



# Waitaki

DISTRICT COUNCIL  
TE KAUNIHERA Ā ROHE O WAITAKI

Notice of a meeting of the

## *Customer Services Committee*

in the

**Whitestone Cheese Empire Room of the Oamaru Opera House,  
94 Thames Street, Oamaru**

**on Wednesday 22 November 2017**

### **MEMBERSHIP:**

Cr Tavendale (Chair)  
Cr Dawson (Deputy Chair)  
Cr Percival  
Cr Wollstein

Mayor Kircher (ex Officio)  
Cr Holding  
Cr Perkins

# Agenda

## Customer Services Committee Meeting

Wednesday 22 November 2017

Whitestone Cheese Empire Room of the Oamaru Opera House,  
94 Thames Street, Oamaru

### Apologies

### Declarations of Interest

	Page
1. <b>Confirmation of Meeting Minutes</b>	
• Customer Services Committee 11 October 2017	3 – 5
2. <b>Draft Waitaki District General Bylaw 2017 – changes resulting from consideration of submissions to become final</b>	6 – 31
• Report and Recommendations	
3. <b>Customer Services Group Activity Report for the period 28 September to 8 November 2017</b>	32 – 44
• Memorandum and Recommendation	

### Customer Services Committee:

Cr Tavendale (Chair)  
Cr Dawson (Deputy)  
Cr Percival  
Cr Wollstein

Mayor Kircher (ex Officio)  
Cr Holding  
Cr Perkins

## Waitaki District Council

### Customer Services Committee

**UNCONFIRMED Minutes of Customer Services Committee Meeting  
held in the Whitestone Cheese Empire Room of the Oamaru Opera House,  
94 Thames Street, Oamaru  
on Wednesday 11 October 2017 at 9.59am**

**Present** Cr Tavendale (Chair), Crs Dawson, Holding, Percival, Perkins, and Wollstein; Mayor Kircher

**In Attendance** Cr Garvan  
Cr Kingan  
Cr Wheeler  
Mr Power (Chief Executive)  
Mrs Baillie (Customer Services Group Manager)  
Mr Jorgensen (Assets Group Manager)  
Mr Hope (Chief Financial Officer)  
Mr Roesler (Policy and Communications Manager)  
Mrs van der Spek (Policy Consultant)  
Mr T Hope (Enforcement Officer)  
Ms Hooper (Policy Officer – Governance)

#### Apologies

There were no apologies.

#### Declarations of Interest

There were no declarations of interest.

### 1. Confirmation of Meeting Minutes

RESOLVED  
CUS17/024

Cr Dawson / Cr Wollstein  
"The Customer Services Committee confirms its previous meeting minutes for 30 August 2017, as circulated, as a true and correct record."

CARRIED

### 2. Approval of Dog Control S10A Report 2017

The report, as circulated, proposed that the Customer Services Committee recommend to Council to adopt the Dog Control S10A Report 2017, in order for Council to meet its legislative requirements.

RESOLVED  
CUS17/025

Mayor Kircher / Cr Holding  
The Customer Services Committee recommends:  
That Council:

1. Adopts the report as required under section 10 A of the Dog Control Act 1996.
2. Makes the report available via its website and places advertisements in appropriate newspapers to confirm the report is available.
3. Notes that, once adopted, the report is sent to the Secretary for Local Government.

CARRIED

The meeting was adjourned at 10.10am, and reconvened at 10.25am.

### 3. Draft Waitaki District General Bylaw 2017 – changes resulting from consideration of submissions to become final version

The report, as circulated, presented information to the Customer Services Committee about the changes to the Draft Waitaki District General Bylaw 2017 following Council's consideration of and direction on public submissions received, and proposed actions pursuant to sections 155, 159 and 160 of the Local Government Act 2002.

The Chair addressed the meeting about her preference for a revised set of recommendations so that the Bylaw could focus more on education and support for responsible cat ownership than the current more regulatory approach to companion cat management taken in the proposed final version of the Waitaki District General Bylaw 2017 attached to the agenda report. The revised recommendations were circulated to Councillors, and are copied below (changed wording appears in yellow).

#### ALTERNATE RESOLUTION:

Cr Tavendale / Cr Holding

The Customer Services Committee recommends (amendments in yellow):  
That Council:

1. Notes the changes to the Draft Waitaki District General Bylaw 2017 provided in Appendix 3 and in addition removes sections 67, 68, 69 and 70 from the Draft Waitaki General Bylaw 2017 and updates the remaining numbering accordingly;
2. Notes that the changes provided in Appendix 3 reflect Council consideration of and direction on public submissions received at the 9 August 2017 Extraordinary Council meeting, and notes the removal of sections 67, 68, 69 and 70 reflects potential issues raised in public submissions received at the 9 August 2017 Extraordinary Council Meeting and officer recommendations made to Councillors at a previous workshop;
3. Having regard to sections 155, 159 and 160 of the Local Government Act 2002 (the Act):
  - a. Agrees that the Waitaki District General Bylaw 2017 in its recommended form in Appendix 4 is considered the most appropriate and proportionate way of addressing the perceived problems to protect persons using and trading in reserves and public places, and minimise nuisance and maintain public health and safety associated with the keeping of animals, birds and bees; and
  - b. Revokes and replaces the Waitaki District Council General Bylaw 2006 with a new Bylaw; and
  - c. Agrees that the proposed Bylaw attached as Appendix 4 is the most appropriate form of bylaw; and
  - d. Agrees that the proposed Bylaw is consistent with the New Zealand Bill of Rights Act 1990 as the controls are reasonable and justifiable in the circumstances.
4. Adopts the Waitaki District General Bylaw 2017 (as set out in Appendix 4 and subject to the approval from the Minister of Conservation – Reserves section) to come into effect on 1 March 2018.
5. Requests that a report comes back to Council utilising the anticipated funding of \$35,000 that was to be spent annually on enforcement of the companion cat provisions, now removed from the Waitaki General Bylaw, be allocated over the next three years towards promoting responsible cat ownership and management in the Waitaki District."

The ensuing discussion focused on both the agenda report's recommendations and the revised ones, as circulated, as well as the workshop deliberations which helped inform the content of the agenda report. It was noted that the Chair had been overseas at the time the workshop was held, and therefore had not had an opportunity to contribute to the deliberations there. The discussion concluded with a decision not to put the alternate resolution to the meeting, but instead to resolve to take a different approach (refer to resolution below).

RESOLVED  
CUS17/026

Mayor Kircher / Cr Wollstein

That this matter, including the revised recommendations, lie on the table, so that there can be further discussion at another workshop.

CARRIED

Cr Percival left the meeting at 11.10am.

#### 4. Customer Services Group Activity Report

The memorandum, as circulated, presented information to the Customer Services Committee about the activities of the Customer Services Group, for the period 17 August to 27 September 2017.

RESOLVED  
CUS17/027

Cr Holding / Cr Wollstein

"That the Customer Services Committee receives the information."

CARRIED

There being no further business, the Chairperson declared the meeting closed at 11.16am.

Confirmed on this 22<sup>nd</sup> day of November 2017 in the Whitestone Cheese Empire Room of the Oamaru Opera House, 94 Thames Street, Oamaru.

---

Chairperson



# Customer Services Committee Report

From Customer Services Group Manager

Date 22 November 2017

---

## Draft Waitaki District General Bylaw 2017 – changes resulting from consideration of submissions to become final

---

### Recommendations

The Customer Services Committee recommends:

That Council:

1. Agrees to the implementation of changes to the Draft Waitaki District General Bylaw 2017 as provided in Appendix 3;
2. Notes that the changes to the Draft Waitaki District General Bylaw 2017 do not represent a significant departure from the Draft Bylaw as consulted, and that community feedback and national direction was received and considered around these matters;
3. Having regard to sections 155, 159 and 160 of the Local Government Act 2002 (the Act):
  - a. Agrees that the Waitaki District General Bylaw 2017 provided in Appendix 4 is considered the most appropriate and proportionate way of addressing the perceived problems to protect persons using and trading in reserves and public places, and minimise nuisance and maintain public health and safety associated with the keeping of animals, birds and bees; and
  - b. Revokes and replaces the Waitaki District Council General Bylaw 2006 with a new Bylaw;
  - c. Agrees that the proposed Bylaw attached as Appendix 4 (with amendments as Council sees fit) is the most appropriate form of bylaw;
  - d. Agrees that the proposed Bylaw is consistent with the New Zealand Bill of Rights Act 1990 as the controls are reasonable and justifiable in the circumstances;
4. Adopts the Waitaki District General Bylaw 2017 (as set out in Appendix 4 with amendments as it sees fit), and subject to the approval from the Minister of Conservation – Reserves section to come into effect on 1 March 2018;
5. Commits for consideration through the 2018-28 Long Term Plan an amount of \$20,000 per annum for two (2) years to support responsible cat ownership in the District;
6. Supports the development of a Cat Management Strategy in line with national direction with a view to promoting responsible cat ownership and management in the Waitaki District which may include a joint campaign with vets, the SPCA and regional councils.

### Summary

Council has implemented a robust process to review the Waitaki General Bylaw 2006 (commencing in September 2016), and now, having consulted with the community, is entering the final stage of deciding the form of a new General Bylaw to take Council forward for the next 10 years.

Community feedback through the consultation process resulted in 'fine-tuning' changes that are now reflected in the Waitaki District General Bylaw 2017 provided as Appendix 4. These changes are scheduled in Appendix 3.

Further considerations around the keeping of companion cats are also outlined in the report, including the impact of a changing national direction around cat management and ownership since the proposal was circulated to the community for consideration.

### Summary of Decision Making Criteria

	No/Moderate/Key		No/Moderate/Key
Policy/Plan	Key	Environmental Considerations	No
Legal	Key	Cultural Considerations	No
Significance	Key	Social Considerations	Key
Financial Criteria	Moderate	Economic Considerations	Moderate
Community Views	Key	Community Board Views	Key
Consultation	Key	Publicity and Communication	Key

### Background

The Draft Waitaki District General Bylaw 2017 was consulted on with the Waitaki community over the period 3 July 2017 to 3 August 2017. Thirty-one (31) written submissions were received and considered by Council at the 9 August 2017 Extraordinary Council meeting. In addition, approximately thirty (30) Facebook comments were also considered by Council. Council further workshopped and deliberated around General Bylaw matters at the 11 October 2017 Customer Services Committee meeting, and three further Council workshops.

Appendix 2 to this report provides a detailed analysis of the issues raised in the submissions. A summary of key policy issues raised includes:

#### RESPONSIBLE CAT OWNERSHIP

- A request for Council's rationale for micro-chipping companion cats
- Micro-chipping and the effects on senses and the nervous system of cats affected by Wi-Fi, radio, TV, mobile phones, smart meter pulsing and other electric signals
- Recommendations that all companion cats should be micro-chipped, nationally registered, de-sexed and vaccinated (not just for multi-cat households)
- A request for clarification of Council's process around managing stray and feral cats, and cat colonies
- A suggestion for the definition of stray and feral cats to be included in the bylaw
- A suggestion for cat-free zones for new housing subdivisions and builds adjacent to reserves or ecologically sensitive areas, e.g Moeraki peninsula
- Several calls for cat curfews at night
- Several recommendations for the keeping of less than three (3) companion cats per property (e.g 1, or 2)
- A call to differentiate urban and rural properties for proposed maximum number of cats per property

#### KEEPING OF ANIMALS AND BIRDS IN URBAN AREAS

- A call for more prescriptive provisions, e.g maximum numbers, conditions around keeping animals and birds within the bylaw.

#### KEEPING OF BEES IN URBAN AREAS

- A suggestion that a permit be required to keep all bees in urban areas to ensure biosecurity requirements are met

#### KEEPING OF ROOSTERS IN URBAN AREAS

- Seeking confirmation on how Council will contact existing owners of roosters in urban areas
- A concern around exemptions being available to keep roosters in urban areas for members of a club/society affiliated to national association (all roosters crow)

#### HEALTH PROTECTION – TATTOOISTS AND BEAUTICIANS

- A concern that the issue of public health protection (tattooists and beauticians) has not been addressed through a regulatory provision (e.g the requirement to license premises).

### Recommended changes following consideration of submissions

A summary of the proposed changes to the Draft Waitaki District General Bylaw 2017 follows as recommended by the Customer Services Committee. Details of the key submission points, Council's response to these, and the proposed changes to the Draft Bylaw are found in Appendix 2 and 3.

### *Proposed changes to Draft Bylaw*

- Additional provisions around the keeping of animals and birds (noting these provisions exclude the keeping of dogs and companion cats) requiring effective containment, and to ensure the welfare needs of animals have been met (change to clause 54);
- The requirement to obtain a permit from Council to keep up to two bee hives in an urban area (change to clause 62);
- The removal of clauses 67-70 (companion cats);
- Minor amendments to clauses 10 and 42 clarifying Council's powers to fine (on conviction) under the Health Act 1956 and the Reserves Act 1977.

### **Discussion – proposed companion cat provisions**

Councillors, via Committee and workshop meetings have had robust discussion about issues relating to companion cats, and how a bylaw could make a positive difference.

As background, the provisions of the current bylaw (Waitaki District General Bylaw 2006) specifically exclude cats, therefore there is no regulatory mechanism available to deal with nuisance cats and public health concerns. Cats can create public health issues e.g. the spread of toxoplasmosis through faeces, which can have serious health implications for humans, especially pregnant women and people with impaired immunity. In urban areas, cats can cause nuisance e.g. fighting, predation of wildlife and small pets, running across roads, and uncontrolled breeding resulting in unwanted kittens. In rural areas cats can be predators to wildlife. Both nuisance and public health issues are addressed under the LGA 2002 and the Health Act 1956. Council's regulatory and property units receive complaints from time to time mostly around stray cats. Council currently undertakes wild cat control at the Oamaru Harbour, some community housing units and in other areas as required. Nuisance complaints related to companion cats may be withheld as people are willing to put up with low-moderate nuisance factors. To address the perceived local problems identified, the Draft Waitaki District General Bylaw 2017 (as consulted on with the community) provided six regulatory provisions relating to the keeping of companion cats. The community response to these proposals is addressed above. Council also highlighted through the proposal that non-regulatory measures are also key to complementing any regulatory provisions in place.

At the 30 August 2017 deliberations workshop, officers provided additional background about a changing national direction around responsible cat ownership and how that relates to the Draft Bylaw. Since its release for public comment in early July 2017, there has been increasing discussion at the national level around responsible cat ownership and managing the cat population in general, with Local Government New Zealand (LGNZ) agreeing in late July 2017 to proceed with the development of an advocacy strategy with the intent of lobbying central government around setting a national cat management framework based on the recommendations noted in the Draft National Management Cat Strategy. This national framework could include the establishment of new cat control legislation (akin to the Dog Control Act). Officers identified that there is some level of risk for Council that the introduction of new bylaw provisions may be superseded by national requirements. There are also financial implications for Council associated with introducing new and operationally untested regulation. Officers also recommended the consideration of non-regulatory (voluntary) approaches which would allow Council to be responsive to changing national direction, while encouraging a responsible cat ownership ethic.

At the 11 October 2017 Customer Services Committee meeting, Councillors were presented with the Draft Waitaki District General Bylaw 2017 (to become final). At this meeting, a revised set of recommendations was tabled by Chairperson and Deputy Mayor Tavendale that provided a shift of focus from regulatory to a non-regulatory approach to promote and incentivise responsible cat ownership. This recommendation supported the officer's advice presented at the 30 August 2017 deliberations workshop.

The 11 October 2017 Customer Services Committee meeting resolved to leave Deputy Mayor Tavendale's revised recommendations on the table and to reconsider at future workshops. Two subsequent workshops were held, with Councillors discussing the options for the keeping of companion cats as presented in Table One below.



Table One: Regulatory options for companion cats	Strength	Weakness
Option 1: Status quo (remain silent on companion cats)	<p>No change to status quo (no new regulation)</p> <p>There is still the option for non-regulatory measures to promote responsible cat ownership measures</p>	<p>Does not take into account changing national direction around responsible cat ownership and management</p> <p>Does not address public health and nuisance issues e.g. wandering domestic cats toileting on neighbouring properties, fighting, predation of wildlife and small pets, running across roads, uncontrolled breeding resulting in unwanted kittens</p>
Option 2: A general nuisance regulatory provision only for companion cats <b>(Recommended option)</b>	<p>Ability for enforcement officer to respond to nuisance complaints</p> <p>Low cost option for companion cat owners</p> <p>Allows Council to respond to national direction around cat responsible cat management and ownership</p>	<p>Relies on complaints to address issues and voluntary compliance with enforcement officer direction</p> <p>Does not address the identification of cats</p> <p>Does not address cat population numbers</p>
<p>Option 3: <i>(as consulted with the community)</i></p> <p>Council's written permission needed to keep more than three companion cats on a rateable property or two on multiple household properties over the age of 6 months of age (with exemptions considered on a case by case basis); and the requirement for multi-cat households (greater than 3) with companion cats over 6 months of age to micro-chip and register their cats with the NZ Companion Animal Register, de-sex at the point of transfer of ownership, and maintain up-to-date vaccination records; and a general nuisance clause to address nuisance associated issues.</p>	<p>Complements Draft National Cat Management Strategy measures where these procedures are recommended as best practice</p> <p>Council sets an expectation for the number of companion cats per rateable property</p> <p>Cats that are easily identified can be returned to their owners if they are separated</p>	<p>May pre-empt national direction around responsible cat ownership and management</p> <p>Enforcement may be difficult e.g. identification of cats (not micro-chipped), confirming number of owned cats per property</p> <p>Rural areas may be discriminated against (larger property sizes)</p> <p>Does not address wandering cat issue and cat over-populations</p> <p>Reliant on complaints (if reactive enforcement approach adopted)</p> <p>Compulsory requirement only for multi-cat households – no incentive for 2-3 cat households to do so</p> <p>Would require additional staff resourcing to enforce and provide education</p> <p>May be seen as over-stepping animal owners' rights to</p>

Table One: Regulatory options for companion cats	Strength	Weakness
		choose to carry out these procedures

It should be noted that compulsory micro-chipping of all companion cats within a specified timeframe e.g. 2 years from bylaw implementation, was discussed as an additional option, however it was considered to be too much of a departure from the consultation proposal considered by the community, and required deeper consideration, perhaps in the future.

#### Assessment of preferred options

The changes proposed in Appendix 3 to the Draft Waitaki District General Bylaw 2017 follow as recommended by the Customer Services Committee after the consideration of submissions at a public hearing on 9 August 2017 and subsequent Councillor workshops. The proposed regulatory options are considered to be the most appropriate and proportionate way of addressing the perceived problems to protect persons using and trading in reserves and public places, and minimise nuisance and maintain public health and safety associated with the keeping of animals, birds and bees.

The preferred regulatory option for the management of companion cats is outlined in Option 2 in Table One above, does not pre-empt national direction and gives Council the ability to address potential cat nuisance issues as they arise. Non-regulatory options are also recommended to be pursued by Council through the 2018-28 Long Term Plan process to complement the proposed bylaw provision.

#### Conclusion

The Waitaki District General Bylaw 2017 is scheduled for Council adoption at its 6 December 2017 meeting, subject to sign-off from the Minister of Conservation for the Reserves Act provisions of the Bylaw. It is proposed to come into effect on 1 March 2018.

Victoria van der Spek  
Contractor – Policy  
and Planning

Mike Roesler  
Policy and Communications  
Manager

Lisa Baillie  
Customer Services  
Group Manager

#### Appendices

1. Additional decision-making considerations
2. Summary and analysis of key issues arising from consideration of submissions to Draft Waitaki District General Bylaw 2017
3. Proposed changes to Draft Waitaki District General Bylaw 2017 following submissions
4. Waitaki District General Bylaw 2017 (under separate cover)

## Appendix 1: Additional Decision Making Considerations

The following matters have been considered in making the decisions.

### Waitaki Community Outcomes

This project will contribute to the following community outcomes:

- We maintain the safest community we can
- We understand the diverse needs of our community

### Policy and Plan Considerations

The Waitaki District General Bylaw 2017 is consistent with Council's bylaw making powers under the Local Government Act 2002 (LGA02) including:

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

The Waitaki District General Bylaw 2017, in its recommended format, is consistent with the New Zealand Bill of Rights Act 1990 as the controls are reasonable and justifiable in the circumstances.

### Legal

It is not a legal requirement for Council to have a General Bylaw. However, without a bylaw, Council has limited powers to protect persons using and trading in reserves and public places, and to minimise nuisance and maintain public health and safety associated with the keeping of animals, birds and bees. Council has a duty of care under the LGA02 to protect the health and safety of the local community and minimise other public nuisances.

### Significance

An updated General Bylaw will provide the community and relevant agencies with certainty around how Council wishes to manage public health and safety and public nuisances.

### Financial and Economic Considerations

The Bylaw will assist in Council decision-making and in setting levels of service which drive budgets.

### Community Views and Consultation

The draft General Bylaw was consulted on with the community over a one-month period as required under the special consultative procedure of the LGA02. Submissions were considered, and a final format for the bylaw has been proposed for adoption by Council.

### Environmental Considerations

There are no specific environmental considerations resulting from the development of the Bylaw.

### Cultural and Community Board Considerations

There are no specific considerations resulting from a review of the General Bylaw. Iwi and Community Boards have had the opportunity to express their views as part of the submissions process.

### Social Considerations

This Bylaw will affect social wellbeing.

## Appendix 2: Summary and analysis of key issues arising from consideration of submissions to Draft Waitaki District General Bylaw 2017

Issue	Comments	Recommended change to Draft Waitaki District General Bylaw 2017
<b>RESPONSIBLE CAT OWNERSHIP</b>		
Council's rationale for micro-chipping companion cats	<ul style="list-style-type: none"> <li>To provide for the identification of companion cats, giving the animal a degree of protection and a higher chance of being returned to their home when lost (especially in conjunction with other cat management techniques, eg trapping).</li> <li>The proposed bylaw provisions only required multi-cat households to do so (greater than 3 cats).</li> <li>National direction received following the notification of the draft Bylaw has led to Council proposing the removal of the proposed provisions around requiring cats living multi-cat households to be micro-chipped, registered and de-sexed (see Appendix 3).</li> </ul>	<ul style="list-style-type: none"> <li>Remove clauses 67-70.</li> </ul>
Micro-chipping and the effects on senses and the nervous system of cats affected by Wi-Fi, radio, TV, mobile phones, smart meter pulsing and other electric signals	<ul style="list-style-type: none"> <li>Officers are unaware of research to indicate radiofrequency from other devices has the ability to affect the nervous system of a micro-chipped cat.</li> <li>The Draft National Cat Management Strategy 2016 promotes compulsory micro-chipping of all companion cats over six months of age.</li> <li>National direction received following the notification of the draft Bylaw has led to Council proposing the removal of the proposed provisions around requiring cats living multi-cat households to be micro-chipped, registered and de-sexed (see Appendix 3).</li> </ul>	<ul style="list-style-type: none"> <li>Remove clauses 67-70.</li> </ul>
All companion cats should be micro-chipped, nationally registered, de-sexed and vaccinated (not just for multi-cat households)	<ul style="list-style-type: none"> <li>The draft Bylaw provisions only require these measures to be undertaken if there are greater than three cats on a property.</li> <li>Given that Council is currently silent on the management and/or regulation of companion cats, it is considered that the proposed bylaw</li> </ul>	<ul style="list-style-type: none"> <li>Remove clauses 67-70.</li> </ul>

Issue	Comments	Recommended change to Draft Waitaki District General Bylaw 2017
	<p>provisions are a starting point and will send a signal to the community that responsible cat ownership is important.</p> <ul style="list-style-type: none"> <li>• Further traction at the central government level may occur during the lifetime of the bylaw, including the possibility of national cat regulations.</li> <li>• National direction received following the notification of the draft Bylaw has led to Council proposing the removal of the proposed provisions around requiring cats living multi-cat households to be microchipped, registered and de-sexed (see Appendix 3).</li> </ul>	
Council's process around managing stray and feral cats, and cat colonies	<ul style="list-style-type: none"> <li>• Council does not currently manage cats as part of its animal control operations (cats are excluded from the 2006 General Bylaw provisions). However, if additional funding and resourcing was available, there is the opportunity to partner with other agencies (eg SPCA and the two regional councils), and to be guided by national direction. Education is an important factor in influencing the growth of cat colonies.</li> <li>• Council is proposing to develop and support a Cat Management Strategy in line with national direction with a view to promoting responsible cat ownership and management in the Waitaki District.</li> </ul>	<ul style="list-style-type: none"> <li>• No changes to bylaw proposed.</li> </ul>
Definition of stray and feral cats to be included in the bylaw	<ul style="list-style-type: none"> <li>• Stray and feral cats are not referred to in the bylaw.</li> <li>• The management of stray and feral cats is more appropriately addressed through non- regulatory measures, eg partnership with SPCA and regional councils.</li> <li>• Council is proposing to develop and support a Cat Management Strategy in line with national direction with a view to promoting responsible cat ownership and management in the Waitaki District.</li> </ul>	<ul style="list-style-type: none"> <li>• No changes to bylaw proposed.</li> </ul>



Issue	Comments	Recommended change to Draft Waitaki District General Bylaw 2017
Cat-free zones for new housing subdivisions and builds adjacent to reserves or ecologically sensitive areas, e.g Moeraki peninsula	<ul style="list-style-type: none"> <li>• Council considers that cat-free zones are more appropriately dealt with outside of the bylaw through other mechanisms</li> <li>• Council, through its planning assessments (new subdivisions and new builds), could consider a condition of consent requiring an area to be cat-free particularly adjacent to highly threatened environments where there are known populations of skinks, shags, penguins, lizards, native birds etc.</li> <li>• Council could designate areas of reserves in sensitive ecological locations as pest-free, and undertake trapping of feral cats, or supply traps and related training as necessary to private land owners adjoining the reserve to undertake this work.</li> <li>• Another alternative is to encourage volunteers to trap feral cats in sensitive environments, e.g Moeraki peninsula. Council could consider subsidising or supplying traps for this purpose.</li> <li>• Council is proposing to develop and support a Cat Management Strategy in line with national direction with a view to promoting responsible cat ownership and management in the Waitaki District.</li> </ul>	<ul style="list-style-type: none"> <li>• No changes to bylaw proposed.</li> </ul>
Calls for cat curfews at night	<ul style="list-style-type: none"> <li>• The submitter refers to the Australian context (State of Victoria) where there is legislation in place to control cats. Without similar legislation in place in New Zealand, Council – through a bylaw provision under the LGA02 – has limited powers available to request cat curfews at night.</li> <li>• Voluntary measures through education would be a more effective mechanism.</li> </ul>	<ul style="list-style-type: none"> <li>• No changes to bylaw proposed.</li> </ul>
Recommendation for less than 3 cats per property (1, or 2)	<ul style="list-style-type: none"> <li>• Some submitters were supportive of more restrictions on the number of cats per rateable property to encourage Councils position around responsible cat ownership.</li> <li>• As discussed above, given that Council is currently silent on the management and/or</li> </ul>	<ul style="list-style-type: none"> <li>• Remove clauses 67-70.</li> </ul>

Issue	Comments	Recommended change to Draft Waitaki District General Bylaw 2017
	<p>regulation of companion cats, it was considered that the proposed bylaw provisions were a starting point and would send a signal to the community that responsible cat ownership is important.</p> <ul style="list-style-type: none"> <li>National direction received following the notification of the draft Bylaw has led to Council proposing the removal of the proposed provisions around a maximum number of cats per rateable property (see Appendix 3).</li> </ul>	
Differentiating urban and rural properties for proposed maximum number per property	<ul style="list-style-type: none"> <li>The draft Bylaw provisions related to both urban and rural properties to make easier bylaw implementation.</li> <li>National direction received following the notification of the draft Bylaw has led to Council proposing the removal of the proposed provisions around a maximum number of cats per rateable property (see Appendix 3).</li> </ul>	<ul style="list-style-type: none"> <li>Remove clauses 67-70.</li> </ul>
<b>KEEPING OF ANIMALS AND BIRDS IN URBAN AREAS</b>		
Keeping of animals – call for more prescriptive provisions	<ul style="list-style-type: none"> <li>One of the principles of the bylaw review was to create a streamlined bylaw with provisions that give Council staff the ability to act on major nuisance and health and safety issues.</li> <li>Prescribing maximum numbers of poultry per section does not address all nuisance-related matters due to an inconsistent size in urban properties – there is also an increased administrative component if permits were to be required.</li> <li>As there is no mechanism to fine under the bylaw, educational and best practice approaches (including guidelines around the keeping of animals) are considered to be most appropriately placed outside of the bylaw, but can be referenced by animal owners and Council enforcement staff.</li> <li>There is a general provision in the Bylaw that allows – on a complaints basis – for nuisance</li> </ul>	<ul style="list-style-type: none"> <li>Amend clause 54 to also require animals and birds to be effectively contained, and ensure that the welfare needs of the animals or birds are met (see Appendix 3 for details).</li> <li>Proposed guidelines to be included on Council's website around the keeping of animals, birds and bees and Council expectations around the keeping of animals in urban areas (eg around welfare, hygiene, size of property).</li> </ul>

Issue	Comments	Recommended change to Draft Waitaki District General Bylaw 2017
	issues to be addressed, including requiring steps to be taken if necessary.	
<b>KEEPING OF BEES IN URBAN AREAS</b>		
Permit requirement to keep all bees in urban areas to ensure biosecurity requirements are met	<ul style="list-style-type: none"> <li>The proposed bylaw provisions require a permit for the keeping of more than two (2) beehives per property in urban areas.</li> <li>The proposed bylaw provisions also require beekeepers to be registered on the national database and to meet legal requirements of the national body.</li> <li>Council is not proposing any controls around beekeepers in rural areas.</li> </ul>	<ul style="list-style-type: none"> <li>Amend clause 62 to require a permit to keep beehives in urban areas (not just more than two as currently drafted), and to enable the sighting of documentation to prove that hives are registered with the national body (see Appendix 3 for details).</li> </ul>
Council should encourage bee strips/gardens in its reserves across the District	<ul style="list-style-type: none"> <li>Council has the ability to implement these measures outside of a bylaw, through its day to day reserves management activities, e.g planting some neighbourhood reserves with wild grasses, reducing the use of pesticides and herbicides. This information will be passed on to Council's Recreation unit.</li> </ul>	
<b>KEEPING OF ROOSTERS IN URBAN AREAS</b>		
Roosters – confirmation on how Council will contact existing owners of roosters in urban areas	<ul style="list-style-type: none"> <li>Council proposes to notify existing rooster owners in urban areas through the usual communication channels, and encourage them to identify their birds, e.g through registration or micro-chipping (to meet the proposed existing use rights status), otherwise the keeping of roosters in urban areas is proposed to be prohibited.</li> </ul>	<ul style="list-style-type: none"> <li>No changes to bylaw proposed.</li> </ul>
Concern around exemptions being available to keep roosters in urban areas for members of a club/society affiliated to national association (all roosters crow)	<ul style="list-style-type: none"> <li>The proposed bylaw provisions provide for general nuisance issues to be addressed irrespective of whether the owner has an exemption or not to keep roosters in urban areas.</li> </ul>	<ul style="list-style-type: none"> <li>No changes to bylaw proposed.</li> </ul>
<b>HEALTH PROTECTION – TATTOOISTS AND BEAUTICIANS</b>		
The issue of public health protection (tattooists and beauticians) has not been	<ul style="list-style-type: none"> <li>Public Health South recommended that Council did not impose regulations in this area, and suggested that non-regulatory mechanisms were often more effective to address health issues.</li> </ul>	<ul style="list-style-type: none"> <li>No changes proposed.</li> </ul>

Issue	Comments	Recommended change to Draft Waitaki District General Bylaw 2017
addressed through a bylaw provision	<ul style="list-style-type: none"> <li>• Council proposes to initiate some non-regulatory measures to make the community aware of the lack of regulations in the tattooist and beautician industries, and where the opportunity arises for environmental health, officers to point these sectors to best practice measures to minimise risks to public health.</li> <li>• Council already has a page on its website dedicated to this issue, including industry best practice.</li> </ul>	

### Appendix 3: Proposed changes to Draft Waitaki District General Bylaw 2017 following submissions

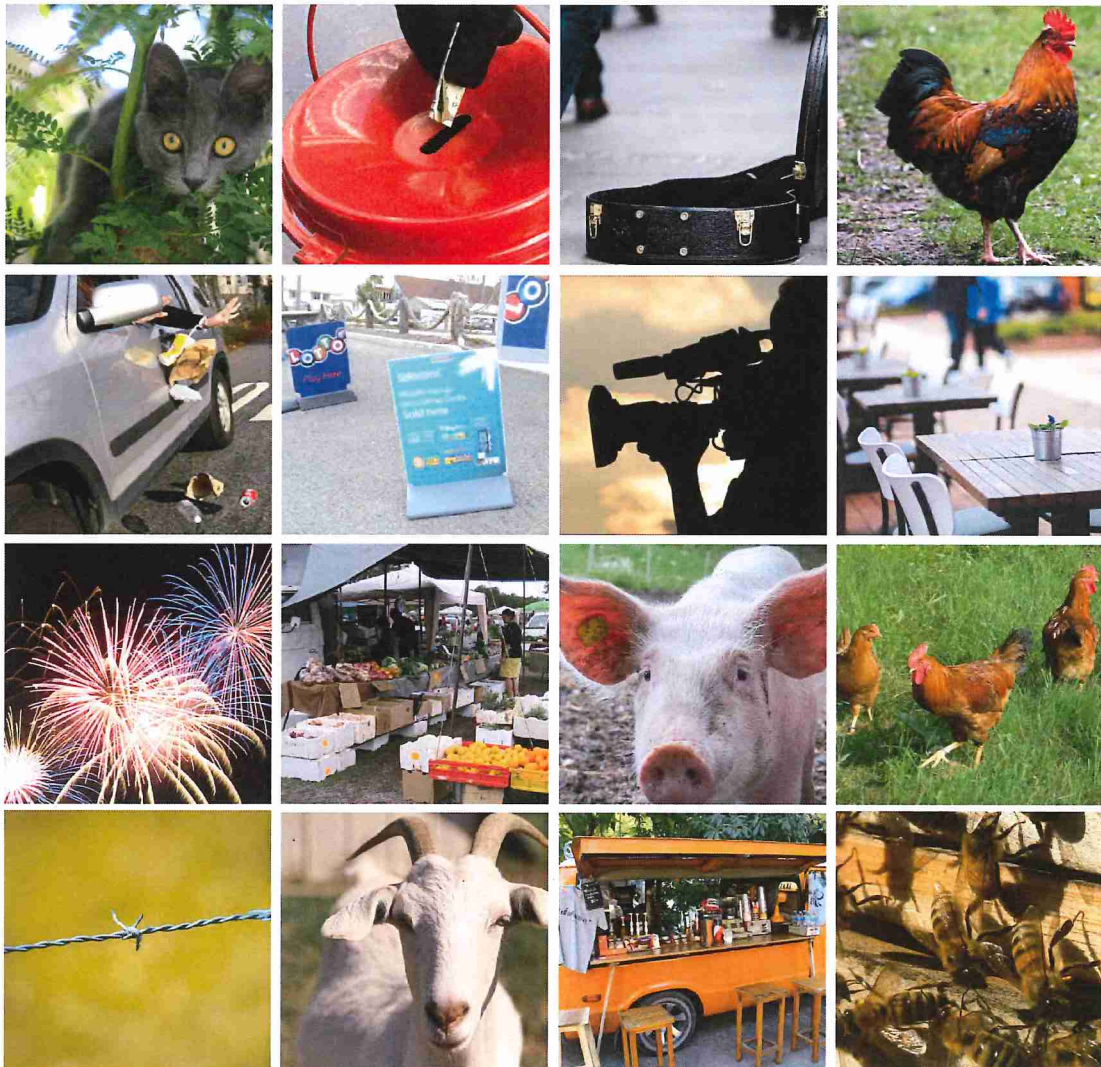
Issue	Clause	Recommended changes to Draft Waitaki District General Bylaw 2017 (to become final)
Offences/Penalties/Powers	10	Amend to read:  "Any person that commits a breach of a provision of this Bylaw made under section 64 of the Health Act 1956 or subsequent amendment commits an offence and is liable <u>on conviction</u> to a fine under section 66 of the Health Act 1956 as follows: a. Not exceeding the amount fixed for any breach for which an infringement notice is issued; b. Not exceeding \$500.00 and if the breach is a continuing one, not exceeding a further \$50.00 per day thereafter. These fines are current at the time of adoption of this Bylaw."
	42	Amend to read:  "Any person who commits a breach of a provision of this section of the Bylaw made under section 106 of the Reserves Act 1977 or subsequent amendment commits an offence and is liable <u>on conviction</u> to a fine under section 104 of the Reserves Act 1977 as follows: a. Not exceeding \$5,000.00 and, where the offence is a continuing one, a further fine not exceeding \$500.00 for every day on which the offence continues. These fines are current at the time of adoption of this Bylaw."
Keeping of animals and birds	54	Amend to read:  "A person must not keep animals or birds (excluding companion cats) unless <u>they are effectively contained and are housed</u> in well-constructed and adequately maintained facilities <u>and their welfare needs have been met</u> to ensure the health and safety of any persons, and the animals and birds."
Keeping of bees in urban areas	62	Amend to read:  "Any person wishing to keep <del>more than two (2) bee hives per Rateable Property</del> in an urban area must <u>apply in writing to the Chief Executive for a permit.</u> "
Keeping of companion cats	67-70	Remove the following clauses from the Draft Waitaki District General Bylaw 2017:  67. No person may keep, on any one Rateable Property, more than two (2) companion cats over the age of six months.  68. Where there is more than one Dwelling house on a Rateable Property, no more than one (1) companion cat per Dwelling house over the age of six months may be kept.



Issue	Clause	Recommended changes to Draft Waitaki District General Bylaw 2017 (to become final)
		<p>69. The granting of an exemption to clauses 67 or 68 of this Bylaw may be granted if the Authorised Officer is satisfied that:</p> <ul style="list-style-type: none"> <li>a. All companion cats at the subject Property or Dwelling house have been micro-chipped, registered with the New Zealand Companion Animal Register, de-sexed and have up-to-date vaccinations.</li> </ul> <p>70. Clauses 67 and 68 of this Bylaw do not apply to:</p> <ul style="list-style-type: none"> <li>a. The keeping of companion cats under the age of six months;</li> <li>b. Vets;</li> <li>c. SPCA or similar registered charities;</li> <li>d. Registered cat breeders (subject to holding a valid registered prefix granted to them by the New Zealand Cat Fancy and in a cattery accredited under the Cattery Accreditation Scheme by the New Zealand Cat Fancy); and</li> <li>e. Animal boarding premises;</li> </ul> <p>All of which have the necessary permits and resource consents as may be required.</p>
Minor corrections to grammar	Throughout the document	

**Appendix 4: Waitaki District General Bylaw 2017 (refer following pages)**

# Waitaki District General Bylaw 2017



Published by Waitaki District Council  
Private Bag 50058,  
Oamaru 9444  
New Zealand

THE COMMON SEAL OF THE WAITAKI DISTRICT COUNCIL *TO GO HERE*

MINISTERIAL APPROVAL RECEIVED *TO GO HERE* (Reserves bylaws made under  
section 108 of the Reserves Act 1977)

**Version: Proposed final (to be approved by Council)**

# Table of Contents

THE COMMON SEAL OF THE WAITAKI DISTRICT COUNCIL *TO GO HERE* .....2

**Statutory authority** .....2

**Title** .....2

**Commencement** .....2

**Revocation** .....2

**Application of this Bylaw** .....2

**PART 1: PRELIMINARY PROVISIONS**.....2

**Interpretations and Definitions** .....2

**Exemptions** .....4

**Offences/Penalties/Powers** .....4

**Fees and charges**.....5

**PART 2: PUBLIC PLACES** .....5

**Purpose and Scope** .....5

**PART 3: RESERVES**.....6

**Purpose and Scope** .....6

**PART 4: TRADING IN PUBLIC PLACES** .....7

**Purpose and Scope** .....7

**Itinerant and mobile shop trading** .....7

**Retail displays on footpaths**.....7

**Street furniture on footpaths**.....8

**Trading in public places permits** .....8

**PART 5: KEEPING OF ANIMALS, BIRDS AND BEES**.....8

**Purpose and Scope** .....8

**Keeping of animals, birds and bees** .....8

        Roosters.....9

        Pigs .....9

        Bees .....9

        Companion cats .....9



## Statutory authority

This Bylaw is made pursuant to the statutory powers under the Local Government Act 2002, the Reserves Act 1977, the Health Act 1956, and the Land Transport Act 1998.

## Title

1. This Bylaw may be cited as the Waitaki District General Bylaw 2017 (the Bylaw).

## Commencement

2. The Bylaw will come into force throughout the district on **1 March** 2018.

## Revocation

3. The Waitaki District Council General Bylaw 2006 is revoked at the time the Waitaki District General Bylaw 2017 comes into force.

## Application of this Bylaw

4. This Bylaw should be read in conjunction with the operative Waitaki District Plan and any other relevant legislation or Waitaki District Council Bylaws.

# PART 1: PRELIMINARY PROVISIONS

## Interpretations and Definitions

5. Any words, phrases or expressions used in this Bylaw which have meanings assigned to them by the Local Government Act 2002, the Reserves Act 1977, the Health Act 1956, and the Land Transport Act 1998 (and subsequent amendments to these acts) will have the meanings as are respectively assigned in those Acts and any subordinate legislation, unless inconsistent with the context in which such words occur.

6. In this Bylaw, if not inconsistent with the context:

### **Animal**

Any domestic animal dependent on humans for their care and sustenance, and includes, but is not limited to, stock such as cattle, deer, lamas, alpacas, donkeys, mules, horses, sheep, goats, pigs and domestic cats. This definition **does not include dogs**. Dogs are excluded from the provisions of this Bylaw, and are covered in the Waitaki Dog Control Bylaw 2014 or any subsequent amendment.

### **Authorised officer**

A person appointed by Council to carry out duties and exercise powers under this Bylaw.

### **Chief Executive**

The chief executive of the Council and any person delegated to perform any duties of the chief executive.

### **Companion cat**

Common domestic cat (excluding a kitten under the age of 6 months) that lives with humans as a companion and is dependent on humans for its welfare.

**Council**

Waitaki District Council.

**District**

Means the district of the Waitaki District Council.

**Encroach**

Means to occupy, develop, use, trespass or intrude on a reserve or public place for private benefit. This includes without limitation, allowing something to hang over or onto any reserve or public place from an adjoining property.

**Hive**

A box or container for the keeping or housing of bees.

**Itinerant Trader**

Means any person who carries or takes about any goods, wares or merchandise for speculative sale to any person, whether or not that sale is intended to be conducted on public or private property. This definition excludes the following:

- Any person who in response to an invitation by the owner or occupier of any private property to call, conducts a sale of any goods, wares or merchandise on private property;
- Any person who operates a mobile shop.

**Mobile Shop**

Means a vehicle, whether self-propelled or not, from which goods, wares or merchandise (including food) are offered or exposed for sale, or from which such goods, wares or merchandise may be ordered; while such vehicle is in any public place. This definition excludes any vehicle used for the purpose of transporting and delivering goods, wares or merchandise pursuant to a prior order placed for the delivery of such goods, wares or merchandise.

**Permit**

Any licence, permit or written approval granted under this Bylaw which includes all associated conditions.

**Reserve**

The same meaning as in the Reserves Act 1977 or subsequent amendment, and includes reserves under the control, or management of Council.

**Road**

The same meaning as in the Land Transport Act 1998 or subsequent amendment.

**Public place**

Any place under Council control, or management, and open to or used by the public as of right, including, but not limited to, roads, footpaths and beaches. This definition does not include a Reserve.

**Stock**

Any animal farmed, and dependent on humans for their care and sustenance, including but not limited to cattle, deer, llamas, alpacas, donkeys, mules, horses, sheep, goats and pigs.

**Trading in public places**

An activity undertaken by any person or organisation involving the sale of goods or services in a public place for payment, reward or other.

**Urban area**

All residential, township, business, commercial or industrial zones as defined in the operative Waitaki District Plan.

**Vehicle**

The same meaning as in the Land Transport Act 1998 or subsequent amendment.

**Exemptions**

7. A person is not in breach of this Bylaw if that person:
- a. proves the act was taken to avoid death or injury of a person;
  - b. was taken at the direction of an Authorised officer; or
  - c. acts in accordance with prior written permission obtained from the Chief Executive for any activity that would be in breach of any prohibition under this Bylaw.

**Offences/Penalties/Powers**

8. A person commits an offence under this Bylaw if that person contravenes the provisions of the bylaws contained within.

9. A person is in breach of this Bylaw who fails to comply with this Bylaw and commits an offence under section 239 of the Local Government Act 2002 or subsequent amendment, and is liable on conviction to the penalties set out in section 242(4) of the Local Government Act 2002, for which a person is liable on conviction to a fine not exceeding \$20,000. These fines are current at the time of adoption of this Bylaw.

10. Any person that commits a breach of a provision of this Bylaw made under section 64 of the Health Act 1956 or subsequent amendment commits an offence and is liable to a fine on conviction under section 66 of the Health Act 1956 as follows:

- a. Not exceeding the amount fixed for any breach for which an infringement notice is issued;
- b. Not exceeding \$500.00 and if the breach is a continuing one, not exceeding a further \$50.00 per day thereafter. These fines are current at the time of adoption of this Bylaw.

11. Any person that commits a breach of a provision of this Bylaw made under section 22AB of the Land Transport Act 1998 or subsequent amendment commits an offence and is liable to a fine under section 139 of the Land Transport Act 1998 as follows:

- a. Not exceeding the amount fixed for any breach for which an infringement notice is issued;
- b. Not exceeding \$500.00 and if the breach is a continuing one, not exceeding a further \$50.00 per day thereafter. These fines are current at the time of adoption of this Bylaw.

12. Council may remove, or cause to remove, from any reserve or public place, any vehicle, structure or object, that is there in breach of this Bylaw. Council may recover all charges in connection with the removal of any vehicle, structure or object from the person who has committed the offence.

13. Council may remove, or cause to be removed any animals, birds or bees, in breach of this Bylaw. Council may recover all charges in connection with the removal of any animals, birds or bees from the person who has committed the offence.

14. Any person acting contrary to this Bylaw may be asked to comply, or leave the public place or reserve by an Authorised Officer. Any person must comply with a request from an Authorised Officer to comply with this Bylaw.

### **Fees and charges**

15. Council may by resolution set fees and charges for the processing of approvals or permits under this Bylaw.

16. Any fee may be refunded, remitted, or waived at the Chief Executive's discretion.

## **PART 2: PUBLIC PLACES**

### **Purpose and Scope**

17. The purpose of this section of the Bylaw is to set the requirements for public places within the Waitaki District to ensure the health and safety of any persons, and to protect the public from nuisance.

18. This section of the Bylaw is made under the authority of section 145 of the Local Government Act 2002.

19. A person must not act in a manner that causes a nuisance, or interferes with the safety, use, enjoyment or right of any other person's use of the public place.

20. A person must not damage, interfere, move, remove, deface or destroy any Council property, vegetation or equipment on any public place.

21. A person must not set off any fireworks or other explosive devices on any public place without a permit.

22. A person must not light any fires on any public place without a permit.

23. A person may not undertake professional filming (for commercial gain) in any public place without a permit.

24. No person shall perform as a busker in any public place without having first provided their name and contact details to an Authorised officer, and they must comply with Council's relevant guidelines related to busking in public places.

25. Except where permitted by the operative Waitaki District Plan, or by way of a lease, licence, consent or other written permission granted by Council, a person must not, either:

- a. construct, use or maintain any awnings, blinds, porticos or similar extension item over any public place; or
- b. place any removable items on any public place, such as, but without limitation, sandwich boards or similar, that create an obstruction to users of the public place.

26. A person must not allow any vegetation to encroach on any public place that may obstruct or interfere with any person's access to that public place.
27. A person must not lead or allow any stock, except horses, to cross any public place.
28. The owner of any animal in a public place must at all times ensure that animal does not intimidate or cause a nuisance to any other person and ensure that animal does not damage any property belonging to any other person in a public place.
29. A person must not construct a barbed wire fence or electric fence within 1 metre of any boundary of public place within an urban area, that could cause injury to any person using the public place.
30. A person must maintain any fence, wall or retaining wall on any boundary of any public place in a manner that is safe and unlikely to cause damage to any structures, or injury to any person.
31. A person must:
- a. keep in good repair any rail, grate, fence or cover, over or about any area or entrance to any cellar, basement or other place opening into or upon any public place;
  - b. not keep open any cellar, basement or other place for more than a reasonable time when putting articles into or taking articles out of it, and that person must protect the entrance when open for use to prevent any other person being injured.

## PART 3: RESERVES

### Purpose and Scope

32. The purpose of this section of the Bylaw is to set the requirements for reserves within the Waitaki District to ensure the health and safety of any persons, and to protect the public from nuisance.
33. This section of the Bylaw is made under the authority of sections 145 and 146 of the Local Government Act 2002 and sections 106 to 108 of the Reserves Act 1977.
34. Except where permitted by the operative Waitaki District Plan, other relevant legislation or Council Bylaw, or by way of a lease, licence, consent or other written permission granted by Council, a person must not undertake an activity on a reserve contrary to the activity controls defined in the Waitaki Reserves Management Plan 2014 or any subsequent amendment to this.
35. A person must not act in a manner that causes a nuisance, or interferes with the safety, use, enjoyment or right of any other person's use of a reserve.
36. A person must not use any vehicle on any reserve that causes damage to the reserve's surface or vegetation.
37. A person must not damage, interfere, move, remove, deface or destroy any Council property, vegetation or equipment on any reserve.



38. A person must not allow any vegetation to encroach on any reserve that may obstruct or interfere with any person's access to any reserve.

39. A person must not erect or leave any vehicle, structure or object on any reserve in any manner which causes a nuisance to other users or interferes with any person's right to use the reserve.

40. A person must not ride, lead or allow stock, birds or other animals (excluding companion cats) onto any reserve if they have not obtained the relevant written approval from the Chief Executive or signage indicates the stock, bird or animal is allowed.

41. A person must not conduct business on any reserve in the Waitaki District as an itinerant trader, or as an operator of a mobile shop, without a permit as per the requirement of Clauses 45 and 46 of this Bylaw.

42. Any person who commits a breach of a provision of this section of the Bylaw made under section 106 of the Reserves Act 1977 or subsequent amendment commits an offence and is liable to a fine on conviction under section 104 of the Reserves Act 1977 as follows:

- a. Not exceeding \$5,000.00 and, where the offence is a continuing one, a further fine not exceeding \$500.00 for every day on which the offence continues. These fines are current at the time of adoption of this Bylaw.

## PART 4: TRADING IN PUBLIC PLACES

### Purpose and Scope

43. The purpose of this section of the Bylaw is to set the requirements for trading in public places within the Waitaki District to ensure the health and safety of any persons, and to protect the public from nuisance.

44. This section of the Bylaw is made under the authority of section 146 of the Local Government Act 2002, and section 64 of the Health Act 1956.

### Itinerant and mobile shop trading

45. A person must not conduct business in the Waitaki District as an itinerant trader, or as an operator of a mobile shop, without a permit, except for an itinerant trader or a mobile shop participating in a Council approved street market or street stall.

46. Council may when issuing a permit:

- a. Prohibit itinerant and mobile shop businesses from operating in any specified public place within the District;
- b. Limit or restrict the classes or types of goods that these businesses may offer for sale;
- c. Limit the hours or days during which such businesses may operate.

### Retail displays on footpaths

47. No operator of a business within any urban area shall place, erect, or establish any display on the footpath adjacent to their business without a permit or in conjunction with a Council approved event.

### Street furniture on footpaths

48. No operator of a business within any urban area shall place any street furniture on the footpath adjacent to their business without a permit.

### Trading in public places permits

49. A person must display and trade in compliance with the terms and conditions of the relevant Council permit to undertake trading in public places.

50. No trading in public places permit issued under this Bylaw is transferrable to another person.

51. Council may cancel, amend or review a trading in public places permit issued under this Bylaw if:

- a. it is to protect the public from unhygienic, unsafe or hazardous practices;
- b. it is likely to cause a nuisance, obstruction or damage; and/or
- c. it is likely to interfere with public works permitted under legislation.

## PART 5: KEEPING OF ANIMALS, BIRDS AND BEES

### Purpose and Scope

52. The purpose of this section of the Bylaw is to set the requirements for the keeping of animals, birds and and bees within the Waitaki District to ensure the health and safety of any persons, animals, birds and bees, and to protect the public from nuisance.

53. This section of the Bylaw is made under the authority of section 146 of the Local Government Act 2002, and section 64 of the Health Act 1956.

### Keeping of animals, birds and bees

54. A person must not keep animals or birds (excluding companion cats) unless they are effectively contained and are housed in well-constructed and adequately maintained facilities and their welfare needs have been met to ensure the health and safety of any persons, and the animals or birds.

55. If, in the opinion of any Authorised Officer, the keeping of animals or birds on any Rateable Property or Dwelling house is, or is likely to become:

- a. A nuisance;
- b. Injurious; or
- c. Hazardous

to the health, safety or amenity of any persons or their property, then the Authorised Officer may by written notice require the owner of occupier of the Rateable Property or Dwelling house to do all or some of the following:

- i) Reduce the number of animals or birds kept on the Rateable Property or Dwelling house;
- ii) Take other precautions as may be considered necessary to reduce the effects listed in the sub-clauses of a. to c. above.

56. Any person must comply with a written notice issued by an Authorised Officer under the Bylaw above.

#### Roosters

57. A person must not keep or allow a rooster to be kept on any Rateable Property in an urban area.

58. Clause 57 of this Bylaw shall not apply to breeders and/or exhibitors of purebreed poultry who are also members of any club or society affiliated to the New Zealand (SI) Poultry, Pigeon & Cage Bird Associations (Inc) subject to not breaching clause 55 of this Bylaw.

#### Pigs

59. No person may keep or allow to keep pigs in an urban area.

60. A person must not keep or allow to keep a pig-sty on any Rateable Property that is within 50 metres from any Dwelling house or any other occupied building on an adjoining property or within 30 metres of the boundary of any adjoining property.

#### Bees

61. The maximum number of bee hives per Rateable Property in an urban area is **two (2)**.

62. Any person wishing to keep bee hives in an urban area must apply in writing to the Chief Executive for a permit.

63. All bee hives are required to be registered on the national register and meet the legal requirements of the national beekeeping body.

64. A person must not keep bees that cause a nuisance or threat to the health and safety of neighbours or the public.

65. A person must not keep bees unless in well-constructed and maintained facilities to ensure the health and safety of any persons and the bees.

66. Council may require the removal or relocation of a hive(s) if complaints are received and if the Authorised Officer is satisfied that the location of the hive(s) has resulted in the bees causing a nuisance or a threat to the health and safety of neighbours or the public.

#### Companion cats

67. If, in the opinion of any Authorised Officer, the keeping of companion cats on any Rateable Property or Dwelling house is, or is likely to become:

- a. A nuisance;
- b. Injurious; or
- c. Hazardous

to the health, or safety of any persons or their property, then the Authorised Officer may by written notice require the owner or occupier of the Rateable Property or Dwelling house to do all or some of the following:

- i) Reduce the number of companion cats kept on the Rateable Property or Dwelling house;
- ii) Take other precautions as may be considered necessary to reduce the effects listed in the sub-clauses a. to c. above.

68. Any person must comply with a written notice issued by an Authorised Officer under the Bylaw above.

# Customer Services Committee

## Memorandum

**From** Customer Services Group Manager

**Date** 22 November 2017

---

### Customer Services Group Activity Report for the period 28 September to 8 November 2017

---

#### Recommendation

That the Customer Services Committee receives the information.

#### Summary and Purpose

The purpose of this memorandum is to inform the Committee about the activities of the Customer Services Group, for the period 28 September to 8 November 2017. Special note: Following the changes to the group structure effective 1 November 2016, the Customer Services Group consists of Human Resources, Health and Safety, Customer Contact, Policy and Communications and Governance. Regulatory Services and Planning will also continue to report to this Committee, with attendance from the relevant Group Manager.

#### 1. Customer Services Group General

##### 1.1. Customer Requests (CRMs)

No CRMs were received in the period of this report. CRMs are seldom received in relation to the Policy and Communications and Customer Contact units within this Group.

##### 1.2. Customer Services Group Team – Vacancies:

Corporate Policy Planner: The recruitment and selection process is not yet completed.

##### 1.3. Financial Performance

The combination of income and expenditure for the year to date reporting for October 2017 sees a positive variance against budget for all units of the Customer Services Group:

• Customer Contact	22.98%
• Planning	30.22% (due to staff vacancies)
• Policy Development	15.52% (due to staff vacancies)
• Regulatory Services	28.96%
• Management Customer Services	29.44% (due to interim Group structure as already reported)
• Emergency Services	14.05%

Overall, the Customer Services Group budget for this period demonstrates a positive variance of 26.76%.

#### 2. Customer Contact

##### 2.1. Customer Requests and Service Performance

##### 2.1.1. Customer Requests

- The Customer Contact Team (CCT) continues to proactively look at CRMs coming up to due/overdue, with a view to reducing the fail rate and increasing the success percentage (ongoing).
- As a result of recent Authority training by Civica, the CCT Manager is carrying out additional work on the CRM process to address historical issues in the system. Further review, with the intention of resulting in improvements to the CRM system, will be carried out in 2018.
- Activities continue to pursue the Customer Service Excellence Strategy target of 95% resolution rate on all CRMs (ongoing). These include monitoring all logged

CRMs and tracking their progress, emailing responsible officers for updates when required, and reporting through to the Executive Team on a regular basis.

- District rates settlement figures: 297 for the three-month period July, August and September 2016; 287 for the three-month period July, August and September 2017 (Down 3.3% on the previous year). Overall, January – September 2016 = 878. Overall, January – September 2017 = 879 (up 0.11% on the previous year).

#### 2.1.2. Continuous Process Improvement:

- CCT is responsible for all administration duties relating to dog registrations. A project to ensure the integrity of our data, including dog microchip numbers and for owners' dates of birth, will be initiated once the second rating period has been completed in November. This project will be carried out in conjunction with the compliance team.

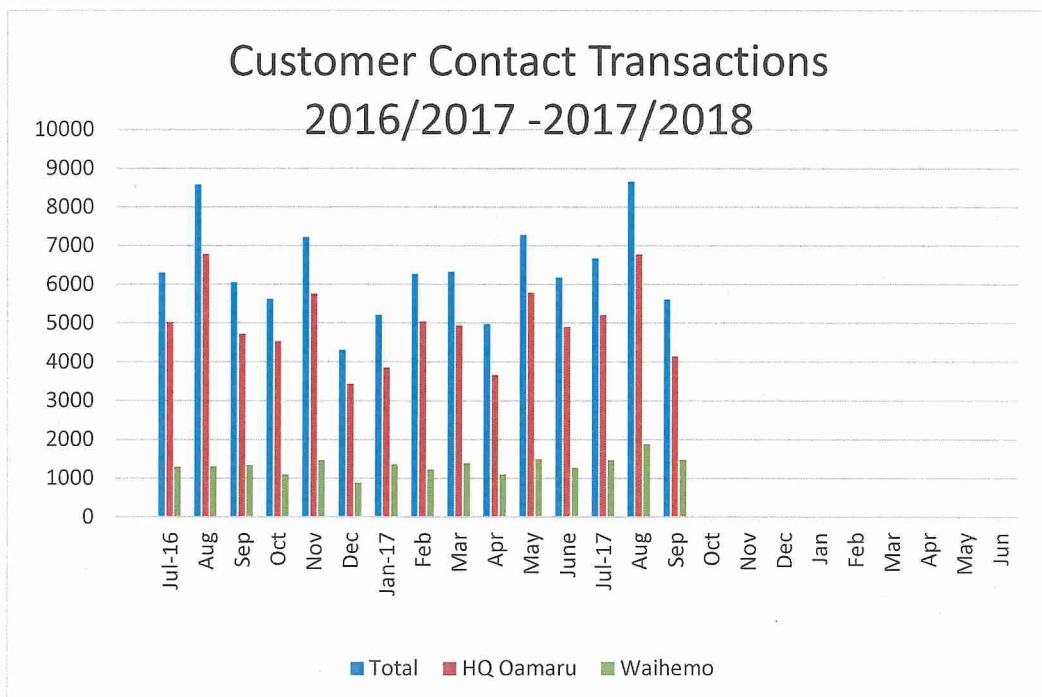
#### 2.1.3. Service Performance

- Bookings for Lakes camping opened on 1 Sept, CCT have issued 120 season tickets for camping and boat ramp year to date. Revenue for the 3 months of July to September is slightly up this year at \$56.2k compared to \$52.1k during the same period last year.
- A total of 53 urban fire permits have been requested for the period of 1 July 2017 to 31 October 2017. This is a similar number to that of the same period in 2016, which resulted in 50 urban fire permits requested.
- Waihemo Service Centre was a venue for advance voting in the general election with an average of 60/80 people through the door daily for the two week period. This was a great way to showcase the Service Center/ Library.
- Preparations are being made to introduce the new phone system to the CCT team.
- CLIO's are actively working within their designated groups to ensure up to date information is available to the team which will and improve 1<sup>st</sup> call resolution.

#### CCT Statistics – Oamaru and Waihemo

Transactions	Sept 2017	Sept 2016
Total transactions (calls, counter and emails)	5611	6051
Average transactions/person/day HQ	46.69*	46.49
Average transactions/person/day WSC (incl library)	39.58	33.37
Abandoned calls percentage over 30 seconds	0.98%	1.03%

\* Average transactions/person/day HQ slightly increased during this period due to staff on annual leave. Fewer staff handling the transactions resulted in a higher average number.





## 2.2 Projects

Project	Comment
Customer Contact review	Customer Contact Review – planned unit review of efficiency of operations as part of the continuous improvement programme. This project has not yet progressed from the scoping stage, as already reported. Potential realignment will have an impact on this project which is now intended to be carried out during 2018.

## 3. Policy and Communications and Governance

### 3.1. Planning and Reporting

- **Long Term Plan (LTP) 2018-28:** this period was used to workshop information requests from Councillors relating to core services and the current LTP. Discussion with External Auditors and draft engagement letter received.
- **Annual Report 2016/17:** Adopted
- **Residents Survey 2017/18:** Initiated with first sample of 130 being completed before Christmas.

### 3.2 Communications

- **Media Enquiries:** Seven media enquiries were received for September including to the Oamaru courthouse, the Riley Baker memorial, Oamaru harbour accommodation and the Craig Fountain.
- **Media Releases:**  
Media releases included, but not limited to:
  - Easter Sunday Shop Trading consultation
  - Cultural Facility Development Project Entrance
  - *Unique Stories* film competition
  - A range of other articles were also published based on council reports and enquiries/interviews with the mayor.
- **Social media:** A contract has been signed with Tomahawk who will provide support and training for a 2018-28 Long Term Plan social media campaign. We have introduced a new (and on-going) campaign of dog re-homing/adoption.
- **Website Information Management:**
  - The new Internship programme information has been published on the website. This includes a list of intern projects, eligibility criteria, our offerings, and an online application form.
  - Freedom camping web pages have been updated to support the recent camping public map GIS website.
  - Completed reviews of existing content have included: Easter Sunday Shop Trading, Cemeteries, Biodiversity, Parking, Careers, and Aquatic Centre.
- **Website Analytics:**  
The updated Website analytics for the latest period are included in Appendix 1 of this report.
- **Systems and Process Improvement:**
  - Governance services – completing ProMapp work has been delayed due to agenda management work priorities.
  - Development of a system to manage consultation feedback – on track.

### 3.3 Policy

- **Waitaki District General Bylaw Review:** Customer Service Committee consideration of the Draft Waitaki District General Bylaw 2017 resulted in the request for final workshop to consider companion cats. This workshop took place on 9 November, with direction provided for a report to be prepared to the 22 November Customer Services Committee meeting.
- **Easter Sunday Shop Trading:** Submissions managed leading into the completion of the Council Hearing and deliberation workshop. Following the 9 November workshop a paper was prepared to go to the 15 November Extraordinary Council meeting.



- **Electoral Representation Review:** Co-ordinated with the ORC and sought independent advice on the process of establishing and practicality of Maori Wards for Waitaki. A paper was prepared for 15 November Extraordinary Council meeting to decide on a Maori ward.

### 3.4 Governance

- Developed and implemented a procedure to release public excluded information in accordance with Clause 17.5 of Standing Orders.
- Provided meeting support to Otago Mayoral Forum, Otago Civil Defence Emergency Management Group Joint Committee Meeting, and Te Roopu Taiao Otago Meeting.
- Helped research and progress the implementation of InfoCouncil automated agenda management system. Appointed Project Coordinator / Subject Matter Expert on steering group.

## 4. Health, Safety and Wellbeing

### 4.1. Lag Indicator (Incidents) Statistics

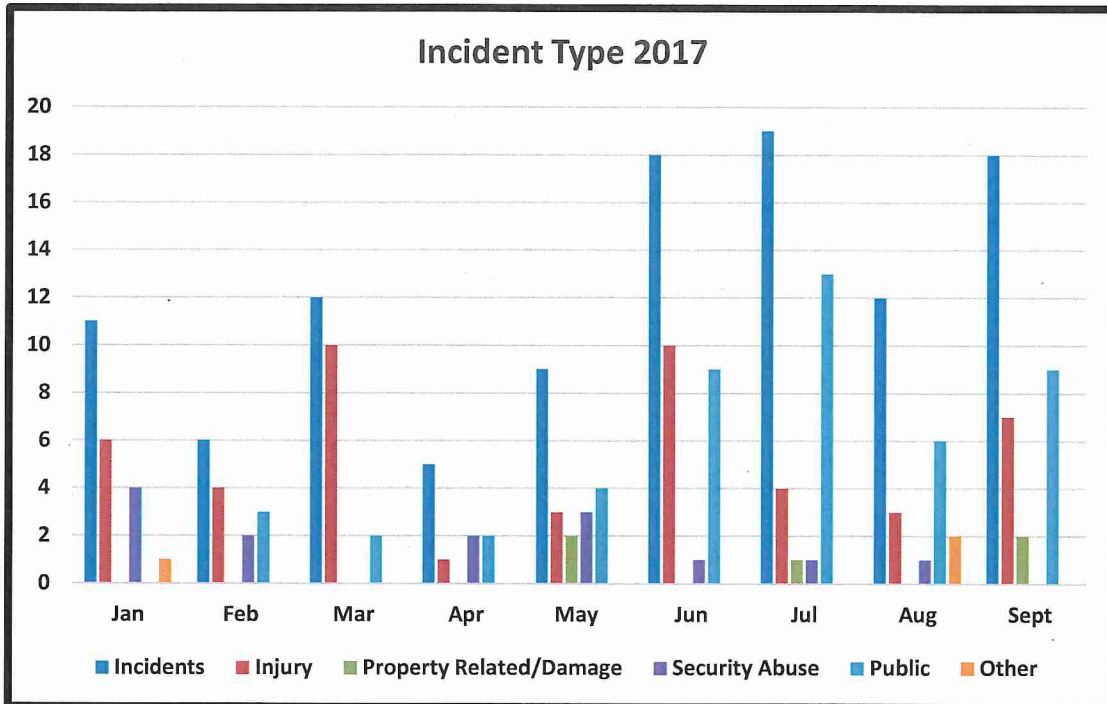
Lag indicator statistics include measurement of outputs in the form of past incidents. Issues that we aim to analyse and assess trends to support potential future learnings.

	Incidents	Near Misses (** included in incident number)
January 2017	11	2
February	6	0
March	12	1
April	5	2
May	9	2
June	18	0
July	19	4
August	12	0
September	18	2
2017 Year to Date ***	110	13

\* Refer Part 1 Sections 23-25 of the Health and Safety at Work Act 2015 for definitions

\*\*Included in incident number

\*\*\* Please note that half yearly and yearly analysis of this information will be provided to identify and discuss data trends. Benchmarking data on previous years is not yet available due to the implementation of a new Health and Safety System. This will be available in time.



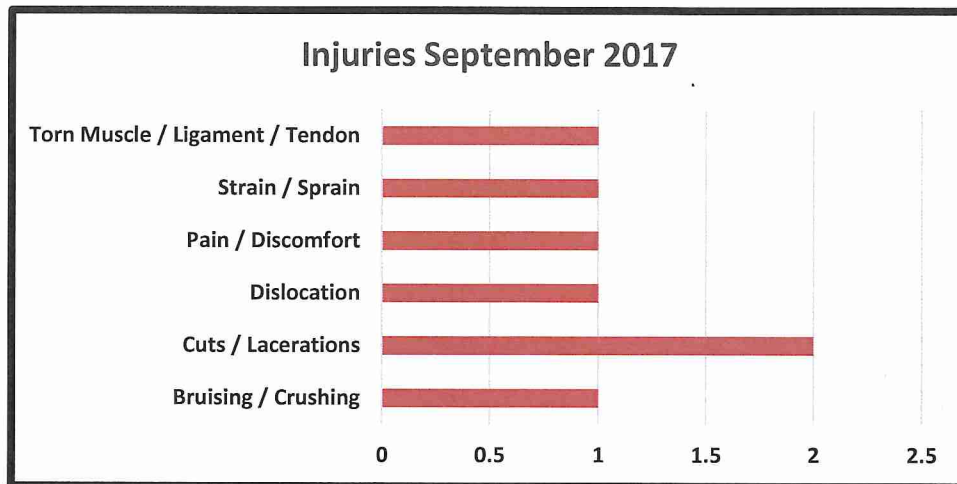
Please note: Several incidents will fit into more than one incident type. For example, in May there were 9 incidents, 4 of which also involved the public, (1 public also involved abuse and 1 public was also an injury), 2 abuse/security incidents (1 involved the public and 1 property damage police called), 2 property incidents (1 involved police), 3 injury/illness (1 involved the public).

	Notifiable Events*	
	Injury	Incident
January 2017	0	0
February 2017	0	0
March 2017	1***	0
April 2017	0	0
May 2017	0	0
June 2017	0	0
July 2017	0	0
August 2017	0	0
September 2017	0	0
2017 Year to Date	1	0

\*\*\* Aquatics Centre – Member of the Public – fractured pelvis/hospitalised

#### Public Incidents September (many minor incidents now reported through Safehold which is why an increase is being seen):

- 3 X float or wet rescues at Aquatic Centre
- 2 X slips, trips and falls at Aquatic Centre/Oamaru Gardens
- 4 X other general minor incidents at Aquatic Centre



**No Lost Time Injuries for Staff during September**

#### 4.2. Lead Indicator (Measures to prevent incidents) Statistics

Lead indicator statistics include measures preceding or indicating a future event to drive and measure activities carried out to prevent and control injury.

	Induction (individuals)	Training (individuals)	Safe Work Observations	Audits	Take 5
January 2017	7	0	2	0	22
February 2017	2	0	0	0	25
March 2017	6	10	0	5	17
April 2017	3	28	2	0	11
May 2017	23	0	1	2	8
June 2017	6	4	4	0	5
July 2017	5	2	0	18	19
August 2017	3	65	3	0	18
September 2017	3	6	0	2	44

Inductions September: contractors x 1, staff x 2

Training September: Safe Work Observations x 6

Audits September: Workplace Audits x 2

#### **Hazards Reported September: No new hazards identified or reported**

##### **Health and Safety General:**

- Advisor attended Safeguard Legalsafe conference
- Sitewise guidance documents under development
- Site visits to Water and Sewage Treatment Plants regarding hazardous substances compliance
- Health and Safety Committee training on Safe Work Observations and Sitewise roll out

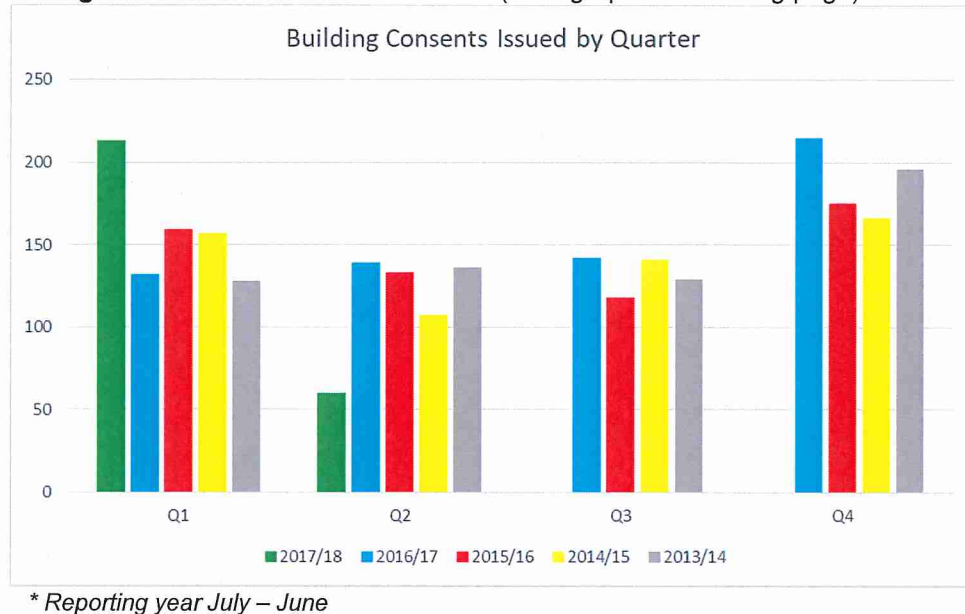


## 5. Regulatory Services

### 5.1 Service Performance

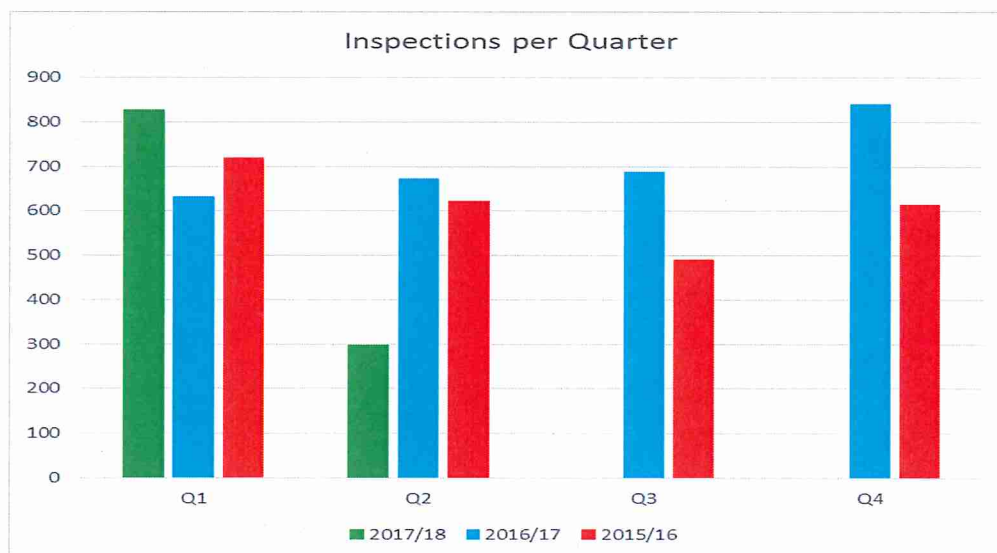
#### Building

**Building Consents** as at 30 October 2017 (refer graph on following page):



**Figure 1 – Building Consents Issued by Quarter – 2013/14 to 2017/18**

High consent volumes have continued currently tracking 30% ahead of the same period last year. 98% of consents were processed within 20 working days with year to date at 96%. Commercial consents remain at 16% of consent volume. Ongoing support from contractors is still required to enable us to meet service levels.



**Figure 2 – Inspections per Quarter – 2015/16 to 2017/18**

In conjunction with increased consents the volume of inspections are 31% higher than the same period last year.

#### Environmental Health

- **Alcohol:** A Host Responsibility Training Event in collaboration with Hospitality New Zealand, Police, and Public Health South was held with great success. Some very positive feedback was received, and the number of bar staff requesting to attend was double that expected. It is intended to run another session in the New Year.

- **“Game On”** funded by Health Promotion Agency will be rolled out to Rugby clubs across the district early in the New Year. Game On is a three phase programme designed to strengthen the clubs culture, enhance its reputation and support players to reach their full potential. The underlying aim is to reduce alcohol related harm in the community.
- Our Alcohol Licensing Officer is working with our Road Safety Officer, on two Road Safety Campaigns. One promoting licensed premises with courtesy vans over the Christmas Holiday period, the other targeting rural drink driving.

#### Enforcement and Compliance

- **Animal Control:** 99.3% of known dogs are now registered. 23 infringements have been issued this financial year for failing to register a dog. This is less than half the number of infringements for the same offence type issued during the same period last year, indicating that compliance is improving in that area.

An updated impounding process will now see impounded dogs advertised via Facebook if the owner is unknown or they have become available for adoption. The website will also be used to advertise dogs and enable visitors to the page to see our success with re-homing dogs. This should generate community interest and discussion.

- **Freedom Camping:** Two exemptions have been approved. The website information for Freedom Camping has been updated, with a mapping system and greater focus on enabling visitors to identify places where they can legitimately camp. In the future there may be potential to add other layers to the map to provide further regulatory information such as other key bylaw areas.

Infringements:



#### Report of Freedom Camping Infringement Status For Period 01/07/2017 to 08/11/2017

DESCRIPTION	CODE	INFRINGE NUMBER	REGISTRATION NUMBER	CRN NUMBER	INFRINGEMENT DATE	OFFENCE FEE
Freedom Camping - Warning Only Issued	90	1				\$200.00
Freedom Camping at Court	30	1				\$200.00
Freedom Camping Complete	99	9				\$1,800.00
Freedom camping infringement issued	1	10				\$2,000.00
Freedom Camping withdrawn	98	1				\$200.00
SP10 Reminder Due	15	1				\$200.00
SP10 Reminder Issued	20	1				\$200.00
<b>Totals:</b>		<b>24</b>				<b>\$4,800.00</b>

This table highlights the total number of infringement issues between the dates stated and shows how many are at each status level, eg 9 have been completed whilst 10 have not yet been paid or progressed to infringement reminder notice stage.

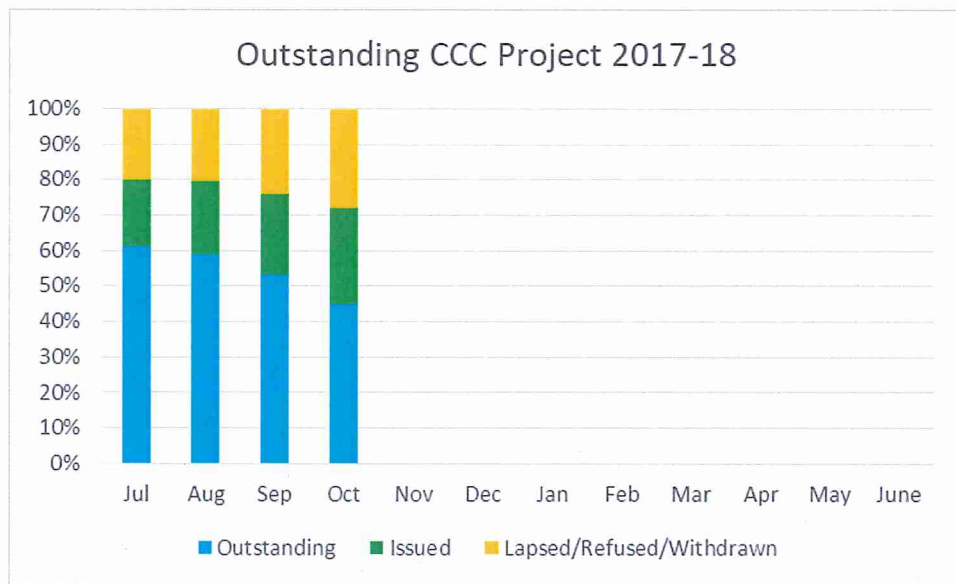
- **Planning complaints:** Several breaches and alleged breaches of the District Plan have been reported or otherwise come to Council's attention and are in various stages of investigation. One of these has resulted in an infringement notice being issued for an offence against the Resource Management Act.

**CRM Activity:** Five CRMs were overdue as at 7 November. All are under action.

#### 5.2 Policy and Projects

- **Outstanding Code Compliance Certificate (CCC) Project**  
56% of the outstanding consents have either been issued or declined. The dedicated project resource will finish at the end of November and the work will be continued through our administration team with the expectation that 10 contacts are made per week. Officers believe this volume will enable staff to meet current inspection needs and continue to progress this work. A workshop is scheduled for

11 December to provide an update to Council on the project. We thank Tania Lowen for her dedication in getting this work to the current position.



**Figure 3 – Outstanding CCC 2017-18**

- **Recruitment:** Building Services Manager (Roger Cook) and Water Monitoring Officer (Madeline Sinha) both started on 6 November. Madeline is replacing Arthur Mahan who retired on 10 November 2017.
- **Compliance Schedule Project (Building Warrant of Fitness):** A meeting with some industry representatives has been completed, with positive support around changes suggested. The project has now started and by November 2018 compliance schedules will meet the building code requirements with the exception of any in place prior to 2004. We will talk with individual building owners about options as these are identified.
- **Dog Pound upgrade:** Some suitable sites have been identified and will be assessed against the refurbishment of the existing pound in the New Year.
- **Building (Pools) Amendment Act:** Our officer has received a positive response from the information sheets circulated to schools/preschools and real estate agents. A database is now in place and inspections have started.
- **Exemptions under the Building Act:** Research has been completed and officers are preparing a workshop for the committee. No progress this month.
- **District Licensing Committee:** Al Lawn has been asked for ideas on the provision of options enabling all members to contribute to the Committee. Dates for a workshop discussion and some DLC training will be identified with him in the next few weeks. No progress this month.
- **Hearing Committee Process (Dogs):** *This has not yet been started.*
- **Alcohol Strategy:** This is a joint initiative with Regulatory Services and Community Safety and Development. A workshop for key parties is being prepared and officers are in the process of confirming a workshop date.
- **Regulatory Strategy:** High-level thinking has been discussed with the Regulatory leadership team and consideration is now being given to the best way to present the concept. This will be completed when all the relevant managers have been appointed.

## 6. Planning

### 6.1 Resource Consents

- A two-stage subdivision in Otematata by de Geest Properties, both with 10 lots each, was consented. There has been a few enquiries regarding this subdivision already.



- A subdivision on the corner of District Road and Weston Road by Crondi was also consented, with stage 1 consisting of seven lots in the Rural General and Residential zone.
- Another large subdivision at Weston Road consisting of three stages (with stage 1 of 24 lots) in the Residential zone has had its Certificate 224 signed off.
- There is an application for forestry development on Rural Scenic land in the Waihemo (Shag) River Valley to plant out around 890 hectares in *Pinus radiata*. The purpose of the Rural Scenic zone is to maintain open space. The applicant has requested that it be publicly notified.
- A hearing on a notified application for house, buildings and access track in an area of outstanding natural landscape by the Ohau lakeshore is set to occur in December.

## 6.2 Customer Service

As at 16 November, no CRMs for Planning are overdue. 84% of CRMs have been resolved within agreed timeframes.

## 6.3 Resource Consent Decisions Made Under Delegated Authority

Date Closed	Type	Description	Location	Target Days	Process days
25.10.17	Land Use	Sect 348 Right of Way 2 and 3	2 Napier Street Kakanui	10	7
31.10.17	Land Use	OP build scorers box, play shelter, storage and scoreboard on DES 118		20	11
25.10.17	Land Use	Refurbishment and internal alteration on Designation #9 RG zone	Waitaki Avenue Oamaru	20	14
03.10.17	Land Use	Dispose of designation #43	Otematama School	20	2
25.10.17	Land Use	Change four grass courts to pexipave courts at North Otago lawn tennis Association	Chelmer Street Oamaru	20	22
03.10.17	Land Use	Outline plan for proposed renewal of Bridge 190 Shag River		20	17
09.10.17	Land Use	Subdivide Lot 2 DP 399618 for OT397486 in RG zone	3330 Hampden-Palmerston Road	20	14
09.10.17	Land Use	Boundary adjustment OT16D/1192 and CFR 734811 in RG zone	22 twaddle Road Enfield	20	16
03.10.17	Land Use	Stage 1 (10 lots) and 2 (10 lots) Subdivision in residential zone	Waitaki Drive Otematata	20	17
03.10.17	Land Use	Garage extension within sideyard and road boundary in Business 2 zone	23 Chelmer Street Oamaru	20	9

Date Closed	Type	Description	Location	Target Days	Process days
02.10.17	Land Use	Build 12 metre long garage within sideyard setback in Residential zone	17 Virgil Street Oamaru	20	9
12.10.17	Land Use	Earthquake strengthening to Heritage Building Courthouse in Business 1	86 -88 Thames Street Oamaru	20	6
04.10.17	Land Use	Alteration to Galley Café building in Business H zone		20	18
03.10.17	Land Use	Gravel extraction for roading aggregates in the RG zone	Robbs Crossing Road Kia Ora	50	22
11.10.17	Land Use	Construction of Pump Station/Water Supply upgrade in RG zone	1617 Maheno-Herbert Road	20	11
03.10.17	Land Use	Construction of a Pump station in Road reserve in the RG zone		20	17
04.10.17	Land Use	Visitor accommodation in Business 3 zone to Heritage Building	26A Tees Street Oamaru	20	17

#### 6.4 Projects

Planning Unit and Priority	Project	Comment
1	Staffing	Following on from the last report, the parental leave cover requirement is coming to an end in the near future, with the return of the staff member concerned early in the New Year in a flexible capacity for her early return.



Lisa Baillie  
Customer Services Group Manager

#### Attachments

Appendix 1: Website Performance Report for 28 September 2017 to 8 November 2017

Appendix 2: Facebook Performance Report for 28 September 2017 to 8 November 2017

# Appendix 1: Website Performance Report for period 28 September 2017 to 8 November 2017

## Council website key analytics:

Here are the key analytics with the change compared to 16 August 2017 to 27 September 2017

- 31.28% bounce rate – Percentage of single page visits (3.4%)
- 62,747 page views (5.48%)
- 47,110 unique (different) visitors (6.24%)
- 596 hours spent online (-2.08%)

## Daily visits to the Council website:



The website traffic is high during weekdays compared to weekends, with a higher number of visits on Monday 16 October.

## Popular content pages

Top pages	Page views (Compared to period 16 August 2017 to 27 September 2017)
Property and rating search	4.48% ↑
Cemetery records search	-4.00%
Vacancies	5.30% ↑
Current District Plan maps	-11.67 %
Council Offices and Contacts	-1.09 %
Internship	-----
Aquatic Centre	19.51% ↑
A-Z services	-3.06%
Lakes camping	-27.44%
Maps	-3.14%

Web traffic to the Aquatic Centre, rates and vacancies has increased this month. The new Internship programme content was also very popular with the website visitors. Traffic for job vacancies has risen as Council had a number of job advertisements in the newspaper.

## Popular search terms

28 September 2017 to 8 November 2017	16 August 2017 to 27 September 2017
Rates	Rates
District Plan	District Plan
GIS	Camping
Controlled subdivision	Building consents
Building consent	GIS
LIM	Vacancies
Duntroon	Jobs
Lake Ohau	Minutes
Annual report	Danseys Pass
Approved contractors	Dog registration

Spotlight hyperlinks have been created on the home page for Rates, Maps and District Plan information.

## Appendix 2: Facebook Performance Report for period 28 September 2017 to 8 November 2017

### Key analytics:

- Total posts published during this period was 15.
- Page likes increased from 1,506 likes to 1,535.
- Received and responded to 13 customer queries.
- Average post reach was 885.

Top posts	Post reach	Post Engagement
Friday Rewind (Local hotels) 3 November	2.6K	573
Free internet connection	2.2K	399
Friday Rewind (Local motor garage)	1.2K	460
Friday Rewind (Local hotels) 13 October	1.1K	267
Oamaru gardens video	723	107

### Terminology

- **Post Reach:** The number of people posts were served to in Facebook
- **Post Engagement:** Post clicks, likes, comments and shares