

## **Bonds for Financial Contributions for Subdivision Consents**

The Council may agree to the bonding of financial contributions (reserves and headworks charges) for subdivision consents. The Council's reasoning for this is that there is a time delay between the subdivision consent being granted and the sale of the sections created by the subdivision.

The Council will give favourable consideration to the bonding of financial contributions imposed as conditions of consent on subdivision applications, subject to the following:

1. the bond is to be registered against the titles of the land in the subdivision
2. the term of the bond shall be two years from the date of the granting of the consent or after the sale of a nominated number of lots in the subdivision (to be determined on a case by case basis by Council) whichever may occur first.



## **Bonds in respect to formation of vehicular access to properties**

It is not uncommon for the Council to impose conditions of resource consent (subdivision) requiring the formation of part or all of vehicular access to properties. This is generally in respect to access to rear lots. Some developers wish to obtain title to their land prior to the construction of dwellings and they wish to further delay the construction of the vehicular access until such time as heavy vehicles delivering building products cease using that access. This makes good sense in most situations.

Consequently the Council has in the past allowed the delay (for a given period of time) of the formation of the vehicular access subject to a sum of cash deposit being left with the Council. This deposit is inflated for both potential increased costs and also for a potential administration fee should the Council be faced with having the work done in default by the applicant.

The Council may give favourable consideration to the deferral of the formation of vehicular access which are subject to conditions of subdivision consent; providing the applicant supplies a cash bond. The cash bond shall be assessed as follows:

The applicant shall provide a quote from a reputable contractor for the work to be undertaken. The cash bond shall be equal to the quote given plus 25%, plus \$500.





## Sealing Of Sewer Connections

When a sewer connection has to be disconnected during a building demolition, the sewer disconnection and sealing is to be carried out to the standard prescribed by Council.

When a sewer connection is to be disconnected (even temporarily) during a building demolition, the sewer disconnection and sealing is to be carried out at the building owner's expense and by a registered tradesman. Council staff must be invited to inspect the disconnection and sealing. Location of such disconnection is to be recorded by Council staff.



## Naming Of Private Rights-Of-Way

1. The Council is prepared to agree to private rights-of-way being given a name, either by the developer who creates such right-of-way or upon request from all the residents of such right-of-way. While a name may be suggested by a developer or residents the final decision will be made by Council.
2. The name must not have the same name as the street it provides access to, nor duplicate any other street or right-of-way name within the Ashburton District.
3. The name must end with "Lane".
4. The person(s) requesting the naming of the right-of-way be required to install one sign containing two messages, one with the name of the right-of-way and the second one reading "Private Right-of-Way." The sign is to comply with approved Council standards and the future maintenance of the sign to be the responsibility of the residents having access off the right-of-way.
5. The Council reserves the right to refer a proposed name to the Land Information New Zealand before giving a final approval.
6. The naming of private rights-of-way giving access to less than six properties will not normally be agreed to; however the Council in its discretion may agree to naming of rights-of-ways serving less than this number if there is no allocatable street number available or for other good reason.
7. Council emphasises that the approval of a name for a private right-of-way does not in any way confer on that right-of-way the status of a legal road, nor does it commit the Council to provide any services or responsibility for maintenance that would occur if the private right-of-way was a legal road.





## **Naming of new roads vesting upon subdivision of land**

The District Plan rules require that all new roads vesting in the Council shall be given distinctive names not already in use within the area controlled by the District Council. The name shall be agreed to by the Council.

Where a subdivision consent is lodged with the Council for consent, and the subdivision contains a new road that is to vest in Council, then the applicant shall provide to the Regulatory and Planning Committee three proposed names for the new street, in order of preference.

The proposed name must not duplicate any other street or road in the District.

While a name may be suggested by the developer or applicant, the final decision as to the naming will be made by the Committee.

The Council reserves the right to refer a proposed name (or names) to Land Information New Zealand before giving final approval.





## Liquor Licensing

1. The Ashburton District Council, as District Licensing Agency, will establish and maintain structures, policies and procedures in accordance with the provisions of the Sale of Liquor Act 1989, aimed at “establishing a reasonable system of control over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor abuse, so far as can be achieved by legislative means.”
2. The Ashburton District Licensing Agency will take the lead role, locally, in administration of the Sale of Liquor Act 1989.
3. Host Responsibility is a key element in the good management of licensed premises. The provision and maintenance of a written Host Responsibility Policy is a requirement of the Act. This Agency will actively promote the implementation of those written Host Responsibility Policies.
4. The Ashburton District Licensing Agency will consult with the people of the Ashburton District with respect to their aspirations and expectations with respect to the sale of liquor and enforcement of the Sale of Liquor Act within their District.
5. The Ashburton District Licensing Agency seeks to be proactive in its approach to controlling the abuse of alcohol and to that end it will liaise and communicate with the industry and others with interest in this area at both a formal and informal level.
6. Although there is no legal restriction on the hours of operation of any on-licence this Agency will generally grant licences for seven days a week operation between the hours of 7.00 am to 3.00 am the next day.
7. The hours of operation of any off-licence will be set having regard to each particular application and to the nature of the business, including its proximity to residential use.

It is however accepted that in the case of off-licences associated with an on-licence and where the same point of sale is utilised, that the off-licence hours will parallel the on-licence hours. In general stand alone lock-up bottle stores will be licensed to operate seven days a week during the hours 7.00 am to 11.00 pm. Supermarkets and other off-sales outlets where the principal business is not the sale of liquor are expected to operate their off-sales licence for the period covering their normal retail hours.

8. In general the hours of operation for club activities associated with team sports will be limited to the following maximums:

Monday – Thursday	6.00 pm – 10.00 pm
Fridays	6.00 pm – midnight
Saturdays	3.00 pm – 1.00 am
Sundays and public holidays	3.00 pm – 10.00 pm

More individual sports and social clubs may have differing hours dependent upon circumstances.

9. Although the Ashburton District Licensing Agency will endeavour to issue reminder notices to the holders of on, off and club licences, drawing attention to the impending expiry of their licence, the Agency does not accept this as a responsibility and the duty to keep a licence current remains with the licence holder with respect to special licences.

10. With respect to special licences
  - An occasion or an event can be any identifiable event and should be outside the usual or regular activities of an on, off or club licensed premises.
  - A series of occasions or events is defined as a series of related events or activities which has specified beginning and end points.
  - A special licence can be used for any lawful activity that does not fall into the regular activity of any other category of licence specified in the Act.
  - A special licence will not be issued where, in the opinion of the District Licensing Agency, the extent or regularity of the activity is such that an on, off or club licence is required by the Act.
  - In all cases the supplier of alcohol to be sold under the special licence must be the applicant.
  - Any one special licence will not be issued for more than ten occasions or events.
  - Any application for a special licence shall be made not less than ten working days prior to the date of the first occasion or event detailed on that application.
11. The Ashburton District Licensing Agency will grant, or recommend the granting of both General and Club Managers Certificates where the applicant has submitted proof of having attended a recognised training course on the management of premises under the Sale of Liquor Act 1989 and
  - No objections have been raised to the issue of the certificate; and
  - The applicant is considered to be a suitable person.

In the case of new General Managers Certificates to be issued after 1 December 2001 and to run beyond 1 December 2002 proof of having attained a “prescribed qualification” will be required.
12. The Agency will maintain open lines of communication with the industry, Police and health authorities.

The Agency supports a joint approach to enforcement by regulatory authorities.



## Host Responsibility

1. This policy applies to any Councillor or staff function where alcohol is served and includes any informal drinks held on Council premises.
2. Moderation is expected from Councillors, staff, guests and visitors to the district at functions where alcohol is served.
3. Where alcohol is served, food, low alcohol and alcohol free beverages must be available throughout any function.
4. Practices which encourage intoxication are not acceptable and anyone who becomes intoxicated must not be served further alcohol.



## **Dog Control**

Chapter 7 of the Ashburton District Bylaws details requirements relating to dogs.

### **Public Places where Dogs are Prohibited**

The First Schedule, Part A, of the Bylaw details those areas where dogs are prohibited and these are:

1. All cemeteries throughout the district.
2. All children's playground areas and paddling pool areas within the district
3. In any Public Library
4. Lake Clearwater Hut area

### **Public places where Dogs are required to be controlled and on a leash**

The First Schedule, Part B, of the Bylaw details where dogs are permitted on a lead.

### **Areas where Dogs are permitted only if on a hand-held leash**

All public places in any urban area other than those areas detailed in Part C of the First Schedule of the Bylaw.

### **Areas where Dogs may be exercised at large but under the direct control of their owners**

The First Schedule, Part C, of the Bylaw details where dogs are permitted to be exercised at large.

1. All public places in other than urban areas excepting that, through Reserve Management Plans, this Bylaw authorises Management Boards to establish separate and independent dog control policies non compliance with which shall be an offence under this Bylaw.
2. The area adjacent to the main south railway line north of the Ashburton River bridge and known as "The Green".
3. Pioneer Park.
4. Digby Park.
5. Patching Street Reserve (excluding children's play area).
6. Devon Park (excluding children's play area).
7. George Glassey Park (excluding children's play area).
8. Smallbone Drive Reserve

### **Registration Fees**

- a) Council dog registration fees shall be based on the actual total cost of this service.
- b) The funds required for dog control activities shall be fully funded from annual registration fees.
- c) For the purposes of registration fees dogs shall be classified as either:
  - Rural Control
  - Urban Control
  - Selected Owner
- d) A "selected owner" can be achieved by meeting and maintaining standards defined by Council.

### **Impounding Fees**

Fees will be reviewed on an annual basis.

### **Council Dog Pound - Policy for release of unclaimed dogs**

An unclaimed dog may be released to any person:

- a) If the person is considered by the Dog Control Officer to be a suitable person.
- b) Provided that the dog is registered prior to or upon its release.
- c) No impounded dog shall be released to an organisation for research purposes.

### **Pound Operation - Release of Dogs to Owner**

Dogs shall only be released from the pound under the following circumstances:

1. All fees must be paid prior to release.
2. The dog owner must satisfy the officer that he is the rightful owner of the dog or has been duly authorised by the owner to act in that capacity.
3. Release shall only be by pre-arranged appointment.

In all cases the officer must endeavour to be at the pound prior to the owner.

### **Legal Action**

Council is concerned to ensure that owners and dogs causing nuisance or distress to residents are firmly dealt with. It shall be Council policy that legal action be taken for offences against the Act and/or the Council Dog Control Bylaw.

In all cases delegated authority is given to the Chief Inspector as to whether in any specific cases it is appropriate to proceed with legal action.

Where appropriate infringement notices shall be first action taken.

### **Infringement Notices**

In general terms infringement notices shall be issued when officers note an infringement offence being committed.

In cases where the infringement offense is “keeping an registered dog” Council policy shall be that any dog owner issued with an infringement notice for non registration shall have the infringement penalty fee waived if the dog concerned is registered within 14 days of the date of the infringement offence notice.

Provided that any owner who has failed to register a dog for the current year and the immediate past year shall not be entitled to the above penalty fee waiver. Neither shall a person issued with an infringement notice for non registration in the previous year be entitled to waiver of penalty fee.

### **Dogs biting persons**

In all cases where the victim was about their lawful business, the Council will instigate legal action against the dog owner or person in charge of the dog at the time of the offence. A written statement of complaint is required from the complainant. The Court may be asked for a destruction order.

Note: A destruction order is provided for under both s57(5) and s57(6) of the Dog Control Act. Prosecution under s57(5) is the equivalent of Council seeking a destruction order.

### **Dogs attacking or rushing**

Unless there are extenuating circumstances the same will apply as for biting dogs. The dog may be declared a dangerous dog (see Policy 14) unless the dog had offended previously in which case a destruction order may be requested.

Note: An infringement notice would, where appropriate, be the action taken.

### **Barking Dogs**

Where people are being disturbed by persistent prolonged barking, and have where possible obtained signatures of at least two further people from different addresses, the District Council will write to the dog owner advising of the complaint. If the investigating officer(s) is satisfied that the complainant's property is the only property likely to be affected a complaint from a single resident (residence) will be accepted. A Dog Control Officer will visit the dog owner confirming the letter and endeavour to establish if the complaint is justified giving the owner reasonable time to improve the situation. If after a specified time the problem continues, a notice will be issued to the dog owner requiring the dog to be removed from the property. If the notice is not complied with legal action will be taken. [Note rights of appeal and consequent hearing by Council Committee].

### **Wandering Dogs**

Where a dog is seen by a ranger or Dog Control Officer to be wandering in a public place, the Officer will seize and impound the dog. The dog will only be released on payment of the stipulated fee. If it is not possible to seize the dog it will be followed to its place of residence and the owner spoken to in an endeavour to obtain an admission of ownership. Legal action will then be taken against the owner under the District Council bylaws. Legal action may be either court action or the issuing of an infringement notice.

### **Dangerous Dogs**

The Chief Inspector has delegated authority to act as he considers necessary in regard to S31 of the Act (Dangerous Dogs).

Dogs may be classified as dangerous by the Council and have restrictions placed on them for the following reasons:

- If the owner has been convicted for allowing the dog to rush out at or attack a person, vehicle or domestic animal in a public place.
- Where there is worn evidence that the dog has been aggressive.
- Where the aggressive behaviour of any dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.
- Where the owner admits that the dog is dangerous.

### **Effects of Classification**

- The property must be fenced to keep the dog in and allow access to a door. The fencing must be completed within 1 month of notification of the classification.
- A Veterinary Certificate must be produced within one month of classification certifying the dog has been neutered.
- The dog must be muzzled while in a public place or private way unless it is confined within a cage or vehicle.
- The registration fee is 150% of the normal level.
- The dog cannot be given or sold to another person without the consent of the Council
- This classification extends throughout New Zealand.

### **Probationary Owners**

The Chief Inspector be delegated authority to act as he considers necessary in regard to S21 of the Act (probationary owners). This classification is imposed where:

- An owner is convicted of any offence against this Act that is not an infringement offence.
- The owner is convicted of any offence concerning the care of a dog under the Animal Protection Act 1960.
- The owner is convicted of any offence under the Conservation Act 1987 or the National Parks Act 1980 in relation to dogs.
- The owner commits 3 or more infringement offences within a continuous 24 month period.

### **Effects of Classification**

- The classification will continue for 24 months, unless the District Council reduces the time.
- The owner will not be able to keep or register any other dogs other than the ones present at the time of the classification.
- The owner will be required to pay a 50% surcharge on the normal registration fee during the period classification.
- The owner may appeal to the District Council in writing against the classification.
- The classification extends over the whole of New Zealand. This means that if an owner moves to another District the classification will still be in force.

### **Disqualification of Owners**

The Chief Inspector has delegated authority to act as he considers necessary in regard to S25 of the Act (disqualification).

The Dog Control Act allows for the Council to disqualify any person from being the owner of any dog in certain circumstances.

Owners can be disqualified from owning a dog for up to 5 years for the following reasons:

- If they are convicted for any offence under the Dog Control Act 1996, the Conservation Act 1987, the National Parks Act 1980, or the Animal Protections Act 1960 while they are classified as probationary owners.
- If the owner commits 2 infringement offences while they are classified as probationary owners.

### **Effects of disqualification**

- All dogs owned by a disqualified owner must be disposed of within 14 days of notification.
- The dog/s cannot remain at the same address as the disqualified owner.
- The classification extends over the whole of New Zealand. This means that if the owner moves to a different District, the disqualification follows him.
- The owner can appeal in writing to the District Council. If he is not satisfied with the finding the owner may appeal to the District Court.

### **Criteria for licences allowing three or more dogs to be kept on a property**

A Dog owner wishing to keep more than two dogs on a residentially zoned property shall be required to meet responsible dog owner standards to the satisfaction of the Dog Control Officer.

### **Conservation Act 1987 - National Parks Act 1980**

The Conservation Act 1987 and the National Parks Act 1980 detail requirements in respect of dogs. There are no National Parks within the Ashburton District.

### **Welfare of dogs**

Although the responsibility for the welfare of dogs is not the a prime responsibility imposed on Council by the Dog Control Act 1996 the Council charges its officers with a duty to ensure that animal welfare is part of any inspection work carried out by officers. Matters to be considered by officers shall include but not be restricted to:

- Supply of adequate dry and clean housing
- Supply of adequate water and food
- Freedom from injury or infection - or receiving treatment if appropriate
- Legal action being taken when the above are not observed
- Refer cases of neglect or cruelty to an appropriate agency





