allow it to be wasted.

4.8 Flow Metering

Council reserves the right to require a water meter to be installed and may set Water Supply and wastewater discharge fees and charges accordingly, where it considers that water use, or wastewater disposal is or is likely to be excessive. A Water Supply deemed to be an Extraordinary Supply shall normally be Metered and charged for.

Water meters shall be supplied, installed, and maintained by Council at the Customers expense. Ownership of the meter is retained by Council.

Installation of the meters shall be in accordance with Council's requirements.

4.9 Interceptor Traps

Council reserves the right to require that an interceptor trap be installed at any property where Council considers that a Contaminant is likely to enter any Drain or Sewer which is likely to be deleterious to the Sewer or Stormwater Network Infrastructure or the health and safety of Council staff and/or the public.

4.10 Disconnection of Service

A Customer who proposes to disconnect from any Network Infrastructure Service shall complete an application on an Approved Form for such disconnection, including an intention to demolish or remove a building. The demolition or removal shall not commence until the property has been disconnected to the Approval of Council.

The Owner of any Premises within which there is a disused private Drain shall arrange for it to be disconnected and sealed in an Approved manner.

4.11 Approval to Connect, Disconnect or Interfere

No Person other than an authorised agent of Council, shall without Approval make any connection or disconnection to or otherwise repair, alter, modify, tamper, or interfere with any part of any Network Infrastructure Service.

Without prejudice to its other rights and remedies, Council shall be entitled to estimate and charge for any additional Network Infrastructure Service allowed to pass or not recorded where a meter or flow control device has been tampered with and may recover from the Customer any costs incurred by Council.

4.12 Power of Entry and Removal of Works

Any appropriately warranted Officer or Person contracted to supply services to Council, may enter onto any land and enter into any building (not being a dwelling house) for the purpose of inspecting all or any of the

Draft Water Supply, Wastewater and Stormwater Bylaw 2021

fittings, pipes, and other apparatus connected directly or indirectly with the Network Infrastructure Services

If any such Council Officer or contracted Person is refused entry or obstructed by any Person in the course of undertaking such an inspection; that Person commits an offence under this chapter of the Bylaw.

Without prejudice to Council's ability to prosecute any Person for refusing entry to or obstructing an appropriately warranted Officer or contracted party, Council may also restrict the Water Supply to the property for which inspection has been denied.

If any inspection conducted in accordance with this bylaw discloses any fitting or works that contravene the provisions of this chapter of the Bylaw, then the said fitting or works may be altered or removed by Council Officer or contracted party in order to achieve compliance with this chapter of the Bylaw. Notice of such alteration or removal shall be given to the Owner or Occupier of the property as soon as is reasonably practicable.

4.13 Breaches

Where Council considers a breach of this chapter of the Bylaw, or statutory or any other legal requirements is such that it is necessary to alter, disconnect, reduce, or limit the Network Infrastructure Service for environmental or health or safety considerations or where there is unacceptable risk of consequential damage to Council assets, Council may take immediate action necessary in order to make good the breach, and recover all reasonable costs.

4.14 Vegetation

In the event of any Vegetation causing or being likely to cause interference to the flow of water within, or block or damage to a Network Infrastructure Service, Council may require the Customer to remove the Vegetation at the Customer's expense with no compensation payable by Council.

4.15 Protection of Network Infrastructure Services

4.15.1 Building Over or Adjacent to Network Infrastructure Services

(a) No structure shall be located over a Network Infrastructure Service, whether on public or private land, unless otherwise approved by the Council's Engineer.

(b) The minimum horizontal separation distance between the structure and the service shall be 1.5 metre or a distance equal to the maximum depth of the service, whichever is greater, from the nearest face of the service.

(c) Subject to Approval, a building developer may meet the cost of diverting the Network Infrastructure Service in accordance with Council standards.

(d) Where (a), (b) and (c) above are found to be impractical and the structure cannot be sited elsewhere on the property or modified to conform with the above conditions, and it is essential for the proposed structure to be built on that part of the property, Approval may be granted subject to the building developer meeting the cost of any specific requirements. These requirements may include the provision of access manholes, pipe strengthening, ducting, additional support of the structures' foundations and relocatable construction. The Network Infrastructure Service shall be registered by the property Owner by a Memorandum of Encumbrance and Deed of Covenant against the Record of Title of the property.

Draft Water Supply, Wastewater and Stormwater Bylaw 2021

(e) There will be instances where constructing over a Network Infrastructure Service is not acceptable and despite clauses (a)-(d) Council reserves the right to refuse any such application.

4.15.2 Loading of Material Over a Network Infrastructure Service

(a) No Person shall cause the crushing load imposed on a Network Infrastructure Service to exceed that which causes damage to the Service.

(b) No Person shall without Approval place any additional material over or near to a Network Infrastructure Service so that the Network Infrastructure Service is further buried.

(c) Points of Supply and Service Openings to a Network Infrastructure Service shall be maintained free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access by Council or its appointed contractor or agent. Removal of any covering material or adjustment of the opening shall be at the property Owner's expense.

4.15.3 Excavation Near Network Infrastructure Services

(a) No Person or Owner or Occupier shall without Approval from Council allow or carry out excavation, or use trenchless technology, or carry out piling or similar type of work closer than 2 metres from the nearest face of any Network Infrastructure Service. In granting any Approval Council may impose conditions on the carrying out of any such work. Damage occurring to a Network Infrastructure Service as a result of any such works shall be reported to Council immediately by the Person undertaking and/or in charge of such work. Council shall be entitled to recover any costs incurred as a result of such damage.

4.15.4 Excavation in a Road Reserve or Public Place

No Person shall carry out excavation work in a Road Reserve or Public Place without Approval from Council.

4.15.5 Protection of Sewer and Stormwater Network Infrastructure

Unless authorised by Council, no Person shall:

(a) Cause, permit or allow the entry into any Drain or fitting any earth, stones, sand, silt, refuse, night soil, or material except such matter as is normally discharged through a house Drain;

(b) Enter any Council Drain, pumping station building or appurtenance, or any Sewage or Stormwater treatment area;

(c) Operate, remove or interfere with any cover of any manhole, inlet or other appurtenance of any Drain;

(d) Damage, interfere with or cause to be inoperative any machinery or plant in any pumping station or treatment works or any appurtenance of any pumping station or treatment works;

(e) Obstruct, impede, or cause to be impeded the flow in any Drain nor interfere with the free discharge of ventilation thereof nor clog up any appurtenance thereof;

(f) Cover, or allow to remain covered, any manhole, master trap, silt trap, grease trap, or similar structure. If the level of the ground adjacent to a manhole is raised above the manhole top and in the opinion of Council access to or use of the manhole is impeded thereby, then the property Owner shall either raise the manhole top to the new ground level or make other approved provision to provide for the removal of the lid and use of the manhole;

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(g) Break, injure, damage, or interfere with any Drain whether by excavating or otherwise, such that pipes are broken or loosened, foundations are disturbed, sand, earth, or water are admitted, or take any other action prejudicial to the proper and efficient functioning of the Drain.

4.16 Discharge or Storage of Hazardous Substances

No Person shall allow or cause to be allowed inadvertently or otherwise the discharge of Hazardous Substances to a Network Infrastructure Service unless permitted by a Consent.

No Person shall store raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive material, or any material in a manner which in the opinion of Council when mixed with a Network Infrastructure Service stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to Council's Network Infrastructure Service or the health and safety of Council staff and the public, without taking all practicable steps to prevent such entry into the Network Infrastructure Service.

Council may require any Person to protect the Network Infrastructure Service by such methods and/or systems Council considers necessary to prevent an unapproved and prohibited discharge.

Council shall be immediately notified of the details of a discharge of hazardous or prohibited substances.

4.17 Fees and Charges

Council may from time to time set fees or charges for the supply and services of Network Infrastructure Services.

Council may, under the provisions of Section 175 and Section 176 of the Local Government Act 2002, recover any cost incurred by Council in remedying any damage arising from a wilful or negligent breach of this chapter of the Bylaw.

4.18 Offences

The maximum penalty on summary conviction of an offence against this bylaw is \$20,000.

5. Water Supply

5.1 Types of Supply (not including Rural)On-demand

On-demand networks (metered and non-metered) with no hardware set restriction on the supply of water under conditions of normal supply.

Restricted Supply

Restricted supply networks having a supply rate of 1800 litres/day. Sufficient storage shall be provided by the Customer to meet the demand fluctuations.

5.2 Categories of Supply

The two categories of urban Water Supply are defined as:

Ordinary Supply

Draft Water Supply, Wastewater and Stormwater Bylaw 2021

The supply of water to a Customer which is used solely for domestic purposes in a dwelling unit. Such purposes shall include the use of a hose (subject to the provisions of this chapter of the Bylaw) for:

- (i) Washing down
- (ii) Garden watering by hand.
- (iii) Garden watering by a portable sprinkler
- (iv) Garden watering by a micro-jet system

Extraordinary Supply

All other purposes for which water is supplied other than Ordinary Supply shall be deemed to be an Extraordinary Supply and may be subject to conditions and limitations. Such purposes shall include:

- (i) Domestic - spa or swimming pool in excess of 10m³ capacity, or fixed irrigation systems.
- (ii) Commercial Business - including farming purposes.
- (iii) Trade and Industrial.
- (iv) Fire protection systems - including sprinkler systems, fire hose reels and hydrants.
- (v) Out of district use
- (vi) Temporary supply.
- (vii) Non-residential zones supply

5.3 Change of Use

Where the supply category changes from an Ordinary to an Extraordinary type or vice versa or where a change in the use of water supplied is proposed, a new application for supply of service is required.

5.4 Fire Protection

Any proposed connection for fire protection shall be the subject of a separate application for supply on the Approved Form.

Where a connection has been provided to supply water to a fire protection system (including hydrants), it shall be used for no other purpose other than firefighting and testing the fire protection system.

5.5 Backflow Prevention

Council reserves the right to require an assessment of the risk of Backflow from any property and to require an appropriate Backflow prevention device or system to be installed at the Customer's expense at the Point of Supply.

5.6 Fire hydrants

The right to gain access to, and draw water from, fire hydrants shall be restricted to:

- (a) Council or its authorised agents; and
- (b) New Zealand Fire Service;

Draft Water Supply, Wastewater and Stormwater Bylaw 2021

Without prejudice to other remedies available, Council may remove and hold any equipment used to gain unauthorised access to, or draw water from, a fire hydrant.

**5.7 Rural Water Supplies**

Connections to rural water supplies will be subject to availability and compliance with any relevant considerations as direct by Council.

5.8 Refusal of Connection

Council reserves the right to decline any application where it is not feasible or economic to supply water to a (proposed point of supply).

6. Sewerage

6.1 Acceptance of Discharge

Every domestic Premises shall be entitled to have its Domestic Sewage discharged to the Sewer Network Infrastructure provided that:

- The Premises is within an area which is served by a Council Sewer Network Infrastructure; and
- Payment is made in full of the appropriate rates and charges levied in respect of that property for general and Sewage services; and
- There is compliance with the requirements of this chapter of the Bylaw; and
- Unless authorised by Council no Person shall allow, cause or permit any Contaminant to be discharged to the Sewer Network Infrastructure with a Characteristic (excluding flow) in excess of those considered at the time of application.

Unless authorised by Council no Person shall allow, cause or permit any water from a water pipe, artesian well or other hydraulic appliance to enter the Sewer Network Infrastructure.

6.2 Flow Rate

No person connected to a public sewer may allow a daily volume or peak flow rate that has the potential to alter the discharge in such a manner that it fails to meet the connection and discharge approved by Council.

6.3 Prevention of Inflow and Infiltration

The Customer shall not permit Stormwater or groundwater to enter the Sewer Network Infrastructure. This includes Stormwater from roof down pipes, surface water runoff, overland flow, and sub-surface Drainage.

6.4 Refusal of Connection

Council reserves the right to decline any application where it is not feasible or economic to supply water to a (proposed point of supply).

6.5 Prohibited Discharges

No person shall let enter the network any discharge not approved by Council at the time of connection being made.

*Draft Water Supply, Wastewater and Stormwater Bylaw 2021***6.6 Non-Domestic Discharges**

All non-domestic discharges shall be subject to Council approval and any such conditions required to protect the integrity of the network. Council reserves the right to decline any applications that will have a negative or un-anticipated impact on the sewer network.

8. Stormwater**8.1 Acceptance of Discharge**

A Premises or property may be entitled to have its Stormwater accepted for discharge into Council's Stormwater Network Infrastructure provided that:

- (a) The Premises or property is within an area serviced by a Stormwater Network Infrastructure; and
- (b) Payment is made in full of the appropriate rates and charges levied in respect of that Premises or property for general and Stormwater services; and
- (c) There is compliance with the requirements of this chapter of the Bylaw; and
- (d) Any connection to the Stormwater Network Infrastructure Service shall be only upon application and Council Approval to discharge Stormwater which may include specific requirements; and
- (e) Council may require the provision and maintenance of any Pre-treatment works as necessary to regulate the quality, quantity and rate of Stormwater discharge, or other Constituents or Characteristics of the Stormwater discharges, prior to the Point of Discharge. The provision and maintenance of such Pre-treatment works shall be at the Customers expense.

8.2 Prohibited Stormwater Characteristics

No Person shall allow, cause or permit the discharge either directly or indirectly into any part of the Stormwater Network Infrastructure:

- (a) Contaminants, Sewage or Trade Wastes in breach or contravention of an Approval to discharge Stormwater; or
- (b) Any Contaminants which in the opinion of Council have the potential to cause a breach of Council general authorisations or discharge consents; or
- (c) Prohibited Characteristics, given in Schedule 2 of this chapter of the Bylaw, or as determined from time to time by Council.

6.3 Cancellation of Approval to Discharge

Council may at any time cancel any Approval to discharge to the Stormwater Network Infrastructure by giving the Customer written notice of that cancellation and Disconnection where:

- The Customer discharges to any Stormwater Network Infrastructure in breach of this chapter of the Bylaw, or, in the opinion of Council, causes damage to any part of the Stormwater Network Infrastructure or endangers the health and safety of any Person as a result of such a discharge; or

Draft Water Supply, Wastewater and Stormwater Bylaw 2021

- The Customer discharges any Prohibited substance into the Stormwater Network Infrastructure; or
- The Customer fails to comply with any condition of any Approval to discharge to the Stormwater Network Infrastructure which in the opinion of Council may cause Council to be in breach of any general authorisation or discharge consent; or
- The existence of any other circumstance which, in the opinion of Council renders the cancellation of any Approval necessary in the public interest.

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Mackenzie
DISTRICT COUNCIL

Draft Dog Control Bylaw

2021

Draft Dog Control Bylaw 2021

Date Adopted:	Month Year
Review Date:	Month Year
Department:	ADD
Responsible Officer:	ADD
Sponsor:	Group Manager Operations
Adopted by:	Chief Executive
New Review Date:	Year

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*Dog Control Bylaw 2021 – Draft***1. Introduction**

This Bylaw is the Mackenzie District Council Draft Dog Control Bylaw 2021.

This Bylaw shall come into force on **DATE**.

This Bylaw has been made pursuant to section 10 and section 20 of the Dog Control Act 1996.

This Bylaw shall be read in conjunction with the Mackenzie District Council Draft Dog Control Policy 2021.

2. Purpose

The purpose of this Bylaw is:

- to regulate and enforce the Mackenzie District Council Draft Dog Control Policy 2021;
- to promote the responsible management of dogs in public places;
- to provide for the recreational needs of dogs and their owners; and
- to minimise the potential for dogs to cause harm, distress or nuisance to the community, animals and wildlife.

3. Interpretations

For the purposes of this Bylaw the following definitions shall apply. Where a definition has the same meaning as a definition in the Dog Control Act 1996 (the Act), the definition for the purposes of this Bylaw includes any subsequent amendment to the definition in the Act.

For the avoidance of doubt, where a definition in the Act differs from a definition in the Bylaw, the definition in the Act takes precedence.

Act	the Dog Control Act 1996
Continuous Control	a dog that is restrained by a leash in a public place
Council	the Mackenzie District Council
Dangerous Dog	a dog classified as dangerous by the Council under section 31 or 33ED of the Act
Disability Assist Dog	the same meaning as section 2 of the Act and generally means any dog certified to assist a person with a visual, hearing, mobility or other disability
Dog Control Officer	a Council Officer appointed as a warranted Dog Control Officer under section 11 of the Act
Dog Ranger	a ranger appointed under section 12 of the Act and includes an honorary dog ranger
Dog Exercise Area	any public place defined within the district where a dog may be exercised off leash
Dog Prohibited Area	any public place within the district where a dog is prohibited either generally or at specified times

Dog Control Bylaw 2021 – Draft

Effective Control	the owner or person in charge of a dog is aware of where the dog is and what it is doing and that the dog is responsive to commands and is not creating a nuisance
Leash	an adequate restraint, which may include a lead attached to a collar or harness, not exceeding 2 meters in length, that allows for the control of a dog when in a public place
Leash Control Area	any public place in the district where a dog is required to be kept under continuous control by means of a leash
Menacing Dog	a dog classified as menacing under sections 33A or 33C or 33ED of the Act
Nuisance	anything which interferes with or threatens the health or enjoyment of people, and includes things such as barking, causing distress via intimidating behavior (such as aggressive barking or rushing), or attacking people, wildlife, or other animals
Neutered Dog	a dog that has been spayed or castrated
Owner	the same meaning as section 2 of the Act and generally means the person who owns a dog, the parent or guardian of someone who is under the age of 16 who owns a dog, or a person who is looking after a dog and is responsible for it and includes any person who resides permanently at the dogs usual place of residence
Policy	the Mackenzie District Council Dog Control Policy 2021
Public Place	the same meaning as section 2 of the Act and generally means a place that is open to the public whether or not it is private property
Urban Areas	land zoned Residential 1, 2, 3 and 4 and land zoned Rural Residential 1 and 2 in the Operative Mackenzie District Plan 2004
Working Dogs	the same meaning as section 2 of the Act and generally means any dog carrying out functions and duties: <ul style="list-style-type: none"> • relating to farming, such as hearing stock; • under the direction of a government department or state employee undertaking responsibilities such as those relating to policing, defense, corrections, customs, security biosecurity, pest management, emergency management or conservation; and • under the direction of private security guard in the execution of their duties

*Dog Control Bylaw 2021 – Draft***4. Obligations of Dog Owners**

Every dog owner or person in charge of a dog must keep their dog under effective control, in all public places, at all times.

Every dog owner or person in charge of a dog must carry a leash when taking their dog into public places, whether or not it is a leashed area.

Every dog owner or person in charge of a dog must carry plastic bags or other effective means to remove and dispose any fouling (dog faces) when in public places with their dog.

Every dog owner or person in charge of a dog must remove and appropriately dispose of any fouling produced by their dog in public places or on land that is not their own land.

Every dog owner must provide a dog with:

- a weatherproof kennel of adequate size and on well drained land, or other place of confinement (which may include any dwelling);
- access to clean water and food; and
- clean and sanitary conditions.

Where a premise is unfenced, the owner of a dog must restrain the dog by a fixed chain or running wire which allows the dog free movement.

All dogs must be registered by 30 June each year and must be registered for the first time before they are three months old.

All dogs must be implanted with a microchip.

5. Prohibited and Leashed Areas

The Mackenzie District Council Dog Control Policy 2021 contains the specific public places where dogs are prohibited (not allowed) or are required to be controlled on a leash.

Every dog owner or person in charge of dog must ensure that their dogs do not enter or remain in any public place designated as a Prohibited Area.

Every dog owner or person in charge of a dog must ensure that their dog is kept on a leash in public places designated as a Leashed Area.

All dogs must be under effective control in public places that are not specifically listed as Prohibited or Leashed Areas.

The general Prohibited and Leashed Areas in the Mackenzie District are as follows:

Council Playgrounds, Skateparks and Swimming Pools

Dogs are prohibited from being within any fenced playground, on any specifically surfaced playground area, within one metre of any fenced or surfaced playground area or within one metre of any playground equipment where there is no fence or special surface.

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Dogs are prohibited on all skatepark surfaces and from being within one metre of the perimeter of any skatepark.

Dogs are prohibited from entering any Council swimming pool facilities.

Council Cemeteries

Dogs are prohibited from entering any Council owned and managed cemeteries.

Schools, Kindergartens, Play Centres, Public Halls, Community Centres or Libraries

Dogs are prohibited from entering any premise or land used as a school, kindergarten, play centre, public hall, community centre or library unless approval has been obtained from the Controlling Authority of that land or premise.

Roads

Dogs are to be on a leash on all roads. For the purposes of this Bylaw roads include associated pedestrian areas (such as footpaths) and the margins alongside roads, weather sealed or not (such as berms and verges) as well as state highways, private ways and carparks.

The above clauses do not apply to disability assist dogs.

The above clauses do not apply to working dogs that are under effective control while that dog is being worked or while it is being taken to and from work.

For the specific Prohibited and Leashed Areas refer to the Mackenzie District Council Draft Dog Control Policy 2021.

6. Exercise Areas

The Mackenzie District Council Draft Dog Control Policy 2021 contains the designated public places where dogs are allowed to be exercised off leash.

No dog owner or person in charge of a dog may leave a dog unattended at a designated Dog Exercise Area.

Every dog owner or person in charge of a dog at a designated Dog Exercise Area must comply with the obligations set out in clause 4 of this Bylaw.

*Dog Control Bylaw 2021 – Draft***7. Number of Dogs****5**

Owners of more than two dogs, on a property located within any urban area, must obtain a license to keep more than two dogs over the age of three months.

An owner of more than two dogs must:

- apply to the Council for the relevant license on the appropriate form;
- allow an inspection of their property as to the suitability of the number and type of dogs applied for; and
- pay the relevant license inspection fee.

A license relates to the dog owner, their registered dogs and specified property. A license is not transferable to another property, to a new owner at the same property or to different dogs at the same property.

A license will not expire but will need to be reapplied for if the dogs registered at that property change or the owner moves.

A license may be granted, have conditions imposed, or be refused, at the discretion of the attending Dog Control Officer. In considering whether consent should be granted, the attending Dog Control Officer shall have regard to:

- whether the property is a suitable size for the breed and number of dogs applied for;
- whether any of the dogs applied for are classified as dangerous or menacing;
- whether there is adequate fencing;
- whether there is a dog free access to the property;
- whether the location of kennels is appropriate, and the kennels are suitable and provide adequate shelter for the breed and number of dogs;
- the previous history of the dog owner in relation to complaints or nuisance; and
- whether the owner is complying with and familiar with their obligations under the Act and Bylaw.

If granted, any breach of conditions shall constitute a breach of this Bylaw. Without limitation, the Council may impose conditions relating to:

- the number of dogs to be kept at any one time;
- the duration of the permission;
- the purpose for which such dogs may be kept;
- provision for hygiene control, confinement, and regular inspection;
- provision for the protection of other persons or property; and
- provision for emergencies, including food, muzzles, leads and carriers.

Any license issued may be revoked by the Mackenzie District Council for breach of conditions.

*Dog Control Bylaw 2021 – Draft***8. Female Dogs in Season****6**

Every dog owner or person in charge of a dog where the dog is a female dog in season, must keep the dog:

- confined to private property while it is in season; and
- confined in such a way as to minimise the impact on other dogs.

Transport of a female dog in season should be minimised and any transport should be undertaken securely and in such a way as to minimise the impact on other dogs.

The above clauses do not apply to working dogs that are being worked.

The above clauses only apply to female dogs that have not been de-sexed.

9. Infectious and Diseased Dogs

No dog owner or person in charge of any infectious or diseased dog may take that dog into any public place except while being taken to a veterinary clinic.

10. Nuisance Caused by Dogs

If, in the opinion of a Dog Control Officer, any dog or dogs on any premises has become or is likely to become a nuisance, the Council may, by notice in writing, require the owner or occupier of the premises within a time specified in such notice, to do all or any of the following:

- reduce the number of dogs kept on the premise;
- order the permanent removal of a particular dog on a property;
- construct, alter, reconstruct or otherwise improve the kennels, places of confinement or other buildings used to house or contain such dog or dogs;
- require such dog or dogs to be tied up or otherwise confined during specific periods; and
- take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance.

10. Disposing of Dogs

The owner of a dog shall, within 24 hours of the death of that dog, bury the dog below the surface of the ground (with at least 750 mm of cover) or place the dog in an offal pit of a depth of 2 metres or more below ground level.

*Dog Control Bylaw 2021 – Draft***11. Impounding of Dogs**

A Dog Control Officer may impound any dog found at large or in breach of any provision of this Bylaw whether it is wearing a collar having the proper registration liable or disc attached.

A Dog Control Officer may impound any dog where there are reasonable grounds to believe an offence under the Act has been committed, including failure to comply with registration requirements.

The owner of any dog impounded shall pay the necessary Council fines and fees before the dog is released back to its owner.

A dog prior to being released back to its owner shall be registered and microchipped. In addition, all other requirements under the Act, and Bylaw shall be met.

11. Offences and Penalties

Every person who fails to comply with this Bylaw commits an infringement offence under Schedule 1 of the Act and may be served with an infringement notice and be liable to pay an infringement fee.

Every person who fails to comply with this Bylaw commits an offence under section 20(5) of the Act and is liable on conviction to the penalty described by section 242(4) of the Local Government Act 2002.

For the purpose of clarity, many matters not covered by the Bylaw are covered by the Act and breaches of these matters can result in the issuing of infringement notices. The amounts for these infringements range from \$100 to \$750 as set out in the Act.



Mackenzie
DISTRICT COUNCIL

Draft Dog Control Policy

2021

Draft Dog Control Policy 2021

Date Adopted:	Month Year
Review Date:	Month Year
Department:	ADD
Responsible Officer:	ADD
Sponsor:	Group Manager Operations
Adopted by:	Chief Executive
New Review Date:	Year

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*Dog Control Policy 2021 – Draft***1. Introduction**

This Policy is the Mackenzie District Council Draft Dog Control Policy 2021.

This Policy shall come into force on **DATE**.

This Policy has been made pursuant to section 10 of the Dog Control Act 1996 which requires Council to have a policy in respect of dogs.

2. Purpose

The purpose of this Policy is:

- to ensure dog owners in the Mackenzie District met their obligations under the Dog Control Act 1996;
- to minimise the potential danger, distress, and nuisance to the community caused by dogs;
- to avoid the inherent danger in allowing dogs to have uncontrolled access to public places;
- to enable the public to use streets and public amenities without fear of attack or intimidation by dogs and
- to provide for the exercise and recreational needs of dogs and their owners.

3. Interpretations

For the purposes of this Policy the following definitions shall apply. Where a definition has the same meaning as a definition in the Dog Control Act 1996 (the Act), the definition for the purposes of this Policy includes any subsequent amendment to the definition in the Act.

For the avoidance of doubt, where a definition in the Act differs from a definition in the Policy, the definition in the Act takes precedence.

Act	the Dog Control Act 1996
Bylaw	the Mackenzie District Council Dog Control Bylaw 2021
Continuous Control	a dog that is restrained by a leash in a public place
Council	the Mackenzie District Council
Dangerous Dog	a dog classified as dangerous by the Council under section 31 or 33ED of the Act
Disability Assist Dog	the same meaning as section 2 of the Act and generally means any dog certified to assist a person with a visual, hearing, mobility or other disability
Dog Control Officer	a Council Officer appointed as a warranted Dog Control Officer under section 11 of the Act
Dog Ranger	a ranger appointed under section 12 of the Act and includes an honorary dog ranger
Dog Exercise Area	any public place defined within the District where a dog may be exercised off leash

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Dog Prohibited Area	any public place within the District where a dog is prohibited either generally or at specified times
Effective Control	the owner or person in charge of a dog is aware of where the dog is and what it is doing and that the dog is responsive to commands and is not creating a nuisance
Leash	an adequate restraint, which may include a lead attached to a collar or harness, not exceeding 2 meters in length, that allows for the control of a dog when in a public place
Leash Control Area	any public place in the District where a dog is required to be kept under continuous control by means of a leash
Menacing Dog	a dog classified as menacing under sections 33A or 33C or 33ED of the Act
Nuisance	anything which interferes with or threatens the health or enjoyment of people, and includes things such as barking, causing distress via intimidating behavior (such as aggressive barking or rushing), or attacking people, wildlife, or other animals
Neutered Dog	a dog that has been spayed or castrated
Owner	the same meaning as section 2 of the Act and generally means the person who owns a dog, the parent or guardian of someone who is under the age of 16 who owns a dog, or a person who is looking after a dog and is responsible for it and includes any person who resides permanently at the dogs usual place of residence
Public Place	the same meaning as section 2 of the Act and generally means a place that is open to the public whether or not it is private property
Urban Areas	land zoned Residential 1,2,3 and 4 and land zoned Rural Residential 1 and 2 in the Operative Mackenzie District Plan 2004
Working Dogs	the same meaning as section 2 of the Act and generally means any dog carrying out functions and duties: <ul style="list-style-type: none"> • relating to farming, such as hearing stock; • under the direction of a government department or state employee undertaking responsibilities such as those relating to policing, defense, corrections, customs, security biosecurity, pest management, emergency management or conservation; and • under the direction of private security guard in the execution of their duties

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4. Dog Control Bylaw

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This Policy shall be read in conjunction with the Draft Mackenzie District Council Dog Control Bylaw 2021 which is required under section 10(6) of the Act to enforce and give effect to the Dog Control Policy.

4.1 Nature and Application of Bylaw

The Councils Draft Dog Control Bylaw 2021:

- promotes the responsible management of dogs in public places;
- provides for the recreational needs of dogs and their owners; and
- minimises the potential for dogs to cause harm, distress or nuisance to the community, animals and wildlife.

Matters covered in the Dog Control Bylaw include:

- the control of dogs in public places;
- prohibiting dogs from specified public places;
- requiring dogs to be on a leash in specified public places;
- designating specified areas as dog exercise areas;
- placing limitations on the number of dogs that may be kept on properties in urban areas;
- regulations for female dogs in season;
- setting minimum accommodation standards for dogs;
- the disposal of dogs; and
- offences and penalties.

5. Obligations of Dog Owners

The Councils Draft Dog Control Policy and Dog Control Bylaw set the expectations for dog owners within the Mackenzie District, such as public places where you can or cannot take your dog or places where dogs must be kept on a leash. All dog owners are required to understand the dog owner requirements and obligations set out in this Policy and the Bylaw.

Animal welfare matters are covered by the Animal Welfare Act 1999 and the Animal Welfare (Dogs) Code of Welfare, which sets out the minimum standards and recommendations relating to all aspects of the care of dogs. Animal welfare matters relating to companion animals are largely enforced by the Society for the Prevention of Cruelty of Animals (SPCA).

5.1 Keeping a Dog Under Effective Control

Dog owners are required to always keep their dogs under effective control when in public places. The owner or person in charge of the dog in a public place must:

- be aware of where the dog is and what it is doing;
- ensure the dog is responsive to commands; and
- ensure it is not creating a nuisance.

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Under the Act all dog owners are also required to carry a leash when taking their dogs into public places, whether or not the public place is a leashed area (section 54A). This is because unexpected situations may arise that require a dog to be leashed to keep the dog under control or keep it safe.

5.2 Dog Fouling

Any dog owner or person in charge of a dog must carry the means of picking up and removing any fouling (dog faeces) when in public places (for example a plastic bag). The dog owner or person in charge of the dog must remove any fouling and dispose of it in a hygienic manner.

Dog faeces can harbor disease and parasitic infection that can make other dogs or people unwell. It is also unpleasant and can cause a nuisance. Plastic bags, or an equivalent alternative, are an ideal way of picking up and removing dog faeces and must be carried at all times when in public places.

5.3 Health and Wellbeing

Any dog owner or person in charge of a dog shall ensure the dog has adequate physical welling through acceptable nutrition, environmental health and behavioral stimulus, and adequate mental wellbeing.

6. Registration of Dogs

Under section 36 of the Act all dogs in New Zealand must be registered. All dogs must be registered by 30 June each year and must be registered for the first time before they are three months old.

Registration is required to keep an up-to-date record of all dogs and their owners, to allow for the return of lost dogs to their owners and to generate revenue for providing dog control services in the District.

It is an offence not to register a dog that is over the age of three months or to knowingly provide false information on a dog registration application form. Unregistered dogs may be impounded by a Dog Control Officer or an infringement notice (instant fine) may be issued.

6.1 Dog Registration Classifications

The registration classifications in the Mackenzie District are as follows:

- Urban Dogs
- Neutered, Urban Dogs
- Rural and Working Dogs
- Disability Assist Dogs
- Dangerous and Menacing Dogs
- Responsible Dog Owner Status

Dog Control Policy 2021 – Draft**6.2 The Setting of Dog Registration Fees**

Registration fees are set through Councils Annual Plan process and are notified to all registered dog owners at registration time and listed on the Council website. Registration fees are set by Council to cover the cost of providing dog control services and to ensure dogs do not cause a nuisance to the community. In considering the dog registration fees Council will:

- set a standard urban dog registration fee;
- set a fee for spayed/neutered dogs that is less than the standard urban registration fee;
- set a fee for rural and working dogs that is less than the standard urban registration fee;
- set a fee for dangerous and menacing dogs that is higher than the standard urban registration fee; and
- set a fee for responsible dog owners that is less than the standard urban dog registration fee.

Registration fees paid late will incur a late payment penalty. The penalty is an additional 50% of the registration fee.

6.3 Urban Dogs

The standard urban dog registration fee applies to dogs being kept in the Districts urban settlements of Fairlie, Albury, Kimbell, Tekapo, Twizel and Burkes Pass and includes land zoned Residential 1, 2, 3, 4 and Rural Residential 1 and 2 in the Operative Mackenzie District Plan 2004.

6.4 Neutered Urban Dogs

The Council encourage de-sexing by offering a discount on registration fees for neutered or spayed dogs. To apply for the reduced fee, you must provide written confirmation of de-sexing along with your dog's registration application form. De-sexing is important to reduce unwanted pregnancies and to reduce aggression in some dogs.

6.5 Rural and Working Dogs

Dog registration fees for rural and working dogs are less than the standard dog registration fee. Rural dogs are dogs that are housed on a working farm and kept solely or principally to contribute to the farm or to otherwise to assist in farming activities or as a household pet. Working dogs, for the purposes of registration, are dogs carrying out functions and duties:

- relating to farming, such as hearing stock;
- under the direction of a government department or state employee undertaking responsibilities such as those relating to policing, defence, corrections, customs, security biosecurity, pest management, emergency management or conservation; and
- under the direction of private security guard in the execution of their duties.

6.7 Disability Assist Dogs

The Council recognise the importance disability and support dogs by offering no charge on registration fees for these dogs. To apply for Disability Assist Dogs registration written confirmation that the dog is certified by one of the following organisations as being a dog that has been trained (or is being trained) to assist a person with a disability shall be provided with your dog's registration application form:

- Hearing Dogs for Deaf People New Zealand;
- Mobility Assistance Dogs Trust;
- New Zealand Epilepsy Assist Dogs Trust;

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- Royal New Zealand Foundation of the Blind;
- Top Dog Companion Trust; and
- An organisation specified in an Order in Council made under section 78D of the Act.

6.8 Dangerous and Menacing Dogs

Dogs classified as dangerous and/or menacing require a higher registration fee. For more information on dangerous and/or menacing dogs refer to sections 31-33F of the Act or section 13 of this Policy.

6.9 Responsible Dog Owner Status

The Council encourages responsible dog ownership through the promotion of its Responsible Dog Owner Status. The Responsible Dog Owner Status is a special dog ownership status that recognises good, responsible dog owners and entitles them to a reduced annual dog registration fee. Dog owners eligible to be classified as a Responsible Dog Owner must have:

- a record of good and responsible dog ownership;
- consistent and timely payment of dog registration fees; and
- a history of compliance with relevant legislation.

6.9.1 Responsible Dog Owner Application Criteria

A dog owner wanting to apply for Responsible Dog Owner Status must meet the following criteria:

- the dog owner must have been the registered owner of a dog and have resided in the District for at least 12 months;
- the dog owner must have paid all registration fees on or before the 30 June for the last two years;
- the dog owner must have all dog's micro chipped in accordance with the Act. The microchip number must be provided to the Council;
- the dog owner must have a license to keep multiple dogs on their property (if applicable);
- the dog owner must inform the Council of any dog registration or residential address changes including information on the death, sale or transfer of any dogs and including the birth of any pups;
- the dog owner must have a property at which the dog resides that is suitably fenced and gated to contain the dog and allows dog free access to a door of the dwelling for authorised callers;
- the dog owner must provide for the welfare needs of the dog including providing adequate warm and dry housing, access to clean water and ample food and plenty of exercise area;
- the dog owner must have complied with the requirements of the Dog Control Bylaw and must not in the past two years have a dog that has been found at large, been uncontrolled or been chased, returned or impounded by Council, been issued with a warning notice or infringement notice or been prosecuted for any dog related offence.

Owners of dogs classified as menacing under the Act may be considered for Responsible Dog Owner Status provided all criteria are strictly met. The granting and retention of Responsible Dog Owner Status is at the discretion of the attending Dog Control Officer.

Owners of Dogs classified as dangerous under the Act are not eligible to apply for Responsible Dog Owner Status.

6.9.2 Responsible Dog Owner Conditions

A dog owner seeking Responsible Dog Owner Status must meet the above criteria and apply for the status online or at the Council officers in Fairlie and Twizel.

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All dogs owned or kept by the applicant must be controlled in accordance with the Act and the Draft Dog Control Bylaw.

The Council reserves the right to carry out random property inspections (in accordance with the Act) to ensure compliance.

Any breach of the criteria and conditions of this Policy will lead to the immediate withdrawal of the Responsible Dog Owner Status.

Should Responsible Dog Owner Status be withdrawn because the criteria and conditions of this Policy have been breached, the owner may not apply for, or be considered for, the status again until two years after the date of withdrawal.

6.9.3 Responsible Dog Owner Fees

The reduced fee for dog owners that have obtained Responsible Dog Owner Status is required to be paid by 30 June each year.

Failure to pay by 30 June will cause the Responsible Dog Owner Status to be lost, and the owner will then be ineligible to obtain the status again for two years and will have to pay the standard urban registration fee.

6.10 Change of Ownership

Where the ownership of a dog changes, the registration for that year will continue. The old and new owner must however advise the Council of any change to allow a new registration tag to be issued.

7. Micro-Chipping of Dogs

Except for working dogs, all dogs in New Zealand, first registered after 1 July 2006, must be implanted with a microchip. A microchip is about the size of a grain of rice and is implanted on a dog's back, towards the neck, between the shoulder blades and is a permanent method of identifying a dog than collars and tags which can be lost. It also enables a dog to be linked to its owner and can identify a dog which is aggressive, dangerous or menacing.

Where microchipping has not occurred, the Council may:

- issue a warning or an infringement notice;
- prosecute the owner; or
- microchip the dog (if impounded) and recover the costs from the owner or person taking possession of the dog.

The Council requires a copy of the implantation certificate at the time of registration.

8. Prohibited and Leashed Areas

Under the Act, a Policy in respect of dogs shall identify any public places in which dogs are to be Prohibited (not allowed) and any public places which dogs are to be controlled on a leash. If a public place is not listed in this Policy, it means that dogs are allowed off leash but must be under effective control.

8.1 Prohibited Areas

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The places in the Mackenzie District where Dogs are Prohibited (not allowed) are:

- any premises used as a community library;
- any public swimming pool owned or controlled by the Council;
- any area used as a children's playground, including the playing area of any sports field and any skatepark;
- any land or premises used as a school, kindergarten or play centre unless specific approval has been obtained from the controlling authority; and
- any cemetery owned or controlled by the Council.

For more information on these areas, refer to Schedule 1 of this Policy.

8.2 Leashed Areas

The places in the Mackenzie District where dogs are required to be controlled on a leash are:

- the Fairlie Village Centre, as defined by the Operative Mackenzie District Plan 2004 (District Plan);
- the Fairlie Village Green including the area around the playground and skatepark;
- the Tekapo Village Centre and Tekapo Domain, as defined by the District Plan;
- the Twizel Village Centre, as defined by the District Plan, including the Market Place Shopping Mall and Market Place car parking area;
- the peripheral area surrounding any sport field in the district for a distance of up to 10 metres; and
- all roads including associated pedestrian areas.

For more information on these areas, refer to Schedule 2 of this Policy.

*Dog Control Policy 2021 – Draft***8.3 Exemptions**

Any working or disability assist dog, carrying out its respective duties, is exempt from the restrictions above. All working and disability assist dogs however must be on a leash in prohibited public places except those herding or driving stock which must be under effective control.

9. Dog Exercise Areas

The Council recognises the recreational and exercise needs of dogs and their owners and endeavors to provide the opportunity for dogs and their owners to access different public places across the district.

Many parks and reserves allow the opportunity for dog owners to exercise their dogs off leash and have been designated as dog exercise areas.

9.1 Dog Exercise Areas

The specific places designated as dog exercise areas in the Mackenzie District are:

- **The Pines Picnic Area, Tekapo;**
- the Recreation Land, as defined by the District Plan, at Glen Lyon Road between Nuns Veil Road and North West Arch, the land adjoining the rear boundaries of Tekapo Drive, Jollie Road and Wairepo Road and the North West Arch green areas, Twizel; and
- the Recreation Land, as defined by the District Plan, between Max Smith Drive and Lake Ruataniawha, Twizel.

A dog owner or person in charge of a dog within all exercise areas must have effective control of the dog and must have a leash in his/her possession.

For more information on the designated dog exercise areas, refer to Schedule 3 of this Policy. Any area not listed in the Schedule or not classified as a Prohibited or Leash Area is automatically an under effective control area in accordance with section 5.1 of this Policy.

10. License to Own more than Two Dogs

Owners of more than two dogs over the age of three months in urban areas in the District must obtain a license to keep more than two dogs on their property.

The purpose of the license is to minimise the potential for nuisance associated with having too many dogs on urban properties where neighbors are in close proximity.

A license to own more than two dogs may be granted, have conditions imposed or be refused at the discretion of a Dog Control Officer.

Terms and conditions on the granting of permission, may include (but are not limited) to:

- specifying the number of dogs that may be kept at any one time;
- specifying the duration of the permission;
- restrictions as to the purpose for which such dogs may be kept;
- provision for hygiene, control, confinement and regular inspection;

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- provision for the protection of other persons or property from being affected in any way by the dogs; or
- provision for emergencies, including food, muzzles, leads for all dogs, and carriers.

On application, dog owners will have to pay the associated fee for permission to keep more than two dogs on a property.

11. Other Matters

11.1 Barking Dogs

When the Council receives a complaint about a barking dog it will investigate and, if found to be a problem, a Dog Control Officer will work with the dog owner to understand the extent of the barking, the reasons for the barking and will encourage solutions and behavior change so that the dog is no longer causing a nuisance.

If an owner is uncooperative, or the barking continues to be persistent or loud, a Barking Dog Abatement Notice may be issued under section 55 of the Act. If the abatement notice is not complied with, an infringement notice may be issued to the dog owner.

Dogs may also be impounded by a Dog Control Officer due to loud and persistent barking until Council is satisfied that returning the dog will not result in nuisance to the community.

Complaints about barking dogs may impact on the dog owner's ability to have Responsible Dog Ownership Status or to hold a license to own more than two dogs.

11.2 Uncontrolled and Roaming Dogs

Uncontrolled and roaming dogs can cause a significant nuisance. The majority of complaints the Council receive are to do with roaming dogs. When the Council receives a complaint about an uncontrolled or roaming dog a Dog Control Officer will attempt to pursue the dog with the intent of impounding them. If a Dog Control Officer is unable to capture a roaming dog, they will follow it home and speak to the owner. If the dog is unattended and has the ability to leave the property again it will be impounded.

If a dog is persistently seen uncontrolled or roaming an infringement notice may be issued to the dog owner.

The enforcement approach when dealing with uncontrolled and roaming dogs will be based on a graduated approach which includes engagement, education, encouragement and enforcement. Factors to be taken into consideration as to when an infringement notice may be issued include the seriousness of the offence, the public interest, and previous history of being uncontrolled and/or roaming.

*Dog Control Policy 2021 – Draft***11.3 Welfare of Dogs**

Any dog owner or person in charge of a dog shall ensure the dog has adequate physical welling through acceptable nutrition, environmental health and behavioral stimulus, and adequate mental wellbeing. Dog Control Officers have the right of entry on land if they have reasonable grounds to suspect a dog is without food, water, or shelter.

12. Education and Training

Council does not offer a dog control education program. Increased public awareness of safety around dogs, particularly for children, however, is one of the best ways to reduce dog attacks in the long term. Toddlers and children should be supervised around dogs at all times. Most dog attacks happen to children in their own home or the homes of a relative or friend.

Responsible dog ownership and good behaviors from both dog owners and their dogs is another important part of reducing dog attacks, as well as reducing any danger, distress or nuisance that may be caused by dogs.

The Council is supportive of people undertaking dog training courses of all types. As well as behavior and discipline courses dog agility courses can be a great way to understand and bond with your dog.

The Council encourages new dog owners to attend puppy or dog training courses to learn how to train the dog to understand simple commands and not to create a nuisance.

All dogs need to be able to understand and appropriately respond to simple commands if they are off leash in a public place in order to be under effective control.

13. Management of Dog Owners and Dogs

Under the Act, the Council can classify an owner as probationary and must classify an owner as disqualified under certain circumstances. The Council can also classify a dog as dangerous or menacing under certain circumstances. The Council will however endeavor to use a range of tools before these measures are undertaken including education or training or the issuing of infringement notices (instant fines).

13.1 Probationary Dog Owners

Where a person is convicted of an offence (not being an infringement offence) against the Act, or any other relevant legislation, or where a person commits three or more infringement offences (not relating to a single incident or occasion) within a continuous 24-month period the Council may classify that person as a probationary owner.

A probationary owner cannot become the owner of any new dogs (but may keep any registered dogs they already have) and must dispose of any unregistered dogs. The Council may require a probationary dog owner to undertake a dog education program or dog obedience course or both. This may require the owner to travel outside of the District. The cost for any dog/owner education will be met by the dog owner.

A probationary dog owner classification will continue for a period of 24 months unless there are extenuating circumstances.

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For more information, including the process for objecting to the classification, refer to sections 21-24 of the Act.

13.2 Disqualified Dog Owners

Where a person is convicted of an offence (not being an infringement offence) against the Act, or any other relevant legislation, or where a person commits three or more infringement offences (not relating to a single incident or occasion) within a continuous 24-month period the Council must classify that person as a disqualified owner unless the Council is satisfied that the circumstances of the offence or offences are such that:

- disqualification is not warranted; or
- the Council instead classifies the owner as a probationary owner.

A disqualified dog owner cannot be the registered owner of a dog (for a specified period) and must dispose of every dog that they own. Disqualified dog owner status can apply for up to five years.

For more information, including the process for objecting to the classification, refer to sections 25-28 of the Act.

13.3 Dangerous Dogs

The Council must classify a dog as dangerous based on the owner being convicted of certain offences or based on sworn evidence that the dog is aggressive and constitutes a threat to the safety of people, stock, poultry, domestic animals or protected wildlife as set out in section 31 of the Act.

Dangerous dogs:

- must be kept within a securely fenced section of the owner's property (and dog free access to the house must be available at all times);
- must be muzzled and on a leash in all public places and private ways;
- must be neutered or spayed within one month of classification;
- must incur a registration fee that is 150% higher than a standard registration fee that would apply if the dog were not classified as dangerous;
- must not be sold or given away without the written consent of the Council; and
- must maintain their status as dangerous dog no matter whether they live in New Zealand.

Any person who fails to comply with the above matters commits an offence under the Act and is liable, on conviction, of a fine. A Dog Control Officer may also seize and remove the dog from the owners possession, and retain custody of the dog, until the Council is satisfied the above matters have been or will be met.

Complaints about dog attacks causing serious injury or harm will be referred to the Police as a criminal matter.

For more information, including the process for objecting to the classification, refer to sections 31-33 of the Act.

13.4 Menacing Dogs

The Council can classify a dog as menacing if it constitutes a threat to the safety of people, stock, poultry, domestic animals or protected wildlife or based on the dog's behavior or characteristics, typically associated with the dog breed or type, as set out in section 33A of the Act.

Dog Control Policy 2021 – Draft

Menacing dogs must be muzzled and on a leash in all public places and private ways. The Council may also require dogs classified as menacing to be de-sexed within one month of classification.

For more information, including the process for objecting to the classification, refer to sections 33A-33EC of the Act.

13.4.1 De-sexing of Menacing Dogs

Any dog classified as menacing by the Council in accordance with section 33A or 33C of the Act must be de-sexed within one month of classification, unless:

- there is a veterinary reason for not de-sexing; or
- there would be a demonstrated potential financial loss to the owner from de-sexing (such as loss related to breeding or showing the dog).

The Council has discretion as whether or not to waive the requirement to de-sex, on a case-by-case basis and will also consider the seriousness and type of attack leading up to the classification.

The owner of a dog classified as menacing must, if required, by the Council produce a veterinary certificate showing the dog has been de-sexed or that is unfit to be de-sexed.

13.5 Prohibited Dogs

Schedule 4 of the Act prohibits the importation of any dog that belongs wholly or predominantly to one or more of the following breed types:

- Brazilian Fila
- Dogo Aregetino
- Japanese Tosa
- American Pit Bull Terrier
- Perro de Presa Canario

The prohibition does not apply to dogs training or being trained to assist people with disabilities.

*Dog Control Policy 2021 – Draft***14. Impounding of Dogs****14**

The Act gives warranted Dog Control Officers the legal power to seize a dog in certain circumstances. Dog Control Officers can seize dogs that are found to be in breach of the Act, or any Bylaw made under the Act, which may include (but is not limited to):

- a dog that is not being supplied with sufficient food, water or shelter (section 15);
- a dog that is unregistered and more than three months of age (section 42);
- a dog that is not securely confined on private property (section 52A);
- a dog owner failing to comply with requirements when a dog is classed as dangerous (section 32).
- a dog owner failing to comply with requirements when a dog is classed as menacing (section 33EC).
- a dog not being under anyone's control in a public place (section 52);
- a barking dog where complaints have been laid, a notice has been issued to the owner and the dog continues to bark and cause a nuisance (section 56);
- a dog that attacks a person or animal (section 37);
- a dog that rushes at a person, animal or vehicle in a manner that causes death, injury or endangerment or the damage of property (section 57A);
- a dog that is at large in the vicinity of protected wildlife (section 59); and
- a dog that is at large among stock or poultry (section 60).

Where any dog is impounded and the owner is known, the Council will make all attempts to contact the owner. The owner then has seven days to recover the dog. Where the owner of the dog is unknown the Council must keep the dog for seven days. If the dog is not claimed, after this time the dog may be disposed of (e.g a new owner found) or destroyed.

The release of a dog back to its owner will depend on the circumstances under which it was seized. All fines or fees must be paid before the dog is released back to its owner including the cost of housing a dog in a shelter. A dog will not be returned back to its owner unless it is registered and micro chipped and all other requirements under the Act, and Bylaw, are met.

15. Infringement Notices and Prosecution

The Council aims to encourage people to comply with the regulatory requirements through education and working with people, rather than taking a hard environment approach.

The Council will however issue warnings at the Dog Control Officers discretion and or infringement notices (instant fines) for infringement offences as set out in Schedule 1 of the Act.

Dog Control officers will consider each situation on an individual bases and will have discretion as to what approach they choose to take.

Fine amounts are set in the Act and range from \$100 to \$750. The Council has no discretion to alter these fees. Once a fine has been issued the recipient has 28 days to pay it. Fines not paid will be recovered through the courts as provided for in the Summary Proceedings Act 1957.

Where an offence is considered to be serious and sufficient evidence exists, the Council will consider prosecuting an offender. This includes situations where a dog has:

Dog Control Policy 2021 – Draft

- caused significant damage to property;
- caused significant damage or injury to any person or animal;
- caused severe distress; or
- caused danger, distress or nuisance to any person or the community on a number of occasions.

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16. Conservation Act

The Act requires dog control policies to identify any areas in the district where there are dog restrictions on Department of Conservation land, including National Parks.

In the Mackenzie District dogs are prohibited from all National Parks in accordance with section 262S of the Conservation Act 1987, unless a special permit is granted. There are no areas of conservation land formally gazetted as open or controlled dog areas under the Conservation Act 1987 or the National Parks Act 1980.

The only dogs that do not require a permit on public conservation lands and waters, under the Canterbury Conservation Management Strategy, are those used for police, customs, management and search and rescue purposes, and disability assist dogs. To facilitate the recognition of disability assist dogs, the Department of Conservation prefers such dogs to wear Disability Assist Dog identification tag and be registered with the New Zealand Companion Animal Register.

For further information regarding dog access on public conservation land please contact the Department of Conservation directly.

*Dog Control Policy 2021 – Draft***Schedule 1
Dog Prohibited Areas****16**

Dogs in the Mackenzie District are Prohibited (not allowed) in the following places:

- any premises used as a community library;
- any public swimming pool owned or controlled by the Council;
- any area used as a children's playground, including the playing area of any sports field and skateparks;
- any land or premises used as a school, kindergarten or play centre unless specific approval has been obtained from the controlling authority; and
- any cemetery owned or controlled by the Council.

Dogs are prohibited from these areas as they are generally designed for the enjoyment of children and teenagers. Children and teenagers are disproportionately represented in dog bite and injury statistics. Ensuring dogs are not in places frequented by children and teenagers makes then safer for children and teenagers to use. Dogs are also prohibited from any cemetery owned or controlled by the Council to minimise the potential for nuisance to the community in sensitive environments.

Temporary Prohibited Areas

The Council may from time to time declare certain other areas to be prohibited areas for a specified time and shall give public notice of its intention to declare such areas as temporarily prohibited. Appropriate signs will be posted in the area and prior notice will be published in a newspaper circulating in the district.

Dog Control Policy 2021 – Draft

Schedule 2

Dog Leash Areas

17

Dogs in the Mackenzie District shall be controlled on a leash in the following places:

General

- All roads including all associated pedestrian areas (such as footpaths) and the margins alongside roads whether sealed or not (such as berms and verges) as well as state highways, private ways and carparks; and
- the peripheral area surrounding a sports field for a distance of up to 10 metres.

Fairlie

- The Fairlie Village Centre, as defined by the District Plan, between the State Highway 79 intersection with State Highway 8 and School Road on the west side of Main Street and Talbot Street on the east side of Main Street.
- The Fairlie Village Green, bordering Talbot Street and State Highway 8 and recognised as Recreation P in the District Planning Maps.

The location of the Fairlie Village Centre and the Fairlie Village Green Leash Control Areas are illustrated below.



Lake Tekapo

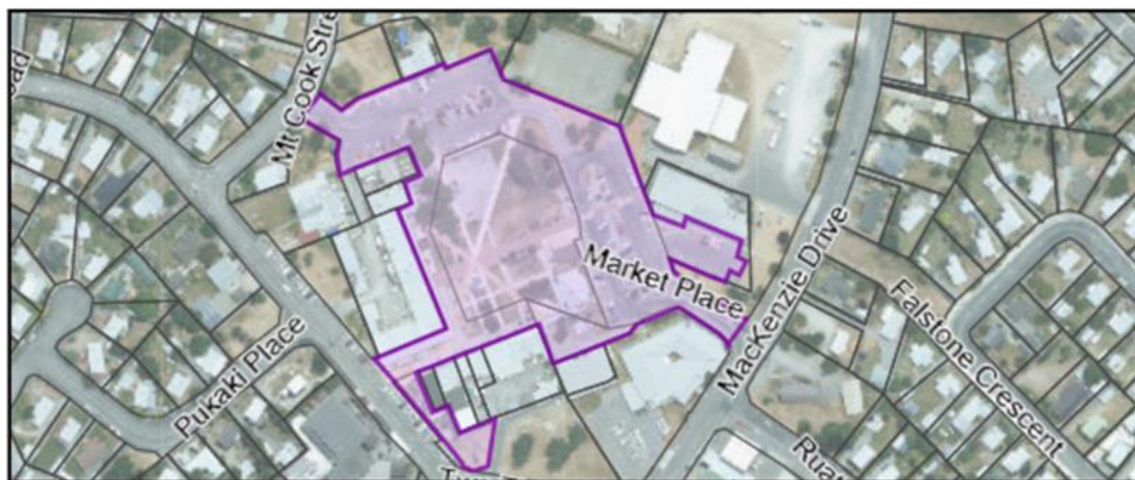
- The Tekapo Village Centre, namely in the lakeside of State Highway 8 between Tekapo River bridge and the western boundary of Lakeside Drive and includes the land in front of the Village Centre to the edge Domain Road.

Dog Control Policy 2021 – Draft

The location of the Lake Tekapo Leash Control Area is illustrated in below.

**Twizel**

- The Twizel Village Centre including Market Place shopping Mall and Market Place (legal road) including the car parking area. The location of the Twizel Leash Control Area is illustrated below.



Schedule 3

Dog Exercise Areas

The following locations are designated as areas where dogs are permitted to be exercised off leash provided, they are controlled at all times.

Lake Tekapo

- The Pines Picnic area.

Dog Control Policy 2021 – Draft

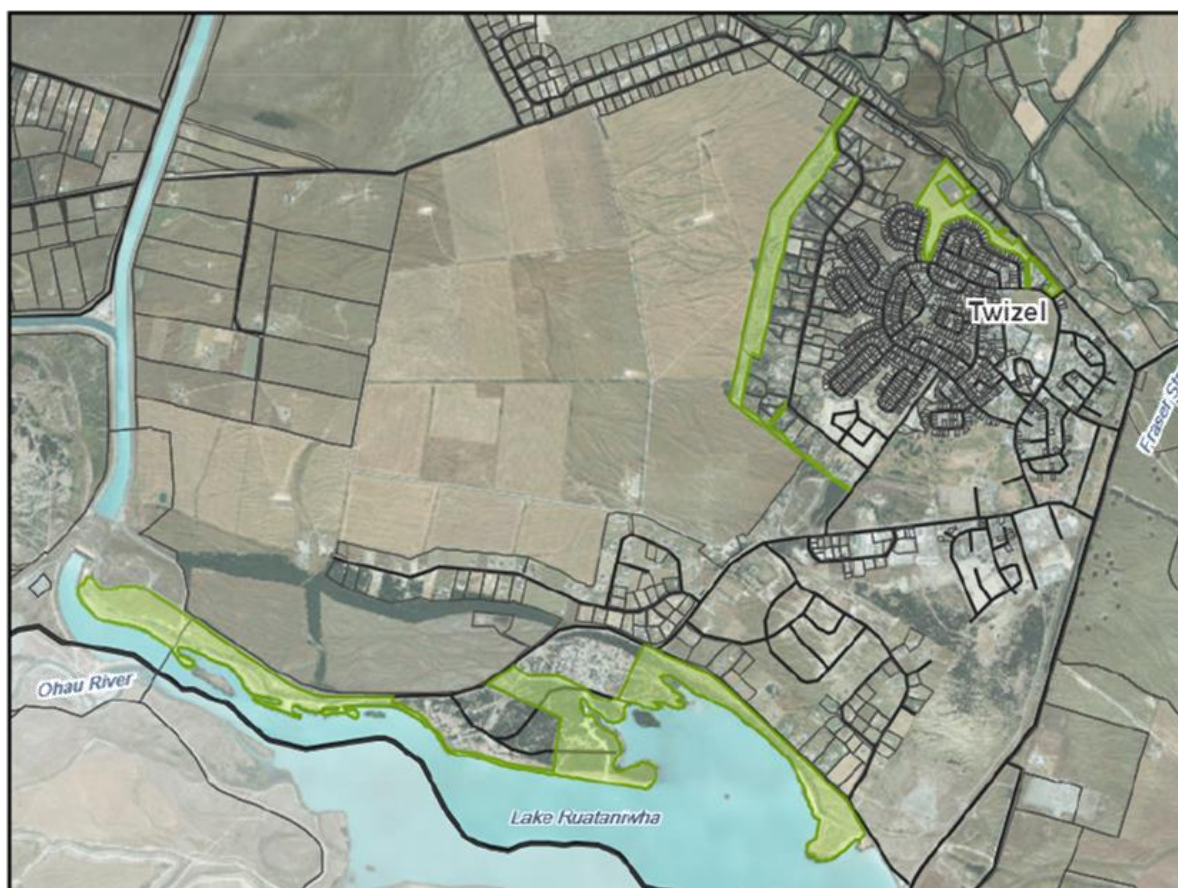


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*Dog Control Policy 2021 – Draft***Twizel**

- The following areas of recreation land situated between the town boundaries of Twizel, namely:
 - Glen Lyon Road between Nuns Veil Road and North West Arch.
 - Land adjoining rear boundaries of properties on Tekapo Drive, Jollie Road and Wairepo Road; and
 - North West Arch green areas.
- The recreation land between Max Smith Drive and Lake Ruataniawha.

The location of the Twizel Dog Exercise Areas are illustrated below.





Mackenzie
DISTRICT COUNCIL

Draft Easter Sunday Shop Trading Policy

2021

Draft Easter Sunday Shop Trading Policy 2021

Date Created:	Month Year
Review Date:	Month Year
Department:	Department
Responsible Officer:	Role Name
Sponsor:	General Manager – Operations
Approved by:	Chief Executive Officer
New Review Date:	Month Year

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*Easter Sunday Shop Trading Policy 2021 – Draft***1. Introduction**

This Policy is the Mackenzie District Council Draft Easter Sunday Shop Trading Policy 2021.

This Policy shall come into force on **DATE**.

This Policy has been made pursuant to Part 2, Subpart 1 of the Shop Trading Hours Act 1990.

2. Purpose

The purpose of this Policy is:

- to enable shops within the Mackenzie District to trade on Easter Sunday if they choose. This Policy does not require shops to open or individuals to shop on Easter Sunday.

3. Interpretation

For the purposes of this Policy the following definitions shall apply:

Act	the Shop Trading Hours Act 1990
Shop	a building, place, or part of a building or place, where goods are kept, sold or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include – (a) A private home where the owner or occupier's effects are being sold (by auction or otherwise); or (b) A building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or (c) A building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again.

4. Policy

Shop trading throughout the Mackenzie District is permitted on Easter Sundays (Schedule 1).

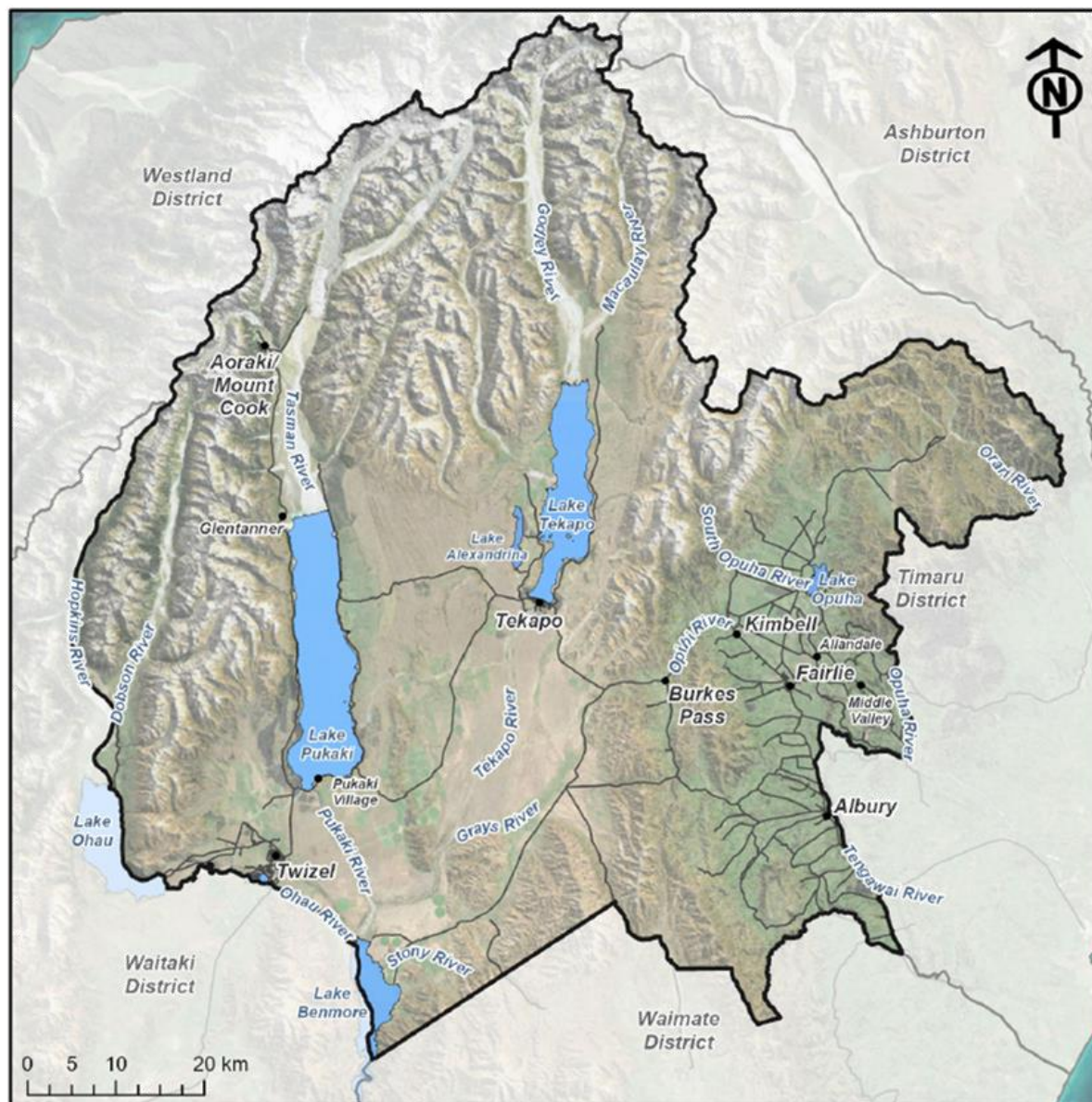
All shop employees, as provided in the Act, have the right to refuse to work on Easter Sunday.

Council is not responsible for the enforcement of this Policy. Enforcement is undertaken by the Central Government Department responsible for the administration of the Act.

This Policy does not apply to the sale or supply of alcohol, which is regulated under the Sale and Supply of Alcohol Act 2012.

Schedule 1

Easter Sunday Shop Trading Policy 2021 – Draft



Mackenzie District Plan Map



Mackenzie
DISTRICT COUNCIL

Draft Alcohol Restrictions in Public Places Bylaw

2021

Draft Alcohol Restrictions in Public Places Bylaw

Date Created:	Month Year
Review Date:	Month Year
Department:	Operations
Responsible Officer:	Role Name
Sponsor:	General Manager – Operations
Approved by:	Chief Executive Officer
New Review Date:	Month Year

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*Alcohol Restrictions in Public Places Bylaw 2021 – Draft***1. Introduction**

This Bylaw is the Mackenzie District Council Draft Alcohol Restrictions in Public Places Bylaw 2021.

This Bylaw shall come into force on **DATE**.

This Bylaw has been made pursuant to section 147 of the Local Government Act 2002 which allows Council to make a bylaw to prohibit, or otherwise regulate, the possession and consumption of alcohol in public places.

2. Purpose

The purpose of this Bylaw is:

- to reduce alcohol-related harm, damage, disorder and crime; and
- to improve community safety by prohibiting, or otherwise regulating, the possession and consumption of alcohol in public places.

3. Interpretations

For the purposes of this Bylaw the following definitions shall apply:

Act	the Local Government Act 2002
Alcohol	the same meaning as section 5(1) of the Sale and Supply Alcohol Act 2012 and section 147 of the Act and generally means alcoholic beverages such as beer, wine and spirits (including pre-mixed spirit-based beverages)
Council	the Mackenzie District Council
Licensed Premises	any premise for which a license is held
Offence	a breach of an alcohol ban, as described in Section 169(1) of the Act
Permanent Alcohol Ban Area	an area described in Schedule 1 in which alcohol restrictions are permanently in place within a specified area, during the times, days or dates specified in the Schedule
Public Place	the same meaning as section 147 of the Act: <ul style="list-style-type: none"> a) a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but b) does not include licensed premises.
Temporary Alcohol Ban Area	an area described in a resolution made under this Bylaw in which alcohol restrictions are temporarily in place within the area during the times, days or dates specified in the resolution

4. Permanent Alcohol Ban Areas

Alcohol Restrictions in Public Places Bylaw 2021 – Draft

The Permanent Alcohol Ban Areas in the Mackenzie District are listed in Schedule 1.

The Council can add, remove or alter any part of Schedule 1 in accordance with section 156 of the Act.

5. Temporary Alcohol Ban Areas

The Council may declare a Temporary Alcohol Ban Area by resolution. Any such resolution will describe the specific area that is a Temporary Alcohol Ban Area and the times, days or dates during which the alcohol restrictions apply to any public places in the area.

Before the Council declares a Temporary Alcohol Ban Area, the Council will comply with the requirements of section 147B of the Act.

Explanatory Note: A Temporary Alcohol Ban Area will only be put in place for a limited time. The duration will depend on the reasons for imposing the alcohol restrictions. In making a resolution under this Bylaw, the Council must apply section 147B of the Act and the decision-making provisions in Part 6 of the Act.

6. Restrictions in Alcohol Ban Areas

In Permanent or Temporary Alcohol Ban Areas, subject to clause 8 of this Bylaw and section 147(4) of the Act, no person may:

- consume alcohol in a public place; or
- consume alcohol in a vehicle in a public place; or
- bring alcohol into a public place, whether in a vehicle or not; or
- possess alcohol in a public place, whether in a vehicle or not.

For exemptions in relation to unopened bottles or containers, refer to section 147(4) of the Act.

7. Exemptions to Restrictions in Alcohol Ban Areas

The alcohol restrictions do not apply to areas or activities covered by a license issued under the Sale and Supply of Alcohol Act 2012, including:

- any public place which is part of a licensed premises' outdoor area, where permission to occupy that area has been granted by the Council; or
- the carrying of alcohol directly between one part of a licensed premises and another part of the same licensed premises across a public place that separates the parts of the licensed premises; or
- any public place that is subject to a special license, for the term of that license; or
- any vehicle in a public place to which a license under the Sale and Supply of Alcohol Act 2012 applies; or
- any event held in a public place at which alcohol is served under a section 38 endorsed license under the Sale and Supply of Alcohol Act 2012.

8. Signage in Alcohol Ban Areas

Alcohol Restrictions in Public Places Bylaw 2021 – Draft

3

Where it is practicable or reasonable to do so, the Council will erect signage within Permanent and Temporary Alcohol Ban Areas to provide information to the public about the restrictions.

The size, location and content of the signage will be at the Council's discretion.

The absence of signage in any Alcohol Ban Area does not authorise a breach of this Bylaw.

This clause is subject to any regulations made under section 147C of the Act.

9. Offences and Penalties

Every person who breaches this Bylaw commits an infringement offence under section 239A of the Act and may be served with an infringement notice under section 245 of the Act and be liable to pay an infringement fee.

Any person who commits an offence is liable on summary conviction to a fine of up to \$20,000.

Explanatory Note: Any person in breach of the restrictions in place in an Alcohol Ban Area is subject to any action taken by the New Zealand Police in accordance with the powers given to the Police in section 169 and 170 of the Act. These include the powers of search, seizure of alcohol, and arrest, and also the power to issue an infringement notice.

Alcohol Restrictions in Public Places Bylaw 2021 – Draft

Schedule 1

Permanent Alcohol Ban Areas

4

The Permanent Alcohol Ban Areas in the Mackenzie District are as follows:

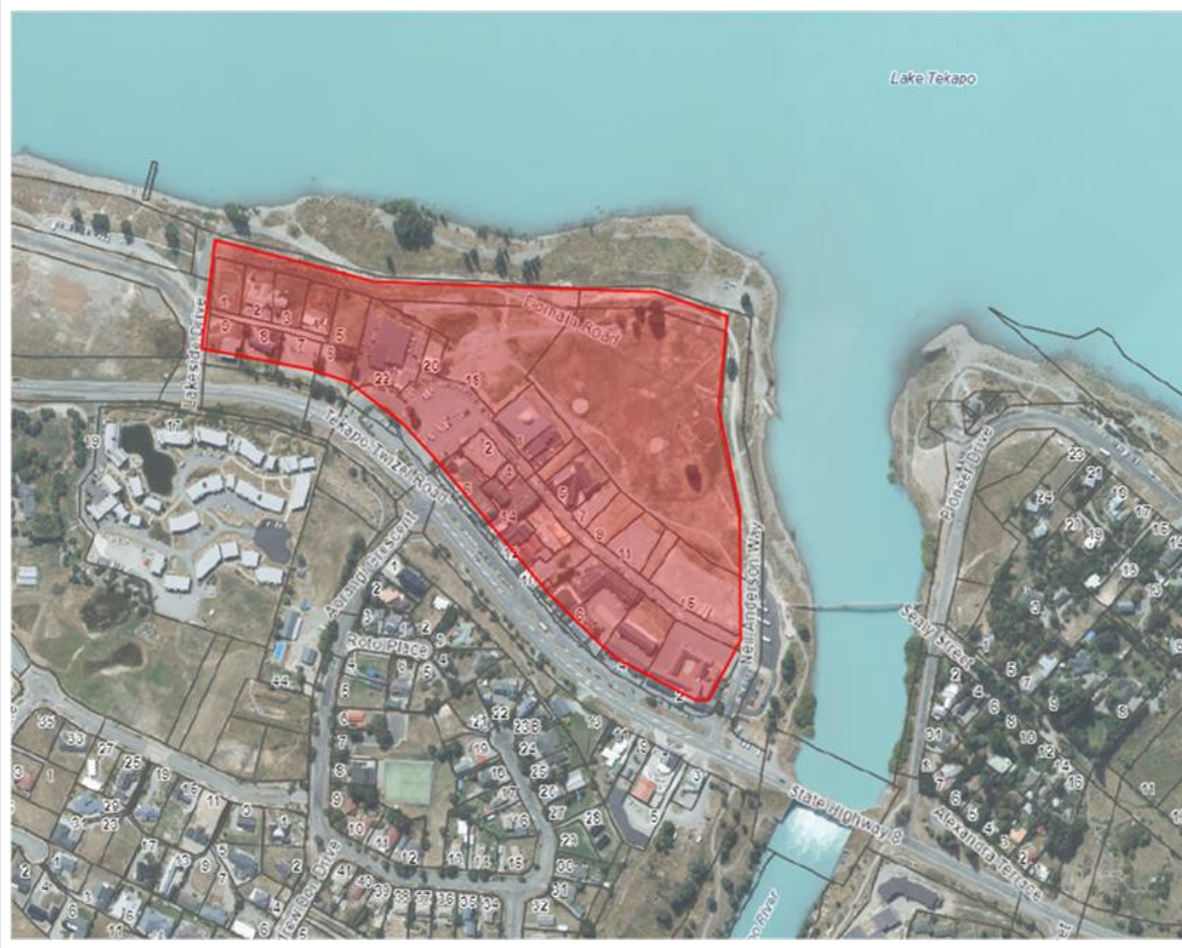
- The Fairlie Village Centre and Village Green;
- The Tekapo Village Centre and Domain; and
- Market Place, Twizel.

Alcohol Ban Area	The Fairlie Village Centre and Village Green
Description of Alcohol Ban Area	The alcohol ban covers the Fairlie Village Centre from the Kirke Street Intersection to the Allandale Road Intersection and the Village Green including the playground and skatepark as displayed in red below
Times, days, or dates during which alcohol restriction apply	The alcohol ban area applies at all times, 24 hours, seven days a week



Alcohol Restrictions in Public Places Bylaw 2021 – Draft

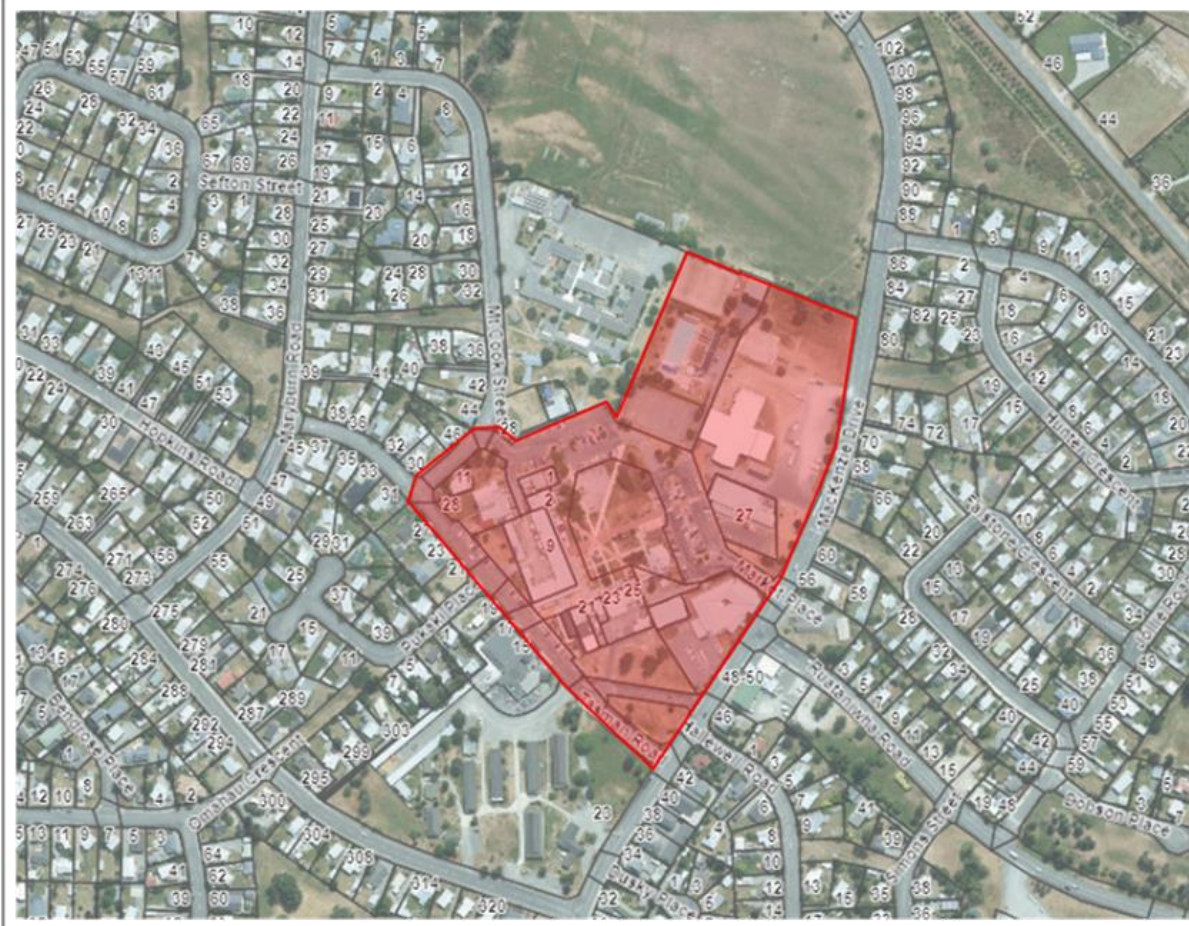
Alcohol Ban Area	The Tekapo Town Centre and Domain
Description of Alcohol Ban Area	The alcohol ban covers the Tekapo Town Centre, including Simpsons Lane, Rapuwai Lane and Motuariki Lane and the Tekapo Domain as displayed in red below
Times, days, or dates during which alcohol restriction apply	The alcohol ban area applies at all times, 24 hours, seven days a week



Alcohol Restrictions in Public Places Bylaw 2021 – Draft

Alcohol Ban Area	Market Place, Twizel
Description of Alcohol Ban Area	The alcohol ban covers Market Place Twizel and includes the Tasman Road carpark, the skate park, the children's playground and Events Centre as displayed in red below
Times, days, or dates during which alcohol restriction apply	The alcohol ban area applies at all times, 24 hours, seven days a week

6





Mackenzie
DISTRICT COUNCIL

Draft Class 4 Gambling and TAB Venue Policy

2021

Draft Class 4 Gambling and TAB Venue Policy 2021

Date Created:	Month 2021
Review Date:	Month 2019
Department:	Operations
Responsible Officer:	Operations
Sponsor:	General Manager – Operations
Approved by:	Chief Executive Officer
New Review Date:	Month 2024

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Class 4 Gambling and TAB Venue Policy 2021 – Draft

1. Introduction

This Policy is the Mackenzie District Council Draft Class 4 Gambling and TAB Venue Policy 2021.

This Policy shall come into force on **DATE**.

This Policy has been made pursuant to section 101 of the Gambling Act 2003 and section 96 of the Racing Industry Act 2020 which require Council to have a policy on Class 4 and TAB venues.

2. Purpose

The purpose of this Policy is:

Option 1 – Sinking Lid

- to gradually reduce the number of gaming machines and the total expenditure on gaming machines in the Mackenzie District; and
- to minimise the harm to the community caused by gambling.

Option 2 – Reduce the Number of Gaming Machines in the District

- to control and manage the growth of gambling in the Mackenzie District and the total expenditure on gaming machines in the Mackenzie District;
- to minimise the harm to the community caused by gambling; and
- to allow those who wish to participate in gambling in a safe and managed way.

3. Interpretations

For the purposes of this Policy the following definitions shall apply:

Business Zones	land zoned Village Center, Service, Industrial, Tourist and Travelers Accommodation in the Operative Mackenzie District Plan 2004
Class 4 Gambling	gambling that utilises or involves gaming machines, commonly known as 'pokie machines'
Class 4 Venue	a place to conduct Class 4 gambling
Council	the Mackenzie District Council
Gaming Machine	a device, whether totally or partly mechanically or electronically operated that is adapted or designed and constructed for the use in gambling
TAB Venue	premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services

4. Class 4 Gambling and TAB Venue Policy

Option 1 – Sinking Lid

T: (03) 685 9010 F: (03) 685 8533 PO Box 52, Fairlie, 7949, New Zealand

mackenzie.govt.nz

Comment [RW1]: Definition only applies to Option 2

Class 4 Gambling and TAB Venue Policy 2021 – Draft

No approval will be given for any new Class 4 Gambling or TAB venues in the Mackenzie District.

Existing Class 4 Gambling venues may continue to operate but cannot be relocated or transferred to a new venue or owner if a pub or venue closes.

Option 2 – Reduce the Number of Gaming Machines in the District**4.1 Where Class 4 Gambling and TAB Venues can be Established**

No approval will be given for any new TAB venues in the Mackenzie District.

New Class 4 venues may be established in the Mackenzie District Business Zones subject to meeting the provisions of this Policy.

No new Class 4 venue may be established within any Residential, Rural-Residential, Rural or Special Purpose Zones.

An existing Class 4 venue, that does not comply with the provisions above, may continue to operate at the site where it is located subject to meeting the other provisions of this Policy.

4.2 Number of Gaming Machines Allowed

The total number of gaming machines allowed in the Mackenzie District shall not exceed 45.

All new Class 4 venues shall be allowed a maximum of nine gaming machines.

Existing venues, with a licence operating fewer than nine machines, shall be allowed to increase the number of machines operated at the venue to a maximum of nine, provided the total number of machines in the district does not exceed 65.

4.3 Relocation of Existing Class 4 Gambling Venues

An existing Class 4 venue may be relocated, provided it is relocating to or within the Mackenzie District Business Zones and the new venue complies with all other provisions of this Policy.

The maximum number of gaming machines allowed at the new venue shall be nine.

4.4 Primary Activity of Class 4 Gambling Venues

The primary activity of any Class 4 venue shall be for one or more of the following:

- sporting activities;
- private club activities;
- the sale of liquor, or the sale of liquor and food; or
- racing and sports betting services.

4.5 Requirements for Class 4 Gambling Venues

No Class 4 venue shall be part of a premise where another Class 4 venue is located.

No Class 4 venue shall have a separate entrance, separate name, or otherwise seen to be separate from the primary activity of the venue.

All Class 4 venues must have an on-licence for the sale of liquor for consumption on the premises.

All Class 4 venues must have a statement of how it proposes to minimise the risks of problem gambling and underage gambling at the venue.

*Class 4 Gambling and TAB Venue Policy 2021 – Draft***4.6 Signage**

All signage associated with Class 4 venues shall comply with the requirements of the Operative Mackenzie District Plan 2004.

3**5. Applications**

Any person or business establishing or expanding a Class 4 venue shall obtain a licence from Mackenzie District Council. An Application must be made on the approved form and must provide:

- the name and contact details of the applicant;
- a description of the Class 4 venue and its location;
- the names and qualifications of management staff;
- the number of gaming machines to be located at the Class 4 venue;
- evidence that the Class 4 venue complies with the provisions of this Policy;
- a statement of how the applicant proposes to minimise the risks of problem gambling and underage gambling at the venue;
- evidence of the liquor licence(s) applying to the Class 4 venue;
- a site plan showing where the electronic gaming machines are to be located on the premises and the location, size and content of the proposed signage for the venue (if any); and
- any other information requested by the Council.

All applications for a licence are to be processed, and a decision made, within 30 working days of Council receiving the application. The deposit fee for a Class 4 venue licence is outlined in the Council's Schedule of Fees and Charges.



Mackenzie
DISTRICT COUNCIL

Draft Dangerous, Affected, and Insanitary Buildings Policy

2021

Draft Dangerous, Affected, and Insanitary Buildings Policy 2021

Date Created:	Month Year
Review Date:	Month Year
Department:	Department
Responsible Officer:	Role Name
Sponsor:	General Manager – Operations
Approved by:	Chief Executive Officer
New Review Date:	Month Year

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Dangerous, Affected, and Insanitary Buildings Policy 2021 – Draft

1. Introduction

This Policy is the Mackenzie District Council Dangerous, Affected, and Insanitary Buildings Policy 2021.

This Policy shall come into force on **DATE** and applies to all buildings within the Mackenzie District, even if a building consent, code of compliance certificate or other form of certificate has been issued.

This Policy has been made pursuant to section 131 of the Building Act 2004 which requires Council to have a policy on dangerous, affected, and insanitary buildings.

This Policy does not relate to Earthquake Prone Buildings which are assessed separately under the methodology prepared by the Ministry of Business, Innovation and Employment.

2. Purpose

The purpose of this Policy is:

- to provide a clear and reasonable framework of how Council will manage dangerous, affected, and insanitary buildings within the Mackenzie District; and
- to reduce the risk posed to residents and visitors in the Mackenzie District by dangerous, affected, and insanitary buildings.

3. Principles

This Policy has been developed considering the purpose and principles of the Building Act 2004 which, amongst other things, seeks to ensure that:

- people who use buildings can do so safely without endangering their health; and
- people who use a building can escape from the building if it is on fire.

4. Interpretations

For the purposes of this Policy the following definitions shall apply. Where a definition has the same meaning as a definition in the Building Act 2004 (the Act), the definition for the purposes of this Policy includes any subsequent amendment to the definition in the Act.

For the avoidance of doubt, where a definition in the Act differs from a definition in the Policy, the definition in the Act takes precedence.

Dangerous, Affected, and Insanitary Buildings Policy 2021 – Draft

Act	the Building Act 2004
Affected Building	the same meaning provided in section 121A of the Act: a building adjacent to, adjoining, or nearby – (a) a dangerous building as defined in section 121; or (b) dangerous dam within the meaning of section 153.
Authorized Officer	the same meaning as section 222 of the Act: an officer of a territorial authority to whom either or both of the following applies: (a) he or she is authorised to carry out inspections; or (b) he or she is authorised to enter the land – (i) by this Act; or (ii) by an order of the District Court made under section 227.
Building	the same meaning as section 8 of the Act: (a) means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels); and (b) includes - (i) a mechanical, electrical, or other system; and (ii) a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987; and (iii) a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is immovable and is occupied by people on a permanent or long term basis; and (c) includes any two or more buildings that, on completion of building work, are intended to be managed as one building with a common use and a common set of ownership arrangements; and (d) includes the non-moving parts of a cable car attached to or servicing a building; (e) includes the moving parts of a cable car attached to or servicing a building.
Council	the Mackenzie District Council
Dangerous Building	the same meaning provided in section 121 of the Act: A building is dangerous for the purposes of this Act if,— (a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause— (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or (ii) damage to other property; or (b) in the event of fire, injury or death to any persons in the building or to persons on another property is likely. For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority— (c) may seek advice from employees, volunteers, and contractors of Fire and Emergency New Zealand who have been notified to the territorial authority by the board of Fire and Emergency New Zealand as being competent to give advice; and (d) if the advice is sought, must have due regard to the advice.
Heritage Building	the same meaning as section 7 of the Act: means a building that is included on - (a) the New Zealand Heritage List/Rarangi Korero maintained under section 65

Dangerous, Affected, and Insanitary Buildings Policy 2021 – Draft

	of the Heritage New Zealand Pouhere Taonga Act 2014; or (b) the National Historic Landmarks/Nga Manawhenua o Aotearoa me ona Korero Tuturu list maintained under s 81 of the Heritage New Zealand Pouhere Taonga Act 2014.
Household Unit	the same meaning as section 7 of the Act: (a) a building or group of buildings, or part of a building or group of buildings that is – (i) used, or intended to be used, only or mainly for residential purposes; and (ii) occupied, or intended to be occupied, exclusively as the home or residence of not more than one household, but (b) does not include a hostel, boardinghouse, or other specialised accommodation.
Insanitary Building	the same meaning provided in section 123 of the Act: A building is insanitary for the purposes of this Act if the building – (a) is offensive or likely to be injurious to health because – (i) of how it is situated or constructed; or (ii) it is in a state of disrepair; or (b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or (c) does not have a supply of potable water that is adequate for its intended use; or (d) does not have sanitary facilities that are adequate for its intended use.
Inspection	the same meaning as section 222 of the Act: means the taking of all reasonable steps – (a) to determine whether – (i) building work is being carried out without a building consent; or (ii) building work is being carried out in accordance with a building consent; or (iii) a notice to fix has been complied with: (b) to ensure that – (i) in relation to buildings for which a compliance schedule is issued, the inspection, maintenance, and reporting procedures states in the compliance schedule are being complied with; or (ii) in relation to buildings that have specified systems, the requirement for a compliance schedule is being complied with: (c) to enable an authority to – (i) identify dangerous, earthquake-prone or insanitary buildings within its district; and (ii) carry out its functions or duties in relation to those buildings: (d) to satisfy a territorial authority as to whether a certificate of acceptance for building work should be issued under section 96.
Owner	the same meaning as section 7 of the Act:– (a) means the person who – (i) is entitled to the rack rent from the land; or (ii) would be so entitled if the land were let to a tenant at a rack rent; and (b) includes – (i) the owner of the fee simple of the land; and (ii) for the purposes of sections 32, 44, 92, 96, 97 and 176(c), any person who has agreed in writing, whether conditionally or unconditionally, to

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	purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, and who is bound by the agreement because the agreement is still in force.
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5. Councils Approach to Dangerous, Affected, and Insanitary Buildings

5.1 Dangerous, Affected, and Insanitary Buildings

Council will first and foremost encourage all building owners to build safe and healthy buildings and to keep their buildings in good condition, suitable to the buildings intended use. It is however the building owner's responsibility to ensure all buildings comply with the requirements of the Act. The Council can give no assurance or guarantee that any building is safe or sanitary at any time.

Council will not actively inspect all buildings within the District but will make it a priority to quickly and efficiently respond to any information received regarding potentially dangerous, affected, or insanitary buildings. A building will be deemed to be dangerous and/or insanitary when its existence is brought to Council's attention and when, after an inspection, an authorised officer with an appropriate warrant deems it to be potentially dangerous and/or insanitary.

When dangerous and insanitary conditions are found the Council will determine whether there are any affected buildings and if so what action, if any, is appropriate. The Council may also issue a notice under section 124(2)(c) of the Act requiring work to be carried out on the dangerous and/or insanitary building to reduce or remove the danger, or to prevent the building from remaining insanitary.

Buildings that are determined dangerous, but not an immediate danger, will be subject to the minimum timeframes for the reduction of the danger of not less than 10 days in accordance with section 125(1)(d) of the Act.

Where an owner fails to address the dangerous and/or insanitary state of a building or the requirements within the notice are not proceeding with reasonable speed, Council may invoke its powers under section 126 of the Act and apply to the District Court to gain authorisation to carry out the building work on the owner's behalf.

If Council carries out the building work, it is entitled to recover all costs associated with that work from the building owner, as set out in section 126(3) of the Act.

Council will address all situations with respect to the owner's privacy and discretion and will keep all affected parties informed throughout the process.

Council will endeavour to strike a balance between the threats posed by dangerous, affected, and insanitary buildings and the broader social and economic issues affecting the community that are involved.

Council may seek expertise from Fire and Emergency New Zealand, New Zealand Pouhere Taonga, the New Zealand Police and/or any other professional where it is necessary and appropriate to do so.

5.2 Buildings with Heritage Values

This Policy applies to dangerous, affected, and insanitary buildings that have or may have significant historic value. Heritage Buildings are buildings listed in the:

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- Operative Mackenzie District Plan Heritage Schedule;
- The Building Act 2004; and
- The Heritage New Zealand Pouhere Taonga Act 2014.

If the building is a scheduled heritage building, the Council will take into account its heritage values in determining an appropriate course of action.

Council will consult Heritage New Zealand Pouhere Taonga and the landowner before taking any action on any heritage building deemed to be dangerous and/or insanitary.

Where a heritage building is deemed to be an affected building, Council will notify Heritage New Zealand Pouhere Taonga as required by section 125 of the Building Act 2004 and the landowner.

Where a heritage building is deemed to be dangerous, Council will proceed as they would with any other dangerous building. Where the situation is not urgent and a notice is issued, Council will notify Heritage New Zealand Pouhere Taonga as required by section 125 of the Act.

To ensure work on heritage buildings is done in a manner that protects its heritage value, the Council will:

- support the owner of such buildings to find solutions in matter that sustainably manages the important heritage values of such buildings; and
- provide longer time frames to buildings with significant heritage values for danger to be reduced or removed or insanitary conditions to be prevented except where the building presents an immediate danger or health hazard to people within and/or around it.

5.3 Immediate Danger

If a building presents an immediate danger or health hazard to people within and/or around it, or to surrounding buildings, Council may invoke its powers under section 129 of the Act to remove the danger or fix the insanitary conditions. This may include the demolition of the building.

5.4 States of Emergency

Where a State of Emergency has been declared (or following a State of Emergency, when a transition period has been declared) the Council may exercise powers under the Civil Defence Emergency Management Act 2002 instead of, or in addition to, powers under the Act.

6. Councils Procedure for Dangerous and Insanitary Buildings

6.1 Detect and Assess

When Council receives information that buildings are potentially dangerous and/or insanitary, it will:

- check the details of the property against Council Records;
- have an authorised officer(s) undertake an inspection of the building to assess the buildings condition in terms of section 121 and 123 of the Act and current building code requirements. In doing so, Council may seek advice from any professional or organisation deemed appropriate; and
- prepare an Inspection Record.

Authorised officers are entitled during working hours (8.30am to 5pm) to inspect any building to identify any dangerous or insanitary conditions and may enter any premises for this purpose unless the building is a household unit. If the building is a household unit which is being used as a household unit, the Council must

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either obtain consent from the occupier or an order from the District Court before it can enter to carry out an inspection.

6**6.2 Act**

Once Council is satisfied that a building is dangerous and/or insanitary, it will:

- consult with the owner of the affected building to further determine the circumstances and decide on an appropriate course of action.
- invoke its powers under section 124, 126 or 129 of the Act where a mutually acceptable outcome cannot be reached, or where the situation requires. Actions that may be taken include:
 - erecting a hoarding or fence to prevent people from approaching the building that is not safe;
 - placing a notice that warns people not to approach the building;
 - issuing a notice requiring work to be carried out on the building to either;
 - reduce or remove the danger; or
 - prevent the building from remaining insanitary.
- inform complainants, if any, of the inspection results and Council's intended course of action to deal with the situation.
- Council will monitor and review actions taken to ensure sufficient progress or compliance has been made.

6.3 Priorities

Council will give priority to buildings that have been determined to be immediately dangerous. Immediate action will be required in these situations to remove the danger, such as prohibiting any person from occupying or using the building. If necessary, the building will be secured to prevent entry.

6.4 Record Keeping

Any buildings identified as being dangerous and/or insanitary will have a requisition placed on Council's property database for the property on which the building is situated until the dangerous or insanitary condition is remediated.

In addition, the following information may be placed on any Land Information Memorandum (LIM):

- copies of any notices issued where a building is dangerous, affected or insanitary and requires evacuation of the building;
- copies of any letters sent to the owner, occupier and any other person where a building is dangerous or insanitary; and
- copies of any notices given under section 124(1) which identifies the work to be carried out on a building and the timeframe given to reduce or remove the danger or insanitary condition.

7. Disputes

Where a building owner disputes a Council decision or proposed activity, relating to the exercise of the Council's powers under sections 124 and 129 of the Act, the owner may apply for a determination from the Chief Executive of the Ministry of Business, Innovation, and Employment. Such a determination is binding on the Council.

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Mackenzie
DISTRICT COUNCIL