

# **REVIEW OF INVERCARGILL CITY COUNCIL BYLAW 2008/1 – ENVIRONMENTAL HEALTH**

## **Statement of Proposal**

### **1. Introduction**

This is Council's Statement of Proposal as provided for by Section 83 of the Local Government Act 2002.

### **2. Review of Invercargill City Council Bylaw 2008/1 – Environmental Health**

Completing a review of the Invercargill City Council Bylaw 2008/1 – Environmental Health is the most appropriate way of enhancing the safety and welfare of the public by minimising nuisance and adverse environmental health effects caused to the community, as far as is practicable through legislative means. A regular review period allows for compliance with legislation as well as the opportunity for the community to have their say.

#### **What is the perceived problem to be addressed?**

Council needs to be able to regulate certain activities so that public health issues are addressed and that inappropriate behaviour is discouraged. If Council does not place controls on people who operate Mobile or Travelling Shops then the community may be purchasing items or services that can cause a nuisance, for example rubbish, and food stuffs that may not have been produced in accordance with other legislation. Council is often contacted by people who want a nuisance resolved, such as rubbish being stored on properties, reporting dead animals, harbourage for rats and vermin. If adopted, the most recent amendment to the Bylaw would allow for Council to ensure that all commercial businesses ensure that no public right of way is affected through their spouting or verandah issues that may result in causing nuisance, the harbourage of vermin or nesting of birds. Further, this Bylaw provides powers to enforce an alcohol ban. It is Council's experience that controlling the consumption of liquor and solvents in public places reduces anti-social behaviour.

#### **Is a Bylaw the most appropriate method of addressing the perceived problem?**

Bylaws have been a traditional method of addressing issues associated with health and anti-social behaviour. An alternative would be to use the Resource Management Act 1991 to address mobile shops and nuisance issues. It would, however, be difficult to view these issues as "significant" under the Act. There are also rights of appeal on enforcement matters which could result in a minor nuisance matter requiring considerable resources to resolve in front of the Environment Court. Further, a Bylaw is the only way to address the commercial building issue, if the amendment is introduced, as there are no existing methods through the Building Act 2004. This would put an onus on the building owner to ensure their verandahs and spoutings do not impinge on a persons access to a public right of way.

#### **What are the implications under the New Zealand Bill of Rights Act 1990?**

Council needs to be satisfied that the proposed Environmental Health Bylaw will not be inconsistent with this Act, that is, it imposes reasonable limits that can be reasonably justified in a free and democratic society. Case law suggests that permanent prohibition of certain activities that the community may wish to undertake may impose

unreasonable limits, for example prohibiting liquor being consumed in all public places throughout the district rather than within the Central Business District. Being able to regulate allows Council to make rules which have the intention of preventing or reducing anti-social behaviour as well as resolving nuisances and temporary land uses which have the potential to cause nuisance. People also have an expectation that local authorities will control and resolve nuisances.

### **3. Place for Inspection and Obtaining Copies**

The Statement of Proposal may be inspected at the Help Desk of the Invercargill City Council, 101 Esk Street, Invercargill, at the Bluff Service Centre, and at the Invercargill Public Library.

The Statement of Proposal may also be found on the Invercargill City Council website [www.icc.govt.nz](http://www.icc.govt.nz).

### **4. Submission Period**

Submissions are invited on the Statement of Proposal. Submissions must be received by Council no later than 5.00 pm on Friday 27 October 2017.

Submissions should clearly show the submitter's name, address, contact phone number and whether the submitter wishes to be heard by Council in support of their submission. (Submission forms can be obtained from all Council offices and libraries and on the Council's website [www.icc.govt.nz](http://www.icc.govt.nz)).

Submissions can be:

Posted to: Invercargill City Council  
Submission – Bylaw 2008/1 – Environmental Health  
Private Bag 90104  
INVERCARGILL 9840

Delivered to: Help Desk, Invercargill City Council, 101 Esk Street, Invercargill  
Bluff Service Centre, 98 Gore Street, Bluff

Online at: [www.surveymonkey.com/r/ehbylaw](http://www.surveymonkey.com/r/ehbylaw)

Faxed to: 03 211 1433

Emailed to: [policy@icc.govt.nz](mailto:policy@icc.govt.nz)