



NOTICE OF MEETING

**Notice is hereby given of the Meeting of the
Community Wellbeing and Regulatory Committee
In the Victoria Room,
Civic Theatre, 88 Tay Street,
Invercargill
on Tuesday 13 August 2024 at 3.00pm**

Cr D J Ludlow (Chair)
Mayor W S Clark
Cr R I D Bond
Cr P M Boyle
Cr S J Broad
Cr T Campbell (Deputy Chair)
Cr A H Crackett
Cr G M Dermody
Cr P W Kett
Cr I R Pottinger
Cr L F Soper
Cr B R Stewart
Rev E Cook
Mrs P Coote

Community Wellbeing and Regulatory Committee Agenda - Public

13 August 2024 03:00 PM

Agenda Topic	Page
1. Apologies	
2. Declaration of Interest	
a. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.	
b. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.	
3. Public Forum	
4. Minutes of the Community Wellbeing Fund Subcommittee Meeting held on 30 May 2024 (A5392498)	4
5. Minutes of the Community Wellbeing and Regulatory Committee Meeting held on 09 July 2024 (A5446871)	14
6. Minutes of the Southland Regional Heritage Committee held on Thursday 11 July 2024 (A5450809)	20
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8. Environmental Health Bylaw Adoption for Consultation (A5387754)	26
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Public Excluded Session

Moved , seconded that the public be excluded from the following parts of the proceedings of this meeting, namely:

- a) Minutes of the Public Excluded Session of the Community Wellbeing Fund Subcommittee Meeting Held on 30 May 2024.
- b) Minutes of the Public Excluded Session of the Southland Regional Heritage Committee Meeting Held on 11 July 2024.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
<p>a) Minutes of the Public Excluded Session of the Community Wellbeing Fund Subcommittee Meeting Held on 30 May 2024</p>	<p>Section 7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7</p>
<p>Minutes of the Public Excluded Session of the Southland Regional Heritage Committee Meeting Held on 11 July 2024</p>	<p>Section 7(2)(b) (ii) Protect Information where the making available of the information would likely unreasonably to prejudice the commercial position of the person who supplier or who is the subject of the information.</p>	<p>Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7</p>
	<p>Section 7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	

MINUTES OF COMMUNITY WELLBEING FUND SUBCOMMITTEE, HELD IN THE VICTORIA ROOM, CIVIC THEATRE, 88 TAY STREET, INVERCARGILL ON THURSDAY 30 MAY 2024 AT 1.00 PM

Present: Cr P M Boyle (Chair)
Cr R I Bond
Cr A H Crackett
Cr P W Kett
Cr L Soper
Mr N Burdon
Ms M Bartlett-McBride
Mrs A de Vries

In Attendance: Ms T Hurst – Group Manager – Community Engagement and Corporate Services
Ms G Crawford – Engagement and Partnerships Officer
Mrs T Amarasingha – Governance Advisor

1. Apologies

Cr Broad and Ms Smith

Moved Cr Bond, seconded Mrs de Vries and **RESOLVED** that the apologies be accepted.

2. Declaration of Interest

Cr Soper noted that she was a member of the Invercargill Repertory Society but she had no pecuniary interest to declare.

Mr Burdon declared a pecuniary interest for the SBS Tour of Southland 2024 application and he would abstain from the discussion and voting.

Moved Ms Bartlett-McBride, seconded Mr Burdon and **RESOLVED** that the declarations of interest be confirmed.

3. Minutes of the Community Wellbeing Fund Subcommittee Meeting Held on 21 March 2024

A5285091

Mr Burdon noted a correction to the Declaration of Interest section that, he had declared a financial interest for the Tour of Southland Application and that he was a family friend to Jade Ward as part of the Tutuki Trust Application.

Moved Cr Bond, seconded Ms Bartlett-McBride and **RESOLVED** that the minutes of the Community Wellbeing Fund Subcommittee meeting held on 21 March 2024 be confirmed with the above correction.

4. Minutes of the Extraordinary Community Wellbeing Fund Subcommittee Meeting Held on 20 May 2024

A5365793

Moved Cr Crackett, seconded Cr Soper and **RESOLVED** that the minutes of the Community Wellbeing Fund Subcommittee meeting held on 20 May 2024 be confirmed.

5. Financial Report for the Community Wellbeing Fund

A5361379

Ms Crawford presented the report and noted that the funding availability for this funding round would be \$79,510 after the discretionary fund allocation of \$20,000 towards the Bluff Oyster and Food Festival.

Moved Mr Burdon, seconded Cr Soper and **RESOLVED** that the Community Wellbeing Fund Subcommittee:

1. Receives the report "Financial Report for the Community Wellbeing Fund" for the last two months ended 30 April 2024.
2. Receive Appendix 1 – Financial Report Detail as of 30 March 2024 (A5361383).

6. Public Excluded Session

Moved Cr Boyle, seconded Cr Bond and **RESOLVED** that the public be excluded from the following parts of the proceedings of this meeting, namely:

- (a) Minutes of the Public Excluded Session of the Community Wellbeing Fund Subcommittee Held on 21 March 2024
- (b) Minutes of the Public Excluded Session of the Extraordinary Community Wellbeing Fund Subcommittee Held on 20 May 2024
- (c) Accountability Report 39 - Graeme Dingle Foundation Southern - Programme Delivery in Invercargill
- (d) Accountability Report 40 - Year 2 - Southern Steam Trust - Restoration of Locomotive F150
- (e) Accountability Report 41 - Jubilee SuperGrans Limited - Life Skills Workshops 2023 – 2024
- (f) Accountability Report 42 - Jubilee Budget Advisory Service Ltd - Jubilee Budget Advisory Services 2023-2024
- (g) Accountability Report 43 - Heritage South - 2024 Southland Heritage Month
- (h) Correspondence 1 - Victim Support - Letter of Thanks
- (i) Correspondence 2 - Takahoa Community Trust - Letter of Thanks
- (j) Ranked Summary of Incoming Applications – 2023/24 – Round 6
- (k) Assessment Scoring of Applications
- (l) Hearing Timetable
- (m) Funding Application 70 - Invercargill Garrison Band Society - IGB 150 Year History
- (n) Funding Application 77 - KiwiHarvest - Rescuing Food and Distributing to Local Charities
- (o) Funding Application 85 - YMCA of Invercargill Charitable Trust - The Great Y Carnival
- (p) Funding Application 82 - Tutura Charitable Trust - Matariki @ ILT Stadium
- (q) Funding Application 74 - Re:Woven Therapy Charitable Trust - Pasifika Womens Healing Collective

- (r) Funding Application 75 - Multiyear - Cycling Southland - SBS Tour of Southland 2024 – 2026
- (s) Funding Application 65 - Southern Mustang Club - Southern Muster 45th National Mustang Convention
- (t) Funding Application 76 - Graeme Dingle Foundation - Programme Delivery in Invercargill
- (u) Funding Application 72 - ET Patchwork Circle - ET Patchwork Circle
- (v) Funding Application 78 - Arts Murihiku - Running an Arts Space (MULTIYEAR)
- (w) Funding Application 84 - City of Invercargill Highland Pipe Band - Royal New Zealand Pipe Band Assn 2025 National Championships
- (x) Funding Application 68 - Insert Coin to Play Charitable Trust- GG MURIHIKU - (Good Game)
- (y) Funding Application 71 - Koha Kai - Rangatahi Rangatira
- (z) Funding Application 67 - Invercargill Musical Theatre - Mamma Mia
- (aa) Funding Application 69 - Southland Social Sciences Fair - Southland Social Sciences Fair (MULTIYEAR)
- (bb) Funding Application 73 - Invercargill Repertory Society - Building Alterations and Compliance Upgrade
- (cc) Funding Application 79 - Jubilee SuperGrans - Life Skills Workshop
- (dd) Funding Application 80 - Jubilee Budget Advisory Services - Jubilee Budget Advisory Service
- (ee) Funding Application 81 - Chamber Music New Zealand - 2024 CMNZ Series in Invercargill
- (ff) Funding Application 83 - English Language Partners Southland - English Language Classrooms and Centre Rent
- (gg) Funding Application 86 - Otago Museum Trust Board - Te Mana o Te Ha - Vape/Smokefree Science Showcase
- (hh) Funding Application 87 - Greenlight Innovations - Community Leaders Mentoring Programme
- (ii) Funding Application 88 - AREC Southland - Southland AREC Communications Support Vehicle Project
- (jj) Deliberations and Resolutions

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

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(a) Minutes of the Public Excluded Session of the Community Wellbeing Fund Subcommittee Held on 21 March 2024	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(b) Minutes of the Public Excluded Session of	Section 7(2)(i)	Section 48(1)(a)

<p>the Extraordinary Community Wellbeing Fund Subcommittee Held on 20 May 2024</p>	<p>To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.</p>
<p>(c) Accountability Report 39 - Graeme Dingle Foundation Southern - Programme Delivery in Invercargill</p>	<p>Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.</p>
<p>(d) Accountability Report 40 - Year 2 - Southern Steam Trust - Restoration of Locomotive F150</p>	<p>Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.</p>
<p>(e) Accountability Report 41 - Jubilee SuperGrans Limited - Life Skills Workshops 2023 – 2024</p>	<p>Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.</p>
<p>(f) Accountability Report 42 - Jubilee Budget Advisory Service Ltd - Jubilee Budget Advisory Services 2023-2024</p>	<p>Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.</p>
<p>(g) Accountability Report 43 - Heritage South - 2024</p>	<p>Section 7(2)(i) To enable any local organisation holding the</p>	<p>Section 48(1)(a) That the public conduct of this item would be likely to</p>

Southland Heritage Month	information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	result in the disclosure of information for which good reason for withholding would exist under Section 7.
(h) Correspondence 1 - Victim Support - Letter of Thanks	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(i) Correspondence 2 - Takahoa Community Trust - Letter of Thanks	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(j) Ranked Summary of Incoming Applications – 2023/24 – Round 6	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(k) Assessment Scoring of Applications	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(l) Hearing Timetable	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good

	disadvantage, negotiations (including commercial and industrial negotiations).	reason for withholding would exist under Section 7.
(m) Funding Application 70 - Invercargill Garrison Band Society - IGB 150 Year History	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(n) Funding Application 77 - KiwiHarvest - Rescuing Food and Distributing to Local Charities	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(o) Funding Application 85 - YMCA of Invercargill Charitable Trust - The Great Y Carnival	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(p) Funding Application 82 - Tuturu Charitable Trust - Matariki @ ILT Stadium	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(q) Funding Application 74 - Re:Woven Therapy Charitable Trust - Pasifika Womens Healing Collective	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.

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| | commercial and industrial negotiations). | |
| (r) Funding Application 75 - Multiyear - Cycling Southland - SBS Tour of Southland 2024 – 2026 | Section 7(2)(i)
To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). | Section 48(1)(a)
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| (s) Funding Application 65 - Southern Mustang Club - Southern Muster 45th National Mustang Convention | Section 7(2)(i)
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| (t) Funding Application 76 - Graeme Dingle Foundation - Programme Delivery in Invercargill | Section 7(2)(i)
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| (u) Funding Application 72 - ET Patchwork Circle - ET Patchwork Circle | Section 7(2)(i)
To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). | Section 48(1)(a)
That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7. |
| (v) Funding Application 78 - Arts Murihiku - Running an Arts Space (MULTIYEAR) | Section 7(2)(i)
To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). | Section 48(1)(a)
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| (w) Funding Application 84 - City of Invercargill Highland Pipe Band - Royal New Zealand Pipe Band Assn 2025 National Championships | Section 7(2)(i)
To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). | Section 48(1)(a)
That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7. |
| (x) Funding Application 68 - Insert Coin to Play Charitable Trust-GG MURIHIKU - (Good Game) | Section 7(2)(i)
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| (y) Funding Application 71 - Koha Kai - Rangatahi Rangatira | Section 7(2)(i)
To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). | Section 48(1)(a)
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| (z) Funding Application 67 - Invercargill Musical Theatre - Mamma Mia | Section 7(2)(i)
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| (aa) Funding Application 69 - Southland Social Sciences Fair - Southland Social Sciences Fair (MULTIYEAR) | Section 7(2)(i)
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That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7. |

(bb) Funding Application 73 - Invercargill Repertory Society - Building Alterations and Compliance Upgrade	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(cc) Funding Application 79 - Jubilee SuperGrans - Life Skills Workshop	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(dd) Funding Application 80 - Jubilee Budget Advisory Services - Jubilee Budget Advisory Service	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(ee) Funding Application 81 - Chamber Music New Zealand - 2024 CMNZ Series in Invercargill	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(ff) Funding Application 83 - English Language Partners Southland - English Language Classrooms and Centre Rent	Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(gg) Funding Application 86 - Otago Museum	Section 7(2)(i)	Section 48(1)(a)

	<p>To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.</p>
<p>(hh) Funding Application 87 - Greenlight Innovations - Community Leaders Mentoring Programme</p>	<p>Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.</p>
<p>(ii) Funding Application 88 - AREC Southland - Southland AREC Communications Support Vehicle Project</p>	<p>Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.</p>
<p>(ii) Deliberations and Resolutions</p>	<p>Section 7(2)(i) To enable any local organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.</p>

There being no further business, the meeting finished at 4.09 pm.

MINUTES OF THE COMMUNITY WELLBEING AND REGULATORY COMMITTEE, HELD IN THE VICTORIA ROOM, CIVIC THEATRE, 88 TAY STREET, INVERCARGILL ON TUESDAY 9 JULY 2024 AT 3.00 PM

Present: Cr D J Ludlow
Cr S J Broad
Cr T Campbell
Cr P W Kett
Cr L F Soper
Cr B R Stewart
Rev E Cook – Māngai – Waihōpai
Mrs P Coote – Kaikaunihera Māori – Awarua

In Attendance: Mr M Day – Chief Executive
Ms E Moogan – Group Manager – Infrastructure
Mrs P Christie – Group Manager – Finance and Assurance
Mrs T Hurst – Group Manager – Community Engagement and Corporate Services
Mr R Capil – Group Manager – Community Spaces and Places
Mr J Shaw – Group Manager - Consenting and Environment
Mr A Cameron – Chief Risk Officer
Ms L Knight – Manager – Strategic Communications
Mr G Caron – Digital and Communications Advisor
Ms A McDowell – Corporate Analyst
Ms D Carson – Community Activator
Ms A Duncan – Manager – Planning and Building Services
Ms C Rain – Manager- Parks and Recreation
Mr D Rodgers – Strategic Asset Planning
Ms M Sievwright – Senior Executive Support
Mrs L Cook – Executive Support

1. Apologies

Mayor W S Clark, Cr Bond, Cr Crackett, Cr Pottinger, Cr Dermody, Cr Boyle.

Moved Cr Soper, seconded Rev Cook and **RESOLVED** that the apologies be accepted.

2. Declaration of Interest

Nil.

3. Public Forum

Nil.

4. Minutes of the Community Wellbeing and Regulatory Committee Meeting held on Tuesday 11 June 2024

A5398311

Moved Cr Campbell, seconded Cr Kett and **RESOLVED** that the Minutes of the Community Wellbeing and Regulatory Committee meeting held on Tuesday 11 June 2024 be confirmed.

5. Minutes of the District Licensing Committee – June 2024

A5439301

Moved Cr Ludlow, seconded Cr Soper (proforma) and **RESOLVED** that the Minutes of the District Licensing Committee – June 2024 be received.

6. 2024 Youth Council Update

A5404327

Ms Adina McDowell and Ms Danielle Carson presented the report.

Youth Council were halfway through the year. It was noted the Block Takeover Youth Festival was a success, with 400 youth attendees. There had been a play strategy workshop where youth councillors could share where there could be improvements or what they liked about the city. There were four sub-committees set which had 12 weeks to progress their projects.

It was noted that as a result of the recent disestablishment of the Ashburton Youth Council, Invercargill City Council Youth Councillors signed on to a letter addressed to elected members to advocate for the support and recognition of Youth Council.

A query was raised around the play strategy and 'bumping spaces'. Bumping spaces were places youth typically liked to hangout. Discussions came about that if they had more bathrooms and Wi-Fi that youth would be more likely to stay in those places for longer.

There was a query around the safety aspect of the youth wanting more Wi-Fi. It came back to accessibility, location services to link back to friends and family to give youth independence to feel safe doing so.

A query was raised around the busking area issue and if it was something the committee could formally pick up. It was noted this would be a policy. A suggestion was made to work in conjunction with other committees to proceed.

Noted the Youth Council were inspiring with the work they were doing. It was noted they were valued as a voice.

There was a query around the commitment of the future for Youth Council. It was funded through the Annual Plan. To secure a three-year term the correct mechanism were through the Long-term Plan but it could be corrected through the Annual Plan. The principle was supported through the Long-term Plan and Council could reconfirm their commitment each year through the Annual Plan.

Moved Cr Broad, seconded Cr Campbell and **RESOLVED** that the Community Wellbeing and Regulatory Committee:

1. Receives the report "2024 Youth Council Update".
2. That the committee confirm the commitment to the continuation of youth council through this triennium and recognise that funding provision is made for 10 years through the long-term plan.

7. Active Communities Fund 2023 – 2024 Update

A5417777

It was noted that Cr Soper and Cr Ludlow had an interest.

It was noted this was a process Council used to administer which Council had passed over to Active Southland. In their efforts to assist Council they did not allow for what it cost to administer the fund; the suggestion was \$10,000 per year be used to cover off these costs.

Moved Cr Soper, seconded Cr Campbell and **RESOLVED** that the Community Wellbeing and Regulatory Committee:

1. Receives the report "Active Communities Fund 2023 – 2024 Update".
2. That the committee endorse Active Southland receiving a \$10,000 management fee from this fund.

8. Community Wellbeing Fund Review – Update to Framework and Frequency

A5417867

Ms Adina McDowell spoke to the report.

A query was raised around the framework and the focus of the City Centre, and the fund being extended to Bluff. It was confirmed it did extend to Bluff. Although the committee looked for projects in the CBD, there was no reason why the heart of the city did not include Bluff. The funds were restricted to the Invercargill City Council boundary and the Communications team could ensure the funding rounds were well advised to get the community engagement.

It was noted Bluff was not mentioned in the framework and it was in some ways devaluing other parts of the city over the CBD. The feedback would be taken back to the Community Wellbeing Fund Subcommittee for review.

Moved Cr Campbell, seconded Rev Cook and **RESOLVED** that the Community Wellbeing and Regulatory Committee:

1. Receives the report "Community Wellbeing Fund Review – Update to Framework and Frequency".

2. Notes the Community Wellbeing Fund Committee agreed to not hold a round closing date in January and effectively run five rounds for the Community Wellbeing Fund in the 2024-2025 year. Discretionary rounds will still remain an option as usual.
3. Notes the Community Wellbeing Fund Subcommittee's Advice under Fund Operation Review and Options below.
4. Adopts the updated Community Wellbeing Fund Framework (A4996567).
5. Notes recruitment will take place for a new youth community representative for the committee, following a resignation.

9. Managing Neglected Buildings

A5430476

Ms Anne Duncan presented the report.

It was noted there was a table at the end of the report which showed the regulatory requirement through to non-regulatory requirements scale.

A query was raised around whether staff could be asked to develop a feasibility of non-regulatory options on neglected buildings. Noted the support for a workshop, noting it would require additional resourcing.

Moved Cr Campbell, seconded Cr Ludlow and **RESOLVED** that the Community Wellbeing and Regulatory Committee:

1. Receives the report "Managing Neglected Buildings".
2. Council workshops the feasibility of non-regulatory options for addressing neglected buildings.

10. Bluff Hill Motupōhue Active Recreation Precinct – Proposed Trail Names and Park Name

A5403480

Mr Chris Bowen spoke to the report.

Moved Cr Campbell, seconded P Coote and **RESOLVED** that the Community Wellbeing and Regulatory Committee:

1. Receives the report "Bluff Hill Motupōhue Active Recreation Precinct – Proposed Trail Names and Park Name".
2. Acknowledges the Bluff Community Board Resolution from 10 June 2024:

"Moved Mr Graham, seconded Cr Dermody that the Bluff Community Board:

1. *Receives the report "Bluff Hill Motupōhue Active Recreation Precinct – Proposed Trail Names and Park Name".*
2. *Provides feedback on the proposed trail names and park name."*
3. Notes the proposed park name as "Motupōhue Adventure Park"
4. Notes the proposed trail names in attachment 1.

11. Donovan Park Masterplan

A5256783

Ms Cassandra Horton and Mr Chris Bowen presented the report.

It was noted the Masterplan reflected the emerging themes displayed from consultation.

It was noted Council had in the past contemplated whether the east end of the farm is usefully used, if they approved the masterplan which projected it would be a park for the next 30 year, it may be morally conflicting. There was no regulatory requirement to have a masterplan.

It was noted the two could be reconciled from the Draft Implementation Plan (5. D.) which states alternative land use. Staff had highlighted that they are looking at the possibility of some or all being surplus to requirement.

A query was raised that the layout was giving a clear idea of the potential of events use, was this an open space that if community was aware of, they would see there was more options for the land use. It was for the public to confirm what they preferred Council to do. After submissions Council could make other decisions.

Noted that the recommendation 6 was a recommendation to adopt the Donovan Park Masterplan for consultation.

A query was raised around the consultation process of how did Council make clear Donovan Park was larger than the public perceived. It was not captured that some of the unknown variables to the community.

Noted Donovan Park clearly had a preferred used. If it was adopted it was perceived Council was supporting what was in the masterplan. By adopting the masterplan, Council were adopting it would remain a reserve for the next 30 years.

Noted to change the recommendation six to "adopting the draft Masterplan".

It was noted it was heading towards predetermination.

A query was raised around additional maps to be used in consultation to consider where the potential housing development was possible.

During the consultation, housing was a hot topic and housing was front and centre of those consultations. There were maps included to promote heading in that direction.

It was noted the Donovan Park Masterplan was a reflection of the outcomes from consultation. Recommendation eight allowed staff to bring a report back to Council regarding housing development, concurrently.

Moved Rev Cook, seconded Cr Soper and **RESOLVED** that the Community Wellbeing and Regulatory Committee:

1. Receives the report "Donovan Park Masterplan".
2. Receives feedback which was provided as part of the information gathering process September 2023 – December 2023 (Attachment 2).
3. Receives all submissions and summary of submissions on the developing themes from 29 February – 2 April 2024. (Attachments 3 and 4).
4. Acknowledges the draft implementation plan (Attachment 6) contains actions that will be progressed to deliver the masterplan outcomes in stages and included in the Donovan Park Reserve Management Plan 2012 update.
5. Acknowledges the Agriculture and Event areas, are areas with the highest potential for alternate land use, including residential housing.

Moved Cr Soper, seconded P Coote and **RESOLVED** that the Community Wellbeing and Regulatory Committee:

Recommends that Council:

6. For public consultation to be undertaken, council adopts the draft Donovan Park Masterplan (Attachment 1) and Draft Implementation Plan (Attachment 6).
7. Approves the review of the Donovan Park Reserve Management Plan 2012 two-step public notification process, beginning with Step 1 which will occur 3 August – 4 September 2024.
8. Supports initiating the process to consider the Agriculture and Events areas for land uses, including residential housing.

There being no further business, the meeting finished at 4.28 pm.

**MINUTES OF THE SOUTHLAND REGIONAL HERITAGE COMMITTEE, HELD IN THE COUNCIL
CHAMBER, GORE DISTRICT COUNCIL ON
THURSDAY 11 JULY 2024 AT 10.08 AM**

Present: Cr P Duffy (Chair)
Cr Soper
Cr Menzies
Cr N Phillips
Cr B Reid
Rev E Cook

In Attendance: Ms D Lascelles - CE - Gore District Council
Mr R Capil - Group Manager - Community Spaces and Places (ICC)
Mr J Cappie - Community Relations Manager (SDC)
Ms E Wallace - Director Te Unua Museum of Southland
Mr J Geddes - Advisor (GDC)
Ms J Massey - Roving Museum Officer (SDC)
Mrs K Simmonds - Accounting Technician (ICC)
Mrs B Affleck - Fund Administration Officer (Great South)
Mrs T Amarasingha - Governance Advisor (ICC)

Started the meeting with Karakia.

1. Apologies

Cr Stewart

Moved Cr Reid, seconded Cr Soper and **RESOLVED** that the apology be accepted.

The Chair welcomed Ms Debbie Lascelles - Chief Executive of Gore District Council and Ms Eloise Wallace - Director Te Unua Museum of Southland.

2. Declaration of Interest

Nil.

**3. Minutes of the Southland Regional Heritage Committee Meeting Held on
10 May 2024**

A5352950

Moved Cr Soper, seconded Rev Cook and **RESOLVED** that the Minutes of the Southland Regional Heritage Committee Meeting held on 10 May 2024 be confirmed.

4. Southland Regional Heritage Committee Funding Report 1 May 2024 – 30 June 2024

A5439756

Mrs Kathleen Simmonds presented the report.

She requested a correction to the minutes of the Committee meeting held on 10 May 2024 as below:

On page 5 of the agenda, under the heading of "4. Financial Reports for Southland Regional Heritage Committee," the date "May 2024" should be corrected to "June 2024".

Mrs Simmonds noted that under the Administration Fund the Committee had committed to support the Roving Museum Officer role until March 2027.

Moved Cr Soper, seconded Cr Reid and **RESOLVED** that the Southland Regional Heritage Committee:

1. Receives the report "Southland Regional Heritage Committee Funding Report 1 May 2024 – 30 June 2024".
2. Receives Funding Report form 1 May 2024 to 30 June 2024 (Appendix1).

5. Regional Resources – Lottery Grants Update

The Committee receives the report.

It was noted that the funding application to the Lotteries Grant Board was assessed and had been granted \$125,000 for 2024/25, and the opportunity to reapply was provided for 2025/26. The Committee acknowledged the grant approval from the Lotteries Grants Board.

The Chair noted that the letter from the Mayoral Forum to the Lotteries Grants Board had been sent. He said the letter from this Committee to the Lotteries Grants Board had not been sent yet. The Committee discussed and agreed to send a letter thanking them for the funding approval and also including the importance of their continued funding support.

In response to a query about the impacts of the reduction of \$50,000 from the funding request to Lotteries Grants, Mr Geddes said that it would impact activities and there would be a reduction of activities,

Moved Rev Cook, seconded Cr Reid and **RESOLVED** that the Southland Regional Heritage Committee:

1. Receives the report "Regional Resources – Lottery Grants Update".
 - a) Approve an application to the New Zealand Lottery Grants Board Environment and Heritage Fund (Round 2) for 2025/2026

6. Public Excluded Session

Moved Rev Cook, seconded Cr Menzies that the public be excluded from the following parts of the proceedings of this meeting; namely

- (a) Minutes of the Public Excluded Session of the Southland Regional Heritage Committee held on 10 May 2024
- (b) Digitisation Update

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
(a) Minutes of the Public Excluded Session of the Southland Regional Heritage Committee meeting held on 10 May 2024	<p>Section 7(2)(a) To Protect the privacy of natural persons, including that of deceased natural persons</p> <p>Section 7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
(b) Digitisation Update	Section 7(2)(b) (ii) Protect information where the making available of the information would likely unreasonably to prejudice the commercial position of the person who supplier or who is the subject of the information.	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7

7. General Business

Mr Jim Geddes informed the Committee that the Funding application to Community Trust South regarding the Roving Museum Officer Role was successful.

There being no further business, the meeting finished at 11.31 am.

MINUTES OF THE DISTRICT LICENSING COMMITTEE – JULY MEETINGS 2024

Present: Cr Darren Ludlow
Ms Catherine Howard

1. Manager - New Certificate - Approved by DLC Chair Cr Ludlow

- 1.1 IDLC 105/2024 – Approved 11 July 2024
- 1.2 IDLC 34/2024 – Approved 18 July 2024
- 1.3 IDLC 127/2024 – Approved 25 July 2024

2. Manager – Renewal of Certificate - Approved by DLC Chair Cr Ludlow

- 2.1 IDLC 2024/142/2015 – Approved 04 July 2024
- 2.2 IDLC 2024/108/2015 – Approved 11 July 2024
- 2.3 IDLC 2024/149/2023 - Approved 11 July 2024
- 2.4 IDLC 2024/149/2023 - Approved 11 July 2024
- 2.5 IDLC 2024/99/2024 – Approved 18 July 2024

3. Special Licences - Approved by DLC Chair Cr Ludlow

- 3.1 The Church 1914 – IDLC 109/2024 – Approved 04 July 2024
- 3.2 St Andrew’s Scottish Society of Southland and Burn’s Club – IDLC 93/2024 - Approved 04 July 2024
- 3.3 Rugby Southland Supporters Club – Note the Duty Manager for this event is a DLC member but has no input in this decision – IDLC 118/2024 - Approved 11 July 2024
- 3.4 Waverly Bowling Club – IDLC112/2024 - Approved 11 July 2024
- 3.5 Squash City Invercargill – IDLC 107/2024 - Approved 11 July 2024
- 3.6 Rugby Southland – IDLC 108/2024 - Approved 11 July 2024
- 3.7 Marist Brothers RFC – IDLC 128/2024 – Approved 19 July 2024
- 3.8 Bluff RFC – IDLC 124/2024 – Approved 19 July 2024
- 3.9 Ascot Park Racecourse Consortium – IDLC 199/2024 - Approved 25 July 2024

3.10 Kew Bowling Club – IDLC 117/2024 – Approved 25 July 2024

4. Licence Renewal - Approved by DLC Chair Cr Ludlow

4.1 IDLC 2024/113/2023 – Renewal of On Licence – Approved 04 July 2024

4.2 Southend United – renewal of Club Licence – Approved 11 July 2024

4.3 Corinthian Convention Centre – renewal of On Licence – Approved 19 July 2024

5. Other Business

04 July 2024

- The Church 1914.
- Rugby Park and permission on behalf of owner.
- RadDad.
- Times Long Past discussion.

11 July 2024

- Transport World and Classic Motorcycle Mecca.
- Waihōpai AFC.
- Waihōpai Bowling Club.
- Tillerman's Restaurant compliance inspection.
- HATA Meeting on 18 July 2024 Spey Street.

19 July 2024

- Amendment to issued Special Licence for Rugby Southland Incorporated.73/SPL/108/2024 approved 17 July 2024.
- Ronald McDonald Fundraising event at the Church 1914 is cancelled.
- ILT renewal licences have been submitted.
- Southland Crematorium and alcohol policy.

25 July 2024

- Amendment to issued Special Licence 73/SPL/65/2024 for Art Attic Gallery.
- Discussion Bluff Oyster Festival.
- Discussion Thai Thai Invercargill – new owner.
- Discussion HATA group.
- Discussion Waihōpai AFC and Stand issues

ENVIRONMENTAL HEALTH BYLAW ADOPTION FOR CONSULTATION

To: Community Wellbeing and Regulatory Committee

Meeting Date: Tuesday 13 August 2024

From: Gillian Cavanagh, Manager- Environmental Services

Approved: Jonathan Shaw - Group Manager - Consenting and Environment

Approved Date: Wednesday 7 August 2024

Open Agenda: Yes

Purpose and Summary

This report provides the Community Wellbeing and Regulatory Committee with the opportunity to adopt the amended draft Environmental Health Bylaw for consultation.

Recommendations

That the Community Wellbeing and Regulatory Committee:

1. Receives the report "Environmental Health Bylaw Adoption for Consultation".
2. Notes the proposed amendments are as follows:
 - a. Amended definition of "Nuisance".
 - b. Addition of the following definitions:
 - i. "Private property".
 - ii. "Material or Things".
 - iii. "Overgrown vegetation".
 - iv. "Licensed Premises".
 - v. "Licensee".
 - vi. "Home based business".
 - vii. "Owner(s)".
 - viii. "Occupier(s)".
 - c. Addition of specific conditions to Section 2.3.
 - d. Specifies that each application will be considered on a case-by-case basis under section 2.4.
 - e. Replaces references to "Rural Sub Zone" with "Rural Zone".
 - f. Addition of a new provision that specifies that mobile trading is allowed in permitted locations on successful completion of the application for mobile trading under section 2.11.

- g. Reduction of the trading limit between mobile trading and a permanent commercial business that sells the same products from 300m to 100m under 2.11 (b)(iii) of the proposed Bylaw.
 - h. Specifying the mandatory compliance requirement for both conditions 2.11 (b)(iii) before undertaking mobile trading.
 - i. Amend selection 2.11(b) of Council's current bylaw to allow mobile trading to remain stationary as required for the transaction of business with customers, and shall remain stationary on any site as permitted in their Mobile trading licence issued by Council.
 - j. Amend section 2.11 to add a provision that specifies the conditions prescribed under 2.11(b)(iii) will not refer to home-based businesses.
 - k. Addition of a new section to Part 2- section 2.12 "pre-approved locations for food trucks".
 - l. Addition of criterion to section 2.14 that may lead to the revocation of a mobile trading license.
 - m. Addition of alcohol ban area maps to Part 3 of the Bylaw.
 - n. Minor amendments to Part 3 to clarify Council's and Police's powers under Part 3 of the bylaw.
 - o. Removal of references to abandoned vehicles and untidy buildings from Part 5 of the current bylaw.
 - p. Amended section 5.2 (a) and 5.2(b) to describe the bylaw response to "Materials or Things" and overgrown vegetation, long grass, and noxious plants with the creation of a nuisance, and
 - q. Update the process of appeal and the creation of an offence and penalties under the bylaw.
3. Adopts the amended draft Environmental Health Bylaw for Consultation (A5312190), and
 4. Delegates a hearings and deliberation panel (three Councillors and/or Mana Whenua representatives) for the hearings and deliberation to be held on 15 October 2024.

Background

The Environmental Health Bylaw 2017 is made by Invercargill City Council under the Health Act 1956 and the Local Government Act 2002. It is formulated to enhance 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 legislation.

This bylaw creates and administers regulations of mobile trading (including food trucks), alcohol ban areas, solvent abuse, untidy sections and disused materials or things (including vehicles) within Invercargill City District with enforcement delegated to Council.

This report outlines proposed recommendations for amendments to the Parts of the bylaw, intended to refine its compliance, enforcement, and monitoring provision within resourcing practicalities. The amendments proposed do not have major implications for Council's current administration under the Environmental Health Bylaw, however, the proposed changes will strengthen its operational provisions and provide clarity to its application.

The Environmental Health Bylaw 2017 is not due for review till 2027 and the amendments proposed are recognised as of relatively low in significance, however, it is recommended to make the amendments now to enable Council to better perform its delegation under the Bylaw to ensure community safety, social and environmental welfare within Invercargill City

District. It is appropriate to update the rules on mobile trading including food trucks which are currently not practical for enforcement and are out of alignment with community preferences for food trucks indicated through recent community engagement.

Council have received a number of Request for Service (RFS) under the current bylaw. The majority were about Part 5 of the current bylaw which addresses untidy buildings, sections, and abandoned vehicles. 568 RFS were received between 2017 and 2024, and Council has actioned 949 inspections in response. It is to be noted that some RFS require multiple inspections to resolve the issue.

Council have received five RFS under Part 2 Mobile Trading, two RFS under Part 3 Alcohol Ban Area and no RFS under Part 4 Solvent Abuse. Council have responded to all those RFS received.

Issues and Options

Analysis

The rules on food trucks within Part 2 of the Environmental Health Bylaw are currently not being fully enforced due to misalignment with what has arisen as being practical, particularly in relation to the length of time a mobile trader (including a food truck operator) can stay at a particular location.

The legal risk is assessed as being low in significance but it is preferred to correct this information and take the opportunity to make other improvements to support food truck operations by nominating key areas for food trucks, tidying up the other Parts of the bylaw to improve its communication and removing provisions from Part 5 which have been identified as most appropriate to be dealt with through other Council policies and legislation.

Part 2: Mobile Trading

a) All mobile trading.

The purpose of this Part is to license and control mobile trading in public places defined in the draft bylaw under Council's administration. It is perceived that without Council's administration, the operation of mobile trading may lead to potential nuisance to public health as defined in section 29 of the Health Act 1956, non-compliance with the Food Act 2014 and adverse effects on road safety.

Part 2 of the bylaw requires all persons engaging in mobile trading to obtain Council's mobile trading license under Council's bylaw and comply with the conditions recorded on the issued license. If their operation involves the trading of food, then Council's food licenses are also required.

Currently, enforcement elements of this Part that relate to food trucks are not being fully enforced due to misalignment with what has arisen as being practical, particularly about the length of time food trucks can stay under section 2.11(b) of the current bylaw. This provision does not allow mobile traders including food truck operators to remain stationary in any public place and/ or road except during the transaction of business with customers and in any case, shall not remain stationary on any one site for a period more than two hours, nor stand on any one site more than twice in any eight-hour period. This condition is reflected in the license

issued by Council to mobile traders and food truck operators, failure to comply with this condition may lead to the potential revocation of their license.

Council acknowledges this condition as being an obstacle for mobile trading especially food truck operators to conduct their business and in practice, it is difficult to monitor and determine the non-compliance with 2.11(b) of the current bylaw due to the variable nature of transactions of businesses between customers and mobile traders including food truck operators. This provision exceeds the practicality for Council's enforcement officers to ensure compliance within resources allocated for monitoring of such activities.

In response to this issue, officers recommended amending section 2.11 (b) of the current bylaw to remove the time limitation to which a mobile trading can stay at any public place and/ or road to conduct transactions of their business.

This amendment will be section 2.11 (c) of the draft proposed bylaw and will be read as:

"The Licensee or operator of any Mobile Trading shall remain stationary as required for the transaction of business with customers and shall remain stationary on any site as permitted in their Mobile Trading licence issued by Council."

A Licensee in the proposed bylaw means "a person and/or a company who holds a licence issued by Council".

Officers also identified an issue with section 2.11 (a) (iii)- Environmental Health Restricted Areas. The current bylaw requires a 300m distance between a permanent commercial business and mobile trading that sells the same products **OR** must be 50m away from any intersection or pedestrian crossing where people visiting the site may be placed in danger. The 300m is a distance buffer established between a mobile trader and a permanent commercial business that sells the same products and was intended to prevent any negative implications to a permanent commercial business that is within the 300m proximity with a mobile trader selling the same products. The current Bylaw is worded to provide an alternative to compliance with this requirement that is if the mobile trader is 50m away from any intersection or pedestrian crossing¹, the 300m trading limit requirement becomes inapplicable. This is an issue identified as compliance to both conditions of section 2.11(a)(iii) which is required to prevent potential negative implications to permanent commercial businesses and ensure public safety. It is recommended to amend the wording to Section 2.11(a)(iii) of the current Bylaw to specify that both conditions under this section must comply when undertaking mobile trading including food truck operations. The proposed compliance to both conditions will significantly decrease spatial occupancy to which food trucks can be established within Invercargill City District. To negate this issue, it is recommended to reduce the 300m trading limit to 100m noting the compliance to the 50m distance from intersections or pedestrian crossing.

It is important to note that the amended condition will not apply to home-based businesses as they are seen as lacking sufficient commercial frontage to be deemed as negatively being affected by mobile trading including food trucks selling the same product. This exemption is recommended to be specified in the proposed bylaw as section 2.11(c).

A home-based business in the amended bylaw means "means any commercial or non-commercial business or profession which is undertaken from the home(s) of any owner(s) and/ or occupier(s) and in keeping with the District Plan rules for Home based business have limited street visibility."

¹ Consideration under Council's Roading and Traffic Bylaw

Council will retain its reactive approach towards ensuring compliance and enforcement under this Part. Council will respond to any complaints received under this bylaw and/ or any other applicable legislation.

b) Pre-approved locations for Food trucks.

Due to the community's interest in having more food trucks in Invercargill City District, Council decided to review its overall process for food trucks early last year. The review was intended to better facilitate the establishment and operation of food trucks, primarily on when, where, and how food trucks can operate in the Invercargill City District. To support this decision Council agreed to develop pre-approved locations for food trucks (as shown in the figures below). The locations will be a supplementary element intended to support Part 2 Mobile Trading of Council's proposed Environmental Health Bylaw. Officers recommend informing the pre-approved locations for food trucks through a new section under Part 2 of the Bylaw.

This proposed section will be supported by improved online information and streamlined processes, amending some aspects of Council 's current approach to receiving, evaluating, and processing mobile trading licences for food trucks to make it more streamlined and user-friendly.

The potential implications to permanent commercial businesses that sell the same product as a food truck were considered when identifying these locations. The implications of this issue will be further considered accordingly as Council receives applications to utilise the proposed pre-approved locations. All food truck operators who wish to utilise these locations must apply to Council and must adhere to all appropriate conditions of the Roading and Traffic Bylaw 2022, Footpath Management Policy, the Food Act 2014, and the Health Act 1956.

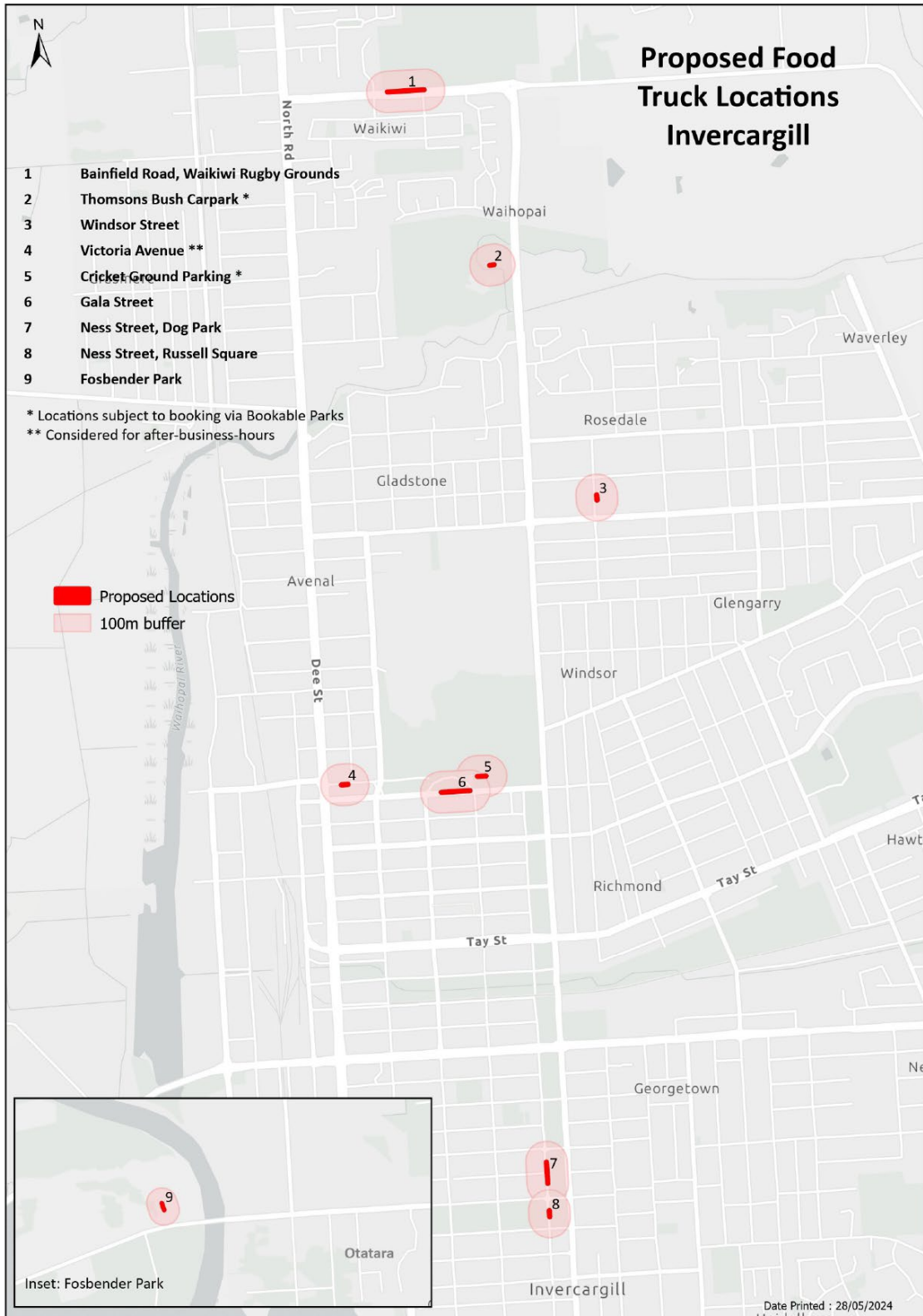


Figure 1: Proposed locations for food trucks in Invercargill

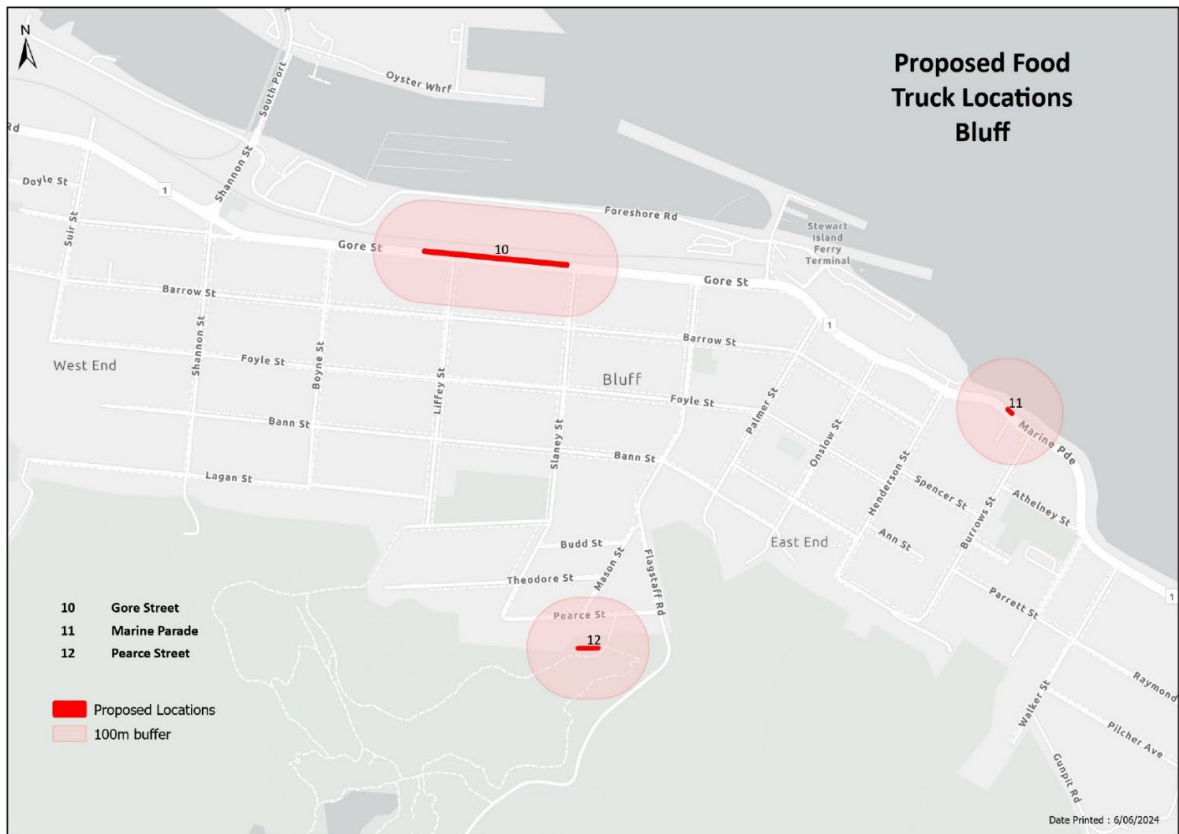


Figure 2: Proposed locations for food trucks in Bluff

c) Existing pre-approved locations for mobile trading with Council's Parks and Reserves.

Council currently has a pre-approved list of locations within its parks and reserves to facilitate mobile trading and food trucks. This list of locations was not created following any public engagement but formulated in-house by officers upon analysis of the frequency of mobile trading license applications received by Council to undertake mobile trading in the parks and reserve locations below.

- Stead Street Warf.
- Feldwick Gates.
- Surrey Park, and .
- Sandy Point- Fosbender Park.

These locations were considered as part of the development of the proposed pre-approved locations and are being consolidated into the list noting Sandy Point- Fosbender Park is the only location taken following analysis and public engagement. Stead Street Warf, Feldwick Gate and Surrey Park are excluded on consideration of the trading limits conditions of section 2.11 of the Bylaw, parking demands and public safety. This does not mean that Council will not allow food trucks in these locations but applications will be subjected to the current process for processing a mobile trading application.

Part 3: Alcohol Ban

This Part is created under section 147 of the Local Government Act 2002 formulated to facilitate better crowd control, public safety and the prevention of the consumption, possession and bringing of alcohol in public places under the control of Council. Alcohol ban areas are in operation 24 hours of every day.

Council's bylaw provides a detailed description of the streets that make up the border of the alcohol ban area which may make it difficult for users of this bylaw to interpret the spatial extent to which the alcohol ban applies.

Officers recommend adding the map below to describe alcohol ban areas to better communicate the spatial distribution of its effects. Note, the map below is the existing alcohol ban area enabled through the current bylaw. The word "Draft" is to indicate that if Council adopts the amended bylaw, then the alcohol ban areas will be in effect through the new amended bylaw.

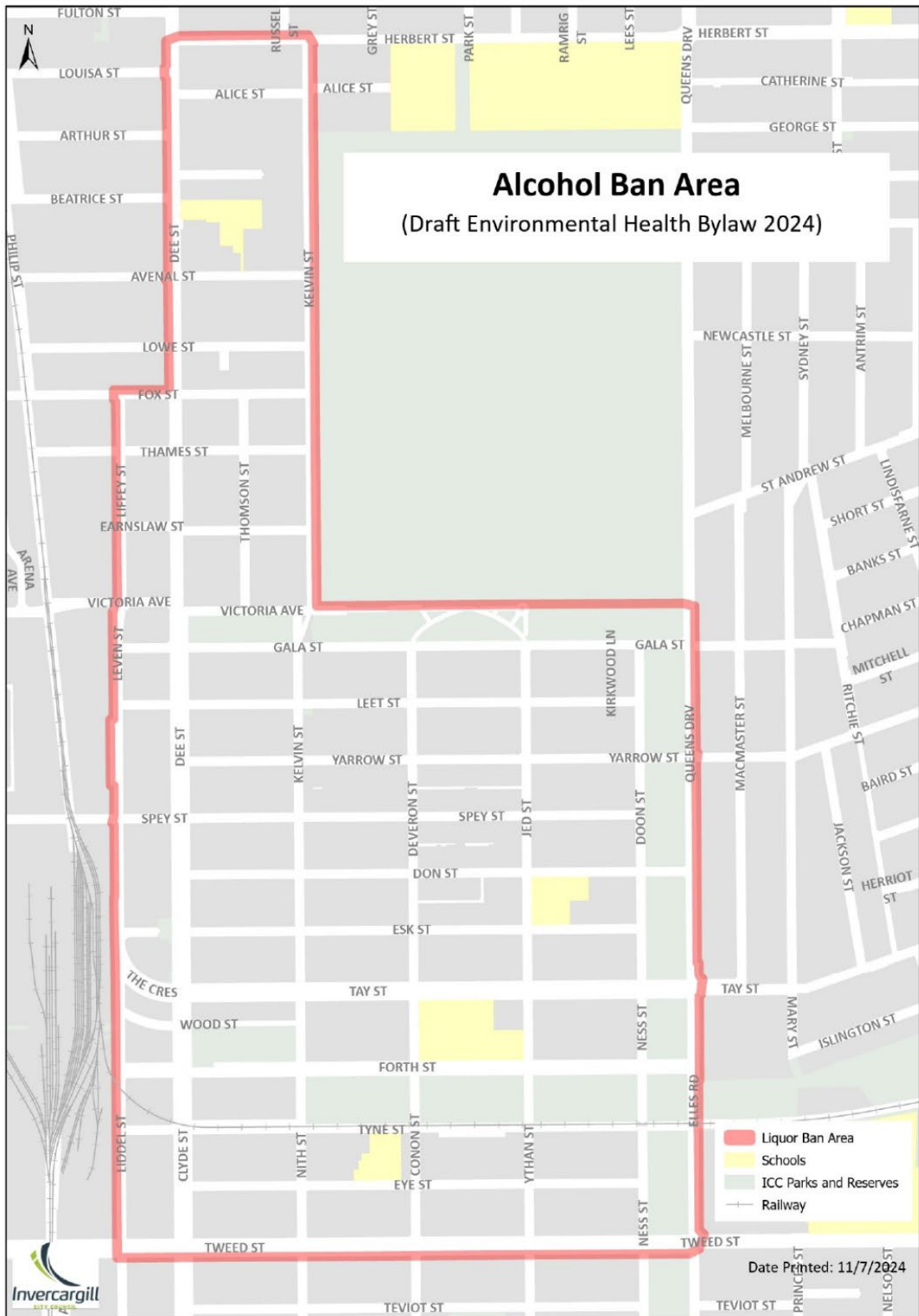


Figure 3: Alcohol ban area

Minor amendments to sections 3.1, 3.2, 3.5, 3.6 and 3.8 are also recommended to add clarity to Council's ability to prohibit the consumption, possession and/ or bringing of alcohol in public places in areas where the alcohol ban applies, and the power of the New Zealand Police in pursuant with this bylaw.

Section 3.6 of the current bylaw refers to licensed premises, however, what a licensed premises means is not defined. The officers recommend defining it for ease of interpretation.

No further recommendations for amendments are proposed to Part 3 of the proposed Bylaw.

Part 4: Solvent Abuse

No amendments are proposed to Part 4 of the proposed bylaw.

Part 5: Untidy Private Properties and Disused Materials or Things

The purpose of Part 5 under Council's amended Bylaw will be to promote and maintain public health and safety by protecting the public from nuisances caused by long grass, noxious plants, overgrown vegetation and disused material or things likely to harbour vermin on private properties.

The major trigger that warrants non-compliance under the amended Bylaw will continue to be the creation of a nuisance within a private property. The definition of nuisance provided in the current bylaw is ambiguous and is open to interpretation so it is recommended to amend the definition of nuisance as below:

"Nuisance means":

- The same meaning is given by section 29 of the Health Act 1956; and
- Includes a person, animal, thing, or circumstance causing unreasonable interference with the peace, comfort, or convenience of another person whether that person is in a public place; but
- Does not include impacts to visual amenity."

To reflect its implication to private property it is also recommended to add the definition of private property as below, as it is not defined in the current Bylaw.

"Private property means any parcel of land and/or building capable of being transferred, sold, rented, leased, or otherwise disposed of separately from any other parcel of land and/or building(s)".

a) Removal of Untidy buildings.

Sections 5.1 and 5.2 of Council current bylaw give Council the ability to respond to nuisance created by the untidy state of commercial buildings, particularly verandas. This is to ensure that buildings are not in a state that causes public nuisance and section 5.2 (e) sets conditions for building:

- i. To prevent overflow of water emerging from their building.
- ii. To prevent harbourage of vermin or the nesting of birds, and
- iii. To prevent sprouting to prevent blockages that would cause water to overflow, other than in the ordinary course of events.

These stated conditions are associated with insanitary buildings as defined under section 123 of the Buildings Act 2004.

Council is reviewing its Dangerous, Affected and Insanitary Buildings Policy 2024 under section 132 of the Building Act. This is a technical policy that applies to all buildings within Invercargill City District and sets conditions that Council is required to action under sections 121 to 130 of the Building Act in response to dangerous, affected, and insanitary buildings. Therefore, as untidy buildings inherently relate to insanitary buildings, Council's Dangerous, Affected and Insanitary Buildings Policy 2024 is identified as being the most appropriate tool to respond to the issues created by the insanitary conditions that stem from an untidy building.

Officers recommend removing reference and compliance provision to untidy buildings from this Part of the bylaw as it has been identified that Council's Dangerous, Affected and Insanitary Building Policy is better to respond to such matters.

b) Removal of abandoned vehicles and addition of disused materials.

Council's current response to abandoned vehicles is through Part 5 of the Environmental Health Bylaw and its response is satisfied through operational provisions 5.2 (c) and (d) which require an abandoned vehicle to not remain on private property and to not store disused vehicle bodies and automotive parts where it can become a hazard to public health and/ or a public nuisance. Abandoned vehicles in public places are dealt with through the Land Transport Act 1998 so it is not addressed in this bylaw.

Upon analysis, officers identified the full extent of the scope of abandoned vehicles and their effects on public health and safety can be addressed within operational provision 5.2 (c) which refers to "items" in the current bylaw. Items although not defined refer to disused vehicle bodies, automotive parts, building materials, refuse and abandoned items of furniture in the current bylaw. This can be extended to also incorporate abandoned vehicles as their state of abandonment creates the same extent of nuisance and risk to public health that is being addressed through operational provision 5.2 (c) Council's current bylaw.

Council's current bylaw does not define what items are, therefore it is recommended to add the definition for "Material or thing" which refers to items to reinvigorate this Part and to consider a wider scope of application. The proposed definition will speak to the following elements:

"Material or thing means, but is not limited to:

- Building material or equipment associated with building activities.
- Household goods/furniture.
- Litter (as defined in the Litter Act 1979).
- Manure.
- Paper and cardboard.
- Metal.
- Plastics.
- Timber.
- Tyres.
- Vehicles; and
- Waste.

Therefore, it is recommended to remove section 5.2(d) as it is proposed that abandoned vehicles be dealt with through section 5.2 (c). It is important to note that Council's response

through section 5.2 to what is being currently practised and the creation of an offence under the current bylaw will remain the same to any potential creation of nuisance from the abandonment and/ or disuse of "Material or thing" as defined.

It is acknowledged that in certain cases the issue with abandoned and/or disused Material or things may exceed the scope of action of Council's response through this bylaw, under such circumstances, Council will use its powers under the Resource Management Act 1991 and through the Local Government Act 2002. Such circumstances, for example, will include the potential discharge of contaminants into the environment from abandoned vehicles.

c) Maintenance of long grass, noxious plants, and overgrown vegetation.

Section 5.2 (a) and (b) of the current bylaw provide operational provisions that require the maintenance of long grass, noxious plants, and overgrown vegetation on private property irrespective of whether the land is disused, used, vacant and/ or developed. It also requires the Owner(s) and/ or Occupier(s) of a private property upon which trees shrubs or other plants are situated and overhang and obstruct the public right of way, to be maintained to ensure that there is a minimum of 2.5 meters above the public right of way.

Council's current bylaw does not define overgrown vegetation, it is recommended to define overgrown vegetation to better equip its application under Part 5 of the Bylaw.

"Overgrown vegetation means overgrown vegetation on a private property and includes any vegetation that is impeding or spilling onto any public right-of-way, including streets, sidewalks, strips, alleys and road corridor."

If an owner(s) and/ or occupier(s) of a private property is identified and determined by Council as being non-compliant to sections 5.2 (a) and (b) of the proposed bylaw, Council will take action in accordance with sections 5.3, 5.4 and 5.5 of the bylaw as it deems appropriate.

It is to be noted that no amendments are being proposed to the practical elements of Council approach to addressing such issues, however, it is recommended to amend section 5.2(a) of the current bylaw to better encapsulate the nuisance created from over overgrown vegetation and the potential harbourage of pests from having overgrown vegetation.

d) Section 5.3 and 5.4 of the Bylaw.

Council reserves the right to serve a notice upon the owner and/or occupier of any land within which conditions are identified or made aware as being non-compliant under this bylaw. Such notices issued will specify the work needed to remove the nuisance created by non-compliance to Part 5 and the timeframe within which such work specified should be completed by the owner and/or operator to remove the nuisance.

If an owner(s) and/or occupier(s) of a private property fails to take action in accordance with the notice served by Council under this section of the Bylaw, Council may take action to complete the required work on the owner(s) and/or operator(s)'s behalf to whom the notice was issued. This means Council will have the right to enter their property to undertake work. This ability of Council is enabled through sections 171 and 172 of the Local Government Act 2002 and this criterion will be specified in the notice served by Council under this part of the bylaw. In such circumstances, Council will recover the cost incurred from the owner and/ or occupier who received Council's notice and has failed to comply with its conditions. This will include all labour, materials, and other charges.

It is to be noted that if the owner and/ or occupier of the property to which Council have undertaken work is unable to pay and/or is not willing to pay Council for the cost incurred by Council is to remove the nuisance for their property, under such circumstances Council may register those costs incurred as a charge upon their property pursuant to the Land Transfer Act 2017.

e) Matters outside the scope of Part 5.

- Stolen vehicles:

New Zealand Police are responsible for the initial action when an incident is reported on theft of a vehicle in either private property or a public place. If a vehicle is stolen but not abandoned (by having a current Warranty of Fitness and/ or a registration pursuant to the Transport Act 1986), Council will notify the police. The police will then take over the investigation, to verify if the vehicle is listed as stolen, and arrange for its return to the rightful owner if applicable. The owner of that vehicle can also notify their insurer and work towards receiving any eligible claims and the removal of their vehicle from a public place or private property.

Alternatively, if a vehicle is stolen and abandoned and is reported by the general public, Council will inform New Zealand Police of this incident to undertake an investigation to verify whether it is stolen. Council will only respond at the request of New Zealand Police if the vehicle is a public safety issue or unable to identify the owner, in both cases Council will arrange for the vehicle to be towed. When the owner is identified, Council will issue a notice informing them that their vehicle needs to be removed within a set timeframe created under Council's discretion. If the owner does not respond within the specified timeframe, or if the vehicle poses an immediate risk to environmental and public safety, Council will arrange for the vehicle to be removed and costs incurred by Council will be recovered from the vehicle owner through appropriate debt recoverability measures.

- Roadside verges and Berms:

The scope established under Part 5 of the bylaw does not apply to the maintenance of the roadside verges and berms. It is the owner(s) and/or occupier(s) responsibility to maintain verges and berms that are adjacent to their land, property and/ or section. Council does not have the enforcement ability to ensure maintenance by owners and/ or occupiers under any legislation.

However, it is important to note that no person shall allow grazing of berms and verges on any road by any stock or shall plant or cause to be planted with plants of any sort without the prior written permission of Council under sections 12 and 13 of Council's Roading and Traffic Bylaw 2022.

- Fly tipping:

The issue of fly-tipping will not be addressed under this bylaw as the Litter Act provides better avenues for Council to respond to such matters, including the ability to prosecute and serve infringement notice for non-compliance.

It is to be noted that the Litter Act does have a provision to enable Council to create a bylaw to address the issue of fly-tipping and it has been identified that there is no actual need for

Council to have a bylaw to respond to such matters as the Litter Act provides provisions that enable Council to respond to such incidents.

Significance

The proposed recommendations are of relatively low significance, however formal consultation is required due to the legal status of a bylaw.

Options

No options are presented

Community Views

Council received one submission from Healthy Families Invercargill following consultation during the last review of this Bylaw in 2017.

Their submission requested that event organisers and facility managers be consulted when mobile traders are applying for licences to sell food in the vicinity of their event. This would help create sustainable, healthy change in our community and would also ensure there are no competitive conflicts with operators who have paid to operate within their venue. Healthy Families Invercargill believes that making this change would align with Invercargill's goal of being family friendly².

Council sought community feedback on Part 2 of the bylaw on food trucks early this year. The focus was to engage with the public, food truck operators, and permanent commercial businesses to understand the most appropriate locations that the public perceived to have food trucks.

Council received 184 responses in total and 90 responses through the online survey, 44 responses were received from a mapping tool where the participants pinned their preferred locations to have food trucks in Invercargill and Bluff maps. Officers also received 50 responses when they spoke with food truck vendors and the public at the Shakes-fare Night Market event on Don Street. No responses were received from the inner-city realtors.

The feedback received from the community enabled Council to understand the locations the community perceives to be the most appropriate for food trucks. This also enables Officers to analyse the community feedback and heal with the creation of the proposed pre-approved locations for food trucks (*figures 1 and 2 of the report*).

It is to be noted that each pre-approved location for food trucks drawn in the maps is in accordance with the trading limits prescribed in section 2.11(b)(iii) of the amended bylaw. Elected and Mana Whenua representatives have reviewed and made feedback on the identified preapproved locations for food trucks at the Accessibility and Liveability Workshop held on 4 June 2204. The versions that are provided in this report are drafts incorporating feedback received from the community, elected representatives, mana whenua representatives and officer analysis, finalised for public consultation.

² A2026418

Formal consultation for the Bylaw is required and is proposed to take place between 29 August 2024 and 30 September 2024, with Hearings and deliberation to take place on 15 October 2024. The draft amended bylaw will be available online and people can provide their feedback at letstalk.govt.nz and at the Te Hīnaki Civic Administration Building, the Invercargill Public Library, and the Bluff Service Centre.

Parties identified as having a particular interest identified will receive a communication alerting them to the consultation.

Implications and Risks

Strategic Consistency

This draft Environmental Health Bylaw aligns with Council's Long-term plan, section 145 of the Local Government Act 2002 and section 64 of the Health Act 1956.

Financial Implications

No financial Implications as the bylaw reserves the right to recover any cost incurred by Council from the owner(s) and/ or occupier(s) as defined through Council's 2024/ 2025 Fees and Charges or through a statutory land charge of their property Land Transfer Act 2017 or other debt recovery mechanisms deemed appropriate by Council.

Legal Implications

The Local Government Act 2002 and the Health Act 1956 give Council the ability to create a bylaw to prevent, respond to and promote social well-being and public health. This bylaw created by Council has regulatory measures pursuant to the Local Government Act 2002 and the Health Act 1956 with enforcement ability to issue infringement and undertake prosecution if an offence is created under this bylaw for non-compliance.

In light of section 155 of the Local Government Act 2002, it has been identified that Council's Environment Health Bylaw is the most appropriate mechanism to address the perceived problems to public safety and welfare, response to nuisance, and adverse environmental health effects caused by Invercargill City District.

This Bylaw is a method of addressing issues associated with health and anti-social behaviour. An alternative would be to use the Resource Management Act 1991 (RMA 1991) to address the contents provided within the bylaw for example mobile shops and nuisance issues. But would be difficult to view these issues as "significant" under the RMA 1991. It also provides 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.

Council under section 155 (2) (b) needs to be satisfied that the proposed Environmental Health Bylaw will not be inconsistent with this New Zealand Bill of Rights Act 1990, 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 alcohol 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 nuisances³.

Climate Change

No identified climate change implications.

Risk

Risk	Management/mitigation
Part 2- Amendment to section 2.11(a) of the current Bylaw	<p>The reduction of the current 300m trading limit to 100m required between businesses that sell the same products will reduce some spatial limitations to the establishment and operation of mobile trading including food trucks identified by officers.</p> <p>The reduced trading limit of 100m may have implications for permanent commercial businesses that sell the same products. This issue will be mitigated as such matters and its potential implications will be considered when Council receives and processes a mobile trading licence application. Such applications were also considered when the proposed pre-approved list of locations for food trucks was created.</p>
Part 2- Amendment to the section 2.11(b) of the current Bylaw	<p>The proposed amendments will enable mobile traders including food truck operators to remain stationary as required for the transaction of business with customers and shall remain stationary on any site as permitted in their Mobile trading licence issued by Council.</p> <p>The only identified risk to this is the potential creation of nuisance regarding odour, noise and rubbish accumulation if mobile traders can remain stationary. Council acknowledges this issue and specific conditions will be added to each mobile trading license issued depending on when, where and how they intend to operate. The issued licence will also require the mobile trader including food truck operators to remove all rubbish created as part of their operation from the site within which they have received approval from Council to conduct their business.</p>
Proposed 2.11(c)- Home based business	<p>The proposed section states that the trading limit conditions established under section 2.11(b)(iii) will not apply to home based businesses. This is because a home-based business is not seen to have a commercial frontage compare to other permanent commercial businesses. Therefore, it is seen as very unlikely that home-based businesses will be negatively affected by mobile trading that sell the same product with a 100m trading proximity.</p>
Part 3 - Maps of Alcohol ban area	<p>No identified risk with this proposed amendment. The proposed maps to be added will help Council to better communicate to the public the spatial extent to which alcohol ban conditions prescribed in the bylaw apply.</p>

³ A2009665

Part 5- Removal of untidy buildings	It is recommended to remove references to untidy buildings from section 5 of the Bylaw as it is understood that the untidy buildings addressed in this section refer to the Insanitary buildings defined under the Buildings Act 2004 so such matter is more appropriate to be addressed through Council's Dangerous, Affected and Insanitary Buildings Policy.
Section 5- consolidation of abandoned vehicles under the definition of Materials or things	No identified risk as abandoned vehicles will be dealt with through the amended operational provision 5.2 (a) of the draft bylaw. Under extraordinary conditions, if the issue created from the abandonment of a vehicle exceeds the scope of Council's response under this bylaw, Council will use its powers under the Resource Management Act to respond to such incidents.

Next Steps

Consultation on the draft bylaw will take place between 29 August 2024 and 30 September 2024. Hearings and deliberation are proposed for 15 October 2024.

The final bylaw will then be brought back to the Committee to recommend to Council for adoption, incorporating any changes and recommendations as a result of consultation.

Attachments

Attachment 1 - Draft Environmental Health Bylaw for consultation (A5312190).

A5312190

Invercargill City Council

Environmental Health Bylaw

Draft for consultation



A5312190

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1. GENERAL PROVISIONS

A Bylaw of the Invercargill City Council made in pursuance of the powers contained in the Health Act 1956 and the Local Government Act 2002. The primary purpose of the Bylaw is to enhance 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.

1.1 SHORT TITLE AND COMMENCEMENT

This Bylaw shall be known as the Invercargill City Council Bylaw 2008/2– Environmental Health and shall come into force on 7 November 2017, (includes amendments on 6 March 2019, 7 November 2019 and 1 November 2024).

This Bylaw replaces any other Environmental Health Bylaws created by Invercargill City Council.

1.2 INTERPRETATION

In this Bylaw, unless the context otherwise requires:

AFFECTED AREA means all land in the Invercargill City District.

ALCOHOL means a substance –

- (a) that:
 - (i) is or contains a fermented, distilled or spirituous liquor; and
 - (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or
- (b) that:
 - (iii) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and
 - (iv) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or
- (c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.

AUTHORISED OFFICER means any officer appointed by Council as an enforcement officer under Section 177 of the Local Government Act 2002 as an enforcement officer with powers of entry as prescribed by sections 171-174; the Sale and Supply of Alcohol Act 2012 or the Health Act 1956.

BUILDING means a temporary or permanent movable or immovable structure intended for the purpose for occupation by people, animals, machinery or chattels.

COUNCIL means the Invercargill City Council.

CITY means the City of Invercargill.

DISPOSE means to remove to a bona fide automotive dismantling or recycling facility or landfill or green waste facilities or business.

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

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EXPIRY DATE means 28 days after the date of the service of the notice or any such other date as may be specified by Council in any notice served.

HOME BASED BUSINESS means any commercial or non-commercial business or profession which is undertaken from the home(s) of any owner(s) and/ or occupier(s) and in keeping with the District Plan rules for Home based business have limited street visibility.

LICENSSED PREMISES means any premises for which a licence is held under the Sale and Supply of Alcohol Act 2012.

LICENSEE means a person and/or a company who holds a licence issued by Council but not limited to a mobile trading licence under this Bylaw and an person or an entity who holds a licence under the Sale and Supply of Alcohol Act 2012

LONG GRASS is grass that is over 25 cm long and is unkempt (unless it is within the Rural Zone).

MATERIAL OR THING means, but is not limited to –

- (a) building material or equipment associated with building activities;
- (b) household goods / furniture;
- (c) litter (as defined in the Litter Act 1979);
- (d) manure;
- (e) paper and cardboard;
- (f) metal;
- (g) plastics;
- (h) timber;
- (i) tyres;
- (j) vehicles; and/ or
- (k) waste.

MIND ALTERING SUBSTANCE means any glue, solvent, drug or other substance whether synthetic or naturally occurring which alters consciousness, mood or emotions, intoxicates or induces pleasurable sensations (but does not include alcohol or nicotine) and may cause persons seeking those effects to behave in a disorderly manner or give the appearance of acting in a drunken manner.

MOBILE TRADING means a vehicle (whether self-propelled or not) from which goods and / or services are offered for sale.

NUISANCE means

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- (a) the same meaning given by section 29 of the Health Act 1956; and
- (b) includes a person, animal, thing, or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place; but
- (c) does not include impacts to visual amenity.

NOXIOUS PLANT means plants contained under the [Southland Regional Pest Management Plan - Environment Southland](#). It also includes all species under the genus Bambusa (Bamboo).

OCCUPIER(S) means the occupier(s) is the person who is in possession of the land and exercises day to day control over it and includes tenants.

OWNER(S) means the registered proprietor of the land.

OVERGROWN VEGETATION means overgrown vegetation on a private property and includes any vegetation that is impeding or spilling onto any public right-of-way, including streets, sidewalks, strips, alleys and road corridor.

PRIVATE PROPERTY means any parcel of land and/or building capable of being transferred, sold, rented, leased, or otherwise disposed of separately from any other parcel of land and/or building(s).

PUBLIC PLACE means a place:

- (a) that is under the control of Council; and/or
- (b) that is open to, or being used by, the public, whether or not there is a charge for admission; and
- (c) includes a road, whether or not the road is under the control of Council and
- (d) any part of a public place.

PUBLIC RIGHT OF WAY means public roads, footpaths and any other public access.

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.

RURAL ZONE means the area defined as the Rural Zone in the Invercargill City District Plan.

1.3 FEES AND CHARGES

All fees and charges under this Bylaw are prescribed in Council's Annual Plan or Long Term Plan.

1.4 DISPENSING POWER

It shall be lawful for the Group Manager - Consenting and Environment to dispense with any of the following requirements of this bylaw where, in the opinion of the Group Manager - Consenting and Environment, full compliance would needlessly cause harm, loss or inconvenience to any person or business without corresponding benefit to the community.

1.5 NAME AND ADDRESS TO BE SUPPLIED

If it appears that any person is committing or has committed any offence under the provisions

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of this Bylaw Council may require such person to desist from such offence and may require that that person supply their real name in full, and their residential address. If any person after being so required fails to supply such information or gives incorrect information that person commits a further offence against this Bylaw.

1.6 LICENCES HELD UNDER RESCINDED BYLAWS

All licences issued under any provision of any Bylaw repealed shall after the coming into force of this Bylaw be deemed to have been issued under the corresponding provision of this Bylaw and be subject to its provisions, provided that Council may notify the holder of any licence of an earlier date of termination than would have applied had this Bylaw not been passed and may require the holder to reapply for a licence under the provisions of this Bylaw.

1.7 APPEALS

An owner(s) or occupier(s) have the right to appeal under this bylaw within seven days of service of a Notice or Decision. Appeals are required to be made in writing and either emailed, posted or delivered to the Te Hīnaki Civic Building or Bluff Service Centre. All appeals should include the appellant's contact information, specifics of what is being appealed, specifics of any defence or mitigation to support the appeal and what redress is being sought. If applicable, there is a Hearing Lodgement Fee that you may be required to pay before the appeal can be heard. Please refer to Council's [Fees and Charges](#) for further information.

Email to: service@icc.govt.nz, attention Manager – Environmental Services

Post or deliver: Manager – Environmental Services
Invercargill City Council
101 Esk Street
Private Bag 90104
Invercargill 9840

Deliver: Manager – Environmental Services
Invercargill City Council – Bluff Service Centre
98 Gore Street
Bluff

In the event of an objection, the matter will be referred to Council's Hearings Panel for determination.

1.8 OFFENCES AND PENALTIES

Every person (s) who breaches this Bylaw is those who fail to comply with:

- (a) any clauses, provisions, rules, restrictions, limitations, and/ or obligations set out in this Bylaw;
- (b) Part 2 of this Bylaw;
- (c) Section 4.2 of the Bylaw; and/ or
- (d) Section 5.3 of the Bylaw.

is liable on conviction to a fine not exceeding \$20,000 under Section 242 of the Local Government Act 2002 and to a fine set out in Council's schedule of Fees and Charges.

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2. MOBILE TRADING

2.1 PURPOSE OF PART 2

To licence and control mobile traders in public places under the control of Council.

2.2 MOBILE TRADERS TO BE LICENSED

No person may engage in mobile trading without first obtaining a Mobile Trading Licence under this Bylaw. The holder of the licence shall observe and comply with all conditions recorded on the licence.

2.3 APPLICATIONS

All applications for a Mobile Trading Licence shall be made on the form supplied by Council. Council will require the applicant to provide any/ all such information as is necessary for proper consideration of the application, including but not limited to:

- (a) Vehicle warrant of fitness and registration; and/ or
- (b) Electrical certificate; and/ or
- (c) Road user certificate; and/ or
- (d) LPG cylinder annual inspection certificate - from a registered craftsman gasfitter; and/ or
- (e) A copy of the applicant's public indemnity or liability insurance; and/ or
- (f) food licence if the licence application involves food trucks.

2.4 ISSUE OF LICENCE

Each application will be evaluated on a case-by-case basis and Council may include conditions to applications as it views appropriate to prevent any potential creation of nuisance to public health and to ensure the safe and efficient operation of the transport network.

2.5 DURATION OF LICENCES

Mobile Trading Licence(s) issued under this Bylaw shall be valid for not more than one year from their date of issue and, if not revoked, may be renewed by payment of a further annual fee, prescribed under Council's Fees and Charges.

The Mobile Trading Licence is not transferable to another person. If the business or vehicle is sold or transferred to another person, Council must be notified within 14 working days. The new owner will be required to apply for a licence and will not be permitted to use any mobile shop or food truck until a licence is issued by Council.

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2.6 LICENCE TO BE CARRIED

The Mobile Trading Licensee must carry the licence at all times while engaged in mobile trading and must show it to any Police Officer, or Authorised Officer on demand. The Mobile Trading licence will only apply to the vehicle to which the registration number is specified on the licence. The use of any other vehicle that is not registered to a mobile trading licence will not be permitted without prior written consent from Council.

The Mobile Trading Licence is valid during the hours specified on the licence.

2.7 NUISANCE, ANNOYANCE OR DANGER TO ANY PERSON

The licensee or operator shall operate any mobile trading approved by Council through a Mobile Trading licence, in such a manner as to avoid causing any nuisance, annoyance or danger to any person and/ or public.

2.8 LIABILITY INSURANCE

The licensee shall carry insurance cover to cover the direct damage to vehicles and public liability (Third Party Insurance) in connection with the vehicles.

2.9 NAME TO BE DISPLAYED

The name of the licensee and details of the products for sale shall be displayed on any stall or vehicle used in connection with the mobile trading.

2.10 HAZARDOUS SUBSTANCES

All LPG cylinders must be stored securely outside the mobile shop or food truck and total no more than 100kg LPG net content. If the mobile shop or food truck is likely to be unattended at any time while in a public place, the cylinders shall be secured against tampering.

2.11 TRADING LIMITS

- (a) Mobile Trading is allowed only on successful completion of an application for mobile trading by Council.
- (b) Unless permission has been applied for and granted from the appropriate Council departments, Council prohibits all holders of Mobile Trading Licences from trading in the following areas:
 - (i) Any or all Park or Reserve (including car parks and roads in Reserves, and Wachner Place), permission from Council's Manager - Parks and Resrves is required .
 - (ii) Any or all Roads (including State Highways), permission from Council's Manager - Strategic Asset Planning is required.
 - (iii) Restricted Areas including:
 - Within 100 metres of another permanent commercial business selling the same products, and
 - Within 50 metres of any intersection or pedestrian crossing where people visiting the site may be placed in danger.

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- (c) Section 2.11 (iii) does not refer to home based businesses.
- (d) The Licensee or operator of any Mobile Trading shall remain stationary as required for the transaction of business with customers and shall remain stationary on any site as permitted in their Mobile Trading licence issued by Council.
- (e) The Licensee or operator shall when requested by any Police Officer or Authorised Officer of Council, alter their position or move from place to place on any road or public place as directed.
- (f) Should the Licensee or operator fail to comply with the provisions of Conditions or if the Mobile Trading is left unattended in any road or Public Place it shall be lawful for any Police Officer or Authorised Officer mentioned in Section 2.11 (e) to move the Mobile Trading to any safe position.

2.12 PRE APPROVED LOCATIONS FOR FOOD TRUCKS

Council have identified a list of locations that it views as most appropriate for food trucks (Link will be added). This section only applies to food trucks and not any other Mobile Trading.

The Mobile Trading Licensee who wishes to operate their food trucks in the pre-approved locations for food trucks must adhere to all provisions of Section 2 of this Bylaw, and to the appropriate conditions of the Roading and Traffic Bylaw 2022, the Footpath Management Policy, the Food Act 2014 and the Health Act 1956.

Council reserves the right to amend the list of pre-approved locations for food trucks from time to time as it sees appropriate. Any such amendment to the list of pre-approved locations will not be subject to a Special Consultative Procedure under Section 83 of the Local Government Act 2002, however, will be subject to appropriate public engagement in accordance with Council's Significance and Engagement Policy.

2.13 LITTER

The Licensee or Operator must remove any litter from the surrounding area of the Mobile Trading Vehicle that has been generated by the activities of their trading.

2.14 LICENCE MAY BE REVOKED

A Mobile Trading Licence may be revoked by Council if:

- (a) Licensee in connection with Mobile Trading, permits a breach of any provision of this Bylaw or any other law, Bylaw and/ or any regulations.
- (b) Licensee fails to observe the conditions of the Mobile Trading Licence.
- (c) Permits any unlicensed person to operate as a trader in connection with the Mobile Trading usually carried out by the Licensee.
- (d) The complaints made on Mobile Trading have substantive impacts on public health determined by Council.

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(e) Any appeal can be made under Section 1.7

2.15 SALES FROM BOATS EXEMPT

Nothing in this Bylaw shall apply to any sale of fish by the owner of a fishing vessel, provided that the fishing boat is registered under Section 103 of the Fisheries Act 1996 and in respect of which a boat fishing permit is for the time being in force, where he, or a person appointed by him in that behalf, sells fresh fish or fresh shellfish (being fresh fish or fresh shellfish taken from that boat in accordance with the conditions of the permit) from that boat at the place where it is moored, berthed, or beached or from a stall (including a vehicle used as a stall) within 450 metres of that place.

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3 ALCOHOL BAN

3.1 PURPOSE OF PART 3

For better crowd control, public safety and the prevention of the consumption, possession and/ or bringing of alcohol in public places under the control of Council.

3.2 OPERATION

Council (subject to any licences or special licences that may be in force at any particular time) prohibits the consumption of, the bringing of and/ or the possession of alcohol in the Alcohol Ban Affected Area during the hours and days of operation of the Bylaw.

3.3 ALCOHOL BAN AFFECTED AREA

The public place is bounded by and inclusive of the following streets:

- (a) Herbert Street from the corner of Herbert Street and Dee Street to the corner of Herbert Street and Kelvin Street.
- (b) Kelvin Street from the corner of Herbert Street and Kelvin Street to the corner of Victoria Avenue and Kelvin Street but excluding Alice Street east of Kelvin Street.
- (c) Victoria Avenue from the corner of Victoria Avenue and Kelvin Street east along Victoria Avenue to its termination and thence in a straight line to Queens Drive (so as to include the Gala Street Reserve) and Queens Drive south onto the intersection of Queens Drive and Tay Street.
- (d) Elles Road from the intersection of Queens Drive and Tay Street to the corner of Elles Road and Tweed Street.
- (e) Tweed Street from the corner of Tweed Street and Elles Road to the corner of Tweed Street and Liddell Street.
- (f) Liddell Street from the corner of Liddell Street and Tweed Street to Leven Street, Leven Street on to Liffey Street.
- (g) Liffey Street to its intersection on Fox Street.
- (h) Fox Street from the corner of Fox Street and Liffey Street to the corner of Fox Street and Dee Street.
- (i) Dee Street from the corner of Dee Street and Fox Street to the corner of Dee Street and Herbert Street.

The Alcohol Ban Affected Area is to be adequately signposted to inform the community of their responsibilities.

3.4 HOURS AND DAYS OF OPERATION

The Alcohol Ban is in operation 24 hours of every day.

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3.5 TEMPORARY ALCOHOL BAN

Council may from time to time make a resolution:

- (a) Prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods:
 - (i) the consumption of alcohol in a public place; and/ or
 - (ii) the bringing of alcohol into a public place; and/ or
 - (iii) the possession of alcohol in a public place, and/ or
 - (iv) in conjunction with a prohibition relating to alcohol under paragraphs (i) to (iii) the presence or use of a vehicle in a public place.
- (b) within a specified public place or places.

3.6 EXEMPTIONS

The exemptions set out in section 147(3) of the Local Government Act 2002 apply to this Bylaw. This Bylaw does not prohibit, in the case of alcohol in an unopened bottle or other unopened container:

- (a) The transport of that alcohol from licensed premises that adjoin a public place during any period when, under the Sale and Supply of Alcohol Act 2012, it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the public place.
- (b) The transport of that alcohol from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012.
- (c) The transport of that alcohol from outside a public place to premises that adjoin a public place:
 - (i) By, or for delivery to, a resident of those premises or by their bona fide visitors; or
 - (ii) From those premises to a place outside the public place by a resident of those premises, provided the alcohol is promptly removed from the public place.

3.7 POLICE POWERS

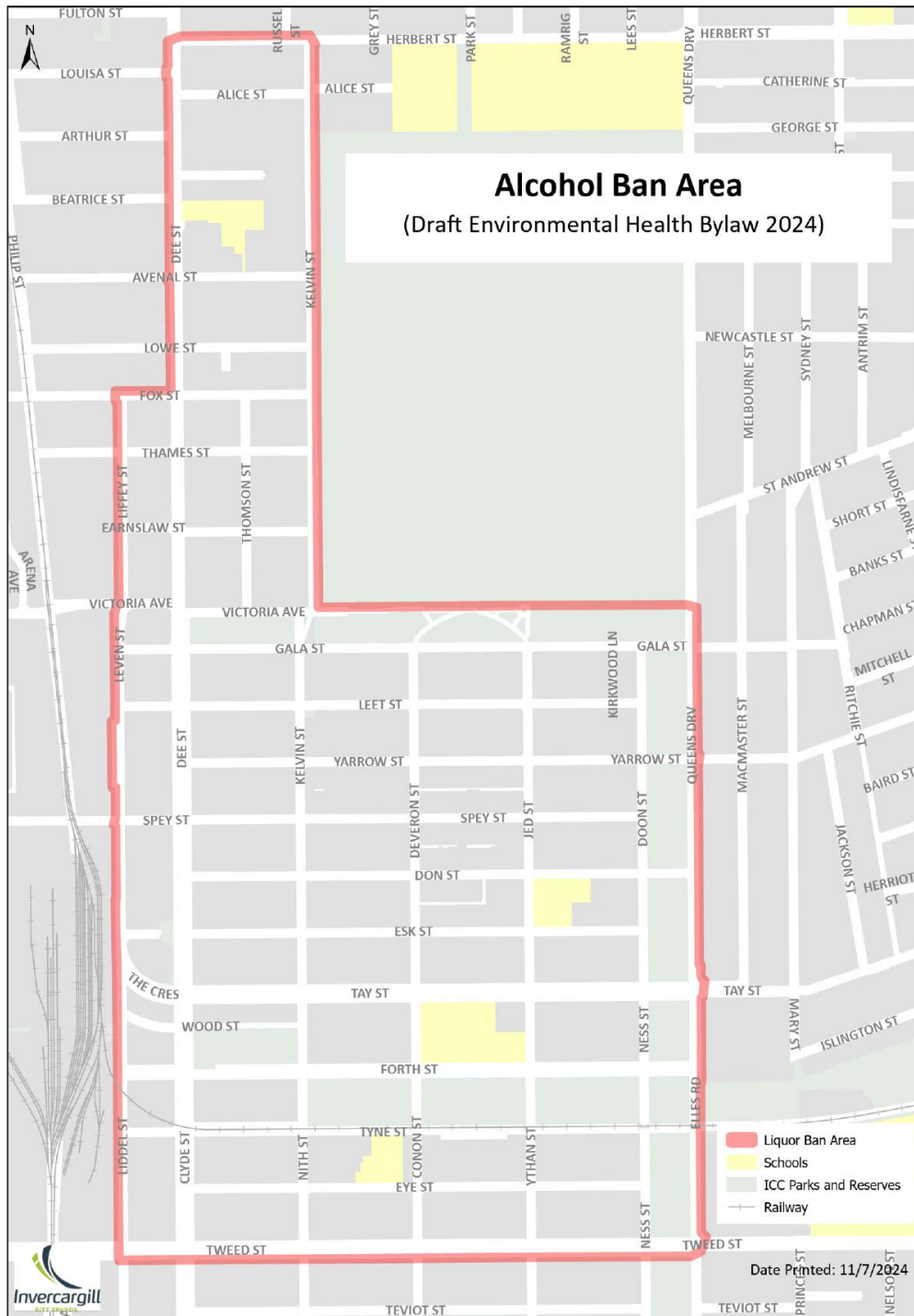
Pursuant to this Bylaw the Police have the following powers:

- (a) The power to arrest without a warrant a person contravening the Bylaw; and/ or
- (b) The power to arrest without a warrant a person who refuses to leave a public place after being requested to do so; and/ or
- (c) The power to arrest without a warrant a person who refuses to surrender alcohol that is in their possession in breach of the Bylaw; and/ or

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- (d) The ability to search without a warrant a vehicle in, entering or about to enter the public place subject to the Bylaw for the purpose of ascertaining whether or not the vehicle contains alcohol; and/ or
- (e) The ability to search a container in the possession of any person in, entering or about to enter the public place, subject to the Bylaw, for the purpose of ascertaining whether or not the container contains alcohol; and/ or
- (f) The ability to seize and remove alcohol and its container if the alcohol is in a public place in breach of the Bylaw.

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4 SOLVENT ABUSE

4.1 PURPOSE OF PART 4

For the prevention of harm to individuals and for public safety in public places under the control of Council.

4.2 PROHIBITION

No person shall knowingly in any public place, consume, inject, inhale or sniff any Mind Altering Substance, except as prescribed for that person for a medical condition, which may cause that person to behave in a disorderly manner or give the appearance of the person acting in a drunken manner.

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5. UNTIDY PRIVATE PROPERTIES AND DISUSED MATERIALS

5.1 PURPOSE OF PART 5

To promote and maintain public health and safety by protecting the public from nuisances caused by disused material or things, long grass, noxious plants, and overgrown vegetation likely to harbour vermin from untidy private properties.

5.2 OPERATIONAL PROVISIONS

- (a) The Owner(s) and/or Occupier(s) of any private property must:
 - (i) not allow any Material or Thing to be deposited, accumulated, used, processed, or stored under their control in a manner that may harbour or cause a Nuisance; and/ or
 - (ii) maintain their property to be free from Overgrown Vegetation, Long Grass and/ or Noxious Plants that may harbour vermin or cause Nuisance.
- (b) Owner(s) and/or Occupier(s) of land upon which overgrown vegetation, long grass and/ or noxious plants are situated and overhang and cause obstruction to Public Rights of Way including accessibility for people with disability, must trim and/ or remove the trees, shrubs or other plants so that they are a minimum of 2.5 metres from the public right of way.
- (c) Authorised Officers – all officers authorised under Section 174 or Section 177 or paragraph 32 of Schedule 7 of the Local Government Act 2002, shall possess and produce on request warrants of authority and evidence of identity.
- (d) An Authorised Officer may enter at any reasonable time any Private Property believed to contain elements that contravene or may contravene this Bylaw and may take any photographs or other evidence necessary to establish that a breach of the Bylaw has occurred.

5.3 NOTICE

Council may serve a notice upon the Owner(s) and/or Occupier(s) of any Private Property in breach of section 5.2 requiring the Owner(s) and/or Occupier(s) prior to the expiry date to:

- (a) Remove any Material or Things that are or may provide harbourage for vermin and cause nuisance; and/ or
- (b) Cut down, remove and generally clear the land from all Overgrown Vegetation, Long Grass and/or Noxious Plants; and/or
- (c) Trim any or all Overgrown Vegetation, Long Grass and/or Noxious Plants overhanging and causing obstruction to a Public Right of Way, so that the trees or shrubs or other plants are a minimum of 2.5 metres above the Public Right of Way; and/or
- (d) Remove any or all Overgrown Vegetation, Long Grass and/or Noxious Plants overhanging and causing obstruction to the Public Right of Way.

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5.4 COUNCIL MAY COMPLETE THE WORK

If any person on whom a Notice has been served under Section 5.3 fails or neglects to do any act or thing specified in the Notice prior to the expiry date, or fails or neglects to do any act or thing in such manner as may be so specified in the Notice prior to the expiry date, Council may without further notice to the person served will undertake the work.

5.5 COUNCIL MAY RECOVER ITS COSTS

If any work is carried out by Council or its agent on any land pursuant to 5.4 above then the full cost of undertaking any work including all labour, materials and other charges incurred shall be recovered from the registered proprietor of the land. Council may also register these costs as a charge upon the land pursuant to the Land Transfer Act 2017.

2023-2024 DOG CONTROL ANNUAL REPORT

To:	Community Wellbeing and Regulatory Committee
Meeting Date:	Tuesday 13 August 2024
From:	Gillian Cavanagh, Manager – Environmental Services
Approved:	Jonathan Shaw - Group Manager - Consenting and Environment
Approved Date:	Tuesday 30 July 2024
Open Agenda:	Yes

Purpose and Summary

The Dog Control Annual Report is a requirement under Section 10A of the Dog Control Act 1996 (the Act). The report must include data on the number of registered dogs, probationary and disqualified owners, dogs classified as dangerous or menacing, infringement notices issued, dog related complaints, and the number of prosecutions in the territorial authority district for the financial year.

The report must be made publicly available and public notice given of the report in a newspaper.

Recommendations

That the Community Wellbeing and Regulatory Committee:

1. Receives the "2023-2024 Dog Control Annual Report".
2. Adopts the 2023-2024 Dog Control Annual Report.

Background

The table below provides a comparison of data against the 2022-2023 and 2023-2024 years.

TYPE	2022-2023	2023-2024
Registration population as at 30 June	8,434	8,565
Impounds (including returned home)	314	298
Returned home	157	108
Infringements issued	86	220
Infringement waived	4	25
Menacing/Dog attack complaints (incl. rushing /intimidating)	83	86
Rushing / intimidating	81	98

Barking dog complaints	425	331
Wandering dog complaints (incl. lost/found)	535	577
Lost / found dogs	300	229
Neglect complaints	28	27
Miscellaneous complaints and complaints	739	677
Responsible owner application	172	109
Multiple dog licence application	23	7
Registration related requests	*219	774

*New request type during the 2022-2023 year

Issues and Options

Analysis

The team have continued to produce good results in often difficult circumstances. The impact of the increase in the cost of living as well as dealing with dog owners that are unwilling and/or unable to meet the requirements of the Act often leads to an officer dealing with stressful situations for owners, the dogs and themselves. A focus on achieving compliance through education has seen positive outcomes.

While overall complaint numbers are similar to the previous year there are a number of variances when comparing individual complaint types. The most notable being a decrease in barking complaints, with an increase in wandering complaints offset by a decrease in lost / found complaints.

Follow up of unregistered dogs continues to be prioritised after the annual registration process. The percentage of dogs registered over the year continues to increase when compared against the previous year.

Significance

The Dog Control Annual Report is not considered significant in terms of the Significance and Engagement Policy.

Options

The Dog Control Annual Report is a legislative requirement from section 10A of the Act.

Next Steps

Section 10A of the Act requires Council to give public notice, via newspaper advertisement of the report and to make the report publicly available. Upon adoption, staff will also forward the report to the Department of Internal Affairs (DIA).

Attachments

Appendix 1 – 2023-2024 Annual Report Dog Control (A5442534)



Invercargill City Council Annual Report Dog Control 2023-2024

Introduction

As a Territorial Authority, the Invercargill City Council is required to manage and enforce the Dog Control Act 1996 (the Act). Under Section 10A of the Act, Council must provide an Annual Report that sets out activities that have been undertaken in relation to our dog control policy and practices.

This report fulfils this statutory requirement for the dog registration year 1 July 2023 to 30 June 2024.

Policies and Practices

The Dog Control Policy and Bylaw were reviewed and came into effect on 1 September 2022.

Animal Services

The Animal Services Team is based within the Consenting and Environment Group and reports to the Community Wellbeing and Regulatory Committee.

The team consists of a Team Leader and four Animal Control Officers. Administration support is provided by Environmental Support Officers in the Environmental Services team.

Animal Care Facility

The Animal Care Facility is open to the public to allow collection of impounded dogs by prior arrangement. Collection of impounded dogs outside of standard hours can be arranged circumstances.

Hours of Operation

Monday to Friday 8am to 5pm. After hours coverage is provided by Amourguard.

Registration Fees

Registration fees are set by Council to provide the service. We currently have four dog owner classifications. These are:

- Working Dog
- Standard Dog
- Responsible Dog
- Menacing/Dangerous Dog.

Dog owners that meet the requirements of a responsible dog owner receive a discounted registration fee. A discounted registration fee is also available for de-sexed dogs.

Registration fees for the 2023/2024 year:

Registration Description	\$
Responsible Owner – Not Desexed	\$71.00
Responsible Owner – Desexed	\$51.00
Menacing/Dangerous	\$156.00
Standard – Not Desexed	\$104.00
Standard – Desexed	\$89.00
Working Dog	\$35.00
Multiple Dogs (Five or more, responsible dog owners and working dogs)	\$310.00
Responsible Menacing (Breed only)	\$85.00

Dog Registration

Total number of dogs registered as at 30 June 2024	8565
Total number of known dogs as at 30 June 2024	9082
Percentage of dogs registered as at 30 June 2024	94%
Total number of dogs registered during the year	9303
Total number of known dogs for the registration year	9956
Percentage of dogs registered during the year	93%

Dangerous and Menacing Dogs

Dogs classified as dangerous under section 31(1)	6
Dogs classified as menacing by deed under section 33A	56
Dogs classified as menacing by breed under section 33C	25
Total number of dangerous/menacing dogs	87

Probationary and Disqualified Dog Owners

Probationary Owners	0
Disqualified Owners	16

Prosecutions

There were no prosecutions for the period of this report.

Impoundments

Total impoundments	298
First Offence Returned Home	108
Rehomed	21

Infringements

S19	Fail or refuse to provide information	2
S19A	Fail to supply information about dog	1
S32(2)	Fail to comply with classification as Dangerous	1
S33EC	Fail to comply with classification as Menacing	7
S36A	Fail to implant microchip	2
S41A	Falsely notifying death of dog	1
S42	Fail to register dog	144
S52A/B	Fail to keep dog controlled or confined	53
S53	Fail to control dog	6
S54	Fail to supply proper care and attention	2
S55	Fail to comply with barking abatement notice	1
	Total infringements	220
	Infringements waived	25

Complaints

Dog attacks	86
Rushing/intimidating	98
Wandering	577
Lost/Found	229
Barking	331
Neglect	27
Miscellaneous complaints and enquiries	677
Total complaints	2025

Dog Related Requests

Responsible dog owner applications	109
Multiple dog licence applications	7
Registration related requests	774
Total requests	809

Hearings

One hearing relating to objection to disqualification from dog ownership. The Hearing Panel upheld the staff decision.

Key Achievements

Completion of Animal Care Facility upgrades:

- New laundry facilities with the installation of a commercial washing machine and dryer
- Additional exercise yards increasing the number of exercise to four.