

# Review of Policies and Bylaws – 2021



**Mackenzie**  
DISTRICT COUNCIL

## The Solid Waste Bylaw 2021

The Council have revoked the existing Solid Waste Bylaw 2013 and replaced it with a new Solid Waste Bylaw 2021. The Solid Waste Bylaw 2021 is largely consistent with the Solid Waste Bylaw 2013 with only minor variations made. A summary of the changes to the Solid Waste Bylaw is provided in Table 1.

*Table 1 – Changes to Solid Waste Bylaw*

<b>Change</b>	<b>Rationale</b>
New Food Waste and Organic Waste Interpretations	New Food Waste and Organic Waste interpretations have been incorporated to provide for organic kerbside collection in future (if required)
New requirements for owners of multi-unit developments to submit to the Council a Waste Management and Minimisation Plan for approval. The requirements for a Waste Management and Minimisation Plan are specified in the Draft Bylaw and include an area on the premises for the storage of containers that is accessible to the occupiers of the units and to licensed waste operators. A multi-unit development in the Bylaw is defined as a development involving more than one residential unit per allotment and includes flats, town houses, retirement villages and visitor accommodation	Requirements for multi-unit developments have been incorporated into the Bylaw given the surge in visitor accommodation activities and air bnb in the District. The requirement for multi-unit developments to obtain an approved Waste Management and Minimisation Plan will ensure waste management is considered from the outset of development and will avoid any unnecessary nuisance to the community.
New requirements for Commercial Waste Operators to obtain a license from the Council to operate	Since the Solid Waste Bylaw 2013 came into force there has been an increased number of commercial waste operators in the district. A requirement for commercial waste operators to obtain a license will enable Council to

	understand the waste volumes in the District, and how waste operators are managing the process, including managing their own health and safety. This approach is consistent with a number of territorial authorities across the country
--	---

## The Water Supply, Wastewater and Stormwater Bylaw 2021

The Council have revoked the Water Supply Bylaw 2014 and Wastewater Network Bylaw 2014 and replaced them with a new Water, Wastewater and Stormwater Bylaw 2021. The new bylaw places the same general controls over each of the networks, whilst also creating additional controls where appropriate to ensure Council assets are not compromised.

The key change is the integration of the Wastewater Network Bylaw 2013 and Water Supply Bylaw 2013 into a single bylaw and the inclusion of Stormwater as a matter of control. The controls placed over these networks generally accord with the current bylaws but the new bylaw simplifies the controls through placing them all in one bylaw and ensuring a general approach to all the networks is adopted where appropriate.

## Dog Control Policy and Dog Control Bylaw 2021

The Council have revoked the Dog Control Policy and Dog Control Bylaw 2014 and replaced them with a new Dog Control Policy and Dog Control Bylaw 2021. A summary of the key changes is provided in Table 2.

Table 2 – Changes to the Dog Control Policy and Dog Control Bylaw

Change	Rationale
New registration provisions	<p>The registration provisions have been expanded to reflect legislation and Councils Schedule of Fees and Charges. The classifications for dog registration are as follows:</p> <ul style="list-style-type: none"> <li>• Urban Dogs</li> <li>• Neutered, Urban Dogs</li> <li>• Rural and Working Dogs</li> <li>• Disability Assist Dogs</li> <li>• Dangerous and Menacing Dogs</li> <li>• Responsible Dog Owner Status</li> </ul> <p>The urban classification has been expanded to include any land zoned Residential 1, 2, 3, 4 and Rural Residential 1 and 2 in the Operative Mackenzie District Plan 2004 to reflect the District Plan boundaries and to provide clarity for residents</p>
Inclusion of Responsible Dog Ownership Status	In response to community feedback the Selected Dog Owner Policy has been replaced

	with a Responsible Dog Owner Status. The Responsible Dog Owner Status is a special dog ownership status that recognises good, responsible dog owners and entitles them to a reduced annual dog registration fee. The Policy includes the eligibility criteria and conditions
Expansion of the Dog Prohibited Areas to include all skateparks	The Dog Prohibited Areas have been expanded to include all skateparks as children and teenagers are disproportionately represented in dog bite and injury statistics. Ensuring dogs are not in places frequented by children and teenagers makes them safer for children and teenagers to use
Changing Market Place, Twizel from a Dog Prohibited Area to a Dog Leash Area	Market Place has been changed from a Prohibited Area to a Leash Area. The Dog Prohibited Area in Market Place was not enforced by Council and is generally not followed by dog owners
Removal of the Fairlie Domain as Dog Prohibited Area	The Fairlie Domain has been removed as a Dog Prohibited Area to allow dog owners to exercise their dogs in the domain in the absence of a dedicated dog park or exercise area in Fairlie
Expansion of the Dog Leash Areas to include all roads including pedestrian areas such as footpaths and the margins alongside roads, whether sealed or not	The Dog Leash Areas have been expanded to include all roads and pedestrian areas as dogs if not under effective control can pose a risk to pedestrians and/or road users
Removal of the following Exercise Areas in Fairlie: <ul style="list-style-type: none"> <li>• Strathconan Park Recreation Grounds</li> <li>• Mount Cook Road Green Area</li> <li>• McLeans Park</li> <li>• The Road Reserve from Gray Street South along the east side of State Highway 8</li> </ul>	The dog exercise areas in Fairlie have been removed as they either do not have adequate fencing and are adjacent to State Highway 8 or are used for sporting activities. Dogs if uncontrolled may run onto the road and pose a danger to road users or users of the sports ground. The Fairlie Domain has been removed as Dog Prohibited Area to allow dog owners to exercise their dogs in the domain in the absence of a dedicated dog park or exercise area in Fairlie
Inclusion of new uncontrolled and roaming dog provisions in the Policy	New uncontrolled and roaming dog provisions have been incorporated as uncontrolled and roaming dogs can cause a significant nuisance. The majority of complaints the Council receive are to do with roaming dogs.

## Alcohol Restrictions in Public Places Bylaw 2021

The Council have revoked the existing Market Place Liquor Ban Bylaw 2014 and replaced it with a new Alcohol Restrictions in Public Places Bylaw 2021. A summary of the key changes is provided in Table 3.

Table 3 – Changes to the Market Place Liquor Ban Bylaw

Change	Rationale
The title of the Bylaw has been changed from the Market Place Liquor Ban Bylaw to the Alcohol Restrictions in Public Places Bylaw	The Bylaw only applies to Market Place in Twizel and does not allow scope for additional permanent alcohol ban areas or for temporary alcohol ban areas by resolution of Council. An Alcohol Restrictions in Public Places Bylaw will allow for greater flexibility and allow Council to respond more efficiently to matters caused or made worse by alcohol consumption
Incorporation of Permanent Alcohol Ban Areas and Temporary Alcohol Ban Areas	At present the Council has one Permanent Alcohol Ban Area (Market Place). Generic Permanent Alcohol Ban Area provisions, however, allow for flexibility. The inclusion of Temporary Alcohol Ban Areas by resolution of Council will allow Council to respond more efficiently to matters caused or made worse by alcohol consumption at specific times of the year or during specific events
Incorporation of new signage provisions	Signage provisions have been included to allow Council to erect signage within Alcohol Ban Areas at the discretion of Council
Amendments to the Market Place Alcohol Ban Area Map	Amendments have been made to the Market Place Alcohol Ban Area map to include the Tasman Road carpark, the skateboard park, the children's playground and Events Centre. The alcohol restrictions do not apply to any events held in public places where a license under the Sale and Supply of Alcohol Act applies
Two new Permanent Alcohol Ban Areas are proposed: <ol style="list-style-type: none"> <li>1. The Fairlie Village Centre and Village Green; and</li> <li>2. The Tekapo Village Centre and Domain</li> </ol>	Two new permanent alcohol ban areas, one in Fairlie and one in Tekapo, have been added to provide consistency within the townships and to respond concerns related to alcohol consumption. The boundaries of the proposed alcohol ban areas have been discussed with

	the local Police who ultimately support the inclusion of an alcohol ban
--	---

## Class 4 Gambling and TAB Venue Policy

The Council have revoked the Class 4 Gambling Venue Policy 2016 and TAB Venue Policy 2016 and replaced them with a new Class 4 Gambling and TAB Venue Policy 2021. The 2021 Policy has adopted a modified sinking lid where there is an ability to transfer gaming machines where a business sells or closes due to fire and/or natural hazards but should a business close for any other reason the machines will be non-transferable.

## Dangerous, Affected and Insanitary Buildings Policy 2021

The Council have revoked the Dangerous Buildings Policy and Insanitary Buildings Policy 2005 and replaced them with a new Dangerous, Affected, and Insanitary Buildings Policy 2021. The Dangerous, Affected, and Insanitary Buildings Policy, in accordance with the Building Act 2004, outlines Council's approach to dangerous, affected, and insanitary buildings in the District, the procedure Council will take when dealing with a dangerous, affected, and insanitary buildings and how the policy will apply to heritage buildings.

The purpose of this Policy is to provide a clear and reasonable framework of how Council will manage dangerous, affected, and insanitary buildings and reduce the risk posed to residents and visitors in the District by dangerous and/or insanitary buildings.

## The General Bylaw 2021

The Council have adopted a new General Bylaw that sets the provisions which are common to, and form part, of all Council bylaws and the requirements for both staff and residents to provide clarity for residents.

## The Easter Sunday Trading Policy 2021

The Council have adopted an Easter Sunday Shop Trading Policy that allows local Easter Sunday trading for all shops in the Mackenzie District.

## The Keeping of Animals, Poultry and Bees Bylaw 2021

The Council have adopted a new Keeping of Animals, Poultry and Bees Bylaw 2021. The purpose of the bylaw is:

- to promote the responsible management of animals, poultry, and bees in urban areas in the Mackenzie District; and
- to minimise the potential danger, distress, and nuisance to the community caused by animals, poultry and bees.

A summary of the provisions is provided in Table 4 below:

*Table 4 – Provisions of the Keeping of Animals Poultry and Bees Bylaw 2021*

Provision	Rationale
<p><b>Keeping of Pigs</b> – Except in accordance with the Operative Mackenzie District Plan 2004 (the District Plan) and/or a resource consent no person shall keep pigs in urban areas.</p>	<p>The keeping of pigs in the Residential 1, 2, 3, 4 and Rural Residential 1 and 2 Zones requires resource consent under the District Plan.</p>
<p><b>Keeping of Livestock</b> – The keeping of livestock is permitted in urban areas provided the livestock does not cause a nuisance, all livestock is properly contained within the premises, manure and effluent is removed from the property or appropriately recycled or reused and all livestock has an appropriate living environment for their species. Livestock in the bylaw includes any farm and heard animals such as cattle, horses, goats donkey, alpaca, llama and sheep.</p>	<p>The settlements of Albury, Kimbell, Burkes Pass, Fairlie, Tekapo and Twizel are semi-rural in nature with the presence of livestock not uncommon. The keeping of livestock if managed well is not expected to create a nuisance for adjoining owners or occupiers.</p>
<p><b>Keeping of Cats</b> – The keeping of cats is permitted in urban areas provided there is no more than two cats per household over the age of three months. A license to own more than two cats may be granted, have conditions imposed or be refused at the discretion of an authorised officer. The Council strongly encourage that all cats over six months are microchipped and registered with the New Zealand Companion Animals Register, or other approved microchip registry and cats over the six months are desexed unless kept for breeding purposes. These matters will be taken into account when an authorised officer is assessing an application for a license to own more than two cats</p>	<p>Cats, especially feral cats, cause a range of problems in New Zealand including native bird and wildlife predation, spreading toxoplasmosis and causing nuisance to members of the community. The Council therefore support responsible domestic cat ownership and encourage all cats over the age of six months to be micro chipped, and registered, and desexed. Microchipping helps identify cat owners and desexing prevents any unwanted kittens. The Council have also set a limit of two cats per household to avoid nuisance to the community. A license to obtain more than two cats can however be applied for. The application can be granted, subject to conditions, or declined at the discretion of an authorised officer.</p>
<p><b>Keeping of Roosters and Poultry</b> – No person shall keep roosters and or/peacocks in urban areas. Other forms of poultry is permitted provided all poultry is kept in a properly constructed poultry house, no poultry house shall be located within 10m of an occupied dwelling (not owned by the applicant) or any other sensitive site, or within 2m of any adjoining property or such distance required by the District Plan, every poultry house shall be</p>	<p>Roosters and peacocks can be noisy and cause a nuisance. They are therefore not appropriate in an urban setting. Other forms of poultry if well managed are less likely to cause a nuisance. The settlements of Albury, Kimbell, Burkes Pass, Fairlie, Tekapo and Twizel are also semi-rural in nature with the presence of poultry not uncommon.</p>

<p>maintained in good repair, in clean condition free from offensive smell or overflow and free from vermin and no more than six head of poultry shall be kept at any one time. Where the above conditions cannot be met a person may apply for a license to breach the conditions.</p>	
<p><b>Keeping of Bees</b> – A person may keep bees in urban areas provided they comply with the following conditions:</p> <ul style="list-style-type: none"> <li>• Except in accordance with the District Plan/and or a resource consent under the Resource Management Act 1991 no person shall keep bees for commercial purposes.</li> <li>• Hobbyist beekeeping is permitted provided no more than two hives are kept on a property at any one time.</li> <li>• An adequate water source must be provided and maintained on the property at all times.</li> <li>• All apiary must be registered under the Biosecurity Act 1993 and the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998.</li> </ul>	<p>Based on the submissions received the Council acknowledge the positives of allowing for bees in urban areas and interpret the District Plan provisions to apply to commercial bee keeping rather than hobbyist beekeepers. Keeping of bees by hobbyist beekeepers in urban areas shall therefore be provided for subject to conditions. Most notably, the maximum number of hives per property shall be limited to two, a water source shall be provided and maintained on the property at all times and all apiary is to be registered under the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998.</p>

## Mobile Shops and Traders Bylaw 2021

The Council have revoked the Mobile Shops and Traders Bylaw 2014 and replaced it with a new Mobile Shops and Traders Bylaw 2021. Similar to the 2014 Bylaw, the Mobile Shops and Traders Bylaw 2021 will require any person or business wanting to engage in mobile trading, at the designated sites, to obtain a licence from the Council. To apply for a licence a person must:

- apply to the Council on the appropriate form.
- state the type of food, goods and/or handmade crafts to be sold.
- state the hours and days of trade.
- supply copies of any additional licenses or permits applicable to the activity, such as a Food Registration Certificate under the Food Act 2014.
- pay the relevant license application fee.

A license may be granted, have conditions imposed, or be refused at the discretion of an authorised officer. To ensure a clear, transparent and fair processing framework the Council have implemented the following application process:

1. The Council on 1 April each year will call for applications to operate within the designated mobile trading sites. The application period will be open for a two-month period (April-May);

with the granted licenses allocated in June and coming into effect on 1 July until 30 June the following year (a twelve-month period).

2. At the close of the application period, an authorised officer will assess the applications received and create a mobile trading schedule for Fairlie, Tekapo and Twizel.
3. Where the number of applications received for a site exceeds the site restrictions an authorised officer will assess the applications received and evaluate them against the criteria listed below.
4. The assessment required under Step 3 will then be considered by full Council and a determination made as to the allocation of licenses for the following year. For clarity the site restrictions will be assessed on an hourly basis. More licenses than the site can occupy can therefore be provided as long as there is no more than the maximum number of traders operating at any one time.

Where the number of applications received for a site exceeds the site restrictions an authorised officer/Council, shall have regard to the following criteria:

- whether the trader has held a license for the site previously;
- the number of applications received;
- the types of food, refreshments, and handmade crafts to be sold to ensure a variety of offerings;
- the hours/days of operation sought;
- the previous history of the mobile shop and/or trader;
- whether the mobile trader is familiar with their obligations under the Bylaw; and
- any other matter deemed necessary.

Where an application is received outside of the April-May period, an authorised officer may only grant a license until June 30 where the site restrictions are not exceeded.

A summary of the key changes is provided in Table 5.

*Table 5 – Changes to the Mobile Shop and Traders Bylaw*

Proposed Change	Rationale
The exemptions have been expanded to include mobile traders operating at community events and mobile ice-cream vans such as Mr. Whippy	Mobile traders operating at community events where the trader has been invited or has permission of the event organizer are considered to fall outside the scope of the bylaw given the temporary nature of such events. Mobile ice-cream vans such as Mr. Whippy also do not stay in any one location for an extended period of time and are generally more mobile than a traditional food van or truck.
New designated site provisions	To provide clarity for mobile traders and the community, the Council have designated specific locations in Fairlie, Tekapo and Twizel as permanent sites for mobile trading. The specific sites are: <ol style="list-style-type: none"> <li>1. the Village Green, Fairlie</li> <li>2. the Denmark Street Greenway, Fairlie</li> </ol>



	<ul style="list-style-type: none"> <li>3. the Lakeside Drive Carpark, Tekapo</li> <li>4. the Hamilton Drive Carpark, Tekapo</li> <li>5. the Mackenzie Drive Carpark, Twizel</li> </ul> <p>For more information on the preferred sites, including the site restrictions, refer to Schedule 1.</p>
New allocation of licenses provisions	A license to operate within the designated locations may be granted, have conditions imposed, or be refused at the discretion of an authorised officer. To provide a clear, transparent, and fair processing framework the Council have adopted a formal application process. On 1 April each year a call for applications to operate within the designated mobile trading sites will be made. The application period will be open for a two-month period (April-May); with the granted licenses allocated in June and coming into effect on 1 July until 30 June the following year (a twelve-month period). A clear framework and criteria has been proposed where the number of applications received for a site exceeds the site restrictions.
Inclusion of a standard set of conditions	To provide clarity for mobile traders and to lessen the potential effects of mobile trading a standard set of conditions has been adopted in Schedule 2. The standard set of conditions must be complied with at all times while trading. Authorised officers can prescribe additional conditions or amend the standard conditions where appropriate.
The maximum hours of operation have been extended to allow a mobile shop to operate prior to 8.30am Monday to Sunday	To provide greater flexibility and to allow traders the opportunity to service morning workers the hours of operation for mobile traders has been extended to between 6am and 9pm Monday to Sunday.
New suspension/cancellation of license provisions	To ensure compliance with the bylaw and any conditions attached to a mobile trader license clear suspension/cancellation of license provisions have been adopted. Most notably, failure to comply with any conditions of a license will result in the immediate suspension of the license for a one-week period. During this period staff will investigate the non-compliance. At the completion of the investigation staff can remove the suspension on the license or cancel the license. Given the

	<p>site restrictions the Council also propose that an authorised officer may suspend or cancel a license where trader has ceased operation for more than six weeks unless the trader has notified the Council of the intended break in service.</p>
<p>The current musical chimes provision has been restricted to mobile ice-cream vans such as Mr. Whippy</p>	<p>To decrease the noise generated from mobile shops and traders no musical chimes or other audible devices except for music played from a radio or speaker which cannot be heard within 10m of the mobile shop shall be operated from a mobile shop.</p>