



**SOUTH WAIRARAPA
DISTRICT COUNCIL**
Kia Reretahi Tātau

PLANNING AND REGULATORY COMMITTEE

Agenda 24 August 2022

NOTICE OF MEETING

This meeting will be held in the Supper Room, Waihinga Centre, Texas Street, Martinborough and via video conference commencing at 10.00am. All members participating via video conference will count for the purpose of the meeting quorum in accordance with clause 25B of Schedule 7 to the Local Government Act 2002. This meeting will be live-streamed and will be available to view on our [YouTube channel](#).

MEMBERSHIP OF THE COMMITTEE

Councillors Pam Colenso (Chair), Rebecca Fox, Leigh Hay, Colin Olds, Brenda West and Mayor Alex Beijen.

Open Section

A1. Apologies

A2. Conflicts of interest

A3. Public participation

As per standing order 14.17 no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

Please note: Electioneering is not permitted in council meetings or on council premises – your cooperation is appreciated.

If electioneering is deemed to be taking place, the Chair of the meeting or council officers will bring your session to a close.

A4. Actions from public participation

A5. Extraordinary business

A6. Minutes for Confirmation:

Proposed Resolution: *That the minutes of the Planning and Regulatory Committee meeting held on 13 July 2022 are a true and correct record.*

Pages 1-3

B. Decision Reports from Chief Executive and Staff

There are no decision reports.

C.	Information and Verbal Reports from Chief Executive and Staff	
C1.	Planning and Environment Group Report <i>Russell O’Leary will speak to this report</i>	Pages 4-24
C2.	Review of Regulatory Policy Report <i>Steph Frischknecht will speak to this report</i>	Pages 25-64
C3.	Action Items Report	Pages 65-67



PLANNING AND REGULATORY COMMITTEE

Minutes from 13 July 2022

Members present: Councillors Pam Colenso (Chair), Colin Olds, Brenda West and Leigh Hay (via Zoom).

Staff in attendance: Harry Wilson (Chief Executive Officer), Russell O’Leary (Group Manager Planning and Environment), Rick Mead (Environmental Services Manager), Mélanie Barthe (Climate Change Advisor), James Witham (Planning Manager), Sara Edney (Building Manager) and Amy Andersen (Committee Advisor).

Conduct of Business: This meeting was held in the Supper Room, Waihinga Centre, 62 Texas Street, Martinborough and via audio-visual conference, commencing at 10:00am. All members participating via audio-visual conference counted for the purpose of the meeting quorum in accordance with clause 25B of Schedule 7 to the Local Government Act 2002. This meeting was live-streamed and is available to view on our [YouTube channel](#). The meeting was held in public under the above provisions from 10:03am to 11:22am except where expressly noted.

Open Section

A1. Apologies

PLANNING AND REGULATORY COMMITTEE RESOLVED (P&R2022/19) to accept apologies from Mayor Beijen and Cr Fox.

(Moved Cr Olds /Seconded Cr West)

Carried

A2. Conflicts of Interest

There were no conflicts of interest declared.

A3. Public Participation

There was no public participation.

A4. Actions from Public Participation

There was no public participation.

A5. Extraordinary Business

There was no extraordinary business.

A6. Minutes for Confirmation

PLANNING AND REGULATORY COMMITTEE RESOLVED (P&R2022/20) that the minutes of the Planning and Regulatory Committee meeting held on 1 June 2022 are a true and correct record.

(Moved Cr Hay/Seconded Cr West)

Carried

B. Decision Reports from Chief Executive and Staff

There were no decision reports.

C. Information and Verbal Reports from Chief Executive and Staff

C1. Planning and Environment Group Report

Mr O’Leary spoke to matters outlined in the report, including the alcohol applications, the Featherston Masterplan, District Plan review, development of the dog pound, earthquake prone buildings and service level results.

Council Officers responded to members questions about the development of the dog pound, dog registrations, changes to guidelines for the classification of earthquake prone buildings, road signage updates and service level reports.

PLANNING AND REGULATORY RESOLVED (P&R2022/21) to receive the Planning and Environment Group Report.

(Moved Cr Hay/Seconded Cr Colenso)

Carried

C2. Climate Change – Response to Draft National Adaptation Plan Report.

Ms Barthe spoke to matters outlined in the report, including the process for and content of the submission to the Ministry for the Environment.

Ms Barthe responded to queries on community awareness of climate change.

PLANNING AND REGULATORY RESOLVED (P&R2022/22) to:

1. Receive the Climate Change – Response to Draft National Adaptation Plan Report.

(Moved Cr Olds/Seconded Cr West)

Carried

[Read together]

2. Receive the attachment 'Three Wairarapa District Councils' joint submission –Draft National Adaptation Plan'.
3. Note that the three Wairarapa District Councils agreed to make a joint submission in response to the Ministry for the Environment's draft National Adaptation Plan.
4. Note that the three Wairarapa District Councils have approved the joint submission on the Ministry for the Environment's draft National Adaptation Plan.
5. Note that the three Wairarapa District Council's joint submission on the Ministry for the Environment's draft National Adaptation Plan has been submitted to the Ministry for the Environment.

(Moved Cr Olds/Seconded Cr Hay)

Carried

C3. Climate Change – 2021 Greenhouse Gas Inventory Report

Ms Barthe spoke to matters outlined in the report and expanded on the results and targets.

Ms Barthe responded to members questions on data results and the high rates of wastewater emissions.

PLANNING AND REGULATORY RESOLVED (P&R2022/23) to:

[Read together]

1. Receive the Climate Change – 2021 Greenhouse Gas Inventory Report.
2. Receive the attachment 'Greenhouse gas inventory 2021 for South Wairarapa District Council'.

(Moved Cr Colenso/Seconded Cr Hay)

Carried

C4. Action Items Report

PLANNING AND REGULATORY RESOLVED (P&R2022/24) to receive the Action Items Report.

(Moved Cr Colenso/Seconded Cr West)

Carried

The meeting closed at 11:22am

Confirmed as a true and correct record

.....(Chair)

.....(Date)

PLANNING AND REGULATORY COMMITTEE

24 AUGUST 2022

AGENDA ITEM C1

PLANNING AND ENVIRONMENT GROUP REPORT

Purpose of Report

To update the Planning and Regulatory Committee on the activities of the Planning and Environment Group and progress against Annual Plan performance measures.

Recommendations

Officers recommend that the Committee:

Receive the Planning and Environment Group Report.

1. Planning and Environment Group Summary

1.1 Planning Services

Resource consent volumes continue to be steady, but often more complex. Subdivision certification volumes are very high, also with high complexity. Quality of certification applications has dropped noticeably with staff needing to request large amounts of information that should have been provided in the applications. Similarly, there are examples where basic mistakes are being made in Land Online by applicants. Advice work also steady, WCDP review work is busy, as is engagement work on Featherston Masterplan.

1.2 Building Services

There has been a small reduction in the number of new building consent applications, which brings our numbers back to those we were seeing in 2020. However, due to the very high number of applications received in 2021 the Building Team are kept busy with inspections, enquiries and everything that goes with being an accredited BCA. Despite illness and annual leave in July, number of building inspections done remains consistent with previous years.

Our Compliance Officer has been busy getting through swimming pool audits, with the requirement for us to inspect the districts 500+ swimming pools at least once every 3 years. This is not easy when the homeowners do not want you there, majority of owners have accepted the requirements.

1.3 Environmental Services

Overall, the team remains busy in the various licensing, regulatory work throughout the district. The dog registration period for 2022/23 year has run relatively smoothly through staff efforts. COVID and illness has still had an impact on staff recently.

1.4 Proposed Legislative Change to the RMA

The Government continues to reform the Resource Management system, the RMA 1991 will be repealed, replaced by 3 new Acts:

- Natural and Built Environments Act (NBA) - for land use/environmental regulation (the primary replacement for the RMA). The draft was released for submissions
- Strategic Planning Act (SPA) - to integrate with other legislation relevant to development, and require long-term regional spatial strategies
- Climate Change Adaptation Act (CAA) - address issues managed retreat, adaptation.

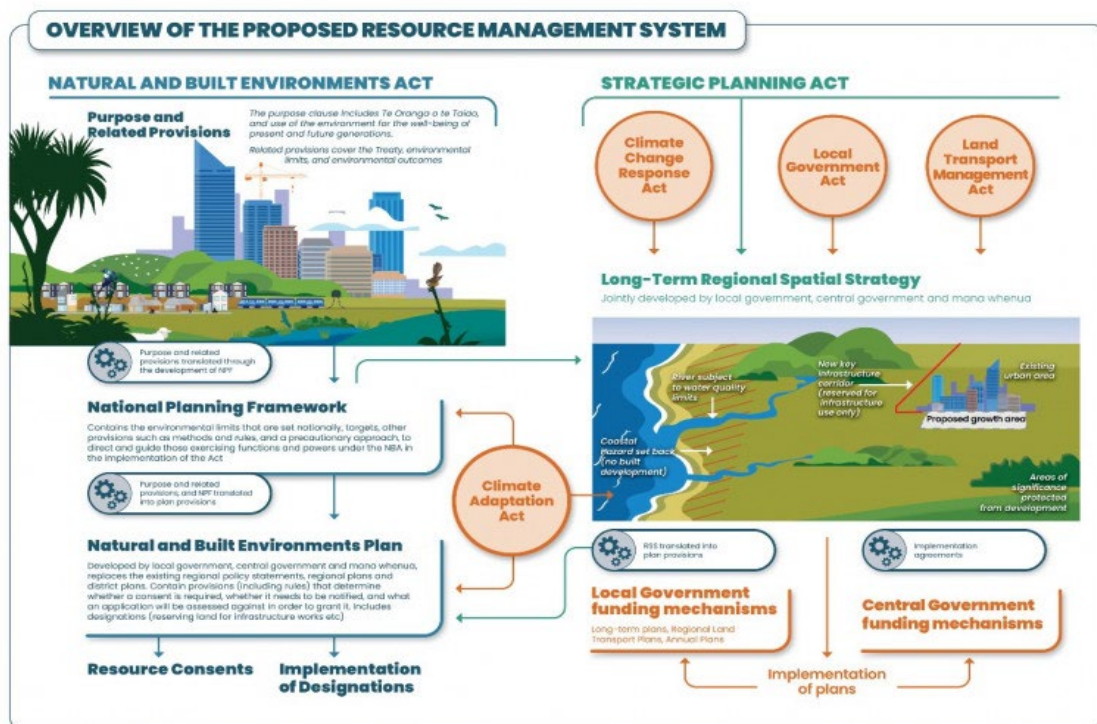
On the changes MFE information also advises that:

- The Natural and Built Environments Act and the Strategic Planning Act will be formally introduced around October in 2022.
- Standard legislative and select committee process will follow, the aim of NBA being passed into law this parliamentary term. The CAA will be progressed in this time too.

In terms of the objective of the reforms, together this suite of legislation will:

- protect and restore the environment and its capacity to provide for the wellbeing of present and future generations
- better enable development within natural environmental limits
- give proper recognition to the principles of Te Tiriti of Waitangi and provide greater recognition of te ao Māori including mātauranga Māori
- better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change
- improve system efficiency and effectiveness, reduce complexity while retaining appropriate local democratic input.

Underlying themes in the reform include new regional level planning documents, more cohesive planning, stronger future spatial planning, and use of natural environment limits. We await further update by government.



1.5 South Wairarapa Spatial Plan / The Featherston Masterplan

The Council prioritised and approved the development of a Featherston Masterplan following the adoption of the District Spatial Plan in 2021. Masterplan work in 2022 involves engagement with agencies, community engagement, options considerations, integrated planning, infrastructure assessment, foundation discussion document, reporting, a draft masterplan, consultation and feedback, refinement work and compilation of final masterplan.

Initial Engagement	Date
• Meeting with Chair Maori Standing Committee (MSC)	1 Feb
• Meeting with Chair MSC, and member Karen Mikaere (Mana whenua and MSC member)	21 Feb
• Report to MSC	29 Feb
• Report to Featherston Community Board	22 Feb
• Meeting with Chair Wairarapa Economic Dev Strategy Governance Group	1 Feb
• Online meetings with GWRC, Waka Kotahi, MHUD/Kainga Ora	22 Feb
• Online meeting with Masterton District Council Staff	21 Feb
• Public Meeting	30 March
• Planned meeting with Fab Feathy	31 March

Further Engagement Undertaken for the Masterplan has included the following:

- Engagement with representatives of Pae tū Mokai o Taurā. This included meetings in person and online. It also included a Pae tū Mokai o Taurā representative engaging directly with Māori residents to seek their views on future of Featherston.
- Discussion Featherston Knitting Group - 29 April
- Discussion with Booktown representative - 23 May
- Discussion with Fareham House Creative Space - 26 May
- Meeting with Five Trails Trust - 26 May
- Discussion with Powerco - 31 May
- DIA/Fab Feathy meeting - 1 June
- Meeting with Wairarapa Moana Trail - 7 June
- Meeting with Government Agency reps - 15 June
- Discussion with Powerco - 17 June 2022

A report and Draft Featherston Masterplan Foundation Discussion Document presented for consideration at the Council Meeting of 14 July 2022. Community engagement work in August has involved five drop-in sessions, two of these being evening meetings. There has been a high level of interest and attendance at these sessions. As at the 17 August, there were 120 submissions received on the Masterplan. The informal consultation period closed on Friday 19th August.

A Council workshop on 1st September is to provide summary engagement feedback on the Foundation Document and discuss the two concept options for Featherston. Officers will hold a second design charette with government agency representatives on 5th October.

1.5.1. Next steps

- Compilation of a Draft Masterplan
- Further engagement/formal consultation under Local Government Act 2002
- Finalize the Masterplan
- Use this to help inform the new District Plan, the Long-Term Plan and projects including projects with central government.

1.6 Featherston Master Plan - included within Complex Development Opportunities for Wellington Regional Growth

Featherston has been included within a key list of growth area projects for the wider Wellington region. The Featherston Master Plan was recently placed 7th on the list of the 7 key CDO's Complex Development Opportunities for growth within the region. The seven CDO's are understandably representative of important growth locations and area initiatives for the whole of Wellington. The seven identified CDO areas of growth focus are:

- Riverlink – HCC
- Waterloo Station – GW
- Trentham – UHCC
- Otaki – KCDC
- Porirua North – PCC
- Let's Get Wellington Moving, Courtney Place – WCC
- Featherston - SWDC

Going forward, the purpose is to progress and implement these key projects via combined place-shaping, align agency efforts and support with the growth work of the subject Council. This means that Featherston like the other CDO's will have applied inter-agency liaison, further support, and government investment for implementing growth provision results.

1.7 District Plan Review

District Plan Review Committee continues to consider extent of change needed for chapters, alongside the national planning standards, national direction. The review is across 2021-2023, with appeals work in 2024. Release of Draft District Plan provisions for informal consultation is scheduled for late October. Work has continued on Plan topics so that the project and Draft Plan is timely and meets National Planning Standards timeline in 2024.

The advisory group and combined WCDP Review Committee continue to examine the draft chapters and issues. Both groups are meeting more regularly through until the completion of drafting in August, and preparation for informal consultation on the draft in October.

The district plan review has shifted to approving largely final drafts at numerous and closely spaced workshops. Final drafts provided to the Joint committee included:

Strategic Direction

Natural Hazards

General Rural Zone

Future Urban Zone

Opens Space/Natural Open Space/Sport and Active Recreation Zones

Notable Trees

Historic Heritage

Network utilities

Further drafts to come or be approved by Committee include the following:

Tangata Whenua, Sites of Significance to Maori chapters

Town Centre, Mixed Use, and Industrial chapters

Contaminated land, Transport

Noise, Subdivision

Further work is being undertaken to confirm approaches to initial consultation on the non-statutory drafts in mid to late October. A paper will go to the September Council meeting to confirm the continuation of the Joint District Plan Review Committee. Future workshops for WCDP Review Committee will be on 31st August, and 15th September 2022.

1.8 Proposed Council Dog Pound

Officers have identified an area of 1800m² located at 23 Viles Road, Featherston (the former golf course). There has been engagement with the necessary stakeholders regarding the land and officers are progressing the necessary variation to lease arrangements. Staff undertook the procurement process for the container build. Three parties formally expressed interest, it dropped to 2 at the Request for Proposal (RFP) stage, and finally a preferred supplier selected. Entered a contractual arrangement to design/build container, supplier quotes obtained for remaining aspects for the pound.

Requirements around the power source, septic, and water requirements were challenging. The quote pricing has been updated due to the shifting construction costs. Please note that the quotes are time restricted and on expiry expect continual increases. SWDC officers are mindful as to other council interests that may want to engage with SWDC, be open for options that do not take away from SW plan.

Council resolved to approve additional funding for dog pound facility at Council meeting 10 August 2022. The new pound facility to be located at the revised site, south of old golf course clubrooms, encompassing a 40 x 60m compound area. Officers are now confirming the quotes received and are also implementing aspects to build stage.

Updated Map of location below.



2. Service Levels

SERVICE LEVEL – Council has a Combined District Plan that proves certainty of land-use/environmental outcomes at the local and district levels.

RESOURCE MANAGEMENT KEY PERFORMANCE INDICATORS	TARGET	RESULT	COMMENT SOURCE AND ACTIONS TAKEN TO ACHIEVE TARGET
Ratepayers and residents' image of the closest town centre ranked "satisfied"	80%	89%	NRB 3 Yearly Survey October 2018 (2016: 87%)
The district plan has a monitoring programme that provides information on the achievement of its outcomes (AER's)		-	Consultants have established data to be recorded and stored to enable effective reporting against AER's in WCDP. A final monitoring strategy is still to be completed.

2.1 Resource Management

2.1.1. Resource Management Act – Consents (Year to date 01/07/2021-30/06/2022)

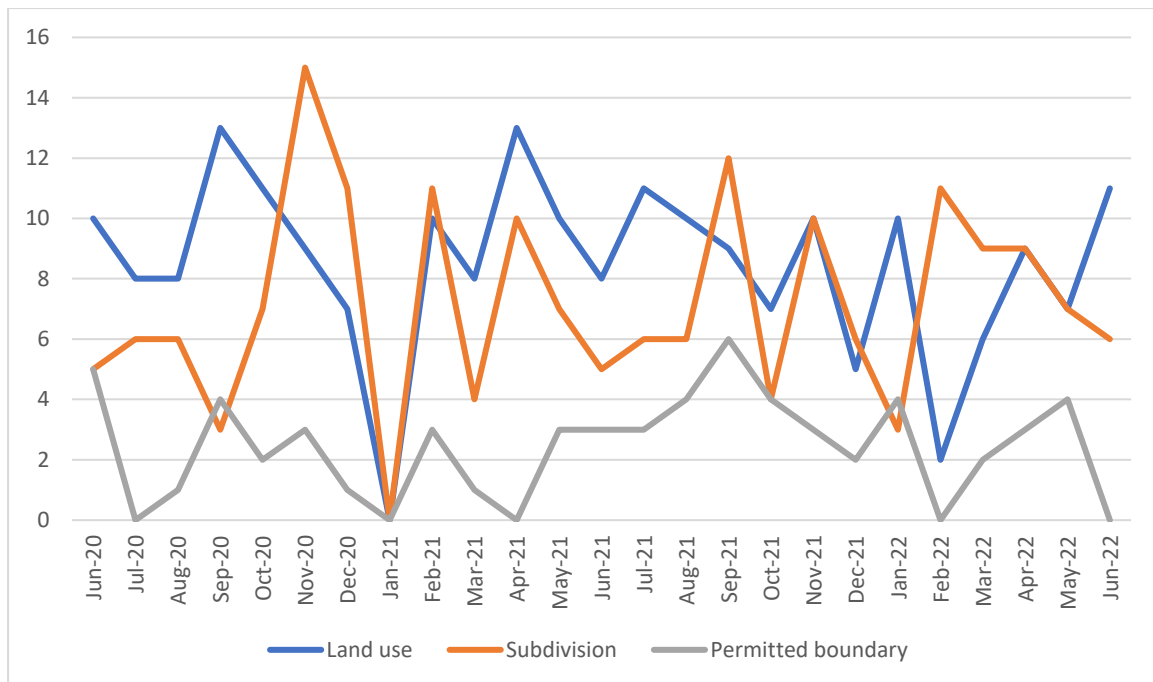
SERVICE LEVEL – All resource consents will be processed efficiently.

RESOURCE MANAGEMENT KEY PERFORMANCE INDICATORS	TARGET	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Consent applications completed within statutory timeframes	100%	100%	Total 214/214
		100%	90/90 Land Use applications were completed within statutory timeframes. NCS
		100%	90/90 Subdivision applications were completed within statutory timeframes. NCS
		100%	34/34 permitted boundary/marginal activity applications were completed within statutory timeframes. NCS
s.223 certificates issued within 10 working days	100%	100%	65/65 s223 certificates were certified within statutory timeframes. NCS.
s.224 certificates issued within 15 working days of receiving all required information (note no statutory requirement)	95%	100%	59/59 s224 certificates were certified. NCS.

2.1.2. Reserves Act – Management Plans

SERVICE LEVEL – Council has a reserve management plan programme.

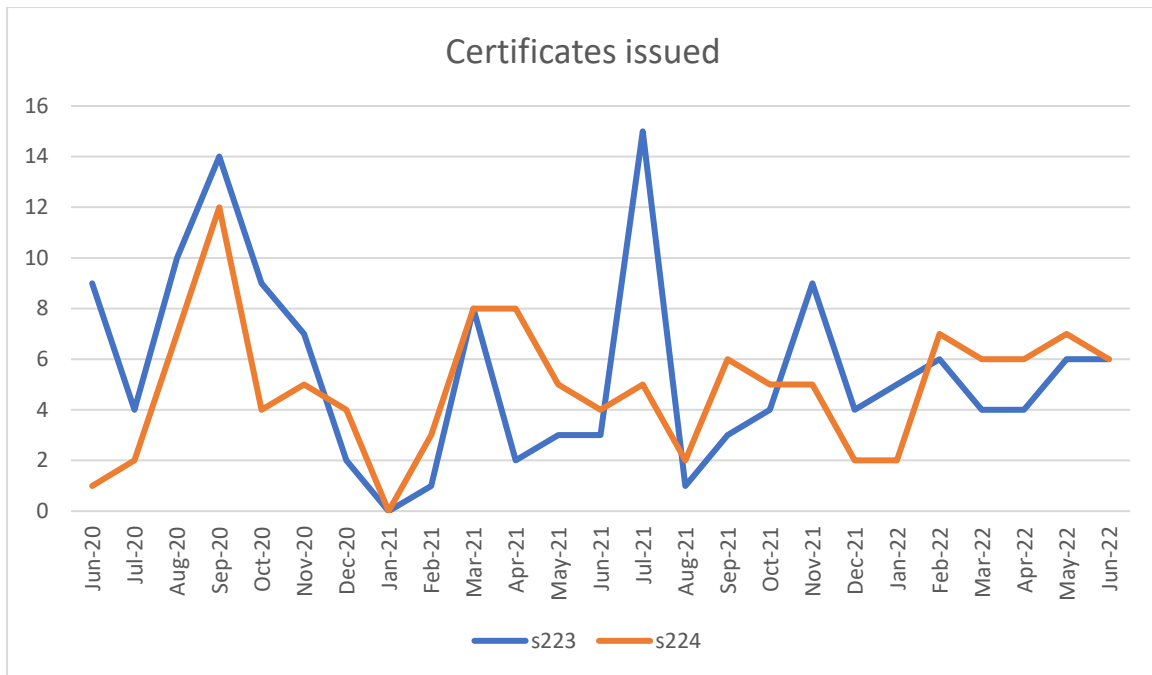
RESOURCE MANAGEMENT KEY PERFORMANCE INDICATORS	TARGET	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Council maintains, and updates reserve management plans as required.	Yes	Yes	RMP's are generally current and appropriate. It is therefore not anticipated that any updates will be undertaken this year.



Land Use	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	5	6	4	3	10	10	8	8	13	11	9	7
2021	0	10	8	13	10	8	11	10	9	7	10	5
2022	10	2	6	9	7	11						

Subdivision	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sept	Oct	Nov	Dec
2020	4	6	9	4	7	5	6	6	3	7	15	11
2021	0	11	4	10	7	5	6	6	12	4	10	6
2022	3	11	9	9	7	6						

Permitted Boundary	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	0	0	2	0	0	5	0	1	4	2	3	1
2021	0	3	1	0	3	3	3	4	6	4	3	2
2022	4	0	2	3	4	0						



S223	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	2	2	4	6	0	9	4	10	14	9	7	2
2021	0	1	8	2	3	3	15	1	3	4	9	4
2022	5	6	4	4	6	6						

S224	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	8	3	5	3	3	1	2	7	12	4	5	4
2021	0	3	8	8	5	4	5	2	6	5	5	2
2022	2	7	6	6	7	6						

2.1.3. Local Government Act – LIMs

SERVICE LEVEL – Land Information Memoranda: It is easy to purchase information on any property in the District.

RESOURCE MANAGEMENT KEY PERFORMANCE INDICATORS	TARGET	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
LIMs contain all relevant accurate information (no proven complaints)	100%		G:\LIMs\LIMS PROCESSED 2021-2022
Standard LIMs are processed within 10 days	100%	98.41%	186/189 standard LIMs were completed in time frame
Urgent LIMs are processed within 5 days	100%	100%	59/59 urgent LIMs were completed

	YTD 1 ST JULY 2021 TO 30 TH JUNE 2022	PREVIOUS YTD 1 ST JULY 2020 TO 30 TH JUNE 2021	PERIOD 1 ST JUNE 2022 TO 30 TH JUNE 2022	PREVIOUS PERIOD 1 ST JUNE 2021 TO 30 TH JUNE 2021
Standard LIMs (Processed within 10 working days)	189	218	8	8
Urgent LIMs (Processed within 5 working)	59	95	4	7
Totals	248	313	12	15

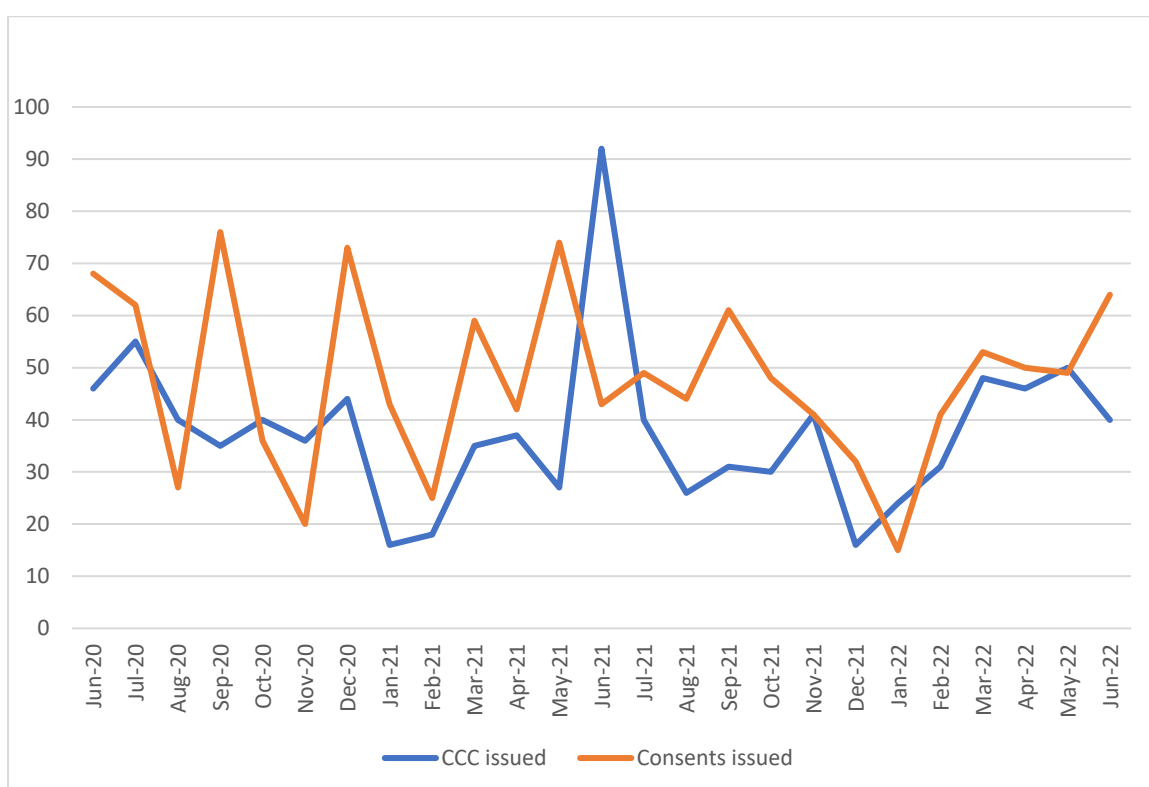
2.2 Building Act - Consents and Enforcement

SERVICE LEVEL - Council certifies all consented work complies with the building code, ensuring our communities are safe. The Council processes, inspects, and certifies building work in my district.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Code Compliance Certificate applications are processed within 20 working days	100%	97.38%	NCS – 409/423 CCC's were issued within 20WD YTD
Building consent applications are processed within 20 working days	100%	97.49%	NCS –598 consents were issued within 20WD YTD 15consents went over 20WD
Council maintains its processes so that it meets BCA accreditation	Yes	Yes	Next accreditation review due January 2023.
BCA inspects new building works to ensure compliance with the BC issued for the work, Council audits BWOF's and Swimming Pools	Yes	Yes	Building Consents Council inspects all new work to ensure compliance June 22 - 378 inspections BWOF's – 0 Total 205 average of 4 audits per month required, Swimming Pools – Total 408 – average of 12 audits per month required. June 22 – 9 audits
Earthquake prone buildings reports received	100%	N/A	Of the remaining buildings: 17 – Current buildings with Earthquake-prone building notices issued. 2 of these buildings have consent to carry out strengthening work. 3- Requested extension to provide engineers report

2.2.1. Building Consents Applications

TYPE – 1 JUNE 2022 TO 30 JUNE 2022	NUMBER	VALUE
Commercial (shops, restaurants, rest home – convalescence, restaurant /bar / cafeteria / tavern, motel, commercial building demolition - other commercial buildings)	1	\$130,000
Industrial (covered farm yards, building demolition, warehouse and/or storage, factory, processing plant, bottling plant, winery)	2	\$91,000
Residential (new dwellings, extensions and alterations, demolition of building, swimming and spa pools, sleep-outs, garages, relocations, heaters, solid fuel heaters).	30	\$8,287,800
Other (public facilities - schools, toilets, halls, swimming pools)	2	\$4,000
Totals	35	\$8,512,800



CCC issued	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	11	24	31	4	16	46	55	40	35	40	36	44
2021	16	18	35	37	27	92	40	26	31	30	41	16
2022	24	31	48	46	50	40						

Consents issued	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	28	25	35	40	39	68	62	27	76	36	20	73
2021	43	25	59	42	74	43	49	44	61	48	41	32
2022	15	41	53	50	49	64						

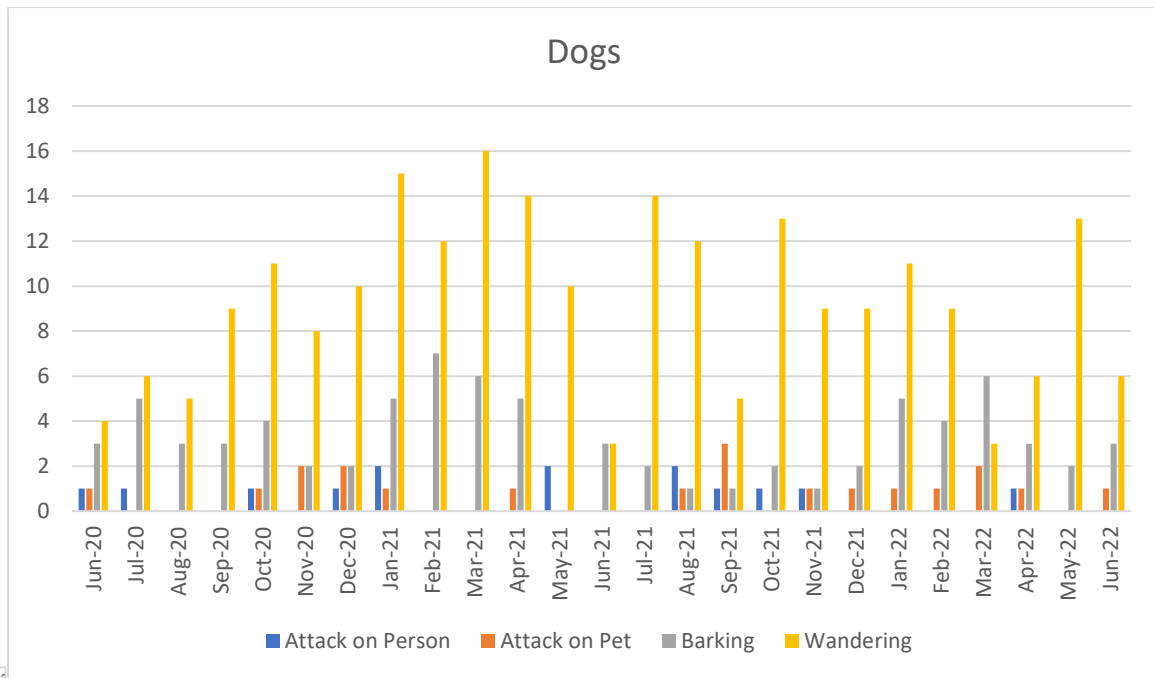
2.3 Environmental Health and Public Protection

2.3.1. Dog Control Act – Registration and Enforcement

SERVICE LEVEL – Dogs don't wander freely in the street or cause menace to humans or stock.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Undertake public education, school and community visits to promote safe behaviour around dogs and/or responsible dog ownership	3 visits	1	Due to Covid 19 level restrictions this activity is not being able to be undertaken. Dogs n Togs event held in Featherston 2022
Complaints about roaming and nuisance dogs are responded to within 4 hours	100%	100%	K:\resource\Bylaw Officers\Registers\AC Service Requests.xls 198/198
Complaints about dog attacks on persons, animals or stock are responded to within 1 hour	100%	100%	19/19

INCIDENTS REPORTED FOR PERIOD 1 ST JUNE 2022 – 30 TH JUNE 2022	FEATHERSTON	GREYTOWN	MARTINBOROUGH
Attack on Pets	-	-	1
Attack on Person	-	-	-
Attack on Stock	-	-	-
Barking	-	1	2
Lost Dogs	1	-	-
Found Dogs	-	-	-
Rushing Aggressive	-	-	-
Wandering	3	1	2
Welfare	-	-	-
Fouling	-	-	-
Uncontrolled (walked off leash urban)	1	-	-



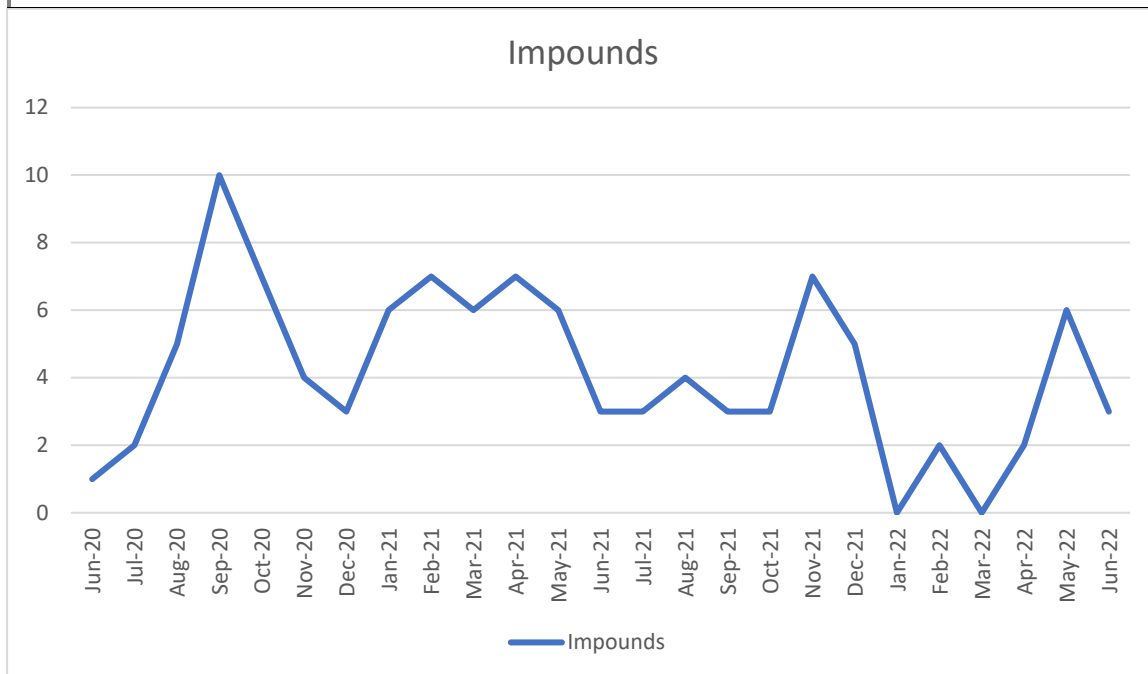
Attack on Person	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec
2020	0	2	1	2	0	1	1	0	0	1	0	1
2021	2	0	0	0	2	0	0	2	1	1	1	0
2022	0	0	0	1	0	0						

Attack on Pet	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	0	0	0	1	0	1	0	0	0	1	2	2
2021	1	0	0	1	0	0	0	1	3	0	1	1
2022	1	1	2	1	0	1						

Barking	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	1	1	4	2	1	3	5	3	3	4	2	2
2021	5	7	6	5	0	3	2	1	1	2	1	2
2022	5	4	6	3	2	3						

Wandering	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	11	12	7	3	7	4	6	5	9	11	8	10
2021	15	12	16	14	10	3	14	12	5	13	9	9
2022	11	9	3	6	13	6						

DOG IMPOUNDS FOR PERIOD 1 ST JUNE 2022 – 30 TH JUNE 2022	JUNE 2022		
Impounds	3		



Impounds	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	12	15	5	4	6	1	2	5	10	7	4	3
2021	6	7	6	7	6	3	3	4	3	3	7	5
2022	0	2	0	2	6	3						

2.4 Public Places Bylaw 2012 - Stock Control

SERVICE LEVEL – Stock don't wander on roads, farmers are aware of their responsibilities

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Stock causing a traffic hazard is responded to within 1 hour	100%	100%	K:\resource\Bylaw Officers\Registers\AC Service Requests.xls 34/34
In cases where multiple stock escapes (more than 1 occasion) have occurred from a property taking compliance or enforcement or prosecution action against the property owner	100%	-	No incidents
Council responds to complaints regarding animals within 48 hours.	100%	100%	K:\resource\Bylaw Officers\Registers\AC Service Requests.xls 20/20

INCIDENTS REPORTED	TOTAL FOR YTD PERIOD 1 JULY 2021 TO 30 JUNE 22
Stock	40

2.4.1. Bylaws

In June 2022 there were:

Trees & Hedges

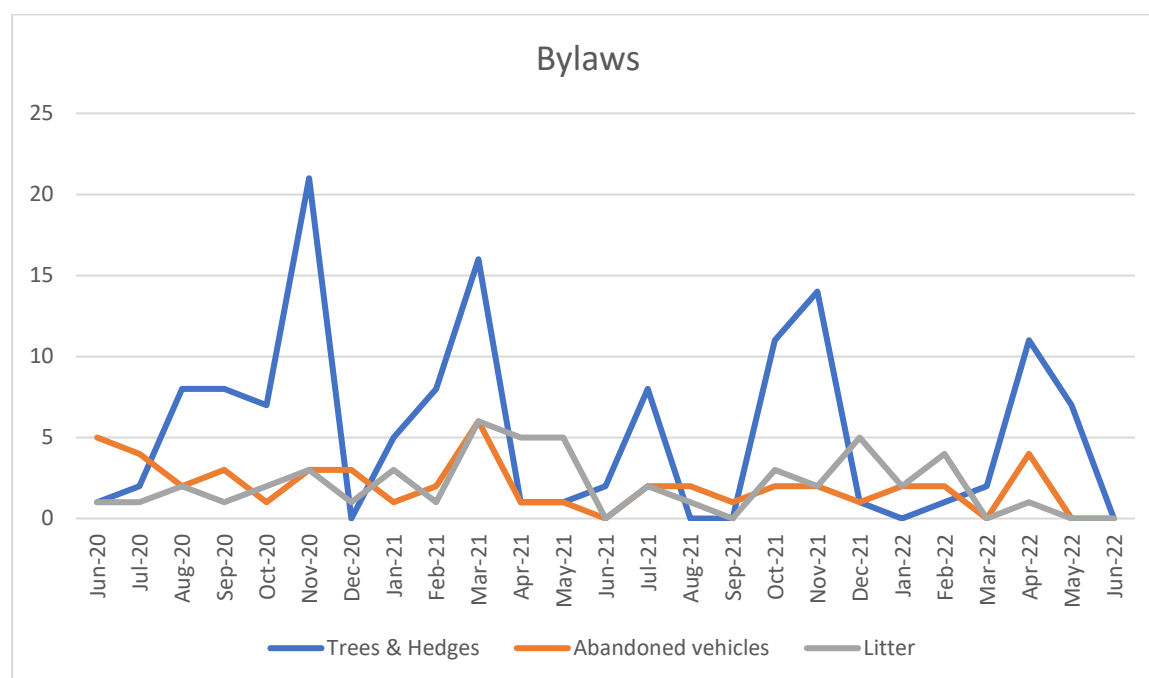
There were 0 first notices sent by Council requesting the owner/occupier to remove the obstruction from the public space. Following this there are 0 second follow up letters being sent within this period. 0 address has had contractors engaged to remove overgrown vegetation in Greytown.

Litter

0 litter (fly tipping) incidents have been recorded. From these, identification was retrieved from the litter Council officer disposed. 0 request for information notice has been sent to the identifiable people associated with the incident. 0 incidents were premises where the owner removed immediately.

Abandoned vehicles

There were 0 total vehicle related calls in the SWDC area, of which 0 were abandoned/unlawfully parked vehicles. 0 were removed by their owners and the remaining 0 incident remains open to be resolved.



Trees & Hedges	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	0	0	2	0	0	1	2	8	8	7	21	0
2021	5	8	16	1	1	2	8	0	0	11	14	1
2022	0	1	2	11	7	0						

Abandoned vehicles	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	5	1	1	0	4	5	4	2	3	1	3	3
2021	1	2	6	1	1	0	2	2	1	2	2	1
2022	2	2	0	4	0	0						

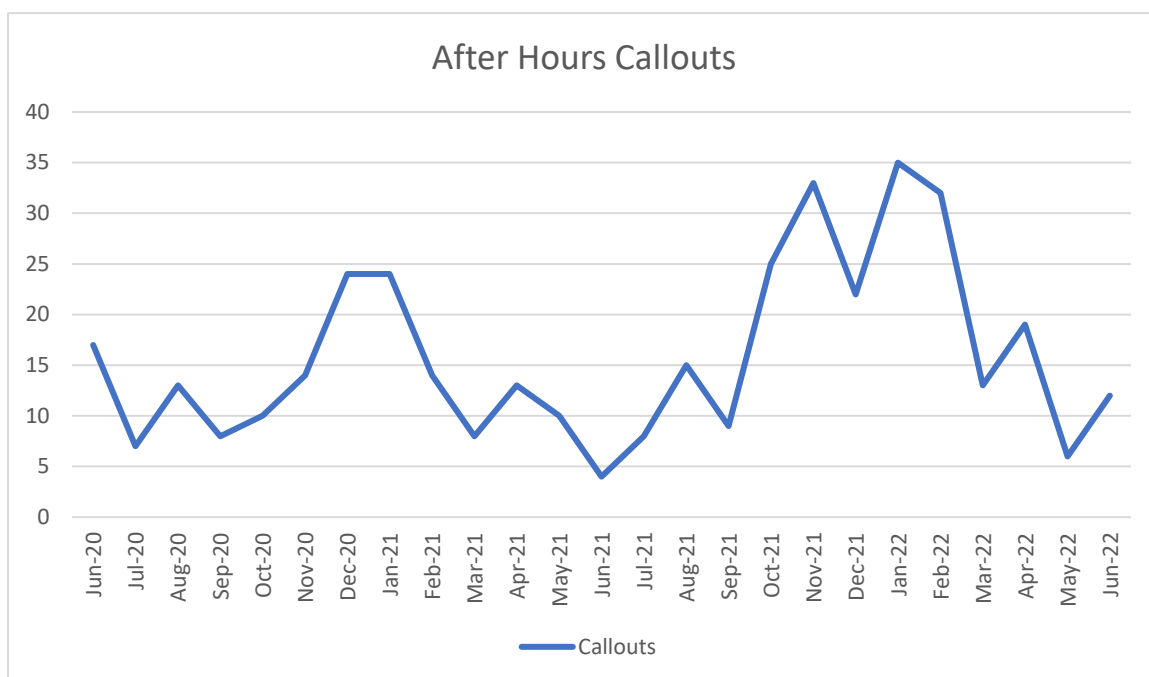
Litter	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	1	3	2	2	4	1	1	2	1	2	3	1
2021	3	1	6	5	5	0	2	1	0	3	2	5
2022	2	4	0	1	0	0						

2.4.2. Resource Management Act – afterhours Noise Control

SERVICE LEVEL – The Council will respond when I need some help with noise control.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET 21/22	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
% of calls received by Council that have been responded to within 1.5 hours	100%	97.8%	K:\resource\Health\Resource Management\Noise Control Complaints 224/229 attended within timeframe YTD 12 callouts June 2022 12/12 responded to within 1.5 hours

AFTER HOURS NOISE CONTROL COMPLAINTS RECEIVED	YTD 1 JULY 21 TO 30 JUNE 22	PREVIOUS YTD 1 JULY 20 TO 30 JUNE 21	PERIOD 1 JUNE 2022 TO 30TH JUNE 2022	PREVIOUS PERIOD 1 JUNE 2021 TO 30TH JUNE 2021
Total	229	149	12	4



Callouts	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	8	28	27	7	14	17	7	13	8	10	14	24
2021	24	14	8	13	10	4	8	15	9	25	33	22
2022	35	32	13	19	6	12						

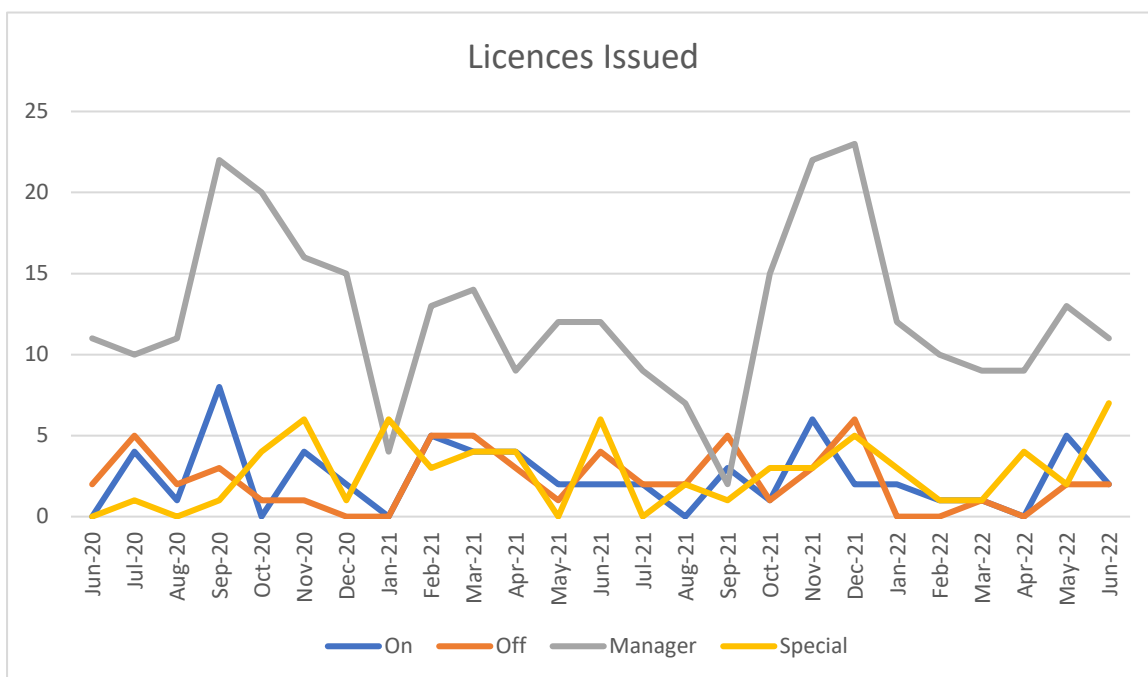
2.5 Sale and Supply of Alcohol Act - Licensing

SERVICE LEVEL – The supply of alcohol is controlled by promoting responsible drinking.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET 21/22	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET		
All premises licences issued have an inspection undertaken by the Inspector prior to issue to assess the licensees understanding of their obligations and responsibilities under the Act	100%	100%	JUNE 2022		
		YTD	LICENCES	PERIOD	YTD
			On licence NEW	0	8
			On Licence RENEWAL	2	17
			Off Licence NEW	0	9
			Off Licence RENEWAL	2	13
			Club RENEWAL	0	4
			TOTAL		51
		Information source: Inspector records, MAGIQ data, Alcohol Spreadsheet K:\resource\Liquot\Alcohol Master Sheet.xls			
		Special Licences are issued			
		JUNE 2022			

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET 21/22	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
			<p>LICENCES PERIOD YTD</p> <p>Special 7 32</p> <p>TOTAL 32</p> <p>Information source: MAGIQ data, Alcohol Master Sheet</p> <p>K:\resource\Liquor\Alcohol Master Sheet.xls</p>
All Duty Manager's (DM) certificate holders undertake an interview with the Inspector prior to certificate being issued to assess the manager's level of understanding with the Duty Manager's role			<p>JUNE 2022</p> <p>LICENCES PERIOD YTD</p> <p>Duty Manager NEW 4 54</p> <p>Duty Manager RENEWAL 7 88</p> <p>TOTAL 142</p> <p>Each Duty Managers certificate includes interview with Inspector.</p> <p>These average approximately 1 hour</p> <p>Information source: MAGIQ data, Alcohol Master Sheet</p> <p>K:\resource\Liquor\Alcohol Master Sheet.xls</p>
75% of all licenced premises identified as at 1 July of every year have a compliance visit undertaken by the Inspector before the 30 th of June the following year (i.e. within a 12 month period)	75%	32.8% YTD	<p>Due to COVID 19 this activity is not being undertaken.</p> <p>COMPLIANCE VISITS</p> <p>June 22 – 0 YTD 41/125</p> <p>Information source: Compliance inspection records</p> <p>K:\resource\Liquor\Compliance Visits 21-22</p>
Average working days to process an application from acceptance by SWDC	25WD	22 WD	<p>Information source: Alcohol Master Sheet</p> <p>K:\resource\Liquor\Alcohol Master Sheet.xls</p>

ALCOHOL LICENCE APPLICATIONS PROCESSED	YTD 1 JULY 21 TO 30 JUNE 22	PREVIOUS YTD 1 JULY 20 TO 30 JUNE 21	PERIOD 1 JUNE 22 TO 30 JUNE 22	PREVIOUS PERIOD 1 JUNE 21 TO 30 JUNE 21
On Licence	25	34	2	2
Off Licence	22	30	2	4
Club Licence	4	5	0	0
Manager's Certificate	142	158	11	12
Special Licence	32	36	7	6
Temporary Authority	13	4	1	0
Total	238	267	23	24



On	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	2	2	3	3	0	0	4	1	8	0	4	2
2021	0	5	4	4	2	2	2	0	3	1	6	2
2022	2	1	1	0	5	2						

Off	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	4	2	2	3	1	2	5	2	3	1	1	0
2021	0	5	5	3	1	4	2	2	5	1	3	6
2022	0	0	1	0	2	2						

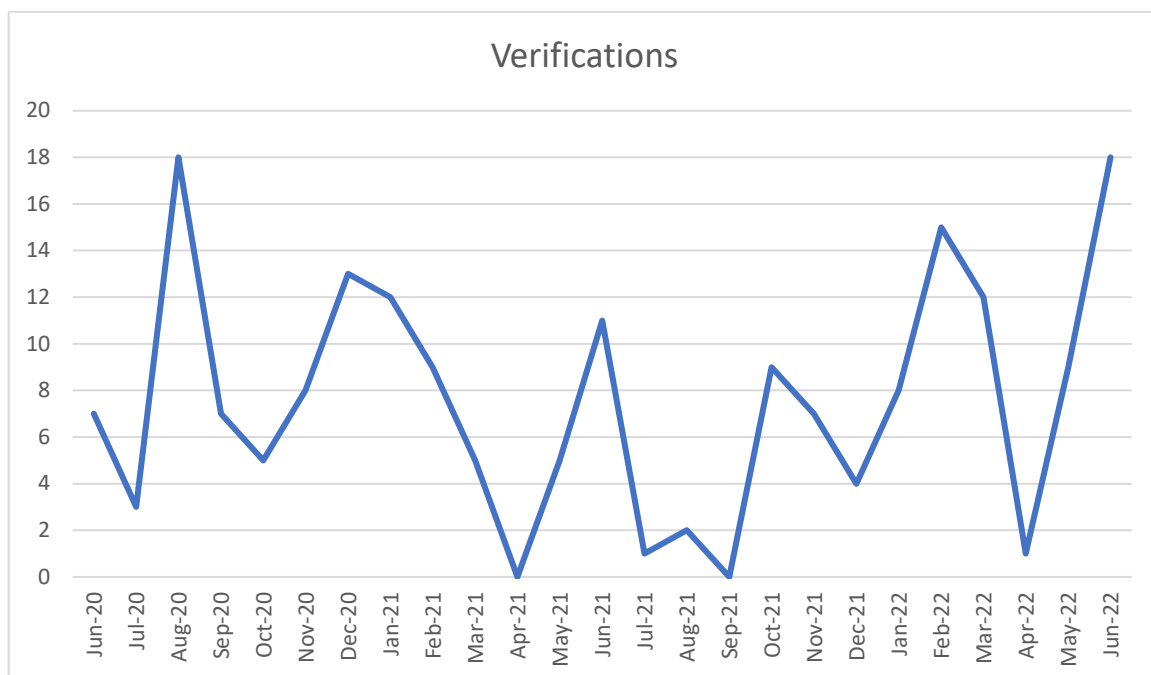
Manager	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	12	10	18	0	5	11	10	11	22	20	16	15
2021	4	13	14	9	12	12	9	7	2	15	22	23
2022	12	10	9	9	13	11						

Special	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	6	4	3	0	0	0	1	0	1	4	6	1
2021	6	3	4	4	0	6	0	2	1	3	3	5
2022	3	1	1	4	2	7						

2.6 Health Act - Safe Food

SERVICE LEVEL – Food services used by the public are safe.

PUBLIC PROTECTION KEY PERFORMANCE INDICATORS	TARGET 20/21	YTD RESULT	COMMENT SOURCE, AND ACTIONS TAKEN TO ACHIEVE TARGET
Premises have appropriate FMP in place and meet the risk based standards set out in the Plan.	100%	100%	FCP (Food Act) –88 NP –68 Total number of premises is subject to change month by month as new businesses open and existing premises close. risk based measure changes
Premises are inspected in accord with regulatory requirements.	100%	97.27%	FCP verifications – 86/88 Covid 19 had an impact. We also had 9 premises close/or transfer to National Programmes this financial year so far. Verifications are booked depending on their outcome status this could be 18 /12/6 months. They do not have a consistent number each month. Verifications undertaken in June 22 18



Verifications	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec
2020	4	9	2	0	6	7	3	18	7	5	8	13

2021	12	9	5	0	5	11	1	2	0	9	7	4
2022	8	15	12	1	9	18						

Contact Officer: Russell O’Leary, Group Manager – Planning & Environment

PLANNING AND REGULATORY COMMITTEE

24 AUGUST 2022

AGENDA ITEM C2

REVIEW OF REGULATORY POLICIES

Purpose of Report

To inform the committee of the review of several regulatory policies including the Psychoactive Substances Local Approved Products Policy, Local Easter Sunday Shop Trading Policy, Dangerous and Insanitary Buildings Policy and the Control of Dogs Policy and Bylaw, in line with legislative requirements.

Recommendations

Officers recommend that the committee:

1. *Receive the 'Review of Regulatory Policy' Report.*
2. *Note that a review of the Psychoactive Substances Local Approved Products Policy, Local Easter Sunday Shop Trading Policy, Dangerous and Insanitary Buildings Policy and Control of Dogs Policy and Bylaw is about to commence.*
3. *Endorse the proposed approach to progress the review of these policies and bylaw.*

1. Background

South Wairarapa District Council has a suite of regulatory policies. Some of these are joint with Masterton and Carterton District Councils, and some of these are applicable to South Wairarapa District only.

A number of policies that apply only to the South Wairarapa district are due for review in line with legislative requirements:

- Psychoactive Substances Local Approved Products Policy
- Local Easter Sunday Shop Trading Policy
- Dangerous and Insanitary Buildings Policy
- Control of Dogs Policy and Bylaw.

The Wairarapa Class 4 Gambling and Standalone TAB Venues Policy, a joint regulatory policy with MDC and CDC, is also due for review. A separate report outlining the proposed joint approach is expected following the 2022 Local Body Elections.

2. Discussion

2.1 Psychoactive Substances Local Approved Products Policy

Section 66 of the Psychoactive Substances Act 2013 enables local authorities to have a policy relating to the sale of approved products within the district. The policy is able to restrict the location from which approved products may be sold in reference to:

- broad areas within the district
- other premises from which approved products are sold within the district
- proximity to premises or facilities of a particular kind (e.g. early childhood centres, schools, places of worship).

The SWDC Psychoactive Substances Local Approved Products Policy came into force in April 2014. A copy is attached in Appendix 1.

The adoption of the policy in 2014 followed a formal consultation process using the special consultative procedure however minimal feedback was received (four submissions and an informal comment from NZ Police designed to correct one of the interpretative definitions). The submissions received, including that of the Featherston Community Board and Medical Officer of Health Wellington, were in support of the policy.

Local approved products policies are required to be reviewed within five years of being adopted, and then at five-yearly intervals thereafter. As the SWDC policy has not yet been reviewed, it is overdue for review. The policy does not cease to have effect because it is due for review or is being reviewed.

A local approved products policy may only be amended or replaced in accordance with the special consultative procedure in section 83 of the Local Government Act 2002(LGA).

2.2 Local Easter Sunday Shop Trading Policy

Section 5A of the Shop Trading Hours Act 1990 enables local authorities to have a local Easter Sunday shop trading policy to permit shops in the district to open on Easter Sunday.

SWDC adopted a Local Easter Sunday Shop Trading Policy 2 March 2017 (DC2017/17). A copy is attached in Appendix 2. The adoption of the policy followed a consultation process whereby 244 submissions were received, 200 of which were in favour of the proposed policy.

Councils are required to review the policy made no later than five years after first adopting it. In accordance with section 5C of the Shop Trading Hours Act 1990, the

special consultative procedures must be used in deciding whether to continue the policy without amendment, or amend, revoke or replace the policy.

A local Easter Sunday shop trading policy that is not reviewed as required is automatically revoked two years after the date by which the policy was required to be reviewed under legislation (March 2024).

2.3 Dangerous and Insanitary Buildings Policy

Section 131 of the Building Act 2004 requires a local authority to adopt a policy on dangerous and insanitary buildings within its district. The policy must state:

- the approach that the local authority will take in performing its functions under the Building Act 2004 in relation to dangerous, affected and insanitary buildings
- the local authority's priorities in performing those functions, and
- how the policy will apply to heritage buildings.

SWDC first adopted its Dangerous and Insanitary Buildings Policy in 2006 and last reviewed the policy in August 2017, which resulted in minor amendments. A copy of the policy is attached in Appendix 3.

Dangerous and insanitary building policies are required to be reviewed within five years of being adopted, and then at intervals of not more than five years. The policy is therefore due for review. The policy does not cease to have effect because it is due for review or is being review.

The policy may only be amended or replaced in accordance with the special consultative procedure in section 83 of the LGA.

2.4 Control of Dogs Policy and Bylaw

2.4.1. Control of Dogs Policy

Section 10 of the Dog Control Act 1996 requires local authorities to adopt a policy in respect of dogs in the district.

A dog control policy:

- a) shall specify the nature and application of any dog control bylaw made
- b) shall identify any public places in which dogs are to be prohibited, either generally or at specified times, pursuant to a dog control bylaw
- c) shall identify any public places and areas in which dogs (other than working dogs) in public places are required by a dog control bylaw to be controlled on a leash
- d) shall identify any places that are to be designated by a dog control bylaw as a dog exercise area in which dogs may be exercised at large

- e) must state whether dogs classified by SWDC or by any other local authority as menacing dogs are required to be neutered.

A dog control policy may also include other details such as fees or proposed fees, owner education programmes, dog obedience courses, the classification of owners, the disqualification of owners, and the issuing of infringement notices.

The current Control of Dogs Policy (and bylaw) was adopted in September 2013, following a review of the 2007 Control of Dogs Policy (and bylaw).

The adoption the policy and bylaw in 2013 followed the special consultative procedure and included every registered dog owner being sent a notice of the proposed amendments. Minimal feedback (two submissions) were received, one of which supported the proposal and the other was assessed at the time as being beyond the scope of the policy and bylaw.

The current policy and bylaw are attached in Appendices 4 and 5 respectively.

2.4.2. Control of Dogs Bylaw

The Council is empowered under the Local Government Act 2002 (LGA) to make bylaws for the following purposes:

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

Section 20 of the Dog Control Act 1996 empowers local authorities, in accordance with the LGA, to make bylaws for dog control purposes.

A local authority must review a bylaw made by it no later than five years after the date on which the bylaw was first made. After the first review, further reviews are required every 10 years.

A review of the Control of Dogs Bylaw is therefore due by September 2023. In accordance with section 160A of the LGA, a bylaw that is not reviewed as required is revoked on the date two years after the last date on which the bylaw should have been reviewed (September 2025).

As part of this process, the existing policy must also be reviewed in line with section 10AA of the Dog Control Act which states that a local authority must review its policy if the bylaw implementing the policy requires review.

2.4.3. Procedure for and nature of Dog Control Bylaw review

Under section 155 of the LGA, Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem and that the proposed bylaw is the most appropriate form of bylaw.

In addition, no bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act). Councils must determine whether the proposed bylaw gives rise to any implications under the Bill of Rights Act.

The above determinations are to be made in the context of a reconsideration of the matters in section 10(4) of the Dog Control Act 1996 as outlined below:

- a) the need to minimise danger, distress and nuisance to the community generally
- b) the need to avoid danger in allowing dogs to have uncontrolled access to public places frequented by children
- c) the importance of enabling, to the extent practicable, the public to use streets and public amenities without fear of attack or intimidation by dogs
- d) the exercise and recreational needs of dogs and their owners.

If after the review, Council considers that the bylaw should be amended, revoked or revoked and replaced, it must consult using the special consultative procedure (as modified by section 86) in accordance with section 156 of the LGA if:

- the bylaw concerns a matter identified in Council's Significant and Engagement Policy as being significant interest to the public, or
- there is likely to be a significant impact on the public due to proposed changes.

If after the review, Council considers that the bylaw should be continued without amendment it must use the special consultative procedure set out in section 83 of the LGA if either of the above apply.

If the above do not apply, Council needs to consult in a manner that gives effective to the principles of consultation in section 82 of the LGA.

2.5 Proposed Approach to the Review of Regulatory Policies and Bylaw

It is noted that the Local Easter Sunday Trading Policy and Control of Dogs Bylaw require formal consultation regardless of whether amendments are proposed. The Dangerous and Insanitary Building Policy and Psychoactive Substances Local Approved Products Policy require use of the SCP if amendments are made. At this stage we are not in a position to provide advice on whether we would be recommending Council amend its policies.

Given there is potential for all of these reviews to require use the SCP, it is proposed that officers progress the reviews along the same timeline. This includes the development of Statement of Proposals (SOPs), formal consultation, hearings/deliberations and policy/bylaw adoption.

2.5.1. Governance support for the reviews

Council has delegated to the Planning and Regulatory (P&R) Committee the power of providing advice and recommendations to Council regarding the development and

implementation of Council regulatory policies or bylaws through its [Terms of Reference](#). Officers therefore propose to report to the P&R committee for recommendations to Council for the adoption of the SOPs and final policies/bylaw. All other governance support (e.g. workshops (if required), hearings/deliberations) are proposed to be progressed through the P&R committee.

This approach is consistent with section 32 of schedule 7 of the LGA which limits Council's ability to delegate the power to make a bylaw, and section 5D of the Shop Trading Hours Act 1990 which limits Council from being able to delegate the final decision on a local Easter Sunday shop trading policy.

It is noted that the SWDC committee structure may differ following the 2022 Local Body Elections, and therefore officers propose reporting to the equivalent committee with regulatory policy and bylaw responsibility should the P&R committee not be reconstituted, or directly to Council should there not be an equivalent committee established.

2.5.2. Proposed Timeframes

The reviews are expected to require dedicated resourcing throughout 2022/23 as outlined in the indicative timeframes listed in Appendix 6.

The review timeframe will need to remain flexible with the Local Body Elections in October 2022, the Council and committee meetings schedule for 2023 which is yet to be determined, and the availability of staff and elected members with the scheduling of other consultation activities (e.g. Annual Plan 2023/24, Rating Review).

2.6 Strategic, Policy and Legislative Implications

The implications arising under legislation are discussed in this report.

The following community outcomes and strategic drivers from the Long Term Plan 2021-31 are relevant in the review of these policies.

SOCIAL WELLBEING	ECONOMIC WELLBEING	CULTURAL WELLBEING	
<i>Residents are active, healthy, safe, resilient, optimistic and connected</i>	<i>A place of destination, new business and diverse employment that gives people independence and opportunity</i>	<i>Strong relationships with whānau, hapū and marae, celebrating diverse cultural identity, arts and heritage</i>	Community Outcomes
<ul style="list-style-type: none"> » Creating better connections & social wellbeing » Strengthen social connections within the community » Provide universally accessible, safe and diverse spaces to 	<ul style="list-style-type: none"> » Supporting sustainable growth, employment, economic wellbeing & development » Encourage economic diversity and local vibrancy 	<ul style="list-style-type: none"> » Nurturing and creating the District's special character, qualities and culture » Protect town and rural community character, retaining our unique look and feel 	Strategic Drivers

2.7 Significance, Engagement and Consultation

The review of these regulatory policies will draw on multiple sources of information to ensure positive outcomes, stakeholder buy-in and accountability.

Formal consultation requirements are discussed throughout the report. We will engage with key stakeholders early in the process and throughout the review period.

The development of a project plan and a communications and engagement plan are underway. Promotion of the reviews and opportunities to provide feedback will be undertaken via print, the Council website and social media platforms.

2.8 Financial Considerations

These reviews are undertaken as part of business as usual activities.

Costs associated with the reviews, such as advertising costs, print costs associated with consultation, and any associated legal costs (if required) will be met from within existing budgets for 2022/23.

3. Conclusion

Pending the endorsement of recommendations in this report, the review of these policies and bylaw will progress as outlined.

4. Appendices

Appendix 1 - Psychoactive Substances Local Approved Products Policy

Appendix 2 - Local Easter Sunday Shop Trading Policy

Appendix 3 - Dangerous and Insanitary Buildings Policy

Appendix 4 - Control of Dogs Policy 2013

Appendix 5 – Control of Dogs Bylaw 2013

Appendix 6- Key tasks and indicative timeframes for the review of regulatory policies

Contact Officer: Steph Frischknecht, Policy and Governance Advisor

Reviewed By: Amanda Bradley, Policy and Governance Manager

Rick Mead, Environmental Services Manager

Sara Edney, Building Control Manager

Appendix 1 – Psychoactive Substances Local Approved Products Policy

South Wairarapa District Council
Psychoactive Substances Act 2013
LOCAL APPROVED PRODUCTS POLICY

1. Purpose of the Policy

- 1.1 The South Wairarapa Council is proposing to have a policy relating to the location and density of points of sale for products approved under the Psychoactive Substances Act 2013. The policy covers points of sale within the South Wairarapa District Council territorial authority area. Sections 66 to 69 of the Psychoactive Substances Act 2013 set out the matters that may be contained in the policy.

2. Objectives of the Policy

- 2.1 To minimise the harm to at risk groups within the community caused by psychoactive substances by limiting the location and density of the retailers of approved products.
- 2.2 To ensure that Council and the community have some influence over the location and density of retailers of approved products in the district.
- 2.3 To minimise the potential for adverse effects from the sale of psychoactive substances in residential areas, near sensitive facilities and locations.
- 2.4 To minimise the exposure and potential for harm to risk groups from the sale of psychoactive substances.
- 2.5 To allow outlets only where there is a high degree of safety and security.

3. Location of Premises From Which Approved Psychoactive Products can be Sold

Premises licensed for the sale of approved products under the Psychoactive Substances Act 2013 are allowed subject to all of the following criteria;

- a. must be located within a commercial zone as defined in the Combined Wairarapa District Plan,

- b. are not permitted within 100 metres of a kindergarten, early childhood centre, primary school, library, movie theatre, community centre, public reserve / sportsground / playground or place of worship,
- c. are not permitted within 500 metres of a secondary school or skateboard park,
- d. are not permitted within 100 metres of an existing premise holding a licence (interim or full) to sell approved products,
- e. are not permitted within 50 metres of an existing off licenced liquor premise,
- f. are not permitted within 100 *metres* of a residentially zoned site as defined in the Wairarapa Combined District Plan,
- g. may, regardless of the limits proposed in *a. to e.* above, locate on a site where it is within 50 metres of a fully manned police station.

4. Interpretation

LAPP – Local Approved Products Policy pursuant to Sections 66 – 69 of the Psychoactive Substances Act 2013.

Fully manned police station – a police station that is *covered* 24 hours a day, 7 days a week by rostered staff.

Wairarapa Combined District Plan – Wairarapa Combined District Plan Volumes 1 and 2 Operative on 25 May 2011.

PSRA – Psychoactive Substances Regulatory Authority pursuant to Section 10 of the Psychoactive Substances Act 2013.

SWDC – South Wairarapa District Council.

LTP – Long Term Plan.

Approved Product – a psychoactive product approved by the Authority under Section 37 of the Psychoactive Substances Act 2013.

Psychoactive substance – a substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance.

Appendix 2 - Local Easter Sunday Shop Trading Policy



LOCAL EASTER SUNDAY SHOP TRADING POLICY

1. Purpose

The purpose of this policy is to enable shops to trade on Easter Sunday if they wish. This policy is made under Subpart 1 of Part 2 of the Shop Trading Hours Act 1990.

2. Scope

This policy applies to the whole of the South Wairarapa district. This policy does not apply to the sale and supply of alcohol which is regulated under the Sale and Supply of Alcohol Act 2012.

3. Policy

- 1.1 Shop trading is permitted on Easter Sundays throughout the whole of the South Wairarapa district as defined by the map in Schedule A.
- 1.2 The choice to open rests with each individual retailer. The Policy neither requires shops to open, or individuals to work on Easter Sunday.
- 1.3 Council recognises that Easter Sunday is a day of significance across New Zealand and some people will choose not to work or shop on this day. Subpart 2 of Part 2 of the Shop Trading Hours Act 1990 includes a workers choice provision that outlines a shop employee's right to refuse to work on Easter Sunday.

4. Relevant Legislation

Shop Trading Hours Act 1990.

5. Definitions

For the purpose of this policy:

Shop means a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include—

- (a) a private home where the owner or occupier's effects are being sold (by auction or otherwise); or
- (b) a building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or
- (c) a building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again.

SCHEDULE A



Appendix 3 - Dangerous and Insanitary Buildings Policy

DANGEROUS AND INSANITARY BUILDINGS POLICY

1. INTRODUCTION AND BACKGROUND

- 1.1 The Building Act 2004 required territorial authorities to adopt a policy on dangerous and insanitary buildings by 31st May 2006.
- 1.2 This policy is developed with due consideration of the ratepayers and stakeholders in accordance with section 83 of the Local Government Act 2002.
- 1.3 This document sets out Council's policies relating to dangerous and insanitary buildings, specifies the priorities that will be adopted in carrying out those functions and how the policy applies to heritage buildings.
- 1.4 The purpose of this policy is in accordance with the general principles of the Building Act 2004 which is to ensure people who use buildings can do so safely and without endangering their health; and buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them.

2. BUILDING ACT 2004 LEGISLATIVE REQUIREMENTS

- 2.1 Section 131 of the Act states that:
 - "(1) *A territorial authority must, within 18 months after the commencement of this section, adopt a policy on dangerous, earthquake-prone, and insanitary buildings within its district.*"
 - "(2) *The policy must state -*
 - (a) the approach that the territorial authority will take in performing its functions under this Part; and*
 - (b) the territorial authority's priorities in performing those functions; and*
 - (c) how the policy will apply to heritage buildings."*

2.2 Section 132 of the Act states that:

- 1) *A policy under section 131 must be adopted in accordance with the special consultative procedure in section 83 of the Local Government Act 2002.*
- (2) *A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement.*
- (3) *A territorial authority must, as soon as practicable after adopting or amending a policy, provide a copy of the policy to the chief executive.*
- (4) *A territorial authority must complete a review of a policy within 5 years after the policy is adopted and then at intervals of not more than 5 years.*
- (5) *A policy does not cease to have effect because it is due for review or being reviewed.*

2.3 Section 121 of the Act defines a building to be dangerous as follows:

- "(1) A building is **dangerous** for the purposes of this Act if, -
- (a) *in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause -*
 - (i) *injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or*
 - (ii) *damage to other property; or*
 - (b) *in the event of fire, injury or death to any persons in the building or to persons on other property is likely because of fire hazard or the occupancy of the building."*
- "(2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority -
- (a) *may seek advice from members of the Fire and Emergency New Zealand (FENZ) who have been notified to the territorial authority by the FENZ National Commander as being competent to give advice; and*
 - (b) *if the advice is sought, must have due regard to the advice."*

2.4 Section 123 of the Building Act 2004 defines an insanitary building as:

- "A building is **insanitary** for the purpose 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."*

3. DANGEROUS AND INSANITARY BUILDINGS POLICY

- 3.1 Whether a building is considered 'dangerous' or 'insanitary' under the Act will depend on the individual circumstances of each case. Council will consider each case and determine the appropriate course of action based on the particular set of circumstances that exist.
- 3.2 Council must first be satisfied that the building in question is dangerous or insanitary. To determine this Council will carry out the following steps.
- (a) On receiving a complaint or information expressing concern that the building is dangerous or insanitary, the Council will consult the owner of the building, inspect the building and site and may also seek the advice of FENZ.
 - (b) Following the inspection and taking into account the advice or recommendations of FENZ, Council will determine whether the building is dangerous or insanitary. In making this decision Council will take into account the provisions of sections 121 and 123 of the Building Act 2004.
 - (c) If Council is satisfied that the building in question is deemed to be dangerous or insanitary Council will then determine the work or action that must be carried out to prevent it from being dangerous or insanitary.
 - (d) In forming its view as to the work or action that is required to be carried out on the building to prevent it from remaining insanitary or dangerous, Council will take the following matters into account:
 - (i) The size of the building;
 - (ii) The complexity of the building;
 - (iii) The location of the building in relation to other buildings, public places, and natural hazards;
 - (iv) The life of the building;
 - (v) How often people visit the building;
 - (vi) How many people spend time in or in the vicinity of the building;
 - (vii) The current or likely future use of the building, including any special traditional and cultural aspects of the current or likely future use;
 - (viii) The expected useful life of the building and any prolongation of that life;
 - (ix) The reasonable practicality of any work concerned;
 - (x) Any special historical or cultural value of the building; and
 - (xi) Any other matters that Council considers may be relevant, taking into account the particular set of circumstances.

- (e) Following the inspection of the building, after receiving advice from FENZ if applicable, and taking into account the matters listed above, Council will then decide whether immediate action should be taken to avoid the danger or to fix the insanitary conditions pursuant to the provisions of section 129 of the Building Act 2004.
- (f) If Council decide that immediate action under section 129 of the Building Act 2004 is not required, Council will issue a notice under section 124 of the Building Act 2004 requiring the owner to carry out the necessary work and to obtain a building consent before commencing work. The time required to obtain a building consent and commence work will depend on the particular set of circumstances, but shall not exceed six months from the time notice was served on the owner. Completion of the work for which a building consent has been issued shall depend on the particular set of circumstances of each case but shall not exceed any timeframes set out in the issued notice.

3.3 Where a property owner has failed to carry out the work within the time specified, Council may apply to the District Court for an order authorising it to carry out the work pursuant to section 130 of the Building Act 2004. The full costs of carrying out such works will be recovered from the property owner.

3.4 With regard to heritage buildings that are determined to be dangerous or insanitary, Council will seek to ensure, as far as reasonably practicable, that work carried out will not diminish the heritage values of the building. Property owners must take all reasonable steps to ensure that this objective is achieved. If a notice is issued to the owner of a heritage building, under section 124 of the Building Act 2004, a copy of the notice will also be sent to the New Zealand Historic Places Trust.

4.0 Policy Review dates

4.1 *Council will complete a review of this policy at intervals of not more than 5 years.*

Next review due August 2022

Appendix 4 – Control of Dogs Policy

South Wairarapa District Council Control of Dogs Policy 2013

This policy remains in force until such time as Council in accordance with Section 10(8) Dog Control Act 1996 proposes any amendment in accordance with the special consultative procedures of the Local Government Act 2002.

1 INTRODUCTION

- 1.1 This policy is prepared in accordance with the requirements of the Dog Control Act 1996.
- 1.2 This policy sets out Council's position on the matters that Council has discretion over within the Dog Control Act 1996. Reference should be made to this Act for the matters which are mandatory.
- 1.3 This policy specifies the nature and application of all bylaws made under the Act and identifies public places where dogs may be given access; may be prohibited, or may be controlled.
- 1.4 This policy also includes details about the following:
 - i) Fees or proposed fees
 - ii) Owner education programmes
 - iii) Dog obedience courses
 - iv) Classifying owners as probationary
 - v) Disqualifying owners from owning dogs
 - vi) The issuing of infringement notices.
- 1.5 When adopting this policy Council had particular regard to:
 - i) The need to minimise danger, distress, and nuisance to the community generally.
 - ii) The need to avoid 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.
 - iii) 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.
 - iv) The exercise and recreational needs of dogs and their owners.

- 1.6 Council recognises that the majority of dog owners in South Wairarapa are responsible and that most interaction between dogs and the public is positive.

2 POLICY OBJECTIVES

- 2.1 This Policy aims to give effect to the Dog Control Act by protecting the health and safety of the public whilst ensuring the well-being and welfare of dogs is protected through responsible dog ownership.
- 2.2 This objective is met by:
- i) Requiring the registration of dogs.
 - ii) Making special provision in relation to dangerous or menacing dogs.
 - iii) Imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person nor injure, endanger, or cause distress to any person.
 - iv) Imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any other dog, stock, poultry, domestic animal, or protected wildlife.
 - v) To make better provision in relation to damage caused by dogs.
 - vi) To provide for the exercise and recreational needs of dogs and their owners.

3 POLICY

3.1 Nature & Application of Bylaws

Council will endorse existing bylaws and amendments which are based on the NZ Standards Association Model General Bylaw.

3.2 Public Places where Dogs are to be controlled by Leash

Dogs are to be kept on a leash at all times in public places within the urban areas of the South Wairarapa District, including public parks, reserves, pensioner flats, transfer stations, recycling stations and also public reserves in rural areas under the control or management of the Council.

Dogs are not required to be kept on a leash in a designated dog exercise area where they are under continuous surveillance and effective control.

3.3 Dog Exercise Areas

The Council may, by resolution, designate dog exercise areas.

Council's policy is to provide dog exercise areas in Martinborough, Featherston and Greytown.

3.4 Public Places where Dogs are to be Prohibited

Dogs are prohibited from all children's play areas, sports grounds, swimming pools, cemeteries, public buildings under the control or management of Council and any other areas where dogs may pose a threat to the public.

3.5 Classification of Dogs

3.5.1 The Dog Control Act requires the Council to classify as menacing dogs, those belonging wholly or predominantly to one or more breeds or types listed in schedule 4, as listed below.

- i) Breed of dog:
 - Brazilian Fila
 - Dogo Argentino
 - Japanese Tosa
 - Perro de Presa Canario
- ii) Type of dog:
 - American Pit Bull Terrier¹

Or

Dogs that the Council considers may pose a threat to any person or animal because of observed or reported behaviour of the dog, or any characteristics typically associated with the dog's breed or type.

3.5.2 The Council's policy is to require that all dogs classified as menacing dogs be neutered in accordance with s33E(1) (b) of the Act within one month after receipt of notice of the classification. In the case of dogs classified as menacing by another council, that the dog be neutered within one month of registration with the Council.

3.6 Classification of Owners

The Dog Control Act provides for the Council to classify dog owners as probationary owners if they are convicted of certain offences under the Act.

¹ Any legislative amendments made to the list of dog breeds and dog types made subsequent to this policy shall be deemed to form part of this policy

A probationary owner may be required to undertake, at their own expense, a dog owner education programme or dog obedience course (or both).

A decision to classify an owner as a probationary owner can be appealed by the owner to Council.

The Council's policy will be to classify owners as probationary where provided for in the Act.

3.7 Disqualification of Owners

Council must disqualify a person from being the owner of a dog if that person is convicted of certain offences, unless Council is satisfied the circumstances of an offence do not warrant disqualification.

Where a person who is classified as a probationary owner and is convicted of certain offences the Council may disqualify that person from being the owner of any dog. The disqualification can be for any period up to a maximum of 5 years. A disqualified owner must dispose of any dog/s owned within 14 days.

Council's policy will be to classify an owner as disqualified for an appropriate period as provided for in the Act.

A decision to classify an owner as a disqualified owner can be appealed by the owner to Council.

3.8 Dog Control Fees

The Council will annually review its dog control fees to suit operational requirements. The structure of dog control fees will be aligned with the Annual Plan each year. The Council aims to self fund dog control operations from dog control fees, with the exception that from time to time the Council may approve a contribution from the general ratepayer base. All dogs over 3 months must be registered.

i) Neutering

The Council will continue to promote neutering of dogs by imposing a lower registration fee for spayed or castrated dogs.

ii) Late registration

A late registration penalty fee will be added for all dogs not registered by the end of the first week of August as set by the Council of the registration year. The penalty fee will be 50% of relevant registration fee, or as set by the Council.

iii) Rural dogs

It is recognised that rural dogs cause fewer dog control problems and therefore a differential between rural and urban fees will apply.

iv) Disability Assist dogs

Disability Assist dogs will not be charged a fee upon registration under the Dog Control Act.

3.9 Conviction and Fines

Every person commits an offence, who does anything prohibited, or who fails, refuses or neglects to do anything to be done according to the South Wairarapa District Council Control of Dogs Bylaw and is liable to:

- i) The penalty provisions of section 242 Local Government Act 2002; or
- ii) Any other penalty pursuant to the Dog Control Act 1996; or
- iii) Be served with an infringement notice pursuant to section 66 of the Dog Control Act 1996.

3.10 Issuing of Infringement Notices

The Dog Control Act provides for infringement notices for certain offences under the Act. Infringement notices can be served at the time of the offence on the owner as defined in the Act and generally the person in charge of the dog. The infringement requires an infringement fee to be paid or for the owner to request a court hearing in respect of the alleged offence.

3.11 Infringement Offences and Fees

Section	Description of offence	Infringement fee (\$)
18	Willful obstruction of dog control officer or ranger	750
19(2)	Failure or refusal to supply information or willfully providing false particulars	750
19A(2)	Failure to supply information or willfully providing false particulars about a dog	750
20(5)	Failure to comply with any bylaw authorised by the section	300
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	300
24	Failure to comply with obligations of probationary owner	750
28(5)	Failure to comply with effects of disqualification	750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	300
32(4)	Fraudulent sale or transfer of dangerous dog	500
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	300

33F(3)	Failure to advise person of muzzle and leasing requirements	100
36A(6)	Failure to implant microchip transponder in dog	300
41	False statement relating to dog registration	750
41A	Falsely notifying death of dog	750
42	Failure to register dog	300
46(4)	Fraudulent procurement of attempt to procure registration label or disc	500
48(3)	Failure to advise change of dog ownership	100
49(4)	Failure to advise change of address	100
51(1)	Removal, swapping, or counterfeiting of registration label or disc	500
52A	Failure to keep dog controlled or confined	200
53(1)	Failure to keep dog under control	200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	300
54A	Failure to carry leash in public place	100
55(7)	Failure to comply with barking dog abatement notice	200

62(4)	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	300
62(5)	Failure to advise of muzzle and leashing requirements	100
72(2)	Releasing dog from custody	750

The Council's policy is to issue infringement notices where appropriate to promote the objectives set out in this policy.

3.12 **Open and Controlled Dog Areas under Conservation and National Parks Acts**

At this stage there are no areas gazetted under the Conservation and National Parks Acts. The Department of Conservation is preparing guidelines for local DOC branches for the creation of controlled and open dog areas. These areas will be determined and gazetted following public consultation.

3.13 **Owner Education**

Owner education is seen as an important part of the policy. Officers will work with dog owners, schools, and the community to:

- i. Inform and educate dog owners and the general public about responsible dog ownership by raising awareness through education programs, distributing information and the use of media.
- ii. Ensure complaints received are followed up by Officers with appropriate action taken.
- iii. Promote the availability of dog obedience classes.

Appendix 5 – Control of Dogs Bylaw

Appendix 6 - Key tasks and indicative timeframes for the review of regulatory policies

SOUTH WAIRARAPA DISTRICT COUNCIL CONTROL OF DOGS BYLAW 2013

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SCHEDULES

SCHEDULE A – AREAS WHERE DOGS ARE PROHIBITED
SCHEDULE B – DOG EXERCISE AREAS

New Zealand Legislation

Dog Control Act 1996

Local Government Act 2002

1 FOREWORD

This bylaw draws from the New Zealand Standard NZS9201:1999 - Part 12 Dog Control Bylaw. NZS9201 series are model bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 2002 to make bylaws.

2 GENERAL

2.1 Short Title

- i) This Bylaw may be cited as the South Wairarapa District Council Control of Dogs Bylaw 2013.
- ii) This Bylaw repeals all existing South Wairarapa District Council control of dogs' bylaws.

2.2 Commencement

This Bylaw shall come into force on the 1st of October 2013.

3 SCOPE

The purpose of this bylaw is to set standards and controls that must be observed by dog owners. It concerns matters such as dogs in public places, wandering dogs, ownership of more than one dog, and nuisances caused by dogs.

4 INTERPRETATION

4.1

In this Bylaw unless the context otherwise requires:

Control	Means that the dog is not causing a nuisance or danger and that the person in charge of the dog has the dog under continuous surveillance and is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.
Disability Assist Dog	Means the same as that specified in the Dog Control Act 1996 and includes a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability: <ul style="list-style-type: none">a. Hearing Dog for Deaf People of New Zealandb. Mobility Assistance Dogs Trustc. New Zealand Epilepsy Assist Dogs Trustd. Royal New Zealand Foundation of the Blinde. Top Dog Companion Trustf. An organisation specified in an Order in Council made under section 78D of the Dog Control Act 1996.

Dog Owner	Means owner as defined in section 2 of the Dog Control Act 1996 and includes every person who: <ul style="list-style-type: none"> a. Owns the dog; or b. Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or c. The parent or guardian of a person under the age of 16 years who: <ul style="list-style-type: none"> • Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and • Is a member of the parent or guardian's household and dependent on the parent or guardian; but does not include any person who has seized or taken custody of the dog under this Act or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under this Act or the Animal Welfare Act 1999.
On a Leash	Means that the dog is kept under control by means of a leash, lead or chain which is secured or is held by a person so that the dog cannot break loose.
Public Place	Means public place as defined in section 2 of the Dog Control Act 1996 and includes: <ul style="list-style-type: none"> a. A place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or effect any person from that place; and b. Includes any aircraft, hovership, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.
Reserve	Means: <ul style="list-style-type: none"> a. Any land vested in the Council and declared as a reserve by resolution of the Council, under section 14 of the Reserves Act 1977; or b. Any park, domain or recreation area under the control or ownership of the Council; or c. Any reserve, park or recreation area under the control or management of the South Wairarapa District Council.
Urban Area	Means the area contained within any area zoned urban in the Wairarapa Combined District Plan unless otherwise stated.
Working Dog	Means the same as that in section 2 of the Dog Control Act 1996 and includes: <ul style="list-style-type: none"> (a) any disability assist dog: (b) any dog— <ul style="list-style-type: none"> i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence, or any officer or employee of any such department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the department of State or that constable, officer, or employee; or

	<ul style="list-style-type: none"> ii) kept solely or principally for the purposes of herding or driving stock; or iii) kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or iva) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or ivb) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or ivc) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or v) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or vi) declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.
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4.2

Interpretations shall be as set out in the Dog Control Act 1996.

5 DOGS TO BE UNDER CONTROL AT ALL TIMES

The owner, or any person in charge or having control of any dog, shall keep such dog securely tied up or otherwise effectively confined or under his or her direct control in the areas controlled by Council.

6 SHELTER

Every owner of a dog shall ensure that the dog is provided with adequate shelter and that no suffering is caused to the dog by the manner of the shelter.

- i) Kennels are to be provided on a hard surface, provide shelter from the elements and be free from dampness.
- ii) Kennels are to be kept in a clean condition.
- iii) No owner of any dog shall allow a dog to be kept beneath the floor of any building.

7 DOG WELFARE

The occupier of any premise on which a dog is kept shall take all reasonable steps to:

- i) Ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter.
- ii) Ensure that the dog receives adequate exercise.

8 DISTANCE FROM ADJOINING PROPERTIES

No person shall confine, tie up or accommodate any dog on any land so that the dog is confined, tied up, or accommodated within a distance of two metres from the boundary of any adjoining land or premises. Council may grant an exemption where it is satisfied that the dog can be kept on the premise without any adverse effect.

9 AREAS WHERE DOGS ARE PROHIBITED AND AREAS WHERE DOGS MUST BE ON A LEASH

9.1

The owner of a dog shall not cause or permit the dog to enter or remain in or on any part of any street or public place designated as a prohibited area in Schedule A.

9.2

The owner of a dog shall not cause or permit the dog to enter or remain in or on any part of any street or public place unless the dog is being carried in a vehicle or is at all times on a leash.

9.3

In all public places, other than those in which dogs are prohibited, dogs must be under continuous control and supervision of a responsible person over the age of 12 years.

9.4

Nothing in clause 9 of this bylaw shall apply to:

- i) a working dog while it is working.
- ii) any dog which is confined completely within a vehicle or cage.
- iii) any dog taking part in an organised event, such as a dog show or dog training seminar, which has Council approval.

10 DOG EXERCISE AREAS

10.1

The Council may, by resolution, designate "dog exercise areas".

10.2

Providing the dog is kept under control at all times, a dog owner may exercise his or her dog without it being on a leash in any area designated as a dog exercise area in Schedule B.

11 SEIZURE OF DOGS NOT UNDER CONTINUOUS CONTROL

Any dog entering or remaining on any public place within the district controlled by Council, not being led by a chain, strap, or other efficient or effective contrivance as required by clause 9.2 hereof or without being kept under continuous control as required by clause 9.3 hereof may be seized and impounded by any person duly authorised by the Council.

12 SEIZURE OF DOGS ROAMING

Any dog found at large in any public place at any time in breach of clause 9 hereof, whether or not it is wearing a collar having the proper registration tag thereon or attached thereto as required by the Act, may be seized and impounded by any person duly authorised by the Council.

13 IMPOUNDING AND SUBSEQUENT DISPOSAL OF DOGS

13.1

The impounding of any dog pursuant to this bylaw, the payment of fees, and the subsequent disposal of any dog so impounded, shall be determined by the provisions of the Dog Control Act 1996.

13.2

As soon as practicable after any dog has been impounded, Council shall, in the case of a dog wearing a current registration label or disc or where the owner of the dog is known through other means, make contact with the owner. The dog so impounded will be released to the owner upon the owner paying to the Council the fees for the sustenance of the dog and impounding fees as set by resolution of Council.

14 DOGS CAUSING OR BECOMING A NUISANCE OR INJURIOUS TO HEALTH

14.1

The owner of the dog, or owner or occupier of any premises where any dog or dogs are customarily kept, shall take adequate precaution to prevent the dog or dogs, or the keeping thereof, from becoming a nuisance or injurious to health.

14.2

If in the opinion of the Council the dog or dogs, or the keeping thereof on premises, has become or is likely to become a nuisance or injurious to health, the Council, or any person duly authorised on that behalf by the Council may, by notice in writing, require the owner or occupier of the premises within a time specified in such notice to do all or any of the following:

- i) Reduce the number of dogs kept on the premises.
- ii) Construct, alter, reconstruct or otherwise improve the kennels or buildings or fencing used to house or contain such dog or dogs.
- iii) Require such dog or dogs to be tied up or otherwise confined.
- iv) Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health.

14.3

Any person to whom notice is given under the preceding provisions of this clause who fails to comply with such notice within the time therein specified shall be guilty of an offence under this bylaw.

15 BARKING DOGS

No owner of any dog in the District or owner, or occupier of any premises shall suffer or permit such dog to bark in such a manner or for such a period as to cause a nuisance, be offensive or likely to be injurious to health.

16 DOGS FOULING PUBLIC AREAS

Where any dog defecates in any public place or on land or premises other than that occupied by the owner of the dog, that owner must remove the faeces forthwith and dispose of it in a way that does not cause a nuisance.

17 DISEASED DOGS

No person owning or having control or charge of any diseased dog shall take the dog or permit or suffer the dog to enter or remain in any public place or wander free and at large.

18 BITCHES ON HEAT

18.1

The owner of a bitch in season must keep it confined to the premises within a dog-proof enclosure for the duration of her oestrus cycle.

18.2

A dog so confined shall be regularly exercised.

19 LIMITATION AS TO NUMBER OF DOGS ALLOWED

19.1

No owner or occupier of any urban property shall allow more than two dogs over the age of three months to be kept on that property for more than fourteen days.

19.2

The owner of a dog, or the owner or occupier of the land or premise, may apply to Council for a permit to keep more than two dogs on any urban property.

19.3

If Council considers that more than two dogs can be kept on the property without adverse effect, a fee may be charged by the Council for the permit in accordance with Section 150 of the Local Government Act 2002.

19.4

A permit granted pursuant to clause 19.2 may be issued subject to such conditions as the Council considers appropriate to prevent adverse effects. Any breach of the conditions of any permit shall entitle the Council to withdraw the permit.

20 OWNERS OF MENACING DOGS

20.1

Dogs classified as menacing by behaviour shall be required to be neutered.

20.2

All dogs classified as menacing by breed shall be required to be neutered.

21 CONVICTION & FINES

Every person commits an offence who does anything prohibited under this bylaw or who fails, refuses or neglects to do anything to be done, according to this bylaw, and is liable to:

- i) The penalty provisions of section 242 Local Government Act 2002; or
- ii) Any other penalty pursuant to the Dog Control Act 1996; or
- iii) Be served with an infringement notice pursuant to section 66 of the Dog Control Act 1996.

22 POWER TO AMEND BY RESOLUTION

The Council may from time to time by resolution publicly notified:

- i) Add schedules.
- ii) Make additions or deletions from the schedules.
- iii) Substitute new schedules.

SCHEDULE A – AREAS WHERE DOGS ARE PROHIBITED

(Except in a vehicle)

- i) Any public building or public place, including any library building, swimming pool, recreation centre, under the control or management of the Council.
- ii) Any area developed or marked out as a sports field (not including any spectator area) during sporting events, or any outdoor court, skateboard park or cycle park.
- iii) On any area that is developed or marked out as a playground or contains children's play equipment.
- iv) Any cemetery.
- v) Within the camping areas listed in Schedule 2 or within the Te Awaiti area described in Schedule 1 of the South Wairarapa District Council Bylaw for Camping in Coastal Areas 2009.

SCHEDULE B - DOG EXERCISE AREAS

(Areas where a dog may be exercised off leash)

- i) Roberts Street Road Reserve (between Weld Street and Ferry Road) Martinborough.
- ii) Corner Johnston Street and Harrison Street West, Featherston (Part Sec 123 Featherston Suburban).
- iii) *Proposed area: Southern end of Cotter Street, Greytown (Lot 25 DP 455345, Pt Lot 4 DP 1187 and Sec 123 Moroa District).*

Indicative timeline for review of regulatory policies	
Key Task	Estimated Timeframe (TBC)
Project and communications plan	August 2022
Background research and key stakeholder engagement	September – November 2022
Initial draft policies and bylaw	Late November/early December 2022
Pre engagement with public	Late November/early December 2022
Engagement with Community Boards/committees as required	Early - mid-December
Updated policies and bylaw	January 2023
Draft SOPs and report to Planning & Regulatory Committee (or equivalent)	January 2023
Planning & Regulatory meeting to recommend to Council adoption of SOPs	February 2023
Council meeting to adopts SOPs	February 2023
Open consultation/advertise	Late February 2023
Close consultation	Late March 2023
Analyse submissions and prepare report for hearings	Late March 2023
Organise submitter attendance at hearings	Late March 2023
Agenda for hearings released	Early April 2023
P&R Hearings and Deliberations Day 1	Mid-April 2023
P&R Hearings and Deliberations Day 2 (reserve)	Mid-April 2023
Decision from hearings available	Mid-April 2023
Updated policies and bylaw incorporating feedback	Mid-late April 2023
Write report to Planning & Regulatory Committee to recommend adoption by Council	Mid-late April 2023
Planning & Regulatory meeting to recommend Council adopts new policies and bylaw	May 2023
Council meeting to consider recommendations from the Planning and Regulatory Committee	May/June 2023
Policy and bylaw effective date	1 July 2023

PLANNING AND REGULATORY COMMITTEE

24 AUGUST 2022

AGENDA ITEM C3

ACTION ITEMS REPORT

Purpose of Report

To present the Planning and Regulatory Committee with updates on actions and resolutions.

Recommendations

Officers recommend that the Committee:

1. *Receive the Planning and Regulatory Action Items Report.*

1. Executive Summary

Action items from recent meetings are presented to the Committee for information. The Chair may ask officers for comment and all members may ask officers for clarification and information through the Chair.

If the action has been completed between meetings it will be shown as 'actioned' for one meeting and then will remain in a master register but no longer reported on. Procedural resolutions are not reported on.

2. Appendices

Appendix 1 - Action Items to 24 August 2022

Contact Officer: Russell O'Leary, Group Manager Planning and Regulatory

Appendix 1 – Action Items to 24 August 2022

Number	Raised Date	Responsible Manager	Assigned to	Action or Task details	Open	Notes
559	3-Nov-21	Russell	Rick	PLANNING AND REGULATORY RESOLVED (P&R2021/21): 1. To receive the South Wairarapa District Dog Pound Report. (Moved Mayor Beijen/Seconded Cr West) Carried 2. To recommend that officers progress the dog pound through procurement as long as a suitable South Wairarapa location can be sourced, and the costs do not exceed the budget allocated. (Moved Mayor Beijen/Seconded Cr West) Carried Cr Plimmer voted against	Open	6/12/21: Reviewing possible land options for the establishment of the pound. 1/6/22: Land investigation completed; procurement currently in progress. 11/08/22: Funding approved through Council. Build in progress.