



TO THE MAYOR AND COUNCILLORS OF THE MACKENZIE DISTRICT COUNCIL

Membership of the Planning and Regulation Committee:

Cr Murray Cox (Chairman)
Claire Barlow (Mayor)
Cr Noel Jackson
Cr Evan Williams
Cr Russell Armstrong
Cr James Leslie
Cr Graham Smith

Notice is given of the Meeting of the Planning and Regulation Committee to be held on Thursday, October 16, 2014, following the completion of the Asset and Services Committee meeting.

VENUE: Council Chambers, Fairlie.

BUSINESS: As per agenda attached

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER



PLANNING AND REGULATION COMMITTEE

Agenda for Thursday, October 16, 2014

APOLOGIES

DECLARATIONS OF INTEREST

VISITOR:

Alaistair Munro will attend the meeting to present an update on rural fire activity to the committee.

MINUTES:

Confirm and adopt as the correct record the minutes of the Planning and Regulation Committee meeting held on September 2, 2014, including those parts taken in public excluded.

REPORTS:

1. Planning and Regulation Manager's Activity Report (attached).
2. Draft bylaws and dog control policy (attached)
3. Draft freedom camping strategy (attached)
4. Standing Reports – Verbal reports from the Water Zone committees.

PUBLIC EXCLUDED:

Resolve that the public, be excluded from the following part of the proceedings of this meeting namely:

1. Discussion on the previous minutes of the Planning and Regulation committee on September 2, 2014.

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Discussion of previous minutes September 2.	Maintain legal professional privilege	48(1)(a)(i)

This resolution is made in reliance on Section 48(1)(a)(i) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows: *Discussion of previous minutes, under section 7(2)(g).*

RESOLUTION TO RESUME OPEN MEETING

3

ADJOURNMENTS:

12.00pm: Lunch

3.00pm: Afternoon tea

MACKENZIE DISTRICT COUNCIL

MINUTES OF A MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD IN THE COUNCIL CHAMBERS, FAIRLIE, ON TUESDAY, SEPTEMBER 2, 2014, AT 1.14PM

PRESENT:

Cr Murray Cox (Chairman)
Mayor Claire Barlow
Cr Graham Smith
Cr James Leslie
Cr Russell Armstrong
Cr Noel Jackson

IN ATTENDANCE:

Wayne Barnett (Chief Executive Officer)
Toni Morrison (Senior Policy Planner)
Geoff Horler (Utilities Manager)
Arlene Goss (Committee Clerk)

APOLOGIES:

Apologies were received from Cr Evan Williams and Planning and Regulation Manager Nathan Hole.

DECLARATIONS OF INTEREST:

There were no declarations of interest.

MINUTES:

Resolved that the minutes of the meeting of the Planning and Regulation Committee held on July 24, 2014, including those parts taken in public excluded, be confirmed and adopted as the correct record of the meeting.

Graham Smith/Claire Barlow

REPORTS:

PLANNING AND REGULATION MANAGER'S ACTIVITY REPORT:

The purpose of this report was to provide the committee with an activity report for planning and regulations for the period 17 July to 22 August, 2014. There were no questions on this report.

Resolved that the report be received.

Claire Barlow/Graham Smith

SUBMISSION ON PLAN CHANGE 3 – WAITAKI WATER ALLOCATION PLAN:

The purpose of this report was to seek retrospective approval for the Mackenzie District Council's submission on Plan Change 3 to the Waitaki Water Allocation Regional Plan. This follows a report to the last council meeting on this matter.

The chairman said council is not opposed to the plan change but would like to see the allocation process done first, before this plan change comes in. Toni Morrison said the next step was another round of submissions and a hearing, which we will attend.

Resolved:

1. That the report be received.

James Leslie/Russell Armstrong

2. That the committee approve the submission of the Mackenzie District Council on Plan Change 3 to the Waitaki Water Allocation Regional Plan, lodged on 22 August, 2014.

Graham Smith/Claire Barlow

REVIEW OF BYLAWS:

This report is for the committee to approve the draft bylaws for preliminary consultation with community boards and other interested parties and stakeholders.

The chairman thanked Toni Morrison and Jane Whyte for their work on this. These bylaws come from the results of the workshops that were held earlier and some good work has gone into these. The next step is for them to go to the community boards and stakeholders, before they go out to the public.

Freedom Camping Bylaw and Strategy - The Mayor commented that the freedom camping strategy and bylaw contained grammatical errors. A copy of corrections will be given to Toni Morrison.

On page 29, under places where freedom camping is encouraged, do we need to discuss some privately owned sites. There is a need to talk to these owners and there is a provision for contacting owners of private land. Has our bylaw been reviewed by the caravan association? No that is the next step.

On page 34 it says council can close a freedom camping area temporarily. The reasons given need to include a clause protecting access for the public.

Cr Cox asked if the workshops with the community boards would have other stakeholders present. No. Cr Cox would like to consult with DOC.

Cr Leslie asked for clarification regarding the photo of the area around the Church of the Good Shepherd at Tekapo. There was discussion regarding the extent of council owned land near the church. Toni Morrison agreed to make a minor change to clarify the status of this area.

Dog Control Bylaw – The chairman asked whether the description of dog exercise areas in Tekapo, mentioned in appendix one, page 47, should just say the regional park. Toni Morrison agreed.

Cr Jackson asked regarding township areas. Was it normal to permit dogs on leads in the village? The current bylaw says no dogs in the village centres but this had not been enforced to date. So the bylaw is changing from no dogs to dogs on a leash.

The Mayor said page 39 talked about microchips. Aren't working dogs exempt from chipping? This needs to be noted.

On page 41 she wondered, regarding education, whether council would need more resources to do this work. There was a question whether this needs to be left in the draft with resources allocated or not. The policy does not fit with what council is prepared to pay for it.

On page 43, point "o", the requirement for implantation of a microchip needs to add "except for working dogs".

On Page 44 under summary, regarding the rule requiring dog owners to undertake education. We need to identify that we don't require this.

On page 52 there is a question regarding a "responsible person over the age of 9 years". Where does this age come from? Toni Morrison thinks it probably came from the legislation. She will find out.

Draft Mobile Shops and Traders Bylaw – The Mayor asked regarding page 64 where there is a note that the council resolves that no itinerant traders are to be in the heritage space. This means in front of the church at Tekapo. We need to clearly identify this.

The chairman asked where buskers fall in this bylaw. We don't worry about them unless they are causing a nuisance.

Liquor Ban Bylaw in Twizel Market Place – On page 68, the date of the bylaw coming into effect needs to be updated.

Wastewater Network Bylaw – This is the same bylaw as used by Hurunui District Council. The chairman asked Geoff Horler if any changes had been made as a result of the workshops. No, only names, and a change on where our point of supply is.

Water Supply Bylaw – Cr Jackson asked regarding who pays for water leaks. Geoff Horler said we need to come up with a policy on this, but it's not really a

bylaw. A policy needs to be put to council so leaks can be dealt with without the need to bring these matters to council each time.

Downlands Water Supply Bylaw – this is Timaru District Council's bylaw and they administer it.

Resolved:

1. That the report be received.

Russell Armstrong/James Leslie

2. That the committee agrees to preliminary consultation being undertaken with community boards, interested parties and stakeholders, on the draft bylaws, Freedom Camping strategy and dog control policy, subject to the changes made as listed above.

Claire Barlow/Russell Armstrong

UPDATE ON DISTRICT PLAN REVIEW:

Toni Morrison said in respect of the senior planner vacancy we haven't yet found a candidate with sufficient skills and experience to do this job. This has resulted in some delays to the district plan review programme.

Some work has been given to consultants and they will be doing workshops. To avoid further delays we are considering contracting out the review in its entirety. There are some options for firms who can do this. She asked for the committee's views on contracting out this work.

Cr Smith said while he accepts the plan review has to progress, at what cost? The Mayor said the idea of doing it in-house was because local farmers wanted to deal with someone locally who lived in the district, rather than with an outsider.

The best solution would be to have someone in-house to handle the public consultation and manage the project, with support from consultants.

The chief executive said the objective was still to engage a senior planner with experience to do as much as possible in-house. But if we can't get the right person we would need some back up with a consultant resource behind it.

The Mayor asked what the cost implications might be. The chairman said we needed a paper on the roles and the cost. Cr Smith said there was a risk we might end up paying for both a planner and a consultant.

Toni Morrison said it wasn't a matter of one or the other. There was so much work involved that most councils had teams doing this work. Both a person on salary and consultants would be used.

It was agreed that staff come back to the committee with a summary of costs.

REPORTS FROM THE WATER ZONE COMMITTEES:

Cr Cox reported from the Upper Waitaki Zone Water Management Committee. They have held a first round of public workshops. Those workshops were to look at the existing scenarios in place at the moment and what would happen if the existing water consents were picked up in terms of water quality and nutrient loading.

There was a lot of discussion around the need for continued development, but at the same time people don't want the water quality going backwards, and some of the sensitive areas need to be addressed like the small lakes and some rivers.

The next stage is to hold more public meetings in October to look at what happens to the Mackenzie basin if you go up to 25,000 hectares of irrigated land. Once the workshops are finished the zone committee needs to look at what they consider the nutrient loading should be across the basin and what that means for future consents and current consents. One of the discussions at the next meeting will be around the Mackenzie Agreement.

PUBLIC EXCLUDED:

Resolved that the public, be excluded from the following part of the proceedings of this meeting namely:

1. Discussion on the previous minutes of the Planning and Regulation committee on July 24, 2014.
2. Plan Change 13.

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Discussion of previous minutes July 24.	Maintain legal professional privilege	48(1)(a)(i)
Plan Change 13	Maintain legal professional privilege	48(1)(a)(i)

This resolution is made in reliance on Section 48(1)(a)(i) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows: *Discussion of previous minutes, and Plan Change 13 under section 7(2)(g).*

Claire Barlow/Graham Smith

The Planning and Regulation Committee continued in open meeting.

**THERE BEING NO FURTHER BUSINESS THE
CHAIRMAN DECLARED THE MEETING CLOSED AT 2.21PM**

CHAIRMAN: _____

DATE: _____

Unconfirmed

MACKENZIE DISTRICT COUNCIL

REPORT TO: PLANNING AND REGULATION COMMITTEE

SUBJECT: GROUP MANAGER'S ACTIVITY REPORT

MEETING DATE: 16 OCTOBER 2014

REF: PAD 4/1

FROM: NATHAN HOLE, MANAGER PLANNING AND REGULATIONS

PURPOSE OF REPORT:

To provide the Committee with an activity report for planning and regulations for the period 23 August 2014 to 3 October 2014.

STAFF RECOMMENDATIONS:

1. That the report be received.

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

RESOURCE CONSENT ACTIVITY:

Applications Received: 8

Subdivision

140051 B Rae
Subdivide 14 Allan Street into two allotments, Lake Tekapo Township

Land use

140054 C Lay
Locate garage with reduced setback from internal boundary, Greenfield Place, Twizel

140056 The Kowhais Ltd
Earthworks to constrict a farm track, Middle Valley Road, Fairlie

140057 Mt Cook Lakeside Retreat Trust
Variation to conditions of RM100070 – small buildings near Writers Cottage

140058 Meridian Energy Ltd
Earthworks – extraction of rock and disturbance of land, The Wolds Station Ltd, State Highway 8, Lake Tekapo

140059 Meridian Energy Ltd
Earthworks – extraction of rock and disturbance of land, Braemar Station Ltd, Lake Tekapo

Certificates of Compliance

140052 High Country Rosehip Orchards Ltd
Certificate of Compliance – various farming activities, State Highway 8, Pukaki Ward

140055 Simons Pass Ltd
Certificate of Compliance – Centre pivot irrigation systems, State Highway 8, Pukaki Ward

Applications Granted: 7

Subdivision

140013 A and K Simpson
Subdivide Part Section 8 SO 18830 into two lots, Godley Peaks Road, Lake Tekapo

140050 S Skinner
Subdivide Lot 2 DP 63018 into two lots and amalgamate one with the neighbouring property, North West Arch, Twizel

Land Use

<u>140023</u>	Opuha Dam Ltd Modify Opuha Dam downstream weir, Opuha Dam, Fairlie
<u>140049</u>	University of Canterbury Earthworks to widen existing access to Mt John Observatory, Lake Tekapo
<u>140053</u>	S Bosshard A & Holtham Non-farm building within Manuka Terrace Rural-Residential Zone – workshop/storage/office, Manuka Terrace, Twizel
<u>140054</u>	C Lay Locate garage with reduced setback from internal boundary, Greenfield Place, Twizel
<u>140057</u>	Mt Cook Lakeside Retreat Trust University of Canterbury Variation to conditions of RM100070 – additional small buildings
<u>140040</u>	Tekapo Sky Resort Ltd Hotel Development, Aorangi Crescent, Lake Tekapo

CONSENT NUMBERS:

Resource Consents	
Applications Received	Applications Granted
6 (6)	7 (8)
Building Consents	
Applications Received	Applications Granted
43 (16)	44 (23)
LIMs processed	
24 (14)	

The figures in brackets are those reported last meeting cycle.

DISCUSSION:

Building consent numbers remain high, while resource consents remain steady. Resource consent was granted for Tekapo Sky Resort, being a 100 room hotel development.

There was a decrease in LIM numbers, but I believe they will increase next period.

OTHER MATTERS

On 6 October the 10th decision on PC13 was received from the Environment Court. This relates to the new Tourism Zone on Pukaki Downs. The Court's decision grants the provisions agreed on by the parties, and leaves only the matter of rural-residential within this zone to be determined. This will go through a section 293 RMA process.

MACKENZIE DISTRICT COUNCIL

REPORT TO: PLANNING AND REGULATIONS COMMITTEE

SUBJECT: DRAFT BYLAWS & DOG CONTROL POLICY

MEETING DATE: 16 OCTOBER 2014

REF: REG 4/1, REG 5/7

FROM: **TONI MORRISON**
SENIOR POLICY PLANNER

PURPOSE OF REPORT:

To seek that the Committee adopt the attached Statements of Proposal, draft Bylaws and draft Dog Control Policy, and resolve that they proceed through the Special Consultative Procedure under the Local Government Act 2002.

STAFF RECOMMENDATIONS:

1. That the report be received, and
2. That the Committee adopt the following Statements of Proposal, draft Bylaws and draft Policy for consultation under the Special Consultative Procedure in accordance with section 83 of the Local Government Act 2002:
 1. Statement of Proposal - Draft Freedom Camping Bylaw 2014
 2. Draft Freedom Camping Bylaw 2014
 3. Statement of Proposal - Draft Dog Control Policy 2014 and Draft Dog Control Bylaw 2014
 4. Draft Dog Control Bylaw 2014
 5. Draft Dog Control Policy 2014
 6. Statement of Proposal - Draft Mobile Shops and Traders Bylaw 2014
 7. Draft Mobile Shops and Traders Bylaw 2014
 8. Statement of Proposal - Draft Market Place Liquor Ban Bylaw 2014
 9. Draft Market Place Liquor Ban Bylaw 2014
 10. Statement of Proposal - Draft Wastewater Network Bylaw 2014
 11. Draft Wastewater Network Bylaw 2014
 12. Statement of Proposal - Draft Water Supply Bylaw 2014
 13. Draft Water Supply Bylaw 2014
 14. Statement of Proposal - Draft Downlands Water Supply Bylaw 2014
 15. Draft Downlands Water Supply Bylaw 2014

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

ATTACHMENTS:

1. Statement of Proposal - Draft Freedom Camping Bylaw 2014
2. Draft Freedom Camping Bylaw 2014
3. Statement of Proposal - Draft Dog Control Policy 2014 and Draft Dog Control Bylaw 2014
4. Draft Dog Control Bylaw 2014
5. Draft Dog Control Policy 2014
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13. Draft Water Supply Bylaw 2014
14. Statement of Proposal - Draft Downlands Water Supply Bylaw 2014
15. Draft Downlands Water Supply Bylaw 2014

BACKGROUND:

The Council has a number of bylaws in place which apply to all or parts of the District. Some of these existing bylaws are due for review, to ensure they are still relevant and necessary. The Committee is also being asked to consider three new bylaws. These are as follows:

- A new Freedom Camping Bylaw is proposed to support the implementation of a new Freedom Camping Strategy for the District
- Two new bylaws are proposed to better manage the Council's wastewater and water supply networks.

The Council's Dog Control Policy is also due for review, and will be done simultaneously with the review of the Dog Control Bylaw.

Staff have been working with Jane Whyte from Response Planning on the programme of bylaw review.

Process

The process for the development and review of bylaws is set out in the Local Government Act 2002 (LGA). This identifies that a territorial authority may make bylaws for its district for one or more of the following purposes:

- (a) protecting the public from nuisance;
- (b) protecting, promoting, and maintaining public health and safety;
- (c) minimising the potential for offensive behaviour in public places.

The LGA sets out the process that must be followed and the matters that must be considered before and during the development of any bylaw. The formal process under the LGA involves notifying any bylaw under the Special Consultative Procedure.

Bylaws can be promulgated under the LGA, and there is also the power to make bylaws under other Acts such as the Dog Control Act 1996, the Freedom Camping Act 2011 and the Land Transport Act 1988.

Section 83A of the LGA allows the Council to undertake combined or concurrent consultation under the Special Consultative Procedure. It is proposed that the above bylaws and Dog Control Policy proceed concurrently through the Special Consultative Procedure, as provided for in section 83A. The proposed process is as follows: public notice of the draft bylaws and policy would be given on Friday 17th October, with submissions closing on Friday 21 November. A formal hearing of submitters and Committee deliberations on submissions is set down for Thursday 27th November. Any changes can then be made and the bylaws and Policy adopted at the Council meeting on 9 December.

Where the Special Consultative Procedure is to be used, the Council must prepare and adopt a Statement of Proposal. Statements of proposal have been prepared for each of the above bylaws and the Dog Control Policy, which include the reasons for the proposal and a determination as to whether the bylaw is the most appropriate, in accordance with the requirements of section 155 of the LGA. These statements of proposal are attached.

Consultation

At its meeting of 2 September 2014, the Committee reviewed initial drafts of the bylaws and proposals, and sought that staff undertake preliminary consultation with affected parties and stakeholders. Targeted consultation has since been undertaken on those bylaws of interest to specific groups or parties, and as a result of that consultation some minor amendments are recommended to the Freedom Camping Bylaw and the Dog Control Policy and Bylaw. These recommended amendments are outlined below.

Community Boards

Workshops were held with each of the Community Boards on the draft bylaws and policies that will apply in their areas. Each Community Board reviewed and discussed the draft bylaws and Policy.

Draft Dog Control Policy & Bylaw

The Twizel Community Board sought two changes to the Dog Control Policy & Dog Control Bylaw: -

- The addition of the recreation land between Max Smith Drive and Lake Ruataniwha as a Dog Exercise Area; and
- The addition of Market Place legal road including the car parking area as a mandatory dog leash area.

The Tekapo Community Board recommended one change to the Dog Control Policy and Bylaw, to allow dogs in to the Tekapo town centre provided they are on a leash. This is a change from the previous policy and bylaw, which prohibited dogs in the town centre.

The Fairlie Community Board recommended a change to the Dog Control Policy and Bylaw, to allow for dogs to be exercised in the Strathconan Park recreation grounds area. Under the previous bylaw and policy they are prohibited.

Draft Freedom Camping Bylaw

The Tekapo Community Board sought the addition of a further prohibited area for freedom camping in Tekapo. They seek that the bylaw be amended to prohibit freedom camping in the commercial area of Tekapo, on the basis that this is the main commercial centre in Tekapo and access to the area for businesses and customers should be protected.

The Fairlie Community Board considered that a setback from the lakeside should be required for freedom camping at the three camping sites at Lake Opuha. A no-camping

setback of 20m from the lake shore is recommended to be included in the bylaw, and staff recommend that this restriction also apply to the two sites at Lake Ruataniwha. This will ensure that public access to the lakeshores is protected.

The above changes are recommended to be made as a result of this consultation, and are included in the attached draft bylaws and Dog Control Policy.

Other Stakeholders

Stakeholder consultation was also undertaken on the draft Freedom Camping Strategy (refer separate meeting paper) and the draft Freedom Camping Bylaw. The following parties were contacted and given the opportunity to make comments on the drafts:

- Gladstone Hotel, Fairlie
- Opuha Water Limited (OWL)
- Top Ten Holiday Park, Fairlie
- M & B Hardley, Fairlie
- Tekapo Regional Park
- Lake Tekapo Camping Ground
- Twizel Holiday Park
- Ruataniwha Holiday Park
- Department of Conservation
- NZ Motor Caravan Association (NZMCA)

Feedback was received from OWL and the NZMCA. OWL noted some minor editing errors and confirmed they were comfortable with the proposals.

The NZMCA raised the following matters:

They sought clarification as to why freedom camping must be limited to 5pm – 9am and over the holiday season in many popular areas. The bylaw does not limit the hours of camping so this comment is not relevant.

Sub-clause 9.1 of the initial draft bylaw provided that the Council could simply close a freedom camping area. The NZMCA considered that to be too vague and they sought its deletion. Staff agree with this comment and have recommended that clause be deleted from the bylaw. A relevant clause still remains in the bylaw which allows the Council to close or restrict access to any freedom camping area for specified reasons, and it is considered this is sufficient.

The NZMCA also suggested clarification of the restrictions applying to the two sites at Lake Ruataniwha. As a result, staff have amended the maps in Schedule 2 to show the general area where freedom camping restrictions apply, rather than attempting to show a defined area on the map itself. The specific area will be demarcated by signage on the site, to avoid confusion. This is consistent with the approach taken in the bylaw to the freedom camping sites at Lake Opuha.

The NZMCA also noted its appreciation of the Council's willingness to collaborate with stakeholders in this way.

Runanga

Staff will notify Te Runanga O Arowhenua, Te Runanga O Waihao, and Te Runanga O Moeraki of the proposed bylaws and policy, provide further information as requested, and seek comment from each Runanga as appropriate. Staff have advised Te Runanga O Ngai Tahu of the bylaw review programme and of the proposed bylaws.

POLICY STATUS:

There is a relevant policy in relation to Dog Control. Any Dog Control Bylaw would be consistent with the Dog Control Policy.

SIGNIFICANCE OF DECISION:

The decision does not trigger the Council's Significance Policy. Any future formal adoption of any bylaw must be made by full Council, but this Committee has the delegated authority to develop all bylaws and policy on these matters and recommend them for Council approval and adoption, following the Special Consultative Procedure.

ISSUES & OPTIONS:

The Planning Committee at its earlier meeting considered whether or not each of the proposed bylaws are the most appropriate method of manage the respective issues of relevance in the District. The promulgation of each of those bylaws is considered necessary for the reasons outlined at that meeting.

The Council could choose not to adopt bylaws to manage the issues raised. However, two of the bylaws are considered necessary to implement a strategy or agreement (in the case of Downlands water supply and Freedom Camping). The wastewater and water supply bylaws are required to provide clarity and efficiency around the management and regulation of Council assets, and the Liquor Ban in Twizel and the Mobile Shops and Traders Bylaw remain an appropriate and efficient means of managing these issues in the relevant areas. The Dog Control Policy and Bylaw are required by law, to carry out Council's obligations under the Dog Control Act.

The use of the Special Consultative Procedure to consult with the community on these bylaws and policy is a mandatory requirement of the legislation.

CONCLUSION:

The draft Policy and bylaws attached to this paper are considered an appropriate means of addressing Council functions and responsibilities in those areas. The Planning Committee is asked to adopt the attached Statements of proposal, draft Bylaws and draft Policy for consultation under the Special Consultative Procedure.

ATTACHMENTS:

1. Statement of Proposal - Draft Freedom Camping Bylaw 2014
2. Draft Freedom Camping Bylaw 2014
3. Statement of Proposal - Draft Dog Control Policy 2014 and Draft Dog Control Bylaw 2014
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STATEMENT OF PROPOSAL

Draft Freedom Camping Bylaw 2014

1. Introduction

The Mackenzie District Council is proposing to introduce a new bylaw. The bylaw would be called the Freedom Camping Bylaw 2014. The bylaw identifies areas within the Mackenzie District where Freedom Camping is controlled by prohibiting or restricting camping.

Council must follow the special consultative procedure when considering a new bylaw. This Statement of Proposal has been prepared in accordance with the Local Government Act 2002, and includes:

- the reasons for the proposal
- the draft Freedom Camping Bylaw 2014.

2. Proposal, Reasons for the proposal and Determinations

The Council proposes to adopt a new Freedom Camping Bylaw 2014. There is no existing Freedom Camping Bylaw in the Mackenzie District under the Freedom Camping Act 2011.

Freedom camping is popular, enabling campers to experience the Mackenzie District, but it can have negative impacts. These can include:

- pollution of the environment and resulting potential health issues, including unsanitary issues associated with human waste
- freedom campers restricting other individuals and groups access to areas, including but not limited to:
 - lakeshore areas used by a range of visitors and recreational users
 - popular tourist and visitor sites
 - commercial and business areas.

The Council recognises that freedom camping is regulated by the Freedom Camping Act 2011. Under this Act, freedom camping is permitted on all public land controlled or managed by it unless the Council prohibits or restricts freedom camping in some areas through a bylaw, for one or more of the following purposes:

- to protect the area
- to protect the health and safety of people who may visit the area
- to protect access to the area.

Restrictions cannot be imposed for any reason other than those outlined above. It is recognised that the Council may not make a bylaw that has the effect of prohibiting freedom camping on all of its land in the District.

The Council proposes a considered approach to the management of freedom camping within the Mackenzie District. The draft Bylaw is only one of the tools that will be used to manage freedom camping within the District. The Council is seeking to encourage freedom camping in appropriate locations through the development and implementation of a Freedom Camping Strategy. This Strategy will provide information and encourage freedom campers to locate in areas where the activity is appropriate. The Strategy is a non-statutory approach seeking to promote positive outcomes from freedom camping within the District.

The Council carefully considered whether a bylaw is necessary and proposes that a regulatory approach is taken for particular areas of the District. The Council is proposing two areas where freedom camping will be prohibited and five areas where Freedom Camping will be restricted.

The two areas where freedom camping is identified to be prohibited are as follows:

1. *The area around the Church of the Good Shepherd in Tekapo.* This site is an iconic tourist location and subject to a high number of visitors throughout the daytime and in the evening. The area offers outstanding views over Lake Tekapo towards the Southern Alps. Freedom camping is proposed to be prohibited in this area:
 - To protect the health and safety of people who may visit the area. This area has no public toilets in the immediate vicinity. Given the high level of visitors, any risk of human waste being left in the environment poses significant risk to public health and enjoyment of the area.
 - To protect access to the area. This area is one of the most visited sites within Tekapo and has a high number of visitors throughout the day and in the evening. In order to ensure that all people can readily access the area it is not appropriate for freedom camping to be undertaken at this location.
2. *The commercial area of Tekapo.* This area is the main commercial centre within Tekapo and is subject to a high number of workers and visitors in the early morning, daytime and evening. Freedom camping is proposed to be prohibited in this area:
 - To protect access to the area. This area is the commercial centre of Tekapo. The key function of the area is to facilitate and enable the operation of commercial businesses. The public areas in this location are used for car parking associated with the surrounding businesses. In order to protect access to the area for businesses and customers it is not appropriate for freedom camping to be provided for.

The five areas where freedom camping is proposed to be restricted are:

- Lake Opuha - Bennetts Road
- Lake Opuha - Hayes Road
- Lake Opuha - Opuha Gorge Road
- Lake Ruataniwha - North End
- Lake Ruataniwha - South End.

The restrictions proposed are the same for each area, being that freedom camping is restricted to self-contained camping, that no camping occur within 20 m of the lakeshore and that no camping is allowed from 23 December to the second Monday in January, inclusive. The reasons for the restrictions are:

- To protect health and safety of people who may visit the area. While these areas to have some basic toilet facilities, these are only sufficient to accommodate current levels of day visitors and not people camping overnight. Therefore, camping is proposed to be restricted to self-contained camping only. This means people will provide their own ablution facilities and not impose any additional pressure on the current facilities.
- To protect access to the area. These areas are all lakeside areas and popular for visitors for undertaking a range of recreational activities. Over the Christmas and New Year period, access to the lakes becomes congested due to the high number of visitors. In order to ensure that all visitors enjoy the local amenities and the lake environments, camping during the most intensive visitor period is restricted. In addition, no camping is provided for within 20 m of the lakeshore to ensure that open access to the lakes is available to everyone.

The Council considers the draft Freedom Camping Bylaw is necessary to manage freedom camping in the District.

The Council also considers that the draft Freedom Camping Bylaw is consistent with the New Zealand Bill of Rights Act 1990, and does not unlawfully interfere with the rights of people to move around the Mackenzie District. The Council only seeks to impose justifiable and reasonable limitations on persons in the interest of reducing impacts on public health and safety, and public access.

The Council considers that the proposed Bylaw is the most appropriate and proportionate way of promoting responsible freedom camping in the District while minimising negative impacts.

3. Process to date

The Council has worked through a process to consider the need and desirability of developing a Freedom Camping bylaw in accordance with requirements of the Local Government Act 2002. This process included:

- review of the current Council practice with respect to management of areas including camping areas
- consideration of the New Zealand Bill of Rights Act 1990
- consultation with the Council's Community Boards
- consultation with parties with a special interest in freedom camping including; the Department of Conservation, the New Zealand Motor Caravan Association and existing camping ground operators within the Mackenzie District.

Taking the above into account, the Council has prepared the draft Freedom Camping Bylaw 2014 and is now seeking your feedback on what is proposed. You can tell Council what you think by making a submission - please see below for information on how to do this.

4. How to provide your feedback

Anyone can make a submission about the draft Freedom Camping Bylaw 2014. The Council welcomes your views.

To make a submission, simply write, setting out what you agree with, what you don't agree with, and why. Submissions forms are available from the Council's website, or from the Council offices in Main Street, Fairlie or Market Place, Twizel, freephone 0800 685 8514.

The submission period closes at **3pm on Friday 21 November 2014.**

You can make a submission by:

- posting it to: Mackenzie District Council, PO Box 52, Fairlie 7949
- emailing it to: info@mackenzie.govt.nz
- faxing it to: (03) 685 8533
- delivering it to the Council Offices in Fairlie or Twizel.

If you have any queries regarding this proposal or about how to make a submission, please contact Garth Nixon on (03) 685 6390 or email garth@mackenzie.govt.nz.

Submissions to the draft Bylaw will be heard at a hearing in the council chambers in Fairlie on **Thursday 27th November, 2014.** If you wish to be heard, you will need to keep your

presentation to 10 minutes maximum. Councillors will have read your written submission prior to the meeting.

Please note that only those people who make a submission and request the opportunity to be heard in support of their submission will have the opportunity to present an oral summary of their submission to the Council. Equal weight will be given to written and oral submissions. If you wish to be heard, please make sure that you state this in your submission and include a daytime phone number and email address to ensure that you can be contacted easily.

Submitters should note that their submission will be copied, made available to the public, and considered by the Council in a meeting which is open to the public.



MACKENZIE DISTRICT COUNCIL

DRAFT

FREEDOM CAMPING BYLAW 2014

FREEDOM CAMPING BYLAW 2014

1. SHORT TITLE

- 1.1 This bylaw is the “Mackenzie District Council Freedom Camping Bylaw 2014”.
- 1.2 This bylaw comes into force on _____ 2014.

2. PROCEDURE AND COMMENCEMENT

- 2.1 This Bylaw is made under:
- (a) The Local Government Act 2002; and
 - (b) Section 11 of the Freedom Camping Act 2011.
- 2.2 This bylaw comes into force on _____ 2014.
- 2.3 Every Schedule to this Bylaw shall be deemed to form part of the Bylaw.
- 2.4 This Bylaw shall have the effect of repealing the Mackenzie District Council Camping on Roadways and Reserves Bylaw adopted in 2010.

3. INTERPRETATION

- 3.1 In this Bylaw, unless the context requires otherwise:

Act means the Freedom Camping Act 2011.

Campsite means a site used for freedom camping in a local authority area.

Council means the Mackenzie District Council or any Committee of the Council or officer delegated to exercise the authority of Council.

District means the territory of Council.

Enforcement Officer has the same meaning as contained in Section 4 of the Act.

Freedom Camp has the same meaning as freedom camp in Section 5 of the Act.

Local authority area is:

- (a) an area of land-
 - (i) that is within the District of the Council; and
 - (ii) that is controlled or managed by the Council under any enactment; and
- (b) includes any part of an area of land referred to in paragraph (a); but
- (c) does not include an area of land referred to in paragraph (a) or (b) that is permanently covered by water.

Offence has the same meaning as contained in Section 4 of the Act.

Person includes a corporation and also a body of persons whether corporate or unincorporated.

Public notice means the same as in Section 2 of the Local Government Act 2002 and 'published' and 'publicly notified' have corresponding meanings.

Self-contained camping means camping in a self-contained vehicle or by alternative means providing that the individual camper(s) have the capability of meeting the ablutionary and sanitary needs of occupants of the camp for a minimum of three days without requiring any external services, relying on public facilities or discharging any waste.

Self-contained vehicle means a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of the occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self-containment warrant issued under New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001.

4. PURPOSE

4.1 The purpose of this Bylaw is to regulate and manage freedom camping in local authority areas and its effects on the Mackenzie District community and environment to:

- (a) protect local authority areas;
- (b) protect the health and safety of people who may visit local authority areas; or
- (c) protect access to local authority owned or controlled areas.

4.2 This Bylaw is intended to encourage responsible freedom camping in the Mackenzie District. The principles by which freedom camping is regulated to meet the purpose of this Bylaw are set out below:

- (a) The District welcomes visitors who camp responsibly, respect public and private property and follow some simple rules to protect our community and our environment.
- (b) Some controls on freedom camping are necessary to protect our community and environment.
- (c) Freedom camping carries with it the responsibility to respect the community by protecting the environment from harmful contamination or fouling.
- (d) Freedom campers are expected to remove all waste and not cause any damage to the areas they use.

5. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED

5.1 Freedom camping is permitted in any local authority area within the District unless restricted or prohibited in an area:

- (a) in accordance with this Bylaw; or;

- (b) under any other enactment.

6. PROHIBITION ON FREEDOM CAMPING

- 6.1 No person may freedom camp in any Prohibited Freedom Camping Area within the local authority area, as identified in Schedule 1 of this Bylaw.

7. RESTRICTIONS ON FREEDOM CAMPING

- 7.1 A person may freedom camp within the local authority areas identified in Schedule 2 of this Bylaw but subject to the restrictions set out in that Schedule for any particular area.

8. PRIOR CONSENT FROM COUNCIL

- 8.1 The Council may grant consent to waive freedom camping restrictions in any of the areas identified in Schedule 1 and Schedule 2 of this Bylaw.
- 8.2 Any application for consent must be made in writing to the Council at least two weeks in advance of the date planned for freedom camping within the relevant area.
- 8.3 A person freedom camping in accordance with a consent granted under clause 8.1 must comply with any conditions of consent.
- 8.4 A Council Officer may revoke a consent granted under clause 8.1 by giving a direction for the person to leave the camping area where that person has:
 - (a) acted in a manner likely to endanger the health and safety of other people;
 - (b) damaged or is likely to cause damage to the site;
 - (c) breached any of the conditions included in any consent.

9. CLOSURE OF FREEDOM CAMPING AREA

- 9.1 The Council may temporarily close or restrict entry to any overnight freedom camping area or part of any freedom camping area where such restriction is considered necessary by Council to:
 - (a) prevent damage to the local authority area or facilities in the area; or
 - (b) allow maintenance to the local authority area or facilities thereon; or
 - (c) protect the safety of persons or property; or
 - (d) allow or facilitate public access.

10. OFFENCES

- 10.1 As specified by section 20(1) of the Act, every person commits an offence who:

- (a) freedom camps in a local authority area in breach of any prohibitions or restriction in this bylaw that applies to the area: or
 - (b) makes preparations to camp in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area.
- 10.2 An Enforcement Officer may issue an infringement notice to anyone who the Enforcement Officer believes on reasonable grounds has committed or is committing an Infringement Offence as set out in section 20(1) of the Act.
- 10.3 Where any person is committing or has committed an offence under this Bylaw or the Act, that person must, on the request of an Enforcement Officer:
 - (a) leave the relevant area immediately; and
 - (b) supply their full name, date of birth, full address, telephone number and occupation to the Enforcement Officer, as well as those same details for any other person connected in any way with the alleged offence.

11. PENALTIES

- 11.1 As specified by section 23(1) of the Act, every person who commits an offence pursuant to section 20(1)(a) and (c) of the Act is liable to an infringement fine of \$200.
- 11.2 The enforcement officer may also take such other action against the permit holder as authorised by this Bylaw or the Act as the Enforcement Officer deems necessary. It shall not be a precondition to taking such other action that a permit is revoked.

Schedule 1 – Prohibited Freedom Camping Areas

A person must not freedom camp in any prohibited area within the Mackenzie District, as identified in Schedule One: Prohibited Areas for Freedom Camping, without the prior written consent of the Council.

Church of the Good Shepherd, Tekapo

The Church of the Good Shepherd area is located within the Tekapo Township, on and adjacent to Pioneer Drive. Freedom camping is prohibited in all parts of this area shown on Diagram 1 highlighted blue.



Diagram 1: Church of the Good Shepherd, Tekapo

Tekapo Commercial Area, Tekapo

The Commercial Centre in Tekapo township is shown on Diagram 2. Freedom camping is prohibited in all parts of this area shown on Diagram 2 highlighted blue.



Diagram 2: Commercial Centre, Tekapo township

Lake Opuha - Opuha Gorge Road

1. No camping is allowed from 23rd December to the second Monday in January (inclusive).
2. No camping within 20 m of the lakeshore.
3. Freedom camping is restricted to self-contained camping.



Lake Ruataniwha (North End)

1. No camping is allowed from 23rd December to the second Monday in January (inclusive).
2. No camping within 20 m of the lakeshore.
3. Freedom camping is restricted to self-contained camping.



Lake Ruataniwha (South End)

1. No camping is allowed from 23rd December to the second Monday in January (inclusive).
2. No camping within 20 m of the lakeshore.
3. Freedom camping is restricted to self-contained camping.



STATEMENT OF PROPOSAL

Draft Dog Control Policy 2014 and Draft Dog Control Bylaw 2014

1. Introduction

The Mackenzie District Council is reviewing its Dog Control Policy and its Dog Control Bylaw 2006, and is seeking your views on its draft Dog Control Policy 2014 and the draft Dog Control Bylaw 2014.

The principal amendments proposed to both the Dog Control Policy and Bylaw relate to:

- reducing the restrictions on prohibiting dogs in certain places
- updating dog exercise areas
- updating mandatory leash areas
- updating areas where dog owners who keep more than two dogs must obtain a license reflecting changes in zoning in the District Plan

The Council has also taken the opportunity to ensure the Dog Control Policy and the Dog Control Bylaw are internally consistent with each other, and meet the requirements of the Dog Control Act 1996.

The Council must follow the special consultative procedure when reviewing its Dog Control Policy and Dog Control Bylaw. This Statement of Proposal has been prepared in accordance with the Dog Control Act 1996 and the Local Government Act 2002, and includes:

- the reasons for the proposal
- the draft Dog Control Policy
- the draft Dog Control Bylaw 2014.

2. Reasons for the proposal and determinations

The Council's current Dog Control Policy and Dog Control Bylaw are due for review. Consultation with Community Boards and internal review suggest that some minor amendments should be made.

The Council considers that the draft Dog Control Policy and draft Dog Control Bylaw are necessary and appropriate in order to provide for the needs of dogs and their owners in the District, while minimising any adverse effects of dogs on the community generally.

3. Background

Dog control is regulated by the Dog Control Act 1996. The intention of the Act is to enable people to enjoy the benefits of dog ownership, provide for the exercise and recreational needs of dogs and their owners, whilst minimising potential danger, distress and nuisance to the community.

The Act requires the Council to have a dog control policy that may be enforced by a dog control bylaw. The bylaw can cover matters such as areas where dogs are prohibited, areas where dogs can be exercised off a lead, or area where dogs are required to be on a lead all or some of the time.

The Council's approach to local dog control services is also set out in the Policy and Bylaw. It covers matters including dog registration, safety around dogs, response to complaints, picking up straying and aggressive dogs, and fees and other charges such as for impounding dogs.

In addition, the Policy and Bylaw identify areas where dogs are prohibited, permitted on a leash, and where they may be exercised. The Bylaw also identifies certain areas where owners who keep more than two dogs must obtain a licence.

It is a requirement that Council's Dog Control Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

The key changes proposed from the existing Bylaw and Policy are:

1. It is proposed that dogs be allowed in the Tekapo town centre area while leashed. This is not the case under the current Bylaw and Policy, as dogs are currently prohibited in the town centre. The Council proposes that dogs be allowed within the town centre on a leash for the following reasons:
 - A number of parties bring dogs on a leash into the Tekapo Town Centre and there have been no instances of conflict between other users of the area and dogs.
 - Protecting the public from nuisance can be achieved through requiring dogs to be under control on a leash.
2. It is proposed that dogs be allowed to exercise in the Strathconan Park recreation grounds area. This is not the case presently, and under the current Bylaw and Policy dogs are prohibited. Council proposes that dogs be allowed within this area for the following reason:
 - A number of parties bring dogs into area and there have been no instances of conflict between other users of the area and dogs.
3. It is proposed that dogs be allowed to exercise in the recreation land between Max Smith Drive and Lake Ruataniwha. This is not the case under the current Bylaw and Policy. The Council proposes that dogs be allowed within this area for the following reason:
 - A number of parties bring dogs into area and there have been no instances of conflict between other users of the area and dogs.
4. The Council proposes to amend the Controlled Dog Ownership Areas within Twizel to include new residential zones that have been introduced into the District Plan since the 2006 Bylaw. This includes the Residential Three and Residential Four zones. The amendment is proposed for the following reasons:
 - Controlling the number of dogs that can be kept within townships as of right is necessary in order to protect the public from nuisance. The Bylaw enables owners who want to keep more than two dogs to apply for a license to allow this.
 - The amendment will ensure that these areas are treated similarly with respect to existing Controlled Dog Ownership Areas in residential zones.

4. Process to date

Council has worked through a process to review the Council's current Dog Control Policy and its Dog Control Bylaw, in line with requirements of the Dog Control Act 1996 and the Local Government Act 2002. This process has included:

- internal review of the current Dog Control Policy and Bylaw
- consideration of the New Zealand Bill of Rights Act 1990
- consultation with the Council's Community Boards.

Taking the above into account, the Council has prepared a draft Dog Control Policy and draft Dog Control Bylaw 2014 and is now seeking your feedback on what is proposed. You can tell us what you think by making a submission - please see below for information on how to do this.

5. How to provide your feedback

Anyone can make a submission about the draft Dog Control Policy and the draft Dog Control Bylaw. The Council welcomes your views.

To make a submission, simply write, setting out what you agree with, what you don't agree with, and why. Submissions forms are available from the Council's website, or from the Council offices in Main Street, Fairlie or Market Place, Twizel, freephone 0800 685 8514.

The submission period closes at **3pm on Friday 21 November 2014.**

You can make a submission by:

- posting it to: Mackenzie District Council, PO Box 52, Fairlie 7949
- emailing it to: info@mackenzie.govt.nz
- faxing it to: (03) 685 8533
- delivering it to the Council Offices in Fairlie or Twizel.

If you have any queries regarding this proposal or about how to make a submission, please contact Nathan Hole on (03) 685 9019 or email nathan@mackenzie.govt.nz.

Submissions to the draft Bylaw will be heard at a hearing in the council chambers in Fairlie on **Thursday 27th November, 2014.** If you wish to be heard, you will need to keep your presentation to 10 minutes maximum. Councillors will have read your written submission prior to the meeting.

Please note that only those people who make a submission and request the opportunity to be heard in support of their submission will have the opportunity to present an oral summary of their submission to the Council. Equal weight will be given to written and oral submissions. If you wish to be heard, please make sure that you state this in your submission and include a daytime phone number and email address to ensure that you can be contacted easily.

Submitters should note that their submission will be copied, made available to the public, and considered by the Council in a meeting which is open to the public.



DRAFT

**MACKENZIE DISTRICT COUNCIL DOG
CONTROL BYLAW 2014**

CONTROL OF DOGS

DOG CONTROL BYLAW 2014

Introduction

This Dog Control Bylaw replaces Council's 2006 bylaw and gives effect to the Dog Control Policy which was adopted by Council on (date to be inserted).

It contains some general provisions relating to the control of dogs in the District and also deals with fouling by dogs and circumstances where dogs may be impounded.

The bylaw defines certain areas where dogs are prohibited and where they must be kept on a leash. Other areas have been set aside for dog exercise areas. These areas are defined in the schedules of the bylaw.

The bylaw also generally limits the number of dogs that may be kept on urban land to two per property unless special permission has been obtained from the Council.

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1. *Short Title*
2. *Commencement*
3. *Object of Bylaw*
4. *Interpretation*
5. *Dog Control*
6. *Fouling of Dogs*
7. *Impounding of Dogs*
8. *Convictions and Fines*
9. *Amendments and Revocations*

Pursuant to the powers vested in it by the Local Government Act 2002 and the Dog Control Act 1996 the MACKENZIE DISTRICT COUNCIL makes this Bylaw.

1. **SHORT TITLE**

This bylaw may be cited as the Mackenzie District Council Dog Control Bylaw 2014.

2. **COMMENCEMENT**

This bylaw shall come into force on (date to be inserted).

3. OBJECT OF BYLAW

The object of this bylaw is to control the keeping of dogs in the Mackenzie District.

4. INTERPRETATION

In this Bylaw, unless the context otherwise requires,

“Act”	Means the Dog Control Act 1996.
“Animal Welfare Inspector”	Means an officer appointed under the Animal Welfare Act 1999.
“Bylaw”	Means Mackenzie District Council Dog Control Bylaw 2006
“Control”	Has the same meaning as Section 52 and 52A of the Dog Control Act 1996.
“Council”	Means the Mackenzie District Council.
“District”	Means the area administered by the Mackenzie District Council.
“Dog Control Officer”	Means an officer appointed under Section 11 of the Act.
“Dog Ranger”	Means a ranger appointed under Section 12 of the Act and includes an honorary dog ranger.
“Dog Exercise Area”	Means any public place so defined within the District where a dog may be exercised off the leash.
“Dog Prohibited Area”	Means any public place so defined within the District where a dog is prohibited either generally or at specified times.
“Effective Control”	Means in any public place where a dog is leashed or is responding to the commands of the person accompanying the dog and is not more than 3 metres from that person.
“Leash”	Means an adequate restraint, not exceeding 2 metres in length and held by a person physically capable of restraining a dog.
“Leash Control Area”	Means any public place so defined in the District where a dog is required to be kept under continuous control by means of a leash.
“Owner”	In relation to any dog, means every person who either: <ul style="list-style-type: none"> (a) Owns the dog; or (b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or (c) The parent or guardian of a person under the age of 16 years who: <ul style="list-style-type: none"> i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and

- ii) Is a member of the parent or guardian's household living with or dependant on the parent or guardian;

But does not include any person who has seized or taken custody of the dog under the Bylaw, or the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animal Welfare Act 1999.

“Public Place”

Means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place.

5. DOG CONTROL

1) Dogs on streets or public places

(a) Prohibited Areas

No person shall cause, permit, suffer or allow any dog of which that person is the owner to enter onto or remain within the following places;

- (i) Any of the areas specified in the first schedule of this bylaw.
- (ii) Any premises used as a Public/Community Library.
- (iii) Any public swimming baths owned or controlled by the Council.
- (iv) Any area used as a public children's playground, or on the playing area of any sportsfield.
- (v) Any land or premises used as a school, kindergarten, play centre, public hall or community centre, unless specific approval has been obtained from the Controlling Authority of that land or those premises.
- (vi) Any cemetery.

(b) Other public Places

No person shall cause, permit, suffer or allow any dog of which that person is the owner to enter or remain in any public place within the district of the Council which is not covered by clause 2(a) or 2(c) hereof unless the dog is kept under continual and sufficient control; which means that the dog is under the continual surveillance and immediate control (by carrying a leash at all times) of a responsible person over the age of nine years.

(c) Leash Control Areas

No person shall allow dog(s) to wander without leash control in any area as defined by the fourth schedule of this bylaw. Any person found with a dog(s) in the mandatory leash control areas commits an offence under the bylaw.

2) Control of Dogs

- (a) The owner of every dog shall at all times keep and prevent the dog(s) from wandering or being at large, in or upon any public place, without being under effective control in accordance with Section 52 and 52A of the Dog Control Act 1996.
- (b) The owner of any dog shall at all times keep and prevent the dog(s) from being at large on any land or premises, without the consent (express or implied) of the occupier or person in charge of that land or premises.

NOTE: Working dogs driving stock are exempt from these provisions providing they are under control by the person directing the dogs.

3) Number of Dogs

- (a) No occupier of land in any areas listed in the Third Schedule, shall allow or cause to remain or keep for any period exceeding seven days, more than 2 dogs over the age of three months on the premises unless the occupier shall be the holder of a licence from the Council.
- (b) A licence may be issued upon or subject to such terms, conditions, and restrictions as the Council may think fit. Any breach of the terms, conditions or restrictions of the licence shall be a breach of this bylaw. Without limitation, the Council may impose conditions and restrictions relating to, requiring or governing:
 - (i) Drainage from the kennel and run.
 - (ii) The siting of such kennels.
 - (iii) The maximum number of dogs to be kept.
 - (iv) Fencing and control of the dog(s) on the property.
- (c) Any person desiring to allow or cause to remain or keep two or more dogs over the age of three months on any premises shall make written application to the Council for a licence in the form as may from time to time be prescribed by the Council and shall give to the Council information in respect of the application as may be required by the form or as the Council may reasonably require.
- (d) For every licence there shall be paid to the Council a fee as set from time to time by Council resolution. The licence shall remain in force until 30 June next following its issue, provided that the licence may during its currency be cancelled by the Council for breach of any of its terms, conditions or restrictions.
- (e) The fee for the licence shall be payable in addition to current registration fees payable under the Act and is not refundable where the licence is cancelled by Council.

4) Dog Exercise Areas

- (a) The Council may from time to time set aside areas where dogs are permitted to roam free for the purpose of training or exercising. These areas shall include those

set out in the Second Schedule. Dogs in exercise areas shall be under the control of the owner at all times.

5) Mangy or diseased dogs

- (a) Mangy or diseased dogs shall not enter onto or remain within any public place. The owner of any dog which is found in contravention of this clause commits an offence against this bylaw.

6) Bitches on heat

- (a) Bitches on heat shall be confined to the owner's property and shall not enter onto or remain within any public place while on heat. While so confined the owner shall make adequate provision for the exercise of the dog in season. The owner of any dog which is found in contravention of this clause commits an offence against this bylaw.

7) Nuisance or likely to be injurious to health

- (a) The owner of any dog or the occupier of any premises where any dog or dogs are kept, either permanently or temporarily, shall take adequate precaution to prevent the dog or dogs, or the keeping thereof, from being an actual or potential nuisance or an actual or potential injury to the health of itself or themselves, other dogs, people or animals.
- (b) If, in the opinion of a duly authorised officer of the Council, any dog or dogs or the keeping thereof has or is likely to become a nuisance or injurious to the health of either itself or themselves, other dogs, people or animals the occupier, by notice in writing, shall be required to do all or any of the following;
- (i) Reduce the number of dogs on the premises.
 - (ii) Construct, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain such dog or dogs.
 - (iii) Require such dog or dogs to be tied up or otherwise confined during specified periods.
 - (iv) Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health.
- (c) Any person to whom notice is given under the proceeding provisions of this clause and who fails to comply with such notice within the time therein specified shall commits an offence against this bylaw.

8) Accommodation of Dogs

- (a) The minimum standards for shelter of any dog are;
- (i) A weatherproof kennel or place of confinement,
 - (ii) The kennel shall have a floor and be constructed on dry ground,
 - (iii) Any kennel, other than a motel unit or one with a run, shall have fixed to it a chain which allows the dog free movement about the kennel,

- (iv) The kennel shall have sufficient room for the dog to freely move, stretch out and recline,
 - (v) Such kennel or place of confinement shall allow access to clean water at all times,
 - (vi) The kennel or place of confinement shall be kept clean, and in a sanitary condition, so as to prevent the accumulation of faeces, food, hair or other organic matter,
 - (vii) The area immediately around the kennel shall be kept clean, tidy and in a sanitary condition.
- (b) No owner of any dog shall permit any dog to be kept beneath the floor of any building.
- 9) Disposal of dogs
- (a) The owner or person having charge of a dog shall, within 24 hours of the death of that dog, bury the dog below the surface of the ground and with at least 750 mm of cover or placed in an offal pit of a depth of 2 metres or more below ground level.

6. FOULING BY DOGS

No person being the owner or a person having charge of any dog shall permit the dog to foul in a public place with droppings or on land or premises other than that occupied by the owner.

- (a) Provided that, no offence shall be deemed to have been committed against this bylaw where the owner or the person having charge of the dog removes the droppings immediately after the dog has deposited them.
- (b) Any person having charge of any dog shall at all times while exercising the dog whether within a designated exercise area or any public place carry a suitable receptacle to remove and dispose of dog droppings immediately after the dog has deposited them.
- (c) Plastic bags, paper bags or acceptable pooper scoopers are examples of suitable receptacles.
- (d) Where a public litter bin or similar receptacle is used to dispose of the droppings, they must be suitably wrapped or contained to prevent fouling the receptacle.

7. IMPOUNDING OF DOGS

- (a) Any dog ranger, dog control officer or constable may impound a dog which is found at large or not under control in any public place contrary to this bylaw.
- (b) The provisions of Sections 67 - 72 (inclusive) of the Dog Control Act 1996 shall apply to the impounding of any dog pursuant to subclause (1) of this clause.
- (c) The costs of sustaining the dog while impounded shall be payable by the owner or custodian of the dog to the Council.

8. CONVICTIONS AND FINES

Any person in breach of any provisions of this bylaw may be subject to enforcement action in accordance with the Dog Control Act 1996.

9. AMENDMENTS AND REVOCATIONS

The Mackenzie District Council Dog Control Bylaw 2006 is hereby revoked.

FIRST SCHEDULE

DOG PROHIBITED AREAS

Dogs are prohibited from the following places:

Fairlie

1. Fairlie Domain as shown on the below aerial photograph:

Prohibited Dog Area: Fairlie



Twizel

1. Market Place shopping mall as shown on the below aerial photograph:

Prohibited Dog Area: Twizel



In the Mackenzie District dogs are also prohibited from:

1. Any premises used as a community Library;
2. Any public swimming pool owned or controlled by the Council;
3. The playing area of any sports field;
4. Any area used as a children's playing ground;
5. Any land or premises used as a school, kindergarten or play centre unless specific approval has been obtained from the controlling authority; and
6. Any cemetery.

TEMPORARY PROHIBITED AREAS

The Council may from time to time declare certain other areas to be prohibited areas for a specified time and shall give public notice of its intention to declare such areas as temporarily prohibited. Appropriate signs will be posted in the area and prior notice will be published in a newspaper circulating in the District.

SECOND SCHEDULE

DOG EXERCISE AREAS

The following locations are designated as areas where dogs are permitted to be exercised provided they are controlled at all times.

Fairlie

1. Mount Cook Road green area
2. McLean Park
3. The road reserve from Gray Street South along the eastern side of State Highway 8
4. Strathconan Park recreation grounds

Lake Tekapo

1. The lake side from Pioneer Drive/State Highway 8 eastern intersection to the Pines Picnic area

Twizel

- 1 The following areas of recreation land situated within the town boundaries of Twizel, namely:
 - i. Glen Lyon Road and State Highway 8,
 - ii. Land adjoining rear boundaries of properties on Tekapo Drive, Jollie Road and Wairepo Road; and
 - iii. North West Arch green areas
- 2 The recreation land between Max Smith Drive and Lake Ruataniawha

THIRD SCHEDULE

CONTROLLED DOG OWNERSHIP AREAS

- Fairlie: The areas within the Fairlie Community constituted Boundaries and zoned "residential" in the operative District Plan, and the Area known as "Eversley Reserve"
- Burkes Pass: The area zoned "residential" in the operative District Plan.
- Kimbell: The area zoned "residential" in the operative District Plan.
- Albury: The area zoned "residential" in the operative District Plan.
- Tekapo: The area zoned "residential" in the operative District Plan or any Village Centre, Tourist, Tourist Accommodation, Residential One, Residential Two and Industrial zones.
- Twizel: The area zoned "residential" in the operative District Plan or any Village Centre, Tourist, Tourist Accommodation, Residential One, Residential Two, Residential Three, Residential Four and Industrial zones.

FOURTH SCHEDULE

MANDATORY DOG LEASH AREAS

Dogs are permitted in the following areas provided they are controlled on a leash.

Fairlie

1. Fairlie Village Centre as defined by the District Plan, between State Highway 79 intersection with State Highway 8 and School Road on the west side of Main Street and Talbot Street on the east side of Main Street.
2. Fairlie Village Green, bordering Talbot Street and State Highway 8 and recognised as Rec P in the District Planning maps.
3. The peripheral area surrounding a sports field for a distance of up to 10 metres.

Lake Tekapo

1. Tekapo Village Centre, namely in the lakeside of State Highway 8 between Tekapo River bridge and the western boundary of the Tekapo hotel and includes the land in front of the Village Centre to the water edge of Lake Tekapo.

Twizel

1. Market Place (legal road) including the car parking area.

Dog Control Bylaw

Adopted by: **Council**

Adopted date: **xx 2014**

Review date: **xx 2017**

DOG CONTROL POLICY 2014

1.0 INTRODUCTION

- 1.1** Section 10 of the Dog Control Act 1996 (the Act) requires the Council to adopt a policy on the control of dogs. The purpose of a Dog Control Policy is to:
- minimize the danger distress and nuisance that dogs can cause
 - avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children
 - enable the public to use streets and public amenities without fear of attack or intimidation by dogs
 - provide for the exercise and recreational needs of dogs and their owners.
- 1.2** This policy document is in three parts. Section 2 identifies issues relating to dog control in the District and Section 3.0 contains policy to address those issues. Section 4 contains the definitions used in the Policy, and Appendix A describes the areas identified for exercise purposes within the District, areas where dogs are to be leashed and areas where dogs are prohibited in the District.

2 ISSUES

2.1 Non-Registration

Every person who keeps a dog over the age of three months old is required to register that dog annually, and to advise the Council promptly of any change of address or ownership of the dog.

While non-registration is not considered a serious issue within the District, Council staff have on occasion found dogs that have not been registered. Unregistered dogs may be seized and impounded by a Dog Control Officer and infringement fines issued.

The other main issue associated with registration is that some people do not meet their obligation of ensuring Council records are kept up to date in respect of the location of dogs. This causes difficulties in finding owners of impounded and injured dogs and for the undertaking of property visits.

2.2 Barking Dogs

Council staff receive complaints about barking dogs. Continuous barking for long periods of time, or continually at night, is not acceptable to residents of the District. There is provision in the Dog Control Act for action to be taken against the owners of dogs causing a barking nuisance, such as seizing these dogs and not releasing them until Council is satisfied that returning the dog will not result in the resumption of the nuisance.

2.3 Dogs Defecating in Public Places

There is a problem with dogs fouling private and public places in the urban areas. Not only is it unsightly and a nuisance, it is also a health risk.

2.4 Uncontrolled Dogs Causing Nuisance to Others

Dogs roaming free can cause a significant nuisance. Warnings have been issued to some owners about dogs roaming uncontrolled and being aggressive to members of

the public. In addition, uncontrolled dogs that are exercised without proper control can be a nuisance to others.

2.5 Dogs Attacking or Biting People, their Pets or Property

This can potentially put lives in jeopardy. People can also feel threatened by aggressive behaviour. The public is entitled to feel secure and not be personally threatened. The Council has received a minor number of complaints about dog attacks that have resulted in action being taken.

Dogs that are left alone on properties with free access to public roads or walkways may be seized by officers. Dogs must be confined to their own properties with safe access provided for visitors to the property.

2.6 Stock Attacks

Dogs, if uncontrolled, can harm or kill farm stock. The land owner has the right to destroy any dog that has been found attacking stock. The Council has received a number of complaints about this issue.

2.7 The Risk of the Spread of Disease from Dogs

Dogs are potential carriers and distributors of true hydatids, sheep measles (*Taenia ovis*) and round worms (*Toxicara canis*). Sheep measles affects the quality of sheep meat, but the disease is not a human health hazard. True hydatids can cause death in humans and despite a national programme for many years, the disease is not yet eradicated. Round worms (*Toxicara canis*) can cause impaired vision or total blindness in humans. Eggs are passed out with the dog faeces. Humans may become infected if they ingest the minute sticky eggs. Officers can provide information on these diseases and a range of educational pamphlets are available.

2.8 Education

A lack of understanding of dog behaviour by owners and members of the public is an important issue. There is also a need to ensure dog owners know how to look after their dogs and make adequate provision for their needs and wellbeing.

Dog Control Officers have the right of entry on land if they have reasonable grounds to suspect a dog is without food, water or shelter. A dog may be held until the officer is satisfied adequate accommodation has been provided.

Dogs may be seized by Dog Control Officers for these reasons.

2.9 Exercise Areas

Dogs require exercise. However, there can be conflict between dog owners and non-dog owners. It is therefore important to identify public areas where it is appropriate for dogs to be at any time or on some occasions. There should also be reasonable provision made for areas where dogs can be exercised.

In the Mackenzie District dog owners must keep their dogs leashed while in the urban parts of the District. In rural areas dogs must be controlled at all times.

The owner of a dog must use or carry a leash at all times, while the dog is in a public place.

2.10 Aggravating Dogs

People are capable of inciting dogs to behave badly. Dogs have been known to bite or attack people because they have been teased. It is important to educate people about appropriate behaviour around dogs and to discipline people who cause dogs to act aggressively.

2.11 Prohibited Importation of Dogs

Schedule 4 of the Act prohibits the importation of any dog that belongs wholly or predominantly to one or more of the following breeds or types:

- Brazilian Fila
- Dogo Argentino
- Japanese Tosa
- American Pit Bull Terrier
- Perro de Presa Canario

The prohibition does not apply to dogs trained or being trained to assist people with disabilities.

2.12 Menacing Dogs

A menacing dog is one which has not been classified as dangerous, but which the Council considers may pose a threat to any person or livestock. Dog breeds that are prohibited from importation (refer above list in 2.10) are automatically classified as menacing. The Council has the power to order the neutering of menacing dogs, although there is the right of objection to such classification by the owner.

2.13 Microchips

The Act states that “a dog registered for the first time on or after 1 July 2006 is to be implanted with a functioning microchip transponder”. Dogs classified as dangerous or menacing must be micro chipped from that date also and that includes those dogs classified since 1 December 2003. This requirement is not mandatory for working dogs.

3 POLICIES

This section describes the Council's discretionary policy on dog control. It also includes the mandatory requirements imposed by legislation on dog owners, for guidance.

3.1 General Policies

3.1.1 Areas Where Dogs are Permitted or Prohibited

3.1.1.1 General Public Space

The schedules contained in Appendix A identify specific control areas as:

- (a) Dog Exercise Areas
In these areas, dogs are permitted to be exercised at large (without a lead). However, the person exercising the dog must be able to control it and must have a lead in his/her possession.
- (b) Dog Prohibited Areas
Dogs are not permitted to be in these areas at any time
- (c) Temporary Prohibited Areas
Council may from time to time declare temporary prohibited areas.
- (d) Dog Leash Areas

In these areas dogs are only permitted provided they are controlled on a leash at all times

In all public places other than leash control, exercise and prohibited areas, all dogs are required to be under control.

3.1.1.2 *Conservation Areas*

Dogs are prohibited from the National Parks in the Mackenzie District in accordance with Section 26zs of the Conservation Act 1987, unless a special permit is granted.

3.1.2 ***Fees and Charges***

Registration fees are set annually by Council. They shall be reasonable fees to cover the management and enforcement of the Dog Control Act and bylaw, and such issues as welfare, dog control, education, and to ensure dogs do not cause a nuisance in the community.

The Council fees are based on various categories. There are reductions for dogs which qualify under certain criteria. These are:

- Urban Dogs
- Urban dogs, responsible owner
- Urban dogs, neutered
- Rural Dogs

The Council wishes to encourage the de-sexing of dogs, in an endeavour to reduce the incidence of unwanted and straying dogs in the District. There is a reduction in the fees for dogs that have been de-sexed and for owners of more than one dog. Exemptions will be applied to guide dogs and hearing ear dogs.

Urban dog registration fees are charged to owners living in settlements that have the potential to generate a dog control problem for nearby residents or rural occupiers. Currently these are the urban areas of Fairlie, Albury, Kimbell, Lake Tekapo, Twizel and Burkes Pass. An urban dog fee will also apply in any rural residential or lifestyle type sections near townships or settlements.

Council also sets fees for the impounding of dogs and associated costs. Dogs will be required to be registered and microchipped prior to release from a pound.

3.1.3 ***Education Programmes/Dog Obedience Courses***

Council does not offer a dog owner education programme. The Council may require any probationary owner to undertake a dog education programme in lieu of classifying an owner as a disqualified dog owner. This may require the owner travelling to a location outside of the district to undertake this training.

The costs for any dog / owner education programme will be met by the dog owner.

3.1.4 ***Property Visits***

The District Council's policy is to check all properties for compliance with the Act and with the Council's Dog Control bylaw. Although it is not possible to visit every property annually, a programme will need to be developed to ensure that urban properties are visited annually and rural properties on a biannual basis. These annual visits include areas of highest risk (using criteria such as recorded dog problems, and non-registration).

Property visits are seen as an important way of providing contact between Council and its residents on dog control issues. For dog owners, it provides an opportunity to discuss relevant educational issues and for Dog Control Officers, it gives an opportunity to check on the dog's welfare, kennelling and registration status.

3.1.5 *Appointment of Honorary Dog Rangers*

From time to time, the Council may appoint honorary dog rangers. The role of the rangers will primarily be an educational one. It is considered that rangers will also be able to assist Council in general surveillance obligations, particularly with dog exercise and prohibited areas.

3.1.6 *Uncontrolled Dogs*

The Dog Control Officers will attempt to pursue all dogs roaming free in a public place with the intent of impounding them. The majority of complaints received are to do with roaming dogs. If Dog Control Officers are unable to capture a roaming dog, they will follow it home and speak to the owner. If the dog is unattended and has the ability to leave the property again it will be seized. If the dog is seen out a second time, an infringement notice will be issued.

Dog Control Officers will also impound any dog seized by a property owner or person in charge of any land or premises.

4 *Classifications*

4.1.1 *Classification of Owners*

4.1.1.1 *Probationary Owner*

The Council will classify a person as a probationary owner if they commit 3 or more infringement offences within a continuous 24-month period.

This classification of probationary owner will continue for a period of 24 months unless there are extenuating circumstances involved in any one particular case.

4.1.1.2 *Disqualified Owners*

A person may be disqualified from owning a dog in accordance with section 25 of the Act. Unless there are extenuating circumstances in any particular case, this classification will be imposed. Alternatively the Council may instead classify the person as a probationary owner (refer 3.2.1.1.above).

4.1.2.1 *Dogs Classified as Menacing*

- (a) If the Council considers that a dog may pose a threat or has displayed aggressive and threatening actions towards any person, stock, poultry, domestic animal or protected wildlife, that dog will be classified as menacing.

The effects of classification as menacing are that the owner:

- (a) will be required to neuter the dog under the Council's Bylaw;
- (b) must ensure that the dog is muzzled at all times when in a public place;
- (c) must advise any person who has temporary possession of the dog of the requirements to use a muzzle in public areas.

4.1.2.2 *Dogs Driving Stock*

Working dogs driving stock in areas where dogs are required to be restrained on a lead, are exempt from this requirement.

5 ***Infringement Notices and Fines***

Sections 65 and 66 of the Act allow Councils to issue various infringement notices. These notices may be issued for certain offences listed below. Fines not paid will be recovered through the courts as provided for in the Summary Proceedings Act 1957.

Unless there are exceptional circumstances in any particular case, an infringement notice will be issued.

6 ***Dog Control Bylaw***

The Mackenzie District Council will amend its existing Bylaw following completion of the consultative process and adoption of its policy on dogs. The specific Bylaw will include the following provisions:

- (a) Identification of public places where dogs are prohibited either permanently or for specific periods.
- (b) Requirement for dogs, other than those classified as working dogs, to be on a leash in specified public places or in public places in specified areas or parts of the District.
- (c) Regulation and control of dogs in any other public place.
- (d) Designation of specified areas as dog exercise areas.
- (e) Requirement for the owner of any dog that defecates in a public place or land or premises other than that occupied by the owner to immediately remove the faeces.
- (f) Provision for the impounding of dogs, whether or not they are wearing a collar having the proper tag or disc attached, that are found at large or in breach of any Bylaw.
- (g) Requirement for diseased dogs to be kept on the owner's property.
- (h) Prohibition of dogs which are a nuisance or injurious to health.
- (i) Requirement for owners to ensure their dogs in a public place do not become restive or aggravated.
- (j) Penalties for people found to be aggravating dogs.
- (k) Authorisation for the Council to require a probationary owner to undertake a dog owner education programme.
- (l) Authorisation for the Council to disqualify a probationary owner convicted of serious offences.
- (m) Prohibition of the importation of dogs of specific breeds or types.
- (n) Requirement for dangerous dogs to be on a leash and muzzled in any public place.
- (o) Requirement for the implantation of microchip transponder (not mandatory for working dogs).
- (p) Requirement for the owner of a dog to use or carry a leash at all times while with a dog in a public place.

Infringement Fees are specified in Schedule 1 of the Dog Control Act 1996.

6.1 ***Summary***

There are mandatory requirements on the Council described in the Dog Control Act 1996. The Council, however, has powers of discretion derived from statute which will be legally enforceable by the adoption of a Dog Control Bylaw. This section summarises the Council's policy on discretionary options as follows:

- (a) At Council discretion there will be a reduced fee regime for special category dogs, e.g. guide dogs.
- (b) A late registration fee will apply.
- (c) The Policy describes:
 - Dog exercise areas
 - Dog prohibited area; and
 - Dog leash areas.
- (d) The Council will require a probationary owner to undertake a dog owner education programme or dog obedience course, at the owner's expense.
- (e) The Council will require the neutering of any dog classified as a menacing dog within one month of classification.
- (f) The Council may exempt any dog or class of dog from muzzling or control on a leash in any special circumstances, e.g. a dog show.
- (g) The Policy imposes penalties on the failure to remove dog faeces.

7	DEFINITIONS
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“Act”	Means the Dog Control Act 1996.
“Animal Welfare Inspector”	Means an officer appointed under the Animal Welfare Act 1999.
“Bylaw”	Means the Mackenzie District Council Dog Control Bylaw 2014.
“Continuous Control”	Means in any public place, a dog that is restrained by a leash.
“Control”	Means in any public place, where a dog is leashed or is responding to the commands of a person accompanying the dog.
“Council”	Means the Mackenzie District Council.
“District”	Means the area administered by the Mackenzie District Council.
“Dog Control Officer”	Means an officer appointed under Section 11 of the Act.
“Dog Ranger”	Means a ranger appointed under Section 12 of the Act and includes an honorary dog ranger.
“Dog Exercise Area”	Means any public place so defined within the District where a dog may be exercised off the leash.
“Dog Prohibited Area”	Means any public place so defined within the District where a dog is prohibited either generally or at specified times.
“Effective Control”	Means in any public place where a dog is leashed or is responding to the commands of the person accompanying the dog and is not more than 3 metres from that person.
“Leash”	Means an adequate restraint, not exceeding 2 metres in length and held by a person physically capable of restraining a dog.
“Leash Control Area”	Means any public place so defined in the District where a dog is required to be kept under continuous control by means of a leash.
“Owner”	In relation to any dog, means every person who either: <ul style="list-style-type: none"> (a) Owns the dog; or (b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or

(c) The parent or guardian of a person under the age of 16 years who:

i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and

ii) Is a member of the parent or guardian's household living with or dependant on the parent or guardian;

But does not include any person who has seized or taken custody of the dog under the Bylaw, or the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Dog Control Act 2003 or the Animal Welfare Act 1999.

“Public Place”

Means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place.

APPENDIX A

Schedule 1 - LEASH CONTROL AREAS

The following locations are designated as areas where dogs are permitted provided they are controlled on a leash.

Fairlie

1. Fairlie Village Centre as defined by the District Plan, between State Highway 79 intersection with State Highway 8 and School Road on the west side of Main Street and Talbot Street on the east side of Main Street.
2. Fairlie Village Green, bordering Talbot Street and State Highway 8 and recognised as Rec P in the District Planning maps.
3. The peripheral area surrounding a sports field for a distance of up to 10 metres.

Lake Tekapo

1. Tekapo Village Centre, namely in the lakeside of State Highway 8 between Tekapo River bridge and the western boundary of the Tekapo hotel and includes the land in front of the Village Centre to the water edge of Lake Tekapo.

Twizel

1. Market Place (legal road) including the car parking area.

Schedule 2 - DOG EXERCISE AREAS

The following locations are designated as areas where dogs are permitted to exercise provided they are controlled at all times.

Fairlie

1. Mount Cook Road green area.
2. McLean Park.
3. The road reserve from Gray Street South along the east side of State Highway 8.
4. Strathconan Park recreational grounds.

Lake Tekapo

1. The lake side from Pioneer Drive/State Highway 8 eastern intersection to the Pines Picnic area.

Twizel

1. The recreation land situated between the town boundaries of Twizel, namely:
 - i. Glen Lyon Road and State Highway 8,
 - ii. Land adjoining rear boundaries of properties on Tekapo Drive, Jollie Road and Wairepo Road; and
 - iii. North West Arch green areas
2. The recreation land between Max Smith Drive and Lake Ruataniwha.

Schedule 3 - DOG PROHIBITED AREAS

At present, the Council Bylaw bans dogs from the following places:

Fairlie - Fairlie Domain as shown on the aerial photograph below:

Prohibited Dog Area: Fairlie



Twizel - Market Place shopping mall as shown on the aerial photograph below:

Prohibited Dog Area: Twizel



General

In addition to the above named places, in the Mackenzie District dogs are not permitted in:

1. Any premises used as a community Library;
2. Any public swimming pool owned or controlled by the Council;
3. The playing area of any sports field;
4. Any area used as a children's playing ground;
5. Any land or premises used as a school, kindergarten or play centre unless specific approval has been obtained from the controlling authority; and
6. Any cemetery.

TEMPORARY PROHIBITED AREAS

The Council may from time to time declare certain areas, not being prohibited areas, to be prohibited areas for a specified time and shall give the public notice of its intention to declare an area as temporarily prohibited. Appropriate signs will be posted in the area and prior notice will be published in a newspaper circulating in the District.

Dog Control Policy

Adopted by: **Council**

Adopted date: **xx 2014**

Review date: **xx 2017**

MACKENZIE DISTRICT COUNCIL

REPORT TO: PLANNING AND REGULATIONS COMMITTEE

SUBJECT: DRAFT FREEDOM CAMPING STRATEGY

MEETING DATE: 16 OCTOBER 2014

REF: REG 4/1

FROM: TONI MORRISON
SENIOR POLICY PLANNER

PURPOSE OF REPORT:

To seek that the Committee approve the draft Freedom Camping Strategy and publicly notify the draft Strategy for submissions.

STAFF RECOMMENDATIONS:

1. That the report be received, and
2. That the Committee approve the draft Mackenzie District Council Freedom Camping Strategy; and
3. That the Committee agree to notify the draft Strategy for public submissions.

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

ATTACHMENTS:

Draft Mackenzie District Council Freedom Camping Strategy

BACKGROUND:

As part of its approach to managing freedom camping activity in the District, the Council has drafted and undertaken initial consultation on a Freedom Camping Strategy. This non-statutory strategy has the following objective:

To encourage and facilitate appropriate camping, including freedom camping within the Mackenzie District.

It then has a series of goals and methods to implement this objective. The strategy applies district-wide, and is intended to educate campers and encourage camping activities in areas that are suitable.

The Council is also considering a new Freedom Camping Bylaw, as part of implementing the overall District strategy. The bylaw would provide some regulatory control over areas where regulatory intervention is justified (refer separate paper). This strategy addresses wider issues than that contained in the bylaw.

Consultation

Community Boards

Following the initial workshop with the Planning Committee, consultation on the draft strategy was undertaken with each Community Board. All Community Boards endorsed the strategy's proposal to educate campers about appropriate locations and practices when freedom camping in the Mackenzie, including promotion of camp sites owned by other parties that are also available to freedom campers in the district.

The following changes to the strategy have been recommended as a result of the consultation with the Boards:

The Tekapo Community Board recommend the addition of a further prohibited area for freedom camping in Tekapo. They seek that the strategy be amended to include a prohibition on freedom camping in the commercial area of Tekapo, on the basis that this is the main commercial centre in Tekapo and access to the area for businesses and customers should be protected. This would make it consistent with proposed changes to the bylaw.

The Tekapo Community Board also sought that a commitment be made to reviewing the strategy and the Council's approach, once monitoring over one or two seasons had been undertaken. They asked that a review clause be included in the strategy. As a result, it is recommended to include a new Goal 6, as follows:

Goal 6: *Monitor the effects of freedom camping in the District.*

Implementation Methods

1. *Undertake a review of this strategy two summer seasons following its adoption, to determine whether the Strategy is effective in managing issues associated with freedom camping.*

2. *Consider any changes to the strategy and/or Freedom Camping Bylaw that may be necessary or desirable following the completion of the review.*

The Fairlie Community Board considered that a setback from the lakeside should be required for freedom camping at the three camping sites at Lake Opuha. A no-camping setback of 20m from the lake shore is recommended to be included in the strategy, and staff recommend that this restriction also apply to the two sites at Lake Ruataniwha. This will ensure that public access to the lakeshores is protected.

The Fairlie Community Board also considered that the Fairlie Swimming Pool car park site proposed in the initial strategy should be removed and replaced with the area at Strathconan Park. They considered this area could provide a number of overnight freedom camping spaces, but that freedom camping should not be allowed in the weekends between 1 April and 1 September, to avoid issues with car parking requirements for sports fixtures.

It is recommended that the above proposed changes are made as a result of this consultation. They have been included in the attached draft strategy.

Other Stakeholders

Consultation was also undertaken on the draft Freedom Camping Strategy and the draft Freedom Camping Bylaw (refer separate meeting paper) with other stakeholders. The following parties were contacted and given the opportunity to make comments on the drafts:

- Gladstone Hotel, Fairlie
- Opuha Water Limited (OWL)
- Top Ten Holiday Park, Fairlie
- M & B Hardley, Fairlie
- Tekapo Regional Park
- Lake Tekapo Camping Ground
- Twizel Holiday Park
- Ruataniwha Holiday Park
- Department of Conservation
- NZ Motor Caravan Association (NZMCA)

Feedback was received from OWL and the NZMCA. OWL noted some minor editing errors and confirmed they were comfortable with the proposals.

The NZMCA raised the following matters:

Where the strategy restricts freedom camping to a certain number of vehicles at particular sites, the NZMCA sought that the particular areas were demarcated. Staff agree and note that the intention once the strategy is in place is to demarcate specific areas by signage on the site, to avoid confusion.

Clarification was sought as to why freedom camping is proposed to be limited to 5pm – 9am at certain sites, and over the holiday season at Lakes Opuha and Ruataniwha. In terms of the 5pm – 9am restrictions, the general approach is to allow camping without overnight restriction at campsites, and where freedom camping is provided for in car parking areas, to make these parks available to freedom campers overnight. The purpose of restrictions during the daytime hours is to protect public access and the access of other users of those carparks such as workers or customers. The restriction will ensure the parks are available for their intended uses during the day.

In relation to holiday season usage restrictions at Lakes Opuha and Ruataniwha, these areas have high numbers of day users during the restricted period, with limited facilities.

The compounded impact of freedom campers and day users would overload the facilities to a point where health risks would arise. This should be avoided.

The NZMCA also suggested clarification of the restrictions applying to the two sites at Lake Ruataniwha. As a result, staff have amended those maps to show the general area where freedom camping restrictions apply, rather than attempting to show a defined area on the map itself. The specific area will be demarcated by signage on the site, to avoid confusion. This is consistent with the approach taken in the strategy to the freedom camping sites at Lake Opuha.

The NZMCA also noted its appreciation of the Council's willingness to collaborate with stakeholders in this way, and that the general principles outlined in the strategy document were to be commended.

Runanga

Staff will notify Te Runanga O Arowhenua, Te Runanga O Waihao, and Te Runanga O Moeraki of the proposed strategy, provide further information as requested, and seek comment from each Runanga as appropriate. Staff have advised Te Runanga O Ngai Tahu of the proposed strategy.

Process

The Local Government Act 2002 (LGA) requires Councils to consider community views before making decisions. Section 78 requires that the Council give consideration to the views and preferences of persons likely to be affected by or have an interest in the matter. Section 82 sets out principles of consultation, including providing an opportunity for those affected or interested to make submissions and present those submissions to the local authority.

Staff recommend that public feedback is sought on the draft strategy through public notice being given of the draft, with people having the opportunity to write submissions and (if desired) speak at a hearing on the draft strategy.

It is recommended that the process for submissions and hearings is run simultaneously with the Special Consultative Procedure proposed for the Council's bylaws and Dog Control Policy (refer separate paper to this Committee). In order to accommodate this, the process would be as follows: public notice of the draft strategy would be given on Friday 17th October, with submissions closing on Friday 21 November. A formal hearing of submitters, and Committee deliberations and decisions on submissions is set down for Thursday 27th November. The strategy could then be adopted at that Committee meeting.

POLICY STATUS:

N.A.

SIGNIFICANCE OF DECISION:

The decision to approve the draft Freedom Camping Strategy for public submissions does not trigger the Council's Significance Policy.

ISSUES & OPTIONS:

The Committee is being asked to approve the draft Freedom Camping Strategy and release the document for public feedback. This is a non-statutory document and there is therefore no requirement for the Council to have such a strategy.

The Council could choose to adopt a solely regulatory approach and simply adopt a freedom camping bylaw as a stand-alone document. However it is felt that this approach would be less effective, and that compliance with the bylaw would be considerably enhanced through an educative and facilitative approach which supported freedom camping in appropriate locations.

The strategy will require a period of implementation which will include signage requirements and the development of methods such as provision of up to date information through various media. Monitoring of freedom camping and the effectiveness of the strategy will also be required.

However the strategy provides a district-wide and consistent approach to freedom camping, enabling the Council and/or the community to encourage freedom camping to locate only in appropriate areas, rather than the Council having to deal reactively or on a case by case basis as specific incidents arise. Potential benefits of adopting and implementing the strategy include minimising the potential for freedom camping to cause issues for the community and other users of the Mackenzie environment, and avoiding the need for additional regulation which itself has associated costs such as enforcement and monitoring.

In terms of appropriate consultation, a public notification process is considered sufficient to meet the requirements of sections 76 – 82 of the LGA. It will be important to retain flexibility to update and amend the strategy as required or following monitoring, and the proposed process will provide for this. For these reasons, use of the Special Consultative Procedure is not considered necessary or appropriate.

CONCLUSION:

As part of its approach to managing freedom camping activity in the District, the Council has drafted a Freedom Camping Strategy. It is recommended that the strategy is notified for public submissions, prior to the Committee finalising and adopting a final Freedom Camping Strategy for the Mackenzie District.

ATTACHMENT 1

Draft Mackenzie District Council Freedom Camping Strategy

Mackenzie District Council

Freedom Camping Strategy

October 2014

Status: Draft

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1. Approach to Freedom Camping

Freedom camping is the use of public land for free overnight camping.

The Mackenzie District Council welcomes visitors to the District. The Mackenzie District is a great place to explore, with rare wildlife, majestic landscapes and fantastic walks and cycling routes. In the interests of protecting this for the enjoyment of everyone, the Council is seeking that camping, including freedom camping in the District occurs responsibly.

We welcome visitors who:

- camp responsibly
- have access to appropriate facilities to manage their waste
- respect public and private property
- respect the local environment and help ensure that our roadsides, lakes, rivers and townships remain clean and our public places are available for all to enjoy
- respect both residents of and other visitors to the Mackenzie District.

2. Background to this Strategy

Freedom camping is popular among some New Zealand residents and is an important part of New Zealand's tourism industry.

The Mackenzie District is popular for freedom camping. While some people do freedom camp all year round the peak time for freedom camping is in spring and summer. A variety of people freedom camp, including:

- Mackenzie District residents who camp as part of their holidays

- New Zealand residents who camp as part of their holidays
- New Zealand residents who live and travel in mobile homes
- Visitors who rent purpose built mobile campervans for their holiday experience
- Visitors who rent or buy cars and vans which are used for camping
- Visitors who camp alongside their vehicle in a tent

There are a range of motivations for freedom camping including enabling people to experience some of the more remote and scenic parts of our District, providing for a simple camping experience, to campers seeking to save considerable money on accommodation in turn freeing up money to spend on other activities.

The Mackenzie District Council wishes to encourage campers to the District and welcomes all responsible freedom campers. Along with the right to freedom camp in the District comes the responsibility to respect the District and maintain the quality environment we all value.

Freedom camping does pose a number of issues for our communities. These include:

- Potential for pollution of waterways, roadsides, parks and gardens and other public places with human waste and rubbish
- Potential of a risk of fire being started by campers unaware of fire rules and risks.
- Loss of amenity and privacy for residents living nearby popular freedom camping hot-spots.
- Lost revenue for camping ground operators including theft of services (showers, power) by some freedom campers
- High cost of enforcement, signage, compliance and waste management.
- Poor image of campers sleeping and undertaking ablutions in streets and car parks.
- Loss of availability of parking for residents and workers
- Risk of crime against campers and associated impacts on tourism

This strategy seeks to manage freedom camping in the Mackenzie District through encouraging freedom camping to occur in appropriate areas. It enables the Mackenzie District Council to encourage responsible freedom camping in the District and minimises the need to further control freedom camping by regulation.

This strategy works in conjunction with the Council's Freedom Camping Bylaw which does introduce regulation to control freedom camping in some parts of the District.

3. Mackenzie District Council Strategy

Objective:

To encourage and facilitate appropriate camping, including freedom camping within the Mackenzie District.

Goals

Goal 1: Freedom campers know where they can camp and what is expected from them if they choose to freedom camp in the Mackenzie District.

Implementation Methods

1. Freedom camping is provided for and encouraged in appropriate locations where vehicles or camping is self-contained. These sites are listed in Section 5.
2. Camping in non-self-contained vehicles or tents is encouraged in formal camping grounds where appropriate facilities are available.
3. Up to date information is maintained on the Mackenzie District Council Webpage, including:
 - a. Information on formal camping locations (including commercial camping grounds and Department of Conservation Camping sites)
 - b. Information on locations where freedom camping is encouraged in the Mackenzie District and any rules associated with the use of those freedom camping areas
 - c. Information on and maps of the location of dump stations
4. Information on freedom camping is provided to other appropriate agencies, including:
 - a. Visitor centres (within and adjacent to the Mackenzie District)
 - b. Vehicle hire companies
 - c. Information kiosks (if appropriate)
5. Signage (where appropriate) is installed in areas both where freedom camping is encouraged and discouraged.

Goal 2: Facilities for freedom campers are easy to find and help protect the environment.

Implementation Methods

1. In areas where freedom camping is encouraged, to:
 - a. Promote via all appropriate information channels a “carry-in, carry-out philosophy” in all camping areas, unless disposal services are provided
 - b. Where appropriate provide and promote rubbish disposal and recycling options for visitors
 - c. Provide information on the location of dump stations within the District
 - d. Promote camping in these areas for self-contained vehicles
 - e. Identify these areas through signage.

Goal 3: Freedom Campers meet the expectations of them for freedom camping in the District

Implementation Methods

1. Encourage freedom campers to adhere to the “camping our way approach¹” and the Mackenzie District Council Care Code (Schedule 1) including:
 - a. Leaving no trace of your visit
 - b. Not using the bush and natural environment as a toilet
 - c. Using formal and authorised dump stations
 - d. Camping in locations where it is encouraged and provided for
2. Encourage staff and local communities to monitor freedom camping areas and provide feedback and information on any issues to the Mackenzie District Council.

¹ www.camping.org.nz

3. Monitor 'hot spots' to determine whether the approach taken by this strategy is sufficient, or whether a regulatory approach to those areas through additions to the Freedom Camping bylaw should be considered.

Goal 4: Maintain relationships with adjoining Councils and other organisations involved in, or interested in, issues associated with freedom camping.

Implementation Methods

1. Maintain or establish liaison with other organisations to ensure a best practice and, where appropriate, a consistent approach is being taken to freedom camping in the Mackenzie District. These organisations may include:
 - a. Adjacent local authorities
 - b. Department of Conservation
 - c. New Zealand Transport Agency
 - d. Local holiday park operators
 - e. Local communities, and
 - f. Other organisations as relevant.

Goal 5: Work with private organisations and persons with facilities that may be suitable for freedom camping in the District, and where appropriate facilitate the provision of information about these facilities to prospective campers.

Implementation Methods

1. Identify, in conjunction with landowners, additional areas that may be appropriate for freedom camping in the Mackenzie District.
2. With the agreement of the landowners, facilitate the provision of information on the availability of these areas and any conditions that apply to their use.

Goal 6: Monitor the effects of freedom camping in the District.

Implementation Methods

1. Undertake a review of this strategy two summer seasons following its adoption, to determine whether the Strategy is effective in managing issues associated with freedom camping.
2. Consider any changes to the strategy and/or Freedom Camping Bylaw that may be necessary or desirable following the completion of the review.

4. Definitions

Self-contained vehicle means a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self-containment warrant issued under New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001.

Self-contained camping means camping in a self-contained vehicle or by alternative means providing that the individual camper(s) have the capability of meeting the ablutionary and sanitary needs of occupants of the camp for a minimum of three days without requiring any external services, relying on public facilities or discharging any waste.

5. Areas Where Freedom Camping is Encouraged

Location	Parameters/Restrictions	Map Number
Lake Opuha (3 sites)	<ol style="list-style-type: none"> 1. No camping allowed from 23rd December to the second Monday in January (inclusive) 2. No camping within 20 m of the lakeshore 3. Freedom camping is restricted to self-contained camping. 	1 2 3
Patterson Ponds Council Reserve	<ol style="list-style-type: none"> 1. Freedom camping is restricted to self-contained camping. 	4
Lake Wardell	<ol style="list-style-type: none"> 1. Freedom camping is restricted to self-contained camping. 	5
Tekapo		
Lakeside Drive – dump station and carpark	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 5 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles 	6
Gravel parking area by Tekapo River Bridge	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 5 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles 	7
Hamilton Drive site	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 5 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles 	8
Boat ramp domain car park	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 5 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles 	9

Fairlie		
Allandale Road – Shearers carpark	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 2 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles 	10
Strathconan Park	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 5 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles 4. No camping allowed on Saturday or Sunday between 1 April and 1 September 	11
Twizel		
Wairepo Road	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 5 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles 	12
Town Centre behind supermarket	<ol style="list-style-type: none"> 1. Maximum number of spaces available for freedom campers - 5 2. Camping hours are restricted to between 5pm and 9am 3. Freedom camping is restricted to self-contained vehicles 	13
Lake Ruataniwha (North End)	<ol style="list-style-type: none"> 1. No camping allowed from 23rd December to the second Monday in January (inclusive) 2. No camping within 20 m of the lakeshore 3. Freedom camping is restricted to self-contained camping. 	14
Lake Ruataniwha (South End)	<ol style="list-style-type: none"> 1. No camping allowed from 23rd December to the second Monday in January (inclusive) 2. No camping within 20 m of the lakeshore 3. Freedom camping is restricted to self-contained camping. 	15

Some freedom camping areas are limited in the number of spaces available. Where limitations are imposed, the maximum number of available spaces is identified in the parameters for each area. If these spaces are occupied, campers need to choose another camping site or a camping ground.

Campers found outside the designated parking spaces or staying longer than overnight will be moved on by authorised officers.

6. Areas Where Freedom Camping is Prohibited

Location	Parameters/Restrictions	Map Number
Lake Opuha (3 sites)	No camping allowed from 23rd December to the second Monday in January (inclusive)	1 2 3
Lake Ruataniwha (North End)	No camping allowed from 23rd December to the second Monday in January (inclusive)	14
Lake Ruataniwha (South End)	No camping allowed from 23rd December to the second Monday in January (inclusive)	15
Church of the Good Shepherd	No camping at any time	16
Tekapo Commercial Centre	No camping at any time	17



Map 1



Map 2



Map 3



Map 4



Map 5



Map 6



Map 7



Map 8



Map 9



Map 10



Map 11



Map 12



Map 13



Map 14



Map 15

Schedule 1 - Mackenzie District Council Care Code

Mackenzie District Council land is for the benefit of all residents and visitors. Reserves and public areas are treasured by the community. Be considerate to other users.

Please:

- Help us treasure and protect the Mackenzie District's beautiful spaces and places.
- Keep vehicles to formed public tracks and parking areas. Keep clear of road ends with private gateways/thoroughfares as private landowners need access to their properties at all times.
- Use designated areas for rest stops or camping.
- Use public toilets or on-board facilities, and dump stations to empty campervan toilets and wastewater.
- Refrain from toileting on the ground or in the bush or forest.
- Take all rubbish with you when you leave.
- Place litter in rubbish receptacles or take it with you.
- Refrain from using waterways for bathing, washing clothes or dishes.
- Discharge black water (sewage) and grey water (sink and hand basin water) at designated wastewater dump stations only.
- Fires are prohibited unless in supplied BBQ areas and fireplaces and are not occurring in a restricted fire season.
- Respect our natural and cultural heritage.
- Treat all New Zealand's wildlife and plants with care. Many are unique and often rare.

Reporting problems

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53 Main Street
PO Box 52
FAIRLIE 7949

Freephone: 0800 685 8514

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Email us on: info@mackenzie.govt.nz

Mackenzie District Council's facebook page: www.facebook.com/mackenziedistrict