



# **Mackenzie**

**DISTRICT COUNCIL**

**Notice is given of a Planning and Regulations Committee Meeting to be held on:**

**Date: Tuesday, 16 November 2021**

**Time: Following Commercial and Economic Dev**

**Location: Council Chambers**

**Fairlie**

## **AGENDA**

### **Planning and Regulations Committee Meeting**

**16 November 2021**

**Note: This meeting may be digitally recorded by the minute-taker.**

**Planning and Regulations Committee Membership:**

Anne Munro (Chair)  
Stuart Barwood  
James Leslie  
Graham Smith  
Emily Bradbury  
Murray Cox  
Matt Murphy

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**The purpose of local government:**

(1) The purpose of local government is—

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

(2) In this Act, good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—

- (a) efficient; and
- (b) effective; and
- (c) appropriate to present and anticipated future circumstances.

(Local Government Act 2002)

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- 1 OPENING**
- 2 APOLOGIES**
- 3 DECLARATIONS OF INTEREST**
- 4 VISITORS**

## **5        REPORTS**

### **5.1       MINUTES OF PLANNING AND REGULATIONS COMMITTEE MEETING - 20 APRIL 2021**

**Author:**                **Arlene Goss, Governance Advisor**

**Authoriser:**

**Attachments:**        **1.       Minutes of Planning and Regulations Committee Meeting - 20 April 2021**

#### **RECOMMENDATION**

1.     That the Minutes of the Planning and Regulations Committee Meeting held on Tuesday 20 April 2021 be received and confirmed as an accurate record of the meeting.



# **Unconfirmed MINUTES**

## **Planning and Regulations Committee Meeting**

**20 April 2021**

**MINUTES OF MACKENZIE DISTRICT COUNCIL  
PLANNING AND REGULATIONS COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBERS, FAIRLIE  
ON TUESDAY, 20 APRIL 2021 AT 12.48PM**

**PRESENT:** Cr Anne Munro (Chairperson), Cr Stuart Barwood, Deputy Mayor James Leslie, Mayor Graham Smith, Cr Emily Bradbury, Cr Murray Cox, Cr Matt Murphy

**IN ATTENDANCE:** Suzette van Aswegen (Chief Executive), Tim Harty (GM Operations), Aaron Hakkaart (Planning and Regulations Manager), Mark Offen (Compliance Officer), Rachel Willox (Planner), Chris Clarke (Communications Advisor), Arlene Goss (Governance Advisor).

**1 OPENING**

The chairperson opened the meeting.

**2 APOLOGIES**

There were no apologies.

**3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4 VISITORS**

There were no visitors.

**5 REPORTS**

**5.1 MINUTES OF PLANNING AND REGULATIONS COMMITTEE MEETING - 2 MARCH 2021**

**COMMITTEE RESOLUTION PRC/2021/100**

Moved: Cr Murray Cox

Seconded: Cr Stuart Barwood

That the Minutes of the Planning and Regulations Committee Meeting held on Tuesday 2 March 2021 be received and confirmed as an accurate record of the meeting.

**CARRIED**

**5.2 UPDATE ON POLICY AND BYLAWS REVIEW**

Planner Rachel Willox was invited to speak to this report. She was planning to pass 10 bylaws this year, with final adoption planned for October.



Cr Barwood asked if it was possible to use bylaws from other councils, rather than each council writing them. The bylaws were modelled on a general bylaw used across the country, with relevant local parts added.

Cr Leslie asked a question about the liquor policy and the distance between liquor licenced premises and schools. Compliance officer Mark Offen explained the background to this issue. The MDC bylaw would not override the Local Alcohol Policy for South Canterbury.

### 5.3 RESOURCE CONSENTS UPDATE

Resource consent numbers are well below what they have been over the last few years. They are being processed on time. There has been a slight increase in the number of applications at the start of this month, which isn't reflected in the report. It was not known if this was a blip or the start of a recovery in numbers.

### 5.4 REPORT ON COUNCIL'S BUILDING CONTROL AUTHORITY

The committee agreed that this report looked good. Was there a good news story to tell the builders? Cr Cox suggested celebrating. Mr Harty said there were plans to meet with the industry again. Planning was also meeting deadlines and it would be good to push this out wider.

## 6 PUBLIC EXCLUDED

### RESOLUTION TO EXCLUDE THE PUBLIC

#### COMMITTEE RESOLUTION PRC/2021/101

Moved: Cr Emily Bradbury

Seconded: Cr Matt Murphy

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<b>6.1 - Update on Monitoring and Compliance Activities</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons  s7(2)(f)(ii) - the withholding of the information is necessary to maintain the effective conduct of	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment	
<b>6.2 - Minutes of Public Excluded Planning and Regulations Committee Meeting - 2 March 2021</b>	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>CARRIED</b>		

<p><b>COMMITTEE RESOLUTION PRC/2021/102</b></p> <p>Moved: Cr Matt Murphy</p> <p>Seconded: Cr Emily Bradbury</p> <p>That the committee move out of closed meeting into open meeting.</p> <p style="text-align: right;"><b>CARRIED</b></p>
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The Meeting closed at 1.20pm.

The minutes of this meeting were confirmed at the Planning and Regulations Committee Meeting held on .

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**CHAIRPERSON**

## 5.2 REVIEW OF JOINT TIMARU, MACKENZIE AND WAIMATE COUNCILS LOCAL ALCOHOL POLICY

**Author:** Mark Offen, Compliance

**Authoriser:** David Adamson, General Manager Operations - Acting

**Attachments:**

1. Timaru District Council LAP Policy [↓](#) 
2. Legal Opinion LAP [↓](#) 

### Council Role:

- ☐ **Advocacy** When Council or Committee advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ **Executive** The substantial direction setting and oversight role of the Council or Committee e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☐ **Legislative** Includes adopting District Plans and plan changes, bylaws and policies.
- ☐ **Review** When Council or Committee reviews decisions made by officers.
- ☒ **Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice, e.g. resource consent or planning applications or objections, consents or other permits/licenses (e.g. under Health Act, Dog Control Act) and other decisions that may be appealable to the Court including the Environment Court.
- ☐ **Not applicable** (Not applicable to Community Boards).

### PURPOSE OF REPORT

The purpose of this report is to seek a Council decision on the continuation of a Local Alcohol Policy (LAP) for the Mackenzie District, and if so, confirm that it should remain a Joint LAP with the Timaru (TDC) and Waimate (WDC) District Councils, should TDC and WDC wish to maintain this approach.

### STAFF RECOMMENDATIONS

1. That the report on the joint LAP be received.
2. That the Committee confirms a Local Alcohol Policy in the Mackenzie District is still required and confirms it remain a joint Local Alcohol Policy with the Timaru and Waimate District Councils

## BACKGROUND

The Act makes provision for any territorial authority to have a local policy relating to the sale, supply or consumption of alcohol within its district, and for two or more territorial authorities to adopt a single local alcohol policy for their districts (sections 75 and 76).

A territorial authority that has a local alcohol policy must review it, using the Special Consultative Procedure, no later than six years after it came into force; and no later than six years after the most recent review of it was completed (section 97).

In March 2016, Mackenzie District Council adopted a joint LAP in conjunction with Timaru and Waimate District Councils.

A light review was undertaken in July 2017. The review sought views from key stakeholders including Police, the Medical Officer of Health, the District Licensing Committee and several other groups. The outcome of the review was no change to the existing LAP at that time.

The Act now requires a full review of the LAP using the Special Consultative Procedure, with the six-year timeframe due to expire on 24 March 2022.

It is noted that the parts of the LAP which set maximum trading hours for licensed premises, and the one-way door restriction, do not reach the six-year review date until 7 June 2022. However, as this is only one part of the LAP the intention is to review the policy as a whole.

A legal opinion from Anderson Lloyd notes that should this review not be completed by 24 March 2022, the current LAP does not lapse until a new LAP is in place.

The intention is to review the LAP using the Special Consultative Procedure, and to adhere as closely as possible to the six-year review date.

## Discussion

### Joint Local Alcohol Policy

Having a LAP is optional for any territorial authority. Council can decide not to continue with a LAP. The Act (section 96) requires Council to use the Special Consultative Procedure to revoke the LAP.

Without a LAP, applications for licenses are governed entirely by the Act, with no local variations or further controls available.

The key local variations that constitute our joint LAP are as follows:

- i. One-way door policy – requiring a premises open until 3am shall require a one-way door restriction from 2am on Friday, Saturday and Sunday mornings for any event exceeding 100 people at the premises.
- ii. Licensing hours which are more restrictive than the Act in some cases.
- iii. Discretionary conditions including the distance to sensitive sites, permitted zones for off-licensed premises, discretionary conditions for special licences, restrictions on type and packaging of alcohol and restrictions on the consumption of alcohol in outdoor areas after midnight.

Council can decide to opt out of the joint LAP and adopt a Mackenzie District LAP. This would mean that Timaru and Waimate District Councils would also need to develop their own LAP. However, the Health Contract between the 3 Councils, that includes the alcohol licensing activity, means that to separate and develop our own LAP would not be a simple exercise.

The main advantages of a joint LAP include:

- i. consistency of decision-making throughout the three districts,
- ii. a more streamlined approach for the Liquor Licensing Team (which services all three Councils via contractual agreements),
- iii. a more streamlined approach for the District Licensing Committee (DLC) as they administer one LAP, thereby simplifying decision-making, facilitating the ability for DLC members to be able to stand in for any of the three Councils where the need arises.

The main downside to having a joint LAP is that all three Councils will need to reach agreement on the content of the LAP, which could make for a slightly longer review process, should disagreements arise.

### **Process for review of the Local Alcohol Policy**

The Act (section 78) states that when producing a draft policy for consultation Council must have regard to:

- i. the objectives and policies of its district plan;
- ii. the number of licences of each kind held for premises in its district, and the location and opening hours of each of these premises;
- iii. any areas where bylaws prohibiting alcohol in public places are in force;
- iv. the demography of the district's residents;
- v. the demography of people who visit the district as tourists or holidaymakers;
- vi. the overall health indicators of the district's residents; and
- vii. the nature and severity of the alcohol-related problems arising in the district.

When producing a draft policy, a Council must consult with the Police, Licensing Inspectors, and Medical Officers of Health, each of whom must make reasonable efforts to give a Council any information they hold relating to any of the matters stated in the list above.

Council staff are currently seeking initial feedback from the Medical Officer of Health, Police and Licensing Inspectors.

In respect of feedback from the Medical Officer of Health in particular, Council has been made aware that due to the resourcing constraints, the Medical Officer of Health is experiencing as a result of the COVID-19 situation, that input into the LAP review is difficult at this time.

NZ Police at the local level has indicated that it will not provide a formal opinion as to the effectiveness of the current LAP until it has received statistical data from Police Records to support any finding. The availability of the data being sought is thought to be 2 to 4 weeks away. Police will then have to analyse it and form their opinion.

It is acknowledged that ideally Council would have requested this initial feedback earlier to provide more time for these stakeholders to respond, however a major constraint is resourcing across both agencies during a pandemic response.

The Anderson Lloyd legal opinion notes that when seeking initial feedback from these key stakeholders, a reasonable time needs to allow for response. However, should this not be forthcoming Council can choose to continue with the review process to meet its statutory deadline.

Notwithstanding this, officers are of the view that early engagement with key stakeholders around community indicators such as health and alcohol related harm incidents, and district demographics is an important step in the process to ensure any foundation for change is based in evidence. Officers hold the view that the review of a LAP has the potential to become a litigious process and may be subject to an appeal process, so the process must be as robust and equitable as we can make it.

Officers are therefore recommending that the process of review happens as quickly as it can, noting that a robust and equitable review process may extend timeframes beyond 24 March 2022. The outline of dates can be determined after initial discussions with Police, the Medical Officer of Health; and other key stakeholders including Community Boards, Iwi, Hospitality Association, and Licensed Businesses via the Licensed to Service Newsletter.

Once initial feedback from key stakeholders has been received and considered, Officers will prepare a timeline for consultation and a draft Policy and Statement of Proposal for Council(s) consideration.

In summary, depending on the decisions made by the three Councils, the steps following this include:

- i. Preparation of Draft Policy and Statement of Proposal for adoption by the Council(s)
- ii. A four week consultation period follows
- iii. A Joint Hearings Panel to be appointed (if the Joint LAP continues)
- iv. The Hearing Panel is convened to hear submissions
- v. Council meets to adopt the LAP

The Act sets out the next steps following consultation on the draft policy, including the production of a provisional policy and notification for the right to appeal this to the Licensing Authority.

### **Options and Preferred Option**

The following options are available:

Option 1: (preferred option) Council decides to continue with a LAP for the Mackenzie District and confirms that this will be a joint LAP with the Timaru and Waimate District Councils (should TDC and WDC wish to maintain this approach).

Option 2: Council decides to continue with a LAP for the Mackenzie District only and withdraws from a joint LAP.

Option 3: Council decides that a LAP is no longer required for the Mackenzie District.

### **Consultation**

Once the formal initial feedback is obtained from the Medical Officer of Health, NZ Police and Licensing Inspectors the review timeline can be finalised. Broader consultation with wider stakeholders can then take place including Community Boards, Iwi, Hospitality Association and Licensed businesses.

The Act (section 79) requires Council to then use the Special Consultative Procedure to consult widely with all stakeholders and the wider community and to consider submissions on the draft LAP.

**Relevant Legislation, Council Policy and Plans**

Sale and Supply of Alcohol Act 2012, particularly Subpart 2 which outlines the requirements for Local Alcohol Policies.

The Mackenzie, Timaru & Waimate Councils Joint Local Alcohol Policy

Local Government Act 2002, section 83, which outlines the requirements for the Special Consultative Procedure (SCP) and section 87 which outlines requirements for the SCP used for other processes such as the LAP.

**Financial and Funding Implications**

The cost of the consultation on the draft LAP will be drawn from existing budgets.

There are no other financial implications.



# Joint Local Alcohol Policy

## Mackenzie, Timaru & Waimate District Councils

### 1. Background

This Local Alcohol Policy (LAP) has been developed jointly by the Mackenzie, Timaru and Waimate District Councils. The Policy sets out a framework for reasonable and consistent decision making in the local administration of the Sale and Supply of Alcohol Act 2012 (the Act). It provides guidance to existing and prospective licensees about their role in reducing alcohol harm which is reflected through the communities' views and expectations.

#### 1.1. Purpose and Objectives of the Sale and Supply of Alcohol Act 2012

The Act puts in place a new system of control over the sale and supply of alcohol. The key characteristics of this new system are that:

- it is reasonable; and
- the administration of the Act will help achieve the Acts objectives.

The object of the Act is to:

- (a) ensure that the sale, supply, and consumption of alcohol is undertaken safely and responsibly; and
- (b) minimise the harm caused by the excessive or inappropriate consumption of alcohol.

#### 1.2. Local Alcohol Policy Development

The Government wants to improve community input into local alcohol licensing decision making. Under Section 75 of the Act territorial authorities have the discretion, to establish a Local Alcohol Policy (LAP). All three district Councils decided to work collaboratively on this policy for enhanced efficiency in administration, education and policing.

Section 77 of the Act prescribes what a LAP can cover, these are:

- (a) the location of licensed premises by reference to broad areas;
- (b) location of licensed premises by reference to proximity to premises of a particular kind or kinds;
- (c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds;
- (d) whether further licenses (or licenses of a particular kind or kinds) should be issued for premises in the district concerned, or any part of the district;
- (e) maximum trading hours;
- (f) the issue of licenses, or licenses of a particular kind or kinds, subject to discretionary conditions;
- (g) one-way door restrictions.



These matters (a) to (d) do not apply to special licenses, or premises for which a special license is held or has been applied for.

A local alcohol policy cannot include policies on matters unrelated to licensing. Section 78 of the Act outlines the matters that a Council must have regard to when producing a draft policy.

These are:

- (a) the objectives and policies of its district plan;
- (b) the number of licences of each kind held for premises in its district, and the location and opening hours of each of these premises;
- (c) any areas where bylaws prohibiting alcohol in public places are in force;
- (d) the demography of the district's residents;
- (e) the demography of people who visit the district as tourists or holidaymakers;
- (f) the overall health indicators of the district's residents; and
- (g) the nature and severity of the alcohol-related problems arising in the district.

When producing a draft policy a Council must consult with the Police, Licensing Inspectors, and Medical Officers of Health, each of whom must make reasonable efforts to give a Council any information they hold relating to any of the matters stated in (a) to (g) above. All three agencies supplied a submission on this policy.

## 2. Definitions

<b>Alcohol</b>	A substance that is or contains fermented, distilled, or spirituous liquor, which; in whatever form (such as frozen liquid, or a mixture of a frozen liquid and another substance or substances,) is found on analysis to contain 1.15% or more ethanol by weight, in a form that can be consumed by people.
<b>Alcohol management plan</b>	is a plan of measures and actions designed to manage the sale and supply of alcohol to achieve the objectives of the Sale and Supply of Alcohol Act 2012.
<b>Alcohol related harm</b>	<ul style="list-style-type: none"> <li>a) the harm caused by the excessive or inappropriate consumption of alcohol; and includes:               <ul style="list-style-type: none"> <li>i) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and</li> <li>ii) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in subparagraph (i).</li> </ul> </li> </ul>
<b>Amenity and good order</b>	of the locality, in relation to a licensing application, means the extent to which, and ways in which, the locality in which the premises concerned are situated (or, in the case of a conveyance, the localities where the conveyance is likely to travel) are pleasant and agreeable.
<b>Authorised customer</b>	in relation to premises a club license is held for, means a person who: <ul style="list-style-type: none"> <li>a) is a member of the club concerned; or</li> <li>b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or</li> <li>c) is an authorised visitor.</li> </ul>
<b>Authorised visitor</b>	in relation to premises a club license is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.
<b>Bar</b>	in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol
<b>Bottle store</b>	means retail premises where at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else.

<b>Business zone or commercial zone</b>	means land zoned as type of business or commercial zoning in the relevant district plan at the time when the relevant Off Licence application is determined. For the avoidance of doubt, the term includes land zoned for business activities (in contrast to industrial or residential activities) in any subsequent district plan, irrespective of the specific name of the zone.
<b>Club</b>	means a body that: <ul style="list-style-type: none"> <li>a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or</li> <li>b) is a body corporate whose object is not (or none of whose objects is) gain; or</li> <li>c) holds permanent club charter.</li> </ul>
<b>Discretionary condition</b>	The licensing authority or licensing committee concerned may issue a license subject to particular conditions if: <ul style="list-style-type: none"> <li>a) there is any relevant local alcohol policy and</li> <li>b) in its opinion, the issuing of the license or the consequences of the issuing of the license, without those conditions would be inconsistent with the policy.</li> </ul> <p>The holder of a license must comply with every condition subject to which it has been issued or renewed.</p>
<b>District</b>	in relation to a territorial authority, has the meaning given by section 5(1) of the Local Government Act 2002.
<b>Early childhood education</b>	a centre licensed under the Education (Early Childhood Centres) Regulations 1998 and meets Section 310 of the Education Act 1989.
<b>Food product</b>	does not include: <ul style="list-style-type: none"> <li>a) alcohol, confectionery, ready-to-eat prepared food, or snack food; or</li> <li>b) a drink (other than milk) sold in a container with a capacity of 1 litre or less; but</li> <li>c) includes delicatessen items that are not ready-to-eat prepared food or snack food.</li> </ul>
<b>Grocery store</b>	means a shop that: <ul style="list-style-type: none"> <li>a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and</li> </ul> <p>comprises premises where:</p> <ul style="list-style-type: none"> <li>a) a range of food products and other household items is sold; but</li> <li>b) the principal business carried on is or will be the sale of food products.</li> </ul>
<b>Inspector</b>	means an inspector appointed under section 197(1); and <ul style="list-style-type: none"> <li>a) in relation to premises that are not a conveyance, means an inspector appointed by the chief executive of the territorial authority in whose district the premises are situated; and</li> <li>b) in relation to a conveyance, means an inspector appointed by the chief executive of the territorial authority in whose district the principal place of business in New Zealand of the applicant or licensee (as the case may be) is situated.</li> </ul>
<b>Large event</b>	means an event that the territorial authority believes on reasonable grounds will have patronage of more than 400 people.
<b>Local alcohol policy</b>	<ul style="list-style-type: none"> <li>a) means a policy, in force under section 90, relating to the sale, supply, or consumption of alcohol (or to 2 or all of those matters) within the district of a territorial authority or the districts of 2 or more territorial authorities; and</li> <li>b) in relation to a territorial authority, means a policy, in force under section 90, relating to the sale, supply, or consumption of alcohol (or to 2 or all of those matters) within its district or the districts of 2 or more territorial authorities that include it.</li> </ul>
<b>Medium event</b>	means an event that the territorial authority believes on reasonable grounds will have patronage of between 100 and 400 people.
<b>Off Licence</b>	is a licence for premises where the licensee can sell alcohol for consumption somewhere else.
<b>On Licence</b>	is a license for premises where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol. This includes 'Bring Your Own' restaurants and caterers.

<b>One-way door restriction</b>	in relation to a licence, is a requirement that, during the hours stated in the restriction: a) no person is to be admitted (or re-admitted) into the premises unless he or she is an exempt person; and b) no person who has been admitted (or re-admitted) into the premises while the restriction applies to the licence is to be sold or supplied with alcohol.
<b>Primary school</b>	schools offering education to children from Year 1 up to Year 8 or a variation of the years.
<b>Ready to Drink Product (RTD)</b>	is a pre-packaged, pre-measured, and pre-mixed alcoholic beverage combining a spirit, wine, malt or fruit base with a carbonated soft drink or juice.
<b>Restaurant</b>	means premises that: a) are not a conveyance; and b) are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises.
<b>Secondary school</b>	schools offering education for students from Year 9 up to Year 15, and sometimes Year 7 and 8 as well.
<b>Small event</b>	means an event that the territorial authority believes on reasonable grounds will have patronage of fewer than 100 people.
<b>Supermarket</b>	means premises with a floor area of at least 1,000 m <sup>2</sup> including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables and delicatessen items.
<b>Tavern</b>	a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but b) does not include an airport bar.

### 3. Licence Conditions

The following conditions will be applicable to licensed premises in all three districts unless otherwise stated.

#### 3.1. On Licence

The premises where an On Licence (other than an On Licence Endorsed under section 37 of the Act) is held, the licensee:

- (a) can sell and supply alcohol for consumption there; and
- (b) can let people consume alcohol.

Policies related to On Licenses also apply to:

- Bring Your Own (BYO) restaurants (endorsed under section 37 of the Act)
- Caterers (endorsed under section 38 of the Act).

#### Hours of Operation

The hours of operation for On Licenses apply to premises in the Mackenzie, Waimate and Timaru Districts after consideration of the reports from the Licensing Inspectors, Police and Medical Officer of Health.

Note: An application for an On Licence must comply with the Resource Management Act 1991 and Building Act 2004 before it is lodged.

Operation of On Licence Premises	
Function centres, restaurants and cafes	Taverns, hotels, bars and nightclubs
Monday to Sunday: 7.00am to 1.00am the following day	Monday to Sunday: 7.00am to 3.00am the following day

In the case of hotels, alcohol may be sold or supplied at anytime to any guest residing on the premises.

### Discretionary Conditions

Discretionary Conditions for On Licence Premises may include:	
Function centres, restaurants and cafes	Taverns, hotels, bars and nightclubs
<ul style="list-style-type: none"> <li>Restriction on the consumption of alcohol in outdoor areas after midnight (0000 hours)</li> </ul>	<ul style="list-style-type: none"> <li>Dedicated door security staff must be provided on Thursday, Friday, Saturday nights and for any event occurring at any tavern, hotel, bar and nightclub with 100 or more people attending.</li> <li>Restriction on the consumption of alcohol in outdoor areas after midnight (0000 hours)</li> <li>No new licensed premise to be within 100 meters of any Early Childhood Centre, Primary school or Secondary school</li> <li>No shots or double spirit mixes should be sold from 30 minutes prior to closing.</li> </ul>

### Location of On Licence Premises

From the date this LAP comes into force, no further On Licenses are to be issued for any premises unless that premises is located on the applicable zoned land described in the District Plan or a Resource Consent has been granted by Council for its operation.

### 3.2. Off Licenses

The premises where an Off Licence is held, the licensee can sell alcohol for consumption off the premises. While these premises are open the licensee can supply alcohol free for consumption on the premises as a sample up to 40ml. This excludes samples of undiluted spirits which are to be supplied as a sample of up to 25ml.

The holder of an Off Licence may sell alcohol on or from the premises for it to be delivered elsewhere endorsed under section 40 of the Act.

### Hours of Operation

The hours of operation for Off Licenses apply to premises in the Mackenzie, Timaru and Waimate Districts after consideration of the reports from the Licensing Inspectors, Police and Medical Officer of Health.

Note: An application for an Off Licence must comply with the Resource Management Act 1991 and Building Act 2004 before it is lodged.

Operation of Off Licence Premises	
Stand-alone premises, grocery stores, hotel style, supermarkets and bottle stores	Hotel in-bedroom (mini bar) sales
Monday to Sunday: 7.00am to 9.00pm	Monday to Sunday: 24 hours per day

## Discretionary Conditions

### Discretionary Conditions for Off Licence Premises may include:

#### Stand-alone premises, grocery stores, hotel style, supermarkets and bottle stores

The main façade of the premises, being the principal front of a building that faces onto a street or open space of any new licensed premise must not be within 100 meters of any Early Childhood Centre, Primary school or Secondary school, except that this policy shall not apply to premises that are located:

- In a business zone of the Waimate District Plan;
- In a business zone of the Mackenzie District Plan;
- In a commercial zone of the Timaru District Plan.

Supervised designation for bottle stores (excluding supermarkets and grocery stores) to ensure unaccompanied minors do not enter bottle store premises.

## Location of Off Licence Premises

From the date this LAP comes into force, applications for new Off Licenses for any premises will only be granted if that premise is located on the applicable zoned land described in the District Plan or once a Resource Consent has been granted by Council for its operation.

### 3.3. Club Licenses

On premises for which a club license is held, the licensee can sell and supply alcohol to authorised customers (within the meaning of section 60(3)), for consumption there.

A significant number of clubs are in or adjacent to residential areas. The sale of liquor must be ancillary to the Club's activities, and the licensed hours must reflect the hours of the operation of the principle club activity.

## Hours of Operation

### Operation of Club Licence Premises

Monday to Sunday: 9.00am to 1.00am the following day

### 3.4. Special Licenses

## Hours of Operation

Restrictions on hours will be imposed if the District Licensing Committee considers it appropriate in respect of any environmental or other considerations which may require constraints on the hours of operation. Such issues may be raised by the Licensing Inspector, Police, Medical Officer of Health or other relevant affected parties.

Special licenses can cover an event or series of related events to a maximum of 20 events per premise per year (1 July to 30 June). A maximum of 15 events will be issued per 6 month period.



## Discretionary Conditions

### Discretionary Conditions for Special Licence may include:

- Sale of Ready to Drink (RTD) alcoholic beverages to be under 5% alcohol
- Provide an Alcohol Management Plan.
- No alcohol is to be sold in glass containers for events exceeding 100 people
- License area to be clearly defined where liquor is to be consumed e.g. Beer tent.
- Wine not to be sold by the bottle.
- Maximum number of alcoholic drinks per purchase may be specified.

## Licensed Hours

No Special Licence will be granted to extend later than 2.00am.

## 4. One Way Door

All premises licensed to open to 3.00am shall apply a one way door restriction at 2.00am on Friday, Saturday and Sunday morning and for any event exceeding 100 people occurring at the premises.

## 5. Policy Statement

### 5.1. Application and Scope

This policy applies to any licensing application made to a District Licensing Committee in the Mackenzie, Timaru and Waimate Districts.

### Transitional Provisions

The provisions of this policy come into effect after the Provisional policy is adopted as the final policy (Council determination usually 30 days).

### Exemptions

Any application for a new license or license renewal for any premises which had a current license at the date this policy came into effect is exempt from the provisions of this policy relating to the location of licensed premises. The exemption remains in force for as long as the premises remains continuously licensed and will cease to exist when the current license or any subsequent license for the premises is surrendered or not renewed.

### Relationship to the Act

This policy does not include all the provisions that may apply to license applications and should therefore be read in conjunction with the Act, which contains a number of additional provisions.

## 6. Policy Review

The three territorial authorities will monitor the policy to ensure it is operating to full effect.

An evaluation will be conducted 18 months after the policy comes into effect. If this evaluation results in an assessment that changes may be needed, the policy will be reviewed.

This policy was evaluated in July 2017 and did not indicate the need for any changes. A review will be initiated prior to 24 March 2022 (no later than 6 years after it came into force).

## **7. Adopted By and Date**

The final policy was adopted following approval from the Alcohol Regulatory and Licensing Authority (ARLA) on 21 December 2015. The policy was implemented from 24 March 2016.



30 September 2021

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Dear Mark

### Local Alcohol Policy review

- 1 We refer to your email dated 21 September 2021 where you have asked us to advise Timaru District Council (**Council**) on the following questions in relation to the Joint Council Local Alcohol Policy (**LAP**)<sup>1</sup> review:
  - (a) Would Council work to the initial date where the LAP came into force (being 24 March 2016), or the later date when the full LAP was in force (being 7 June 2016);
  - (b) Does the LAP lapse once a new LAP is in place or is there some provision to retain the LAP until full consultation on the new draft LAP has been completed? What effect does this have on the ability of the District Licensing Committee to make decisions; and
  - (c) What is Council's legal position if stakeholder feedback is unable to be obtained to meet the current legislative timeframes? Is there COVID-19 legislation that enables a degree of leeway?
- 2 This advice relies on the background information provided in your email of instruction dated 21 September 2021.

### Advice

- 3 In our opinion, Council could work to both the date where the majority of the LAP came into force and the date that the parts of the LAP which set new maximum trading hours for licensed premises, or have a one-way door restriction, came into force (i.e. treat these two parts separately). We consider that it would be best for Council to work to the date that Council determined by resolution that the LAP would come into effect, which we understand is 24 March 2016. By working to this date for the review of the entire LAP (rather than treating the LAP with a separate date of legal effect for the parts which set new maximum trading hours for licensed premises, or have a one-way door restriction) this would be more practicable in reviewing the LAP and would avoid any risk for Council. We also recommend Council revisit its records to confirm that this is the date that Council resolved that the LAP would have legal effect.
- 4 In regards to the second question, we consider that the LAP does not lapse until a new LAP is in place as there are no provisions under the Sale and Supply of Alcohol Act 2012 (**SSAA**) which provide for the lapse, or automatic revocation, of a LAP. However, we consider that Council has a

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<sup>1</sup> Joint Local Alcohol Policy, Mackenzie, Timaru and Waimate District Councils

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positive obligation to review the LAP by using the special consultative procedure in the Local Government Act 2002 (**LGA**), by the statutory timeframe (being no later than 6 years after the date that the LAP came into force). In our assessment, Council is required to consult with the Police, Inspectors and Medical Officers of Health, prepare a draft LAP and then notify this through the special consultative procedure as a statement of proposal, and (if necessary) a summary of the information contained in the statement of proposal prior to the review date (i.e. 24 March 2022). Council must also ensure that the relevant information is made publicly available.

- 5 In regards to your question about consultation with the Medical Officer of Health, we recommend that when Council seeks an initial discussion and advice, a reasonable timeframe to respond is provided, and if Council does not receive a response within this timeframe then it is able to continue with the review process to meet its statutory obligations.
- 6 There is no COVID-19 legislation that would enable Council to extend the date at which the LAP must be reviewed under the SSAA or the special consultative procedure under the LGA.

### Reasoning

#### *When a LAP is in force*

- 7 Section 90 of the SSAA provides for when a LAP is in force. This section is set out in full at **Appendix 1** to this letter for your reference.
- 8 In particular, section 90(1) provides that once the provisional LAP has been adopted in terms of section 87 of the SSAA, then Council is required to give public notice of its adoption and "*may then bring it into force on a day stated by resolution*"<sup>2</sup>.
- 9 If a LAP contains an element having the effect of stating maximum trading hours for licensed premises (or licensed premises of any kind) that are different to those applying previously, or an element has the effect of stating a new one-way door restriction, then section 90(2) and (6) of the SSAA provide that these elements cannot come into force for at least three months after the public notice of the adoption of the LAP. We understand that this is to give licensees time to make staffing changes necessary to comply with the LAP. The parts of the LAP which do not contain these elements have legal effect on the day stated by Council resolution<sup>3</sup>.
- 10 Using a strict application of section 90 of the SSAA, there are two dates that Council could work to with the legal effect of the LAP, which can be broken down to:
  - (a) 7 June 2016: for only the parts of the LAP which set new maximum trading hours for licensed premises, or have a one-way door restriction; and
  - (b) 24 March 2016: for all other parts of the LAP.
- 11 We consider that this is not a practicable application of the SSAA and, in our opinion, Council should work to the date that Council determined by resolution that the LAP would come into effect, which we understand is 24 March 2016. By working to this date for the review of the entire

<sup>2</sup> Sale and Supply of Alcohol Act 2012, section 90(1)

<sup>3</sup> Sale and Supply of Alcohol Act 2012, section 90(2)(b)

LAP this would avoid any procedural risk for Council. We also recommend Council revisit its records to confirm that this is the date that Council resolved that the LAP would have legal effect.

#### *Lapse of the LAP and timeframes*

- 12 The SSAA provides that Council is required to review its LAP, using the special consultative procedure in the LGA, no later than 6 years after it came into force<sup>4</sup>. This section is set out at **Appendix 2** to this letter for your reference. There are no provisions under the SSAA that explicitly state that if the LAP is not reviewed within this timeframe then it is revoked or lapses. However, in our assessment, Council has a positive obligation to review and consult on the new LAP within the 6 year statutory timeframe.
- 13 This review process starts with Council consulting with the Police, Inspectors and Medical Officers of Health<sup>5</sup>. Council is then able to draft its LAP and a provisional LAP is then produced through the special consultative procedure.
- 14 Section 83 of the LGA provides that the special consultation procedure commences by Council preparing and adopting a statement of proposal, and (if necessary) a summary of the information contained in the statement of proposal. Council must also ensure that the relevant information is made publicly available. Section 83 is set out in full at **Appendix 3** to this letter. The statement of proposal in this case is a draft LAP. In our assessment, it is valid for Council to have notified a draft LAP within the 6 year statutory timeframe as part of a special consultative procedure. Section 97 of the LGA requires a "review", but not adoption, of the LAP, which we conclude reasonably enables notification of a draft LAP (and not completion of the process and adoption of a new LAP). We assess this interpretation is reasonable, and valid, with a low level of procedural risk. We note that to avoid any risk the new LAP could be adopted by this 6 year date (if achievable).
- 15 There are no provisions under the SSAA which provide for the automatic revocation of a LAP. Council does have a discretion under section 96 of the SSAA to revoke the LAP. Therefore, once the review has been completed, Council will need to notify whether it is to revoke the current LAP and either not replace it or replace it with the new LAP.

#### *COVID-19 legislation*

- 16 Last year the COVID-19 Response (Further Management Measures) Legislation Act 2020 was enacted which inserted section 83B to the LGA. This provision provided for modifications to the special consultative procedure under section 83 of the LGA, however has since been repealed. The current lockdown has been ordered under the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) 2021. No other new orders in council or formal directions have yet been issued that relate to local government operations since this order came into force at 11.59 pm on 17 August 2021. Therefore, there is no COVID-19 legislation that would enable Council to extend the date at which the LAP must be reviewed under the SSAA or the special consultative procedure under the LGA.

<sup>4</sup> Sale and Supply of Alcohol Act 2012, section 97

<sup>5</sup> Sale and Supply of Alcohol Act 2012, section 78(4)

17 Please do not hesitate to contact us if you have any questions.

Yours faithfully  
**Anderson Lloyd**



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**Appendix 1: Section 90 of the Sale and Supply of Alcohol Act 2012****90 When local alcohol policy is in force**

- (1) Once a provisional local alcohol policy has been adopted and ceased to be provisional, the territorial authority concerned—
  - (a) must give public notice of its adoption; and
  - (b) may then bring it into force on a day stated by resolution.
- (2) If subsection (6) applies to a local alcohol policy (or an amendment of a local alcohol policy),—
  - (a) the element or elements (or modification or modifications) by virtue of which that subsection applies must not be brought into effect under subsection (1)(b) on a day earlier than the day 3 months after the day on which public notice of its adoption was given; but
  - (b) the rest of the policy or amendment may be brought into effect under subsection (1)(b) on any day stated by resolution.
- (3) Subsection (2) overrides subsection (1).
- (4) Regulations prescribing the manner in which public notice of the adoption of a local alcohol policy must be given may require publication of the whole of a local alcohol policy adopted (or, in the case of an amendment of a local alcohol policy, the whole of the policy as amended).
- (5) Promptly after adopting a local alcohol policy or an amendment of a local alcohol policy to which subsection (6) applies, the territorial authority must take all reasonably practicable steps to give licensees affected by an element by virtue of which the subsection applies written notice of the adoption of the policy or amendment, and a brief written description of the effect of the element.
- (6) This subsection—
  - (a) applies to a local alcohol policy if—
    - (i) it contains an element having the effect of stating maximum trading hours for licensed premises, or licensed premises of any kind, that differ from those applying previously; or
    - (ii) it contains an element having the effect of stating a new one-way door restriction for licensed premises, or licensed premises of any kind; and
  - (b) applies to an amendment of a local alcohol policy if—
    - (i) it modifies (in such a way as to change the maximum trading hours stated for licensed premises, or licensed premises of any kind) an element having the effect of stating maximum trading hours for licensed premises; or
    - (ii) it modifies (in such a way as to change the one-way door restriction stated for licensed premises, or licensed premises of any kind) an element having the effect of stating a one-way door restriction for licensed premises.

**Appendix 2: Section 97 of the Sale and Supply of Alcohol Act 2012****97 Local alcohol policies to be reviewed every 6 years**

A territorial authority that has a local alcohol policy must review it, using the special consultative procedure,—

- (a) no later than 6 years after it came into force; and
- (b) no later than 6 years after the most recent review of it was completed.

**Appendix 3: Section 83 of the Local Government Act 2002****83 Special consultative procedure**

- (1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—
- (a) prepare and adopt—
    - (i) a statement of proposal; and
    - (ii) if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal (which summary must comply with section 83AA); and
  - (b) ensure that the following is publicly available:
    - (i) the statement of proposal; and
    - (ii) a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with section 82(1)(d); and
    - (iii) a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and
  - (c) make the summary of the information contained in the statement of proposal prepared in accordance with paragraph (a)(ii) (or the statement of proposal, if a summary is not prepared) as widely available as is reasonably practicable as a basis for consultation; and
  - (d) provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, or any representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and
  - (e) ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)—
    - (i) is given a reasonable opportunity to do so; and
    - (ii) is informed about how and when he or she may take up that opportunity.
- (2) For the purpose of, but without limiting, subsection (1)(d), a local authority may allow any person to present his or her views to the local authority by way of audio link or audiovisual link.
- (3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any views on the proposal, or both.

### 5.3 RESOURCE CONSENTS UPDATE

**Author:** Aaron Hakkaart, Manager - Planning

**Authoriser:** David Adamson, General Manager Operations - Acting

**Attachments:** Nil

#### STAFF RECOMMENDATIONS

That the information on Resource Consents update be noted.

#### BACKGROUND

The purpose of this report is to update the Planning and Regulations Committee on current activities relating to the Planning Team.

#### RESOURCE CONSENTS

##### August 2021

- 11 Resource Consents were received.
- 12 Resource Consents were processed to completion.
- 100% were processed within statutory timeframes.
- The average processing time was 14 days.

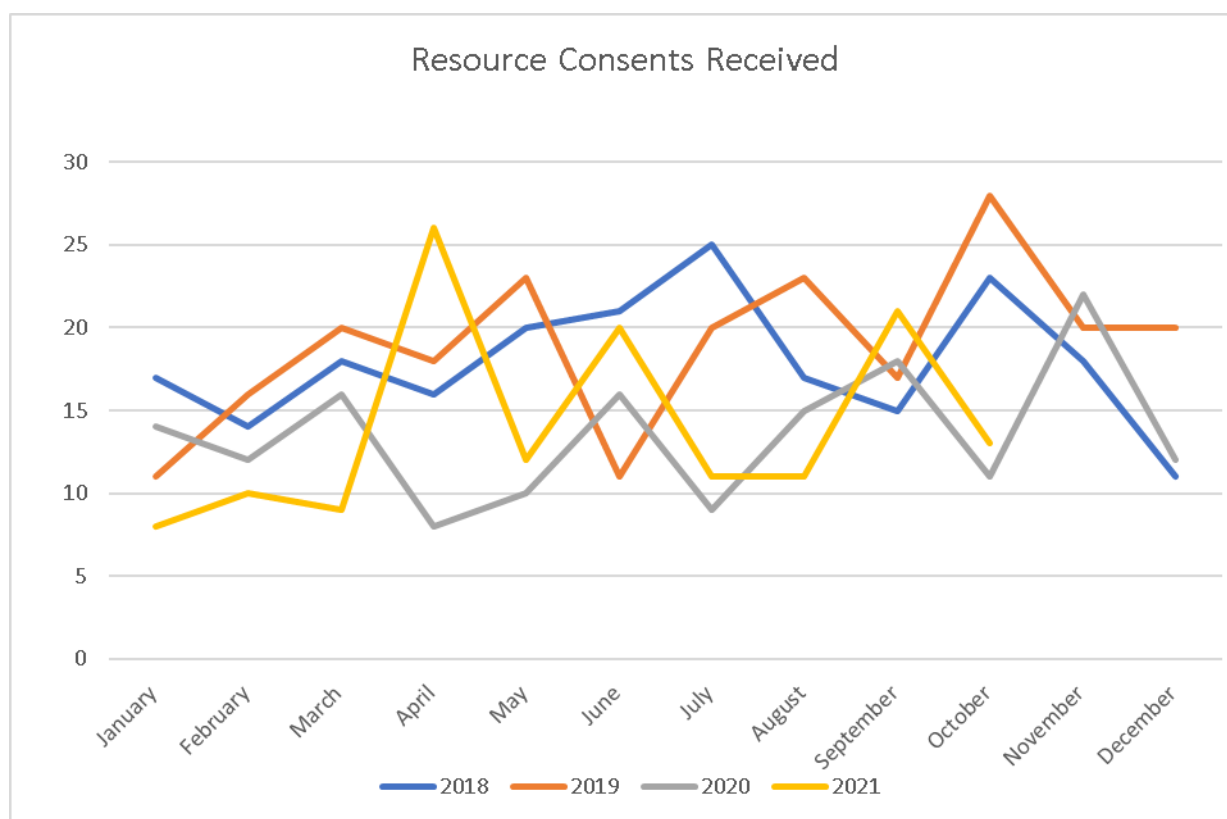
##### September 2021

- 21 Resource Consents were received.
- 10 Resource Consents were processed to completion.
- 100% were processed within statutory timeframes.
- The average processing time was 12 days.

##### October 2021

- 13 Resource Consents were received.
- 13 Resource Consents were processed to completion.
- 100% were processed within statutory timeframes.
- The average processing time was 15 days.

	2018	2019	2020	2021
Total Consent Numbers/ October	184	189	129	141



## CONCLUSION

Resource Consent numbers continue to be variable, with very little consistency between those received each month. Numbers continue to be down when compared to the years prior to COVID-19. Staff continue to be able to process most consents in-house, with statutory timeframes consistently being met.



## **5.4 DISTRICT PLAN REVIEW UPDATE**

**Author:** Aaron Hakkaart, Manager - Planning  
**Authoriser:** David Adamson, General Manager Operations - Acting  
**Attachments:** Nil

### **STAFF RECOMMENDATIONS**

That the information on the District Plan Review be noted.

### **BACKGROUND**

The Mackenzie District Plan (District Plan) is in parts 17 years old and needs to be reviewed. Any review needs to focus on updating the District Plan to bring it into line with the effects of growth, National Planning Standards, give effect to the newly created Mackenzie Spatial Plans and have regard to Te Manahuna ki uta, and all other relevant Council strategies and policies.

### **CURRENT STATUS**

The District Plan Review is a key strategic process for Mackenzie District Council as it is a guiding document for Council and the entire community. The resourcing required to complete successful District Plan Review within a reasonable timeframe is extensive. A shortage of Planners nationally is having an impact on Council's ability to internally resource this key project, meaning the work program must be reconsidered.

Additionally, the District Plan Review will be carried out against a backdrop of legislative reform and uncertainty for Local Government. A reform of the Resource Management Act 1991 (the RMA) has commenced with three new pieces of legislation proposed to be in place in late 2022 to replace the RMA. Whilst the implementation of new legislation will take time, it means that consideration needs to be given to the highest priority areas of the District Plan to ensure resources and funds are being well utilised to put Mackenzie District Council in the strongest position moving forward.

With Council also being involved in additional legislative reform processes, alongside business-as-usual functions, the ability to resource and manage a full District Plan Review has been compromised. Accordingly, staff are carrying out a process in which the key objectives of the District Plan Review are identified and a work program that reflects the constraints of Council is produced to align with the needs of the community. This will identify key Plan Changes that need to occur, whilst also prioritising these to reflect the reform process, and other legislative changes that are currently occurring. A

This review process is to occur during December – February and will involve staff, elected members and other key partners. The outcome will be a fit for purpose work program to be adopted by Council in February/ March 2022 allowing the District Plan Review work to commence with agreed outcomes and timeframes, providing the best possible outcome for Council and the community. It

is noted that any program will need to be agile and can quickly pivot and react to any unforeseen changes that may arise.

**CONCLUSION**

Staff are working hard to engage the right expertise to progress the District Plan review firstly to a workshop on the 7<sup>th</sup> of December 2021 and then into follow up workshops early in the new year. Staff believe there are real benefits in continuing with the momentum the project has already gained. This may however mean that procurement approval may need to be gained retrospectively due to the timing of Council meetings but this will be covered in separate correspondence if required.

**5.5 DOG CONTROL ACT 1996 SECTION 10A POLICY AND PRACTICES 2020-2021**

**Author:** Mark Offen, Compliance

**Authoriser:** David Adamson, General Manager Operations - Acting

**Attachments:** 1. Dog Control Act 1996 Section 10A Policy and Practices 2020-2021 [↓](#) 

**Council Role:**

- ☐ **Advocacy** When Council or Committee advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ **Executive** The substantial direction setting and oversight role of the Council or Committee e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ **Legislative** Includes adopting District Plans and plan changes, bylaws and policies.
- ☐ **Review** When Council or Committee reviews decisions made by officers.
- ☐ **Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice, e.g. resource consent or planning applications or objections, consents or other permits/licences (e.g. under Health Act, Dog Control Act) and other decisions that may be appealable to the Court including the Environment Court.
- ☐ **Not applicable** (Not applicable to Community Boards).

**PURPOSE OF REPORT**

**STAFF RECOMMENDATIONS**

1. That the report be received.
2. The report on the Dog Control Act 1996 Section 10A Policy and Practises 2020-21 be adopted and approve for submitting to the Department of Internal Affairs.

**BACKGROUND**

Annual dog return as per Section 10A Dog Control Act 1996

**Other**

2019-2020 figures for comparison.

- The number of registered dogs in the district as at 30 June 2020 was 1836.
- The number of probationary owners in the district was 0.
- The number of disqualified owners in the district was 0.
- The number of dogs in the district classified as menacing was 0.
- The number of dogs in the district classified as dangerous was 2.
- The number of infringement notices issued by the Council was 0.
- The number of prosecutions taken by Council was 0.
- The number of dog-related complaints received by the Council during the year was 14.

The nature of the 2019/20 complaints were as follows:

1.	Animal welfare	0
2.	Barking dogs	3
3.	Wandering dogs	4
4.	Microchip	0
5.	Rushing/attacking	1
6.	Stock and dog attacks	1
7.	People attacks	2
8.	Lost Dog	3

Work has started on improving our recording of Microchipped dogs in the Mackenzie District and obtaining consistency of dog classifications i.e. rural, working, urban etc.

**CONCLUSION**

A busy year for Dog Control. Processes and procedures continued to be updated to ensure Mackenzie District Council is current with best practice and compliant with legislation.



## MACKENZIE DISTRICT COUNCIL

### REPORT ON DOG CONTROL POLICY AND PRACTICES 2020/2021 FINANCIAL YEAR

Pursuant to section 10A of the Dog Control Act 1996 the Mackenzie District Council has prepared a report on its dog control policy and dog control practices for the year ending 30 June 2021.

- The number of registered dogs in the district as at 30 June 2020 was 1502.
- The number of probationary owners in the district is 0.
- The number of disqualified owners in the district is 0.
- The number of dogs in the district classified as menacing is 0.
- The number of dogs in the district classified as dangerous is 1.
- The number of infringement notices issued by the Council was 1.
- The number of prosecutions taken by Council is 0.
- The number of dog-related complaints received by the Council during the year was 59.

The nature of those complaints are as follows:

1. Animal welfare	2
2. Barking dogs	7
3. Wandering dogs	29
4. Microchip	0
5. Rushing/attacking	4
6. Stock and dog attacks	3
7. People attacks	2
8. Lost Dog	12

**6 PUBLIC EXCLUDED****RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>6.1 - Planning and Regulatory Update</b>	s6(a) - the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial  s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>6.2 - Insanitary Property in Twizel</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>6.3 - Minutes of Public Excluded Planning and Regulations Committee Meeting - 20 April 2021</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons  s7(2)(c)(i) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	information, or information from the same source, and it is in the public interest that such information should continue to be supplied	
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