



## Notice of the ordinary meeting of the Environment Committee

### ***Kōmiti Taiao***

Date:	Thursday 28 May 2020, and reconvened on Thursday 4 June 2020
Time:	9.00a.m.
Location:	Council Chamber, Civic House 110 Trafalgar Street Nelson

## Agenda

### ***Rārangi take***

<b>Chair</b>	Cr Kate Fulton
<b>Deputy Chair</b>	Cr Brian McGurk
<b>Members</b>	Her Worship the Mayor Rachel Reese Cr Yvonne Bowater Cr Trudie Brand Cr Mel Courtney Cr Judene Edgar Cr Matt Lawrey Cr Gaile Noonan Cr Rohan O'Neill-Stevens Cr Pete Rainey Cr Rachel Sanson Cr Tim Skinner Glenice Paine

Quorum: 7

**Pat Dougherty**  
**Chief Executive**

[Nelson City Council Disclaimer](#)

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the [formal Council decision](#).



## ***Environment Committee - Delegations***

### **Areas of Responsibility:**

- Building control matters, including earthquake-prone buildings and the fencing of swimming pools
- Bylaws, within the areas of responsibility
- Council and/or Community projects or initiatives for enhanced environmental outcomes
- Environmental regulatory matters including (but not limited to) animals and dogs, amusement devices, alcohol licensing (except where delegated to the Alcohol Regulatory and Licensing Authority), food premises, gambling and public health
- Regulatory enforcement and monitoring
- Maritime and Harbour Safety and Control
- Pollution control
- Hazardous substances and contaminated land
- Environmental science matters including (but not limited to) air quality, water quality, water quantity, land management, biodiversity, biosecurity (marine, freshwater and terrestrial), and coastal and marine science
- Environmental programmes including (but not limited to) warmer, healthier homes, energy efficiency, environmental education, and eco-building advice
- Science monitoring and reporting
- Climate change resilience overview (adaptation and mitigation)
- The Regional Policy Statement, District and Regional Plans, including the Nelson Plan
- Other planning documents or policies, including (but not limited to) the Land Development Manual
- Policies and strategies related to resource management matters
- Policies and strategies related to compliance, monitoring and enforcement

### **Delegations:**

The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.

The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):

- Monitoring Council's performance for the committee's areas of responsibility, including legislative responsibilities and compliance requirements
- Developing, approving, monitoring and reviewing policies and plans, including activity management plans
- Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate
- Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes
- Approving submissions to external bodies or organisations, and on legislation and regulatory proposals

### **Powers to Recommend to Council:**

In the following situations the committee may consider matters within the areas of responsibility but make recommendations to Council only (in accordance with sections 5.1.3 - 5.1.5 of the Delegations Register):

- Matters that, under the Local Government Act 2002, the operation of law or other legislation, Council is unable to delegate
- The purchase or disposal of land or property relating to the areas of responsibility, other than in accordance with the Long Term Plan or Annual Plan
- Unbudgeted expenditure relating to the areas of responsibility, not included in the Long Term Plan or Annual Plan
- Approval of notification of any statutory resource management plan, including the Nelson Plan or any Plan Changes
- Decisions regarding significant assets



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**Karakia Timatanga****1. Apologies**

- 1.1 An apology has been received from Her Worship the Mayor.

**2. Confirmation of Order of Business****3. Interests**

- 3.1 Updates to the Interests Register
- 3.2 Identify any conflicts of interest in the agenda

**4. Public Forum****5. Confirmation of Minutes**

- 5.1 5 March 2020 **13 - 21**

Document number M7734

Recommendation

***That the Environment Committee***

- 1. Confirms the minutes of the meeting of the Environment Committee, held on 5 March 2020, as a true and correct record.**

- 5.2 21 April 2020 **22 - 27**

Document number M8820

Recommendation

***That the Environment Committee***

- 1. Confirms the minutes of the meeting of the Environment Committee, held on 21 April 2020, as a true and correct record.**



**6. Chairperson's Report**

**7. Good Dog Owner Policy Deliberations**

**28 - 42**

Document number R16967

Note: the Statement of proposal and all submissions were circulated with the Agenda for the Hearing of Submissions – Review of the Dog Control Policy and Dog Control Bylaw. This agenda (including all submissions) is available on Council's website.

Recommendation

***That the Environment Committee***

- 1. Receives the report Good Dog Owner Policy Deliberations (R16967) and its attachment (A2376041); and***
- 2. Removes the Good Dog Owner Policy discount, but retains the \$5 discount for neutered dogs.***

**8. Dog Control Policy and Bylaw Deliberations**

**43 - 147**

Document number R17025

Recommendation

***That the Environment Committee***

- 1. Receives the report Dog Control Policy and Bylaw Deliberations (R17025) and its attachments (A2390190, A2390192, A2380651, A2122940, A2380653, A2380699, A2381227, A2380700, A2380703); and***
- 2. Adopts the Dog Control Policy (A2390192), after having regard to the matters in section 10(4) of the Dog Control Act and subject to the key matters outlined below:***
- 3. Retains the Railway Reserve as an off-leash area in the Dog Control Policy; and***
- 4. Retains the existing half on-leash and half-off leash approach to Isel Park in the Dog Control Policy; and***
- 5. Amends the Dog Control Policy to require dogs to be on-leash in grazed Council reserves excluding the Tantragee Reserve area grazed***



*by cattle (shown on Map 8 in Attachment 4) which remains an off-leash area; and*

- 6. Approves improvements to the signage in the Grampians Reserve to clearly demarcate the areas where grazing does not occur, and where dogs can be exercised off-leash; and*
- 7. Amends the Dog Control Policy to include Monaco Reserve as an off-leash neighbourhood park (listed in Schedule 3) excluding the playground which will continue to be a dog prohibited area; and*
- 8. Retains Titoki Reserve as an off-leash area in the Dog Control Policy; and*
- 9. Amends the Dog Control Policy to change Whakatū Drive Foreshore Reserve to an on-leash area; and*
- 10. Amends the Dog Control Policy to prohibit dogs in the fenced area of the foreshore and esplanade reserve at Paremata Flats, including the planted area of the Paremata Flats Reserve (shown on Map 10 of Attachment 4); and*
- 11. Amends the Dog Control Policy to require dogs to be kept on a leash on the margins, islands, sand and mudflats of Delaware Estuary (shown on Map 10 of Attachment 4); and*
- 12. Amends the Dog Control Policy to:*
  - i. retain the dogs prohibited status for the 4km from the Cut towards Boulder Bank Drive during the breeding season in Schedule One, but amend the prohibited period from October to February to 15 August to the last day in February; and*
  - ii. include the part of the Boulder Bank from Boulder Bank Drive to the Cut as an on-leash area in Schedule Two; and*
  - iii. exclude the part of the Boulder Bank northwards from Boulder Bank Drive in Schedule 2 (retaining this as an off-leash area); and*



- iv. ***change the status of the Glen Neighbourhood Park (refer Map 14 of Attachment 4) to an off-leash area; and***
- 13. ***Deletes the Number of Dogs policy from the Council's Dog Control Policy; and***
- 14. ***Amends the Dog Control Policy by:***
  - i. ***changing the last sentence of clause 4.1 to "Non compliance with this notice may result in enforcement action."***
  - ii. ***changing clause 7.6 to "Where the offence relates to a failure to register a dog, Council will issue a notice that a dog is not registered. Then, if the registration fee is not paid within seven days, the owner will receive an Infringement Notice."; and***
- 15. ***Amends Schedule 3 of the Dog Control Policy to rename Emano West Reserve as Te Manu Reserve and remove reference to Emano East Reserve and Hanby Park; and***
- 16. ***Amends Schedule 1 item 15 of the Policy by replacing the phrase "foreshore and sea bed" with the term "common marine and coastal area" in both cases in which it is used.***

Recommendation to Council

***That the Council***

- 1. ***Adopts the Dog Control Bylaw (A2390190), after having regard to the matters in section 10(4) of the Dog Control Act and subject to the key matters outlined below:***
- 2. ***Retains the Railway Reserve as an off-leash area in the Dog Control Bylaw; and***
- 3. ***Retains the existing half on-leash and half-off leash approach to Isel Park in the Dog Control Bylaw; and***



4. **Amends the Dog Control Bylaw to require dogs to be on-leash in grazed Council reserves excluding the Tantragee Reserve area grazed by cattle (shown on Map 8 in Attachment 4) which remains an off-leash area; and**
5. **Amends the Dog Control Bylaw to include Monaco Reserve as an off-leash neighbourhood park (listed in Schedule 3) excluding the playground which will continue to be a dog prohibited area; and**
6. **Retains Titoki Reserve as an off-leash area in the Dog Control Bylaw; and**
7. **Amends the Dog Control Bylaw to change Whakatū Drive Foreshore Reserve to an on-leash area; and**
8. **Amends the Dog Control Bylaw to prohibit dogs in the fenced area of the foreshore and esplanade reserve at Paremata Flats, including the planted area of the Paremata Flats Reserve (shown on Map 10 of Attachment 4); and**
9. **Amends the Dog Control Bylaw to require dogs to be kept on a lead on the margins, islands, sand and mudflats of Delaware Estuary (shown on Map 10 of Attachment 4); and**
10. **Amends the Dog Control Bylaw to:**
  - i. **retain the dogs prohibited status for the 4km from the Cut towards Boulder Bank Drive during the breeding season in Schedule One, but amend the prohibited period from October to February to 15 August to the last day in February; and**
  - ii. **include the part of the Boulder Bank from Boulder Bank Drive to the Cut as an on-leash area in Schedule Two; and**
  - iii. **exclude the part of the Boulder Bank northwards from Boulder Bank Drive in Schedule 2 (retaining this as an off-leash area); and**



- iv. change the status of the Glen Neighbourhood Park (refer Map 14 of Attachment 4) to an off-leash area; and*
- 11. Deletes the Number of Dogs policy from the Council's Dog Control Bylaw; and**
- 12. Amends the Dog Control Bylaw by changing clause 10.2 of the Bylaw to: "If, in the opinion of a Dog Control Officer, any dog has become or is likely to become a nuisance to any person or injurious to the health of any person, the Dog Control Officer may, by notice in writing, require the dog owner or the owners or occupiers of the premises at which the dog is kept, within a time specified in such notice to do all or any of the following:**
  - a. reduce the number of dogs on the premises;**
  - b. construct, alter, reconstruct or otherwise improve the kennels of other buildings or fences used to house or contain the dog;**
  - c. tie up or otherwise confine the dog during specified periods;**
  - d. take such other action as necessary to minimise or remove the likelihood of nuisance or injury to health."; and**
- 13. Amends Schedule 3 to rename Emano West Reserve as Te Manu Reserve and remove reference to Emano East Reserve and Hanby Park; and**
- 14. Amends Schedule 1 item 15 of the Bylaw by replacing the phrase "foreshore and sea bed" with the term "common marine and coastal area" in both cases in which it is used twice within item 15; and**
- 15. Agrees the amendments do not give rise to any implications under the New Zealand Bill of Rights Act 1990 and the amended Dog Control Bylaw is the most appropriate form of Bylaw; and**
- 16. Determines that the amended Dog Control Bylaw will take effect from 27 July 2020.**



## **9. Regulatory fees and charges deliberations**

**148 - 179**

Document number R17006

Recommendation

### ***That the Environment Committee***

- 1. Receives the report Regulatory fees and charges deliberations (R17006) and its attachments (A2375608, A2374956, A2380674, A2375618 and A2337793); and***
- 2. Approves amendments to the charges under the Resource Management Act 1991 and Housing Accords and Special Housing Areas Act 2013 as detailed in Attachment 1 (A2375608) to report R16978; and***
- 3. Approves the amendments to the charges under the Resource Management Act 1991 and Housing Accords and Special Housing Areas Act 2013 as detailed in Attachment 1 (A2375608) to report R16978 to commence from 1 September 2020; and***
- 4. Approves amendments to the fees and charges under the Building Act 2004 as detailed in Attachment 2 (A2374956) to report R16978; and***
- 5. Approves amendments to the fees and charges under the Building Act 2004 as detailed in Attachment 2 (A2374956) to report R16978 to commence from 1 January 2021; and***
- 6. Approves amendments to the fees under the Dog Control Act 1996 as detailed in option () of Attachment 4 (A2375618) to report R16978; and***
- 7. Approves amendments to the fees under the Dog Control Act 1996 as detailed in option () of Attachment 4 (A2375618) to report R16978 to commence from 1 July 2020.***

## **10. Urban Environment Bylaw Review**

**180 - 186**

Document number R16988



Recommendation

***That the Environment Committee***

- 1. Receives the report Urban Environment Bylaw Review (R16988); and***
- 2. Agrees the process of reviewing the Urban Environments Bylaw will commence, and that it will be completed by 2 June 2022.***

**11. COVID-19 Update Report - Impacts on Environmental Management Group Activities 187 - 192**

Document number R17001

Recommendation

***That the Environment Committee***

- 1. Receives the report COVID-19 Update Report - Impacts on Environmental Management Group Activities (R17001).***

**12. Submission to DOC on the proposed improvements for whitebait management 193 - 205**

Document number R15865

Note: Attachment Two to this report is circulated under separate cover.

Recommendation

***That the Environment Committee***

- 1. Receives the report Submission to DOC on the proposed improvements for whitebait management (R15865) and its attachments (A2346450 and A2345470); and***
- 2. Approves retrospectively, the submission to the Department of Conservation on the proposed improvements to whitebait management (A2346450).***



### **13. Minor amendment to the Navigation Safety Bylaw 206 - 212**

Document number R15919

Recommendation

#### ***That the Environment Committee***

- 1. Receives the report Minor amendment to the Navigation Safety Bylaw (R15919); and***
- 2. Agrees the proposed amendment to clause 3.21(b) of the Navigation Safety Bylaw 2012 (No. 218) is a minor change that meets the requirements of section 156(2) of the Local Government 2002; and***
- 3. Agrees that public consultation on the proposed amendment is not required because the proposed amendment is a minor change.***

Recommendation to Council

#### ***That the Council***

- 1. Makes a minor change to clause 3.21(b) of the Navigation Safety Bylaw, to state that the words "No person shall use any boat ramp for the launching of any trailer boat without having first paid any fees or charges which may be fixed by the Council from time to time in respect of such use, and displaying the appropriate ticket, label, sticker or other proof of such payment in a prominent and easily seen position on the trailer or in or on the towing vehicle" be replaced, from 29 June 2020 with the words "No person shall use any boat ramp for the launching of any trailer boat without having first paid any fees or charges which may be fixed by the Council from time to time in respect of such use, the payment by casual users to be proved by the person submitting the registration number of the towing vehicle at the time of payment, and the payment by annual permit holders to be proved by displaying the proof of payment in a prominent and easily seen position on the trailer or in or on the towing vehicle"***



## 14. Nelson Plan: Additional Funding

213 - 223

Document number R14797

Recommendation

***That the Environment Committee***

- 1. Receives the report Nelson Plan: Additional Funding (R14797) and its attachments Nelson Plan Cost vs Budget (A2384881); and***
- 2. Approves loan funding of \$200,000 to progress the Draft Nelson Plan in 2019/2020.***

## CONFIDENTIAL BUSINESS

## 15. Exclusion of the Public

Recommendation

***That the Environment Committee***

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

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Continuation of the transfer arrangement with Port Nelson Ltd for Harbourmaster responsibilities	Section 48(1)(a)  The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"><li>Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li></ul>





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## Minutes of a meeting of the Environment Committee

**Held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson**

**On Thursday 5 March 2020, commencing at 10.01a.m.**

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- Present: Councillor K Fulton (Chairperson), Her Worship the Mayor R Reese, Councillors B McGurk, Y Bowater, T Brand, M Courtney, J Edgar, M Lawrey, G Noonan, R O'Neill-Stevens, R Sanson, T Skinner and Ms G Paine
- In Attendance: Chief Executive (P Dougherty), Group Manager Environmental Management (C Barton), Group Manager Corporate Services (N Harrison), and Governance Adviser (J Brandt)
- Apology: Councillor Rainey

A karakia timatanga was given. Nelson City Council Kuia Mel McGregor and Tasman District Council Kuia Jane Du Feu were in attendance.

Her Worship the Mayor R Reese informed Elected Members of the passing of former Nelson and Tasman Mayor Kerry Marshall and acknowledged his long years of service and dedication to the Nelson Tasman communities.

A waiata was sung and Councillor Fulton assumed the chair.

### 1. Apologies

Resolved EC/2020/001

***That the Environment Committee***

- 1. Receives and accepts an apology from Councillor Rainey.***

Courtney/Brand

Carried

### 2. Confirmation of Order of Business

The Chairperson noted that there would be an adjournment at lunch time to accommodate an Extraordinary Council meeting at 1.00p.m., and that



the committee meeting would reconvene at the conclusion of the Extraordinary Council meeting.

### 3. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

### 4 Public Forum

#### 4.1 Friends of the Maitai

Steven Gray gave a Powerpoint presentation (A2354339) on behalf of the group.

He answered questions about additional plantings, regenerating native forests, the health of the Maitai river and membership of the Maitai Forestry Forum.

#### Attachments

- 1 A2354339 - Friends of the Maitai presentation

#### 4.2 Waterfront Association - Earthquake Prone Buildings – Priority Building

Mr Rob Stevenson did not attend.

### 5. Confirmation of Minutes

#### 5.1 28 November 2019

Document number M6583, agenda pages 9 - 18 refer.

A correction to the minutes was made, noting the return of Cr Noonan to the meeting that had been omitted in the minutes.

In response to a question about the item left to lie at the previous meeting, Delaware Bay Access, officers noted that a report would come to a future meeting once meetings with stakeholders had been held.

Resolved EC/2020/002

#### ***That the Environment Committee***

1. ***Confirms the amended minutes of the meeting of the Environment Committee, held on 28 November 2019, as a true and correct record.***

Courtney/Sanson

Carried



## 6. Chairperson's Report

Document number R15873

The Chairperson tabled her report (A2355550).

Attendance: Councillor Skinner left the meeting at 10.47a.m.

Resolved EC/2020/003

### ***That the Environment Committee***

#### ***1. Receives the Chairperson's Report (R15873).***

Fulton/Paine

Carried

#### **Attachments**

- 1 A2355550 - Chairperson's report

## 7. Building Act 2004 – Earthquake Prone Buildings – Priority Buildings - Deliberations

Document number R13587, agenda pages 19 - 49 refer.

Bruce Mutton, Structural Engineer, presented the report and tabled some corrections (A2353307).

The committee discussed the routes of strategic importance for emergency response and it was agreed that the map would be amended to reflect the purpose for which the transport routes are identified under the Building Act 2004.

Attendance: Councillor Skinner returned to the meeting at 10.52a.m.

The meeting was adjourned from 11.03a.m. to 11.18a.m. during which time Councillor Lawrey left the meeting.

Resolved EC/2020/004

### ***That the Environment Committee***

- 1. Receives the report Building Act 2004 – Earthquake Prone Buildings – Priority Buildings - Deliberations (R13587) and its attachments (A2097637, A2077485, A2294719, A2317659); and***
- 2. Adopts the proposed area for the identification of priority unreinforced masonry (URM) buildings, and transport routes of strategic importance (A2077485) with amendments to be made to the map to reflect the purpose for which those transport routes are identified under the Building Act 2004.***

McGurk/O'Neill-Stevens

Carried



**Attachments**

- 1 A2353307 - Corrections to report R13587 - Earthquake Prone Buildings - Priority Buildings

**8. Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations**

Document number R13588, agenda pages 50 - 76 refer.

Bruce Mutton, Structural Engineer, presented the report.

Resolved EC/2020/005

***That the Environment Committee***

1. ***Receives the report Proposed Dangerous, Affected and Insanitary Buildings Policy - Deliberations (R13588) and its attachments (A2053947, A2313611 and A2295646); and***
2. ***Adopts the proposed Dangerous, Affected and Insanitary Buildings Policy as amended incorporating submitter feedback and editorial changes (A2313611).***

Noonan/Edgar

Carried

**9. Warmer Healthier Homes - Annual Report**

Document number R13736, agenda pages 77 - 92 refer.

Richard Popenhagen, Environmental Programmes Officer, presented the report.

Attendance: Councillors O'Neill-Stevens and McGurk left the meeting at 11.27a.m. and Councillor Lawrey returned at 11.29a.m.

Leeson Baldey, Chairperson of the Warmer Healthier Homes Steering Group, answered questions about a charitable trust that was in the process of being established to assist with additional fund raising, criteria for the programme's referral system and carry over funds, noting that funds were expected to be spent by the end of the financial year.

Resolved EC/2020/006

***That the Environment Committee***

1. ***Receives the report Warmer Healthier Homes - Annual Report (R13736) and its attachment (A2322552).***

Fulton/Her Worship the Mayor

Carried



## **10. Resource Management Act and Housing Accord and Special Areas Act charges**

Document number R13744, agenda pages 93 - 121 refer.

Group Manager Environmental Management, Clare Barton, explained that the reason for the fees and charges reports on the agenda was to bring recovery rates back in line with the range set out in the Revenue and Financial Policy.

Manager Consents and Compliance, Mandy Bishop, presented the report. She noted that since the agenda was published, 19 May 2020 had been set aside as Hearing date.

She answered questions about the different mechanisms available to charge, differences in recoverability, models applied by other councils, the way communication with applicants occurs, implications for long-term projects, and the promotion of estimates via council's website. The committee requested the use of the term 'charge out rate' instead of 'staff hourly rate' as the former more accurately reflected the broader nature of the charge.

Attendance: Councillor Skinner left the meeting at 11.58a.m.

Attendance: The meeting was adjourned from 12.31p.m. until 2.01p.m. during which time Councillor Lawrey left and Councillors McGurk and O'Neill-Stevens returned.

The committee discussed the Statement of Proposal. Clause 4 of the recommendation was amended to reduce the amount of deposits for subdivision lots to keep the process simple and encourage housing developments.

Resolved EC/2020/007

### ***That the Environment Committee***

- 1. Receives the report Resource Management Act and Housing Accord and Special Areas Act charges (R13744) and its attachment (A2334791); and***
- 2. Agrees a summary of information contained in the Statement of Proposal is not necessary to enable public understanding of the proposal; and***
- 3. Agrees the preferred option is to increase charges to recover 48% of Council costs for the services; and***
- 4. Adopts the Statement of Proposal with minor editorial changes to be signed off by the Chairperson of the Environment Committee and Group Manager Environmental Management, including the replacement of 'staff hourly rate' with 'hourly charge-out rate', for***



***the proposed Resource Consent charges, planning document charges, monitoring charges and Housing Accord and Special Housing Areas Act charges as contained in Statement of Proposal in Attachment 1 of Report R13744 (A2334791) subject to changing the initial fixed charge for subdivision 1-3 lots to \$1,500 and 4 plus lots to \$2,500; and***

**5. Approves the consultation approach (set out in section 5 of this report) and agrees:**

***a) the approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***

***b) the approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.***

**6. Approves commencement of the Special Consultation Procedure, with the consultation period to run from 17 March to 17 April 2020.**

Her Worship the Mayor/Noonan

Carried

## **11. Proposed Dog Control fees**

Document number R14790, agenda pages 122 - 141 refer.

Attendance: Councillor Bowater left the meeting at 2.23p.m. and Ms Paine at 2.26p.m.

Manager Consents and Compliance, Mandy Bishop, presented the report.

Attendance: Her Worship the Mayor left the meeting from 2.30p.m. until 2.35p.m.

Ms Bishop answered questions regarding the good dog owner policy noting this was subject to a separate consultation process.

Attendance: Councillors Skinner and Bowater returned to the meeting at 2.37p.m.

Resolved EC/2020/008

### ***That the Environment Committee***

**1. Receives the report Proposed Dog Control fees (R14790) and its attachments (A2337793 and A2337794); and**



2. **Agrees the preferred option is to increase dog registration fees to recover 90% of the costs to Council in providing dog control services; and**
3. **Agrees a summary of information contained in the Statement of Proposal for the Proposed Dog Control fees is not necessary to enable public understanding of the proposal; and**
4. **Approves the consultation approach (set out in sections 5.13 to 5.20 of this report) and agrees:**
  - a) **the approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and**
  - b) **the approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation; and**
5. **Adopts the Statement of Proposal for the Proposed Dog Control fees as detailed in Attachment 2 (A2337794) to Report R10037; and**
6. **Approves commencement of the Special Consultation Procedure, with the consultation period to run from 17 March to 17 April 2020.**

McGurk/Fulton

Carried

## **12. Building Unit Fees and Charges Review 2020/21**

Document number R13746, agenda pages 142 - 173 refer.

Attendance: Councillor Bowater left the meeting at 2.39p.m.

Manager Building, Mark Hunter, introduced himself to the committee and presented the report.

Attendance: Councillor Noonan left the meeting at 2.41p.m.

The Committee requested that minor editorial changes be made to the Statement of Proposal for consistency purposes with the other fees and charges reports, including the preferred wording 'charge out rate' over 'staff hourly rate', and that these changes could be approved by the Chairperson and Group Manager Environmental Management. Clauses 3 and 4 of the recommendation were amended to reflect this.



Resolved EC/2020/009

***That the Environment Committee***

- 1. Receives the report Building Unit Fees and Charges Review 2020/21 (R13746) and its attachments (A2342140, A2341824, and A2341910); and***
- 2. Agrees a summary of information contained in the Statement of Proposal is not necessary to enable public understanding of the proposal; and***
- 3. Agrees the preferred option is to increase Building Unit Fees and Charges by a total of 18% that includes increasing the hourly charge out rate to \$160, introducing a systems fee and increasing the insurance and quality assurance levies; and***
- 4. Adopts the Statement of Proposal for the proposed Fees and Charges under the Building Act 2004 contained in Attachment 1 (A2342140) of Report R13746 subject to minor editorial changes to be signed off by the Chairperson of the Environment Committee and the Group Manager Environmental Management; and***
- 5. Approves the consultation approach (set out in section 5 of this report) and agrees:***
  - a) the approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***
  - b) the approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.***
- 6. Approves commencement of the Special Consultation Procedure with the consultation period to run from 17 March to 17 April 2020.***

Courtney/Sanson

Carried

**13. Environmental Management Group - Quarterly Report - 1 October - 31 December 2019**

Document number R13729, agenda pages 174 - 250 refer.

Group Manager Environmental Management, Clare Barton noted that any references to the Nelson Plan feedback process having commenced



should instead read that it would be commencing shortly. She made a further correction to page 179, under item 4.5, removing the following part-sentence: "an overspend for the Urban Design Panel due to Special Housing Area work".

Attendance: Councillor Noonan returned to the meeting at 3.01p.m.

Officers answered questions about the possibility of working with small landowners regarding carbon forest plantings, the building unit re-accreditation process, results of the parking survey, city centre activation plans, biodiversity corridors and dog control and environmental health activities, including the number of alcohol inspections undertaken.

Resolved EC/2020/010

***The Environment Committee***

- 1. Receives the report Environmental Management Group - Quarterly Report - 1 October - 31 December 2019 (R13729) and its attachments (A2326033, A2342072, A2331749, A2329142, A2334348, and A2328796); and***
- 2. Approves retrospectively the proposed Resource Management Act 1991 Reform feedback (A2329142); and***
- 3. Approves the proposed submission for lodging with the Ministry for the Environment on the National Policy Statement for Indigenous Biodiversity (A2334348); and***
- 4. Approves retrospectively the proposed Future of Kingsland Forest submission to Tasman District Council (A2331749); and***
- 5. Notes the range of current environmental management national direction initiatives that impacts on the Environmental Management Group (A2328796).***

Fulton/Sanson

Carried

A karakia whakamutunga was given.

There being no further business the meeting ended at 3.29p.m.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date





## Minutes of a meeting of the Environment Committee

### Via Audio-Visual (Zoom)

### On Tuesday 21 April 2020, commencing at 1.06p.m. - Hearing of Submissions to Dog Control Policy and Bylaw Review

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- Present: Councillor K Fulton (Chairperson), Councillors B McGurk, Y Bowater, T Brand, M Courtney, M Lawrey, G Noonan, R O'Neill-Stevens, P Rainey, R Sanson, T Skinner and Ms G Paine
- In Attendance: Group Manager Environmental Management (C Barton), Team Leader Governance (R Byrne) and Governance Adviser (E Stephenson)
- Apologies: Her Worship the Mayor R Reese and Councillor J Edgar

### Karakia Timatanga

Council's Kaihautu, Pania Lee, gave the opening karakia.

### 1. Apologies

Resolved EC/2020/011

#### ***That the Environment Committee***

- 1. Receives and accepts the apologies from Her Worship the Mayor Rachel Reese and from Councillor Judene Edgar.***

McGurk/Fulton

Carried

### 2. Confirmation of Order of Business

There was no change to the order of business.

### 3. Interests

Her Worship the Mayor had declared an interest in this matter and was not present.



#### 4. **Public Forum**

There was no public forum.

#### 5 **Late Submission**

Submissions closed on 28 February 2020. One submission was received late (refer page 64-65 of the Agenda). The submission was received prior to the planned hearing and in time for full consideration by the Committee and officers.

Resolved EC/2020/012

***That the Environment Committee***

- 1. Accepts the late submission from Denis Blomquist received on 12 March 2020.***

Fulton/McGurk

Carried

#### 6 **Hearing of Submissions – Review of Dog Control Policy and Bylaw**

Document number R15910, agenda pages 5 - 87 refer.

##### 6.1 Hans Andersen speaking on behalf of Dinah Thomson – 21647

Mr Anderson spoke to Ms Thomson's submission, he noted her concerns regarding the proposal for restricting dog access where stock grazed and the limitations on dogs. He noted the amount of exercise required by dogs, the need for off leash exercise.

Attendance: Councillor Rainey entered the meeting at 1.20pm

Mr Anderson answered questions regarding signage and reliance on dog owners' control.

##### 6.2 Bryce Buckland – 21628

Mr Buckland spoke to his submission, noting that he was not unhappy to have dogs on the Grampians but wanted them better managed. He highlighted the need for better reserve management, reducing flammable weeds and grass and better dog control, with all dogs required to be on a lead. Mr Buckland answered questions regarding the number of birds and sheep he had seen killed or injured by dogs and the 80/20 trapping rule was explained.



6.3 Jude Tarr – 21600

Ms Tarr spoke to her submission, she clarified natural dog behaviour. She suggested different reserve management via intensive bursts of stock grazing, or with tractors that mow and, in the long-term, replacement with native plants which wouldn't require stock grazing.

Ms Tarr pointed out that Map 5 was shown as an existing on-lead park, she suspected that nobody knew this, as there was no visible signage. She requested a doggy doo bag dispenser and supported the retention of off-lead dog exercise areas. She answered a question regarding off-lead areas, noting that clear signage was needed when sheep were present and suggested stock grazing for short periods in the short-term.

6.4 Mindy Silva – 21598

Ms Silva spoke to her submission, suggesting that those with good dog owner status should decide when it was safe to let their dogs off the lead. She said that Council shouldn't punish law-abiding citizens, but should address the people causing the problems. In response to questions, Ms Silva said that her dogs did not chase wildlife or birds and that she was happy to put her dogs on the lead when sheep were present. She felt Council should allow different licences depending on owners' capabilities and that people should look out for signage.

6.5 Natalie Gousmett - 21548

Ms Gousmett spoke to her submission, noting the importance of opportunities to enjoy the outdoors as a family and she was opposed to reducing off-lead areas. She felt that Council should be adding off-lead opportunities. She noted that on-lead exercise was cumbersome for those with young children and felt that Council was punishing many because of the few. Ms Gousmett felt that on-lead should be required only when stock was present and grazing. She suggested that Council should offer additional reserve areas where families could swim with their dogs. Ms Gousmett was supportive of Railway Reserve and Isel Park remaining off-lead areas. She noted support for proposals 1,2 and 4 but not 3 and 10.

In response to questions, Ms Gousmett said that she would like a larger dog area at the beach, with access to picnic tables and toilets whilst walking dogs and that there needed to be clear rules.

Attendance: Councillor Noonan left the meeting from 2.07p.m. until 2.14p.m.



6.6 Claire Bywater – 21594

Ms Bywater spoke to her submission, requesting that Council allow dogs to travel on public transport. She noted that this was allowed in Europe and in Wellington and Auckland and she hoped Nelson would be the first Council in the South Island to consider this.

Officers confirmed that this suggestion could be considered as part of the appropriate bylaw review.

6.7 Denis Blomquist – 22831L

Mr Blomquist spoke to his submission, highlighting the need to protect and encourage nesting birds by keeping dogs (and people) off the beach at nesting time. Discussion took place on boundaries and officers were requested to confirm this for deliberations. It was clarified that fencing off areas for the protection of nesting birds was out of scope for this bylaw review.

6.8 Julie Malthus – 21432

Ms Malthus spoke to her submission, noting that she had protested against the removal of off-leash dog areas in 2012. She felt that less freedom would make Nelson unattractive to professional families. She read a submission on behalf of her dogs, which was supportive of more off-leash areas. In response to a question, she said that owners would know if their dog was sheep friendly or not and would either put their dogs on a lead, or not enter the area.

6.9 John Gray – 21550

Mr Gray spoke to his submission, noting that dog fees should include something else for the money. He felt that fees were too high, especially for good dog-owners. He felt there should be a good dog-owner bonus, and a reduction in fees to encourage people to own dogs. Mr Gray answered a question regarding pensioner age, noting that after the COVID-19 emergency there would be a reduction in income for a lot of people.

6.10 David Melville – The Ornithological Society of NZ/Birds NZ – 22731

Mr Melville spoke to the submission and provided a PowerPoint presentation highlighting Nelson coastal biodiversity and threatened, nationally critical and vulnerable, at-risk and declining and recovering species. He suggested an extension of the dog prohibition period for the southern part of Boulder Bank from 15 August to February, due to the early breeding period of the Banded Dotterel.

Mr Melville answered questions regarding nesting sites and numbers.



Ms Barton agreed to confirm whether review of the dog prohibition period would be an issue as it had not been consulted on, for the deliberations.

6.11 Ian Barker – 21662

Mr Barker spoke to his submission, noting that the existing situation at Isel Park was operating very well and that the market ran well under that process. He suggested improved signage at the front gate, noting that doggy doo bags would be useful and felt that Council should toughen up on dangerous dogs.

6.12

Brief statements supporting several submissions were tabled. A PowerPoint Presentation was provided by David Melville – The Ornithological Society of NZ/Birds NZ.

**Attachments**

- 1 A2371943 - Adrian Abraham - 22738
- 2 A2371733 - Helen Black - 21694
- 3 A2370963 - Erice Jackson - 21697
- 4 A2371714 - Hilary Burbidge and Ross Whitlock - 21689
- 5 A2372966 - Ferry van Mansum - 21483
- 6 A2362473 - PowerPoint Presentation - David Melville - 22731

## **7. Timing of Dog Control Policy and Bylaw Deliberations**

Document number R16959, agenda pages 88 - 101 refer.

Resolved EC/2020/013

***That the Environment Committee***

- 1. Receives the report Timing of Dog Control Policy and Bylaw Deliberations (R16959) and its attachment (A2337794); and***
- 2. Commences the Dog Control Policy and Bylaw Deliberations on 19 May 2020 in order to make a decision on the Good Dog Owner Policy; and***
- 3. Reconvenes the Dog Control Policy and Bylaw Deliberations on 4 June 2020 to make decisions on all other aspects of the Dog Control Policy, and to make recommendations to Council on all aspects of the Dog Control Bylaw.***

Noonan/Bowater

Carried



**Karakia Whakmutunga**

Council's Kaihautu, Pania Lee, gave the closing karakia

There being no further business the meeting ended at 3.13p.m.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date



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## **Good Dog Owner Policy Deliberations**

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### **1. Purpose of Report**

- 1.1 To provide a summary of the submissions on the Good Dog Owner (GDO) Policy and to provide a range of options to support the Committee's deliberations on the GDO Policy.

### **2. Summary**

- 2.1 Council has consulted on the option of removing the GDO Policy in order to improve equity for all dog owners and to reduce the costs of administering and implementing the GDO discount. Almost all of the submissions received on this matter (87 out of 91) opposed Council's proposal. Refer to Dog Control Policy and Bylaw Review — Total Submissions including Index (A2352812) that has been pre-circulated.
- 2.2 This report summarises the feedback and considers four options:
- Retaining the current GDO Policy.
  - Removing the GDO Policy but retaining the \$5 discount for neutered dogs.
  - Changing the eligibility criteria for the GDO to improve outcomes (by requiring proof of training course attendance), to take effect in the 2021/22 year.
  - Extending a smaller GDO discount to all dogs without a proven complaint or impounding over the past three years, to take effect in the 2021/22 year.

### **3. Recommendation**

#### ***That the Environment Committee***

- 1. Receives the report Good Dog Owner Policy Deliberations (R16967) and its attachment (A2376041); and***
- 2. Removes the Good Dog Owner Policy discount, but retains the \$5 discount for neutered dogs.***



#### **4. Background**

4.1 On 21 April 2020 the Environment Committee resolved to commence the Dog Control Policy and Bylaw Deliberations on 19 May 2020 in order to consider the submissions on the Good Dog Owner Policy. This enables the Committee to make a decision on whether to retain, amend or remove the Good Dog Owner Policy prior to deliberating on proposed amendments to the Council's Dog Control Fees.

4.2 Deliberations on the Dog Control Policy and Bylaw will then resume in order to consider all other matters.

4.3 The following policy is included in the Dog Control Policy 2013.

A new Good Dog Owner (GDO) Policy takes effect from July 2013.

- Substantial Good Dog Owner discount applies on an annual basis for meeting the following three conditions:
  - Having no more than one minor, proven complaint/impounding;
  - Having adequate fencing or other means of containing their dog on the property, and complying with standard welfare requirements for water, shelter and food (spot checks will apply); and
  - Paying registration fees on time.
- Ongoing discount applies for any dog that is either neutered, or for dogs registered as members of the New Zealand Kennel Club.
- One voucher will be available per dog, for all dog owners towards attending a recognised training course or 1:1 training to address a behavioural issue (only payable by Council, if it is redeemed with an approved provider).

4.4 Those on the current Good Dog Owner scheme will automatically transfer to the above Good Dog Owner discount.

4.5 The January 2020 Statement of Proposal includes a proposal to delete the GDO Policy because it:

- is costly to administer (approximately \$16,500 per annum based on 300 requests at \$55 per request).
- is costly to implement (currently there are 2,500 owners receiving the \$19.50 subsidy which costs \$48,750, with the potential for another 3,701 applications at a cost of approximately \$72,000, as it is easy to be classified as a good dog owner).
- does not achieve policy outcomes as it works on the basis that good dog owners need to prove they are good dog owners rather than



## Item 7: Good Dog Owner Policy Deliberations

assuming all dog owners are good dog owners and penalising those who are not.

- duplicates provisions in the Dog Control Act which require owners to keep their dog under control generally (under sections 52 and 52A) and confined to their property (under section 52A).

### **Summary of feedback**

4.6 Most submitters (87) opposed the removal of the Good Dog Owner Policy, and four submitters supported it. The majority of the submissions expressed the view that there should be a financial incentive for good dog ownership.

4.7 Key comments from submitters who opposed the removal of the Good Dog Owner Policy were as follows:

- Already pay more than Tasman District Council dog owners.
- Anyone who loses GDO status should have to pay the administration costs of reapplying after one year.
- Without the GDO discount many families will struggle to afford the registration costs.
- Change the GDO Policy to meet Council goals rather than removing it.
- If it is about money, then Council needs to look very carefully at providing a fair and reasonable share of funding across all differing forms of recreation and activity.
- Will you keep the \$5 discount for neutering?
- The GDO Policy is not skewed towards people with high incomes — just toward organised people who pay on time.
- Other options (rather than deleting the policy) are: keep the same policy but advertise it better OR give everyone the GDO price unless they don't pay on time or there are genuine complaints against their dog.
- The registration fee is already high, particularly for people on fixed incomes.
- Site visits are important to ensure the welfare of dogs, and the GDO is an important incentive for this.
- It encourages fencing of properties.



## Item 7: Good Dog Owner Policy Deliberations

- Allow people who already have the GDO status to keep it until they die, or their dog dies.
- If the admin cost of the GDO Policy is too high look at other options such as paying to attend a Council approved dog obedience course, using an online application form and require people to upload photographs of fenced sections.
- In Manukau City dog rangers checked properties each year, and if not up to the required standard, people were charged a higher fee.
- Remove the condition of fees being paid on time and make the policy applicable to the current year, to reduce the issues with the policy.
- Good dog owners don't cost the Council anything so why should they be punished?

### 4.8 Key comments from submitters who support the removal of the Good Dog Owner Policy were as follows:

- Shouldn't have to prove we are good dog owners — if problems occur, then the owners should pay more.
- Use cost savings to lower the standard registration fee.
- If the \$19.50 discount was provided to all dog owners, and Council gained more income through infringement fines (say doubling the current income from fines) this would require a licence fee increase of \$3 per owner to cover the shortfall. Having the offenders pay a greater share of the costs through enforcement is a better approach to user pays with the added benefit that it is likely to reduce the incidence of problems and nuisance.
- An alternative, which entails little in the way of administrative costs, would be to charge a lower fee to owners with no proven complaint or impounding in the prior three years.

## 5. Additional information

### 5.1 At the hearing Councillors asked for some additional information. The questions related to:

- Discounts for people on pensions;
- What dog control services are provided by Council;
- The cost of the standard registration fee if the GDO discount is retained; and
- The reasons for the recommendation to remove the GDO Policy.



## Item 7: Good Dog Owner Policy Deliberations

5.2 Some follow up questions related to:

- The number of registered dogs in Nelson,
- The number of complaints, and
- The responsibilities of both dog owners and territorial authorities under the Dog Control Act 1996.

5.3 Detailed answers to these questions are provided in Attachment 1 (A2376041). In summary:

- Offering a discounted rate for people on pensions would adversely impact other dog owners meaning fees for others would need to increase.
- Dog control services include education and enforcement in response to breaches of the rules.
- Regarding fees (and pending the Environment Committee decision on fees) the standard fees would be \$108.50 and for those receiving the GDO discount it would be \$84.
- The key reason for recommending removal of the GDO Policy is to more equally share the costs of dog control services across all dog owners.
- There are 5,800 registered dogs in Nelson.
- Council responded to 1672 complaints in the 2018/19 financial year. Most of these related to relatively minor issues such as barking and wandering, but there were some related to more serious issues including dogs attacking humans (22), dogs attacking animals (64) and dog aggression (68).
- Section 5 of the Dog Control Act outlines the responsibilities of dog owners and section 6 outlines the powers of territorial authorities under the Dog Control Act, as well as the additional actions they may take.

### **Scope**

5.4 The scope of these deliberations is limited by the options considered in the Statement of Proposal and the scope of the Dog Control Policy itself.

5.5 The Statement of Proposal options included retaining the GDO Policy or delete it. Therefore, anything within this spectrum is considered in the scope of Committee decision making. For example, choosing to retain some elements of the GDO such as a neutered dog's discount.

5.6 The level of fee for dog registration is being established via a separate report that has gone through a separate engagement process and is therefore out of scope.



## Item 7: Good Dog Owner Policy Deliberations

- 5.7 The share of ratepayer funding for dog control services is set by Council's Revenue and Financial Policy as being between 90% and 100%.

### 6. Options

- 6.1 Four options are assessed in the following table.

**Option 1:** Retain the existing Good Dog Owner Policy

**Option 2:** Remove the Good Dog Owner Policy discount but retain the \$5 discount for neutered dogs (under a separate heading within the Dog Control Policy).

**Option 3:** Change the Good Dog Owner eligibility criteria to provision of a certificate showing the dog and dog owner have attended some form of puppy or dog obedience training.

**Option 4:** Offer a Good Dog Owner discount but simplify the eligibility and reduce implementation costs by offering a smaller discount to all dogs for which there is "no proven complaint or impounding in the past three years".

#### Financial implications of the options

- 6.2 The financial implications of the different options are outlined in the table below. The following implications are based on the proposed approach to the dog control fees (to be considered in a separate report). Note: These are financial implications for dog owners rather than Council, as Council's funding policy is that 90-100% of the costs of dog control services are to be paid by dog owners.

Options	Financial Implications
<b>Option 1:</b> Status quo — Retain the existing Good Dog Owner Policy	If the current GDO Policy remains the standard fee would be \$108.50 and \$84 for people receiving the GDO discount (increased from \$66.20).
<b>Option 2:</b> Remove the Good Dog Owner Policy discount but retain the \$5 discount for neutered dogs	Option 2 results in a dog registration increase from \$86 to \$95.80 for all dog owners.  A \$5 discount continues to apply for neutered dogs, resulting in a \$90.80 registration fee for these dog owners.
<b>Option 3</b>	Specific costs are not yet known as this will depend on how many dog owners have completed training, and the size of the discount.



## Item 7: Good Dog Owner Policy Deliberations

Change the Good Dog Owner eligibility criteria to require proof of attendance at puppy or dog obedience training.	However, a smaller number of dog owners are likely to be eligible for this discount than the current GDO Policy, making it a lower cost option to Council than options 1 and 4.
<b>Option 4</b>  Offer a smaller Good Dog Owner discount to all dogs for which there is no proven complaint or impounding in the past three years.	Specific costs are not yet known. However, the lost revenue and administration costs to Council associated with Option 4 are likely to be similar to Option 1.

### Options Assessment

<b>Option 1: Status quo — Retain the existing Good Dog Owner Policy</b>	
Advantages	<ul style="list-style-type: none"> <li>This option is supported by submitters, and currently provides a substantial (\$19.50) discount on the dog registration fees for some dog owners.</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>The existing Good Dog Owner Policy discount does not achieve significant benefits because the conditions to be met to gain Good Dog Owner status duplicate requirements in the Dog Control Act to keep a dog under control (under sections 52 and 52A) and confined to their property (under section 52A).</li> <li>Dog owners who are not aware of the option of applying for the Good Dog Owner Policy pay more than their fair share for dog control services through their full price registration fees.</li> <li>The staff time required to ensure the criteria for Good Dog Owner status has been met which increases the costs of dog control services. While the primary impact is on dog owners who pay for 90% of dog</li> </ul>



## Item 7: Good Dog Owner Policy Deliberations

	control services through registration fees, this will also have a small effect on rate payers, due to the 10% of dog control services paid for by rates).
<b>Option 2 (preferred): Remove the Good Dog Owner Policy discount but retain the \$5 discount for neutered dogs</b>	
Advantages	<ul style="list-style-type: none"> <li>This option avoids the cost of administering the discount scheme, and the lost revenue from providing the discount. It is fairer than the existing approach because it more evenly distributes the costs of dog control services across all dog owners.</li> <li>Many aggression problems can be avoided by early neutering of male dogs, and neutering of female dogs reduces the risk of unplanned litters and increased demand for SPCA services.</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>This option was opposed by most submitters (87 out of 91) who submitted on the Good Dog Owner Policy. These submitters consider the removal of the GDO discount fails to reward good dog owners.</li> </ul>
<b>Option 3: Change the Good Dog Owner eligibility criteria to require proof of attendance at puppy or dog obedience training.</b>	
Advantages	<ul style="list-style-type: none"> <li>Incentivises training to increase owners' ability to keep their dogs under control. Over the long term this option could reduce the risks of conflicts associated with poorly trained dogs.</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>People who are currently receiving the Good Dog Owner discount would lose that discount.</li> <li>This option disadvantages people who have attended puppy or dog training in the past but who are not able to provide a certificate to prove this.</li> <li>Complications related to someone taking one dog to training and not another dog (resulting in different fees for different dogs owned by the same person).</li> </ul>



## Item 7: Good Dog Owner Policy Deliberations

	<ul style="list-style-type: none"> <li>• Loss of income to pay for dog control services as a result of providing the Good Dog Owner discount to eligible dog owners.</li> <li>• The staff time required to check the criteria for Good Dog Owner status would need to be met which increases the costs of dog control services for all dog owners.</li> </ul>
<b>Option 4: Offer a smaller Good Dog Owner discount to all dogs for which there is no proven complaint or impounding in the past three years.</b>	
Advantages	<ul style="list-style-type: none"> <li>• Addresses some of the concerns raised by submitters that seek a higher registration fee for dog owners who create the most demand for dog control services.</li> <li>• Provides a fairer fee structure for all dog owners.</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• This option is likely to have a similar financial outcome as Option 1 (but would spread a smaller discount across more dog owners).</li> <li>• Reduced discount for people currently receiving the substantial GDO discount (\$19.50).</li> <li>• Loss of income to pay for dog control services associated with most dog owners receiving a GDO discount.</li> <li>• The staff time required to ensure the criteria for Good Dog Owner status has been met which would slightly increase the costs of dog control services for all dog owners.</li> </ul>

## 7. Officers' Recommendation

7.1 Option 2 is preferred because it is the simplest, fairest, and lowest cost option to administer. However, if the Committee decides to adopt Option 3 or 4, the current GDO Policy should apply in the 2020/21 year with the new policy to take effect in the 2021/22 financial year. This approach will allow time for staff to establish the new eligibility criteria, and for dog owners to apply for the new GDO discount.

7.2 If the Committee does prefer Options 3 or 4, the following resolutions are provided.

7.3 *That the Environment Committee*

*For Option 3: Changes the eligibility criteria for the Good Dog Owner discount to improve outcomes (by requiring proof of training course attendance), to take effect in the 2021/22 year; OR*



## Item 7: Good Dog Owner Policy Deliberations

*For Option 4: Extends a smaller GDO discount to all dogs without a proven complaint or impounding over the past three years, to take effect in the 2021/22 year.*

### **8. Conclusion**

- 8.1 In the January 2020 Statement of Proposal, Council proposed to remove the Good Dog Owner Policy to improve equity for all dog owners and to reduce the costs of administering and implementing the Good Dog Owner discount. Most submitters who commented on this proposal were opposed to it. For this reason, two additional options have been outlined for consideration by the Committee. If either of these options are adopted, the new policy should take effect in the 2021/22 financial year to allow time for staff to implement the new eligibility criteria.

### **9. Next Steps**

- 9.1 The Committee's decision on the Good Dog Owner Policy will inform the Committee's deliberations on the proposed amendments to the Dog Control Fees.

**Author: Clare Barton, Group Manager Environmental Management**

### **Attachments**

Attachment 1: A2376041 - Additional Information [↓](#)



<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	<p>This report is enabling democratic decision making for the community while promoting the wellbeing of present and future communities by reflecting on community feedback and considering how best to meet the current and future needs of the community through the performance of its regulatory functions related to dog control.</p>
<b>2. Consistency with Community Outcomes and Council Policy</b>	<p>Relevant Community Outcomes are as follows:</p> <p><i>Our Communities are healthy, safe, inclusive and resilient.</i></p> <p><i>Our Communities have access to a range of social, educational, and recreational facilities and activities.</i></p> <p>The safety of cyclists and pedestrians, as well as the health benefits of exercise and recreational opportunities for dog owners and their dogs, are key matters to be considered when considering submissions and making decisions on amendments to the Dog Control Policy and Bylaw. The financial costs associated with these services is also another key matter for consideration.</p>
<b>3. Risk</b>	<p>There may be public opposition to the option recommended and potential reputational damage if dog owners feel that Council is not responding to their views.</p>
<b>4. Financial impact</b>	<p>Council's Funding Policy is that dog control activities are to be 90-100% funded by dog owners and 0-10% funded by rates. That means any increases in the cost of dog control services associated with the Good Dog Owner Policy will have a much greater impact on dog owners than on ratepayers as a whole.</p>
<b>5. Degree of significance and level of engagement</b>	<p>This matter is of medium significance because of the potential impact on the registration fees for all dog owners in Nelson. For this reason, special consultative procedures have been carried out on both the Good Dog Owner Policy and the proposed amendments to the Dog Control Fees.</p>
<b>6. Climate Impact</b>	<p>Climate impact has not been considered in the preparation of this report.</p>



## **7. Inclusion of Māori in the decision making process**

The Dog Control Policy and Bylaw review was discussed at two Iwi Working Group meetings. Council officers asked how Council should engage with iwi on this review and were advised to phone each iwi organisation. Subsequent discussions were held, and a submission was received from Ngāti Tama Ki Te Waipounamu Trust, which is supported by Te Atiawa Trust. (Neither of these submissions comment on the Good Dog Owner Policy)

## **8. Delegations**

The Environment Committee has the following delegations to consider dog control policies and fees.

### *Environment Committee Areas of Responsibility:*

- Environmental regulatory matters including (but not limited to) animals and dogs

### *Environment Committee Delegations:*

The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.

The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):

- Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes.

These powers have been referred from Council.



### Attachment 1 – Additional information

Question	Answer
Could we consider a discount for pensioners?	<p>The key disadvantage of providing a discount for super annuitants would be the higher registration fees for all other dog owners.</p> <p>Providing older people with this discount would also add an extra complication to the registration fee process.</p>
How many dog owners are pensioners?	Council doesn't currently keep track of how many dog owners are pensioners. However, this could be worked out in future, if required, as Council does have records of people's date of birth.
What services do we get for our fees	Dog control services include: responding to issues related to breaches of the Dog Control Act and the Dog Control Policy and Bylaw using a mix of education, warnings and enforcement measures, managing the pound, dealing with lost and found dogs, and managing the registration process.
Can we have a calculation if the Good Dog Owner discount remained and those who are not GDOs are charged the difference.	Based on the proposed fees and charges for 2020/21, if the current GDO Policy remains, the standard fee would be \$108.50 and \$84 for people receiving the GDO discount (increased from \$66.20).
Clarify reasons for getting rid of GDO Policy	<p>The Good Dog Owner Policy is:</p> <ul style="list-style-type: none"> <li>- is costly to administer (approximately \$16,500 per annum based on 300 requests at \$55 per request)</li> <li>- is costly to implement (currently there are 2,500 owners receiving the \$19.50 subsidy which costs \$48,750, with the potential for another 3,701 applications at a cost of approximately \$72,000) and it is easy to be classified as a good dog owner</li> <li>- does not achieve policy outcomes as it works on the basis that good dog owners need to prove they are good dog owners rather than assuming all dog owners are good dog owners and penalising those who are not</li> <li>- duplicates provisions in the Dog Control Act which require owners to keep their dog under control generally (ss52 and 52A) and confined to their property (s52A).</li> </ul>
How many registered dogs are there in Nelson?	In November 2019 there were nearly 5,000 (4,836) owners of a total of 5,800 registered dogs.
How many complaints do our dog control officers deal with each year?	<p>The most recent Dog Control Activity report, for the 2018/19 financial year, is available in full at <a href="http://www.nelson.govt.nz/services/licencing-and-environmental-health/dog-control-3/dog-control-activity-report/">http://www.nelson.govt.nz/services/licencing-and-environmental-health/dog-control-3/dog-control-activity-report/</a></p> <p>This report states there was a total of 1672 complaints that year. These included:</p>

A2376041



	<ul style="list-style-type: none"> <li>- dog attack human (22)</li> <li>- dog attack animal (64)</li> <li>- dog aggression (68)</li> <li>- barking (551)</li> <li>- fouling (10)</li> <li>- wandering (528)</li> <li>- unregistered (68)</li> <li>- welfare (32)</li> <li>- in restricted area (3)</li> <li>- not on lead (15)</li> <li>- not under control (41)</li> <li>- impounded (270)</li> </ul> <p>Number of prosecutions: 3</p>
What are the duties and responsibilities of dog owners under the Dog Control Act?	<p>Section 5 of the Dog Control Act sets out the responsibilities of dog owners, and is shown in full below.</p> <p><b>"Obligations of dog owners</b></p> <p>(1) The obligations imposed on dog owners by this Act require every owner of a dog—</p> <p>(a) to ensure that the dog is registered in accordance with this Act, and that all relevant territorial authorities are promptly notified of any change of address or ownership of the dog:</p> <p>(b) to ensure that the dog is kept under control at all times:</p> <p>(c) to ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter:</p> <p>(d) to ensure that the dog receives adequate exercise:</p> <p>(e) to take all reasonable steps to ensure that the dog does not cause a nuisance to any other person, whether by persistent and loud barking or howling or by any other means:</p> <p>(f) to take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person:</p> <p>(g) to take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife:</p> <p>(h) to take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person:</p> <p>(i) to comply with the requirements of this Act and of all regulations and bylaws made under this Act.</p> <p>(2) Nothing in this Act limits the obligations of any owner of a dog to comply with the requirements of any other Act or of any regulations or bylaws regulating the control, keeping, and treatment of dogs."</p>



<p>What are the duties and responsibilities territorial local authorities (in summary)?</p>	<p>Under section 6 of the Dog Control Act, every territorial authority shall perform any function or duty and may exercise any power imposed or conferred on it by the Dog Control Act (which has the objectives outlined below).</p> <p>The objectives of the Dog Control Act are—</p> <p>"(a) to make better provision for the care and control of dogs—</p> <ul style="list-style-type: none"> <li>(i) by requiring the registration of dogs; and</li> <li>(ii) by making special provision in relation to dangerous dogs and menacing dogs; and</li> <li>(iii) by imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person; and</li> <li>(iv) by imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife; and</li> </ul> <p>(b) to make provision in relation to damage caused by dogs."</p> <p>Section 6 also states that territorial authorities may also:</p> <ul style="list-style-type: none"> <li>- "undertake, promote, and encourage the development of such services and programmes as it considers desirable to promote responsible dog ownership and the welfare of dogs</li> <li>- make grants to any organisation or group or body of persons (whether incorporated or not) whose objects include the care, custody, training, or welfare of dogs or the instruction or education of persons concerning such care, custody, training, or welfare:</li> <li>- engage in publicity for the purposes of this Act."</li> </ul>
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**REPORT R17025**

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## **Dog Control Policy and Bylaw Deliberations**

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### **1. Purpose of Report**

- 1.1 To summarise the submissions on the January 2020 Dog Control Proposal and make recommendations to the Committee to aid in its deliberations on the Dog Control Policy and Bylaw.

### **2. Summary**

- 2.1 Council carried out consultation on the proposed changes to the Dog Control Policy and Bylaw from 27 January to 28 February 2020, and received 259 submissions on the proposal. The Statement of Proposal (A2318971) and the submissions (A2352812) have been pre-circulated. The proposals that attracted the most comment related to Council's grazed reserves, the Boulder Bank and the Good Dog Owner Policy.
- 2.2 Seventeen people asked to speak in support of their submissions at the hearing, which took place on 21 April 2020 by way of videoconference. Deliberations on the Good Dog Owner Policy are addressed in a separate report and all other matters are to be considered at this meeting and where necessary at the Environment Committee meeting on 4 June.
- 2.3 The Environment Committee has delegated authority to make decisions on changes to the Dog Control Policy, and to make recommendations to Council on changes to the Dog Control Bylaw. Consequently, the recommendations below have been split to reflect this delegation.

### **3. Recommendation**

#### ***That the Environment Committee***

- 1. Receives the report Dog Control Policy and Bylaw Deliberations (R17025) and its attachments (A2390190, A2390192 A2380651, A2122940, A2380653, A2380699, A2381227, A2380700, A2380703); and***
- 2. Adopts the Dog Control Policy (A2390192), after having regard to the matters in section***



Item 8: Dog Control Policy and Bylaw Deliberations

***10(4) of the Dog Control Act and subject to the key matters outlined below:***

- 3. Retains the Railway Reserve as an off-leash area in the Dog Control Policy; and***
- 4. Retains the existing half on-leash and half-off leash approach to Isel Park in the Dog Control Policy; and***
- 5. Amends the Dog Control Policy to require dogs to be on-leash in grazed Council reserves excluding the Tantragee Reserve area grazed by cattle (shown on Map 8 in Attachment 4) which remains an off-leash area; and***
- 6. Approves improvements to the signage in the Grampians Reserve to clearly demarcate the areas where grazing does not occur, and where dogs can be exercised off-leash; and***
- 7. Amends the Dog Control Policy to include Monaco Reserve as an off-leash neighbourhood park (listed in Schedule 3) excluding the playground which will continue to be a dog prohibited area; and***
- 8. Retains Titoki Reserve as an off-leash area in the Dog Control Policy; and***
- 9. Amends the Dog Control Policy to change Whakatū Drive Foreshore Reserve to an on-leash area; and***
- 10. Amends the Dog Control Policy to prohibit dogs in the fenced area of the foreshore and esplanade reserve at Paremata Flats, including the planted area of the Paremata Flats Reserve (shown on Map 10 of Attachment 4); and***
- 11. Amends the Dog Control Policy to require dogs to be kept on a leash on the margins, islands, sand and mudflats of Delaware Estuary (shown on Map 10 of Attachment 4); and***
- 12. Amends the Dog Control Policy to:***
  - i. retain the dogs prohibited status for the 4km from the Cut towards Boulder Bank Drive during the***



Item 8: Dog Control Policy and Bylaw Deliberations

***breeding season in Schedule One, but amend the prohibited period from October to February to 15 August to the last day in February; and***

- ii. include the part of the Boulder Bank from Boulder Bank Drive to the Cut as an on-leash area in Schedule Two; and***
- iii. exclude the part of the Boulder Bank northwards from Boulder Bank Drive in Schedule 2 (retaining this as an off-leash area); and***
- iv. change the status of the Glen Neighbourhood Park (refer Map 14 of Attachment 4) to an off-leash area; and***

***13. Deletes the Number of Dogs policy from the Council's Dog Control Policy; and***

***14. Amends the Dog Control Policy by:***

- i. changing the last sentence of clause 4.1 to "Non compliance with this notice may result in enforcement action."***
- ii. changing clause 7.6 to "Where the offence relates to a failure to register a dog, Council will issue a notice that a dog is not registered. Then, if the registration fee is not paid within seven days, the owner will receive an Infringement Notice."; and***

***15. Amends Schedule 3 of the Dog Control Policy to rename Emano West Reserve as Te Manu Reserve and remove reference to Emano East Reserve and Hanby Park; and***

***16. Amends Schedule 1 item 15 of the Policy by replacing the phrase "foreshore and sea bed" with the term "common marine and coastal area" in both cases in which it is used.***



Recommendation to Council

***That the Council***

- 1. Adopts the Dog Control Bylaw (A2390190), after having regard to the matters in section 10(4) of the Dog Control Act and subject to the key matters outlined below:***
- 2. Retains the Railway Reserve as an off-leash area in the Dog Control Bylaw; and***
- 3. Retains the existing half on-leash and half-off leash approach to Isel Park in the Dog Control Bylaw; and***
- 4. Amends the Dog Control Bylaw to require dogs to be on-leash in grazed Council reserves excluding the Tantragee Reserve area grazed by cattle (shown on Map 8 in Attachment 4) which remains an off-leash area; and***
- 5. Amends the Dog Control Bylaw to include Monaco Reserve as an off-leash neighbourhood park (listed in Schedule 3) excluding the playground which will continue to be a dog prohibited area; and***
- 6. Retains Titoki Reserve as an off-leash area in the Dog Control Bylaw; and***
- 7. Amends the Dog Control Bylaw to change Whakatū Drive Foreshore Reserve to an on-leash area; and***
- 8. Amends the Dog Control Bylaw to prohibit dogs in the fenced area of the foreshore and esplanade reserve at Paremata Flats, including the planted area of the Paremata Flats Reserve (shown on Map 10 of Attachment 4); and***
- 9. Amends the Dog Control Bylaw to require dogs to be kept on a lead on the margins, islands, sand and mudflats of Delaware Estuary (shown on Map 10 of Attachment 4); and***
- 10. Amends the Dog Control Bylaw to:***



Item 8: Dog Control Policy and Bylaw Deliberations

- i. retain the dogs prohibited status for the 4km from the Cut towards Boulder Bank Drive during the breeding season in Schedule One, but amend the prohibited period from October to February to 15 August to the last day in February; and*
  - ii. include the part of the Boulder Bank from Boulder Bank Drive to the Cut as an on-leash area in Schedule Two; and*
  - iii. exclude the part of the Boulder Bank northwards from Boulder Bank Drive in Schedule 2 (retaining this as an off-leash area); and*
  - iv. change the status of the Glen Neighbourhood Park (refer Map 14 of Attachment 4) to an off-leash area; and*
- 11. Deletes the Number of Dogs policy from the Council's Dog Control Bylaw; and**
- 12. Amends the Dog Control Bylaw by changing clause 10.2 of the Bylaw to: "If, in the opinion of a Dog Control Officer, any dog has become or is likely to become a nuisance to any person or injurious to the health of any person, the Dog Control Officer may, by notice in writing, require the dog owner or the owners or occupiers of the premises at which the dog is kept, within a time specified in such notice to do all or any of the following:**
- a. reduce the number of dogs on the premises;*
  - b. construct, alter, reconstruct or otherwise improve the kennels of other buildings or fences used to house or contain the dog;*
  - c. tie up or otherwise confine the dog during specified periods;*



***d. take such other action as necessary to minimise or remove the likelihood of nuisance or injury to health.”; and***

***13. Amends Schedule 3 to rename Emano West Reserve as Te Manu Reserve and remove reference to Emano East Reserve and Hanby Park; and***

***14. Amends Schedule 1 item 15 of the Bylaw by replacing the phrase “foreshore and sea bed” with the term “common marine and coastal area” in both cases in which it is used twice within item 15; and***

***15. Agrees the amendments do not give rise to any implications under the New Zealand Bill of Rights Act 1990 and the amended Dog Control Bylaw is the most appropriate form of Bylaw; and***

***16. Determines that the amended Dog Control Bylaw will take effect from 27 July 2020.***

#### **4. Background**

4.1 On 14 November 2019, the Council made the following resolution:

4.1.1 *Confirms in accordance with the Delegations Register, that the Environment Committee undertakes a review of the Dog Control Policy and Bylaw.*

4.2 On 28 November 2019 the Environment Committee made the following resolutions:

4.2.1 *Determines that the Bylaw should continue, with amendments, and that the Policy is also amended to reflect those amendments; and*

4.2.2 *Agrees that a Bylaw (and updated Policy) is the most appropriate way of addressing the perceived problems with the current Policy and Bylaw; and*

4.2.3 *Agrees the proposed amendments to the Dog Control Bylaw 2013 (221) are the most appropriate form of Bylaw and do not give rise to any implications under the New Zealand Bill of Rights Act 1990; and*



## Item 8: Dog Control Policy and Bylaw Deliberations

- 4.2.4 *Adopts the Statement of Proposal (A2145304 of Report R12538 and the Summary of the Statement of Proposal (A2145310); and*
- 4.2.5 *Approves commencement of the Special Consultation Procedure, with the consultation period to run from 27 January to 28 February 2020.*
- 4.3 An additional clause was included, that the Environment Committee:
- 4.3.1 *Notes that further work will be undertaken to consider whether additional ecological areas are considered and included with restricted dog access, with any necessary decisions and any consequential changes to relevant documents to be delegated to the Chair and Deputy Chair of the Environment Committee.*
- 4.4 Consequently, the Chair and Deputy Chair of the Environment Committee approved two changes to the Statement of Proposal to include Titoki Reserve and Whakatū Drive Foreshore Reserve as on-leash areas. Both these areas were off-leash areas in the 2013 Policy and Bylaw.
- 4.5 Consultation on the January 2020 proposal was carried out from 27 January 2020 to 28 February 2020. As required by the Dog Control Act, all registered dog owners in Nelson were sent a summary of the proposal and invited to make a submission. Emails or letters were also sent to the stakeholders who were contacted during the development of the Statement of Proposal. The wider community were notified by public notice and relevant documentation was made available on Councils website.
- 4.6 Council received 259 submissions, and 17 submitters requested to speak at the hearing which took place on 21 April. Twelve submitters spoke at the Environment Committee hearing via videoconference and five other submitters provided short written statements.

### **Proposed timeframe**

- 4.7 The proposed process reflects:
- *The 14 November 2019 decision by Council to refer review of the Dog Control Policy and Bylaw to the Environment Committee*
  - *Clause 5.1.3 of the delegations register which states that making a bylaw is a decision that must be exercised by Council*
  - *Clause 5.4.2 that delegates power to the Environment Committee to develop and approve policies, review bylaws, and undertake community engagement*
  - *Clause 5.4.3 of the delegations register which states the Environment Committee has the power to recommend changes to the Bylaw to Council.*



## Item 8: Dog Control Policy and Bylaw Deliberations

- 4.8 The Environment Committee will deliberate on proposed amendments to the Good Dog Owner part of the Policy on 28 May 2020. This will enable the Committee to make a decision on whether to retain, amend or remove the Good Dog Owner Policy prior to deliberating on proposed amendments to the Council's Dog Control Fees.
- 4.9 Subsequently the Environment Committee will make decisions/recommendations on all other matters related to the Dog Control Policy and Bylaw. This will enable the Committee to make decisions on changes to the Dog Control Policy and make recommendations to Council on changes to the Dog Control Bylaw.
- 4.10 Council will consider Committee recommendations and the adoption of the amended Dog Control Bylaw at a subsequent meeting. It is recommended that the Council determines that the Bylaw takes effect on 27 July 2020 following this meeting. Having the Bylaw take effect from this date will allow Council Officers to prepare implementation materials and processes and ensure the Bylaw is enacted within 60 working days of the adoption of the Dog Control Policy in accordance of section 10(6) of the DCA.

## 5. Discussion

### Overview

- 5.1 The key changes recommended in this report, which are a departure from the January 2020 Statement of Proposal, are:
- Not requiring dogs to be on-leash in the Tantragee grazed area.
  - Not requiring dogs to be on-leash in Titoki Reserve.
  - Changing the margins and islands of Delaware Estuary from dogs prohibited to on-leash areas.
  - Not requiring dogs to be on-leash along the Boulder Bank between the Glen and Boulder Bank Drive, or on the Glen Neighbourhood Park.
  - Extending the dogs prohibited period (currently October to February) for the area of the Boulder Bank from the Cut towards Boulder Bank Drive for 4 kilometres, from 15 August to the last day in February.
- 5.2 A copy of the amended Bylaw and Policy are appended as Attachment 1(A2390190) and 2 (A2390192).
- 5.3 The specific reasons for each of these recommendations are outlined in this report. However, one over-riding key theme both in submissions and in the hearing was a feeling that more dog-walking areas were being taken away as part of the proposed bylaw.
- 5.4 Council officers have undertaken some analysis to provide some context to this matter. The maps in Attachment 3 (A2380651) identify prohibited areas, on-leash areas, and off-leash areas identified in the 2013 Bylaw,



## Item 8: Dog Control Policy and Bylaw Deliberations

additional areas created between 2013 and 2020 and potential future areas to be created over the life of the Bylaw (2020-2030). This map provides a geographical spread of dog walking areas to help identify areas that are better served than others for dog walking.

- 5.5 Council has recently purchased a 17 hectare area to be added to the Grampians Reserve on the Brook side. When developed, a substantial part of this land will be an off-leash area, providing new opportunities for dog exercise within the central city.
- 5.6 It is important to note that the map does not provide a comprehensive picture of all dog walking areas as all public places (including streets and reserves) are available for off-leash dog walking where the bylaw does not identify on-leash or prohibited areas. The key findings from the map are that:
- Additional neighbourhood reserves have been added in the southern part of the city at Saxton, Ngawhatu, and Marsden Valleys that are available for on-leash dog walking by default.
  - There will be additional dog walking areas added over the life of the Bylaw as the Marsden Valley Dog Park, Bayview and Saxton subdivisions and Maitai Future Development Areas are developed.
  - New areas will add different walking experiences particularly along stream corridors.

### **Submission format**

- 5.7 Most submitters followed the format of the submission form, which sought feedback on the following proposals. The Statement of Proposal (A2318971) has been pre-circulated and maps showing the proposed changes (A2122940) are provided in Attachment 4 to this report.
- 5.7.1 Proposal 1: Railway Reserve — off-leash for the whole Railway Reserve, with signage to support this approach.
- 5.7.2 Proposal 2: Isel Park — no change (part off-leash, part on-leash).
- 5.7.3 Proposal 3: Grazed reserves — on-leash at all times on grazed land owned by the Council, excluding the grazed area at Paremata Flats Reserve.
- 5.7.4 Proposal 4: Monaco Reserve — off-leash excluding the playground where dogs are prohibited.
- 5.7.5 Proposal 5: Titoki Reserve — on-leash.
- 5.7.6 Proposal 6: Whakatu Drive Foreshore Reserve — on-leash.
- 5.7.7 Proposal 7: Paremata Flats Reserve and Delaware Estuary — dogs prohibited in the Paremata Flats planted area and on Delaware Estuary margins and islands.



## Item 8: Dog Control Policy and Bylaw Deliberations

- 5.7.8 Proposal 8: Boulder Bank — on-leash at all times and dogs prohibited from The Cut towards Boulder Bank Drive for 4km, from October to February each year.
- 5.7.9 Proposal 9: Multiple Dogs — to remove the policy stating that Council permission is required to keep more than two dogs on a property within the Nelson Urban Area and to instead rely on enforcement powers where necessary.
- 5.7.10 Proposal 10: Good Dog Owner Policy — remove the Good Dog Owner Policy (considered by the Committee on 19 May 2020).
- 5.7.11 Proposal 11: Enforcement Approach — amend the enforcement provisions to align with current practice.
- 5.7.12 Any other comments – any changes to other aspects of the Policy and/or Bylaw.

### **Railway Reserve**

#### **Background**

- 5.8 No change is proposed to the current off-leash status of the Railway Reserve (Maps 2–5 in Attachment 4). Some signage to promote respect for all users is proposed to support this approach.

#### **Summary of feedback**

- 5.9 Eleven submitters supported and six submitters opposed keeping the Railway Reserve as an off-leash area.

#### **Key comments from the submissions**

- 5.10 Submitters in support of retaining the off-leash status of the Railway Reserve commented on the importance of the area for human and dog exercise, and so that whole families (including their dogs) can enjoy the area. One submitter supported signage for cyclists to slow down, but another submitter recommended minimising signage so that the important signs count.
- 5.11 Submitters who are opposed to the Railway Reserve being an off-leash area expressed concerns about dogs running up to them, dog owners not picking up after their dogs, and off-leash dogs being a hazard to both cyclists and elderly people on scooters.

#### **Recommendation**

- 5.12 Retain the Railway Reserve as an off-leash area.

#### **Reasons**

- 5.13 The benefits of meeting the exercise and recreational needs of dogs and their owners are greater than the costs associated with a small number



## Item 8: Dog Control Policy and Bylaw Deliberations

of complaints related to off-leash dogs on the Railway Reserve and those benefits outweigh the concerns regarding the nuisance/danger raised by submitters.

- 5.14 Maintaining the Railway Reserve as an off-leash area will also help offset some of the concerns expressed in submissions about Council's proposed reductions in off-leash areas (particularly grazed reserves).
- 5.15 The number of dog versus cyclist injuries requiring ACC support are low, with less than three injury claims per year for the Nelson City area (and 40-50 occurring throughout New Zealand).

### **Isel Park**

#### **Background**

- 5.16 No change was proposed to the existing approach to Isel Park (Map 3 in Attachment 4), which allows dogs to be off-leash in some areas of the Park including the area opposite Countdown supermarket and the open area alongside the sports fields, but requires them to be on a leash in other areas, including the internal pathways and the lawn in front of Isel House. A detailed map of Isel Park's off-leash and on-leash areas is provided in Attachment 5 (A2380653).

#### **Summary of feedback**

- 5.17 Five submitters supported the current approach of part on-leash and part off-leash for Isel Park and one additional submitter commented on the need for more signage.
- 5.18 Six submitters would like to see all or more of Isel Park being an off-leash area (excluding when the market is on). One of these submitters requested a doggy do dispenser in this Park.
- 5.19 Five submitters would like all of Isel Park to be an on-leash area.
- 5.20 More submission details are provided in Attachment 6 (A2380699).

#### **Recommendation**

- 5.21 Retain the existing half on-leash and half-off leash approach to Isel Park in the Dog Control Policy and Bylaw.

#### **Reasons**

- 5.22 Isel Park offers a high amenity recreation area for parents and children, and the elderly, as well as for dog owners of all ages.
- 5.23 Parents need on-leash spaces where they can be confident their children can run around without being rushed at by dogs.
- 5.24 Dogs are allowed off-leash around the adjacent playing fields when sports are not on.



## Item 8: Dog Control Policy and Bylaw Deliberations

- 5.25 Overall the recommended approach creates a good balance between the exercise and recreational needs of dogs and their owners and minimising danger/nuisance that could be caused by allowing all of the area to be off-leash.
- 5.26 Council can undertake a review of the signage (when Covid-19 restrictions allow) to ensure there is clarity around the areas where dogs must be on-leash at Isel Park. However, additional signage would be contrary to Council's efforts to limit signage in natural areas, so staff would identify opportunities to amend or relocate existing signage rather than adding new signs.

### **Grazed Reserves**

#### **Background**

- 5.27 Council's grazed reserves are currently off-leash areas (dogs must be under control). Council's January 2020 proposal was that grazed reserves (or grazed parts of reserves) be on-leash areas at all times. These include part of the Grampians Reserve (Map 6), part of the Sir Stanley Whitehead Walkway (Map 7), part of the Tantragee Reserve (Map 8) and part of the Maitai River esplanade reserve (Map 9). In future, two new grazed areas on Bolwell Reserve (see Attachment 7) and the Grampians Reserve are proposed.

#### **Summary of feedback**

- 5.28 Most of the submissions (51) on this topic opposed the proposed change. The general proposal and the Grampians attracted the most comments, but quite a few submitters also commented on the Maitai esplanade, and Tantragee. Three submitters were partially in support, and five submitters fully supported the proposal for dogs to be required to be on a leash at all times in these areas.
- 5.29 The key reason for the opposition was a significant loss of off-leash areas. Submitters said the proposed change would impact on the health and wellbeing of both people and their dogs. Many people run or cycle with their dogs in these areas, and this would not be possible if dogs are required to be on a leash. Suggestions included:
- Planting in trees rather than grass (including Brook catchment for water quality reasons and the Grampians).
  - Better fencing and temporary signs indicating when stock are present.
  - Better signage in the Grampians regarding which parts of the Grampians are grazed.
  - Reconsidering the on-leash requirement for the Tantragee track — as this is stocked with cattle rather than sheep, which are less bothered by dogs.



## Item 8: Dog Control Policy and Bylaw Deliberations

- Better enforcement, with a number to call if sheep are being worried/attacked.
- Specific months of the year when sheep are present and not present (with dogs permitted off leash in the months when sheep are not present).
- More submission details are provided in Attachment 6 (A2380699).

5.30 Following the consultation process Parks officers have indicated that grazing is occurring further to the west than identified on Map 6.

### **Recommendations**

5.31 Require dogs to be on-leash in Council reserve areas excluding the Tantragee Reserve area grazed by cattle (shown on Map 8 in Attachment 4).

5.32 Make improvements to the signage in the Grampians Reserve to clearly demarcate the areas where grazing does not occur, and where dogs can be exercised off-leash.

### **5.33 Reasons**

5.34 This change is necessary to prioritise animal welfare of grazing animals on Council land, and to allow for the efficient land management practice of grazing to continue where it is deemed to be the most suitable and cost effective option to meet the objectives of Council reserves. The key reason for requiring dogs to be on-leash where sheep are grazing is to avoid dog attacks. If further dog attacks occur, sheep will not be supplied for grazing of Council land, and the fire risk would increase significantly.

5.35 An assessment of the potential fire risk of Nelson City Council Reserves (outlined in report R10442 to the Sports and Recreation Committee in 2019) identified the Grampians Reserve and Sir Stanley Whitehead Park are reserves with extreme fire risk, and the Maitai Esplanade Reserve and Bolwell Reserve as having high fire risk. (These are all grazed reserves.)

5.36 Submitters have expressed concern about the loss of off-leash exercise on Council reserves which are grazed by sheep and cattle. Council has recently purchased a 17 hectare area to be added to the Grampians Reserve on the Brook side. When developed, a substantial part of this land will be an off-leash area by default, providing new opportunities for dog exercise within the central city. At this time Council will review the grazing areas of the Grampians and Bolwell reserve to confirm which additional areas should be on-leash and off-leash.

5.37 Council is developing ecological restoration plans for all landscape and conservation reserves, which will include opportunities for staged re-vegetation projects in some areas which are currently grazed.



## Item 8: Dog Control Policy and Bylaw Deliberations

- 5.38 An Ecological Restoration Plan has recently been finalised for the Grampians. This Plan recommends the continuation of under-grazing on the north-west slopes, which is working well as a low-cost effective means of weed control and fuel reduction. Recommendations for re-vegetation plantings in the short to medium term are outside of the north-west slopes that are currently grazed.
- 5.39 Re-vegetation projects are costly and take time, so there needs to be an interim solution to help control weeds and reduce fire risk while staged re-vegetation is rolled out in the most suitable areas.
- 5.40 Officers have discussed a range of options with Fire and Emergency New Zealand (FENZ). FENZ supports under-grazing the exotic tree land, which is a low-cost way of keeping the fuel load (of long grasses) down, and maintaining space under the trees for recreation. FENZ also support under-planting the exotic tree land areas with soft, leafy natives as an alternative to grazing to help reduce fire risk. This would require a high capital investment for three to five years in each planted area to ensure establishment of the plantings, and would reduce recreational opportunities by closing in the spaces that are currently available to reserve users.
- 5.41 More fencing is not supported in terms of creating smaller paddocks in existing grazed areas because Council's lease arrangement involves the sheep being in large blocks, in order to have a low maintenance, cost-effective approach so that the sheep don't need to be moved all the time. In addition, there is no practical way of creating smaller grazed areas on the Grampians slopes.
- 5.42 The use of temporary signs to indicate when sheep are present (and when they are not) is also not supported by officers for the following reasons:
- members of the public might change the signs
  - someone managing the sheep might forget to change the sign
  - a changeable message is more difficult to manage.
- 5.43 Clearer signage in the Grampians Reserve indicating the areas where grazing does not occur at any time will be useful for people wishing to continue taking their dogs for off-leash walks within the Grampians Reserve. This can be done through an upgrade to the existing signage at all entrances to the Grampians Reserve, and small permanent signage on each paddock gate that indicates if it is an on-leash or off-leash area.
- 5.44 People should call Council's main phone number if they see dogs worrying sheep — 546 0200.
- 5.45 The grazed area of the Water Treatment Plant settlement and treatment ponds in the Tantragee is only grazed by cattle. The Council officers' and the graziers' preference would be to have cattle paddocks as on-leash areas, but it is more important to have the sheep areas in other reserves



## Item 8: Dog Control Policy and Bylaw Deliberations

as an on-leash areas. Given that dogs pose a lower risk for cattle than for sheep, and the concerns expressed by submitters about loss of off-leash exercise opportunities, this area could be retained as an off-leash area.

- 5.46 Overall the recommended approach strikes an appropriate balance between minimising danger to the community with the recreational needs of dogs and their owners.

### **Monaco Reserve**

#### **Background**

- 5.47 Monaco Reserve is a neighbourhood reserve, and is listed in the 2013 Dog Control Bylaw and Policy as an on-leash area. The Council's January 2020 proposal was to change this to an off-leash reserve (excluding the playground which remains a dog prohibited area).

#### **Summary of feedback**

- 5.48 Of the seven submissions on this topic, six supported and one opposed the proposed off-leash status for Monaco Reserve. The submission in opposition said this is a multi-user area so should be an on-leash reserve.

#### **Recommendation**

- 5.49 Include Monaco Reserve as an off-leash neighbourhood park (listed in Schedule 3 of the Policy and Bylaw) excluding the playground which will continue to be a dog prohibited area.

#### **Reasons**

- 5.50 In 2015 Council received a letter and supporting petition (with 66 signatories) seeking that Monaco Reserve become an off-leash area.
- 5.51 Signs can indicate that the playground in Monaco Reserve remains a dog prohibited area. This approach is consistent with several other multi-use neighbourhood parks in Nelson which include a playground, including Wolfe Reserve, Poplar Reserve, Fairfield Park and Hanby Park.
- 5.52 Overall the recommended approach strikes an appropriate balance between minimising danger to the community and areas frequented by children with the recreational needs of dogs and their owners.

### **Titoki Reserve**

#### **Background**

- 5.53 Titoki Reserve (refer Map 16 in Attachment 4) is currently an off-leash area. Council's January 2020 proposal was to change to on-leash status for this reserve.



## Item 8: Dog Control Policy and Bylaw Deliberations

### **Summary of feedback**

- 5.54 Ten submissions opposed the proposed change to on-leash status for Titoki Reserve. No submissions supported this proposed change. Key comments made in the submissions were that there are not enough off-leash areas in Nelson North, and dogs have had limited influence on bird life in this area.
- 5.55 More submission details are provided in Attachment 6 (A2380699).

### **Recommendation**

- 5.56 Retain Titoki Reserve as an off-leash area.

### **Reasons**

- 5.57 The submissions relating to Titoki Reserve were all in opposition, with none in support, of the proposal to change this to an on-leash area. The submitters included people who have been involved in volunteer trapping activities and monitoring of bird numbers and types.
- 5.58 Many of the submitters pointed out that this is one of very few off-leash areas in Nelson North. The only off-leash areas in the vicinity of Titoki Reserve are Corder Park and the adjacent cycleway, and Ngapua Reserve (items 218 and 203 in Attachment 3). This means that it is currently very important for the exercise and recreational needs of dogs and their owners. Any concerns about dogs in this area are outweighed by this benefit.
- 5.59 The off-leash status of this reserve could be considered further in 10 years' time, during the next review of the Dog Control Policy and Bylaw. By then, additional recreation reserves and walkway connections proposed as part of the Bayview subdivision may be in place, providing extensive additional off-leash dog walking opportunities in the vicinity.

### **Whakatū Drive Foreshore Reserve**

#### **Background**

- 5.60 Whakatū Drive Foreshore Reserve (see Map 15 in Attachment 4) is currently an off-leash area. The January 2020 proposal was to change this to an on-leash area.

#### **Summary of feedback**

- 5.61 Six submissions were in support of the proposed change, three were opposed, and one was in partial support. The Ornithological Society, the Waimea Inlet Forum Working Group and an ecologist (Michael North) supported this change. Three submissions opposed it, with one person noting there are some areas which are close to the road but other areas are fine for off-leash exercise.

More submission details are provided in Attachment 6 (A2380699).



## Item 8: Dog Control Policy and Bylaw Deliberations

### **Recommendation**

- 5.62 Change Whakatū Drive Foreshore Reserve to an on-leash area.

### **Reasons**

- 5.63 Requiring dogs to be on-leash in this area will reduce the risk of conflicts between wildlife and dogs around Waimea Inlet. This approach is supported by key groups including the Waimea Inlet Forum Working Group and the Ornithological Society of New Zealand.
- 5.64 As submitters noted, there are areas within the reserve which are safe for off-leash exercise, particularly at the Honest Lawyer end of the shared pathway. However, dog owners do have a number of other safe, off-leash exercise options in Stoke and Monaco. These include Monaco Reserve and the Monaco peninsula, the walkway between the Airport and Monaco peninsula, and the Railway Reserve.
- 5.65 Additional areas will be provided in the vicinity as the Saxton Creek connection is extended as a result of future subdivision.
- 5.66 Overall the recommended approach strikes an appropriate balance between minimising danger to the community and wildlife with the recreational needs of dogs and their owners.

### **Paremata Flats Reserve and Delaware Estuary**

#### **Background**

- 5.67 The existing Bylaw and Policy (2013) includes the following provisions:
- 5.68 Dogs are prohibited in the fenced area of the foreshore and esplanade reserve at Paremata Flats.
- 5.69 Dogs are permitted but must be kept on a lead on the sand and mudflats of Delaware Estuary.
- 5.70 The January 2020 proposal included the following provisions (refer Map 10 in Attachment 4):
- Dogs are prohibited in the fenced area of the foreshore and esplanade reserve at Paremata Flats, including the planted area of the Paremata Flats Reserve.
  - Dogs are prohibited in the Delaware Estuary margins, and islands within the estuary.
  - Dogs are permitted but must be kept on a lead on the sand and mudflats of Delaware Estuary.



### **Summary of feedback**

- 5.71 Council received 11 submissions in support of the proposal and 15 in opposition to it. No change was proposed to the existing requirement for dogs to be on-leash on the sand and mudflats, but most of the opposition to the 2020 proposal related to this requirement.
- 5.72 However, the Ngāti Tama Ki Te Waipounamu Trust submission (which is supported by Te Atiawa Trust) requested enforcement of the existing on-leash requirements for dogs on the sand and mudflats of Delaware Estuary. Key reasons for their concerns are "the urupa Haua is located on the sandspit and is a waahi tapu area. The burial and reinternment of koiwi is to be protected. Access to this waahi tapu area is therefore restricted and controlled."
- 5.73 The Trust also stated in its submission that "if dogs are not on a leash, then there is the potential for dogs to disturb and destroy koiwi. The estuary must be protected and dogs not on a leash, have the potential to disturb and destroy significant cultural and ecological areas."
- 5.74 More submission details are provided in Attachment 6 (A2380699).

### **Recommendations**

- 5.75 Prohibit dogs in the fenced area of the foreshore and esplanade reserve at Paremata Flats, including the planted area of the Paremata Flats Reserve (as shown on Map 10 of Attachment 4).
- 5.76 Require dogs to be on a leash on the margins, islands, sand and mudflats of Delaware Estuary (as shown on Map 10 of Attachment 4).
- 5.77 Carry out dog patrols to monitor and enforce the on-leash requirements within Delaware Estuary.

### **Reasons**

- 5.78 The Ngāti Tama Ki Te Waipounamu Trust is seeking better enforcement of the existing provisions related to Delaware Estuary, rather than an increase from on-leash to prohibited.
- 5.79 As noted by submitters, it is not possible to access the estuary mudflats and sand without passing through the margins. For this reason, an on-leash requirement for the estuary margins is preferred over a dogs prohibited status (as included in the January 2020 proposal).
- 5.80 The natural estuary wetlands and vegetation covered islands are as important as the planted areas of Paremata Flats as a habitat for ground nesting birds. Ideally these would be dog prohibited areas. However, the number of people taking their dogs into this muddy environment is very limited. Therefore, an on-leash approach is recommended, alongside ongoing monitoring of any increases in the number of dogs in this area and the effects on ground nesting birds.



## Item 8: Dog Control Policy and Bylaw Deliberations

- 5.81 The wording for Paremata Flats clarifies the existing prohibition of dogs in an area with significant plantings and pest control to protect the habitat of rare birds.
- 5.82 Overall the recommended approach strikes an appropriate balance between minimising danger to the community and wildlife with the recreational needs of dogs and their owners.

### **Boulder Bank and Glenduan Reserve**

#### **Background**

- 5.83 The current Bylaw and Policy (2013) includes the following provisions:
- Dogs are prohibited on the beaches and estuary flat of Nelson Haven bounded by the Boulder Bank Scenic Reserve (to the west) and Boulder Bank Drive (to the east) for a distance of 500 metres along each of those boundaries
  - Dogs are prohibited on the Boulder Bank Scenic Reserve, from the Cut towards Boulder Bank Drive for 4 kilometres, from October to February.
  - Dogs are permitted but must be on a lead in Glenduan Neighbourhood Reserve.
- 5.84 The January 2020 proposal included the following provisions (refer Maps 11–14 in Attachment 4):
- Dogs are prohibited on the beaches and estuary flat of Nelson Haven bounded by the Boulder Bank Scenic Reserve (to the west) and Boulder Bank Drive (to the east) for a distance of 500 metres along each of those boundaries.
  - Dogs are prohibited on the Boulder Bank, from the Cut towards Boulder Bank Drive for 4 kilometres, from October to February.
  - Dogs are permitted but must be on a lead on the Boulder Bank. (Note: the Boulder Bank from the Cut toward Boulder Bank Drive for four kilometres is a dogs prohibited area from October to February.)
  - Dogs are permitted but must be on a lead in Glenduan Neighbourhood Reserve.

#### **Summary of feedback**

- 5.85 Council received 65 submitters in opposition and 12 in support of the January 2020 proposal. There has been strong opposition to the proposed requirement for dogs to be on a leash between The Glen and Boulder Bank Drive, with 57 submissions seeking the ability to walk off-leash in this area. Many of the submitters pointed out that the Boulder Bank is one of very few off-leash dog exercise areas in Nelson North.



## Item 8: Dog Control Policy and Bylaw Deliberations

- 5.86 Submitters noted the path from the parking area at the Glen is one of the most popular dog walking areas in North Nelson. If this area is made an on-leash area, dog walkers will need to travel by car to off-leash areas, which is in conflict with Council's climate emergency declaration and the need to reduce greenhouse gas emissions.
- 5.87 However, amongst all of the submissions both in support and in opposition, there is a high level of support for the existing provisions from Boulder Bank Drive to the Cut (dogs prohibited during the bird-nesting period and an on-leash requirement at other times). The exceptions are two submissions from boat owners seeking dog access to the other end of the Boulder Bank (towards the Cut).
- 5.88 The submission from the Department of Conservation (DoC) strongly supports on-leash status from the Boulder Bank Drive to the Cut (and retaining the seasonal dogs prohibited area for 4km from the Cut during the breeding season). However, the DoC submission also acknowledges the importance of the area from The Glen to Boulder Bank Drive as an off-leash dog exercise area and has fewer concerns about dogs being off-leash in this area.

### **Recommendation**

- 5.89 Retain the dogs prohibited status for the 4km from the Cut during the breeding season, and change the start date to 15 August each year (instead of October).
- 5.90 Include the part of the Boulder Bank from Boulder Bank Drive to the Cut as an on-leash area.
- 5.91 Retain the Boulder Bank northwards from Boulder Bank Drive as an off-leash area and change the status of the Glenduan Reserve to off-leash.

### **Reasons**

- 5.92 Allowing dogs to be off-leash in the area between Boulder Bank Drive and the Glen, as well as on the Glenduan Reserve, balances the needs of dog owners and their dogs for local recreation opportunities and minimising danger to the community and protection of the Boulder Bank's ecological values, including rare, nesting birds.
- 5.93 Retaining the remainder of the Boulder Bank as on-leash/prohibited and extending the prohibition period into August also balances the needs of dog owners and the safety of the community and the Boulder Bank's ecological values.

### **Number of Dogs**

### **Background**

- 5.94 The existing Dog Control Policy and Bylaw 2013 includes a section on the number of dogs, with Council approval required to keep more than two dogs on a property in Nelson.



## Item 8: Dog Control Policy and Bylaw Deliberations

- 5.95 The Council's January 2020 proposal was to remove this requirement for approval and instead rely on the powers under the Dog Control Act to reduce the number of dogs on a property if they have proven to be a nuisance, and if the owners are unwilling or unable to resolve the problem.

### **Summary of submissions**

- 5.96 Five submissions supported and eight submissions opposed this proposal. Those in support considered it reasonable to remove the requirement if any issues can be managed in other ways. The submitters who opposed the proposal preferred the certainty of the two dog limit, with the onus of proof being on dog owners to prove that having more than two dogs will not create a problem.
- 5.97 More submission details are provided in Attachment 6 (A2380699).

### **Recommendation**

- 5.98 Delete the Number of Dogs policy.

### **Reasons**

- 5.99 Council's experience has been that people do not generally apply for permission to have more than two dogs. The ownership of more than two dogs only comes to Council's attention at the time of registration, as the Dog Control Act requires all dogs older than three months old need to be registered with their local council. However, puppies are usually rehomed at eight weeks' old, and it would be extremely harsh to say that people cannot continue to own their dog at the time of registration particularly if there are no nuisance effects.
- 5.100 Council can deal with nuisance through the Dog Control Act, and can require reduction in numbers. Potential nuisances are noise from barking, and smell. Council's approach to complaints related to multiple dogs is to give the dog owner an opportunity to do something about the nuisance being caused. Then, if they are unwilling, or the actions are ineffective, Council can require a reduction in numbers.

### **Enforcement Approach**

#### **Background**

- 5.101 The January 2020 proposed change was to make minor amendments to the 2013 Policy and Bylaw to align with current enforcement practices.

#### **Submitter feedback**

- 5.102 Three submitters supported this approach and nobody opposed it. One submitter suggested more signage to remind people of the rules and another suggested use of mediation rather than taking people to court.
- 5.103 More submission details are provided in Attachment 6 (A2380699).



## Item 8: Dog Control Policy and Bylaw Deliberations

### **Recommendation**

5.104 Amend the January 2020 Dog Control Policy by:

- Changing the last sentence of clause 4.1 to "Non-compliance with this notice may result in enforcement action."
- Changing clause 7.6 to "Where the offence relates to a failure to register a dog, Council will issue a notice that a dog is not registered. Then, if the registration fee is not paid within seven days, the owner will receive an Infringement Notice."

5.105 Amend the January 2020 Dog Control Bylaw by changing clause 10.2 of the Bylaw to: "If, in the opinion of a Dog Control Officer, any dog has become or is likely to become a nuisance to any person or injurious to the health of any person, the Dog Control Officer may, by notice in writing, require the dog owner or the owners or occupiers of the premises at which the dog is kept, within a time specified in such notice to do all or any of the following:

- a) reduce the number of dogs on the premises;
- b) construct, alter, reconstruct or otherwise improve the kennels of other buildings or fences used to house or contain the dog;
- c) tie up or otherwise confine the dog during specified periods;
- d) take such other action as necessary to minimise or remove the likelihood of nuisance or injury to health."

### **Reasons**

5.106 The recommended changes align the Policy and Bylaw with Council's current enforcement practices.

5.107 Council's enforcement approach is education first. If that does not achieve compliance, then give a warning. Prosecutions are generally only taken in the case of serious issues or repeat offending, where that is the appropriate approach.

5.108 Regarding the submitter comments on mediation, Council carries out mediation in some situations, for example if one dog injures another dog, to seek cooperation with payment of vet bills. It depends on the willingness of the parties involved.

5.109 In the case of menacing or dangerous dog classifications, if there is a disagreement about the classification the issue will be considered by a hearings panel. In the case of dangerous dog classifications (which require better fencing, and a higher registration fee) this decision can be appealed to a district court.



**Other comments**

- 5.110 The public was invited to comment on all aspects of the Policy and Bylaw, including any related topics. Council received a broad range of submissions on the topics headings listed below.

- A. Changes to the Schedules
- B. Enforcement practices
- C. Keeping dogs under control
- D. Protection of wildlife
- E. Reserve management
- F. Community engagement
- G. Dogs in other areas
- H. Dog registrations

**TOPIC A — CHANGES TO THE SCHEDULES**

**Requests for new off-leash areas including neighbourhood parks**

- 5.111 Many submitters expressed disappointment with the proposed reduction in off-leash dog walking areas (which are the Boulder Bank, Titoki Reserve, grazed reserves and Whakatū Foreshore Reserve) and pointed out that off-leash exercise is the most enjoyable for dogs and dog owners. They requested that other areas be made available to compensate for these losses.
- 5.112 Suggested new off-leash areas included:
- all neighbourhood reserves should be off-leash.
  - the Dun Mountain Trail (if the Brook Valley Waterworks Reserve is not in fact a waterworks reserve)
  - playing fields, which are in use so little of the time.
- 5.113 There have been some changes to Neighbourhood Parks identified in Schedule 3:
- Emano West Reserve has been renamed as Te Manu Reserve,
  - Emano East reserve has been absorbed into Pipers Park, and
  - Hanby Park has changed classification to a Landscape Reserve so is therefore no longer a Neighbourhood Park and will automatically be off-leash.



**Requests for increased on-leash areas**

- 5.114 Conversely, some submitters suggested new areas be included in Schedule Two (on-leash areas) including: Hanby Park, Branford Park, the Botanics Sportsfield, Botanical Hill and Olive Hill, the Maitai Walkway between the Collingwood St bridge and Sunday Hole, and the walkways around the Centre of New Zealand.
- 5.115 Several new Neighbourhood Parks have been established in the southern part of the city since the 2013 Bylaw was developed. These include Kingfisher Reserve, Mako Reserve, Montebello Reserve, Plumtree Reserve and Sanctuary Reserve. These are identified as on-leash areas by default as they are not included in Schedule 3.

**Requests for new dogs prohibited areas**

- 5.116 Council received a submission requesting that dogs be banned from the Central Business Area, and another requesting that dogs not be allowed in Queens Gardens.

**Existing dog prohibited areas**

- 5.117 Three submissions discussed areas where dogs are currently prohibited.
- One opposed Whakapuaka Swamp being a dogs prohibited area, as the access pathway from the north side through the swamp to Boulder Bank Drive has the only safe bridge to cross the tidal stream.
  - One opposed the prohibited status of the waterworks reserves.
  - The Ornithological Society of New Zealand/Birds New Zealand requested that Sand Island continue to be listed as a dogs prohibited area. The Society noted that Sand Island has undergone considerable change since 2012, initially growing in area with a substantial Spinifex dune at the northern side, but subsequently being eroded by severe weather such that it is barely above water on spring tides. It does, however, still support roosting shorebirds. This is not the first time that Sand Island has risen from the deep only to disappear some years later and then reappear. As such, it should continue to be included as a 'dog prohibited area'.

**Tahunanui front beach (dogs prohibited)**

- 5.118 Three submitters requested more enforcement of dogs being on the front beach, while one submitter requested that the Tahunanui front beach be accessible for dogs prior to 8am and after 7.30pm.

**Tahunanui back beach (dog exercise area)**

- 5.119 One submitter thanked Council for the hose at the kite surfing car park, which provides drinking water for dogs. Two submitters requested more facilities in this area for families with dogs (such as a bench, table or barbeque).



## Item 8: Dog Control Policy and Bylaw Deliberations

- 5.120 One submitter asked Council to require dogs to be on a leash at the dog beach at Tahunanui, and another submitter noted the dog access at the western end of Tahunanui beach is extremely valuable for dogs and dog owners.

### **Maitai swimming holes**

- 5.121 Four submissions requested more access for dogs to Maitai swimming holes, one requested more restrictions and one requested more enforcement of the existing restrictions.

### **Airport area**

- 5.122 One submitter said dogs should be allowed on the walks around the airport area.

### **Haven Holes**

- 5.123 One submitter requested a dog ban for Haven Hole Reserve.
- 5.124 More submission details are provided in Attachment 5 (A2380653).

### **Recommendation**

- 5.125 Schedule 3 should reflect that Emano West Reserve has been renamed as Te Manu Reserve, Emano East has been absorbed into Pipers Park, and Hanby Park is now a Landscape Reserve.

### **Reasons**

- 5.126 Regarding the general requests to offset the loss of existing off-leash areas, Council officers consider that this concern can better be met by retaining the Tantragee as an off-leash area, changing the approach at the Boulder Bank to retain an off-leash area from the Glen to Boulder Bank Drive, and retaining Titoki Reserve as an off-leash area.
- 5.127 There are also new off-leash areas being developed, and some additional neighbourhood reserves will be created as part of future subdivisions. Additional walkway areas at Saxton, Marsden Valley, Maitai, Bayview, and the Grampians in the future will also offset some short term losses in off-leash areas.
- 5.128 While neighbourhood reserves are not considered a direct replacement for large off-leash areas due to the limited scope for walking along a track with their dogs, they do provide some benefits. New neighbourhood reserves have also been developed since 2013 in the southern part of Nelson in particular. However, the list of neighbourhood reserves should be updated to reflect the changes in reserve status since 2013.
- 5.129 A number of the tracks and trails that start in the Brook Conservation Reserve (including the Dun Mountain Trail) pass over into either the Roding or Maitai Waterworks Reserve. Having the Brook Conservation



## Item 8: Dog Control Policy and Bylaw Deliberations

Reserve as a dogs prohibited area safeguards the water catchment reserves, as the public are unlikely to turn around midway through their walk when they reach the boundary of one of the water catchment reserves. Prohibiting dogs within the Brook Conservation Reserve also supports the ecological values within this reserve.

- 5.130 Health risks associated with dog faeces on playing fields is the reason dogs are prohibited from playing field surfaces, as people playing sports can fall over, coming into direct contact with the faeces. There is also a high likelihood of the presence of children in these areas.
- 5.131 A small proportion of submissions have requested changes to new off leash and on-leash areas, and dogs prohibited areas, including those relating to Tahunanui beach and the Maitai swimming holes. The 2013 Policy and Bylaw has been operating effectively in these areas therefore no further changes are recommended.
- 5.132 Dogs are tightly restricted on land surrounding the airport for safety reasons.
- 5.133 No change is recommended to the Council's approach to Haven Holes Reserve, as this is already included in Schedule One as an area where dogs are prohibited at all times, in order to protect wading bird habitat (refer to the Haven Holes map in Attachment 6). The Regional Coastal Adaptation Strategy (mentioned by a submitter at the hearing) is currently being developed, and will help inform the next round of development/protection measures for the Haven.

### **TOPIC B — ENFORCEMENT PRACTICES**

- 5.134 Council received 11 submissions related to enforcement. Nine of these requested more enforcement, including of barking dogs (two submissions), on-leash requirements, picking up dog poop and the Isel Park restrictions. One submitter suggested that neutering of dogs should be carried out when a dog comes to the attention of Council, and another raised an issue of people using fake service dog vests.

### **Recommendation**

- 5.135 No changes to the Policy or Bylaw.

### **Reasons**

- 5.136 A low proportion of submissions raised issues about enforcement levels. In addition, the level of enforcement carried out is not reliant on provisions in the Dog Control Policy and Bylaw. Increasing enforcement activity is an operational matter (with financial implications). However changes will need to be made to how the Bylaw is enforced to reflect the final on-leash, off-leash, and prohibited areas.



## **TOPIC C — KEEPING DOGS UNDER CONTROL**

### **Definition of 'under control'**

- 5.137 The bylaw should define 'under control'.

### **More control of dogs is needed**

- 5.138 Some submitters wanted more controls, such as pet owners having to sit a licence on basic animal care, establishing a courtesy rule to always put a dog on a lead when approaching another dog on a leash, compulsory training for dog owners, and requiring all dogs off-leash in public places to be muzzled.

### **Recommendation**

- 5.139 No changes to the Policy or Bylaw.

### **Reasons**

- 5.140 A new definition of "under control" is not required as the Bylaw already includes a definition for 'under control'. This "means that at all times a dog is able to be restrained or to obey commands".
- 5.141 No additional controls are proposed to the Dog Control Policy and Bylaw because section 5 of the Dog Control Act specifies the obligations of dog owners.

## **TOPIC D — Protection of Wildlife**

- 5.142 Waimea Inlet Forum Working Group sought the following:

- Add to section 5 of the proposed bylaw: "5.1: Every dog shall be kept under continuous leash control on any occasions that it is likely to injure, endanger, or cause distress to any protected wildlife."
- Add the above as a new clause 5.4 in the policy.
- Add a fifth bullet point to Clause 15.3 of the Policy: "Requiring owners to ensure their dog does not cause a nuisance or injury to any person or protected wildlife".
- In the bylaw's Definitions, protected wildlife should be defined as "Protected Wildlife — means any animal that is absolutely or partially protected in accordance with the Wildlife Act 1953 and any marine mammal within the meaning of the Marine Mammals Protection Act 1978."

The Waimea Inlet Forum Working Group also noted that in Schedule 1 item 15, the phrase "foreshore and sea bed", a term in the repealed Foreshore and Seabed Act 2004, should be replaced by the term "common marine and coastal area", by which it was replaced in the Marine and Coastal Area (Takutai Moana) Act 2011.



## Item 8: Dog Control Policy and Bylaw Deliberations

### **Recommendation**

- 5.143 Amend Schedule 1 item 15 (in both the Policy and the Bylaw) by replacing the phrase “foreshore and sea bed” with the term “common marine and coastal area” in both cases in which it is used twice within item 15.

### **Reasons**

- 5.144 The recommended change updates the Policy and Bylaw to reflect that the terms “foreshore and seabed” were replaced with “common marine and coastal area” in the Marine and Coastal Area (Takutai Moana) Act 2011.
- 5.145 Section 5 of the Dog Control Act sets out the obligations of dog owners which includes “to take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife”.
- 5.146 One of the key reasons for Schedules One and Two are to ensure dogs are on a leash in areas where wildlife are at risk of being disturbed by dogs. The proposed additions proposed by the Waimea Forum Inlet Working Group would not increase protection of wildlife in Nelson.
- 5.147 It is not necessary to include a definition for “protected wildlife” because the definition in the Dog Control Act applies to the Bylaw. The Bylaw explicitly states: “Terms and expressions defined in the Dog Control Act 1996 shall, when used in the Bylaw, have the meanings defined in the Act.”

## **TOPIC E — RESERVE MANAGEMENT**

### **Doggy do dispensers/rubbish bins/drinking water**

- 5.148 Some submitters requested more doggy do dispensers, and more frequent clearance of the associated rubbish bins. In particular, submitters requested a doggy do bag station at Saxton Field and at Wigzell Park, and a waste bin in Marsden Valley. A submitter also requested more dog drinking water facilities such as the one in Isel Park.

### **Signs**

- 5.149 Some submitters requested more signage — at the Maitai cricket ground (dogs prohibited), Tahunanui Beach (dogs prohibited), Saxton Field (on-leash and prohibited areas) and Wigzell Park (an on-leash area) and a notice at Wakapuaka Cemetery (to pick up after their dogs).

### **Dog Park**

- 5.150 Nine submitters requested a large, fully fenced dog exercise park.



## Item 8: Dog Control Policy and Bylaw Deliberations

### **Smaller dogs**

- 5.151 One submitter requested an area be allocated for smaller dogs to be exercised without having to cope with big dogs around, which can be intimidating for the smaller dogs and their owners.

### **Recommendation**

- 5.152 No changes to the Policy or Bylaw.
- 5.153 Signage is an operational matter, which does not require changes to the Policy or Bylaw. As mentioned earlier in this report (in relation to Isel Park) Council officers can undertake a review of the signage in the areas of concern, with a view to updating or altering existing signage where necessary to help clarify the areas where dogs are prohibited, must be on-leash and can be off-leash. Additional signage would only be provided in areas where there is no information about the Dog Control Bylaw requirements, such as the need for an on-leash pictogram at Wigzell Park and other neighbourhood parks.
- 5.154 A site for the proposed dog park (a fenced, off-leash exercise area) in Marsden Valley has been confirmed by the Sports and Recreation Committee (see item 233 in Attachment 3). This project is separate from the review of the Dog Control Policy and Bylaw.
- 5.155 Providing an area which is solely available for small dogs is an operational decision, and would not require a change to the Policy or Bylaw. This matter is being considered in the design of the proposed Dog Park.

### **TOPIC F — COMMUNITY ENGAGEMENT**

- 5.156 One submitter requested more education to teach people, especially children, how to behave around dogs. Another submitter suggested Council could publish more advice on caring for dogs, in collaboration with the SPCA and schools.
- 5.157 One submitter said more discussion is needed early on with dog owners before Council makes new rules. As a recent example, dog owners were told by Council that they and their dogs couldn't swim at the back beach because of the kite surfers. Later dog owners were told the dogs could swim there but not their owners.
- 5.158 One submitter encouraged Council to take a community approach by getting good dog owners to voluntarily monitor the owners who are being careless.
- 5.159 The Ornithological Society of New Zealand/Birds New Zealand said the provisions in the Bylaw to protect wildlife will only be effective if supported by dog owners (supported by relevant awareness raising activities) and, where necessary, appropriately enforced.



## Item 8: Dog Control Policy and Bylaw Deliberations

### **Recommendation**

- 5.160 No changes to the Policy or Bylaw.

### **Reasons**

- 5.161 Communications and education initiatives are operational matters, which do not require changes to the Policy or Bylaw.

### **TOPIC G — DOGS IN OTHER AREAS**

- 5.162 One submitter requested Council to permit dogs on public transport, as they are in other regions.
- 5.163 Several submissions covered the dogs in cafes, whether SPCA should be able to remove dogs from cars when owners are not present (a legislative decision), and opposed dogs not being allowed on DoC land (a Department of Conservation decision).

### **Recommendation**

- 5.164 No Changes to the Policy or Bylaw.

### **Reason**

- 5.165 Council is currently carrying out a public survey to inform the public transport review. Allowing dogs on public transport needs further investigation and this matter is more appropriately considered under the public transport review being carried out in 2020 which will inform the next public transport contract. This submission has been passed on to the Transport team for consideration.
- 5.166 The other matters are decisions for others: café owners, central government (legislative ability of the SPCA to remove dogs from cars when owners are not present, and the Department of Conservation regarding the general approach that dogs are not allowed on most of the land managed by the Department).

### **TOPIC G - DOG REGISTRATIONS**

- 5.167 One submitter requested a small round dog registration tag as both current sizes offered by Council are too big for their dog's collar.
- 5.168 Another submitter recommended that Council collect an 'emergency number for contact' in dog registration records so that if an owner is not available (and their dog is found) there is a back-up emergency contact. This would save a lot of money in administration and stop dogs having to go to the Pound.
- 5.169 Another submitter said Council should reduce dog registration fees because Council doesn't dose for hydatids, pensioners have dogs for companionship, watch dogs provide a degree of security, stock dogs



## Item 8: Dog Control Policy and Bylaw Deliberations

assist with earning a living, and to encourage children to have pet dogs as it develops their sense of responsibility.

### **Recommendation**

- 5.170 No changes to the Policy or Bylaw.

### **Reasons**

- 5.171 Registration tags and record keeping are both operational matters, which do not require changes to the Policy or Bylaw. Dog registration fees are being considered through a separate consultation process.

## **6. Additional Information**

- 6.1 At the hearing Councillors asked for some additional information. The questions related to signage (particularly at Isel Park, Grampians, Tahunanui Beach and Sunday Hole), and whether a doggy do dispenser could be provided at Isel Park. Committee members also asked what happens if dogs are caught worrying sheep, how many attacks have occurred, and whether people can know if their dogs are sheep friendly or not.
- 6.2 Detailed answers to these questions are provided in Attachment 9 (A2380703). As noted previously in this report, Council officers can undertake a review of dog-related signage. Display boards at Isel Park show aerial photographs of the area clearly showing where dogs are allowed off-leash. There are currently 10 doggy do dispensers which cost \$90/month each to service. One could be relocated to Isel Park from Fairfield Park, but this may be unpopular with Fairfield Park visitors. All dog owners are responsible for taking bags (or other suitable receptacles) with them when dog walking and to pick up after their dogs. There is a risk that setting up more doggy do dispensers will increase people's reliance on Council to provide bags for them.
- 6.3 Decisions on enforcement related to dogs worrying sheep are made on a case by case basis. Enforcement actions range from education and warnings through to classifications and prosecutions. The response needs to be appropriate and proportionate, and this involves matters such as how serious the incident is, any history of previous issues, and the dog owner's attitude.
- 6.4 Sheep attacks are not usually witnessed by others, and therefore official reporting of incidents does not occur (and is not reflected in enforcement statistics). Therefore, the exact number of attacks are not known. However, they have occurred in the past, and have led to the grazier deciding not to provide a grazing service for Council. Some owners will have dogs which have been trained to be 'sheep friendly', but the bylaw provision is in place to manage the situations where dogs are not 'sheep friendly' and are not under control.



## **7. Statutory Tests**

- 7.1 In undertaking its review of the Bylaw and Policy the Council determined that a Bylaw (and the associated Policy) were the most appropriate way of addressing the perceived problems (as required by s155 of the Local Government Act 2002 (LGA) and s10AA of the Dog Control Act 1996 (DCA)).
- 7.2 Before adopting any amendments to the Bylaw, the LGA requires the Council to determine that the Bylaw is the most appropriate form of bylaw and whether there are any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).
- 7.3 The Environment Committee confirmed at its meeting on 28 November 2019 that the Bylaw is the most appropriate way of addressing the perceived problem - controlling dogs. The form of the bylaw has been tested through the submission and hearings process and recommendations are made above relating to how the proposed bylaw needs to change to improve its effectiveness and appropriateness.
- 7.4 The only right listed in NZBORA which has some potential relevance to the Bylaw is section 18(1) — 'Everyone lawfully in New Zealand has the right to freedom of movement and residence in New Zealand.'
- 7.5 The proposed changes to the Bylaw do not impact on any movements by people alone. They do increase restrictions on people with responsibilities for exercising dogs (in grazed reserves, along Whakatu Drive, on parts of the Boulder Bank and at Delaware Estuary). However, significant off-leash walking areas remain available to people in Nelson, including the off-leash area at Tahunanui Beach, most of the Maitai Walkway, the Railway Reserve and numerous neighbourhood parks identified in schedule 3. Additional consideration has also been given to future areas where, over the life of the bylaw, additional off-leash areas are likely to be provided including in Saxton, on the Grampians, in the Maitai and in Bayview. Accordingly, it is not considered there are any implications under NZBORA that prevent the proposed changes to the Bylaw.
- 7.6 In adopting any amendments to the Policy, the Committee must have regard to the following matters set out in section 10(4) of the DCA:
- the need to minimise danger, distress, and nuisance to the community generally; and
  - the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
  - the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
  - the exercise and recreational needs of dogs and their owners.



## Item 8: Dog Control Policy and Bylaw Deliberations

- 7.7 The reasons paragraphs in section 5 above directly address the matters in Section 10(4) of the DCA.

### **8. Conclusion**

- 8.1 In the January 2020 Statement of Proposal, Council proposed a number of changes to the Dog Control Policy and Bylaw. This report considers feedback on those proposed changes and makes recommendations for consideration by the Committee. The recommendations proposed meet the statutory tests under the LGA and DCA.

**Author: Clare Barton, Group Manager Environmental Management**

### **Attachments**

- Attachment 1: A2390190 - Dog Control Bylaw May 2020 [↓](#)
- Attachment 2: A2390192 - Dog Control Policy May 2020 [↓](#)
- Attachment 3: A2380651 - Updated map showing Dog Control Bylaw recreation areas [↓](#)
- Attachment 4: A2122940 - GIS - Proposed Dog Bylaw Changes and Grazing Changes - Map - Jan 2019 [↓](#)
- Attachment 5: A2380653 - Isel Park map [↓](#)
- Attachment 6: A2380699 - Submission Details [↓](#)
- Attachment 7: A2381277 - GIS External Data Supply - 052020 - Contractor - Bolwell and Poplar Rese [↓](#)
- Attachment 8: A2380700 - Haven Holes map [↓](#)
- Attachment 9: A2380703 - Additional Information [↓](#)



## **Important considerations for decision making**

### **1. Fit with Purpose of Local Government**

This report is enabling democratic decision making for the community while promoting the wellbeing of present and future communities by reflecting on community feedback and considering how best to meet the current and future needs of the community through the performance of its regulatory functions related to dog control.

### **2. Consistency with Community Outcomes and Council Policy**

Our unique natural environment is healthy and protected — our open spaces are valued for recreation and we welcome the many visitors who want to experience our extraordinary natural environment.

The role of the Dog Control Policy and Bylaw is to ensure everyone has good access to open spaces for recreation, and that our natural environment is respected.

*Our communities are healthy, safe, inclusive and resilient.*

The safety of cyclists and pedestrians, as well as the health benefits of exercise for dog owners and their dogs, are key matters to be considered when considering submissions and making decisions on amendments to the Dog Control Policy and Bylaw.

### **3. Risk**

The Dog Control Policy and Bylaw implement the Dog Control Act 1996, which has the objectives of ensuring that:

- dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person
- dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife.

In addition, there may be public opposition to the options recommended and potential reputational damage if dog owners feel that Council is not responding to their views.

### **4. Financial impact**

Council's Funding Policy is that dog control activities are to be 90-100% funded by dog owners and 0-10% funded by rates. That means any increases in the cost of dog control services will have a much greater impact on dog owners than on ratepayers as a whole. The changes recommended in this report are not likely to increase the cost of dog control services.



## **5. Degree of significance and level of engagement**

This matter is of high significance because of its high importance to a relatively large proportion of the community — including dog owners and all users of reserves.

## **6. Climate Impact**

Submitters in the Nelson North area opposed the loss of off-leash dog walking exercise areas north of the city centre, which would require them to drive longer distances in order to be able to exercise their dogs. Many of them pointed out that this seemed to be counter to Nelson's City Council's declaration of a climate emergency. These concerns were taken into consideration when making recommendations related to Delaware Inlet, the Boulder Bank and Titoki Reserve.

## **7. Inclusion of Māori in the decision making process**

The Dog Control Policy and Bylaw review was discussed at two Iwi Working Group meetings. Council officers asked how Council should engage with iwi on this review and were advised to phone each iwi organisation. Subsequent discussions were held, and a submission was received from Ngāti Tama Ki Te Waipounamu Trust, which is supported by Te Atiawa Trust

## **8. Delegations**

The Environment Committee has the following delegations to consider

*Areas of Responsibility:*

- *Bylaws, within the area of responsibility*
- *Environmental regulatory matters including (but not limited to) animals and dogs*

*Delegations:*

- *The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.*

*The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):*

- *Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate*
- *Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes.*



## Item 8: Dog Control Policy and Bylaw Deliberations

### *Powers to Recommend (if applicable):*

- *Matters that, under the Local Government Act 2002, the operation of law or other legislation, Council is unable to delegate.*

### *Council*

*Council will also make all decisions on matters that must be exercised by Council or unable to be delegated by law. This includes, but is not limited to:*

- *The power to make a bylaw.*

The power to consider changes to the Dog Control Policy sit with the Environment Committee, the powers to consider submissions on the Dog Control Bylaw have been referred from Council, and the powers to approve the Dog Control Bylaw sit with Council.





**DOG CONTROL BYLAW NO. 221**  
**May 2020**



**CONTENTS**

<b>1</b>	<b>INTRODUCTION.....</b>	<b>1</b>
<b>2</b>	<b>DEFINITIONS .....</b>	<b>1</b>
<b>3</b>	<b>DOGS PROHIBITED.....</b>	<b>1</b>
<b>4</b>	<b>DOGS PERMITTED ON A LEASH.....</b>	<b>1</b>
<b>5</b>	<b>DOGS IN ALL OTHER PUBLIC PLACES .....</b>	<b>1</b>
<b>6</b>	<b>EXEMPTIONS.....</b>	<b>1</b>
<b>7</b>	<b><del>NUMBER OF DOGS</del> .....</b>	<b>2</b>
<b>8</b>	<b>SEIZURE OF ROAMING DOGS.....</b>	<b>2</b>
<b>11.</b>	<b>DOGS DEFECATING.....</b>	<b>3</b>
<b>12.</b>	<b>OFFENCES AND PENALTIES .....</b>	<b>3</b>
	<b>SCHEDULE ONE .....</b>	<b>4</b>
	<b>SCHEDULE TWO .....</b>	<b>6</b>
	<b>SCHEDULE THREE.....</b>	<b>7</b>



## **1 INTRODUCTION**

- 1.1 The title of this Bylaw shall be the "Dog Control Bylaw 2020."
- 1.2 The Bylaw shall come into effect on [x month] 2020.

## **2 DEFINITIONS**

Terms and expressions defined in the Dog Control Act 1996 shall, when used in this Bylaw, have the meanings defined in the Act.

**Act** - Means the Dog Control Act 1996.

**City** - Means the territory of the City of Nelson as defined in Part 2 of Schedule 2 to the Local Government Act 2002.

**The Council** - Means the Nelson City Council.

**Playing area** - Means that part of any sports ground which at the material time is marked out or otherwise set aside for the playing of any active sport.

**Under control** - Means that at all times a dog is able to be restrained or to obey commands.

## **3 DOGS PROHIBITED**

- 3.1 No person shall allow any dog of which they are the owner to enter upon or remain on any part of any public place or area specified in Schedule One.

## **4 DOGS PERMITTED ON A LEASH**

- 4.1 No person shall allow any dog of which they are the owner to enter upon or remain on any part of any public place or area specified in Schedule Two, unless the dog is at all times controlled on a leash.
- 4.2 Clause 4.1 does not apply to dogs under the direction of the Nelson Dog Training Club.

## **5 DOGS IN ALL OTHER PUBLIC PLACES**

- 5.1 In all public places where dogs are not prohibited or required to be on a leash, dogs must be kept under control by the owner. It is the responsibility of the owner to decide whether this control can be achieved off leash or on a leash. Nothing in this clause absolves the owner from the obligation to carry a leash at all times while he or she is with the dog in a public place.
- 5.2 Every dog owner shall ensure that at all times the dog is under an appropriate degree of control which will ensure that the dog does not cause a nuisance to any other person, or rush at or startle any person in a manner that causes that person to be injured or endangered, or causes any property to be damaged or endangered.

## **6 EXEMPTIONS**



- 6.1 A working dog, as defined in the Act as well as any Land Search and Rescue dog, is exempted from Clauses 3, 4 or 5 above, while it is engaged in or being used for its working purpose.
- 6.2 Nothing in Clauses 4 or 5 shall prevent the Council from excluding dogs from any area for the purpose of holding an event.
- 6.3 Nothing in Clauses 3 or 4 shall prevent the Council from granting permission for dogs to enter a Schedule One or Two area for a special purpose such as feral animal control or the management of indigenous wildlife.
- 6.4 Clauses 6.1 and 6.3 do not negate the need to apply for a dog control permit from the Department of Conservation where such a permit is required to take a dog onto land administered by the Department of Conservation.

## **~~7~~ NUMBER OF DOGS**

- ~~7.1 No occupier of any land or premises within the City, shall keep, or allow to be kept on the land or premises for any period exceeding seven days, more than two dogs over the age of three months.~~
- ~~7.2 Clause 8.1 shall not apply to any occupier of any land or premises within the City who had more than two dogs in February 2013. They have an "existing use right" to continue to own their existing dogs, until the end of the dogs' lives. Written permission will be required for ownership of any additional dogs after this date.~~
- ~~7.3 Clause 8.1 shall not apply to any occupier of any land or premises within the City who has written permission from the Council to keep more than two dogs.~~
- ~~7.4 Clause 8.1 shall not apply to any occupier of any land or premises which is outside of the urban area shown on the map attached to this Bylaw.~~

## **8 SEIZURE OF ROAMING DOGS**

- 8.1 Any dog found wandering free at large on public or private property, whether or not it is wearing a collar having the proper registration label or disc attached as required by the Act, may be seized and impounded by any Dog Control Officer, Dog Ranger or other person authorised by the Council.

## **9 DOGS WITH CONTAGIOUS DISEASES**

- 9.1 No owner of any dog with a contagious disease shall take the dog to a public place, or allow the dog to remain in a public place.

## **10. NUISANCES OR INJURY TO HEALTH**

- 10.1 The owner of any dog or the owner or occupier of any premises where any dog is customarily kept, shall take all reasonable steps to ensure that the dog does not cause a nuisance to any person or be likely to be injurious to the health of any person.



- 10.2 If, in the opinion of a Dog Control Officer, any dog has become or is likely to become a nuisance to any person or injurious to the health of any person, the Dog Control Officer may, by notice in writing, require the dog owner or the owners or occupiers of the premises at which the dog is kept, within a time specified in such notice to do all or any of the following:
- a) reduce the number of dogs on the premises;
  - b) construct, alter, reconstruct or otherwise improve the kennels or other buildings or fences used to house or contain the dog;
  - c) tie up or otherwise confine the dog during specified periods;
  - d) take such other action as necessary to minimise or remove the likelihood of nuisance or injury to health.
- 10.3 If, in the opinion of a Dog Control Officer, any dog has become or is likely to become a nuisance any person to whom notice is given under Clause 10.2 who fails to comply with the notice, within the time specified in the notice, shall commit an offence against this Bylaw.
- 10.4 Any dog left in a public place, whether restrained or not, and causing a nuisance or distress to any person by act of aggression, obstruction, noise or otherwise, may be removed by any Dog Control Officer, Dog Ranger or Constable and subsequently impounded.

## **11. DOGS DEFECATING**

- 11.1 The owner of any dog that defecates in a public place or on land or premises other than that on which the dog is normally kept, shall immediately remove the faeces.
- 11.2 Every person, with or in control of any dog in any public place, or on any land or premises other than that on which the dog is usually kept, shall at all times carry on their person a bag or other receptacle suitable for the collection of any faeces which the dog might deposit.

## **12. OFFENCES AND PENALTIES**

- 12.1 Every person who breaches this bylaw commits an offence.
- 12.2 Every person who commits an offence under this Bylaw may have an infringement notice issued to them or be prosecuted for a breach of bylaw under the Dog Control Act 1996 or the Local Government Act 2002.



## **SCHEDULE ONE**

### **Dogs Prohibited Areas**

1. Nelson Airport (unless transporting dogs for air lift in or out of Nelson; or dogs securely restrained in the owner's vehicle).
2. Eastern two thirds of Tahunanui Main Beach.
3. The playing area of any Council sports grounds. The exception is Maitai Cricket Ground, for which the prohibition only applies from October to March each year.
4. Children's playgrounds - the section of the reserve set aside for playground equipment.
5. Nelson City Council Water Reserves (without Council permits):
  - Maitai Valley
  - Roding
6. Brook Conservation Reserve.
7. Any public building owned or controlled by the Council. (Except in respect of the Trafalgar Centre or Stoke Hall when a function involving dogs is being held.)
8. Trafalgar Park.
9. Saxton Field Cricket Oval and the Athletics Track.
10. Saxton Field Hockey and Softball Areas.
11. Haulashore Island.
12. Oyster Island.
13. Haven Holes Reserve.
14. The following Maitai River swimming holes and the listed picnic areas:
  - The picnic area and river bank beside Black Hole - true right side of the river only. (This is the right-hand side, when looking downstream.)
  - Dennes Hole and the adjacent picnic area
  - Sunday Hole and the adjacent picnic area
  - Maitai Camp Hole and the adjacent picnic area.

(This prohibition only applies from 1 December to 31 March each year.)



15. Dogs are prohibited from land administered by the Department of Conservation that is not common marine and coastal area unless the owner has specific authorisation, for example a dog control permit from the Department of Conservation; or the reserve has Department of Conservation signage identifying where a dog may be taken without a permit. (Dogs are permitted on common marine and coastal area administered by the Department of Conservation unless it is an area listed in this Schedule.)
16. The beaches and estuary flat of Nelson Haven bounded by the Boulder Bank Scenic Reserve (to the west) and Boulder Bank Drive (to the east) for a distance of 500 metres along each of those boundaries.
17. The Boulder Bank, from the Cut towards Boulder Bank Drive for 4 kilometres, from 15 August to the last day in February.
18. Whakapuaka Raupo Swamp.
19. The fenced area of the foreshore and esplanade reserve at Paremata Flats, including the planted area of the Paremata Flats Reserve.
20. Dogs are permitted to be off leash on the formed cycling and walking tracks within Marsden Valley Reserve, including Involution Trail. However, they are prohibited from being in the bush areas (off the tracks) in the part of Marsden Valley Reserve to the east of the Barnicoat Walkway.
21. Sand Island.



## **SCHEDULE TWO**

### **Dogs are Permitted but must be Kept on a Leash**

1. All public footpaths and other public areas within the Central Business District, and within the Stoke and Tahunanui shopping centre.
2. Nelson cemeteries, both active and historic. The active cemeteries are: Marsden Valley Cemetery, Seaview Cemetery, and Hira Cemetery. The historic cemeteries are Wakapuaka Cemetery, the Quakers Cemetery on Wellington Walkway and the Hallowel Cemetery near Shelbourne Street.
3. Horticultural Parks. These are: Miyazu Japanese Gardens, Anzac Memorial Park, Church Hill, Melrose Gardens, Queens Gardens, Broadgreen Gardens and Isel Park. The exception to the on leash requirement is the less cultivated part of Isel Park which begins at Main Road Stoke and extends to the Isel Park entrance gate, as well as the area south of the access road beyond the Isel Park entrance gate. This exception applies when events are not being held in Isel Park.
4. Neighbourhood Parks – excluding those listed in Schedule Three.
5. The sand and mudflats of Delaware Estuary.
6. Around the playing areas of sports fields when games or training sessions are occurring. (At other times dogs may be off lead on sports grounds other than the playing area of sports grounds.)
7. The Maitai walkway, from the river mouth up to the Collingwood Street bridge.
8. Council-owned, grazed reserves, including:
  - part of the Grampians Reserve
  - part of the Sir Stanley Whitehead Walkway
  - part of the Maitai River esplanade reserve.

(Note: The grazed part of Paremata Flats Reserve continues to be an off-lead area.)
9. Delaware Estuary margins, and islands within the estuary.
10. The Boulder Bank from Boulder Bank Drive to the Cut. (Note: the Boulder Bank from the Cut toward Boulder Bank Drive for 4 kilometres is a dogs prohibited area from 15 August to the end of February and dogs must be under control on the Boulder Bank from Boulder Bank Drive to Glenduan).
11. Whakatū Drive Foreshore Reserve.



### **SCHEDULE THREE**

#### **Neighbourhood Parks in which Dogs may be Off Lead**

- Abraham Heights Reserve.
- Andrews Farm Reserve.
- Bayview Road Reserve (North).
- Betsy Eyre Park.
- Bishopdale Reserve.
- Bishop's Park.
- Bledisloe North Reserve.
- Branford Park.
- Corder Park.
- Custom House Reserve.
- Fairfield Park.
- Grampian Oaks Reserve.
- Glenduan Reserve
- Hira Reserve.
- Kowhai Reserve.
- Monaco Reserve.
- Murphy North Reserve.
- Murphy South Reserve.
- Ngapua Reserve.
- Nikau Reserve.
- Orchard Reserve.
- Pipers Park.
- Poplar Reserve.
- Queen Elizabeth II Reserve.
- Station Reserve.



- Songer Reserve.
- Te Manu Reserve
- Tosswill Reserve.
- Waterhouse Reserve.
- Wolfe Reserve.





## **DOG CONTROL POLICY**

**May 2020**



## **CONTENTS**

<b>1</b>	<b>INTRODUCTION.....</b>	<b>1</b>
<b>2</b>	<b>DOGS IN PUBLIC PLACES.....</b>	<b>1</b>
<b>3</b>	<b>REGISTRATION FEES.....</b>	<b>3</b>
<b>4</b>	<b>BARKING DOGS.....</b>	<b>3</b>
<b>5</b>	<b>DOGS WITH CONTAGIOUS DISEASES.....</b>	<b>3</b>
<b>6</b>	<b>MENACING AND DANGEROUS DOGS.....</b>	<b>3</b>
<b>7</b>	<b>ENFORCEMENT.....</b>	<b>4</b>
<b>8</b>	<b>OWNER EDUCATION.....</b>	<b>5</b>
<b>9</b>	<b>NUMBER OF DOGS.....</b>	<b>7</b>
<b>10</b>	<b>CO-OPERATION WITH OTHER ORGANISATIONS.....</b>	<b>7</b>
<b>11</b>	<b>BYLAWS.....</b>	<b>8</b>
<b>12</b>	<b>OPERATION OF A POUND.....</b>	<b>8</b>
	<b>SCHEDULE ONE.....</b>	<b>10</b>
	<b>SCHEDULE TWO.....</b>	<b>13</b>
	<b>SCHEDULE THREE.....</b>	<b>14</b>

**MAP OF THE NELSON URBAN AREA**ERROR! BOOKMARK NOT DEFINED.



## **1 Introduction**

- 1.1 Nelson is known as a place that welcomes dogs, recognising the role they play in:
- Encouraging people to exercise, as they take their dogs for a walk or run.
  - Enhancing social wellbeing, as dog owners interact with others while exercising their dogs.
  - Providing companionship for many people. This is particularly important for people living on their own, which is an increasing trend.
- 1.2 The Council is also mindful of the need to minimise adverse impacts of dogs on the community. The Dog Control Act 1996 (the Act) places an obligation on the Council to adopt a policy about dogs, and to adopt a bylaw to give effect to this policy. In adopting a policy under section 10 of the Act, the Council must have regard to:
- the need to minimise danger, distress, and nuisance to the community generally; and
  - the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
  - the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
  - the exercise and recreational needs of dogs and their owners.

## **2 Dogs in Public Places**

- 2.1 Some areas have been set aside as areas where dogs are not allowed to go at all, where there are important recreation, conservation or human safety values to be protected.
- 2.2 There are high concentrations of people in Nelson's central business district, and the Stoke and Tahunanui shopping centres. For this reason, it is safer to require dogs to be on a leash in these areas.
- 2.3 Neighbourhood parks are generally relatively small and are commonly used by children. To avoid risks to children, dogs should be on a leash in these areas. There are some exceptions to this, where neighbourhood parks are larger and there are no children's playgrounds within them. Examples are Grampian Oaks Reserve and Andrews Farm Reserve.



- 2.4 In all public places where dogs are not prohibited or required to be on a leash, dogs must be under the control of their owner at all times. Some owners are able to control their dogs using voice commands, and others will need to have their dogs on a leash to achieve adequate control. It will be the responsibility of the dog owner to decide how best to ensure they are in control of their dog's movements and actions.

**Dogs Prohibited**

- 2.5 No person shall allow any dog of which they are the owner to enter upon or remain on any part of any public place or area specified in Schedule One.

**Dogs Permitted on a Leash**

- 2.6 No person shall allow any dog of which they are the owner to enter upon or remain on any part of any public place or area specified in Schedule Two, unless the dog is at all times controlled on a leash.

**Dogs in all other Public Places**

- 2.7 In all public places where dogs are not prohibited or required to be on a leash, dogs must be kept under control by the owner. It is the responsibility of the owner to decide whether this control can be achieved off leash or on a leash. Nothing in this clause absolves the owner from the obligation to carry a leash at all times while he or she is with the dog in a public place.
- 2.8 Every dog owner shall ensure that at all times the dog is under an appropriate degree of control which will ensure that the dog does not cause a nuisance to any other person using the area, or rush at or startle any person in a manner that causes that person to be injured or endangered, or causes any property to be damaged or endangered.
- 2.9 The ability to exercise dogs without a leash does not absolve owners from their obligation under the Act to ensure that their dog is kept under control, and to carry a leash at all times while with the dog in a public place.
- 2.10 Keeping a dog under control includes the obligation to ensure that the dog does not stray on to any private property.

**Exemptions**

- 2.11 A working dog, as defined in the Dog Control Bylaw 2013, is exempted from clauses 2.6, 2.7 and 2.8–2.11 subject to conditions, while it is engaged in or being used for its working purpose.
- 2.12 Nothing in clauses 2.6, 2.7 and 2.8–2.11 shall prevent the Council from excluding dogs from any area for the purpose of holding an event.
- 2.13 Nothing in the above clauses (dogs prohibited, dogs permitted on a leash) shall prevent the Council from issuing a permit for dogs to enter a Schedule One or Two area for a special purpose such as feral animal control or the management of indigenous wildlife.



### **3 Registration Fees**

- 3.1 The Council has adopted a fee structure which recognises the following types of dogs:
- Urban Dogs.
  - Rural Dogs. Note: Dogs and their owners are classified as Rural if they reside on a property which has an area in excess of 1 hectare.
  - Police dogs, Search and Rescue Dogs and any disability assist dogs.
  - Dogs classified as dangerous.
- 3.2 The Act requires that all money received from registration fees or other charges levied under the Act are to be applied only for purposes authorised by or under the Act. The Council acknowledges that good dog owners tend to subsidise the cost of activity related to irresponsible owners and to this end will encourage owners to take responsibility for their dogs to ensure that fees can be kept as low as possible.
- 3.3 The Council will endeavour to operate the Pound on a cost recovery basis so that, as far as possible, Council operates a user pays system.

### **4 Barking Dogs**

- 4.1 Section 55 of the Act authorises Dog Control Officers to issue an abatement notice to any person who owns a dog which the Officer considers is causing a nuisance by persistent and loud barking or howling. Non compliance with this notice may result in enforcement action.
- 4.2 Section 56 authorises the Officer to remove the dog from the property if the owner takes no action and a further complaint is received.
- 4.3 The Council will continue to implement these provisions on complaint.

### **5 Dogs with Contagious Diseases**

- 5.1 No owner of any dog with a contagious disease shall take the dog to a public place, or allow the dog to remain in a public place.

### **6 Menacing and Dangerous Dogs**

- 6.1 The Act contains a number of provisions which enable the Council to require specific control action to be taken in respect of menacing and dangerous dogs.
- 6.2 A menacing dog is one which has not been classified as a dangerous dog, but which the Council considers may pose a threat to any person, stock, poultry or domestic animal or protected wildlife because of observed or reported behaviour or any characteristics typically associated with the breed or type.



- 6.3 The Council must classify a dog as a menacing dog if it believes that the dog belongs wholly or predominantly to one or more breeds or types listed in Schedule 4 of the Act.
- 6.4 Section 30A of the Act states that no person may import into New Zealand any dog that belongs wholly or predominantly to one or more breed or type of dog listed in Schedule 4 of the Act (listed below). Breed of dog:
- Brazilian Fila.
  - Dogo Argentino.
  - Japanese Tosa.
  - Perro de Presa Canario.
- Type of dog:
- American Pit Bull Terrier.
- 6.5 In accordance with section 31(1) of the Act, a territorial authority must classify a dog as a dangerous dog if:
- the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or
  - the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
  - the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.
- 6.6 Sections 31 to 33 of the Act outline the reasons why, and the manner in which, a dog may be classified as dangerous, and the obligations which this imposes on an owner which includes having the dog on a leash and muzzled when in public and compulsory neutering of the dog.
- 6.7 Sections 33A to 33EC of the Act contain similar provisions relating to menacing dogs. These dogs are also required to be on a leash and muzzled when in public but neutering of these dogs is at the discretion of the Council. As a matter of policy, the Council will require all dogs classified as menacing to be neutered, including dogs which are classified as menacing by other territorial authorities and which are later registered in Nelson.
- 6.8 The Council will require the neutering of any dog of the breed or type to which section 30A of the Act applies, and will require any other dog to be neutered when the classification is confirmed.

## **7 Enforcement**

- 7.1 The Act provides that the Council may issue Infringement Notices which provide an instant fine for a number of offences. As the Council's aim is to



promote owner responsibility, an education and advisory approach will generally be taken. However, enforcement action may be taken against repeat offenders. Infringement Notices may be preceded by a written warning. In those instances where the actions of the owner amount to a wilful disregard for the safety or convenience of any person or animal, or a fraudulent or deliberate attempt to circumvent the requirements of the Act or the Dog Control Bylaw 2020, an Infringement Notice is likely to be issued without warning.

- 7.2 Where a written warning is ignored, or the offence is repeated within two years, or the behaviour is seen to be becoming habitual, a person may receive further Infringement Notices or be prosecuted.
- 7.3 In certain circumstance (for example where it is a serious offence) enforcement action may proceed directly by way of prosecution.
- 7.4 Any dog found at large in any public place at any time, in contravention of the Dog Control Bylaw 2020, may be seized and impounded by any Dog Control Officer, Dog Ranger or other person authorised by the Council. Consideration will be given to reducing impounding fees on a case by case basis, if the dog owner carries out an assessment of their property and rectifies any fencing inadequacies. Council will assist in assessment of properties if requested.
- 7.5 The Council will enforce the requirement for owners to remove their dog's faeces and the Dog Control Bylaw 2020 will require persons to have a bag with them when exercising any dog.
- 7.6 Where the offence relates to failure to register a dog, Council will issue a notice that a dog is not registered. Then, if the registration fee is not paid within seven days, the owner will receive an Infringement Notice.
- 7.7 Section 42 of the Act authorises a Dog Control Officer to enter any land or premises (except a dwelling house) occupied by the owner of the dog for the purpose of seizing and impounding an unregistered dog.
- 7.8 The Council will also make use of the provisions of the Act relating to Probationary Owners and Disqualification of Owners to, over time; improve the level of owner responsibility or to bar irresponsible persons from future ownership or control of any dog.

## **8 Owner Education**

- 8.1 The Council carries out the following initiatives to encourage responsible dog ownership. These are:
  - The Doggy Do project.
  - Publicity material
  - Patrols by Dog Control Officers

### **The Doggy Do Project**



- 8.2 The Council provides dispensers for plastic rubbish bags as a convenience for people exercising their dogs in a number of areas within the city. The presence of these is one way the Council can encourage owners to pick up their dog's faeces.
- 8.3 However, the main focus will continue to be on the owner's personal responsibility to remember to take a bag and to pick up after their dogs. The provision of dispensers is limited to high use sites only. Dog owners will also be encouraged to make use of bags which are readily available from other sources such as recycled bread bags and plastic shopping bags.

### **Dog Owner Discount**

A new discount takes effect from July 2021:

- ~~• Substantial Good Dog Owner discount applies on an annual basis for meeting the following three conditions: Having no more than one minor, proven complaint/impounding; and~~
  - ~~○ Having adequate fencing or other means of containing their dog on the property, and complying with standard welfare requirements for water, shelter and food (spot checks will apply); and~~
  - ~~○ Paying registration fees on time.~~
- An ongoing discount applies for any dog that is either neutered, or for dogs registered as members of the New Zealand Kennel Club.
- ~~• One voucher will be available per dog, for all dog owners towards attending a recognised training course or 1:1 training to address a behavioural issue (only payable by Council, if it is redeemed with an approved provider).~~

### **Publicity Material**

- 8.4 The Council will provide information to owners and carry out periodic publicity of dog control matters.
- 8.5 The Council will produce pamphlets and website information that includes maps clearly identifying dog prohibited areas and areas where dogs are required to be on a leash. Guidance will also be provided on:
- What dog owners can do to avoid conflicts with other people in the community, including respecting the space around other people (particularly children and cyclists) when exercising dogs.
  - Locking extendable dog leashes where there is a risk of tripping cyclists and pedestrians.
  - Dog training options.
- 8.6 The Council will also provide signage in high use areas which will include the contact details for Dog Control.



### **Patrols by Dog Control Officers**

- 8.7 One important education tool is the advice and assistance which Dog Control Officers can provide to dog owners and to the general public. Dog Control Officers will be readily visible to the public through patrols aimed at assisting dog owners using the more popular public places to understand the obligations imposed on them by the Act and the Council's Dog Control Bylaw 2013.

### **9 ~~Number of Dogs~~**

~~No more than two dogs can be kept on any property in the urban area without written permission from the Council. (The extent of Nelson's urban area is shown on the map attached to both the Dog Control Policy and Dog Control Bylaw 2013.) Puppies up to three months old are exempt from this limit.~~

~~There will be a one-off additional charge for keeping more than two dogs on an urban property, to cover the costs of reviewing the suitability of the property for more than two dogs. Assessment, and any conditions imposed on the dog owner, will be focused on all reasonable steps being taken to ensure that the dogs will not cause a nuisance to any person or be likely to be injurious to the health of any person.~~

~~Dog owners who have more than two dogs in February 2013 will have an "existing use right" to continue to own their existing dogs, until the end of the dogs' lives. Written permission will be required for ownership of any additional dogs after this date.~~

~~This approach will increase the Council's ability to control the effects of multiple dogs without generating high administration costs.~~

~~There are no limits on the number of dogs that may be kept on a property which is not within the urban area~~

### **10 Co-operation with Other Organisations**

#### **Ministry of Agriculture**

- 10.1 The Ministry for Primary Industries now has responsibility for the control and eradication of true hydatids and sheep measles under the provisions of the Biosecurity Act 1993.
- 10.2 There is no requirement for people to dose their dogs for hydatids or sheep measles. However, Council publicity material will explain the benefits of general worming of dogs and it will be up to the dog owner to talk to their vet about the best worming regime for their dog.

#### **Society for Prevention of Cruelty to Animals**

- 10.3 The Council will work in conjunction with the Society for Prevention of Cruelty to Animals where possible to promote dog welfare.
- 10.4 The Council will periodically review its assistance to the Society for Prevention of Cruelty to Animals in respect of euthanasia of unwanted dogs



or other services to ensure that this represents an appropriate benefit to the community.

### **Interest Groups**

- 10.5 The Council will continue to liaise with relevant interest groups.

## **11 Bylaws**

- 11.1 The Council is required to introduce a bylaw to give effect to this policy.
- 11.2 The approach of the Dog Control Bylaw 2020 is to ensure as far as possible that:
- Dog owners are not penalised for owning a dog.
  - Members of the public are able to make use of the public areas within the city without intimidation or inconvenience brought about through the actions of dogs or their owners.
  - The welfare of dogs kept within the city is preserved and/or enhanced.
  - Dogs do not pose threats to rare or protected wildlife.

### **Dog Control Bylaw 2020 Provisions**

- 11.3 The Dog Control Bylaw 2020 makes provision for the following matters:
- Specifying areas where dogs are prohibited.
  - Specifying areas where dogs are required to be on a leash.
  - Seizing and impounding of any dogs found wandering at large on public or private property.
  - Requiring owners of dogs with contagious diseases to keep them away from public places.
  - Requiring owners to ensure their dog does not cause a nuisance or an injury to any person.
  - Requiring persons controlling a dog to remove its faeces from property other than that occupied by that person.
  - Impounding of dogs.

## **12 Operation of a Pound**

- 12.1 The Council will operate a pound for the temporary confinement of any dog which is seized by a Dog Control Officer pursuant to the provisions of the Act. This includes:



- Wandering dogs.
- Barking dogs causing distress.
- Dogs attacking persons or animals.
- Dogs rushing at persons, animals or vehicles.
- Dogs in the vicinity of protected wildlife.
- Unregistered dogs.

12.2 All impounded dogs will be retained in the pound for at least the required time in order to give the owners an opportunity to reclaim them. Unless reclaimed, and all fees and charges paid, the dogs will be disposed of in accordance with the Act.



## **SCHEDULE ONE**

### **Dogs Prohibited Areas**

Dogs are prohibited from the following areas for the reasons as set out:

1. Nelson Airport (unless transporting dogs for air lift in or out of Nelson; or dogs securely restrained in the owner's vehicle). This is for safety reasons.
2. Eastern two thirds of Tahunanui Main Beach. This is an important beach providing seaside recreation/swimming for a large number of residents and visitors to enjoy, free from nuisance or inconvenience. In addition the setting aside of the western end of the beach and the back beach area for dogs provides adequate opportunity for swimming, beach exercise and socialising.
3. The playing area of any Council sports grounds. The exception is Maitai Cricket Ground, for which the prohibition only applies from October to March each year.

Playing areas of sports fields used for active recreation – dogs are not compatible with active recreational pursuits and owners need to ensure that their dogs are kept off the marked playing fields. However, dogs are allowed to exercise around the edges of these areas. The exception is Maitai Cricket Ground, for which the prohibition only applies from October to March each year.

4. Children's playgrounds - the section of the reserve set aside for playground equipment. One of the main areas of concern in respect of children's interaction with dogs is that they are generally instantly attracted to animals. This coupled with the pack instincts of adult dogs can lead to instances of biting and other injurious behaviour. In addition, the bark surfaces of playgrounds mean that faeces left by dogs can be overlooked.
5. Nelson City Council Water Reserves (without Council permits):
  - Maitai Valley
  - Roding

In order to preserve the integrity of the city water supply and the natural environment of the catchments, dogs are not permitted within the Maitai and Roding Water Reserves. However, permits may be given for dogs to be used in these areas for specific feral animal control purposes.

6. Brook Conservation Reserve. This area is being developed as a wildlife sanctuary and dogs are not compatible with this aim. However, permits may be given for dogs to be used in this area for specific conservation purposes.



7. Any public building owned or controlled by the Council (except in respect of the Trafalgar Centre or Stoke Hall when a function involving dogs is being held).
8. Trafalgar Park.
9. Saxton Field Cricket Oval and the Athletics Track.
10. Saxton Field Hockey and Softball Areas.

(This reason applies to 7, 8, 9 and 10): It is not appropriate for dogs to be brought into facilities where people are undertaking recreational pursuits or leisure time activities, or engaged in business. Any disability assist dogs or dogs used by the Police or other agencies are exempt from this prohibition. The prohibition excludes approved dog shows at the Trafalgar Centre and Stoke Hall.

11. Haulashore Island. This island provides important wildlife habitats which need to be protected from predatory animals.
12. Oyster Island. This island provides important wildlife habitats which need to be protected from predatory animals.
13. Haven Holes Reserve. The area is being developed as a wading bird habitat.
14. The following Maitai River swimming holes and the listed picnic areas:
  - The picnic area and river bank beside Black Hole - true right side of the river only. (This is the right hand side, when looking downstream.)
  - Dennes Hole and the adjacent picnic area.
  - Sunday Hole and the adjacent picnic area.
  - Maitai Camp Hole and the adjacent picnic area.

(This prohibition only applies from 1 December to 31 March each year.) The Maitai swimming holes and adjacent picnic areas are important and highly popular recreation and swimming spots for large numbers of residents and visitors of all ages. The high numbers of families frequenting these areas during summer months can lead to potential conflict between children and dogs. Further, because the spaces are confined the potential approach and movement of dogs through people's picnics can be intimidating for some members of the public. When use is high there is also increased potential for conflict between dogs. In addition, any dog faeces left uncollected becomes a health risk. The nature of the river bank means that detection and clean up of faeces is more difficult and can be easily overlooked by owners. The setting aside of the river bank and picnic area on the true right side of Black Hole, whilst retaining the option for dogs to swim in this hole by accessing it from the true left side (the side with the Maitai walkway), still provides dogs with ample exercise and swimming opportunities.



There are also picnic tables on this side of the river, allowing people to picnic with their dogs. Dog owners are still able to park their cars on the true right hand side of the river near Black Hole and walk across the nearby bridge to access the true left side of the river. The high levels of cyanobacteria detected immediately upstream of Dennes Hole means that this swimming hole is not suitable as a dog swimming area during summer months.

15. Dogs are prohibited from land administered by the Department of Conservation that is not common marine and coastal area unless the owner has specific authorisation, for example a dog control permit from the Department of Conservation; or the reserve has Department of Conservation signage identifying where a dog may be taken without a permit. (Dogs are permitted on common marine and coastal area administered by the Department of Conservation unless it is an area listed in this Schedule.)
16. The beaches and estuary flat of Nelson Haven bounded by the Boulder Bank Scenic Reserve (to the west) and Boulder Bank Drive (to the east) for a distance of 500 metres along each of those boundaries. This area provides important habitat, roosting and nesting sites for endangered wader birds and needs to be protected from dog disturbance.
17. The Boulder Bank, from the Cut towards Boulder Bank Drive for 4 kilometres, from 15 August to the last day in February, to protect nesting birds.
18. Whakapuaka Raupo Swamp. It potentially has high biodiversity values as a bird sanctuary as the wetland improves, creating habitat for rails and crakes.
19. The fenced area of the foreshore and esplanade reserve at Paremata Flats, including the planted area of Paremata Flats Reserve. A number of bird species, including banded rail, have established following fencing and extensive pest eradication works in this area. Permits may be given for dogs to be used in these areas for specific feral animal control purposes.
20. Dogs are permitted to be off leash on the formed cycling and walking tracks within Marsden Valley Reserve, including Involution Trail. However, they are prohibited from being in the bush areas (off the tracks) in the part of Marsden Valley Reserve to the east of the Barnicoat Walkway. This part of Marsden Valley Reserve, which is largely native bush, is habitat for a growing weka population. Permits may be given for dogs to access areas beyond the formed tracks for specific feral animal control purposes.
21. Sand Island. This site is of regional and national importance as both a breeding and roosting site for a number of birds including: Black Fronted Tern, Black-billed Gull, Pied Shag, Red-billed Gull, Caspian Tern, South Island Pied Oystercatcher, White-fronted Tern and the Variable Oyster Catcher. In addition, Godwits roost on this island during spring tides.



## **SCHEDULE TWO**

### **Dogs are Permitted but must be Kept on a Leash**

1. All public footpaths and other public areas within the Central Business District, and within the Stoke and Tahunanui shopping centres.
2. Nelson cemeteries, both active and historic. The active cemeteries are: Marsden Valley Cemetery, Seaview Cemetery, and Hira Cemetery. The historic cemeteries are Wakapuaka Cemetery, the Quakers Cemetery on Wellington Walkway and the Hallowel Cemetery near Shelbourne Street.
3. Horticultural Parks. These are: Miyazu Japanese Gardens, Anzac Memorial Park, Church Hill, Melrose Gardens, Queens Gardens, Broadgreen Gardens and Isel Park. The exception to the on leash requirement is the less cultivated part of Isel Park which begins at Main Road Stoke and extends to the Isel Park entrance gate, as well as the area south of the access road beyond the Isel Park entrance gate. This exception applies when events are not being held in Isel Park.
4. Neighbourhood Parks – excluding those listed in Schedule Three.
5. The sand and mudflats of Delaware Estuary.
6. Around the playing areas of sports fields when games or training sessions are occurring. (At other times dogs may be off leash on sports grounds other than the playing area of sports grounds.)
7. The Maitai walkway, from the river mouth up to the Collingwood Street bridge.
8. Council-owned, grazed reserves, including:
  - part of the Grampians Reserve
  - part of the Sir Stanley Whitehead Walkway
  - part of the Maitai River esplanade reserve(Note: The grazed part of Paremata Flats Reserve continues to be an off-leash area.)
9. The Boulder Bank from Boulder Bank Drive to the Cut. (Note: the Boulder Bank from the Cut toward Boulder Bank Drive for 4 kilometres is a dogs prohibited area from 15 August to the end of February and dogs must be under control on the Boulder Bank from Boulder Bank Drive to Glenduan.)
10. Whakatū Drive Foreshore Reserve



### **SCHEDULE THREE**

#### **Neighbourhood Parks in which Dogs may be Off Leash**

- Abraham Heights Reserve
- Andrews Farm Reserve
- Bayview Road Reserve (North)
- Betsy Eyre Park
- Bishopdale Reserve
- Bishop's Park
- Bledisloe North Reserve
- Branford Park
- Corder Park
- Custom House Reserve
- Fairfield Park
- Glenduan Reserve
- Grampian Oaks Reserve
- Hira Reserve
- Kowhai Reserve
- Monaco Reserve
- Murphy North Reserve
- Murphy South Reserve
- Ngapua Reserve
- Nikau Reserve
- Orchard Reserve
- Pipers Park
- Poplar Reserve
- Queen Elizabeth II Reserve
- Station Reserve
- Songer Reserve
- Te Manu Reserve

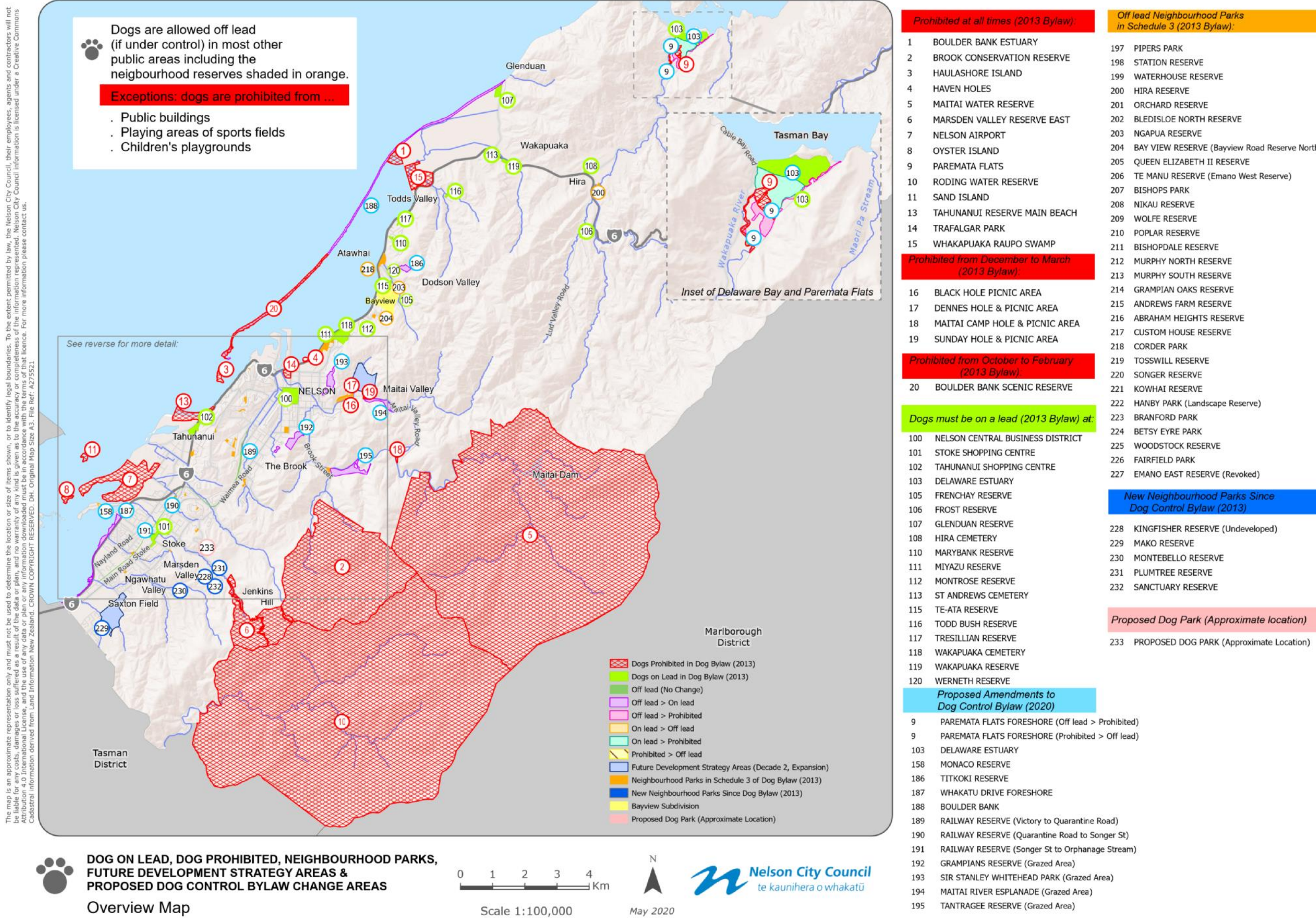


- Tosswill Reserve
- Waterhouse Reserve
- Wolfe Reserve
- Woodstock Reserve

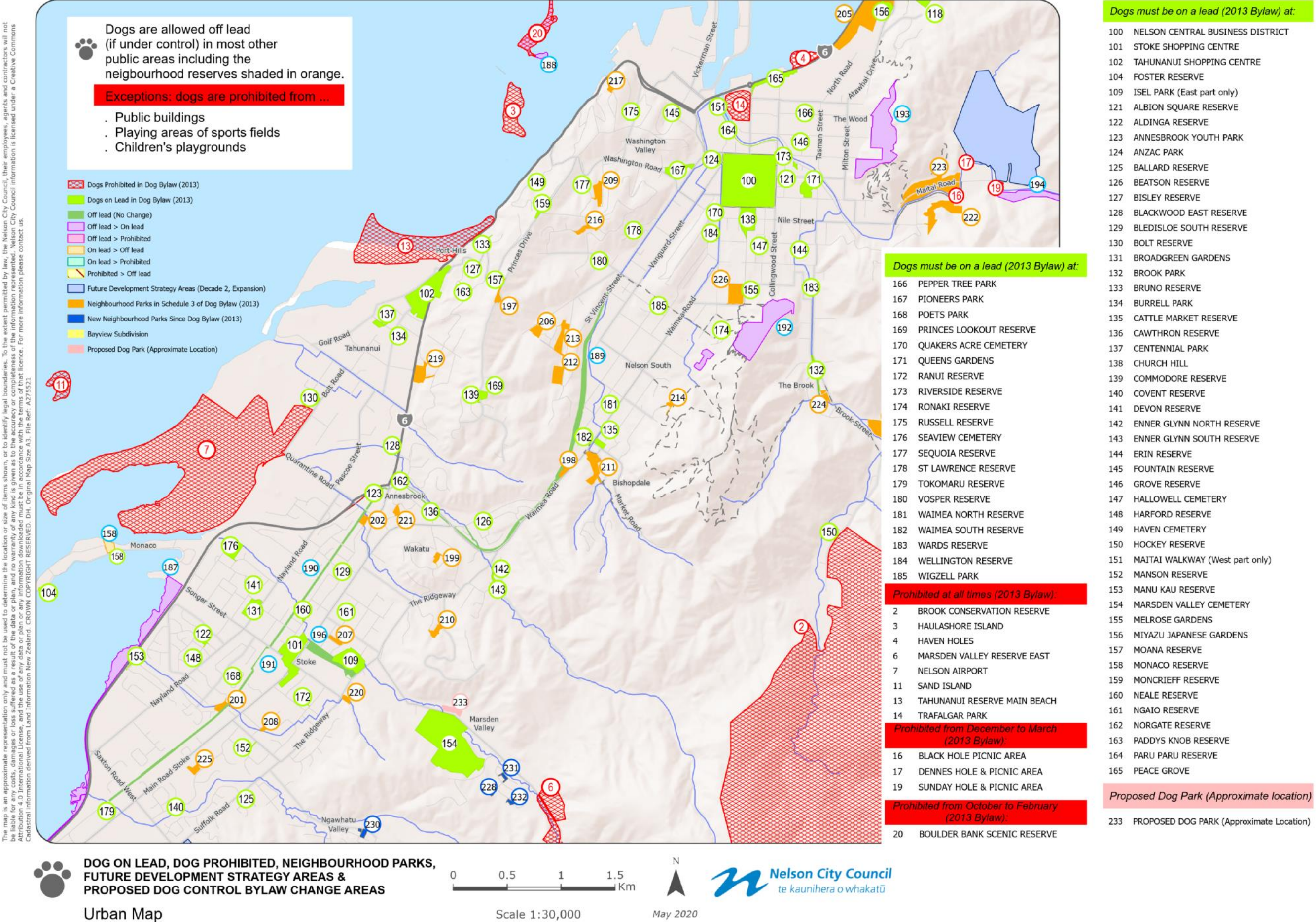
















## Dog Bylaw Changes Map 1

R9973



### Legend

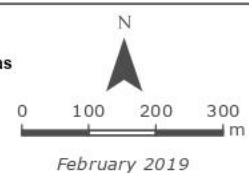
#### Proposed Dog Bylaw Changes

On lead → Off lead

#### Existing Dog Bylaw Areas

Dogs on Lead

Dogs Prohibited

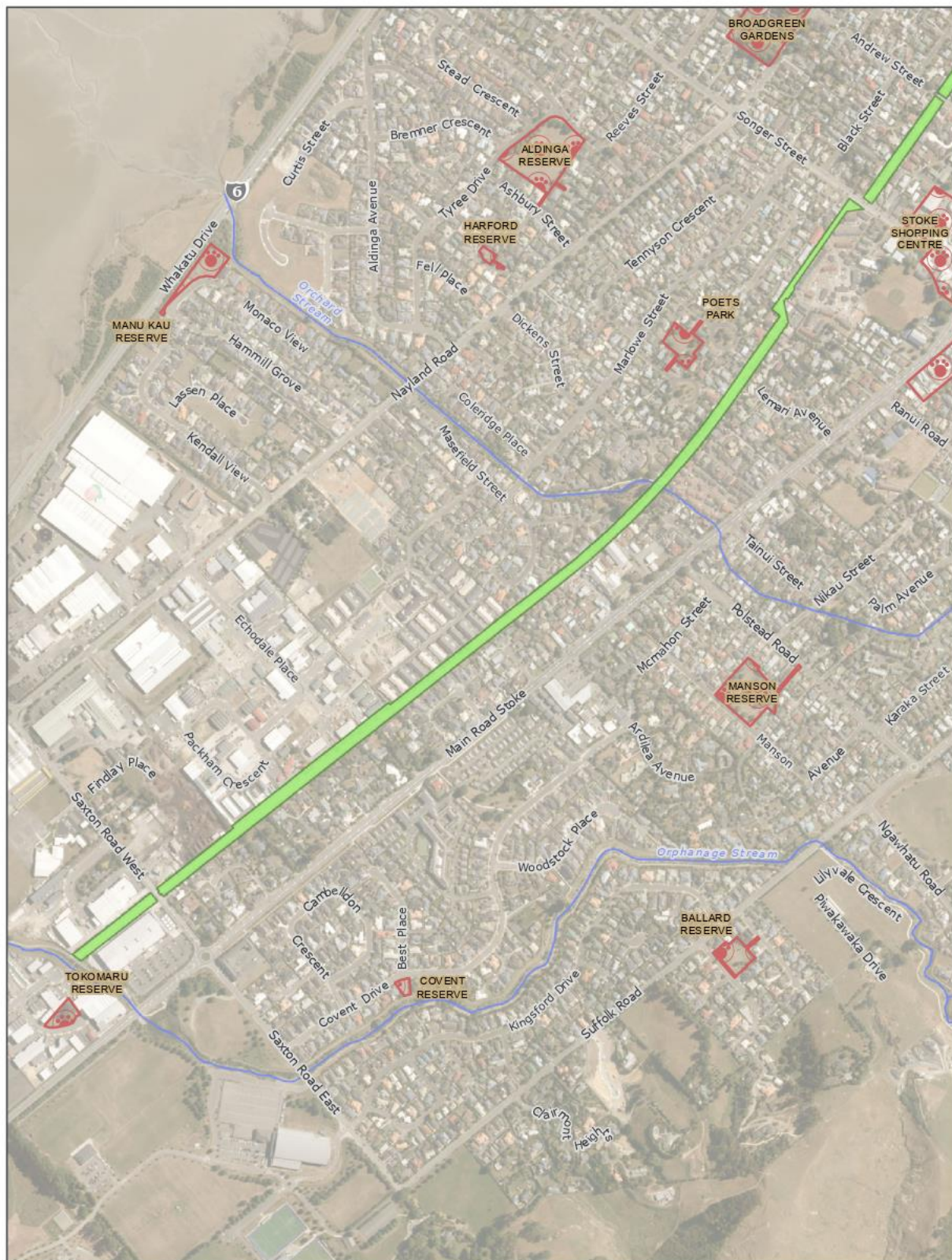


February 2019

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## Dog Bylaw Changes Map 2

R9973



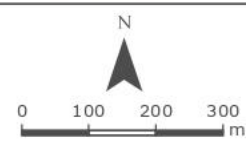
### Legend

Railway Reserve

Off lead (No Change)

Existing Dog Bylaw Areas

Dogs on Lead



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### Dog Bylaw Changes Map 3

R9973

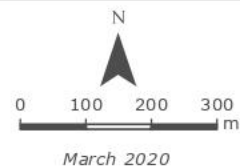


#### Legend

Existing Dog Bylaw Areas

- Dogs on Lead
- Dogs Prohibited

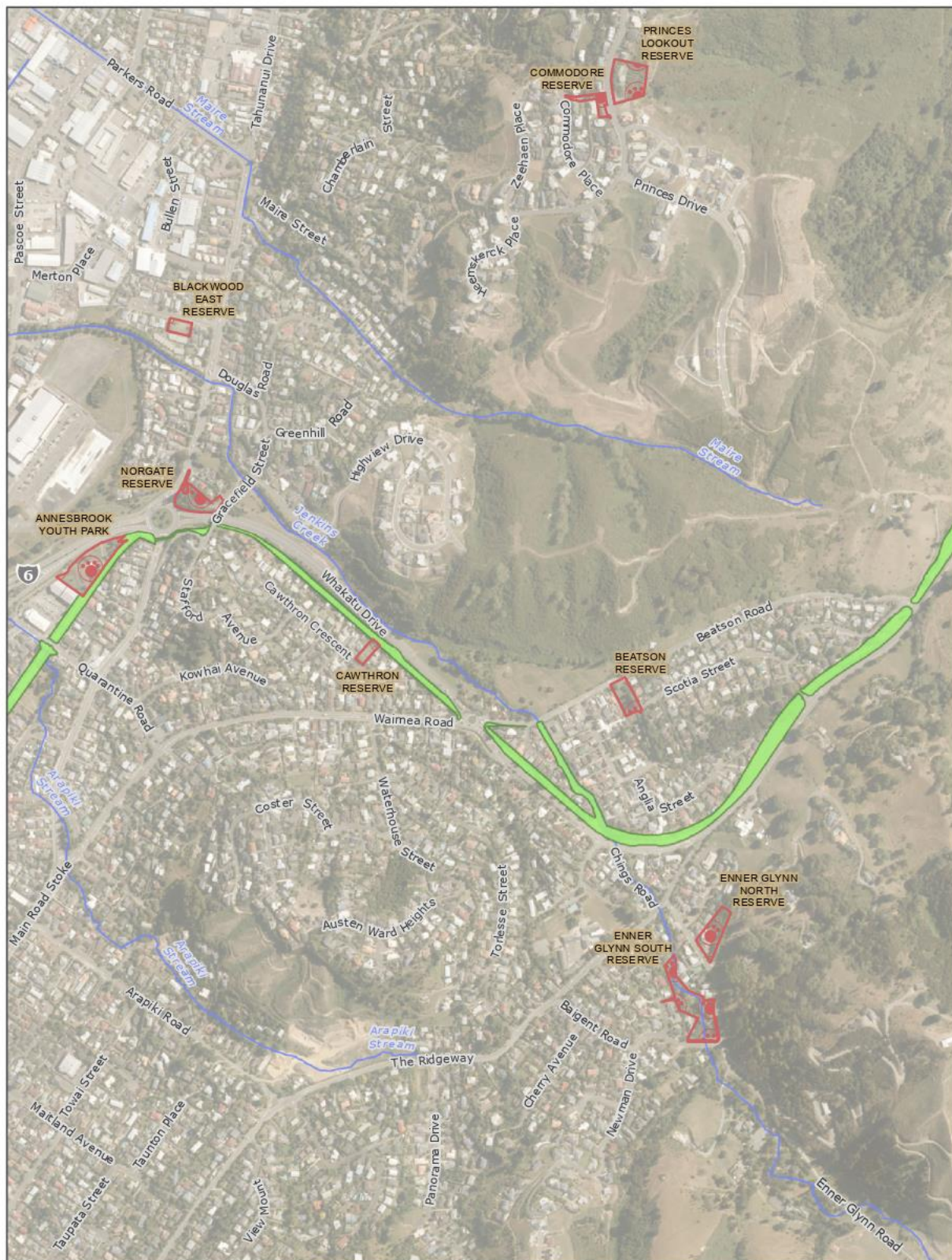
Off lead (No Change)



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## Dog Bylaw Changes Map 4

R9973



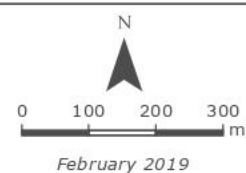
### Legend

Railway Reserve

Off lead (No Change)

Existing Dog Bylaw Areas

Dogs on Lead



February 2019

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## Dog Bylaw Changes Map 5

R9973



### Legend

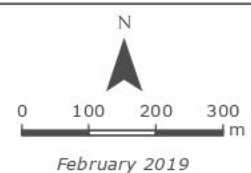
Railway Reserve

Off lead (No Change)

Existing Dog Bylaw Areas

Dogs on Lead

Park Boundaries

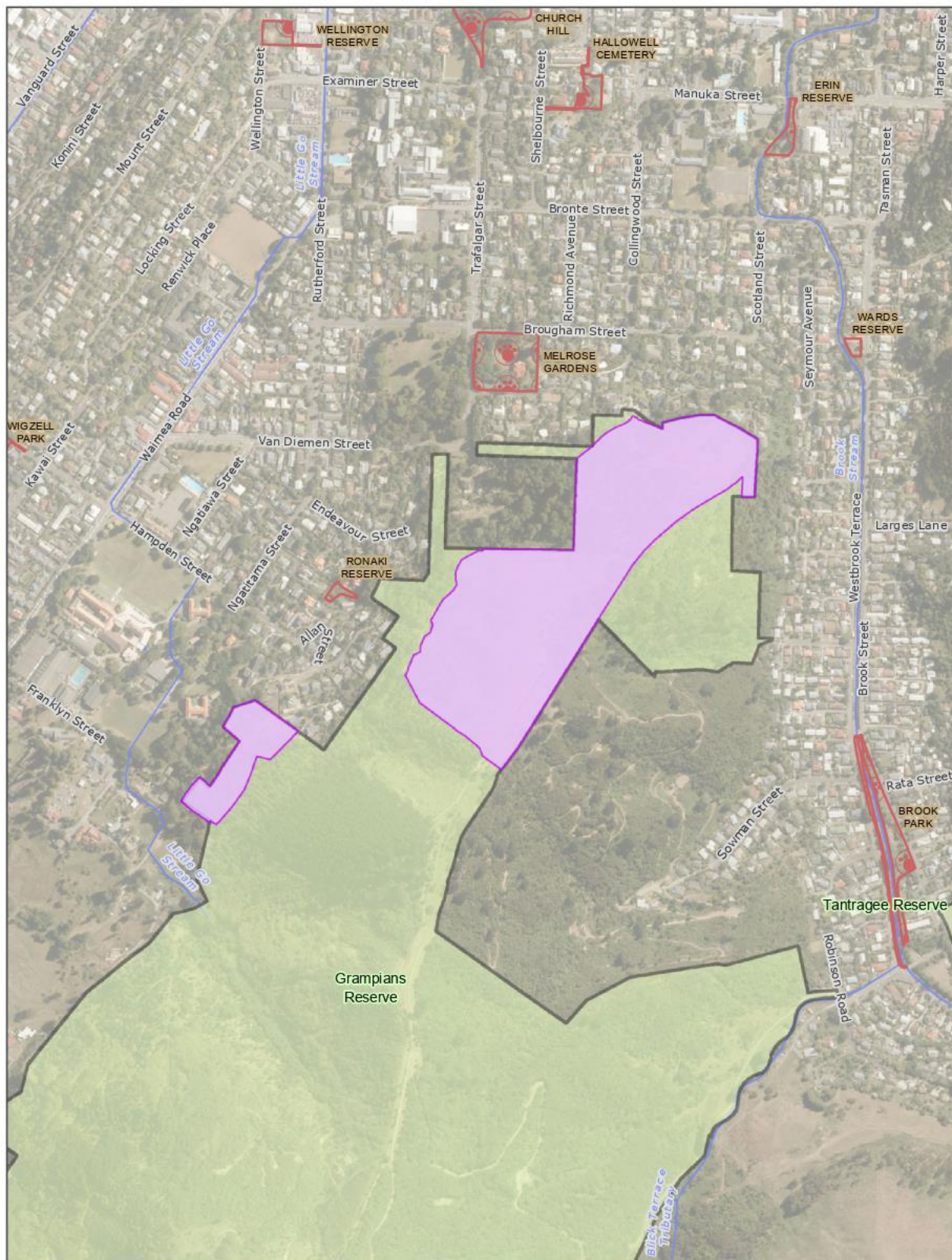


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# Item 8: Dog Control Policy and Bylaw Deliberations: Attachment 4



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## Dog Bylaw Changes Map 6

R9973



### Legend

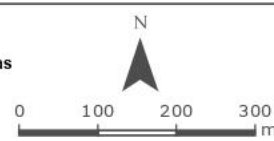
#### Proposed Dog Bylaw Changes

Off lead → On lead

#### Existing Dog Bylaw Areas

Dogs on Lead

Park Boundaries

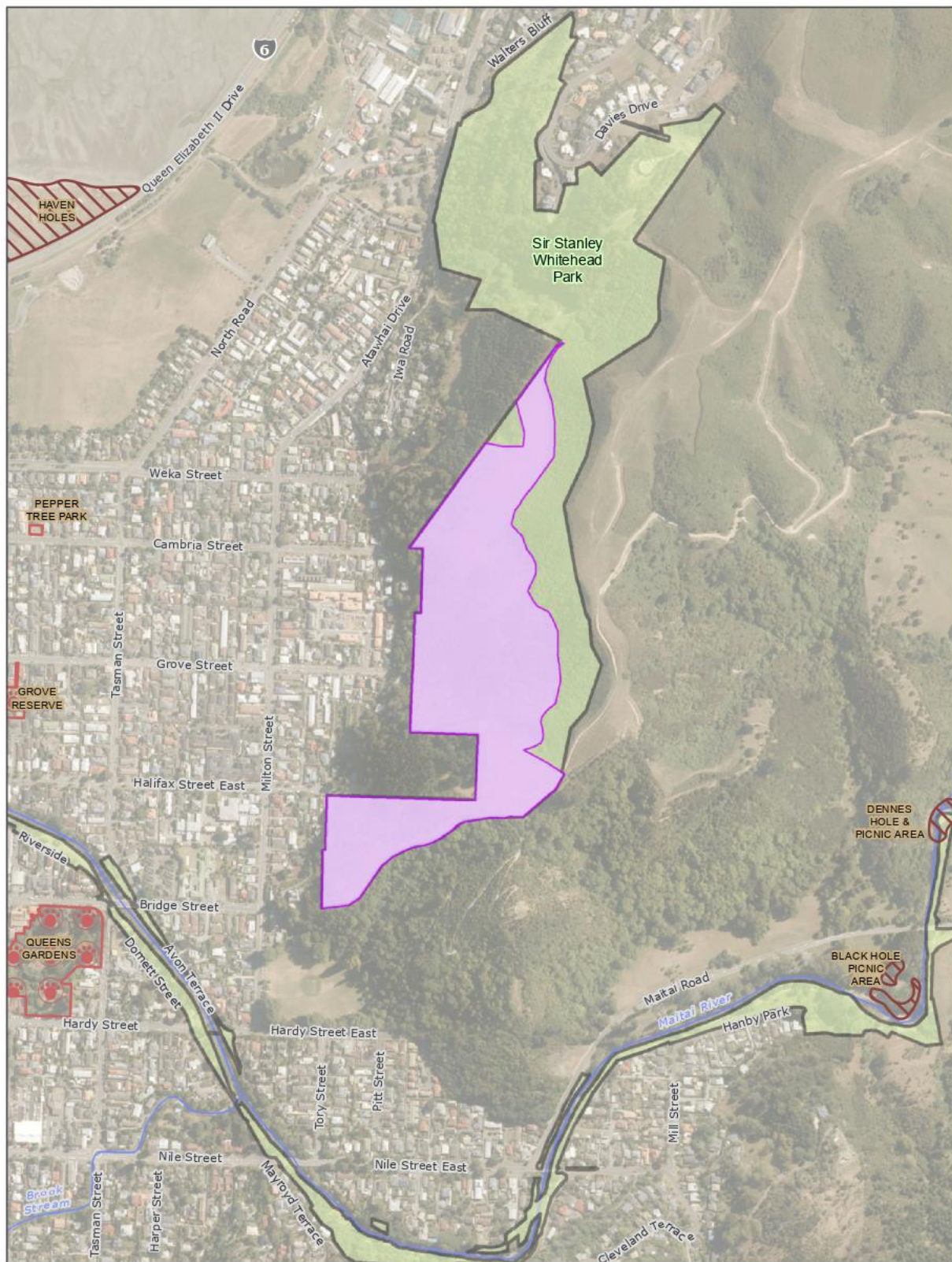


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## Dog Bylaw Changes Map 7

R9973



### Legend

#### Proposed Dog Bylaw Changes

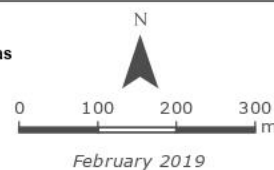
Off lead → On lead

#### Existing Dog Bylaw Areas

Dogs on Lead

Dogs Prohibited

Park Boundaries

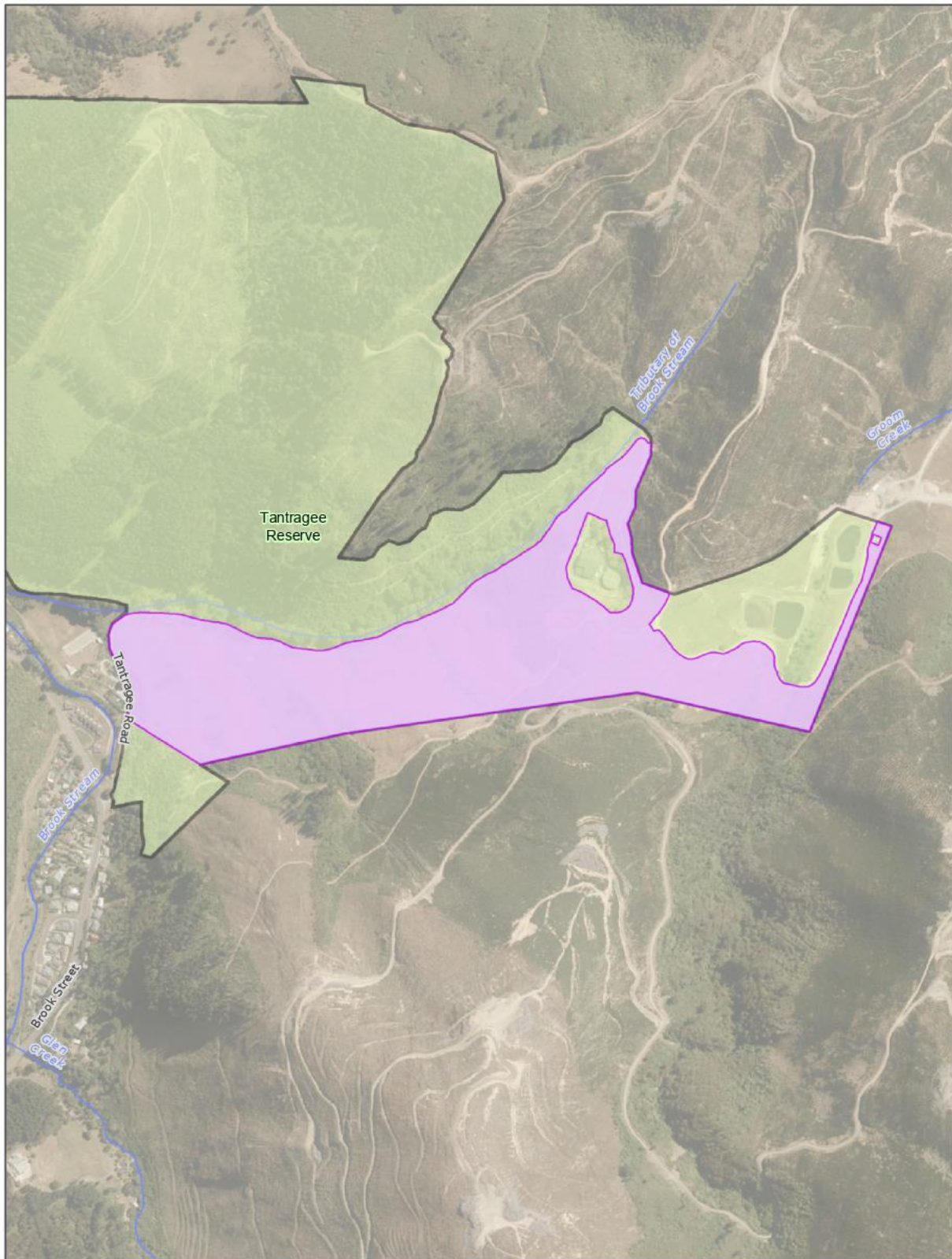


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## Dog Bylaw Changes Map 8

R9973

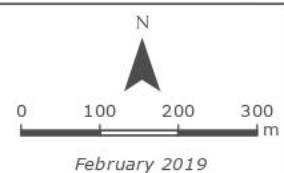


### Legend

Proposed Dog Bylaw Changes

Off lead → On lead

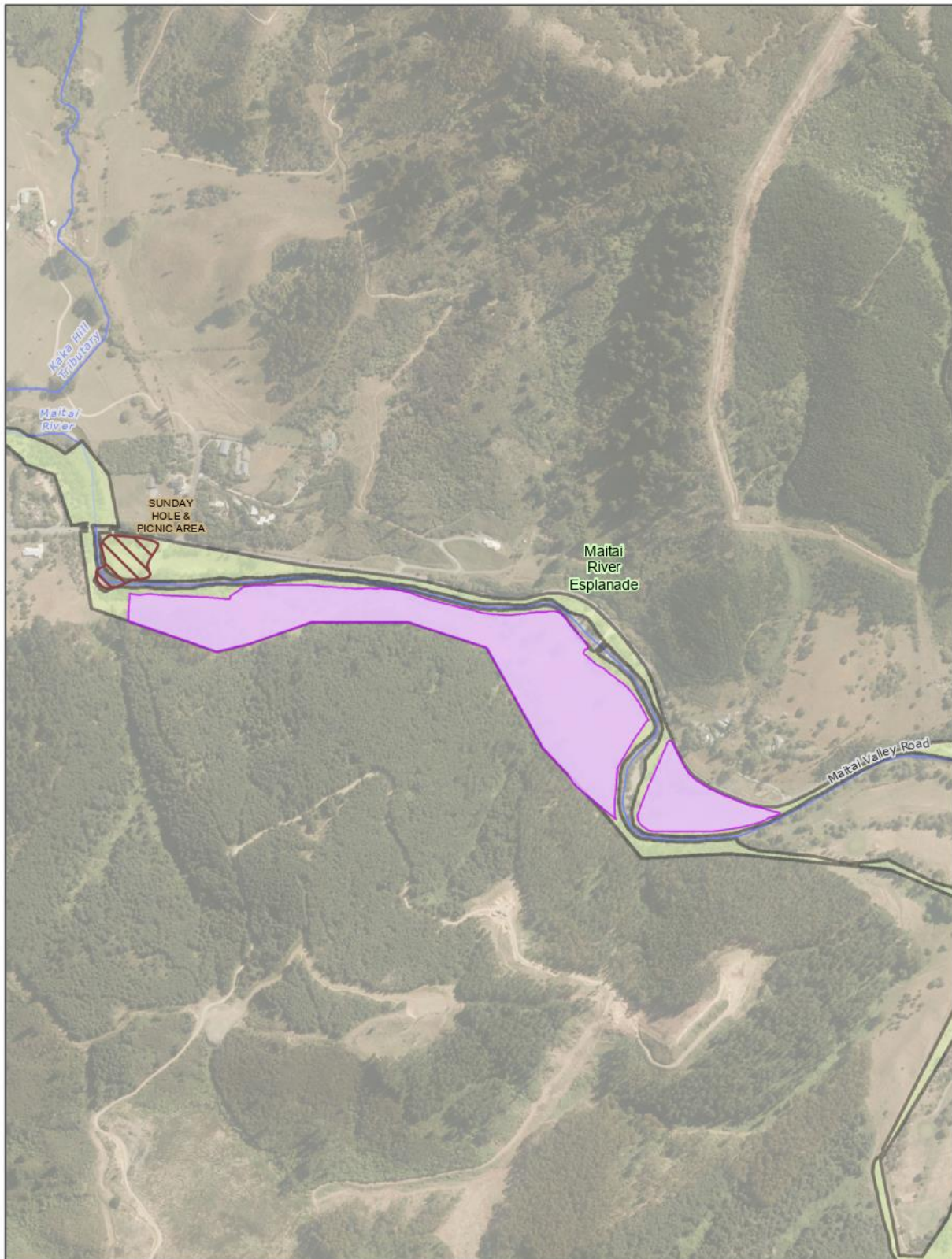
Park Boundaries



File Ref: A2122940  
HD. Original map size A4.

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## Dog Bylaw Changes Map 9

R9973



### Legend

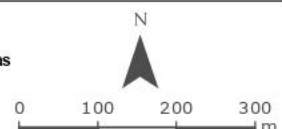
#### Proposed Dog Bylaw Changes

Off lead → On lead

#### Existing Dog Bylaw Areas

Dogs Prohibited

Park Boundaries

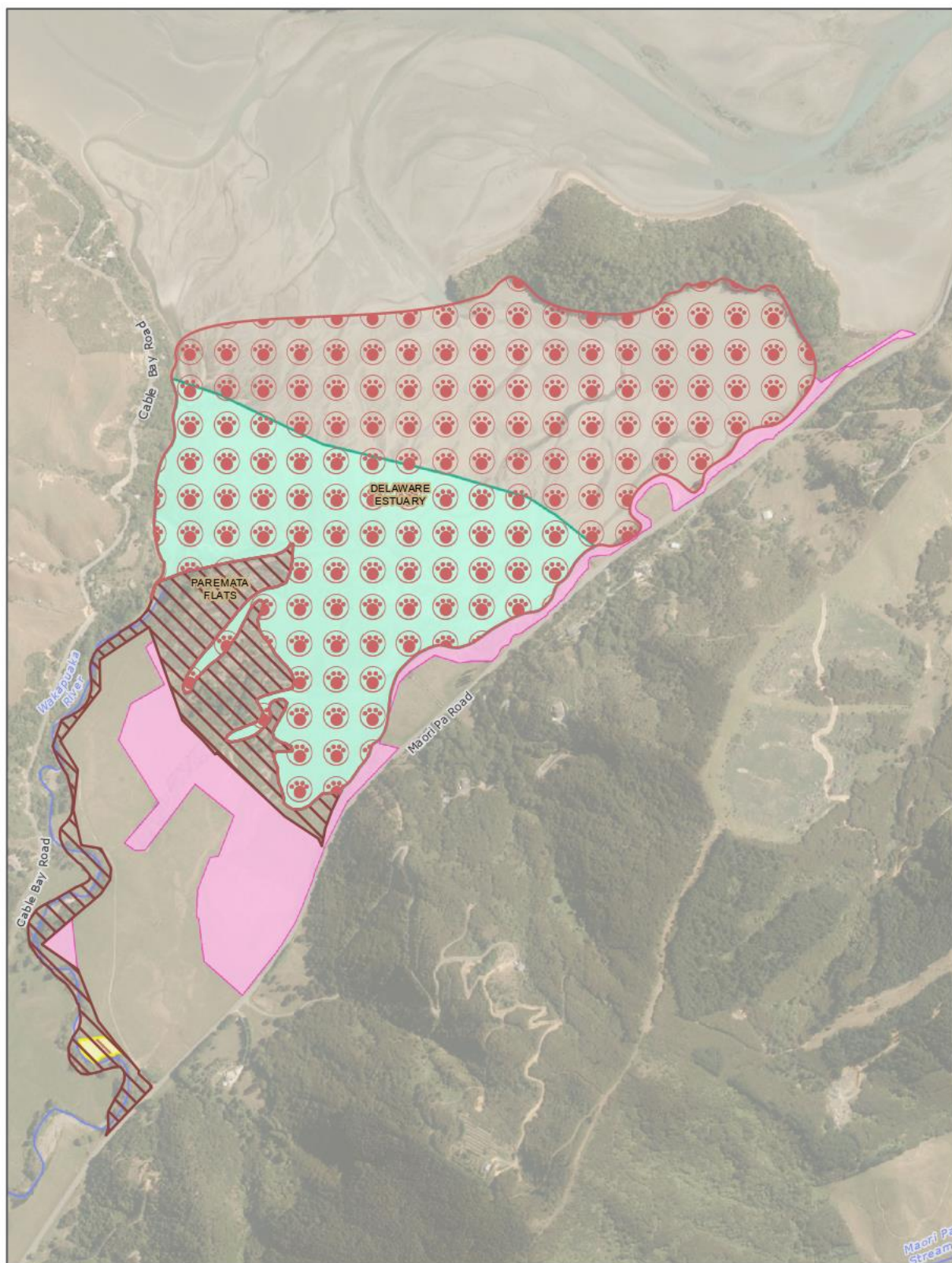


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## Dog Bylaw Changes Map 10

R9973



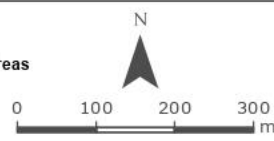
### Legend

#### Proposed Dog Bylaw Changes

- Off lead → Prohibited
- On lead → Prohibited
- Prohibited → Off lead

#### Existing Dog Bylaw Areas

- Dogs on Lead
- Dogs Prohibited



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File Ref: A2122940  
HD. Original map size A4.



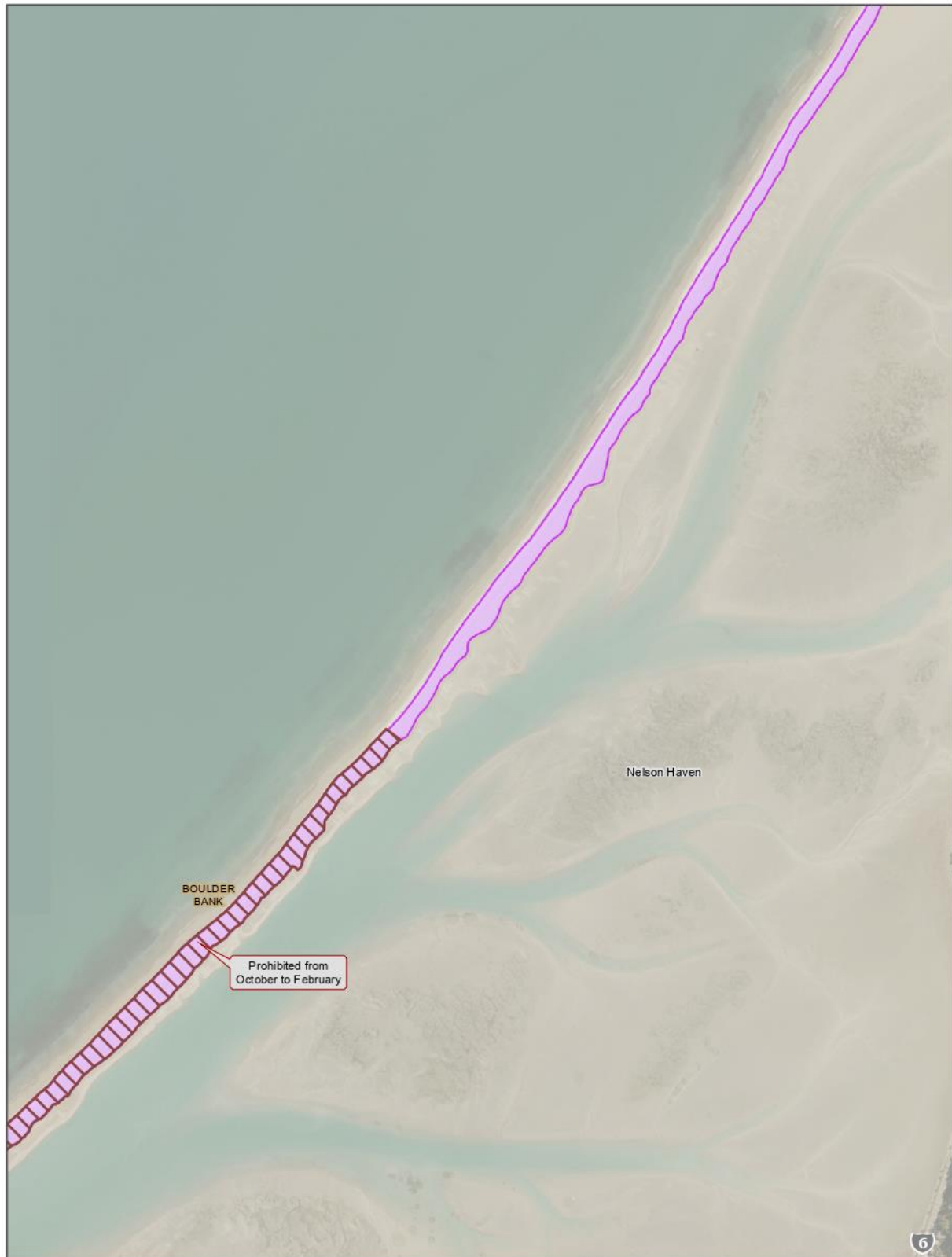


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## Dog Bylaw Changes Map 12

R9973



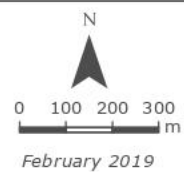
### Legend

Proposed Dog Bylaw Changes

Off lead → On lead

Existing Dog Bylaw Areas

Dogs Prohibited



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HD. Original map size A4.

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# **Dog Bylaw Changes Map 13**

R9973



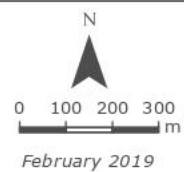
## **Legend**

**Proposed Dog Bylaw Changes**

Off lead → On lead

**Existing Dog Bylaw Areas**

Dogs Prohibited



February 2019

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# **Dog Bylaw Changes Map 14**

R9973



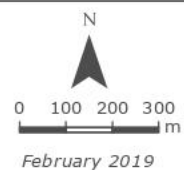
## **Legend**

**Proposed Dog Bylaw Changes**

Off lead → On lead

**Existing Dog Bylaw Areas**

Dogs on Lead

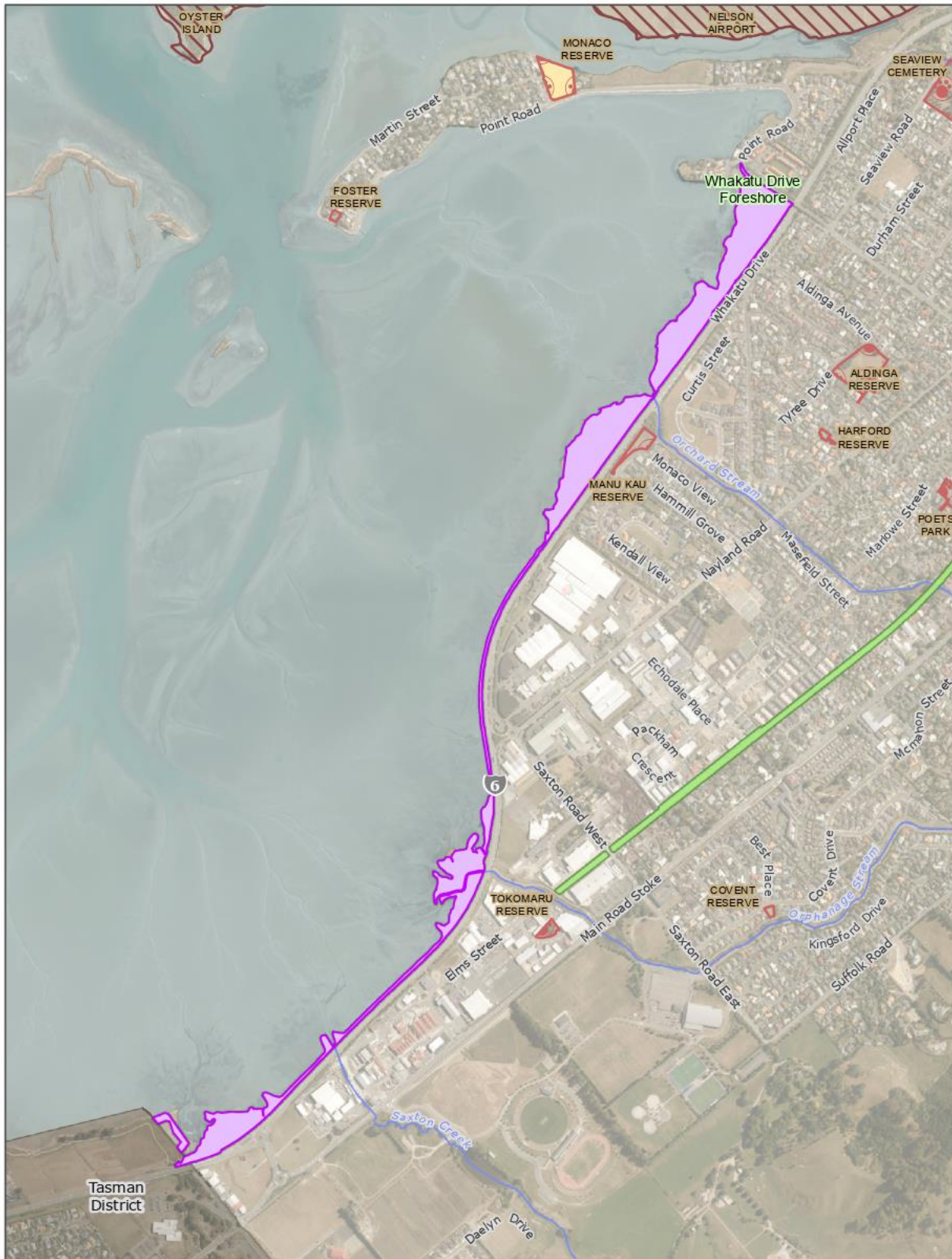


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## Dog Bylaw Changes Map 15

R9973



### Legend

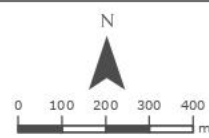
#### Proposed Dog Bylaw Changes

- Off lead → On lead
- On lead → Off lead

#### Existing Dog Bylaw Areas

- Dogs on Lead
- Dogs Prohibited
- Off lead (No Change)

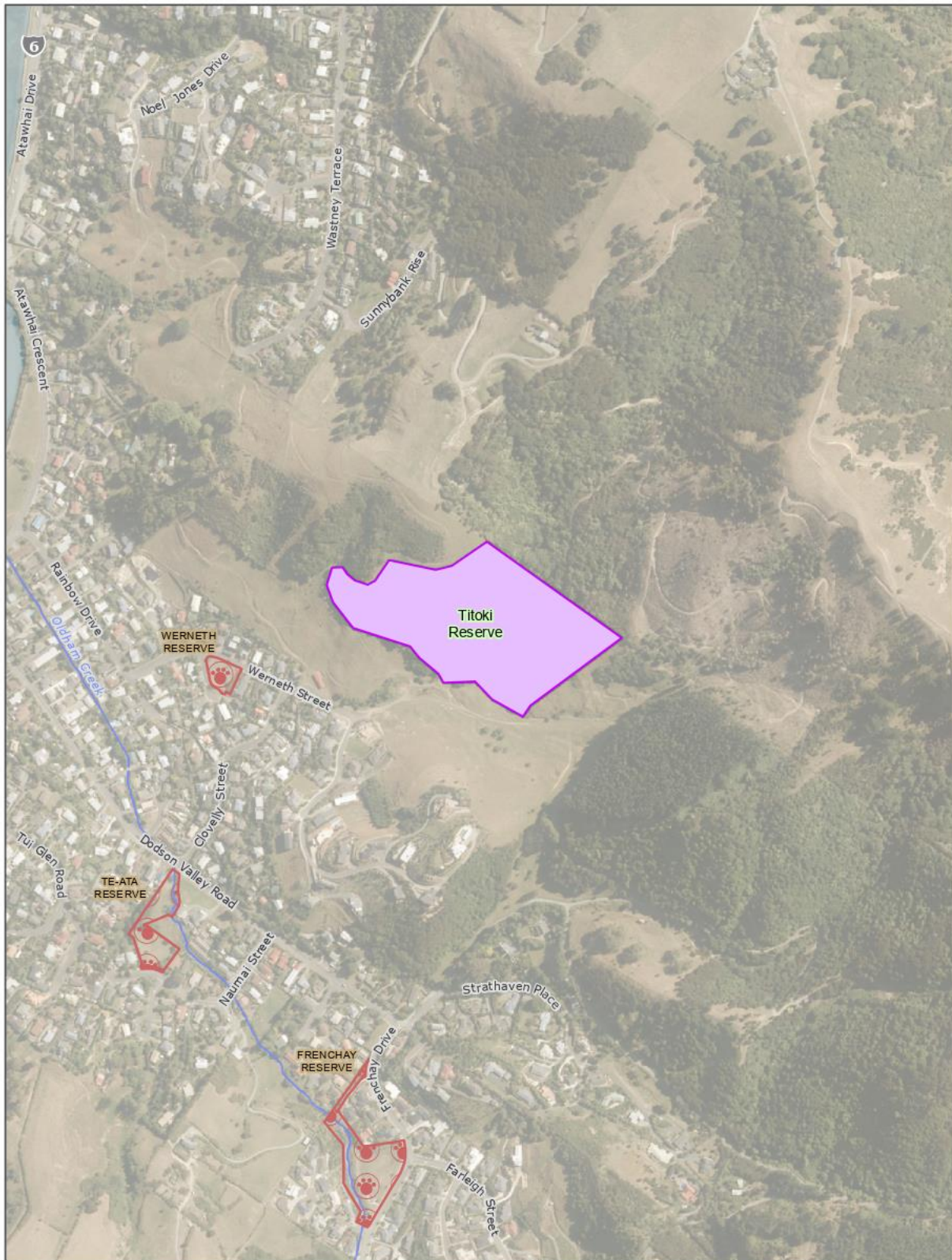
#### Railway Reserve



January 2020

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DH. Original map size A4.





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## Dog Bylaw Changes Map 16

R9973



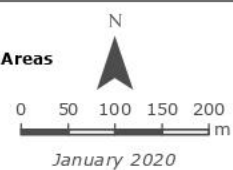
### Legend

#### Proposed Dog Bylaw Changes

Off lead → On lead

#### Existing Dog Bylaw Areas

Dogs on Lead



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File Ref: A2122940  
DH, Original map size A4.







## **Attachment Six — Submission Details**

### **1. Railway Reserve**

- 1.1 The key points from submissions in support of the proposal were:
- Having to brake occasionally for a dog isn't onerous - cars are a bigger problem for cyclists than dogs
  - A vital area for human and dog exercise
  - Signage for cyclists to slow down
  - Off-leash dogs are safer than dogs on retractable leads
  - Off leash is supported, but under voice control
  - Important that this reserve remains dogs off leash so entire families can enjoy the area.
  - Option A preferred (off leash without more signage – try to minimise signage to make the important signs count).
- 1.2 The key points from submissions opposed to the proposal were:
- Frightened of dogs running up to her
  - Not cleaning up after dogs off leash
  - Hazard to people on bikes and elderly people on scooters
  - Dogs off leash are an accident waiting to happen, run in front of cyclists with no warning and owners do not have their dogs under control

### **2. Isel Park**

- 2.1 The key points from submissions in support of the proposal (status quo) were:
- It is working well, and people respect the on-leash requirement during the Thursday market
  - It provides an opportunity for a large number of people with their dogs to recreate together
  - It works well but increased signage at the café is needed as I have seen dogs off-leash here
  - More signage is needed to show where off leash area is ... around the House and seating needs to be onlead/full control
  - This is great for the Isel Park users who know about it., but there is conflict between some users who do not know about it. I suggest clear signage be placed at either end of the dog off leash area.
- 2.2 The key points from submissions in support of Isel Park being an all off leash area were:
- Arbitrary borders between off leash and on leash areas are hard for people to follow and remember. Having a dog on a leash when you are trying to picnic, push a buggy, carry a balance bike and negotiate with a toddler is hard work. Letting our dog off lead is far more preferable for us.



- dogs should be allowed off leash as they love to swim in the stream. At least it would be better to be able to do a full circuit around the paths off leash around the internal paths. Perhaps just on leash in the picnic area.
- Off leash is supported, but under voice control
- I encounter a lot of children and elderly who want to interact with my dog. Is he is on leash with people looming over her trying to pat her she can become frightened. When she is off leash she is much more relaxed.

2.3 The key points from submissions in support of Isel Park being an all on-leash area were:

- we have had quite a few incidents where dogs have jumped on my children
- as someone with a disability, there are fewer and fewer shaded places that people with mobility issues can walk without harassment by dogs
- Half on lead and half off lead does not work. Many elderly walk their small dogs on lead and often off lead dogs rush up and frighten the owner and dog. The playing fields are the ideal place for off lead, but then dogs should be put on lead or muzzled as soon as they enter Isel Park.

### **3. Grazed reserves**

3.1 Other comments from submissions in opposition to the proposed approach:

- The Council needs a comprehensive restoration plan for the Grampians to control the weeds, replant in natives and do away with the need for stock altogether, and enable it to be a gateway for birds from the Brook Sanctuary.
- This proposal removes large off leash areas for dogs — the onus should be on the owner to ensure their dog is either stock-proof or on a leash, rather than requiring all dogs to be leashed even when they don't need to be.
- How will you enforce this proposal with only three dog control officers?
- We would like to recommend the Grampians: is intensively grazed only two months of the year; has no sheep in the reserve the rest of the year; and that grass areas are replaced with native plantings, hence long-term lowering the need to graze this area. We are happy to walk the dog on-lead for the proposed two months which can be clearly communicated to dog walkers.
- The majority of dog owners wouldn't risk having their dogs destroyed by having them off the lead around sheep if they weren't confident of control.
- The Tantragee Reserve is only used to graze cattle which are at very low risk of being attacked by a dog. The amount of cattle in this



location is quite low, and their grazing is an ancillary activity to the area's primary water infrastructure use. Planting native trees would be better suited to this area, especially when considering the slope stability improvements this would have.

- Having a dog on a leash is fine on the flat, such as the CBD, but is totally impractical on rough hill tracks. Do not require dogs to be on a leash in grazed reserves other than the Grampians, due to the lack of problems occurring other than on the Grampians.
- On the Grampians, consider requiring a permit for taking a dog in this area. This would make it easy to make it abundantly clear what the issues are with stock, and what actions owners need to take. It would also be easy to deny a permit to irresponsible owners and those with dangerous dogs.
- A dog on a lead on a slippery hillside area is a safety risk.
- Mountain biking on the Codgers, Tantragee and Maitai areas allows me and my dog to exercise, but being on-leash will make these rides completely unworkable.

3.2 Key comments from submissions in support of the proposed approach:

- Bryce Buckland/Birdlife on Grampians: All dogs should be required to be on a lead at all times in the Grampians Reserve. Grampians has a huge selection of the most undesirable weeds in NZ. The growth of grass and weeds combine to present a serious and increasing fire hazard, particularly with climate change – excessive dry spells and global temperature increases. Access for fire crews to the Grampians will be a problem.  
Mechanical weed and grass control is an expensive and hazardous way to cut weed and grass growth. (Risk of machines starting fires when blades strike stones and create sparks.) Weed spray and hand clearing are not good options. Sheep have been used with considerable success. Cows damaged the tracks and only grazed the best feed and not the weeds. And don't keep the grass as short as sheep do. Cows are much safer from dog attack as they aren't intimidated by most dogs that frequent the Grampians. Sheep appear to be the best option.
- I would like to see all dogs on the Grampians being on lead for public safety and the protection of our native wildlife.
- In general, I support the proposed changes. Use of sheep to graze the grass on the Grampians is effective and sustainable for fire risk, but the sheep are put at risk by uncontrolled dogs. I am now very aware of how easily my house would burn after the fire on Walters Bluff last year. We need to take the public to the next level of awareness around fire dangers associated with climate change related to hotter summers. Suggestions: Raise public awareness of uncontrolled dogs, raise restrictions and fines; develop a campaign to encourage the public to help reduce uncontrolled dogs.



Reporting, photographing of dogs and owners, providing the appropriate wording to owners of off leash dogs; and set up hidden council-owned cameras to gain knowledge of repeat offenders. Team up with police or wardens to apprehend and fine those dog owners.

#### **4. Titoki Reserve**

- 4.1 Key comments from submissions (all in opposition to on-leash status):
- While the reserve is getting better with our trapping and planting, dogs and owners have never been an issue.
  - There are gates to ensure nearby farmland is kept secure.
  - Dog owners will need to use vehicles, which goes against the Council's acknowledgement of the climate emergency.
  - Titoki Reserve was reasonably low profile until two years ago. Birds have increased in this reserve excluding the last two years when human activities have significantly increased. Dogs have had limited influence on bird life in this area. The reserve is in many ways similar to the Centre of NZ Hill — an area which has no dogs on leash requirement.
  - An on-leash requirement for Titoki Reserve would be extremely difficult to control.

#### **5. Whakatu Drive Foreshore Reserve**

- 5.1 Key comments from submissions in support of on-leash status:
- Michael North (ecologist): I support this approach to prevent off-lead dogs disturbing banded rail and fernbird, which have a tenuous foothold in this location. The nature of the site means that dogs on lead are unlikely to enter the fragile saltmarsh habitat. Additionally, the presence of shorebird roosts adds further weight to this option.
  - Ornithological Society of New Zealand/Birds New Zealand: Banded Rail (which are classified as 'At Risk – Declining') have been recorded along this section of coast.
  - Waimea Inlet Forum Working Group: We support this change and wish to see the definition of this area extended for a distance of 500 metres into the Inlet, so as to include the adjacent inter-tidal common marine and coastal area (the Waimea Inlet saltmarsh and mudflats).
  - For the preservation of the dog with the fast-moving traffic, dog owners should have leashes there anyway.
- 5.2 Key points in opposition to on-leash status:
- Some areas are too close to the road but other areas are fine and could be sign posted
  - There is no reason for a reliably well-behaved dog to be required to be on a leash in this area.



## **6. Paremata Flats Reserve and Delaware Estuary**

### **6.1 Key points from the Ngāti Tama Ki Te Waipounamu Trust submission:**

- Delaware Estuary is a site of significance to whānau and hapū of Ngāti Tama due to the historical, traditional and whakapapa relationship with ancestral lands.
- The submission outlines that "the urupa Haua is located on the sandspit and is a waahi tapu area. The burial and reinternment of koiwi is to be protected. Access to this waahi tapu area is therefore restricted and controlled. If dogs are not on a leash, then there is the potential for dogs to disturb and destroy koiwi.
- As kaitiaki, Ngāti Tama advocate for the protection and enhancement of te taiao, the natural world. The estuary area is a significant ecological area. The estuary is well known for its traditional fishing and kaimoana areas. The estuary provides habitats for birds, fish life, plants and insects. There are spawning areas for fish, the inlet's seagrass and cockle beds support commercial and recreational species of fish, and there are many areas for birds to roost.
- The estuary must be protected and dogs not on a leash, have the potential to disturb and destroy significant cultural and ecological areas.

6.2 As noted above, the on-leash requirement for dogs on the sand and mudflats of Delaware Estuary (which already exists in the Dog Control Bylaw adopted in 2013) attracted the most opposition from submitters. They pointed out that there were very few off-leash exercise areas in the Nelson North area, and that walking their dogs across the estuary was much safer than walking them along Cable Bay Road.

6.3 One submitter pointed out that if the whole of the Delaware margin were a dogs prohibited area, it wouldn't be possible to access the mud and sandflats, which are listed as an on-leash area.

6.4 Another submitter noted that these areas are substantially used by game bird hunters during the official duck hunting season, and said there was a case for dog access during that period.

### **6.5 Key comments in opposition to the proposed approach:**

- One submitter asked to be allowed to exercise their dog in the estuary and around the island, but on a lead when walking through the bush walk.
- The Maori Pa Road area provides safe exercise and an interesting and sheltered walk.
- We love being able to walk our dogs on the Delaware Bay beachfront (access across the estuary when the tidal conditions permit). If dog access is prohibited to the estuary, then we effectively are barred from being able to continue this long-standing



practice as there is no other public access to the beach. All other access is via private road or across private property. (Note that Council is trying to stop maritime users from being able to launch or retrieve their vessels in the same area.)

- As one who shoots ducks out there, I won't be using a lead.

6.6 Key points in support of the proposed approach:

- Michael North (ecologist) supported extending the dog prohibited zone out from the planted restoration area into the adjoining saltmarsh. The estuary is well known for its population of banded rail and fernbird, and an active trapping programme has been running for many years. It makes no sense to allow dogs into such an area where these bird species nest on or close to the ground, where nests are vulnerable to trampling, and where so much effort is being made to protect them from predators.
- The Ornithological Society of New Zealand/Birds New Zealand: noted that habitat enhancement is occurring in this area for Banded Rail and Fernbird (which are both classified as 'At Risk – Declining').

## 7. Boulder Bank

7.1 Key points from the Department of Conservation submission

- The Boulder Bank is administered by Department of Conservation (DoC). Under the Reserves Act 1977, dogs are not allowed on reserves administered by DoC unless a dog control permit is issued to an individual, or there is DoC signage that clearly identifies where a dog may be taken without a permit. (This is why DoC has signs in place indicating the Boulder Bank it is an on-leash area.)
- DoC has requested that the part of the Boulder Bank from Boulder Bank Drive to the Cut be restricted to dogs kept on a leash, whilst retaining the season 'dogs prohibited area' over 4 km from the Cut towards Boulder Bank Drive.
- DoC supports the change in the Bylaw away from referring to Boulder Bank Scenic Reserve to simply referring to the Boulder Bank. This change reflects the different reserve types along the Boulder Bank which include scenic reserve, recreation reserve, local purpose reserve and a small area around the Lighthouse which is owned by Port Nelson and is not classified as a reserve.

7.2 Key comments in (general) support of the proposed approach

- The Ornithological Society recommends bringing forward the start date of the prohibition period to 15 August for the area extending 4km from the Cut.
- Michael North (ecologist) supports making the Boulder Bank an on-leash area, but only from the sewage treatment plant southward. (I



have no view on the stretch from the treatment plant north to Glenduan). There are significant breeding shorebird populations that nest along the length of the Bank south of the treatment plant. These include up to 100 pairs of variable oystercatcher (nationally listed as 'at risk, recovering') and nine pairs of banded dotterel (nationally listed as 'vulnerable'). Banded dotterel numbers are plummeting nationally and every effort should be made to ensure their survival. What actions does Council propose to make to ensure rules are being observed, as existing signage is so clearly being ignored?

- Ornithological Society of New Zealand/Birds New Zealand: Disturbance to birds along the Boulder Bank will be reduced by an on-leash designation. We have no information about the use of the beach between Boulder Bank Drive and Glenduan by nesting shorebirds. In view of the fact that Banded Dotterells may start to nest in August (earlier than Variable Oystercatchers, gulls and terns) consideration should be given to bringing forward the starting date for the dog prohibition season to 15 August.
- The Boulder Bank should be on-lead at all times and potentially even a no-dog zone due to how important an area it is for seabirds.

7.3 Key comments in (general) opposition to the proposed approach

- Wendy McKay (Pet Sitters NZ): To lose the Boulder Bank as an area to walk dogs would have a detrimental effect on our business and could potentially result in job losses for our dog walkers and great disappointment for our customers and their dogs.
- Dog walkers are keen to retain off-leash access to the Boulder Bank north of the wastewater plant and around the new wastewater ponds.
- Provide a safe and accessible option for dog owners at the Boulder Bank – a small amount of effort could be put into a walkway around the outside of the oxidation ponds health and safety exclusion fence.
- The whole area north of the ponds is used by game bird hunters during the official duck hunting season, and there is a case for dog access during that period. There is an official agreement with Fish and Game to shoot there during the season within set times.
- Support for protection of nesting birds, but a blanket ban at the Boulder Bank Road end seems too restrictive.
- A couple of small bridges over the creeks on the Wakapuaka sand flats along the farm road side would encourage a loop walk from the sand flats to the Boulder Bank, as well as a safer car parking area for users of the sand flats, not the current roading gravel storage area alongside the 100km road which is difficult to see past when leaving the parking area which is on a blind corner
- There are no protected birds nesting in the Boulder Bank area between the Glen and the Cawthron complex.
- From Boulder Bank Drive northwards is an area of non-natural features combed over by walkers, surfers, dog lovers and occasional campers. There are no nesting or shore birds and very little



vegetation. The freedom campers do damage to this area, not the dogs.

- Staying on side with locals seems like a good idea. Locals will insist on good visitor behaviour in other ways that benefit the Council, e.g. picking up rubbish, and asking them not to light fires when it is dry. This is more effective than signs, or bylaws. There is a strong culture in the Glen of well behaved dogs playing together and with children. A dog cannot run on the leash, and so needs a chance to be off the leash in an open space to be ethically kept. The sensible approach appears to be that in the area that is already used heavily for dog exercise, in particular the circular field, allow dogs off the leash (or at least, turn a blind eye).
- Oppose the area including the manmade pathway at the Glen being an on-leash area. Since this path was installed it is not an ideal place for nesting birds to be undisturbed.
- From the Glen walkway, this is one of the community's only off-lead areas to run dogs and everyone uses it. It's very safe, being far from the road and bordered by electric fenced farmland on one side and the sea on the other. It's a short section, and is used by pretty much our entire neighbourhood, many of whom ride bikes to give their larger dogs a good run. It should remain off lead up to the aquaculture centre at the very least, and preferably to the sewage ponds/Snappers point.
- There are 4,000m of the Boulder Bank where dogs are prohibited when birds are nesting. The Boulder Bank is a great area to run, exercise dogs and kids, and swim. Dogs on lead is unnecessary as it makes running hard – it is broken ground, and would make swimming impossible.

## **8. Multiple Dogs**

- 8.1 Key comments from submitters in support of the proposed change:
- This seems reasonable if you can control it by other means.
  - Two dogs is not a lot, so let people keep more.
- 8.2 Key comments from submitters who opposed the proposed change:
- Having a number of dogs listed in the policy should make it far easier to manage, with exceptions for rural properties
  - Neighbours can have it in for dogs if they don't like animals. There would need to be a lot of evidence to support a dog being removed from its home.
  - This proposal changes the "onus of proof" from the owner having to show that having more than two dogs will not create a nuisance, to Council having to show that more than two dogs is creating a nuisance.
  - While it is important to prevent an unsustainable number of dogs on any property, the housing shortage means that many people are having to live in sleepouts, caravans or other types of accommodation on one 'property', either temporarily or permanently. By choosing



Option B (to manage nuisance related to multiple dogs on a case by case basis), people can retain their dogs without infringing Council bylaws.

- Encouragement of neutering and spaying dogs is necessary.
- It is a backward step to remove this requirement. The dog control officers need to be prewarned on how many dogs are on a property. They can still reduce the number if there is a need.
- Does Council have the staff to control the number of dogs on a property?

## **9. Enforcement approach**

### **9.1 Key comments from the submissions:**

- Council could erect more signs at all the high use and park entry points reminding people about leash rules for that site, and in particular reminding people about picking up dog faeces.
- Instead of taking a dog owner to court (at a cost of \$6,000) have mediation instead, for less cost and more involvement of the plaintiff.

## **10. Other matters**

### **TOPIC A – CHANGES TO THE SCHEDULES**

#### **Loss of off-leash areas**

- Disappointed with the proposed reduction in off-leash dog walking areas
- Provide new off-leash areas to compensate for the loss of others
- Provide more off leash areas, as so many are being removed.
- By reducing off leash areas, more dogs will use the already popular walks — making it difficult to find less popular walks where her dog can be off lead.
- Oppose increased restrictions. (Two submissions)
- I would like to comment that recently Council launched its City for All Ages approach, making Nelson age friendly for older people, enabling them to be healthy, active and connected. With 20% of the population over 60, I would like to see an assessment of how many of these are dog owners, particularly "Good Dog Owners" who will be affected by some of these proposed changes. In particular please see my comments regarding the Glenduan end of the Boulder Bank where I regularly see older people walking their dogs off leash — it is not so easy to give dogs the freedom they need when you're not able to walk quickly or run with them on lead.
- The suggested loss of off-leash areas is enormous. The whole enjoyment of exercising with a dog is wiped out when the dog has to be leashed — for the dog and the owner. Reduce overall restrictions,



with more areas available for off-lead exercising rather than restricting and penalising dogs and dog owners.

**Suggested new on-leash areas**

- Hanby Park, Branford Park, the Botanics Sportsfield, the Maitai Walkway between the Collingwood St bridge and Sunday Hole, and the walkways around the Centre of NZ should be added to Schedule 2 (on leash areas)
- All dogs should be on leads in public places (two submissions).
- Require dogs to be on a leash at Centre of New Zealand botanical reserve – three weka killed here, dogs the likely perpetrator.
- Change Botanical Reserve, Botanical Hill and Olive Hill to on-leash areas.
- There are no hills within Nelson that we can walk up without being confronted by unleashed dogs.
- I live in Montebello residential area (Ngawhatu). We like to walk with our three cats in the reserve near us, and other areas close by. However we feel this is no longer safe, due to people walking their dogs off leash. We've already had a couple of instances where the cats have been chased.

**Suggested new dogs prohibited areas**

- Dogs should be banned from the Central Business Area.
- Ban dogs from Queens Gardens — they urinate on the plants which children then touch.
- Currently there are no tracks or swimming holes within walking distance of town where children are able to walk or swim without the presence of dogs, e.g. the track from Branford park to the whenua garden.

**Suggested new off-leash areas**

- All other neighbourhood reserves should be off-leash. Fence off the playgrounds and allow families with dogs to be able to multi-task, to take the dog out at the same time as the children. Educate the public that an on-leash dog is more hostile-defensive than an off-leash dog who can get out of the way. Narrow spaces and on-lead dogs are generally a bad match. Under-exercised dogs are also potentially more hostile-defensive.
- If the Brook Valley Waterworks Reserve is not in fact a waterworks reserve, why not open the Dun Mountain Trail for dogs off leash?



- Playing fields are in use so little of the time. Such fields could be made available to dogs/owners when they are not being used for anything else. Volunteers could make sure the playing areas are not fouled.

#### **Schedule One — prohibited areas**

- Oppose Whakapuaka Swamp being a dogs prohibited area, as the access pathway from the north side through the swamp to Boulder Bank Drive has the only safe bridge to cross the tidal stream. If prohibition forces dogs to cross closer to the Boulder Bank we dog owners will be crossing unsafe tidal gates in order to get to the wetlands tracks or to the Boulder Bank.
- Change the prohibited status of the waterworks reserves. I cannot understand how the occasional dog faeces will contaminate water while there are innumerable pigs, deer, possums etc in the area. We would dearly love to be able to ride some of the Coppermine Trail with our dog.
- Ornithological Society of New Zealand/Birds New Zealand: Sand Island has undergone considerable change since 2012, initially growing in area with a substantial *Spinifex* dune at the northern side, but subsequently being eroded by severe weather such that it is barely above water on spring tides. It does, however, still support roosting shorebirds. This is not the first time that Sand Island has risen from the deep only to disappear some years later and then reappear. As such, it should continue to be included as a 'dog prohibited area'.

#### **Tahunanui front beach**

- The front beach at Tahunanui should be accessible for dogs prior to 8am and after 7.30pm.
- Dogs should be better controlled on the front beach at Tahunanui.
- Dog control on Tahunanui Beach is poorly regulated — dogs are regularly in the no dogs area.
- More enforcement at Tahunanui Main Beach is needed.

#### **Tahunanui back beach**

- Please require dogs to be on a leash at the dog beach at Tahunanui.
- Thank you for the hose at the kite surfing car park. It is great to have water for dogs to drink.
- More facilities at Tahunanui back beach for families with dogs, eg a bench, table or BBQ (two submissions).
- The dog access at the western end of Tahunanui beach is extremely valuable for both access, and as a place where dog and dog owners



can interact in the picturesque part of the Nelson coastline. This is an asset greatly appreciated by Nelson and visiting dog owners.

#### **Maitai swimming holes**

- Provide a Maitai swimming hole for families with dogs, as Black Hole is not safe for children.
- Allow dogs in one swimming hole near town at any time of year, where families with dogs can go.
- Better facilities at the swimming holes where dogs are permitted.
- Include the areas of river between the swimming holes as dogs prohibited areas (apart from the Maitai camp hole).
- Consider how to improve enforcement at the Maitai swimming holes.
- Change the dog swimming restrictions to suit the summer school holidays rather than the December-March prohibition.

#### **Haven Holes (late submission)**

- In order to protect nesting birds, ban dogs from 1 September to 1 January from the front of the Havens Hole reserve from the beach on the east side of the freedom campers site to the eastern end of the beach where it meets the wall at the highway.

### **TOPIC B – ENFORCEMENT PRACTICES**

- There is a clear need for much stricter enforcement. Council staff have advised there were approximately 1700 complaints last year with 288 infringement notices issued (i.e. 17% of cases). Stronger action needs to be taken against irresponsible dog owners in order to protect the rights and privileges of the responsible majority. Where an offence does cause harm or nuisance (or has a realistic possibility of doing so) and the owner is or should be aware of that then an infringement notice should be issued unless there are very good reasons for just a warning.
- There seems to be no ability for the Council to require the owner to recover the cost of damage caused by a dog.
- There should be more enforcement of barking dogs (two submissions).
- More enforcement of the on-leash requirements is needed.
- More enforcement of on-leash area at Isel Park is needed.
- Thanks to the dog bylaws we enjoy a lot of freedom, but with every change of the bylaws we lose more of this freedom. The issues with bad dog owners will not be rectified with new bylaws but with



consequences. The chance of getting caught out for anything forbidden by the bylaw is zero. Changing a bylaw is much cheaper than paying for dog control officers but it will not do the trick.

- More education about picking up dog poop will help a little. But the most effective method would be sampling and DNA testing, with big fines which pay for this sampling and testing procedure.
- I have seen little if any enforcement in action for bad dog owners or non-registration. The numbers of people owning dogs has increased and the need for regular monitoring and enforcement has also increased.
- Neutering of dogs should be carried out when a dog comes to the attention of Council.
- There is an issue with people using fake service dog vests.

## **TOPIC C — KEEPING DOGS UNDER CONTROL**

### **Definition of 'under control'**

#### **The bylaw should define 'under control'.**

More control of dogs is needed

- More control over dogs – not everyone likes them.
- Pet owners should have to sit a licence on basic animal care.
- Establish a courtesy rule: always put a dog on a lead when approaching another dog on a lead.
- Dog licence fees are too low and dog owners should be made to take compulsory training sessions to ensure their pets are properly trained and controlled.
- All dogs off lead in public places should be muzzled.
- People have moved into our area with poorly behaved, 'yappy' dogs. The dogs also escape their property and wander around. They've even entered our house before.
- Uncontrolled dogs has spoilt Nelson over the summer, including defecating outside supermarkets and cafes, and dogs in Mitre 10 gardening area and café. Trying to walk around the Matai can be a missions with dogs off leashes and push bikes, prams, skateboards and scooters. Noisy dogs in residential block. Dogs left in cars in car parks.



## **TOPIC D – PROTECTION OF WILDLIFE**

### **Other changes to the Policy and Bylaw**

Waimea Inlet Forum Working Group:

- Add to section 5 of the proposed bylaw: "5.1: Every dog shall be kept under continuous leash control on any occasions that it is likely to injure, endanger, or cause distress to any protected wildlife."
- Add the above as a new clause 5.4 in the policy.
- Add a fifth bullet point to Clause 15.3 of the Policy: "Requiring owners to ensure their dog does not cause a nuisance or injury to any person or *protected wildlife*".

In the bylaw's Definitions, protected wildlife should be defined as "Protected Wildlife — means any animal that is absolutely or partially protected in accordance with the Wildlife Act 1953 and any marine mammal within the meaning of the Marine Mammals Protection Act 1978."

The Waimea Inlet Forum Working Group also noted that in Schedule 1 item 15, the phrase "foreshore and sea bed", a term in the repealed Foreshore and Seabed Act 2004, should be replaced by the term "common marine and coastal area", by which it was replaced in the Marine and Coastal Area (Takutai Moana) Act 2011.

## **TOPIC E - RESERVE MANAGEMENT**

### **Doggy do dispensers/rubbish bins/drinking water**

- All areas should have doggy do bag dispensers.
- Provide a waste bin in Marsden Valley.
- Make doggy do dispensers available in more places, along with more rubbish bins, all of which need frequent emptying as overflowing bins in many areas of Nelson is a far too common sight (two submissions).
- In local dog friendly areas there should be more drinking water facilities like that in Isel Park.
- Provide corn starch doggie do bags because they are compostable.
- The provision of poop collection stations is good.
- Please provide doggy do bag stations in Saxton Park which is a high use dog area.



### **Signs**

- The no dogs signs at Sunday Hole are not obvious enough.
- The existing signage at the Maitai cricket ground is largely ignored, with a large number of dogs entering the sportsfield even though this is prohibited under the bylaw.
- The interpretation and signage is in need of improvement to better inform dog owners of their rights and responsibilities.
- Make the no dogs signs at Tahunanui Beach larger.
- More signage of areas where dogs are not permitted.
- Provide a notice at Wakapuaka Cemetery reminding dog owners to pick up their dog's droppings. Support for the on-leash status in this area.

### **Saxton Field**

- Saxton Field should be well signposted to advise that dogs must be on leads at all times unless in specified free roam areas, well away from sportsfields
- Saxton Field should be looked at. My dog was mauled by a dog off a lead well away from the person walking it.

### **Sportsfields**

- An issue of dogs (and dog faeces) on sportsfields even though there are signs prohibiting this.
- Dogs shouldn't be off leash in parks where children play sport, e.g. Saxton field and Stoke football ground.

### **Dog Park**

- Nelson lacks a really good dog exercise park — large and fully fenced (nine submissions requested a fenced dog park).

### **Smaller dogs**

- I suggest we have an area allocated for smaller dogs to be exercised without having to cope with big dogs around, which can be intimidating for the smaller dogs and their owners.

### **Airport area**

- I can't see a reason for dogs not being allowed on the walks around the airport area.



## **TOPIC F - COMMUNITY ENGAGEMENT**

- More education is needed to teach people, especially children, how to behave around dogs. On the positive side, more children are asking if it's ok to pat my dog when out and about now rather than just rushing up to do it, so things are definitely improving.
- Sometimes NCC publishes info on helpful advice on caring for dogs. I think this could be done more regularly or expanded, with sensible advice in collaboration with the SPCA and schools.
- More discussion is needed early on with dog owners before making new rules. As a recent example, dog owners were told by Council that they and their dogs couldn't swim at the back beach because of the kite surfers. Later dog owners were told the dogs could swim there but not their owners.

### **Community approach**

- Council should be taking a community approach by getting good dog owners to voluntarily monitor the owners who are being careless.
- Ornithological Society of New Zealand/Birds New Zealand: The provisions within the Dog Control Policy and Bylaw to safeguard Nelson's rich biodiversity will only be achieved if supported by dog owners (supported by relevant awareness raising activities) and, where necessary, appropriately enforced.

### **Dog training courses**

- Provide dog training courses for dog owners.

## **TOPIC G — DOGS IN OTHER AREAS**

### **Dogs on public transport**

- Allow dogs to go on the bus — other regions allow dogs on public transport.

### **Dogs in cafes**

- Clarity is needed on whether dogs are allowed in cafes. (Note inclusion of dogs in the UK and Europe).

### **Dogs in cars**

- Don't allow SPCA to remove dogs from cars when owners are not present.

### **Department of Conservation Land**

- I can't see a reason for dogs not being allowed on DOC land.



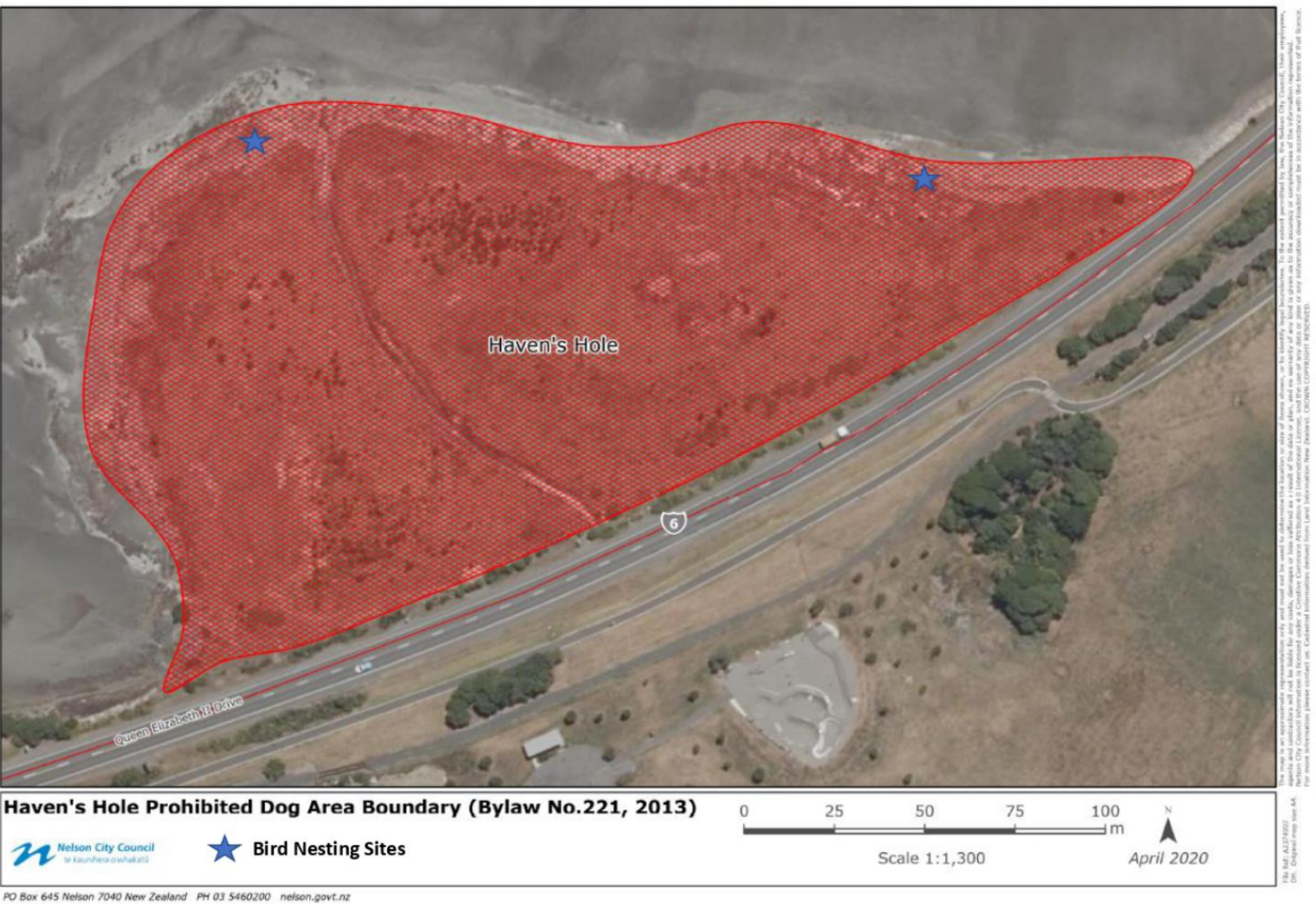
### **TOPIC H - DOG REGISTRATIONS**

- Provide a small round dog registration tag as both current sizes are too big for my dog's collar.
- There should be an 'emergency number for contact' kept in Council records so that if an owner isn't available (and their dog is found) there is a backup emergency contact. This would save a lot of money in admin and stop dogs having to go to the Pound.
- Reduce dog registration fees because Council doesn't dose for hydatids, pensioners have dogs for companionship, watch dogs provide a degree of security, stock dogs assist with earning a living, and to encourage children to have pet dogs as it develops their sense of responsibility.



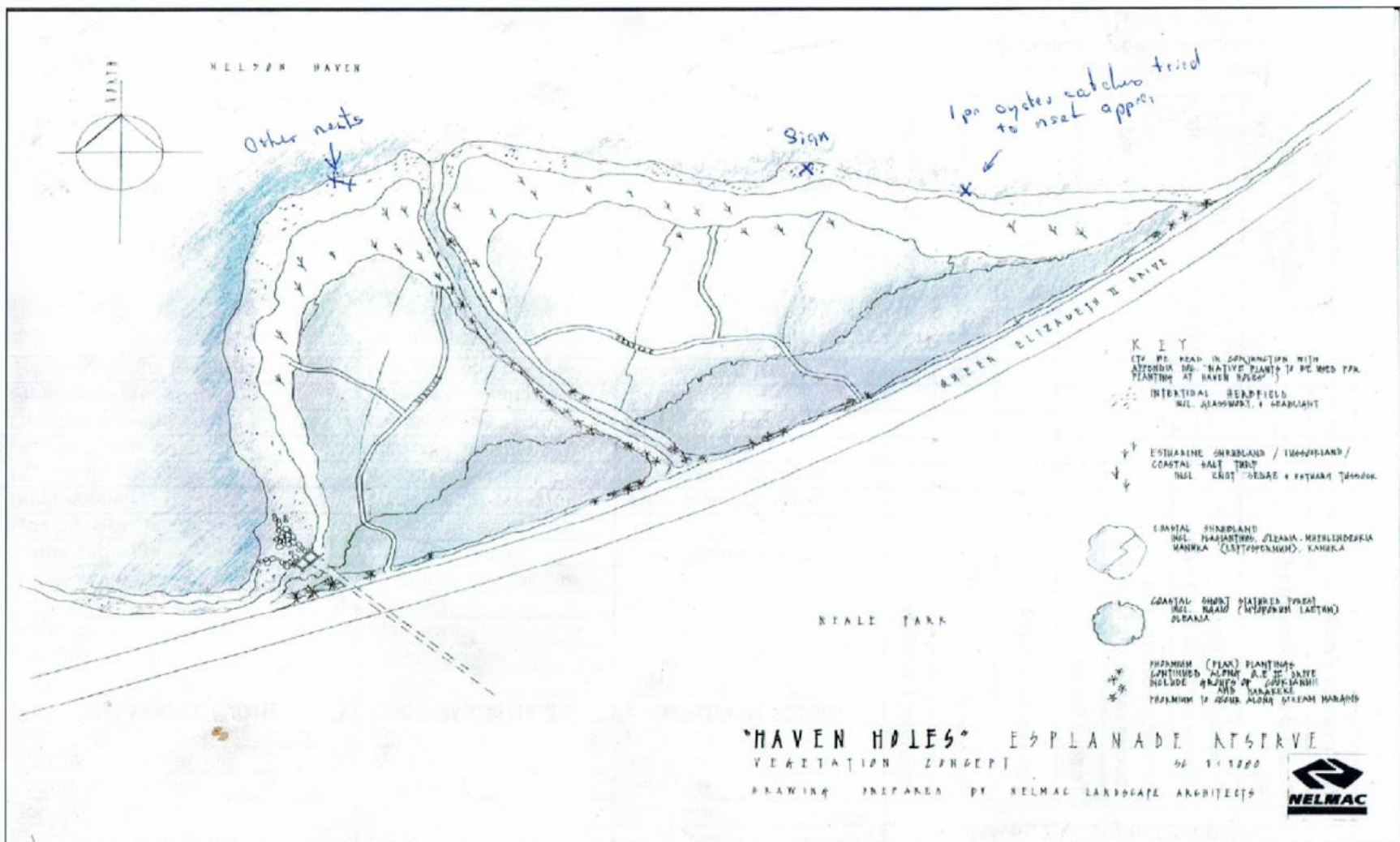








Appendix B: Vegetation Plan: not to scale





**Attachment Nine – Additional information**

Question	Answer
<p>Any comments in response to submitter feedback that the Isel Park signage is confusing, and a request for a Doggy Doo dispenser here.</p>	<p>Isel Park has four aerial display boards around the park which show where dogs are allowed to be off-leash. A dog off-leash symbol can be added to the main sign to help clarify the rules.</p> <p>There are no plans to install a doggy do dispenser at Isel Park. There are currently 10 dispensers in Nelson, each with a service cost of \$90 per month (\$1,080 per year).</p> <p>These are located as follows:</p> <ul style="list-style-type: none"> <li>- three at Tahunanui beach plus one at the end of Parkers Road</li> <li>- one at Fairfield Park</li> <li>- three on the Maitai esplanade reserve – one near Riverside Pool, one by Domett/Nile Street corner, and one near the Nile Street one lane bridge.</li> <li>- One at Monaco Reserve</li> <li>- Railway Reserve – close to Andrew Street</li> </ul> <p>One could be relocated to Isel Park from Fairfield Park, but this may be unpopular with Fairfield Park visitors. All dog owners are responsible for taking bags (or other suitable receptacles) with them when dog walking and to pick up after their dogs. There is a risk that setting up more doggy do dispensers will increase people’s reliance on Council to provide bags for them.</p>
<p>General signage issues – Grampians, Beach, Sunday Hole, Isel Park</p>	<p>Council officers can review each of these areas to ensure the requirements are clear.</p> <p>All Maitai swimming holes had new signage installed to improve clarity related to the seasonal dog access, and these signs are still in place.</p> <p>Tahunanui Beach’s dog signage was reinstated after Cyclone Gita in February 2018, and is consistent with the current rules.</p> <p>The Grampians Reserve signage will need upgrading if the Committee decides that dogs should be on-leash in the areas where sheep grazing occurs.</p>



Question	Answer
What would happen if a dog caught worrying sheep – what would be the enforcement process? (E.g. education first, or moving more quickly to stronger measures?)	There is no easy answer to this. Decisions on enforcement action are made on a case by case basis. The Nelson City Council Compliance Strategy (A1855717) outlines this in detail. Enforcement actions range from education/warnings to classifications to prosecutions. The response needs to be appropriate and proportionate, which involves assessing a range of matters including how serious the incident is, any history of previous issues, and the owner's attitude.
What is the number of reported dog attacks (to our Dog Control) on the Grampians, say over last 12, 24, 36 months and five years since last review of the bylaw?	<p>Most attacks are not witnessed so attacks are not officially reported, and the dogs cannot be identified (so owners can't be prosecuted).</p> <p>Instead, the grazier contacts the Council directly when sheep are discovered to be injured or dead. Up to 35 stock have been injured or killed over the past few years, but do not show up as official complaints in the Council's database.</p>
Respond to "people know if their dogs are sheep friendly or not"	If all owners knew their dogs were sheep friendly and maintained control of their dogs, then there would not be any attacks. Unfortunately, attacks do occur. Not all owners are aware of how their dog react to other animals, and some are aware but do not take adequate steps to control them.



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## **Regulatory fees and charges deliberations**

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### **1. Purpose of Report**

- 1.1 To provide options to support the Committee's decisions on proposed fees and charges for regulatory activities under the Resource Management Act (RMA) and Housing Accord and Special Housing Areas Act (HASHAA), Building Act and Dog Control Act.

### **2. Summary**

- 2.1 Council has consulted on the proposals to increase fees for resource consent and planning activities, building and dog control services. No submissions were received.
- 2.2 Submitters on the review of the Dog Control Bylaw and Policy raised the matter of consequential impacts on dog control fees.
- 2.3 Options for Council to consider are:
- Change fees and charges as proposed (but the commencement of the changes can be staggered)
  - Decide not to change fees and charges
  - Decide to change fees and charges at a lower level than proposed.

### **3. Recommendation**

#### ***That the Environment Committee***

- 1. Receives the report Regulatory fees and charges deliberations (R17006) and its attachments (A2375608, A2374956, A2380674, A2375618 and A2337793); and***
- 2. Approves amendments to the charges under the Resource Management Act 1991 and Housing Accords and Special Housing Areas Act 2013 as detailed in Attachment 1 (A2375608) to report R16978; and***



## Item 9: Regulatory fees and charges deliberations

3. **Approves the amendments to the charges under the Resource Management Act 1991 and Housing Accords and Special Housing Areas Act 2013 as detailed in Attachment 1 (A2375608) to report R16978 to commence from 1 September 2020; and**
4. **Approves amendments to the fees and charges under the Building Act 2004 as detailed in Attachment 2 (A2374956) to report R16978; and**
5. **Approves amendments to the fees and charges under the Building Act 2004 as detailed in Attachment 2 (A2374956) to report R16978 to commence from 1 January 2021; and**
6. **Approves amendments to the fees under the Dog Control Act 1996 as detailed in option () of Attachment 4 (A2375618) to report R16978; and**
7. **Approves amendments to the fees under the Dog Control Act 1996 as detailed in option () of Attachment 4 (A2375618) to report R16978 to commence from 1 July 2020.**

### 4. Background

- 4.1 On 5 March 2020 the Environment Committee approved three statements of proposals (A2334791, A2337794 and A2342140), for a special consultative procedure.
- 4.2 The consultation period commenced 17 March and ran to 17 April 2020. No submissions were received. Council can decide on the level of fees and charges within the range of the options provided in the statement of proposal, that is, between no change and the change proposed (but not higher).
- 4.3 Some submitters to the Dog Control Bylaw and Policy review (that was open for consultation earlier), raised the matter of the cost of registration in relation to the proposal to delete the Good Dog Owner Policy.

### 5. Discussion

- 5.1 The special consultative procedure is only statutorily required for charges under the RMA and HASHAA. In the past the number of submissions for proposed changes to these charges has also been very low or none at all. Consultation was open for six working days prior to the COVID 19 lockdown.



## Item 9: Regulatory fees and charges deliberations

- 5.2 The local economic context has changed greatly since the fees and charges proposals were presented to the Environment Committee on 5 March 2020. Officers have reviewed the proposals in light of the current circumstances.

### **RMA and HASHAA charges**

- 5.3 The financial impact of the COVID-19 emergency on our community is yet to be fully understood and increases to fees and charges may adversely affect some people more than in previous years. The charge out rates are based on the anticipated 2019/20 income and income from previous years. However the income level is likely to be reduced going forward with fewer applications likely to be lodged from the private sector. There may be increased demand for infrastructure related work which may keep consent numbers higher.
- 5.4 The income for the 2020/21 annual plan has been reduced by 20%. With a zero rates increase for the next financial year increasing fees and charges will have less requirement for rates funding.
- 5.5 Recruitment is underway for two additional staff in the resource consents area to allow a shift away from the use of consultants. The use of more expensive consultants is expected to drop in the second quarter of the next financial year once staff are operating at expected performance levels. This is expected to result in a net decrease in expenses by \$30,000.
- 5.6 The main proposed change of increasing the hourly charge out rate from \$150 to \$160 per hour was projected to cover 48% of the total costs incurred by Council in providing this service (the Revenue and Financial Policy requires 40-60% of costs are met by charges). With the predicted lower income levels the increase in charges will not cover as much as 48% of costs. If the increase in charges does not occur the funding policy recovery rate is unlikely to be achieved and the ratepayer will need to cover even more of the costs as demonstrated in the table below.

<b>Hourly charge out rate</b>	<b>Income from charges</b>	<b>% of 2020/21 costs from fees</b>	<b>Rates component</b>
\$150 (current)	\$1,081,000	45	\$1,318,000
\$160 (proposed)	\$1,153,000	48	\$1,246,000
<b>Lower income due to economic recession from COVID-19:</b>			
\$150	\$864,800	37	\$1,503,200
\$160 (from 1 July 2020)	\$922,400	39	\$1,445,600
<b>\$160 (from 1 September 2020)</b>	\$908,000	38	\$1,460,000



## Item 9: Regulatory fees and charges deliberations

- 5.7 The proposed increases to charges (as detailed in Attachment 1) are considered reasonable as the charges recover the reasonable costs incurred with those gaining the benefit from the regulatory service paying a better proportion of the reasonable cost of that service (or those whose actions result in the need for Council actions pay the cost of that action). This is consistent with section 36AAA of the RMA. The proposed charge out rate of \$160 is also comparable to other nearby Councils and Councils of similar sizes as shown in the table below.

	<b>Hourly charge out rate</b>	<b>Cost recovery policy from fees and charges</b>
<b>Nelson</b>	\$150 (proposed to be <b>\$160</b> )	40 – 60%
Tasman	\$157 (proposed to be <b>\$160</b> )	15 – 45% (includes other activities such as plan making and state of the environment)
Marlborough	\$100 admin <b>\$150</b> planner \$180 senior or manager	60%
Napier	\$80 admin <b>\$160</b> planner \$175 team leader	40-59%
New Plymouth	\$139 admin <b>\$184</b> planner	60-80%

- 5.8 The statement of proposal identified the charges to commence on 1 July 2020 but the commencement date could be delayed to enable the economy more time to recover after the lockdown. There is no requirement for the charges to commence at the start of the financial year.
- 5.9 The construction and forestry industries returned to work on 28 April. If the increase in fees takes effect on 1 July this only gives those industries two months to have some level of recovery. Officers recommend the increase in fees be delayed to commence on 1 September 2020 to help soften the impact on our customers while the economic activity rebuilds. This three month delay will also minimise the pressure on rates.
- 5.10 A decision to not increase charges for the 2020/21 financial year at all results in the ratepayer covering around 64% of the costs of this activity.

### **Building Unit fees and charges**

- 5.11 The construction industry environment has changed considerably since the COVID 19 lockdown and the forecasts for the sector vary. Nelson has traditionally been relatively stable during past downturns but consent numbers are expected to drop in the short term.



## Item 9: Regulatory fees and charges deliberations

- 5.12 Under Council's Revenue and Financial Policy, the Building Unit is required to recover 60% - 80% of the total costs of the Building Unit. Last year the recovery was 78%, however, the recovery this year is expected to be lower as a high level of staff time is required to address the findings of the IANZ audit and there has been an increased use of contractor services to meet statutory timeframes. The use of consultants will be reduced post COVID-19 however, if a fees increase is not adopted a greater proportion of rates will be required to cover operational costs.
- 5.13 Some of the Council's current fees and charges are lower than those imposed by other territorial authorities of similar size for the same work as illustrated in the table below:

	<b>Hourly charge out rate 2019/20</b>	<b>Cost recovery policy from fees and charges</b>
<b>Nelson</b>	\$135 (proposed to be \$160 for all staff)	60 – 80%
Tasman	\$157 (proposed to be \$160 for all staff)	55 – 80%
Napier	\$80 Admin \$165 Building officers	60 – 79%
New Plymouth	\$143 Admin \$168 Building officer \$189 Per Building Inspection	80 – 100%
Palmerston North	\$114 Admin \$184 Building officers \$202 Team leader & Snr Building Officer \$193 each building inspection	60 – 79%

- 5.14 The Alpha One and GoGet processing systems charge Council \$125 per consent. This charge is not currently being on-charged to the consent holder.
- 5.15 The earthquake prone building (EPB) assessments are ratepayer funded. However, it is proposed to charge for EPB applications for exemption, extension of time for a heritage building and assessment of information submitted relating to an EPB status. These activities are triggered by the individual owner and are for their benefit.
- 5.16 The current Quality Assurance levy is not recovering the costs of performing this function. The insurance levy needs to increase to better cover legal fees and claims. The Ministry of Business, Innovation and Employment (MBIE) levy has decreased and this needs to be reflected in the schedule.



## Item 9: Regulatory fees and charges deliberations

- 5.17 The current fees have a fixed fee amount and a deposit amount. There is no refund if the total costs are less than the fixed fee. It is considered clearer and less confusing to have deposits and hourly charge out rates listed with an indication of estimated costs for a variety of building work categories provided on the website (see Attachment 2 for all proposed charges and Attachment 3 for current charges).
- 5.18 As stated in 5.8 above the construction industry will only have two months to return to work if the proposed fees and charges take effect on 1 July. The proposed changes to these fees and charges are a greater increase than changes proposed for RMA and HASHAA charges. It is proposed to delay the increase in fees to commence on 1 January 2021 to provide more time for the construction industry to return to operating and to stagger the fee increases for RMA and building activities as both sets of fees and charges would apply to some developments. There is no requirement for the charges to commence at the start of the financial year.
- 5.19 It is estimated that Building Consent numbers will decrease by 20% for the next financial year due to the effects of Covid 19, these figures are reflected in the table below:

Hourly charge out rate	2021 Predicted Fee income	2021 Predicted Expenditure	% of 2020/21 costs from fees	Rates component
\$135 (current)	\$2,213,569	\$3,593,412	62	\$1,379,843
\$160 (proposed)	\$2,601,012	\$3,593,412	72	\$992,400
<b>Lower income and expenditure due to economic recession from COVID-19:</b>				
\$135	\$1,770,855	\$3,318,596	53	\$1,547,741
\$160 (from 1 July 2020)	\$2,080,809	\$3,318,596	63	\$1,237,787
<b>\$160 (from 1 January 2021)</b>	<b>\$1,924,810</b>	\$3,318,596	<b>58</b>	<b>\$1,393,786</b>

### Dog Control fees

- 5.20 Increases to registration fees are proposed to cover the increased costs of providing the service. Public consultation is not required to make changes to fees. The fixing of fees is to be in accordance with section 37 of the Dog Control Act 1996.



## Item 9: Regulatory fees and charges deliberations

- 5.21 Section 37 enables a territorial authority to fix fees (by resolution), that can include the following categories at a lower fee than the standard fee as long as the territorial authority has regard to the relative costs of the registration and control of dogs in those categories:
- a) Neutered dogs
  - b) Working dogs
  - c) Dogs that are 12 months or younger
  - d) Dogs owned by a responsible dog owner – a specified level of competency has to be demonstrated
  - e) Penalty for late registration (not exceeding 50% of the fee)
  - f) Replacement registration tag
- 5.22 Decisions on the fees are required to be made prior to the start of the financial year so that invoices can be sent to dog owners in time for them to pay by 1 July. Penalties for non-payment (set by statute) commence from 1 August.
- 5.23 The Environment Committee will decide on 28 May whether to:
1. retain the Good Dog Owner Policy
  2. remove the Good Dog Owner Policy discount but retain the \$5 discount for neutered dogs
  3. change the Good Dog Owner eligibility criteria to proof of attendance at obedience training or
  4. offer a smaller discount for those with no compliance problems in the last three years.
- 5.24 This decision affects the level of proposed increases to registration fees for all dog owners (apart from owners of community working dogs). Option 1 results in an annual registration increase of \$22 for the standard category and an \$18 increase for the Good Dog Owner category. Option 2 results in an increase of \$10 for standard registration and nearly \$30 for those who were on the Good Dog Owner rate. Option 3 requires some administration cost that was removed in calculating fees for option 2 but fees will be lower than option 1. Option 4 requires similar time to administer as the current Good Dog Owner category so the fees will be the same as option 1. Details of the fees for the different options are found in Attachment 4.
- 5.25 Submitters on the Bylaw and Policy changes included the following reasons to oppose the removal of the Good Dog Owner category:
- affordability of registration fees



## Item 9: Regulatory fees and charges deliberations

- having some form of incentive or recognition of good dog owners
- apply the category automatically with those not meeting standards paying a higher rate
- change the criteria to a less costly one to administer

- 5.26 The issue raised by submitters most relevant to the deliberations on the Dog Control fees is the affordability of registration fees. The proposed increases in registration fees (with or without the Good Dog Owner category) will result in higher registration fees than Tasman District Council, similar fees to Marlborough District Council and Napier City Council and cheaper fees than New Plymouth and Palmerston North City Councils registration fees (see Attachment 5 for comparisons).
- 5.27 The proposed fees include a ratepayer contribution of 10% of the costs. The proportion of ratepayer contribution is the maximum contribution in accordance with Council's Revenue and Financial Policy set in the Long Term Plan (LTP).
- 5.28 Any long term changes to the ratepayer contribution would need to be consulted on through the LTP process. Furthermore, increasing the level of ratepayer contribution was not identified in the fees and charges Statement of Proposal as an option. The proposed options were variations on increasing the level of fees or retaining the status quo rather than decreasing the fees and offsetting this through a greater ratepayer contribution.
- 5.29 The proposed standard registration fee paid annually equates to 36 or 41 minutes of staff time at a charge out rate of \$160 per hour. This is considered a reasonable fee for registration services, recovery of wandering dogs, attending incidents and patrolling popular dog walking areas.
- 5.30 Should the Council delay increasing the fees, the activity will go further into debt. Registration fees have not increased by more than CPI in five years but recently the costs of overheads, legal expenses and the contract price have increased by a larger amount. Income from impounding activities has also been decreasing as there is less need to impound dogs.
- 5.31 The shortfall has in part been offset by the reserve account but since depletion the dog control activity is overspent by more than \$92,000. Increasing the registration fees as proposed would prevent the account going further into debt and prevents a higher increase in fees at a later date. The changes to dog control fees are therefore proposed to take effect from 1 July 2020.

## 6. Options

- 6.1 The options are to:



## Item 9: Regulatory fees and charges deliberations

1. Change the fees and charges as proposed in the public consultation documents but delay and stagger some of the commencement dates.
2. Decide not to make any changes to fees and charges for the 2020/21 financial year and keep the current fees and charges.
3. Change the fees and charges at a lower level than proposed.

Options considered were variations on increasing the level of fees and the preferred option is option 1.

<b>Option 1: change fees and charges as proposed commencing 1 July 2020 for dog control, 1 September 2020 for RMA and 1 January 2021 for Building Unit fees (the preferred option)</b>	
Advantages	<ul style="list-style-type: none"> <li>• the increase in fees and charges will ensure those gaining the benefit from the service pay a fair proportion of the costs of that service so there is less need for ratepayer funding</li> <li>• is consistent with what was proposed in the consultation</li> <li>• prevents a higher increase in fees and charges at a later date</li> <li>• minimises pressure on rates</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• dissatisfaction from customers that the increase in fees is unreasonable given the current economic context</li> </ul>
<b>Option 2: status quo – no changes to the fees and charges</b>	
Advantages	<ul style="list-style-type: none"> <li>• high level of customer satisfaction</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• ratepayers will need to contribute a higher proportion of the costs of the services or provide more funding</li> <li>• the account gets further into debt</li> <li>• likely to require a higher increase in fees and charges at a later date</li> <li>• the fees may no longer be at an appropriate level that meets the criteria for setting fees in the relevant legislation if the customer does not pay for actual costs of the service they receive</li> </ul>
<b>Option 3: change fees and charges at a lower level than proposed</b>	
Advantages	<ul style="list-style-type: none"> <li>• those receiving the service will pay a better proportion of the costs of providing the service</li> </ul>



## Item 9: Regulatory fees and charges deliberations

	<p>than ratepayers compared to the current charges</p> <ul style="list-style-type: none"><li>• prevents a higher increase in fees and charges at a later date</li><li>• decreases the pressure on rates</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• some level of customer dissatisfaction from customers given the current economic context</li></ul>

## 7. Conclusion

- 7.1 The proposed changes to fees and charges are compliant with relevant legislation and will achieve a better proportionality between those receiving the benefit of that service and ratepayers. However the economic context has changed greatly since the proposed increases to fees and charges went out for public consultation.
- 7.2 The recommendations delay and stagger the commencement of the amended fees and charges to enable more time for customers to return and adapt to different working environments and prepare for the fee changes.

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### Attachments

- Attachment 1: A2375608 Proposed RMA and HASHAA charges [↓](#)
- Attachment 2: A2374956 Proposed Building Unit fees and charges [↓](#)
- Attachment 3: A2380674 Current Building Unit charges [↓](#)
- Attachment 4: A2375618 Proposed Dog Control fees [↓](#)
- Attachment 5: A2337793 Comparison of Dog Control fees [↓](#)



<p><b>Important considerations for decision making</b></p>
<p><b>1. Fit with Purpose of Local Government</b></p> <p>This report considers how best to meet the current and future needs of the community through the cost effective delivery of regulatory services.</p>
<p><b>2. Consistency with Community Outcomes and Council Policy</b></p> <p>The recommended charges assist with achieving the stated funding outcomes in the Long Term Plan.</p>
<p><b>3. Risk</b></p> <p>The recommendations minimise the risk of negative impacts on Council's reputation by:</p> <ul style="list-style-type: none"> <li>a) identifying fair and reasonable fee changes that provide a better balance between ratepayer and customer contributions to the costs of the service</li> <li>b) identifying the level of fees are comparable with other similar sized Councils</li> <li>c) delaying and staggering the commencement of the amended fees to enable people to recover economically after the lockdown</li> </ul> <p>Keeping the current fees and charges will not be consistent with the criteria for fixing charges specified in the various legislation.</p>
<p><b>4. Financial impact</b></p> <p>The proposed increases in charges will better enable costs for the services to be met in the medium to long-term at an appropriate proportion between applicants/consent holders, dog owners and ratepayers.</p>
<p><b>5. Degree of significance and level of engagement</b></p> <p>This matter is of medium significance because of the potential impact of the fees on customers. Special consultation procedures have been carried out and no submissions were received.</p>
<p><b>6. Climate Impact</b></p> <p>Climate impact has not been considered in the preparation of this report.</p>
<p><b>7. Inclusion of Māori in the decision making process</b></p> <p>No engagement with Māori has been undertaken in preparing this report.</p>
<p><b>8. Delegations</b></p>



## Item 9: Regulatory fees and charges deliberations

The Environment Committee has the following delegations to consider amendments to regulatory fees and charges

*Areas of Responsibility:*

- *Building Control matters*
- *Environmental regulatory matters including (but not limited to) animals and dogs, amusement devices, alcohol licensing (except where delegated to the Alcohol Regulatory and Licensing Authority), food premises, gambling and public health*
- *Regulatory enforcement and monitoring*

*Delegations:*

- *The fixing of fees and charges (this is not a power retained by Council)*





## Attachment 1

### Proposed Amendments to the Charges under the Resource Management Act 1991 and Housing Accords and Special Housing Areas Act 2013

*Proposed changes to existing wording are shown in strike through and underline in this attachment. Proposed changes to charges are shown in bold in the proposed column.*

Resource Consent Processing and Monitoring, Designations, Plan Changes, all other activities under the Resource Management Act 1991 (RMA) and the Housing Accords and Special Housing Areas Act 2013 will attract an initial charge (deposit) payable at the time of lodging an application as per Section 1 below.

Where the cost of processing the consent is not fully covered by the initial fixed charge (deposit), additional charges will be applied (under Section 36(5) of the RMA). Only additional charges can be objected to under Section 357B of the RMA.

Section 2 below lists the various methods of how costs may be charged to a consent.

*All charges listed in this Schedule are GST inclusive*

#### 1. Initial fixed charges (deposits)

	Activity	Current	Proposed
1.1	All activities (other than listed below)	\$1,300	<b>\$1,500</b>
1.2	Subdivision 1-3 lots	\$1,300	<b>\$1,500</b>
	Subdivision 4 plus lots	\$2,000	<b>\$2,500</b>
1.3	Bore permits; Certificate of Compliance; Change of consent <del>conditions or consent</del> notice; Culverts, weirs and other minor structures on the bed of watercourses; Existing Use Certificate; Extension of lapsing period; Fast track consents (controlled status only); Fences; Flats Plan update and check; Outline Plan approvals; Relocate building; Removal or trimming of trees listed in the Nelson Resource Management Plan (supported and carried out by a suitably qualified arborist); Right of Way approval; Signs; Simple consent process; Transfer/part transfer of Permits	\$500	\$500



	Activity	Current	Proposed
1.4	Issue of a notice confirming a boundary (or a marginal or temporary) activity is a permitted activity (no additional charges or refunds apply)	\$300	<b>\$480</b>
1.5	NOTIFIED APPLICATIONS: Additional charges for applications requiring notification/ limited notification. (This charge must be paid prior to notifying the application and is in addition to the initial charge paid when the application is lodged).	\$7,000	\$7,000
1.6	Removal of trees listed in the Nelson Resource Management Plan that are confirmed in writing by a qualified arborist (level 5 NZQA or equivalent), as diseased or a threat to public safety.	No charge	No charge
1.7	Heritage Buildings: Non-notified application to conserve and restore heritage building, place or object listed in the Nelson Resource Management Plan.	No Charge	No Charge
1.8	Private Plan changes (Note: Council's policy is to recover 95% of the costs involved for the whole process from the applicant).	\$10,000	\$10,000
1.9	Heritage Orders	\$3,500	\$3,500

1.10 Where an application involves multiple consents the initial charge is payable at the higher rate plus \$250.00 for each accompanying application.

1.11 Where all or part of any initial charge (deposit) is not paid at application time, the Council reserves the right to not process that application.

## **2. Costs Charged to a Consent (less the initial fixed sum of money paid in accordance with section 1 above)**

	Details	Current	Proposed
2.1	Council Staff – all staff time inclusive of overhead component associated with processing and assessing applications.	\$150 per hour	<b>\$160 per hour</b>
2.2	Hearings Panel Charges:		
	- per Councillor as Commissioner (rate set by Remuneration Authority)	\$80 per hour	\$80 per hour
	- Councillor as Chairperson (rate set by Remuneration Authority)	\$100 per hour	\$100 per hour
	- Independent Commissioner (requested by applicant)	Cost	Cost
	- Independent Commissioner (requested by submitter)	Cost less Councillor rate (applicant pays the Councillor rate)	Cost less Councillor rate (applicant pays the Councillor rate)



	Details	Current	Proposed
	- Independent Commissioner(s) required for expertise or due to conflict of interest issues	Cost	Cost
2.3	Legal advisors and consultants engaged by Council, or reports commissioned, after discussion with the applicant, to provide expertise not available in-house under s.92(2) RMA.	Cost plus administration charges	Cost plus administration charges
2.4	Experts and consultants engaged by Council to undertake assessment of an application where the complexity of the application necessitates external expertise, or where resource consent processing is required to be outsourced due to conflict of interest issues (this is not a s92(2) RMA commissioning).	Cost plus administration charges	Cost plus administration charges
2.5	All disbursements, such as telephone calls, courier delivery services, all public notification costs, postage for notified applications and document copying charges.	Cost plus administration charges	Cost plus administration charges
2.6	Consultants engaged by the Council where skills are normally able to be provided by in-house staff or when Council staff workloads are unusually high.	\$150 per hour	<b>\$160 per hour</b>
2.7	Urban Design Panel reviews a proposal before a resource consent application is lodged (except for circumstances identified in 2.8 below).	No charge	No charge
2.8	The applicant agrees (as per 2.3 above) to the Urban Design Panel reviewing the proposal after a resource consent application is lodged; or The applicant is required to provide approval from the Urban Design Panel as part of the Housing Accord and Special Housing Areas Act process.	Cost plus administration charges  (an estimate of costs is available on request)	Cost plus administration charges  (an estimate of costs is available on request)
2.9	Where the applicant requests under s357AB independent commissioner(s) for an objection under s357A(1)(f) or (g), the applicant will meet the costs for that hearing.	Cost plus administration charges	Cost plus administration charges

### 2.10 Photocopying Charges

A4	\$0.20 per page;
A3	\$0.50 per page;
A2	\$2.00 per page
A1	\$3.00 per page



## 2.11 Monitoring Charges

- 2.11.1 If monitoring is required, a one-off charge of ~~\$150~~**\$160**.00 will be invoiced as part of the consent cost. Any extra work that is required to monitor compliance with the consent conditions will be charged at the hourly charge out rate for Council staff in 2.1 above and separately invoiced.
- 2.11.2 Monitoring charges associated with review of information required to be provided by a condition of resource consent will be charged for at the appropriate hourly charge out rate for Council staff or actual cost for specialist consultant.
- 2.11.3 Where the applicant is required or authorised to monitor the activity, the Council's costs in receiving and assessing the monitoring information will be charged directly to the consent holder at the appropriate hourly charge out rate for Council staff or actual cost of the specialist involved.
- 2.11.4 Where permitted activity monitoring is able to be charged under legislative provisions (such as the National Environmental Standards for Plantation Forestry), the time taken by Monitoring Officers will be invoiced at the hourly charge out rate for Council staff in 2.1 above.
- 2.11.5 Where annual monitoring is required up to half an hour of staff time per year, a higher initial monitoring fixed fee up front may be charged or the consent may identify regular intervals when monitoring charges will be invoiced calculated on anticipated staff time multiplied by a stated number of years for these types of consents.

## 2.12 Administration Charges

	Item/Details	Current	Proposed
2.12.1	Insurance levy – for each resource consent.	\$30	\$30
2.12.2	Street naming and numbering (costs of reporting to Hearings Panel and advising all statutory agencies).	Council <del>staff</del> hourly <u>charge out</u> rate in 2.1 above	Council hourly rate in 2.1 above
2.12.3	Street numbering – application for alteration.	\$125	\$125
2.12.4	Documents for execution – removal of building line restrictions; easement documents, caveats, covenants and other documents to be registered with LINZ presented after subdivision processed or where not associated with a subdivision application.	\$175 for each document	\$175 for each document
2.12.5	Certificate under Overseas Investment Act.	\$385	\$385



	Item/Details	Current	Proposed
2.12.6	Confirmation of compliance with the Nelson Resource Management Plan for NZ Qualifications Authority.	\$385	\$385
2.12.7	Confirmation of compliance with the Nelson Resource Management Plan for liquor licence applications.	\$70	\$70
2.12.8	Section 357 Administration charge.	\$255	<b>\$320</b>
2.12.9	Private right-of-way – review against existing names and advising all statutory agencies where appropriate.	\$225	<b>\$320</b>
2.12.10	Authentication report for small-scale solid-fuel burning appliance or open fire.	\$70	<b>\$120</b>
2.12.11	Removal of designation.	\$305	\$305
2.12.12	Swing Mooring annual charge (monitoring costs are additional, refer 2.10.3 above).	\$75	\$75
2.12.13	Transfer of Consents to new owner (S.135(1)(a), S.136(1), S.136(2)(a), or S.137(2)(a) Resource Management Act)	\$150	\$240
2.12.14	Claiming a swing mooring the Council removed from the Coastal Marine Area that did not have a coastal permit	\$300	\$300
2.12.15	Claiming a vessel that was towed and hauled out of the Coastal Marine Area as it was tied to a non- consented mooring that was uplifted	Cost for tow and haul out	Cost for tow and haul out

### 2.13 Discount for Late Consents

- 2.13.1 Where statutory processing timeframes have not been met a discount of 1% of the total of the administrative charges imposed for every working day on which the application remains unprocessed beyond the time limit, up to a maximum of 50 working days will apply.~~and this is the fault of the Council, a discount of 1% of the total processing costs per each day the consent is late, up to a maximum of 50%, will be credited.~~

### 3. Invoicing

- 3.1 Where processing costs exceed the level of the initial charge (deposit), monthly invoices for any additional charges may be sent to the applicant.
- 3.2 Annual swing mooring charges shall be due on 1 December. The initial payment is due within 30 days of the mooring being installed. Moorings installed 1 December to 1 June will incur the full annual charge. Moorings installed from 1 June to 30 November will be charged half of the annual charge. The Council reserves the right to agree to other arrangements in writing.



- 3.3 The Council has no obligation to perform any action on any application until the charges for the action have been paid in full; such payment will be required by the 20th of the month following invoice.
- 3.4 Where any interim invoice is disputed, work on processing the application will be stopped until the matter is resolved at the discretion of the Manager Consents and Compliance.
- 3.5 The option of monthly invoices only, in lieu of initial charges, may be available on strict credit conditions as follows:
- a) The consent process, or Council involvement in the project, is likely to extend over a period in excess of 6 months; and
  - b) The total amount for invoices is likely to exceed \$5,000; and
  - c) The applicant is in good financial standing with a satisfactory credit record and agrees to abide by the Council's usual credit terms or
  - d) The applicant is a regular customer of the Council's Resource Consents Business Unit, is in good financial standing with no record of unpaid invoices, who agrees to pay each and every invoiced charge by the 20th of the month following the date of issue of the invoice.
- Any disputes relating to an invoiced charge must be resolved after the invoice has been paid. Failure to meet these criteria will result in the option of monthly invoices, in lieu of initial charges plus monthly invoices being withdrawn.

The decision on whether to waive the required charge and institute a system of monthly invoicing shall be made by the Manager Consents and Compliance or Group Manager ~~Strategy and Environment~~Environmental Management, having regard to the above criteria.

#### 4. Pre-Application Charges

Detail	Charge
Pre-application discussion with staff on feasibility of a proposal that may not proceed to resource consent.	First half hour – no charge. Additional time charged on an hourly basis at the Council <del>staff</del> charge out rate as per 2.1.

#### 5. Resource Management Planning Documents

Copies of Plans	Current	Proposed
Nelson Resource Management Plan - Text (hard copy)	\$150	\$150
Nelson Resource Management Plan - Maps (hard copy)	\$150	\$150



<b>Copies of Plans</b>	<b>Current</b>	<b>Proposed</b>
CD ROM – combined Nelson Resource Management Plan and Nelson Air Quality Plan – updated annually in Spring	\$15 annually	\$15 annually
Nelson Resource Management Plan - hard copy updates issued as required	\$25 annually for text  \$25 annually for maps	\$25 annually for text  \$25 annually for maps
Nelson Air Quality Plan	\$50	\$50
Land Development Manual	\$100	\$100





## Attachment 2

## Proposed Building Unit Fees

<b>All applications are subject to the following fees:</b> <ul style="list-style-type: none"> <li><b>Deposit</b> as listed below – <b>to be paid on application.</b></li> <li>At time of building consent issue - cost based on hourly charge out rate, less deposit, plus estimated inspections fees, all levies and contributions as applicable, payable prior to issue of consent.</li> <li>All additional time will be charged at hourly charge out rates</li> </ul>	
<b>Development and financial contributions:</b> Building consents may also incur development and/or financial contributions - see <a href="http://www.nelson.govt.nz/building-and-property/property-land-use/development-and-financial-contributions/">website information</a> - <a href="http://www.nelson.govt.nz/building-and-property/property-land-use/development-and-financial-contributions/">http://www.nelson.govt.nz/building-and-property/property-land-use/development-and-financial-contributions/</a>	
<b>Table below applies to all applications:</b> Commercial/Residential/New or Alteration & Additions. Costs exceeding the deposit are charged at the hourly charge out rate.	
Estimated value of Work:	Deposit paid on application
- up to \$5,000	\$665.00
- \$5,001 to \$10,000	\$910.00
- \$10,001 to \$20,000	\$1,520.00
- \$20,001 to \$50,000	\$2,275.00
- \$50,001 to \$100,000	\$2,500.00
- \$100,001 to \$200,000	\$2,772.00
- \$200,001 to \$450,000	\$3,352.00
- \$450,001 to \$800,000	\$4,137.00
- \$800,001 to \$1,200,000	\$4,260.00
- \$1,200,001 to \$4,000,000	\$5,575.00
- \$4,000,001 or more	\$9,000.00
Systems fee – charge per consent based on the estimated value of works	Fixed charge
Up to \$10,000 estimated value of works	\$75.00
\$10,001 to \$800,000 estimated value of works	\$125.00
Over \$800,000 estimated value of works	\$250.00
<b>Levies - fixed and required under Building Act 2004 - fee based on 'Estimated value of work'</b> Note: an Amendment that adds value to the original consent, may cause it to incur (additional) Levies.	
<b>BRANZ Levy - Building Research Association New Zealand Levy</b> - where estimated value is \$20,000 and over	\$1.00 per \$1,000
<b>MBIE Levy - Ministry of Business, Innovation and Employment Levy</b> where estimated value is \$20,444 and over	\$1.75 per \$1,000
<b>Insurance Levy</b> - where estimated value is \$20,000 and over and capped at \$10,000,000	\$1.50 per \$1,000
<b>QA Levy - Quality Assurance/Building Consent Authority Levy</b> - where estimated value is \$20,000 and over and capped at \$10,000,000	\$2.50 per \$1,000



<b>Minor Works – * see notes at the end of the schedule</b> Costs exceeding the deposit are charged at the hourly charge out rate.	<b>Deposit</b>
<b>Swimming pool barrier audit</b> (no system fee applies)	\$150.00
<b>Swimming pool fencing application</b>	\$325.00
<b>Solid fuel burner/ Space heater</b>	\$350.00
<b>Inbuilt burner/heater requiring extra cavity inspection</b>	\$160 per hour
<b>Demolition work</b>	\$500.00
<b>Marquee - RESIDENTIAL &gt; 100m2</b>	\$300.00
<b>Marquee</b> - any size in place for more than one month - commercial or private	\$500.00
<b>Express Service For Marquees</b>	\$1,175.00
<b>Any Relocated dwelling</b>	\$2,175.00

Hourly <b>charge out rates</b> for staff, meetings and external contractors	
Building Control administrators and technical officers (hourly rate)	\$160.00
Any meeting with technical or Duty Building Officer, no fee up to 30 minutes -	Then \$160 per hour
External contractors or specialists engaged by Council	At cost

<b>Schedule 1: Works for which a Building Consent is Not Required</b>	
<b>Notification of Exempt Work - Part 1, 2 and 3</b> – no assessment by Territorial Authority, application placed on property File, one-off fixed fee	\$315.00
<b>Notification of Exempt Work - Part 1(2)(a) (b)</b> – Requires Territorial Authority assessment and decision. Costs exceeding the deposit are charged at the staff hourly rate	\$315.00
<b>Unauthorised building works report</b> ( <i>works prior to 1991</i> )	\$315.00

<b>Notice to Fix (NTF) and Other Enforcement</b> Costs exceeding the deposit are charged at the hourly charge out rate	<b>Deposit</b>
Notice to fix (each) issue	\$370.00
Other notices (each) issued under Building Act 2004	\$160.00
Section 124 notices for Dangerous or Insanitary Buildings (except where issued as a result of a natural disaster)	\$370.00
Building Officer time and monitoring of notices issued	Hourly charge out rate

<b>Registration of Documents with Land Information New Zealand</b> Costs exceeding the deposit are charged at the hourly charge out rate	<b>Deposit</b>
Section 73 Building Act 2004	\$450.00
Section 75 Building Act 2004	\$450.00
Removal of section 73 or 75 (or equivalent under the Building Act 1991)	\$450.00

<b>Other Services Provided by the Building Unit</b> Costs exceeding the deposit are charged at the hourly charge out rate	<b>Deposit</b>
Project Information Memorandum (PIM) – charged at \$160 per hour for all staff. The deposit is only required if the PIM application is not part of a building consent application	\$300.00
Property information review	\$160.00
Compliance schedule - New	\$200.00
Compliance schedule - Amendment	\$160.00
Building Warrant of Fitness (BWof) each renewal	\$175.00
BWof Audit of commercial premises	\$175.00



## Item 9: Regulatory fees and charges deliberations: Attachment 2

BWoF back flow preventer only - plus any additional time to review 12A forms at hourly charge out rate	\$50.00
Application fee for alternative solutions assessment	\$495.00
Building code waivers and modifications	\$250.00
Application for addition to register of Independent Qualified Persons (IQP)	\$150.00
Determinations, lapsed consents, section 93 decisions	hourly charge out rate
Code of Compliance Certificate	hourly charge out rate
Certificate for public use fee (public buildings)	\$400.00
Certificate for public use extension of time will be invoiced for \$600 plus staff time at hourly charge out rate	\$600.00 +hourly rates
Application for Exemption, for an Earthquake Prone Building	\$610.00
Application for Extension of time for Heritage Earthquake Prone Building	\$610.00
Assessment of information related to a Building's EQP status	\$610.00
Electronic file management charge	\$50.00
Minor Variations	Hourly charge out rate
Amendment to modify building code clause B2 – Durability	\$185.00
Certificate of compliance (District Licensing Agency) Building code compliance assessment for fire safety and sanitary facilities in a building, prior to an alcohol licence application	\$150.00
Commercial report of Monthly Building Consents Issued - Annual Fee	\$750.00 per annum
Commercial report of Monthly & Mid-monthly Building Consents Issued - Annual Fee	\$2,500.00 per annum
Debt recovery - Applicant shall be liable for all costs incurred by Council as a result of debt recovery	Hourly charge out rate

### Notes relating to minor works \*

**Swimming pool barrier audit** under the Building Act 2004 (section 162D - every 3 years) plus any additional compliance staff time - charged at hourly charge out rate, where non-compliance noted.

**Swimming pool fencing application** - allows for 2 hours processing/administration and 1 inspection

**Space heaters** – all fuel types (solid fuel burners, solar, wetback) - Non-refundable deposit plus additional processing and inspections will be on charged at hourly charge out rate.

**Marquees - RESIDENTIAL > 100m<sup>2</sup>** in place for less than one month.

**Marquees any size** (not camping tents), **in place for more than one month.**  
**Commercial or private** (Residential) - with at least 6 weeks' notice of planned event (to allow for RFIs)

**Express Service For Commercial Marquees** - If submitted 10 working days or less from planned construction date, Nelson City Council will endeavour to complete, but cannot guarantee:

1. Issue of consent before construction is required to start; or
2. The sign off of inspections before required use.

**NOTE – Excludes cost of CCC and/or Certificate for Public Use (CPU) which will be required until CCC is issued.**



**\*\* Certificate of Acceptance (COA):** Applicants will be charged an \$800.00 application fee PLUS: all applicable consent fees and levies that would have been payable had building consent been applied for BEFORE carrying out the work.  
Any specialist input, where applicable, will be charged out at cost. The hourly charge out rate will be charged for all staff time. All building work completed without a Building Consent or Exemption application, will require a COA. If a COA is not applied for, a Notice to Fix will be issued.



## Attachment 3

### Current Building Unit fees and charges

General Information Regarding Building Control Authority Fees and Charges
<p><b>Other fees and levies may apply to any building consent or certificate of acceptance</b></p> <p>Charges for 'Fixed Fee Building Consents' do not include 'Fixed Levies' (see section 1) or compliance schedules charges (see section 7) where applicable.</p>
<p><b>Development and financial contributions</b></p> <p>Building consents may also incur development and/or financial contributions (see <a href="http://www.nelson.govt.nz/building-and-property/property-land-use/development-and-financial-contributions/">website information - http://www.nelson.govt.nz/building-and-property/property-land-use/development-and-financial-contributions/</a>).</p>
<p><b>Deposit fee payable at lodgement (based on value of work)</b></p> <p>The deposit (full fee) is required at time of lodgement on work valued up to \$49,999 for all building work which is not commercial. A deposit is required on all other application lodgements for building work.</p> <p>Where a residential application deposit is paid, the remainder of the fixed fee must be paid prior to release of the issued building consent.</p> <p>Due the varied nature of commercial work, these consents are a time charged fee and require a deposit at time of lodgement. Payment for time incurred to date plus the estimated inspections cost will be invoiced when the consent is issued. Any additional inspections or re-inspections will be charged prior to issue of a code compliance certificate.</p>
<p><b>**Limitations of 'Fixed Fee' and 'fair and reasonable time use' (Section 219(2) of the Building Act 2004)</b></p> <p>The 'Fixed Fee' system is based on reasonable time to complete processing and inspections.</p> <p>Poor quality and/or insufficient information requiring additional processing time and/or failed, missed, or additional inspections will likely incur additional costs. These additional charges will be notified to the agent and owner and must be paid prior to the issue of building consent or code compliance certificate (as applicable).</p> <p><b>Additional charges:</b> will be invoiced and must be paid within one month of the invoice date.</p> <p>All outstanding debts must be paid prior to the issue of a code compliance certificate.</p> <p><b>Formal Amendments:</b> All amendments to building consents incur a submission cost and then the hourly rate for Building Officer and administration time incurred over and above the initial fee charged.</p>
<p><b>Determinations, lapsed consents and consents without code compliance certificates (CCC) will all be charged at hourly rate</b></p> <p><u>Determinations:</u> Preparation of submission(s) for determination prior to signing Form D2 for the Ministry of Building Innovation and Employment.</p> <p><u>Lapsed consents:</u> 12 months from the date of issue, the building consent will lapse under section 52 of the Building Act 2004, if work has not commenced. Consents can be extended, prior to lapsing date, for a further period as approved by the Building Consent Authority.</p> <p><u>Code compliance certificates (CCC) that have not been issued within two years:</u> Under section 93 of the Building Act, the Building Consent Authority must decide whether it can issue a code compliance certificate at 24 months from granting date.</p> <p><u>Code compliance certificates (CCC) applications on older properties:</u> Where a consent is over four years old additional work is required to decide if a code compliance certificate can be issued. This includes meeting with the customer, desk top review of the file, any letters, final inspection, administration time and any other works. Additional costs will be levied (charged per hour) to cover this work.</p>

A2380674



**Building Consent Fee Quick Reference Sheet –**Please refer to **\*\*Limitations** (on previous page)

<b>Fixed Fee** Building Consents</b> Includes reasonable processing, inspection and administration time, and CCC	<b>Fixed Fee (inc GST)</b>	<b>Deposit (inc GST)</b>
<b>New Residential (new complete buildings/ workshops/ houses)</b>		
<b>Resource Management Act check, any consent requiring a RMA planning check      \$300 fixed fee</b>		
Value – up to and including \$200,000	\$2,990	\$2,000
Value – \$200,001 to \$300,000	\$3,850	\$2,000
Value – \$300,001 to \$499,999	\$4,750 ♦	\$2,000
Value – \$500,000 to \$999,999	\$6,950 ♦	\$2,000
Value – \$1,000,000 to \$3,999,999 (deposit)	Time charge	\$7,500
Value – \$4,000,000 or more (deposit)	Time charge	\$9,000
Relocated building	\$2,000	\$2,000
<b>All other building work not commercial including adaptation and alteration (includes other ancillary buildings i.e. new sleep outs, sheds and all retaining walls) to any existing property.</b>		
Minor residential building works under \$2,000 (includes one inspection) Fees will be charged at the per hour rate for any additional inspections required		\$350
<b>Resource Management Act check, any consent requiring a RMA planning check      \$300 fixed fee</b>		
Value – \$2,001 \$5000	\$500	\$500
Value – \$5,001 to \$10,000	\$850	\$850
Value – \$10,001 to \$19,999	\$1,650	\$1,650
Value – \$20,000 to \$49,999	\$2,000	\$2,000
Value – \$50,000 to \$99,999	\$2,900	\$2,000
Value – \$100,000 to \$499,999	\$4,000	\$2,000
Value – \$500,000 to \$999,999	\$6,950	\$2,000
Value – \$1,000,000 to \$3,999,999	Time charge	\$7,500
Value – \$4,000,000 or more	Time charge	\$9,000
<b>Commercial: All works</b>		
<b>Resource Management Act check, any consent requiring a RMA planning check      \$300 fixed fee</b>		
Value – \$0 to \$19,999	\$1,650	\$550
Value – \$20,000 to \$800,000	Time charge	\$550
Value – \$800,001 upwards	Time charge	\$2,250

♦ Excludes multiple unit projects and 'multi-proof' consents, estimated costs will be advised before consent is issued



## Item 9: Regulatory fees and charges deliberations: Attachment 3

<b>Other Simple Residential and All Marquee Building Consents</b>		<b>Fixed Fee (inc GST)</b>
Includes reasonable processing, inspection and administration time, planning check and CCC. Levies and/or contributions may also be chargeable. Full fee is payable at lodgement of building consent and is non-refundable.		
Space heaters – all fuel types (solid fuel burners, solar, wetbacks) and minor residential building works under \$2,000 includes one inspection	Fees will be charged at the per hour rate for any additional inspections required	\$350
Marquees > 100m <sup>2</sup> Marquee (any size in place for more than 1 month) ■	Residential Commercial (20 days to 11 days from proposed construction date)	\$200 \$350
Express Service For Commercial Marquees <u>If submitted 10 working days or less from planned construction date Nelson City Council will endeavour to complete but cannot guarantee the issue of consent before construction starts or the sign off of inspections before use. NOTE – Excludes cost of certificate for public use</u>		\$900
All demolition (full or part building)		\$450
Swimming pool fencing application - allows for 2 hours processing/administration and 1 inspection		\$260
Swimming pool (proprietary pre-formed, in ground or above ground) allows for 1 hour processing/administration and 2 inspections Additional inspections required will be charged at hourly rate of \$135/hr		\$400
Proprietary garages and carports up to 50m <sup>2</sup> (allows for 3 inspections)		\$1,350
Bathroom alterations only (allows for 2 inspections) Wet-floor/wall system inspection are charged separately at \$135/hr		\$450

■ This covers marquees/large tents for private (residential) or commercial functions that are not ordinarily classed as 'camping tents'

<b>Amendments to Consents</b>	<b>Deposit (inc GST)</b>
Amendment deposit – for formal amendment (after consent granted and before CCC)  Additional related charges may apply e.g. PIM, RMA rechecking, additional inspections. All amendments to issued building consents are charged per hour at appropriate staff hourly rates.	\$250

<b>Resource Management Act Check</b>	<b>Fixed Fee (inc GST)</b>
Any consent requiring a RMA planning check	\$300

A2380674



<b>Levies as required by Building Act 2004 and fixed by legislation</b>	<b>\$ based on value of work</b>	
Insurance Levy (Capped at \$10,000,000 estimated value)	\$20,000 and over	\$0.75 per \$1,000 or part of
Building Research Association New Zealand Levy (BRANZ)	\$20,000 and over	\$1.00 per \$1,000
Department of Building and Housing Levy (MBIE)	\$20,444 and over	\$2.01 per \$1,000
Quality Assurance Levy (QA) (capped at \$5,000,000 estimated value)	\$20,000 and over	\$1.00 per \$1,000

**Schedule 1: Works for which a Building Consent is Not Required**

<b>Schedule 1 Applications – Notification of Exempt Work</b>	<b>Fixed Fee (inc GST)</b>
Part 1, 2 and 3 – no assessment by Territorial Authority, application placed on property file	\$100
Part 1(2)(a) (b) – Requires Territorial Authority assessment and decision. Includes administration.	\$250

**Notice to Fix and Other Enforcement**

<b>Enforcement</b>	<b>Fixed Fee (inc GST)</b>
Notice to fix (each) issue and administration	\$150
Other notices (each) issued under Building Act 2004. For example: Section 124 notices (except where issued as a result of a natural disaster)	\$150
Building Consent Officer time and monitoring of notices issued - charged at hourly rate	
Infringement offences and fixed fines as per Building (Infringement Offences, Fees and Forms) Regulations 2007, adopted by Council 19 September 2009	

**Charge for Hourly Rates of BCA Staff, External Contractors and Meetings**

<b>Staff, External Contractors and Meetings</b>	<b>Fee (inc GST)</b>
All Building Unit technical/management staff (hourly rate)	\$135/hr
Building Control Administrators (hourly rate)	\$100/hr
Technical advice or duty meetings and other meetings with Building Unit staff	No fee up to 30 minutes 30 minutes or more \$135/hr or part there of
Schedule 1 Building Act 2004 exemptions meeting	30 minutes or more \$135/hr or part there of
Pre lodgement meetings (commercial only, over \$50,000 estimated value)	30 minutes or more \$135/hr or part there of
External consultants engaged by Council to provide expertise not available in house for building consent related peer reviews.	At cost notified by external contractor/peer reviewer

A2380674



**Certificates of Acceptance and Unauthorised Building Works**

<b>Certificate of Acceptance</b>	<b>Deposit (inc GST)</b>
<p>Certificate of acceptance (COA), section 96 Building Act 2004</p> <p>Applicants will be charged a \$800.00 application fee, plus any processing costs and levies that would have been payable had building consent been applied for before carrying out the work. Any structural checks or other engineering checks, where appropriate will be charged out at cost. The deposit will be a down-payment towards these costs.</p> <p>Hourly rate will be charged for all officer and administrator time.</p>	\$800 fee (deposit)
<p>Building Officer time at hourly rate will be charged as applicable for the following:</p> <ul style="list-style-type: none"> <li>Insurance, MBIE, BRANZ &amp; QA levies</li> <li>Nelson City Council development or financial Contributions</li> <li>Compliance schedule fee</li> </ul>	

<b>Unauthorised Building Works</b>	<b>Fixed Fee (Inc GST)</b>
Unauthorised building works reports	\$100 (lodgement fee)

**Registration of Documents with Land Information New Zealand**

<b>LINZ</b>	<b>Fixed Fee (inc GST)</b>
Section 73 Building Act 2004	\$250
Section 75 Building Act 2004	\$250
Removal of either section 73 or 75 (or equivalent under the Building Act 1991)	\$250

**Other Services Provided by the Building Unit**

<b>Other Services</b>	<b>Fee (inc GST)</b>
Project information memorandum (PIM) (includes certificate) Document for new construction, additions/alterations (voluntary)	\$300
Property information review	\$100/hr
Compliance schedule – new <b>plus</b> any additional staff time at hourly rate \$135/hr	\$200 each
Compliance schedule – amendment <b>plus</b> any additional staff time at hourly rate \$135/hr	\$150
Building warrant of fitness renewal <b>plus</b> any additional time to review 12A forms at hourly rate \$135/hr	\$175 each renewal
Building warrant of fitness <b>back flow preventer</b> only <b>plus</b> any additional time to review 12A forms at hourly rate \$135/hr	\$50
Application fee for alternative solutions assessment	\$495 (Deposit)
Building code waivers and modifications	\$250
Application for addition to register of Independent Qualified Persons (IQP)	\$150 each
Determinations, lapsed consents, section 93 and old code compliance certificate (CCC) at hourly rate \$135/hr	\$135/hr
Certificate for public use fee (public buildings) <b>plus</b> staff time at hourly rate \$135/hr	\$200

A2380674



<b>Other Services</b>	<b>Fee (inc GST)</b>
Swimming pool barrier audit under the Building Act 2004 (s162D every 3 years) <b>plus</b> any additional staff time where non-compliance noted charged at hourly rate \$135/hr	\$100

**Other Miscellany**

<b>Miscellaneous</b>	<b>Fixed Fee (inc GST)</b>
<b>Certificate of compliance (District Licensing Agency)</b> Building code compliance assessment for fire safety and sanitary facilities in a building, prior to an application for a liquor licence	\$150 each
<b>Reports of issued building consents</b>	\$135 (per annum)
<b>Debt recovery</b> Applicant shall be liable for all costs incurred by Council as a result of debt recovery	



## Attachment 4

## Dog Control Fee Options for 2020/21

(all charges include GST)

Registration Fees	Current	1. With GDO	2. No GDO	3. New GDO (training)	4. New GDO (no issues in 3 years)
Rural dogs (properties of 1 hectare or more)	48.00	61.00	53.50	57.00	57.00
Good Dog Owner Scheme	66.20	84.00		83.00	91.00
All other urban dogs	86.00	108.50	95.80	106.00	104.00
All dogs classified as dangerous (standard registration fee, plus 50% surcharge as required by statute)	129.00	162.75	143.70	159.00	156.00
<u>Community working dog such as</u> Police, Seeing Eye and Hearing Dogs	5.00	5.00	5.00	5.00	5.00
<b>A late payment penalty of 50% of the registration shall apply to all registrations remaining unpaid on 1 August of each year and all dogs unregistered after 1 September of each year shall incur a further \$300 infringement fee, plus penalty. Such penalties (set by statute) are to be made clear on the invoice for registration.</b>					
Replacement registration disc	5.00	5.00	5.00	5.00	5.00
<b>Registration discounts (applied annually):</b>					
Neutered dog (proof from vet is required)	-5.00	-5.00	-5.00	-5.00	-5.00



Impounding Fees (in any 12 month period)	Current \$	1. With GDO	2. No GDO	3. New GDO (training)	4. New GDO (no issues in 3 years)
First Impounding	75.00	75.00	75.00	75.00	75.00
Second Impounding	150.00	150.00	150.00	150.00	150.00
Third Impounding	225.00	225.00	225.00	225.00	225.00
Daily charge (for each day following impounding)	15.00	15.00	15.00	15.00	15.00
After hours callout charge (outside normal working hours)	75.00	80.00	80.00	80.00	80.00
Install microchip to impounded dogs where required	38.00	38.00	38.00	38.00	38.00



## Appendix 5

## Comparison of Dog Control Fees and Charges 2019/20 (all charges include GST)

Registration Fees	Nelson (proposed)	Tasman	Marlborough	Napier	New Plymouth	Palmerston Nth
Rural dogs	<b>61.00 (with GDO) or 53.50 (without GDO)</b>	30.00	20.00	48.00	58.00	44-76
Good Dog Owner Scheme	<b>84.00 or deleted</b>		60.00	74.00	80 - 125	92.00
All other urban dogs	<b>108.50 or 95.80</b>	50.00	90.00 (old dog 45.00)	110.00	155.00	142.00
All dogs classified as dangerous (standard registration fee, plus 50% surcharge as required by statute)	<b>162.75 or 143.70</b>	75.00	135.00	165.00	232.50	213.00
Police, Seeing Eye and Hearing Dogs	<b>5.00</b>	0	0	0		0
Replacement registration disc	<b>5.00</b>	5.00	5.00	5.00		
<b>Registration discounts (applied annually):</b> Neutered dog (proof from vet is required)	<b>-5.00</b>					
First Impounding	<b>75.00</b>	70.00	75.00	85.00	70.00	
Second Impounding	<b>150.00</b>	100.00	150.00	100.00	150.00	
Third Impounding	<b>225.00</b>	150.00	200.00	150.00	270.00	
Daily charge (for each day following impounding)	<b>15.00</b>	15.00	15.00	10.00	7.30	
After hours callout charge (outside normal working hours)	<b>75.00</b>			175.00 Per hr		
Install microchip to impounded dogs where required	<b>38.00</b>	25.00	25.00	30.00	45.00	



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## **Urban Environment Bylaw Review**

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### **1. Purpose of Report**

- 1.1 To decide the timing of the review of the Urban Environments Bylaw - Bylaw 225 (the Bylaw).

### **2. Summary**

- 2.1 The Bylaw review is required to be completed by 2 June 2022. If the review is not completed in this time the bylaw will be automatically revoked. If the review is completed by 2 June 2022, the next mandatory review will be within 10 years rather than five years i.e. it provides an additional five years of use of the Bylaw than if the current Bylaw is revoked and a new Bylaw made.
- 2.2 Once a decision is made on the timing of the process to review the Bylaw, officers will commence the review process and seek decisions from the Committee and Council as required under the Local Government Act 2002 (LGA) statutory requirements.

### **3. Recommendation**

***That the Environment Committee***

- 1. Receives the report Urban Environment Bylaw Review (R16988); and***
- 2. Agrees the process of reviewing the Urban Environments Bylaw will commence, and that it will be completed by 2 June 2022.***

### **4. Background**

#### **Urban Environments Bylaw Content**

- 4.1 The Bylaw covers a broad range of topics including:
- **Keeping of Animals** – The management of noise, odours and sanitary conditions for stock, poultry and pets



## Item 10: Urban Environment Bylaw Review

- **Urban Amenity** – Controls on caravans, slaughter of animals, storage of carcasses, barbed wire and electric fences, public rubbish bins, and a requirement for numbering of buildings.
  - **Trading in Public Places** – Manages a range of commercial services, soliciting donations and selling lottery tickets, begging and busking, retail displays, advertising, sandwich boards, and washing of vehicles.
  - **Control of Alcohol in Public Places** – Includes prohibiting alcohol in public areas such as the City Centre and Stoke, reserves and walkways.
  - **Reserves** – Control of motor vehicles, golf and a range of other activities.
  - **Burial and Cremation** – Manages a range of operations and activities from commercial operations to burials.
- 4.2 The full copy of the Bylaw can be accessed online:  
<http://www.nelson.govt.nz/council/bylaws/urban-environments-bylaw-225/> (Document A1350799).
- 4.3 Since adoption in 2015 the Bylaw has been operating effectively with only limited changes suggested or made to date.
- 4.4 A minor amendment was made to the Alcohol Ban area to include the Kerr Street area to the west of the Central City in 2019.
- 4.5 A significant amount of work is underway to look at how to better activate the central city. This includes the development of a City Centre Spatial Plan. Consideration will be given to any changes to the Bylaw as a result of the content of the Spatial Plan when it is completed in June.

### Review Timing

- 4.6 Council resolved to consolidate several area based bylaws into one new bylaw on 19 June 2014. This was on the basis that consolidating the bylaws would lead to a more integrated permit and enforcement system. That consolidated bylaw became the new Urban Environments Bylaw that took effect from 2 June 2015. The bylaw is required to be reviewed by June 2020. It has not been possible to complete the review by June 2020 due to other work priorities. The review process will therefore extend into the two-year grace period, which is permitted under the Local Government Act 2002 (LGA). The review must be completed within this grace period or the bylaw will be revoked. Consequently, the review of the Urban Environments Bylaw must be completed by June 2022.

## 5. Discussion

### Legal context



## Item 10: Urban Environment Bylaw Review

- 5.1 The Local Government Act 2002 (LGA) requires new bylaws to be reviewed within five years.
- 5.2 The LGA provides that if this review is not completed within 5 years (the review date), the bylaw must be reviewed no later than 2 years after the review date or the bylaw will be revoked. This allows the two year grace period referred to in paragraph 4.5 above.
- 5.3 There are particular statutory requirements that apply to the process of reviewing a Bylaw, and that will require determinations both by this Committee and Council. At this stage, the Committee is being asked to consider initiation, timing and process for the required review. The statutory determinations, along with the content of the Bylaw, will be the subject of later reports as indicated in the timeline at paragraph 5.5 below.

### **Review Timing**

- 5.4 As noted, the Bylaw must be reviewed by 2 June 2022 to avoid it being revoked. It is envisaged that the entire Bylaw process, including making any amendments following the review, can be completed within 16-18 months as outlined below:

#### **Stage 1**

- Months 1-3 – Discussions with Council staff with a focus on biosecurity, city centre, property, accessibility, and alcohol.
- Months 4-5 – Prepare paper and workshop options with Councillors.
- Months 6-7 – Undertake stakeholder consultation
- Months 8-9 – Prepare Environment Committee Report; Environment Committee meeting to make determinations under s 155(1) LGA (that amending the bylaw is the most appropriate way of addressing the identified perceived problem) and 156 LGA (the method of consultation and draft consultation - if, as currently envisaged, SCP is recommended, a draft SOP would be prepared and included).
- Month 10 – Prepare consultation materials and notify proposal

#### **Stage 2**

- Months 11-12 – Undertake Formal consultation.
- Months 12-13 – Report overview of submissions and conduct a hearing for those wanting to speak. Deliberations meeting to consider submissions and officer recommendations.



## Item 10: Urban Environment Bylaw Review

- Month 14 - Council meeting to formally consider recommendations and to make the required determinations under 155(2) and 160 LGA (either to amend, revoke, revoke and replace, or not to amend the bylaw.)
- Months 15-16 – Put implementation steps in place – signage, communications, mapping, officer briefings.

5.5 As the focus of the Planning Team has been the Nelson Plan there has been no staff resource available to undertake the Bylaw review. If the Committee agrees the review will now be commenced, all statutory timeframes can be met should financial resource signalled in the Draft Annual Plan be approved.

## 6. Options

**The Bylaw review should be commenced so that it can be completed by 2 June 2022.**

6.1 The preferred option, Option 1, enables the Bylaw to be reviewed within statutory timeframes and when there is resource available, allows enough time for appropriate engagement, and means the future review will not coincide with other significant work scheduled. There are no aspects of the Bylaw requiring more urgent changes given the absence of any particular implementation issues with the current Bylaw.

<b>Option 1: Commence the Bylaw review and be completed by 2 June 2022</b>	
Advantages	<ul style="list-style-type: none"><li>• Allows enough time to complete review of the bylaw before it is automatically revoked under section 160A of the Local Government Act 2002.</li><li>• The next review of the Bylaw will be due in ten years (approximately 2032) rather than five years (which would be the case if this bylaw was revoked under s160A and a new bylaw made).</li><li>• Avoids consequences of revocation of the Bylaw including: resource implications of making a new bylaw; time when no bylaw is in place - no regulation or enforcement of matters covered in current Bylaw at that time.</li><li>• Stakeholder engagement period (late 2020) is sufficient.</li><li>• Allows for new financial resource to be in place (If approved via the Annual Plan process).</li></ul>



## Item 10: Urban Environment Bylaw Review

Risks and Disadvantages	<ul style="list-style-type: none"><li>No significant risks or disadvantages from this option</li></ul>
<b>Option 2: Commence Bylaw Review at a later date</b>	
Advantages	<ul style="list-style-type: none"><li>No significant advantages from commencing at a later date.</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>Risk that Bylaw Review will not be completed in time and the current Bylaw will be revoked.</li><li>A new bylaw would be required to be made to deal with all matters currently covered in the Bylaw, and that would have to be reviewed in five years rather than ten years.</li><li>There would be a period of time between revocation and a new bylaw – during this time, there would be no regulation and enforcement of matters currently covered in the Bylaw.</li></ul>

## 7. Conclusion

- 7.1 It is recommended that the process of reviewing the Urban Environments Bylaw (225) is commenced now and completed by 2 June 2022. This approach will ensure an efficient use of Council resources in the short and longer term, and allow enough time for appropriate consultation.

## 8. Next Steps

- 8.1 The next step is for Council officers to consider options and changes that should be made to the existing Bylaw ahead of work-shopping the proposed changes with Council.

**Author:** Maxine Day, Manager Environmental Planning

## Attachments

Nil



<b>Important considerations for decision making</b>
<p><b>1. Fit with Purpose of Local Government</b></p> <p>This report seeks to enable local decision making and action on behalf of the community by seeking to commence the review of the Urban Environments Bylaw. The Bylaw promotes the community's social and environmental wellbeing by protecting and maintaining public health and safety and amenity in the urban area.</p>
<p><b>2. Consistency with Community Outcomes and Council Policy</b></p> <p>The relevant community outcomes are as follows:</p> <ul style="list-style-type: none"> <li>• <i>Our unique natural environment is healthy and protected</i></li> <li>• <i>Our urban and rural environments are people-friendly, well planned and sustainably managed</i></li> <li>• <i>Our communities are healthy, safe, inclusive and resilient</i></li> </ul> <p>The recommendation seeks to commence a review of the urban Environments Bylaw. The Bylaw seeks to manage a wide range of activities within the urban area to protect and maintain public health and safety and amenity as well as minimise the potential for disorder associated with consumption and possession of alcohol in public places.</p>
<p><b>3. Risk</b></p> <p>This bylaw seeks to protect, promote and maintain public health and safety in Nelson's urban environments. The review of the bylaw will ensure that the bylaw is fit for purpose and that risks to health and safety and urban amenity will be appropriately addressed.</p> <p>If the review is not completed within the statutory timeframe, it will be automatically revoked.</p>
<p><b>4. Financial impact</b></p> <p>Funding for Bylaw work is provided for in the 2018-2028 Long Term Plan and the Draft 2020/21 Annual Plan.</p>
<p><b>5. Degree of significance and level of engagement</b></p> <p>This matter is of high significance because of the high importance to a large proportion of the community. Therefore a Special Consultative Procedure is planned, and will be the subject of a later report.</p>
<p><b>6. Climate Impact</b></p>



This decision will have no impact on the ability for the Council or City to proactively respond to the impacts of climate change now or in the near future and will have no impact on greenhouse gas emissions.

## **7. Inclusion of Māori in the decision making process**

No engagement with iwi has been undertaken in preparing this early Bylaw report. Iwi will be consulted as part of the Special Consultative Process.

## **8. Delegations**

The Environment Committee has the following delegations to consider

*Delegations:*

- Bylaws, within the areas of responsibility

*Areas of Responsibility:*

The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.

The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):

- Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate



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## **COVID-19 Update Report - Impacts on Environmental Management Group Activities**

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### **1. Purpose of Report**

- 1.1 To provide an update on the impacts of the COVID-19 pandemic on activities within the Environmental Management Group.

### **2. Recommendation**

***That the Environment Committee***

- 1. Receives the report COVID-19 Update Report - Impacts on Environmental Management Group Activities (R17001).***

### **3. Discussion**

#### **Building**

- 3.1 The Building Unit continued to process building consents remotely during the alert level 4 lockdown period and this will continue through alert levels 3 and 2. The Ministry of Business, Innovation and Employment (MBIE) has provided direction on time frames, allowing some flexibility and MBIE will monitor the situation.
- 3.2 Physical inspections were not able to be undertaken during the lockdown period except for essential services. Physical inspections resumed at Alert Level 3 and follow strict health and safety protocols. The Team fielded a high level of inspection requests with the move to level 3; 155 in the first week, starting as soon as the announcement was made – on top of the 40 final inspections already waiting.
- 3.3 Post COVID-19 it is assumed there will be a reduction in activity in the construction sector. For planning purposes there is an assumption there will be a reduction of 20% in revenue for the 2020/21 financial year given a drop in consent applications. To counter this potential loss in revenue there has been a reduction in the use of contractors. The



## Item 11: COVID-19 Update Report - Impacts on Environmental Management Group Activities

details of the financial implications are being reported to the Audit and Risk Sub-Committee.

- 3.4 Building warrant of fitness audits and other work within the Team has continued remotely. During the level 4 period there has been opportunity for officers to get ahead of their required competency requirements which has been positive. This competency work is critical given there is an IANZ audit in June 2020.

### **City Development**

- 3.5 The City Development work programme has had a large shift given COVID-19 with a focus over the last few weeks on delivering outcomes for the City Centre to assist a return to functionality for retailers and the hospitality sectors. This shift has impacted business as usual and things such as the Spatial Plan will now be delayed by about a month.
- 3.6 The footpath widening street programme is seeking funding from the NZTA under the Innovative Streets Fund. Consultation on options for widening pedestrian footpaths on Trafalgar, Hardy and Bridge Streets is underway.

### **Planning**

- 3.7 During this period work on two bylaws, required to be reviewed, has continued. Both the Dog Control Bylaw/Policy and the Urban Environments Bylaw are being reported to the Environment Committee in late May or early June.
- 3.8 Work on the Whakamahaere Whakatū Nelson Plan has continued. There has been an impact on the planned community engagement as physical interaction with the public has not been possible. As a result there has been a change to allow for a period of targeted consultation with key stakeholders which can be done remotely. This additional step will overall add about 3 to 5 months to the project timeline. It is considered however, that the step will allow for further refinement of the Plan before going out to the public and should assist in ensuring the content is workable for those using it.
- 3.9 Work has also continued with the Maitahi/Bayview Development Consortium. Specifically work on understanding how the proposed Resource Management Act changes for fast track consent processing may impact.

### **Consents and Compliance**

- 3.10 The Resource Consents Team has continued to work remotely and process consent applications. Similar to the Building activity there is an assumption there will be a reduction of 20% in revenue for the 2020/21 financial year given a drop in consent applications. To counter this potential loss in revenue there has been a reduction in the use of contractors. The details of the financial implications are being reported



## Item 11: COVID-19 Update Report - Impacts on Environmental Management Group Activities

to the Audit and Risk Sub-Committee. The number of resource consent applications lodged in April was 24 which is the lowest month for the financial year but similar to March (28) and February (25).

- 3.11 Parking patrols were not undertaken during Levels 4 or 3. Patrols will resume at Level 2 with an initial focus on monitoring car park occupation. There continues to be a response to cars blocking access or in dangerous positions through all levels.
- 3.12 Dog control has continued as an essential service. Animal control and barking dog matters have been handled by telephone and resumed fully at level 3.
- 3.13 Food services have continued remotely e.g. contact is made if there is a plan to provide services or products not offered before - for example deliveries, takeaways or selling food to other businesses (wholesaling). Any changes to scope need to be notified to, and reviewed by the Council, which may place conditions for the temporary change during Covid-19 Level 3. Environmental health officers are providing tailored advice and support to individual businesses on operating during changing alert levels.
- 3.14 Noise control has experienced double the amount of complaints during levels 4 and 3. Responses continue to occur ensuring safe distancing. Responses to pollution in streams have also increased due to people washing paint brushes and the water entering the stormwater system. Targeted communications have occurred to address these issues.
- 3.15 Under alert levels 4 and 3 recreational power and sail boating was prohibited. The Harbour Master has been supporting the Police enforcing the recreational boating ban.

### **Science and Environment**

- 3.16 Air quality monitoring and hydrology gauging have continued during the lockdown period.
  - Rural rivers reached trigger flows for stage 1 restrictions on 12<sup>th</sup> March, but did not drop to cease take levels.
  - Air quality monitoring in Airshed A at St Vincent St during lockdown (25<sup>th</sup> March-27<sup>th</sup> April) showed the same average PM10 levels as the 4 weeks prior, and a 31% improvement against the average for the same period over the previous 5 years (2015-2019). There were also improvements against the previous 5 year average for the 4 weeks prior to lockdown and the level 3 period after lockdown.
  - Monitoring in Airshed B at Blackwood St during lockdown (25<sup>th</sup> March-27<sup>th</sup> April) showed a reduction in PM10 levels compared to the 4 weeks prior, and a 50% improvement against the average for the same period over the previous 5 years (2015-2019). There



## Item 11: COVID-19 Update Report - Impacts on Environmental Management Group Activities

were also improvements against the previous 5 year average for the 4 weeks prior to lockdown and the level 3 period after lockdown.

- It is important to be cautious in interpreting these data, especially for short time periods, because there is variability in PM10 levels year to year due to varying metrological conditions.

Airshed A, Nelson St Vincent Street	Range	Average 2015-2019	2020	2020 improvement vs last 5 years
		PM10 ug/m3	PM10 ug/m3	
Four weeks prior to Lockdown	26 Feb- 24 March	11	9	18%
Lockdown Level 4	25 March - 27th April	13	9	31%
Level 3 period	28 April – 10 May	21	18	14%

Airshed B1, Tahunanui Blackwood Street	Range	Average 2015-2019	2020	2020 improvement vs last 5 years
		PM <sub>10</sub> ug/m3	PM <sub>10</sub> ug/m3	
Four weeks prior to Lockdown	26 Feb- 24 March	18	14 <sup>(1)</sup>	22%
Lockdown Level 4	25 March - 27th April	16	8	50%
Level 3 period	28 April – 10 May	20	18	10%

(1) This included an unexplained high of 43 ug/m3 on the 19<sup>th</sup> March, which is the third highest reading for the last 12 months. This has raised the average for the period.

- 3.17 Work that requires site visits has not taken place during level 4 e.g. Significant Natural Areas (SNA) surveys. However delivery has continued through virtual and phone meetings with landowners, and the April environmental grants round was able to continue. Work has re-commenced during level 3 subject to health and safety plans being in place.
- 3.18 Environmental community engagement and education activities were postponed during lockdown, however workshops and seminars are taking place over Zoom instead. Community plantings and site based events were either cancelled or postponed. School based environmental education activities were delivered through on-line activities for students (eg iNaturalist Bioblitz), and planning and resource creation with teachers.
- 3.19 The eco-building design and energy efficiency home visits service was cancelled and home visits have not been occurring through AL3. A slightly reduced version of the service has instead been delivered by phone, through the use of video calling to look at the home virtually, and the provision of on-line resources.



Item 11: COVID-19 Update Report - Impacts on Environmental Management Group Activities

- 3.20 Many Science and Environment contracts such as laboratory services, estuarine monitoring, possum monitoring, and weed control were postponed during lockdown, but all recommenced during AL3. Any postponed work will be caught up by the end of the financial year. Desktop contracts were able to continue throughout the lockdown.
- 3.21 Engagement with the wider regional sector (eg the Land Managers Special Interest Group) has continued through regular Zoom meetings. The benefits of this have been enabling alignment and understanding of responses to both government and community during this time, and taking advantage of opportunities to work together.
- 3.22 Five green shovel ready projects were included in a bid to seek funding from the Government. These projects were chosen for job creation, accessibility, and potential for multiple benefits (environmental, amenity, recreation etc) in mind. The total bid amounted to \$6,370,000 over 10 years, with roughly half in the first 3 years to make a step change, followed by a lower amount in the next 7 years for follow up and maintenance. The projects were:
- Hira Reserve wetland restoration project – mainly planting and fencing and then maintenance - \$170,000 over 3 years.
  - Grampians Reserve restoration project – mainly pest plant control followed by planting and maintenance - \$2,000,000 over 10 years, half in first 3 years.
  - Maitai River catchment ecological restoration – 10 year restoration plan from Dam to Haven – planting, weeding, habitat enhancement, native fauna management, amenity, recreational and cultural considerations - \$2,000,000 over 10 years, half in first 3 years.
  - Restoration of Significant Natural Areas and biodiversity corridors on private and iwi owned land – fencing, pest animal and plant control, planting, surveys - \$2,000,000 over 10 years, half in first 3 years.
  - Fast-tracked Taiwan Cherry eradication – reduce 10yr programme to 3 years - \$200,000 over 3 years.
- 3.1 Some savings for the 2019/20 year will be identified due to reduced service delivery, however the majority of the work programme was able to continue through lockdown. A request will be made to carry some funding over into the 2020/21 year for contracts which were briefly delayed due to lockdown, but which will still be delivered in July/August.



Item 11: COVID-19 Update Report - Impacts on Environmental Management  
Group Activities

**Author:** Clare Barton, Group Manager Environmental Management

**Attachments**

Nil



## **Submission to DOC on the proposed improvements for whitebait management**

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### **1. Purpose of Report**

- 1.1 To seek retrospective approval for a submission to the Department of Conservation (DOC) on proposed improvements to whitebait management practices (A2346450).

### **2. Summary**

- 2.1 DOC has been seeking submissions on proposed improvements to whitebait management. The deadline for submissions was Monday 16 March.
- 2.2 Officers recommended that a submission on this proposal was appropriate to clarify and update the information contained in the proposal relating to Nelson.
- 2.3 The submission was completed by officers and approved by the Senior Leadership Team and supported by the Chair of the Environment Committee. The submission was then made with the proviso that "*due to scheduling issues this submission has not yet been approved by Council and may be withdrawn*". The submission is included as attachment 1 (A2346450)
- 2.4 Retrospective approval for this submission is sought from the Environment Committee.

### **3. Recommendation**

#### ***That the Environment Committee***

- 1. Receives the report Submission to DOC on the proposed improvements for whitebait management (R15865) and its attachments (A2346450 and A2345470); and***



Item 12: Submission to DOC on the proposed improvements for whitebait management

**2. *Approves retrospectively, the submission to the Department of Conservation on the proposed improvements to whitebait management (A2346450).***

**4. Background**

- 4.1 The Department of Conservation discussion paper (<https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/2019/whitebait-consultation/whitebait-discussion-document-2020.pdf>) sets out options for improvements to whitebait fisheries management and protection, including establishing fish refuges for whitebait.
- 4.2 Nelson City Council seeks to:
- update the information in the proposal relating to the Nelson region, including the occurrence of whitebait fish species and proposed percentage of protected refuges in Nelson;
  - broadly support proposed options that will assist with the management of threatened species and maintain the recreational fishery values; and
  - comment on issues not fully addressed by the proposal.

**5. Discussion**

- 5.1 The submission (attachment 1) supports the proposal to allow for protected whitebait refuges, and the proposed option to have a shorter and earlier nationwide fishery season, to provide more protection to the threatened Shortjaw Kokopu.
- 5.2 Nelson whitebait values for the proposed DOC catchment management units are updated and summarised in the Appendix 11 section of the submission, including more accurate data on the occurrence of whitebait fish species and the percentage area of protected refuges in the Nelson region.
- 5.3 The submission also comments on four areas that were not fully addressed in the proposal:
- the importance of protecting migratory pathways to existing protected public conservation areas, by reducing threats and pressures to whitebait in coastal waterways;
  - the integration of the proposed management practices with the existing planning legislation underpinning the protection and assessment of effects for whitebait species, namely the New



Item 12: Submission to DOC on the proposed improvements for whitebait management

Zealand Coastal Policy Statement (2010) and the National Policy Statement for Freshwater Management (2017);

- the need for guidance notes for any changes in management that may affect unitary/regional councils; and
- the need to consider the implications of climate change on the whitebait species and their habitat requirements, in terms of coastal inundation, increasing water temperatures and extreme storm events and sedimentation to waterways.

5.4 Matters outside of Council's jurisdiction have not been commented on.

5.5 The offer has been made for a partnership approach with DOC for the proposed national monitoring and restoration programmes, through existing Nelson Nature, Healthy Streams and other Council programmes, to encourage greater collaboration and sharing of knowledge and expertise.

## 6. Options

<b>Option 1: Approve submission (preferred option)</b>	
Advantages	<ul style="list-style-type: none"><li>• Nelson data is accurately reflected in the proposal.</li><li>• Nelson City Council is able to provide its perspective on DOC's proposal for improving whitebait management.</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• The submission made may not fully reflect the opinion of the Environment Committee.</li></ul>
<b>Option 2: Decline submission</b>	
Advantages	<ul style="list-style-type: none"><li>• If the submission does not accurately reflect the opinion of the Environment Committee it would be an advantage to decline the submission and staff would then notify DOC to disregard it.</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• Incorrect data for Nelson will be included in any implementation of the proposal.</li><li>• Council comments and amendments will not be fully considered in the submission process, which could result in lost opportunities for a collaborative approach.</li></ul>



Item 12: Submission to DOC on the proposed improvements for whitebait management

**Author:**        **Dr Paul Fisher, Water Quality Scientist**

**Attachments**

- Attachment 1: A2346450 - Submission to DOC on the proposed improvements for whitebait management [↓](#)
- Attachment 2: A2345470 - Department of Conservation discussion document on whitebait management <https://www.doc.govt.nz/get-involved/have-your-say/all-consultations/2020-consultations/consultation-on-changes-to-whitebait-management/> (*Circulated separately*) [⇒](#)



<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	<p>This submission is consistent with the Local Government requirements under the NZCPS (2010) and NPS-FM (2017) to monitor, report and protect threatened species and habitat. It also provides information specifically related to Nelson to a national agency, on behalf of the Nelson community.</p>
<b>2. Consistency with Community Outcomes and Council Policy</b>	<p>Inanga and other whitebait species have been identified as significant freshwater values by the Iwi Freshwater Management and Stoke, Mahitahi, Whangamoa and Wakapuaka Freshwater Management Groups. This submission addresses a number of community outcomes by recognising the need to protect our environment and heritage, and avoid further biodiversity loss.</p>
<b>3. Risk</b>	<p>The risk associated with approving the submission is if the submission does not accurately reflect the thoughts of the Environment Committee. This risk has been mitigated by the inclusion of a caveat in the submission that the submission may be withdrawn if not approved.</p>
<b>4. Financial impact</b>	<p>No additional resources have been requested. Any proposed changes to monitoring and habitat restoration would occur through existing Council monitoring, Nelson Nature, Healthy Stream programmes.</p>
<b>5. Degree of significance and level of engagement</b>	<p>The submission process is of low significance with opportunity to address any perceived council issues or feedback through ongoing discussion with DOC and regional council Special Interest Groups.</p>
<b>6. Climate Impact</b>	<p>The decision to provide a submission to DOC will have no impact on climate change. The submission itself does raise the consideration of climate change impacts in the management of whitebait species.</p>
<b>7. Inclusion of Māori in the decision making process</b>	<p>No engagement with Māori has been undertaken in preparing this report.</p>
<b>• Delegations</b>	<p>The Environment Committee has the following delegation:</p>



Item 12: Submission to DOC on the proposed improvements for whitebait management

*Areas of Responsibility:*

- *Environmental science matters*
- *Environmental programmes*
- *The Nelson Plan*

*Delegations:*

- *The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.*



Item 12: Submission to DOC on the proposed improvements for whitebait management:  
Attachment 1



Ref: A2346450

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12 March 2020

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Whitebait Management Connection  
Department of Conservation  
P.O. Box 10420  
Wellington 6143

Submitted to: [whitebait@doc.govt.nz](mailto:whitebait@doc.govt.nz)

**Nelson City Council (NCC) Submission on:**

**Improving whitebait management – Discussion document, January 2020**

**A. GENERAL COMMENTS**

1. Thank you for providing Nelson City Council (NCC) the opportunity to give feedback on the discussion document on improving whitebait management. Council does not request to be heard in relation to this submission. *Please note that due to scheduling issues this submission has not yet been approved by Council and may be withdrawn.*
2. NCC supports the proposed management goal for whitebait to 'ensure healthy and restored whitebait populations and provide for a sustainable fishery of non-threatened species'.
3. NCC supports all of the proposed outcomes for achieving the management goals, summarised on pages 27-28 of the consultation document.
4. NCC's submission has a direct focus on the proposal for sites in the Nelson region that may be appropriate for selection as refuges for the whitebait species.
5. Broadly NCC seeks:
  - to support the proposal for protecting whitebait habitat on public conservation land
  - to recognise the significance of whitebait species and their habitat at a regional level, which is consistent with the proposed network of Aquatic Sites of Significance supporting the Whakatū Nelson Plan
  - to recognise the importance of maintaining migratory pathways to inland conservation land and other protected areas
  - for DOC to consider the implications of climate change on the whitebait species and their habitat requirements, in terms of coastal inundation, increasing water temperatures and extreme storm events and sedimentation to waterways
6. NCC welcomes the opportunity to work with the Department of Conservation (DOC) and others to improve whitebait management through contributing to regional monitoring, protection and enhancement of whitebait habitat through our biodiversity and monitoring programmes.
7. The remainder of this submission identifies key issues in response to the consultation questions, and whitebait information summarised for the Nelson region.

Internal Document ID:

Nelson The Smart Little City  
He tāone tōrire a Whakatū

 Nelson City Council  
te kaunihera o whakatū



Item 12: Submission to DOC on the proposed improvements for whitebait management:  
Attachment 1

**B. SPECIFIC COMMENTS**

**Part 6: Consultation questions | Wāhanga 6: Ngā pātai akoako  
Questions – Introduction (p. 11-29)**

Do you agree with the description of the current state in this Introduction?  
Is there other information that should be considered?  
What (if any) changes do you think should be made to the proposed management goal?  
Would you like to comment on the management outcomes proposed for the whitebait fishery?  
Are there other management outcomes that should be considered?

NCC concurs with the current state of whitebait fishery and is supportive of the proposed management goals.

NCC reserves comment on any other fisheries management outcomes outside the jurisdiction of a Unitary Council.

**Questions – Timing of the whitebait season (p. 33-37)**

Which of the 3 timing options do you consider most appropriate for the whitebait fishing season? Why?

NCC supports Option 1 (August - October) to reduce the overlap and catch of At Risk/Threatened whitebait species. A shorter whitebait fishing season will reduce fishing pressure on taonga species, including Threatened-Nationally Vulnerable fish species.

Most spawning for Nelson Kōaro occurs around May with eggs found under boulders in the upper reaches of the Brook, Maitai, Wakapuaka and Whangamoa tributaries. Based on a 4-6 month larval growth period in coastal waters, the whitebait run for this species would Sep-Nov, peaking in October. Threatened Shortjaw and At Risk Giant Kōkopu also with whitebait runs occurring later than Inanga, fully underway around October.

**Questions – Nationwide upstream limits on whitebait fishing (p. 37-40)**

Do you agree with the proposed approach to selecting rivers (outside the West Coast of the South Island) on which to place back-pegs? Why or why not?  
Do you wish to suggest specific waterways in which back-pegs should be placed? Why do you suggest these waterways?

NCC reserves comment on nationwide upstream limits on whitebait fishing. Whitebaiting opportunities in Nelson are limited to the Maitai and Wakapuaka Rivers, with DOC signage in place at key access points to the Maitai in the Nelson City. Back-peg markers could be used to demarcate the upstream extent for the Maitai and Wakapuaka to better define the fishing area.



## Item 12: Submission to DOC on the proposed improvements for whitebait management: Attachment 1

### **Questions - Creation of whitebait refuges in selected waterways (fishing excluded) (p. 41-46)**

Do you agree with the approach proposed for selecting waterways as refuges for the whitebait species, and for the exclusion of whitebait fishing? Why or why not?  
Do you have specific feedback on any of the rivers listed as potential refuges? Can you provide any more information about these sites?  
Which sites do you think should be selected for short-term or longer term fishing exclusions? Please provide information you have that informs your view.

NCC supports the creation of whitebait refuges to reduce fishing pressure on threatened species, which is consistent with the approach of a number of regional councils to recognise whitebait habitat and their requirements by defining 'Aquatic Sites of Significance' in regional plans.

NCC has provided specific feedback on creation of whitebait refuges later in this submission.

### **Questions - Whitebait fishing practices (p. 46-68)**

Which options of those proposed do you consider most appropriate? Why?  
What timeframe do you consider reasonable for phasing in and phasing out any changes to fishing practices?  
Are there other approaches to ending export of the whitebait species that should be considered? Is there other information that should be considered?  
How do you think the options set out will contribute to achieving the management outcomes and goal proposed?  
Would you like to provide additional information on the alternative options? Would you like to provide other comments on the proposals in this document?  
Which combinations of these options do you think would contribute best to improving whitebait management? Why?  
Are there additional options not described in this document which should be considered?  
Are there other minor changes that should be made to the whitebait fishing regulations, to improve consistency and clarity?

NCC reserves comment on whitebait fishing practices, such that the practices do not result in adverse effects to freshwater values.

### **Questions - Implementation (p. 69-72)**

What do you see as potential challenges in implementing (any of) the options proposed in this document?  
When do you think any regulatory changes that are carried forward after this consultation should be introduced?  
What do you think about the proposed monitoring arrangements?  
How should the results of monitoring be reported?

NCC supports the continuation of compliance monitoring to enforce the management of the whitebait fishery.



## Item 12: Submission to DOC on the proposed improvements for whitebait management: Attachment 1

NCC is supportive of working alongside DOC and other agencies to undertake whitebait monitoring in the region and continue with whitebait habitat restoration programmes. NCC works closely with DOC to align prioritisation of habitat restoration sites and associated monitoring; and has also had initial discussions regarding the translocations of whitebait species to sites in the region where appropriate (for conservation and education purposes).

### C. APPENDIX 11: NCC COMMENTS

Appendix 11 does not provide an accurate summary of the whitebait fish species in each planning unit, and more accurate data is shown in Table 1 below.

White-baiting occurs in the Wakapuaka River, as indicated in Table 1.

#### Appendix 11: Sites in the Nelson region that may be appropriate for selection as refuges for the whitebait species

Note: Feedback is sought on the sites below, in relation to their potential value as refuges for the whitebait species. Fishing exclusions would be proposed for selected sites from the list below, taking effect from the coast up to and including the planning unit identified (in which adult populations of whitebait species are known to occur). Feedback is also sought on appropriate periods for fishing exclusions to apply at any particular site. It is not proposed that whitebait fishing is excluded from all of these waterways. Rows highlighted in blue are known whitebaiting locations. Sites: C = Creek, I = Inlet, R = River, S = Stream. Planning unit = all catchments of third order or less, or for larger catchments, third and higher order sub-catchments and the main stem of the waterway. % Prot = % of the Planning Unit that is public conservation land. % Prot = % of the Planning Unit that is protected. Species: Ī = Īnanga, K = kōaro, BK = banded kōkopu, GK = giant kōkopu, SJK = shortjaw kōkopu, CS = common smelt.

Catchment	Planning Unit		% Prot	Ī	K	BK	GK	SJK	CS
Jenkins C, Poorman Valley S	Jenkins C	2931	5	Y					
Jenkins C, Waimea I	Jenkins C, Waimea I	2928	1	Y		Y			
Maitai R, Maitai R	Maitai R	2921	34	Y	Y				Y
Nelson H, Nelson Haven	Oldham C	2916	1	Y					
Poorman Valley S, Waimea I	Poorman Valley S	2932	3	Y	Y	Y			
Reservoir C, Waimea I	Reservoir C	2942	3	Y		Y			
Saxton C, Waimea I	Saxton C, Waimea I	2940	6	Y		Y			
Waimea I	Orphanage S, Stoke	2938	3	Y					Y
Waimea I	Waimea I	2934	6	Y		Y			
Wakapuaka R	Wakapuaka R	2909	19	Y	Y	Y			
Whangamoa R	Whangamoa R	2897	35		Y				



Item 12: Submission to DOC on the proposed improvements for whitebait management:  
Attachment 1

Table 1: Sites in the Nelson region that may be appropriate for selection as refuges for the whitebait species

Catchment	Planning Unit	% Prot	I	K	BK	GK	SJK	CS
Jenkins C, Poorman Valley S	Jenkins C 2391	To be discussed	Y	Y	Y			Y
Jenkins C, Waimea I	Jenkins , Waimea I 2928	To be discussed	Y	Y	Y			Y
Maitai R, Maitai R	Maitai R 2921	To be discussed	Y	Y	Y			Y
Nelson H, Nelson Haven	Oldham Creek 2916	To be discussed	Y	Y	Y			Y
Poorman Valley S, Waimea I	Poorman Valley S 2932	To be discussed	Y	Y	Y	Y	Y	Y
Reservoir C, Waimea I	Tasman District Council							
Orchard C, Waimea I	Orchard C ( <b>new site</b> )	To be discussed	Y	Y	Y			Y
Saxton C, Waimea I	Saxton C, Waimea I 2940	To be discussed	Y	Y	Y			Y
Waimea I	Orphanage S 2938	To be discussed	Y	Y	Y	Y	Y?	Y
Waimea I	Waimea I 2934	To be discussed	Y	Y	Y			Y
Wakapuaka R	Wakapuaka R 2909	To be discussed	Y	Y	Y			Y
Whangamoa R	Whangamoa R 2897	To be discussed	Y	Y	Y			Y

The proposed % of protected whitebait habitat is significantly low for the Stoke streams (e.g. Jenkins Creek, 1%) and not in proportion to the available spawning habitat or potential habitat available for refuges. NCC would like the opportunity to discuss these figures with DOC officers.

The cumulative benefit of sub-catchments and connectivity of small streams to estuaries is not recognised using discrete catchment planning units.



## Item 12: Submission to DOC on the proposed improvements for whitebait management: Attachment 1

### **Fish diversity:**

Based on historical surveys and recent confirmation of whitebait species spawning habitat in the region, NCC is confident that all the Nelson catchments include 4 of the 6 whitebait species. The fish species will occur at varying densities based on available habitat and connectivity with the estuary/coast, and subject to seasonal variation in flows and recruitment.

The Shortjaw Kōkopu and Giant Kōkopu have been recorded in the Stoke stream fan discharging to the Waimea estuary, though likely to occur in very low numbers. Adult Giant Kōkopu has been recorded in Orphanage Stream and Poorman Valley Stream so juveniles are also likely to be present.

Shortjaw Kōkopu is the most threatened whitebait for Nelson, so far only recorded in Poorman Valley Stream.

Whilst numbers of whitebait are proportionately low in Nelson streams (compared to the West Coast or large river catchments) the coastal streams have the propensity to hold the six whitebait species (including smelt).

Nelson's waterways are low order with relatively short reaches. They have a proportionately high fish biodiversity because the waterways have good connectivity with estuaries and coast. The high fish diversity and habitat is supported and enhanced by region-wide Council programmes for fish passage remediation, habitat restoration and surveys to identify and confirm whitebait spawning sites and reaches (primarily Inanga, Kōaro and Banded Kōkopu).

For further information see:

<http://www.nelson.govt.nz/assets/Environment/Downloads/Environmental-monitoring/state-of-the-environment/State-of-the-Environment-Report-2018.pdf>

### **Protection of whitebait and their habitat**

Protection areas or refuges are aimed at reducing fishing pressure. Most of the Nelson streams (eg Stoke streams) have been assigned with low % Protection. The DOC approach to derive the % protection for a given catchment based on the % of public conservation land in the catchment is a useful starting point. However, it undervalues existing refuges that may be managed by councils and private land owners. The management of whitebait requires collaboration between landowners and agencies.

The % of protected catchments should intrinsically be high where white-baiting has historically never occurred. The Stoke streams are not fished due to their size, but because they are collectively linked to the Waimea Inlet, they have a combined high value for refuges and source stock.

The Nelson region is experiencing significant urban development of the coastal plain and valleys where whitebait species occur. Small coastal streams are subject to the greatest pressures from land use changes and are impacted by cumulative stressors.



Item 12: Submission to DOC on the proposed improvements for whitebait management:  
Attachment 1

This proposal protects whitebait through the creation of no fish areas. The NPS-FM (2017) and NZCPS (2011) also require whitebait species and their habitat to be considered, and adverse effects avoided, to give effect to freshwater values. The proposed management approach would be more effective with better integration with the NPS to address cumulative adverse effects on whitebait species and their habitat, irrespective of fishing pressure.

The proposed whitebait refuge sites will need to be included in regional resource management plans to afford appropriate recognition and consideration at a catchment and regional/national scale. Whitebait are recognised as significant in the Nelson region and their habitat requirements are recognised in the draft Aquatic Sites of Significance.

Councils and resource management practitioners would benefit from a consistent approach to prioritising the hierarchy of legislative requirements and assessing and quantifying ecological effects on diadromous migratory fish species.

**Climate change impacts**

Changes in weather and coastal inundation driven by climate change are likely to have direct and indirect impacts on whitebait management. Coastal spawning areas will likely move inland as coastal inundation extents change, and significant storm events will result in erosion and sedimentation of spawning habitat and refuges. The predicted increases in water temperatures will result in stress to aquatic organisms and shifts in species distributions. Whitebait management programmes will require long term commitments to establish and maintain habitat.

Yours sincerely



**Clare Barton**  
**Group Manager Environmental Management**

Nelson City Council

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**REPORT R15919**

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**Minor amendment to the Navigation Safety Bylaw**

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**1. Purpose of Report**

- 1.1 To adopt a proposed minor amendment to the Navigation Safety Bylaw to allow the boat ramp parking meters to be included in the citywide meter upgrade.

**2. Summary**

- 2.1 The meters at the Nelson Marina boat ramp take payment for vehicles and trailers using the ramp for boat launch and adjacent parking. These meters need to be upgraded alongside the citywide paperless parking meter upgrade.
- 2.2 Section 3.21(b) of the Navigation Safety Bylaw (NSB) states that a ticket must be displayed on the trailer or the towing vehicle. This is for the purpose of proving payment. The meter upgrade to paperless would mean there is no longer a need for casual users to display a ticket to prove they have paid, and it would not be possible for them to do so. Retaining this requirement in the bylaw would mean the meters at the Nelson Marina boat ramp could not be upgraded.

**3. Recommendation**

***That the Environment Committee***

- 1. Receives the report Minor amendment to the Navigation Safety Bylaw (R15919); and***
- 2. Agrees the proposed amendment to clause 3.21(b) of the Navigation Safety Bylaw 2012 (No. 218) is a minor change that meets the requirements of section 156(2) of the Local Government 2002; and***
- 3. Agrees that public consultation on the proposed amendment is not required because the proposed amendment is a minor change.***



Recommendation to Council

***That the Council***

- 1. Makes a minor change to clause 3.21(b) of the Navigation Safety Bylaw, to state that the words "No person shall use any boat ramp for the launching of any trailer boat without having first paid any fees or charges which may be fixed by the Council from time to time in respect of such use, and displaying the appropriate ticket, label, sticker or other proof of such payment in a prominent and easily seen position on the trailer or in or on the towing vehicle" be replaced, from 29 June 2020 with the words "No person shall use any boat ramp for the launching of any trailer boat without having first paid any fees or charges which may be fixed by the Council from time to time in respect of such use, the payment by casual users to be proved by the person submitting the registration number of the towing vehicle at the time of payment, and the payment by annual permit holders to be proved by displaying the proof of payment in a prominent and easily seen position on the trailer or in or on the towing vehicle"***

**4. Background**

- 4.1 The meters at the Nelson Marina boat ramp take payment for using the ramp for boat launch and using the parking for trailers and towing vehicles.
  - 4.1.1 These meters are an older style on the same network as the city parking meters that print a ticket which must be displayed on the trailer or the towing vehicle. The ticket printer is often the cause of faults due to the humidity of the marina environment. The meters accept cash (notes and coins) and credit card payment, but not Paywave.
  - 4.1.2 Both Council officers and Marina office staff receive regular complaints regarding meter faults and the Marina Advisory Group is concerned with potential income loss each time the meters fault.
  - 4.1.3 Budget has been allocated in 20/21 for replacing these two meters in conjunction with the citywide parking meter upgrade, however the current bylaw requires printed tickets to be displayed in the trailer or towing vehicle.



## Item 13: Minor amendment to the Navigation Safety Bylaw

### **5. Discussion**

- 5.1 The Marina boat ramp meters cannot be upgraded in conjunction with the citywide parking meter upgrade unless the Navigation Safety Bylaw is amended.
- 5.2 The citywide parking meter upgrade is scheduled for July 2020 and this will eliminate paper tickets and allow ease of payment with Paywave included.
- 5.3 Upgrading the machines will provide a better service to the recreational boating community through ease of use and consistency with city parking meters.
- 5.4 A change to the bylaw that would change the requirements only as to proof of payment is considered the most appropriate way to address the meter issue as it will allow the meters to be upgraded and future-proofed for any future meter changes.
- 5.5 The proposed change to clause 3.21(b) of the Navigation Safety Bylaw amounts to a minor change that does not affect an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or (ii) an existing status or capacity of any person to whom the bylaw applies. This is because the proposed change would alter only the way in which a casual boat ramp user proves they have paid.
- 5.6 For that reason s 156(2) of the Local Government Act 2002 applies. This means that Council does not need to consult on the proposed change – either by Special Consultative Process or to give effect to s82 LGA requirements.
- 5.7 Clause 3.21b currently reads “No person shall use any boat ramp for the launching of any trailer boat without having first paid any fees or charges which may be fixed by the Council from time to time in respect of such use, and displaying the appropriate ticket, label, sticker or other proof of such payment in a prominent and easily seen position on the trailer or in or on the towing vehicle”.
- 5.8 The proposed change to clause 3.21b reads “No person shall use any boat ramp for the launching of any trailer boat without having first paid any fees or charges which may be fixed by the Council from time to time in respect of such use, the payment by casual users to be proved by the person submitting the registration number of the towing vehicle at the time of payment, and the payment by annual permit holders to be proved by displaying the proof of payment in a prominent and easily seen position on the trailer or in or on the towing vehicle.”
- 5.9 The proposed change covers removal of the wording relating to displaying a ticket for casual use, as well as providing clarity around the display of an annual launch pass where this has been purchased by users.



Item 13: Minor amendment to the Navigation Safety Bylaw

- 5.10 The minor change will need to come into effect following installation of the new parking machines and before enforcement of bylaw requirements commences. New machines go live 29 June 2020.
- 5.11 The current Navigation Safety Bylaw can be accessed via the link: [Bylaw 218 Navigation Safety effective 10 October 2019 \(6.1MB PDF\)](#)

## 6. Options

<b>Option 1: Amend Navigation Safety Bylaw as proposed (recommended)</b>	
Advantages	<ul style="list-style-type: none"> <li>• Meters can be upgraded consistent with the central business district</li> <li>• Future meter upgrades will be permitted without further Bylaw changes</li> <li>• Customers have an easier meter to operate and make payment</li> <li>• Meter income is stable due to less faults</li> <li>• Fewer complaints regarding meters</li> <li>• Less operational staff time used dealing with complaints regarding these meters</li> <li>• Enforcement will be possible as the meters align with the Bylaw</li> <li>• Reduced expenditure on maintaining ageing meters</li> <li>• More eco-friendly with less rubbish (tickets) being produced</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>Option 2: Do not amend the Navigation Safety Bylaw as proposed</b>	
Advantages	<ul style="list-style-type: none"> <li>• None</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>• Meters cannot be upgraded to be consistent with city parking meters</li> <li>• Ageing machines cost more to keep in operation</li> <li>• Less income due to meter downtime</li> </ul>



Item 13: Minor amendment to the Navigation Safety Bylaw

	<ul style="list-style-type: none"><li>• Customer frustration as meters fail more regularly with age</li><li>• Increase in complaints and operational staff time due to meter failure</li><li>• When meters reach end of life and are replaced with paperless they will not comply with the Bylaw in its present form</li></ul>
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## **7. Conclusion**

- 7.1 A minor change to the Navigation Safety Bylaw is required to allow Marina launch ramp meters to be upgraded in conjunction with the city-wide parking meter upgrade.
- 7.2 The upgrade is needed to provide a better service to our recreational boating community and ensure consistency across all Nelson city meters.

## **8. Next Steps**

- 8.1 Complete statutory requirements following minor change to bylaw and make changes to bylaw publications.
- 8.2 Replace launch ramp meters in conjunction with city-wide parking meter upgrade project.

**Author:** Emily Fairhall, Contract Supervisor Facilities

### **Attachments**

Nil



<b>Important considerations for decision making</b>
<b>1. Fit with Purpose of Local Government</b>  Making a minor change to the Navigation Safety Bylaw and allowing the boat ramp meters to be upgraded along with the city parking meters enables Council to provide an efficient and consistent meter service across all areas, as well as providing what the recreational boat community are requesting.
<b>2. Consistency with Community Outcomes and Council Policy</b>  This recommendation aligns with Council Policy and Community Outcomes by, <ul style="list-style-type: none"><li>• providing cost-effective, consistent, and efficient infrastructure (meters); and</li><li>• providing ease of access to recreational boat launching facilities; and</li><li>• protecting our natural marine environment by providing a ticketless meters.</li></ul>
<b>3. Risk</b>  There is low risk that this amendment will have any adverse consequences and the change will likely reduce non-compliance with the Navigation Safety Bylaw in relation to launch ramp use.
<b>4. Financial impact</b> <ul style="list-style-type: none"><li>• Budget has already been set aside for boat ramp meter replacement in 20/21.</li><li>• No budget has been allocated for increased maintenance of existing machines.</li></ul>
<b>5. Degree of significance and level of engagement</b>  This matter is of low significance as feedback already received from boat ramp users and the Marina Advisory Group is that the existing meters are a cause of frustration for them. Further consultation is not planned.
<b>6. Climate Impact</b>  The proposed minor change is taking climate change into consideration by enabling elimination of paper tickets for each boat ramp launch and reduction of waste.
<b>7. Inclusion of Māori in the decision making process</b>



Item 13: Minor amendment to the Navigation Safety Bylaw

No engagement with Māori has been undertaken in preparing this report.

- **Delegations**

The Environment Committee has delegation to consider

*Areas of Responsibility:*

- *Bylaws, within the area of responsibility*
- *Regulatory enforcement and monitoring*
- *Maritime and harbour safety and control*

*Delegations:*

- *Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate*

*Powers to Recommend (if applicable):*

- *Matters that, under the Local Government Act 2002, the operation of law or other legislation, Council is unable to delegate*



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## **Nelson Plan: Additional Funding**

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### **1. Purpose of Report**

- 1.1 To approve additional funding for the Whakamahere Whakatū Nelson Plan to allow work to progress this financial year. To also note additional funding is sought as part of next years 2020/21 Annual Plan and the 2021/31 Long Term Plan process.

### **2. Recommendation**

#### ***That the Environment Committee***

- 1. Receives the report Nelson Plan: Additional Funding (R14797) and its attachments Nelson Plan Cost vs Budget (A2384881); and***
- 2. Approves loan funding of \$200,000 to progress the Draft Nelson Plan in 2019/2020.***

### **3. Background**

- 3.1 The Nelson Plan timeline was amended and a new governance structure was established at the 28 November 2019 Environment Committee. The report to the Committee also signalled that the Nelson Plan budget had a forecast overspend. The extent of this forecast overspend for 2019/2020 and out years was outlined at the Annual Plan workshop on 4 December 2019. It was signalled that the anticipated spend of \$5m, shown in the 2018/28 LTP was likely to significantly increase over the 10 year development life of the Plan. Discussion at the workshop included loan funding the Nelson Plan project. This approach is proposed given the long term value of the Plan (10 to 15 years) and the need to ensure equity by spreading the cost over all the ratepayers that would benefit.
- 3.2 The Environmental Management Group Quarterly report to the 5 March 2020 Environment Committee indicated that a full year overspend of \$250,000 was forecast for the Nelson Plan. The amount set out in the report has been revised to \$200,000.



#### 4. Discussion

2019/2020

4.1 For 2019/2020 the following table sets out the breakdown of the shortfall of \$200,000 funding. The main drivers for this shortfall are:

- a) Changes in new regulatory requirements. Including:
  - (i) The application of the National Planning Standards.
  - (ii) National Policy / Environmental Standards on:
    - Plantation forestry;
    - Freshwater;
    - Urban Development;
  - (iii) Anticipation and preparation for changes to the NES for Air Quality; NPS for Indigenous Biodiversity; NPS on Highly Productive Soil and Resource Management Act amendments on Climate change, among others.
- b) Change in project scope. This includes: additional peer reviews; COVID 19 altering scope and timing with an increased focus on engagement during this financial year; and more detailed one on one engagement generally.
- c) Additional workforce and skill expertise including: carrying staff vacancies that have not been able to be recruited for resulting in an increase in the use of consultants; external specialists required to deal with an increased complexity of issues; and a larger volume of work than anticipated.
- d) E-Plan costs.

<b>NELSON PLAN COSTS 2019/20</b>	<b>Costs</b>
Total Nelson Plan Cost 2019/20 (Refer attached memo for further detail)	\$1,175,845
Approved budget 2019/20	\$712,845
<b>Total additional funding of plan external costs</b>	<b>\$463,000</b>



#### Item 14: Nelson Plan: Additional Funding

Less <b>savings</b> from staff vacancies (used in part to cover consultants)	-\$200,000
Recovered expertise costs from Infrastructure relating to their projects	-\$50,000
Recovered expertise costs from Environment & Science for related areas	-\$13,000
<b>Nett Budget Shortfall 2019/20</b>	<b>\$200,000</b>

#### *2020 and subsequent years*

- 4.2 A summary of the ten year budget for the Nelson Plan is appended to the attached memo (A2384881). This memo sets out in more detail the increased costs for the Nelson Plan project overall.
- 4.3 The main reason for changes in the forecast spend for the Nelson Plan project over the next few years relates to hearing costs. The budget amounts in particular for hearing costs were, in hindsight inadequate having been based on the approach of utilising Councillors as the panel. Now, external commissioners and panel members are required by legislation for at least parts of the Plan hearing process. Recent experience from other councils has shown expenditure of between \$1.6 and \$3 million for this phase. The lower end cost in the range was for a District Plan alone rather than an integrated Regional and District Planning document. More detail is provided in the attached memo. Current budget allocation is \$600k.

In the lead up to the Hearings there is a need for increased depth for technical and planning evidence which further increases costs.

#### *Loan funding vs Rates funding*

- 4.4 Currently the Nelson Plan is being funded through Operational Budget in the Annual Plan and the Long Term Plan.
- 4.5 The Nelson Plan has multiple year benefits, and therefore it is proposed to loan fund the remaining spend over 10 to 15 years. This is in line with Council's Revenue and Financing Policy.
- 4.6 As the Nelson Plan has a 10 to 15 year life, loan funding spreads the costs for current and future ratepayers.

## **5. Options**

- 5.1 In preparing this report all costs have been pared back for the 2<sup>nd</sup> six months of this financial year reflecting the impact of COVID 19 with the movement of engagement into the following financial year. Work instead has moved to testing the Draft Nelson Plan with key stakeholders and



## Item 14: Nelson Plan: Additional Funding

technical work required for the Nelson Plan to proceed in a timely way. All other work that can be moved into the following year has been.

### *Option 1: Recommended*

- 5.2 To continue delivering on the re calibrated plan due to COVID 19 with Proposed Plan notification in February 2022.

### *Option 2:*

- 5.3 To consider a plan that delivers the Nelson Plan over a longer period either by pausing the Plan or notifying it in phases.

### *Option 3:*

- 5.4 Cease work on the Plan until some future date.

<b>Option 1: Continue with re calibrated delivery plan</b>	
Advantages	<ul style="list-style-type: none"> <li>The Plan timeline stays generally on track to a Proposed Notification date of February 2022.</li> <li>Meets statutory requirements and public expectation.</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>The Nelson Plan project will continue to be funded during a time of potential austerity.</li> </ul>
<b>Option 2: Pause or Phase Notification</b>	
Advantages	<ul style="list-style-type: none"> <li>Spread the costs over a longer period providing an ability to reduce pressure on rates increases or provide an ability to reduce costs.</li> </ul>
Risks and Disadvantages	<ul style="list-style-type: none"> <li>Not meeting statutory requirements for Plan review.</li> <li>Costs will increase further overall to deliver a Proposed Plan</li> <li>Normal turnover of staff during this period will leave gaps in built up knowledge.</li> <li>Public expectations not met to have new and current Nelson Plan.</li> <li>Out of step with new statutory requirements e.g. the National Planning Standards.</li> </ul>
<b>Option 3: Cease work on the Nelson Plan</b>	
Advantages	<ul style="list-style-type: none"> <li>Expenditure ceases.</li> </ul>



## Item 14: Nelson Plan: Additional Funding

Risks and Disadvantages	<ul style="list-style-type: none"><li>• Nelson City Council's statutory requirements are not met. Council's ability to deliver its functions will be questioned.</li><li>• A Plan framework that is highly out dated will continue to apply to development proposals.</li></ul>
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### 6. Conclusion

- 6.1 The additional funding is needed to deliver the Nelson Plan to meet Council's statutory requirements and meet public expectations for delivery. The cost increases are driven by a number of factors including external Government requirements and the need for increased consultant use in a difficult recruitment market. These were not adequately anticipated in setting the budgets up some time ago.

**Author:** Clare Barton, Group Manager Environmental Management

### Attachments

Attachment 1: A2384881 - Nelson Plan Costs vs Budget - May 20 [↓](#)



<b>Important considerations for decision making</b>
<p><b>1. Fit with Purpose of Local Government</b></p> <p>Democratic decision making seeking meaningful input on a Draft Plan will not be achieved if the work does not continue. The Plan is a key means by which council performs its regulatory functions. Input on a draft Plan will help ensure overall a cost effective means of achieving the purpose of the Local Government Act through assisting to reduce submissions during the statutory process.</p>
<p><b>2. Consistency with Community Outcomes and Council Policy</b></p> <p>The Long Term Plan signals the delivery of the Nelson Plan and the funding is required to enable its delivery.</p> <p><i>The Nelson Plan will enable many of the community outcomes to be achieved, particularly:</i></p> <ul style="list-style-type: none"> <li>- <i>Our urban and rural environments are people-friendly, well planned and sustainably managed</i></li> <li>- <i>Our unique natural environment is healthy and protected</i></li> <li>- <i>Our infrastructure is efficient, cost effective and meets current and future needs</i></li> <li>- <i>Our communities are healthy, safe, inclusive and resilient</i></li> <li>- <i>Our communities have opportunities to celebrate and explore their heritage, identity and creativity</i></li> <li>- <i>Our region is supported by an innovative and sustainable economy</i></li> </ul>
<p><b>3. Risk</b></p> <p>If there is no additional funding then the Nelson Plan will be unable to be completed leading to reputational risk amongst the public, key stakeholders and iwi partners as well as not delivering on a statutory Government requirement.</p>
<p><b>4. Financial impact</b></p> <p>The 2019/20 financial impact is to increase the budget by approximately \$200,000.</p> <p>The transition to loan-funding the Nelson Plan better distributes the costs over the life of the Plan, as the provisions and regulations of it affect current and future generations. Loan-funding the Plan enables the costs to be more evenly and fairly distributed across current and future rate-payers.</p>



## Item 14: Nelson Plan: Additional Funding

<p>Loan funding reduces the short-term rating impact, but does increase total costs once interest costs are accounted for.</p>
<p><b>5. Degree of significance and level of engagement</b></p> <p>Developing the Nelson Plan is of high significance to the community which has been recognised in the consultation planned. The decision in this report relating to 2019/20 is of low significance and no engagement has been undertaken on this.</p>
<p><b>6. Climate Impact</b></p> <p>The additional funding will enable the continuation of engagement with the community for future strategies for flooding and coastal inundation and mitigation.</p>
<p><b>7. Inclusion of Māori in the decision making process</b></p> <p>An Iwi Working Group has been engaged throughout the development of the Plan to date and will continue to be included. No specific engagement has occurred regarding the costs.</p>
<p><b>8. Delegations</b></p> <p>The Environment Committee has the following delegations.</p> <p>5.4.1 Areas of Responsibility:</p> <ul style="list-style-type: none"><li>• The Regional Policy Statement, District and Regional Plans, including the Nelson Plan</li></ul> <p>5.4.2 Delegations:</p> <p>The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.</p>





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**To:** Clare Barton – Sponsor  
**From:** Helen Tonkin (Project Planner)  
**Date:** 12 May 2020  
**SUBJECT:** NELSON PLAN COSTS 2015 - 2024

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### Summary

The purpose of this paper is to provide an update of the progress of the overall indicative cost of the Nelson Plan from July 2015 to January 2024 (being the year Decisions are planned to be finalised). This does not include costs of the appeals period onwards including Environmental Court costs.

### Summary Nelson Plan Costs

The attached schedule details the 10 year table of the Nelson Plan Costs as at May 2020. The schedule highlights the movements of actual and forecast costs to the 2015 LTP and then the 2018 LTP indicating underfunding by \$7,743,000.

The following is a high level summary of the movements.

#### A. Phase to Proposed increased by \$2,669,000 over 6.5 years (2013 – 2021)

This increase has been driven by three main causes - New Government Policies, Change in project scope and greater resourcing in number of FTEs and specialist skills required.

#### 1. New Government Regulations

\$800,000 due to changes in new regulatory requirements:

- Wood Burner changes
- Requirement for the plan to be on an electronic platform (EPlan)
- National Planning Standards
- National Policy / Environment Standards on
  - Plantation Forestry
  - Freshwater
  - Urban Development
  - National Planning Standards
  - Climate Change
- Alignment to the:
  - Regional Policy Statement
  - Future Development Strategy

#### 2. Change in Project Scope

\$1,000,000 due to changes in scope and decision delays –

Nelson Costs 2015 - 2024



- Additional reviews such as peer / legal review / cost benefit analysis to ensure the plan was technically robust
- Undertook direct engagement with landowners, iwi and the public
- Additional briefings with councillors
- Dealing with delays to build ensure the Plan is robust
- COVID 19 adding a further five month's to the programme and changing the scope & timing of engagement.

### 3. Additional Workforce and Skill Expertise

\$869,000 due to increase in workforce numbers due to:

- Volume of work was greater than anticipated
- Vacancies within the planning team
- Difficulty in recruiting staff
- Additional external specialists skills required due to the increased complexity of the project over time and the inclusion of new government policy requirements.

### B. Hearings / Decisions / Appeals increased by \$5,074,000 V LTP budgets

The main component of the cost during this phase are driven by the number of submissions and submission points which then determines the workforce size that is required. The second main component is the Hearing Panels make up prescribed by regulation, how best to hold hearings and what support the Hearing Panels require. The main change in the numbers reflect:

1. Moving from the original approach of managing the Hearings / Decision phase with internal Councillors to a requirement of appointing a panel of 5 (to meet Freshwater Policy requirements)
  - a. Chair appointed by Government (\$275/hr)
  - b. Chair appoints a deputy chair (\$250/hr)
  - c. 2 Independents – these can be approved Councillors (\$80/hr)
  - d. 1 IWI - \$180/hr
2. The requirement by National Policy that the plan must have completed decisions by 2 years from the proposed date.
3. Understanding the increase in the planning workforce to prepare the S42a's. Depending on the number of submissions will define the level of workforce required. Refer to Attachment 1 "10 Yr Summary" where the increase provides for up to 18 staff/consultants costing just under \$3,000,000 based on 1300 submissions and 17,600 submission points (based on Marlborough's experience). Should the number of submissions or the submission points change then the cost will increase.

### Other Council Experiences

Waikato District Council

- This is District Council Plan verses a Unitary Council like Nelson so not exactly the same, however a large portion relates to district matters. Freshwater would be an example where they are different.
- Proposed date was 19<sup>th</sup> July 2018 and they planned to complete within the 2 years however they have had to request an extension of 14 months.
- They had 1000 submissions with 10,000 submission points.
- Their base workforce was 7 to start with, they have added 3 = 10 then complimented this base team with a large number of consultants.

Nelson Costs 2015 - 2024



- They plan to have 32 hearings by completion. The panel of 7 to start with has evolved into a mix of the panel hearing some topics. The Nelson costing model estimates approx. 40 hearings over 47 weeks.
- The estimated cost of Hearings & Decisions = \$1.6m (note the Nelson forecast model is \$600k more which seems reasonable since it is a unitary plan).

#### **Marlborough Council**

Via media article the following has been observed

- They had 1300 submissions with 17,600 submission points
- They took 3 years from proposed to operative state
- They were not required to apply the National Standards, the inclusion of Freshwater or were limited to the 2 year limitation from proposed to end of decisions.
- The cost for this phase was reported as \$3,000,000.

#### **Next Steps:**

- Seek additional funding for 2019/20 of \$200,000 from Council – Motion in draft.
- Confirm the loan funding approach is in place for future Nelson Plan costs
- Communicate to Management and Council the new projected costs of the Nelson Plan



Item 14: Nelson Plan: Additional Funding: Attachment 1

		2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	Total to Proposed	2021/22	2022/23	2023/24	2024/25	Total for Hearing Decision Phase	Total Nelson Plan
Classification		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	30th June 21	Yr 7	Yr 8	Yr 9	Yr 10		
	Original Phases	Plan Drafting	Plan Drafting	Plan Drafting	Plan Drafting	Proposed	Hearings & Decisions		Appeals	Appeals	Appeals	Appeals		
	Updated Phases	Plan Drafting	Plan Drafting / Council Briefing / Engagement / New Legislation	Peer / Legal / cost Benefit Analysis	Council Briefing	Plan Drafting / Integration / application National Standards / align with FDS / Testing with Key Stakeholders	Plan Drafting / Engagement / Council Workshops / Applying new legislation		Council Workshops, Finalise Draft for Proposed / Notification Date Feb 22 / Submissions / Hearing Preparations	Hearings & Decisions	Hearings & Decisions	Appeals		
A	LTP (000's)	\$685	\$696	\$713	\$731	\$713	\$379	\$3,917	\$371	\$287	\$277	\$301	\$1,236	\$5,153
B	Changes between 2016 & 2018 Plan	\$0	\$0	\$0	(\$182)	\$0	\$352	\$170	\$160	\$32	\$51	\$38	\$281	\$451
C	LTP (000's) 2018	\$685	\$696	\$713	\$549	\$713	\$731	\$4,087	\$531	\$319	\$328	\$339	\$1,517	\$5,604
D	Differences to Actuals to Budget	\$74	\$59	\$409	(\$31)			\$511					\$0	\$511
E	This Budget Revision					\$200	\$769	\$969	\$889	\$1,921	\$147		\$2,957	\$3,926
I	Allowance for New Legislation						\$100	\$100	\$200				\$200	\$300
F	Hearing Preparations								\$500	\$340			\$840	\$840
G	Panel Costs									\$1,040	\$675		\$1,715	\$1,715
H	Legal Costs									\$100	\$150	\$201	\$451	\$451
	Annual Spend to 2019 / Forecast from 2020 (000's)	\$759	\$755	\$1,122	\$518	\$913	\$1,600	\$5,667	\$2,120	\$3,720	\$1,300	\$540	\$7,680	\$13,347
	Variance LTP V Actual / Forecast (000s)													(\$7,743)
Reasons for changes in budgets / Forecasts V LTP														
	Government Policy Changes	Word Burner Change				National Planning Standards			Fresh Water Reform					
	Reason for Changes in Budget	Wood Burner Plan change diverted staff resource	Additional briefings for new Council / Additional Council workshops required to plan / Additional engagement requested including need for Draft Plan stage / Landowner engagement esp Natural Hazards, FW, Heritage, designations, Biodiversity, and landscape	National Policy Changes, Peer/Legal review costs / Staff Vacancies requiring additional use of external consultants		National Planning Standards / FDS Alignment / Staff Vacancies	Anticipated National Policy change in FW, Air, & Urban development - includes \$300k buffer / LTP had assumed appeals stage / Additional planning specialist required re Coastal / Flooding / Intensification		Additional Commissioner costs - FW reform / LTP assumed appeals stage	Additional Commissioner costs - FW reform	Additional Commissioner costs - FW reform	Additional Legal Fees		

Document1