

Notice of Meeting:

I hereby give notice that an ordinary meeting of the Customer & Regulatory Services Committee will be held on:

Date: Tuesday 21 May 2024
Time: 11.00 am (or at the conclusion of the previous meeting)
Venue: Council Chamber, Dunedin Public Art Gallery, The Octagon, Dunedin

Sandy Graham
Chief Executive Officer

Customer & Regulatory Committee
PUBLIC AGENDA

MEMBERSHIP

Chairperson	Cr Carmen Houlahan	
Deputy Chairperson	Cr Andrew Whiley	
Members	Cr Bill Acklin	Cr Sophie Barker
	Cr David Benson-Pope	Cr Christine Garey
	Cr Kevin Gilbert	Cr Marie Laufiso
	Cr Cherry Lucas	Cr Mandy Mayhem
	Cr Jim O'Malley	Mayor Jules Radich
	Cr Lee Vandervis	Cr Steve Walker
	Cr Brent Weatherall	
Senior Officer	Claire Austin, General Manager Customer and Regulatory	
Governance Support Officer	Jennifer Lapham	

Jennifer Lapham
Governance Support Officer

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***Note:** Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.*

ITEM	TABLE OF CONTENTS	PAGE
1	Karakia Timatanga	4
2	Public Forum	4
3	Apologies	4
4	Confirmation of Agenda	4
5	Declaration of Interest	5
6	Confirmation of Minutes	15
6.1	Customer & Regulatory Committee meeting - 12 September 2023	15
PART A REPORTS (Committee has power to decide these matters)		
7	Customer and Regulatory Committee Forward Work Programme	22
8	Update on Animal Services education sessions	25
9	Review of Dog Control Bylaw and Dog Control Policy	27
10	Trading in Public Places Bylaw review	133
11	Customer and Regulatory Issues and Trends Report	146
12	Items for Consideration by the Chair	151
13	Karakia Whakamutunga	
	The meeting will close with a Karakia Whakamutunga	

1 KARAKIA TIMATANGA

The meeting will be opened with a karakia timatanga

2 PUBLIC FORUM

At the close of the agenda no requests for public forum had been received.

3 APOLOGIES

At the close of the agenda no apologies had been received.

4 CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

DECLARATION OF INTEREST

EXECUTIVE SUMMARY

1. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.
2. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.

RECOMMENDATIONS

That the Committee:

- a) **Notes/Amends** if necessary the Elected Members' Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected Members' Interests.

Attachments

	Title	Page
↓A	Register of Interest	6

Customer and Regulatory Committee - Register of Interest - Current as at 8 May 2024				
Councillors are members of all committees				
Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Mayor Jules Radich	Shareholder	Izon Science Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Taurikura Drive Investments Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Golden Block Developments Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Cambridge Terrace Properties Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Southern Properties (2007) Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Arrenway Drive Investments Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Golden Centre Holdings Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	IBMS Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Raft Holdings Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Otago Business Coaching Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Effectivise Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director	Athol Street Investments Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Director/Shareholder	Allandale Trustee Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Aberdeen St No2 Ltd	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Road Safety Action Plan	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	100% Shareholder/Director	Panorama Developments Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Hospital Local Advisory Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Council of Social Services (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Tertiary Precinct Planning Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Tertiary Sector Steering Group (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Member	Dunedin Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.	

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Local Government New Zealand (Zone 6 Committee) (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Connecting Dunedin (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Bill Acklin	Shareholder/Director	Dunedin Brokers Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	APRA - AMCOS	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Entertainer	Various functions	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Strath Taieri Community Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Casual Employee	Insulmax	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Craigieburn Reserve Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Toitū Otago Settlers Museum Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Sophie Barker	Director	Ayrmed Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Various publicly listed companies	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Property Owner	Residential Property Owner - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Beneficiary	Sans Peur Trust (Larnach Castle)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Mentor	Business Mentors NZ	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Southern Heritage Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Friends Otago Museum	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Peninsula Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Orokonui Ecosanctuary	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Volunteer	Blue Penguins Pukekura	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Vegetable Growers Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Committee Member	Otago Anniversary Day Dinner	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Dunedin Heritage Fund (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Gasworks Museum Trust (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Dunedin Otaru Sister City Society (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Hereweka Harbour Cone Trust (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Te Ao Tūroa Partnership (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Connecting Dunedin (Council Appointment)	No conflict Identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr David Benson-Pope	Owner	Residential Property Ownership in Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee and Beneficiary	Blind Investment Trusts	Duty to Trust may conflict with duties of Council Office	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Yellow-eyed Penguin Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	New Zealand Labour Party	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Heritage Fund (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Acquisitions Committee (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Museum Trust Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Christine Garey	Trustee	Garey Family Trust - Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Women of Ōtepoti	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member (alternate)	Grow Dunedin Partnership (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Otago Museum Trust Board (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Sophia Charter (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Study Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Ashburn Hall Charitable Trust Board	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	St Paul's Cathedral Foundation (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Theomin Gallery Management Committee (Olveston) (Council Appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Cr Kevin Gilbert	Owner	Gipfel Limited - Bakery	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Trustee	Schlubert Trust - Residential Property	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Customer & Regulatory Committee

MINUTES

Minutes of an ordinary meeting of the Customer & Regulatory Services Committee held in the Council Chamber, Dunedin Public Art Gallery, The Octagon, Dunedin on Tuesday 12 September 2023, commencing at 1.44 pm

PRESENT

Chairperson	Cr Carmen Houlahan	
Deputy Chairperson	Cr Andrew Whiley	
Members	Cr Bill Acklin	Cr David Benson-Pope
	Cr Christine Garey	Cr Kevin Gilbert
	Cr Marie Laufiso	Cr Cherry Lucas
	Cr Mandy Mayhem	Cr Jim O'Malley
	Mayor Jules Radich	Cr Steve Walker
	Cr Brent Weatherall	

IN ATTENDANCE

Sandy Graham (Chief Executive Officer), Paul Henderson (Acting General Manager Customer and Regulatory), Jeanine Benson (Group Manager Transport), Kevin Mechen (Alcohol, Psychoactive Substance and Gambling Advisor), Ros McGill (Manager Compliance Solutions), Neil McLeod () and Clare Sullivan (Principal Committee Advisor)

Governance Support Officer Wendy Collard

1 OPENING

Cr Carmen Houlahan opened the meeting with a karakia timatanga.

2 PUBLIC FORUM

2.1 Alex Macmillan

Dr Alex Macmillan spoke on climate change and the associated health issues. She commented the importance of the Zero Carbon Plan 2030 and the benefits to the community it would have. Dr Macmillan urged Council to adopt the draft Zero Carbon Plan 2030.

Dr MacMillan responded to questions.

3 APOLOGIES

Moved (Cr Carmen Houlahan/Cr Cherry Lucas):

That the Committee:

Accepts the apologies from Crs Sophie Barker and Lee Vandervis

Motion carried (CRC/2023/021)

4 CONFIRMATION OF AGENDA

Moved (Cr Carmen Houlahan/Cr Andrew Whiley):

That the Committee:

Confirms the agenda without addition or alteration

Motion carried (CRC/2023/022)

5 DECLARATIONS OF INTEREST

Members were reminded of the need to stand aside from decision-making when a conflict arose between their role as an elected representative and any private or other external interest they might have.

Moved (Cr Carmen Houlahan/Cr Andrew Whiley):

That the Committee:

- a) **Notes** the Elected Members' Interest Register; and
- b) **Confirms** the proposed management plan for Elected Members' Interests.

Motion carried (CRC/2023/023)

6 CONFIRMATION OF MINUTES

6.1 CUSTOMER & REGULATORY COMMITTEE MEETING - 7 AUGUST 2023

Moved (Cr Carmen Houlahan/Cr Andrew Whiley):

That the Committee:

- a) **Confirms** the minutes of the Customer & Regulatory Committee meeting held on 07 August 2023 as a correct record.

Motion carried (CRC/2023/024)

PART A REPORTS

7 ACTIONS FROM RESOLUTIONS OF CUSTOMER AND REGULATORY COMMITTEE MEETINGS

A report from Civic provided the open actions from resolutions of Customer and Regulatory Committee meetings from the start of the triennium in October 2022.

Moved (Cr Carmen Houlahan/Cr Andrew Whiley):

That the Committee:

- a) **Notes** the Open Actions from resolutions of Customer and Regulatory Committee meetings.

Motion carried (CRC/2023/025)

8 CUSTOMER AND REGULATORY COMMITTEE FORWARD WORK PROGRAMME - SEPTEMBER 2023

A report from Civic provided the Customer and Regulatory Committee forward work programme to show areas of activity, progress and expected timeframes for decision making across a range of areas of work.

Moved (Cr Andrew Whiley/Cr Jim O'Malley):

That the Committee:

- a) **Notes** the Customer and Regulatory Committee forward work programme.

Motion Carried

9 DCC DRAFT SUBMISSION ON THE DRAFT GOVERNMENT POLICY STATEMENT ON LAND TRANSPORT 2024

A report from Transport sought Council approval for a Dunedin City Council (DCC) submission on the draft Government Policy Statement on land transport 2024/25 - 33/34 (draft GPS 2024).

The Group Manager Transport (Jeanine Benson) spoke to the report and responded to questions.

Moved (Cr Carmen Houlahan/Cr Steve Walker):

That the Committee:

Adjourns the meeting

Motion carried (CRC/2023/026)

The meeting adjourned at 2.33 pm and reconvened at 2.35 pm

Councillor Gilbert returned to the meeting at 2.41 pm.

Moved (Cr Jim O'Malley/Cr Andrew Whiley):

That the Committee:

- a) **Approves** the DCC submission to the draft Government Policy Statement on land transport 2024.
- b) **Authorises** the Chief Executive to make any minor editorial changes to the submission if required.

Motion carried (CRC/2023/027)

10 REVIEW OF GAMBLING AND TAB VENUE POLICY

A report from Civic provided an update on the review of the Gambling and TAB Venue Policy (the Policy) and sought approval for the statement of proposal for consultation.

The Acting General Manager Customer and Regulatory (Paul Henderson) and the Alcohol, Psychoactive Substance and Gambling Advisor (Kevin Mechen) spoke to the report and responded to questions.

Cr Mandy Mayhem left the meeting at 2:49 pm.

Moved (Cr Jim O'Malley/Cr Christine Garey):

That the Committee:

- a) **Notes** the update on the review of the Gambling and TAB Venue Policy
- b) **Approves** the statement of proposal and Gambling and TAB Venue Policy for consultation purposes

Motion carried (CRC/2023/028)

11 ANIMAL SERVICES ANNUAL REPORT TO THE DEPARTMENT OF INTERNAL AFFAIRS

A report from Customer and Regulatory provided the Animal Services Annual Report to the Department of Internal Affairs.

The Acting General Manager Customer and Regulatory (Paul Henderson) and the Manager Compliance Solutions (Ros MacGill) spoke to the report and responded to questions.

Moved (Cr Kevin Gilbert/Cr Jim O'Malley):

That the Committee:

- a) **Notes** the Animal Services annual report to the Department of Internal Affairs dated as at 30 June 2023.

Motion carried (CRC/2023/029)

12 DEMOLITION BY NEGLECT UPDATE

A report from Customer and Regulatory provided a further update on demolition by neglect.

The report noted that the Building Act 2004 provided no legal mechanisms to address demolition by neglect and the degradation of the Dunedin streetscape (other than where a building is declared to be, or is affected by a building which is, dangerous or insanitary).

Moved (Mayor Jules Radich/Cr Kevin Gilbert):

That the Committee:

- a) **Notes** this update on demolition by neglect
- b) **Notes** that this report will be referred to the Heritage Action Plan Advisory Group for its consideration as it develops a Draft Heritage Action Plan, noting that this Group will provide updates to Council.

Motion carried (CRC/2023/030)

13 ITEMS FOR CONSIDERATION BY THE CHAIR

There were no items for consideration

14 KARAKIA WHAKAMUTUNGA

Cr Carmen Houlahan closed the meeting with a Karakia Whakamutunga.

The meeting concluded at 2.59 pm

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CHAIRPERSON

OPTIONS

8 As this report provides an update only to the Committee, there are no options.

NEXT STEPS

9 The Animal Services team plans to continue this approach next year and to gradually extend it, at a manageable level, to organisations whose staff regularly enter people’s properties, for example NZ Post.

Signatories

Author:	Anne Gray - Policy Analyst Ros MacGill - Manager Compliance Solutions
Authoriser:	Claire Austin - General Manager Customer and Regulatory

Attachments

There are no attachments for this report.

RECOMMENDATIONS

That the Committee:

- a) **Notes** the review's early engagement results.
- b) **Approves** the draft Dog Control Bylaw and draft Dog Control Policy for consultation purposes, subject to any amendment.
- c) **Adopts** the Statement of Proposal, for consultation purposes, subject to any amendment.
- d) **Resolves** that the proposed draft Dog Control Bylaw meets the requirements of section 155 of the Local Government Act, in that:
 - i) the proposed Bylaw is the most appropriate form of Bylaw
 - ii) the proposed Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

BACKGROUND

Dog Control Act 1996

- 6 The Act states that any territorial authority may, in accordance with the LGA 2002, make dog-control bylaws for the following purposes:
- a) prohibiting dogs, whether under control or not, from specified public places
 - b) requiring dogs, other than working dogs, to be controlled on a leash in specified public places, or in public places in specified areas or parts of the district
 - c) regulating and controlling dogs in any other public place
 - d) designating specified areas as dog exercise areas
 - e) prescribing minimum standards for the accommodation of dogs
 - f) limiting the number of dogs that may be kept on any land or premises
 - g) requiring dogs in its district to be tied up or otherwise confined during a specified period commencing not earlier than half an hour after sunset, and ending not later than half an hour before sunrise
 - h) requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces
 - i) requiring any bitch to be confined but adequately exercised while in season
 - j) providing for the impounding of dogs, whether or not they are wearing a collar having the proper label or disc attached, that are found at large in breach of any bylaw made by the territorial authority under this or any other Act

- k) requiring the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to cause that dog to be neutered (whether or not the owner of the dog has been convicted of an offence against Section 53 of The Act)
- l) any other purpose that from time to time is, in the opinion of the territorial authority, necessary or desirable to further the control of dog.
- 7 The Act also requires that territorial authorities must have a policy on dogs which details:
- the outline, nature and application of any dog control bylaw
 - the public places where dogs are to be controlled and how they are to be controlled
 - any designated dog exercise areas, and
 - whether menacing dogs are to be neutered.
- 8 In adopting the Policy, the Council must have regard to:
- the need to minimise danger, distress, and nuisance to the community generally
 - the need to avoid danger from dogs having uncontrolled access to public places frequented by children
 - the importance of public use of public places without fear of attack or intimidation by dogs, and
 - the exercise and recreational needs of dogs and dog owners.
- 9 Dog control bylaws are required to give effect to the mandatory Dog Control Policy. Bylaws cannot be inconsistent with the Policy.

Review requirements

- 10 The Act requires that a dog control bylaw must be made and reviewed in accordance with the LGA and that dog control policies are to be reviewed whenever the bylaw is reviewed.
- 11 The DCC's Bylaw and the Policy were last reviewed in 2015/2016 with the current version taking effect from 1 July 2016. The LGA requires that bylaws are reviewed no later than ten years after their last review.
- 12 A review of this nature requires use of the Special Consultative Procedure (SCP).

DISCUSSION

Early community engagement

- 13 To inform any changes to the Bylaw or the Policy, early engagement with key stakeholders was carried out during November 2023. Methods included circulating a web survey to key stakeholders via email, publication in "FYI", media release, advertisements on Dunedin City Council's (DCC) social media page, and a People's Panel survey.

- 14 Questions focussed on rules about some specific locations, satisfaction with controls and more general questions. The survey also sought feedback on satisfaction with dog exercise parks, long-life metal registration tags and dog poo bag vouchers.
- 15 Key stakeholder engagement included SPCA, rūnaka, Community Boards, Department of Conservation (DoC), Blind Foundation, the Police, surf lifesaving clubs, Athletics Otago as well as dog owners and non-dog owners.

Web survey results

- 16 There were 383 responses to the web survey which ran from 1-30 November 2023. Of these the majority (70%) were dog owners and 29% were not dog owners.
- 17 See Attachment D for the full web survey results and key findings.

People's Panel survey results

- 18 The Dunedin People's Panel is an online panel of people who want the opportunity to give feedback on a range of DCC issues can opt in to. At the time of the survey, there were around 1,200 people on the panel.
- 19 There were 239 responses to the People's Panel survey. Of these, 58% did not own a dog and 42% did own a dog.
- 20 See Attachment E for the full People's Panel results and key findings.

Social media feedback

- 21 On 1 and 27 November 2023, the DCC Facebook page posted information about the Dog Control Bylaw and Policy review. These posts provided links to early engagement questions. 8,046 users saw the first post and 793 engaged with the content (i.e. liked, shared, reacted or commented). 12,711 users saw the second post and 1,237 engaged with the content.
- 22 The main topics discussed in the social media chat were enforcement, education, compliance, signage, cats, dog swim areas, wandering dogs, dogs in the CBD, dog poo bins and dog parks.

Other councils

22. Staff also researched other councils' approach to dog control best practice. The proposed updated Bylaw and Policy have been informed by the Christchurch City Council's 2016 Dog Control Bylaw and Policy model. This seeks to better inform and engage dog owners by providing clear information and explanations.

Proposals

- 23 Our early engagement suggests that while many current controls work well, there are some opportunities for improvement.
- 24 These include:
 - improving opportunities for the recreational needs of dogs and their owners

- minimising the potential for danger, distress or nuisance to people, other animals, protected wildlife, and
- making the Bylaw and Policy clearer and simpler to read.

25 Proposed changes are summarised in the tables below. For current rules, reasons for proposed changes and an analysis of options, as required by the LGA and the Act, see the SOP at Attachment C.

Improving opportunities for the recreational needs of dogs and their owners

Location	Proposed change
Octagon, Library Plaza and the areas of Princes Street and George Street between the Exchange and Knox Church	Allow dogs on leash - but not allowed to be left tied up and unattended
King Edward Street, South Dunedin between Hillside and Macandrew Roads	Allow dogs on leash - but not allowed to be left tied up and unattended
Ross Creek tracks – excluding the track around the Reservoir	Allow dogs off leash
Te Rauone Beach – ONLY the beach south of Te Rauone Reserve	Allow dogs off leash
Pūrākaunui Beach	Allow dogs off leash
Mosgiel Memorial Garden – track only	Allow dogs on leash
Woodside Glen – unformed legal roads	Allow dogs off leash on unformed legal roads
Frasers Gully Recreation Reserve – track	Allow dogs off leash on the track
Jubilee Park – tracks	Allow dogs off leash
Bethunes Gully - picnic area	Allow dogs off leash
McGouns track	Allow dogs off leash

Minimising potential for danger, distress or nuisance

Location/Topic	Proposed change
Limiting dog numbers per owner in public places	Limit the number of dogs a person may have in their charge in a public place to six (6) with no more than two (2) off- leash at any time
All coastal dune areas including access pathways	Dogs must be on leash , <i>but are not allowed in any coastal dune areas that are prohibited areas</i>
Westwood Recreation Reserve – from Ocean View carpark to Kaikorai Estuary	Dogs must be on leash

Caledonian Grounds	Dogs are not allowed within the grounds
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Other proposed changes

Topic	Proposed change
Exemptions for dogs from restricted areas	Council may exempt dogs from the requirements that otherwise apply in restricted areas with written permission
Playgrounds definition	Definition is within one metre of fenced or surfaced playground area, or playground equipment, and includes skateparks and outdoor basketball areas
Right of review	An owner affected by a decision made under the bylaw may apply in writing to the Chief Executive for a review of the decision within 14 days after receiving notification of the decision. (This does not apply to dangerous dog etc. classifications which are decisions made under the Act and are subject to the objection process in the Act.)

Making the Bylaw and Policy clearer and simpler

- 26 Some of the changes to make the Bylaw and Policy clearer and to avoid confusion are:
- adding explanatory notes;
 - removing the current set of maps from the Bylaw, replacing these with schedules and
 - retaining an interactive map which can be used as a guide (but is not part of the Bylaw or Policy).
- 27 See Attachment F for the current Dog Control Bylaw 2016 and see Attachment G for the current Dog Control Policy 2016.

New Zealand Bill of Rights Act 1990 (NZBoRA) implications

- 28 The Council and its Committees must ensure that any bylaw doesn't unreasonably limit the right to certain freedoms under the NZBoRA.
- 29 The intent of dog control bylaw is the prevention of harm (either to people, wildlife, other animals, or property). In this sense, limiting the movement of people (when accompanied by their dogs) in some public places and for specified reasons, is a proportionate response and is considered a justified limitation for the prevention of harm.

Consultation

- 30 The Act requires that the SCP is used for the review of the Bylaw and the Policy and consultation. It is proposed that this is conducted from Monday 10 June until Friday 19 July 2024. This meets the LGA requirement that consultation is open for at least one month.

- 31 Engagement methods will include sending information to dog owners, advertising on the DCC website, social media pages, on the Otago Daily Times noticeboard and in The Star, a media release, and “FYI” article. Key stakeholders will be advised of the review and invited to comment. Stakeholders include the Society for the Prevention of Cruelty to Animals, Community Boards, Yellow-Eyed Penguin Trust, Wildlife Hospital, Department of Conservation, Blind Foundation, the Police, surf lifesaving clubs, Athletics Otago, bird clubs, dog owners and non-dog owners.
- 32 There will be the opportunity for people to present their views at hearings after July.

OPTIONS

- 33 Given the statutory requirement for this review, the two main options are to approve the proposed Bylaw and proposed Policy for consultation with or without any amendments. The third option of not having a bylaw and policy would not meet legislative requirements.

Option One – Approve the draft Bylaw and draft Policy, and adopt the statement of proposal for consultation (Recommended)

Advantages

- The draft Bylaw and draft Policy are informed by early engagement and feedback.
- The proposed Bylaw, Policy, SOP and review process comply with the Act and LGA statutory requirements including the SCP.
- Feedback will inform Dunedin’s dog control matters and decision-making
- Proposals will improve opportunities for recreational needs of dogs and their owners.
- Proposals will minimise potential for danger, distress or nuisance.
- Proposals will make the Bylaw and Policy clearer and simpler.

Disadvantages

- There are no known disadvantages.

Option Two – Approve the draft bylaw and draft policy, and adopt the statement of proposal for consultation, with amendments

- 34 This is the same as Option One, but with any amendments specifically recorded in the Committee’s resolutions.

Option Three – Do not have a Dog Control Policy or Dog Control Bylaw

Advantages

- There are no known advantages.

Disadvantages

- The Council would be in breach of Dog Control Act requirements.

NEXT STEPS

35 When the Committee approves the Bylaw, Policy and SOP for consultation, the following proposed next steps are:

Action	Timeframe
Consultation – using special consultative procedure	Monday 10 June until Friday 19 July 2024
Hearings	Around August/September 2024
Hearings Committee report to the Council with proposed final bylaw and policy	To be confirmed

Signatories

Author:	Anne Gray - Policy Analyst
Authoriser:	Ros MacGill - Manager Compliance Solutions Claire Austin - General Manager Customer and Regulatory

Attachments

	Title	Page
↴A	Proposed Dunedin Dog Control Bylaw	37
↴B	Proposed Dunedin Dog Control Policy	44
↴C	Proposed Statement of Proposal for Dog Control Bylaw and Dog Control Policy review	63
↴D	Web survey results	74
↴E	People's Panel report	91
↴F	Current Dog Control Bylaw	113
↴G	Current Dog Control Policy	125

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision enables democratic local decision making and action by, and on behalf of communities. This decision promotes the social well-being of communities in the present and for the future.

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Environment Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Spatial Plan	✓	<input type="checkbox"/>	<input type="checkbox"/>
Integrated Transport Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Parks and Recreation Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Other strategic projects/policies/plans	✓	<input type="checkbox"/>	<input type="checkbox"/>

Review of the bylaw and policy contributes to priorities of ‘safe people’ in the Social Wellbeing Strategy, ‘healthy environment’ in Te Ao Tūroa, ‘liveable city’ in the Spatial Plan, and ‘treasuring parks’ and ‘open spaces supporting communities to thrive’ in the Parks and Recreation Strategy.

Māori Impact Statement

Local rūnaka are identified as stakeholders and are being engaged with as part of this review.

Sustainability

The proposed Bylaw and Policy contribute to environmental sustainability as they aim to minimise potential for danger, distress or nuisance to the community generally including, for example, removal of dog faeces from public places and protection of wildlife.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no implications for these strategies and plans. Timing of consultation has been planned so as to not confuse other engagement and consultation processes.

Financial considerations

There are no financial implications. The changes proposed to the bylaw and policy will be administering within existing operational budget.

Significance

This decision is considered low-medium in terms of the Council’s Significance and Engagement Policy. It is anticipated that there will be strong interest in the review with some divided views amongst the community.

Engagement – external

Early engagement was carried out in November 2023 and the results are presented in this report. The special consultative procedure must be used when reviewing the Bylaw and the Policy and this is planned for June/July 2024. Key stakeholders include Community Boards, Society for the Prevention of Cruelty to Animals, Yellow-Eyed Penguin Trust, Wildlife Hospital, Department of Conservation, Blind Foundation, the Police, surf lifesaving clubs, Athletics Otago, bird clubs as well as dog owners and non-dog owners.

TRADING IN PUBLIC PLACES BYLAW REVIEW

Department: Customer and Regulatory

EXECUTIVE SUMMARY

- 1 The Trading in Public Places Bylaw (The Bylaw) was made on 27 October 2020 and came into effect on 1 January 2021. The Local Government Act 2002 (The Act) requires that a bylaw must be reviewed within five years after being made.
- 2 This report recommends that the Customer and Regulatory Committee (the Committee) determines that a bylaw continues to be the most appropriate way to address public trading issues in Dunedin.
- 3 It seeks approval to commence review of the Trading in Public Places Bylaw 2020 (the Bylaw).
- 4 The Act requires these decisions to be made before commencing the bylaw review.
- 5 See Attachment A for the Bylaw.

RECOMMENDATIONS

That the Committee:

- a) **Determines** that a bylaw is the most appropriate way to address public trading issues in Dunedin.
- b) **Approves** commencement of the review of the Trading in Public Places Bylaw.

BACKGROUND

Purpose of bylaws

- 6 Under the Act, bylaws can be made for one or more of the following general purposes: protecting the public from nuisance; protecting, promoting, and maintaining public health and safety; and minimising the potential for offensive behaviour in public places (section 145).
- 7 The Act also allows bylaws to be made specifically to regulate trading in public places (section 146(1)(a)(vi)).

Dunedin Bylaw history and purpose

- 8 The Bylaw was made on 27 October 2020 with the date of effect 1 January 2021. It replaced the Mobile Trading and Temporary Stall Bylaw which had been in place for more than 30 years regulating mobile trading and temporary stalls only.

- 9 As substantial changes were intended, the Mobile Trading and Temporary Stall Bylaw was revoked, and a new bylaw was made.
- 10 From 2021, the Bylaw required permits for a wider range of public trading activities than were addressed in the previous Mobile Trading and Temporary Stall Bylaw, including rental scheme operators (e.g. e-scooter companies), street fundraising, street performing, touting, and commercial use of footpaths. Requirements within the Bylaw include operators complying with conditions of their permit and that safe pedestrian access in public places is maintained. Under the Bylaw, the Council may charge a fee for permits.
- 11 The Act requires that a new bylaw is initially reviewed within five years of being made. Thereafter the review period is ten years.
- 12 While the purpose of the Bylaw is to *“provide reasonable controls to protect health and safety, to protect the public from nuisance and to regulate trading in public places”* it is also important to acknowledge the benefits that public trading can contribute to the city, including vibrancy, liveliness and attractive lifestyle options.

DISCUSSION

Bylaw is appropriate

- 13 Before commencing the bylaw review process, Council is required to determine whether a bylaw is the most appropriate way to address the perceived issue.
- 14 A bylaw is still proposed to be the most appropriate way to address issues with public trading in Dunedin. Initial evidence indicates that the Bylaw works well. Operators generally comply with the Bylaw and the relevant trading conditions. Along with a balance of education, the Bylaw ensures appropriate standards of health and safety, and pedestrian access are maintained for all people using our public places including people with disabilities. For example, the introduction of rental scheme operations (such as e-scooter companies) as a trading activity in 2021 means that these companies now require a permit to operate. They are required to pay a fee and comply with conditions (including always maintaining safe pedestrian access).
- 15 Without a bylaw, there is a risk that operators trade in public places without any health and safety or pedestrian access controls. The Council would have limited mechanisms to manage issues should they arise. Education alone is considered insufficient to manage public place trading in Dunedin.
- 16 The review will consider how well the Bylaw is working for each of the trading activities, and if there are opportunities for improvement.

Review of trading conditions

- 17 While the Bylaw requires trading operators to comply with conditions for their trading activity, the conditions themselves sit outside and are separate to the Bylaw. These conditions are monitored and can be reviewed by staff and amended as needed with appropriate levels of community engagement. This allows flexibility to respond to changing needs without the requirement to amend the Bylaw itself, which can only be done by use of the special consultative procedure process and Council resolution.
- 18 As an example, the code of practice conditions for rental e-scooter operators were updated recently, to meet evolving best practice, and in preparation for the tender process for permit

renewal. Mobile trading sites and street performing conditions are also able to be updated to align with city upgrades.

- 19 Particular attention is planned for the conditions and sites for mobile trading and for street performing. While separate to the Bylaw review, this work will be carried out around the same time.

Special consultative procedure

- 20 The Act requires the use of the special consultative procedure as part of the review.

OPTIONS

- 21 Options are whether a bylaw is the most appropriate way to address trading in public places issues in Dunedin and whether to permit the bylaw review process to commence.

Option One – The Bylaw is the most appropriate way to address related issues in Dunedin (recommended)

Advantages

- Bylaw ensures management of appropriate standards of health and safety, and pedestrian access across all public trading operators.
- Bylaw provides the means to address issues arising from public trading in Dunedin.

Disadvantages

- There are some administrative costs of managing the Bylaw.

Option Two – A Bylaw is NOT the most appropriate way to address trading in public places issues in Dunedin

Advantages

- Administrative overheads could potentially be reduced.

Disadvantages

- Appropriate standards of health and safety, and pedestrian access may not be maintained with education and information alone.

The DCC would have limited mechanisms to protect public health and safety and minimise offensive behaviour and public nuisance in the event that issues arise from public trading. **NEXT STEPS**

- 22 Once the review commences, next steps are to carry out early engagement before reporting back to the Committee with a draft Statement of Proposal and draft Bylaw.
- 23 The draft Bylaw will incorporate any proposed changes. The recommendation will then be to approve a draft Bylaw and draft Statement of Proposal for consultation using the special consultative procedure, as required by the Act.

Signatories

Author:	Anne Gray - Policy Analyst
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Authoriser:	Ros MacGill - Manager Compliance Solutions Claire Austin - General Manager Customer and Regulatory
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Attachments

	Title	Page
↓A	Trading in Public Places Bylaw	139

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision enables democratic local decision making and action by, and on behalf of communities and promotes the social and economic well-being of communities in the present and for the future.

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Arts and Culture Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Spatial Plan	✓	<input type="checkbox"/>	<input type="checkbox"/>
Integrated Transport Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Parks and Recreation Strategy	✓	<input type="checkbox"/>	<input type="checkbox"/>
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposal to review the Bylaw contributes to most of the strategic framework as the Bylaw purpose is to “provide reasonable controls to protect health and safety, to protect the public from nuisance and to regulate trading in public places”. In doing so, it is important to acknowledge the benefits of trading in public places including vibrancy, liveliness and attractive lifestyle options for the city.

Māori Impact Statement

There are no known specific impacts for tangata whenua.

Sustainability

There are no known implications for sustainability.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no implications for these documents.

Financial considerations

There are no financial implications as management of the Bylaw is carried out within existing budgets.

Significance

The decision to commence review of the Bylaw is considered low in terms of the Council’s Significance and Engagement Policy. The Act requires that the special consultative procedure is used to review the Bylaw.

Engagement – external

There has been no external engagement to date. Once the review commences, there will be early engagement with key stakeholders followed by formal consultation.

Engagement - internal

There has been initial internal engagement with Transport, Urban Design, Creative Partnerships, Compliance Solutions, Governance, Communications and Marketing, and In-House Legal Services.

CUSTOMER AND REGULATORY ISSUES AND TRENDS REPORT

Department: Customer and Regulatory, Customer Services Agency and Community and Planning

EXECUTIVE SUMMARY

- 1 Please see the attached Customer and Regulatory Issues and Trends report for the six months to 31 March 2024.
- 2 As this report is an administrative report only, there are no options or Summary of Considerations.

RECOMMENDATIONS

That the Committee:

- a) **Notes** the Customer and Regulatory Issues and Trends report.

Signatories

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Authoriser:	Claire Austin - General Manager Customer and Regulatory

Attachments

	Title	Page
↓A	Customer and Regulatory Issues and Trends report	147

ITEMS FOR CONSIDERATION BY THE CHAIR

Any items for consideration by the Chair