

MEETING OF THE
Clutha District Council

Thursday 12 May 2022

Commencing at 1.30pm

At the Council Chambers

1 Rosebank Terrace

BALCLUTHA

CLUTHA DISTRICT COUNCIL

Notice is hereby given that a Meeting of the Clutha District Council will be held in the Council Chambers, 1 Rosebank Terrace Balclutha on Thursday 12 May 2022, commencing at 1.30pm.

Steve Hill
CHIEF EXECUTIVE OFFICER

Committee Members

Mayor: Bryan Cadogan

Councillor Dane Catherwood
Councillor Stewart Cowie
Councillor Wayne Felts
Councillor Gaynor Finch
Councillor Mel Foster
Councillor Bruce Graham
Councillor John Herbert

Councillor Lloyd McCall
Councillor Alison Ludemann
Councillor Ken Payne
Councillor Carol Sutherland
Councillor Jo-anne Thomson
Councillor Bruce Vollweiler
Councillor Selwyn Wilkinson

CLUTHA DISTRICT COUNCIL

Thursday 12 May 2022

APOLOGIES

DECLARATIONS OF INTEREST

PUBLIC FORUM

DEPUTATIONS

Item	Page #	Title
1	5	Otago CDEM Partnership Agreement <i>(For Council's Decision)</i> Report seeking Council's a decision on the Otago CDEM Partnership agreement.
2	30	Proposed Vehicles on Beaches Bylaw <i>(For Council's Decision)</i> Report seeking Council's decision on undertaking public consultation on a proposed vehicles on Beaches Bylaw.
3	91	Tree Removal Update – Naish Park & Victoria Park <i>(For Council's Decision)</i> Report seeking Council's decision on the removal of trees from Naish and Victoria Parks.
4	104	Review of Regulatory Bylaw <i>(For Council's Decision)</i> Report seeking Council's decision on the review of the Regulatory Bylaw.
5	213	Final Road Stopping – Stirling Bowling Club Road <i>(For Council's Decision)</i> Report seeking Council's decision on the final Road Stopping at Stirling Bowling Club Road
6	217	Confirmation of Council Minutes <i>(For Council's Confirmation)</i> Minutes of the Council Meetings held on the 30 March 2022.
7	227	Confirmation of Committee of The Whole Minutes <i>(For Council's Confirmation)</i> Minutes of the Committee of The Whole Meeting held on the 28 April 2022

8	229	Service Delivery Committee Minutes <i>(For Council's Confirmation)</i> Minutes of the Service Delivery Committee meeting held 28 April 2022
9	235	Regulatory and Policy Committee Minutes <i>(For Council's Confirmation)</i> Minutes of the Regulatory and Policy Committee meeting held 28 April 2022
10	240	Corporate and Property Minutes <i>(For Council's Confirmation)</i> Minutes of the Corporate and Property meeting held 28 April 2022
11	245	West Otago Community Board Minutes <i>(For Council's Information)</i> Unconfirmed minutes of the West Otago Community Board meeting held 13 April 2022.
12	251	Lawrence Tuapeka Community Board Minutes <i>(For Council's Information)</i> Unconfirmed minutes of the Lawrence Community Board meeting held 13 April 2022.
13	258	Risk and Assurance Committee Minutes <i>(For Council's confirmation)</i> Unconfirmed minutes of the Risk and Assurance Committee meeting held 17 March 2022
14	263	Youth Council <i>(For Council's confirmation)</i> Unconfirmed minutes of the Youth Council Meeting held 4 April 2022
15	269	Mayoral Report <i>(For Council's Information)</i>
16	271	Chief Executives Report <i>(For Council's Information)</i>
17	276	Documents for Consent and Seal <i>(For Council's Confirmation)</i>
18	278	Reasons to move into Public Excluded <i>(For Council's Decision)</i>

Clutha District Council

Item for DECISION

Report	Otago CDEM Partnership Agreement
Meeting Date	12 May 2022
Item Number	1
Prepared By	Jo Jack – Personal Assistant to the Chief Executive
File Reference	730785

REPORT SUMMARY

The purpose of the report is to seek Clutha District Council approval of a written agreement describing the partnership arrangement between Otago Regional Council (ORC) and the five territorial authorities of Otago for the delivery of Civil Defence and Emergency Management (CDEM) responsibilities within the Otago CDEM Group area.

Matt Alley – Manager/Group Controller, Emergency Management Otago will be in attendance to present the agreement.

The report and agreement are attached to this agenda item.

RECOMMENDATIONS

1. That Council receives the 'Otago CDEM Partnership Agreement' report.
2. That Council endorses the proposed Otago Civil Defence and Emergency Management Partnership Agreement.
3. That Council notes that the proposed agreement has been endorsed by the Otago Civil Defence and Emergency Management Coordinating Executive Group.
4. That Council ratifies this arrangement by empowering Mayor Bryan Cadogan to sign the document on behalf of the Clutha District Council.



Otago CDEM Partnership Agreement

Clutha District Council

PURPOSE

To seek Clutha District Council approval of a written agreement describing the partnership arrangement between Otago Regional Council (ORC) and the five territorial authorities of Otago for the delivery of Civil Defence and Emergency Management (CDEM) responsibilities within the Otago CDEM Group area.

EXECUTIVE SUMMARY

Although Emergency Management Otago as an entity has existed since 2016, the roles and responsibilities of all parties involved, particularly the Regional Council in its role as administering authority have not been clearly established.

This document seeks to give clarity to area's including but not limited to:

- Governance and Management
- Equipment
- Facilities
- Financial Management
- Hazard and Risk Management
- Lifeline Utilities

Clarity around these areas benefits all parties in understanding their individual and collective responsibilities across the '4R's' in Otago

There is no legislative requirement to have a written agreement however an agreement is good practice and reduces risk for all parties by ensuring responsibilities are clear.

To date to partnership agreement has been socialised with affected business units within the Regional Council.

The National Emergency Management Agency has reviewed the document and has endorsed it as consistent with CDEM Act 2002.

The agreement was supplied to Council representatives in November 2021. This group met again in March 2022 to provide feedback on the agreement prior to review by Chief Executives.

The Coordinating Executive Group met on the 18th of March 2022 and endorsed this agreement recommending that it be forwarded to Joint Committee (Mayors) for ratification.

The Joint Committee met on the 31st of March 2022 and recommended that this agreement be socialised amongst all Otago councils. Members of the Joint Committee wanted to ensure they had the mandate bestowed on them by their respective councils prior to signing.

RECOMMENDATION

That the Clutha District Council:

- 1) *Receives this report.*
- 2) *Endorses the proposed Otago Civil Defence and Emergency Management Partnership Agreement.*
- 3) *Notes that the proposed agreement has been endorsed by the Otago Civil Defence and Emergency Management Coordinating Executive Group.*
- 4) *Ratifies this arrangement by empowering Mayor Bryan Cadogan to sign the document on behalf of the Clutha District Council.*

BACKGROUND

Emergency Management Otago as it exists in its current form was created in 2016 following a review in 2015 by Cornwall Strategic. The purpose of this review was to assess CDEM arrangements and to investigate options for ensuring appropriate readiness and the delivery of an effective response in the Otago region.

To date the Otago CDEM scenario can best be described as collaborative arrangements developed by all the councils within the Otago region, to manage our responsibilities under the Civil Defence and Emergency Management Act 2002.

Although the formation of Emergency Management Otago was supported at the time by a resolution of the Joint Committee, this was not ratified with the signing of a formal agreement that outlined the roles and responsibilities of each party.

Throughout this time there has been some confusion on occasion as to the roles and responsibilities of parties; particularly around matters relating to funding and governance.

In 2019 the Coordinating Executive Group again sought an independent review of CDEM arrangements in Otago.

Bruce Roberston was engaged and submitted a formal review document in January 2020.

Three of the eight core findings directly spoke to problems arising out of a lack of clarity around roles and responsibilities.

The following excerpts were contained within his report:

The role of ORC as the administering authority needs to be better defined. It is either assuming, or expected to assume, a role that is more than supporting the work of the Joint Committee and the CEG. This is compounded by a lack of clarity about the

funding arrangements through the regionally collected CDEM targeted rate and how it is determined. The uncertainty around the role of the administering authority diverts focus from the primacy of Joint Committee and CEG working with the EMO to provide effective CDEM services.

Associated with defining the role of the administering authority, it would be beneficial to also define what ORC does to meet its own CDEM responsibilities. This would assist the relationship – professionally and administratively – between ORC and EMO and also between ORC and its fellow group partners.

A corollary to better definition of ORC's roles (as an administering authority and as a regional council) is also greater clarity on the individual territorial authorities' responsibilities, their activities and level of funding.

Bruce Robertson went on to recommend the following

The review recommends that C.E.G.:

Notes the current structural arrangements are fit for purpose; however, those arrangements would be enhanced by:

- *Developing a detailed description of roles of EMO, ORC as the administering authority, ORC as an authority in its right and in terms of its regional responsibilities and the constituent territorial authorities*

It is important to note that the lack of a formal agreement should not speak to the nature of arrangements here in Otago, as stated above current arrangements are fit for purpose.

Otago's arrangement is also supported by an August 2018 parliamentary report in response to a 2017 CDEM sector Technical Advisory Groups (TAG) review commissioned by Rt Hon Gerry Brownlie – CDEM Minister.

'Delivering better responses to natural disasters and other emergencies – Government response to the Technical Advisory Group's recommendations.

Require Groups to take a regional approach consistent with the intent of the CDEM Act (2.1).

We support a strengthened regional approach to emergency management while still providing flexibility for local delivery to suit local needs and characteristics.

We intend to amend the CDEM Act so that the CDEM Group and member local authorities have clear and separate responsibilities for emergency management. Groups (local authorities collectively) would continue to be responsible for planning and providing for emergency management. Groups would have an explicit function to coordinate emergency management activity across the region through the Group Plan, work programme, and shared emergency management service agreement. Local authority members would be required to give effect to the decisions of the Group, including to resource the decisions of the Group.

We intend to also provide more flexibility for Joint Committee Groups to agree which member local authority will act as the Group's statutory administering authority. The regional council remains as a default unless the Group agrees otherwise. This reinforces the current intent of the CDEM Act that the regional council does not have any greater governance role than any other member. We intend to also enable Group members, in an emergency when

an urgent decision is required, to attend a Group (Joint Committee) meeting by audio/visual link, rather than having to be physically present, in order to achieve a quorum. This has been an issue in the past for Group leadership in an emergency.

From this, we expect increased economies of scale, capability, capacity, and interoperability between regions to deliver better emergency management services across the 4Rs. There is still flexibility to tailor activities to suit local needs and characteristics. Emergency management personnel can be embedded in local authorities to take account of the needs of, and maintain connections with, local communities.

The document as it sits before you today is a representation of roles and responsibilities as they currently exist in Otago. It is not envisaged that any of the material contained in the document will add additional burden to parties in excess of activity that should have been occurring to date.



Figure 1, The Otago CDEM Group area

DISCUSSION

The 2016 reorganisation of CDEM arrangements in Otago has achieved its intent. However, clarity of roles and responsibilities that are prescribed in a manner to remove doubt from all parties is advantageous.

The National Emergency Management Agency (NEMA) are actively consulting on sector reform (TRIFECTA). This reform is in response to a National Technical Advisory Groups (TAG) review into CDEM arrangements in New Zealand.

The governments response to this review has been referenced earlier in this document confirming that the joint approach to CDEM activities in Otago is seen as an exemplar.

This agreement clearly defines roles and responsibilities as defined in Section 17 and 64 of the CDEM Act 2002.

OPTIONS

The Clutha District Council has two options:

Option 1 – Status Quo. Continue to deliver in absence of a formal agreement

Option 2 – Endorse the proposed agreement accepting the roles and responsibilities as documented.

Financial Considerations:

As defined in Schedule B of the Partnership Agreement, an integrated planning cycle that fits with the Regional Councils Annual and Long-Term planning calendars.

Significance and Engagement

This is formalising a current arrangement, no further engagement other than the consultation completed to date is required.

Legislative and Risk Considerations

The relevant legislation allows the arrangement. There is no legislative requirement to have a written agreement however an agreement is good practice and reduces risk for all parties by ensuring responsibilities etc are clear.

Communications Considerations

The proposed agreement helps ensure distinction between ORC and EMO is clear in its role as the administering authority, as well as matters funded locally vs the targeted rate.

NEXT STEPS

That Joint Committee ratify the partnership agreement by having all Mayors sign it as representatives of the Otago Emergency Management Group

ATTACHMENT

Otago CDEM Partnership Agreement



**Emergency
Management Otago**
Te Rākau Whakamarumarū Ōtākou

OTAGO CIVIL DEFENCE AND EMERGENCY MANAGEMENT

AGREEMENT

AGREEMENT dated this @@ day of @@@@

Otago Regional Council ("ORC")

Central Otago District Council ("CODC")

Clutha District Council ("CDC")

Queenstown Lakes District Council ("QLDC")

Dunedin City Council ("DCC")

Waitaki District Council ("WDC")

1. DEFINITIONS

Terms used in this Agreement (including Schedules) which are defined in the CDEM Act have the same meaning.

- 1.1 **Administering authority** means the Otago Regional Council¹.
- 1.2 **Agreement** means this Otago CDEM Agreement signed by all Parties; and includes Schedules A, B and C that may be amended from time to time.
- 1.3 **CDEM** means Civil Defence Emergency Management
- 1.4 **CDEM Act** means the Civil Defence Emergency Management Act 2002.
- 1.5 **Otago Civil Defence Emergency Management Group region** means the area covered by Otago CDEM Group. This is based on the boundaries of the territorial authority members of the Otago CDEM Group.
- 1.6 **Otago Civil Defence Emergency Management Group ('Group')** means the joint standing committee² of representatives of local authorities within the Otago CDEM Group.
- 1.7 **CEG** means the Civil Defence Coordinating Executive Group established in accordance with the CDEM Act.³
- 1.8 **EMO or Emergency Management Otago** are CDEM career professionals employed by the ORC, responsible for delivering a range of services on behalf of the Group that enables the Group to fulfil its role.
- 1.9 **Local Authority** means both regional council and territorial authorities that are members of the Group, hereafter also referred to as **Parties**.
- 1.10 **ORC** means the Otago Regional Council
- 1.11 **ORC Executive Manager** means the direct supervisor to the Manager Emergency Management Otago.
- 1.12 **TA or Territorial Authority** means a city council or a district council.
- 1.13 **Lead** means to be accountable for, organise, direct deliver and fund CDEM activity.
- 1.14 **Support** means to give direct or indirect assistance in the development and delivery of CDEM activity.
- 1.15 **Coordinate** means to bring different elements (resources, activities or organisation) together, for development of efficient and effective delivery of CDEM activity.

¹ Civil Defence Emergency Management Act, Section 23

² Local Government Act 2002, Schedule 7, Clause 30 (1) (b)

³ CDEM Act, Section 20 (1)

2. BACKGROUND

- 2.1. On the 31st May 2003 the Local Authorities established the Otago Civil Defence Emergency Management Group ('Group') as a joint standing committee of the Local Authorities as required by the CDEM Act'.⁴
- 2.2. The Local Authorities and the Group have functions, powers and duties under the CDEM Act.
- 2.3. Following a comprehensive review of CDEM in the Otago region in 2016, the Group resolved that it's operational responsibilities for CDEM under the CDEM Act be combined and delivered through one team to be known as EMO, with the intention that each Council is to be an active equal participant in the establishment, development and control of EMO.
- 2.4. This new Agreement signed by all Parties, supersedes all previous agreements associated with Group arrangements for the delivery of joint CDEM services.

3. PURPOSE OF CIVIL DEFENCE EMERGENCY MANAGEMENT

The purpose of CDEM is to:

- Improve and promote the sustainable management of hazards in a way that contributes to the social, economic, cultural and environmental well-being and safety of the public and also to the protection of property.
- Encourage and enable communities to achieve acceptable levels of risk including, without limitation, identifying, assessing, and managing risks; consulting and communicating about risks; identifying and implementing cost-effective risk reduction; and monitoring and reviewing the process.
- Provide for planning and preparation for emergencies and for response and recovery in the event of an emergency.
- Coordinate through regional groups, planning, programmes and activities related to CDEM across the areas of reduction, readiness, response and recovery and encourage co-operation and joint action within those regional groups.
- Provide a basis for the integration of national and local CDEM planning and activity through the alignment of local planning, with a national strategy and national plan.
- Encourage the coordination of emergency management, planning, and activities related to CDEM across the wide range of agencies and organisations preventing or managing emergencies.

⁴ CDEM Act 2002, Section 12

4. PURPOSE

- 4.1. The purpose of this Agreement is to define the roles and responsibilities between the Group, CEG, the ORC and TA's to deliver CDEM for the Group's area under the CDEM Act.
- 4.2. ORC is the Administering Authority for the Civil Defence Emergency Management Group and employs EMO personnel). This agreement sets out the lines of command and control for EMO in respect of the relationship between Group, CEG and ORC.

5. VISION AND PRINCIPLES

Otago CDEM Vision:

Otago is a stronger, more connected, and adaptable region

- 5.1 This Agreement is intended to reflect and give effect to the guiding principles in the Group Plan.

6. FUNCTION, GOVERNANCE, AND OBLIGATIONS

Governance

- 6.1. The Group oversees the delivery of the functions, duties and power of the Group, under the CDEM Act.
- 6.2. The CEG is established under the CDEM Act to provide management oversight to Otago CDEM.
- 6.3. The CEG is statutorily responsible for providing advice to the Group and implementing as appropriate, the decisions of the Group.
- 6.4. The CEG is statutorily responsible for overseeing the implementation, development, maintenance, monitoring and evaluation of the Otago CDEM Group Plan.

Otago Regional Council's Role In relation to CDEM

- 6.5. There are three roles of ORC in respect to CDEM. The first is the statutory role as the administering authority for the Group as required by the CDEM Act. The second is the role as employer of the Emergency Management Otago staff. The third is a member of the Group and CEG (The role of ORC on the CEG and Group is as for all members).
- 6.6. In its role as the Administering Authority, the ORC is responsible for the provision of administrative and related services that may from time to time be required by the Group..
- 6.7. In its role as the employer and facilitator of Emergency Management Otago, the ORC shall provide the following services in support of the entire Group:
 - The administration of Group finances and budgets, entering into contracts with service providers and procurement on behalf of the Group.

- Staff management of EMO staff, including oversight of Emergency Management Otago's work programme, performance management, health and safety policy and systems, equipment and fleet vehicles.
 - For the avoidance of any doubt, all ORC policies including but not limited to staff conduct, performance, health and safety, procurement, financial management and ORC delegations apply to all EMO staff and Group activities at all times.
- 6.8. In its role as a member of the Group and CEG, the ORC shall provide the following services in support of the entire Group:
- a) An area adequate for the Group Emergency Coordination Centre (building to meet appropriate standard – IL4), and to a scale to meet its role in a major regional level response⁵. This facility must have capacity, workspace and adequate trained staffing to support 24-hour extended operations where required.
 - b) Expertise in hazard knowledge in the region.

Recruitment

- 6.9. In terms of the position of Manager Emergency Management Otago, the interview panel must include a member of CEG independent of the ORC.

Parties Specific Obligations

- 6.10. The functions, roles and responsibilities for Parties and EMO are set out in full in Schedule A to this Agreement. The mandate for these roles and responsibilities are in line with the CDEM Act or as agreed by all Parties.
- 6.11. Schedule B to this Agreement sets out the roles and responsibilities with reference to CDEM revenue and finances.
- 6.12. The Group commits to the prudent management of its annual operating budget (i.e. within a variance of no more than 5% at year-end). This commitment is subject to resource demands from civil defence emergencies. For the avoidance of doubt the Group budget process is via the Otago Regional Council Long Term or Annual Planning Process and ORC policies for sensitive expenditure, contract management, procurement, travel and all other relevant policies apply.
- 6.13. All Parties must use their best endeavours to implement and perform the duties outlined in Schedules to this Agreement.

General Obligations

- 6.14. Each Party must act in accordance with the purpose and principles of this Agreement.
- 6.15. Each Party must do all things necessary to give effect to this Agreement.
- 6.16. Each Party must make all necessary delegations to enable this Agreement to be implemented in full.

⁵ Major regional level response as per CIMS 3rd edition

Indemnity

- 6.17. Each member is protected from liability as covered in section 110 CDEM Act 2002. As the Otago CDEM Group is not recognised as an independent legal entity no right of reprisal is available to any party against any other party of this agreement.

CDEM Staff Management

- 6.18. Emergency Management Otago staff are CDEM career staff. All EMO staff are the employees of ORC. Otago TAs under this agreement, will not employ any career CDEM staff outside of this Agreement.
- 6.19. The ORC Executive Manager will liaise with the CEG chair when conducting an annual and half year performance review of the Manager Emergency Management Otago so that the operational performance can be fairly assessed and reported on.

7. FINANCE MATTERS

- 7.1. From the date of signing of this Agreement, the methodology for funding for the Otago CDEM service to deliver CDEM functions outlined in this Agreement, specifically Schedule A, will be through:
- Group CDEM service delivery: CDEM Regional Targeted Rate⁶.
 - TA CDEM service delivery: Respective Territorial Authority budget.
- 7.2. A revenue and financial statement is detailed in Schedule B of this Agreement.
- 7.3. A review of the financial methodology for funding CDEM services in the Otago should be undertaken consistent with the duration and review under section 9 of this Agreement.

8. DURATION AND REVIEW OF AGREEMENT

The duration of the Agreement is 10 years from @@@@ (expiration date), provided that the provisions of this Agreement shall continue to apply if the Parties agree that it shall continue for a specified period. This Agreement shall bind successors.

- 8.2. Any of the Parties may terminate their partnership in this Agreement at the first specified expiration date of this Agreement, by sending to all other Parties, one year's notice of termination in writing. At the date of the coming into effect of the notice that Local Authorities right to participate in this Agreement and the negotiations for the renewal or extension of this Agreement shall cease, but without prejudice to any liabilities and responsibilities up to the date of the coming into effect of the notice.

⁶ CDEM Regional Targeted Rate means the annual rate set by Otago Regional Council under the Local Government (Rating) Act 2002 to fund the budget approved by the Group for CDEM services.

- 8.3. Review of this Agreement shall commence eighteen months prior to the expiration date, or as agreed otherwise by the Parties; the Group shall meet in good faith to negotiate the renewal or extension with or without amendments.
- 8.4. Review and amendments to the Schedules in this Agreement are to occur on changes to legislation impacting CDEM, or further policy guidance and procedures stemming from the National Emergency Management Systems Reform, CDEM Reviews, emergency event reviews or as a result of all Parties agreeing amendments for enhanced CDEM service delivery.
- 8.5. The Parties acknowledge review and amendment to the Schedules in this Agreement will be instigated, considered and recommended by CEG. Amendments to the Agreement can only be authorised by the Parties in writing.

9. DISPUTES

The primary object of this section is to ensure that any dispute between Parties will be resolved as quickly and as informally as possible. Particular regard is to be had to that primary object in the interpretation or implementation of this section.

- 9.1 The purpose and principles of this Agreement must be applied by all Parties to try and resolve disputes.
- 9.2 Parties to any dispute must try in good faith to resolve that dispute by direct negotiation.
- 9.3 One Party must give written notice of a dispute on the other Parties(s).
- 9.4 If the dispute is not resolved within 10 working days of receipt of the notice of dispute, or such longer time as the Parties may agree, then the dispute must be referred to the Chairperson of CEG.
- 9.5 The Chairperson of the CEG will attempt to facilitate agreement. If no agreement is reached within a further 10 working days, then the dispute must be referred to mediation.
- 9.6 If referred to mediation, then such mediation will be conducted by a mediator jointly appointed by the Parties. If the Parties fail to agree on a mediator within 10 working days of the expiry of the date in clause 10.7, then the mediator shall be appointed by the President of the New Zealand Law Society or his or her nominee.
- 9.7 The costs of mediation must be paid equally by the Parties to the mediation.
- 9.8 Nothing in this section precludes any party seeking interim relief from any Court or initiating legal proceedings. However, Parties must utilise the dispute procedures in clauses 10.1 to 10.9 before taking legal action(s).

10. DISSOLUTION

In the event that EMO is dissolved for any purpose other than as a result of a Local Government reorganisation then:

10.1 Any lease or arrangement between the Parties for the purpose of EMO shall be deemed to be at an end as at the date of dissolution.

11. NOTICES

Any notice under this Agreement is to be in writing and may be made by email, personal delivery or post to the address of each Local Authority.

11.2. No communication shall be effective until received. A communication shall be deemed to be received by the addressee, unless the contrary is proved:

- In the case of a transmission by email on receipt of confirmation of receipt by the sender of the email,
- In the case of personal delivery, when delivered, and
- In the case of post on the third working day following posting.

12. COUNTERPARTS

This Agreement may be signed in any number of identical counterpart copies and transmitted in hard copy or electronically, all of which taken together shall make up one agreement.

Agreement signed by...



Andrew Noone
Chair
Otago Regional Council

Signature

Date



Aaron Hawkins
Mayor
Dunedin City Council

Signature

Date



Tim Cadogan
Mayor
Central Otago District Council

Signature

Date



Bryan Cadogan
Mayor
Clutha District Council

Signature

Date



Gary Kircher
Mayor
Waitaki District Council

Signature

Date



Jim Boulton
Mayor
Queenstown Lakes District Council

Signature

Date

Schedule A Otago CDEM Roles and Responsibilities

The functions, roles and responsibilities by function for Otago CDEM Group member Councils and Emergency Management Otago (EMO) are set out in full in this Schedule. The mandate for these roles and responsibilities are in line with the CDEM Act and supporting statutory requirements or as agreed by all Parties (Councils and EMO).

This Schedule details the following functions and respective roles and responsibilities for each of these functions:

Emergency Management Otago	Otago Regional Council	Territorial Authorities
<p>Business Continuity Management</p> <p>Disruptions are an expected part of business, so it's important to be prepared for when they occur. Disruptions can be internal events that impact on organisation alone (eg: IT system failure), or external events that could impact across several organisations and locations (e.g., earthquake).</p>		
<ul style="list-style-type: none"> Undertake business continuity planning for Emergency Management Otago to be capable of delivering essential services and a functioning GECC during a crisis / emergency event and through the recovery. 	<ul style="list-style-type: none"> Undertake business continuity planning for Otago Regional Council to be capable of delivering essential services and a functioning GECC during a crisis / emergency event and through the recovery 	<ul style="list-style-type: none"> Undertake business continuity planning for the territorial authority to be capable of delivering essential services and a functioning EOC during a crisis / emergency event and through the recovery
<p>Capability Development, Training and Exercises</p> <p>Training and exercising progressively enhances individuals, local authorities and the Otago CDEM Group's capability to prepare for and manage emergencies and resources, using lessons learnt. The CDEM Group and each member of the Group are to take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management.</p>		
<ul style="list-style-type: none"> Develop, deliver and report on training and exercise programmes for all local authority staff with a CDEM role. Coordinate professional development of all CDEM career staff. 	<ul style="list-style-type: none"> Agree sufficient access to all ORC staff identified in CDEM roles with supervisors to ensure they're available for, attend and complete all competencies associated with training and exercises in accordance with the agreed training schedule. 	<ul style="list-style-type: none"> Make all staff identified in CDEM roles available for, attend and complete all competencies associated with training and exercises in accordance with the agreed training schedule. Support community training and exercises
<p>Community Resilience and Partnership</p> <p>Community resilience in the Civil Defence and Emergency Management context, can best be described as the community's ability to cope with, bounce back and learn from adversity encountered during and after disasters. There are activities to support in building community resilience. These activities are community engagement, community planning, public education, monitoring and evaluation to measure community resilience. The integration and inclusion of iwi in community resilience activities cements the Otago CDEM principles of Māori partnership.</p>		
<p>Community Resilience</p> <ul style="list-style-type: none"> Development and implementation of community planning guidance documents and templates to support local CDEM Community Resilience activities and planning processes. Support regional and local level Community Resilience activities and planning. Support the development of Community Response Plans for local communities with relevant Territorial Authority as required. Ensure that the CDEM component of iwi and hapū management plans are coordinated at Group and local level (as required). <p>Public Education</p>	<p>Community Resilience</p> <ul style="list-style-type: none"> Support EMO and local level Community Resilience activities by commitment of staff resources and technical information to assist in local Community Resilience activities (hazard specific) as required. Ensure whole-of-council approach to Regional Council Community Resilience activities. 	<p>Community Resilience</p> <ul style="list-style-type: none"> Partner with EMO planning for all Community Resilience activities at the local level. Commitment of local council staff / resources to conduct Community Resilience activities. Support CDEM engagement with local communities. Support the development of Community Response Plans. Ensure whole-of-council approach to local level Community Resilience activities. Consider the CDEM component of iwi and hapū management plans and coordination at local level (as required).

Emergency Management Otago	Otago Regional Council	Territorial Authorities
<ul style="list-style-type: none"> Lead the planning for and coordination of Public Education activities at the Group level. Support local level Public Education activities. Fund and maintain Group resources for Public Education. Develop and maintain an Otago CDEM Group website and social media presence. 		<p>Public Education</p> <ul style="list-style-type: none"> Support Public Education activities at the local level. Fund and maintain local resources for Public Education.
<p>Equipment</p> <p>Includes all equipment to support readiness, response and recovery activities.</p>		
<ul style="list-style-type: none"> Provide and implement guidance and set policy on minimum specifications and standards, and functionality of CDEM equipment required for EOCs/ GECC across the region. Ensure procurement and maintenance of equipment, software and Information Communications and Technology (ICT) systems owned by Otago Regional Council in accordance with Otago Regional Council policies. Coordinate all CDEM Group responsibilities for effective interoperability with National CDEM systems 	<ul style="list-style-type: none"> Fit out and provide associated Information Technology (IT) equipment and infrastructure for EMO staff and GECC facilities (and alternate sites). Implement minimum equipment standards required for GECC in line with CDEM Group policy. Own equipment and associated infrastructure, to cover costs to maintain it to an operational standard and to manage and conduct maintenance programme. Provide EMO with furniture and equipment for staff located at Otago Regional Council offices. Undertake fleet management of all Emergency Management Otago vehicles. Procure any priority equipment required by the activated GECC to ensure effective operational capability of the GECC. <p>For the avoidance of doubt equipment and fleet will be managed under the relevant policies of the Otago Regional Council, including procurement, replacement and asset management.</p>	<ul style="list-style-type: none"> Fit out and provide associated Information Technology (IT) equipment and infrastructure for EOC facilities (and alternate sites). Implement minimum equipment standards required for EOC, ICPs and CDCs as required in line with CDEM Group policy. Own equipment and associated infrastructure, to cover costs to maintain it to an operational standard and to manage and conduct maintenance programme. Provide EMO with furniture and equipment for Emergency Management Officer staff embedded within districts. Provide ICT and property support, procure any priority equipment required to the EOC or Recovery Office in activation to ensure effective operational capability of the EOC equipment.
<p>Facilities</p> <p>Includes any facility to support readiness, response and recovery activities.</p>		
<ul style="list-style-type: none"> Serve as custodians of the GECC to ensure operational readiness, in consultation with ORC Support Services who are responsible for building management, maintenance, changes to building layout or function and cleaning of the GECC. Provide guidance on functionality and safety of EOC and GECC facilities. Activation of GECC facility as required for response. 	<ul style="list-style-type: none"> Provide and maintain GECC facilities (and alternate facilities) for operational response. Provide EMO with fit for purpose office space. Support the activation of the GECC facility if required for response if requested by the Group Controller. 	<ul style="list-style-type: none"> Provide council-based EMO staff with fit for purpose office space. Provide and maintain EOC (and alternate) facilities for operational response. Provide facilities or enter into agreements for the provision of facilities to serve as Civil Defence Centres (CDCs). Activation of EOC facility as required for response. Activation of CDCs as required in response.

Emergency Management Otago	Otago Regional Council	Territorial Authorities
<p>Financial Management</p> <p>The CDEM Group is to ensure allocation of financial budget to ensure effective delivery of the of CDEM services as outlined in the Group Plan.</p>		
<p>Emergency Management Budgets</p> <ul style="list-style-type: none"> Lead, develop, manage and administer CDEM Group budgets, including Capital Expenditure (CAPEX) and operational expenditure (OPEX), for the endorsement of CEG and approval by Joint Committee. However, the decision regarding the budget rated for annually ultimately sits with the Otago Regional Council. Manage costs in line with budget. Manage and administer specific contractual arrangements for services delivered by EMO. Coordinate and provide reporting on the CDEM Group budget and resourcing. 	<p>Emergency Management Budgets</p> <ul style="list-style-type: none"> Provide financial management and accounting services for CDEM Group budget. Manage, administer and submit reporting to the CDEM Group of Regional Council budgets for regional CDEM delivery Provide staff time and travel and accommodation costs associated with attendance at training and exercises. 	<p>Emergency Management Budgets</p> <ul style="list-style-type: none"> Manage, administer and submit reporting to the CDEM Group of Territorial Authority CDEM budgets. Fund any operating costs for Territorial Authority EOCs (including catering, stationery and contractors). Provide staff time and travel and accommodation costs associated with attendance at training and exercises. Fund community training and exercises. Submit reporting to the CDEM Group on Territorial Authority CDEM budget and resourcing.
<p>Governance and Management</p>		
<p>Joint Committee</p> <ul style="list-style-type: none"> Implements the CDEM Group Plan on behalf of the Joint Committee. Coordination, management and preparation of all agendas, reports, supporting papers and presentations on Group matters to the Joint Committee. <p>Coordinating Executive Group (CEG)</p> <ul style="list-style-type: none"> Supports the CEG in carrying out its directions from the Joint Committee and its obligations under the CDEM Act. Coordination, management and preparation of all agendas, reports, supporting papers and presentations to CEG. <p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> Coordinates those activities arising from the CEG Sub-Committees and reports to them on a regular basis. Coordination, management and preparation of all agendas, reports, supporting papers and presentations to CEG Operations Sub-committee. 	<p>Joint Committee</p> <ul style="list-style-type: none"> Active participation through appointed designates. As Administrating Authority provide governance and secretarial support to the Joint Committee. Provide reports and recommendations on Regional Council matters to the Joint Committee. Provide reports, decisions and recommendations back to Regional Council on CDEM Group matters <p>Coordinating Executive Group (CEG)</p> <ul style="list-style-type: none"> Active participation through appointed designates and provide support as agreed to lead delivery of the regional CDEM work programme. Develop and implement specific Regional Council Annual Plan tasking in a Regional Council CDEM work programme with alignment to CDEM Group Annual Plan. <p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> Active participation through appointed designates and support the CEG Sub-committees. 	<p>Joint Committee</p> <ul style="list-style-type: none"> Active participation through appointed designates. Provide reports and recommendations on Territorial Authority matters to the Joint Committee. Provide reports, decisions and recommendations back to Territorial Authorities on CDEM Group matters. <p>Coordinating Executive Group (CEG)</p> <ul style="list-style-type: none"> Active participation through appointed designates and provide support as agreed to lead delivery of local CDEM work programme. Develop and implement specific Territorial Authority Annual Plan tasking in a local level CDEM work programme with alignment to CDEM Group Annual Plan. <p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> Active participation appointed designates and support the CEG Sub-committees. Ensure the alignment of CDEM Group Annual Plan and local CDEM work programmes.

Emergency Management Otago	Otago Regional Council	Territorial Authorities
	<ul style="list-style-type: none"> Ensure the alignment of CDEM Group Annual Plan and Regional CDEM work programmes. 	
<p>Hazard and Risk Management</p> <p>In relation to relevant hazards and risks: identify, assess, and manage those hazards and risks; consult and communicate about risks; identify and implement cost-effective risk reduction. Identification of the hazards and risks in a Group area that may result in an emergency that requires national-level support and co-ordination.</p>		
<ul style="list-style-type: none"> Ensure effective planning and response to all hazards and risks in line with legislated responsibilities. Develop and monitor the hazard profile for the Otago CDEM Group as per the hazardscape detailed in the Otago CDEM Group Plan. Lead effective planning for response through collaboration on hazard risk management for hazards with cross regional and national impacts. This activity is undertaken in concert with the expertise of the ORC Natural Hazards Team. 	<ul style="list-style-type: none"> Lead identification of hazards (as required) in accordance with the hazard scape outlined in the CDEM Group Plan at the regional level. Own and manage the hazards (as required) and risk within the appropriate area of responsibility as mandated through the Regional Policy Statement in alignment with the hazardscape detailed in the Otago CDEM Group Plan. Fund and manage hazard investigation within the appropriate area of responsibility as mandated through the Regional Policy Statement in alignment with the hazardscape detailed in the Otago CDEM Group Plan Support effective planning for response through collaboration on hazard risk management for hazards with cross regional and national impacts. 	<ul style="list-style-type: none"> Own and manage the hazards and risk (as required) within the appropriate area of responsibility as mandated through the Regional Policy Statement in alignment with the hazardscape detailed in the Otago CDEM Group Plan. Fund and manage hazard research within the appropriate area of responsibility as mandated through the Regional Policy Statement in alignment with the hazardscape detailed in the Otago CDEM Group Plan Support communicating hazards and risks to respective communities.
<p>Lifeline Utilities</p> <p>Lifeline’s failures can disrupt and endanger the wellbeing of local and regional communities. Effective relationships, priority of response protocols and lead agency role definition can reduce the risk such failures may pose. Lifeline utility means an entity named or described in the CDEM Act 2002 in Part A of Schedule 1, or that carries on a business described in the CDEM Act, Part B of Schedule 1</p>		
<ul style="list-style-type: none"> Support Lifelines Utilities in the hazard risk assessment and planning for hazard risk reduction activities on lifelines utilities infrastructure in alignment with the hazardscape detailed in the Otago CDEM Group Plan. Provide administrative and project management support, networking, development opportunities and exercising for to the Otago Lifelines Group. Represent the Otago Lifelines Group and Otago CDEM Group at National forums. 	<ul style="list-style-type: none"> Lead hazard risk assessment and planning for hazard risk reduction and response activities on key Regional Council services and infrastructure. Support lifelines projects and activities. 	<ul style="list-style-type: none"> Lead hazard risk assessment and planning for hazard risk reduction and response activities on key Territorial Authority services and infrastructure defined as Lifeline Utilities under Schedule 1 of the CDEM Act. Support lifelines projects and activities through appointing a lifelines representative to the Otago Lifelines Group and active participation of its key lifelines managers. Provide LUCs for services defined under the CDEM Act. Activate staff to lead, coordinate and support the delivery of Lifeline Utilities (Territorial Authority) functions in response and recovery at the local level.
<p>Planning</p>		

Emergency Management Otago	Otago Regional Council	Territorial Authorities
<p>Fundamental to any successful undertaking is attention to planning and preparation. Whilst we pay attention to the plans that are produced, the process of planning is important to ensure that the plans developed meet the needs of the people affected.</p> <p>CDEM Groups and agencies are expected to routinely incorporate CDEM arrangements into their business planning and risk management processes, and to regularly monitor and report on their progress as appropriate. This is an important role to play in making progress towards the vision of a 'Resilient New Zealand'.</p>		
<p>Otago CDEM Group Plan</p> <ul style="list-style-type: none"> Lead the development, implementation, maintenance, monitoring and evaluation of the Otago CDEM Group Plan using approved processes. <p>Otago CDEM Business Plan</p> <ul style="list-style-type: none"> Lead the development, implementation, maintenance, monitoring and evaluation of the Otago CDEM Business Plan. Provide advice and guidance on the development of regional and local level CDEM work programmes in alignment to the Otago CDEM Business Plan. <p>Pre-event response action planning</p> <ul style="list-style-type: none"> Lead CDEM Group response planning. Support the development, implementation, maintenance of regional and local level response plans. <p>Standard Operating Procedures</p> <ul style="list-style-type: none"> Lead the development, implementation, maintenance of CDEM Group Standard Operating Procedures as required. <p>Recovery planning</p> <ul style="list-style-type: none"> Lead the development, implementation, maintenance of the Otago CDEM Group Recovery Plan. Provide advice and guidance on the development of the Local Recovery Plan. <p>Financial planning</p> <ul style="list-style-type: none"> Lead the development, implementation, maintenance of a CDEM Group policy on the management of response and recovery claims. 	<p>Otago CDEM Group Plan</p> <ul style="list-style-type: none"> Support, the development, implementation, maintenance, monitoring and evaluation of the Otago CDEM Group Plan. Ensure alignment between the Otago CDEM Group Plan and Regional Council Long Term Plans. <p>Pre-event response action planning</p> <ul style="list-style-type: none"> Support development, implementation, maintenance of CDEM response planning for Regional Council. <p>Standard Operating Procedures</p> <ul style="list-style-type: none"> Support the development, implementation, maintenance of CDEM Standard Operating Procedures as required <p>Recovery planning</p> <ul style="list-style-type: none"> Support the development, implementation, maintenance of Regional Council Recovery Plan for key council infrastructure and assets. <p>Financial planning</p> <ul style="list-style-type: none"> Support the development, implementation, maintenance of CDEM Group policy on the management of response and recovery claims. 	<p>Otago CDEM Group Plan</p> <ul style="list-style-type: none"> Support, the development, implementation, maintenance, monitoring and evaluation of the Otago CDEM Group Plan. Ensure alignment between the Otago CDEM Group Plan and Territorial Authority Long Term Plans. <p>Pre-event response action planning</p> <ul style="list-style-type: none"> Support development, implementation, maintenance of CDEM response planning for Territorial Authorities. <p>Standard Operating Procedures</p> <ul style="list-style-type: none"> Support the development, implementation, maintenance of CDEM Standard Operating Procedures as required. <p>Recovery planning</p> <ul style="list-style-type: none"> Support the development, implementation, maintenance of Local Recovery Plan with alignment to Group Recovery Plan. <p>Financial planning</p> <ul style="list-style-type: none"> Support the development, implementation, maintenance of CDEM Group policy on the management of response and recovery claims.
<p>Public Information Management</p> <p>Public information management (PIM) enables people affected by an emergency to understand what is happening and take the appropriate actions to protect themselves. This is achieved by making sure that timely, accurate, and clear information is shared with the public in an emergency.¹⁵ Strategic communications¹⁶ is a core component of Public Information Management activities.</p>		

Emergency Management Otago	Otago Regional Council	Territorial Authorities
<p>Public Information Management (PIM) staff</p> <ul style="list-style-type: none"> Group Public Information Manager provided by EMO. Coordinate the provision of a 24/7 duty Group PIM function. <p>Public Information Management planning</p> <ul style="list-style-type: none"> Lead and manage all Group level PIM activities. Develop and implement consistent messages in line with national messaging and where required develop SOPs for the Group and provide coordination and advice for Group and Local PIMs. Administer and maintain Group level PIM forums and meetings. Conduct PIM for CDEM Group and support local PIMs (if established) during response and recovery. 	<p>Public Information Management staff</p> <ul style="list-style-type: none"> Alternate Group Public Information Managers provided by Regional Council. Provide staff to support a 24/7 duty Group PIM function. Provide communications/ media staff to receive training and support the Group and local PIM functions, including strategic communications. <p>Public Information Management planning</p> <ul style="list-style-type: none"> Support all CDEM Communications and Social Media activities at the Group and local level as required. Support consistent CDEM messaging across all Regional Council social media platforms and websites. Provide communications/ media staff to support the Group and Local PIM function during response and recovery if required. 	<p>Public Information Management staff</p> <ul style="list-style-type: none"> Local Public Information Manager and alternates provided by Territorial Authorities. Provide the agreed number of PIM staff to receive training and assist with the dissemination of CDEM information via any platform as required. <p>Public Information Management planning</p> <ul style="list-style-type: none"> Lead and manage all local level PIM activities. Support all CDEM Communications and Social Media activities at the Group and local level as required. Support consistent CDEM messaging across all Territorial Authority social media platforms and websites. Ensure effective delivery of PIM in response and recovery at the local level.
<p>Reporting, Monitoring and Evaluation</p> <p>All members of the CDEM Group must provide reports that may be required by the Group. Monitoring and evaluation provide a method for learning from experience, analysing capability, planning and allocating resources, and demonstrating results as part of accountability to stakeholders.</p>		
<p>Reporting</p> <ul style="list-style-type: none"> Facilitate agreed reporting to Joint Committee, CEG and CEG Operations Subcommittee. Coordinate and publish annual report against the Otago CDEM Group Annual Plan and the Otago CDEM Group Plan to CEG, Joint Committee and ORC Council Provide reporting to Territorial Authorities and Regional Council on staff training registration, attendance and completion of competencies associated with training. <p>Monitoring and Evaluation</p> <ul style="list-style-type: none"> Lead and implement Monitoring and Evaluation process for CDEM Group. Monitor progress against the goals, objectives and outcomes of the CDEM Group Plan on behalf of the Joint Committee. Develop and implement a framework for conducting post-event reviews and corrective action plans for the CDEM Group. 	<p>Reporting</p> <ul style="list-style-type: none"> Ensure Elected Officials and Leadership Team are informed of Joint Committee and CEG resolutions, directions and decisions. Provide reporting to Joint Committee, CEG and CEG Sub-Committee on specific Regional Council Annual Plan tasks related to CDEM. <p>Monitoring and Evaluation</p> <ul style="list-style-type: none"> Support, contribute and implement a lessons learned/ knowledge management process for CDEM Group. Support Monitoring and Evaluation process for CDEM Group. 	<p>Reporting</p> <ul style="list-style-type: none"> Ensure Elected Officials and Leadership Team are informed of Joint Committee and CEG resolutions, directions and decisions. Provide reporting to Joint Committee, CEG and CEG Sub-Committee on specific territorial authority Annual Plan tasks related to CDEM. <p>Monitoring and Evaluation</p> <ul style="list-style-type: none"> Support, contribute and implement a lessons learned/ knowledge management process for CDEM Group. Support Monitoring and Evaluation process for CDEM Group.

Emergency Management Otago	Otago Regional Council	Territorial Authorities
<p>Staff</p> <p>All staff with CDEM responsibilities including CDEM career staff, CDEM appointed staff, Regional Council and Territorial Authority staff fulfilling CIMS functions as part of an Emergency Coordination Centre (ECC) or Emergency Operations Centre (EOC) and any CDEM volunteers providing support to any CDEM function.</p> <p>The CDEM Group and each member of the Group are to take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management.</p>		
<p>CDEM career staff</p> <ul style="list-style-type: none"> Manager EMO to appoint CDEM career staff to deliver CDEM outlined in the CDEM Group Plan and this Agreement. <p>24/7 Duty staff</p> <ul style="list-style-type: none"> Provide adequate 24/7 staff cover for duty roster for the Otago CDEM Group. Ensure support to 24/7 Local Duty Controller capability. <p>CDEM Forums</p> <ul style="list-style-type: none"> Appoint staff to represent the Otago CDEM Group at national, regional and local CDEM forums as required. <p>Staff for CIMS functions</p> <ul style="list-style-type: none"> Lead the development and implementation of the competency, capability and capacity criteria for EOC/GECC staff in CIMS functions. Make recommendations on staff to fulfil GECC CIMS functions. Provide CDEM career staff to support Group and Local Controllers. Management and coordination of a database of all CDEM personnel at the Group and local level. <p>Activation in response / recovery</p> <ul style="list-style-type: none"> Activate CDEM career staff to support delivery of response. Activate GECC staff for delivery of response as required. 	<p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> Appoint a Senior Manager as CDEM designate to represent Regional Council. <p>CDEM career staff</p> <ul style="list-style-type: none"> The Otago Regional Council is the employer of CDEM career staff (EMO) to deliver CDEM outlined in the CDEM Group Plan and this Agreement. <p>24/7 Duty staff</p> <ul style="list-style-type: none"> Provide staff to support a 24/7 duty Group Controller capability. <p>Staff for CIMS functions</p> <ul style="list-style-type: none"> Group Emergency Coordination Centre Incident Management Team and alternates provided by Regional Council. Provide staff to CIMS functions within the GECC. Consult with EMO on appointments of staff to CIMS functions for the GECC. Ensure all CDEM GECC staff have respective CDEM role included in Job Description, KPI in annual performance plan, required training and exercising in annual professional development plan and be allocated the time for active participation. <p>Activation in response / recovery</p> <ul style="list-style-type: none"> Ensure availability and prioritisation of staff to conduct GECC operations and deliver 24/7 response. Support the provision and deployments of surge regional council CDEM staffing to support Group and Local level response and recovery within the Otago or across New Zealand. 	<p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> Appoint a Senior Manager as CDEM designate to represent Territorial Authority. <p>24/7 Duty staff</p> <ul style="list-style-type: none"> Provide a 24/7 Duty Local Controller capability. <p>Staff for CIMS functions</p> <ul style="list-style-type: none"> Local Incident Management Team and alternates provided by Territorial Authorities. Provide staff to all CIMS functions within the EOC. Consult with EMO on key appointments to their EOCs. Ensure all CDEM EOC staff have respective CDEM role included in Job Description, KPI in annual performance plan, required training and exercising in annual professional development plan and be allocated the time for active participation. <p>Activation in response / recovery</p> <ul style="list-style-type: none"> Ensure availability and prioritisation of staff to conduct EOC operations and deliver 24/7 response. Support the provision and deployments of surge territorial authority CDEM staffing to support Group and Local level response and recovery within the Otago or across New Zealand
<p>Warning Systems</p>		

Emergency Management Otago	Otago Regional Council	Territorial Authorities
<p>When there is an imminent threat to life, health or property from hazard events the issue of official warnings is the responsibility of CDEM agencies.</p>		
<ul style="list-style-type: none"> · Develop, implement and maintain CDEM Group warning systems and protocols. · Procure, maintain, promote, test and activate CDEM Group public alerting systems. · Ensure the functioning of an effective GECC/ EOC staff activation system. · Monitor and respond to emergencies 24/7 on behalf of the CDEM Group including the dissemination of warnings and coordinating response in accordance with CDEM Group warning systems and protocols. 	<ul style="list-style-type: none"> · Ensure an effective flood event monitoring and information system. · Promote the flood warning system to partners, emergency services and communities. · Support the dissemination of warnings from the CDEM Group to communities. 	<ul style="list-style-type: none"> · Support Otago CDEM Group in promoting the public alerting systems. · Maintain, test and activate local public alerting systems. · Support the dissemination of warnings from the CDEM Group to communities.
<p>Welfare Management</p> <p>Management of welfare across all welfare services and clusters: Registration, Needs Assessment, Inquiry, Care and protection services for children and young people, Psychosocial support, Household goods and services, Shelter and accommodation, Financial Assistance and Animal welfare.</p> <p>The objective of the welfare services function is to carry out activities across the 4Rs to provide for the needs of people affected by an emergency and to minimise the consequences of the emergency for individuals, families and whānau, and communities.</p>		
<ul style="list-style-type: none"> · Lead planning for the delivery of welfare services for the Otago CDEM Group. in accordance with Director's Guidelines. · Appoint Group Welfare Manager to deliver and coordinate Group welfare functions across the '4Rs'. · Lead the development, implementation, maintenance of an Otago CDEM Group Welfare Plan. · Support local welfare planning. · Provide relevant reporting and recommendations at Group level on Welfare to CEG and Joint Committee. 	<ul style="list-style-type: none"> · Support Group (GECC) and local (EOC) welfare activities in response. 	<ul style="list-style-type: none"> · Lead planning and delivery of local welfare arrangements in accordance with Director's Guidelines. · Appoint Local Welfare Managers (Primary and Alternates) to deliver and coordinate welfare functions to local communities across the '4Rs'. · Support, contribute and implement the Otago CDEM Group Welfare Plan. · Ensure coordination for the delivery of welfare at the local level in accordance with the National CDEM Plan Order and Group Welfare Plan. · Ensure coordination and delivery of welfare at the local level in response and recovery.

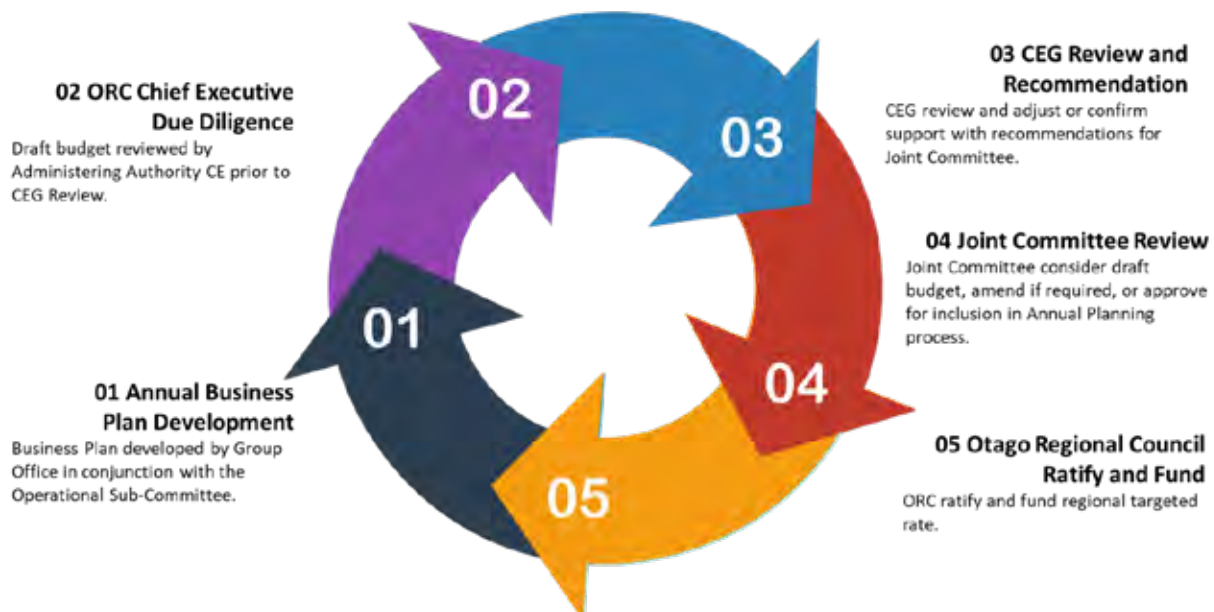
Schedule B

Otago CDEM Financial Arrangements

The financial revenue and management of CDEM budgets for the Otago CDEM Group and the members is provided for as stated below:

ENTITY	Otago CDEM Group	Otago Regional Council	Territorial Authorities
Revenue	CDEM Regional Targeted Rate. ¹	To be determined during the Annual Plan or Long-Term Plan process by Regional Council.	To be determined during the Annual Plan and Long-Term Plan process by City and District Councils.
Budget Development	Emergency Management Otago	Regional Council.	City and District Councils
Budget Approval	Otago CDEM Group	Regional Council.	City and District Councils.
Operating Variance	Transferred to Otago CDEM Group Reserve Account. Note: Surplus funds from previous years (in the form of reserves) may be used to fund expenditure.	At discretion of Otago Regional Council.	At discretion of City and District Councils.

Emergency Management Otago Group Budget Development Process



¹

A targeted rate may be set on a uniform or differential basis in accordance with Sections 16,17 and 18 of the Local Government (Rating) Act 2002.

Clutha District Council

Item for DECISION

Report	Proposed Vehicles on Beaches Bylaw
Meeting Date	12 May 2022
Item Number	2
Prepared By	Michael Goldsmith - Senior Policy Advisor
File Reference	725712 Attachment A

REPORT SUMMARY

This item provides an evaluation of available options for managing issues associated with vehicles on beaches. The item seeks approval to undertake public consultation on a proposed Vehicles on Beaches Bylaw.

RECOMMENDATIONS

1. That Council receives the 'Proposed Vehicles on Beaches Bylaw' report.
2. That Council approves the attached consultation package, or as amended (attachments A, B and C).
3. That Council delegates authority to the Chief Executive to edit the attached consultation material if required, prior to publication of the final document.
4. That Council approves formal consultation by way of a special consultative procedure for the proposed Vehicles on Beaches Bylaw 2023.

REPORT

1 Background

Council approved a consultation and engagement strategy relating to vehicles on beaches on 13 October 2021. The strategy outlined a series of steps to be taken to progress this matter. Additional work has been undertaken to complete those steps, as outlined in the attached documents listed in Table 1. This agenda item presents the attached documents for Council's consideration, with a recommendation for their adoption and release for public consultation.

Table 1. Summary of documents attached to this item

Item	Name	Description
A	Issues and Options Report	<ul style="list-style-type: none"> Describes common issues associated with vehicles on beaches. Lists available options to manage effects of vehicles on beaches.
B	Statement of Proposal	<ul style="list-style-type: none"> Assesses whether a bylaw is the most appropriate option. Recommends the creation of a <i>Vehicles on Beaches</i> Bylaw. Assesses the key components to be included within a proposed bylaw. Includes material to be used as part of the consultation process.
C	Proposed Vehicles on Beaches Bylaw	<ul style="list-style-type: none"> Proposed bylaw for consultation.

The remaining timeline for development of a Vehicles on Beaches Bylaw, as proposed, is listed in Table 2.

Table 2. Proposed timeline for development of a Vehicles on Beaches Bylaw

Component	Date
Submission period	19 May to 20 June 2022
Council hears verbal submissions	23 June 2022
Regulatory & Policy Committee considers feedback in a summary of submissions report and makes any changes to the draft bylaw	20 July 2022
Council adopts bylaw	15 September 2022
Bylaw comes into force	1 January 2023

2 Strategic Goals and Outcomes

Relevant strategic direction already adopted by Council includes the following:

- The *Living & Working in Clutha Strategy* includes 'Improved Environmental Footprint' and 'Healthy Safe Communities' as key priority areas. The strategy notes the importance of protecting and enhancing habitats of local significance.
- The *Our Place Catlins Community Plan* states that restrictions on vehicle access should be considered, and that greater protection of natural resources is important to the Catlins community.
- The Vision of the *Clutha Destination Strategy* is that 'our visitors are respectful of our destinations, communities, and environment'.

3 Assessment of Options

Option 1 – status quo. Council could choose not to review the existing Regulatory Bylaw provisions (i.e., retain the status quo). This option is not preferred as Council does not consider it would adequately address the perceived problem.

Option 2 – non-regulatory methods. Council could choose to implement additional non-regulatory measures, such as education, signage, or installation of physical barriers to prevent access. Council is not convinced that such measures would be sufficient on their own to change the behaviour of all vehicle users. However, these measures could complement Council's preferred option.

Option 3- create a new bylaw. The preferred approach is to review the existing bylaw provisions, and for these to be contained within a separate Vehicles on Beaches Bylaw. The key benefit of this approach is that it would allow Council to regulate vehicle access to beaches, considering local conditions and the requirements of local communities.

4 Consultation

Council has consulted with a range of stakeholder groups to help inform the proposed Vehicles on Beaches Bylaw.¹

A special consultative procedure (SCP) is planned to allow stakeholders and the public to have input on the Bylaw, prior to it being finalised (Table 2).²

The SCP will include opportunities for people to talk directly with Council staff and elected representatives about the proposal. Public events will be carefully managed to ensure that the risk associated with community transmission of Covid-19 is mitigated and will follow appropriate central government rules [[link](#)]. Contactless methods of communication will also be emphasised as part of Council's messaging.

It is proposed that the SCP will occur alongside the consultation planned for the review of Council's Regulatory Bylaw.

5 Legal Considerations

The proposed bylaw is consistent with section 18 of the New Zealand Bill of Rights Act 1990 and meets the requirements of the Local Government Act 2002 (as discussed in Attachment B).

6 Financial Impact

The cost of developing and consulting on the proposed Vehicles on Beaches Bylaw is included within the existing Policy Team budget.

7 References – Tabled/Agenda Attachments

The following items are attached under separate cover:

- A. Vehicles on Beaches in the Clutha District - Issues and Options Report, March 2022.
- B. Vehicles on Beaches Bylaw – Statement of Proposal, March 2022.
- C. Clutha District Council Proposed Vehicles on Beaches Bylaw 2023.

¹ See section 2.2 of Attachment A.

² As described in the Consultation and Engagement Strategy [[link](#)] and in Attachment B.

Attachment A

Attachment A:

Vehicles on Beaches in the Clutha District Issues and Options Report

Report prepared by M. Goldsmith, for the Clutha District Council

March 2022

Attachment A

REFERENCE

Clutha District Council, March 2022. Vehicles on Beaches in the Clutha District – Issues and Options Report.



Seal and vehicles at Cannibal Bay, Catlins Ward (I. Royle)

CONTENTS

1.0	INTRODUCTION	1
1.1	PURPOSE OF THIS REPORT	1
1.2	CLUTHA DISTRICT COASTAL ENVIRONMENT	1
1.3	DEFINITIONS.....	2
2.0	VALUES AND THREATS.....	4
2.1	EXISTING INFORMATION HELD BY COUNCIL.....	4
2.2	PRE-CONSULTATION WITH STAKEHOLDERS	5
2.3	VEHICLE ACCESS POINTS.....	5
2.4	GATHERING ADDITIONAL INFORMATION.....	5
3.0	RELEVANT POLICY AND LEGISLATION	8
3.1	RESOURCE MANAGEMENT ACT 1991 (RMA)	8
3.2	REGIONAL PLAN: COAST FOR OTAGO (RPC).....	8
3.3	NEW ZEALAND COASTAL POLICY STATEMENT 2010 (NZCPS).....	9
3.4	COUNCIL'S CURRENT APPROACH – REGULATORY BYLAW 2018	10
4.0	ISSUES ASSOCIATED WITH VEHICLES ON BEACHES	11
4.1	MANAGEMENT OF DOGS ON BEACHES.....	12
5.0	MANAGEMENT OPTIONS.....	14
5.1	MAINTAIN THE STATUS QUO	14
5.2	NON-REGULATORY OPTIONS.....	14
5.3	BYLAW PROVISIONS	15
5.3.1	Comparison of other bylaw approaches.....	15
5.3.2	Compliance with the New Zealand Coastal Policy Statement	16

FIGURES

Figure 1-1	The main beaches along the Clutha District coastline (left) & boat ramps/beach access points (right)	3
Figure 5-1	Abandoned vehicle at Cannibal Bay, rolled while racing on the beach, December 2020 (Left). Motorbike and quad bike racing on Tautuku Beach, October 2021 (right)	12
Figure 5-2	Evidence of multiple vehicles racing or driving on Tautuku Beach, June 2021	12
Figure 5-3	Vehicle stuck in the sand at dusk after racing and spinning doughnuts at Cannibal Bay, October 2021	12
Figure A1.1	Map showing territorial authorities with bylaws relating to beach access by vehicles (red circles)	18

TABLES

Table 2-1	The natural character and natural landscape values of beaches in the Clutha District	4
Table 2-2	Record of stakeholder consultation, values/threats identified, and other information noted	6
Table 5-1	Bylaw approaches taken by other Councils towards managing vehicles on beaches	15
Table 5-2	Relevant issues and bylaw approaches which could provide for NZCPS Policy 20 requirements	16

APPENDICES

A1.0	OTHER APPROACHES TO MANAGING VEHICLES ON BEACHES.....	18
A1.1	DUNEDIN CITY.....	19
A1.2	FAR NORTH DISTRICT	19
A1.3	HAURAKI DISTRICT	19
A1.4	INVERCARGILL CITY.....	19
A1.5	KAPITI DISTRICT.....	19
A1.6	MARLBOROUGH DISTRICT	20
A1.7	OPOTIKI DISTRICT	20
A1.8	TAURANGA CITY.....	20
A1.9	WAIKATO DISTRICT.....	20
A1.10	WAITOMO DISTRICT	21
A1.11	WHAKATANE DISTRICT.....	21
A1.12	WHANGAREI DISTRICT	21

1.0 INTRODUCTION

Clutha's coastline has a long history of occupation, and is used for a range of recreational, cultural, and commercial uses. Most of the Clutha coastline remains relatively undeveloped, with residential and commercial activity centred around the small coastal settlements of Taieri Mouth, Kaka Point, Pounaweia and Papatowai. A few informal crib settlements are also located on the coast, including Jacks Bay, Tautuku and Toko Mouth.

The coastal area is a popular and highly valued environment which is used by residents and visitors for a wide range of purposes. Activity is often focused on beaches, due to ease of access, and the district is lucky to have many attractive sandy beaches. Traditionally, there have been few restrictions on people's ability to use the coastal area for enjoyment or commercial activities, with a reliance on vehicle users to behave in a considerate and safe manner on the beach.

1.1 PURPOSE OF THIS REPORT

This report starts by describing the characteristics of beaches in the Clutha District (sections 1.2 and 2.0), before assessing relevant policy and legislation (section 3.0). The report then examines the issues associated with vehicles on beaches (section 4.0) and outlines options to manage the negative effects of vehicles on beaches (section 5.0).

A community consultation and engagement strategy to address this high priority topic was adopted by Council's Regulatory and Policy Committee on 13 October 2021 [\[link\]](#). A Special Consultative Procedure, linked with the review of the Regulatory Bylaw 2018, is planned for mid-2022.

A further purpose of this report is to provide a record of work undertaken and steps followed. This is required so that the perceived problem (unrestricted vehicle access to beaches), relevant policy issues and intended outcomes are clearly identified and properly explained along with adequate evidence to support this.

1.2 CLUTHA DISTRICT COASTAL ENVIRONMENT

The Clutha District coastline extends from Taieri Mouth in the northeast, to Wallace Beach in the southwest (Figure 1-1), and there are at least 28 sandy beaches along this section of coast. Their characteristics vary considerably, from the expansive Chrystalls and Measly beaches (6-7km long), to short and confined beaches such as Sandy Bay (300m). Some are popular recreational areas such as Kaka Point (with a surf patrol during the summer months), while others are remote and far less accessible. More than half of the beaches within the district lie within the Catlins Ward, which stretches from Kaka Point to the boundary with Southland.

Beaches are an important part of life for many people in Clutha, with surfing, fishing, swimming, walking, beachcombing, birdwatching, playing, and sunbathing amongst the activities undertaken by beachgoers. In addition to the recreational opportunities they offer, beaches provide unique habitats for a range of plants and animals, particularly in The Catlins. Our beaches can also help drive economic activity, by acting as a key drawcard for visitors.

Policy 1 of the New Zealand Coastal Policy Statement 2010 (NZCPS) recognises that the extent and characteristics of the coastal environment vary from locality to locality, and that the issues that may arise may have different effects in different localities. The NZCPS also lists features that help to define the coastal environment, including:

- a. *areas where coastal processes...are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;*

- b. *areas at risk from coastal hazards;*
- c. *coastal vegetation and the habitat of indigenous coastal species including migratory birds;*
- d. *elements and features that contribute to the natural character, landscape, visual qualities or amenity values;*
- e. *items of cultural and historic heritage in the coastal marine area or on the coast;*
- f. *inter-related coastal marine and terrestrial systems, including the intertidal zone,*

1.3 DEFINITIONS

Authorised agency	Attachment A means Clutha District Council, Otago Regional Council, New Zealand Police, Fire and Emergency New Zealand, Ambulance Service, Department of Conservation, any Central Government Department or Ministry, the National Institute of Water and Atmospheric Research, and the Kaka Point Surf Life Saving Club.
Beach	means any land in the Council's district adjacent to the coastline which is part of the foreshore or is land contiguous to and used in connection with the foreshore, and to which the public has a right of access. For the purposes of this bylaw, the beach includes the foreshore which is the parts of the bed, shore or banks of tidal water between mean high water springs and mean low water springs.
Council	Means Clutha District Council.
Motor Vehicle	Has the same meaning as that in the Land Transport Act 1998, and means a vehicle drawn or propelled by mechanical power (excluding mobility devices).



Figure 1-1 The main beaches along the Clutha District coastline (left) & boat ramps/beach access points (right)

2.0 VALUES AND THREATS

This section summarises what we know about the characteristics of our beaches, from previous studies and from some preliminary consultation with stakeholder groups. This section also describes how accessible our beaches currently are to vehicles, and how Council will gather further information about values and potential threats.

2.1 EXISTING INFORMATION HELD BY COUNCIL

A report prepared for Council in 2015 assessed the natural character and natural landscapes of the Clutha District coastal environment.¹ The character and landscape values of beach (and other) areas were rated from *Low* to *Outstanding*, with the results summarised in Table 2-1.

Table 2-1 The natural character and natural landscape values of beaches in the Clutha District

Beach	Character	Landscape	Key factors (where noted)
Taieri Beach	Medium-High	Medium-High	
Chrystalls Beach	Medium	Medium-High	
Measly Beach	Medium-High	Medium-High	
Wangaloa to Summer Hill	Medium	Medium-High	
Molyneux Bay	Medium	Medium-High	
Kaka Point	Medium	Medium-High	
Sandy Bay	High	High	High naturalness, wilderness & scenic values.
Cannibal Bay and Surat Bay	Medium-High	Outstanding	High naturalness, memorability, & wild/scenic values. Significant cultural value to tangata whenua. Historic heritage significance.
Jacks Bay	Medium	Outstanding	Dramatic and memorable landscape with numerous natural features of significance. High tangata whenua values.
Purakaunui Bay	Medium-High	Outstanding	High naturalness, memorability, & wild/scenic values. Significant cultural value to tangata whenua.
Tahakopa Bay	Outstanding	Outstanding	Wildlife habitat, ecological significance, scenic values. Significant cultural value to tangata whenua. Some sites of historic heritage significance.
Tautuku Bay and Estuary	Outstanding	Outstanding	Important habitat for wildlife / ecological significance. High naturalness, wilderness & scenic values. Significant cultural value to tangata whenua. Sites of historic heritage significance.
Waipati Beach and Estuary	Outstanding	Outstanding	High naturalness, wilderness & scenic values. Significant cultural value to tangata whenua. Features of geological and ecological significance. Access to Cathedral Caves at low tide.

¹ Mike Moore, 2015. *Coastal Environment of Otago. Natural Character and Outstanding Natural Features and Landscapes Assessment. Clutha District Section Report.*

Wallace Beach and Wallace Head	Medium-High	Outstanding	Significant cultural value to tangata whenua. Historic heritage & ecological significance. High naturalness, memorability, & wild/scenic values.
--------------------------------	-------------	-------------	--

This assessment shows that most beach areas in the Clutha District were rated *Medium-High* or above, with only five *Medium* classifications. Ratings for beaches in The Catlins were generally higher than those further north. Character or landscape factors which were regularly identified on beaches in The Catlins include naturalness, wilderness, scenic values, wildlife habitat, heritage and tangata whenua values.

2.2 PRE-CONSULTATION WITH STAKEHOLDERS

Additional information about the values associated with Clutha District beaches, potential threats, and other relevant information has been collated from stakeholder groups. A log of this communication, and a summary of the information collected is listed below in Table 2-2.

2.3 VEHICLE ACCESS POINTS

There are at least eight formed boat ramps in the Clutha District, and approximately 20 locations where vehicles can access the beach (Figure 1-1).

Beaches with no or 'challenging' vehicle access points include:

- *Bobs Beach* *Small beach, no public overland access.*
- *Akatore Creek* *Small pocket beaches. No public overland access.*
- *Watsons Beach* *Short beach on a rocky coastline.*
- *Bull Creek* *Small pocket beaches, not suitable for vehicles.*
- *Short Bay* *Short beach, no public access points.*
- *Sandy Bay* *Short beach, no public overland access.*
- *Surat Bay* *Longer (2.5km) beach with no obvious vehicle access points.*
- *Long/Hayward/Pillans* *Possible 4WD vehicle access near Pillans Head.*
- *Tahakopa Beach* *Longer (3.7km) beach, possible 4WD access at eastern end*
- *Lathyrus Bay* *Short beach, backed by steep bank on private property.*
- *Waipati Beach* *Longer (3.3km) beach, walking access to Cathedral Caves.*
- *Wallace Beach* *Short beach, limited 4WD access over private property.*

2.4 GATHERING ADDITIONAL INFORMATION

The values shown in Table 2-1 were determined by a panel of experts from outside the district, and the information in Table 2-2 has been gathered from selected stakeholder groups. Residents and regular visitors to the Clutha coastline will have their own values that they associate with particular beaches. At this point, there has not been a comprehensive survey of these values. The consultation process for the proposed Bylaw will include a tool which allows people to:

1. *identify a particular beach*
2. *list the values they associate with that beach*
3. *list the things that they believe might threaten those values, and*
4. *provide any other information they believe is relevant.*

This information will be used to inform the proposed Bylaw. Depending on other feedback, beaches with more and/or higher values are more likely to have restrictions on vehicle access.

Table 2-2 Record of stakeholder consultation, values/threats identified, and other information noted

Consultation details	Values noted	Threats noted	Other information noted
<i>Our Place Catlins</i> consultation and feedback, January to March 2019.	Landscape and environment; natural resources (including coastal areas).	Vehicles on beaches can endanger wildlife; be a nuisance/danger to other beach users; increased visitor numbers/poor behaviour.	
Public forum speaker, Council meeting, 26/11/2020	Endangered wildlife at Bob's Beach (sea lions, penguins, fur seals, nesting sea birds).	Motorbikes, roaming dogs, and vehicles harassing wildlife.	
Owaka Going Forward, 30/11/2021	Beaches are generally quiet with few people. Wildlife. Recreation and enjoyment including riding motorbikes.	Motorbikes, vehicles damaging dune systems; ongoing loss of dunes to coastal erosion.	Accessibility – ability of people: <ul style="list-style-type: none"> with limited mobility to view wildlife to launch/retrieve boats to go fishing to access cribs via Tautuku Beach.
Kaka Point Community Group, 16/02/2022	Huge variety and numbers of wildlife and birds, especially in Mataitai area (from Campbells Reef to the Fishing Camp).	Motorbikes (2-wheel in particular) due to noise, and the number of young, unlicensed riders. Bikes also cause damage to dunes. Poor behaviour by a few people. Lack of enforcement.	Accessibility: <ul style="list-style-type: none"> <i>“There is limited roadside parking, so people drive onto/park on the beach.</i> <i>Need to be able to drive along the beach to access diving/fishing spots.”</i>
Department of Conservation, 15/11/2021	Threatened species managed by DOC (sea lions, yellow-eyed penguin); seals and shorebirds (fully protected). These species are a taonga for Ngāi Tahu and have high significance to local rūnaka.	Vehicles can injure/kill wildlife, kill nesting birds or crush their eggs. The natural character of coastal areas may be affected by vehicles increasing coastal erosion and damaging dunes.	Advocate for Ngāi Tahu involvement in this process. A combined effort from CDC and DOC is essential to provide coastal species with space to rest, breed and thrive.
Sea Society, 2/9/2021 and 1/11/2021	Endangered wildlife (Sea lions, penguins)	Vehicles pose a threat to wildlife; degrade wildlife habitats (shellfish) by compacting sand; ruin sand dunes; destroy vegetation which wildlife use as a hiding place.	
Dunedin City Council, 27/10/2021	Wildlife protection is seen as increasingly important by elected representatives and the community in Dunedin City.		There can be tension between vehicles and other beach users. Took some time for DCC's new Bylaw rules to 'bed in'.

<p>Southland District Council, 25/11/2021</p>			<p>Beaches are often located in remote areas (as in Clutha), making enforcement difficult. SDC do not currently have any major issues, or complaints to deal with.</p>
<p>Te Ao Marama, on behalf of Awarua Rūnanga, received 25/03/2022</p>	<ul style="list-style-type: none"> All landscape is significant, given that in Te Ao Māori, whakapapa and whenua are intertwined. There is a significant amount of Māori land that is adjacent to the coastlines within the Clutha District. 	<p>Te Ao Marama note that:</p> <ul style="list-style-type: none"> the landscape reports used to inform Council's research to date do not include mana whenua values, rights and interests, and there is an opportunity for council and mana whenua to collaborate on this kaupapa. 	<p>Do not support a blanket ban as each place has its own whakapapa and values. It would also affect access and ability to manage Customary Management areas. Support non regulatory options (e.g., education projects to inform people of the issues at particular beaches, such as signage, social media and monitoring).</p>
<p>Aukaha, received 11/3/2022</p>	<ul style="list-style-type: none"> Place names and wāhi tūpuna, known archaeological sites, and retained mātauraka and mahika kai practices. Significant habitats for native species like whakahao and hoihō. Dune systems and inter-tidal zones provide high-value ecosystems for native species. Dunes provide safe sites for sea mammals to birth and raise their young, and protection from coastal erosion. The intertidal zone of beaches, bays and estuaries - important habitats and life forms predominate in these areas. 	<ul style="list-style-type: none"> Current beach access for vehicles poses risks to the ecology of habitats and ecosystems. Unrestricted vehicle access to Taieri Beach, and then on to Taiari Island (low tide only) can have a negative impact on restoration work being undertaken. 	<p>Kā Rūnaka:</p> <ol style="list-style-type: none"> do not support a blanket ban on beach access for vehicles. support an approach that protects the habitats of native and taoka species, and that protects significant ecosystems. advocate for an approach that upholds the values, aspirations, associations, and activities of Kā Rūnaka, and associated whānau. urge CDC to work with Kā Rūnaka to develop and implement processes that allow for the identification of mana whenua values, aspirations, associations, and activities across the area, ensure that these are addressed in the context of beach access.

3.0 RELEVANT POLICY AND LEGISLATION

This section explains the legislative requirements that Council needs to recognise and provide for under Part 2 of the Resource Management Act 1991 (RMA) or give effect to under the New Zealand Coastal Policy Statement and the Regional Plan: Coast. In some cases, the text has been abridged to include the most relevant items.

3.1 RESOURCE MANAGEMENT ACT 1991 (RMA)

Matters of national importance in Section 6 (a) and (c) of the RMA respectively require Council to recognise and provide for:

Attachment A

- *the preservation of the natural character of the coastal environment... and*
- *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

Section 6 (e) requires Council to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

These matters indicate that Council should ensure that the natural characteristics of the coastal environment (including native flora and fauna), as well as important Māori values and traditions are retained as important components within our coastal areas.

However, under Section 6 (d), Council is required to recognise and provide for the maintenance and enhancement of public access to and along the coastal marine area. As they relate to motor vehicle access to beaches in the Clutha District, sections 6 (a) and (c) could therefore be seen to be somewhat at odds with section 6 (d).

3.2 REGIONAL PLAN: COAST FOR OTAGO (RPC)

The RPC provides some guidance to help address the tension between the matters of national importance identified in the RMA. It states that ‘restricting the access of vehicles to foreshore areas is a matter that needs to be considered in conjunction with the relevant territorial local authority and landowner having responsibility for the access points.’ This statement supports Council’s decision to prepare a draft ‘Vehicles on Beaches’ Bylaw, and to consult with the community on the contents of that bylaw.

The RPC notes that ‘motorised vehicles on the foreshore may damage intertidal habitats and physical systems and pose a danger to the public,’ and includes two policies which address this issue:

- *Policy 7.4.3*

Public access to and along the margins of the coastal marine area will only be restricted where necessary:

- a) *To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; or*
- b) *To protect Māori cultural values; or*
- c) *To protect public health or safety...*

- *Policy 7.4.7*

Motorised vehicles will be discouraged from using beaches where that use may adversely affect amenity values, or the safety of other users or damage marine flora, fauna, or physical systems.

3.3 NEW ZEALAND COASTAL POLICY STATEMENT 2010 (NZCPS)

The NZCPS provides national direction from central government under the RMA, and Council must also take it into account when developing its resource management plans. The NZCPS states objectives and policies intended to achieve the sustainable management of the natural and physical resources of the coastal environment. The following objectives are relevant.

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

Attachment A

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values.

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through...use and development, recognising that:

- *the protection of the values of the coastal environment does not preclude use...in appropriate places and forms, and within appropriate limits;*
- *some uses...which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses...can only be located on the coast or in the coastal marine area;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the proportion of the coastal marine area under any formal protection is small and therefore management under the [Resource Management] Act is an important means by which the natural resources of the coastal marine area can be protected;*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate...use and development.*

Objective 3 is also relevant and is to recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment.

These objectives are supplemented by a series of policies. Policy 20 provides specific guidance on how to balance the interests, values, and threats from vehicle access on the coast.

Policy 20 Vehicle access

1. *Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:*
 - a. *damage to dune or other geological systems and processes; or*
 - b. *harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or*
 - c. *danger to other beach users; or*
 - d. *disturbance of the peaceful enjoyment of the beach environment; or*
 - e. *damage to historic heritage; or*
 - f. *damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or*
 - g. *damage to sites of significance to tangata whenua; might result.*

2. *Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access.*
3. *Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring.*

The option identified in section 5.3 of this report has been assessed against Policy 20.

Other policies which are relevant to the management of vehicles on beaches include:

1. *Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse (Policy 3).*
2. *Protect indigenous biological diversity in the coastal environment (Policy 11)*
3. *Preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use, and development (Policy 13)*
4. *Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development (policy 17).*
5. *Recognise the need for public open space within...the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space (Policy 18), including by:*
 - a. *ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment...*
6. *Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use (Policy 19).*
7. *Maintain and enhance public walking access to, along and adjacent to the coastal marine area (also Policy 19)*

3.4 COUNCIL'S CURRENT APPROACH – REGULATORY BYLAW 2018

The Regulatory Bylaw 2018 places some restrictions on the use of vehicles in a 'public place' (which includes beaches).

Section 18.1 states:

"... a person shall not upon or over any public place ... drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in the public place"

Section 21.1 states:

"a person shall not in any public place ... use any vehicle or be in control of an animal in a manner so that it damages any part of a public place"

Although well-intentioned, these provisions have not been sufficient to prevent a range of unsafe and nuisance activities occurring on Clutha's beaches, as described in the next section.

4.0 ISSUES ASSOCIATED WITH VEHICLES ON BEACHES

The unregulated use of vehicles on beaches is of concern for some people and is something that occurs reasonably frequently in the Clutha District. Two issues have emerged regarding uncontrolled motor vehicle use on beaches. The first is that vehicles on beaches can endanger wildlife (including protected wildlife such as sea lions and penguins), and the second is that vehicle use can create a nuisance and danger to other beach users.

Feedback on this issue was received during *Our Place Catlins* consultation in 2019 [\[link\]](#), and members of the community have subsequently contacted Council outlining a range of concerns. Council staff have observed what they describe as “a serious and ongoing problem with cars, motorbikes, and quadbikes on the district’s beaches, especially in The Catlins where wildlife...is being put at risk”.

Issues identified by Council staff and the public include:

1. *Negative impacts on ecosystems within the coastal environment*
2. *Detrimental effects to the mainland population of New Zealand sea lions. Several beaches in the Clutha District are favoured by sea lions as they have potential to provide a peaceful habitat during the breeding season.*
3. *Endangering yellow-eyed penguins and disturbing their habitat.²*
4. *Creating a potential threat to Clutha’s tourism industry, particularly in The Catlins.*
5. *Safety concerns and nuisance for other beach users.*

Incidents observed by Council’s Freedom Camping Officer in the 2020/21 season include:

1. *Cars using beaches as racetracks, sometimes in groups and usually in the evenings when the possibility of striking wildlife in the dark is increased.*
2. *Youths in cars repeatedly circling sea lions at Cannibal Bay.*
3. *Quadbike riders chasing sea lions into the sea at Surat Bay.*
4. *Vehicles driving at speed through sand dunes, disregarding other people’s safety and that of wildlife.*
5. *Dog walkers upset at car owners driving on the beach at Kaka Point.*
6. *Visitors upset at having “almost been run over by a car” on a local beach.*
7. *Vehicles accessing beaches to freedom camp, leaving behind human waste and litter and lighting fires.*

Photos which help to illustrate some of these issues are provided below.

² It is noted that Yellow-eyed penguins are considered one of the rarest penguin species in the world.



Figure 5-1 Vehicle which had rolled on the sand at Cannibal Bay, December 2020 (Left).
Motorbike and quad bike on Tautuku Beach, October 2021 (right)



Figure 5-2 Evidence of multiple vehicles racing or driving on Tautuku Beach, June 2021



Figure 5-3 Vehicle stuck in the sand at dusk at Cannibal Bay, October 2021

Correction: Captions were updated on this page on 30 June 2022.

4.1 MANAGEMENT OF DOGS ON BEACHES

Previous feedback to Council has indicated that there were a range of issues associated with dogs on beaches, and this has been included as a consultation topic in the review of the Regulatory Bylaw. The current bylaw approach is unrestrictive, with the following provisions:

Attachment A

- *a dog may be exercised without being restrained provided it is kept under control (section 60.3).*
- *control means that the dog is under continuous surveillance by a responsible person and the dog does not give rise to any reasonable complaint as to its behaviour whilst being exercised (section 60.4).*
- *dog owners must place their dogs on a leash when they are within 20m of wildlife (section 60.5).*
- *coastal areas where dogs are prohibited are identified in Schedule A of the Regulatory Bylaw.*

Although complaints regarding unrestrained dogs on beaches have been noted, Council believes that a blanket ban is unlikely to be practical or justified in many situations. Council will consider any relevant submissions received through the Regulatory Bylaw review process and assess whether any changes to the current regulations are justified. No changes are proposed at this stage, although there is potential to add vulnerable sites to Schedule A of the Regulatory Bylaw if required.³ Council may also consider ways to increase its enforcement and education role, to ensure awareness and compliance with the existing regulations.

³ Schedule A lists public places from which dogs are prohibited.

5.0 MANAGEMENT OPTIONS

There are several options available to Council to address this issue, and these are outlined below. The advantages and disadvantages of these options are assessed in Council's Statement of Proposal.

5.1 MAINTAIN THE STATUS QUO

Along with various educational approaches,⁴ the existing Regulatory Bylaw 2018 has restrictions on the use of vehicles in a public place, including beaches (section 3.4). The bylaw requires people using vehicles to show consideration to other beach users and to not damage the beach. However, this has not been sufficient to prevent activities occurring on Clutha District beaches that are of concern to some residents and visitors (as described in section 4.0).

Council education & enforcement staff have observed a range of issues on Clutha beaches and directed people to leave the beach in some cases. Despite this, the level of activity does not appear to be decreasing.

In addition, the existing bylaw provisions do not address driving that may pose a threat to animals on beaches – rather, it only refers to 'driving in a manner that is dangerous ... to pedestrians or other vehicles'.

Council could commit additional resources to ensure compliance with the current bylaw provisions. However, the impact may be limited due to:

1. *The number of beaches in the Clutha District (Figure 1-1),*
2. *The remote nature of some beaches,*
3. *The limited ability of Council staff to monitor beaches and ensure compliance, and*
4. *The general inclination of some within the community to continue using beaches in an unsafe manner (section 4.0).*

5.2 NON-REGULATORY OPTIONS

There are several non-regulatory management options that Council could implement to help manage issues associated with vehicles on beaches, including:

1. *Education (through Council's website, social media, or pamphlets),*
2. *Signage,*
3. *Fencing, gates, or bollards (such as concrete blocks or large rocks) to restrict access to vulnerable beaches,*
4. *Improved liaison/coordination with other agencies and territorial authorities,*
5. *Further monitoring to determine the extent of the problem.*

The impact of these options may also be limited if they were undertaken as standalone measures. Previous experience shows that educational material or signage may be ignored (particularly in remote areas) and attempts to physically restrict access to beaches normally results in the works being destroyed within a short period of time. These options may have more impact if they were used in conjunction with bylaw provisions or additional enforcement capacity.

⁴ E.g., The Catlins Care Code, prepared by Catlins Coast Inc.

5.3 BYLAW PROVISIONS

Council could choose to develop a bylaw to regulate vehicle access to beaches. An assessment of how this might work in the Clutha District is provided below.

5.3.1 Comparison of other bylaw approaches

There are 12 territorial authorities (TA's) in New Zealand which have existing, or proposed bylaw provisions intended to manage the impacts of vehicles on beaches (Appendix A1.0). There are three main approaches. The first is a blanket ban with common exceptions for emergency services, launching or retrieving boats etc. The DCC (adjoining Clutha to the north) takes this approach, and DCC Parks and Reserves staff note that it although has taken some time, their bylaw is now starting to have an impact. They also note that the best approach involves a range of measures, including enforcement, education, signage, and physical works.⁵

The second approach is to allow vehicle access to some beaches but not others (although exceptions for emergency vehicles etc. are still provided). This approach is the most popular, and may be more suitable for the Clutha District, given the diverse physical, ecological, social, and cultural characteristics of our beaches and the local communities who use them.

Within the second approach, there are some key variations in the way the bylaws are 'pitched' (although in effect, the overall approach is the same). These include:

- Ø *You must operate vehicles safely on all beaches, but you can't drive on specific beaches.*
- Ø *You can't drive on specific beaches, and you must operate vehicles safely everywhere else.*
- Ø *No vehicles are allowed on beaches, except for specific areas.*

The third approach is similar to Council's Regulatory Bylaw (Section 3.4).

Table 5-1 Bylaw approaches taken by other Councils towards managing vehicles on beaches

Territorial Authority	Approach 1: No vehicles on beaches (with some exceptions)	Approach 2: Operate vehicles safely, vehicles prohibited from specific beaches	Approach 3: Show consideration to other beach users
Dunedin	ü		
Far North		ü	
Hauraki		ü	
Invercargill		ü	
Kapiti		ü	
Marlborough ⁶	ü		
Opotiki		ü	
Tauranga		ü	
Waikato	ü		
Waitomo			ü
Whakatane	ü ⁷		
Whangarei		ü	

⁵ It is noted that SDC (adjoining Clutha to the west) do not actively manage vehicle access to beaches through a bylaw. SDC confirmed they don't currently have major issues, and don't use non-regulatory methods such as signage or monitoring.

⁶ Proposed Bylaw only at this time.

⁷ Exceptions include allowing quad bikes to access the beach for fishing.

5.3.2 Compliance with the New Zealand Coastal Policy Statement

The following table lists the requirements of Policy 20 of the NZCPS, lists any issues in the Clutha District which relate to that section of the policy, and describes how a bylaw could be used to address those issues.

Table 5-2 Relevant issues and bylaw approaches which could provide for NZCPS Policy 20 requirements

NZCPS Policy requirement	Relevant issues identified in the Clutha District ⁸	Potential Bylaw approach
1. Control use of vehicles on beaches and adjacent public land where the following might result:		
a. Damage to dune or other geological systems and processes.	Potential safety issues identified by Council staff. Dune systems provide important habitat for vulnerable species.	<ul style="list-style-type: none"> • Other TA Bylaws prohibit vehicles in dunes (Appendix A1.0). • A new Bylaw could prohibit dune access district wide, irrespective of any beach access restrictions.
b. Harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds.	Incidents have been identified by Council staff, residents, and other agencies.	<ul style="list-style-type: none"> • The DCC Bylaw is intended to avoid negative impacts of vehicles on wildlife. Clutha beaches provide a similar environment for marine mammals and birds. • A new Bylaw could prohibit access to wildlife 'hot-spots', or to all beaches, with exceptions for certain activities (e.g., boat launching).
c. Danger to other beach users.	Potential safety incidents observed by Council staff. Can be an issue on both popular and remote beaches.	<ul style="list-style-type: none"> • DCC Bylaw aims to improve safety of other beach users. Although Clutha beaches are less populated, there are occasions when some are well used for swimming, walking etc.
d. Disturbance of the peaceful enjoyment of the beach environment.	Complaints/concerns noted by Council staff and visitors.	<ul style="list-style-type: none"> • Existing Regulatory Bylaw requires vehicle users to show consideration to other beach users. • Banning vehicles from some/all beaches through a Bylaw would provide a regulatory tool to remove vehicles causing issues, or issue infringement notices if required.
e. Damage to historic heritage.	Limited data available – additional consultation required.	<ul style="list-style-type: none"> • The impact of a new Bylaw has not yet been quantified.
f. Damage to the habitats of fisheries resources.	Limited data available – additional consultation required.	<ul style="list-style-type: none"> • The impact of a new Bylaw has not yet been quantified.
g. Damage to sites of significance to tangata whenua.	Limited data available – additional consultation required.	<ul style="list-style-type: none"> • The impact of a new Bylaw has not yet been quantified.

⁸ Additional information about whether these issues occur in the Clutha District (and if so where) will be gathered through the consultation process described in section 2.4.

Table 5-2 (Continued)		
NZCPS Policy requirement	Relevant issues identified in the Clutha District	Potential Bylaw approach
2. Identify the locations (and provide for) vehicular access where it is required for:		
a. Boat launching.	There are 8 known boat launching points and 20 other access points to sandy beaches (Figure 1-1).	A bylaw could identify designated boat ramps. It could also allow for vehicles to access all or some beaches to launch and retrieve boats.
b. The only practicable means of access to private property or public facilities.	There are several locations where property can only be accessed via the beach (e.g., Tautuku, Cannibal Bay).	A bylaw could provide for this type of access, either through general provisions or a permit type system.
c. For the operation of existing commercial activities.	Council is aware of a small number of commercial activities which require vehicle access to beaches.	As above, a bylaw could provide for this type of access, either through general provisions or a permit type system.
3. Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring.	The physical characteristics, and the values associated with our beaches vary considerably throughout the district. There may be locations and times where unrestricted recreational vehicular use is appropriate. It is noted that additional information about beach 'values' will be collected through the consultation period and used to inform the bylaw process.	The Land Transport Act 1998 ⁹ allows Councils to create bylaws to prohibit or restrict the use of vehicles on beaches. There are bylaws in New Zealand which prohibit vehicle access to some or all beaches in a district. Restrictions often apply adjacent to highly populated areas (e.g., Tauranga), but there are also locations where access has been prohibited to protect wildlife and environmental values (e.g., Dunedin, Marlborough ¹⁰), or on popular recreational/swimming areas (e.g., Opotiki, Whangarei).

⁹ Section 22AB (1) (f)

¹⁰ Proposed bylaw only at this time.

APPENDICES

A1.0 OTHER APPROACHES TO MANAGING VEHICLES ON BEACHES

A search of territorial authority bylaws identified 12 Councils in New Zealand which have bylaws specifically relating to beaches or include beach-related rules within a consolidated bylaw. Most of these bylaws were created by Councils in the north of the North Island (Figure A1.1), with only Dunedin, Invercargill, and Marlborough in the South Island. The requirements of these bylaws are summarised below.

Attachment A



Figure A1.1 Map showing territorial authorities with bylaws relating to beach access by vehicles (red circles)

A1.1 DUNEDIN CITY

- [Reserves and Beaches Bylaw 2017](#)
- Cannot take vehicles onto a beach, except:
 - To launch/retrieve a boat
 - Lifeguard/emergency services activities
 - Areas set aside by Council for vehicular traffic (driveways, carparks etc)
 - Where permission has been granted by Council.
- [Website](#) has an explanation of why vehicles aren't allowed on beaches.
- Covers a range of topics, but differs from other bylaws in that it also relates to reserves.

A1.2 FAR NORTH DISTRICT

- [Vehicles on Beaches Bylaw 2015](#)
 - Includes general provisions (due consideration for others etc).
 - Vehicles are prohibited from 'Safe Zones', included as a Schedule (currently just 1 of these).
- Under review: <https://www.fndc.govt.nz/Whats-new/Have-your-say/Vehicles-on-beaches>
 - Early engagement to identify what beaches vehicles use.
 - Targeted engagement
 - Analysis of feedback and development of options...
 - Create a new bylaw
 - They map results of 'vehicles on beaches' [survey](#), and feedback is listed.
- 'Safe Zone beaches' can be added or removed over time as necessary (after appropriate consultation).
- A separate, easy to understand, concise Bylaw.

A1.3 HAURAKI DISTRICT

- [Nuisance Bylaw 2020](#) (section 3.10 vehicles on beaches)
- Cannot take a vehicle on Whiritoa Beach (main beach, residential area) except for:
 - Launching/retrieving a boat
 - Emergency vehicles
 - Mobility parking permit holders
- Must not drive a vehicle on a beach in a way which endangers people, or is an annoyance or inconvenience to people, either on the beach or the foreshore.

A1.4 INVERCARGILL CITY

- [Roading and Traffic Bylaw 2021](#) (section 27 vehicles on the beach)
- Except with prior written permission, vehicles are prohibited on beaches
- The exception is Oreti Beach, although conditions apply – must drive safely, and at less than 30km per hour.
- Similar approach to Dunedin City, but bylaw provisions not as easy to find as they are contained within a larger, wide-ranging bylaw.

A1.5 KAPITI DISTRICT

- [Beach Bylaw 2021](#)
 - Comprehensive bylaw, covering a range of topics (e.g., fishing, kite surfing)
 - Reviewed in 2020/21.
- All beaches are prohibited driving areas, except for designated 'permitted' driving areas.

- No vehicles in prohibited driving areas (mapped).
- Two-wheeled motorbikes not permitted on any beach.
- Speed limit of 20 km/h on any beach.
- A series of maps showing beach access points, and permitted/prohibited areas, as well as significant sites.

A1.6 MARLBOROUGH DISTRICT

- [Proposed East Coast Beach Vehicle Bylaw](#) (underway)
- Proposes prohibiting access to most east coast beaches and dunes, except to launch/retrieve boats etc.
- Prepared in response to impacts of Kaikoura Earthquake in 2016 (earthquake raised the seabed, and vehicles can now access vulnerable areas more easily).
- A well-researched piece of work, underpinned by technical reports.
- [Website](#) has a summary of submissions received

A1.7 OPOTIKI DISTRICT

- [Consolidated Bylaw 2019](#) (Beaches section)
- Vehicles permitted on beaches not identified as prohibited areas with conditions:
 - Max speed of 15 km/hr
 - Driven safely
 - Enter/exit from designated entry and entry points
 - Must give way to people, dogs, and horses.
- Motorcycles are prohibited on all beaches.
- Includes a series of maps showing prohibited areas.

A1.8 TAURANGA CITY

- [Beaches Bylaw 2018](#)
- Covers a range of other matters (e.g., hiring craft, longline fishing, horses, protective works, fires)
- Rules relating to vehicles:
 - Cannot drive in a dangerous manner, or cause inconvenience to other people.
 - Cannot take a motorcycle on the beach.
 - Cannot drive vehicles on the beach, except:
 - § to launch/retrieve a boat.
 - § for events, if permitted by Council.
 - § all-terrain vehicles can access the beach for recreational fishing purposes with the permission of Council, between an access point and the mouth of the Kaituna River.

A1.9 WAIKATO DISTRICT

- [Reserves and Beaches Bylaw 2016](#)
- Includes a range of other matters (e.g., litter and pollution, 'interference with enjoyment', animals, firearms, commercial activities).
- Rules relating to vehicles:
 - Cannot take a vehicle on the beach, except
 - § In the case of an emergency.
 - § With prior written permission of the Council.
 - § To drive by a direct route to deposit or retrieve a boat.
 - § Emergency, police, central government and Council vehicles.
 - § Where properties can only be accessed via a beach.

§ Where the beach is a legal road [presumably this refers to designated road reserve, rather than through the definition of beaches as roads in the Land Transport Act 1998 – see section 3.1].

- Must not exceed 10km/hr where vehicular access is permitted.
- Cannot drive on the dunes in areas where vehicular access is permitted.

A1.10 WAITOMO DISTRICT

- [Public Amenities Bylaw 2010](#) (Beaches section)
- Limited restrictions, including:
 - Must show due consideration to other beach users.
 - All vehicles are prohibited on dunes, except to access the beach via the most direct route possible.
- States that you can use the beach to access your property but does not specifically say you can't use the beach for other purposes.

A1.11 WHAKATANE DISTRICT

- [Beaches Bylaw 2018](#)
 - Replaced a section of the Consolidated Bylaw
 - Covers a range of topics (e.g., waste, aircraft, animals, conduct, events, camping).
- Cannot park or drive any vehicle or motorcycle on any part of the beach, without written permission from Council. Exceptions are:
 - Quadbikes (provided they are used for recreational fishing and follow other rules)
 - Authorised access ways (presumably to access property from the beach)
 - Launching/retrieving boats.
- A well laid out bylaw, covers common beach-related issues all in one place.

A1.12 WHANGAREI DISTRICT

- [Control of Vehicles on Beaches Bylaw 2009](#) (last amended in 2019).
 - All vehicles are prohibited on dunes at all times.
 - All vehicles are prohibited on three areas identified in schedule 1 (mapped). Exemptions apply for Council employees, emergency services etc.
- Bylaw is silent on other beaches not identified in schedule 1, and notes that the Land Transport Act 1998 defines a beach as a road, and therefore all relevant traffic rules and regulations apply.
- A clear concise bylaw, including high quality maps.
- Includes a useful list of related documents leading up to adoption of Bylaw, and relevant legislation.

Attachment B:

**Vehicles on Beaches Bylaw
Statement of Proposal**

Clutha District Council

March 2022

CONTENTS

HAVE YOUR SAY!	ii
1.0 INTRODUCTION	3
2.0 STATUTORY PROCESSES	3
3.0 REASONS FOR THIS PROPOSAL	3
4.0 STAKEHOLDER ENGAGEMENT	4
5.0 MANAGEMENT OPTIONS	4
5.1 OPTION 1 – MAINTAINING THE STATUS QUO.....	4
5.2 OPTION 2 – ADDITIONAL NON-REGULATORY OPTIONS	5
5.3 OPTION 3 – CREATE A BYLAW	6
6.0 PREPARATION OF A DRAFT BYLAW	7
6.1 IS A BYLAW THE MOST APPROPRIATE RESPONSE?	7
6.1.1 The Bylaw-making process – have we followed due process?.....	7
6.2 KEY COMPONENTS OF THE PROPOSED BYLAW	8
6.2.1 Geographical Scope.....	8
6.2.2 Prohibited access - Safe Zones	9
6.2.3 Prohibited access - Dunes	11
6.2.4 Vehicle types	11
6.2.5 Speed limits.....	11
6.2.6 Restrictions on when vehicles can travel	12
6.2.7 Exemptions.....	12
6.2.8 Offences and penalties.....	12
6.2.9 Enforcement	13
6.2.10 NZBORA 1990.....	13
6.2.11 Legal Opinion	Error! Bookmark not defined.
7.0 CONCLUSION AND RECOMMENDATION	14
8.0 OTHER MATERIAL FOR CONSULTATION	15
8.1 TEXT FOR SURVEY MONKEY	15

HAVE YOUR SAY!

Clutha District Council is proposing that a Vehicles on Beaches Bylaw be created. This document provides information on the proposal, including the reasons for it being put forward, a draft of the proposed Bylaw, and background information.

Before finalising the proposed Bylaw, Council wants to hear your views. We need your feedback by **5pm on Monday 20 June 2022**.

Your views on the proposed Vehicles on Beaches Bylaw are important to us, and there are several ways you can have your say. Submission forms are available from Council Service Centres, or you can fill in your submission online. Council will also hold a series of community drop-in events at coastal settlements – check our [website](#) for details.

Please state in your submission if you want to speak at the Council hearing about your submission. A guide to making verbal submissions is available on our website in the Council meetings section, under ‘attending a meeting’.

HOW TO GET YOUR SUBMISSION TO US:



In person:

By visiting our Service Centres at:

- 1 John Street, Balclutha,
- 5 Peel Street, Lawrence,
- 124-126 Union Street, Milton,
- 10 Campbell Street, Owaka, or
- 1 Suffolk Street, Lawrence.



By mail:

Vehicles on Beaches Bylaw
Clutha District Council
PO Box 25
Balclutha 9240



Online/email:

Complete the form online at
www.cluthadc.govt.nz or email us
help.desk@cluthadc.govt.nz

Submitters should note that all submissions are considered public under the Local Government Official Information and Meetings Act and may be published and made available to the public after the submission period closes.

TIMELINE FOR THE PROPOSED VEHICLES ON BEACHES BYLAW:

Submission period: **19 May – 20 June 2022**

Hearing: **23 June 2022**

Council considers submissions and makes decisions on any changes to the proposed Bylaw **20 July 2022**

Council adopts Bylaw **15 September 2022**

Bylaw comes into force: **1 January 2023**

ANY QUESTIONS?

We are here to help. If you have any questions about the proposed Bylaw or the submission process, please let us know. Just call us on 0800 801 350 and let our customer service staff know you have a question about the proposed Vehicles on Beaches Bylaw.

1.0 INTRODUCTION

Council is proposing to regulate the use of motor vehicles on beaches in the Clutha District. This Statement of Proposal has been prepared as part of consultation regarding the creation of a Bylaw under the Land Transport Act 1998 and the Local Government Act 2002.

Two main issues have been identified by Council regarding uncontrolled vehicle use on beaches: Firstly, the effect on public safety and enjoyment of the area and secondly the adverse effects to the values of the coastal environment. This is the 'perceived problem'.

The challenge facing Council is to maintain public access for beach users, without impacting on public safety or ecosystems. A workable solution is required, that will address the diverse values and preferences of users in a compatible way.

This Statement of Proposal includes:

- *A description of the relevant statutory processes and anticipated timeline.*
- *The reasons for the proposal.*
- *A summary of previous engagement with key stakeholders.*
- *The options considered by Council.*
- *The analysis used in preparing the proposed Bylaw.*
- *A proposed Bylaw.*

A separate *Issues and Options* report has been prepared by Council. This provides additional information and has been used to inform this Statement of Proposal. The proposed bylaw is available here. [insert link when available]

2.0 STATUTORY PROCESSES

The proposed Vehicles on Beaches Bylaw has been prepared by Council, as provided for under section 145 of the Local Government Act 2002 (LGA 2002), and section 22AB of the Land Transport Act 1998 (LTA 1998).

Sections 83 and 86 of the LGA 2002 require Council to use the special consultative procedure in relation to making or revoking a Bylaw.

The proposed Vehicles on Beaches Bylaw is considered to be consistent with the New Zealand Bill of Rights Act 1990 (NZBORA).

3.0 REASONS FOR THIS PROPOSAL

Members of the community have expressed their concern to Council regarding the negative impacts of vehicle access to beaches in the Clutha District. This issue was raised through feedback on the Our Place Catlins Community Plan in 2019 [\[link\]](#), through the public forum preceding council's committee meetings in November 2020, and through submissions by DOC and Forest & Bird to the 2021-31 Long Term Plan.

Issues identified by members of the public include:

1. *Negative impacts on ecosystems within the coastal environment*
2. *Detrimental effects to wildlife including sea lions and yellow-eyed penguins*
3. *Potential threats to Clutha's tourism industry, particularly in The Catlins.*
4. *Safety concerns and nuisance for other beach users*

These issues, and a summary of complaints received are included in the *Issues and Options* report prepared by Council in 2021.

Council agreed to investigate an appropriate Bylaw in November 2020, and Mayor Cadogan [noted](#):

"It is disappointing that a small minority still lack environmental awareness. We've moved beyond motorbikes and dogs on the beach harassing the few remaining seals and sea lions. This is one of the key features our district can boast of, and it's about time we became more aligned to their needs."

4.0 STAKEHOLDER ENGAGEMENT

The proposed approach has been developed based on discussions with relevant stakeholders, including mana whenua, Department of Conservation, and community groups in Kaka Point and Owaka. Council also engaged with its coastal neighbours Southland District Council and Dunedin City Council to understand how they manage this issue, and what has worked well (and not so well) for them.

This additional engagement, prior to the public consultation phase, was undertaken to ensure that the issue is well defined. It has also ensured that the perspective of these entities is known and understood, so that their views can be designed into the proposed management approach. The *Issues and Options* report summarises the preliminary stakeholder engagement, and the information obtained through this process. Consultation with a wider group of stakeholders will occur during the public submission period.

5.0 MANAGEMENT OPTIONS

The *Issues and Options* report prepared in support of this Statement of Proposal describes and discusses three options available to Council to address this issue. These include

1. *Maintaining the status quo*
2. *Additional non-regulatory options*
3. *Creation of a Bylaw*

The advantages and disadvantages of each option are discussed below.

5.1 OPTION 1 – MAINTAINING THE STATUS QUO

The status quo would mean that vehicle users would continue to have unrestricted access to and along the coast. The existing provisions in the Regulatory Bylaw 2018 would continue – these require people to not drive in a dangerous or inconsiderate manner, or cause damage.

Table 5-1 Advantages and disadvantages of option 1 - status quo

Advantages	Disadvantages
Consistent with RMA section 6 (d) by providing for/enhancing public access to the coastal marine area.	Not consistent with RMA sections 6 (a) and (c) which aim to recognise and provide for preservation of the natural character of the coastal environment and the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
More of the Clutha coastline would remain accessible to more people.	Not consistent with Policy 20 of the NZCPS.

Access would remain the same for emergency and enforcement agencies.	Vehicles may damage sites of significance to tangata whenua.
Lowest cost option – no need to monitor or ensure compliance with a Bylaw.	Dunes and other ecological systems on the coast will remain at risk from damage.
The ability of vehicle users to access and use the beach would be preserved.	Vehicles disturb the peaceful enjoyment of the coast, particularly in The Catlins.
	Public safety of other beach users threatened through sharing the coast with speeding vehicles, or poor driver behaviour.
	Existing regulations apply district wide – no ability to provide for additional protection in vulnerable areas.
	Prosecution of offenders unlikely.

Council does not consider that this option adequately addresses the perceived problem.

5.2 OPTION 2 – ADDITIONAL NON-REGULATORY OPTIONS

Non-regulatory options include education measures, signage, barriers to restrict access, and improved coordination with other agencies. Council could also undertake further monitoring to understand the extent of the problem.

Table 5-2 Advantages and disadvantages of option 2 – non regulatory options

Advantages	Disadvantages
Consistent with RMA section 6 (d).	Not consistent with RMA sections 6 (a) and (c).
The Clutha coastline would remain accessible to most people.	Not consistent with Policy 20 of the NZCPS.
Access would remain the same for emergency and enforcement agencies.	Vehicles may damage sites of significance to tangata whenua.
Can work in tandem with other methods - signs and educational methods can be used to reinforce regulatory methods such as a Bylaw.	Public safety of other beach users may continue to be threatened through sharing the coast with speeding vehicles, or poor driver behaviour.
Lower cost option - no need to monitor or ensure compliance with a Bylaw; however, some cost associated with providing various NR measures.	The success of this method would depend on users following suggested behaviours. If people choose to ignore these measures, the status quo is likely to remain.
	Likely that vehicles would continue to disturb the peaceful enjoyment of the coast, particularly in The Catlins.
	Prosecution of offenders unlikely.
	Dunes and other ecological systems on the coast will remain at risk from damage, if messaging is ignored.
	Existing regulations apply district wide – limited ability to provide for additional protection in vulnerable areas.
	Signs and physical works can be vandalised or removed.
	Legal basis to install barriers not clear. Not practical to prevent access to most beaches.

Council is not convinced that additional non-regulatory methods would be sufficient on their own to change the behaviour of all vehicle users. However, these measures could complement option 3 (create a Bylaw).

5.3 OPTION 3 – CREATE A BYLAW

Council could choose to develop a Bylaw to regulate vehicle access to beaches, giving consideration to local conditions and requirements.

Table 5-3 Advantages and disadvantages of option 3 – create a Bylaw

Advantages	Disadvantages
A Bylaw can prohibit or restrict the use of vehicles on beaches for the purposes of protecting the environment, the road and adjoining land, and the safety of users.	There is no clear definition of ‘beach’ in the LTA 1998 or other relevant legislation. Therefore, it will be necessary to carefully define the areas where restrictions on vehicle access will apply.
A Bylaw would be consistent with section 6 (a) and (c) of the RMA if it was to provide for the preservation of the natural character of the coastal environment, the protection of areas of significant indigenous vegetation, or significant habitats of indigenous fauna.	Beach users that have previously used vehicles to access fishing and diving spots may be impacted by a different management approach. Beach users who enjoy driving through dunes, driving recklessly on the beach, or using the beach as a racetrack will also be impacted.
A Bylaw would be consistent with the NZCPS if it included provisions intended to address issues listed in Part 1 of Policy 20.	There will be additional costs to monitor and ensure compliance with a Bylaw. Some costs may be recovered through fines (section 6.2.8).
A Bylaw could be used to provide for vehicular access at certain locations, and under certain circumstances. ¹ The ability of emergency and enforcement agencies to access the beach would remain.	There are areas of private and DOC administered land along the coast that Council does not control, where the Bylaw will not apply. As above, it will be necessary to carefully define the areas where restrictions apply.
Sites of significance to tangata whenua would be protected.	

This is Council's preferred option, as discussed in the following section.

¹ as listed in Part 2 and Part 3 of Policy 20 of the NZCPS.

6.0 PREPARATION OF A DRAFT BYLAW

An assessment of the advantages and disadvantages of the options which could be used to address the perceived problem has been undertaken. Based on this assessment, Council believes that the best option is to create a Bylaw to regulate the use of vehicles on beaches. Council acknowledges that other methods (in combination with a Bylaw) may also be required to address this issue.

This first part of this section considers LGA 2002 requirements and other guidance to confirm whether a Bylaw is the most appropriate response. The second part discusses options for inclusion in a Bylaw, so that the Bylaw would address the perceived problem in the most appropriate way.

6.1 IS A BYLAW THE MOST APPROPRIATE RESPONSE?

Under the Local Government Act 2002 Council may make Bylaws for the following purposes:

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

A comprehensive assessment of the perceived problem has been undertaken (see section 1.0 and the *Issues and Options* report), and Council believes that a Bylaw would help to achieve these three functions (i.e., public nuisance, health and safety, offensive behaviour).

Council must, before commencing the process for making a Bylaw, determine whether this is the most appropriate way of addressing the perceived problem, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

6.1.1 The Bylaw-making process – have we followed due process?

Guidance is provided by Taituarā² on the process for making Bylaws through their website [[link](#)]. Council has followed the steps in this guide, as summarised in Table 6-1. This assessment has been used to inform the recommendations in section 7.0.

Table 6-1 Taituarā development process/check list for creation of a Bylaw

Stage	Outcome	Relevant section ³
· <i>Has an issue been brought to the attention of Council?</i>	Yes	3.0
· <i>Is the issue clearly defined?</i>	Yes	4.0
· <i>Is the issue the responsibility of Council?</i>	Yes	5.3, 6.1
· <i>Has Council determined the scope, scale, and frequency of the issue?</i>	Yes	3.0, 6.0
· <i>Has Council undertaken investigation at the source of the issue? (e.g., analysis of complaints, consulting with external agencies)</i>	Yes	4.0
· <i>Does the scope and scale of the issue justify action to be taken by Council?</i>	Yes	6.0
· <i>Does Council have existing powers which can be used to deal with the issue?</i>	Yes	5.1

² Local Government Professionals Aotearoa

³ Note that relevant information is also provided in the *Issues and Options* report.

<ul style="list-style-type: none"> Has Council undertaken initial investigations to identify options for dealing with the issue? 	Yes	5.0
<ul style="list-style-type: none"> Are alternative solutions available? 	Yes	5.1, 5.2
<ul style="list-style-type: none"> Would the issue still be ongoing/require action? <ul style="list-style-type: none"> By themselves, the actions listed in sections 5.1 and 5.2 would not address the issue adequately. 	Yes	6.1
<ul style="list-style-type: none"> Does Council perceive the issue to be a problem? 	Yes	3.0, 6.1
<ul style="list-style-type: none"> Does Council have the legal power to use a Bylaw to resolve the perceived problem? <ul style="list-style-type: none"> Existing (limited) Bylaw provisions already address this issue. Other TA's have drafted Bylaws to address similar issues. Legal advice on Council's statutory power may be requested. 	Yes	5.3, 6.1
<ul style="list-style-type: none"> Is a Bylaw the most appropriate way to address the perceived problem? 	Yes	6.1
<ul style="list-style-type: none"> Should the issue be addressed through creation of a new Bylaw? <ul style="list-style-type: none"> A separate Bylaw is preferred over the Regulatory Bylaw 2018. A draft Bylaw been prepared with stakeholder, technical and legal input. A timeframe and method for consultation has been adopted. 	Yes	2.0, 4.0
<ul style="list-style-type: none"> Next steps: <ul style="list-style-type: none"> Special Consultative Procedure; receive submissions; carry out deliberations; consider any changes required; decision on whether to adopt Bylaw. 	To come	

6.2 KEY COMPONENTS OF THE PROPOSED BYLAW

The key elements of Council's proposed Bylaw are assessed in this section.

6.2.1 Geographical Scope

The beach and other components of the coastal environment, as they relate to the proposed Bylaw, are defined below. Ownership and management of the land within the coastal environment is shared by Council, Department of Conservation (DOC) and Land Information New Zealand (LINZ).

What defines 'the beach'?

A beach is normally defined as the area between low and high water springs. It has a moveable boundary, meaning if the high tide mark moves (e.g., due to coastal erosion or changes in sea level), the beach also moves.

As there is no definition of what constitutes a beach in the LTA 1998, Council has relied on the dictionary definition⁴ and definitions used in other Bylaws throughout New Zealand. The definition of beach in the proposed Bylaw includes land below the mean high water spring mark (MHWS) as well as land above MHWS that would ordinarily be considered part of the beach system, including dunes.

Reserves

⁴ Dictionary.Com definition of a beach [\[link\]](#):

- an expanse of sand or pebbles along a shore.
- the part of the shore of an ocean, sea, large river, lake, etc., washed by the tide or waves.
- the area adjacent to a seashore.

There are several reserves along the coast, from Knarston Park in Taieri Mouth to the Tautuku Bay Scenic Reserve in The Catlins. Reserves have fixed boundaries and erosion or accretion can result in land shifting outside these boundaries. This can only be corrected by legal survey. Council and DOC reserves along the Clutha Coast are mapped in Council's Clutha Maps tool [\[link\]](#).

Reserves are administered under the Reserves Act 1977. Each type of reserve has a different purpose and different rules may apply to public access. The purpose of the Reserves Act includes, *“ensuring, as far as possible, the preservation of access for the public to and along the sea coast and fostering and promoting the preservation of the natural character of the coastal environment and protection from unnecessary subdivision and development”*.

Roads

There are legal roads along much of the coast, not all of which have been formed. Legal road reserves are also mapped in Council's Clutha Maps tool. A legal road is a surveyed area whose boundaries do not move if the land shifts due to erosion and accretion. Driving and even walking along the legal road may not always be physically possible, due to limited access and topographic barriers (e.g., cliffs, streams).

Roads are regulated under the LGA 1974 and the LTA 1998. This legislation allows for Council to:

- *stop the road;*
- *prohibit or restrict the use of vehicles on the road to protect the environment, the road and adjoining land, or the safety of road or beach users;*
- *impose speed limits on the road.*

The Land Transport Act 1998 includes beaches in its definition of a road, so all the normal road rules apply. The Act also enables vehicle access to be prohibited or restricted and speed limits to be set through bylaws. Council has the power to make bylaws, with Council staff or Police authorised to enforce them.

Crown Land

Crown Land is administered by LINZ (unless Council makes a claim to have it incorporated into the existing unformed legal road).

6.2.2 Prohibited access - Safe Zones

There are at least 28 sandy beaches along the Clutha District coastline, and the characteristics of these beaches vary considerably. Prohibiting all vehicle access to all beaches was considered as a starting point, but pre-consultation and research indicates that this would not be suitable for the Clutha District. A mixed approach appears more suitable, with access prohibited where this is justified, while still allowing access for reasonable purposes. The key elements which underpin Council's preferred approach are shown in Figure 6-1.

Based on pre-consultation and information collected to date, Council has identified eight beaches where it believes vehicle access should be prohibited, except for valid reasons. The characteristics and values of these beaches which justify such an approach are listed in Table 6-2. These beaches are defined as 'Safe Zones' in the proposed Bylaw.

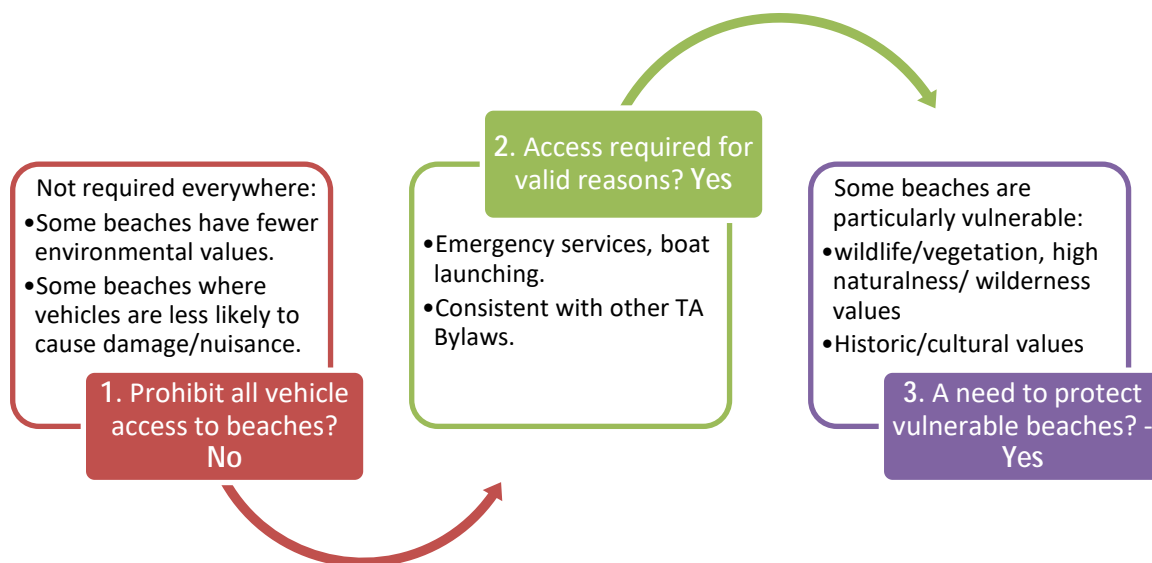


Figure 6-1 Diagram showing the decision-making process which underpins Council's preferred Bylaw approach

Table 6-2 Characteristics of Safe Zone beaches where restrictions on vehicle access are proposed

Beach	Characteristics / values ⁵
Taiari Beach	<ul style="list-style-type: none"> • <i>Medium to high natural character and landscape values.</i> • <i>Significant cultural value to tangata whenua; environmental restoration work being undertaken by Taiari Whānau at Moturata.</i>
Kaka Point	<ul style="list-style-type: none"> • <i>Medium to high natural character and landscape values.</i> • <i>Varied and good number of wildlife and birds present.</i> • <i>Some community concern over existing behaviour, particularly motorbikes.</i> • <i>Surf Life Saving Club at Kaka Point; boat launching area at Willsher Bay</i>
Cannibal Bay	<ul style="list-style-type: none"> • <i>High naturalness and wilderness values.</i> • <i>Significant cultural value to tangata whenua.</i> • <i>Sea Lion breeding area/yellow-eyed penguin habitat.</i> • <i>Community concerns over existing behaviour.</i> • <i>Access required to farmland at southern end of the beach.</i> • <i>Beach used regularly for non-motorised recreational activities.</i>
Surat Bay	<ul style="list-style-type: none"> • <i>As for Cannibal Bay.</i> • <i>Difficult for vehicles to access this beach.</i>
Jacks Bay	<ul style="list-style-type: none"> • <i>Beach used regularly for non-motorised recreational activities.</i> • <i>Sea Lions access the beach.</i> • <i>No real need for vehicles to access beach, except to launch/retrieve boats.</i>
Purakaunui Bay	<ul style="list-style-type: none"> • <i>High naturalness and wilderness values.</i> • <i>Significant cultural value to tangata whenua.</i> • <i>No real need for vehicles to access beach, except to launch/retrieve boats.</i>
Tahakopa Beach	<ul style="list-style-type: none"> • <i>Important wildlife habitat, ecological significance.</i> • <i>Significant cultural value to tangata whenua.</i> • <i>Difficult for vehicles to access this beach.</i>

⁵ As outlined in the *Issues and Options* report, and pre-consultation with stakeholders.

Tautuku Beach	<ul style="list-style-type: none"> • <i>Important wildlife habitat, ecological significance.</i> • <i>High naturalness and wilderness values.</i> • <i>Significant cultural value to tangata whenua.</i> • <i>Access required to cribs at southern end of the beach.</i> • <i>Community concerns over existing behaviour.</i>
---------------	--

6.2.3 Prohibited access - Dunes

Through pre-consultation with stakeholders, damage to dune systems by vehicles was identified as a major issue. Ongoing loss of dunes to coastal erosion has been noted at several locations along the Clutha District coastline,⁶ and this may be exacerbated by regular vehicle movements through the dunes. An analysis of other Bylaws shows that other TA's prohibit vehicles on all dunes.

The proposed Bylaw includes a clause that prohibits vehicles on dunes, except to access the beach via the most direct route possible, and only via existing, defined tracks.

6.2.4 Vehicle types

The proposed Bylaw contains restrictions designed to protect the public from nuisance; maintain public health and safety; and minimise the potential for offensive behaviour. It provides for a targeted approach, where vehicle access is prohibited where justified (with common exceptions provided for) and general rules which apply to all other beaches. As such, it is not proposed to further differentiate between different types of vehicles. Council believes this will provide for a simpler approach and will be easier to regulate.

Other, discounted options include banning motorbikes on all beaches,⁷ and providing access for ATV's (quad bikes) on some or all beaches (e.g., to access fishing spots).

Based on research undertaken to understand the impacts of vehicles on beaches, the proposed Bylaw proposes to prohibit all vehicle types on the eight 'Safe Zone' beaches listed in section 6.2.1.

6.2.5 Speed limits

Observations by Council staff are that vehicles on beaches are often driving relatively fast, they do not follow the same route along the beach, they can turn abruptly, and can deliberately lose traction. Other beach users are at risk from vehicles using the beach as a road.

Under section 22AB(d) of the LTA 1998, Council (as a road controlling authority) has set speed limits on roads for the safety of the public, as shown in the Clutha District Register of Speed Limits [\[link\]](#). It is recommended that the proposed Vehicles on Beaches Bylaw specify a speed limit on beaches, and that Council's Register of Speed Limits is amended to be consistent with the proposed Bylaw. Requiring a reduced speed on beaches would assist in providing a safer environment for other users of the coast (walkers, beach users, horse riders). Speed limits on beaches included in other territorial authority Bylaws range from 10 to 30 km/hr.

The draft Bylaw proposes that where vehicle access to the beach is allowed, that a speed limit of 30 km/hr is introduced, to make the beach a safer environment for other users.

⁶ Otago Regional Council, 2014. *Coastal morphology of South Otago: Nugget Point to Chrystalls Beach*. Report writers: J. Williams & M. Goldsmith.

⁷ Some other TA Bylaws prohibit motorbikes on all beaches, and some provide for ATV access for fishing on some beaches – see the *Issues and Options* report.

Section 70 of Council's Rooding Bylaw specifies that the driver of a vehicle must adhere to any signs, or any other reasonable means Council considers appropriate to restrict the use of vehicles. Depending on the outcome of the Bylaw-making process, Council may choose to erect speed limit or 'no vehicle' signs at popular beach access points along the coast.

6.2.6 Restrictions on when vehicles can travel

A range of options could be implemented to control when vehicles could access beaches. Options that could be appropriate for the Clutha District include applying restrictions at sensitive times (such as nesting/breeding seasons for birds or animals), or limiting access based on the stage of the tide.

Based on feedback received through pre-consultation, and analysis of other TA approaches, the proposed Bylaw does not include restrictions based on time or season. Council believes this will provide for a simpler approach and will be easier to regulate.

6.2.7 Exemptions

Boat launching and retrieval currently occurs at several formed boat ramps along the Clutha District coastline, as well as from the beach itself. Boat launching and retrieval is necessary for commercial and recreational activities. This activity is provided for in the proposed Bylaw, including at the eight beaches where access is otherwise prohibited.

Authorised agencies including Clutha District Council, New Zealand Police, Fire and Emergency New Zealand, Ambulance Services, Department of Conservation, Central Government Departments or Ministries, and the National Institute of Water and Atmospheric Research require continued access to be able to carry out their duties. This activity is also provided for in the proposed Bylaw.

There are properties in the Clutha District which can only be accessed via the beach, including at Tautuku and Cannibal Bay. There is no intent to prohibit vehicle access to private property, and this is specifically provided for in the proposed Bylaw, provided other provisions relating to the way vehicles are operated are adhered to.

6.2.8 Offences and penalties

As noted in section 2.0, the proposed Bylaw has been prepared by Council under both the LGA 2002 and the LTA 1998. Any person who commits an offence under the proposed Bylaw would be liable to be prosecuted and liable to a fine, as specified in these two Acts, as follows:

- *Under Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999, contravention of a Bylaw made under the LTA 1998 is an offence with an infringement fee of \$150 for an individual, and a maximum penalty of \$1000 on conviction for an individual.*
- *Under section 242(4) of the LGA 2002, a person who is convicted of an offence against a Bylaw is liable to a fine not exceeding \$20,000.*

For clarification, it is noted that an enforcement officer may request a person to stop any behaviour that is in breach of the proposed Bylaw – for example, behaviour which may endanger the public, animals or birds, or may cause damage to the beach. Any refusal to comply with the request would be an offence against the proposed Bylaw, and the enforcement officer could require the person to leave the beach immediately.

It is also noted that any vehicles on a beach in breach of this Bylaw could be removed by an enforcement officer and impounded at the expense of the driver or owner.

6.2.9 Enforcement

Under section 113 of the LTA 1998, an enforcement officer may enforce a Bylaw made under that Act. An enforcement officer can be a Police constable. Council enforcement officers who have been appointed by warrant or hold that office can also enforce Bylaws made under the LTA 1998.

The following options could be used to enforce the proposed Bylaw:

- *Enforcement by the NZ Police.*
- *Enforcement by Council enforcement officer(s) warranted under section 208 of the LTA 1998.*
- *Self-regulating – complaint based.*
- *Installation of physical barriers and signs.*

6.2.10 NZBORA 1990

Council is required to determine whether the Bylaw gives rise to any implications under the NZBORA 1990. Everyone lawfully in New Zealand has the right to freedom of movement in New Zealand under section 18 of the NZBORA.

The proposed Bylaw will restrict vehicle movements on eight beaches in the district. Access and movement is retained for all other users on these sections of the coast, and appropriate exceptions are provided for.

The prohibited areas contained in the proposed Bylaw apply to specific areas where:

- *there are known issues of concern regarding public health and safety,*
- *vehicle use needs to be controlled to avoid damage to habitats and ecosystems present along the coast,*
- *vehicle use needs to be controlled to protect sites of significance to iwi, and to avoid harm to endangered species.*

The NZBORA 1990 is satisfied as any limitation on the section 18 right is justified due to the issues associated with vehicles, as demonstrated in the Issues and Options Report.

7.0 CONCLUSION AND RECOMMENDATION

Based on the above analysis of issues and available options to address those issues, it is recommended:

1. That a separate *Vehicles on Beaches Bylaw* be prepared.
2. That the following general provisions apply:
 - a. People operating a vehicle on a beach must:
 - i. show consideration for other users of the beach.
 - ii. operate that vehicle in a courteous, appropriate, safe, and responsible manner.
 - iii. not operate that vehicle in a manner that presents a real or implied danger or threat to the safety of any other beach user, or to wildlife.
 - iv. not exceed 30km/hr.
 - v. not drive through dunes, except to access the beach using the most direct route possible.
3. That the *Vehicles on Beaches Bylaw* prohibits motor vehicle access to the following 'Safe Zone' beaches:
 - a. Taieri Beach
 - b. Kaka Point Beach
 - c. Cannibal Bay
 - d. Surat Bay
 - e. Jacks Bay
 - f. Purakaunui Bay
 - g. Tahakopa Beach
 - h. Tautuku Beach.
4. That exceptions to the Safe Zone areas listed in 3 above are made for the following:
 - a. emergency purposes
 - b. launching or retrieving boats
 - c. local/central government staff in the normal course of their duties
 - d. where property can only be accessed via the beach.

8.0 OTHER MATERIAL FOR CONSULTATION

8.1 TEXT FOR SURVEY

PROPOSED VEHICLES ON BEACHES BYLAW 2022

Thank you for taking this opportunity to comment on this proposal. We welcome your feedback. Be sure to complete this survey by 5.00pm on Monday 20 June 2022.

Part 1 – Proposed Safe Zones

Please share your views about the proposed Safe Zone beaches by completing the following section:

Taieri Mouth

- .. Yes - I/We support the proposed vehicle prohibited area at Taieri Beach
- .. No – I/We do not support the proposed vehicle prohibited area at Taieri Beach

Kaka Point

- .. Yes - I/We support the proposed vehicle prohibited area at Kaka Point
- .. No – I/We do not support the proposed vehicle prohibited area at Kaka Point

Cannibal Bay

- .. Yes - I/We support the proposed vehicle prohibited area at Cannibal Bay
- .. No – I/We do not support the proposed vehicle prohibited area at Cannibal Bay

Surat Bay

- .. Yes - I/We support the proposed vehicle prohibited area at Surat Bay
- .. No – I/We do not support the proposed vehicle prohibited area at Surat Bay

Jacks Bay

- .. Yes - I/We support the proposed vehicle prohibited area at Jacks Bay
- .. No – I/We do not support the proposed vehicle prohibited area at Jacks Bay

Purakaunui Bay

- .. Yes - I/We support the proposed vehicle prohibited area at Purakaunui Bay
- .. No – I/We do not support the proposed vehicle prohibited area at Purakaunui Bay

Tahakopa Beach

- .. Yes - I/We support the proposed vehicle prohibited area at Tahakopa Beach
- .. No – I/We do not support the proposed vehicle prohibited area at Tahakopa Beach

Tautuku Beach

- .. Yes - I/We support the proposed vehicle prohibited area at Tautuku Beach
- .. No – I/We do not support the proposed vehicle prohibited area at Tautuku Beach

Other beaches

.. I/We support the creation of a vehicle prohibited area at the following beach:

Beach name: _____

.. I/We do not support the creation of vehicle prohibited area(s) at the following beaches:

Beach name _____

Part 2 – Specific comments about the proposal

If you have comments about specific sections of the Bylaw, please add them below (please reference the relevant clause)

Part 3 – Values and threats

We are keen to understand the values that you associate with particular beaches, as well as the threats which may be present.

Please select from the list of beaches below and then select any values or threats that you feel are present at that beach. Feel free to add in other beaches, values, or threats if we haven't listed the items that are important to you.

Beach	Values	Threats
Taieri Mouth	Landscape	Coastal erosion
Taieri Beach	Dunes	Loss of dunes
Bobs Beach	Flora	Loss of habitat for wildlife
Akatore Creek	Wildlife (birds, reptiles, invertebrates, mammals)	Vehicles a danger to other beach users
Watsons Beach	Recreational facilities	Vehicles can endanger wildlife
Bull Creek	Camping	Motorbikes
Chrystalls Beach	Walking	Dogs not on a leash
Measly Beach	Birdwatching	
Smith's Beach	Fishing	<i>Other (please specify)</i>
Summer Hill	Collecting paua or crayfish	
Molyneux Bay	Launching/retrieving boats	
Kaka Point	Dog exercise	
Willsher Bay	Horse-riding	
Short Bay	4WD driving	
Tirohanga	Riding ATV/motorbikes	
Sandy Bay	Commercial fishing	
Cannibal Bay	Access to property	
Surat Bay	Heritage values	
Owaka Heads	Cultural values	
Jacks Bay	Wild and remote	
Purakaunui Bay	Few people	
Long Point/Haywards Point		
Tahakopa Beach	<i>Other (please specify)</i>	
Papatowai Beach		
Tautuku Bay		

Lathyrus Bay		
Waipati Beach		
Wallace Beach		
<i>Other (please specify)</i>		

Part 4 – Contact details

First name(s): _____

Last name: _____

Postal address: _____

Best daytime phone number: _____

Mobile: _____

Email: _____

I am writing this submission (ü box) " as an individual / " on behalf of an organisation

Organisation name: _____

Do you wish to be heard in support of your submission? (ü box) " Yes / " No

Hearings are currently scheduled for 23 June 2022 in the Council Chambers, Balclutha.

Points to remember when making a submission:

- We will acknowledge every submission received. Please ensure that you provide appropriate contact details so that our response gets back to you.
- All submissions are considered public under the Local Government Official Information and Meetings Act and may be published and made available to elected members and the public.

How to get your submission to us:



In person:

By visiting our Service Centres at:

- 1 John Street, Balclutha,
- 5 Peel Street, Lawrence,
- 124-126 Union Street, Milton,
- 10 Campbell Street, Owaka, or
- 1 Suffolk Street, Lawrence.



By mail:

Vehicles on Beaches Bylaw
Clutha District Council
PO Box 25
Balclutha 9240



Online/email:

Complete the form online at
www.cluthadc.govt.nz or email us
help.desk@cluthadc.govt.nz

- Please print clearly. The form should be easy to read and be understood and may need to be photocopied



Clutha District Council

Proposed Vehicles on Beaches Bylaw 2023

1	INTRODUCTION.....	2
2	TITLE.....	2
3	COMMENCEMENT, AND REVIEW	2
4	DEFINITIONS AND INTERPRETATIONS.....	2
5	VEHICLES ON BEACHES	3
6	PROHIBITIONS.....	3
7	EXEMPTIONS	4
8	OTHER RESTRICTIONS	4
9	OFFENCES, ENFORCEMENT AND PENALTIES	4
	SCHEDULE 1: SAFE ZONES.....	5
	APPENDIX A1.0 ADDITIONAL INFORMATION	13

1 INTRODUCTION

- 1.1 This Vehicles on Beaches Bylaw has been created to ensure public health and safety, protect the public from nuisance, and protect vulnerable wildlife and ecosystems, by regulating the use of vehicles on beaches in the Clutha District.

2 TITLE

- 2.1 This Bylaw is the Clutha District Council Vehicles on Beaches Bylaw 2023.

3 COMMENCEMENT, AND REVIEW

- 3.1 This Bylaw comes into force on [date to be confirmed] and shall apply to the whole of the Clutha District.
- 3.2 This Bylaw is required to be reviewed no later than 5 years after the Bylaw was made and no more than 10 years after the Bylaw was last reviewed.

4 DEFINITIONS AND INTERPRETATIONS

In this Bylaw, unless the context requires otherwise, the following definitions apply:

- 4.1 **Act** means the Land Transport Act 1998.
- 4.2 **Beach** means the foreshore being any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation, but does not include any private property or land administered by the Department of Conservation.
- 4.3 **Council** means Clutha District Council or any Committee of the Council or officer delegated to exercise the authority of Council.
- 4.4 **Dune** means any natural hill, mound or ridge of sediment, or any series of such, landward of a coastal beach that is deposited by wind action or storm over wash or sediment deposited by artificial means, and serving the purpose of storm damage prevention or flood control, but does not include any private property or any land administered by the Department of Conservation.
- 4.5 **Enforcement Officer** means
- 4.5.1 any person appointed by Council under section 177 of the Local Government Act 2002 as an enforcement officer.
- 4.5.2 any person defined as an enforcement officer under section 2(1) of the Land Transport Act 1998.
- 4.6 **Safe Zone** means the areas described in Schedule 1 of this Bylaw.
- 4.7 **Vehicle** has the same meaning as in section 2(1) of the Act, and includes a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved.
- 4.8 Every Schedule to this Bylaw shall be deemed to form part of the Bylaw.

4.9 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended and revoked without formality.

5 VEHICLES ON BEACHES

5.1 Any person operating any vehicle, on any part of the beach must show due consideration for other users of the beach.

5.2 Any person operating any vehicle on the beach, shall operate that vehicle in a courteous, appropriate, safe, and responsible manner, giving due consideration to other vehicle operators and to other users of the beach at all times.

5.3 Any person operating any vehicle on the beach shall not operate that vehicle in such a manner as to present a real or implied danger or threat to the wellbeing and safety of any other user of the beach at all times.

5.4 No person may use a vehicle to cause any damage to any part of a beach, including structures or fixtures.

5.5 No person may use a vehicle in a manner which has adverse effects on plants or native animals or their habitats.

5.6 No person shall, except for emergency purposes, on any part of the beach:

5.6.1 Drive a vehicle through a beach access point at a speed greater than 10 km/hr.

5.6.2 Drive a vehicle at a speed greater than 30 km/hr.

5.7 *Advisory Note: The provisions of other Council bylaws also apply to all vehicles on beaches. This includes, but is not limited to, the Roading Bylaw 2018, the Freedom Camping Bylaw 2021, and the Regulatory Bylaw 2018.*

5.8 *Advisory Note: The Act defines a beach as a road and therefore all relevant traffic rules and regulations apply to any vehicles on beaches.*

6 PROHIBITIONS

6.1 Subject to lawful exemptions provided for elsewhere in this Bylaw:

6.1.1 All vehicles are prohibited on dunes at all times, except to access the beach via the most direct route possible, and only via existing, defined tracks.

6.1.2 All vehicles are prohibited from any Safe Zone shown in Schedule 1.

6.1.3 Any Safe Zone is reserved for pedestrian beach users only.

6.2 *Advisory Note: Council would be required to use a special consultative procedure to inform any decision on changes to its bylaw regarding the location of Safe Zones.*

7 EXEMPTIONS

- 7.1 Vehicles may access any beach located within a Safe Zone in the following situations:
- 7.1.1 In the case of an emergency.
 - 7.1.2 Emergency vehicles, police vehicles, central government vehicles and Council vehicles.
 - 7.1.3 With written permission of Council.
 - 7.1.4 To launch or retrieve a boat, provided the vehicle follows the most direct route from the beach access point to the water, and that the vehicle is removed from the beach immediately upon retrieval or launching of the boat.
 - 7.1.5 Where a property can only be accessed via the beach.

8 OTHER RESTRICTIONS

- 8.1 No person shall displace, or otherwise interfere with any fence, barrier, notice or other temporary or permanent structure or warning device provided by Council or by any Surf Life Saving Club without permission from Council.

9 OFFENCES, ENFORCEMENT AND PENALTIES

- 9.1 Every person commits an offence against the Bylaw who:
- 9.1.1 Commits a breach of this Bylaw.
 - 9.1.2 Omits, fails, or refuses to do anything required by this Bylaw.
- 9.2 Where an enforcement officer has reasonable grounds to believe a person has failed to comply with any provision of this Bylaw the person shall, on demand by an enforcement officer, give his or her full name and full address.
- 9.3 Where an enforcement officer has reasonable grounds to believe a person has failed to comply with any provision of this Bylaw, the enforcement officer may direct the person to immediately leave the beach, and the person may be further prohibited by that officer from re-entering the beach for a period of 24 hours.
- 9.4 Where a person fails to comply with this Bylaw, the following penalties apply:
- 9.4.1 Breach of Bylaw made under LTA (infringement offence): \$150.
 - 9.4.2 Breach of Bylaw made under LTA (ordinary offence): fine not exceeding \$1000.
- 9.5 Under section 242(4) of the Local Government Act 2002, a person who is convicted of an offence against a Bylaw is liable to a fine not exceeding \$20,000.

SCHEDULE 1: SAFE ZONES

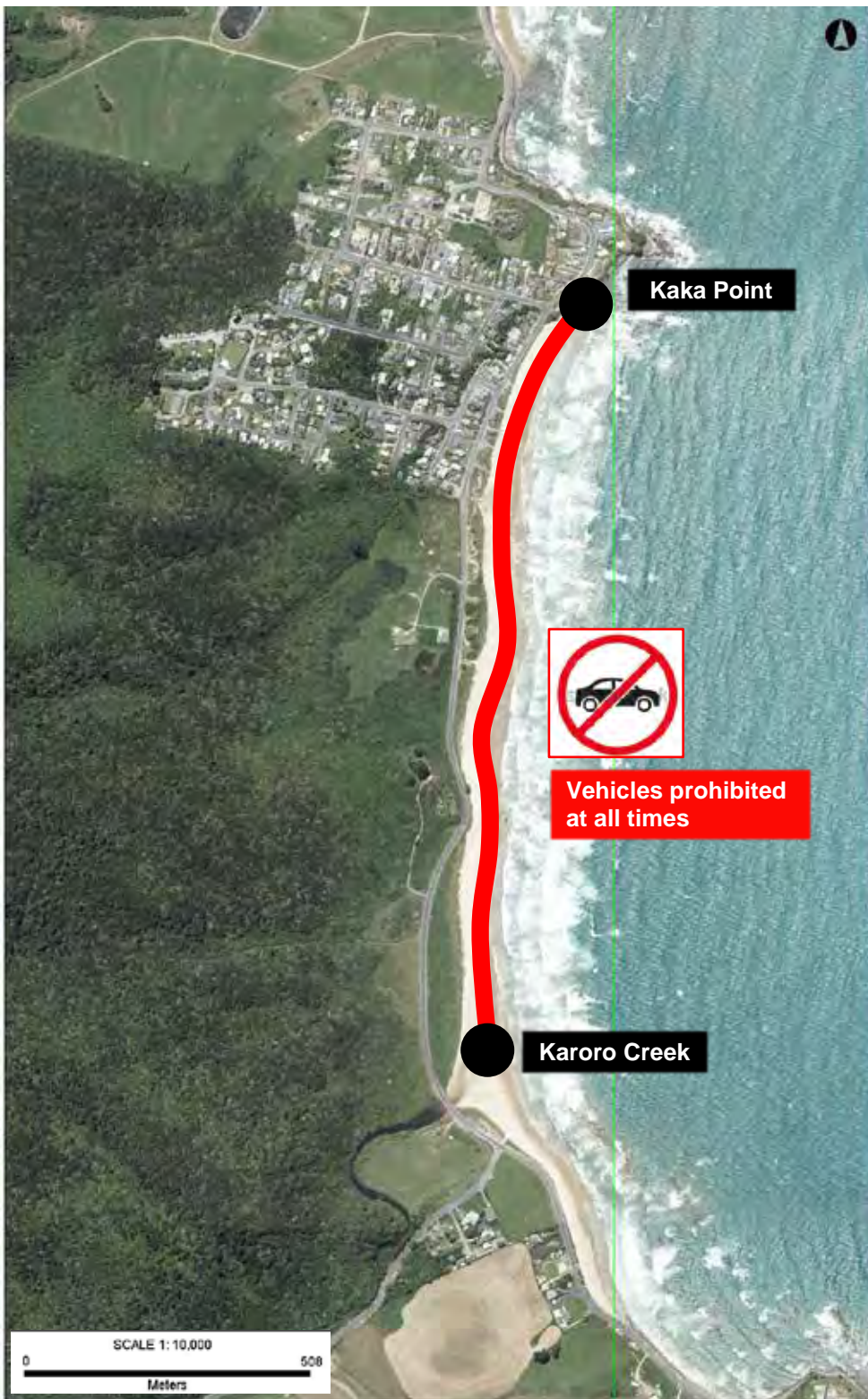
Map 1 – Taieri Beach

Subject to lawful exemptions provided for in this Bylaw, vehicles are prohibited at all times from accessing the beach between Taieri Island/Moturata and the southern end of Taieri Beach.



Map 2 – Kaka Point

Subject to lawful exemptions provided in this Bylaw, vehicles are prohibited at all times from accessing the beach between the Kaka Point headland and Karoro Creek.



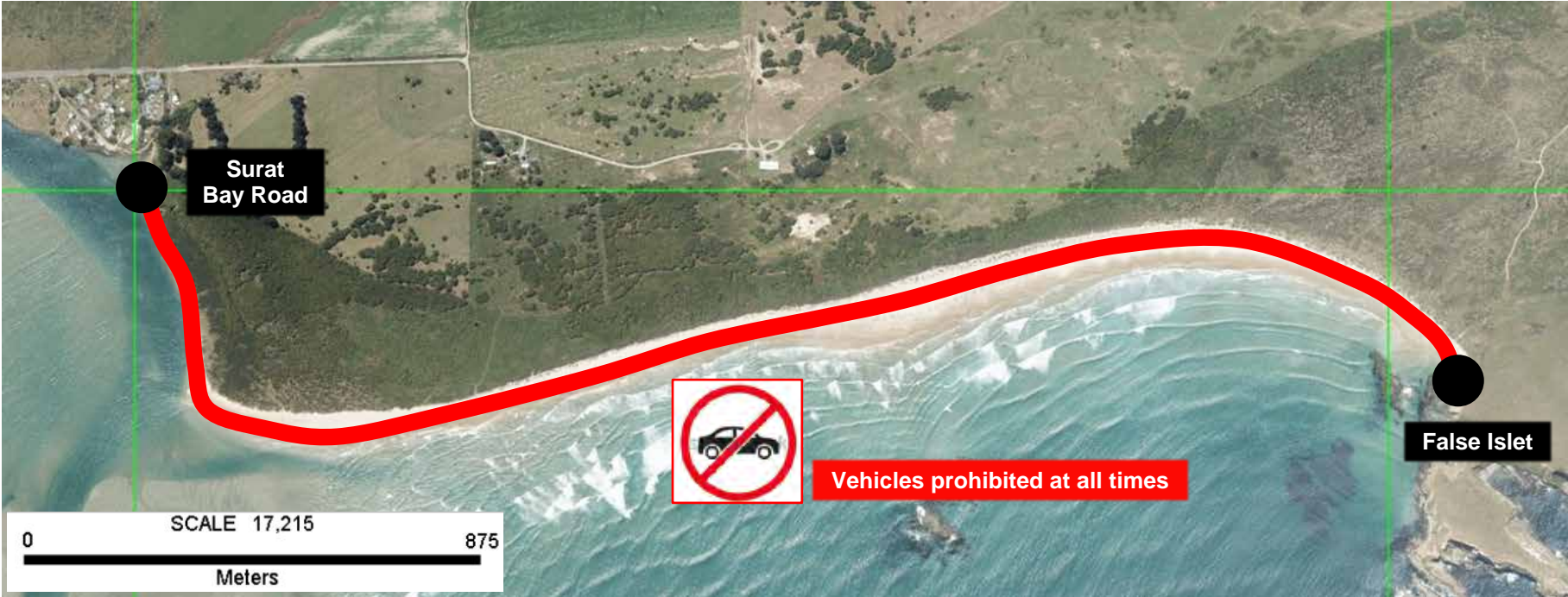
Map 3- Cannibal Bay

Subject to lawful exemptions provided for in this Bylaw, vehicles are prohibited at all times from accessing the beach between Cannibal Bay Road and False Islet.



Map 4 - Surat Bay

Subject to lawful exemptions provided for in this Bylaw, vehicles are prohibited at all times from accessing the beach between Surat Bay Road, south to the mouth of the Catlins River, and east to False Islet.



Map 5 - Jacks Bay

Subject to lawful exemptions provided for in this Bylaw, vehicles are prohibited at all times from accessing the beach between the headlands at the southern and northern end of Jacks Bay.



Map 6 - Purakaunui Bay

Subject to lawful exemptions provided for in this Bylaw, vehicles are prohibited at all times from accessing the beach between the headlands at the southern and northern end of Purakaunui Bay.



Map 7 - Tahakopa Beach

Subject to lawful exemptions provided for in this Bylaw, vehicles are prohibited at all times from accessing the beach between the Tahakopa River Bridge and the eastern end of Tahakopa Beach.



Map 8 - Tautuku Beach

Subject to lawful exemptions provided for in this Bylaw, vehicles are prohibited at all times from accessing the beach between Tautuku Peninsula and the headland at the northern end of Tautuku Beach.



APPENDIX A1.0 ADDITIONAL INFORMATION

This section is for information purposes only and does not form part of this Bylaw. It contains information to help users to understand, use and maintain this Bylaw. The information may be updated at any time.

A1.1 History of Bylaw

Action	Description	Date of decision	Commencement
Make	Vehicles on Beaches Bylaw 2022	To be confirmed	To be confirmed

A1.2 Related documents

Document	Description	Location
<i>Council Documents</i>		
Our Place Catlins Feedback Report	Feedback relates to issues associated with vehicles on beaches.	CDC website – Our Place Community Plans, May 2019. [link]
Long Term Plan Decisions	Includes submissions to manage impact of vehicles on beaches, through Council’s 2021/31 LTP.	CDC website - Agendas and minutes, 20/5/2021 [link]
Consultation and engagement strategy	Seeks approval to implement activities listed in the consultation and engagement strategy for sections of the Regulatory Bylaw, relating to vehicles on beaches.	CDC website - Agendas and minutes, 13/10/2021. [link]
Issues and Options Report	Examines issues associated with vehicles on beaches and assesses options to manage any negative effects.	CDC website - Agendas and minutes, TBC [link]
Vehicles on Beaches Bylaw – Statement of Proposal	Statement of Proposal including draft Bylaw adoption for public consultation	CDC website - Agendas and minutes, TBC [link]
Vehicles on Beaches Bylaw - submissions	Receive submissions and hear submitters who wish to be heard.	CDC website - Agendas and minutes, TBC [link]
Making of Bylaw	Deliberations and decision to make final bylaw	CDC website - Agendas and minutes, TBC [link]
<i>Legislation</i>		
Local Government Act 2002	Provides certain functions, duties, powers and penalties to make and enforce this bylaw.	www.legislation.govt.nz
Land Transport Act 1998	Provides certain functions, duties, powers and penalties to make and enforce this bylaw.	www.legislation.govt.nz
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws.	www.legislation.govt.nz
Interpretations Act 1999	Provides for certain matters related to the interpretation of bylaws.	www.legislation.govt.nz

A1.3 Enforcement powers

Legislative provision	Description
Local Government Act 2002	<p><i>Section 239 Offences in respect of breaches of bylaws (other than alcohol bans)</i></p> <p>Every person commits an offence and is liable on conviction to the penalty set out in section 242(4) or (5) (as the case may be), who breaches a bylaw made under Part 8 (other than a bylaw made under section 147).</p> <p><i>Section 242 Penalties for offences</i></p> <p>(4) A person who is convicted of an offence against a bylaw made under Part 8 (other than a bylaw made under Part 8 referred to in subsection (5)) is liable to a fine not exceeding \$20,000.</p>
Land Transport Act 1998	<p><i>Part 9</i></p> <p>Allows enforcement officers, including members of Police, to enforce the provisions of the Local Government Act 1974, the Local Government Act 2002, the Road User Charges Act 2012, the Government Rounding Powers Act 1989, the Railways Act 2005, the Land Transport Management Act 2003, and the Land Transport Act 1998, and any regulations and rules and bylaws in force under any of those Acts.</p> <p><i>Section 128E</i></p> <p>Allows parking wardens to enforce any stationary vehicle offence or special vehicle lane; may remove or direct the driver to remove any vehicle if it is obstructing the road, or it is desirable to remove the vehicle in the interests of road safety or for the convenience or interests of the public.</p> <p><i>Section 139</i></p> <p>Allows enforcement officers and parking wardens to issue an infringement notice or proceed with a prosecution under the Criminal Procedures Act 2011.</p>

A1.4 Offences and penalties

Bylaw Provision	Legislative provision	Description of offence	Maximum fine upon conviction	Infringement fee
Clause 9.4	Land Transport (Offences and Penalties) Regulations 1999	Failure to comply with the relevant provisions of a bylaw made under section 22AB	\$1,000	\$150
Clause 9.5	Local Government Act 2002	Breach of Bylaw	\$20,000	NA

Council

Item for DECISION

Report	Tree Removal Update – Naish Park & Victoria Park
Meeting Date	12 May 2022
Item Number	3
Prepared By	James Allison – Transportation Team Leader Henri van Zyl – Transportation & Facilities Operations Manager
File Reference	730041

REPORT SUMMARY

The purpose of this report is to advise Council of the recent public consultation undertaken regarding the removal of trees at Naish Park, Balclutha and Victoria Park, Kaitangata and requesting authorisation for their removal.

RECOMMENDATIONS

1. That Council receives the Tree Removal Update report.
2. That Council agrees/does not agree to the removal of N (number of) identified trees at Naish Park, Balclutha.
3. That Council agrees/does not agree to the removal of N (number of) identified trees at Victoria Park, Kaitangata.
And if required
4. That Council priority for the use of timber is

REPORT

1 Background

Council has received approaches by two community groups to have some trees removed that are having an impact on their activities.

The Balclutha Bowling Club via Council's service request system have asked that 3 large birch trees are removed from the corner of Naish Park next to their building. The concern is that the leaves are filling the gutters of the Bowling Club building. An arborist has assessed the trees and there are no concerns regarding their health, although they are nearing the end of their lives.

In Victoria Park, Kaitangata the Community Pool committee have requested that 2 large trees that overshadow the pool be removed to allow more sunlight to help heat the otherwise unheated pool.

In addition, Council’s arborist has assessed Victoria Park trees and recommended 4 other trees in the park be removed for health and safety reasons because they are encroaching on power lines.



Naish Park Balclutha



Victoria Park Kaitangata

2 Strategic Goals and Outcomes

The parks and reserves activity supports the community outcome that we are connected and collaborative. The key priority area supported in this report is to improve health, safety, and well-being.

3 Consultation

The proposed tree removal was advertised in a media release dated 11 February 2022, with the consultation period open until the end of Sunday, 20 February 2022. A copy of the information from the website and newspaper advertising is attached.

There were 19 submissions received, and these are included as attachments to this agenda item.

4 Assessment of Options

To support decision-making options have been tabled below.

Naish Park

Option 1: Remove all three trees identified at Naish Park	
Advantages (Benefits)	Disadvantages (Costs)
<ul style="list-style-type: none"> · Addresses request to remove trees to reduce impact on adjacent bowling club building. · Proactive approach in that trees have been assessed as reaching the end of their lives. 	<ul style="list-style-type: none"> · Not currently a health and safety risk. · Some community feedback that leaf/spouting maintenance is bowling club's responsibility. · Loss of visual amenity of the trees. · Financial impact.

Option 2: Remove one of the identified trees (Tree 2) only at Naish Park	
Advantages (Benefits)	Disadvantages (Costs)
<ul style="list-style-type: none"> · Partially addresses request to remove trees to reduce impact on adjacent bowling club building. · Retains visual amenity of trees. 	<ul style="list-style-type: none"> · Not currently a health and safety risk. · Some community feedback that leaf/spouting maintenance is bowling club's responsibility. · Financial impact.

Option 3: Do not remove any of the identified trees	
Advantages (Benefits)	Disadvantages (Costs)
<ul style="list-style-type: none"> · No financial impact. 	<ul style="list-style-type: none"> · Does not address request to remove trees to reduce impact on adjacent bowling club building.

Victoria Park

Option 1: Remove all 6 identified trees	
Advantages (Benefits)	Disadvantages (Costs)
<ul style="list-style-type: none"> · Addresses request to remove trees to reduce shading of pool. · Trimming and removal of trees has been identified in both the Our Place Community Plan for Victoria Park, and also the Draft Kaitangata Reserves Management Plan currently out for submission. · Majority of submitters supported this option. The exception to this was the suggestion that the pool be heated instead of trees being removed. 	<ul style="list-style-type: none"> · Has a financial impact, that has been budgeted for.

Option 2: Do not remove trees	
Advantages (Benefits)	Disadvantages (Costs)
<ul style="list-style-type: none"> · No financial impact. 	<ul style="list-style-type: none"> · Does not address shading or health and safety aspects.

Use of Timber

The survey also sought ideas for how the timber from the tree removal at Victoria Park could be used. Suggestions for the timber included:

- Local clubs registering their interest to sell as firewood and receiving the proceeds.
- Obtaining advice e.g. the oak may be of interest to woodworkers or for outdoor furniture.
- Sold to recoup costs of tree removal.

Elected members are requested to provide direction on any priority of use.

5 Legal Considerations

There are no legal considerations as the trees are on Council land.

6 Policy Considerations

There are no specific policy considerations but is noted that the Our Place Kaitangata Community Plan and Draft Kaitangata Reserves Management Plan have identified and support the trimming and removal of trees at Victoria Park.

7 Cultural Considerations

One submitter raised a query about cultural considerations for Victoria Park and whether a tapu needs to be lifted. Enquiries have been made but as of the date of this report no corroboration has been provided. This will be further updated for the meeting.

8 Financial Impact

The approximate cost for the removal of the trees is in the vicinity of \$20-\$30K. Council approved a budget of \$35K+GST in the Kaitangata Parks & Reserves Capital budget at the Long-Term Plan 2021/31 meeting on 20 May 2021. Staff are confirming the financial position regarding Naish Park and there is the matter of whether the Bowling Club should be asked for a contribution. If the matter wasn't raised or discussed with the Bowling Club prior to initiating the process it may be difficult now to require a contribution, but this can be clarified for the meeting. If there is no budget the implementation of a resolution to proceed would not occur until the new financial year.

9 References – Tabled/Agenda Attachments

- Website material and public advertisement
- Kaitangata and District Promotions Inc. – Victoria Park tree submission
- Kezka Bizarre – Victoria Park tree submission
- Survey Monkey Results

Attachment: Website Consultation Content

Removal of trees: Naish Park Balclutha and Victoria Park Kaitangata

OPENING 10 Feb 2022, 9:51 am

CLOSING 20 Feb 2022, 6:00 pm

After approaches by community groups Council is considering the removal of some trees:

- three trees from Naish Park Balclutha
- six from Victoria Park in Kaitangata.

Tell us what you think before the consultation closes on Sunday 20 February 2022.

[Click here to complete the survey.](#)



**Naish
Park,
Balclutha**

Naish Park, Balclutha

Council has been asked by the Balclutha Bowling Club to remove 3 large birch trees from the corner of Naish park.

The concern is that the leaves are filling the gutters of the Bowling Club building.

An arborist has assessed the trees and there are no concerns regarding their health, although they are nearing the end of their lives.

Victoria Park, Kaitangata

Council has been asked by the Kaitangata Community Pool to remove 2 large trees to allow more sunlight to help heat the pool.

In addition, Council's arborist has assessed Victoria Park trees and recommended 4 other trees in the Park be removed.


- Tree 1: Large tree to be removed to allow sun into the pool.
- Tree 2: Small tree to be removed for health reasons.
- Tree 3: Large tree to be removed to allow sun into the pool.
- Tree 4: Small tree to be removed because of the risk of damage to infrastructure
- Tree 5: Large oak tree, previously badly trimmed and damaged, to be removed for safety reasons and proximity to power lines.
- Tree 6: Large oak tree with historic damage to be removed for safety reasons.



[Click here to go to the survey.](#)



Clutha Leader Public Notice – 10 February 2022



Clutha District Council
www.cluthadc.govt.nz

**Tell us what you think:
Tree Removal Consultation**

After approaches by community groups Council is considering the removal of some trees: three trees from Naish Park Balclutha and six from Victoria Park in Kaitangata.

We want to know what you think. Full details of the trees involved, their locations, and how to respond to this consultation are available on Council's website at:
www.cluthadc.govt.nz > Council > consultation

Consultation closes on Sunday 20 February 2022.

Steve Hill
Chief Executive

2457812

Attachment: Submissions

Hi James,

At the recent meeting of the Kaitangata and District Promotions Inc. The group were shown the Council proposal for the removal of some trees at Victoria Park in Kaitangata. After discussing the reasons outlined by Council for the removal of the trees those present at the meeting agreed to the Council Proposal as the focus was on the following

- tree health,
- safety of the users of the park
- the proximity of the trees to the Kaitangata swimming Pool

we would like to use this email as a submission to Council in favour of the removal of the trees

Yours sincerely

Joyce Beck

Secretary Kaitangata and District Promotions Inc

Hi there 🙌

I've just been to your website, Council, Consultation; and was unable to tell you what I think.

I support the removal of 3 exotic trees from Naish Park. I request that the trees are replaced by native trees that can provide food for native birds and that the wood from the trees is cut and donated to the Salvation Army foodbank for donation to needy families for winter heating.

I support the removal of all of the exotic trees from Victoria Park in Kaitangata. I request that the wood from the trees be donated to the Salvation Army, for needy families in Kaitangata for winter heating. It'll be a lot of wood, so another storage space might be needed for it to weather properly.

Please would you replace these trees with native trees. Podocarps preferably, to provide nesting areas and food for native birds.

I have another query in regards to Victoria Park.

Was Victoria Park ever Deconsecrated or the Tapu lifted from the time it was used as a Māori Cemetery?

If the European Settlers didn't respect Māori sacred areas, then at the very least, us modern European Settlers can.

It would be wonderful if Victoria Park could be redesigned when the trees are removed, so that it becomes a lovely area to hang out. Put a little love into the area.

Such as pathways winding around the trees and park benches looking to Eddystone Street. An information board with local history, Māori and European. Planting more native trees and shrubs. That sort of idea.

The trees absorb carbon and emit oxygen, which is an important consideration in our Climate Change era. Planting for the future. Let's show we care about the future.

Thank you for giving me the opportunity to have my say.

Yours sincerely
Kezka Zeitgeist Bizarre

SURVEY MONKEY RESPONSES - NAISH PARK

Question	Response	Comments	Name
NAISH PARK – 3 birch trees			
Do you support the removal of all three birch trees at the corner of Naish Park?	Yes (= 11)	Logical thing to do.	Anon
	Yes (= 11)	Because I know there is a good team working in the background to improve the park.	Alison
	Yes (= 11)	The removal of these trees will open up the space more.	
	Yes (= 11)	Allow more space.	Christina Johnston
	Yes (= 11)	Too many trees.	Sandra Bichan
	Yes (= 11)	Any trees that create an inconvenience for adjoining neighbours require reasonable and sensible attention.	Colin Pratt
	Yes (= 11)	If they are causing a problem with the leaves in the guttering of the Bowling Club there is no doubt about it They need to go. If it was my house, I'd want them gone also.	Gloria Collier
	Yes (= 11)	They will not be missed. They certainly do create a mess.	John Fenby
	Yes (= 11)	Safety of buildings and infrastructure.	Gary Wills
	Yes (= 11)	They are near the end of their lives.	Anon
Yes (= 11)	The leaf problem causes more expense for the club.	Anon	
Do you support the removal of all three birch trees at the corner of Naish Park?	No (=5)	The trees are there for everyone to enjoy. For \$60 bucks the bowling club can pay someone to clean their gutters. Also, we are planting more trees throughout the country for greenhouse emissions.	Grant Gabolinscy
	No (=5)	Tree 2 only (see below)	Wendy Copeland
	No (=5)	Tree 2 only (see below)	Anon
	No (=5)	Bowling club should be putting in gutter guards instead of cutting trees down. Trees beautify areas, we will have no trees left. The trees were there before bowling club.	Valerie Weir
	No (=5)	The issue seems to the leaves being deposited into the spouting, a maintenance issue. No problem with leaves on the "greens" impeding their bowls. Arborist confirms trees healthy.	Trevor Hewson

Do you support the removal of ONE of the birch trees at the corner of Naish Park?	Yes (=2)	Tree 2 only Those birches make a lovely approach to Naish Park when travelling south on Charlotte Street. To see them all removed would be a shame. They are quite lovely.	Wendy Copeland
	Yes (=2)	Tree 2 only There will always be leaves in guttering in such close proximity to a park. The removal of the middle tree and some pruning should be a good compromise.	Anon

SURVEY MONKEY RESPONSES - VICTORIA PARK

VICTORIA PARK			
Do you agree with the removal of all 6 trees in Victoria Park?	Yes (=12)	Most practical thing to do.	Anon
	Yes (=12)	Often use the playground and it is very shaded and creates alot of moss on the equipment. I would like to see smaller growing trees or Rhodies planted closer to the retaining wall on Eddystone Street to replace some of the trees (1-4). Some shelter is very nice - but the trees there are overgrown and needs attention.	Alison Woodhouse
	Yes (=12)	Safety.	Wendy Copeland
	Yes (=12)	Opens the park up more, doesn't shade the pool will allow more heat into the pool itself.	Anon
	Yes (=12)	It's really shady in there! more sunlight would be great!!	Christina Johnston
	Yes (=12)	These trees in this park are way too big, hide the sun from the playground, keeping it dark and unused, not to mention the unruly behaved that goes in there.	Sandra Bichan
	Yes (=12)	Common sense when shrubs would provide the appropriate "backdrop"	Colin Pratt
	Yes (=12)	Dangerous trees need to be removed for public safety. Tree 1 and Tree 3 have to be removed to let sunlight into the pool area and warm the water this will extend the	Garry Williams

		swimming season and make the overall swim experience more enjoyable. Extra sunlight will future-proof the pool by enabling solar heating to be installed which could reduce operating costs and extend the swim season.	
	Yes (=12)	It is common sense to get rid of them. The pool can help to be heated by natural sunlight. The others all have good reason to be felled as well.	Gloria Collier
	Yes (=12)	I believe the removals are justified though I am not a resident of Kaitangata.	John Fenby
	Yes (=12)	Heat the pool and health and safety reasons.	Anon
	Yes (=12)	<p>Tree 1: Large tree to be removed to allow sun into the pool.</p> <p>Tree 3: Large tree to be removed to allow sun into the pool.</p> <p>Arborists brief to investigate 2 trees, not 6.</p> <p>Tree 2 removal for health reasons; the trees health or people's health?</p> <p>Trees 5 and 6 the oaks; historical significance? Suitable trimming by Powernet for line clearance with some "form pruning" should suffice.</p> <p>Problem with closing of submissions being 6pm as today is a Sunday, no submissions will be looked at until Monday 21st at 8 am at the earliest. Understanding my rates can be paid up until midnight on the 25th same can be said for this submission.</p>	Trevor Hewson
Do you agree with the removal of all 6 trees in Victoria Park?	No (=2)	<p>Tree 2: Small tree to be removed for health reasons.</p> <p>Tree 4: Small tree to be removed because of the risk of damage to infrastructure.</p>	Grant Gabolinscy

		Tree 5: Large oak tree, previously badly trimmed and damaged, to be removed for safety reasons and proximity to power lines. The only reasons to remove trees are damage and safety reasons.	
	No (=2)	Tree 2: Small tree to be removed for health reasons. Tree 4: Small tree to be removed because of the risk of damage to infrastructure. Council should look at heating the pool, instead of removing trees.	Valerie Weir
Victoria Park: Do you have an idea for how the timber could be used?		I do but will get in trouble for saying.	Grant Gabolinscy
		Sold to the highest bidder (to recoup costs)- or local clubs can register interest for firewood to sell.	Alison Woodhouse
		Timber tables.	Christina Johnston
		Maybe milled.	Sandra Bichan
		Obtain advise from a sawmiller.	Colin Pratt
		I am sure the Pool Committee would be only too pleased to use the timber as a fundraiser.	Garry Williams
		Could auction it off or given to the needy.	Gloria Collier
		The oak tree may be of interest to some woodworkers. No real commercial value to sawmills.	John Fenby
		Firewood and all proceeds go to organisations.	Gary Wills
		Milled or oak could be steam bended.	Anon

Clutha District Council

Item for DECISION

Report	Review of Regulatory Bylaw
Meeting Date	12 May 2022
Item Number	4
Prepared By	Melissa Needham (Senior Policy Advisor)
File Reference	733182

REPORT SUMMARY

This item provides a summary of the review of the Regulatory Bylaw to date. The preliminary phase of review has now concluded. The findings of the preliminary review are summarised in the Issues and Options Report (**Attachment A**).

The bylaw is recommended to be updated so a Statement of Proposal (**Attachment B**) has been prepared in accordance with a special consultative procedure. A draft Regulatory Bylaw 2022 (**Attachment C**) has been prepared.

In accordance with the findings of the Issues and Options Report, Councils Dog Control Policy 2016 and Policy on Dangerous and Insanitary Buildings 2007 have been reviewed in conjunction with the review of the bylaw. Draft versions of these policies are included as **Attachments D and E** of this item for consultation by way of a special consultative procedure.

RECOMMENDATIONS

1. That Council receives the Regulatory Bylaw Issues and Options Report dated April 2022 (**Attachment A**).
2. That Council approves formal consultation by way of special consultative procedure as set out in the Statement of Proposal (**Attachment B**) for the draft Regulatory Bylaw 2022 (**Attachment C**), the draft Dog Control Policy 2022 (**Attachment D**) and the draft Policy on Dangerous and Insanitary Buildings 2022 (**Attachment E**); or as amended.

REPORT

1 Background

A scoping report was prepared in August 2021 that recommended that the Regulatory Bylaw 2018 be reviewed as parts of the bylaw were out of date and staff highlighted several issues with specific aspects of the bylaw.

In September 2021 Council received the scoping report and approved a timeline to review the Regulatory Bylaw of 12 months.

The preliminary phase of the review of the bylaw consisted of collating staff and key stakeholder feedback, legislative review, comparison to similar bylaws and assessment of the existing situation in Clutha for each topic in the current bylaw and additional topics that were highlighted in the scoping report. The findings of the preliminary review phase are summarised in an Issues and Options Report (**Attachment A**).

The preliminary phase of the review has now concluded, and this investigation has made several recommendations. In summary the recommendations of the preliminary phase of review for each reviewed topic include:

Update Bylaw Provisions	Introduction
	Alcohol Control
	Dog Control
	Keeping of Animals
	Public Places
	Trading in Public Places
New Bylaw Provisions	Property Maintenance
Revoke Bylaw Provisions	Hostels
No Bylaw Provisions Recommended	Abandoned Vehicles
	Cemeteries
	Health and Hygiene

A draft Regulatory Bylaw 2022 (**Attachment C**) has therefore been prepared based on the outcomes of the preliminary review phase. A Statement of Proposal (**Attachment B**) and other advertising material required for amending a bylaw have also been prepared and a timeline for formal consultation by way of special consultative procedure.

In addition, the preliminary review has recommended the following in relation to existing Council policies:

- The Dog Control Policy 2016 must be reviewed in conjunction with the review of the Dog Control section of the bylaw as required by the Dog Control Act 1996 and consulted on in accordance with a special consultative procedure under the Local Government Act 2002.
- The Policy on Dangerous and Insanitary Buildings 2007 was overdue for review, so was reviewed in conjunction with the investigation of a Property Maintenance section of the bylaw and consulted on in accordance with a special consultative procedure under the Local Government Act 2002.
- The provisions in the Policy on the Use of Council Venues for Itinerant Traders 2011 should be incorporated into the Trading in Public Places section of the bylaw and the policy should be retired following adoption of a final bylaw.

The remaining timeline for the review is as follows:

Submission period	19 May to 20 June 2022
Council hears verbal submissions	23 June 2022
Council considers all feedback in a summary report and makes any changes to the draft bylaw	20 July 2022
Council adopts bylaw	15 September 2022
Bylaw comes into force	1 October 2022

2 Strategic Goals and Outcomes

The review of the Regulatory Bylaw, which addresses nuisance, health and safety in the community, resonates with the community outcomes identified in Council's strategic planning documents including

- Healthy sustainable environment.
- Vibrant rural towns and communities.
- Connected and collaborative.

3 Assessment of Options

An assessment of review options for each topic in the current bylaw and additional topics identified in the initial scoping report is summarised in the Issues and Options Report (**Attachment A**).

4 Consultation

Preliminary consultation has been undertaken with staff and key stakeholders and this is detailed in both the Issues and Options Report (**Attachment A**) and the Statement of Proposal (**Attachment B**).

5 Policy Considerations

Several Council policies have been considered in the initial review of the Regulatory Bylaw, these are summarised in the Issues and Options Report (**Attachment A**).

Specifically, the review recommended that the Dog Control Policy 2016 and the Policy on Dangerous and Insanitary Buildings 2007 be reviewed in conjunction with the review of the Regulatory Bylaw. The review also recommended that the provisions of the Policy on the Use of Council Venues for Itinerant Traders 2011 be incorporated into the Trading in Public Places section of the bylaw and the policy be retired following final adoption of a bylaw.

Refer to **Attachment D** (draft Dog Control Policy 2022) and **Attachment E** (draft Policy on Dangerous and Insanitary Buildings 2022).

6 Legal Considerations

Legislative reviews have been undertaken for each topic that was investigated for the bylaw review and this work is summarised in the Issues and Options Report (**Attachment A**).

The Local Government Act 2002, the Dog Control Act 1996 and the Health Act 1956 are of relevance to the review of the Regulatory Bylaw, refer to section 2 of the Issues and Options Report for a detailed assessment of these Acts (**Attachment A**).

7 Financial Impact

The review of the Regulatory Bylaw is covered by existing budgets to review relevant Council policies and documents.

The financial implications were considered during the review of each topic, in particular added enforcement costs that might be required if additional regulations were introduced. Some topics were not recommended to be included in the bylaw as the scale of issues raised was not considered to be proportionate to the cost of enforcing additional regulations. The dispensing power, that is already available in the Introduction section of the bylaw, was also revisited to ensure that the Group Manager Planning and Regulatory can dispense with any provisions in the bylaw should the community benefit not be considered proportionate to the costs of enforcement or other relevant matters.

8 Attachments (under separate cover)

Attachment A Review of Regulatory Bylaw Issues and Options Report, April 2022

Attachment B Review of Regulatory Bylaw Statement of Proposal May 2022

Attachment C Draft Regulatory Bylaw 2022

Attachment D Draft Dog Control Policy 2022

Attachment E Draft Policy on Dangerous and Insanitary Buildings 2022

ATTACHMENT A

REVIEW OF REGULATORY BYLAW 2018

ISSUES AND OPTIONS REPORT

Report prepared by M. Needham, for the Clutha District Council

April 2022

TABLE OF CONTENTS

1.	PURPOSE OF THIS REPORT
1.1	Review of the Regulatory Bylaw 2018
1.2	Project Timeline
Table 1	Regulatory Bylaw Review Timeline
2.	RELEVANT LEGISLATION AND DOCUMENTS
2.1	Dog Control Act 1996
2.2	Health Act 1956
2.3	Local Government Act 2002
2.4	Other Guidelines and Standards
2.5	Clutha District Council Policies and Documents
3.	TOPIC SUMMARIES
3.1	Introduction
3.2	Alcohol Control
Table 2	Alcohol Control Review Options
3.3	Dog Control
Table 3	Dog Control Review Options
Table 4	Key Stakeholder Requests and Discussion for Changes to the Dog Control Section of the Bylaw
3.4	Keeping of Animals (excluding dogs)
Table 5	Keeping of Animals Review Points
Table 6	Keeping of Animals Review Options
3.5	Property Maintenance
Table 7	Property Maintenance Review Options
3.6	Public Places
Table 8	Public Places Review Options
3.7	Trading in Public Places
Table 9	Trading in Public Places Review Options
3.8	Abandoned Vehicles
3.9	Cemeteries
3.10	Health and Hygiene
Table 10	Health and Hygiene Review Options
3.11	Hostels
Table 11	Hostel Review Options
4.	RECOMMENDATIONS
Table 12	Summary of Recommendations and Amendments to the Regulatory Bylaw 2018

1. PURPOSE OF THIS REPORT

1.1. Review of the Regulatory Bylaw 2018

The Regulatory Bylaw provides a tool for Council to regulate activities which may affect people's health and safety or cause a nuisance. A scoping report was compiled in August 2021 to provide an overview of Clutha District Council Regulatory Bylaw 2018 and to identify key issues that a review of the bylaw could address. The scoping report found that the bylaw required review as:

- Although the bylaw does not legally require review until 2028, it appears it has not changed greatly since the 2008 version making areas of the bylaw out of date or in need of review.
- Several high and medium priority review topics were identified.

The key recommendations of the scoping report were:

- Reviewing the bylaw would address several nuisance issues identified by staff and the public and would meet Council's legislative requirements.
- It is more efficient to review the bylaw as a whole (as opposed to individual topics being dealt with as individual bylaws).
- A review of the entire bylaw will take approximately 12 months to complete.
- Timing of topics to be reviewed was recommended based on their priority (high to low).

On 2 September 2021 Council approved a review of Council's Regulatory Bylaw 2018.

This report provides a summary of the investigations and consultation that was undertaken on each topic in the current bylaw and those additional topics raised in the scoping report to review the Regulatory Bylaw 2018. Review options for each topic are considered and a recommended option and amendments to the bylaw are also outlined.

1.2. Project Timeline

The timeline for the review of the Regulatory Bylaw is summarised in **Table 1**. The pre-consultation phase of the Regulatory Bylaw has been undertaken with staff and key stakeholders. A draft Regulatory Bylaw 2022 has been prepared from this work.

Table 1 Regulatory Bylaw Review Timeline

Consultation Phase		Timing
Standing committee meeting	Bring project outline and timeline to Council for approval to proceed.	2 September 2021
Pre-Consultation	Investigate <ul style="list-style-type: none"> the current legislative changes for each topic. other Council examples to ensure we are meeting best practice. Where applicable, consult with staff and key stakeholders in the community to ascertain their direction. Prepare a draft Regulatory Bylaw.	Sep 2021 to April 2022
Council meeting (SCP)	Bring findings of pre-consultation and draft Bylaw before Council for final approval prior to SCP advertising.	12 May 2022
Special consultative procedure	30 days formal advertising inviting written and verbal submissions. Send all electronic material directly to identified key stakeholders.	19 May to 20 June 2022
Hearing of verbal submissions	Hearing of verbal submissions	23 June 2022
Summary of feedback	Council considers feedback in a summary report and makes any changes to the draft bylaw.	20 July 2022
Council meeting (Adoption of Bylaw)	The Regulatory Bylaw is brought before the Council for final adoption.	15 September 2022
Bylaw comes into force		1 October 2022

2. Relevant Legislation and Documents

The review of the Regulatory Bylaw has involved assessment of many relevant policies and legislation. The following legislation was assessed in relation to the review of the bylaw:

- Animal Welfare Act 1999
- Biosecurity Act 1993
- Building Act 2004
- Building Regulations 1992, The Building Code
- Burials and Cremations Act 1964, Cremations Regulations 1973 and Health (Burial) Regulations 1946
- Civil Aviation Act 1990 and the Civil Aviation Rules
- Dog Control Act 1996
- Fire and Emergency Act 2017
- Health Act 1956
- Hotel Association of New Zealand Act 1969
- Housing Improvement Regulations 1947
- Impounding Act 1955
- Impounding Regulations 1981
- Litter Act 1979
- Litter (Infringements Notices) Order 2006

- Local Government Act 1974
- Local Government Act 2002
- Local Government (Alcohol Reform) Amendment Act 2012
- Local Government (Alcohol Ban Breaches) Regulations 2013
- New Zealand Coastal Policy Statement 2010
- Reserves Act 1977
- Residential Tenancies (Healthy Homes Standards) Regulations 2019
- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012
- Waste Minimisation Act 2008

The three main pieces of legislation referred to in the review of the bylaw are the Dog Control Act 1996, the Health Act 1956 and the Local Government Act 2002. A summary of the relevance of these main pieces of legislation to the review of the bylaw is provided below.

2.1. Dog Control Act 1996

The objects of the Dog Control Act 1996 are “to make provision in relation to damage caused by dogs and to make better provision for the care and control of dogs” the Act does this by:

- Requiring the registration of dogs.
- Making special provision in relation to dangerous dogs and menacing dogs.
- By imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person.
- Imposing on owners of dog’s obligations designed to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife.

The Act requires that all territorial authorities must have a policy on dogs and a bylaw to give effect to the policy. Dog control policies must have regard to (section 10):

- (a) *the need to minimise danger, distress, and nuisance to the community generally; and*
- (b) *the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and*
- (c) *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*
- (d) *the exercise and recreational needs of dogs and their owners.*

Each year all territorial authorities must report on their dog control policy and practices. All territorial authorities must appoint at least one dog control officer. Section 20 of the Act specifies the purposes that bylaws on dog control can address.

2.2. Health Act 1956

The general powers and duties of local authorities in respect of public health are set out in section 23 of the Health Act 1956 and include:

- Appointing environmental health officers.
- Inspecting the district for 'nuisances or conditions likely to be injurious to health or offensive'.
- Take proper steps to abate or remove identified nuisances or conditions described above.
- Enforce provisions.
- Make bylaws for the protection of public health.
- Report to the medical officer of health and/or Director General on public health in the district.

Nuisances are defined under section 29 of the Act and relevant matters for public health bylaws to address are set out under section 64 of the Act. Penalties for failing to comply with public health bylaws are set out under section 66 of the Act of a fine not exceeding \$500 and further fines of \$50 per day should the offending continue.

The Health Act can also be used (without a specific bylaw) by Councils to require clean and sanitary conditions, ensure adequate supply of sanitary fixtures, pest management, effective provision for ventilation and lighting, entry by an authorised officer, closure orders and penalties.

2.3. Local Government Act 2002

The Local Government Act 2002 outlines the majority of information relating to local authority's bylaw making provisions including:

- The special consultative process (section 83) that must be followed, as set out in consultation requirements when making, amending or revoking bylaws under the Act (section 156).
- General bylaw making power for local authorities (section 145) which includes 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
- Specific bylaw making power for local authorities (section 146)
- Power to make bylaws for alcohol control purposes (section 147)
- Public notice of bylaws (section 157).
- Review of bylaws 5 years after development (section 158).
- Then review every 10 years after this (section 159).
- Local authorities may remove or alter work or a thing that is constructed in breach of a bylaw and recover the costs of removal or alteration (section 163).
- Entry for enforcement purposes if a breach of bylaw is suspected (section 172).
- Power of entry in cases of emergency (section 173).
- Penalties for offences against a bylaw are liable for a fine not exceeding \$20,000 (section 242).

2.4. Other Guidelines and Standards

The following Ministry of Health Guidelines were assessed during the review of the bylaw.

- Guidelines for the Safe Piercing of Skin 1998
- Guidelines for Cultural Tattooing 2010

The following New Zealand Standards were assessed during the review of the bylaw.

- NZS9201:3:1974 Licencing and Control of Apartment Buildings and Boarding Houses
- NZS 9201:3:1999 Hostels

2.5. Clutha District Council Policies and Documents

The following Council policies and documents were assessed and/or reviewed during the review of the bylaw:

- Annual Plan
- District Plan 1998
- Dog Control Policy 2016
- Policy on Dangerous and Insanitary Buildings 2007
- Policy on the Use of Council Venues by Itinerant Traders 2011
- Reserve Management Plans
- Roothing Bylaw 2018

3. TOPIC SUMMARIES

A summary of each topic that was reviewed or investigated during the project follows.

3.1. Introduction

The purpose of the review of the Introduction section of the Regulatory Bylaw was to:

- Ensure legislative references are up to date and relevant.
- Remove repeated or redundant definitions or wording.
- Update the table of contents.
- Revisit dispensing power.

The review of the Introductory section of the bylaw found that it is generally very comprehensive and legislative references were up to date. No further options were considered in the review of this part of the bylaw.

3.2. Alcohol Control

Alcohol control areas can be put in place by a Council bylaw and enforced by the Police. The process for establishing these areas goes through a public process but must first be established between the Council and the Police.

The current alcohol control section of the bylaw has alcohol control areas in the towns of Balclutha and Milton that focus on specific areas, generally covering the main street of both

towns and a few other specific areas that are gathering points for youths, where in the past alcohol consumption occurred and nuisance and drink driving could follow.

The Police have given feedback to the Council that they believe the current alcohol control areas are adequate and should stay in place. The Police believe the gathering of youths, consumption of alcohol and public nuisance problems would most likely reoccur should the alcohol control areas be lifted. Council's alcohol control officers who issue and enforce licences agree with the position of the Police to keep the alcohol control areas in place. The Police and Council's alcohol control officers believe including maps of the alcohol control areas in the bylaw would improve legibility of the bylaw provisions.

The legislation regulating alcohol control has changed since the alcohol provisions were last reviewed, however the current provisions only need minor updates to align with the current alcohol control legislation under the Sale and Supply of Alcohol Act 2012.

In reviewing the Alcohol Control section of the bylaw three options were considered. These were to revoke the alcohol control areas, to change the alcohol control areas or to carry over the current alcohol control areas. Changing the areas could include increasing or decreasing the current areas. These options are reviewed in **Table 2**.

Table 2 Alcohol Control Review Options

Options		Details
1	Revoke the alcohol control areas	<p>Pros</p> <p>No enforcement costs.</p> <p>Cons</p> <p>Police believe the current areas are adequate and should stay in place. The Police believe the gathering of youths, consumption of alcohol and public nuisance problems would most likely reoccur should the alcohol control areas be lifted. Council's alcohol control officers who issue and enforce licences agree with the Police's position to keep the alcohol control areas in place.</p>
2	Change the alcohol control areas	<p>Pros</p> <p>Police have said that if the alcohol control areas were increased to the entire town, rather than specific areas, enforcement would be simplified.</p> <p>Cons</p> <p>Police did not want to decrease the areas for fears that past problems with gatherings and alcohol consumption would reoccur.</p> <p>There is no alcohol related nuisance or harm problem present to warrant increasing the alcohol control areas to entire townships.</p>
3	Carry the current alcohol control areas over	<p>Pros</p> <p>Police and Council's alcohol control team support the current areas staying in place as they are working to prevent alcohol related nuisance and harm occurring in the towns of Balclutha and Milton.</p> <p>Cons</p> <p>Alcohol control areas must be enforced by Council and the Police, there is a cost associated with this.</p>

In relation to the sections 147A and 147B of the Local Government Act 2002 carrying over the current alcohol control areas is considered to be a reasonable limitation of people's rights and

freedoms to prevent nuisance and alcohol harm occurring in the district especially harm to young people.

The Police have confirmed that there was a high level of disorder and crime caused by alcohol consumption of young people in the ban areas, which they believe would likely reoccur if the ban areas were reduced or revoked. The specifically placed ban areas are considered to be proportionate to the level of crime and disorder described rather than blanket ban areas over the entire townships.

The Police and Council's alcohol control officers believe including maps of the alcohol control areas in the bylaw would improve legibility of the provisions.

The legislation regulating alcohol control has changed since the alcohol provisions were last reviewed, however the current provisions only need minor updates to align with the current alcohol control legislation under the Sale and Supply of Alcohol Act 2012.

Therefore, it is recommended that the following revisions be undertaken to the alcohol control section of the bylaw, and these be publicly advertised for input from the community.

- The alcohol control areas currently in place are carried over.
- Maps of the alcohol control areas, as well as current written descriptions are included in the bylaw.
- The alcohol control section is amended to align with the provisions of the current Sale and Supply of Alcohol Act 2012.

3.3. Dog Control

All territorial authorities are required to have a dog control policy and must implement their policy through provisions in a dog control bylaw to meet their obligations under the Dog Control Act 1996. The review of the Dog Control section of the bylaw necessitates a review of Clutha's Dog Control Policy 2016.

Consultation was initially undertaken with Council's animal control team on the current policy and bylaw provisions. They raised several concerns with the current provisions that could be improved. These changes were undertaken then a preliminary draft bylaw and policy were circulated to key dog control contacts in the community including:

- Department of Conservation
- Dog Rescue Dunedin
- Federated Farmers
- Kaka Point Surf Lifesaving Club
- Local veterinary clinics (Clutha Vets and Vet South)
- New Zealand Police
- New Zealand Sea Lion Society
- Sea Society
- SPCA
- Yellow Eyed Penguin Trust

Three options were considered in the review of the Dog Control section of the bylaw, and subsequently the Dog Control Policy 2016. The details of these options are outlined in **Table 3**.

Table 3 Dog Control Review Options

Options		Details
1	Retain the current control bylaw	<p>Pros Current bylaw is generally meeting the dog control needs of the district.</p> <p>Cons Some issues have been raised by the animal control team and in preliminary key stakeholder feedback that would not be addressed if the current bylaw was not revised.</p>
2	Update the current control bylaw	<p>Pros A review of the current bylaw could address some concerns raised by staff and key stakeholders with the current bylaw.</p> <p>Cons There is a cost associated with reviewing the bylaw and investigating update options. The Dog Control Policy 2016 must also be updated if the bylaw is revised.</p>
3	Revoke the current control bylaw	<p>Cons This option will not meet the legislative requirement that Council must maintain a dog control bylaw under the Dog Control Act 1996.</p>

Option 3 is set aside as Council must have a dog control bylaw under the Dog Control Act 1996.

Retaining the existing bylaw (**option 1**) will not provide Councils animal control team with all the tools they require to address the dog control situations they are faced with in their work. It is therefore considered that the current bylaw should be updated (**option 3**).

The updates that have been raised during preliminary investigations and consultation and a discussion on each follow in **Table 4**.

Table 4 Key Stakeholder Requests and Discussion for Changes to the Dog Control Section of the Bylaw

Key Stakeholder	Request and Action
Staff	Including additional enforcement provisions for breaching the multiple dog limit will clarify what was probably the original intention of the provisions.
Staff	Making offences and penalties more clearly stated in the bylaw is considered in line with the original intent of the provisions.
Staff	Adding search and rescue dogs to the dog prohibited places exemption list is considered a logical addition to the existing exemptions.
Staff	<p>Removing the prohibition on dogs in Balclutha's main street with on-leash requirements remaining in place has been included in the draft bylaw. No preliminary feedback has been received on this change.</p> <p>This change will be noted in the advertising to the public and relevant submissions considered in the final drafting of the bylaw.</p>
Kaka Point Surf Lifesaving Club	<p>The Kaka Point Beach prohibition area in Schedule A has been updated to reflect the no-dog signs in place already on the beach and what Kaka Point Lifesaving Club have said is what the community wants for the area. The change is considered logical.</p> <p>Relevant submissions received through the consultation process will be considered in the final drafting of the bylaw.</p>
Sea Society	<p>The request to only allow Responsible Dog Owner Status dogs onto beaches, including beaches with sea lions, has been considered by Animal Control Team staff. They do not think this kind of restriction to all beaches is justified and would be difficult to enforce given the dogs would also need to be identified on site. This would also limit any visitors to the district from bringing any dog onto a beach.</p> <p>Relevant submissions received through the consultation process will be considered in the final drafting of the bylaw. Council may also consider ways to increase its enforcement and education role to ensure awareness and compliance with the existing regulations.</p>
Sea Society	<p>Reducing the 2-year minimum in the district to qualify for Responsible Dog Owner Status has been considered by Animal Control Team staff. They believe this timeframe gives them a good idea of the dog owner and wish to retain it.</p> <p>Relevant submissions received through the consultation process will be considered in the final drafting of the bylaw.</p>
SPCA	Notes have been included in the bylaw referring to Animal Welfare Regulations.
SPCA	Use of the word 'fixed chain' to confine a dog has been removed.
SPCA	<p>The request that female dogs are not exercised in public while in season has not been included in the bylaw. Animal Control Team staff did not see this currently as a nuisance or enforcement problem in the district.</p> <p>Relevant submissions received through the consultation process will be considered in the final drafting of the bylaw.</p>

Key Stakeholder	Request and Action
SPCA	An exemption for short term fostering of dogs was not included for the multiple dog licence as Animal Control Team staff felt there was very little fostering of dogs in the district (one fosterer is known) so an exemption was not necessary and there were concerns it may be used as a loophole to avoid the multiple dog licence requirements. Relevant submissions received through the consultation process will be considered in the final drafting of the bylaw.
SPCA	No further plans for additional dog exercise areas were signalled in Councils current Long Term Plan.
YEPT	The request that dog 'prohibited areas' also include signage has been added.
YEPT	The YEPT requested that Jacks Bay be in the leash control areas in the bylaw, as they assert that leash control within 20m of wildlife doesn't work as beach has wildlife all along it. This will be put to the community as an option during consultation to ascertain the Jacks Bay local community views.
YEPT	The wording of point 8. in schedule A of the bylaw will be updated to reflect the YEPT's request and to clarify responsibility of dog control in these areas.
YEPT	The request of the YEPT to include Cosgrove Creek Scientific Reserve to Schedule A (dog prohibited areas) of the bylaw fits with the other areas listed as Yellow Eyed Penguin significant breeding areas. Clarity has been added to this clause that Council will not enforce dog control in areas that are managed by others with the jurisdiction to enforce it themselves (e.g. DOC). The definition of scientific reserve has also been added to the bylaw.

The following changes have therefore been made to the Dog Control section of the bylaw:

- Additional enforcement provisions for the multiple dog limit.
- More clearly stating offences and penalties.
- Adding search and rescue dogs to the dog prohibited places exemption list.
- Removing the prohibition of dogs in Balclutha's main street with on-leash requirements remaining in place.
- Updating the Kaka Point Beach prohibition area in Schedule A to reflect the no-dog signs in place already on the beach.
- Including notes in the bylaw referring to Animal Welfare Regulations.
- Removing use of the word 'fixed chain' to confine a dog.
- Adding that dog prohibited areas must also include signage.
- Updating the wording of point 8. in schedule A of the bylaw to clarify responsibility of dog control in these areas.
- Adding Cosgrove Creek Scientific Reserve to Schedule A (dog prohibited areas) and adding the definition of scientific reserve.

3.4. Keeping of Animals (excluding dogs)

The review of the Keeping of Animals section of the bylaw raised several concerns and inconsistencies by animal control staff, when comparing the bylaw to other similar bylaws of Councils in the lower South Island and when comparing the bylaw with the current animal control provisions in the Clutha District Plan.

Important points raised in the review of the Keeping of Animals section of the bylaw are summarised in **Table 5** followed by review options in **Table 6** which are discussed after the tables.

Table 5 Keeping of Animals Review Points

	Animal Control Team	Comparison to other Bylaws	District Plan*
Purpose (separate)		√	
Roosters	√	√ 2 others	
Beehives	√	Mentioned but nothing additional of note	
Stock fencing enforcement	√		
Limit on cats	√	√ 3 others	
Pigs			√ limit 2 urban
Enforcement costs balanced with new provisions / dispensing power or exemptions	√	√	
Enforcement and penalty provisions inadequate	√	√	

*Limits on dogs mentioned in the District Plan are addressed in the Dog Control section of the bylaw and the Dog Control Policy which require a licence for more than 2 dogs on a property.

Table 6 Keeping of Animals Review Options

Option		Details
1	Retain the current keeping of animals bylaw	<p>Pros No additional costs of enforcement.</p> <p>Cons The animal control team will continue to have little enforcement power in relation to keeping of animal complaints (excluding dogs) and the bylaw will be inconsistent with provisions in the District Plan and in comparison to other Council's similar bylaws.</p>
2	Update the current keeping of animals bylaw	<p>Pros Updating the bylaw would address several issues raised by the animal control team, align the bylaw with other comparison bylaws and align the bylaw with the provisions in the District Plan.</p> <p>Cons Adding additional provisions, especially enforcement and penalty provisions would mean staff must carry out enforcement action if complaints are raised with the Council. This will add to the animal control teams workload. Additional staff resource may be required especially at already busy times like dog registration time.</p>
3	Revoke the current keeping of animals bylaw	<p>Pros If this section of the bylaw was revoked there would be no enforcement costs to Council in relation to other animals. There is no legal requirement to provide a Keeping of Animals Bylaw, however it is specifically mentioned in the Act.</p> <p>Cons Although the majority of the animal control team's work concerns the control of dogs, issues with the keeping of other animals are brought to Council's attention and can cause great nuisance or public health concerns in the community. Revoking this bylaw altogether would not meet Council's obligation to minimise and prevent nuisance and public health concerns in the community.</p>

Revoking the current bylaw and continuing with the current bylaw (**options 1 and 3**) do not address issues raised by animal control staff, especially regarding enforcement action relating to the keeping of animals in the district.

The cost of additional enforcement action is the only negative associated with **option 2**, to update the bylaw. As a balance to this a dispensing power is recommended in an updated bylaw, which can be used by the Group Manager Planning and Regulatory at their discretion when it would be impractical to enforce the bylaw provisions due to cost, or other reasons at their discretion. The dispensing power is located in the Introduction section of the bylaw and will be revisited.

Option 2, to update the current bylaw is therefore recommended addressing the following points:

- Separate the purpose
- Rooster provisions and enforcement
- Beehives additional information
- Stock fencing enforcement
- Stock fencing enforcement
- Limit on cats
- Limit on pigs
- Enforcement and penalty provisions

3.5. Property Maintenance

Property maintenance issues are limited, however recognised, throughout the district. These issues include excessive storage of waste on private property, which sometimes spills onto public property, excessive vegetation growth on private property, which also at times spills onto public property and problems with vandalism of abandoned buildings or unsightly abandoned buildings in town centres and main streets.

When storage of excessive waste on private property spills onto public property currently Council staff have dealt with these problems through provisions in the Roading Bylaw and other legislation. Similarly excessive vegetation growth that impinges public right of ways is addressed in Councils Roading Bylaw. Staff however do not currently have the necessary tools to deal with excessive waste and vegetation growth issues on private property.

Abandoned buildings are also not widespread in the district, however, when they become a target for vandals or unsightly in a town's main shopping street Council currently has no tools to address this.

Two options were considered in relation to including Property Maintenance provisions in the bylaw as outlined in **Table 7**.

Table 7 Property Maintenance Review Options

Options		Assessment
1	<p>No Property Maintenance bylaw</p> <p>Use other statutory and non-statutory methods to address excessive waste and vegetation growth on private property and abandoned buildings.</p>	<p>Pros</p> <p>Cost effective, no changes required to bylaw and no additional implementation costs.</p> <p>Cons</p> <p>Currently this option means staff have no means to address these issues which although are not a large problem (in total cases), are widespread and can cause significant nuisance in the area they are located.</p>
2	<p>Create new Property Maintenance provisions to be inserted into the bylaw</p>	<p>Pros</p> <p>Will give staff tools to begin to address issues.</p> <p>Cons</p> <p>Cost involved in creating and implementing provisions.</p> <p>As advised by Invercargill City, provisions give a starting point to address issues, but they are often not an easy fix or fixable in any case.</p>

Considering the Clutha specific issues noted by staff in relation to property maintenance the problem does not affect a large number of properties in the district, however, the issues identified may cause a negative impact on the health and safety of property occupants and that of neighbouring properties and may cause great nuisance to neighbouring properties. If not addressed in a timely manner health and safety and nuisance problems caused by these properties will likely escalate and become more difficult and expensive to address.

Although the majority of other Councils in New Zealand do not have bylaws relating to property maintenance a number do.

Option 2 to create a new section in the bylaw to address the property maintenance issues identified in Clutha is therefore recommended. It is considered that putting provisions in place within the existing bylaw that address the following situations will give Council staff the tools to begin to respond to complaints and concerns regarding property maintenance. Use of the provisions and enforcement costs will need to be monitored carefully by Councils Regulatory Team and weighed up on a case by case basis.

- Nuisance and health and safety concerns caused by excess waste and storage of materials inside and outside of buildings and structures on private property.
- Nuisance and health and safety concerns caused by excess waste and storage on public property, including the road.
- Excessive vegetation growth that may cause a nuisance, increase the prevalence of pests or increase fire danger to residential dwelling(s) for private use.
- Health and safety and amenity concerns with 'abandoned' buildings.

Council's Policy on Dangerous and Insanitary Buildings 2007 has been highlighted during the investigation of the Property Maintenance section of the bylaw as in need to review, so will be reviewed in conjunction with the bylaw review.

3.6. Public Places

The purpose of the Public Places section of the bylaw is to put controls on certain activities so they can occur in public places while maintaining safety, acceptable standards of convenience, visual amenity and civic values for citizens, businesses and visitors.

The review of the Public Places section of the bylaw highlighted that in comparison to the other Council bylaws that were reviewed, Clutha's bylaw was comprehensive. The provisions in the bylaw were also found to be up to date with relevant legislation. A few minor amendments were requested by staff to address complaints they sometimes receive that relate to public places, such as the use of fireworks.

Three options have been considered in the review of the Public Places bylaw as outlined in the **Table 8**.

Table 8 Public Places Review Options

Option		Details
1	Retain the current public places bylaw	<p>Pros No additional costs of review or additional enforcement. The provisions are not out of date.</p> <p>Cons The bylaw is more comprehensive than other comparison Councils and is used infrequently.</p>
2	Update the current public places bylaw	<p>Pros Small additions and changes to the bylaw would address matters raised by staff.</p> <p>Cons There is a time and costs to review the provisions, however as part of the overall review of the Regulatory Bylaw this is relatively minor.</p>
3	Revoke the current public places bylaw	<p>Pros There is no requirement to retain this part of the bylaw and most Councils investigated do not have as comprehensive provisions as Clutha does. There would be no enforcement or review costs.</p> <p>Cons Although the provisions are not extensively utilised, them remaining in place means that should public nuisance occur there are tools in place for staff.</p>

Revoking (**option 3**) the current bylaw is a viable option should these provisions be utilised less and less in the future. The provisions are logical however and provide tools for staff to use should the need arise. The current provisions are simple and could be retained (**option 1**), however minor amendments, would address matters raised by staff during the overall review of the bylaw (**option 2**).

The Public Places section of the bylaw has therefore been updated (**option 2**) incorporating the following amendments:

- Adding a provision controlling the use of fireworks in public places.
- Adding a note advising of the Civil Aviation requirements in relation to the use of drones.
- Ensuring reference to scooters and skateboards is consistent through the bylaw.
- Adding 'legal' boundaries to the definition of Road in the bylaw.
- Removing the repeated and conflicting provisions relating to persons wishing to sell goods, solicit for subscriptions, collections or donations, preach, undertake busking or distribute advertising material as they are included in the Trading in Public Places section of the bylaw.
- Removing reference to freedom camping, which has been moved into Council's separate Freedom Camping Bylaw.

Litter provisions were found to be still relevant in relation to the maximum infringement fee of \$400 for littering as set out under the Litter Act 1979 so they were not altered.

3.7. Trading in Public Places

The Trading in Public Places section of the bylaw aims to protect established businesses in the district and minimise nuisance caused by mobile traders. Council's key strategic documents also highlight the desire to support commercial activity and vibrancy in the district. The review of the Trading in Public Places section of the bylaw highlighted that a few minor amendments could be made to align the provisions better with its purpose while supporting commercial activity and vibrancy in the district.

The review established that nuisance from mobile traders was not common in the district, so simple provisions were favoured.

The Policy on the Use of Council Venues by Itinerant Traders 2011 was also reviewed in conjunction with this section of the bylaw. It was considered logical to incorporate the provision in this policy, which does not allow itinerant traders to use Council venues, into the bylaw to simplify the provisions operators must comply with.

Three options were considered in the review of the Trading in Public Places section of the bylaw as outlined in **Table 9**.

Table 9 Trading in Public Places Review Options

Option	Details
1 Retain the current trading in public places bylaw	<p>Pros No additional costs of review or additional enforcement.</p> <p>Cons The bylaw and policy being separate adds some confusion to trading in public places in the district. The current provisions do little to discourage direct competition between fixed and mobile traders.</p>
2 Update the current trading in public places bylaw Retire the current itinerant trader's policy and add this into the bylaw provisions.	<p>Pros Combining the policy and bylaw will simplify the provisions for mobile traders in the district. Small additions to the current provisions could better align the bylaw with its intention to protect fixed traders.</p> <p>Cons Additional provisions, especially a licensing system would add additional enforcement costs that are not deemed necessary for the frequency of the problem identified. There is a time and costs to review the provisions, however as part of the overall review of the Regulatory bylaw this is relatively minor.</p>
3 Revoke the current trading in public places bylaw	<p>Pros There is no requirement to retain this part of the bylaw, however, most Councils do have these types of provisions. There would be no enforcement or review costs.</p> <p>Cons The popularity of mobile traders, especially food truck providers is increasing, so retaining these types of provisions is logical.</p>

Revoking the current bylaw (**option 3**) is a viable option should these provisions be utilised less and less in the future. The current climate and popularity of mobile food vendors suggests

that retaining the provisions is however a logical choice at this stage. The current provisions are simple and could be retained (**option 1**), however minor amendments, and combining the provisions in the Policy on the use of Council Venues by Itinerant Traders would make the provisions simpler (as they are all in one place) and closer to the original purpose of the bylaw, to protect established businesses in the district (**option 2**). Additional licensing requirements are not proposed to be added to the bylaw provisions.

The Trading in Public Places section of the bylaw has therefore been updated (**option 2**) to incorporate the following amendments:

- Incorporating the provision in the Policy on the use of Council Venues by Itinerant Traders into the bylaw. Retire the Policy on the use of Council Venues by Itinerant Traders 2011.
- Adding a minimum distance between competing established businesses and mobile traders (100m) to the bylaw.
- Including the premises that must be registered or approved by Council for operators' information. No additional licensing requirements are proposed.
- Update the provisions relating to persons wishing to sell goods, solicit for subscriptions, collections or donations, preach, undertake busking or distribute advertising material to encompass those mention in the Public Place section of the bylaw that have been deleted.

3.8. Abandoned Vehicles

As part of the review of the bylaw the topic of abandoned vehicles has been investigated for possible inclusion within the provisions of an updated bylaw.

Investigations of other Councils and a legislative review revealed that the process for territorial authorities to follow when dealing with abandoned vehicles is outlined in the Local Government Act 1974 sections 356, 356A and 356B. Other Councils do not include bylaw provisions on abandoned vehicles on public property, which includes local roads, however, a number have detailed information available on their websites outlining the process including who to contact to report an abandoned vehicle and how to claim an abandoned vehicle.

A process was established for how abandoned vehicles are dealt with in Clutha, in accordance with the relevant legislation. Consultation was carried out with the New Zealand Police, Waka Kotahi NZ Transport Agency and Council's enforcement staff to confirm this process.

It is therefore recommended that abandoned vehicles are not included as a topic in the review of the Regulatory Bylaw 2018 and that the process for abandoned vehicles be recorded and added to Council's website.

3.9. Cemeteries

At the beginning of the process of reviewing the bylaw the Ministry of Health (MoH) was also reviewing the legislation relating to deaths, funerals, burial, and cremation in New Zealand. Consultation closed in October 2020 and a summary of submissions was released in June 2021.

The consultation document indicated that local authorities may be given more responsibility in relation to burial, cemetery and crematoria management. When this review concludes, it is anticipated that a cemetery bylaw or policy will need to be developed for the Clutha District.

Depending on when the MoH concluded its review, it was thought that this may fit in with the review of the Regulatory Bylaw, or it could be undertaken separately.

The MoH review of the legislation relating to deaths, funerals, burial, and cremation has not progressed further since mid-2021 so cemeteries will not be included as a topic in the Regulatory Bylaw review.

3.10. Health and Hygiene

The consideration of a health and hygiene section in the bylaw was initiated by a complaint from a business owner in the district that had clients with skin infections from treatments possibly received from other business operators in the district. The complainant suggested that Clutha should have basic hygiene standards for business operators that pierce or may pierce or burn skin to avoid this problem.

The Local Government Act 2002 and the Health Act 1956 provide for local authorities to create bylaws to address public health issues.

Initial investigations of other Councils in New Zealand showed that a number have health and hygiene bylaws which contain basic standards and a licencing system for businesses which perform procedures that pierce or may risk piercing or burning the skin like beauty therapists, acupuncturists and tattooists. These types of standards were investigated for Clutha, taking into account any enforcement which would result in adding these provisions.

The aim of all the example health and hygiene bylaws investigated is to minimise the spread of communicable diseases such as Hepatitis B and C, HIV/AIDS and bacterial skin infections that can be spread easily if good hygiene practices are not followed when performing procedures that may pierce or damage the skin.

A desktop study of businesses in the district that may be impacted by any new standards was undertaken to ascertain the scale of the perceived problem. This study revealed that there are a small number of beauty therapists and acupuncturists operating in the district who may be impacted by these provisions. There are no tattooists currently operating in the district and ear piercing was only offered at pharmacies in the district. Many other bylaws exclude pharmacies from their provisions when they are licensed by the Ministry of Health.

The options outlined in **Table 10** were considered in the investigation of the inclusion of a health and hygiene topic in the bylaw. The options are considered further below.

Table 10 Health and Hygiene Review Options

Options		Details
1	Create bylaw	<p>a Create a health and hygiene bylaw which implements a registration/licensing system for businesses in the district which pierce the skin or may risk piercing or burning the skin.</p> <p>Most other Council bylaws require yearly renewal of licences. Inspection of premises may need to occur in some or all applications.</p>
1a	Joint bylaw provisions	<p>Create a joint bylaw with neighbouring Council(s) to share the workload of creating bylaw provisions. Currently Dunedin and Invercargill have health and hygiene bylaws.</p> <p>Implementation of the licensing system and inspection of premises would still be required to be undertaken by the Council unless it was contracted to another local authority.</p>
2	No bylaw	Continue with current situation, where there are no health and hygiene bylaw provisions or any other information or advice on Council's website on the topic.
3	Non-statutory methods	Do not create a health and hygiene bylaw but include information on Council's website for businesses and customers to refer to, for example the Ministry of Health's Safe Skin Piercing Guidelines.

In relation to review **options 1 and 1a** to create bylaw provisions, taking into account the findings of the investigation of the health and hygiene topic overall it is considered that the scope and scale of the potential issue of the spread of communicable diseases from potentially poor hygiene practices of businesses in the district that pierce the skin or may risk piercing or burning the skin does not justify the creation of a health and hygiene section in the bylaw at this time. The reasons for this assessment include:

- The small number of businesses that operate in Clutha which pierce the skin or may risk piercing or burning the skin.
- The low occurrence of complaints received.
- The high cost of creating bylaw provisions and implementing a registration and licensing system.

In relation to the scale of the issue in the district, as found in this investigation, it is considered that either **options 2 or 3** to have no bylaw or other non-statutory options are acceptable methods for the Council to pursue at this time. During the course of these investigations no other Council appeared to have guidance type material on their websites on this issue, and although the Ministry's guidelines indicated a New Zealand Standard was being considered this has not been actioned and would likely be recommended for territorial authorities to carry out in any case so non-statutory measures may be unnecessary and therefore no bylaw (**option 2**) is favoured at this time.

Growth in the number of complaints or growth in the number of businesses operating in the fields of beauty therapy, acupuncture, tattooing and piercing in the district may necessitate revisiting the need for other non-statutory methods creation of a bylaw/ joint bylaw in the future.

3.11. Hostels

The Hostels section (Part 3) of the Regulatory Bylaw puts in place provisions for budget accommodation providers that serve more than five guests.

Investigations of hostel provisions in New Zealand uncovered that Clutha's provisions are based on NZS 9201:3:1999 Hostels. This NZ standard provides a model bylaw for Councils to use in whole or part to manage and monitor accommodation providers in their district. Currently five other Councils in New Zealand have similar hostel bylaws in place.

An example of a Council that had a similar hostel bylaw that was revoked was found during the investigation of this topic. At the time the Auckland Councils were amalgamating, two of the legacy Councils had hostel bylaw provisions. The Auckland Council investigated whether the hostel bylaws were required and concluded that other mechanisms covered everything in the bylaw provisions, so the two legacy bylaws were revoked in 2015. Auckland Council continues to monitor boarding houses in their region and maintains a register of establishments, monitoring three every month, using an interagency team that enforces existing legislation if necessary.

Discussions with Council staff found that the hostel bylaw provisions are not enforced as complaints are rarely received on accommodation providers and the Health Act provisions are easier to use to address any complaints they do receive.

The Building Compliance Team monitors commercial accommodation providers (more than 5 guests) in the district annually in their specified system checks. This assessment only checks fire systems. A desk top study of accommodation providers and the specified systems list found that half of the providers were currently checked by Council in this manner.

The options outlined in **Table 11** were considered in the review of the Hostels section of the bylaw.

Table 11 Hostels Review Options

Options		Details
1	Retain the current bylaw the hostel	<p>Pros</p> <p>The current provisions would not need to be changed.</p> <p>The bylaw is based on New Zealand Standards NZS 9201:3:1999 Hostels, no updates to this standard have occurred.</p> <p>Five other Councils in NZ have similar bylaw provisions.</p> <p>Cons</p> <p>The Hostels provisions are not used by the Council currently. Other legislation is preferred to be used by staff to respond to complaints regarding conditions at budget accommodation providers (e.g. the Health Act 1956).</p>
2	Revoke the current bylaw the hostel	<p>Pros</p> <p>Other statutory methods (the Health Act 1956) can be used to monitor these types of businesses, no new systems are required to be put in place.</p> <p>The building compliance team monitors the specified systems of these activities annually and does not have any concerns with these types of businesses. The SS check however, only assesses fire systems.</p> <p>Cons</p> <p>A number of accommodation providers do not appear to be part of the Building Compliance team's specified system checks currently. These providers may be exempt for a reason, but they should be followed up. This will require staff resources.</p> <p>Customers of these types of business may be unlikely to make complaints about poor conditions as they have few accommodation options.</p> <p>Without specific provisions a rogue business may 'slip through the cracks' more easily.</p>
2a	Keep a register of budget accommodation premises*	<p>Pros</p> <p>Addresses what the hostels bylaw intends to address (conditions at budget accommodation providers) in a proactive rather than a reactive manner.</p> <p>Cons</p> <p>It is unclear if this is needed due to feedback from staff and a lack of complaints received from these types of businesses.</p> <p>Council staff have implied resources are stretched and further checks of businesses (if a register was established) would be difficult.</p>

*The option of establishing a register of budget accommodation providers is available to Council under the Housing Improvements Regulations 1947.

The current Hostels provisions are not used by Council staff even in the event of a complaint the Health Act process is preferred. It is therefore recommended that the Hostels section of the bylaw be revoked (**option 2**).

The risks associated with not having specific hostel provisions in place could be reduced if the Building Compliance team ensures as part of the normal course of monitoring Council undertakes for commercial activities and their specified systems that budget accommodation

providers are monitored annually. Although this only assesses fire systems, this vital check should still be carried out for all applicable businesses. It appears that currently half of the commercial accommodation providers in the district are checked annually by the Building Compliance team.

To address sanitary conditions, overcrowding and provision of adequate space and amenities a register of budget accommodation providers, like Auckland Council keeps, could be set up for Clutha, but it appears that at this time due to staff feedback and a lack of complaints this is not needed (**option 2a**).

4. Recommendations

The recommendations for each topic investigated in the review of the Regulatory Bylaw 2018 are summarised in brief as follows.

Update Bylaw Provisions	Introduction
	Alcohol Control
	Dog Control
	Keeping of Animals
	Public Places
	Trading in Public Places
New Bylaw Provisions	Property Maintenance
No Bylaw Provisions Recommended	Abandoned Vehicles
	Cemeteries
	Health and Hygiene
Revoke Bylaw Provisions	Hostels

Table 12 provides a comprehensive list of recommendations from the review of the bylaw and amendments that have been undertaken to the Regulatory Bylaw 2018. A draft Regulatory Bylaw 2022 has been created based on these amendments.

Table 12 Summary of Recommendations and Amendments to the Regulatory Bylaw 2018

Recommendations	Details
Introduction Update the bylaw provisions	<ul style="list-style-type: none"> • Ensuring legislative references are up to date and relevant. • Removing repeated or redundant definitions or wording. • Updating the table of contents. • Revisit dispensing power.
Alcohol Control Update the bylaw provisions	<ul style="list-style-type: none"> • The alcohol control areas currently in place are carried over. • Maps of the alcohol control areas, as well as current written descriptions are included in the bylaw. • The alcohol control section is amended to align with the provisions of the current Sale and Supply of Alcohol Act 2012.
Dog Control Update the bylaw provisions	<ul style="list-style-type: none"> • Additional enforcement provisions for the multiple dog limit. • More clearly stating offences and penalties. • Adding search and rescue dogs to the dog prohibited places exemption list. • Removing the prohibition on dogs in Balclutha’s main street with on-leash requirements remaining in place. • Updating the Kaka Point Beach prohibition area in Schedule A to reflect the no-dog signs in place already on the beach. • Including notes in the bylaw referring to Animal Welfare Regulations. • Removing use of the word ‘fixed chain’ to confine a dog. • Adding that dog prohibited areas must also include signage. • Updating the wording of point 8. in schedule A of the bylaw to clarify responsibility of Dog Control in these areas. • Adding Cosgrove Creek Scientific Reserve to Schedule A (dog prohibited areas) and adding the definition of scientific reserve. <p>Update the Dog Control Policy 2016 to reflect the updates to the Dog Control section of the bylaw.</p>
Keeping of Animals Update the bylaw provisions	<ul style="list-style-type: none"> • Separate the purpose • Rooster provisions and enforcement • Beehives additional information • Stock fencing enforcement • Limit on cats • Limit on pigs • Enforcement and penalty provisions
Public Places Update the bylaw provisions	<ul style="list-style-type: none"> • Adding a provision controlling the use of fireworks in public places. • Adding a note advising of the Civil Aviation requirements in relation to the use of drones. • Ensuring reference to scooters and skateboards is consistent through the bylaw. • Adding ‘legal’ boundaries to the definition of Road in the bylaw. • Removing the repeated and conflicting provisions relating to persons wishing to sell goods, solicit for subscriptions, collections or donations, preach, undertake busking or distribute advertising material as they are included in the Trading in Public Places section of the bylaw. • Removing reference to freedom camping, which has been moved into Council’s separate Freedom Camping Bylaw.

Recommendations	Details
Trading in Public Places Update the bylaw provisions	<ul style="list-style-type: none"> • Incorporating the Policy on the use of Council Venues by Itinerant Traders provision in the bylaw. • Adding a minimum distance between competing established businesses and mobile traders (100m) to the bylaw. • Including the premises that must be registered or approved by Council for operators' information. <ul style="list-style-type: none"> • Update the provisions relating to persons wishing to sell goods, solicit for subscriptions, collections or donations, preach, undertake busking or distribute advertising material to encompass those mention in the Public Place section of the bylaw that have been deleted. Retire the Policy on the use of Council Venues by Itinerant Traders 2011.
Property Maintenance Add a new section to the bylaw	<ul style="list-style-type: none"> • Nuisance and health and safety concerns caused by excess waste and storage of materials inside and outside of buildings and structures on private property. • Nuisance and health and safety concerns caused by excess waste and storage on public property, including the road. • Excessive vegetation growth that may cause a nuisance, increase the prevalence of pests or increase fire danger to residential dwelling(s) for private use. <ul style="list-style-type: none"> • Health and safety and amenity concerns with 'abandoned' buildings. • Council's Policy on Dangerous and Insanitary Buildings 2007 will be reviewed in conjunction with the review of the Regulatory Bylaw. Use of the provisions and enforcement costs will need to be monitored carefully by Councils Regulatory Team and weighed up on a case by case basis.
Abandoned Vehicles No bylaw provisions	The process for abandoned vehicles be recorded and added to Council's website.
Cemeteries No bylaw provisions	Continue to monitor the Ministry of Health's review of the legislation relating to deaths, funerals, burial, and cremation in New Zealand.
Health and Hygiene No bylaw provisions	Growth in the number of complaints or growth in the number of businesses operating in the fields of beauty therapy, acupuncture, tattooing and piercing in the district may necessitate other non-statutory methods or creation of a bylaw/ joint bylaw in the future.
Hostels Revoke the current Hostels provisions in the bylaw	Building Compliance Team's annual monitoring of commercial activities and their specified systems should include all budget accommodation providers. Register of budget accommodation providers could be set up if needed in the future, not recommended at the present time.

ATTACHMENT B

STATEMENT OF PROPOSAL

DRAFT REGULATORY BYLAW 2022

Clutha District Council

April 2022

HAVE YOUR SAY!

Clutha District Council is reviewing our Regulatory Bylaw 2018 and proposing a draft Regulatory Bylaw 2022. The draft bylaw covers the following topics:

- Alcohol Control
- Dog Control
- Keeping of Animals (excluding dogs)
- Property Maintenance
- Public Places
- Trading in Public Places

This document provides information on the review, including the reasons for it being put forward, the draft bylaw, and background information.

Before finalising the bylaw, Council wants to hear your views. We need your feedback by **5pm on Monday 20 June 2022**.

Your views on the draft Regulatory Bylaw 2022 are important to us, and there are several ways you can have your say. Submission forms are available from Council Service Centres, or you can fill in your submission online. Council will also hold a series of community drop-in events at coastal settlements in conjunction with the consultation for the proposed Vehicles on Beaches Bylaw – check our [website](#) for details.

Please state in your submission if you want to speak at the Council hearing about your submission. A guide to making verbal submissions is available on our website in the Council meetings section, under ‘attending a meeting’.

HOW TO GET YOUR SUBMISSION TO US:

 In person:

By visiting our Service Centres at:

- 1 John Street, Balclutha
- 5 Peel Street, Lawrence
- 124-126 Union Street, Milton
- 10 Campbell Street, Owaka
- 1 Suffolk Street, Lawrence

 By mail:

Draft Regulatory Bylaw 2022
Clutha District Council
PO Box 25
Balclutha 9240

 Online/email:

Complete the form online at www.cluthadc.govt.nz or email us help.desk@cluthadc.govt.nz

Submitters should note that all submissions are considered public under the Local Government Official Information and Meetings Act and may be published and made available to the public after the submission period closes.

TIMELINE FOR THE DRAFT REGULATORY BYLAW 2022:

Submission period	19 May to 20 June 2022
Council hears verbal submissions	23 June 2022
Council considers all feedback in a summary report and makes any changes to the draft bylaw	20 July 2022
Council adopts bylaw	15 September 2022
Bylaw comes into force	1 October 2022

ANY QUESTIONS?

We are here to help. If you have any questions about the draft bylaw or the submission process, please let us know. Just call us on 0800 801 350 and let our customer service staff know you have a question about the draft Regulatory Bylaw 2022.

TABLE OF CONTENTS

1. Summary
2. Statutory Processes
3. Reasons for the Proposal
4. Preliminary Stakeholder Engagement
5. Review Options
 - 5.1 Introduction
 - 5.2 Alcohol Control
 - 5.3 Dog Control
 - 5.3.1 Dog Control Policy 2016
 - 5.4 Keeping of Animals (excluding Dogs)
 - 5.5 Property Maintenance
 - 5.5.1 Policy on Dangerous and Insanitary Buildings 2007
 - 5.6 Public Places
 - 5.7 Trading in Public Places
 - 5.8 Abandoned Vehicles
 - 5.9 Cemeteries
 - 5.10 Health and Hygiene
 - 5.11 Hostels
6. Key Updates to the Regulatory Bylaw
 - Table 1 Summary of Key Updates to the Regulatory Bylaw
7. Conclusion and Recommendations
8. Other Material for Consultation
 - 8.1 Submission Form
 - 8.2 Reference Documents
 - Draft Regulatory Bylaw 2022
 - Draft Dog Control Policy 2022
 - Draft Policy on Dangerous and Insanitary Buildings 2022

1. Summary

This Statement of Proposal provides an overview of the review of Council's Regulatory Bylaw 2018. This process began in mid-2021 when a scoping paper was prepared to provide an overview of the bylaw and to identify key issues that a review of the bylaw could address.

In September 2021 the scoping paper and a recommendation to review the bylaw was approved by the Council. A preliminary phase of investigation and consultation followed.

The preliminary phase of review looked at each topic in the existing bylaw and new topics that had been signalled in the scoping paper and undertook consultation with staff and key stakeholders, a legislative review, comparison with similar bylaws and assessed the existing situation within Clutha. A number of review options were then considered for each topic.

The outcomes of this preliminary phase of review include a recommendation for each topic investigated and can be found in more detail in the Review of the Regulatory Bylaw 2018 Issues and Options Report (April 2022). They are summarised as follows:

Update Bylaw Provisions	Introduction
	Alcohol Control
	Dog Control
	Keeping of Animals
	Public Places
	Trading in Public Places
New Bylaw Provisions	Property Maintenance
Revoke Bylaw Provisions	Hostels
No Bylaw Provisions Recommended	Abandoned Vehicles
	Cemeteries
	Health and Hygiene

A draft Regulatory Bylaw 2022 was created, informed by the findings in the preliminary phase of review. This Statement of Proposal describes this process and includes:

- Statutory Processes
- Reasons for the Proposal
- Stakeholder Engagement
- Review Options
- Key Updates to the Bylaw
- Conclusion and Recommendations
- Other Material for Advertising

2. Statutory Processes

The draft Regulatory Bylaw 2022 has been prepared by Council, as provided for under the Local Government Act 2002, the Health Act 1956, the Dog Control Act 1996, the Litter Act 1979 and the Sale and Supply of Alcohol Act 2012.

Sections 83 and 86 of the Local Government Act 2002 require Council to use the special consultative procedure in relation to making, amending or revoking bylaws.

The draft Regulatory Bylaw 2022 is considered to be consistent with the New Zealand Bill of Rights Act 1990 (NZBORA).

3. Reasons for the Proposal

A scoping report was compiled in August 2021 to provide an overview of the Clutha District Council Regulatory Bylaw 2018 and to identify key issues that a review of the bylaw could address. The scoping paper found that the bylaw required review as:

- Although the bylaw did not legally require review until 2028, it appears it has not changed greatly since the 2008 version making areas of the bylaw out of date or in need of review.
- Several high and medium priority review topics were identified.

The key recommendations of the scoping report were:

- Reviewing the bylaw will address a number of nuisance issues identified by staff and the public and will meet Council's legislative requirements.
- It is more efficient to review the bylaw as a whole (as opposed to individual topics being dealt with as individual bylaws).
- A review of the entire bylaw will take approximately 12 months to complete.
- Timing of topics to be reviewed is recommended based on their priority (high to low).

4. Preliminary Stakeholder Engagement

A preliminary phase of research and consultation reviewing the Regulatory Bylaw 2018 was undertaken from September 2021 to April 2022 with staff and key stakeholders in the community on a topic by topic basis. As well as animal control, building control, enforcement, roading and strategic policy staff the following key stakeholders were engaged with directly during this preliminary phase reviewing the bylaw:

Department of Conservation	Dog Control
Dog Rescue Dunedin	Dog Control
Federated Farmers	Dog Control
Kaka Point Lifesaving Club	Dog Control
Local Veterinary Clinics (Clutha Vets and Vet South)	Dog Control
New Zealand Police	Alcohol Control Abandoned Vehicles Dog Control

New Zealand Sea Lion Society	Dog Control
Sea Society	Dog Control
SPCA	Dog Control
Waka Kotahi NZ Transport Agency	Abandoned Vehicles
Yellow Eyed Penguin Trust	Dog Control

Every topic in the bylaw that was reviewed was also assessed against relevant legislation and other policy documents and compared to corresponding bylaw examples either throughout New Zealand or with eight other Councils in the lower South Island. An assessment of the existing situation in Clutha was also undertaken.

The preliminary consultation and review phase have provided a basis for the options considered and recommended for the draft bylaw.

5. Review Options

Each part of the current Regulatory Bylaw 2018 and additional topics that were raised in the initial scoping of the project in late 2021 were reviewed and options were considered. The options considered for each topic are expanded on in the Review of the Regulatory Bylaw 2018 Issues and Options Report (April 2022).

A summary of the investigation of each topic and the recommended review options follows.

5.1. Introduction

The review of the Introductory section of the bylaw found that it is generally very comprehensive and legislative references were up to date. No further options were considered in the review of this part of the bylaw.

5.2. Alcohol Control

The review of the Alcohol Control part of the bylaw considered three review options. These were to revoke the alcohol control areas, change the alcohol control areas or carry over the current alcohol control areas. Feedback from Police and the alcohol control staff supported carrying over the current alcohol control areas as they believe they are working to prevent alcohol related nuisance and harm occurring in the towns of Balclutha and Milton.

In relation to the sections 147A and 147B of the Local Government Act 2002 carrying over the current alcohol control areas is considered to be a reasonable limitation of people's rights and freedoms to prevent nuisance and alcohol harm occurring in the district especially harm to young people.

The Police have confirmed that there was a high level of disorder and crime caused by alcohol consumption of young people in the ban areas, which they believe would likely reoccur if the ban areas were reduced or revoked. The specifically placed ban areas are considered to be proportionate to the level of crime and disorder described rather than blanket ban areas over the entire townships.

The Police and alcohol control staff believe including maps of the alcohol control areas in the bylaw would improve legibility of the provisions.

The legislation regulating alcohol control has changed since the alcohol provisions were last reviewed, however it was found that the current provisions only need minor updates to align with the Sale and Supply of Alcohol Act 2012.

5.3. Dog Control

Three options were considered in the review of the Dog Control section of the bylaw, and subsequently the Dog Control Policy 2016. These options included retaining, updating or revoking the current Dog Control part of the bylaw.

Revoking the bylaw was set aside as an option as Council must have a Dog Control Bylaw under the Dog Control Act 1996.

It was concluded that retaining the current bylaw would not provide Councils animal control team with all the tools they require to address the dog control situations they are faced with in their work. The following key stakeholders were consulted with during the review of the Dog Control section of the bylaw, and their requests were considered in the Dog Control section of the draft bylaw:

- Department of Conservation
- Dog Rescue Dunedin
- Federated Farmers
- Kaka Point Surf Lifesaving Club
- Local veterinary clinics (Clutha Vets and Vet South)
- New Zealand Police
- New Zealand Sea Lion Society
- Sea Society
- SPCA
- Yellow Eyed Penguin Trust

The Dog Control part of the bylaw was therefore updated based on staff and key stakeholder feedback which is outlined in detail in the Review of the Regulatory Bylaw 2018 Issues and Options Report (April 2022).

5.3.1. Dog Control Policy 2016

A dog control bylaw and any review of it is linked to the dog control policy of a local authority. Clutha's Dog Control Policy 2016 sets out Council's response to managing the enjoyment, welfare and recreational needs of the districts dogs and their owners with the freedom of the community to exist without the nuisance that dogs may cause if they are not suitably controlled like noise, intimidation and injury.

Councils Dog Control Policy 2016 is therefore also recommended to be updated to reflect changes undertaken to the Dog Control section of the bylaw. The draft Dog Control Policy 2022 was provided to key stakeholders for comment, with the Dog Control section of the bylaw, and will be consulted on by way of special consultative procedure under sections 83 and 86 of the Local Government Act 2002 in conjunction with the bylaw.

5.4. Keeping of Animals (excluding dogs)

Three options were considered during the review of the Keeping of Animals part of the current bylaw including retaining, updating or revoking the current provisions.

It was concluded that revoking the current bylaw or continuing with the current bylaw would not address issues raised by the animal control team, especially relating to enforcement action on the keeping of animals in the district.

It was therefore recommended that the current bylaw provisions be updated to address staff feedback and that the additional cost of enforcement be balanced with a dispensing power under the bylaw, which can be used by the Group Manager Planning and Regulatory at their discretion when it would be impractical to enforce the bylaw provisions due to cost or other reasons at their discretion.

5.5. Property Maintenance

Property maintenance issues are limited, however recognised, throughout the district. These issues include excessive storage of waste on private property, which sometimes spills onto public property, excessive vegetation growth on private property, which also at times spills onto public property and problems with vandalism of abandoned buildings or unsightly abandoned buildings in town centres and main streets. Currently staff have few tools available to them to deal with these issues when they occur on private property.

Two options were considered in the investigation of the Property Maintenance topic, these included to create bylaw provisions or to not create bylaw provisions.

It was found in the review of this topic that the issue did not affect a large number of properties in the district, however, the issues identified could potentially cause a significant negative impact on the health and safety of the occupants of an impacted property and to that of neighbouring properties and could cause significant nuisance. The issue would also likely escalate and become more difficult and expensive to address if left unattended.

A new section in the bylaw to address the property maintenance issues identified in Clutha was therefore recommended.

5.5.1. Policy on Dangerous and Insanitary Buildings 2007

During the investigations on property maintenance when reviewing the bylaw, it was highlighted that Council's Policy on Dangerous and Insanitary Buildings 2007 was out of date and in need of review. Territorial authorities must adopt a policy on dangerous and insanitary buildings under section 131 of the Building Act 2004.

A draft Policy on Dangerous and Insanitary Building 2022 has been prepared and will be advertised by way of a special consultative procedure under sections 83 and 86 of the Local Government Act 2002 in conjunction with the advertising of the draft Regulatory Bylaw 2022. The policy has been updated based on feedback from building control staff and in alignment with the requirements of the Building Act 2004.

5.6. Public Places

Three options have been considered in the review of the Public Places section of the bylaw including retaining, updating or revoking the current bylaw provisions.

Revoking the current bylaw was considered a viable option should these provisions be utilised less and less in the future. The provisions are however considered to be logical and provide tools for staff to use should the need arise. The current provisions are simple and could be retained, however minor amendments, would address matters raised by staff in the overall review of the bylaw.

The Public Places section of the bylaw has therefore been updated incorporating amendments requested by staff.

5.7. Trading in Public Places

Three options were considered in reviewing the current Trading in Public Places section of the bylaw including retaining, revoking or updating the current provisions. The updating option also included incorporating the provisions of the Policy on the Use of Council Venues by Itinerant Traders 2011 into the bylaw provisions and retiring the policy.

Revoking the current bylaw provisions was considered a viable option should these provisions be utilised less and less in the future. The current climate and popularity of mobile food vendors suggests that retaining the provisions is however a logical choice at this time. The current provisions are simple and could be retained, however minor amendments, and combining the provisions in the Policy on the use of Council Venues by Itinerant Traders would make the provisions simpler (as they would all be in one place) and closer to the original purpose of the bylaw, to protect established businesses in the district.

The Trading in Public Places section of the bylaw was therefore recommended to be updated including incorporating the provisions of the Policy on the use of Council Venues by Itinerant Traders 2011 into the bylaw provisions and retiring the policy.

5.8. Abandoned Vehicles

As part of the review of the bylaw the topic of abandoned vehicles has been investigated for possible inclusion within the provisions of an updated bylaw.

Investigations of other Councils and a legislative review revealed that the process for territorial authorities to follow when dealing with abandoned vehicles is outlined in the Local Government Act 1974 sections 356, 356A and 356B. Other Councils do not include bylaw provisions on abandoned vehicles on public property, which includes local roads, however, a number have detailed information available on their websites outlining the process including who to contact to report an abandoned vehicle and how to claim an abandoned vehicle.

It is therefore recommended that abandoned vehicles are not included as a topic in the review of the Regulatory Bylaw 2018 and that the process for abandoned vehicles be instead recorded and added to Council's website.

5.9. Cemeteries

At the beginning of the process of reviewing the bylaw the Ministry of Health (MoH) was also reviewing the legislation relating to deaths, funerals, burial, and cremation in New Zealand. When this review concludes, it is anticipated that a cemetery bylaw or policy will need to be developed for the Clutha District.

The MoH review of the legislation relating to deaths, funerals, burial, and cremation has not progressed further since mid-2021 so Cemeteries will not be included as a topic in the Regulatory Bylaw review.

5.10. Health and Hygiene

A Health and Hygiene section in the bylaw was investigated due to a complaint received on the hygiene standards of operators in the district. Investigations revealed that a number of other Councils around New Zealand have Health and Hygiene bylaws relating to industries that pierce or may pierce or burn the skin.

Four review options were considered in relation to a Health and Hygiene bylaw including creating a bylaw, creating joint bylaw provisions with neighbouring Council(s), no bylaw provisions and non-statutory methods.

Taking into account the findings of the investigation of the health and hygiene topic overall it was considered that the scope and scale of the potential issue of the spread of communicable diseases from potentially poor hygiene practices of businesses in the district that pierce the skin or may risk piercing or burning the skin does not justify the creation of a health and hygiene section in the bylaw at this time. The reasons for this assessment include:

- The small number of businesses that operate in Clutha which pierce the skin or may risk piercing or burning the skin.
- The low occurrence of complaints received.
- The high cost of creating bylaw provisions and implementing a registration and licensing system.

Due to the minor scale of the issue in the district, as found in this investigation of this topic, no bylaw is the recommended option at this time as non-statutory measures are considered unnecessary at this time.

Growth in the number of complaints or growth in the number of businesses operating in the fields of beauty therapy, acupuncture, tattooing and piercing in the district may necessitate revisiting this topic for bylaw consideration in the future.

5.11. Hostels

Three review options were assessed in relation to the current Hostels part of the bylaw including retaining the current bylaw provisions, revoking the current bylaw provisions or revoking the current provisions and instead keeping a register of budget accommodation premises (available under the Housing Improvement Regulations 1947).

Investigations revealed that the current Hostels provisions are not used by Council staff even in the event of a complaint the Health Act process is preferred. It was therefore recommended that the Hostels section of the bylaw be revoked.

The option to create a register of budget accommodation premises to address sanitary conditions, overcrowding and provision of adequate space and amenities, like Auckland Council keeps, was considered for Clutha, but staff feedback and a lack of complaints indicated this is not needed at this time.

6. Key Updates to the Regulatory Bylaw

Table 1 summarises the key updates that have been undertaken to the Regulatory Bylaw based on preliminary feedback from staff and key stakeholders and the outcome of the investigations on each topic including:

- The Introduction, Alcohol Control, Dog Control, Keeping of Animals, Public Places and Trading in Public Places sections of the current bylaw have been updated.
- The Property Maintenance section has been added to the bylaw.
- The current Hostels section has been revoked in its entirety from the bylaw.
- The topics of Abandoned Vehicles, Cemeteries and Health and Hygiene have been investigated for inclusion in the bylaw but are recommended to not be included.

In addition to this the following updates are recommended to current Council policies that relate to the review of the Regulatory Bylaw:

- The Dog Control Policy 2016 be updated by the draft Dog Control Policy 2022 to reflect changes to the Dog Control section of the bylaw. The changes to this policy be advertised in conjunction with the review of the Regulatory Bylaw by way of special consultative procedure under sections 83 and 86 of the Local Government Act 2002.
- The Policy on Dangerous and Insanitary Buildings 2007 be updated by the draft Policy on Dangerous and Insanitary Buildings 2022 in accordance with feedback from the building control team and the Building Act 2004. The changes to this policy be advertised in conjunction with the review of the Regulatory Bylaw by way of special consultative procedure under sections 83 and 86 of the Local Government Act 2002.
- Should the Trading in Public Places section recommendations be adopted, following adoption of the Regulatory Bylaw 2022, the Policy on the Use of Council Venues by Itinerant Traders 2007 be retired.

Additional information on preliminary investigations can be found in the Review of the Regulatory Bylaw 2018 Issues and Options Report (April 2022).

Table 1 Summary of Key Updates to the Regulatory Bylaw

Part	Key Updates
1. Introduction	<ul style="list-style-type: none"> • Ensuring legislative references are up to date and relevant. • Removing repeated or redundant definitions or wording. • Updating the table of contents. • Revisit dispensing power.
2. Alcohol Control	<ul style="list-style-type: none"> • The alcohol control areas currently in place are carried over. • Maps of the alcohol control areas, as well as current written descriptions are included in the bylaw. • The alcohol control section is amended to align with the provisions of the Sale and Supply of Alcohol Act 2012.
3. Dog Control	<ul style="list-style-type: none"> • Additional enforcement provisions for the multiple dog limit. • More clearly stating offences and penalties. • Adding search and rescue dogs to the dog prohibited places exemption list. • Removing the prohibition on dogs in Balclutha's main street with on-leash requirements remaining in place. • Updating the Kaka Point Beach prohibition area in Schedule A to reflect the no-dog signs in place already on the beach. • Including notes in the bylaw referring to Animal Welfare Regulations. • Removing use of the word 'fixed chain' to confine a dog. • Adding that dog prohibited areas must also include signage. • Updating the wording of point 8. in schedule A of the bylaw to clarify responsibility of Dog Control in these areas. • Adding Cosgrove Creek Scientific Reserve to Schedule A (dog prohibited areas) and adding the definition of scientific reserve. <p>Council's Dog Control Policy 2016 is proposed to be updated by the draft Dog Control Policy 2022.</p>
4. Keeping of Animals	<ul style="list-style-type: none"> • Separate the purpose • Rooster provisions and enforcement • Beehives additional information • Stock fencing enforcement • Limit on cats • Limit on pigs • Enforcement and penalty provisions

Part	Key Updates
5. Property Maintenance	<p>New section in the bylaw addressing:</p> <ul style="list-style-type: none"> • Nuisance and health and safety concerns caused by excess waste and storage of materials inside and outside of buildings and structures on private property. • Nuisance and health and safety concerns caused by excess waste and storage on public property, including the road. • Excessive vegetation growth that may cause a nuisance, increase the prevalence of pests or increase fire danger to residential dwelling(s) for private use. • Health and safety and amenity concerns with ‘abandoned’ buildings. <p>Council’s Policy on Dangerous and Insanitary Buildings 2007 is proposed to be updated by the draft Policy on Dangerous and Insanitary Buildings 2022.</p>
6. Public Places	<ul style="list-style-type: none"> • Adding a provision controlling the use of fireworks in public places. • Adding a note advising of the Civil Aviation requirements in relation to the use of drones. • Ensuring reference to scooters and skateboards is consistent through the bylaw. • Adding ‘legal’ boundaries to the definition of Road in the bylaw. • Removing the repeated and conflicting provisions relating to persons wishing to sell goods, solicit for subscriptions, collections or donations, preach, undertake busking or distribute advertising material as they are included in the Trading in Public Places section of the bylaw. • Removing reference to freedom camping, which has been moved into Council’s separate Freedom Camping Bylaw.
7. Trading in Public Places	<ul style="list-style-type: none"> • Incorporating the provision from the Policy on the use of Council Venues by Itinerant Traders 2011 into the bylaw. • Adding a minimum distance between competing established businesses and mobile traders (100m) to the bylaw. • Including the premises that must be registered or approved by Council for operators’ information. • Update the provisions relating to persons wishing to sell goods, solicit for subscriptions, collections or donations, preach, undertake busking or distribute advertising material to encompass those mention in the Public Place section of the bylaw that have been deleted. <p>Council’s Policy on the use of Council Venues by Itinerant Traders 2011 is proposed to be retired.</p>
Hostels	<p>Revoke the Hostels provisions in their entirety.</p>

7. Conclusion and Recommendation

Initial scoping of the Regulatory Bylaw 2018 found a number of sections of the bylaw were out of date with relevant legislation and not providing staff with the tools to undertake their duties. A review of the Regulatory Bylaw was therefore recommended and began in September 2021.

The preliminary phase of this review which involved engaging with relevant staff and key stakeholders, reviewing relevant legislation, comparing similar bylaws, assessing the current situation and reviewing options has now concluded.

The recommendations of the preliminary review are summarised in the following table and include that six current sections of the bylaw should be updated; one new topic should be added to the bylaw and one current section of the bylaw should be revoked. Three additional topics were investigated but are not recommended for inclusion in the bylaw.

Update Bylaw Provisions	Introduction
	Alcohol Control
	Dog Control
	Keeping of Animals
	Public Places
	Trading in Public Places
New Bylaw Provisions	Property Maintenance
Revoke Bylaw Provisions	Hostels
No Bylaw Provisions Recommended	Abandoned Vehicles
	Cemeteries
	Health and Hygiene

A draft Regulatory Bylaw 2022 has been prepared based on the outcome of the preliminary phase of consultation and investigation.

It is now proposed that the draft Regulatory Bylaw 2022 will be made publicly available for consultation in accordance with a special consultative procedure set out under sections 83 and 86 of the Local Government Act 2002.

8. Other Material for Consultation

8.1. Submission Form

DRAFT REGULATORY BYLAW 2022 SUBMISSION FORM

Thank you for taking this opportunity to comment on this proposal. We welcome your feedback. Be sure to complete this submission form by 5pm on **Monday 20 June 2022**.

CONTACT DETAILS

First name(s)

Last Name

Postal address

Best daytime phone number Mobile

Email

I am writing this submission as an individual on behalf of an organisation

INDIVIDUAL ORGANISATION

Organisation Name

Do you wish to be heard in support of your submission at the Council hearing on Thursday 23 June 2022?

YES NO

Would you like to be heard in person (Council Chambers, Balclutha) or via Zoom?

IN PERSON ZOOM

Points to remember when making a submission:

- *We will acknowledge every submission received. Please ensure that you provide appropriate contact details so that our response gets back to you.*
- *All submissions are considered public under the Local Government Official Information and Meetings Act and may be published and made available to elected members and the public.*
- *Please print clearly. The form should be easy to read and be understood and may need to be photocopied*

DRAFT REGULATORY BYLAW 2022

Alcohol Control

Do you support the alcohol control areas in the Alcohol Control section of the bylaw?

YES NO

Are there any specific amendments you would like to make to the Alcohol Control section of the bylaw?

.....
.....
.....
.....

Dog Control

Do you support the Dog Control section of the draft bylaw?

YES NO

Do you think that certain beaches should require dogs to be on-leash at all times, for example Jacks Bay?

YES NO

Do you support lifting the prohibition of dogs from Balclutha’s main street? (Note: on-leash at all times will still apply)

YES NO

Are there any specific amendments you would like to make to the Dog Control section of the bylaw?

.....
.....
.....
.....

Keeping of Animals

Do you support the Keeping of Animals section of the draft bylaw?

YES NO

Are there any specific amendments you would like to make to the Keeping of Animals section of the bylaw?

.....
.....
.....
.....

Property Maintenance

Do you support the Property Maintenance section of the draft bylaw?

YES NO

Are there any specific amendments you would like to make to the Property Maintenance section of the bylaw?

.....
.....
.....
.....

Public Places

Do you support the Public Places section of the draft bylaw?

YES NO

Do you support fireworks being controlled in public places by the bylaw?

YES NO

Are there any specific amendments you would like to make to the Public Places section of the bylaw?

.....
.....
.....
.....

Trading in Public Places

Do you support the Trading in Public Places section of the draft bylaw?

YES NO

Do you support a separation distance of at least 100m between operators who sell for profit in a public place and any established competing business?

YES NO

Are there any specific amendments you would like to make to the Trading in Public Places section of the bylaw?

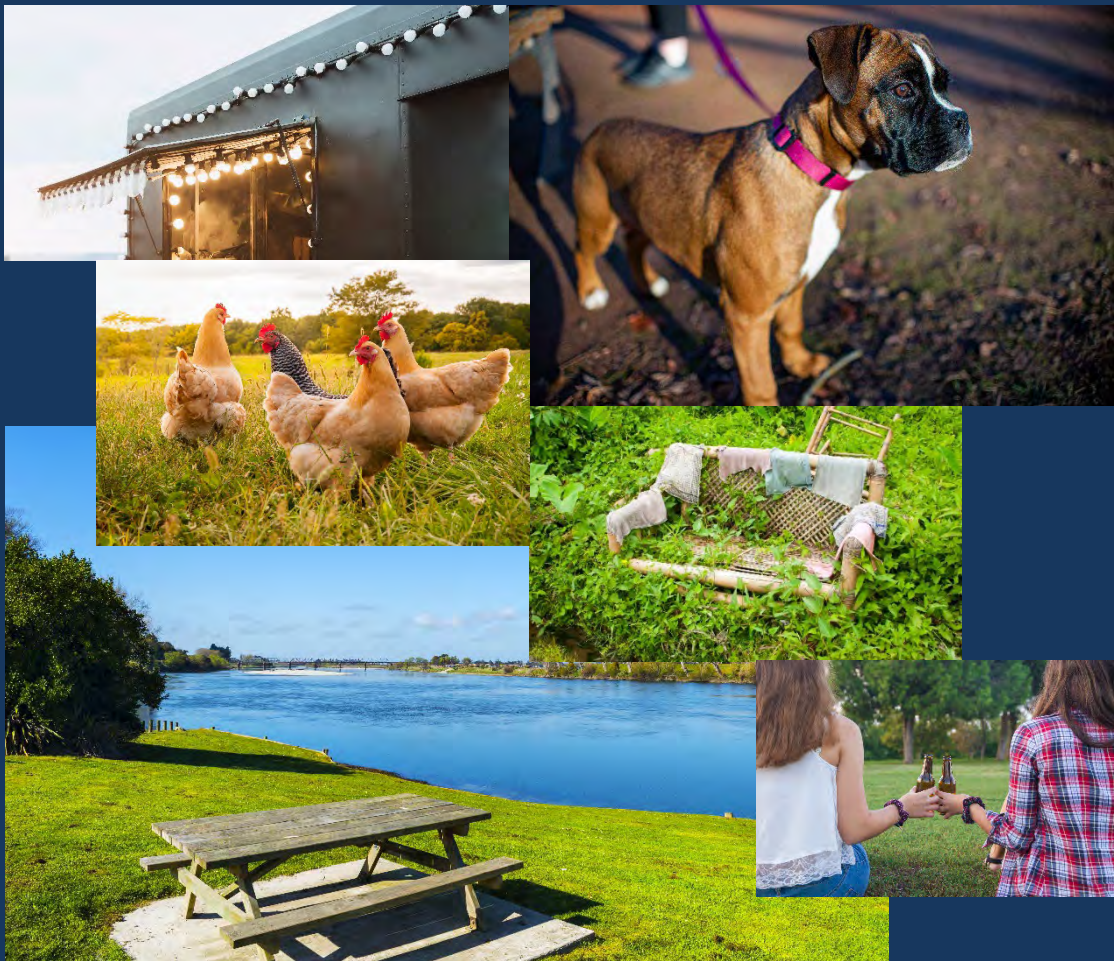
.....
.....
.....
.....

8.2. Reference Documents

Refer to the following separately attached Clutha District Council documents:

- Draft Regulatory Bylaw 2022
- Draft Dog Control Policy 2022
- Draft Dangerous and Insanitary Buildings Policy 2022

Clutha District Council Draft Regulatory Bylaw 2022



| ALCOHOL CONTROL | DOG CONTROL | KEEPING OF ANIMALS | PROPERTY
MAINTENANCE | PUBLIC PLACES | TRADING IN PUBLIC PLACES |

TABLE OF CONTENTS

TITLE	PART 4	KEEPING OF ANIMALS (excluding dogs)
COMMENCEMENT AND REVIEW		
STATUTORY AUTHORITY	38.	Purpose
REVOCATION	39.	Definitions
	40.	Application
	41.	Keeping of Animals General Provisions
	42.	Special Requirements for Keeping of Pigs
	43.	Special Requirements for Keeping of Stock
	44.	Special Requirements for Keeping of Poultry
	45.	Special Requirements for Noise from Animals (including Roosters)
	46.	Special Requirements for Beekeeping
	47.	Special Requirements for Keeping Cats and/or Kittens
	48.	Enforcement Action
PART 1 INTRODUCTION	Part 5	PROPERTY MAINTENANCE
1. General	49.	Purpose
2. Definitions and Interpretations	50.	Definitions
3. Officers to Continue in Office	51.	Excess Waste Accumulation
4. Serving of Order and Notices	52.	Vegetation
5. Powers of Delegation	53.	Abandoned or Vacant Buildings
6. Powers of Entry for Purposes of this Bylaw		
7. Licences	PART 6	PUBLIC PLACES
8. Encroachment to be Removed upon Notice	54.	Purpose
9. Removal of Works	55.	Definitions
10. Dispensing Power	56.	Public Safety and Nuisances
11. Forms	57.	Litter
12. Fees and Charges	58.	Fences, Walls, Retaining Walls or Land Adjacent to a Public Place
13. Offences and Breaches	59.	Bans on Glass Drinking Vessels or Containers
14. Penalties for Breach of Bylaw	60.	Obstructing Public Places
15. Enforcement Action	61.	Freedom Camping
	62.	Damage
	63.	Placing of Articles on Public Places
	64.	Control of Skateboards, Scooters, Roller Blades, Roller Skates, Bicycles or Motorised Scooters
PART 2 ALCOHOL CONTROL	65.	Exposing Articles for Sale
16. Purpose	66.	Assembly
17. Scope	67.	Awnings and Blinds
18. Definitions	68.	Projections on Public Places Not Permitted
19. Prohibited Acts	69.	Restrictions on Use of Barbed Wire and Electrified Fences
20. Amendments to Specified Periods and/or Specified Public Places	70.	Road and Building Identification
21. Exceptions	71.	Animals and Stock on Public Roads
22. Enforcement	72.	Overhanging Vegetation Liable to Obstruct
23. Breach of Bylaw	73.	Additional Requirements for Reserves
SCHEDULE A ALCOHOL CONTROL - Specified Public Places and Specified Periods	PART 7	TRADING IN PUBLIC PLACES
	74.	Purpose
PART 3 DOG CONTROL	75.	Definitions
24. Objectives	76.	Registration and Approvals for Premises
25. Definitions	77.	Conditions of Operation
26. Shelter for Dogs	78.	Compliance with Requests from an Authorised Officer
27. Control of Dogs	79.	Breach of Bylaw
28. Fouling by Dogs	80.	Exemptions
29. Infectious or Infested Dogs		
30. Nuisances		
31. Licence to Keep More than Two Dogs		
32. Impounding of Dogs		
33. Suspension of Provisions		
34. Breach of Bylaw		
35. Penalties		
SCHEDULE B DOG CONTROL – Dog Exercise Areas and Dog Prohibited Areas		

TITLE

This bylaw is the Clutha District Council Regulatory Bylaw 2022.

COMMENCEMENT AND REVIEW

This bylaw comes into force on 1 October 2022 and shall apply to the whole of the Clutha District.

This bylaw is required to be reviewed no later than 5 years after the bylaw was made (prior to 2008) and no more than 10 years after the bylaw was last reviewed.

STATUTORY AUTHORITY

This bylaw is made under the provisions of the Local Government Act 2002, the Health Act 1956, the Dog Control Act 1996, the Litter Act 1979 and the Sale and Supply of Alcohol Act 2012 and will take effect from 1 October 2022.

REVOCATION

The Clutha District Council Regulatory Bylaw 2018 is revoked at the time the Clutha District Council Regulatory Bylaw 2022 comes into force.

PART 1 INTRODUCTION

1. General

1.1. This bylaw draws together a number of topics of a regulatory nature that may give rise to nuisance, public health or safety concerns within the Clutha District.

1.2. The topics covered by this bylaw include:

Part 1	Introduction
Part 2	Alcohol Control
Part 3	Dog Control
Part 4	Keeping of Animals (excluding dogs)
Part 5	Property Maintenance
Part 6	Public Places
Part 7	Trading in Public Places

1.3. The introductory part of this bylaw outlines:

- Definitions and interpretations that are applicable throughout the bylaw.
- Officers to continue in office.
- Serving of orders and notices.
- Powers of delegation and entry, licences and suspension and revocation of licences
- Removal of works executed contrary to the bylaw.
- Dispensing powers.
- Forms, fees and charges.
- Offences and breaches.
- Penalties for breach of bylaw.

2. Definitions and Interpretations

2.1. The following terms and expressions are used throughout the bylaw.

2.2. Other definitions are contained within the specific parts of the bylaw.

2.3. For the purposes of this bylaw, unless the context requires otherwise, the following definitions apply:

Act	The Local Government Act 2002
Agent	A person or business authorised to act on another's behalf
Animal	Any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate, and

	includes the carcass or constituent parts thereof, but does not include human beings or dogs.
Approved	Approved by the Council or a Committee of Council or by any officer authorised on behalf of the Council.
Authorised Officer	Any person appointed or authorised by the Council to act on its behalf and with its authority including a member of the police.
Bylaw	A bylaw of the Council for the time being in force, made under the provisions of any enactment or authority enabling the Council to make bylaws.
Council	The Clutha District Council or any committee, subcommittee, or person to whom the Council's powers, duties, and discretions under the Act have lawfully been delegated.
District	The Clutha District.
Dwelling	Any house, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the soil or not, used in whole or in part for human habitation, and includes the land occupied by the dwelling.
Footpath, Private Road, Private Way	Have the respective meanings assigned to them under section 315 of the Local Government Act 1974 (still in force under the Local Government Act 2002).
Licence	A licence or approval issued under this bylaw.
Motor Vehicle	The meaning assigned to that term in section 2(1) of the Land Transport Act 1998.
Nuisance	Has the same meaning as section 29 of the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.
Occupier	The inhabitant occupier of any property and in any case where any building, house, tenement, or premises is or are unoccupied includes the owner.
Offence	Any act or omission in relation to this bylaw for which any person can be punished either on indictment or by summary process.
Owner	As applied to any land, building, or premises, means any person for the time being entitled to receive the rent for such property, or who would be so entitled if it 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	A natural person and also a body of persons, whether corporate or unincorporated.
Principal Administrative Officer	The principal administrative officer of Council, irrespective of the designation given to that officer and includes any person for the time being appointed by the Council to perform the duties or a particular duty of the principal administrative officer.
Public Notice	The meaning assigned to that term in section 5(1) of the Act.
Public Place	The meaning assigned to that term in section 147(1) of the Act. It includes, without being limited to, every road, reserve, park, domain, beach, foreshore and recreational grounds under the control of the Council.
Reserve	The meaning assigned to that term in section 2(1) of the Reserves Act 1977.
Road	Means a road as defined in section 315 of the Local Government Act 1975.
Stock	Includes any herd animal that is dependent on human beings for its care and sustenance, including but not limited to cattle, deer, llamas, alpacas, ostriches, donkeys, mules, horses, sheep, pigs, goats or other animal's (excluding dogs).
Urban Area	The urban area, for the purposes of this bylaw, consists of the Urban Resource Area, the Industrial Resource Area and Rural Settlements as defined in the Clutha District Plan.
Vehicle	The meaning assigned to that term in section 2(1) of the Land Transport Act 1998.
Writing, Written or similar term	Words written, printed, painted, engraved, lithographed, or otherwise traced or copied.

- 2.4. For the purpose of this bylaw, the singular includes the plural, and the plural includes the singular.
- 2.5. Words referring to any district, locality, place, person, office, officer, functionary, party or thing mean each district, locality, place, person, office, officer, functionary, party or thing, to whom or to which the provision applies.
- 2.6. The headings to the clauses of this bylaw shall not affect the interpretation of any clause.

- 2.7. Every schedule to this bylaw forms part of this bylaw and if provided for in the bylaw text, any such schedule or policy note may be altered from time to time by Council resolution and in accordance with the Act.
- 2.8. For the purposes of this bylaw the word 'shall' refers to practices that are mandatory for compliance with this bylaw, while the word 'should' refers to practices which are advised or recommended.
3. **Officers to Continue in Office**
- 3.1. All officers appointed by the Council at the time this bylaw takes effect, are deemed to have been appointed under this bylaw.
4. **Serving of Order and Notices**
- 4.1. Except as otherwise provided for in any other enactment, where any notice, order, or other document is required to be served on any person for the purposes of this bylaw, service may be affected by delivering it personally to the person or by sending it by post to that person's last known residential or business address.
- 4.2. If the person is absent from New Zealand the order, notice or other document may be served on the person's agent in the manner referred to in clause 4.1.
- 4.3. If the order, notice or other document relates to land or buildings, then the order, notice, or other document should be served on the person who owns that land or buildings. However, if that person is not known, or is absent from New Zealand, or has no known agent in New Zealand, the order or notice may be:
- (a) Served on the person who is occupying the land or buildings; or
 - (b) If there is no person in occupation, put up on some conspicuous part of the land or buildings.
- 4.4. It is not necessary in that notice to name the occupier or the owner of that land or buildings.
- 4.5. Where an order or notice is sent by registered post, it shall be sent so as to arrive no later than the latest time on which such an order or notice is required to be served.
- 4.6. Any order or notice issued shall state the time within which the remedial action is to be carried out, which may be extended from time to time by written authority of Council or an authorised officer of Council.

5. Powers of Delegation

- 5.1. Where this bylaw provides for the issue of any order, notice or licence, such order, notice or licence shall be deemed to be issued in compliance with this bylaw if it is issued by any officer of the Council authorised by the Council for that purpose.
- 5.2. Where this bylaw imposes any powers or duties on a principal administrative officer or any authorised officer of Council that officer may, with the consent of Council, delegate any of those powers or duties, either generally or particularly, to any other officer of the Council.

6. Powers of Entry for Purposes of this Bylaw

- 6.1. Except where provided for under any other enactment, sections 171, 172, 173, and 182 of the Act apply in relation to any power of entry under this bylaw.

7. Licences

- 7.1. Any person doing or proposing to do anything or causing or proposing to cause any condition to exist for which a licence from the Council is required under this bylaw, shall first obtain a licence from the Council or any authorised officer.
- 7.2. Every application for a licence shall be accompanied by the relevant fee. If the application for the licence is declined, the fee shall be refunded less any reasonable processing costs.
- 7.3. No application of a licence, and no payment of or receipt for any fee paid in connection with such application, confers any right, authority or immunity on the person making that application or payment.
- 7.4. Any licence is deemed to be issued in compliance with this bylaw if it is issued by an authorised officer, and every licence is subject to such conditions as may be imposed.
- 7.5. Unless this bylaw or the licence provides otherwise, every licence and every application for a licence shall be in such form as may be prescribed from time to time by the Council.
- 7.6. Unless this bylaw provides otherwise, a licence is not transferable, and no such licence authorises any person other than the licence holder to act in any way under its terms or conditions.
- 7.7. If, following a request for payment by a reasonable date, any licence fee due remains unpaid, the licence shall cease to have effect from that date.

7.8. Suspension and Revocation of Licences

- 7.8.1. Unless this bylaw provides otherwise, if a licence holder is convicted of any offence relating to the holder's suitability as a licensee, the Council may immediately revoke or suspend the licence for any specified time.
- 7.8.2. The Council may by notice in writing call upon a licence holder to appear before the Council and give reasons why the licence should not be revoked or suspended, if any of the following are brought to the notice of the Council:
- (a) That the licence holder:
 - has acted or is acting in a manner contrary to the true intent and meaning of this bylaw; or
 - has failed to comply with any of the conditions of the licence; or
 - is in any way unfit to hold the licence; or
 - (b) That the premises for which the licence was issued is being used for any purpose other than that stated in the licence, or is in a state of disrepair contrary to the terms of the licence; or
 - (c) That the bylaw is not being properly observed.
- 7.8.3. The Council may, if it considers the allegations proven or if there is no appearance by the licence holder, revoke, or suspend the licence for any specified time.
- 7.8.4. A person whose licence has been suspended under this bylaw and any premises for which that licence has been so suspended is, during the period of that suspension, deemed to be unlicensed.

8. Encroachment to be Removed upon Notice

- 8.1. If any building or structure, or any part of a building or structure, has been erected, constructed or placed upon, under, over or across any public place without Council's permission, Council may, by notice in writing, require the owner to remove such building or structure, or part of building or structure, as specified in the notice.
- 8.2. A notice issued under clause 8.1 may require such precautions to be taken as Council thinks necessary for the safety of the public and for the proper securing of a building or structure, or part of a building or structure, as is to remain after a removal.

9. Removal of Works

- 9.1. Where a notice served under clause 8.1 has not been complied with, the Council, or any authorised officer or agent of the Council, may pull down, remove or alter any work, material or thing erected or being in contravention of any part of this bylaw. Refer to section 163, and for seizure of property sections 164, 165, 167, and 168 of the Act.
- 9.2. The Council may recover from any person responsible for the breach of any part of this bylaw, all expenses incurred by it in connection with such pulling down, removal or alteration. This includes the cost of debt collecting and legal fees.
- 9.3. The exercise of this authority does not relieve any person from liability for any penalty for erecting or permitting the continued existence of any such work, material or thing.
- 9.4. If a breach is such that public health, or safety considerations, or risk of consequential damage to Council assets is such that delay would create unacceptable results, the Council may take immediate action to rectify the defect and recover all reasonable costs (as set out in clause 9.2).
- 9.5. On payment of all Council's costs, including storage where applicable, the lawful owner may claim any object, material or thing removed under clause 9.1.
- 9.6. If not claimed within 6 months after it was seized and impounded, following giving public notice of the intention to do so, the Council may dispose of (by way of sale or otherwise), any object material or thing as it sees fit and apply the proceeds to meet any outstanding costs. The lawful owner shall be entitled to claim any residual sum.

10. Dispensing Power

- 10.1. It shall be lawful for the Group Manager Planning and Regulatory in any particular case or cases, to dispense with any of the requirements of this bylaw where full compliance would needlessly cause harm, loss or inconvenience to any person or business or undue cost to the Council without corresponding benefit to the community.

11. Forms

- 11.1. Wherever forms are prescribed in this bylaw, slight deviations, but to the same effect and not calculated to mislead, do not invalidate those forms.

12. Fees and Charges

- 12.1. The Council may through the Annual Plan process or at any time by publicly notified ordinary resolution prescribe fees to be charged for any certificate, authority, approval, permit, or consent from, or inspection or service, by the Council under the

provisions of the Act or any other enactment where that enactment contains provision for authorising the Council to charge a fee.

- 12.2. The fees may be reviewed from time to time.
- 12.3. The setting of any fees or charges shall be in accordance with section 150 of the Act.
- 12.4. Where a fee has been paid under clause 12.1 for a service or inspection that has not been given, the Council may provide a refund, a remission, or waiver of any such fee, or portion of it as the Council may determine.

13. Offences and Breaches

- 13.1. No person shall do anything, or cause any condition to exist, for which a licence or approval from the Council is required under this bylaw, without first obtaining that licence or approval. The failure to obtain required licences or approvals shall constitute a breach of this bylaw.
- 13.2. No application for a licence or authority from the Council, and no payment of or receipt for any fee paid in connection with such application, licence, or authority, shall confer any right, authority, or immunity on the person making such application or payment.
- 13.3. Any person commits a breach of this bylaw who:
 - (a) Does, or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary to or otherwise than as provided by this bylaw.
 - (b) Omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of this bylaw, ought to be done by the person at the time and in the manner provided by this bylaw.
 - (c) Does not refrain from doing anything which under this bylaw they are required to abstain from doing.
 - (d) Knowingly permits or suffers any condition of things to exist contrary to any provision contained in this bylaw.
 - (e) Refuses or neglects to comply with any notice given to that person under this bylaw.
 - (f) Obstructs or hinders any authorised officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon that officer by this bylaw.
 - (g) Fails to comply with any notice or direction given under this bylaw.
 - (h) Fails to comply with a limit on the number of animals set by the bylaw or a limit on the number of animals prescribed by the Group Manager Planning and Regulatory as set out under this bylaw.

- 13.4. Any person commits a breach of this bylaw who:
- (a) Having constructed, affixed or provided, or caused to be constructed, affixed, or provided, any building or any part of a building, or any work, appliance, or material of any description whatsoever, contrary to, or otherwise than in accordance with the provision of this bylaw; or
 - (b) Having omitted to construct, affix, or provide any work, appliance or materials as required – and who does not, within a reasonable time after notice in writing has been given to them by the Council or any authorised officer of the Council, carry out the remedial action specified in that notice.
- 13.5. The provisions of clause 13.4 shall also apply to any building, part of a building, work, appliance, or material that has, before the coming into force of this bylaw, been constructed, affixed, or provided or omitted contrary to or otherwise than as provided by any provision of any repealed bylaw but re-enacted in substance in this bylaw. Notice may be given and renewed in respect of any such building, part of a building, work, appliance or material.
- 13.6. Where it is suspected that any person has committed a breach of this bylaw, that person shall, on the direction of an authorised officer, provide their full name and address.

14. Penalties for Breach of Bylaw

- 14.1. Every person who fails to comply with any part of this bylaw commits an offence and is liable to a penalty under the empowering legislation including but not limited to the Health Act 1956, the Local Government Act 2002, the Dog Control Act 1996 or the Litter Act 1979.

Act	Fines(s)
Local Government Act 2002 (s242(4))	A fine not exceeding \$20,000.
Health Act 1956 (s66)	A fine not exceeding \$500 and in the case of a continuing offence, a further fine not exceeding \$50 for every day on which the offence has continued.
Litter Act 1979 (s13(4))	No infringement fee shall exceed \$400.
Dog Control Act (Schedule 1)	Failure to comply with any bylaw authorised by section 20(5) - \$300 or under s242(4) of the LGA 2002 (see above).

- 14.2. Where another enactment or section of the listed Acts specifies the penalty for a breach of the bylaw, that other penalty shall apply.
- 14.3. In accordance with section 162 of the Act, the Council may apply to the District Court for an injunction to restrain a person from committing a breach of this bylaw.

15. Enforcement Action

- 15.1.** All authorised officers (s174, s177 or para 32 schedule 7 of the Local Government Act 2002) shall possess and produce on request warrants of authority as evidence of identity.
- 15.2.** Council may enter any land or buildings and inspect the land or buildings for compliance with this bylaw.
- 15.3.** Council may serve upon the owner and/or occupier of any land a notice in writing requiring the owner and/or occupier comply with the provisions of this bylaw by a prescribed date.
- 15.4.** If any person on whom a notice has been served fails or neglects to do any act or thing specified in the notice prior to the expiry date or fails or neglects to do any act or thing in such manner as may be so specified in the notice prior to the expiry date, the Council may without further notice to the person served, do that act or thing or complete the requirements of the notice.
- 15.5.** If any work is carried out by the Council or its agent on any land pursuant to clause 15.4 then the full cost of undertaking any work including all labour, materials and other charges incurred shall be recovered from the registered proprietor of the land. The Council may also register these costs as a charge upon the land pursuant to the Statutory Land Charges Act 1928.
- 15.6.** Within seven days after service of any notice of this bylaw, the person on whom the notice is served may apply to the District Court for an Order setting aside the notice. The notice will be deemed to be suspended until determination is made by the District Court. If the District Court determines the notice is valid, then the person served shall have 28 days to complete the work specified in the notice. If after 28 days, the work has not been completed the Council may enter upon the land to complete the work and recover costs as described in clauses 13.4 and 13.5.

PART 2 ALCOHOL CONTROL

16. Purpose

- 16.1. This part of the bylaw is made under the authority of section 147 of the Local Government Act 2002 (the Act) which gives Council a specific power to make bylaws for alcohol control purposes.
- 16.2. The purpose of this part of the bylaw is to prohibit and control the consumption or possession of alcohol in specified public places for the purposes of:
- Minimising harm caused by excessive or inappropriate consumption of alcohol.
 - Protecting the public from nuisance.
 - Protecting, promoting, and maintaining public health and safety.
 - Minimising the potential for offensive behaviour in public places.

17. Scope

- 17.1. This bylaw shall apply to the prohibition and control of alcohol in public places that are located within the areas specified and mapped in **Schedule A**.
- 17.2. The bylaw is subject to, and should be read in conjunction with, the Local Government Act 2002 and the Sale and Supply of Alcohol Act 2012.

18. Definitions

- 18.1. For the purposes of this bylaw, unless the context requires otherwise, the following definitions apply:

Alcohol	Has the same meaning given to it by section 5(1) of the Sale and Supply of Alcohol Act 2012.
Hours of Darkness	A period of time between half an hour after sunset on one day and half an hour before sunrise on the next day.
Offence	Means a breach of an alcohol control areas or alcohol bans as created by this bylaw. Breaches of alcohol control areas or alcohol bans are outlined under s239A of the Act.
Specified Period	A period specified in Schedule A of this part of the bylaw, and in respect of which the prohibitions and controls in this bylaw will apply at any specified public place.
Specified Public Place	A place specified in Schedule A of this bylaw, and in respect of which the prohibitions and controls in this bylaw will apply at any specified time, day or event. It does not include any part of a public place for which a licence has been issued under the Sale and Supply of Alcohol Act 2012.

19. Prohibited Acts

19.1. Subject to the exceptions listed in clause 21 of this bylaw the following actions are prohibited, during the specified period listed in **Schedule A**, within any specified public place as described in **Schedule A**:

- (a) The consumption of alcohol in a specified public place, or in a vehicle within a specified public place.
- (b) The bringing of alcohol into a specified public place.
- (c) The possession of alcohol in a specified public place, or in a vehicle within a specified public place.

20. Amendments to Specified Periods and/or Specified Public Places

20.1. Council may, through the special consultative procedure set out in sections 83 and 86 of the Act, amend this bylaw. Amendments may include:

- (a) Adding a specified public place in **Schedule A**.
- (b) Modifying the boundaries of a specified public place already contained in **Schedule A**.
- (c) Removing a specified public place from **Schedule A**.
- (d) Specifying additional periods and public places where the possession and/or consumption of alcohol is prohibited for example in relation to any planned public event, function or social gathering to be held in a public place.

21. Exceptions

21.1. Licensed Premises

21.1.1. As provided for in section 147(4) of the Act, this bylaw does not prohibit, regulate, or control in the case of alcohol in an unopened container:

- (a) The transport of the alcohol from licensed premises next to a public place, if it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the public place.
- (b) The transport of the alcohol from outside a public place for delivery to licensed premises next to the public place.
- (c) The transport of that alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
- (d) The transport of the alcohol from premises next to a public place to a place outside the public place if:
 - (i) The transport is undertaken by a resident of those premises; and
 - (ii) The alcohol is promptly removed from the public place.

21.1.2. In addition to this, this bylaw does not prohibit the possession and/or consumption of alcohol at any premises within a specified public place in compliance with a licence for the sale and/or consumption of alcohol under the Sale and Supply of Alcohol Act 2012. This includes footpath areas that are licensed as part of those premises and are clearly defined by the placement of tables and chairs outside those premises, and other areas, clearly defined and identified under an appropriate licence for an event or function at the time alcohol is being possessed or consumed.

21.2. Special Licences

21.2.1. This bylaw does not limit any individual or organisation (corporate or otherwise) from obtaining a Special Licence pursuant to the Sale and Supply of Alcohol Act 2012, for any event to be held in a specified public place.

21.3. Dispensations

21.3.1. The Chief Executive or other authorised officer may, on application by any person, grant a waiver, dispensation or licence to do or refrain from doing anything that would otherwise be in breach of this bylaw for the purpose of enabling possession and/or consumption of alcohol in a specified public place at any time.

21.3.2. In considering any such application, Council shall obtain and consider a response to the request from the Police, including any reason set out in that response.

21.3.3. Where any such waiver, dispensation or licence is granted Council shall:

- (a) Stipulate the specific time periods and locations associated with the event; and
- (b) Give public notice via advertisement in a newspaper which is circulated in the affected area at least 7 days prior to the commencement of the waiver, dispensation or licence.

21.3.4. The applicant may be required to reimburse the costs associated with the public notice, processing the application and obtaining a Police response to the application.

22. Enforcement

22.1. Enforcement of this bylaw will be carried out by the Police as set out in sections 169 and 170 of the Local Government Act 2002, which has been summarised below.

22.2. Powers of Arrest, Search, and Seizure in Relation to Alcohol Control Areas or Alcohol Bans

22.2.1. A constable may, without warrant:

- (a) For the purpose of ascertaining whether alcohol is present, search:
 - (i) A container (for example, a parcel, package, bag, or case) in the possession of a person who is in, or entering, a public place; or
 - (ii) A vehicle that is in, or is entering, a restricted place.
- (b) Seize and remove any alcohol (and its container) that is in a restricted place in breach of an alcohol control area or alcohol ban.
- (c) Arrest any person whom the constable finds committing an offence.
- (d) Arrest any person who has refused to comply with a request by a constable:
 - (i) To leave the restricted place; or
 - (ii) To surrender to a constable any alcohol that, in breach of an alcohol control area or alcohol ban, is in the person's possession.

22.2.2. Alcohol or a container seized under clause 22.2.1(b) is forfeited to the Crown if the person from whom the alcohol or container is seized pays the infringement fee.

22.3. Conditions relating to power of search

22.3.1. Before exercising the power of search set out in clause 22.2.1(a) in relation to a container or vehicle, a constable must:

- (a) Inform the person in possession of the container or the vehicle, as the case may be, that they have the opportunity of removing the container or the vehicle from the public place; and
- (b) Provide the person with a reasonable opportunity to remove the container or the vehicle, as the case may be, from the public place.

22.3.2. However, on specified dates or in relation to specified events, duly notified by Council in accordance with s170(3) of the Act, a constable may, immediately and without further notice, exercise the power to search a container or a vehicle.

23. Breach of Bylaw

- 23.1. Any person who carries out any prohibited act(s) as described in clause 19 of this bylaw breaches the alcohol control areas described and mapped in **Schedule A** and commits an infringement offence against the Act.
- 23.2. Every person who commits an infringement offence under this bylaw is liable to a penalty and may be served an infringement notice which can include an infringement fee.
- 23.3. Under section 242(4) of the Act, a person who commits an offence against this bylaw is liable, on conviction, to a fine not exceeding \$20,000.

SCHEDULE A ALCOHOL CONTROL - SPECIFIED PUBLIC PLACES AND SPECIFIED PERIODS

Subject to the exceptions set out in clause 21 of the bylaw, the specified places and specified periods relating to those specified places are described and mapped as follows.

BALCLUTHA	
Specified Public Places	Specified Period
Town Hall Street, Charles Street, and Clyde Street adjacent to the Town Hall and Information Centre, and associated grounds.	24 hours per day, seven days per week.
Renfrew Street from Clyde Street to James and Paisley Streets.	24 hours per day, seven days per week.
Lanark Street playground including the associated carpark area.	24 hours per day, seven days per week.
State Highway 1 - from the intersection of Clyde Street and Kakapuaka Road to the Essex Street Night and Day Store (property references -25 and 26 Essex Street).	24 hours per day, seven days per week.
Arthur Strang boat ramp area.	During the hours of darkness (as defined by the bylaw).
The Cromer Street playground and Cromer and Yarmouth Streets adjacent to the playground.	24 hours per day, seven days per week.
Paisley Street between Renfrew and Lanark Streets.	24 hours per day, seven days per week.

The Balclutha Alcohol Control Area map is located on the following page.



MILTON	
Specified Public Places	Specified Period
Gray Street - from Union Street to Ajax Street, including the area surrounding the public toilets.	24 hours per day, seven days per week.
Union Street from the Springfield Road / Cross Street intersection to the Ossian Street Intersection.	24 hours per day, seven days per week.
Property at 135 Union Street on which the Milton Cenotaph is located.	24 hours per day, seven days per week.
Moore Park, which is the block bordered by Spenser Street, Cowper Street, Johnson Street and Abercrombie Street.	24 hours per day, seven days per week.



PART 3 DOG CONTROL

24. Objectives

24.1. The objectives for dog control in this bylaw are:

- (a) To control the keeping of dogs to prevent danger, distress and nuisance to the community generally.
- (b) To avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children.
- (c) To ensure the public can use streets and public amenities without fear of attack or intimidation by dogs.
- (d) To encourage responsible dog ownership.
- (e) To ensure wildlife are not endangered by uncontrolled dogs.
- (f) To ensure opportunities for exercise and the recreational needs for dogs and their owners.
- (g) To ensure that the fees charged to dog owners provide cost recovery for providing a dog control service to the district and that the fees for different categories of dogs are proportionate to the workload created by each for Council's animal control team.

25. Definitions

25.1. For the purposes of this bylaw, unless the context requires otherwise, the following definitions apply.

District Plan	Means the Clutha District Plan pursuant to the Resource Management Act 1991.
Dog Control Officer	Means a dog control officer as defined in section 11 of the Dog Control Act 1996.
Dog Ranger	Means a dog ranger as defined in section 12 of the Dog Control Act 1996.
Owner	Means owner as defined in section 2 of the Dog Control Act 1996.
Public Place	Has the meaning assigned to the term by section 2 of the Dog Control Act 1996.
Scientific Reserve	Is a reserve as outlined under the Reserves Act 1977 for the purpose of protecting and preserving in perpetuity for scientific study, research, education, and the benefit of the country, ecological associations, plant or animal communities,

types of soil, geomorphological phenomena, and like matters of special interest.

Working Dog Has the meaning assigned to the term by section 2 of the Dog Control Act 1996.

Wildlife Means wildlife as defined in section 2 and as described in section 3 of the Wildlife Act 1953 or marine mammal as defined in section 2 of the Marine Mammals Protection Act 1978.

26. Shelter for Dogs

- 26.1. The owner of any dog shall provide for it a weatherproof kennel or place of confinement of adequate size constructed on well drained ground. A place of confinement may include a dwelling.
- 26.2. In the case of a kennel without other means of confinement, the dog shall be provided with a restraint which allows the dog free movement about the kennel with access to clean water.
- 26.3. All kennels or places of confinement shall be kept in a clean and sanitary condition.
- 26.4. No owner of any dog shall keep the dog on any premises or in any kennel or place of confinement, other than a dwelling, any part of which is nearer than 2 metres to any boundary.
- 26.5. Existing use rights shall apply unless a nuisance is created.

Notes not forming part of the bylaw: [The Animal Welfare \(Care and Procedures\) Regulations 2018 \(section 13\)](#) include requirements for all owners or persons in charge of a dog to provide the dog with dry and shaded shelter.
[The Animal Welfare \(Care and Procedures\) Regulations 2018 \(section 47\)](#) include requirements for all owners or persons in charge of an animal that is collared or tethered.

27. Control of Dogs

- 27.1. Notwithstanding the provisions of the Leash Control Areas and excluding any Dog Prohibited Areas described in this bylaw, in any public place within 'non- designated' areas i.e., generally being the Rural, Transitional and Coastal Resource Areas (as defined by the District Plan), or in any designated Dog Exercise Area (see **Schedule B**) a dog may be exercised without being restrained provided such a dog is kept under continuous control whilst being exercised.
- 27.2. For the purpose of the above there shall be deemed to be sufficient control if such dog is under continuous surveillance of some responsible person and the dog does not give rise to any reasonable complaint as to its behaviour whilst being exercised.

27.3. Leash Control Areas

- 27.3.1. The owner or any person for the time having charge of any dog shall ensure the dog does not enter or remain in any public place in the Urban or Industrial Resource Areas or Rural Settlements (as defined by the District Plan) or all public cemeteries, unless it is kept on a leash, chain or lead which is secured or held so the dog cannot break loose.
- 27.3.2. Dog owners must place their dogs on a leash when they are within 20 metres of wildlife.
- 27.3.3. The provisions of the Leash Control Areas shall not apply to a working dog carrying out the work in respect of which the dog has been registered.

27.4. Dog Prohibited Areas

- 27.4.1. Notwithstanding any other provision of this bylaw (with the exception of the 'suspension of provisions' section) the entry of dogs on to any public place specified in **Schedule B** is prohibited.

28. Fouling by Dogs

- 28.1. No person (being the owner or a person having control or charge of any dog) shall permit or suffer the dog to foul with faecal matter any public place or any land or premises other than land or premises occupied by that person. No offence shall be deemed to have been committed against this bylaw where the owner or person having control or charge of the dog removes the faecal matter immediately after the dog has deposited the droppings.
- 28.2. Where a public litter bin or similar receptacle is used to dispose of the faecal matter, they must be suitably wrapped or contained to prevent fouling such receptacles.

29. Infectious or Infested Dogs

- 29.1. No person being the owner or having control or charge of any infectious or infested dog shall take the dog into any public place or permit such dog to enter or remain in a public place except when being taken to a veterinary clinic.

30. Nuisances

- 30.1. The owner of any dog and the owner or the occupier of any premises on which any dog or dogs are kept shall:
 - (a) Take adequate precautions to prevent the dog or dogs or the keeping of dogs from becoming a nuisance.

- (b) Keep every female dog in season confined but adequately exercised. Keep such dog or dogs tied up (or otherwise confined), unless they are being exercised off the premises on a leash.
- 30.2. If, in the opinion of Council, any dog or dogs, or the keeping thereof on any premises has become or is likely to become a nuisance, 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:
- (a) Reduce the number of dogs kept on the premises.
 - (b) Construct, alter, reconstruct or otherwise improve the kennels, places of confinement or other buildings used to house or contain such dog or dogs.
 - (c) Require such dog or dogs to be tied up or confined during specified periods.
 - (d) Take such other action as Council deems necessary to minimize or remove the likelihood of nuisance.

Note not forming part of the bylaw: [The Animal Welfare \(Care and Procedures\) Regulations 2018 \(section 47\)](#) include requirements for all owners or persons in charge of an animal that is collared or tethered.

31. Licence to Keep More than Two Dogs

- 31.1. No more than two dogs of registrable age (whether or not such dogs are registered) may be kept on any premises situated in the Urban or Industrial Resource Areas or in Rural Settlements (as defined by the District Plan) unless the owner or occupier is the holder of a licence to keep more than two dogs.
- 31.2. No licence shall be granted to the owner or occupier of any premises if such premises by reason of inadequate size, location or detrimental effect on any premises would be inappropriate for the housing of more than two dogs.
- 31.3. A licence issued for more than two dogs is subject to the conditions set by Council. Any breach of such conditions or other terms, conditions or restrictions shall be a breach of this bylaw.
- 31.4. Any licence may be revoked by Council for breach of conditions or in the event of change of circumstances relating to:
 - (a) The premises.
 - (b) The owner or occupier thereof.
 - (c) The dogs kept or remaining on such premises.

- 31.5. Applications for licences to keep more than two dogs shall be made on the form supplied by Council and shall provide such information in respect of the application as Council may reasonably require.
- 31.6. There shall be paid to Council upon application for every such licence such fee as Council from time to time by resolution publicly notified prescribe and every such licence shall remain in force for the period of twelve months following the date of issue unless revoked and may then be renewed at no ongoing cost.
- 31.7. The fee for such licence shall be payable in addition to the registration fees payable under the Dog Control Act 1996.
- 31.8. A Dog Control Officer may seize any dog kept at a premises and impound any dog at the owner's expense where:
- (a) More than two dogs are kept at the premises where a licence is required and there is no licence permitting the keeping of more than two dogs or the licence has been revoked by the Council.

32. Impounding of Dogs

- 32.1. When any contravention of the Control of Dogs section of this bylaw occurs, or where any dog (whether or not wearing the proper registration label or disc) is found at large in breach of any provisions of this bylaw or the Dog Control Act 1996, the dog may be impounded in accordance with section 52 of the Dog Control Act 1996.

33. Suspension of Provisions

- 33.1. Council may by resolution suspend the provisions of any part of this bylaw for such periods and locations as may be specified for the operation of organised dog or animal events.

34. Breach of Bylaw

- 34.1. Any person contravening or offending against or committing, permitting, or suffering a breach of any of the foregoing provisions shall be liable to prosecution or infringement notice for an offence against this bylaw.

35. Penalties

- 35.1. Every person who commits a breach of this bylaw is liable to a fine not exceeding \$300 or that prescribed under section 242(4) of the Act.

SCHEDULE B¹ DOG CONTROL – DOG EXERCISE AREAS AND DOG PROHIBITED AREAS

36. Dog Exercise Areas

36.1. The fenced and signed area at Centennial Park in Balclutha named Clutha Vets Dog Park.

37. Public Places from which Dogs are Prohibited²

- (a) Areas laid out and equipped as children's playgrounds.
- (b) The designated playing area of all sports grounds.
- (c) All school grounds.
- (d) All swimming pools.
- (e) Any premises used for the manufacture, preparation, storage, or the sale of food.
- (f) Between the 'no dog' signs at Kaka Point which covers an area from the rocks at the northern end of the beach to the public toilets to the south of the surf lifesaving clubrooms.
- (g) The beach from the Nuggets Fishing Camp breakwater at Tirohanga south to the boundary of the Nuggets Lighthouse Reserve³.
- (h) All land administered by the Yellow Eyed Penguin Trust under the Conservation Act or Reserves Act⁴ and as the administering body under the same Act for public conservation land. Specifically, the following significant breeding areas for yellow-eyed penguins and/or blue penguins³:
 - Hina Hina Cove.
 - Long Point beach and foreshore from Haywards Point to the tip of Long Point and including the east side of Long Point from the tip to Waterfall Bay/Chasm Island DOC Reserve.
 - The northern cliff end of Purakaunui Bay beach.
 - Owaka Heads within the fenced penguin breeding area.
 - Sandy Bay beach and foreshore and fenced penguin breeding area.
 - Jacks Blowhole and Penguin Bay within the Tunnel Rock Scenic Reserve and Blowhole viewing area.
 - Cosgrove Creek Scientific Reserve (Long Point Rd, Purakaunui. Lot 1 DP 399082).

¹ Schedule A may be amended from time to time in terms of the special consultative procedure set down in sections 83 and 86 of the Local Government Act 2002.

² These prohibition's do not apply to guide-dogs for the blind, registered disability assist dogs, search and rescue dogs, police dogs, dogs being used by property guards (as defined in the Private Security Personnel and Private Investigators Act 2010) or dogs confined in an efficient container, or securely confined in or by lead or restraint on a vehicle nor do they apply to organised events held by Kennel Clubs/dog obedience clubs/dog trials etc.

³ This prohibition does not apply to farm working dogs used for the purpose of moving stock.

⁴ Where public land is administered by another body who has legal jurisdiction to enforce dog control, (for example the Department of Conservation) the other administering body and not Council will be responsible for enforcing dog control on this land.

PART 4 KEEPING OF ANIMALS (EXCLUDING DOGS)

38. Purpose

- 38.1. The purpose of this part of the bylaw is to outline requirements for the keeping of animals in the district, excluding dogs, to ensure they do not create a nuisance or a risk to health and safety and if a nuisance or risk does occur, the Council has appropriate regulatory power to take relevant action.
- 38.2. It shall be for an authorised officer of Council to determine upon reasonable grounds that a nuisance or health and safety concern is being created.
- 38.3. This bylaw is made pursuant to sections 145 and 146(a)(v) of the Local Government Act 2002 and section 64 of the Health Act 1956.
- 38.4. Nothing in this bylaw shall derogate from any provision of, or the necessity for compliance with, any statute, regulation, rule of law or permission relating to the welfare or keeping of any animals.

39. Definitions

- 39.1. For the purposes of this bylaw, unless the context requires otherwise, the following definitions apply.

Kitten	means any cat less than six months of age.
Poultry	includes but is not limited to geese, ducks, turkeys, and domestic fowls of all descriptions.
Public Place	includes, without being limited to, every road, reserve, park, domain, beach, foreshore and recreational grounds under the control of the Council.

40. Application

- 40.1. This bylaw does not apply to dogs, veterinary clinics or pet shops.
- 40.2. A person keeping an animal shall comply, in addition to this bylaw, with any other relevant statutory requirements including the Animal Welfare Act 1999, the Impounding Act 1955, the Health Act 1956 and the Resource Management Act 1991.

41. Keeping of Animals General Provisions

- 41.1. No person shall keep an animal which is or is likely to be a nuisance or a threat to public health or safety.
- 41.2. Any person keeping an animal shall confine the animal within the boundaries of the premises where the animal is being kept.

- 41.3. No person shall keep an animal in conditions which are or are likely to be a nuisance or a threat to public health or safety, including but not limited to:
- (a) Ensuring the provision of fresh water at all times.
 - (b) Ensuring any enclosure for animals governed by this bylaw shall be constructed in good workman like manner and maintained the same, so that the enclosure itself does not create a nuisance whether in use or not.
 - (c) Ensuring pens, runs or cages or other similar forms of containment are maintained in good repair and in a clean condition free from any offensive smell, overflow or vermin.
- 41.4. No person shall allow any animal in a public place in a manner which is or is likely to be a nuisance or a threat to public health or safety.

42. Special Requirements for Keeping of Pigs

- 42.1. In the urban area no more than two pigs may be kept on any property.
- 42.2. No pig, or any piggery building, or any area designated for the occupation of pigs, is to be located less than 50 metres from any of the following:
- (a) Any residential building.
 - (b) A milking shed.
 - (c) Any place used for preparation, storage or sale of food.
 - (d) A public road.
 - (e) Adjoining property boundaries.

43. Special Requirements for Keeping of Stock

- 43.1. Any person keeping stock in an urban area shall conduct the activity to ensure that:
- (a) It does not create a nuisance to occupants of an adjoining or nearby property.
 - (b) The margins of any river, lake or area of coast adjoining the property are protected from the adverse effects of such stock.
 - (c) The health and safety of the stock is adequately provided for.
- 43.2. All stock must be controlled by way of fencing or tethering to contain the animal(s) from any roadway or other property. The fencing or tethering of animals must be adequate to prevent all stock from wandering and all road gates to paddocks must be able to be securely closed. This requirement does not apply to driving, leading or riding of any stock.
- 43.3. Council can require the owner or person keeping stock to install or upgrade fencing, as per the requirements of the Fencing Act 1978, should a complaint be received and at

the discretion of Council's authorised officer, it is considered that the fencing is not adequately containing the stock it is intended for.

44. Special Requirements for Keeping of Poultry

- 44.1. No poultry, caged or otherwise, numbering in excess of 10 birds shall be kept in an urban area.
- 44.2. Housing shall be provided in a properly constructed poultry house covered in with a rainproof roof and provided with a floor of concrete, or other approved material, with a surrounding nib wall to which a poultry run may be attached.
- 44.3. No poultry house or poultry run shall be erected or maintained, so that any part of it is within 10 metres of any dwelling, factory, or any other building, whether wholly or partially occupied, or within 2 meters of the boundary of adjoining premises.
- 44.4. Every poultry run shall be enclosed to confine the poultry.
- 44.5. Every poultry house and poultry run shall be maintained in good repair, in a clean condition free from any offensive smell or overflow and free from vermin.

45. Special Requirements for Noise from Animals (including Roosters)

- 45.1. No person shall keep on any premises any noisy animal, bird, or poultry which causes a nuisance to residents in the neighbourhood.
- 45.2. The Group Manager Planning and Regulatory may order the removal of a rooster and/or cockerel from a premise where:
 - (a) Council has received a complaint about the rooster and/or cockerel; and
 - (b) The Group Manager Planning and Regulatory is satisfied that the keeping of the rooster and/or cockerel on that property has resulted in a nuisance being caused to a neighbouring property(s).

46. Special Requirements for Beekeeping

- 46.1. No person shall keep bees or store hives or beekeeping equipment if an authorised officer assesses the activity is or is likely to become a nuisance or annoyance to any person or potentially dangerous or injurious to health.
- 46.2. An authorised officer may prescribe conditions relating to the location and number of hives able to be kept on any premises or place within an urban area of the district.
- 46.3. The removal, relocation or redesign of a hive(s) may be required if complaints are received and if an authorised officer is satisfied that the location of the hive(s) has resulted in the bees causing a nuisance or a threat to public health and safety. The

onus is on the hive(s) owner to seek professional advice on how to best address complaints if requested by an authorised officer.

47. Special Requirements for Keeping Cats and/or Kittens

- 47.1. The Group Manager Planning and Regulatory may impose a limit on the number of cats and/or kittens which may be kept on private land, such limit being no more than three, where:
- (a) the Council has received a complaint about the number of cats and/or kittens kept on the private land.
 - (b) the number of cats and/or kittens is creating a nuisance or is likely to create a nuisance, is offensive or injurious to health.
 - (c) the person keeping the cats and/or kittens fails to comply with any reasonable request of an authorised officer to abate or prevent the nuisance.
- 47.2. The special requirements for keeping of cats and/or kittens do not apply to legally established commercial activities involving cats and kittens including but not limited to veterinary clinics, cat breeders, pet shops, cat rescue or welfare establishments such as the SPCA and cat shows.
- 47.3. The special requirements for keeping of cats and/or kittens do not apply to kittens 2 months of age or less who are dependent on their mothers for sustenance.

48. Enforcement Action

- 48.1. Where an authorised officer has reasonable grounds for suspecting that a nuisance exists or a breach of this bylaw is occurring, an authorised officer may, by written notice, require the owner or person keeping the animal(s) to take such action as the authorised officer considers necessary to mitigate or eliminate the nuisance within a timeframe specified to abate or prevent the nuisance in the notice.
- 48.2. Under sections 164 and 165 of the Local Government Act 2002 an authorised officer may seize or impound “property” including animals materially involved in the commission of an offence if the owner or person keeping the animal(s) has not adequately mitigated or eliminated the nuisance within the timeframe specified in the written notice issued by the authorised officer under clause 48.1.
- 48.3. Under section 163 of the Local Government Act 2002, the Council may remove or alter any pen, run, cage or other structure used to house or contain animals that has been constructed or is maintained in a condition which is contrary to the terms of this bylaw or the Building Act 2004. The cost incurred in removing or altering the structure concerned shall be recoverable as a debt against the owner of the animal in question.

PART 5 PROPERTY MAINTENANCE

49. Purpose

49.1. The purpose of this section of the bylaw is to protect the public from nuisance and to protect the public's health and safety that may be impacted by abandoned buildings, storage of waste and excessive vegetation growth on private property or public land, which includes the road reserve.

50. Definitions

50.1. For the purposes of this bylaw, unless the context requires otherwise, the following definitions apply.

Amenity Values	Has the same meaning as the Resource Management Act 1991.
Enforcement Officer	Means an officer appointed by Council for the purposes of this bylaw.
Vermin	Includes but is not limited to: a) ants, cockroaches, flies, mosquitoes, mites and other insects. b) mice. c) rats. d) pigeons.
Waste	Has the same meaning given under the Waste Minimisation Act 2008.

51. Excess Waste Accumulation

51.1. No person may deposit, store, accumulate or bury any waste on private or public land whether it is outside or inside buildings or structures that:

- (a) Causes a nuisance.
- (b) Is or may become a fire danger to a residential dwelling(s) for private use (other buildings refer to Fire and Emergency Act 2017).
- (c) Is or may cause danger to public health.
- (d) Provides harbourage for vermin.

- 51.2.** In this case, waste items may include, but are not limited to disused vehicle bodies, automotive parts, shipping containers, building waste, refuse and abandoned household items.

Notes not forming part of the bylaw: Under section 10 of the Litter Act 1979 Council can require a person to clean up litter on private property if it 'grossly defaces or defiles' the area.

The Fire and Emergency Act 2017 contains offences and penalties (among other tools) that can be imposed in situations which may increase the risk of fire. These provisions do not apply to residential dwellings for private use.

Abandoned vehicles on Council land, which includes local roads, are dealt with by the Council, see our website for the process. Abandoned vehicles on state highways should be referred to Waka Kotahi NZ Transport Agency. An abandoned vehicle on private property without the property owner's permission should be referred to the New Zealand Police.

52. Vegetation

- 52.1.** Long grass and/or vegetation on private land must be trimmed back, cut down or removed irrespective of whether the land is disused, used, vacant, developed or otherwise when it:

- (a) Is or may become a fire danger to a residential dwelling(s) for private use (other buildings refer to Fire and Emergency Act 2017).
- (b) Provides harbourage for vermin.
- (c) Obstructs public right of ways.

53. Abandoned or Vacant Buildings

- 53.1.** The owner of any building that is vacant or abandoned, in the opinion of an authorised officer, must ensure the building is secured so as not to allow access by the public.

Note not forming part of the bylaw: Council has a Policy on Dangerous and Insanitary Buildings that outlines Council's approach and process for dealing with buildings that are considered dangerous or insanitary under the Building Act 2004.

- 53.2.** The owner of any building located on the 'service retail frontage' or in a 'town centre' (or equivalent update) as identified in the District Plan must ensure the building is maintained to a standard that upholds the amenity values of the town and protects the public from nuisance.
- 53.3.** Buildings will be considered not to comply with clause 53.2 if they show significant signs of disrepair for example fading paintwork, plaster chipping, tagging, boarded up or broken windows and/or mould or algae growth.

PART 6 PUBLIC PLACES

54. Purpose

- 54.1. The purpose of this part of the bylaw is to control a diverse range of activities that may occur in public places to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district. In particular damage to public facilities such as roads, grass verges, garden areas and reserves are addressed. The bylaw also addresses activities within public places and reserves which may have an adverse effect on other users of these facilities.
- 54.2. This part of the bylaw should be read in conjunction with the relevant provisions from the Act, as well as other relevant legislation which outline some of the powers and requirements of the Council in regard to streets, public places and reserves.

55. Definitions

- 55.1. For the purposes of this bylaw, unless the context requires otherwise, the following definitions apply.

Major Littering	Are more serious littering offences where litter is in large quantities, or of a noxious nature, or likely to cause harm or injury to any person. For example, household waste, commercial waste, green waste or car parts.
Material or Thing	Any material of whatever kind, including wheelie bins and other containers for waste material, but excluding vehicles.
Minor Littering	Where littering is on a small scale and not likely to cause harm or injury to any person, for example, drink cans and food packaging.
Portico	Every awning, porch, verandah, shed, shade, or covering upon, across, or over any public footway or part of a road, street, private street, or access-way for the purpose of shade or shelter, together with any supports thereof, other than the building against which it shall be.
Ride a Skateboard	Having either one or both feet, or any other part of the body of any person, on a skateboard when it is moving.
Road	Has the same meaning assigned to that term in section 315 of the Local Government Act 1974 and should be taken to include all land lying between the <u>legal</u> boundaries of a road including footpaths and berms.
Skateboard	A wheeled device controlled or propelled by gravity or by energy exerted by the rider. The definition should be taken to

include roller skates, in-line skates, scooters or similar recreational devices, but does not include any wheelchair, baby or adult carriage or bicycles.

56. Public Safety and Nuisances

56.1. Except with the prior permission of Council or an authorised officer, a person shall not upon or over any public place:

- (a) Place or leave any litter, materials, substance or thing likely to be hazardous or injurious to any person, or likely to create a nuisance.
- (b) Deposit in a public litter receptacle any household or trade refuse.
- (c) Interfere with any refuse which is awaiting collection by an authorised collector.
- (d) Drive any vehicle except on a formed road, or drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in the public place.
- (e) Cause or allow any material or thing to be deposited onto a public place or road.
- (f) Leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place.
- (g) Fly from or land any aeroplane, including model aeroplane, drone, hot air balloon, hang glider, parachute or similar in a manner that is dangerous or inconsiderate to other users of the public place.
- (h) Play any game or use any object including scooters, skateboards, roller blades, roller skates, bicycles or motorised scooters, recklessly or in a manner which may intimidate, endanger, injure or cause a nuisance to persons in the public place, or damage the public place.
- (i) Erect or place any structure on, over or under the public place except in compliance with any other bylaw or the District Plan.
- (j) Set off fireworks or other explosive material or device.

Note not forming part of the bylaw: When flying unmanned aircraft (including drones) every person must follow Part 101 of the Civil Aviation Rules. If you aren't able to follow these rules every person must apply for Part 102 of the Civil Aviation Rules certification.

Refer to www.aviation.govt.nz/drones/part-101-rules-for-drones/

57. Litter

- 57.1. Depositing litter in a public place, or on private land without the consent of the occupier of that land, is an offence under the Litter Act 1979 and may result in the person responsible being liable for penalties under that Act.
- 57.2. Any person believed to have deposited litter in a public place or on private land without the consent of the occupier of that land may also be liable to Council for the following infringement fees:

Littering type (see definitions)	Fine
Minor littering	\$100
Major littering	\$400

- 57.3. The decision whether to issue an infringement notice for major littering or to refer the matter to the District Court will be determined on a case by case basis, based on the severity and malicious intent of the alleged offence.

58. Fences, Walls, Retaining Walls or Land Adjacent to a Public Place

- 58.1. Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which in the opinion of an authorised officer could cause damage or injury to a passer-by, the authorised officer may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land safe.

59. Bans on Glass Drinking Vessels or Containers

- 59.1. Council may from time to time, and by publicly notified resolution, place a temporary ban on the possession of glass drinking vessels or containers from any public place throughout the district.
- 59.2. Where such a ban has been imposed and that ban has been publicly notified, there shall be displayed at that public place a notice informing the public of the time and duration of that ban.
- 59.3. A person commits an offence against this bylaw where they are in possession of any glass drinking vessel or container within any public place during the period of any temporary glass ban in respect of that place and where there is a notice displayed at the place informing of the glass ban's time and duration.

59.4. Kaka Point Ban on Glass Drinking Vessels or Containers

- 59.4.1. A ban on the possession of glass drinking vessels or containers is in place for Kaka Point over the foreshore adjoining the Esplanade from the intersection with Rata Street to the intersection with Karoro Creek Road, from 1 December to 31 January of the following year inclusive each summer, and over Moana Street for the period 30 December to 2 January of the following year inclusive each new year.
- 59.4.2. While the ban is in force, there shall be displayed notices at Kaka Point informing the public of the location and duration of the ban.
- 59.4.3. A person commits an offence against this bylaw where they are in possession of any glass drinking vessel or container within the location and duration of the above glass ban.

60. Obstructing Public Places

- 60.1. Except with the permission of the Council or an authorised officer a person shall not in any public place:
- (a) Obstruct an entrance to, or exit from, a public place.
 - (b) Place or leave any material or thing, including signage, on a public place that could obstruct the public right of passage, other than in accordance with such conditions as may be imposed, or in accordance with District Plan rules.
 - (c) Allow any gate or door on property abutting a public place, to swing over or across the public place or any part of a public place.
 - (d) Carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary for the vehicle's removal.

61. Freedom Camping

- 61.1. Refer to Council's Freedom Camping Bylaw for Council's freedom camping provisions.

62. Damage

- 62.1. Except with the permission of the Council or an authorised officer a person shall not in any public place:
- (a) Cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place.
 - (b) Damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub, or plant or any inscription or label relating to it.

- (c) Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building, structure, or facilities.
- (d) Damage or interfere with any natural feature, animal or plant.
- (e) Use any vehicle or be in control of an animal in a manner so that it damages any part of a public place.
- (f) Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles.
- (g) Remove any sand, soil or other naturally occurring material found in a public place except in accordance with the Regional or District Plan.
- (h) Open any drain or sewer on, or disturb or remove the surface of, any public place.

62.2. Nothing in this section shall prevent the Council from supplying or approving the installation of display boards or temporary signs in any public place for the purpose of allowing posters to be displayed announcing upcoming functions or events.

62.3. Any person carrying out authorised works on a public place shall reinstate the area to a standard approved by an authorised officer.

62.4. Any person wishing to gain access to a beach shall use a designated access where this is available.

63. [Placing of Articles on Public Places](#)

63.1. A person shall not place or leave, or cause or permit to be placed or left, any material or thing, including signage, amusement devices or items for sale or hire, on any public place unless:

- (a) Such action has first been approved by Council or an authorised officer, and then only in accordance with such conditions as Council or the authorised officer may impose; or
- (b) Such action is taken for the purpose of regular refuse or other collections authorised by the Council or is otherwise authorised by law; or
- (c) Such action is permitted pursuant to any other Council bylaw.

64. [Control of Skateboards, Scooters, Roller Blades, Roller Skates, Bicycles or Motorised Scooters](#)

64.1. No person shall ride a skateboard, scooter, roller blades, roller skates, bicycles or motorised scooters on any footpath or any other public area without taking due care to ensure no damage is caused to any property or without reasonable consideration for other persons using the footpath or public area.

65. Exposing Articles for Sale

- 65.1. Except as provided for by any other Part of this bylaw no person shall expose for sale any article whatsoever on any footpath, or outside of any shop, shop window, or doorway abutting on any public place, so as to encroach on or over that public place, without the prior permission of Council, and then only in accordance with such conditions as Council may think fit to impose.

66. Assembly

- 66.1. A person shall not, without the prior consent of an authorised officer:
- (a) Participate in any assembly or associate with other persons in a public place in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place.
 - (b) Organise or conduct any meeting, gathering, demonstration, parade, procession or competition in a public place.

67. Awnings and Blinds

- 67.1. No person shall erect or maintain, or cause to be erected or maintained, any awning over any public place, or hang any awning, blind, or screen from any portico on any public place except with the permission of an authorised officer or pursuant to a requirement of the District Plan. In granting such permission an authorised officer may set such conditions as deemed appropriate. Any such permission may be revoked at any time by an authorised officer.

68. Projections on Public Places Not Permitted

- 68.1. Except where permitted by any other Council bylaw or by Council consent no person shall put, or allow to be put, any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, or other obstruction or projection of any kind whatsoever in, on, over or under a public place or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any public place.
- 68.2. This restriction shall not apply to any verandah or awning erected pursuant to a requirement of the District Plan.
- 68.3. If any projection or obstruction has been placed against or in front of any building before the commencement of this bylaw which is contrary to any bylaw, Council may give notice to the owner or occupier of such building to remove or alter such projection or obstruction. Such owner or occupier shall, within the time stated in such notice, remove or alter the projection or obstruction.

68.4. Except where permitted by any other Council bylaw or by Council consent, no person shall stand on any verandah erected over a public place except for the purpose of inspection, maintenance or escape in the case of fire.

69. Restrictions on Use of Barbed Wire and Electrified Fences

69.1. No person shall erect or permit to be erected any electrified fencing or barbed wire along, or within one metre of any boundary line between any land or building on one side and any public place on the other side except with the permission of an authorised officer.

69.2. Provided that clause 69.1 does not prohibit the placing of such barbed wire at a height of at least two metres, or electrified fencing at least three metres, from ground level at any public place.

69.3. Clause 69.1 shall not apply within any area which has a predominantly rural character under the District Plan prepared by Council, except when the fence abuts or adjoins a footpath; provided that Council may from time to time by resolution specify conditions that will apply to temporary electric fences.

70. Road and Building Identification

70.1. The Council shall have the exclusive right to cause to be painted or affixed on a conspicuous part of a building, the name of the road, private road or public place to which it has frontage.

70.2. Notwithstanding clause 70.1 where a building or property is identified by other means, the owner or occupier of every building or group of buildings forming part of a complex or of the property shall mark such building or complex with numbers to be:

- (a) Not less than 50 mm in height for residential buildings.
- (b) Not less than 150 mm in height for all other buildings.

70.3. Numbers shall be as allocated or approved by Council and displayed in a position to be readily visible from the road to which it has frontage.

70.4. Numbers required by clause 70.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.

70.5. Council shall have power at any time to alter the number of any building where in the Council's opinion it may be necessary or advisable to do so.

71. Animals and Stock on Public Roads

- 71.1. No person shall take or allow any animal under their care or control onto any public place if the Council has by resolution or public notice prohibited entry of that type of animal to that public place.
- 71.2. Subject to clause 71.1, every person being the owner or having the care, custody, or control of any animal shall keep and prevent the animal from wandering or being at large without proper guidance on any public place.

Note not forming part of the bylaw: See also the Dog Control section of this bylaw.

- 71.3. Any person proposing to drive any stock on any road must do so in accordance with Council's Roading Bylaw.

72. Overhanging Vegetation Liable to Obstruct

- 72.1. No person shall permit or allow vegetation to encroach onto or over any public place so as to obstruct or interfere with the free movement of persons using that public place.
- 72.2. Where any person allows vegetation to encroach onto or over any public place which obstructs or interferes with public access then an authorised officer of Council will order it to be removed within a timeframe as considered reasonable by the officer. Where it is not removed within the set timeframe Council will take action to remove the overhanging vegetation at the cost of the property owner.
- 72.3. Notwithstanding any removal costs under clause 72.2, any person who does not comply with clause 72.1 may also be liable for fines under section 356 of the Local Government Act 1974.

73. Additional Requirements for Reserves

- 73.1. Subject to the provisions of this part of the bylaw every reserve shall be open to the public at all times except during such hours that Council or an authorised officer may determine that any reserve shall be closed to the public.
- 73.2. An authorised officer may from time to time and for such periods as they think fit, and in accordance with section 53 of the Reserves Act 1977, set aside areas of a reserve, for the exclusive use of particular groups or for particular kinds of recreational activities. Council may charge for the right to have exclusive use of a reserve.
- 73.3. The Council may fix charges for the entry to a reserve in accordance with the Reserves Act 1977, and it shall be an offence against this part of the bylaw to enter a reserve without having paid the property charge for entry, if a charge is payable.

- 73.4. An authorised officer may close or restrict entry to all of, or any portion of, a reserve at such times as considered necessary to prevent damage to, or allow maintenance of, the reserve. Such closure shall be advertised by signs at the entrances to the reserve. It shall be an offence against this part of the bylaw to be found on a reserve at any time when the reserve is closed to public entry.
- 73.5. Every person committing a breach of the provisions of this part of the bylaw shall, upon request by an authorised officer, immediately leave the reserve, and shall be prohibited from appearing on the reserve for such period as the authorised officer deems fit. Any person so ordered to leave shall still be liable to be prosecuted for the breach of the bylaw, and any person failing to leave with reasonable speed, to comply with a request to leave, shall commit a further offence.

PART 7 TRADING IN PUBLIC PLACES

74. Purpose

74.1. The purpose of this part of the bylaw is to encourage diversity, vitality and amenity in public places while ensuring public safety, minimising conflict with neighbouring land uses, and protecting the intended use of the public place.

74.2. This section of this bylaw carries out this purpose by regulating the conduct of persons:

- Selling goods on streets, roads, footpaths and other public places.
- Using vehicles to sell goods and services to the general public.
- Soliciting for donations or subscriptions or distributing advertising material.

75. Definitions

75.1. For the purposes of this bylaw, unless the context requires otherwise, the following definitions apply.

Daylight Hours	Means from sunrise to sunset.
Goods	Any product or service.
Hawker	Any person who carries or takes about any goods, wares, or merchandise for sale, not in pursuance of any invitation to call with, or of any previous order or request for such goods; and <ul style="list-style-type: none"> • Includes a peddler, and any person who exposes for sale any goods, wares or merchandise carried or taken about by that person or solicits the custom of any other person; and whether any person shall carry any such goods, wares, or merchandise or not. • But does not include any person who uses any vehicle as a mobile or travelling shop.
Itinerant Trader	Retailers who have no fixed place of business, moving from place to place to sell their goods to consumers.
Mobile Travelling Shop	A vehicle, whether self-propelled or not, from which goods, wares, or merchandise are offered or exposed for sale, or from which goods, wares, or merchandise may be ordered (whether or not in pursuance of an invitation to call with the goods, wares, or merchandise) or from which services are offered for sale.
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 are deemed to be the same premises.

Service Delivery Vehicle	Any vehicle being used for the purpose of delivering goods to any business premises or organisation and does not involve the sale of goods to the general public in any public place.
Stand or Stall	Any other use of a public place for selling or exposing for sale any goods or services, or for any soliciting or promotion, whether or not any stand, stall or other structure is used, other than as defined for hawker or mobile or travelling shop.

76. Registration and Approvals for Premises

76.1. The following businesses must be registered with the Council.

- (a) Hawker (not food)
- (b) Itinerant Trader
- (c) Mobile Shop (not food)

76.2. If an operator wishes to sell food approval must be obtained from Council's Environmental Health Officer in the form of a copy of the certificate of registration of either a food control plan, relevant national programme or notice of exemption.

77. Conditions of Operation

77.1. Every person shall comply with the following provisions who wishes to do any of the following activities in a public place:

- (a) sell goods
- (b) solicit any subscription, collection or donation
- (c) preach
- (d) undertake busking
- (e) distribute any printed or written advertising material advertising any product, service or entertainment

77.2. Selling goods for profit in a public place shall only occur when:

- (a) It is part of a street fair, market or similar organised event by a local community group; or
- (b) It is not located beside or within any State Highway or Service, Retail Frontage area as identified within the Clutha District Plan; or
- (c) If it is located beside or within a State Highway or Service, Retail Frontage area as identified within the Clutha District Plan the activity occurs for no more than two calendar days in any consecutive period of 30 days: and
- (d) The activity is located more than 100 metres from any established competing business.

77.3. Council owned property and halls are not available for use by itinerant traders.

- 77.4. The approval of the occupier of the adjacent property must be obtained for all stationary activities.
- 77.5. Current Council registrations and approvals, as described in clause 76 of this bylaw, must be obtained for all applicable premises.
- 77.6. Operation is limited to daylight hours only.
- 77.7. No road or footpath may be obstructed, and adequate space for clear passage must be maintained at all times.
- 77.8. Activities must not be located where they will restrict the visibility of road users.
- 77.9. Activities must keep clear of all fire hydrants and markers so that these are clearly visible at all times and the hydrants themselves are readily accessible to the Fire Service.
- 77.10. At the conclusion of the day's activities the operation must be completely removed, and the site left in a clean and tidy condition.
- 77.11. Operators must not create excessive or unreasonable noise.
- 77.12. All liability for claims of damages that may arise from the operation rests with the operator.

78. Compliance with Requests from an Authorised Officer

- 78.1. Every operator shall comply with any request from an Authorised Officer including a request to move on to any other part of a public place as directed by the Officer.

79. Breach of Bylaw

- 79.1. An operator who fails to comply with any part of this bylaw, including a request from an Authorised Officer, shall be in breach of this bylaw.

80. Exemptions

- 80.1. The exemptions allowed under this bylaw are as follows:
- (a) For the operator of a fishing vessel registered under Section 103 of the Fisheries Act 1996 and who is the holder of a current fishing permit issued under that Act, where that operator, or a person appointed in by him in that behalf, sells fresh fish or shellfish (taken from that vessel in accordance with the conditions of the permit) from that vessel at the place where it is moored, berthed, or beached or from a stall (including a vehicle used as a stall) within 450 metres of that place.
 - (b) Service delivery vehicles including milk vendors.

- (c) Any market, stall or stand which has a current approval under any other bylaw, legislation, resource consent or specific resolution of Council.



DRAFT DOG CONTROL POLICY		Activity group:	Regulatory Services
Policy Type:	Council		
Approved by:	Council		
Department:	Animal Control		
Date Approved:	Draft	Next Review Date:	With the Dog Control Bylaw or every 10 years, whichever is sooner.
Relevant Legislation:	Dog Control Act 1996 Local Government Act 2002		
Clutha District Council Documents referenced:	Regulatory Bylaw 2022 – Dog Control Section		

TABLE OF CONTENTS		PAGE	
PURPOSE		2	
SCOPE		2	
POLICY	Issues	2	
	Objectives	2	
	Community Relations and Education	2	
	Responsible Dog Ownership	Responsible dog owner eligibility criteria	3
	Registration		3
	Fees		4
	Where Can you Take your Dog?	Prohibited areas	5
		Leash control areas	5
		Dedicated dog exercise areas	5
		Non-designated areas	5
	Dangerous and Menacing Dogs	Dangerous dogs (s31)	6
		Menacing dogs (s33A and s33C)	6
	Impounding of Dogs		6
	Nuisance		6
	Enforcement		7
	Bylaw		7
Consultation		7	
Reviews		7	
Version Control		8	

PURPOSE

Dogs are an important part of many people's working and social lives and have a special place in many families. However, dogs can also cause problems like nuisance from wandering, aggression, barking or fouling, injuries from biting, and they can be devastating to wildlife. To manage these problems and to make sure that our dogs fit well into our communities, the Clutha District Council (the Council) established this policy and companion bylaw.

SCOPE

This policy, and the accompanying bylaw, have effect in all areas of the Clutha District.

POLICY**1. Issues**

- 1.1. Dogs are an important part of many people's working and social lives and have a special place in many families. However, dogs can also cause nuisance from wandering, aggression, barking or fouling, injuries from biting, and they can be devastating to wildlife.
- 1.2. The welfare of dogs can also be endangered if not cared for appropriately.
- 1.3. Dog control matters are recorded and reported on every year in Council's Dog Control Annual Report. This report can be found on Council's website.

2. Objectives

- 2.1. The objectives of this policy are:
 - To control the keeping of dogs to prevent danger, distress and nuisance to the community generally.
 - To avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children.
 - To ensure the public can use streets and public amenities without fear of attack or intimidation by dogs.
 - To encourage responsible dog ownership.
 - To ensure wildlife are not endangered by uncontrolled dogs.
 - To ensure opportunities for exercise and the recreational needs of dogs and their owners.
 - To ensure that the fees charged to dog owners provide cost recovery for providing a dog control service to the district and that the fees for different categories of dogs are proportionate to the workload created by each for Council's animal control team.

3. Community Relations and Education

- 3.1. Owner education is an important part of promoting responsible ownership of dogs. Responsible and knowledgeable owners care for their dogs so that their animals remain under control, healthy and well exercised. Well cared for dogs are less likely to disturb people's enjoyment or to affect other animals.

3.2. Council's policy is to continue to promote responsible dog ownership by producing and distributing appropriate information material and providing education or other effective programmes.

4. Responsible Dog Ownership

4.1. Council will recognise good dog owners and provide a reduction in the fee structure to encourage people who take a responsible approach to the ownership, care and control of dogs.

4.2. Owners who can demonstrate that they are fully aware of the responsibilities of dog welfare and control are encouraged to apply to the Council for Responsible Dog Owner Status. Once an application has been received, an Animal Control Officer will arrange to evaluate the owner and inspect the property before awarding Responsible Dog Owner Status.

4.3. Council's Responsible Dog Owner eligibility criteria follow.

4.4. Council's Responsible Dog Owner fee details and declaration form are available on Council's website.

Responsible Dog Owner Eligibility Criteria

4.5. To be eligible for Responsible Dog Owner status, a dog owner must have owned a dog in the Clutha District for a period of at least two years. In addition, they must be able to show:

- A history of responsible dog ownership, e.g. no recent substantiated complaints.
- A high level of co-operation and compliance with Council's policy and bylaw, and with the Dog Control Act 1996.
- That they have suitable kennels, fences or other dog facilities for the housing and control of their dog.
- A sound knowledge of dog control laws, regulations and bylaws.

4.6. An owner must also complete the relevant form and pay the application fee.

4.7. Any contravention of the Council's Dog Control Bylaw or the Act will lead to immediate removal of the Responsible Dog Owner Status.

5. Registration

5.1. All dogs in New Zealand must be registered in accordance with section 36 of the Act. This means that:

- All dogs must be registered by 31 July each year.
- All dogs must be registered for the first time before they are three months old.

5.2. Council widely publicises dog registration timeframes every year and provides information on our website to encourage dog registration.

5.3. Council enforces registration of dogs for the following reasons:

- So that there is an up to date record of all dogs and their owners.
- To allow for the return of lost dogs.

M-Files ID: 733183

Version: 3a

- To generate revenue to support dog control services across the district.

5.4. Council applies a penalty fee to any dog registration fees that are not paid by 31 July each year.

5.5. Registered dogs must wear a registration tag at all times. Council will replace a lost dog registration tag at no cost.

5.6. It is an offence not to register a dog that is over three months of age.

5.7. It is an offence to knowingly provide false information on a dog registration application form.

6. Fees

6.1. Council's policy is to apply a graduated fee scale to target fees to high demand users and to deter non-compliance, for example:

- Fees for repeat impounding of a dog increase with each subsequent impounding.
- Fees for registration are higher for urban non-working dogs and are increased further for dangerous dogs as they make up the majority of Councils animal control workload.
- Responsible dog owners get reduced registration fees.

6.2. The owner of any dog must pay the annual registration fee, payable to the council by 31 July each year. Any registration fee which remains unpaid after this date will incur a penalty charge.

6.3. In order to determine the level of registration fee to be paid, dogs are categorised as:

- (a) Working dogs (as per the definition in the Act) or Non-Working dogs (all those which do not meet the working dog definition).
- (b) Rural or Urban (as defined by the Clutha District Plan).
- (c) Responsible Dog Owners (criteria outlined in this policy).

6.4. Council may also introduce fee rates for other categories.

6.5. Dog registration fees are reconsidered each year. The latest fees can be found in Council's Schedule of Fees and Charges, available on the Council website or from Council's offices.

6.6. Other fees are set by Council resolution include but not limited to impounding, sustenance, euthanasia, advertising, micro chipping, multiple dog licence and responsible dog owner application.

6.7. Council provides a 24 hour, 7 days a week dog control service. Two dog control officers and one administrator are employed by the Council with after-hours complaints dealt with by a Council contractor.

7. Where Can you Take your Dog?

7.1. Dogs are prohibited from some specified public areas or must be on a leash in others. This is generally done to protect vulnerable wildlife, and the health and safety of the public. In this policy the Council specifies several areas where dogs are not permitted or where they must be kept on a leash.

7.2. The general areas used in this policy to define the level of control an owner must have over a dog are the Resource Areas as defined in the Council District Plan. There are six areas:

- Rural Resource Area

M-Files ID: 733183

Version: 3a

- Coastal Resource Area
- Urban Resource Area
- Industrial Resource Area
- Transitional Resource Area
- Rural Settlements

7.3. The following dogs are exempt from this prohibition:

- Guide-dogs for the blind.
- Registered disability assist dogs.
- Search and rescue dogs.
- Police dogs.
- Dogs being used by property guards (as defined in the Private Security Personnel and Private Investigators Act 2010).
- Dogs confined in an efficient container, or securely confined in or by lead or restraint on a vehicle.

7.4. Prohibition also does not apply to organised events held by Kennel Clubs, dog obedience clubs, dog trials etc.

Prohibited areas

7.5. Dogs are prohibited from entering some places and areas in the district.

7.6. This means you cannot take your dog into any of these areas.

7.7. Clutha District has many areas which have high visitor and wildlife significance. These areas are managed by Department of Conservation or other agencies such as the Yellow Eyed Penguin Trust and dogs will be either prohibited altogether or permitted if kept on a leash. The relevant dog control signs must be displayed and obeyed at these areas.

7.8. Council enforces dog control in public areas that are under the Councils control. If a public area is under the management of another body that can legally enforce dog control, the other body, such as the Department of Conservation, will be responsible for dog control in these areas.

7.9. Specific prohibited areas for dogs within the Clutha District are laid out in **Schedule A** of the Clutha District Council Regulatory Bylaw – Dog Control section.

Leash control areas

7.10. These are public places in the Clutha District where dogs are only allowed if they are on a leash, chain or lead which is secured or held so that the dog cannot break loose and include:

- The Urban Resource Area
- The Industrial Resource Area
- Rural Settlements
- All public cemeteries

7.11. In addition, dogs must be kept on a leash on public walking tracks in those Scenic Reserves where owners are permitted to take dogs. Signs erected at these locations specify whether dogs are permitted and must be obeyed.

Dedicated dog exercise areas

7.12. Council may set aside areas within the leash control areas of the district where dogs may be exercised off the leash. Any such areas would be managed in accordance with the Council's Reserve Management Plan.

Non-designated areas

7.13. Dog owners can take their dogs into other public areas in the district, however, a dog owner must carry a leash with them at all times when in a public area with their dog. This applies to the following areas as described in the Council District Plan.

- The Coastal Resource Area
- The Transitional Resource Area
- The Rural Resource Area

7.14. Failure to comply can lead to an infringement fee or a fine.

7.15. When a dog is on land or premises occupied by its owner, the owner must, at all times, ensure that either the dog is under the direct control of a person, or is confined in such a way that it cannot freely leave the land or premises. Failure to comply can lead to an infringement fee or fine, and the dog can be seized and impounded.

8. Dangerous and menacing dogs***Dangerous dogs (s31)***

8.1. Dogs that have attacked people, or domestic or protected animals may be declared dangerous by Council. Dangerous dogs must be muzzled in public, neutered or spayed, and kept in a fenced area separate from access to the house. They must also be microchipped if they do not already have a microchip.

8.2. Dangerous dogs must not be sold without Council's approval, and the owner of a dangerous dog will pay a 50% surcharge on registration fees.

Menacing dogs (s33A and s33C)

8.3. Dogs which have not actually made an attack, but which are still considered to pose a threat (based on behaviour or breed) may be declared menacing by Council. Menacing dogs must be muzzled in public, and Council can require them to be neutered or spayed.

Note (not forming part of the bylaw): The [Animal Welfare \(Care and Procedures\) Regulations 2018 \(section 12\)](#) include obligations for every person in charge of a dog that is muzzled.

9. Impounding of dogs

9.1. A dog owner is responsible for the control of their dog. Where a dog is uncontrolled it may be impounded.

9.2. An owner may reclaim their dog from the pound after the payment of the relevant fee and after registering the dog if it is unregistered. In addition to a flat fee, the owner is liable for covering the additional costs incurred by the impounded dog including:

- Daily sustenance.
- After hours impounding fee.
- Registration and advertising (if appropriate).
- Actual cost of microchipping dog prior to release, if required.

M-Files ID: 733183

Version: 3a

9.3. Where a dog is not claimed by its owner it may be disposed of or sold to a new owner. Any impounding and disposal costs will be charged to the owner (if known).

10. Nuisance

10.1. For the management of dog nuisance, the Council will employ the following:

10.1.1. Minimise nuisances caused by dogs by providing incentives designed to encourage responsible dog ownership.

10.1.2. Issuing of warnings and offer education/advice to owners, where appropriate, about the major nuisances associated with dog ownership and how to avoid them.

10.1.3. When a nuisance exists, provide effective control to reduce the problem and sufficient deterrent against non-compliance. This includes:

- Issuing a warning or infringement notice.
- Prosecution where the offence or effects of the offence are significant.
- Impounding of roaming dogs.
- Impounding of unregistered dogs.
- Impounding of dogs when other provisions of this policy or the accompanying bylaw are breached, for example multiple dog ownership without the appropriate licence.

11. Enforcement

11.1. Council's policy is for Animal Control Officers to issue Infringement Notices where appropriate to promote the objectives set out in this policy.

11.2. Animal Control Officers may issue an Infringement Notice in accordance with the Dog Control Act 1996.

11.3. Where the offence or the effects of the offence are significant Council will pursue prosecution of offenders.

12. Bylaw

12.1. The Dog Control section of Council's Regulatory Bylaw 2022 gives effect to this policy. The Dog Control Bylaw (part of the Regulatory Bylaw 2022) includes the following provisions:

- Shelter for dogs
- Control of dogs
- Infectious or infested dogs
- Nuisances
- Licence to keep more than two dogs
- Impounding of dogs
- Suspension of provisions
- Breach of bylaw
- Penalties
- Repeals

13. Consultation

13.1. This policy shall be reviewed in accordance with the special consultative procedure set out in section 83 of the Local Government Act 2002 and section 83(1)(e) of the same Act which requires notice to be given to every person who is, according to Council's register, the owner of a dog.

M-Files ID: 733183

Version: 3a

14. Reviews

14.1. This policy will be reviewed in line with the requirements to review the Dog Control Bylaw, which is every 5 or 10 years or earlier should the bylaw be reviewed before its prescribed time.

15. Version Control

Version History			
Date:	Action:	Name:	Version:
14 September 2006	Policy approved	Chief Executive	1
30 June 2016	Policy approved (v2)	Chief Executive	2
12 May 2022	Draft created	Melissa Needham	3a
XX XXXX 2022	Policy approved	Council	3



POLICY ON DANGEROUS AND INSANITARY BUILDINGS		ACTIVITY GROUP:	Regulatory Services
Policy Type:	Council		
Approved by:	Council		
Department:	Building Control		
Date Approved:	Draft	Next Review Date:	5 years
Relevant Legislation:	Building Act 2004 Local Government Act 2002 Resource Management Act 1991 Civil Defence Emergency Management Act 2002 Heritage New Zealand Pouhere Taonga Act 2014 Protection of Personal and Property Rights Act 1988 Health Act 1956 Mental Health Act 1992 Christchurch Regeneration Act		
Clutha District Council Documents referenced:	Regulatory Bylaw		

PURPOSE

This policy has been prepared to comply with section 131 of the Building Act 2004 (the Act), which requires the Council to have a policy on Dangerous and Insanitary Buildings. The purpose of this policy is:

- To ensure that people who use buildings can do so safely without endangering their health.
- To strike a balance between the risks posed by dangerous, affected and insanitary buildings and broader social and economic issues.
- To clearly state Council's approach to identifying dangerous, affected or insanitary buildings, what powers it can exercise when such buildings are found, and how it will work with building owners to prevent buildings from remaining dangerous or insanitary, particularly where a dangerous building is affecting or potentially affecting another building.
- To explain Council's approach where the building concerned is a heritage building or landmark.
- To ensure building owners understand that the Council may exercise its powers to take steps on the owner's behalf and may recover any resulting costs from the owner.

M-Files ID: 733183

Version: 2a

SCOPE

The Policy applies to all buildings within the Clutha District.

DEFINITIONS

Affected Building s121A Building Act 2004	A building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby— (a) a dangerous building as defined in section 121; or (b) a dangerous dam within the meaning of section 153.
Authorised Officer S222(4) Building Act 2004	means 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	has the same meaning as defined under section 8 of the Building Act 2004.
Council	means the Clutha District Council.
Dangerous Building s121(1) Building Act 2004	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 person in the building or to persons on other property is likely.
Heritage Building	has the same meaning as defined under section 7 of the Building Act 2004
Insanitary Building s123 Building Act 2004	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	has the same meaning as defined under section 222(4) of the Building Act 2004
Owner	has the same meaning as defined under section 7 of the Building Act 2004.

M-Files ID: 733183

Version: 2a

POLICY

1. Council's Role

- 1.1. A building may become dangerous, affected or insanitary due to a number of reasons, such as unauthorized alterations being made, fire, natural disaster or other external factors, or as a result of its use by an occupant.
- 1.2. When the Council becomes aware that a building may be dangerous, affected or insanitary, it will investigate and determine whether the building is dangerous, affected or insanitary.
- 1.3. If a building is found to be dangerous, affected or insanitary, the Council will work with the building owner(s), and if necessary, use powers it has available, to ensure appropriate action is taken to make the building, its occupants and the public safe.
- 1.4. The Council will work with Heritage New Zealand Pouhere Taonga, Fire and Emergency New Zealand, the New Zealand Police and other relevant agencies to achieve the purpose of the Act.

2. Approach to identifying dangerous, affected or insanitary buildings

- 2.1. The Council will not actively inspect all buildings within the district but may from time to time undertake proactive information collection on possible dangerous, affected or insanitary buildings.
- 2.2. On receiving information or a complaint regarding a possible dangerous, affected or insanitary building, the Council will quickly and efficiently respond to information received to ascertain the extent of any issues.
- 2.3. The procedures taken by the Council to resolve any issues found are detailed in the notes following this Policy.

3. Application of the policy to heritage buildings

- 3.1. This policy applies to heritage buildings in the same way it applies to all other buildings. Where the Council is assessing a building that is a heritage building the Council will seek advice from Heritage New Zealand Pouhere Taonga where practicable.
- 3.2. When considering heritage buildings under this policy, account will be taken of:
 - (a) The importance of recognising any special traditional or cultural aspects of the intended use of the building.
 - (b) The need to facilitate the preservation and ongoing use of buildings and areas of significant cultural, historical, or heritage value.
 - (c) The circumstances of each owner and each building, including whether the building has undergone any recent building work
- 3.3. When considering what action to take with a heritage building that is deemed dangerous or insanitary, the Council will take into account the heritage values of the building in determining possible courses of action and seek to avoid demolition wherever possible. Suitably qualified professionals with heritage expertise will be engaged where necessary to advise and recommend on possible actions.

4. Costs

- 4.1. The Council may issue a notice under section 124(2)(c) of the Act requiring work to be carried out on a dangerous or insanitary building to reduce or remove the danger, or to prevent the

M-Files ID: 733183

Version: 2a

building from remaining insanitary. If work required under such a notice issued is not completed or proceeding with reasonable speed, the Council may use its powers under section 126 of the Act and apply to the District Court to gain authorisation to carry out the building work required in the notice.

- 4.2. If the Council carries out building work, under section 126 of the Act or under a warrant issued under section 129, it is entitled to recover costs associated with that work from the building owner.

5. Immediate Danger

- 5.1. If a building presents an immediate danger or health hazard to people within and/or around it, or to surrounding buildings, the Chief Executive Officer of the Council may decide it is necessary to use the powers under section 129 of the Act to remove the danger or fix insanitary conditions. This may include demolition of the building.
- 5.2. Immediate danger may apply to a building that is likely to be used in a dangerous manner. A particular example is an assessment of immediate danger from fire and, in the event of a fire, injury or death to persons in or around the building is likely.
- 5.3. If notification is received from Fire and Emergency New Zealand that a building is dangerous, (whether by request of the Council under section 121(2), or at the initiation of Fire and Emergency New Zealand) the Council will liaise with Fire and Emergency New Zealand to discuss any proposed action.
- 5.4. If the building is a heritage building, the Council will take into account its heritage values in determining a course of action. Where practicable this will follow the provisions in section 3 of this policy.

6. Version Control

Version History			
Date:	Action:	Name:	Version:
9 August 2007	Policy on Dangerous and Insanitary Buildings issued	Planning and Environmental Manager	1
XX XXXX 2021	Policy revoked (in error)		
12 May 2022	Draft Policy on Dangerous and Insanitary Buildings created	Melissa Needham	2a
XX XXXX 2022	Policy on Dangerous and Insanitary Buildings 2022 approved	Council	2

NOTES NOT FORMING PART OF THE POLICY

1. Procedures

1.1. When the Council receives information regarding a potentially dangerous, affected or insanitary building, it will:

(a) Check the details on the property held in Council record;

(b) Have an authorised officer undertake an inspection of the building. In doing this, the Council may seek advice from Fire and Emergency New Zealand, New Zealand Police or any other professional organisation deemed appropriate by Council; and

(c) Prepare an inspection record.

1.2. All inspections of potentially dangerous, affected or insanitary buildings will involve assessment of the condition of the building in terms of the definitions in sections 121, 121A and 123 of the Act. Inspection records will be prepared in all cases.

1.3. Authorised officers are entitled at all times during normal working hours to inspect any building to identify any dangerous or insanitary buildings, and may enter any premises for that 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 either obtain consent from the occupier or an order from the District Court before it can enter to carry out an inspection.

1.4. Once the Council is satisfied that a building is dangerous, affected or insanitary it will:

(a) Consult with the building owner(s) to further determine the circumstances and decide on an appropriate course of action, which may include not taking any action, particularly where the owner is aware of and dealing with the issues.

(b) Inform the complainant(s) of the inspection results and the Council's intended course of action to deal with the situation.

(c) Assess whether there are any potentially affected buildings and consult with the owner(s) of any affected building regarding appropriate risk management approaches before taking enforcement action under section 124 of the Act.

(d) If notification is received from Fire and Emergency New Zealand that a building is dangerous, (whether by request of the Council under section 121(2), or at the initiation of Fire and Emergency New Zealand) the Council will also liaise with Fire and Emergency New Zealand to discuss any proposed action.

(e) If the building is a heritage building, the Council will take into account its heritage values in determining a course of action. Where practicable this will follow the provisions in section 3 of the Policy on Dangerous and Insanitary Buildings.

1.5. If the Council is satisfied that a building is a dangerous, affected, or insanitary building it may use its powers under sections 124, or 126 of the Act. This may include:

(a) Erecting a hoarding or fence to prevent people from approaching the building nearer than is safe.

(b) Placing a notice that warns people not to approach the building.

(c) Except in the case of an affected building, issuing a notice that complies with section 125(1) requiring work to be carried out on the building to—

(i.) reduce or remove the danger;
or

(ii.) prevent the building from remaining insanitary.

(d) Issuing a notice that complies with section 125(1A) restricting entry to the building for particular purposes or restricting entry to particular persons or groups of persons.

Where a state of emergency has been declared (or following a state of emergency, when a transition period has been declared) the Council may choose to exercise powers under the Civil Defence Emergency Management Act 2002 instead of or in addition to powers under the Building Act 2004.

2. Related Legislation

2.1. In considering how to address non-compliance it is likely the Council must be mindful of any matters that require consideration under other legislation or compliance mechanisms. In particular, in addition to the Building Act 2004 the Council needs to consider the following:

- Local Government Act 2002
- Resource Management Act 1991
- Civil Defence Emergency Management Act 2002
- Heritage New Zealand Pouhere Taonga Act 2014
- Protection of Personal and Property Rights Act 1988
- Health Act 1956
- Mental Health Act 1992
- Christchurch Regeneration Act

Note: Provisions also exist in the Health Act 1956 to deal with nuisance conditions related to certain matters associated with housing (under section 29(f),

overcrowding likely to be injurious to health, and under section 42, insanitary conditions likely to cause injury to the health of persons, or a dwelling that is otherwise unfit for human habitation). The Council may decide to use powers under the Health Act instead of or in addition to the Building Act.

3. Disputes

3.1. If a building owner disputes a Council decision, or proposed action, relating to the exercise of the Council's powers under sections 124 or 129 of the Act, the owner may apply for a determination from the Chief Executive of the Ministry of Building, Innovation and Employment, as set out in the Act. Such a determination is binding on the Council.

4. Information Disclosure

4.1. The Local Government Official Information and Meetings Act 1987 (section 44A) requires the Council to include information concerning any consent, certificate, notice, order, or requisition affecting the land or any building on the land previously issued by the territorial authority on the Land Information Memorandum (LIM) for a property.

4.2. In particular, the Council will include information relating to notices that have been issued by Council regarding dangerous and insanitary conditions, or affected building status that are not resolved.

4.3. The Council is required (under section 216 of the Act) to hold a summary of any written complaint concerning alleged breaches of the Act, and the Council's response. This information will be provided upon request, subject to the requirements of section 217 of the Act.

Clutha District Council

Item for DECISION

Report	Final Road Stopping – Stirling Bowling Club Road
Meeting Date	12 May 2022
Item Number	5
Prepared By	Christian Bopp – Senior Infrastructure Engineer
File Reference	733653

REPORT SUMMARY

This report informs Council of the road stopping process initiated in 1968 associated with the Old Stirling Bridge Approach Road, which was never finalised and the results of the recently completed Local Government Act 1974 Schedule 10 Road Stopping process.

RECOMMENDATIONS

1. That Council receives the 'Final Road Stopping – Stirling Bowling Club Road' report.
2. That Council agrees to:
 - 2.1 The advertising of the successful road stopping of Section 1, SO 566901 as per Attachment 8.1.
 - 2.2 That the matters relating to item 2.1 above, be handed over to Council's Solicitors for completion of a Sale and Purchase Agreement.

REPORT

1 Background

As reported to Council on 24 June 2021, a proposed road stopping of the old Stirling Bridge approach road in 1968 was never finalised. With the closure and potential sale of the Stirling Bowling Club, the completion of this historic road stopping needed to be finalised, with the Local Government Act 1974 Schedule 10 procedures initiated and completed as below.

2 Strategic Goals and Outcomes

Roading infrastructure that sustainably supports the community and economy.

3 Discussion

This proposal is as the direct result of the 1968 historical road stopping process that was never finalised.

Road Stopping (Section 1, SO 566901)

It is proposed to complete the following actions as depicted in Attachment 8.1:

- Advertise the successful part road stopping of Section 1, SO 566901.
- Hand the matter over to Council's Solicitors for the completion of a Sale and Purchase Agreement.

4 Consultation

Consultation on this matter is as set out in the Local Government Act 1974 Schedule 10 procedures, which would afford all other affected/interested parties to raise their support or objection to the proposal.

The proposed Road Stopping was advertised as follows:

Otago Daily Times – 12 & 19 March 2022

Clutha Leader – 10 & 17 March 2022

Southland Daily Times – 12 & 19 March 2022

Council website – From 11 March 2022

Public notices at Council offices and Service Centres and on site – From 11 March 2022

Submissions closed on 19 April 2022, with no objections received relating to the Road Stopping of Section 1, SO 566901.

5 Policy Considerations

Council's draft 'Policy on Road Stopping and Temporary Road Closure', Policy Number 02-01-004, refers.

6 Legal Considerations

Legal considerations are outlined under:

- Local Government Act 1974 section 342 and section 345, with Council having the authority to stop a road and sell land no longer required for road, as also contained in *Council's Delegations Manual 2016/19*.
- Conservation Act 1987 Section 24 (1) and (2).
- Clutha District Council District Plan RULE FIN.8

7 Financial Impact

The road stopping and road legalisation process is at Council's cost and is an activity that would normally attract financial assistance from the Waka Kotahi NZ Transport Agency.

8 References/Attachments

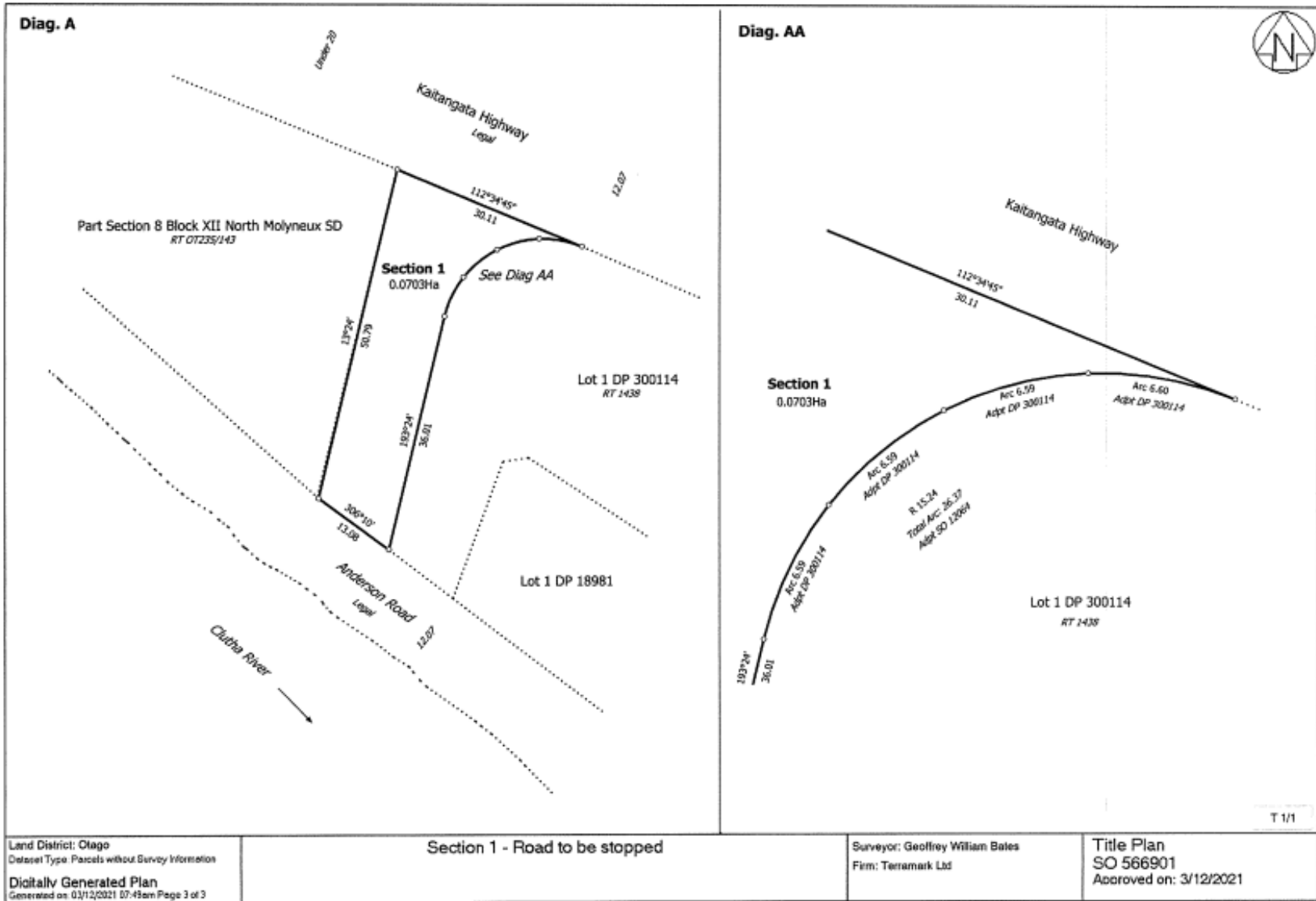
8.1 Survey Plan SO 566901

9 Recommendation

In view of the fact, that Council has received no objections to the proposed Road Stopping of Section 1, SO 566901 it is recommended that Council agrees to:

9.1 The advertising of the successful road stopping of Section 1, SO 566901 as per Attachment 8.1.

9.2 That the matters relating to item 9.1 above, be handed over to Council's Solicitors for completion of a Sale and Purchase Agreement.



Clutha District Council

Item for CONFIRMATION

Report	Confirmation of Council Minutes
Meeting Date	12 May 2022
Item Number	6
Prepared By	Julie Gardner – Service Delivery Administrator
File Reference	732292

REPORT SUMMARY

Attached for confirmation are the minutes of the meetings of the Clutha District Council held on 30 March 2022.

RECOMMENDATION

1. That the minutes of the meeting of the Clutha District Council held on 30 March 2022 be approved as a true and correct record.

Clutha District Council

Minutes of the meeting of Clutha District Council held in the Council Chambers, 1 Rosebank Terrace, Balclutha on Wednesday, 30 March 2022 commencing at 1.30pm.

Present His Worship the Mayor Bryan Cadogan, Councillors Stewart Cowie (via Zoom), Wayne Felts, Gaynor Finch, Mel Foster, Bruce Graham, John Herbert, Alison Ludemann, Lloyd McCall, Kenneth Payne, Carol Sutherland, Jo-anne Thomson (via Zoom), Bruce Vollweiler and Selwyn Wilkinson (via Zoom – left the meeting at 1.55pm)

In Attendance Steve Hill (Chief Executive), Jules Witt (Group Manager Service Delivery), Ian McCabe (Group Manager Planning & Regulatory), Sue Wilkins (Communications Coordinator) and Julie Gardner (Service Delivery Administrator)

Larissa Brown (Strategic Planning Manager)

Apologies Councillor Dane Catherwood

Moved Councillors Graham/Vollweiler and Resolved:

“That the apology be accepted.”

DECLARATIONS OF INTEREST

There were no declarations of interest.

PUBLIC FORUM

There was no public forum.

URGENT BUSINESS

Moved Councillors Finch/Ludemann and Resolved:

“That agenda item 17 – ‘Reasons to Move to Public Excluded Session’ is moved to agenda item 1.”

1 **WAS ITEM 17 IN AGENDA RUNNING ORDER: REASONS TO MOVE TO PUBLIC EXCLUDED SESSION**

Moved Councillors Payne/McCall and Resolved:

“That Council resolves to exclude the public on the grounds contained in Appendix 1 of the Clutha District Council’s Standing Orders under Sections A2 (a), A2 (b)(ii), A2 (i) and A2 (j).”

The meeting moved into public excluded session at 1.33pm.

The meeting moved out of public excluded session at 2.27pm.

2 **WAS ITEM 1 IN AGENDA RUNNING ORDER: LONG-TERM PLAN PROJECTS UPDATE REPORT**

The Capital Delivery Manager submitted a request to adjust project budgets for the current 2021/22 year based on scoping and pricing information received to date.

Gerry Essenberg was in attendance to answer elected members queries –

- Should we be deferring wastewater sludge removal? – there is no engineering impact by deferring the disposal of the sludge, there are some advantages in that we may be able to take it to Mt Cooee if the new consent has been issued.
- Issues with getting materials so some projects are being pushed into 2022/23 year, also staffing issues are contributing to the deferrals.
- 3 waters projects (11) are being delayed – is there potential exposure to additional risk? No risk as the delays are justified due to lack of materials.

Moved Councillors Vollweiler/Graham and Resolved:

“That Council receives the Long-Term Plan Projects Update report.

That Council notes an overall increase in the project budgets of \$753,000 to be included as part of the 2022/23 Annual Plan process for the Water, Wastewater and Stormwater Upgrades with projects to be funded from water, wastewater and stormwater carry overs from 2021/22, reserves and loan.

That Council approves the following budget changes for the current 2021/22 Financial Year:

Project No	Description	Existing Budget 2021/22	Proposed Budget 2021/22
450023	Frances Street Stormwater	\$70,000	\$0
400047	Wilson Road Stormwater	\$140,000	\$270,000
450019	Clinton North Street Stormwater	\$80,000	\$236,000
400057	Rimu Street Sewer	\$130,000	\$0
400067	Chatham Street Sewer	\$150,000	\$0
450018	Chatham/Nore Street Stormwater	\$120,000	\$40,000
450028	Sandown Street Stormwater	\$80,000	\$0
New	Aroha Estate Water Main Renewal Moa Flat	\$0	\$35,000
400019	Wastewater Sludge Removal	\$850,059	\$0
450045	Milton Main Street Stormwater	\$1,860,000	\$10,000
400026	Milton Main Street Wastewater	\$200,000	\$10,000
351008	Milton Main Street Water	\$373,000	\$10,000
500008	Mt Cooee Closure of Existing Cell	\$240,000	\$30,000
400042	Kaka Pt Wastewater Pump Station	\$60,000	\$75,000
400039	Stirling Wastewater Pump Station	\$60,000	\$75,000
400035	Heriot Wastewater Pump Station	\$66,000	\$75,000
400070	Lawrence Wastewater Pump Station	\$63,000	\$78,000
400038	Milton Wastewater Pump Station	\$45,000	\$75,000
400041	Waihola Wastewater Pump Station	\$50,000	\$75,000
400027	Balclutha Sewerage Treatment Plant Upgrade	\$889,000	\$850,000
400028	Clinton Sewerage Treatment Plant Upgrade	\$517,500	\$470,000
400029	Waihola Sewerage Treatment Plant Upgrade	\$362,500	\$336,000
400065	Tapanui Sewer Extension	\$60,000	\$0

350008	Milton Backwash	\$30,000	\$10,000
350009	Tapanui Backwash	\$180,000	\$38,000

3 WAS ITEM 2 IN AGENDA RUNNING ORDER: DEVELOPMENT ENGINEERING BUDGET APPROVAL REQUEST

The Group Manager Service Delivery submitted a report requesting Council to consider approving budgets to enable support of development engineering activities to enable extensions and capacity upgrades to facilitate development around the district.

Councillors discussed the proposal with the Group Manager Service Delivery further explaining that a ring main is being created to service proposed subdivisions around Milton as a way of futureproofing, but Tokoiti would not be connected at this stage.

Moved Councillors Vollweiler/Payne and Resolved:

“That Council receives the Development Engineering Budget Approval Request report.”

Moved Councillors Vollweiler/Payne:

“That Council approves a project budget of \$820,000+GST over the 2021/22 and 2022/23 Years to enable a water network extension between Milton and Tokoiti and that this is interest only loan funded and repaid by Option A - Existing Financial Contributions.”

Vote – For 4, against 9 – the motion was lost.

Moved Councillors Ludemann/Felts and Resolved:

“That Council approves a project budget of \$820,000+GST over the 2021/22 and 2022/23 Years to enable a water network extension between Milton and Tokoiti and that this is interest only loan funded and repaid by Option B - An additional Financial Contribution of \$1,630 incl. GST over and above the Milton Water Financial Contribution for properties serviced by the new reticulation.”

Vote - For 9, against 4 – the motion was carried.

Moved Councillors Vollweiler/Finch and Resolved:

That Council approves a project budget of \$150,000+GST over the 2021/22 and 2022/23 Years to enable a network extension to support development and that this is interest only loan funded and repaid through financial contributions.”

4 WAS ITEM 3 IN AGENDA RUNNING ORDER: 2022 TRIENNIAL ELECTIONS

The Group Manager Corporate Services submitted a report relating to the 2022 triennial local government elections which will occur on Saturday 8 October 2022.

Sharon Jenkinson (Finance Manager) was in attendance via zoom for this item.

Moved Councillors Finch/Ludemann and Resolved:

"That Council receives the 'Triennial Elections' report.

That Council resolves for the 2022 triennial election, to adopt the alphabetical order of candidate names as permitted under regulation 31 of the Local Electoral Regulations 2001."

5 WAS ITEM 4 IN AGENDA RUNNING ORDER: GENERAL RESERVE TRANSFER FOR 2020/21

The Finance Manager submitted a report requesting Council approve transfers from the General Reserve Account, the Emergency Fund and the Policy Reserve as identified after the completion of the 2020/21 Annual Report.

Sharon Jenkinson was in attendance via zoom for this item.

Councillors expressed concern that we are rating for specific areas eg. swimming pools but then the budget doesn't end up getting spent in these areas. The Group Manager Service Delivery explained that while extra hours had been budgeted for Council was unable to attract staff to fill full-time hours, so the pools were unable to be open longer at weekends.

Council can decide to hold funding over if there is a surplus in an area.

The Chief Executive reminded Councillors that the Annual Plan 2022/23 is the vehicle through which funding can be addressed as a staff submission.

Moved Councillors Vollweiler/Herbert and Resolved:

"That Council receives the General Reserve Transfer for 2020/21 report.

That Council approves the Deficit of \$92,247 for Public Conveniences be transferred from the Emergency fund.

That Council approves the remaining UAGC deficit of \$12,818 be transferred from the General Reserve account.

That Council approves the funding of the deficit generated from Service Delivery overhead activities of \$502,650 be addressed via the Annual Plan 2022/23.

That Council approves the Deficit of \$133,140 for Policy overheads be transferred from the Policy Reserve.

That Council approves the remaining overhead deficit of \$166,803 be transferred from the General Reserve account."

6 WAS ITEM 5 IN AGENDA RUNNING ORDER: CONFIRMATION OF COUNCIL MINUTES

The minutes of the meetings of the Clutha District Council held on 17 February 2022 and 17 March 2022 were submitted for confirmation.

Moved Councillors Graham/Finch and Resolved:

“That the minutes of the meeting of the Clutha District Council held on 17 February 2022 be approved as a true and correct record.”

“That the minutes of the meeting of the Clutha District Council held on 17 March 2022 be approved as a true and correct record.”

7 WAS ITEM 6 IN AGENDA RUNNING ORDER: REGULATORY AND POLICY COMMITTEE MINUTES

The minutes of the meeting of the Regulatory and Policy Committee held on 17 March 2022 were submitted for confirmation.

Moved Councillors Vollweiler/Felts and Resolved:

“That the minutes of the meeting of the Regulatory and Policy Committee held on 17 March 2022 be approved as a true and correct record.”

8 WAS ITEM 7 IN AGENDA RUNNING ORDER: CORPORATE & PROPERTY COMMITTEE MINUTES

The minutes of the meeting of the Corporate & Property Committee held on 17 March 2022 were submitted for confirmation.

Moved Councillors Payne/Ludemann and Resolved:

“That the minutes of the meeting of the Corporate & Property Committee held on 17 March 2022 be approved as a true and correct record.”

9 WAS ITEM 8 IN AGENDA RUNNING ORDER: SERVICE DELIVERY COMMITTEE MINUTES

The minutes of the meeting of the Service Delivery Committee held on 17 March 2022 were submitted for confirmation.

Moved Councillors Graham/McCall and Resolved:

“That the minutes of the meeting of the Service Delivery Committee held on 17 March 2022 be approved as a true and correct record.”

10 WAS ITEM 9 IN AGENDA RUNNING ORDER: WEST OTAGO COMMUNITY BOARD MINUTES

The unconfirmed minutes of the meeting of the West Otago Community Board held on 2 March 2022 were submitted.

Moved Councillors Herbert/McCall and Resolved:

"That the unconfirmed minutes of the West Otago Community Board meeting held on 2 March 2022 be noted."

11 WAS ITEM 10 IN AGENDA RUNNING ORDER: LAWRENCE/TUAPEKA COMMUNITY BOARD MINUTES

The unconfirmed minutes of the Lawrence/Tuapeka Community Board meeting held on 2 March 2022 were submitted.

Moved Councillors Foster/Herbert and Resolved:

"That the unconfirmed minutes of the Lawrence/Tuapeka Community Board meeting held on 2 March 2022 be noted."

12 WAS ITEM 11 IN AGENDA RUNNING ORDER: RISK & ASSURANCE COMMITTEE MINUTES

The unconfirmed minutes of the Risk & Assurance Committee meeting held on 17 March 2022 were submitted.

Moved Mayor Cadogan/Councillor Payne and Resolved:

"That the unconfirmed minutes of the Risk & Assurance Committee meeting held on 17 March 2022 be noted."

13 WAS ITEM 12 IN AGENDA RUNNING ORDER: YOUTH COUNCIL MINUTES

The unconfirmed minutes of the Youth Council meeting held on 21 February 2022 were submitted.

Moved Councillors Payne/Cowie and Resolved:

"That the unconfirmed minutes of the Youth Council meeting held on 21 February 2022 be noted."

The meeting was adjourned at 3.15pm.

The meeting reconvened at 3.32pm.

14 WAS ITEM 13 IN AGENDA RUNNING ORDER: 2021-22 SECOND QUARTER PROJECTS UPDATE

The Group Manager Service Delivery submitted a report which provides project status information for the 2021-22 Capital Projects for Council for the second quarter of 2021/22. Report is to the end of January 2022.

The change between Q1 and Q2 graphs was highlighted, in particular the construction stage and investigation/scoping. Q3 projects are currently being worked on for the next report which should be available for the next Service Delivery meeting.

It is anticipated that financial updates should be available for the next meeting and there was also a request to coordinate these with the LTP so that Councillors can see where we are at with each project.

Moved Councillors Finch/Felts and Resolved:

"That Council receives the '2021-22 Second Quarter Projects Update' report."

15 WAS ITEM 14 IN AGENDA RUNNING ORDER: MAYORAL REPORT

The Mayor and Councillors provided an update on meetings and events they had attended since the previous meeting of Council.

Moved Mayor Cadogan/Councillor Payne and Resolved:

"That the Mayoral Report and Councillors' Attendances be received."

16 WAS ITEM 15 IN AGENDA RUNNING ORDER: CHIEF EXECUTIVE'S REPORT

Reports on events attended, the award of tenders and other matters in hand at present.

Moved Councillors Graham/Felts and Resolved:

"That the Chief Executive's report be received."

17 WAS ITEM 16 IN AGENDA RUNNING ORDER: DOCUMENTS FOR CONSENT AND SEAL

A report was submitted advising use of the Clutha District Council Common Seal since the previous Council Meeting.

Moved Councillors Finch/Payne and Resolved:

"That Council approves the fixing of its seal, under the hands of the Chief Executive to the documents as listed."

1	DEED LEASE
1.1	Part Block 46 Lawrence Town between Clutha District Council and Graham Richard Kenny.
2	CONTRACT AGREEMENT
2.1	Contract 834 – Rural Water Schemes – Pipe renewal 2021-2022 between Southern Trenching and Excavating Ltd and Clutha District Council.

Before closing the meeting Mayor Cadogan reminded Councillors about ANZAC Day as there are still some services going ahead. He requested they contact their local Youth Councillors to attend with them.

The meeting closed at 4.26pm.

Read and Confirmed

B A Cadogan
MAYOR

UNCONFIRMED

Clutha District Council

Item for CONFIRMATION

Report	Confirmation of Committee of The Whole Minutes
Meeting Date	12 May 2022
Item Number	7
Prepared By	Julie Gardner – Service Delivery Administrator
File Reference	733093

REPORT SUMMARY

Attached for confirmation are the minutes of the meeting of the Committee of The Whole held on 28 April 2022.

RECOMMENDATION

1. That the minutes of the meeting of the Committee of The Whole held on 28 April 2022 be approved as a true and correct record.

Committee of the Whole

Minutes of the Meeting of the Committee of the Whole held in the Council Chambers, 1 Rosebank Terrace, Balclutha on Thursday 28 April 2022, commencing at 4.25pm.

Present His Worship the Mayor Bryan Cadogan, Councillors Dane Catherwood (via zoom), Stewart Cowie, Wayne Felts, Gaynor Finch, Mel Foster, Bruce Graham, John Herbert, Alison Ludemann (via zoom), Lloyd McCall, Kenneth Payne, Carol Sutherland, Bruce Vollweiler and Selwyn Wilkinson

In Attendance Steve Hill (Chief Executive), Jules Witt (Group Manager Service Delivery), and Lilly Paterson (Corporate Service Administrator)

Apologies Councillor Jo-anne Thomson

Moved Councillors Graham/Sutherland and Resolved:

"That the apology be accepted."

Moved Councillors Graham/Sutherland and Resolved:

"That the Committee of the Whole resolves to exclude the public on the grounds contained in Appendix 1 of the Clutha District Council's Standing Orders under Section A2 (a)."

The meeting moved into public excluded session at 4.25pm.

The meeting moved out of public excluded session and closed at 5.17pm.

Read and Confirmed

B A Cadogan
MAYOR

Clutha District Council

Item for CONFIRMATION

Report	Service Delivery Committee Minutes
Meeting Date	12 May 2022
Item Number	8
Prepared By	Julie Gardner – Service Delivery Administrator
File Reference	732293

REPORT SUMMARY

Attached are the minutes of the meeting of the Service Delivery Committee held on 28 April 2022.

RECOMMENDATIONS

1. That the minutes of the meeting of the Service Delivery Committee held on 28 April 2022 be approved as a true and correct record.

Service Delivery Committee

Minutes of the meeting of the Service Delivery Committee held in the Council Chambers, 1 Rosebank Terrace, Balclutha on Thursday, 28 April 2022, commencing at 1.30pm.

Present Councillor Bruce Graham (Chairman), His Worship the Mayor Bryan Cadogan, Councillors Dane Catherwood (via zoom), Stewart Cowie, Wayne Felts, Gaynor Finch, Mel Foster, John Herbert, Lloyd McCall, Kenneth Payne, Carol Sutherland, Bruce Vollweiler and Selwyn Wilkinson.

In Attendance Steve Hill (Chief Executive), Jules Witt (Group Manager Service Delivery), Gerry Essenberg (Capital Delivery Manager), Henri van Zyl (Transport & Facilities Operations Manager), Thyagu Gopalan (Water & Waste Operations Manager), Sue Wilkins (Communications Coordinator) and Julie Gardner (Service Delivery Administrator).

Apologies Councillor Alison Ludemann

Moved Mayor Cadogan/Councillor Cowie and Resolved:

"That the apology be sustained."

As there were issues with the zoom meeting link it was requested that the meeting be adjourned until this could be sorted.

Moved Mayor Cadogan/Councillor Cowie and Resolved:

"That the meeting be adjourned."

The meeting was adjourned at 1.31pm and reconvened at 1.37pm.

LATE ITEMS

There were no late items.

PUBLIC FORUM

There was no public forum.

DECLARATIONS OF INTEREST

There were no declarations of interest.

1. ORGANISATIONAL PERFORMANCE - SERVICE DELIVERY

The Group Manager Service Delivery presented the Organisational Performance report for information. The report includes customer service reporting statistics and information on customer and contractor response times.

Moved Councillors Felts/Sutherland and Resolved:

"That the Service Delivery Committee receives the 'Organisational Performance - Service Delivery' report, dated 28 April 2022."

2. GROUP MANAGER'S UPDATE

The Group Manager Service Delivery submitted a report which set out his activities since the last meeting of the Committee.

Items discussed were –

- Staffing update – Dredd Garcia started in Capital Delivery team this week, currently 4 vacancies still to be filled.
- RWS Meetings – recommended unit rates generally accepted although some were lower than the recommendations. Contractor performance was also a major topic.

Moved Councillor Payne/Mayor Cadogan and Resolved:

"That the Service Delivery Committee receives the 'Group Manager's Update' report 28 April 2022."

3. OPERATIONS UPDATE – TRANSPORTATION & FACILITIES

The Transport & Facilities Operations Manager submitted a report advising on operational matters within the Department.

There was discussion on the following –

- Community Facilities – over halfway towards Healthy Homes compliance.
- Kaka Point berms – community very happy with the end result.
- Crookburn Road – a report will be coming back to Council once all options have been investigated.
- Aggregate on roads – getting as much on as we can weather-dependent.

Moved Councillors Herbert/McCall and Resolved:

"That the Service Delivery Committee receives the 'Operations Update – Transportation & Facilities' report dated 28 April 2022."

4. OPERATIONS UPDATE – WATER & WASTE

The Water & Waste Operations Manager submitted a report advising on operational matters within the Department.

Updates on the following -

- BWN for Glenkenich/Tuapeka West - in process of getting lifted.
- All water restrictions/conserved water notices have been lifted.
- Waitahuna plant – no issues with leaf blockages this year.

There was discussion on the following –

- After hours service and messaging.
- BWN – request that Facebook messaging be instantaneous if possible, however there is no guarantee this will turn up in people's FB feeds. Subscribing to CDC email or text service is the best way to receive notifications.
- Puerua upgrade options.
- Out of District water users not paying can be disconnected as a last resort – only need to supply a limited amount of water to those users until their accounts are paid.

Moved Councillors Payne/Herbert and Resolved:

"That the Service Delivery Committee receives the 'Operations Update – Water & Waste' report dated 28 April 2022."

5. INFRASTRUCTURE STRATEGY UPDATE

The Infrastructure Strategy Manager submitted a report advising on matters within the Department.

There was discussion on the following –

- Milton to Waihola Pipeline.
- Community Housing Project progress – possible discussion with OCF.

Moved Councillors Wilkinson/Finch and Resolved:

"That the Service Delivery Committee receives the 'Infrastructure Strategy Update' report dated 28 April 2022."

6. CAPITAL DELIVERY UPDATE

The Capital Delivery Manager submitted a report advising on matters within the Department.

There was discussion on the following -

- Fluoride implementation – this will be rolled out as materials are available.
- Moa Flat/Glenkenich Plants – Moa Flat has been commissioned but handover in approx. 2 months, Glenkenich plant is ongoing, some materials onsite now.

The Chief Executive joined the meeting at 2.15pm.

Moved Councillors Herbert/Vollweiler and Resolved:

“That the Service Delivery Committee receives the ‘Capital Delivery Update’ report dated 28 April 2022.”

7. COMPLIANCE UPDATE REPORT

The Group Manager Service Delivery submitted a report advising on all compliance-related issues across the Department.

There was discussion about the compliance issues at each site and the difference between significant, moderate and low-risk non-compliance.

Fish screen non-compliance was discussed with council staff explaining that while finer screens are required to meet the compliance requirements, they are not that easy to replace on the existing plants.

Moved Councillors Finch/Felts and Resolved:

“That the Service Delivery Committee receives the ‘Compliance Update’ report dated 28 April 2022.”

8. COMMUNITY PROJECTS UPDATE REPORT

The Project Manager – Community Plan Implementation submitted a report updating the Committee on progress with projects identified through the Our Place Community Plan process.

Sharon Cousins was in attendance to speak to the item.

There was discussion on the following –

- Item 2.6 - Milton P&R – waiting on 2nd quote before report to Committee.
- Item 6.2 – River Access - erosion work complete, beautification society now planting this area.
- Catlins-Clutha Information Layby – will require ongoing maintenance with a report being prepared by Catlins Coast Inc. for the Annual Plan.

Sharon then advised the Committee that she would be leaving the district in the next couple of months but has been working on handover reports for her replacement.

Moved Councillors Foster/Sutherland and Resolved:

“That the Service Delivery Committee receives the ‘Community Projects Update’ report dated 28 April 2022.”

The meeting closed at 2.33pm.

Confirmed

Bruce Graham
CHAIRPERSON

UNCONFIRMED

Clutha District Council

Item for CONFIRMATION

Report	Regulatory and Policy Committee Minutes
Meeting Date	12 May 2022
Item Number	9
Prepared By	Julie Gardner – Service Delivery Administrator
File Reference	733152

REPORT SUMMARY

Attached are the minutes of the meeting of the Regulatory and Policy Committee held on 28 April 2022.

RECOMMENDATIONS

1. That the minutes of the meeting of the Regulatory and Policy Committee held on 28 April 2022 be approved as a true and correct record.

Regulatory and Policy Committee

Minutes of the meeting of Regulatory and Policy Committee held in the Council Chambers, 1 Rosebank Terrace, Balclutha, on Thursday 28 April 2022, commencing 2.41pm.

Present Councillor Bruce Vollweiler (Chairman), Mayor Bryan Cadogan, Councillors Dane Catherwood (via Zoom), Stewart Cowie, Wayne Felts, Gaynor Finch, Mel Foster, Bruce Graham, John Herbert, Lloyd McCall, Ken Payne, Carol Sutherland and Selwyn Wilkinson

In Attendance Steve Hill (Chief Executive), Ian McCabe (Group Manger Planning and Regulatory), Julie Gardner (Service Delivery Administrator), Mike Goldsmith (Senior Policy Advisor GHC) and Sue Wilkins (Communications Coordinator)

Sharon Jenkinson (Finance Manager) and Jordan Stoop (Finance Support Officer)

Apologies: Councillor Alison Ludemann

Moved Councillor Felts/Mayor Cadogan and Resolved:

"That the apology be sustained."

DECLARATIONS OF INTEREST

There were no declarations of interest.

URGENT BUSINESS

There was no urgent business.

The Chairman advised that there was a hearing scheduled at 'Item 6 – Policy on the Remission and Postponement of Rates on Māori Freehold Land' - however this was dependent on the submitter turning up and staff had been unable to contact her on the number provided.

1. GROUP MANAGER'S REPORT

The Group Manager Regulatory and Planning submitted a report updating the Committee on the following matters:

1. Manager's Activity
2. Building Control
3. Animal Control
4. Enforcement and Monitoring
5. District Licensing Committee
6. Planning/Resource Consents
7. Freedom Camping
8. Staffing.

Moved Councillors Graham/McCall and Resolved:

'That the Regulatory and Policy Committee receives the report titled 'Manager's Report', dated 28 April 2022.'

2. STRATEGIC PLANNING MANAGER'S REPORT

The Strategic Planning Manager and Senior Policy Advisor (GHC) jointly submitted a report providing updating the Committee on the following matters:

1. Activity
2. Our Place Community Plans
3. Climate Change Leadership & Response Project
4. Annual Plan
5. Bylaw Update
6. Policy Update
7. Otago Well-Being Framework

Mel Needham (GHC) joined the meeting via Zoom for this item.

Moved Councillors Foster/Felts and Resolved:

'That the Regulatory and Policy Committee receives the 'Strategic Planning Manager's report' dated 28 April 2022.'

3. OUR PLACE WEST OTAGO FEEDBACK REPORT

Mike Goldsmith – Senior Policy Advisor presented a report outlining feedback from the Our Place West Otago community consultation process and seeking direction for bringing back further information about priority projects.

Moved Councillors Finch/Wilkinson and Resolved:

'That the Regulatory and Policy Committee receives the 'Our Place West Otago Feedback Report' dated 28 April 2022.

That the Regulatory and Policy Committee approves the following project groupings, for full project information to be developed:

Focus Area:	Potential projects:
1. Opportunities for development	<ul style="list-style-type: none"> ○ Investigate methods for Council to help enable additional residential development in West Otago.
2. Greenwaste	<ul style="list-style-type: none"> ○ Investigate options to manage and process greenwaste.
3. Work opportunities	<ul style="list-style-type: none"> ○ Identify and support opportunities for young people to train and work in West Otago.
4. Landscape and environment	<ul style="list-style-type: none"> ○ Improve existing or create new amenities at the Whiskey Gully and Black Gully reserves. ○ Improved maintenance and pest eradication work at these two reserves (or other reserves as identified).
5. Walking and cycling	<ul style="list-style-type: none"> ○ Support the community to identify, assess, and create walking and cycling trails in West Otago.
6. Community facilities	<ul style="list-style-type: none"> ○ Investigate options and locations for new recreational facilities (e.g., skate park, pump track, MTB track). ○ Upgrade existing playgrounds. ○ Support for key facilities (halls & community centres).
7. Main street improvements	Support the community to: <ul style="list-style-type: none"> ○ Improve/develop the Triangle Reserve. ○ Improve entrances to Heriot and Tapanui. ○ Maintain, repair, or rejuvenate commercial buildings on Tapanui's main street.

4. ORGANISATIONAL PERFORMANCE REPORT

The Group Manager Regulatory and Planning provided a report on statistics for the Customer Service Reporting for Regulatory activities.

Moved Councillors McCall/Graham and Resolved:

'That the Regulatory and Policy Committee receives the Organisational Performance Report dated 28 April 2022.'

5. BUILDING STATISTICS

Regulatory Services Administrator providing building statistics and comparisons for March 2022.

Moved Councillors Payne/Finch and Resolved:

'That the Regulatory and Policy Committee receives the report titled 'Building Statistics', dated 28 April 2022.

The meeting closed at 3.14pm

Confirmed

Bruce Vollweiler
CHAIRMAN

Clutha District Council

Item for INFORMATION

Report	Corporate & Property Minutes
Meeting Date	12 May 2022
Item Number	10
Prepared By	Lilly Paterson – Corporate Services Administrator
File Reference	732874

REPORT SUMMARY

Attached are the unconfirmed minutes of the meeting of the Corporate & Property Committee held on 28 April 2022.

RECOMMENDATIONS

1. That the unconfirmed minutes of the Corporate & Property Committee held on 28 April 2022 be noted.

Corporate & Property Committee

Minutes of the meeting of the Corporate & Property Committee held in the Council Chambers, 1 Rosebank Terrace, Balclutha, on Thursday 28 April 2022, commencing at 3.30 pm.

Present Councillor Kenneth Payne (Chairperson), His Worship the Mayor Bryan Cadogan, Councillors Dane Catherwood (via zoom), Stewart Cowie, Wayne Felts, Gaynor Finch, Mel Foster, Bruce Graham, John Herbert, Alison Ludemann (via zoom), Lloyd McCall, Carol Sutherland, Selwyn Wilkinson, and Bruce Vollweiler.

In Attendance Steve Hill (Chief Executive), Sharon Jenkinson (Finance Manager), Linda Moore & Sara Hayward (Clutha Development), Greg Bowie (Management Accountant), Debbie Duncan (Library Service Centre Manager), Trey Willis-Croft (Management Accountant Trainee) and Lilly Paterson (Corporate Services Administrator).

Apologies Councillor Jo-Anne Thomson

*Moved Councillors Graham/Wilkinson and Resolved:
"That the apologies be sustained."*

DECLARATIONS OF INTEREST

Councillor Foster – for item 12 wrote the original submission.

URGENT BUSINESS

LATE ITEM

PUBLIC FORUM

There was no public forum.

1. TAPANUI SCHOOL COUNCIL REIMBURSEMENT REPORT

The report on noncompliance with the Fees Reimbursement policy by Tapanui School was presented.

Moved Councillors Cowie/Herbert and Resolved:

“That the Corporate & Property Committee receives the Tapanui School Council Reimbursement report.

That the Corporate & Property Committee approves a reimbursement of \$360.00 for the West Otago Community Centre hire fees and notes that this is not strictly in accordance with policy.”

2. MILTON POULTRY CLUB COUNCIL REIMBURSEMENT REPORT

The report on noncompliance with the Fees Reimbursement policy by Milton Poultry Club was presented.

Moved Councillors Finch/Foster and Resolved:

That the Corporate & Property Committee receives the Milton Poultry Club Council Reimbursement report.

That the Corporate & Property Committee approves a reimbursement of \$1,000.00 for the Milton Coronation Hall hire fees and notes that this is not strictly in accordance with policy.”

3. CLUTHA VALLEY SCHOOL COUNCIL REIMBURSEMENT REPORT

The report on noncompliance with the Fees Reimbursement policy by Clutha Valley School was presented.

Moved Councillors Herbert/Sutherland and Resolved:

That the Corporate & Property Committee receives the Clutha Valley School Council Reimbursement report.

That the Corporate & Property Committee approves a reimbursement of \$150.00 for the Clutha Valley Community Centre hire fees and notes that this is not strictly in accordance with policy.”

4. CLUTHA DEVELOPMENT QUARTERLY REPORT

The report on Clutha Development for the period 1 January 2022 to 31 March 2022 was presented.

Moved Councillors McCall/Sutherland and Resolved:

“That the Corporate & Property Committee receives the Clutha Development Quarterly report.”

5. COMMUNITY LIBRARIES REPORT

The Community Libraries Report for March activities was presented.

Moved Councillor Felts/His Worship the Mayor Cadogan and Resolved:

“That the Corporate & Property Committee receives the Corporate Library’s report.”

6. MANAGEMENT ACCOUNTS REPORT

The Management Accounts Report for the period 1 July 2021 to 31 March 2022 was presented.

Moved His Worship the Mayor Cadogan/Councillor Herbert and Resolved;

“That the Corporate & Property Committee receives the Management Accounts Report.”

7. INVESTMENT PORTFOLIO UPDATE REPORT

The investment Portfolio Update Report for the months of April 2021 to March 2022 was presented.

Moved Councillors Cowie/Vollweiler and Resolved:

“That the Corporate & Property Committee receives the Investment Portfolio Update report.”

8. CORPORATE SERVICES REPORT

The Corporate Services Report was presented.

Moved Councillors Herbert/Finch and Resolved:

“That the Corporate & Property Committee receives the Corporate Services Report.”

9. CORPORATE PROPERTIES UPDATE REPORT

The Corporate Properties Update Report to 8 April 2022 was presented.

Moved Councillors Vollweiler/Finch and Resolved:

“That the Corporate & Property Committee receives the Corporate Properties Update Report.”

10. DEVELOPMENT PROPERTIES UPDATE REPORT

The Development Properties Report as at 8 April 2022 was presented.

Moved Councillors Felts/Herbert and Resolved:

“That the Corporate & Property Committee receives the Development Properties Update report.”

11. CORPORATE & PROPERTY COMMITTEE WORK PROGRAMME REPORT

The Corporate & Property Work Programme Report was presented.

Moved Councillors Vollweiler/Foster and Resolved:

“That the Corporate & Property Committee receives the Corporate & Property Committee Work Programme report.”

12. APPLICATION FOR 100% RATES REMISSION

An application from the Lawrence Heritage and Cultural Charitable Trust for rates remission in excess of 50% in accordance with the Policy for Remission of Rates for Land Subject to Special Preservation Conditions was presented.

- Noted the group will need to reapply for this annually.

Moved Councillors Vollweiler/Finch and Resolved:

"That the Corporate & Property Committee received the Application for 100% Rates Remission report"

"That the Corporate & Property Committee grants 100% rates remission to the Lawrence Heritage and Cultural Charitable Trust."

13. CREATIVE COMMUNITIES' MINUTES

The unconfirmed minutes of the meeting of the Creative Communities Assessment Committee held on 23 March 2022 was presented.

Moved Councillors Finch/Herbert and Resolved:

"That the unconfirmed minutes of the meeting of the Creative Communities Assessment committee held on 23 March 2022 be noted."

The meeting closed at 4.23 pm.

Confirmed

Kenneth Payne
CHAIRPERSON

Clutha District Council

Item for INFORMATION

Report	West Otago Community Board Minutes
Meeting Date	12 May 2022
Item Number	11
Prepared By	Julie Gardner – Service Delivery Administrator
File Reference	732294

REPORT SUMMARY

Attached are the unconfirmed minutes of the meeting of the West Otago Community Board held on 13 April 2022.

RECOMMENDATIONS

1. That the unconfirmed minutes of the meeting of the West Otago Community Board held on 13 April 2022 be noted.

West Otago Community Board

Minutes of the meeting of West Otago Community Board held in the West Otago Community Centre, Suffolk Street, Tapanui on Wednesday 13 April 2022, commencing at 10.30am.

Present	Barbara Hanna (Chairperson), Cecil Crawford, Councillor John Herbert, Councillor Lloyd McCall, Antony Robertson, Linda Roulston and Sue Wink.
In Attendance	Deputy Mayor Stewart Cowie, Jules Witt (Group Manager Service Delivery) and Julie Gardner (Service Delivery Administrator).
Apologies	His Worship the Mayor Bryan Cadogan, Bruce Robertson Moved L Roulston/Councillor Herbert and Resolved: "That the apologies be sustained."

The Chairperson welcomed everyone to the meeting.

PUBLIC FORUM

John Stiven – Property Subdivision Proposal – Boundary Street

Presented a proposal to subdivide land at Boundary Street, 14 acres split into 42 sections, mix of small/medium/large to cater for the potential market.

He advised that he had spoken with council representatives who had given a cost estimate per section, and he would now like council and the community board to consider his proposal.

A change to the District Plan may be required to rezone the land from rural to residential.

1 WEST OTAGO COMMUNITY BOARD MINUTES

The minutes of the meeting of the West Otago Community Board held on 2 March 2022 were presented for the Board's confirmation.

Moved Councillor Herbert/S Wink and Resolved:

"That the West Otago Community Board confirms the minutes of the meeting held on 2 March 2022 as a true and correct record."

2 WORK IN PROGRESS UPDATE

The Service Delivery Administrator submitted a report that updated the Community Board on progress in relation to issues that had been raised at previous meetings.

2.1 Projects

2.1.1 Christmas Tree

This item is to stay on the work in progress. – discuss in Our Place West Otago conversations. (Continue to be a WIP)

2.2 Items to stay on WIP

2.2.1 Hancox Park

Included in Our Place West Otago discussions. Lease renewal 31 August 2022.

2.2.2 Land around Sewerage Pond

Lease will be advertised in May.

2.3 Aitchison Runs Road Grade Adjustment

Councillor Herbert and Jules Witt looked at this recently and advised that to do much more would require a significant amount of work. No other feedback has been received.

To be reviewed at the May meeting.

2.4 Our Place West Otago

Mike Goldsmith was in attendance and provided an update on the feedback received through the consultation process. He advised that over 1200 notes had been analysed and categorised plus approx. 100 feedback forms.

The largest sector related to community facilities – existing plus new, followed by Housing, landscape and environment and walking and cycling tracks.

A draft report has been compiled with all the ideas and comments and this will be presented at the Regulatory & Policy meeting on April 28.

A staff submission to the Annual Plan 2022/23 requesting funding will be written and the WOCB agreed to also write in support of this submission.

2.5 Stop Signs – Boundary Street/Surrey Street

Seal extension to be considered in this area once Patterson's Creek upgrade is completed.

2.6 Dog Issues

Dog Park to be considered in Our Place West Otago consultation document.

2.7 Station Road Trees

Decision on Trees – WOCB have reviewed these and believe they should be removed. Report to next meeting for consideration. Consultation prior to May meeting.

Tree outside Seasons to be included in public consultation along with any others that need to be considered.

2.8 St John Tapanui

The Chairperson advised she had spoken to the Chairman of St John, and they would appreciate a voucher towards landscaping the building surrounds.

Moved L Roulston/S Wink and Resolved:

“That the WOCB donate \$1,000 excl. GST towards landscaping to be paid from the Projects Fund.”

Moved Councillor Herbert/L Roulston and Resolved:

“That the West Otago Community Board receives the Work in Progress Update report.”

3 SERVICE DELIVERY UPDATE

The Group Manager Service Delivery submitted a report of activities in respect to the Service Delivery Department.

The following items were discussed –

- Ongoing leak at Northumberland/Derby Streets - will be fixed tomorrow (14/4).
- Met with resident re low water pressure – this will also be confirmed after a site visit on 14/4.
- Conserve Water/Water Restrictions will be removed if Pomahaka holds at 3.6 cumecs or better.
- Concerns that water issues seem to get fixed leading up to Community Board meetings, no visible presence of the contractor recently.
- Spraying on main street – more care to be taken.
- I&I Inspections – reminder letters – CDC not being notified by homeowners when these have been completed.

Moved S Wink/Councillor McCall and Resolved:

“That the West Otago Community Board receives the Service Delivery Update Report.”

4 REVENUE & EXPENDITURE REPORT

The Management Accountant submitted a copy of the Revenue and Expenditure Statement for the activities within the West Otago Community Board's area for the period 1 July 2021 to 28 February 2022.

Moved Councillor Herbert/A Robertson and Resolved:

"That the West Otago Community Board receives the Revenue and Expenditure report."

5 CORRESPONDENCE

The Service Delivery Administrator presented correspondence received and sent since the last Community Board meeting.

Outwards Correspondence

- Blue Mountain Art Group – Funding Request – confirmation
- West Otago RSA – RSA Headstones Quotation – funding confirmation

Moved L Roulston/Councillor Herbert and Resolved:

"That the West Otago Community Board receives the Correspondence report."

6 CORPORATE SERVICES REPORT

The Corporate Services Administrator submitted a report that covered activities of the Corporate Services Department in the past period including funding schemes.

Moved Councillor Herbert/Councillor McCall and Resolved:

"That the West Otago Community Board receives the Corporate Services Report."

7 BUILDING REPORT

The Regulatory Administrator submitted a report on building consents for February 2022.

Moved A Robertson/C Crawford and Resolved:

"That the West Otago Community Board receives the Building Consent Statistics for February 2022 report."

8 MAYORAL UPDATE

In the absence of His Worship the Mayor Bryan Cadogan, Jules Witt gave a verbal update on progress with 3 Waters Reform.

He also reminded community board members that they can make a submission regarding the community plan items.

Moved Councillor Herbert/S Wink and Resolved:

“That WOCB submit to the Annual Plan 2022/23 in support of the Our Place West Otago funding request.”

Deputy Mayor Stewart Cowie discussed the Soapbox sessions currently underway noting that Mayor Cadogan will hopefully be back home by Thursday night to participate in these.

The meeting closed at 12.00pm.

Confirmed

Barbara Hanna
CHAIRPERSON

Clutha District Council

Item for INFORMATION

Report	Lawrence/Tuapeka Community Board Minutes
Meeting Date	12 May 2022
Item Number	12
Prepared By	Julie Gardner – Service Delivery Administrator
File Reference	732295

REPORT SUMMARY

Attached are the unconfirmed minutes of the meeting of the Lawrence/Tuapeka Community Board held on 13 April 2022.

RECOMMENDATIONS

1. That the unconfirmed minutes of the meeting of the Lawrence/Tuapeka Community Board held on 13 April 2022 be noted.

Lawrence/Tuapeka Community Board

Minutes of the meeting of the Lawrence/Tuapeka Community Board held at the Lawrence Service Centre, Peel Street, Lawrence on Wednesday 13 April 2022, commencing at 3.00pm.

Present Geoff Davidson (Chairperson), Lindy Chinnery, Councillor Mel Foster, Matthew Little, Garry McCorkindale and Suzanne Stephenson.

In Attendance Deputy Mayor Stewart Cowie, Jules Witt (Group Manager Service Delivery) and Julie Gardner (Service Delivery Administrator)

Apologies His Worship the Mayor Bryan Cadogan, Tim Dickey.

Moved L Chinnery/M Little and Resolved:

"That the apologies be sustained."

The Chairperson welcomed Deputy Mayor Stewart Cowie to the meeting.

PUBLIC FORUM

Jock Martin – Whitehaven Playground Committee

Provided an update on the Playsafe report, advised that while the slide had been removed the monkey bars were still in place and are high risk. Safety material needs to be extended to provide a larger safe area as identified in the report.

The compliance report has highlighted that the play equipment is not suitable for purpose and needs to be removed so would effectively be starting with a clean slate. Now looking for direction from Council as to where to go from here.

Decision needs to be made about whether the current equipment stays and is made safe or remove all equipment and make a Destination Playground. A budget has been approved but a submission could be made to the Annual Plan amending the scale and scope of the playground if that is what the community wants.

1 LAWRENCE/TUAPEKA COMMUNITY BOARD MINUTES

The minutes of the meeting of the Lawrence/Tuapeka Community Board held on 2 March 2022 were presented for the Board's confirmation.

Moved M Little/Councillor Foster and Resolved:

"That the minutes of the meeting of the Lawrence/Tuapeka Community Board held on 2 March 2022 be approved as a true and correct record."

2 WORK IN PROGRESS

The Service Delivery Administrator submitted a report that updated the Community Board on progress in relation to issues that had been raised at previous meetings.

2.1 Gabriels Gully Walkway

Contractor has been contacted to finish off culverts, and then signage will be installed.

2.2 Extension of Cycle Trail

Working on north end of tunnel, wetlands through to Waihola.

2.3 Wetherstons Creek

Box culverts have been cleared, exposed wall and no stone wall so can be planted out along the embankment.

Councillor Foster – ORC Eco Fund – may be possible to apply through this for plantings/shovel work. A community group may have more success in applying for funds. Councillor Foster to progress this.

2.4 Steep Street Domain

Removal of trees will be progressed.

Discussion about the picnic table – council staff to check price of a concrete setting as well as a wooden setting.

2.5 Tuapeka Transport Ltd – Transfer Site and Entranceways

Transfer Station – pricing and plans have gone to Lawrence Golf Club for discussion, site plan also allows for recycling accessibility by public. CCTV may also be utilised in this area if the need arises.

Entranceways – discussed under 'Service Delivery Update' report.

2.6 Boarded up Shop – Ross Place

WIP. Jules to follow up with the owner.

2.7 Zig Zag Track Maintenance

Oak Tree removal has been confirmed. Pathway resurfacing work is the main priority which could be an asphalt overlay or brushed concrete. Clearing of plant detritus also needs to be undertaken with a retaining wall installed to provide a tidy finish. Council staff will progress this.

The railing can then be reinstalled in a heritage style to suit the area.

2.8 Chinese Memorial Section – Lawrence Cemetery

Councillor Foster has been progressing the panel content with the community and would like feedback before sending to Adrienne Shaw for comment.

2.9 Picnic Kiosks

WIP.

2.10 Whitehaven Street Playground

Minutes and report circulated to LTCB prior to the meeting.

Discussed options for progressing this via the Annual Plan submission process.

2.11 Possible Land Purchase – Beaumont Highway

This item was to go to Corporate & Property Committee meeting on 28 April 2022, however as it is to correct a boundary issue this is not necessary.

2.12 Freedom Camping Site Trial

Feedback from Freedom Camping Ranger was included in report.

Area opposite the Police Station is the preferred option which will be discussed at an onsite meeting with the Freedom Camping Ranger. To be progressed with Regulatory Team.

Alternative overnight site at Gabriels Gully to also be discussed with Ranger.

2.13 Cemetery Maintenance

Onsite meeting held Wednesday 13 April with council staff and contractor.

Discussion on Reflection seat site – potentially burial plots so an alternative site has been identified which will be marked by the contractor.

Sycamore trees overhanging historic headstones will be removed to tidy up the area.

Moved G McCorkindale/M Little and Resolved:

“That the Lawrence/Tuapeka Community Board receives the Work in Progress Update report.”

3 SERVICE DELIVERY UPDATE

The Group Manager Service Delivery submitted a report on activities in respect to the Service Delivery Department.

The following items were discussed:

- Mentors for Drive My Life program would be appreciated.
- Water Restrictions to be lifted in near future.
- Tuapeka Transport Ltd – trial with sandbags before making permanent.
- Ongoing water leak near golf course – to initiate fix the water main to Lawrence would need to be turned off. Further investigation will be undertaken.
- Colonsay Street Footpath upgrade – this will not be concreted so may warrant a submission to Annual Plan if that is what the LTCB want. Costings to be investigated for kerb and channel and footpath. LTCB will do a submission to the Annual Plan.
- Chorus subcontractors not reinstating gravel footpaths to a proper standard is causing issues for mobility scooter users.

Moved M Little/Councillor Foster and Resolved:

“That the Lawrence/Tuapeka Community Board receives the Service Delivery Update Report.”

4 REVENUE & EXPENDITURE REPORT

The Management Accountant submitted a copy of the Revenue and Expenditure Statement for the activities within the Lawrence/Tuapeka Community Board’s area for the period 1 July 2021 to 28 February 2022.

Moved G McCorkindale/L Chinnery and Resolved:

“That the Lawrence/Tuapeka Community Board receives the Revenue and Expenditure report.”

5 CORPORATE SERVICES REPORT

The Corporate Services Administrator submitted a report that covered activities of the Corporate Services Department in the past period including funding schemes.

Moved M Little/S Stephenson and Resolved:

“That the Lawrence/Tuapeka Community Board receives the Corporate Services report.”

6 BUILDING REPORT

The Regulatory Administrator submitted a report on building consents for February 2022.

Moved L Chinnery/M Little and Resolved:

“That the Lawrence/Tuapeka Community Board receives the Building Consent Statistics for February 2022 report.”

7 OUR PLACE COMMUNITY PLAN PROJECTS UPDATE

The Project Manager – Community Plan Implementation provided an update on progress with Community Projects as outlined in Our Place Lawrence-Tuapeka Plan Projects 18 March 2021.

Items discussed were –

- Community Hub case study project funds – retain this to focus on Gabriels Gully Rd entrance. To be added to LTCB submission.
- Update from Clutha Development re Gabriels Gully before public consultation.
- Whitehaven Playground fencing – total funds \$65K comprising half share equipment \$40K and \$25K from council for fencing.

Moved S Stephenson/G McCorkindale and Resolved:

“That the Lawrence/Tuapeka Community Board receives the Our Place Community Plan Projects Update report.”

8 MAYORAL UPDATE

In the absence of His Worship the Mayor Bryan Cadogan, Deputy Mayor Stewart Cowie gave a verbal update on the 3 Waters Reform and the upcoming Soapbox sessions.

9 REASON TO MOVE TO PUBLIC EXCLUDED SESSION

Moved G McCorkindale/S Stephenson and Resolved:

“That the Lawrence/Tuapeka Community Board takes the following covering report into Public session –

- *Public Excluded LTCB Minutes*

The Lawrence/Tuapeka Community Board resolved (below) to take the item in Public under section 17.5 of the Clutha District Council Standing Orders adopted 12 December 2019.

PUBLIC EXCLUDED ITEM (Taken into Public)

Moved G McCorkindale/S Stephenson and Resolved:

“That the minutes of the public excluded section of the meeting of the Lawrence/Tuapeka Community Board held on 2 March 2022 be approved.”

The meeting closed at 4.57pm.

Confirmed

Geoff Davidson
CHAIRPERSON

UNCONFIRMED

Clutha District Council

Item for INFORMATION

Report	Risk & Assurance Minutes
Meeting Date	12 May 2022
Item Number	13
Prepared By	Lilly Paterson – Corporate Services Administrator
File Reference	732873

REPORT SUMMARY

Attached are the unconfirmed minutes of the meeting of the Risk & Assurance Committee held on 28 April 2022.

RECOMMENDATIONS

1. That the unconfirmed minutes of the Risk & Assurance Committee held on 28 April 2022 be noted.

Risk & Assurance Committee

Minutes of the meeting of Risk & Assurance Committee held in the Council Chambers, 1 Rosebank Terrace, Balclutha on Thursday 28 April 2022, commencing at 10.36 am.

Present Stephen Halliwell (Chairperson), His Worship the Mayor Bryan Cadogan, Councillors Stewart Cowie, John Herbert, Bruce Graham, Alison Ludemann (via zoom), Ken Payne, and Bruce Vollweiler.

In Attendance Steve Hill (Chief Executive), Sharon Jenkinson (Finance Manager), Christina Johnston (Risk Management Support Officer), Jules Witt (Group Manager Service Delivery), Greg Bowie (Management Accountant), Trey Willis-Croft (Management Accountant Trainee), Miles O’Conner (Bancorp), Heidi Rautjoki and Aveshin Govender (Deloitte), Councillors Wayne Felts, Gaynor Finch, Lloyd McCall, Carol Sutherland, and Lilly Paterson (Corporate Services Administrator).

Apologies

DECLARATIONS OF INTEREST

There were no Declarations of Interests

URGENT BUSINESS

There was no urgent business.

PUBLIC FORUM

There was no public forum.

1. CONFIRMATION OF MINUTES

The minutes of a meeting of the Risk & Assurance Committee held on 17 March 2022 were submitted for confirmation.

Moved His Worship Mayor Cadogan/Councillor Payne and Resolved:

“That the Risk & Assurance Committee confirms as a true and correct record the minutes of the Risk & Assurance Committee held 17 March 2022.”

2. HEALTH AND SAFETY, RISK MANAGEMENT AND MAJOR PROJECTS REPORT

The Health and Safety, Risk Management and Major Projects Report was presented since the last meeting.

- Noted that Appendix One – Performance Requirements: Questions for Governance level is attached to help guide us to make improvements.
- There has been a total of 23% of staff impacted by Covid-19, with a focus on keeping staff well coming into the winter flu season.
- Item 2.4 in regard to ‘Risk Owners’ - this initiative should be built into the post-election program.

Moved His Worship the Mayor Cadogan/Councillor Cowie and Resolved:

“That the Risk & Assurance Committee receives the Health and Safety, Risk and Major Projects Report.”

The Risk Management Support Officer left the meeting at 11.26 am.

3. TREASURY MANAGEMENT REPORT

The Treasury Management Report was tabled. The Since Inception Nikko Report now reflects net returns in case the information is required for decision-making.

- Of the Debt balance on the Treasury dashboard the arrow on the right-hand side needs to be changed from ‘green’ to ‘red’.

Miles O’Connor from Bancorp was present via zoom to speak to Bancorp’s quarterly report and answer any questions.

Moved Councillors Vollweiler/Graham and Resolved:

“That the Risk & Assurance Committee receives the Treasury Management Report.”

4. ANNUAL PLAN PERFORMANCE MONITORING REPORT

The combined Management Accounts and Non-Financial Key Performance Indicators (KPIs) were tabled.

- Noted that in the Management Revenue and Expenditure report, there are some costs from March that are missing due to the early cut off dates for agendas due to Easter.

Moved His Worship the Mayor Cadogan/Councillor Herbert and Resolved:

“That the Risk & Assurance Committee receives the Annual Plan Performance Monitoring report.”

5. MANDATORY DOCUMENTS REGISTER

The Mandatory Documents Register as of March 2022 was presented with recommended follow up legal compliance risk reduction actions.

Moved Councillors Vollweiler/Herbert and Resolved:

“That the Risk and Assurance Committee:

1. **Receives the ‘Mandatory Documents Register’ report.**
2. **Approves risk reduction actions contained in Appendix A: Mandatory Documents Register Risk Assessment, or as amended.**
3. **Adds the Mandatory Documents Register to the Risk & Assurance work programme, using it to inform work programme and risk reduction actions.”**

6. RISK & ASSURANCE COMMITTEE WORK PROGRAMMME UPDATE

The Work Programme was presented with actions completed.

Moved Councillors Cowie/Vollweiler and Resolved:

“That the Risk & Assurance Committee receives the Risk & Assurance Committee Work Programme report.”

7. REASONS TO MOVE TO PUBLIC EXCLUDED

The Risk & Assurance Committee resolved to exclude the public from part of the proceedings for:

1. To discuss the Deloitte Planning Report

Under Sections A2(b)(ii), A2(c)(i) and A2(g) contained in Appendix 1 of the Clutha District Council’s Standing orders.

Moved Councillor Cowie/Herbert and resolved:

“That the Risk & Assurance Committee resolves to exclude the public on the grounds contained in Appendix 1 of the Clutha District Council’s Standing Orders under Sections A2(b)(ii), A2(c)(i), A2(g) & A2h.”

The meeting moved into Public Excluded session at 12.21 pm.

The meeting moved back into public session at 12.34 pm.

The meeting closed at 1.06 pm. The meeting closed at 12.34 pm.

Read and Confirmed

Stephen Halliwell
CHAIRPERSON

UNCONFIRMED

Clutha District Council

Item for INFORMATION

Report	Youth Council Minutes
Meeting Date	12 May 2022
Item Number	14
Prepared By	Lilly Paterson – Corporate Services Administrator
File Reference	732871

REPORT SUMMARY

Attached are the unconfirmed minutes of the meeting of the Clutha District Youth Council held on 4 April 2022.

RECOMMENDATIONS

1. That the unconfirmed minutes of the Youth Council meeting held on 4 April 2022 be noted.

Youth Council

Minutes of the meeting of Youth Council of the Clutha District Council held in the Council Chambers, 1 Rosebank Terrace, Balclutha, on Monday 4 April 2022 commencing at 6.06 pm.

Present Youth Councillors Ryan Williams (Chairperson), Nancy Antill, Mirissa Burgess, Brayden Ferguson, Lucious Mann, Briana Wicks (via zoom), Isabella Jenks, Courtney Loveridge, Nadine Martin, Caitlin McDonald, Lilly Paterson, Councillor Gaynor Finch and Councillor Ken Payne.

In Attendance Deputy Mayor Stewart Cowie, Steve Hill (Chief Executive), Jean Proctor (Community Support & Development Advisor), Margaret Cardno (Clutha District Youth Worker), and Lilly Paterson (Corporate Services Administrator).

Apologies His Worship the Mayor Bryan Cadogan

Moved Youth Councillors Paterson/Burgess and Resolved:

"That the apologies be sustained."

URGENT BUSINESS

There was no urgent business.

PUBLIC FORUM

There was no public forum.

1. MAYORAL ADDRESS TO YOUTH COUNCILLORS

Deputy Mayor Stewart Cowie gave a verbal welcome to Youth Councillors at the meeting.

2. INVESTITURE OF YOUTH COUNCILLORS

Clause 14 of Schedule 7 of the Local Government Act 2002 requires newly elected members to make and signed the Declaration set out in the Act.

Deputy Mayor Stewart Cowie was present to invest Youth Councillors Loveridge and Martin.

Moved by Youth Councillors Jenks/Antill and Resolved:

"That Youth Council members are asked to make and sign the Declaration in the form prescribed in the Local Government Act 2002."

3. THE ELECTION OF DEPUTY CHAIR

This report outlined the role of the Youth Council Chairperson and the procedure of the election of Chairperson and Deputy Chairperson.

- Youth Councilors Lucious Mann and Caitlin MacDonald stood for Deputy Chairperson and each had 2 minutes to present themselves.
- At the conclusion of the presentations, we held an election, those in person wrote on paper and those by zoom privately emailed Jean Proctor with their votes. Steve Hill (Chief Executive) was scrutineer.
- At the conclusion of the election Youth Councilor MacDonald was voted in as Deputy Chairperson.

Meeting was back to order at 6.36pm.

4. TERMS OF REFERENCE

The attached Terms of Reference set out the Youth Council's roles, responsibilities, and delegations.

Moved by Youth Councillors Antill/MacDonald and Resolved:

"That the Youth Council received the Terms of Reference Report."

5. CODE OF CONDUCT

The report asks the Youth Council to note the attached Code of Conduct for the 2019-21 triennium.

Moved by Youth Councillors Paterson/Antill and Resolved:

"That the Youth Council receives the Code of Conduct report."

"That the Youth Council notes the Code of Conduct for the 2021-2022 triennium as contained in the Clutha District Council's Code of Conduct 2021-22."

6. YOUTH COUNCIL MENTORING PARTNERSHIP 2022

The report advises of the purpose, importance, and responsibilities of the mentoring partnership between Clutha District Youth Councillors and Councillors for 2022.

- Youth Councillors and Elected Council members have received an email with who they have been paired with to let elected members know who they are to support and to please contact their respective Youth Councillors.

Moved by Youth Councillors Burgess/Antill and Resolved:

"That the Youth Council receives the 'Youth Council Mentoring 2022' report."

7. CONFIRMATION OF MINUTES

The minutes of a meeting of the Youth Council held on 21 February 2022 were presented for confirmation.

Moved Youth Councillors Paterson/Mann and Resolved:

"That the Youth Council confirms as a true and correct record the minutes of the meeting held 21 February 2022."

8. NATIONAL YOUTH WEEK ACTIVITIES 2022

National Youth Week 2022 is to be held from 7-15 May.

The theme for 2022 is *"Our voices matter, and we deserve to be heard"*.

- Youth Councilors will have weekly planning workshops for this event the first being Monday 11 April at 5pm.

Moved by Youth Councillors Jenks/Ferguson and Resolved:

"That the Youth Council receives the Youth Week Activities 2022 report."

"That the Youth Council continues to plan their activity for National Youth Week 2022."

9. YOUTH DEVELOPMENT FUND 2022

Clutha District Youth Council has established a Youth Development Fund of up to \$2,000 each financial year, so the Youth Council can support youth-related activities and projects in the Clutha District. There is \$2,000.00 up for allocation in 2022.

Moved by Youth Councillors MacDonald/Antill and Resolved:

"That the Youth Council receives the Youth Development Fund 2022 report."

"That Youth Councilor's take responsibility for helping publicize the fund and encouraging applications."

10. CLUTHA DISTRICT YOUTH DEVELOPMENT REPORT

The report provides an update of the work being delivered by the Clutha District Youth Development Programme.

Moved Youth Councillors Paterson/Antill and Resolved:

"That the Youth Council receives the Clutha District Youth Development Programme report."

11. ASPIRING LEADERS' FORUM 2022

The Community Support and Development Officer submitted a report outlining details of the 2021 Aspiring Leaders Forum. The Clutha District Council would like to nominate for up to two young people aged between 18 and 26 from the Clutha District to attend this four-day forum in Wellington from the 30th of June to the 3rd of July 2022.

Moved by Youth Councilors Burgess/Jenks and Resolved:

"That the Youth Council received the 'Aspiring leaders forum 2022' report."

12. M.A.C REPORT

For the benefit of new Youth Councillors, this report provides the history and status of the Clutha District Youth Council Methamphetamine Awareness Campaign as included in the Community Development Work Program.

Moved by Youth Councillors Paterson/Ferguson and Resolved:

"That the Youth Council receives the 'Methamphetamine Awareness Campaign' report and will email Jean Proctor with site ideas for the NOT EVEN ONCE billboards by the 18 April 2022."

13. BALCLUTHA BRIDGE PARK

The Community Support and Development Officer submitted a report outlining details of the Balclutha bridge destination park project.

- Rotary haven't reported back on this project as yet.

Moved by Youth Councilors Antill/Paterson and Resolved:

"That the Youth Council receives the Balclutha Bridge Park report."

"That the Youth Council plan to move this project forward."

14. THE RIPPLE EFFECT 2022

The Community Support and Development Officer submitted a report introducing The Ripple Effect 2022 proposal.

Moved Youth Councillors MacDonald/Mann and Resolved

"That the Youth Council receives the Ripple Effect 2022 report."

"That the Youth Council support taking part in the project."

15. YOUTH COUNCIL MEMBERS UPDATE

Members of the Youth Council are asked to give a verbal report to the meeting.

- Youth Councillors gave an update on Youth happenings and issues in the community.

16. YOUTH COUNCIL MEETING DATES 2022

The report outlines the meeting dates for the Youth Council meetings in 2022.

Moved Youth Councillors Antill/Ferguson and Resolved

“That the Youth Council receives the Youth Council Meeting Dates 2022 report.”

The meeting closed at 7.36pm.

Confirmed

Ryan Williams

CHAIRPERSON

Clutha District Council

Item for INFORMATION

Report	Mayoral Report
Meeting Date	12 May 2022
Item Number	15
Prepared By	Bryan Cadogan - Mayor
File Reference	732818

REPORT SUMMARY

This report details mayoral matters, the meetings and functions I have attended since the last meeting. Councillors will report verbally on their attendances.

RECOMMENDATIONS

1. That the Mayoral Report and councillors' attendances be received.

REPORT

1 Mayoral Attendances

Date	Activity
1 April 2022	Chaired fourth Rural Supplies Working Group meeting via zoom
7 April 2022	Participated in PCG meeting via zoom
14 April 2022	Participated in COVID IMT meeting via zoom
	Attended Clutha Community Hub consultation and Annual Plan event at Cross Recreation Centre
16 April 2022	Attended Annual Plan Soapbox events at Kaka Point and Owaka
20 April 2022	Chaired fifth Rural Supplies Working Group meeting via zoom
	Met with representative of Balclutha Police for catch up
	Attended Otago Regional leadership Group via zoom

25 April 2022	Attended ANZAC commemoration events at Balclutha and Kaka Point
26 April 2022	Met with Clutha residents Arthur and Barbara White to acknowledge Arthur's significant contribution to the youth of the Clutha District via his Elwing Discoveries sailing trips
	Jobbortunities fortnightly meeting
	Regular weekly meeting with Chief Executive
27 April 2022	Attended Annual Plan Hearings session 1
28 April 2022	Attended Executive Committee, Risk & Assurance Committee and Standing Committee meetings
29 April 2022	Met with ratepayer
3 May 2022	Attended Annual Plan Hearings session 2
4 May 2022	Chaired sixth Rural Supplies Working Group meeting via zoom – TBC 4 th or 11 th May
9 May 2022	Chaired Zone 5 & 6 meeting via zoom
11 May 2022	Chaired sixth Rural Supplies Working Group meeting via zoom – TBC 4 th or 11 th May
12 May 2022	Attended Council meeting via zoom

Clutha District Council

Item for INFORMATION

Report	Chief Executive's Report
Meeting Date	12 May 2022
Item Number	16
Prepared By	Steve Hill – Chief Executive
File Reference	732815

REPORT SUMMARY

Reports on events attended, the award of tenders and other matters in hand at present.

RECOMMENDATIONS

1. That the Chief Executive's report be received.

REPORT

- 1 Activities I have attended since the previous Council meeting.

Date	Activity
31 March 2022	Met with a Heavy Transport Operator
	Attended the Covid IMT Meeting via Zoom
	Attended the CDEM Joint Committee meeting
4 April 2022	Attended Youth Council
5 April 2022	Met with Clutha Licensing Trust about property
	Met with representatives of Countdown
6 April 2022	Attended the Otago Regional Leadership Group via Teams
7 April 2022	Attended via Teams the Otago CE's Fortnightly Catch up
	Attended the PCG Meeting
8 April 2022	Attended the Regulatory Services Staff meeting

Date	Activity
11 April 2022	Met with potential Kai house and land package purchasers
12 April 2022	Attended the Richardson Rural Water Scheme Meeting
	Met via Zoom with Tapanui property owners regarding a potential subdivision
13 April 2022	Attended via Zoom the Reforms update with LGNZ
14 April 2022	Meeting via Teams with Terramark about developments
	Attended the Covid IMT Meeting via Zoom
	Attended the Community Hub public meeting
15-24 April 2022	Leave
25 April 2022	Attended the ANZAC commemoration event at Balclutha
27 April 2022	Attended via Teams a National Transition Unit meeting on 3 waters reform
	Attended Annual Plan Hearings
28 April 2022	Met with Council Executive
	Attended Risk and Assurance and Standing Committee Meetings
29 April 2022	Travelled to Tapanui and met with a potential developer
2 May 2022	Participated in Communication Manager interviews
	Met with a potential contractor for project management of community projects
	Teams Meeting with a resource consent applicant about progress on an application
	Attended a meeting regarding the Milton Community Facility
3 May 2022	Annual Plan Hearings
	Met with representatives of Countdown

Date	Activity
4 May 2022	Meeting regarding Elections
5 May 2022	Attended via Teams the Otago CE's Fortnightly Catch up
	Attended the PCG Meeting
	Attended the CDEM monthly meeting
6 May 2022	Attended via Zoom a Three Waters Operating Blueprint workshop
9 May 2022	Met with a complainant from Milton
11 May 2022	Attended site visit in Balclutha regarding traffic concerns from Heavy Transport operators
	3W Zoom Update from Minister Mahuta
12 May 2022	Attended Council Meeting

2 Contracts Awarded

There have been no contracts awarded since the last Council meeting on 30 March 2022.

3 Staffing

3.1 Staff Appointments

Thyagu Gopalan will move into the Infrastructure Strategy Manager role on 23 May 2022 with Gerry Essenberg moving into the newly created role of Senior Contracts Manager at a date to be finalised. Keiran Medel is due back with us on 16 May 2022 as a part-time (20 hours per week) Senior Contracts Engineer.

Dredd Garcia started with us on 26 April 2022 as a Capital Delivery Assistant. Dredd lives locally and joins us from Danone Nutricia Early Life Nutrition after working on dairy farms and in highway services.

Jessie-Lee Marsh has been promoted to Contracts Officer in the Water and Waste Operations Team and started in her new role on 11 April 2022.

Keiran Medel moves into a part-time Senior Contracts Engineer role from 16 May 2022, following a period of unpaid leave.

3.2 Staff Resignations

Cindy van Niekerk has resigned from her role as a full-time, permanent Lifeguard as her partner obtained a role in Ashburton.

Nathan Bullin is leaving us on 20 May 2022 from his position as Projects Engineer and joining Downer NZ, who he worked for before.

Katrina Pudney leaves her role of Children's and Teen Librarian on 20 May 2022 to take up her dream job with VetSouth.

4 Requests received under the Official Information Act

Name	Request
Mark Stone	Camera network information
RNZ	Use of crime scene cleaners
Tim Chambers University of Otago	Fluoride testing
NZ Taxpayers' Union	Budget information
Chapman Tripp	Email correspondence from 2019
Neil Smith	Map of Taylor Park Campground pre-post 1986
Forest and Bird	Climate change and biodiversity loss
Chapman Tripp	Email correspondence 2017-19
Tim Andrews	Infringement notices for stationary vehicles
Simon Watts - National MP	Building consent timeframes
NZ Taxpayers' Union	Financial information for it's Ratepayers' Report

5 Health and Safety

For this reporting period 11 staff events were reported, made up of:

4x First aid injuries

5x Hazards

1x Near hit

1x Incident

0 x Notifiable events reported

0 x High level Contractor Health and Safety events occurred in this reporting period

Key points for this reporting period:

- 23% of staff have been infected with Covid-19, which is much lower than anticipated at this point of the pandemic,
- Performance requirements are being investigated by H&S staff to gain assurance that H&S is being adequately managed across our teams,
- Staff wellbeing continues to be a priority. The team are working to ensure that staff know what support is available to them.

Clutha District Council's Health and Safety High Risks remain unchanged:

1. Driving
2. Threatening and aggressive behaviour

3. Asbestos and Hazardous substances
4. Stress
5. COVID-19
6. Structural integrity of assets
7. Lone work and security
8. Contractor work

6 Community Development

Date	Activity
29 March 2022	SO Interagency meeting
4 April 2022	Youth Council
11 April 2022	Youth Council planning workshop
20 April 2022	Youth Council planning workshop
26 April 2022	Youth Council planning workshop
	South Otago Mountain Bike Club monthly meeting
27 April 2022	CDC Annual Plan submission hearing
2 May 2022	Youth Council planning workshop
3 May 2022	CDC Annual Plan submission hearing
5 May 2022	Clutha Districts Combined Museum meeting
9 May 2022	Youth Council planning workshop

Clutha District Council

Item for CONFIRMATION

Report	Documents for Consent and Seal
Meeting Date	12 May 2022
Item Number	17
Prepared By	Jo Jack – Executive Assistant
File Reference	732819

REPORT SUMMARY

Documents for consent and seal are scheduled hereunder.

RECOMMENDATIONS

1. That Council approves the fixing of its seal, under the hands of the Chief Executive to the documents as listed.

1	DEED OF ASSIGNMENT OF LEASE
1.1	The section of land at the Toko Mouth Beach Resort known as Section 40 (also known as 63 Toko Mouth Domain Road) from John Harry Lean to John Gordon Cooke, Wendy Margaret Cooke and Guest Carter Trustees Limited as trustees of the W M and J G Cooke family Trust.
1.2	75 Domain Road, Toko Mouth from Riveridge Investments Limited to Melanie Rose Norman and Sam Francis Johnson.
1.3	The section of land at the Toko Mouth Beach Resort known as Section 2 from Darren Henry Murray to John Francis Titterton and Ainslie Titterton
2	DEED OF LEASE
2.1	Parcel of land situated at Crown Street, Balclutha containing 241 square metres between Clutha District Council and AA Coutts and GTM Schouten
3	CONTRACT AGREEMENT
3.1	Contract 826 – Renewal of CDC Bridges 225 and 472 between Concrete Structures Ltd and Clutha District Council.
3.2	Contract 827 – Bridge Repairs 2021/22 between Andrew Haulage (2011) Ltd and Clutha District Council.

3.3	Contract 832 – Road Marking 2022-2027 between Fulton Hogan Dunedin and Clutha District Council.
4	WARRANT OF APPOINTMENT
4.1	Olivia Geddes warrant of appointment to the position of Litter Control Officer (Litter Act 1979), Enforcement Officer (Resource Management Act 1991, Freedom Camping Act 2011, Local Government Act 2002, Council Bylaws) and a Authorised Person/Officer (Local Government Act 2002, Council Bylaws)
4.2	Michaela Abby Groenewegen warrant of appointment to the position of Litter Control Officer (Litter Act 1979), Enforcement Officer (Resource Management Act 1991, Freedom Camping Act 2011, Local Government Act 2002, Council Bylaws) and a Authorised Person/Officer (Local Government Act 2002, Council Bylaws)
4.3	Fiona Joy Boss warrant of appointment to the position of an Authorised officer, Enforcement Officer, Litter Control Officer, Environmental Heal Officer, Authorised Persons, a Food Verifier and a Licensing Inspector.

Clutha District Council

Item for DECISION

Report	Reasons to Move to Public Excluded Session
Meeting Date	12 May 2022
Item Number	18
Prepared By	Steve Hill – Chief Executive
File Reference	732820

REPORT SUMMARY

The Council may upon resolution or upon motion being made, exclude the public from the whole or any part of the proceedings of any meeting,

Grounds to exclude the public under the Local Government Official Information and Meetings Act 1987 are contained in Appendix 1 of the Clutha District Council's Standing Orders as attached.

RECOMMENDATIONS

1. That if required, Council resolves to exclude the public on the grounds contained in Appendix 1 of the Clutha District Council's Standing Orders under Sections A2(a), A2(c)(i), A2 (i) and A2 (j).

REPORT

Grounds to exclude the public under the Local Government Official Information and Meetings Act 1987 are contained in Appendix 1 of the Clutha District Council's Standing Orders as attached.

Items included in the public excluded section of this agenda and the reasons to consider them in public excluded session are:

1 Roading Maintenance Contract Award

Under Sections A2 (i) and A2 (j) of Appendix 1 of the Clutha District Council's Standing Orders.

2 Public Excluded Council Minutes – 30 March 2022

Under Sections A2 (i) and A2 (j) of Appendix 1 of the Clutha District Council's Standing Orders.

3 Public Excluded Committee of the Whole Minutes – 28 April 2022

Under Section A2 (a) of Appendix 1 of the Clutha District Council's Standing Orders.

4. Public Excluded Risk and Assurance Committee Minutes – 28 April 2022

Under Section A2(c)(i) of Appendix 1 of the Clutha District Council's Standing Orders.

Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) to endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. disclose a trade secret; or
 - ii. be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or,
 - (c) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori i, or to avoid the disclosure of the location of waahi tapu; or
 - (d) 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:
 - i. be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. be likely otherwise to damage the public interest; or

- (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
- (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (g) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- (h) Maintain legal professional privilege; or
- (i) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (j) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
- (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
- (a) Any proceedings before a Council where
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and

- (b) Any proceedings of a Council in relation to any application or objection under the Marine Farming Act 1971.