



## **NOTICE OF MEETING**

**Notice is hereby given of the Meeting of the  
Regulatory Services Committee  
to be held in the Council Chamber,  
First Floor, Civic Administration Building,  
101 Esk Street, Invercargill on  
Wednesday 3 June 2015 at 3.00 pm  
(Please note change of time)**

His Worship the Mayor Mr T R Shadbolt JP  
Cr D J Ludlow (Chair)  
Cr K F Arnold (Deputy Chair)  
Cr R R Amundsen  
Cr A G Dennis  
Cr I R Pottinger  
Cr G J Sycamore

**EIRWEN HARRIS  
MANAGER, SECRETARIAL SERVICES**



# AGENDA

	Page
1. <b>APOLOGIES</b>	
2. <b>HEARING OF SUBMISSIONS TO THE PROPOSED BYLAW 2015/1 – DOG CONTROL AND PROPOSED DOG CONTROL POLICY</b>	5
Appendix 1	7
Appendix 2	9
Appendix 3	23
Appendix 4	33
3. <b>MONITORING OF SERVICE PERFORMANCE</b>	
3.1 <b>LEVELS OF SERVICE</b>	47
3.1.1 <i>Animal Control</i>	48
3.1.2 <i>Building Consents</i>	49
3.1.3 <i>Compliance</i>	50
3.1.4 <i>Environmental Health</i>	51
3.1.5 <i>Resource Management</i>	52
3.1.6 <i>Valuation</i>	52
4. <b>MONITORING OF FINANCIAL PERFORMANCE</b>	
4.1 <b>DIRECTORATE OVERVIEW</b>	53
4.1.1 <b>ADMINISTRATION</b>	53
4.1.2 <b>ANIMAL SERVICES</b>	54
4.1.3 <b>ENVIRONMENTAL HEALTH</b>	54
4.1.4 <b>LICENSING INSPECTOR</b>	54
4.1.5 <b>COMPLIANCE (PARKING)</b>	54
4.1.6 <b>BUILDING</b>	54
4.1.7 <b>RESOURCE MANAGEMENT</b>	55
4.1.8 <b>VALUATION</b>	55

4.1.9	<b>DISTRICT LICENSING COMMITTEE</b>	<b>55</b>
4.1.10	<b>FINANCIAL SUMMARY</b>	<b>57</b>
5.	<b>ACTIVITY PLAN REVIEW</b>	
	N/A.	
6.	<b>DEVELOPMENT OF POLICIES/BYLAWS</b>	
	N/A.	
7.	<b>ACTION SHEET</b>	
8.	<b>OTHER BUSINESS</b>	
8.1	<b>REPORT OF THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES</b>	
8.1.1	<b><i>New Gambling policies</i></b>	<b>65</b>
	Appendix 1	<b>67</b>
	Appendix 2	<b>75</b>
8.1.2	<b><i>Earthquake Strengthening Rules</i></b>	<b>81</b>
	Appendix 1	<b>83</b>
8.1.3	<b><i>Proposed Road Name for a Private Right of Way</i></b>	<b>89</b>
	Appendix 1	<b>91</b>
9.	<b>URGENT BUSINESS</b>	

**\*\*\*\*\***

**TO: REGULATORY SERVICES COMMITTEE**  
**FROM: THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**  
**MEETING DATE: WEDNESDAY 3 JUNE 2015**

**DOG CONTROL POLICY AND DOG CONTROL BYLAW 2015/1**

**Report Prepared by:** Kari Graber – Reporting and Planning Analyst

**SUMMARY**

Council's Dog Control Policy and Dog Control Bylaw 2015/1 have gone out for public consultation and based on the feedback received Staff have made a number of recommendations based on submissions for Councils consideration. We received a total of 44 submissions and 17 wanting to be heard.

**RECOMMENDATIONS**

**That the submissions be received and considered.**

**And**

**The following changes be made to the Dog Control Bylaw**

- 1. Definitions -Property means a piece of land or real estate**
- 2. Shelter for Dogs –Paragraph 2 listed as 6.2**
- 3. Change 6.2 to - No owner of any dog shall keep it on any premises in any kennel or place of confinement, other than a dwelling, any part of which is nearer than one metre to any boundary of those premises. Exceptions will apply to properties that are too small to accommodate this, or an existing kennel is already in place and does not cause a nuisance to neighbouring properties.**
- 4. Controls of Dogs 7.1- Add with the exception of active working dogs.**
- 5. Change Control of Dogs- Section 7.2.1 - Dogs on property zoned urban or rural residential must not be allowed to intimidate the general public through charging or intimidation of any passers-by or neighbouring properties. Dogs must be confined to a space that provides adequate area for exercise and movement. This area shall be fully fenced.**
- 6. Control of Dogs Section 7.2.2- Remove**
- 7. Control of Dogs Section 7.3- Remove word Authorised**
- 8. Impounding of Dogs- Section 12.1 Remove word Authorised.**
- 9. Dogs in Vehicles Section 9.1- Add with the exception of active working dogs.**
- 10. Leash Control Area Section 18- Add 18.1 to first line and 18.2 to second paragraph.**
- 11. Non Designated Dog Areas Section 19- Add 19.1 to first paragraph.**
- 12. Include Appendix 1 Map of Dog of Lead Areas.**

AND

The following changes to the Dog Control Policy

**Micro-Chipping- Add all dogs registered for the first time as of July 2006 with the exception of working dogs must be micro-chipped.**

AND

**That this updated policy and bylaw be adopted by Council 16 June 2015.**

**IMPLICATIONS**

1.	<i>Has this been provided for in the Long Term Plan/Annual Plan?</i> No.
2.	<i>Is a budget amendment required?</i> No.
3.	<i>Is this matter significant in terms of Council's Policy on Significance?</i> No.
4.	<i>Implications in terms of other Council Strategic Documents or Council Policy?</i> The existing Policy and Bylaw will be replaced with new ones if adopted.
5.	<i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i> Yes, there have been formal and informal meetings held with members of the public and formal consultation has been conducted and submissions have been received and summarised.

**FINANCIAL IMPLICATIONS**

No financial implications arise from this report.

**DOG CONTROL BYLAW AND POLICY**

The changes listed in this report are a culmination of feedback received from the public submission process and informal consultation with the public through the use of the Councils Caravan, and a formal meeting with members of the New Zealand Kennel Club. A number of submitters have asked to be heard and timetable is attached (**Appendix 1**).

Staff are recommending changes that are the most practicable for the benefit of responsible dog owners, and changes to the policy and bylaw and will assist in the practice of enforcement. The amended policy and bylaw that clarifies matters for dog owners and Council and non-dog owners by striking a balance that will benefit and protect all key stake holders.

Attached is a copy of the Dog Control Policy and Dog Control Bylaw 2015/1 (**Appendix 2**) with the recommended changes made after submissions in red. Also a copy of the submissions received (**Appendix 3**), and a copy of summary of all submissions (**Appendix 4**).

**\*\*\*\*\***

**PROPOSED BYLAW 2015/1 – DOG CONTROL AND PROPOSED DOG CONTROL POLICY  
HEARING TIMETABLE**

**Wednesday 3 June 2015**

<i><b>Time</b></i>	<i><b>Submitter's Name</b></i>	<i><b>Submitter No</b></i>	<i><b>Page No.</b></i>
3.05 pm	Colin Bishop	003	
3.15 pm	Dr Sandy Cooper	006	
3.25 pm			
3.35 pm	Paul Carver	010	
3.45 pm	Christina Rock	012	
3.55 pm	Stephen Hainstock	015	
4.05 pm	Helen and Eddie McKenzie	016	
4.15 pm	Lawrence Parker	017	
4.25 pm	Dianne Tyssen	020	
4.35 pm	Nikki Broad	024	
4.45 pm	David Legat	029	
4.55 pm	Maria Devery	030	
5.05 pm	Wendy Joy Baker	035	
5.15 pm	Carol Jasperse	036	
5.25 pm	Elizabeth Miller	038	
5.35 pm	Nina Mills	040	
5.45 pm	Juanita Bielecki-Knox	041	







# **INVERCARGILL CITY COUNCIL**

## **Bylaw 2015/1 – Dog Control**

[THIS PAGE IS INTENTIONALLY LEFT BLANK]

DRAFT

# CONTENTS

<b>SECTION</b>	<b>Page</b>
1. Short Title and Commencement .....	1
2. Object of Bylaw .....	1
3. Repeal.....	1
4. Exclusions.....	1
5. Interpretation .....	1
6. Shelter for Dogs .....	2
7. Control of Dogs .....	3
8. Bitches in Season.....	3
9. Dogs On or In Vehicles.....	4
10. Infectious or Infested Dogs.....	4
11. Fouling by Dogs .....	4
12. Impounding of Dogs .....	4
13. Nuisance .....	4
14. Dangerous Dogs .....	5
15. Menacing Dogs .....	5
16. Limitation on Number of Dogs .....	6
17. Dogs in Public Places.....	6
18. Leash Control Area .....	6
19. Non Designated Dog Areas.....	7
Schedule 1 .....	8
Appendix 1 .....	9

[THIS PAGE IS INTENTIONALLY LEFT BLANK]

DRAFT

## INVERCARGILL CITY COUNCIL BYLAW 2015/1 – DOG CONTROL

A Bylaw of the Invercargill City Council made in pursuance of the powers contained in the Dog Control Act 1996 and the Local Government Act 2002.

### 1. SHORT TITLE AND COMMENCEMENT

1.1 This Bylaw shall be known as “The Invercargill City Bylaw 2015/1 – Dog Control” and is made for the effective control and regulation of dogs in the Invercargill City Council boundaries.

1.2 This Bylaw shall come into force on

### 2. OBJECT OF BYLAW

2.1 The Bylaw is made primarily under the authority of Section 20 of the Dog Control Act 1996 and the provisions of the Local Government Act 2002.

2.2 The primary purpose of the Bylaw is to protect and enhance the safety of the public, while providing dogs and their owners with the ability to satisfy their recreational needs. It also seeks to minimise distress and nuisance caused by dogs to the community as far as is practicable through legislative means.

### 3. REPEAL

The Invercargill City Council Bylaw 2008/2 - Animal Control is hereby repealed from the day this Bylaw comes into force.

### 4. EXCLUSIONS

This Bylaw only applies to dogs.

This Bylaw does not include Animal Welfare matters.

### 5. INTERPRETATION

In this Bylaw, unless inconsistent with the context:

**CENTRAL BUSINESS DISTRICT** means all that area contained within and including Tay Street, Deveron Street, Yarrow Street and Dee Street, Invercargill.

**CITY** means the City of Invercargill.

**COUNCIL** means the Invercargill City Council.

**DISABILITY ASSIST DOG** means a dog defined as a disability assist dog under Section 2 of the Dog Control Act 1996 and specifically 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:

- a. Hearing Dogs for Deaf People New Zealand
- b. Mobility Assistance Dogs Trust
- c. New Zealand Epilepsy Assist Dogs Trust
- d. Royal New Zealand Foundation of the Blind
- e. Top Dog Companion Trust

**DISTRICT PLAN** means the operative Invercargill District Plan pursuant to the Resource Management Act 1991.

**OFFICER** means an Animal Control Officer or Dog Ranger appointed under the Dog Control Act 1996 and includes an Honorary Dog Ranger.

**OWNER** means someone who owns a dog or has it for more than 72 hours or is a parent or guardian of an owner of a dog where the owner is under the age of 16.

**PROPERTY** means a piece of land or real estate.

**PUBLIC PLACE** means public place as defined in Section 2 of the Dog Control Act 1996.

**RESERVE** means any park, garden, plantation, forest, open space or ground set aside for public recreation or enjoyment and which is controlled or administered by Council.

**SMALL TYPE DOG** means a small dog that spends most of its time indoors and needs very little space to be exercised.

**WORKING DOG** means working dog as defined under Section 2 of the Dog Control Act 1996.

## 6. SHELTER FOR DOGS

6.1 The owner of any dog shall provide for it a weatherproof kennel or place of confinement of adequate size with access to clean water, constructed on well-drained ground and, in the case of a kennel without other means of confinement, provided with a fixed chain or running wire which allows the dog free movement about the kennel. All kennels or places of confinement shall be kept in a reasonable, clean and sanitary condition. A place of confinement may include a dwelling.

6.2 No owner of any dog shall keep it on any property in any kennel or place of confinement, other than a dwelling, any part of which is nearer than one meter to any boundary of that property. Exceptions will apply to properties that are too small to accommodate this, or an existing kennel is already in place and does not cause a nuisance to neighbouring properties.

## 7. CONTROL OF DOGS

- 7.1 The owner of any dog shall keep and prevent that dog from wandering or being at large in any public place. A dog shall be considered wandering or at large if the dog is not kept under continuous and effective control by means of a leash securely attached to a collar on the dog, **with the exception of active working dogs.**
- 7.2 Dogs should be appropriately confined when not under the control of their owner or a responsible person. Adequate confinement is interpreted as the following:
- 7.2.1 Dogs on property zoned urban or rural residential must not be allowed to intimidate the general public through charging or intimidation of any passers-by or neighbouring properties. **Dogs must be confined to a space that provides adequate area for exercise and movement. This area shall be fully fenced.**
- 7.2.2 Dog owners must provide unimpeded access to at least one door of their dwelling at all times, ensuring safe access to the dwelling, for service workers or first responders.
- 7.2.3 In the case of a dog classified as menacing or dangerous, the dog is required to be kept in a securely fenced portion of the property which it is not necessary to enter to obtain access to at least one door of any dwelling on the property. The dog must also be kept in an area of the property where it does not prove to be a nuisance to the general public through charging or intimidation of any passer-by or neighbouring properties.
- 7.3 Officers have the right to inspect any property to ensure compliance with this Bylaw and may issue an infringement notice if the owner does not comply.
- 7.4 No person shall encourage a dog to fight or attack any person, animal or dog, and shall take all reasonable steps to prevent a dog or dogs from fighting or attacking any person, animal or dog. No person, being the owner of a dog, shall encourage or permit any dog which has been classified as dangerous or menacing, or is known to rush at or attack any person, animal or dog, to be at large unless it is kept under continuous and effective control.

## 8. BITCHES IN SEASON

- 8.1 No person, being the owner or having control or charge of any bitch in season, shall take the same into any public place, or permit or suffer such dog to enter or remain in a public place, except when being taken to a veterinary clinic. Such bitches shall be kept confined but adequately exercised.

9. DOGS ON OR IN VEHICLES

9.1 No person shall allow a dog to ride on or within any vehicle, or be on any road or public place, unless the dog is at all times kept under effective control so as to prevent the dog from leaving the vehicle or from attacking any passers-by.

9.1.2 Exemption to 9.1 is made for active working dogs to ride on or within any vehicle, or be on any road or public place.

10. INFECTIOUS OR INFESTED DOGS

10.1 No person being the owner of any infectious or infested dog shall take the dog into any public place or permit it to enter or remain in a public place.

10.2 Clause 10.1 does not apply if the purpose is transporting the infectious or infested dog to a veterinary clinic.

11. FOULING BY DOGS

11.1 Every person who, being the owner of a dog which defecates in any public place, or on any land or premises other than land or premises occupied by that person, shall immediately remove the faeces. Where a public litter bin or similar receptacle is used to dispose of the faeces, the faeces must be suitably wrapped or contained to prevent fouling of the receptacle.

12. IMPOUNDING OF DOGS

12.1 In cases where an Officer sees a dog wandering in a public place, that Officer will seize and impound the dog.

12.2 The Animal Care Facility will provide adequate and properly maintained facilities and resources for the care and safety of impounded dogs. Such dogs shall be humanely handled. Appropriate action will be taken to prevent the suffering of any diseased or injured dogs. Impounded dogs will be kept for a minimum of seven days if no owner has come forward to collect the dog and/or the Council has been unsuccessful in contacting the owner.

13. NUISANCE

13.1 Nuisance covers a wide range of issues and includes (but is not limited to) barking, dog faeces, roaming, and general dog activities. The owner of any dog, and the owner or occupier of any premises on which any dog or dogs are kept shall ensure it does not create a nuisance or annoyance by:

13.1.1 Ensuring the dog does not obstruct the lawful passage of persons in public places.

13.1.2 Ensuring the dog does not rush and/or frighten persons in a public place or lawfully on private property.



- 13.1.3 Taking adequate precautions to prevent the dog or dogs, or the keeping thereof, from becoming a nuisance or annoyance.
- 13.2 If, in the opinion of the Council, any dog or dogs or the keeping thereof on any premises has become, or is likely to become, a nuisance, the Council may, by notice in writing, require the owner or occupier of the premises, within a time specified in such notice, to do all or any of the following:
  - 13.2.1 Reduce the number of dogs kept on the premises.
  - 13.2.2 Order the permanent removal of a dog/dogs on a property.
  - 13.2.3 Construct, alter, reconstruct or otherwise improve the kennels, places of confinement or other buildings used to house or contain such dog or dogs to an acceptable and reasonable standard.
  - 13.2.4 Require such dog or dogs to be tied up or otherwise confined during specific periods.
  - 13.2.5 Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance.

#### 14. DANGEROUS DOGS

**Dangerous Dog** has the same definition as in section 31(1) of the Dog Control Act 1996.

- 14.1 The owner of any dog classified as dangerous must follow these additional obligations:
  - 14.1.2 The owner must ensure the provision of a secure area for the dog where it is possible to gain unrestricted access to at least one door of the dwelling.
  - 14.1.2 The dog must be muzzled in any public place or when not confined in a vehicle or cage.
  - 14.1.3 The owner may not dispose of the dog to any other person without the written consent of the Council.
  - 14.1.4 The dog must be neutered within one month of the dog being classified as dangerous.

#### 15. MENACING DOGS

**Menacing Dog** has the same definition as in section 33A of the Dog Control Act 1996.

- 15.1 The owner of any dog classified as menacing must follow these additional obligations:
  - 15.1.1 The owner of any dog deemed to be menacing by the Council must within one month of receipt of notice have the dog neutered.

15.1.2 Any dog, classified as menacing by any other territorial authority, that now resides in Council's area must be neutered as per section 33EB of the Dog Control Act 1996.

15.1.3 Any owner of a dog classified as menacing must follow these additional obligations:

- a. Ensure the provision of a secure area where it is possible to gain unrestricted access to at least one door of the dwelling.
- b. Ensure that the dog is muzzled in any public place or when not confined in a vehicle or cage.
- c. Not dispose of the dog to any other person without the written consent of the Council.

## 16. LIMITATION ON NUMBER OF DOGS

16.1 No occupier of premises, other than those within areas zoned "Rural" by the District Plan, shall keep more than two dogs over the age of three months at any one time, unless that person holds a licence from the Council to do so.

16.2 Upon written application, the Council may grant such licence subject to such terms, conditions and restrictions as the Council considers necessary or desirable in any particular case.

16.3 Every application for a licence shall be made to the Council in writing in such form as the Council may from time to time require.

16.4 Every application for a licence shall be accompanied by such fee detailed in Council's Annual Plan. Every such licence shall remain in force from the issue date for a total of three (3) years.

16.5 The fee for such licence shall be payable in addition to the dog registration fees. This does not apply to ownership of three dogs as at July 2015.

## 17. DOGS IN PUBLIC PLACES

The Council may prohibit dogs from certain areas where it considers it necessary for the protection of the health and safety of the public or where it is considered desirable due to intense public use or the need to protect an area from dogs or for such other purpose as the Council may from time to time consider appropriate. Please refer to Schedule 1 for a list of dog prohibited areas.

## 18. LEASH CONTROL AREA

18.1 Where a dog is in a public area, it must be on a lead and under control at all times.

18.2 Dog owners must ensure that their dog is kept under control at all times, and when in public places, dogs must be on a lead held by a person who is capable of controlling the dog. This is to protect public safety and also help to ensure the safety of dogs and other animals. Public areas are listed under Schedule 1.

19. NON DESIGNATED DOG AREAS

- 19.1 All dogs must be kept under proper and effective control at all times. A dog may be allowed to be unrestrained in any area that is not defined by a Council Bylaw as a leash control area or prohibited area provided that the dog is properly controlled.

DRAFT

## SCHEDULE 1

### DOG AREAS

#### DOG PROHIBITED AREA

The Council may prohibit dogs from certain areas where it considers it necessary for the protection of the health and safety of the public or where it is considered desirable due to:

- intense public use, or
- the need to protect an area from dogs, or
- for such other purpose as the Council may from time to time consider appropriate.

The following areas within the District are designated as prohibited areas for dogs:

**The Central Business District** – The area contained within and including Tay, Deveron, Yarrow and Dee Streets, Invercargill.

**Events** that are organised by Council unless otherwise publicised.

**Children's Playgrounds** – Within ten metres of children's play equipment, skateboard ramps and paddling pools.

**Sports Fields** – The designated playing areas of all marked sports fields.

**Ponds and Lagoons on Reserves** – Including the areas around Sandy Point and Donovan Park ponds and lagoons.

**Tiwai Peninsula.**

#### LEASH CONTROL AREA

Where a dog is in a public area, it must be on a lead and under control at all times.

Dog owners must ensure that their dog is kept under control at all times, and when in public places, dogs must be on a lead held by a person who is capable of controlling the dog.

This is to protect public safety and also help to ensure the safety of dogs and other animals.

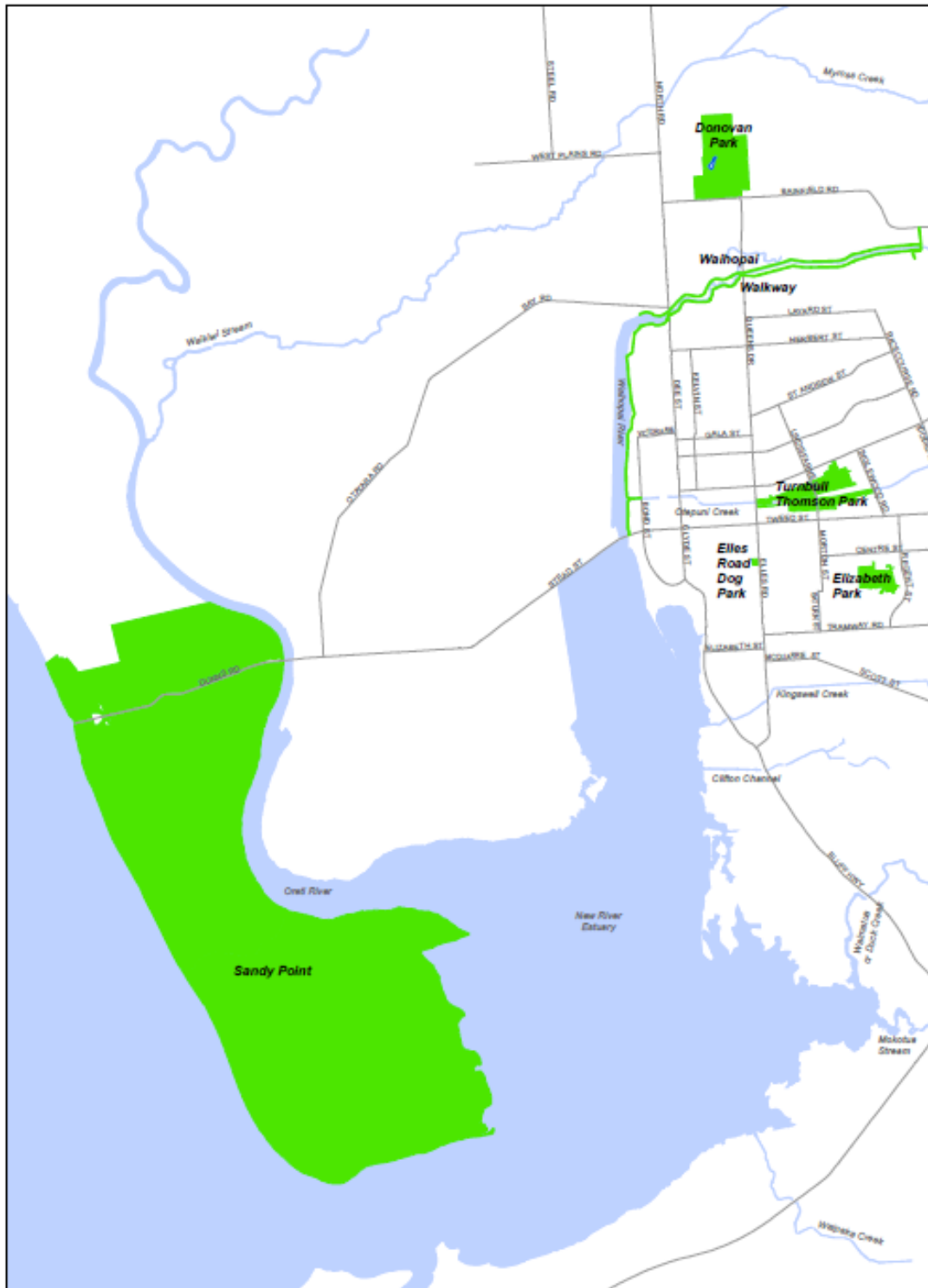
A public area includes:

- All streets and roads.
- Footpaths and walkways.
- Parks and reserves.
- Cemeteries and crematorium.
- Formed walking tracks on reserves.

## APPENDIX 1

### DOG OFF LEAD MAP

Parks where dogs can be exercised off lead. The green areas of the map indicate where dogs can be exercised off lead.



Parks where dogs can be exercised off lead

DRAFT



## DRAFT DOG CONTROL POLICY

<b>Reference Number:</b>	A1291593
<b>Authorised by:</b>	<b>Effective Date:</b> <b>Supersedes:</b> Dog Control Policy 2011/1
<b>Policy Owner:</b>	Invercargill City Council
<b>Purpose:</b> This defines the statement of intent of the policy.	<ul style="list-style-type: none"> <li>• To help promote responsible dog ownership, dog care and dog welfare.</li> <li>• To minimise the fear of dogs attacking and intimidating people.</li> <li>• Identification of places in which dogs are prohibited including areas where children play.</li> <li>• To minimise danger, distress and nuisance caused by dogs.</li> </ul> <p>The purpose of this Policy is to outline how the Invercargill Animal Services will fulfil its responsibility under the Dog Control Act 1996. This Policy is a tool for Dog Owners and Animal Control Officers to use to create a mutual understanding of expectations. Dog ownership contributes to people's health and well-being through companionship and the need to regularly exercise dogs. This Policy promotes good dog care and control through the use of education and registration as well as enforcement measures.</p>
<b>Scope:</b> This defines who the policy applies to.	This policy applies to all employees of Invercargill City Council and to all dog owners in the Invercargill City Council area.

## DEFINITIONS

(of any terms or acronyms)

**ACT** – means the Dog Control Act 1996.

**COUNCIL** – means the Invercargill City Council.

**DISABILITY ASSIST DOG** – means a dog defined as a disability assist dog under Section 2 of the Dog Control Act 1996 and specifically 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:

- Hearing Dogs for Deaf People New Zealand
- Mobility Assistance Dogs Trust
- New Zealand Epilepsy Assist Dogs Trust
- Royal New Zealand Foundation of the Blind
- Top Dog Companion Trust

**INFRINGEMENT OFFENCE** – an offence specified in Schedule 1 of the Dog Control Act 1996.

**LEASH** – means a lead which is capable of restraining a dog.

**OFFICER** – means an Animal Control Officer or Dog Ranger appointed under the Dog Control Act 1996 and includes an Honorary Dog Ranger.

**OWNER** – means someone who owns the dog or has it for more than 72 hours or is the parent or guardian of an owner of a dog where the owner is under the age of 16.

**RESPONSIBLE DOG OWNER** – an owner who has been granted this status by the Council and has had a dog registered for a minimum of 1 year with no complaints, has adequate fencing to contain the dog at all times and has unimpeded access to the dwelling that still keeps the dog contained.

**THE DISTRICT** – means the area under the authority of the Invercargill City Council.

**WORKING DOG** – means working dog as defined under Section 2 of the Dog Control Act 1996.

## BACKGROUND

Dog control remains an important regulatory function for all territorial local authorities. Council would like to recognise the need to achieve positive and enduring relationships with the community. It is important for our Animal Control Officers to not just enforce the laws under the Act, but to educate and build strong relationships with the community. This means being supportive and helpful to both dog owners and non-dog owners.

The Act also reinforces responsible dog ownership through provisions for education, welfare, and training of dogs. Owners, who fail to fulfil their obligations, may face a wide range of penalties including infringement notices, higher registration fees and fines. It is the Council's duty to ensure that they develop and adopt policies, which support the intention of the Act. This document serves to clarify and give detail to dog control in the district.

## DOG AREAS

### DOG PROHIBITED AREA

The Council may prohibit dogs from certain areas where it considers it necessary for the protection of the health and safety of the public or where it is considered desirable due to:

- Intense public use, or
- The need to protect an area from dogs or for such other purpose as the Council may from time to time consider appropriate.

The following areas within the District are designated as prohibited areas for dogs:

**Children's Playgrounds** – Within ten metres of children's play equipment, skateboard ramps and paddling pools.

**Events** that are organised by Council unless otherwise publicised.

**Ponds and Lagoons on Reserves** – Including the areas around Sandy Point and Donovan Park ponds and lagoons.

**Sports Fields** – The designated playing areas of all marked sports fields.

**The Central Business District** – The area contained within and including Tay, Deveron, Yarrow and Dee Streets, Invercargill.

**Tiwai Peninsula.**

### CONTROLLED DOG AREA

The following Controlled Dog Areas apply in the District:

**Awarua Wetlands** – Department of Conservation Permit is required to bring a dog into this area.

### LEASH CONTROL AREA

Where a dog is in a public area, it must be on a lead and under control at all times.

Dog owners must ensure that their dog is kept under control at all times, and when in public places, dogs must be on a lead held by a person who is capable of controlling the dog. This is to protect public safety and also help to ensure the safety of dogs and other animals.

A public area includes:

- All streets and roads.
- Footpaths and walkways.
- Parks and reserves.
- Cemeteries and crematorium.
- Formed walking tracks on reserves.

### NON DESIGNATED DOG AREAS

All dogs must be kept under proper and effective control at all times. A dog may be allowed to be unrestrained in any area that is not defined by a Council Bylaw as a leash control area or prohibited area provided that the dog is properly controlled.



## DOG EXERCISE AREA

Invercargill is a city characterised by large amounts of open space to which the public has access. Most of this open space is suitable for exercising dogs provided they are kept under control and owners are responsible in exercising control.

Council does not intend to designate any area within a leash control area for use as a dog exercise area.

Dogs may be exercised off the lead in the following areas (*Appendix 1*):

**Donovan Park** – excluding marked sports fields and the pond area.

**Elizabeth Park** – excluding playgrounds and walking tracks.

**Elles Road Dog Park** – within the confines of the fenced Dog Park.

**Oreti Beach** – a reasonable distance away from people so as not to cause a nuisance or distress.

**Sandy Point Domain** – excluding playgrounds, marked sports fields and the ponds and lagoons. Dogs must be on a lead while on or within five metres of the walking track.

**Turnbull Thomson Park** – excluding playgrounds and marked sports fields.

**Waihopai Walkway** – the river margins along the entire walkway upstream of Stead Street, excluding areas where stock is being grazed. Dogs must be on a lead while on or within five metres of the walking track.

## REGISTRATION

Every person in possession of a dog greater than three months in age must register their dog annually with the Council. Owners registering their dog for the first time will be required to come into Council's office to complete a dog registration form and to sign it as the dog owner. Registration commences for any given year on 1 July.

When a dog is re-homed from one owner to another, both owners are required to notify Council of the change of ownership for registration purposes.

When a dog is relocated to the Council from another Council, the tag is to be surrendered to Council, upon which a new tag containing Invercargill City Council details will be issued to the owner at no extra charge provided the registration is current.

In the event of the death of a dog, the owner must notify Council in writing. On receipt of written notification, Council will issue a refund for the remainder of the registration year.

If owners do not meet the obligations to register their dogs or notify Council of a change of address or ownership, enforcement actions may be initiated and fines may be imposed.

## MICRO CHIPPING

- All dogs, except working dogs **registered for the first time as of July 30 2006**, must be micro-chipped.
- A micro-chip certificate is to be provided for all newly registered dogs within 30 days of registering the dog. Failure to do so may result in the issue of an infringement notice.
- Any dog that is unregistered and is impounded will be required to be micro-chipped and registered prior to release.

## DOG OWNER CLASSIFICATION

Council has two dog owner classifications, and these determine the classification. The two categories are Standard Dog Owners and Responsible Dog Owners.

### STANDARD DOG OWNERS

All owners not classified as category "Responsible Owner", along with those owners whose dogs have been classified as Menacing or Dangerous shall be classified as "Standard".

### RESPONSIBLE DOG OWNERS

Responsible dog owners will receive a discount on registration to recognise their high-quality dog ownership history. An owner may be granted this category upon fulfilling the following criteria;

- Having the dog registered for a period of at least one year and Council having received no justified complaints or infringements.

- The owner must be able to show an Officer that their property is adequately fenced to contain the dog(s) at all times.
- The owner must be able to keep the dog contained in a manner that allows unimpeded access to the dwelling.
- The dog must be micro-chipped.
- Registration must be paid on time.
- The owner must submit and pass a knowledge test on responsible dog ownership.

The owner will need to fill in a responsible dog owner application and a completed test as well as accepting the terms required for inclusion in this category.

An Officer may revoke the privileges associated with this category and remove the owner's classification if they have good reason to believe that the terms of the classification have not been or are not being complied with. The owner concerned will then be ineligible for reassessment for inclusion in the "Responsible Owner" status for a two year period.

## PROBATIONARY OWNERS

Owners will be included in this class if they have received three or more infringement notices in a 24 month period or if they have been prosecuted under the Act. The Director of Environmental and Planning Services has the delegation to declare any owner probationary, in accordance with the provisions of section 21 of the Act. An owner will remain a probationary owner for a period of 24 months.

The probationary classification has the following effect:

- The owner is not allowed to own any additional dogs other than the ones registered and in their possession at the time probationary status is given.
- The owner must dispose of any unregistered dogs.

The Council will provide any probationary owner with notice of the effects of the classification and information on how to object to the classification.

Owners have the right to object to this classification at any time, but no objection may be lodged within 12 months of the hearing of any previous objection to the classification. In the event of an objection the matter will be referred to Council's Hearings Panel for determination. Council may choose to appoint an independent commissioner to hear and determine any objection. In considering an objection Council will take the following factors into account:

- The circumstances and nature of the offence(s).
- The competence of the person in terms of being a responsible dog owner.
- The matters advanced in support of the objection and any other relevant matters.

Council encourages owners to undertake approved education and obedience courses as a means of reducing the probationary period.

## DISQUALIFICATION OF OWNERS

Individuals will be disqualified from owning dogs for a period of up to five years in accordance with section 25 of the Act. These include:

- A person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months.
- A person is convicted of an offence (not being an infringement offence) against the Act.

If an owner is classified as probationary and they commit further offence/s the owner will be disqualified from owning a dog. The disqualified owner must dispose of any dogs in their possession within 14 days and may not transfer ownership to another person residing in the same dwelling. Council will provide any disqualified owner with notice of the effects of disqualification and information on how to object to the disqualification.

Council has delegated authority for disqualifying owners to the Director of Environmental and Planning Services. Any owner disqualified may object to the disqualification. Council's Hearings Panel would then determine the matter.

## DANGEROUS DOGS

Under the Act a dog will be classified as dangerous for the following reasons:

- If the owner has been convicted under section 57A(2) of the Act.
- Where there is sworn evidence that the dog has shown aggressive behaviour.
- Where the aggressive behaviour of any dog constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife.
- Where the owner admits that the dog is dangerous.

Council has delegated to both the Director of Environmental and Planning Services and the Manager Environmental Health and Compliance, the authority to classify dogs as dangerous.

Any owner of a dog classified as dangerous must follow these additional obligations:

- Ensure the provision of a secure area where it is possible to gain unimpeded access to a door of the residential dwelling house.
- Ensure that the dog is muzzled in any public place or when not confined in a vehicle or cage.
- Not dispose of the dog to any other person without the written consent of Council.
- Ensure that the dog is desexed.
- Pay 150% of the standard owner registration fee.

## MENACING DOGS

Council considers a dog menacing if there has been reports or observations of menacing behaviour or Council considers that it poses a threat to people, wildlife, stock, domestic animals or poultry. Dog owners have up to 14 days after receiving notice of the classification to object in writing to Council in regard to the classification; and have the right to be heard in support of the objection.

The following breeds are considered menacing automatically under the Act:

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

Any owner of a dog classified as menacing must follow these additional obligations:

- Ensure that the dog is muzzled in any public place or when not confined in a vehicle or cage.
- Ensure that the dog is desexed within one month.

## ENFORCEMENT

Council recognises that the majority of dog owners are responsible and that for most owners, an explanation of an issue will suffice in fixing the problem. This will be the first step in Council's enforcement protocol, providing the incident does not involve injury or distress to an animal or person, and there are no health issues associated.

In some instances a written warning will be issued. If Council records indicate that two or more written warnings have been issued in a 12 month period, the offence may be dealt with by issuing an infringement notice.

Officers have the authority to issue an infringement notice at any time if they feel the situation warrants. This can occur either in the field or after subsequent investigation.

## ABATEMENT OF NUISANCE

Where in the opinion of the Officer the keeping of any dog(s) on a premise is, or is likely to become, a nuisance the Officer may issue the owner with a written notice requiring the owner to take specific steps to solve the problem.

## **BARKING DOGS**

When Council receives a complaint about a barking dog, the Officer will initiate a process to investigate the issue. If the problem continues despite efforts being taken to educate the owner and steps being taken to rectify the issue a notice may be issued, requiring the dog/s to be removed from the property. The owner can appeal this notice and any appeal will be determined by Council's Hearings Panel. If the notice is not complied with Council may undertake enforcement actions.

A barking dog complaint will be deemed to be invalid where:

- The complainant is highly intolerant to the dog barking at all.
- No other neighbours deem the barking to be unreasonable.
- An Officer has undertaken their own monitoring and investigations and found that the barking of the dog is not unreasonable.

In these circumstances the complainant will be advised that, for the above reasons, their complaint will not be taken any further.

## **WANDERING DOGS**

Where an Officer sees a dog wandering in a public place, that Officer will seize and impound the dog. If it is not possible to seize the dog, that Officer may follow it home and interview the apparent owner with a view to obtaining admission of ownership. An infringement notice may be issued if the Officer deems this appropriate.

At the Officer's discretion, in some instances if a wandering dog can be identified, it may be returned to its home address and released provided that the owner is at home to establish ownership and take possession of the dog. A warning or infringement notice may be issued and a return fee will be charged.

## **DOG ATTACKS OR BITING**

Where a dog attacks or bites a person, and where the victim was going about their lawful business, Council will consider instigating legal action under section 57 and / or 58 of the Act against the dog owner or person in charge of the dog at the time of the offence. Council will require a written statement of complaint from the complainant.

Upon conviction Council may ask the Court for a destruction order or declare the dog a dangerous dog.

## **PROSECUTION**

Where an offence is considered to be serious enough and sufficient evidence exists Council will prosecute an offender in the District Court. These include, but are not limited to, the following situations where the dog has:

- Caused significant damage to property.
- Caused significant damage or injury to any person or animal, domestic or wild.
- Caused severe distress.
- Caused danger, distress or nuisance to any person or the community on a number of occasions.
- Not complied with the dangerous or menacing classification requirements.

Prosecution will be considered for offences against the Act or any Council Bylaw. In all circumstances, Council has delegated to the Director of Environmental and Planning Services the authority to determine whether to proceed with prosecution.

## **IMPOUNDING**

### **IMPOUNDING DOGS**

The Animal Care Facility will provide adequate and properly maintained facilities and resources for the care and safety of impounded dogs. Such dogs shall be humanely handled. Appropriate action will be taken to prevent the suffering of any diseased or injured dogs. Impounded dogs must be kept for seven days if no owner has been contacted or come forward to collect the animal.

Where a dog is repeatedly found wandering, the Officer must be satisfied that the correct measures have been taken to prevent wandering before the dog will be released back to the owner.

## RELEASING DOGS

Dogs shall only be released by prearranged appointment from the care facility under the following circumstances:

- All fees must be paid prior to release.
- An Officer is satisfied that the dog is registered.
- An Officer is satisfied that the dog is micro-chipped.
- An Officer is satisfied that the person obtaining the dog is the rightful owner of the dog or has been duly authorised by the rightful owner to act in that capacity.

## RE-HOMING UNCLAIMED DOGS

A suitable unclaimed dog may be released to any person or organisation provided that:

- An Officer at the care facility considers that person or organisation to be a suitable person.
- The dog is vaccinated, registered, micro-chipped and the costs of such are met by the person or organisation wishing to provide a home for the dog.

Council will not be held responsible for any dog that has fallen ill after re-homing or found to be ill once it has been released. Officers will always do their best to ensure the safety and health of dogs in the possession of Council.

## EUTHANASIA OF DOGS

Impounded dogs that are not claimed within 7 days, and that are deemed by an Officer as unsuitable for re-homing, will be euthanised by humane means.

Where the owner wishes that an impounded dog be euthanised, it will be arranged at the owner's cost. All other relevant or accrued fees shall remain as a debt due to Council.

## DESEXING

Council recognises desexing as an effective means of reducing the negative aspects of a dog's behaviour in many cases.

Council may elect to subsidise the desexing of a dog where criteria relating to hardship is proven, and where it is deemed to be essential.

A discount on registration fees is offered to owners who can show proof of desexing upon registration.

## FEES

The Act provides that Council can set reasonable fees for the registration and control of dogs.

Council has given considerable thought to what level of fee is fair and reasonable. The main considerations are:

- The overall philosophy is that the principle of user pays will apply, with a greater emphasis on recovery of fees from those owners who fail to meet their legal obligations.
- In setting fees and charges for dog control in any year, Council is required to decide the most appropriate means of collecting revenue, having regard to fairness and efficiency for dog owners and the public alike.
- The cost of registration should be in proportion to the level of service required for that class of owner/dog.
- As nearly every function provided by the Animal Service Department has some element of public good, it is appropriate that ratepayers make some contribution.

The Dog Control Act provides that different fees may apply for different classes of dogs or owners. This recognises and rewards a high level of responsible ownership and acts as an incentive for all dog owners to attain a high standard of care and control of their dog.

On balance, having regard to all these considerations, Council has concluded that it will set uniform dog registration fees each year based on the classification of the owner.

## DOG EDUCATION

Council considers that owner education is an effective way of informing dog owners of their responsibilities and minimising problems arising from dog ownership.

Council intends to support education through training programmes, providing and promoting educational material and making Officers available for educational visits to schools and other groups when requested.

## GENERAL HEALTH AND WELFARE

The owner of any dog must ensure that the dog receives proper care and attention, is supplied with proper and sufficient food and water, and receives adequate exercise.

Every owner of a dog shall ensure that the dog is provided with proper and sufficient shelter. Any kennels provided are required to be weatherproof and of adequate size with access to clean water, constructed on well drained ground and, in the case of a kennel without other means of confinement, provided with a fixed chain or running wire which allows the dog free movement about the kennel, and such kennel or place of confinement shall be kept in a clean and sanitary condition.

A place of confinement may include a dwelling. If a kennel is not provided, dogs must have access to the interior of a building with an adequate sleeping area provided at night time.

## OFFENCES AND PENALTIES

Offences and Penalties are set by the Act. Council does not have the authority to set or alter fines. Penalties are reasonably high to discourage non-compliance and are set out in Schedule One of the Act.

The following is a list of offences that may incur a fine if compliance is not achieved:

<b>Infringement Offences:</b>	
Wilful obstruction of a dog control officer or dog ranger.	\$750.00
Failure or refusal to supply information or wilfully providing false particulars.	\$750.00
Failure to supply information or wilfully supplying false particulars about a dog.	\$750.00
Failure to comply with any Bylaw authorised by the section.	\$750.00
Failure to undertake dog owner education programme or dog obedience course (or both).	\$300.00
Failure to comply with obligations of probationary owner.	\$750.00
Failure to comply with effects of disqualification.	\$750.00
Failure to comply with effects of classification of dog as a dangerous dog.	\$750.00
Fraudulent sale or transfer of a dangerous dog.	\$500.00
Failure to comply with effects of classification of a dog as a menacing dog.	\$300.00
Failure to advise person of muzzle or leashing requirements.	\$100.00
Failure to implant microchip transponder in dog.	\$300.00
False statement relating to dog registration.	\$750.00
Falsely notifying death of dog.	\$300.00
Failure to register dog.	\$300.00
Fraudulent procurement or attempt to procure replacement dog registration label or disk.	\$500.00
Failure to advise change of dog ownership.	\$100.00
Failure to advise change of address.	\$100.00
Removal, swapping or counterfeiting of registration label or disk.	\$500.00
Failure to keep dog controlled or confined.	\$200.00

Failure to keep dog under control.	\$200.00
Failure to provide proper care and attention, to supply proper and <b>sufficient</b> food, water, shelter and to provide adequate exercise.	\$300.00
Failure to carry a leash in public.	\$100.00
Failure to comply with barking dog abatement notice.	\$200.00
Allowing dog known to be dangerous to be at large unmuzzled or unleashed.	\$300.00
Releasing dog from custody.	\$750.00

Please note if you are prosecuted under the Bylaw or a breach of the Act prosecution has higher penalties including terms of imprisonment and/or Community work.

**Offences other than Infringement Offences:**

Dogs attacking persons or animals.

Dogs rushing at persons, animals or vehicles.

Dogs causing serious injury.

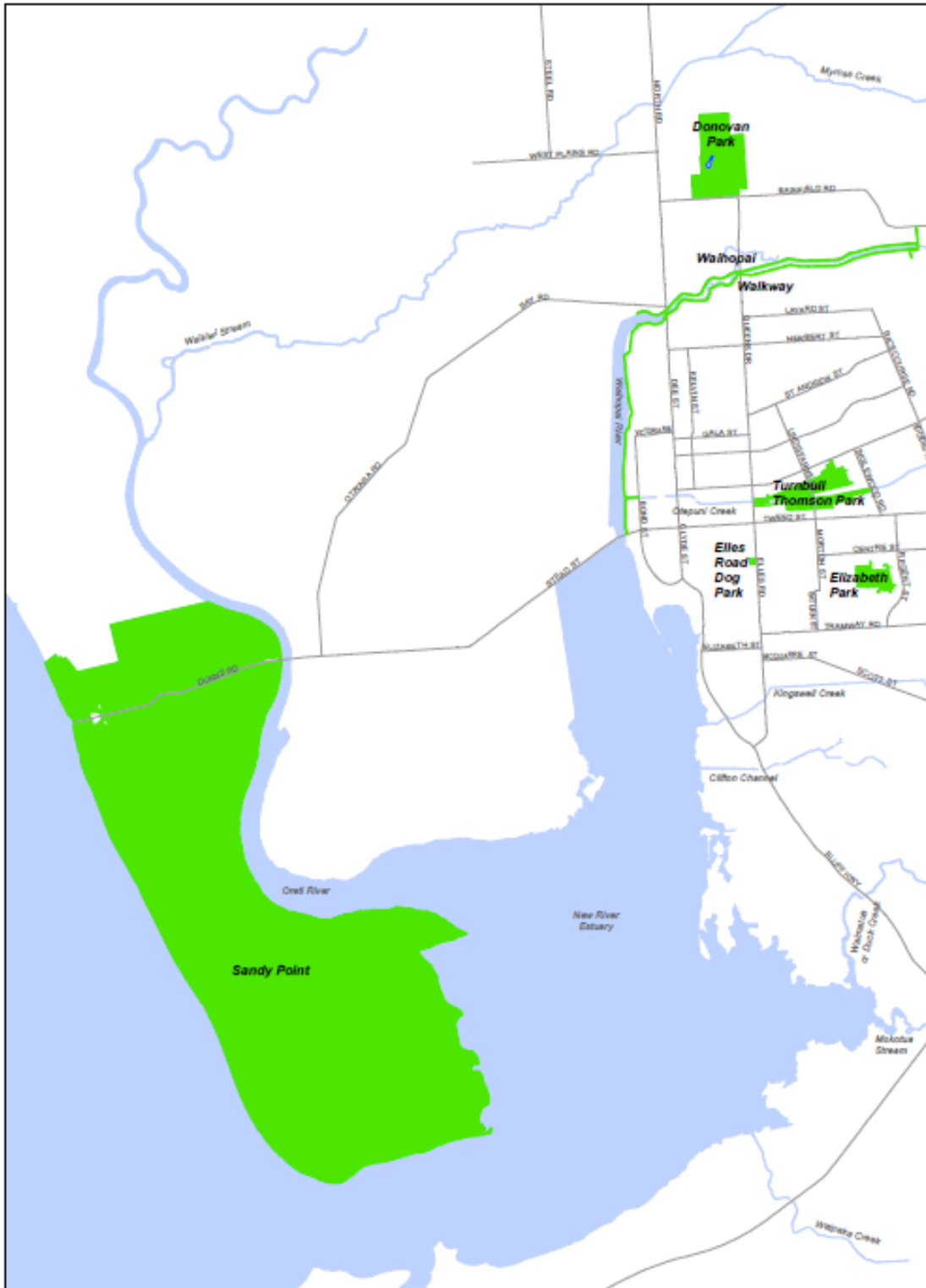
<b>Monitoring &amp; Auditing:</b> This section describes who and how the application of the policy will be monitored.	<i>The Policy will be monitored by the Animal Services division of Council, with reports to Regulatory Services Committee as required.</i>
<b>Revision History:</b>	
<b>Effective Date:</b>	
<b>Review Period:</b>	<i>This Policy will be reviewed every three (3) years unless earlier review is warranted by change in legislation or required by Council.</i>
<b>Associated Documents / References:</b>	<i>Invercargill City Council Bylaw 2015/1 – Dog Control</i>



## APPENDIX 1

### DOG OFF LEAD MAP

Parks where dogs can be exercised off lead. The green areas of the map indicate where dogs can be exercised off lead.



Parks where dogs can be exercised off lead



**SUMMARY OF COMMENTS ON DOG CONTROL BYLAW 2015/2 AND DOG CONTROL POLICY**

No.	Name	Submission
001	Lindsay Frewen	Submits that having full control of a dog while riding a bike holding the lead with the dog running beside is a hazard to road traffic and should be outlawed.
002	Peter Cruickshank	Submits that the policy needs to make exceptions within the city boundaries for working dogs in regards to fencing the property.
003	Colin Bishop	<p>Control of a dog Section 7.1 and 12.1 submits that the bylaw needs to be changed to allow effective control of a dog to include by voice command.</p> <p>Opposes section 7.23 that an owner must provide unimpeded access but supports section 7.24 that unimpeded should be required for all menacing and dangerous dogs. However submits this should not apply to dog owners that are registered as responsible.</p> <p>Section 7.3 submits that owners should be given prior notification for an inspection on the property.</p> <p>Opposes Leash Control Area - Section 18 - would like it changed to dog should be under strict control of the owner if off leash and if this is not possible then it must remain on the leash. Also submits that owners should be able to prove that their dog has proper training to be off lead, for example showing they are trained by a professional and allowed to be off lead if the owner deems this effective control.</p> <p>Schedule 1- Leash Control Areas - submits that this should be changed to be off lead and also submits that off lead areas should also include Kingswell Stream Reserve and the portion of Queens Park from the cricket ground and Gala Street.</p>
004	Donna Mason	Submits that all dogs (cats) should be required to be desexed Registered breeder will be excluded and submits that the Council needs to add desexing into the cost of the first registration. Also submits that Council should offer a discount for desexed dogs to reward owners who desex their dogs.
005	Linda and Ian Chynoweth	Supports the changes to the new dog control policy and submits that menacing or dangerous dogs need to be fully fenced in their yards or contained in a kennel or run.
006	Dr Sandy Cooper	<p>Supports the policy changes.</p> <p>Opposes the Dog Owner Classification section where the owner must be able to keep the dog contained in a manner that allows unimpeded access to the dwelling. Submits that this is difficult in some properties i.e. new builds. Requests a clearer definition of unimpeded access for these issues and supports with the section requiring unimpeded access to the dwelling where there are dangerous dogs.</p>
007	Allan Fredric	Submits that in Section 7.1 of the bylaw the following wording should be added "the leash must be seen in the

No.	Name	Submission
		<p>hand of the dog controller when securely attached to the collar.</p> <p>Non designated dog areas section 19 of the bylaw, submits that there should be stronger wording in this section, i.e. dogs must be on a leash and that leash must be clearly seen to be held by a person who is capable of controlling the dog.</p>
008	Neil Darnill	Appendix 1- Dog Off Lead Map - submits that it should also include McQuarrie St Park Reserve in the park area near the playground as an off lead area, as this is a popular exercise area for dog owners.
009	Thelma Buck	<p>Limit to number of dogs Section 16- Supports limiting the number to 2 dogs.</p> <p>Submits that the fencing issue and unimpeded access is a real issue for renters.</p> <p>Submits that 3 new sections should be added to dog registration forms, dogs should be fenced in, are you aware of penalties for wandering dogs and, dogs should be on a lead at all times.</p>
010	Paul Carver	Submits that bad dog behaviour is caused by the owner and that dogs are a remedy for depression.
011	Linda Donnelly	<p>Submits that there should be a prompt payment discount for responsible dog owners regardless of desexing.</p> <p>Submits that there should be an option for responsible dog owners to make payments towards their registration throughout the year.</p> <p>Opposes limiting number of dogs to 2.</p> <p>Submits that if neighbours make a false accusation they should be fined for wasting time and resources.</p> <p>Submits that Council should not police dogs barking because dogs bark for a large variety of reasons.</p> <p>Submits that dog control should inspect every property once a year and build relationships with dog owners.</p> <p>Submits that it's not always possible to grant unimpeded access to a door of a property due to configuration of property.</p> <p>Submits that dog owners should be educated in owning a dog and wants harsh penalties for people who do not regard the welfare of their dogs.</p> <p>Submits that all new dog owners should be required to take an animal behaviour class or obedience course to better understand their dogs.</p> <p>Submits that the Dog Training Centre on Lindisfarne should be fully fenced.</p>
012	Christina Rock	<p>Supports Control of Dogs-Section 7.1 but submits that the wording should be modified to reflect attachment of leash to also include e.g. harnesses, halti head collars.</p> <p>Submits that in section 7.22 the wording of "small type dog" be removed as some larger dogs also require little exercise e.g. greyhounds.</p> <p>Supports Bitches in Heat Section 8.1, but submits that there should be a stronger definition of confinement.</p>

No.	Name	Submission
		Supports Limitation of number of dogs Section 16, but submits that there should be a clause that allows registered charities or dog foster carers to have an exception or a different pricing scheme.
013	Rodney Tribe	<p>Supports the over all rewriting of dog control policy and bylaw and hopes that this will also involve a large educational element.</p> <p>Submits that the Limitation on the number of dogs licence should not be renewed every 3 years but should be a one time fee.</p> <p>Opposes Section 16.1 wording of occupier because more than 1 person may occupy a dwelling and each have multiple dogs.</p> <p>Dog Desexing in the Dog Control Policy - supports the discount for desexing but noticed that the LTP only offers this discount for responsible owners. Submits that this contradicts the policy and disagrees that this should be only applicable for responsible owners.</p> <p>Micro-chipping in the Dog Control Policy - Submits that Council should add micro chipping required for all dogs registered after July 2006, as per the Act.</p>
014	Andrew and Ainslie Bruce	<p>Supports the changes to the Bylaw and Policy to make Invercargill a safe environment.</p> <p>Opposes - Control of Dogs section 7.21 minimum measurements of 8 metres by 4 metres as this is not possible on some properties, without a significant cost.</p>
015	Stephen Hainstock	<p>Object of Bylaw - Section 2. Opposes the wording and does not think it aligns with section 20 of the Act.</p> <p>Exclusions - Section 4. Submits that the sections are extraneous or need to be reworded.</p> <p>Shelter for Dogs - submits that the second paragraph should be a new clause. Also submits that there should be transitional arrangements for people who don't comply or modify this section to not include the 2m boundary.</p> <p>Control of dogs - Section 7.1. Opposes the section and prefers the wording in original Bylaw section 4.</p> <p>Section 7.2.1 supports the intimidation and charging wording but submits that there should be a transitional arrangement for people who don't comply with the specified minimum area.</p> <p>Supports Section 7.2.2 but submits that small dogs should be removed.</p> <p>Opposes Section 7.2.3 as it is not needed.</p> <p>Opposes Section 7.2.4 as it duplicates 7.2.1 and 7.2.3.</p> <p>Section 7.3 submits that the term 'authorised officer' be defined and submits that the context of the section implies entry to a property which is restricted to Dog Control Officers under the Act.</p> <p>Supports first sentence in Section 7.4. Submits that the section should be divided into subsections.</p> <p>Bitches in Season - Section 8.1. Supports, but submits that it should be clarified if this applies to working dogs.</p>

No.	Name	Submission
		<p>Impounding of Dogs - Section 12.1 submits that the wording should be changed from “will” to “may” to allow discretion. Submits that Council should define Authorised Officer.</p> <p>Supports Section 12.2, but submits it is irrelevant as it duplicates the Act .</p> <p>Supports Section 13 and 14.</p> <p>Limitation on number of dogs - Section 16 supports the lower number but submits that the transitional exemption needs to be better explained.</p> <p>Dogs in public places - Section 17. Submits that certain areas are unreasonably defined. Submits that the CBD should be leash control outside of normal working hours. Further submits that the playground exclusion should only be 1 metre instead of 10 metres.</p> <p>Leash Control Area - Section 18. Strongly opposes this section as repugnant and submits that the entire section should be removed and a new section added under Section 17. Submits that the leash-control areas should be amended to read something like:</p> <ul style="list-style-type: none"> <li>• CBD (as defined in prohibited areas) from 6pm on a weekday to 9am on the following day, and from 3pm on a Saturday until 9am on the following Monday (ie, more or less reflect the parking meter times).</li> <li>• The carriageway of all streets and roads, and all sealed footpaths alongside streets and roads.</li> <li>• Reserves and playgrounds, excepting grassed reserves without garden plantings or marked playing fields, or those defined as a dog exercise area.</li> <li>• Cemeteries and crematoria.</li> <li>• Marked cycle tracks.</li> </ul> <p>Submits that off leash areas should be tiered and that responsible dog owners have access to different leash control areas than non responsible owners.</p> <p>Submits that a scheduled map of dog exercise areas be included in the bylaw. Notes that they are mentioned in the policy.</p>
016	Helen and Eddie McKenzie	<p>Shelter for dogs - Section 6.1 - Opposes wording in paragraph 2 within two metres of any boundary. Requests that “any part of which is nearer than two meters to any boundary of those premises” be removed.</p> <p>Control of Dogs - 7.2.1 submits that this clause should not include a size.</p> <p>Submits that Tiwai Peninsula be removed from the prohibited dog areas.</p>
017	Lawrence Parker	<p>Opposes the off lead and on lead areas of bylaw or policy and submits that they are contradicting.</p> <p>Control of dogs - Section 7.21. Opposes the minimum area of eight metres by four metres.</p> <p>Section 7.2.3. Opposes the unimpeded access to a door submits that this infringes on their rights.</p> <p>Section 7.2.4. Opposes this section and submits that it's</p>

No.	Name	Submission
		impossible to stop dogs from intimidating people.
018	TJ Smith (Youth Council)	<p>Submits that Council should include the addition of an explanation section that includes a barking log and how long it would need to be done etc.</p> <p>Submits that a definition of responsibilities of people looking after a dog for someone else should be added.</p>
019	Alan Swallow	<p>Supports the Dog Control Policy by and large.</p> <p>Microchipping-policy, Submits that there should be an explanation for working dogs not being chipped and a broader definition of working dogs. Also submits that working dogs should pay the same as a standard dog owner registration fee as they are income earners.</p> <p>Submits that a fee be assigned to fouling dogs in public.</p> <p>Nuisance - Section 13.1. Submits that a 'Barking-Dog Log' be designed to record in convenient columns and lines the: - Date, Time and Duration of the offence over a given period of time to help evaluate and control the problem. Also include other neighbours that are effected not just the complainant.</p> <p>Number of dogs - Section 16- submits that this should be limited to one dog.</p> <p>16.4 – submits that a provision be added that covers cancelling the licence.</p> <p>Health and Welfare - Section 13.2.4. Submits that wording say “require dogs to be housed inside the residence during the hours of darkness”.</p> <p>Submits that there should be better wording in section 17, 18, 19 to make it clear where and when dogs are allowed on and off leash.</p> <p>Policy - Wandering Dogs, supports this section submits that the warning notice and infringement fee should be mandatory – user pay in action.</p> <p>Policy – Fees. Submits that Dog Control should be self-funding by user pays, with an emphasis on recovery from owners who fail to meet their obligations.</p> <p>Policy - Offences and Penalties - Submits that these should be a band, but acknowledges that Council has no authority to set or alter fines.</p> <p>Policy - Dog Education. Submits that educating the owners by making them aware of their obligations as a dog-owner and the possible consequences of non-compliance should form a major focus of the dog registration formalities.</p> <p>Policy – Enforcement. Submits that the bylaw needs to be enforced immediately so as to be effective.</p>
020	Dianne Tyssen (Southland Kennel Association)	<p>BYLAW</p> <p>Supports the capping of dog fees.</p> <p>Shelter for dogs - Section 6.1. Submits that the minimum requirement for any building/kennel from a boundary should be 1.0metre. Submits that existing ones should be grandfathered in.</p> <p>Control of dogs - Section 7.2.1. Supports.</p>

No.	Name	Submission
		<p>7.2.2 - submits that small dogs, which have no definition of size, require no outside area to exercise and submits that a minimum space should be recommended but not necessarily required.</p> <p>7.3 - Seeking clarification as to definition of Authorised officer and when they can enter property.</p> <p>Bitches in Season - Section 8.1 – Oppose current wording and submit that instead it should read          “That dog is completely confined in a vehicle or cage for the purposes of transportation:          or          The occupier or person controlling the public place has given permission for entry or presence of the dog.”</p> <p>Number of Dogs - Section 16 - submits that Otatara should be included as a rural-residential area where the minimum lot size of 1 acre is sufficient for multiple dog ownership and management.</p> <p>Submits that the multiple dog licence should not be a requirement for its members and their NZKC registered dogs.</p> <p>Would support the wording under this section to match that in the section under the KEEPING OF ANIMALS, POULTRY AND BEES Policy, Keeping of Cats and Kittens, giving Council discretion unless a nuisance has been proven.</p> <p>Leash Control Area - Section 18, does not support these requirements in the rural area where working dogs may be moving stock on roads, or non-working dogs may be exercising dogs on low volume rural roads and lay-bys.</p> <p><b>POLICY</b></p> <p>Menacing Dog Section - support this section, but opposes the mandatory neutering of any breed type.</p> <p>Fees - Submits that owners whose dogs are New Zealand Kennel Club (NZKC) registered and listed as Responsible dog owners should only pay the flat fee as applies to working dogs and continue to have registration fees capped at 5 dogs, with the remainder of dogs registered at no-charge (\$150). This capping to also apply to all working dogs and Responsible dog owners with multiple dogs (5 and more).</p>
021	Brian Walker	<p>Shelter for Dogs - Section 6.1 Opposes the 2 metre minimum because some properties are too small to accommodate this. A blanket ruling of 2 metres would unfairly force many responsible owners to be in breach of the bylaw, or give up their dogs.</p>
022	Rob Tweedie	<p>Shelter for dogs - Section 6.1 Opposes the 2 metre requirement as some kennels are right against a brick wall and are not a nuisance to neighbours. Submits that wording should reflect this</p> <p>Control of Dogs - 7.3. Opposes Officers having a right to enter property with out permission of owner.</p> <p>Limitation on number of dogs - Opposes the change and submits that it should be 3 or more if it is not a nuisance to</p>



No.	Name	Submission
		neighbours (same words for cats in keeping of animals bylaw).
023	Caroline Rain	<p>Limitation on the number of dogs - Requests clarification as to why Council are bringing the limit to owning dogs down.</p> <p>Submits that limiting the number of dogs a person can have is inconsistent with the New Zealand Bill of Rights Act and submits that this is just a revenue generating change.</p>
024	Nikki Broad	<p>Fully supports changes to Control of dogs -7.21 and 7.23</p> <p>Submits that dogs intimidating passer-by's and not having fencing is a real problem.</p> <p>Submits that the Council add a clause mandating people also put up a sign saying dog on property at main entrance and at the area the dog is kept.</p> <p>Has seen the number of dogs wandering drop since more Animal Control Officers have started and submits that the new changes are a good further step in reducing animal control issues.</p>
025	Claire Penno	<p>Shelter for dogs - Section 6.1. Supports this section with the exception of the 2 metre requirement as it's impractical in many innercity properties.</p> <p>Control of dogs - Section 7.2.1. Supports</p> <p>7.2.2 - Opposes clause where small dogs need less space and submits this changes to a specific number if left in.</p> <p>7.3 - submits that there should be clearer wording in regards to Authorised Officer and the addition of an exception for dwellings.</p> <p>Bitches in season - Section 8.1. Opposes and submits that wording be more specific and include transporting a dog. Add "The occupier or person controlling the public place has given permission for entry or presence of the dog."</p> <p>Limitation on the number of dogs - Section 16. submits that Otatara should be included as a rural-residential area where the minimum lot size of 1 acre is sufficient for multiple dog ownership and management..</p> <p>Opposes a Multiple Dog licence as a requirement for Southland Kennel Association members and their NZKC registered dogs.</p> <p>Limitation on number of dogs - does not support the reduction, submits that it be 3 or more if it is not a nuisance to neighbours (same words for cats in keeping of animals bylaw).</p> <p>Supports the fee for becoming a responsible owner.</p> <p>Leash Control Area - Section 18, Opposes these requirements in the rural area where working dogs may be moving stock on roads, or responsible dog owners of non- working dogs may be exercising dogs on low volume rural roads and lay-bys.</p> <p>Dog Policy</p> <p>Menacing dogs - supports this section, but opposes</p>

No.	Name	Submission
		<p>mandatory breed specific desexing. Concerned with how breeds are identified.</p> <p>Fees - Supports reduction in fees for desexing Submits that responsible owners should not be penalised by paying higher registrations to fund identifying, &amp; prosecuting irresponsible owners who may not have registered dogs.</p> <p>Submits that ICC owners whose dogs are New Zealand Kennel Club (NZKC) registered and listed as Responsible dog owners should only pay the flat \$30 fee as applies to working dogs and continue to have registration fees capped at 5 dogs, with the remainder of dogs registered at no-charge (\$150). This capping to also apply to all working dogs and Responsible dog owners with multiple dogs (5 and more).</p>
026	Christine Edgley	<p>Opposes Section 7.2.2 small type dog wording. Opposes any differential between dogs for size or breed.</p> <p>Submits that minimum fencing requirements should apply to all dogs. Submits that the clause be removed or reworded including definition of a small dog.</p> <p>Bitches in Season - section 8. Opposes and submits that Council should allow bitches in season to exercise on a lead in public areas.</p>
027	Tanith Robb (Federated Farmers of New Zealand)	<p>Broadly support the changes.</p> <p>Oppose the wording to minimise the fear of dogs attacking or intimidating people”. Oppose this objective and consider the use of the words ‘fear and intimidating’ is too subjective.</p> <p>Opposes section 2.2 and submit it is removed.</p> <p>Support the Dog Prohibited areas.</p> <p>Leash Control Areas - Opposes because, “streets and roads” in the Invercargill District may include rural roads that farmers need to herd stock on. A working dog would not be able to ‘work’ if it was required to be on a leash in these circumstances. Submits that a clause is added stating this does not include working dogs.</p> <p>Supports the fee structure and the philosophy of Council’s pricing. Submits that working dogs should have a minimal fee.</p> <p>Control of dogs - Section 7.1, Submits that working dogs should be exempt.</p> <p>Section 7.2.3 - Oppose farmers having to have unimpeded access as this would be cost prohibitive. Submit that this section not apply to rural properties.</p> <p>Dogs in vehicles - Section 9.1. Oppose and submit that the clause reflect that working dogs are permitted to be carried on slow moving vehicles without being leashed to the vehicle.</p> <p>Limitation on number of dogs - Section 16, submits that rural dogs be exempt.</p> <p>Submits that there should be a lower fee for working dogs and a rebate provided for multiple dogs.</p> <p>Oppose the draft dog control policy and bylaw not</p>



No.	Name	Submission
		including the proposed fees for 2015/16. Submit that all submitters on the dog control policy and bylaw are sent a copy of the draft LTP so they can submit on the proposed fees for the dog control service.
028	Mr L R Taylor	<p>Limitation on the number of dogs - Section 16. opposes and submits that this should not apply to residents of Otatara.</p> <p>Control of dogs - Section 7.3 Unimpeded access. Opposes and submits that it's a health risk and submits that this means an officer can enter their dwelling which is separate from property. Submits that this section be removed.</p> <p>Fees – Submits that dogs that are registered with the NZKC for this purpose should only pay the flat \$30 fee as applied to Working Dogs and have registration fees capped at 5 dogs with the remainder of dogs registered at no charge.</p>
029	David Legat	<p>Shelter for Dog - Section 6.1. Opposes the kennel requirement to be 2 metres submits it should be 1 or none.</p> <p>Limitation on the number of dogs - Section 16 Supports the addition of Otatara if the land size is an acre. Opposes the requirement for multiple dog licences for responsible dog owners.</p> <p>Leash Control Area - Section 18. Opposes the requirements in the rural area where working dogs may be moving stock on roads, or responsible dog owners of non- working dogs may be exercising dogs on low volume rural roads and lay-bys.</p> <p>Supports discount for desexing.</p> <p>Submits that ICC owners whose dogs are New Zealand Kennel Club (NZKC) registered and listed as Responsible dog owners should only pay the flat \$30 fee as applies to working dogs and continue to have registration fees capped at 5 dogs, with the remainder of dogs registered at no-charge (\$150). This capping to also apply to all working dogs and Responsible dog owners with multiple dogs (5 and more).</p>
030	Maria Devery	<p>Control of dogs - Section 7.2.3. Supports but submits that Council needs to phase this in due to the cost to home owners.</p> <p>7.3 Opposes officers having the right to enter onto property.</p> <p>Limitation on number of dogs - Section 16. Opposes the reduction submits it should be 3 or more if it is not a nuisance to neighbours (same words for cats in keeping of animals bylaw).</p> <p>Submits that Council consider adding Otatara and other rural type areas to the areas excluded from a kennel licence. The vast majority of Otatara is semi-rural with sections of an acre and above and it is well suited to owning multiple dogs without nuisance.</p>
031	Michael Harraway	Shelter for Dogs - Section 6.1. Opposes the 2 metre

No.	Name	Submission
		boundary space.
032	David Manson	<p>Shelter for Dogs - Section 6.1. Opposes the 2 metre boundary space. Submits that this is difficult to police and also hard to comply with in current land layouts. Submits that the wording needs to be modified to reflect the safety issue being addressed.</p> <p>Control of dogs- Section 7.2.1. Submits that this should include electric fences that are used to prevent dogs from leaving a boundary area.</p>
033	Murray Rei (NZ Post)	Control of Dogs- Section 7. Supports all off this section and thanks the ICC for making changes to help ensure safety of their staff.
034	Sue Pinnow	<p>Shelter for Dogs - Section 6.1. Support the requirements for shelter. Has concerns about dog confined on a fixed chain or running wire resulting in the dog climbing a fence/gate and thus hanging itself.</p> <p>Section 6.1. Opposes the 2 metre requirement as some kennels can not be moved submits that it be 1 metre.</p> <p>Control of Dogs - 7.2.1. Supports the intention that dogs should not intimidate passers-by or neighbouring properties but opposes the space provision.</p> <p>7.22 submits that for 'small type dogs' a minimum space should be recommended but not necessarily required.</p> <p>Unimpeded access - 7.2.3 submits that there should bell to be rung at the gate, by those service workers or first responders who want to enter the property and dwelling.</p> <p>7.3 Submits that Council better define authorised officer.</p> <p>Bitches in Season - Section 8.1. Submits that wording be changed to something like this</p> <p>"No person shall take any female dog in season into any public place unless –</p> <p>That dog is completely confined in a vehicle or cage for the purposes of transportation: or</p> <p>The occupier or person controlling the public place has given permission for entry or presence of the dog."</p> <p>Limitation on the number of dogs - Section 16 – Support addition of Otatara as a rural residential area where the minimum lot size is 1 acre.</p> <p>Opposes the requirement for a Multiple Dog licence when responsible owners already comply with Council.</p> <p>Leash control area - Section 18, Opposes in a rural area where working dogs may be moving stock on roads, or responsible dog owners of non- working dogs may be exercising dogs on low volume rural roads and lay-bys.</p> <p>Policy</p> <p>Menacing dogs - Opposes breed specific neutering. Submits that identification can be a problem.</p> <p>Submits that ICC owners whose dogs are New Zealand Kennel Club (NZKC) registered and listed as Responsible dog owners should only pay the flat \$30 fee as applies to working dogs and continue to have registration fees capped at 5 dogs (\$150), with the remainder of dogs</p>

No.	Name	Submission
		registered at no-charge. This capping to also apply to all working dogs and Responsible dog owners with multiple dogs (5 and more).
035	Wendy Joy Baker	<p>Control of a dog - Section 7.1. Submits that the word strong should be added before lead.</p> <p>Nuisance 13.1.2 - Submits that the word distress be added.</p> <p>Leash Control areas - Section 18. Submits that the Council need more signs around the city showing clearly where these areas are.</p> <p>Enforcement – submits that there should be more procedures for following up on complaints and issues.</p> <p>Education - Submits that Council be more proactive in providing education.</p> <p>Barking dogs - Submits that Officers be careful in how they decide if a barking dog is a nuisance.</p>
036	Carol Jasperse	<p>Opposes the new limitation on the number of dogs.</p> <p>Control of dogs - Section 7.3. Opposes officers having the right to inspect property.</p> <p>Opposes the minimum space requirements as these are often not possible for smaller sections.</p> <p>Submits that officers get independent advice from vets concerning dogs when there is an issue.</p>
037	Geoff Lewis	<p>Submits that we need a dog park on the other side of town, because the one in South city is so popular and most people drive.</p> <p>Appreciates the free dog bags from Council.</p> <p>Questions Schedule 1 and where you can exercise your dog off lead.</p> <p>Submits that there should be trash cans placed on the Waihopai so that dog owners will dispose of the poop and not leave it and believes it is fair since all other public areas where dogs go have bins.</p> <p>Shelter for dogs - Section 6.1. Opposes the 2 metre boundary for kennel. Submits this will be difficult for some people.</p> <p>Control of dogs - Section 7.2. Opposes the minimum space and submits that it does not work for some urban homes.</p> <p>Education - Submits that there should be more education programs, how to approach a dog, warning signs, different breeds etc. and good publicity about what animal control does.</p> <p>Enforcement - Submits that all dog owners that break the law dealt with in the same manner. One law for all owners and acted out in the same way.</p>
038	Elizabeth Miller	<p>Submits that Invercargill should become a more dog friendly city and submits that the CBD rule and sport field exclusion should be removed.</p> <p>Submits that there should be a discount for elderly that register dogs.</p> <p>Submits that Council should replicate some of the dog</p>

No.	Name	Submission
		bylaws in Perth and Oakland California.
039	Jo Miller	<p>Submits that owners of dogs that have a NZKC canine good citizen award should be able to get responsible status.</p> <p>Submits that the off lead and controlled dog areas should be included in the bylaw and explained the same as in the policy.</p>
040	Nina Mills	<p>Shelter for dogs - Section 6.1. Submits that the 2 metre rule is not fair for people with small urban properties as the property may be too small to accommodate.</p> <p>Control of dogs - Section 7.2. Opposes this as some properties will not be able to conform to having an area of eight by four metres. Thinks that the media is working against dogs and is creating a fear amongst the public.</p> <p>Submits that the bylaw penalises responsible dog owners and dog control need to be following up more on dog attacks which are often by wandering and unregistered dogs of neglectful owners.</p> <p>Submits that there should be a dog park north of the South city park, this will help reduce people taking there dogs to sports fields and breaking the laws.</p> <p>Submits there should be trash cans placed on the Waihopai so that dog owners can dispose of the poop and not leave it.</p>
041	Juanita Bielecki-Knox	<p>Control of Dogs 7.2.1. Opposes these sections and submits that they are ambiguous thinks that people will make false complaints based on breed or a dislike of neighbours.</p> <p>7.2.2 -submits that the wording regarding small dogs is an ignorant term and that dogs can not be defined by size as to how much exercise is required.</p>
042	Peter Dunn (New Zealand Kennel Club)	<p>Shelter for dogs- Section 6.1 submitter opposes due to concerns with the lack of flexibility here given possible boundary constraints.</p> <p>Control of dogs-Section 7.2.2 Submitter opposes classing minimum spacing for sizes of dogs and thinks the requirements need be across the board.</p> <p>7.3 submits concerned that the right, as alluded to, may need better qualification to justify its existence and implementation</p> <p>Bitches in Season- Section 8.1 Submitter disagrees and suggests that the restriction be limited to off leash areas.</p> <p>Limitation on number of dogs-Section 16.1 SKA would support the addition of Otatara as a rural residential area i.e. where the minimum lot size of 4,048 hectares (1 acre) is sufficient for multiple dog ownership &amp; management. Does not support a requirement whereby its members need a multiple dog licence when they are already part of a canine organization and with NZKC registered</p> <p>Leash Control Area-Section 18-Opposes such sweeping areas as outlined seem justly unfair and restrictive.</p> <p>Menacing Dogs- submits NZKC does not support breed specific neutering, and raise a note of caution on the</p>

No.	Name	Submission
		<p>identification of breeds.</p> <p>Fees- submits NZKC proposes that ICC owners whose dogs are New Zealand Kennel Club (NZKC) registered and listed as responsible dog owners should only pay the flat \$30 fee as applies to working dogs and continue to have registration fees capped at 5 dogs, with the remainder of dogs registered at no-charge (\$150). This capping to also apply to all working dogs and responsible dog owners with multiple dogs (5 and more).</p>
043	Jason Crosswell	Submits that Council should stop putting tags on dogs and have them all registered and microchipped.
044	Dr Leanne Liggett (Public Health South)	<p>Submits that they Support the review of the Policy and Bylaw and acknowledges balancing the associated health benefits of dog ownership with community safety can be challenging for councils.</p> <p>Supports the promotion of good dog care and control through the use of education, registration combined with enforcement.</p> <p>Submits non-dog owners would also benefit from receiving some education beyond that covered in your recent coverage in the Southland Times and Southland Express.</p>



**TO: REGULATORY SERVICES COMMITTEE**

**FROM: THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**

**MEETING DATE: WEDNESDAY 3 JUNE 2015**

<b>LEVELS OF SERVICE REPORT – 1 JULY 2014 TO 30 APRIL 2015</b>
----------------------------------------------------------------

**Report Prepared by:** Melissa Short – Manager Strategy and Policy

**SUMMARY**

Reporting on the Regulatory Services levels of service measures for the period comprising 1 July 2014 to 30 April 2015.
-------------------------------------------------------------------------------------------------------------------------

**RECOMMENDATIONS**

**That the report be received.**

**IMPLICATIONS**

1.	<i>Has this been provided for in the Long Term Plan/Annual Plan?</i> The report monitors performance in relation to levels of service measures identified in the Long Term Plan and the Annual Plan.
2.	<i>Is a budget amendment required?</i> No
3.	<i>Is this matter significant in terms of Council's Policy on Significance?</i> No
4.	<i>Implications in terms of other Council Strategic Documents or Council Policy?</i> No
5.	<i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i> No

**FINANCIAL IMPLICATIONS**

No financial implications result from this report.

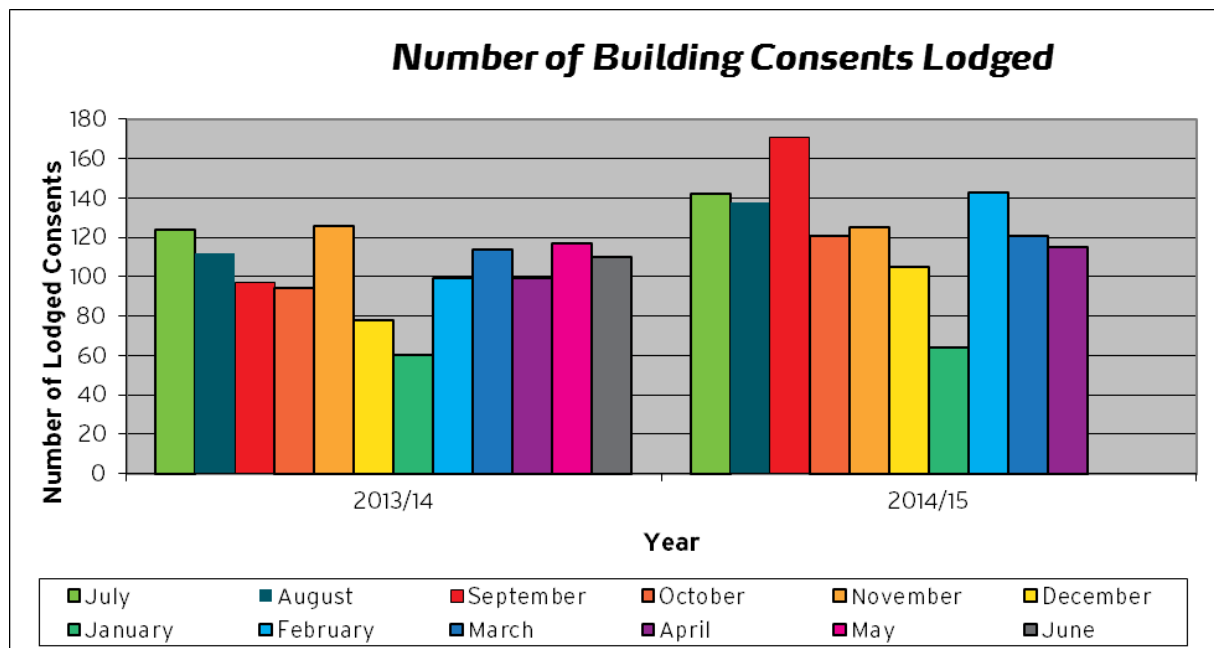
## ANIMAL CONTROL

	<b>1 July 2013 to 30 April 2014</b>	<b>1 July 2014 to 30 April 2015</b>
<b>Dog Population</b>	7,967	8,525
Percentage Unregistered	3.16%	1.43%
Percentage Aggressive	1.00%	1.78%
Percentage Inspected	40.28%	13.16%
Percentage Passed Inspection	13.79%	65.00%
<b>Impounded</b>	450	742
Registered Dogs	57.78%	75.34%
Destroyed	135	139
Died	2	0
District	4	34
Impounded	0	1
Rehoused	56	62
Released	253	506
<b>Requests for Service – Complaints Received</b>		
Barking Dogs	660	656
Aggressive Dogs	183	200
Wandering Dogs	1246	1280

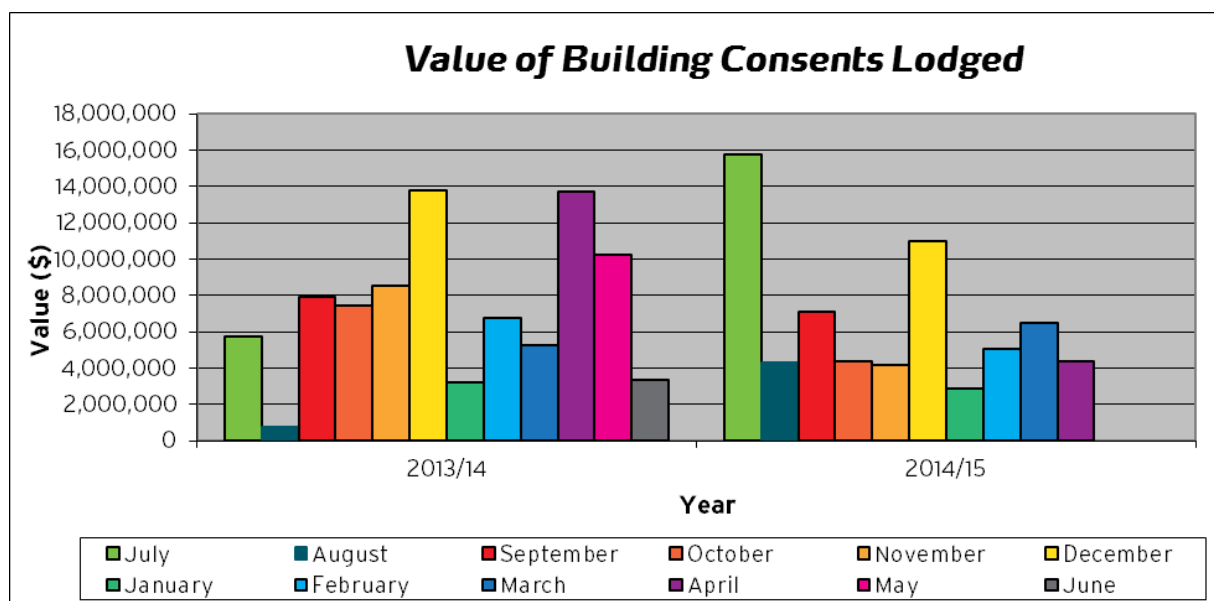


## BUILDING CONSENTS

	1 July 2013 to 30 April 2014	1 July 2014 to 30 April 2015
<b>Building Consent Applications</b>		
Number of consents lodged	1003	1189
Number (percentage) of consents processed within statutory timeframes ( <i>LTP measure</i> )	99.60%	99.81%
Number (percentage) of consents receiving requests for further information ( <i>LTP measure</i> )	49.65	46.34



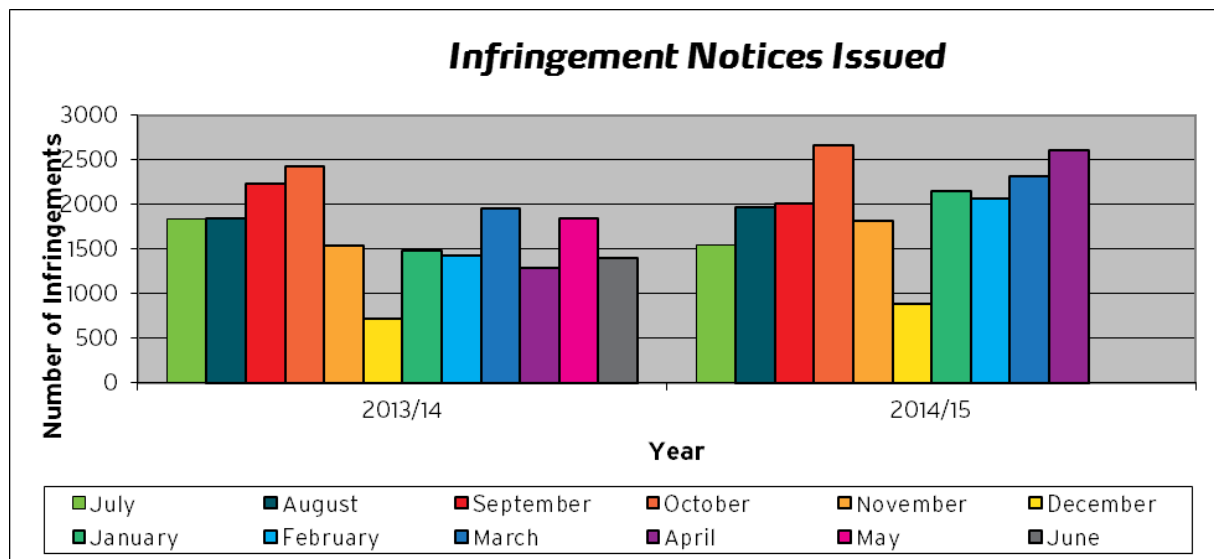
Graph of number of consents lodged.



Graph of value of consents lodged.

## COMPLIANCE

	1 July 2013 to 30 April 2014	1 July 2014 to 30 April 2015
<b>Parking Infringements Issued</b>		
Total infringements issued for pedestrian safety	389	565
Total infringements issued for vehicle safety	1907	2589
Total infringements issued for parking nuisance	14 311	16 545
Average hours patrolling per week (LTP target = 80 hours)	NA	88.18



**Graph of Infringement Notices Issues**

### ***Total Mobility***

	November 2014	December 2014	January 2015	February 2015	March 2015	April 2015
Total Trip Numbers*	4,272	4,387	3,762	3,595	4349	4090

\* This number is for Invercargill trips only. The Total Mobility Scheme is also administered by the Invercargill City Council on behalf of Gore and Southland.

## ENVIRONMENTAL HEALTH SECTION

	1 July 2013 to 30 April 2014	1 July 2014 to 30 April 2015
<b>Inspections</b>		
Number of premises holding an Alcohol Licence and percentage inspected ( <i>LTP measure</i> )	151 57.62%	153 72.90%
Number of medium risk food premises (HFPB) and percentage inspected / audited ( <i>LTP measure</i> )	144 36.11%	145 68.97%
Number of low risk food premises (HFPC) and percentage inspected / audited ( <i>LTP measure</i> )	59 61.02%	59 72.88%
Number of premises with food safety plan	33	63
<b>Excessive Noise</b>		
Number of noise complaints received and percentage responded to within one hour	1434 79.99%	1421 92.82%

**RESOURCE MANAGEMENT SECTION**

	<b>1 July 2013 to 30 April 2014</b>	<b>1 July 2014 to 30 April 2015</b>
<b>Resource Consent Applications</b>		
Number of consents lodged	157	157
Number of non notified consents and percentage processed within statutory timeframes ( <i>LTP measure</i> )	134 (100%)	141 (100%)
Number of notified consents and percentage processed within statutory timeframes ( <i>LTP measure</i> )	6 (100%)	8 (100%)

*Due to the large amount of work involved in producing the Resource Management maps for this report, these will now be provided following the end of each quarter.*

**VALUATION**

QV no longer provide the map previously included in this section. The information below shows residential price movement and is provided on QV's website.

<b>Area</b>	<b>Average value April 2015</b>	<b>Average value April 2014</b>	<b>Change in value</b>
Invercargill City	\$207,673	\$206,508	0.6%
Central Otago District	\$322,793	\$311,022	3.8%
Queenstown-Lakes District	\$715,482	\$668,448	7.0%
Dunedin City	\$291,556	\$289,853	0.6%
Clutha District	\$167,623	\$160,013	4.8%
Southland District	\$206,575	\$207,260	-0.3%
Gore District	\$179,323	\$181,299	-1.1%
Auckland Area	\$809,200	\$705,867	14.6%
Wellington Area	\$458,295	\$455,214	0.7%



**TO: REGULATORY SERVICES COMMITTEE**

**FROM: THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**

**MEETING DATE: WEDNESDAY 3 JUNE 2015**

<b>DIRECTORATE FINANCIAL COMMENTS</b>
---------------------------------------

**Report Prepared by:** P M Gare – Director of Environmental and Planning Services

**SUMMARY**

The Directorate is operating within budget with both operating income and expenditure below budgeted levels.
--------------------------------------------------------------------------------------------------------------

**RECOMMENDATION**

**That the report be received.**

**IMPLICATIONS**

1.	<i>Has this been provided for in the Long Term Plan/Annual Plan?</i> Yes.
2.	<i>Is a budget amendment required?</i> No.
3.	<i>Is this matter significant in terms of Council's Policy on Significance?</i> No.
4.	<i>Implications in terms of other Council Strategic Documents or Council Policy?</i> N/A.
5.	<i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i> N/A

**DIRECTORATE OVERVIEW**

***Administration:***

The Administration budget is operating within budget at this time.

Report prepared by: Pamela Gare  
Director of Environmental and Planning Services

### ***Animal Services***

As previously reported this service is exceeding that budgeted with the variance now at \$42,758. New initiatives have been put in place to register the unregistered dogs in the city. This is already having an impact by increasing our income levels. Expenditure still remains within budget.

We continue to manage:

- Reducing the costs relating to afterhours call outs
- Implementing a targeted campaign at those dog owners who have never paid dog registration.

### ***Environmental Health***

This continues to perform well and is within budget.

### ***Licensing Inspector***

It should be noted the Licensing Inspector Budget (expenditure) is exceeding that budgeted and is being closely monitored.

### ***Compliance (parking)***

The service continues to exceed the predicted surplus.

Income from fines is slightly down from last month but this was to be expected as we were one Compliance Officer down for this period.

The expected impact on revenue from the inner city development has been less than expected.

Report prepared by: John Youngson  
Manager – Environmental Compliance

### ***Building:***

For period ending april 2015.

The building section's budget is under projected income for the year due to the number of consents, mainly larger commercial buildings, being under what was budgeted for. This may be partly due to the earthquake legislation being still up in the air.

However expenditure has been kept under budget for most items. The major expenditure item not used are the levies which reinforces that Council has not recieved the anticipated income for the larger building projects.

In addition processing consents for Dunedin and other South Island Councils is progressing well

It is anticipated that the income stream will not meet the budgeted figures

Report prepared by: Simon Tonkin  
Manager – Building Regulation Services

**Resource Management:**

The Resource Management budget as previously discussed is over in the area of consultants and this will continue through to the end of the financial year. Some of this cost is being offset by a decrease in legal fees.

**Valuations:**

This activity is operating within its budget.

**District Licensing Committee:**

This is under budget and income will be used to offset the costs incurred by the Liquor Inspection Services, which is the other part of the Alcohol Licensing Activity.

Report prepared by: Terence Boylan  
Manager - Planning

\*\*\*\*\*





**Regulatory Services Committee  
Directorate Administration**

*Operational Statement*

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
<b><u>Operational Income</u></b>				
Administration	802,447 CR	802,050 CR	397 CR	962,461 CR
Valuations	34,840 CR	27,500 CR	7,340 CR	33,000 CR
<b>Total Income</b>	<b>837,287 CR</b>	<b>829,550 CR</b>	<b>7,737 CR</b>	<b>995,461 CR</b>
<b><u>Operational Expenditure</u></b>				
Administration	698,615	773,038	74,423 CR	945,461
Valuations	276,147	292,590	16,443 CR	351,080
<b>Total Expenditure</b>	<b>974,762</b>	<b>1,065,628</b>	<b>90,866 CR</b>	<b>1,296,541</b>
<b>Net Operational Surplus (CR) / Deficit</b>	<b>137,475</b>	<b>236,078</b>	<b>98,603 CR</b>	<b>301,080</b>

*Appropriation (Rates Required) Account*

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
<i>Net Operational Surplus (CR) / Deficit b/fwd</i>	<i>137,475</i>	<i>236,078</i>	<i>98,603 CR</i>	<i>301,080</i>
<b><u>Capital Expenditure</u></b>				
Administration	0	150,830	150,830 CR	502,000
Valuations	0	0	0	0
<b>Total Capital Expenditure</b>	<b>0</b>	<b>150,830</b>	<b>150,830 CR</b>	<b>502,000</b>
<b><u>Capital Movements</u></b>				
Administration	5,566	0	5,566	500,000 CR
Valuations	0	0	0	0
<b>Total Capital Funds</b>	<b>5,566</b>	<b>0</b>	<b>5,566</b>	<b>500,000 CR</b>
<b>Rates Required</b>	<b>143,040</b>	<b>386,908</b>	<b>243,868 CR</b>	<b>303,080</b>

**Regulatory Services Committee**  
**Animal Services**

*Operational Statement*

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
<b><u>Operational Income</u></b>				
Animal Control	606,131 CR	685,270 CR	79,139	750,900 CR
<b>Total Income</b>	<b>606,131 CR</b>	<b>685,270 CR</b>	<b>79,139</b>	<b>750,900 CR</b>
<b><u>Operational Expenditure</u></b>				
Animal Control	805,992	854,460	48,468 CR	1,050,305
<b>Total Expenditure</b>	<b>805,992</b>	<b>854,460</b>	<b>48,468 CR</b>	<b>1,050,305</b>
<b>Net Operational Surplus (CR) / Deficit</b>	<b>199,862</b>	<b>169,190</b>	<b>30,672</b>	<b>299,405</b>

*Appropriation (Rates Required) Account*

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
<i>Net Operational Surplus (CR) / Deficit b/fwd</i>	<i>199,862</i>	<i>169,190</i>	<i>30,672</i>	<i>299,405</i>
<b><u>Capital Expenditure</u></b>				
Animal Control	12,086	0	12,086	0
<b>Total Capital</b>	<b>12,086</b>	<b>0</b>	<b>12,086</b>	<b>0</b>
<b><u>Capital Movements</u></b>				
Animal Control	4,508	4,508	0	16,758
<b>Total Capital Funds</b>	<b>4,508</b>	<b>4,508</b>	<b>0</b>	<b>16,758</b>
<b>Rates Required</b>	<b>216,456</b>	<b>173,698</b>	<b>42,758</b>	<b>316,163</b>

**Regulatory Services Committee**  
**Environmental Health Section**

*Operational Statement*

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
<b><u>Operational Income</u></b>				
Environmental Health	159,600 CR	153,337 CR	6,263 CR	185,000 CR
<b>Total Income</b>	<b>159,600 CR</b>	<b>153,337 CR</b>	<b>6,263 CR</b>	<b>185,000 CR</b>
<b><u>Operational Expenditure</u></b>				
Environmental Health	654,075	777,180	123,105 CR	932,603
<b>Total Expenditure</b>	<b>654,075</b>	<b>777,180</b>	<b>123,105 CR</b>	<b>932,603</b>
<b>Net Operational Surplus (CR) / Deficit</b>	<b>494,476</b>	<b>623,843</b>	<b>129,368 CR</b>	<b>747,603</b>

*Appropriation (Rates Required) Account*

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
<i>Net Operational Surplus (CR) / Deficit b/fwd</i>	494,476	623,843	129,368 CR	747,603
<b><u>Capital Expenditure</u></b>				
Environmental Health	1,298	0	1,298	21,000
<b>Total Capital</b>	<b>1,298</b>	<b>0</b>	<b>1,298</b>	<b>21,000</b>
<b><u>Capital Movements</u></b>				
Environmental Health	0	0	0	21,000 CR
<b>Total Capital Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>21,000 CR</b>
<b>Rates Required</b>	<b>495,774</b>	<b>623,843</b>	<b>128,070 CR</b>	<b>747,603</b>



**Regulatory Services Committee**  
**Alcohol Licensing**

*Operational Statement*

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
<b><u>Operational Income</u></b>				
Alcohol Licensing	133,885 CR	97,500 CR	36,385 CR	117,000 CR
<b>Total Income</b>	<b>133,885 CR</b>	<b>97,500 CR</b>	<b>36,385 CR</b>	<b>117,000 CR</b>
<b><u>Operational Expenditure</u></b>				
Alcohol Licensing	271,803	212,366	59,437	257,746
<b>Total Expenditure</b>	<b>271,803</b>	<b>212,366</b>	<b>59,437</b>	<b>257,746</b>
<b>Net Operational Surplus (CR) / Deficit</b>	<b>137,918</b>	<b>114,866</b>	<b>23,052</b>	<b>140,746</b>

*Appropriation (Rates Required) Account*

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
<i>Net Operational Surplus (CR) / Deficit b/fwd</i>	<i>137,918</i>	<i>114,866</i>	<i>23,052</i>	<i>140,746</i>
<b><u>Capital Expenditure</u></b>				
Alcohol Licensing	0	0	0	0
<b>Total Capital</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b><u>Capital Movements</u></b>				
Alcohol Licensing	0	0	0	0
<b>Total Capital Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Rates Required</b>	<b>137,918</b>	<b>114,866</b>	<b>23,052</b>	<b>140,746</b>

**Regulatory Services Committee  
Compliance**

*Operational Statement*

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
<b><u>Operational Income</u></b>				
Compliance	708,545 CR	659,060 CR	49,485 CR	790,875 CR
<b>Total Income</b>	<b>708,545 CR</b>	<b>659,060 CR</b>	<b>49,485 CR</b>	<b>790,875 CR</b>
<b><u>Operational Expenditure</u></b>				
Compliance	526,252	552,590	26,338 CR	663,091
<b>Total Expenditure</b>	<b>526,252</b>	<b>552,590</b>	<b>26,338 CR</b>	<b>663,091</b>
<b>Net Operational Surplus (CR) / Deficit</b>	<b>182,293 CR</b>	<b>106,470 CR</b>	<b>75,823 CR</b>	<b>127,784 CR</b>

*Appropriation (Rates Required) Account*

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
<i>Net Operational Surplus (CR) / Deficit b/fwd</i>	<i>182,293 CR</i>	<i>106,470 CR</i>	<i>75,823 CR</i>	<i>127,784 CR</i>
<b><u>Capital Expenditure</u></b>				
Compliance	2,229	0	2,229	15,000
<b>Total Capital</b>	<b>2,229</b>	<b>0</b>	<b>2,229</b>	<b>15,000</b>
<b><u>Capital Movements</u></b>				
Compliance	0	0	0	15,000 CR
<b>Total Capital Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15,000 CR</b>
<b>Rates Required</b>	<b>180,064 CR</b>	<b>106,470 CR</b>	<b>73,594 CR</b>	<b>127,784 CR</b>

**Regulatory Services Committee**  
**Building Consents**

*Operational Statement*

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
<b><u>Operational Income</u></b>				
Building Inspectors	1,638,980 CR	2,162,570 CR	523,590	2,595,100 CR
<b>Total Income</b>	<b>1,638,980 CR</b>	<b>2,162,570 CR</b>	<b>523,590</b>	<b>2,595,100 CR</b>
<b><u>Operational Expenditure</u></b>				
Building Inspectors	2,055,997	2,480,136	424,139 CR	3,014,430
<b>Total Expenditure</b>	<b>2,055,997</b>	<b>2,480,136</b>	<b>424,139 CR</b>	<b>3,014,430</b>
<b>Net Operational Surplus (CR) / Deficit</b>	<b>417,017</b>	<b>317,566</b>	<b>99,451</b>	<b>419,330</b>

*Appropriation (Rates Required) Account*

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
<i>Net Operational Surplus (CR) / Deficit b/fwd</i>	417,017	317,566	99,451	419,330
<b><u>Less: Capital Expenditure</u></b>				
Building Inspectors	11,348 CR	0	11,348 CR	80,000
<b>Total Capital Expenditure</b>	<b>11,348 CR</b>	<b>0</b>	<b>11,348 CR</b>	<b>80,000</b>
<b><u>Capital Movements</u></b>				
Building Inspectors	0	0	0	80,000 CR
<b>Total Capital Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>80,000 CR</b>
<b>Rates Required</b>	<b>405,669</b>	<b>317,566</b>	<b>88,103</b>	<b>419,330</b>



**Regulatory Services Committee**  
**Resource Management**

*Operational Statement*

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
<b><u>Operational Income</u></b>				
Resource Management	127,010 CR	170,000 CR	42,990	204,000 CR
<b>Total Income</b>	<b>127,010 CR</b>	<b>170,000 CR</b>	<b>42,990</b>	<b>204,000 CR</b>
<b><u>Operational Expenditure</u></b>				
Resource Management	1,192,109	1,172,160	19,949	1,406,606
<b>Total Expenditure</b>	<b>1,192,109</b>	<b>1,172,160</b>	<b>19,949</b>	<b>1,406,606</b>
<b>Net Operational Surplus (CR) / Deficit</b>	<b>1,065,099</b>	<b>1,002,160</b>	<b>62,939</b>	<b>1,202,606</b>

*Appropriation (Rates Required) Account*

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
<i>Net Operational Surplus (CR) / Deficit b/fwd</i>	<i>1,065,099</i>	<i>1,002,160</i>	<i>62,939</i>	<i>1,202,606</i>
<b><u>Capital Expenditure</u></b>				
Resource Management	18,769	33,552	14,783 CR	29,000
<b>Total Capital Expenditure</b>	<b>18,769</b>	<b>33,552</b>	<b>14,783 CR</b>	<b>29,000</b>
<b><u>Capital Movements</u></b>				
Resource Management	0	0	0	9,000 CR
<b>Total Capital Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9,000 CR</b>
<b>Rates Required</b>	<b>1,083,869</b>	<b>1,035,712</b>	<b>48,157</b>	<b>1,222,606</b>

# Regulatory Services Committee

## Financial Summary

### Operational Statement

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
Administration	137,475	236,078	98,603 CR	301,080
Building and Resources	417,017	317,566	99,451	419,330
Environmental Health	494,476	623,843	129,368 CR	747,603
Animal Control	199,862	169,190	30,672	299,405
Alcohol Licensing	137,918	114,866	23,052	140,746
Compliance	182,293 CR	106,470 CR	75,823 CR	127,784 CR
Resource Management	1,065,099	1,002,160	62,939	1,202,606
<b>Net Operational Surplus (CR) / Deficit</b>	<b>2,269,554</b>	<b>2,357,233</b>	<b>87,680 CR</b>	<b>2,982,986</b>

### Appropriation (Rates Required) Account

Ten months to 30 April 2015

	Actual	Year to Date Budget	Variance	12 Month Budget
Administration	143,040	386,908	243,868 CR	303,080
Building and Resources	405,669	317,566	88,103	419,330
Environmental Health	495,774	623,843	128,070 CR	747,603
Animal Control	216,456	173,698	42,758	316,163
Alcohol Licensing	137,918	114,866	23,052	140,746
Compliance	180,064 CR	106,470 CR	73,594 CR	127,784 CR
Resource Management	1,083,869	1,035,712	48,157	1,222,606
<b>Rates Required</b>	<b>2,302,662</b>	<b>2,546,123</b>	<b>243,461 CR</b>	<b>3,021,744</b>



**TO: REGULATORY SERVICES COMMITTEE**

**FROM: THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**

**MEETING DATE: WEDNESDAY 3 JUNE 2015**

<b>NEW GAMBLING POLICIES</b>
------------------------------

**Report Prepared by:** Kari Graber – Reporting and Planning Analyst

**SUMMARY**

<p>Council’s Gambling Venue Policy has been reviewed and divided into two separate policies. The first policy is for TAB Venues and the second for Class 4 Venues. The new class 4 gambling venues policy is proposing to retain the sinking lid policy on the number of machines allowed in the Invercargill City Council District as well as allowing no more than 25 total machines to be in one venue when an amalgamation occurs. Both policies are proposing that any relocation of a gambling venue be placed only in the CBD.</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**RECOMMENDATIONS**

**That the report be received**

**And**

**The draft policies are adopted for public consultation.**

**IMPLICATIONS**

1.	<i>Has this been provided for in the Long Term Plan/Annual Plan?</i> No.
2.	<i>Is a budget amendment required?</i> No.
3.	<i>Is this matter significant in terms of Council’s Policy on Significance?</i> No.
4.	<i>Implications in terms of other Council Strategic Documents or Council Policy?</i> The existing Gambling Policy will turn into 2 separate policies
5.	<i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i> Yes, there have been formal and informal meetings held with both public health organisations and gaming establishment owners. In addition a public meeting was held where we requested feedback from interested parties.

**FINANCIAL IMPLICATIONS**

No financial implications arise from this report.

## **GAMBLING POLICY**

The Gambling Act 2003 came into force on 18 September 2003. Under Section 101 of the Act, the Council is required to adopt a policy to regulate the number and location of non-casino electronic gaming machines (Class 4), more commonly known as pokie machines, and stand-alone TAB venues.

The December 2011 policy placed a sinking lid on the number of electronic gaming machines in the district which stood at 338. New Class 4 venues were allowed with up to a maximum number of nine provided they could be accommodated within the total number of machines permitted in the policy. As of May 2015 the Invercargill District had 22 Class 4 gaming venues and 286 electronic gaming machines.

In this review of the Gambling Venues Policy staff held two meetings in April as part of the review process. The first was held with community organisations and the second was open to the public and any proprietors of gambling venues. Both meetings gave staff the opportunity to engage and discuss issues around gambling and seek input and feedback for the policy review. For the most part feedback on the current policy was very positive and the suggested changes were small. Both of these meetings were designed to fulfil the requirements of the Gambling Act 2003.

The Gambling Act 2003 Section 3 states its purpose as follows

- (a) control the growth of gambling; and
  - (b) prevent and minimise harm from gambling, including problem gambling; and
  - (c) authorise some gambling and prohibit the rest; and
  - (d) facilitate responsible gambling; and
  - (e) ensure the integrity and fairness of games; and
  - (f) limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling; and
  - (g) ensure that money from gambling benefits the community; and
  - (h) facilitate community involvement in decisions about the provision of gambling
- This policy contributes towards achieving those outcomes.

Invercargill presently has 1.72% of the total gaming machines nationally. The current policy requires several steps are taken to minimise the harm caused by gambling and addresses the need for staff to be educated in detecting problem gambling. The current policy also has a 'sinking lid' tied to it allowing for a total of 338 machines to be operated within Invercargill. Staff are recommending the number be lowered further for Class 4 Venues to a total of 286, the current amount of gaming machines licenced in the district.

Staff have updated clause (iii) Section 4.2.2, Transfer or changes to existing venues and machine consents to include a cap of 25 machines as the total that any venue may be permitted as a result of amalgamation. This change was made to reflect that establishments should not be using gambling as a main source of activity or revenue.

The other change to the current policy is adding a clause that states any new venues would be required to be located only within the CBD. This change would go a long way in protecting the most vulnerable people in our community. The change of location to the CBD will also allow for other activities to be partaken by the public and reduce the focus on gambling.

One final change has also been made. Staff have separated the current policy into two separate policies. The needs of one type of venue differs from the other and by dividing them into two separate policies, one for class 4 venues (Appendix 1) and the other for stand alone TAB Venues (Appendix 2) the Council can better regulate the needs of both types of gambling.





## CLASS 4 GAMBLING VENUES POLICY

<b>Reference Number:</b>	A1312892
<b>Authorised by:</b>	<b>Effective Date:</b> <b>Supersedes:</b>
<b>Policy Owner:</b>	Invercargill City Council
Purpose: This defines the statement of intent of the policy.	To assist in limiting the harm of problem gambling in the community. To encourage responsible gambling practices and attitudes in Class 4 Venues. To reduce the number of electronic gaming machines in the community over time. To facilitate community involvement in decisions about gambling by ensuring that all communities in the Invercargill District are given the opportunity to consult with Council in a manner that is culturally appropriate.

## INTRODUCTION

The Gambling Act 2003 came into force on 18 September 2003. Under Section 101 of the Act, the Council is required to adopt a policy to regulate the number and location of non-casino electronic gaming machines (Class 4), more commonly known as pokie machines. This policy is a review of Council's December 2011 policy.

- As of May 2015 the Invercargill District had 22 Class 4 gaming venues and 286 electronic gaming machines. This policy caps the number of electronic gaming machines at 286.
- The Council has the ability to limit the number and location of venues and the number of electronic gaming machines. Council must have regard to the social impact of gambling in developing its policy. As required under the Act, this policy only applies to gambling venues licensed after 17 October 2001, or to venues licensed prior to this if they wish to increase the number of electronic gaming machines.
- The Gambling Act 2003 Section 3 states its purpose as follows
  - (a) control the growth of gambling; and
  - (b) prevent and minimise harm from gambling, including problem gambling; and
  - (c) authorise some gambling and prohibit the rest; and
  - (d) facilitate responsible gambling; and
  - (e) ensure the integrity and fairness of games; and
  - (f) limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling; and
  - (g) ensure that money from gambling benefits the community; and
  - (h) facilitate community involvement in decisions about the provision of gambling
 This policy contributes towards achieving those outcomes.
- This Class 4 Gambling Venues Policy covers gambling venues that are licensed to corporate societies
- This policy is required to be reviewed three yearly.

## DEFINITIONS

**CBD**—means the area defined by the map attached in appendix 2

**Class 4 Gambling** – means any activity that involves the use of a gaming machine outside a casino, and may be conducted only by a corporate society and only to raise money for authorised purposes.

**Class 4 Gambling Venue** – means a place used to conduct Class 4 gambling ie premises with Class 4 gaming machines licensed under the Gambling Act 2003. This includes any TAB venue with gaming machines.

**Corporate Society** – means a society that is:

- (a) Incorporated under the Incorporated Societies Act 1968 or
  - (b) Incorporated as a board under the Charitable Trusts Act 1957 or
  - (c) A company incorporated under the Companies Act 1993 that
    - (i) does not have the capacity or power to make a profit and
    - (ii) is incorporated and conducted solely for authorised purposes or,
  - (d) A Working Men's Club registered under the Friendly Societies and Credit Unions Act 1982.
- Corporate Societies may therefore include Clubs (RSA, sports clubs etc.), Trusts and Racing Clubs.

**Invercargill District** – means all the area covered by the Invercargill Territorial Local Authority.

**New Venue** -means any venue that has not held a Class 4 venue licence for six months or more or that has never held a Class 4 venue consent.

**The Council** – means Invercargill City Council.

## POLICY STATEMENTS

### **Electronic Gaming Machine (Class 4) Venues**

#### **4.2.1 Restrictions on venue and machine consents**

- (i) The Council will not grant consent for the establishment of any additional Class 4 venues or additional gaming machines under this policy.
- (ii) A gambling venue consent is for one venue (one premises) and is not transferable to another venue unless consent is obtained from the Council, except as provided for in Clause 4.2.2. The consent is given to a venue at a given address, not to a person or business.
- (iii) Once a venue ceases to operate, the machine numbers will not be allocated to any new or existing venue except as specified in clause 4.2.2 below.
- (iv) Council will not provide consent under Sections 95(1)(f) or 96(1)(e) of the Gambling Act 2003 to any application by corporate societies with Class 4 licences seeking Ministerial discretion to increase the number of gaming machines permitted at a venue except as provided in clause 4.2.2 below.

#### 4.2.2 Transfer or changes to existing venues and machine consents

- (i) If the owner of the principal business of the venue changes, the Council consent remains allocated to the venue. The new owner is not required to obtain Council consent but a new licence may be required from the Department of Internal Affairs (DIA).
- (ii) Council will consent to the transfer of a licence for an existing venue to a new venue where the venue will be operated by the same corporate society provided that the maximum number of gaming machines which can be transferred to the new venue will be nine.
- (iii) Two or more licensed Class 4 Clubs may apply to the Council to merge and increase the number of machines that can be operated at a venue, subject to a social impact study. Council consent will only permit the maximum number of 25 gaming machines to be the sum of the number of gaming machines in all of the corporate societies' (the clubs that are merging) Class 4 venue licences at the time of application.
- (iv) Any substitute venues may only be established in the CBD area of the map attached and in the zones permitted in conjunction with the District Plan. Council must also consider the location suitable taking into account the matters referred to in Section 101(4) of the Gambling Act 2003.
- (v) Council will not provide relocation consent in areas that are outside of the CBD as defined in the attached map and are in conjunction with the District Plan.

### ENCOURAGING RESPONSIBLE GAMBLING PRACTICES

- Two of the stated purposes of the Gambling Act 2003 are to “prevent and minimise the harm caused by gambling, including problem gambling” and to “facilitate responsible gambling”.
- Enforcement and monitoring of gambling venues is the responsibility of the Department of Internal Affairs (DIA).
- Regulations made under the Gambling Act 2003 set out:
  - What constitutes an unsuitable venue.
  - Requirements and restrictions regarding gambling machines.
  - Requirements of venues to provide information about problem gambling.
  - Requirements of venues to provide problem gambling awareness training to staff.
- Council consent for a venue is not revocable once issued and cannot lapse or expire unless there is a period of six months or more where a Class 4 licence is not held for the venue. Further, Council has no retrospective powers with regards to any consented venues and cannot impose conditions subsequently on any venue which has an existing licence.
- The Council is supportive of initiatives and actions that would help to ensure there is a balanced gambling environment in the city where potential harm is managed effectively, and where those who wish to gamble can do so safely. In this regard, Council encourages responsible gambling practices as outlined in Appendix 1.
- Where Council has concerns about the operation of existing gambling venues these will be reported to the DIA. Council inspectors do not have enforcement powers over venues in terms of their gambling activities.
- The provision of information by the venues about problem gambling is required under the regulations and is a key way of promoting responsible gambling. Where Council has concerns about a venue in this regard it will be reported to the DIA.

### PROCEDURES

- (i) All applications will incur a fee which will be prescribed by the Council pursuant to section 150 of the Local Government Act 2002.
- (ii) Council will publicly notify applications for the merger or relocation of TAB Board Venues and Class 4 Gambling Venues and allow for public submissions to be lodged and heard.
- (iii) Applications for consent by the Council must be made to the Council on the prescribed form and include:
  - Name and contact details of the applicant.
  - Names of venue management staff.

- Street address of premises being relocated and new proposed address.
- Fees.
- Any other information that may reasonably be required to allow proper consideration of the application including how the applicant will encourage responsible gambling practices.

## REVIEW OF POLICY

The Council will review its Class 4 Gambling Venues Policy within three years from the date on which this policy comes into effect.

<b>Monitoring &amp; Auditing:</b>	
This section describes who and how the application of the policy will be monitored.	
<b>Revision History:</b>	September 2007, December 2011, May 2015
<b>Effective Date:</b>	
<b>Review Period:</b>	<i>Every 3 years</i>
<b>Associated Documents / References:</b>	<i>Tab Venue Policy, NZ Census Index of Deprivation</i>

## APPENDIX 1

### ENCOURAGE RESPONSIBLE GAMBLING PRACTICES

BEST PRACTICE	SUPPORTING ACTION
Host Responsibility and Harm Minimisation policy	<p>The applicant has in place a host responsibility and harm minimisation policy.</p> <p>The programme conforms to best practice as set out by national guidelines or standards should these become available.</p>
Location of gaming machines	<p>Electronic gaming machines sites should be located so that:</p> <ul style="list-style-type: none"> <li>▪ The facility is ancillary to a principal business and is not the primary purpose of the site.</li> <li>▪ The facility is separate from the area of the principal business so that the legal age limit of 18 can be observed and enforced.</li> </ul>
Staff training programme or activities	<p>The applicant demonstrates that staff and management are familiar with its Host Responsibility and Harm Minimisation policy.</p> <p>The programme provides information on:</p> <ul style="list-style-type: none"> <li>▪ The potential effects of gambling on customers.</li> <li>▪ The identification of problem gambling traits.</li> <li>▪ The processes for approach, intervention and follow up for patrons with suspected problem gambling.</li> <li>▪ Identification practices for patrons appearing under 25 and actions to be followed.</li> <li>▪ Systems in place to support self barring.</li> <li>▪ Recognition of intoxicated patrons and steps to be followed to prevent intoxicated patrons from gambling.</li> <li>▪ Systems to be followed if children are left unattended in premises or nearby premises.</li> </ul>
Policy on under age access to gambling machines	<p>The licensee must ensure that appropriate signage is in place indicating age restrictions so that this is visible at every gambling machine and at the point(s) of entry into the gambling area.</p> <p>Policy on identification checks for patrons appearing under 25.</p> <p>Staff training on identification of patrons appearing under 25 and actions to be followed.</p>
Provision of problem gambling information	<p>The licensee must ensure that patrons have access to appropriate information on problem gambling and problem gambling help services.</p> <p>Gambling help line phone number information is placed on or near all gambling machines.</p> <p>Additional material on problem gambling and help services displayed in at least one other area within the premises, situated near to gambling machines.</p>
Clocks are visible in premises	<p>The licensee ensures that clocks are visible from gambling machines and are displayed on a wall large enough to be seen from a distance.</p>
There is good visibility where gambling machines are located	<p>Natural or artificial light illuminates the area where gambling machines are located at all times when machine are in operation.</p>
Self barring of patrons is supported	<p>The licensee ensures that systems to support self barring and exclusion by patrons are put in place.</p> <p>There is staff training on systems to support self barring or exclusion of patrons.</p>

BEST PRACTICE	SUPPORTING ACTION
Children are not left unattended while gambling is undertaken	<p>The licensee will take active steps to prevent parents leaving their children unattended without adult supervision including:</p> <ul style="list-style-type: none"> <li>▪ Requiring employees to report incidents where a child had been left unattended, either inside the premises or immediately outside the premises, and</li> <li>▪ Where the child has been left unattended, the licensee will take steps to locate an adult responsible for the child. If this attempt is unsuccessful, the licensee will contact the police.</li> </ul>
Intoxicate patrons are prevented from gambling	<p>Staff training on identification of intoxicated patrons and actions to be followed if intoxicated patrons attempt to gamble.</p> <p>The licensee will take all practicable steps to ensure that no person who appears intoxicated is allowed to gamble.</p>





Gambling Venue Relocation Area



Legend  
 ■ Gambling Venue Relocation Area

Information about this map can be found on the website [www.invercargill.govt.nz](http://www.invercargill.govt.nz) or by contacting the City Council. Information is provided for general information only and does not constitute an offer of any financial product. Information is provided for general information only and does not constitute an offer of any financial product.

Created by KCC GIS - 7 May 2015





## TAB GAMBLING VENUES POLICY

<b>Reference Number:</b>	A1347208
<b>Authorised by:</b>	<b>Effective Date:</b> <b>Supersedes:</b>
<b>Policy Owner:</b>	Invercargill City Council
<b>Purpose:</b> This defines the statement of intent of the policy.	To assist in limiting the harm of problem gambling in the community. To encourage responsible gambling practices and attitudes in stand alone TAB Board Venues. To facilitate community involvement in decisions about gambling by ensuring that all communities in the Invercargill district are given the opportunity to consult with Council in a manner that is culturally appropriate.

## INTRODUCTION

- As required under the Gambling Act 2003 the New Zealand Racing Board must seek consent of the Council if it intends to establish a stand-alone Board venue or TAB for sport race betting.
- The Gambling Act 2003 Section 3 states its purpose as follows
  - (a) control the growth of gambling; and
  - (b) prevent and minimise harm from gambling, including problem gambling; and
  - (c) authorise some gambling and prohibit the rest; and
  - (d) facilitate responsible gambling; and
  - (e) ensure the integrity and fairness of games; and
  - (f) limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling; and
  - (g) ensure that money from gambling benefits the community; and
  - (h) facilitate community involvement in decisions about the provision of gambling
 This policy contributes towards achieving those outcomes.
- This Gambling Venues Policy covers New Zealand Racing Board (TAB or Board) Venues.
- This policy is required to be reviewed three yearly.

## DEFINITIONS

**Board Venues (TAB Venue)** – means premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing, betting or sports betting services as provided for in the Gambling Act 2003 and under the Racing Act 2003. It covers stand-alone TAB Board Venues only and Council consent is not required under the legislation to establish a TAB facility in a bar, hotel or club.

**CBD**—means the area defined by the map attached in appendix 2

**Invercargill District** – means all the area covered by the Invercargill Territorial Local Authority.

**New Venue** - any venue that has not held a venue licence for six months or more or that has never held a venue consent.

**The Council** – means Invercargill City Council.

## POLICY STATEMENTS

### TAB Venues

#### 4.2.1 Restrictions on venues

- (i) The Council will not grant consent for the establishment of any additional stand alone TAB venues, under this policy.
- (ii) A gambling venue consent is for one venue (one premises) and is not transferable to another venue unless consent is obtained from the Council except as provided for in Clause 4.2.2. The consent is given to a venue at a given address, not to a person or business.

#### 4.2.2 Transfer or changes to existing venues

- (i) If the owner(s) of the principal business of the venue changes, the Council consent remains allocated to the New Zealand Racing Board for the venue. The new owner is not required to obtain a Council consent but a new licence may be required from the Department of Internal Affairs (DIA).
- (ii) Council will consent to the transfer of a licence for an existing venue to a new venue only in the Central Business District (CBD) area of the map attached. Council must also consider the location suitable taking into account the matters referred to in Section 101(4) of the Gambling Act 2003.
- (iv) Any substitute venues may only be established in the zones permitted for this purpose in the Invercargill City Council District Plan. Council must also consider the location suitable taking into account the matters referred to in Section 101(4) of the Gambling Act 2003.
- (v) Council will not provide relocation consent in areas that are outside of the CBD as defined in the attached map and are in conjunction with the District Plan.

## ENCOURAGING RESPONSIBLE GAMBLING PRACTICES

- Two of the stated purposes of the Gambling Act 2003 are to “prevent and minimise the harm caused by gambling, including problem gambling” and to “facilitate responsible gambling”.
- Enforcement and monitoring of gambling venues is the responsibility of the Department of Internal Affairs (DIA)
- Regulations made under the Gambling Act 2003 set out:
  - What constitutes an unsuitable venue.
  - Requirements of venues to provide information about problem gambling.
  - Requirements of venues to provide problem gambling awareness training to staff.
- A Council consent for a venue is not revocable once issued and cannot lapse or expire unless there is a period of six months or more where a TAB licence is not held for the venue. Further, Council has no retrospective powers with regards to any consented venues and cannot impose conditions subsequently on any venue which has an existing licence.
- The Council is supportive in general of initiatives and actions that would help to ensure there is a balanced gambling environment in the city where potential harm is managed effectively, and where those who wish to gamble can do so safely. In this regard, Council encourages responsible gambling practices as outlined in Appendix 1.
- Where Council has concerns about the operation of existing gambling venues these will be reported to DIA. Council inspectors do not have enforcement powers over venues in terms of their gambling activities.
- The provision of information by the venues about problem gambling is required under the regulations and is a key way of promoting responsible gambling. Where Council has concerns about a venue in this regard it will be reported to DIA.

## PROCEDURES

- (i) All applications will incur a fee which will be prescribed by the Council pursuant to section 150 of the Local Government Act 2002.
- (ii) Council will publicly notify applications for the merger or relocation of TAB Board Venues and allow for

public submissions to be lodged and heard.

(iii) Applications for consent by the Council must be made to the Council on the prescribed form and include:

- Name and contact details of the applicant.
- Names of venue management staff.
- Street address of premises being relocated and new proposed address.
- Fees.
- Any other information that may reasonably be required to allow proper consideration of the application including how the applicant will encourage responsible gambling practices.

## REVIEW OF POLICY

The Council will review its Gambling Venues Policy within three years from the date on which this policy comes into effect.

<b>Monitoring &amp; Auditing:</b>	
This section describes who and how the application of the policy will be monitored.	
<b>Revision History:</b>	September 2007, December 2011, May 2015
<b>Effective Date:</b>	
<b>Review Period:</b>	<i>Every 3 years</i>
<b>Associated Documents / References:</b>	<i>Class 4 Gambling Venues Policy</i>


## ENCOURAGE RESPONSIBLE GAMBLING PRACTICES

BEST PRACTICE	SUPPORTING ACTION
Host Responsibility and Harm Minimisation policy	<p>The applicant has in place a host responsibility and harm minimisation policy.</p> <p>The programme conforms to best practice as set out by national guidelines or standards should these become available.</p>
Staff training programme or activities	<p>The applicant demonstrates that staff and management are familiar with its Host Responsibility and Harm Minimisation policy.</p> <p>The programme provides information on:</p> <ul style="list-style-type: none"> <li>▪ The potential effects of gambling on customers.</li> <li>▪ The identification of problem gambling traits.</li> <li>▪ The processes for approach, intervention and follow up for patrons with suspected problem gambling.</li> <li>▪ Identification practices for patrons appearing under 25 and actions to be followed.</li> <li>▪ Systems in place to support self barring.</li> <li>▪ Recognition of intoxicated patrons and steps to be followed to prevent intoxicated patrons from gambling.</li> <li>▪ Systems to be followed if children are left unattended in premises or nearby premises.</li> </ul>
Policy on under age access to TAB Venues	<p>The licensee must ensure that appropriate signage is in place indicating age restrictions so that this is visible. At the point(s) of entry into the gambling area.</p> <p>Policy on identification checks for patrons appearing under 25.</p> <p>Staff training on identification of patrons appearing under 25 and actions to be followed.</p>
Provision of problem gambling information	<p>The licensee must ensure that patrons have access to appropriate information on problem gambling and problem gambling help services and the gambling help line phone number information.</p> <p>Additional material on problem gambling and help services displayed in at least one other area within the premises.</p>
Clocks are visible in premises	<p>The licensee ensures that clocks are visible from gambling machines and are displayed on a wall large enough to be seen from a distance.</p>
Self barring of patrons is supported	<p>The licensee ensures that systems to support self barring and exclusion by patrons are put in place.</p> <p>There is staff training on systems to support self barring or exclusion of patrons.</p>

BEST PRACTICE	SUPPORTING ACTION
Children are not left unattended while gambling is undertaken	<p>The licensee will take active steps to prevent parents leaving their children unattended without adult supervision including:</p> <ul style="list-style-type: none"> <li>▪ Requiring employees to report incidents where a child had been left unattended, either inside the premises or immediately outside the premises, and</li> <li>▪ Where the child has been left unattended, the licensee will take steps to locate an adult responsible for the child. If this attempt is unsuccessful, the licensee will contact the police.</li> </ul>
Intoxicated patrons are prevented from gambling	<p>Staff training on identification of intoxicated patrons and actions to be followed if intoxicated patrons attempt to gamble.</p> <p>The licensee will take all practicable steps to ensure that no person who appears intoxicated is allowed to gamble.</p>





	<h2>Gambling Venue Relocation Area</h2>	<p><b>Legend</b></p> <p><span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Gambling Venue Relocation Area</p>	<p><small>Information shown is for general information only and is not intended to be used as a legal document. Information is also subject to change without notice. Copyright information included from Land Information New Zealand. Updated to 2015. ALL RIGHTS RESERVED.</small></p> <p><small>Created by KCC GIS - 7 May 2015</small></p>
-------------------------------------------------------------------------------------	-----------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



**TO: REGULATORY SERVICES COMMITTEE**

**FROM: THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**

**MEETING DATE: WEDNESDAY 3 JUNE 2015**

<b>EARTHQUAKE STRENGTHENING RULES</b>
---------------------------------------

**Report Prepared by:** S J Tonkin – Manager Building Regulation Services

**SUMMARY**

Report for Councillors' information.
--------------------------------------

**RECOMMENDATION**

**That the report be received.**

**IMPLICATIONS**

1.	<i>Has this been provided for in the Long Term Plan/Annual Plan?</i> N/A.
2.	<i>Is a budget amendment required?</i> N/A.
3.	<i>Is this matter significant in terms of Council's Policy on Significance?</i> N/A.
4.	<i>Implications in terms of other Council Strategic Documents or Council Policy?</i> N/A.
5.	<i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i> N/A.

**SUMMARY:**

On 10 May 2015 Council received a copy of the Hon Dr Nick Smith, Minister for Building and Housing speech on earthquake prone buildings (**Appendix 1**).

In the speech the Minister notes that the Government is working on a sensible approach to upgrading existing buildings to meet earthquake strengthening.

The Minister has stated a number of points that will provide clarity for Councils throughout the country.

- 34% to be the minimum figure.
- Country will be split into three zones, high, medium and low. The zones will reflect new time frames for upgrading for each zone.  
  
Invercargill is in the medium zone which means buildings assessed within 10 years and strengthened within 25 years.
- Education and emergency buildings such as hospitals need to be assessed within half the standard time.
- Reduce scope of number of buildings requiring assessment such as farm buildings, retaining walls, wharves, bridges, tunnels and storage tanks.
- Changes to sections of the Building Act in regards – alterations to a building section 112 – are being considered.
- Public register to be held by MBIE – all Councils will have to send information on earthquake prone buildings to MBIE so they can populate the national register. This information is only when Council knows that a building is earthquake prone. This can only be sent to MBIE when Council receive the owner's engineer's assessment.

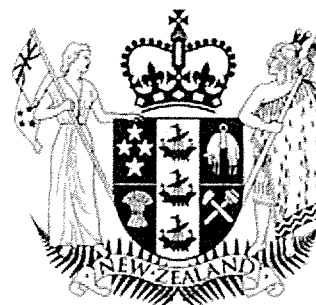
**RECOMMENDATION:**

Invercargill City Council wait for the legislation to change so that it is very clear to Council what the Government requirements are.

**\*\*\*\*\***

# Hon Dr Nick Smith

Minister for Building and  
Housing



EMBARGOED UNTIL 10:00AM, 10  
MAY

10 May 2015

Speech

## More targeted approach to earthquake-prone buildings

One of the big challenges our Government has had to deal with has been the devastating Christchurch earthquakes. The Prime Minister has made the recovery and rebuild of Christchurch one of the four key priorities for our Government and all credit to the work of Gerry Brownlee and my Canterbury colleagues on the job they are doing to achieve this.

The post-earthquake challenge I want to address this morning is how part of our legacy needs to be a more resilient nation to future earthquakes. We have had a few reminders in recent weeks with the shakes in Kaikōura and Wanaka of how seismically active our country is. We have also witnessed on television the devastation in Nepal of how deadly poorly designed older buildings can be in an earthquake, with their death toll from the earthquake now over 7500.

Working out a sensible and balanced approach for regulating the earthquake risk of older buildings throughout New Zealand is one of the more complex policy problems we need to resolve this year. If we are too soft, we may risk the lives of hundreds of our fellow citizens whenever the next major event occurs. If we are too hard we will gut dozens of our country towns, lose hundreds of our heritage buildings and impose huge costs on farmers, apartment owners and businesses.

In looking to the future, it is useful to reflect on our past. New Zealand has experienced seven fatal earthquakes since 1840 with a total of 473 lives lost. The events of Napier in 1931 costing 256 lives and Christchurch on 2011 with 185 lives lost reinforces that earthquakes are our greatest natural disaster risk.

But to keep this discussion in context we also need to consider other risks. We are 100 times more likely to die in a car accident, 50 times more likely to drown and 10 times more likely to die in a house fire. On the basis of costs

and benefits, simple measures like smoke detectors in homes is going to trump earthquake strengthening of buildings, but that is an issue I will pursue another day.

The history of regulating buildings for earthquake resistance in New Zealand started in 1931. There have been several iterations of the standard for new buildings as the science of earthquakes and how we build to resist them has evolved. It is worth noting that whereas the death toll in Napier equated to one person in 100 being killed, 80 years later this ratio dropped in Christchurch to one in 2000. To put it another way, the equivalent death toll in Christchurch would have been 4000 people. The improved science and regulation of buildings between Napier and Christchurch reduced the fatality rate by about 95 per cent.

The comparatively easy public policy issue is ensuring all new buildings meet the very best of standards in respect of earthquake resistant design. I have some work to do in tightening up the regulation of the profession of engineers, but this is reasonably straightforward.

The far more challenging political issue is what we do with our older building stock. Our country has over 1.7 million existing buildings and it would be impractical and over the top to require all of them to be brought up to today's earthquake resistance standards. We need to make decisions, over which buildings must be upgraded, to what standards and on what timetable.

We have had a thorough process on these issues with the Royal Commission of Inquiry providing some guidance in 2012, a public discussion paper process in 2013 and decisions by Cabinet later that year. The proposals have caused considerable angst for building owners, local government, engineers and economists all raising major questions about whether the approach has the right balance. I've spent hundreds of hours since taking up the portfolio last year, working through options for refining our policy.

The first substantive issue is where we draw the line on defining when a building needs to be upgraded. Today I want to confirm the policy of 34 per cent of new building standard. I accept it is arbitrary and that there is still a level of risk for buildings above 34 per cent but note that no one was killed in Christchurch from a building that met this level. Building owners may choose to go beyond this bare minimum and I commend owners, particularly when doing other major renovations, to take the opportunity to improve their buildings seismic resistance above this level where economic.

The second substantive question is over to what degree we nationally, as compared to locally, regulate. The 2004 Building Act effectively left it entirely to each of our 67 councils. The Royal Commission of Inquiry was quite critical that this had not worked and the issue had largely been put into the too hard basket. It recommended a single nationally consistent approach, which the Government largely adopted.

Today I am announcing a more refined approach. I don't believe it is efficient

or effective to have every one of our 67 councils going through the expensive technical and drawn out public process of developing their own policy on earthquake prone buildings, but I do not believe a single national timetable appropriately deals with the different level of earthquake risk across the country.

The frequency of earthquakes likely to cause fatalities varies hugely across the country. We expect one in Wellington every 120 years, in Queenstown every 320 years, in Christchurch every 720 years but in Dunedin every 1700 years and Auckland only every 7400 years.

Another way to express this data is predicted future fatalities, across New Zealand from earthquakes. Eighty per cent are expected in greater Wellington. Eleven per cent in Christchurch. Provincial cities like Palmerston North, Tauranga, Napier, Hamilton and Nelson make up a further 8 per cent. Auckland only makes up 0.5 per cent, despite being a third of the country's population. In short, you are over 50 times more at risk from an earthquake in Wellington as compared to Auckland. The most at risk places are Arthurs Pass, Hamner Springs and Milford Sound. The least risk places are Balclutha, Oamaru and Northland.

These different earthquake risk levels are taken into account in the new building standard but also need to be considered in the timeframes for assessing and upgrading older buildings.

These timeframes have a significant impact on costs. Older buildings are gradually being replaced and so a longer timeframe means fewer are being forced to upgrade or demolish. It is also far more economic to do earthquake strengthening work when other changes are being made to a building. So rather than requiring all buildings to be assessed in five years and upgraded with 15, today I am announcing a more targeted approach.

New Zealand is to be categorised into three seismic zones of risk from high, to medium to low. High risk areas will need to be assessed within five years and strengthened within 15. Medium areas assessed within 10 and strengthened within 25 and low risk areas assessed within 15 and strengthened within 35 years.

The second change is targeting education and emergency buildings by requiring that in high and medium seismic risk areas they be identified and strengthened in half the standard time. We are prioritising all education buildings regularly occupied by 20 people or more like classrooms because they have a higher concentration of people than other buildings, the people are younger, the law compels attendance, and because schools are commonly used as civil defence centres. We also want to ensure buildings like hospitals can maintain essential services in the aftermath of a significant earthquake.

The third significant change in policy is reducing the scope of the buildings requiring assessment to those that pose the greatest risk. The current policy

already excludes over 1.3 million stand-alone homes, but it includes 260,000 farm buildings. It is difficult justifying to the farmer that the hay shed which he might spend an hour a week in requires an earthquake risk assessment, but the farm house which he sleeps in every night does not.

The new policy will exclude farm buildings, retaining walls, fences, monuments, wharves, bridges, tunnels and storage tanks. The new methodology for identifying earthquake prone buildings will ensure the focus is on the older unreinforced masonry buildings that pose the greatest risk.

The main tool in the current policy to get buildings upgraded is this requirement that those assessed under 34 per cent must be strengthened or demolished in the specified timeframe.

The revised policy adds new tools. If an older building under 34 per cent is having a significant alteration or upgrade the earthquake strengthening will need to be done then. This is similar to the existing Building Act that requires fire egress and disability upgrades to occur simultaneously.

We are also working to drive upgrades through people being more aware of the earthquake resistance of buildings. There will be a publicly available register and website listing all earthquake-prone buildings. Buildings will be required to have notices at their entrance stating where they are below the minimum standard. We also intend such information to include the actual per cent of code with a red notice for those under 20 per cent and orange below 34 per cent. This reflects that the risk is substantially greater, as much as ten times, for buildings well under the 34 per cent definition of an earthquake-prone building. These notices and extra information will influence customers and tenants and as a result building owners to strengthen buildings ahead of the maximum timeframe.

Other aspects of the policy that we are retaining are provisions for an extension of 10 years for listed heritage buildings and exemptions from strengthening for some low risk, low occupancy buildings like country halls in parts of rural New Zealand.

These policy changes I am outlining today are to be followed through into amendments to the Building Act and to regulations that we will be consulting on later this year. There is a lot of work ahead for us in working with engineers, building owners and local government in getting the detail right.

Let me summarise the practical effect of these policy changes.

Firstly a lot fewer buildings will require an assessment. Rather than 500,000 the focus will be on the 30,000 buildings that pose the greatest risk.

Secondly, this approach puts the pressure on upgrading of schools and hospitals in our most earthquake prone areas. They will need to all be above the 34 per cent minimum within a decade.

There is a lot less pressure for building upgrades in places like Auckland, Oamaru, Northland and Dunedin which will now have up to 50 years rather than 20 to bring their older buildings up to standard.

It is true that this revised earthquake-prone buildings policy is more gradual than the first proposal, but it is also more ambitious than how other seismically active countries deal with older buildings. In California and Italy, the only older buildings that are legally compelled to be upgraded are schools and hospitals.

I have been clear in refining the policy that the government wants to retain the safety gains but get the costs down. This policy will result in an estimated 330 fewer deaths and 350 serious injuries from earthquakes over the next century, the same as the earlier proposals. However by taking a more targeted approach the cost is \$777 million rather than \$1360 million – a saving of over \$500 million.

Can I conclude by saying there are no easy answers to the seismic risk posed by thousands of older buildings in New Zealand. We cannot completely eliminate the risk to life, nor save every heritage building, nor avoid a substantial strengthening bill. This revised policy strikes a better balance between safety, cost, the retention of heritage and practicality.





**TO: REGULATORY SERVICES COMMITTEE**

**FROM: THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES**

**MEETING DATE: WEDNESDAY 3 JUNE 2015**

**PROPOSED ROAD NAME FOR A PRIVATE RIGHT OF WAY**

**Report Prepared by:** Christine North – Property Database Officer

**SUMMARY**

The subdivision (SUB/2008/114) of Pt Sec13, 15, 15A Sec 13A Blk XXI Invercargill Hundred CT A4/1131 created eight lots, with vehicle access from Otatara Road via a private right of way.

Where a right of way provides access for more than five lots it is required to be named.

The developer has submitted the following proposed name: **Kennedy Way**

**RECOMMENDATION**

**That the proposed right of way be named Kennedy Way as it is the developers' submitted name and meets Council's naming convention.**

**IMPLICATIONS**

1.	<i>Implications in terms of the Long Term Council Community Plan/Annual Plan?</i> N/A.
2.	<i>Is a budget amendment required?</i> N/A.
3.	<i>Is this matter significant in terms of Council's Policy on Significance?</i> N/A.
4.	<i>Implications in terms of other Council Strategic Documents or Council Policy?</i> N/A.
5.	<i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i> N/A.

**FINANCIAL IMPLICATIONS**

N/A.

**REQUEST FOR ROAD NAME**

The Invercargill City Council is responsible for the allocation of road names and numbers within the District. This is an important function because it allows residents, visitors and emergency services to locate properties with the minimum of inconvenience. In issuing rural and urban road names and numbers the Council is guided by the Australian/New Zealand Standard (AS/NZS 4819:2011).

Council’s policy is to allow road names that are short (25 characters or less), single word names, which are readily pronounced and spelt. Road names that closely resemble other names in either spelling or pronunciation should be avoided, as there is the potential for confusion for emergency services. There is also a desire to avoid the same name for a road and an area.

Road Types are set out in Standard AS/NZS 4819:2011. The standard defines ‘Way’ as ‘Short enclosed roadway’. In the past private access roads and rights-of-way have been given road types of Way or Row. The updated standard of 2011 does not have Row as an option.

The developer has submitted the following proposed name which meets all the requirements of AS/NZ 4819:2011:

**Kennedy Way** - ‘Kennedy’ being the maiden name of Sherry Elton, one of the developers of the subdivision.

A diagram showing the proposed development and road name is attached as **Appendix 1**.

\*\*\*\*\*

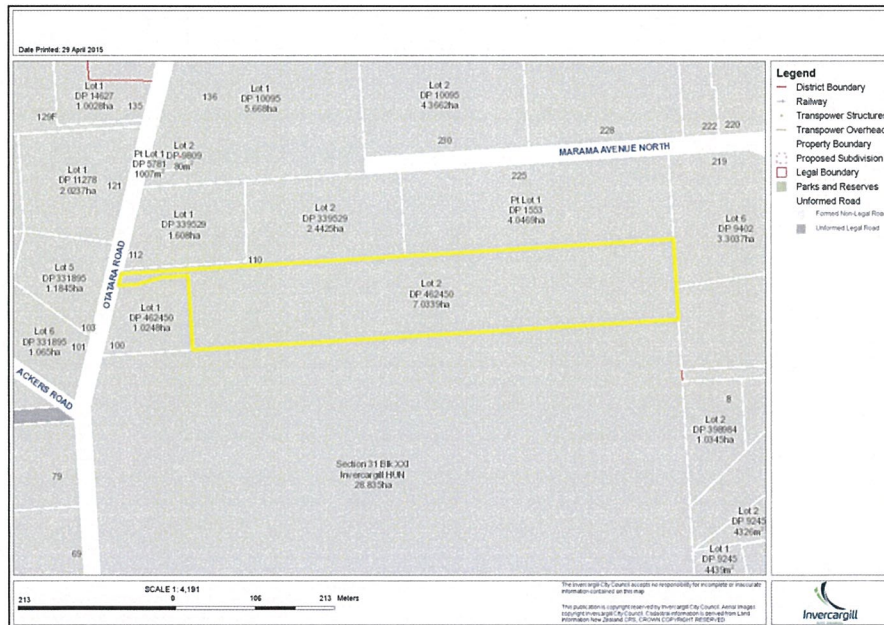
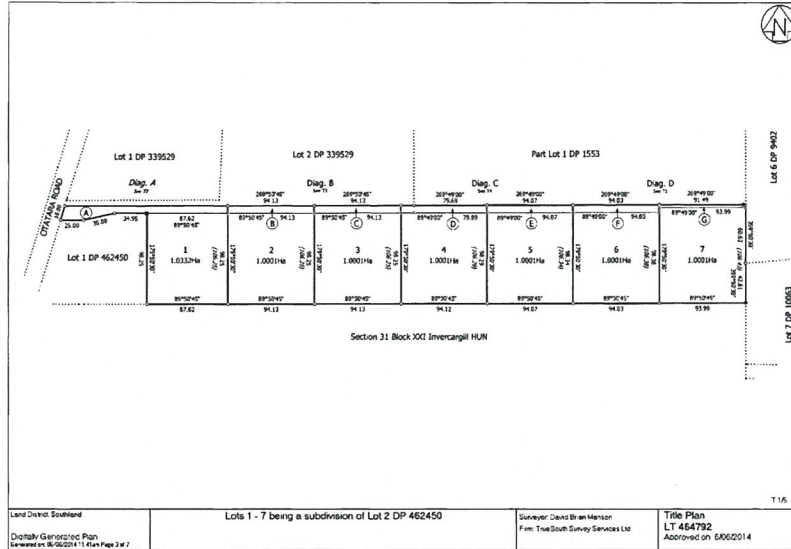
**NAME FOR PRIVATE RIGHT OF WAY**

Right of way created by Subdivision of Lot 1 DP 462450, CFR 610141  
Easement A-F LT 464792 (108\* Otatarā Road)

SUB/2008/114, Subdivide land into 8 lots and Private Right-of-way  
Developers – S B Elton and G W Elton

Name of Right-of-way

**Kennedy Way** – ‘Kennedy’ maiden name of Sherry Elton, one of the owner/developers



**Invercargill City Council  
Environmental and Planning Services Directorate  
Approved Regulatory Services Committee .....  
Full Council adopted resolution .....**