



PUBLIC

Agenda

Notice is hereby given of a
**Environmental Services and Finance
Committee Meeting**

Tuesday 24 October 2017

at 9.30am, to follow the Public Forum

Council Chamber
Waimate District Council
125 Queen Street
Waimate

www.waimatedc.govt.nz

Notice is hereby given that a meeting of the Environmental Services and Finance Committee will be held in the Council Chamber, Waimate District Council, 125 Queen Street, Waimate, on Tuesday 24 October 2017, at 9.30am to follow the Public Forum.

Committee Membership

Sharyn Cain	Chair
Jakki Guilford	Deputy Chair
Craig Rowley	Mayor
David Anderson	Councillor
Peter Collins	Councillor
Miriam Morton	Councillor
Tom O'Connor	Councillor
David Owen	Councillor
Sheila Paul	Councillor

Quorum – no less than five members

Local Authorities (Members' Interests) Act 1968

Councillors are reminded that if they have a pecuniary interest in any item on the agenda, then they must declare this interest and refrain from discussing or voting on this item and are advised to withdraw from the meeting table.

Significance Consideration

Evaluation: Council officers, in preparing these reports have had regard to Council's Significance and Engagement Policy. Council and Committee members will make the final assessment on whether the subject under consideration is to be regarded as being significant or not. Unless Council or Committee explicitly determines that the subject under consideration is to be deemed significant then the subject will be deemed as not being significant.

Decision Making

The Council, in considering each matter, must be:

- i Satisfied that it has sufficient information about the practicable options and their benefits, costs and impacts, bearing in mind the significance of the decisions;
- ii Satisfied that it knows enough about and will give adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decisions to be made.

Stuart Duncan
Chief Executive

Order of Business

Report	Page
Public Forum	
Item 1 Apologies	4
Item 2 Conflicts of Interest	5
Item 3 Identification of Major (Urgent Business) or Minor Items not on the Agenda.....	6
Item 4 Confirmation of Minutes – Environmental Services and Finance Committee	7
Item 5 Management Report – Corporate Services	11
Item 6 Management Report – Regulatory and Compliance Group	14
Item 7 Waimate District Bylaw Review – Chapter 15 Demolition, Construction and Maintenance of Buildings and Site Works	32
Item 8 Waimate District Bylaw Review – Chapter 16 Apartment Buildings and Boarding-Houses	40
Item 9 Waimate District Bylaw Review – Chapter 19 Food Safety.....	47
Item 10 Consideration of Major (Urgent Business) or Minor Items not on the Agenda.....	53
Item 11 Exclusion of the Public	54

Item 1

Apologies

Prepared by: Stuart Duncan
 Chief Executive

The Chair will call for any apologies.

Recommendation

That the apologies are accepted.

Item 2 Conflicts of Interest

Prepared by: Stuart Duncan
 Chief Executive

As per the Local Authorities (Members' Interests) Act 1968 (as below), the Chair will enquire if there are any Conflicts of Interest to be declared on any item on the agenda, and if so, for any member to declare this interest.

Local Authorities (Members' Interests) Act 1968

Councillors are reminded that if they have a pecuniary interest in any item on the agenda, then they must declare this interest and refrain from discussing or voting on this item and are advised to withdraw from the meeting table.

Item 3 Identification of Major (Urgent Business) or Minor Items not on the Agenda

Prepared by: Stuart Duncan
 Chief Executive

- 1 The Chair will call for any major (urgent business) or minor items not on the agenda to be raised according to Standing Orders, as below:

a Standing Orders 3.7.5 – Major Items

An item not on the agenda for a meeting may be dealt with at the meeting if the local authority by resolution so decides, and the presiding member explains at the meeting at a time when it is open to the public –

- i The reason why the item was not listed on the agenda; and
- ii The reason why discussion of the item cannot be delayed until a subsequent meeting.

b Standing Orders 3.7.6 – Minor Items

An item not on the agenda for a meeting may be dealt with at the meeting if –

- i That item is a minor matter relating to the general business of the local authority; and
- ii The presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- iii No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

Recommendation

That the Environmental Services and Finance Committee resolves to consider any major (urgent business) or minor items at the end of the open section of the meeting.

Item 4 Confirmation of Minutes – Environmental Services and Finance Committee

Prepared by: Stuart Duncan
 Chief Executive

The unconfirmed minutes of the Environmental Services and Finance Committee meeting held on Tuesday 12 September 2017 are presented for confirmation.

Recommendation

That the minutes of the Environmental Services and Finance Committee meeting held on Tuesday 12 September 2017, excluding the public excluded items, are confirmed as a true and correct record.

Unconfirmed Minutes of the Environmental Services and Finance Committee meeting of the Waimate District Council held at 125 Queen Street, Waimate on Tuesday 12 September 2017, at 9.30am following Public Forum.

Public Forum There were no members of the public at the Public Forum.

Present
Deputy Chair: Cr J Guilford
Mayor: C Rowley
Councillors: M Morton, T O'Connor, D Owen, S Paul

In Attendance
Chief Executive: S Duncan
Managers: M Jones, S Kelly, D Mitchell
Staff: F Fox
Committee Secretary: K Reid

-
- | | |
|---|--|
| 1 Apologies | Apologies were received from Cr Anderson, Cr Cain and Cr Collins

Resolved:
That the apologies are accepted.

Moved Cr Owen
Seconded Mayor Rowley
MOTION CARRIED |
| 2 Conflicts of Interest | The Chair called for Conflicts of Interests. There were no Conflicts of Interest identified. |
| 3 Identification of Major (Urgent Business) or Minor Items not on the Agenda | The Chair called for Major or Minor Items on the agenda. There were no major (urgent business) or minor items identified. |
| 4 Confirmation of Minutes – Environmental Services and Finance Committee | Resolved:
That the minutes of the Environmental Services and Finance Committee meeting held on Tuesday 1 August 2017, excluding the public excluded items, are confirmed as a true and correct record.

Moved Mayor Rowley
Seconded Cr Paul
MOTION CARRIED |

- 5 Delegations Policy 308 Amendments**
- The Environmental Services and Finance Committee were presented with proposed amendments to the Delegations Policy 308 for approval.
- Resolved:**
That the Delegations Policy 308 Amendments report is accepted; and
That the Environmental Services and Finance Committee approve the amended Delegations Policy 308, as presented.
- Moved Mayor Rowley
Seconded Cr Morton
MOTION CARRIED
- Note:**
Further amendments to the Delegations Policy 308: Departmental Staff will be made and signed off by the Chief Executive in accordance with his delegation from Council.
- 6 Proposed Additions to Fees and Charges under the Resource Management Act 1991**
- The Environmental Services and Finance Committee considered additions to the Resource Management Fees and Charges under the Resource Management Act 1991 to allow fees to be charged for two new activities.
- Resolved:**
That the Proposed Additions to Fees and Charges under the Resource Management Act 1991 report is accepted; and
That the Environmental Services and Finance Committee approves the Boundary Activity deposit fee of \$300 and the Marginal Activity deposit fee of \$300 for consultation.
- Moved Mayor Rowley
Seconded Cr Paul
MOTION CARRIED
- 7 Gorge Road Lease**
- The Environmental Services and Finance Committee considered the potential lease of the property located at Gorge Road.
- Resolved:**
That the Gorge Road Lease report is accepted; and
That the Environmental Services and Finance Committee approves that the land be publicly tendered again.
- Moved Cr Morton
Seconded Cr Owen
MOTION CARRIED
- Note:**
Cr Paul voted against the motion.
- 8 Consideration of Major (Urgent Business) or Minor Items not on the Agenda**
- There were no major (urgent business) or minor items identified.

9 Exclusion of the Public

The Environmental Services and Finance Committee considered moving into public excluded to take the below items:

- i Confirmation of Minutes: Environmental Services and Finance Committee – Tuesday 1 August 2017
- ii Alpine Energy Report for Shareholders to 31 July 2017

General Subject of each matter to be considered	Reason for passing this resolution	Ground(s) under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution
Confirmation of Minutes – Environmental Services and Finance Committee	Good reason to withhold exists under Section 7	7(2)(c)(i)(ii): The withholding of the information is necessary to protect information which is subject to an obligation of confidence
Alpine Energy Report for Shareholders to 31 July 2017	Good reason to withhold exists under Section 7	7(2)(i): The withholding of the information is necessary to enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

Resolved:

That the Environmental Services and Finance Committee resolves to exclude the public from the following parts of the meeting on the grounds contained in section 48(1) of the Local Government Official Information and Meetings Act, or section 6 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.

Moved Cr Paul
Seconded Mayor Rowley
MOTION CARRIED

There being no further business, the Chair declared the meeting closed at 10.12am. These minutes to be confirmed at the Environmental Services and Finance Committee meeting to be held on Tuesday 24 October 2017.

Cr J Guilford
Acting Chair

Item 5

Management Report – Corporate Services

Prepared by: Andy Hilton
 Corporate Services Manager

The Corporate Services Manager's report is submitted for the information of the Environmental Services and Finance Committee.

Recommendation

That the Corporate Services Manager's report is accepted.

Performance Measure Reporting

About the Quarterly Performance Report

- 1 The following outlines Waimate District Council's Quarterly Performance Report for the twelve months from 1 July 2017 to 30 September 2017.
- 2 Progress will be shown using the following symbols:

✓ Achieved	✗ Not Achieved	→ On Track	↘ Tracking below target
------------	----------------	------------	-------------------------

Managing Services

- 1 Information about Council services is readily available.

Measure	Target	2016/17 Result	Current Result	Staff Comments
Council website is available to public 365 days a year	Website available 356 days	✓	✓	Other than for the scheduled maintenance by our cloud service provider, the website was available and accessible to the public throughout the three months
Customers can reach Council by phone 24 hours a day, seven days a week	Phone operating 24/7	✓	✓	Customers could reach Council by phone during opening hours and through our answering service after hours during the three months

Community Planning Development Group Project List

Financial Year(s)	Project	Project Description	Budget	Spend to Date	% Complete	Status		Comments / Issues / Risks / Reasons
						Time	Budget	
Corporate Services								
2017/18 (rolled over)	EDRMS	Embed Sharepoint as the main document management tool for Council	\$80,000	\$75,785	50%			A review of this project status has been undertaken. Software has been installed but adoption of the tool has been limited. A second round of implementation; our Records officer is leading this activity with progress being made on Activity areas adopting Sharepoint as their core file domain. No further capital spend is anticipated.
2017/18	Magiq Performance	Implementation of the Magiq Performance reporting and budgeting suite for use in LTP 2018-28 and 2017/18 reporting	\$121,000	\$33,054				Project is on track. LTP budget model input been undertaken in the system and financial modelling has been tested. On track to deliver required LTP outputs for management review in October.
2017/18	Magiq Electronic Purchase Orders	Replacement for manual purchasing order books, integrating order production with existing Magiq financial system		\$9,450				Implementation of EPO has been pushed out to 1 December 2017 due to LTP and Annual Report focus.
2017/18 (rolled over)	Funding Policy Review	Review as required by S101 of the Act the basis, methods and justification of Council funding sources	Internal					Policy sessions with Council complete to enable draft policy to be drawn up. Council session required to finalise policy prior to Consultation.
2017/18	Annual Report 2016/17	Production of Annual Report financials for 2016/17	Internal					On target for completion by end October.
2017/18 (rolled over)	Magiq Single Customer Database	Collate all disparate customer databases e.g. Rates, Dogs into one core customer database. A pre-requisite for additional Magiq functionality	\$5,000					Project start delayed until January 2018. Addition of Team Leader in Corp Services team, once trained, will provide sufficient cover so that specific work on customer database can be resourced internally. Time shown as amber due to reliance of v4 Upgrade project on this project being completed.
2017/18 (rolled over)	Magiq v4 Upgrade	Update Magiq system from v3 to v4; improved functionality and module options.	\$13,000		0%			Statement of Work signed with Magiq - total cost \$13,500; expected to upgrade in April 2018. Capital budget saving from Server Upgrade being applied to cover shortfall (approved by CE)
2017/18 (rolled over)	PABX upgrade	Update telephone system server hardware	\$15,000					Existing PABX is still viable and supported in the market. Option to use existing project funds to extend PABX functionality is under consideration.
2017/18 (rolled over)	Online Consenting	Build Online Consenting functionality	\$20,000					To be read in conjunction with Mobile Consenting project in Property & Regulatory; delayed due to resource constraints and reliance on EDRMS project.
2017/18	Windows 10 & Office 2016 Rollout	Migration to latest versions of OS and software	Internal					Rollout via remote process is underway and expected to be completed by end November. Major applications have been tested for compatibility to new OS. Staged rollout across teams is occurring to minimise the impact of any unforeseen compatibility issues.

Status Key:

	On track with time / budget for completion within the plan year
	High Risk (budget and/or timeframe)
	Some risk (budget and/or timeframe) - Highlight issues in comments
	Not started / External to Council

Item 6

Management Report – Regulatory and Compliance Group

Prepared by: Sue Kelly
Regulatory and Compliance Group Manager

The Regulatory and Compliance Group Manager's report is submitted for the information of the Environmental Services and Finance Committee.

Recommendation

That the Regulatory and Compliance Group Manager's report is accepted.

Highlights

Building Control

IANZ Building Consent Authority Assessment

- 1 IANZ (International Accreditation New Zealand) has advised that the one CAR (corrective action request) issued during the accreditation reassessment in June 2017 has been cleared. Continued accreditation has been confirmed and the next reassessment is scheduled for July 2019.
- 2 Staff have worked incredibly hard to fully embed the proper processes required of the authority in such a way that they are routine and consistent. The two yearly assessments carried out by IANZ provide assurance that high standards are maintained and underpin the delivery of this service to the public.

Resource Management

National Environmental Standard for Plantation Forestry (NES-PF)

- 3 Currently, the Resource Management Act 1991 (RMA) manages the environmental effects of plantation forestry, through individual Council's regional and district plans. The NES-PF will change this by providing a nationally consistent approach.
- 4 The aim of the NES-PF is to maintain or improve the environmental outcomes associated with managing plantation forestry activities and to provide efficiencies and greater certainty in the management of these activities under the RMA.
- 5 The regulations do this by providing a set of consistent planning rules nationwide for eight key forestry activities – afforestation, pruning and thinning-to-waste, earthworks, river crossings, forest quarrying, harvesting, mechanical land preparation, and replanting.
- 6 These permit plantation forestry activities where it is appropriate and where there are no significant adverse effects on the environment. In cases, where potential adverse effects may not be avoided or mitigated through good-practice forestry management, resource consents will be needed.
- 7 Under the NES-PF, councils can set more stringent rules to manage nationally important resource management issues and environmental impacts in unique and/or sensitive local environments.
- 8 The NES-PF will come into force on 1 May 2018. In the meantime, the Ministry for Primary Industries will be working to support key stakeholders responsible for managing, and operating under, the new system. This will take the form of guidance materials and workshops.
- 9 Council did make a submission on the consultative document to the proposed NES-PF back in August 2015. Council's submission did express some concern over added costs and complexity for the Council.
- 10 The NES-PF does now allow for cost recovery for councils in monitoring permitted forestry activity. Council's submission also suggested that the minimum land area for

'plantation forestry' to be captured by the NES-PF be increased from 1 hectare to 2 hectares to coincide with MAF's lower limit for deforestation for carbon credits.

- 11 However, the 1-hectare minimum planted area has remained unchanged so this means that more new farm plantations or woodlots will be captured under the NES-PF and subsequently require more monitoring from Council as most farm owners will be unaware of the new planting requirements under the NES-PF.
- 12 The District Plan may need to be changed to protect sensitive sites located within the district's hill and high country where previously resource consent was required. Matters not specifically covered in the NES-PF such as water yield considerations and fire district boundary controls may also need new District Plan rules.

General

- 13 Staff are continuing to work through and understand the impact of the changes to the RMA (Resource Management Act) as information becomes available. This includes attendance at workshops and planners' meetings.
- 14 Improvements are underway to increase the amount of consent monitoring being undertaken and to also ensure that the right systems are in place to achieve meaningful and consistent reporting in this area. This area has been under-resourced for some time but with the re-allocation of some duties there should be a marked increase in effective monitoring.
- 15 As at the time of writing this report there have been no submissions received in response to the Special Consultative Process for the fees and charges for the new Boundary and Marginal or Temporary Activities.
- 16 The following resource consents have been granted under delegated authority for the 1 July-30 September 2017 quarter:

RM170017	Subdivision: Create 4 rural lots BJ Sullivan, 55 Tavistock Road, Otaio <i>Processing Days = 5 out of 20</i>	08/08/17
RM170021	Land Use: Erect conservatory to existing dwelling within the internal building setback & height recession line RL Burke, 20 Augustine Street, Waimate <i>Processing Days = 4 out of 20</i>	25/08/17
RM170018	Subdivision: Subdivide into 2 rural lots CH & JR Huwes, 114 & 124 Maytown Road, Waimate <i>Processing Days = 16 out of 20</i>	28/08/17
RM170020	Section 226 Certificate: Separate title for Lots 6 & 10 DP 3326 JM Squire, 198 Coffeys Road, Cannington <i>Processing Days = 7 out of 20</i>	29/08/17
RM170019	Subdivision: Boundary alterations with amalgamations New Zealand Mountain Hunting Limited, Centrewood Park Road, Waimate <i>Processing Days = 16 out of 20</i>	31/08/17

Regulatory

Food and Health

Report provided by Paul Cooper, Environmental Compliance Manager, Timaru District Council

- 17 The end of year results in terms of the Timaru District Council contract with Food and Health Standards, and Timaru District Council contracts with Waimate District Council and Mackenzie District Council are below. The numbers have been provided by Food and Health and checked by Timaru District Council, Paul Cooper. Service delivery in this activity has been of a high standard this last year and I am pleased with how our arrangements are operating.
- 18 Of note the three non-compliances recorded between April to June 2017 were all Timaru based businesses.

	Timaru		Mackenzie		Waimate		ALL Districts	
	Total Number of Registered Premises	Number of Inspections Completed	Total Number of Registered Premises	Number of Inspections Completed	Total Number of Registered Premises	Number of Inspections Completed	Overall total	Overall Inspections
FCP	139	133	43	38	23	19	205	190
FHR	164	142	31	27	26	21	221	190
Camping Ground	10	10	7	7	5	5	22	22
Hair	54	46	5	4	5	5	64	55
Beauty	37	31	N/A	N/A	2	2	39	33
Off. Trade	12	9	3	1	4	2	19	12
Funeral	5	5	0	0	0	0	5	5
Totals	421	376	89	77	65	54	575	507

Total All Health 575

Comments for year to date:

Health Premises	Number	Inspected	Compliance
July - Dec	595	193	2 major non compliances requiring re inspection
Jan-March	585	166 (So total 357)	2 major non compliances requiring re-inspection (total 4)
April-June	575	150 (So total 507)	3 major non compliance requiring re-inspection (total 7)

As at 30 June there were 426 registered food premises across the 3 districts- not including National Programmes which we do not verify. Of the 426 there are 205 FCPs as follows:

Timaru	139
Mackenzie	43
Waimate	23
Total	205

92% of premises on FCP have undergone audit (190/205)

Alcohol Licensing

Timaru 84% premises visited

Mackenzie 88% premises visited

Waimate 85% premises visited

Liquor		Number	Inspected	Compliance (%)
July-Dec 16	Liquor Premises	134	34	100%
Jan-March 17	Liquor Premises	134	15	100%
April-June 17	Liquor Premises	135	64	100%
Total for Year	Liquor Premises	135	113	100%

CRM's for noise as well and any liquor related CRM's for the same period.

Noise	Number
July-Dec 16	492
Jan-March 17	307
April-June 17	188
Total for Year	987

Waimate District Licensing Committee

Annual Report to the Alcohol Regulatory and Licensing Authority

For the year 2016 - 2017

Date: 1 September 2017

Prepared by: Paul Cooper
Environmental Compliance Manager
Timaru District Council

Introduction

The purpose of this report is to inform the Alcohol Regulatory and Licensing Authority (the Authority) of the general activity and operation of the Waimate District Licensing Committee (DLC) for the year 2016 - 2017.

There are three DLC's operating in the South Canterbury area under a single Commissioner, this model having been adopted during the implementation of the Sale and Supply of Alcohol Act 2012 (the Act) in December of 2013. The three DLC's are that of the Timaru, Waimate and Mackenzie Districts.

This report will relate to the activities of all the DLC's in the body of the text and to the Waimate DLC alone in the Annual Return portion of the report at the rear of this document. This satisfies the requirements of the territorial authority set out in section 199 of the Act.

Overview of DLC Workload

DLC Structure and Personnel

The table below shows the current membership of the three DLC's under the Commissioner. Councillor Chris Clarke joined the Mackenzie DLC following former Mayor Claire Barlow's resignation in October 2016. No other changes occurred during the reporting period.

	Name	Role
Commissioner	Sharyn Cain	Deputy Mayor - Waimate District Council
	Damon Odey	Deputy Chair, Mayor - Timaru District Council
	David Jack	Councillor - Timaru District Council
	Peter Burt	Councillor - Timaru District Council
	Graham Smith	Mayor - Mackenzie District Council
	Chris Clarke	Councillor – Mackenzie District Council
	Craig Rowley	Mayor - Waimate District Council
	Sheila Paul	Councillor – Waimate District Council

Total costs for the period amounted to \$15,527.28. This was made up of elected members allowances, travel costs, administration costs and solicitors fees.

In terms of Council staff delivering licensing services to the community and the DLC, there are 1.3 FTE licensing inspectors and a licensing administrator and the secretary to all three DLC's. In August of 2017 Secretary to the Timaru DLC Chris English took up another role out of district and consequently resigned. The new Secretary to the DLC is Paul Cooper.

Of note current staffing levels are at capacity given the number of applications processed, monitoring requirements and enforcement functions they carry out across the three districts.

Staff Training

One DLC training session was held during this period.

Hearings

There were no DLC hearings during the reporting period for Waimate DLC.

Local Alcohol Policy

The Timaru, Mackenzie and Waimate District Councils jointly prepared a draft Local Alcohol Policy. In preparing the policy, the views of the community about alcohol licensing matters were sought through community surveys, a consultation process and discussions with key stakeholders a policy was drafted. Following consultation and hearings on the draft policy (and subsequent changes) it became a Provisional Local Alcohol Policy (PLAP). Once the appeals against the PLAP were resolved, the Councils and ARLA were satisfied with the LAP and it was adopted. The PLAP became the LAP on 21 December 2015.

The LAP was evaluated by the Timaru, Waimate and Mackenzie District Councils in June 2017 and found to be performing well. Stakeholders were consulted with during the evaluation process. Each Council found the policy to be fit for purpose and will now be reviewed at the frequency prescribed by the Act.

Statistical Information

Statistical information about the operation of the DLC for the year 2016 - 2017 is in the prescribed form and follows overleaf.

- Annual return
- Current listing of licenced premises.

Waimate District Licensing Committee

Annual Return

July 2016 – June 2017

On-licence, Off-licence and Club Licence Applications Received						
Application Type	Number Received in Fee Category – Very Low	Number Received in Fee Category – Low	Number Received in Fee Category – Medium	Number Received in Fee Category – High	Number Received in Fee Category – Very High	Total
On-licence new						
On-licence variation						
On-licence renewal		1	3	1		
Off-licence new		1				
Off-licence variation						
Off-licence renewal			4			
Club licence new						
Club licence variation						
Club licence renewal	1					1
Total number	1	2	7	1	0	1
Total fee paid to ARLA (GST inc)	\$17.25	\$69.00	\$362.25	\$86.25	\$0	\$17.25

Annual Fees for Existing Licences Received						
Licence Type	Number Received in Fee Category – Very Low	Number Received in Fee Category – Low	Number Received in Fee Category – Medium	Number Received in Fee Category – High	Number Received in Fee Category – Very High	Total
On-licence		4	7	3		
Off-licence	1	2	7	2		1
Club licence	2	2				2
Total number	3	8	14	5	0	3
Total fee paid to ARLA (GST inc)	\$51.75	\$276.00	\$724.50	\$431.25	\$0	\$51.75

Managers' Certificate Applications Received	
Application Type	Number Received
Managers' certificate new	10
Managers' certificate renewal	27
Total number	37
Total fee paid to ARLA (GST inc)	\$1,063.75

Special Licence Applications Received			
	Number Received in Category – Class 1	Number Received in Category – Class 2	Number Received in Category – Class 3
Special licence	2	11	16

Temporary Authority Applications Received	
	Number Received
Temporary authority	0

Permanent Club Charter Payments Received	
	Number Received
Permanent club charter payments	0
Total fee paid to ARLA (GST incl)	\$0

Total paid to ARLA	\$3,082.00
---------------------------	-------------------

Number of District Licensing Committee Meetings Held

Date	Number
July 2016	5
August 2016	3
September 2016	4
October 2016	5
November 2016	4
December 2016	3
January 2017	2
February 2017	4
March 2017	5
April 2017	4
May 2017	4
June 2017	5

Waimate District Licensing Committee

List of Licenced Premises

As at 30 June 2017

Premise Name	Licence Type
198 Morven Beach Road, RD 10, Waimate "Gifthouse & Cart Limited"	Endorsed Off/Remote
42 Waimate Highway, St Andrews "Masonic Hotel"	Off Licence
42 Waimate Highway, St Andrews "Masonic Hotel"	On Licence
36 Waimate Highway, Makikihi, RD 8, Waimate "Makikihi Country Hotel Catering"	Endorsed On/Caterers
228 Point Bush Road, Waimate "Vines Restaurant"	On Licence
Manchester Park - Wall Street, Waimate "Waimate Rugby Football Club"	Club Licence
45 Shearman Street, Waimate "The Woolshed Baa"	On Licence
95 Queen Street, Waimate "New World Waimate"	Off Licence
14 John Street, Waimate "Waimate Town and Country Club"	Club Licence
Main South Road, Hook, RD 8, Waimate "Butlers Berry Farm & Cafe"	On Licence
1 Redcliff Road, Glenavy "Glenavy Hotel"	Off Licence
1 Redcliff Road, Glenavy "Glenavy Hotel"	On Licence
228 Point Bush Road, RD 9, Waimate "Point Bush Estate Cellar Door"	Off Licence
8 Murray Street, Studholme "Studholme Hotel"	On Licence
36 Waimate Highway, Makikihi, RD 8, Waimate "Makikihi Country Hotel"	Off Licence
36 Waimate Highway, Makikihi, RD 8, Waimate "Makikihi Country Hotel"	On Licence
700 Craigmore Valley Road, Maungati "Maungati Golf Club"	Club Licence
4 Stony Creek Road, Waimate "Waihao Forks Hotel"	Off Licence
4 Stony Creek Road, Waimate "Waihao Forks Hotel"	On Licence
Main Road, St Andrews "St Andrews Golf Club"	Club Licence
112-114 High Street, Waimate "Waimate Hotel"	Off Licence
112-114 High Street, Waimate "Waimate Hotel"	On Licence
14 John Street, Waimate "Waimate Town & Country Club"	Off Licence
30 Shearman Street, Waimate "Royal Tavern"	Off Licence
30 Shearman Street, Waimate "Royal Tavern"	On Licence
Browns Road, Waimate "Waimate Golf Club"	Club Licence
210 Queen Street, Waimate "Waimate Bowling Club"	Club Licence

Action Point Report

Action Point	Status	Comment
1 August 2017 – Community Services and Development Committee		
Council agreed that the Easter Trading Policy be brought before Council sooner rather than later.	In progress	

Projects

Financial Year	Activity	Project	Project Description	Budget	Spend to Date	% Complete	Status		Comments / Issues / Risks / Reasons
							Time	Budget	
2015/16	BCA	Mobile inspections	Introducing new electronic entry of data in the field	\$40k	\$18,558.00	95%			Partial delay due to the additional work required for integration with the electronic document management system.
2017/18	BCA	Integration of Trapeze		TBA					To provide increased electronic capability for consent processes
2018	BCA	Electronic filing of Building Consents	Integration of Datacom	TBA					Scoping of Datacom to allow for electronic filing and processing of building consents
2016/18	Reg	Bylaw Review	Undertake a full review of all Bylaws	Internal resources	Internal resources	30%			Review process approved, timetable set and process underway with six items completed as at 1 September 2017. Awaiting an update on the schedule from the Asset Department.
2017/19	RM	Back-scanning of Resource Consents	Scanning of current and historic resource consent documents into MagiQ	Internal resources		34%			Work began June 2017 and is expected to be completed July 2019. There are approximately 1,100 historic resource consent files to be scanned in, 375 have been scanned as at 21 Sep 2017.
2017	Reg	Earthquake Prone Building Initial Assessments	Setting up processes and structure to undertake the initial assessments under the new legislation	Internal resources - other costs unknown at this time					TA function Not started
2017/22	RM	District Plan Review	10 year review of District Plan						Not started
	Reg	Swimming Pool Registration and Monitoring Project	Monitoring of Pools as required by changes to the Building Act	Internal resources					Set up register, liaise with the community, inspect and register swimming pools, spa pools and hot tubs as per the new requirements of the Act
2017/18	Reg	Back-scanning of LIM Reports	2010-2015 LIM reports to be scanned in electronically	Internal resources					To ensure data is captured to allow for destruction of physical files. All LIMS since that time are electronically filed.
2017/22	RM	RMA Amendments 18 April 2017	SCP Fees & Charges for Boundary & Marginal activities	Internal and advertising					One of various projects which will arise from the progressive changes taking place under the RMA Amendments

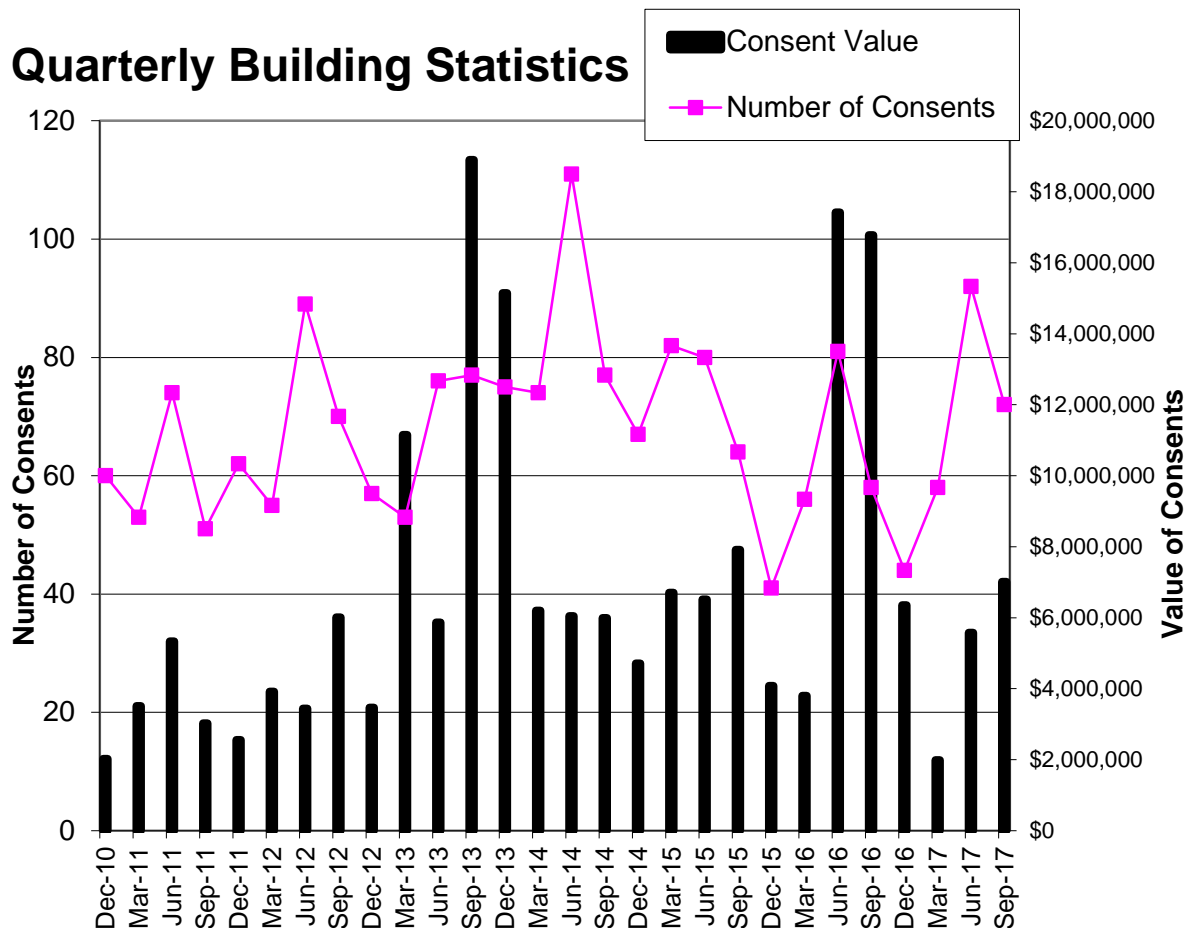
Status Key:

	On track with time / budget for completion within the plan year		High Risk (budget and / or timeframe)		Some risk (budget and / or timeframe) – Highlight issues in comments		Not started / external to Council
--	---	--	---------------------------------------	--	--	--	-----------------------------------

Quarterly Statistical Reporting for the period 1 July - 30 September 2017

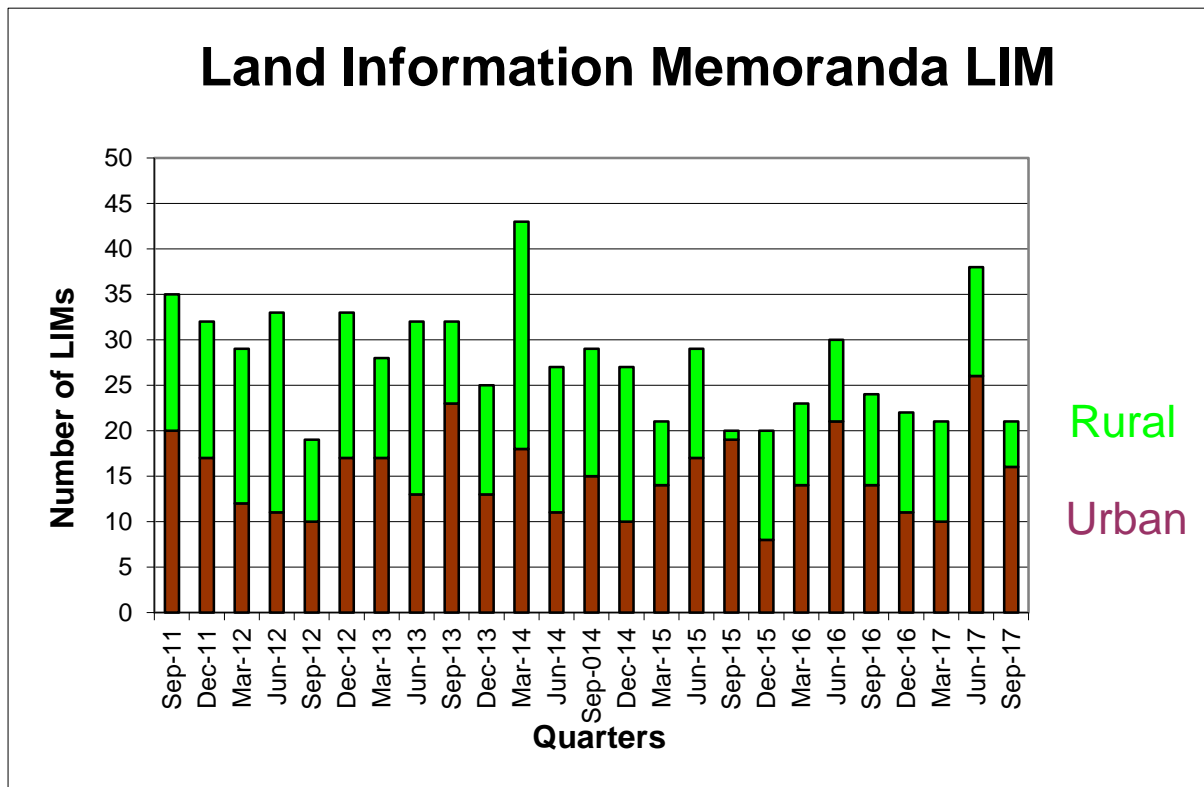
Building Consents

19 72 building consents were issued for the period 1 July-30 September 2017 with a value of \$7,010,042.



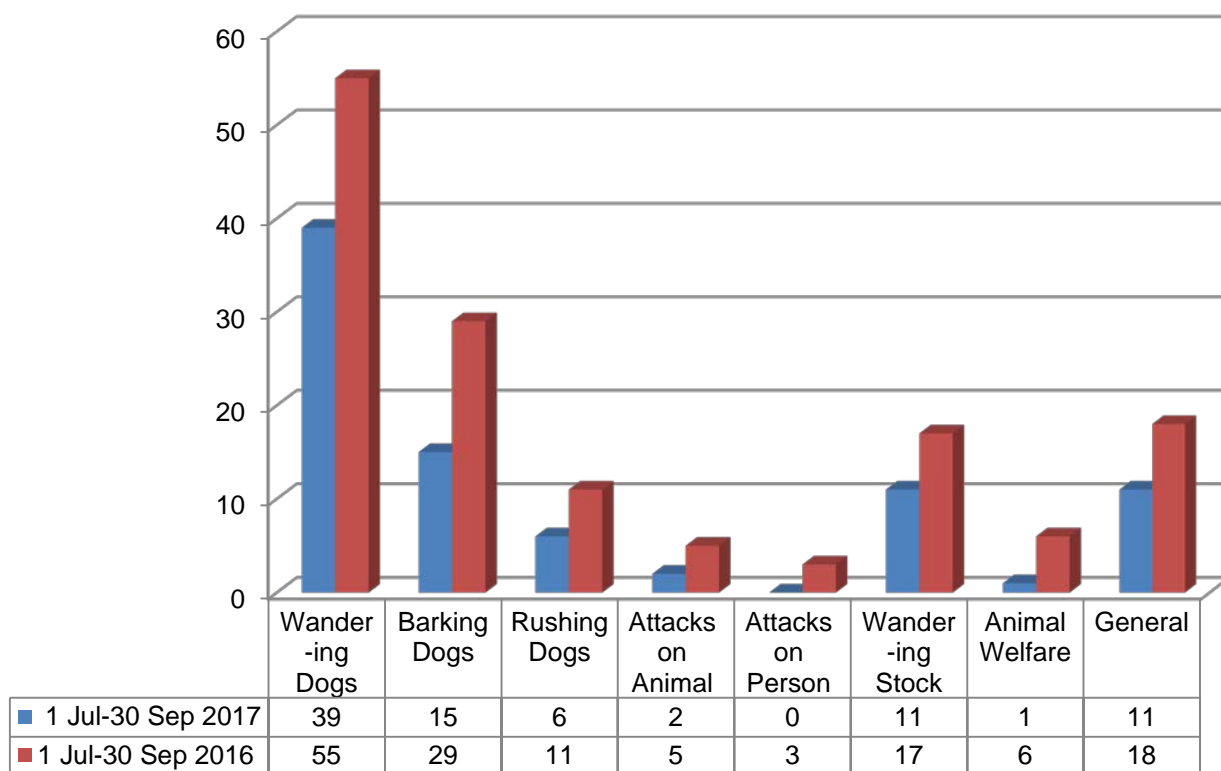
Land Information Memoranda (LIM)

- 20 21 LIM Reports were issued for the period 1 July-30 September 2017. These were for 16 urban and 5 rural properties.



Dog and Animal Control

- 21 Dog and Animal Control Corrective Action Requests (CARs) 1 July-30 September 2017 and the 2016 comparison:



- 22 Dog registration 1 July-30 September 2017 and the 2016 comparison. While the early registration numbers were pleasing this year, the number of owners with unregistered dogs was slightly higher in August. A consistent approach is being taken with these owners and infringement notices are being issued.

Month	2017			2016		
	Registered dogs	Unregistered dogs	Owners with unregistered dogs	Registered dogs	Unregistered dogs	Owners with unregistered dogs
July	2443	447	245	2438	430	232
August	2667	174	106	2724	126	78
September	2749	74	48	2808	57	34

Performance Measure Reporting

23 The following outlines Waimate District Council's Quarterly Performance Report for the three months from 1 July 2017 to 30 September 2017. Some Performance Measures are reported annually and are therefore not included in this quarterly report.

24 Progress will be shown using the following symbols:

✓ Achieved	✗ Not Achieved	→ On Track	↘ Tracking below target
------------	----------------	------------	-------------------------

Building Control

1 The Building Control Authority process consents in a timely manner

Measure	Target	2016/17 Result	Current Result	Staff Comments
The Council issues building consents within the statutory timeframe	100% of consents issued within 20 working days	100% ✓ 252/252	100% ✓	72 out of 72 building consents issued within 20 days

Dog and Animal Control

1 Council responds quickly to wandering stock complaints.

Measure	Target	2016/17 Result	Current Result	Staff Comments
Council responds to all wandering stock and animal related complaints within two hours	Respond within 2 hours	✓ 169 wandering dogs and 57 stock complaints responded to within 2 hours	✓	39 wandering dogs and 11 wandering stock complaints responded to within 2 hours

2 Council responds quickly to dog attacks on people and stock.

Measure	Target	2016/17 Result	2016/17 Result	Staff Comments
Council staff interview complaints within two hours of a dog attack on people and stock	Interview within two hours	✓ 14 attacks on stock, 13 on people All complainants interviewed within 2 hours	✓	2 attacks on stock and 0 on people. All complainants interviewed within 2 hours

Property

1 Council maintains community and corporate buildings at a safe standard.

Measure	Target	2016/17 Result	Current Result	Staff Comments
The following properties owned by Council will be subject to monthly internal control checks and will achieve their building warrant of fitness to ensure health and safety of users: - Waimate Local Government Centre building (including Library) - Waimate Regent Theatre - Waimate Event Centre	Building warrants of fitness in place	✓	✓	Monthly internal control checks completed and WOF issued on Council's specified buildings

Regulatory

- 1 Respond to customer complaints and requests in a timely manner.

Measure	Target	2016/17 Result	Current Result	Staff Comments
Council actions noise complaints in the case of late night party noise within two hours	Party noise complaints actioned within two hours	16/17* One complaint was actioned in two hours 3 minutes after advising the complainant there would be a delay	4/4 ✓	4 late night party noise complaints (between the hours of 9pm and 7am) received. All actioned within two hours

Resource Management

- 1 Respond to customer complaints and requests in a timely manner.

Measure	Target	2016/17 Result	Current Result	Staff Comments
Council responds to all environmental complaints within ten working days	Respond to complaints within 10 working days	✓ 7 complaints responded to within 10 days	✓	2 complaints were responded to, both within 10 days

- 2 That consents are actioned promptly.

Measure	Target	2016/17 Result	Current Result	Staff Comments
That all resource consents are actioned within the statutory timeframe	Non-notified: 20 days	37/37 ✓	5/5 ✓	All five resource consent applications were actioned within the statutory timeframe
	Notified: 70 days	0/1 *	No notified applications	

Item 7 Waimate District Bylaw Review – Chapter 15 Demolition, Construction and Maintenance of Buildings and Site Works

Prepared by: Sue Kelly
Regulatory and Compliance Group Manager

Purpose of Report

- 1 To discuss the upcoming review and proposed revocation of the Waimate District Bylaw Chapter 15 Demolition, Construction and Maintenance of Buildings and Site Works.

Background

- 2 This bylaw is no longer relevant or necessary as the matters are now addressed through other regulations and legislation, particularly the Building Act 2004 and the Health & Safety in Work Act 2015.

Procedure for review

- 3 The bylaw shall be reviewed in adherence with the process described under the Council resolution “Waimate District Bylaw Review” on 6 December 2016.
- 4 At the completion of the review of all bylaws contained within the Waimate District Consolidated Bylaw 2008, the special consultative procedure will be undertaken in accordance with [sections 156 \(1\) \(a\)](#) and [86](#) (LGA).

Supporting Legislation and Documents such as but not limited to:

[Local Government Act 2002](#)

[Building Act 2004](#)

[Bylaw Act 1910](#)

[Human Rights Act 1993](#)

[Interpretation Act 1999](#)

[Health Act 1956](#)

[Trespass Act 1980](#)

[Waimate District Plan](#)

[Waimate District Council Policies](#)

[Health & Safety in Work Act 2015](#)

Proposal / Options

- 5 That the existing bylaw for 15 Demolition, Construction and Maintenance of Buildings and Site Works will be revoked at such time as the consolidated bylaws are circulated for the special consultative procedure.

Obstacles

- 6 There are no known obstacles.

Assessment of Significance

- 7 This matter may be deemed significant under the Council's Significance and Engagement Policy.

Budget Considerations

- 8 There are no known budget considerations.

Cost-effectiveness

- 9 Consideration has been given to cost-effectiveness.

Recommendation

- 1 That the Waimate District Bylaw Review – Chapter 15 Demolition, Construction and Maintenance of Buildings and Site Works report is accepted; and
- 2 That the Environmental Services and Finance Committee approves the proposal:

“That existing bylaw Chapter 15 Draft of Chapter 15 Demolition, Construction and Maintenance of Buildings and Site Works will be revoked at such time as the consolidated bylaws are circulated for the special consultative procedure.”

Bylaw Evaluation

Chapter under assessment	Chapter 15 assessment: Demolition, Construction & Maintenance of Buildings & Site Works	
Assessor	Sue Kelly, Regulatory and Compliance Group Manager	
Date	October 2017	
Questions	Yes/No	Action
Is the bylaw a legal requirement	No	Continue Analysis
Does the Council have the authority to prepare the bylaw	Yes	Continue Analysis
Will the bylaw give rise to any issues under the New Zealand Bill of Rights Act 1990? (s155(2)(b) LGA 2002)	No	Continue Analysis
Is there existing legislation that covers the bylaw?	Yes Building Act 2004 Health & Safety in Work Act 2015	Continue Analysis
Will the bylaw prevent injury, damage, and nuisance to the public and/or goods? (s145 LGA 2002)	N/A	Continue Analysis
Does the bylaw assist Council to meet its statutory obligations?	N/A	Continue Analysis
Is the bylaw consistent with Councils plans and policies?	N/A	Do not prepare bylaw

WAIMATE DISTRICT CONSOLIDATED BYLAW #####**CHAPTER 15****15 — DEMOLITION, CONSTRUCTION AND MAINTENANCE OF BUILDINGS AND SITE WORKS****Scope**

The purpose of this chapter of the Bylaw is to provide rules for the protection of the public and the environment, by ensuring that adequate protection provisions are made during demolition, construction, renovation and maintenance of buildings and site works.

This chapter of the Bylaw is to be read in conjunction with the requirements of the Building Act 2004, Resource Management Act 1991 and Health and Safety in Work Act 2015. Where any conflict occurs these Acts take precedence.

1501 — Interpretation

Words and expressions used in this chapter of the Bylaw unless inconsistent with the context have the meanings as defined in the Building Act 2004, Health and Safety in Work Act 2015 and Resource Management Act 1991.

1502 — Construction sites

1502.1 Every Person undertaking building work or site works shall provide sufficient readily accessible sanitary conveniences for all Persons engaged on that work.

1502.2 The requirements of clause 1502.1 may be waived when Council is satisfied that appropriate alternative arrangements have been provided.

1502.3 Every sanitary convenience provided in accordance with clause 1502.1 shall be sited in such a position so as not to create a nuisance or cause offence to persons either in a Public Place or to persons residing or working in any Premises adjacent to the site where building or site works are being undertaken.

1502.4 Every sanitary convenience provided in accordance with clause 1502.1 shall be maintained in a clean condition at all times.

1502.5 Every Person undertaking building or site works shall, at all times from the commencement of those building or site works until those building or site works are completed, ensure that adequate provision to the satisfaction of Council is made for the protection of other land (including streams, roads, and drains) from surface run-off.

1502.6 Where there is likelihood of debris or other matter falling or otherwise being deposited in any Public Place from vehicles leaving a construction or demolition site, Council may require an approved means of preventing that debris or material from falling from vehicles in or onto the Public Place.

1503 — Public safety

1503.1 No Person shall, for the purpose of carrying out any excavations, demolition, construction, building or building maintenance work, obstruct, operate on, over, or under, or deposit material on any footpath, carriageway or other Public Place without first obtaining Council approval.

~~1503.2 Any approval issued in accordance with clause 1503.1 including any approval for a safety fence, hoarding, gantry, scaffolding or other safety issues may be issued subject to such conditions, restrictions and limitations as Council considers necessary or desirable to ensure the safety and convenience of the public and the protection of any Public Place.~~

~~1503.3 Where a roof is not required over the footpath, the lower stage of the scaffold shall be covered to extend to a line with the outside edge of the kerb.~~

~~1503.4 All footpaths under any scaffold shall be maintained clean and clear at all times.~~

~~1503.5 Where required by the Council a boarded platform not less than 1 metre wide shall be constructed for use as a footpath outside the scaffold.~~

~~1503.6 In all cases where street channels are covered over, the Person to whom permission has been given shall prevent the obstruction of such channels during the currency of the permit.~~

~~1503.7 All scaffolds and hoardings and public walkways underneath shall be well and sufficiently lighted to the satisfaction of the Council.~~

~~1503.8 Any hoarding or gantry erected shall be erected so as to meet the provisions and requirements of clause F5 of the New Zealand Building Code.~~

~~1504 Demolition~~

~~1504.1 Every Person carrying out the demolition or removal of a building or part thereof above a plane of 45 degrees from the boundary of a Public Place shall comply with the following requirements:~~

- ~~(a) One storey only at a time shall be demolished or removed commencing from the uppermost level;~~
- ~~(b) No material shall be stored or stacked upon any floor of the building;~~
- ~~(c) All material shall be lowered to the ground immediately it has been displaced;~~
- ~~(d) No external wall or part thereof abutting on any street or Public Place shall be demolished or removed except at such time and under such conditions as Council may approve;~~
- ~~(e) No material shall be discharged onto any street or Public Place;~~
- ~~(f) Water shall be sprayed upon all displaced materials for the purpose of preventing or lessening the diffusion of dust arising from any demolition activity;~~
- ~~(g) A ball and crane or other mechanically assisted demolition methods shall not be used on any building closer than the height of the building from the street frontage or within 12 metres of the street boundary (whichever is the greater) unless approval has been obtained from Council for the closing of the Public Place adjacent to the work. The Council may specify the amount of Public Place to be closed off to allow the work to be carried out without endangering public safety. Where Council so approves the contractor shall pay supervisory costs incurred by Council in maintaining public safety;~~

- ~~(h) No portion of a building closer than its height from the Public Place shall be left standing when it is no longer stable unless arrangements have been made to the satisfaction of Council for the protection of the public;~~
- ~~(i) Where required by Council, demolition work shall be carried out under the supervision and control of an appropriately experienced Registered Engineer and confirmation of an Engineer's appointment shall be submitted by the applicant prior to the issue of a demolition permit;~~
- ~~(j) All measures described elsewhere in this or any other part of the Bylaw for the protection of footpaths shall be observed;~~
- ~~(k) Any hoarding or gantry shall be erected to the requirements of clause F5 of the New Zealand Building Code where in the opinion of Council there is a need to safeguard people or other property from demolition activities occurring on any land.~~

~~1504.2 Council may in appropriate cases dispense with strict compliance with any of the requirements of clause 1504.1.~~

~~1505 Protection of public during building work or building maintenance~~

~~1505.1 No Person shall commence any building work, demolition, renovation or maintenance on any part of a Premises adjacent to any Public Place until there has been erected a fence, hoarding, gantry or barrier so as to close off and render safe the pedestrian and vehicular traffic using or which may use the adjacent parts of the Public Place. No such fence, hoarding, gantry or barrier shall be erected without first having obtained a consent from Council.~~

~~1505.2 Where a site fence, hoarding or gantry is in the opinion of Council necessary any such fence, hoarding or gantry shall comply with the requirements of clause F5 of the New Zealand Building Code.~~

~~1505.3 Where permission has been given for construction or maintenance of a verandah or other structure over a Public Place the necessary work shall be carried out at such times and in such a manner as Council may approve having regard to pedestrian and vehicular traffic. Where Council does not authorise the complete closure of the footpath affected, then operations shall proceed over half of the footpath width at a time, with the remainder of the footpath being maintained clear and protected to Council's satisfaction.~~

~~1505.4 Every Person erecting, adding to, altering, repairing, plastering, painting, cleaning, or demolishing any building shall, during the operations or works take all precautions for guarding against injury to Persons or damage to property using or passing along any street or Public Place.~~

~~1506 Lifting material and equipment over Public Places~~

~~1506.1 The design of new buildings and their method of construction shall be arranged so far as is practicable to provide for the unloading and hoisting of materials and equipment on and over the building site itself and clear of any Public Place.~~

~~1506.2 No Person shall undertake the mechanical hoisting of building materials or equipment from or over any Public Place where those building materials and equipment can be unloaded from vehicles driven onto the building site and be clear of the street.~~

~~1506.3 Where such unloading and hoisting of materials on or over a building site is not otherwise practicable the unloading and hoisting in a Public Place shall be in accordance with the following conditions:~~

- ~~(a) Areas over or from which hoisting is being carried out must be coned, roped, fenced or barricaded off;~~
- ~~(b) A clearly defined substantially constructed and fully protected gantry type thoroughway or bypass, must be provided for pedestrian use over any footpath alongside any Public Place from which materials and equipment are to be hoisted. This protected thoroughway shall extend along the full length of the frontage of the site and where required by Council shall extend beyond the frontage of the building to provide radial protection to passers-by;~~
- ~~(c) Crane jibs may swing over unprotected public roadways and footpaths but not the loads hanging therefrom. The load must be luffed back over footpath gantries as soon as practicable and before slewing the jib so that loads are not at any time suspended over unprotected areas. No vehicle unloaded from a coned off area shall move away until its last load has been hoisted clear of the roadway;~~
- ~~(d) The lifting or lowering of materials or equipment on trays without sides is prohibited. The tray must be enclosed on all sides to a height not less than the height of the load.~~

~~1506.4 Proof of a public liability insurance cover indemnifying the Council for a minimum amount of \$1,000,000 or as determined by Council, in respect of any claims for injury or damage to Persons or property, shall be provided. Council may reduce or waive this requirement in the case of minor works.~~

~~1507 Fire hydrants~~

~~1507.1 All fire hydrants shall be left unenclosed in such manner as will enable the hydrant to be easily accessed.~~

~~1507.2 Access shall be provided to all underground services within the enclosed street area at all times.~~

~~1508 Responsibility for accidents not affected~~

~~1508.1 The granting of any approval, consent or permission as prescribed in this chapter of the Bylaw shall not relieve the grantee from any liability or responsibility to any affected Persons or property.~~

~~1509 Disposal of waste~~

~~1509.1 Any Persons engaged in demolition or site works shall ensure that any waste to be disposed of shall be in accordance with the Council Bylaw and/or any Regional Council Bylaw and/or rules.~~

~~1509.2 The burning of waste as a means of disposal is not permitted.~~

~~1510 Standing on verandahs~~

~~1510.1 No Person shall stand on any verandah erected over a Public Place except for the purpose of inspection, maintenance or egress in the case of fire.~~

~~1511 — Offences~~

~~1511.1 Any Person who commences any site works, demolition, renovation, maintenance or construction without having first obtained Council permission or, having obtained permission fails to comply in all respects with the conditions of that permission or this chapter of the Bylaw or who on the expiry of the time specified in such permit or any renewal thereof fails to leave such Public Place or any part thereof in its previous condition shall commit an offence against this chapter of the Bylaw.~~

~~1512 — Enforcement~~

~~1512.1 Where any Person carrying out site works, demolition, renovation or maintenance causes damage to footpaths, roadways and the like or creates conditions which in the opinion of Council are likely to be dangerous to vehicles or pedestrians, or causes undue hardship for neighbours or the public, Council may by notice take such action as is considered necessary, or in any particular case, to mitigate such conditions or damage and to clean up or otherwise stop such work until the matter is resolved.~~

~~1512.2 All costs incurred by any such action as referred to in clause 1512.1 shall be a direct charge against the Owners of the land where the nuisance or danger is being created.~~

Item 8 Waimate District Bylaw Review – Chapter 16 Apartment Buildings and Boarding-Houses

Prepared by: Sue Kelly
Regulatory and Compliance Group Manager

Purpose of Report

- 1 To discuss the upcoming review and proposed revocation of Waimate District Bylaw Chapter 16 Apartment Buildings and Boarding-Houses.

Background

- 2 This bylaw is no longer relevant or necessary as the matters are now addressed through other regulations and legislation, particularly the [Building Act 2004](#) and the [Food Act 2014](#).

Procedure for review

- 3 The bylaw shall be reviewed in adherence with the process described under the Council resolution “Waimate District Bylaw Review” on 6 December 2016.
- 4 At the completion of the review of all bylaws contained within the Waimate District Consolidated Bylaw 2008, the special consultative procedure will be undertaken in accordance with [sections 156 \(1\) \(a\)](#) and [86](#) (LGA).

Supporting Legislation and Documents such as but not limited to:

[Local Government Act 1974](#)

[Local Government Act 2002](#)

[Bylaw Act 1910](#)

[Human Rights Act 1993](#)

[Interpretation Act 1999](#)

[Health Act 1956](#)

[Trespass Act 1980](#)

[Building Act 2004](#)

[Food Act 2014](#)

[Waimate District Plan](#)

[Waimate District Council Policies](#)

Proposal / Options

- 5 That the existing bylaw for 'Apartment Buildings and Boarding-Houses will be revoked at such time as the consolidated bylaws are circulated for the special consultative procedure.

Obstacles

- 6 There are no known obstacles.

Assessment of Significance

- 7 This matter may be deemed significant under the Council's Significance and Engagement Policy.

Budget Considerations

- 8 There are no known budget considerations.

Cost-effectiveness

- 9 Consideration has been given to cost-effectiveness.

Recommendation

- 1 That the Waimate District Bylaw Review – Chapter 16 Apartment Buildings and Boarding-Houses report is accepted; and
- 2 That the Environmental Services and Finance Committee approves the proposal:

"That existing Chapter 16 Apartment Buildings and Boarding-Houses will be revoked at such time as the consolidated bylaws are circulated for the special consultative procedure."

Bylaw Evaluation

Chapter under assessment	Chapter 16 assessment: Apartment Buildings and Boarding-Houses	
Assessor	Sue Kelly, Regulatory and Compliance Group Manager	
Date	October 2017	
Questions	Yes/No	Action
Is the bylaw a legal requirement	No	Continue Analysis
Does the Council have the authority to prepare the bylaw	Yes	Continue Analysis
Will the bylaw give rise to any issues under the New Zealand Bill of Rights Act 1990? (s155(2)(b) LGA 2002)	No	Continue Analysis
Is there existing legislation that covers the bylaw?	Yes Building Act 2004 Food Act 2014	Continue Analysis
Will the bylaw prevent injury, damage, and nuisance to the public and/or goods? (s145 LGA 2002)	N/A	Continue Analysis
Does the bylaw assist Council to meet its statutory obligations?	N/A	Continue Analysis
Is the bylaw consistent with Councils plans and policies?	N/A	Do not prepare bylaw

WAIMATE DISTRICT CONSOLIDATED BYLAW #####**CHAPTER 16****16 — APARTMENT BUILDINGS AND BOARDING HOUSES****Scope**

The purpose of this chapter of the Bylaw is to enable Council to meet its statutory duties and responsibilities and to monitor accommodation buildings to ensure that conditions do not arise that may threaten the health and safety of tenants, neighbours or the community at large.

With regular monitoring it is intended that Council Officers should consult with and advise Owners and tenants with the aim of minimising sub-standard living conditions in the Waimate District.

1601 — Compliance

1601.1 — No Person shall permit the use of any building within the District as an Apartment Building or Boarding-house which does not comply with this chapter of the Bylaw.

1602 — Compliance with statutory requirements

1602.1 — Nothing in this chapter of the Bylaw shall dispense with or supersede any requirements in any statutory provisions, regulating existing buildings, the erection of new buildings, or the alteration of or addition to existing buildings.

1603 — Keeper to provide facilities for inspection

1603.1 — Every Keeper shall at all reasonable times afford free access to every part of his/her Boarding-house or Apartment Building, as the case may be, to any Council Officer and every Person other than the Keeper residing in such Boarding-house or Apartment Building shall at all such times afford free access to every part of such Boarding-house or Apartment Building occupied by him/her to any such Council Officer, and shall not wilfully obstruct or hinder that Council Officer.

1603.2 — Such Council officers shall take into account the right of privacy afforded to persons residing in such boarding-houses or apartment buildings and shall not enter a habitable room without having reasonable cause to do so.

1604 — Inspecting Officer not to be obstructed

1604.1 — No Person shall wilfully hinder, delay, or obstruct any Council Officer who has lawfully entered any Boarding-house or Apartment Building for the purpose of inspecting the Premises, or, without reasonable excuse, neglect or refuse to render him/her such assistance as they may reasonably require for the purpose of inspection.

1605 — Overcrowding

1605.1 — No Person shall cause or permit to be occupied any room in a Boarding-house or Apartment Building wholly or partly as a sleeping room unless such room has at least the area specified in the first column of the Second Schedule to the

~~Housing Improvement Regulations 1947 for the number of Persons sleeping in such room calculated in accordance with the second column of such Schedule.~~

1606 — Cleansing and maintenance of boarding house and apartment buildings

1606.1 — The Keeper of every Boarding-house shall:

- (a) ~~Maintain all walls, floors, ceilings, and yards of the Premises in a clean and sanitary condition at all times and the building generally in a good state of repair;~~
- (b) ~~Maintain all utensils, fixtures, fittings, furniture, bedding, and receptacles they provide in a clean and sanitary condition at all times;~~
- (c) ~~At least once in each year cause to be removed from every chimney all accumulations of soot;~~
- (d) ~~Clearly identify the rooms that are to be separately occupied by affixing a number to the outer side of the doors;~~
- (e) ~~Cause all floors and yards to be thoroughly swept each day and washed or otherwise thoroughly cleansed once in each week;~~
- (f) ~~Cause all refuse to be removed from all rooms daily and cause all receptacles for such refuse to be cleansed at least once daily;~~
- (g) ~~Provide sanitary facilities in accordance with relevant legislation;~~
- (h) ~~Provide sufficient laundry facilities to the satisfaction of Council for the use of all Boarders or Lodgers; and~~
- (i) ~~Where any meals are served or prepared, set aside a room as a kitchen to be used solely for the preparation and storage of food. The use of such kitchens shall comply with either an approved food safety programme as defined by section 4A of the Food Act 1981, or the following provisions:~~
 - (i) ~~All floors, walls and ceilings in the kitchen shall be properly constructed, kept in good repair, and finished to provide smooth, impervious, easily cleanable surfaces. All walls and ceilings shall be finished in a light colour to facilitate cleaning and inspection;~~
 - (ii) ~~All parts of the kitchen and dining room shall be adequately lighted by daylight and artificial lighting as the circumstances require, to facilitate cleaning and inspection;~~
 - (iii) ~~All parts of the kitchen and dining room shall be adequately ventilated. Where mechanical ventilation is provided this shall be regularly cleaned by an approved contractor;~~
 - (iv) ~~All parts of the kitchen and dining room shall be maintained in a clean, hygienic and tidy condition, free from foul odours and vermin;~~
 - (v) ~~The kitchen shall be provided with a sufficient number of sinks and other sanitary fittings reasonably necessary for the cleansing of crockery, utensils and appliances used in the preparation, service and consumption of food. Every such sink shall be supplied with a piped supply of hot and cold water;~~

- (vi) A wash-hand basin supplied with piped hot and cold water, or tempered water at a minimum temperature of 38°C, shall be located within the kitchen or within close proximity to the kitchen. The wash-hand basin shall be supplied with soap, a nail brush and single-use hand-drying equipment;
- (vii) All benches, shelves, tables, cupboards, appliances and equipment shall be constructed and finished so that they are capable of being easily cleaned;
- (viii) Adequate means of preparing food and of cooking food, both by boiling and by baking, sufficient for the numbers of guests, shall be provided in the kitchen;
- (ix) Adequate refrigerated and frozen storage shall be provided sufficient for the numbers of guests, for the storage of perishable and readily perishable foods. All refrigerated storage shall operate at 4°C or below and frozen storage at minus 17°C or below;
- (x) Adequate space for the storage of food shall be provided, so placed, fitted and ventilated as to protect the food from flies, dust, and other contamination and from the direct rays of the sun.

1606.2 The Keeper of every Apartment Building shall:

- (a) Maintain all walls, floors, ceilings, and yards of those parts of the Premises used in common by two or more families in a clean and sanitary condition at all times, and the building generally in a good state of repair;
- (b) Maintain all utensils, fixtures, fittings, furniture and receptacles in common use in a clean and sanitary condition at all times;
- (c) At least once in each year cause to be removed from every chimney all accumulations of soot;
- (d) Cause all floors and yards of those parts of the Premises in common use to be thoroughly swept each day and washed or otherwise thoroughly cleansed once in each week.

1606.3 In carrying out the duties imposed on him/her by clauses 1606.1 and 1606.2, the Keeper shall comply with any requirements made by Council.

1607 Lighting of common passages, etc

1607.1 The Keeper of every Apartment Building and Boarding house shall maintain adequate artificial lighting for use whenever natural lighting is not sufficient in all common hallways, stairways, passages, lifts, and all rooms used in common.

1608 Ventilation

1608.1 The Keeper of every Boarding house or Apartment Building shall cause all such means of ventilation as are provided for any room, vestibule, lobby, passage, hallway, or staircase in his/her Boarding house or Apartment Building, or for any water closet or urinal compartment belonging to such Premises, to be maintained at all times in good order.

~~1608.2 The Keeper of every Boarding-house shall cause the window of every room in his/her Boarding-house, and the Keeper of every Boarding-house or Apartment Building shall cause every window in every part of the Premises in common use in his/her Boarding-house or Apartment Building, to be kept sufficiently open for such time every day as may be necessary for the purposes of ventilation.~~

~~1609 Furniture~~

~~1609.1 Every bedroom in a Boarding-house shall be provided with beds, wardrobe, and clothes storage space which shall be adequate for the requirements of the number of Persons authorised to be accommodated in such room.~~

~~1609.2 Every dining room shall be provided with adequate seating and tables to allow all guests to take their meals without undue delay within the times such meals are offered.~~

~~1610 Beds and bedclothes to be aired~~

~~1610.1 The Keeper of every Boarding-house shall cause all beds, bedclothes, and bedding to be kept clean and wholesome, and clean bed linen and towels to be furnished to each Boarder or Lodger of a Boarding-house at least once in each week and to every newly arrived Boarder and Lodger. They shall cause the bedclothes of every bed in such Boarding House to be removed from such bed as soon as convenient after every bed shall have been vacated and shall cause all such bedclothes and the bed from which such bedclothes have been removed to be fully cleaned.~~

~~1610.2 The keeper shall make regular checks of all bedclothes, bed linen and bedding for any signs of pests i.e. Cimex lectularius (Bedbugs) and if found make suitable arrangements for eradication by a specialised contractor.~~

~~1611 Repair notices~~

~~1611.1 Where an authorised Council officer is of the opinion that the boarding house or apartment building does not meet any of the clauses of this chapter of the bylaw they shall serve the keeper of the premises with an appropriate repair notice or notice to fix.~~

~~1612 Right of appeal~~

~~1612.1 Any Keeper of a Boarding-house or Apartment Building who considers him/her self aggrieved by any decision, order or direction given by any Authorised Officer of Council in the exercise of any discretionary authority vested in that Officer by any provision of this chapter of the Bylaw shall have the right of appeal to Council and to a hearing before the Council or a Committee of Council which may reverse, confirm, or modify any such decision, order, or direction.~~

Item 9 Waimate District Bylaw Review – Chapter 19 Food Safety

Prepared by: Sue Kelly
Regulatory and Compliance Group Manager

Purpose of Report

- 1 To review and approve the proposed revocation of the Waimate District Bylaw Chapter 19 Food Safety.

Background

- 2 This bylaw is no longer relevant or necessary as the matters are now addressed through other regulations and legislation, particularly the [Food Act 2014](#).

Food Act 2014

- 3 The Food Act 2014 came into effect on 1 March 2016, replacing the Food Act 1981. It changed the emphasis of the regulatory framework in terms of food preparation, handling, storage and managing risks around those activities. The onus for delivering safe food for sale in a manner that manages risk to the community was placed on the people in business selling the food. This was done by way of introducing several risk based measures (including Food Control Plans and National Programmes).
- 4 The implementation of the Food Act 2014 has rendered the Waimate District Bylaw Chapter 19 Food Safety obsolete by managing the risk around food safety through an alternative mechanism. As a consequence Chapter 19 no longer serves its intended purpose, meaning that in terms of [section 155 of the Local Government Act 2002](#) the Bylaw is no longer the most appropriate way of dealing with the issue. [Section 446 of the Food Act 2014](#) provides the power to revoke the Bylaw without consultation.

Procedure for review

- 5 The bylaw shall be reviewed in adherence with the process described under the Council resolution “Waimate District Bylaw Review” on 6 December 2016.
- 6 No consultation is required in relation to the revocation of this chapter of the Consolidated Bylaw, however a Bylaw Review is currently underway and all Bylaw matters will be formally consulted on through the Special Consultative Procedure.

Supporting Legislation and Documents such as but not limited to:

[Local Government Act 2002](#)

[Bylaw Act 1910](#)

[Human Rights Act 1993](#)

[Interpretation Act 1999](#)

[Food Act 2014](#)

Proposal / Options

- 7 That the existing bylaw for 'Food Safety' will be revoked at such time as the consolidated bylaws are circulated for the special consultative procedure.

Obstacles

- 8 There are no known obstacles.

Assessment of Significance

- 9 This matter is not deemed significant under the Council's Significance and Engagement Policy.

Budget Considerations

- 10 There are no known budget considerations.

Cost-effectiveness

- 11 Consideration has been given to cost-effectiveness.

Recommendation

- 1 That the Waimate District Bylaw Review – Chapter 19 Food Safety report is accepted; and
- 2 That the Environmental Services and Finance Committee approves the proposal:
"That the existing bylaw Chapter 19 for 'Food Safety' will be revoked at such time as the consolidated bylaws are circulated for the special consultative procedure."

Bylaw Evaluation

Chapter under assessment	Chapter 19 assessment: Food Safety	
Assessor	Sue Kelly, Regulatory and Compliance Group Manager	
Date	October 2017	
Questions	Yes/No	Action
Is the bylaw a legal requirement	No	Continue Analysis
Does the Council have the authority to prepare the bylaw	Yes	Continue Analysis
Will the bylaw give rise to any issues under the New Zealand Bill of Rights Act 1990? (s155(2)(b) LGA 2002)	No	Continue Analysis
Is there existing legislation that covers the bylaw?	Yes Food Act 2014 New legislation rendering bylaw obsolete	Continue Analysis
Will the bylaw prevent injury, damage, and nuisance to the public and/or goods? (s145 LGA 2002)	N/A	Continue Analysis
Does the bylaw assist Council to meet its statutory obligations?	N/A	Continue Analysis
Is the bylaw consistent with Councils plans and policies?	N/A	Do not prepare bylaw

WAIMATE DISTRICT CONSOLIDATED BYLAW #####

CHAPTER 19

19 — FOOD SAFETY

Scope

The aim of this chapter of the Bylaw is to ensure that adequately trained operators work in all Food Premises throughout the District.

The purpose of this chapter is to establish requirements that all Premises preparing Food for sale shall have on the staff Persons who are adequately trained in Food hygiene and to ensure that registered operators maintain their premises in such a way that food safety is not compromised.

1901 — Compulsory training for Food Handlers

1901.1 All Food Premises are required to have a complement of Food Handler staff trained to the appropriate certificate levels as set out under the First Schedule to this chapter of the Bylaw. Any Person purchasing or establishing any Food Premises, who has not had appropriate training, shall undergo training within three months of the purchase of or the establishment of the business.

1901.2 It shall be the duty of the Occupier of every Food Premises to ensure that new, temporary, or replacement staff are already trained to the appropriate level required by the First Schedule of this chapter of the Bylaw or that such staff will gain the required level within three months of employment.

1901.3 Every Food Premises shall have at least one Person employed in a supervisory and staff training capacity who is trained to the level required under the First Schedule to this chapter of the Bylaw.

1901.4 In the case of Food Premises which consist of separate departments or sections, each of which functions more or less in isolation from the others at least one Person shall be appointed to act in a supervisory position within each separate department or section.

1901.5 The Occupier of every Food Premises shall ensure that adequate records are kept relating to staff training required under the First Schedule to this chapter of the Bylaw and that copies of all Certificates gained by staff are kept on the Premises for perusal by any Environmental Health Officer upon request.

1902 — Exemptions from this chapter

An Authorised Officer may grant an exemption or partial exemption from a requirement of this chapter of the Bylaw where full compliance may be considered unreasonable having regard to the site and nature of the business.

1903 — Offences and penalty

Every Person who commits an offence against this chapter of the Bylaw is liable accordingly under the provisions of clause 109 of the Waimate District Consolidated Bylaw #####.

~~2205.1 An authorised Environmental Health Officer may close any food premises which is not currently registered as such or the Environmental Health Officer believes public health may be compromised.~~

~~2205.2 Every person who commits an offence against this chapter of the bylaw is liable accordingly under the provisions of clause 109 of the Waimate District Consolidated Bylaw #####.~~

~~2205.3 A re-inspection fee will be imposed in any situation where an authorised officer is required to re-inspect a food premises.~~

~~2202 Current certificate of registration~~

~~2202.1 All food premises must have a current Certificate of Registration as required by the Health (Registration of Premises) Regulations 1966 and the Food Hygiene Regulations 1974.~~

~~2203 Cleansing and repair~~

~~2203.1 Where any premises, equipment or procedure used is, of a standard or condition whereby staff and/or customers may be exposed to contamination or communicable disease, the licensee shall, on receipt of a notice signed by an Authorised Environmental Health Officer or similar qualified and authorised officer, alter, cleanse, reconstruct or repair the premises, equipment or procedures as directed within the time specified in the notice or cease using the premises until such time as agreed by such authorised officer.~~

WAIMATE DISTRICT CONSOLIDATED BYLAW #####**CHAPTER 19****FOOD SAFETY****FIRST SCHEDULE****BYLAW POLICY**

SUBJECT: ~~CLAUSE 1901~~ ~~COMPULSORY TRAINING FOR FOOD HANDLERS~~

~~All Food Handling staff shall have passed Level I of a Food Safety Certificate.~~

~~All Food Handlers engaged in a supervisory role shall have passed a level greater than Level I of a Food Safety Certificate.~~

Item 10

Consideration of Major (Urgent Business) or Minor Items not on the Agenda

Prepared by: Stuart Duncan
 Chief Executive

The Environmental Services and Finance Committee is to consider any major (urgent business) or minor items identified earlier in the meeting.

Item 11

Exclusion of the Public

Prepared by: Stuart Duncan
Chief Executive

-
- 1 For the Environmental Services and Finance Committee to exclude the public in order to take the following public excluded agenda items:
- i Confirmation of Minutes: Environmental Services and Finance Committee meeting – Tuesday 12 September 2017
 - ii Alpine Energy Shareholders Report – August 2017

General Subject of each matter to be considered	Reason for passing this resolution	Ground(s) under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution
Confirmation of Public Excluded Minutes – 12 September 2017	Good reason to withhold exists under Section 7	7(2)(c)(i)(ii) The withholding of the information is necessary to protect information which is subject to an obligation of confidence
Alpine Energy Shareholders Report – August 2017	Good reason to withhold exists under Section 7	7(2)(b)(ii) To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information

Recommendation

That the Environmental Services and Finance Committee resolves to exclude the public from the following parts of the meeting on the grounds contained in section 48(1) of the Local Government Official Information and Meetings Act, or section 6 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.