

Agenda



Hearing of Submissions on the Review and Development of Ruapehu District Council's Bylaws and Policies

Council Chamber, Huia Street, Taumarunui
Tuesday 21 February 2012 at 10.00am



RUAPEHU DISTRICT COUNCIL

NOTICE OF MEETING

A MEETING OF RUAPEHU DISTRICT COUNCIL WILL BE HELD IN THE
TAUMARUNUI ROOM (COUNCIL CHAMBER), HUIA STREET, TAUMARUNUI
ON TUESDAY 21 FEBRUARY 2012 AT 10.00AM

MEMBERS

Mayor:	Sue Morris	
Councillors:	Bruce Broderson	Taumarunui Ward
	Don Cameron	Waimarino-Waiouru Ward
	Ron Cooke	Taumarunui Ward
	Graeme Cosford	Taumarunui Ward
	Cynthia Dowsett	Waimarino-Waiouru Ward
	Marion Gillard	Ohura Ward
	Ben Goddard	Waimarino-Waiouru Ward
	Jeni Kydd	Taumarunui Ward
	Karen Ngatai	Taumarunui Ward
	Nikki Riley	Waimarino-Waiouru Ward
	Elaine Wheeler	National Park Ward

A handwritten signature in blue ink, appearing to read "MS", is written over a blue line that extends from the signature area towards the right.

Marion Smith
ACTING CHIEF EXECUTIVE

RUAPEHU DISTRICT COUNCIL

ORDER PAPER

A MEETING OF RUAPEHU DISTRICT COUNCIL WILL BE HELD IN THE
TAUMARUNUI ROOM (COUNCIL CHAMBER), HUIA STREET, TAUMARUNUI
ON TUESDAY 21 FEBRUARY 2012 AT 10.00AM

PUBLIC BUSINESS

- | | | |
|---|---|---------------|
| 1 | Apologies | |
| 2 | 537643 - Summary of Submissions for the Hearing on the Review and Development of Council's Bylaws and Policies | <i>1 - 11</i> |

Please Note: The Reports attached to this Order Paper set out suggested resolutions only. These suggested resolutions do not represent Council policy until such time as they might be adopted by Council resolution. This Order Paper may be subject to amendment either by addition or withdrawal of items contained therein.

Report to: Council

Hearing Date: 21 February 2012

Subject: **Summary of Submissions for the Hearing on the Review and Development of Council's Bylaws and Policies**



Document No: 537643

File: B80-0004

Purpose of Report

- 1.1 The purpose of this Report is to allow Council to consider all the submissions received to the Statement of Proposals for the Review and Development of Council's Bylaws and Policies.

Background

- 2.1 Council resolved to adopt the following Statement of Proposals for public consultation at its meeting of 11 October 2011:
 - (a) Review of Animal Control Bylaw and Dog Control Policy.
 - (b) Review of Public Places Bylaw, Draft Freedom Camping Policy and Draft Public Places Events Management Policy.
 - (c) Review of Land Transport Bylaw.
 - (d) Draft Water Supply and Draft Trade Waste Bylaw.
- 2.2 The public submission period opened 25 October 2011 and closed 24 January 2012. Council received 124 individual submissions, with each submission covering many various topics.
- 2.3 In summary, many of the issues were dominated by the review of the Animal Control Bylaw and Dog Control Policy with a total of 194 submissions being received. Review of the Public Places Bylaw received a total 10 submissions, of which, eight were applicable to the draft Freedom Camping Policy. The draft Trade Waste and Stormwater Bylaw and the draft Water Supply Bylaw received a total of six submissions, three for each Bylaw. Review of the Land Transport Bylaw received 14 submissions with the majority relating to the new amendments in Section 20.

Discussion

3.1 REVIEW ANIMAL CONTROL BYLAW AND DOG CONTROL POLICY

- 3.1.1 In a breakdown of the 194 submissions received, a total of 35 submissions relate to the proposed Cat Bylaw, 16 submissions highlighted various concerns about animals and 143 relate to dog issues.

3.2 **SUMMARY OF THE 37 CAT SUBMISSIONS RECEIVED**

3.2.1 **Submission Topic – Registration and Micro chipping**

- 8 submissions support the proposed Cat Bylaw and some made suggestions for cats to be registered and micro chipped.

3.2.2 **Submission Topic – Proposed Cat Numbers of 6 per household (Support and Oppose)**

- Two submissions support this proposal and 11 submissions oppose the proposal and have made various suggestions as follows:
 - (a) Reducing the number from six to four.
 - (b) Reducing to two or three with a special permit to keep more.
 - (c) Restricting the numbers to one per household on properties within 500 metres of conservation areas.

3.2.3 **Submission Topic - Desexing Cats**

- Ten submissions support this and a suggestion was made to desex cats on properties within 500 metres of conservation areas. Another suggestion requested a fund to help low income earners desex their cats.

3.2.4 **Submission Topic - Control of Stray and Feral Cats**

- Four submissions highlighted concerns with stray/feral cats as well as uncontrolled cat colonies and suggest that Council round up all stray, feral and uncontrolled cats and have them put down.

3.3 **SUMMARY OF THE 16 SUBMISSIONS THAT HIGHLIGHTED VARIOUS CONCERNS ABOUT ANIMALS**

3.3.1 **Submission Topic – Animal Issues (Various)**

- 16 submissions made various comments and suggestions on animals in general and are outlined as follows:
 - (a) That permits be issued for all animals.
 - (b) Various issues with welfare, management and the behaviour of cats and dogs were highlighted as well as the need for a dog obedience training area.
 - (c) That Council ask the SPCA to visit schools to educate children on being responsible dog owners and about the damage cats do to the environment.
 - (d) Questions ‘who picks up after horses’ and comments about them being allowed everywhere, specifically Raetihi Township.
 - (e) A request to have the roosters removed from Manson’s Gardens.
 - (f) That dogs are desexed from the age of 5 months.

- (g) Questions the “dog law”.
- (h) That the words ‘risk, or a’ be included in “Clause 11.2(a)”.
- (i) That a new ‘Clause 11.2(c)’ be added to “Clause 11.2” stating ‘Cats must be confined on the property to which they belong’.
- (j) Questions the meaning of “free living”.
- (k) “Clause 11.5(b)” is reworded to state ‘Council will act as necessary to ensure that any fair complaint is acted upon to abate the offence’.
- (l) That a new ‘Clause (e)’ is added to “Clause 10.2.3” stating ‘where welfare issues exist, refer to the SPCA for action’.
- (m) “Section 11.0” include a statement such as; ‘where it is clear that cats are causing insanitary conditions, Council may restrict the number of cats on the property to less than six animals e.g. two desexed cats.

3.4 BREAKDOWN OF THE 143 SUBMISSIONS RECEIVED IN RELATION TO DOGS

3.4.1 Submission Topic – Dogs Leashed in CBD (Taumarunui)

- A total of 80 submissions have been received in support of dogs being leashed in the Taumarunui CBD area, of which, 26 specifically indicated for good dog owners only. It was also suggested that the restriction remain for dangerous dogs.

3.4.2 Submission Topic – Prohibited Area in CBD (Taumarunui)

- Five submissions support this and three of the five submissions suggest that dogs be allowed in the CBD after 6pm during week days, after 1pm on Saturdays and all day Sunday. There was also a suggestion for the shop side of Hakiaha Street (Appliance Spot to Jasmines Cafe) to remain prohibited but all other areas including Manson’s Gardens to be a dog leashed area.

3.4.3 Submission Topic – Extension of the Prohibited Area (Support and Oppose)

- Six submissions support the extension of the prohibited area in the Taumarunui CBD but suggest that guide dogs be excluded. Three submissions oppose the extension.

3.4.4 Submission Topic – Prohibited Area in CBD (Ohakune/Raetihi)

- Five submissions support dogs being leashed in Raetihi and Ohakune CBD’s.

3.4.5 Submission Topic – Various Topics

- 54 of the submission that support dogs being leashed in the CBD have also suggested that the Cherry Grove sport fields be used as a dog exercise area when the field is not being used for sporting activities. They also suggested that a different coloured tag is issued for Selected Owners (who comply with the Policy) and that visitors/tourists need to be encouraged to stop in the town.

3.4.6 **Submission Topic – Prohibited Area (Ruatiti Domain)**

- One submission supports the prohibited dog area at the Ruatiti Domain but suggested that the restriction occur all year round and to include the chain width reserve along the river.

3.4.7 **Submission Topic – Time Restriction (Cherry Grove Reserve)**

- Five submissions support the removal of the time restriction for the dog exercise area.

3.4.8 **Submission Topic – Prohibited Area (Cherry Grove Reserve)**

- Five submissions identified the cultural significance of Cherry Grove (Ngahuinga) and request dogs to be prohibited from the site. A supporting petition with 18 signatures was also received.

3.4.9 **Submission Topic – Existing Dog Exercise Areas (Cherry Grove and Te Peka Reserves)**

- Six submissions suggest the existing dog exercise areas at Cherry Grove and Te Peka reserves are insufficient.
- Cherry Grove reserve is unsuitable as an unleashed area and requests were made for the area to be fenced off. It was also suggested that the size of the exercise area is insufficient to exercise medium and large dogs.
- The picnic table area of Te Peka reserve is inappropriate as a dog exercise area and the reserve track is unsuitable during winter months and at times when planting has been done.

3.4.10 **Submission Topic – New Exercise Areas**

- Seven submissions suggest that it is necessary to have more dog exercise areas. Following is a list of the various areas suggested:
 - (a) At the south entrance (opposite the Bell Road intersection) between the railway track and the road, to be sign posted and fenced off with a picnic table, a doggy bin and water tap on site.
 - (b) At the section of Hekeawai Drive from the end of the seal to the Rupe boundary.
 - (c) Tuhua Domain.
 - (d) Victory Bridge.
 - (e) The land behind the Taumarunui cemetery (Landfill area).
 - (f) A fenced off area adjacent to the Lyndon Jones building on Hakiha Street.
 - (g) A secure fenced off area to run dogs off their leashes to avoid the danger of running on roads or bothering children/adults picnicking or playing.

3.4.11 Submission Topic – Proposed (North Entrance) Dog Exercise Area (Support and Oppose)

- One submission opposes a dog exercise area in the same area as the Northern Entrance upgrade and eight submissions support this and make various suggestions in relation to this, as follows:
 - (a) The area needs to be well sign posted and fenced off.
 - (b) The picnic tables appear to be located in the dog exercise area, but should be located in the prohibited area.
 - (c) A dog exercise area at the southern end of town.

3.4.12 Submission Topic – Infringements for Non-Compliance

- Five submissions suggest infringing owners who do not clean up after their dogs or keep their dogs on a leash and also state that dog bins need to be installed.

3.4.13 Submission Topic – Signage for Various Areas

- Five submissions make various suggestions about signs:
 - (a) The prohibited signs in the CBD need to be placed at eye level facing the road and spaced about 30 metres apart.
 - (b) Signs could be erected at the entry points to Te Peka Reserve (dog exercise area) off SH 4, on the pedestrian access gate and at the end of the ROW through the Jilisen property.
 - (c) The dog exercise areas need to be sign posted to inform visitors where they are located.
 - (d) Signs are needed to remind dog owners to pick up their dog mess.
 - (e) Signs are needed to identify where skateboards, scooters and bicycles are prohibited.

3.4.14 Submission Topic – Dog Exercise Area (National Park)

- One submission suggests a dog exercise area is needed in National Park.

3.4.15 Submission Topic – Alpine Rescue Dogs

- One submission states there is no reference made to alpine rescue dogs domiciled in Waimarino and National Park townships.

4.1 REVIEW OF PUBLIC PLACES BYLAW, DRAFT FREEDOM CAMPING POLICY AND DRAFT PUBLIC PLACES EVENTS MANAGEMENT POLICY - BREAKDOWN OF THE 10 SUBMISSIONS RECEIVED

4.1.1 Submission Topic – Freedom Camping Policy

- One submission opposes this and two submissions oppose freedom camping in the Ohakune commercial business area.

4.1.2 Submission Topic – Freedom Camping (Two Night Proposal)

- Four submissions support the policy and the proposal to camp for two nights. The following suggestions were also made:
 - (a) That Freedom Camping within 200-300m is a sufficient distance from camping grounds.
 - (b) Access to a FREE dump station and to fill up with fresh water is important.
 - (c) "Clause 2.0 (Policy Statement)" to read "This will include roadside parking spaces, public reserves and public land adjoining lakes and rivers except land stated in Schedule 1".
 - (d) Questions how "2.0 Policy Statement" will be monitored.
 - (e) That Freedom Camping be allowed in the central commercial area (street parking).
 - (f) Recommends users of vehicles certified to NZS 5465:2001 be recognised and appropriately accommodated in accordance with the intent of the Act and if prohibitions are necessary that these be considered in accordance with the Act.
 - (g) Definitions of the NZ Standard, self contained vehicle and evidence of the self containment be inserted the Interpretations/Definitions of the Bylaw and Policy.
 - (h) That "Schedule 1 and 6" identifies the prohibited area and its locality in accordance with the Act.
 - (i) "Clause 11.9.1" (bylaw) be amended to include 'which displays a current NZ Motor Campers Association self containment warrant' and the word 'and' be inserted between (a) and (b).

4.1.3 Submission Topic – Freedom Camping (One Night Proposal and Prohibited Areas)

- One submission supports this and requests that Council facilitate discussions with the Department of Conservation, cycleway organisers, Federated Farmers and other interested parties to provide toilets in areas of concern including, but not limited to SH 43.

4.1.4 Submission Topic – Freedom Camping (Rubbish Bags)

- One submission advised that the Visitor Information Centre in Ohakune does not sell rubbish bags.

4.1.5 Submission Topic – Freedom Camping (Ruatiti Domain)

- One submission suggests there needs to be a clearer intent as to the status of the Ruatiti Domain which is a Council camp ground. The intent of this camp ground facility needs a better explanation.
- Any event activity should trigger appropriate Freedom Camping facilities.
- Under “Clause 10.0” no reference has been made to the powers or attention of the New Zealand Police.

4.1.6 Submission Topic – Public Places - Refuse, Litter and Offensive Material

- One submission suggests that the words ‘include human excrement’ be added to “Clause 12.2.2”.

4.1.7 Submission Topic – Public Places Liquor Ban (Ruatiti Domain)

- One submission supports the liquor ban but suggests this include the reserve along the river.

5.1 DRAFT WATER SUPPLY AND DRAFT TRADE WASTE BYLAW - BREAKDOWN OF SIX SUBMISSIONS RECEIVED

5.1.1 Submission Topic – Trade Waste and Stormwater Bylaw

- Two submissions support this proposal. One submission suggests the following recommendation:
 - (a) That cytotoxic waste is prohibited and controls are placed on the discharge of liquid antibiotics.

5.1.2 Submission Topic – Trade Waste and Stormwater Bylaw (Various)

- One submission questions various issues within the proposal such as, the following:
 - (a) There is no reference or determination as to what defines a public drain.
 - (b) Under “Clause 10.1” there is no definition of a private house let out under commercial associations e.g. Chalet rentals.
 - (c) Under “Clauses 11.6 and 13.5” where reference is made to trade waste disposal locations they are not listed nor identified.

5.1.3 Submission Topic – Water Supply Bylaw (Various)

- Two submissions make suggestions on various issues which are outlined as follows:
 - (a) “Section 6.0 Interpretations and Definitions” – “Potable (Clause 6.3)” the wording be amended to read ‘as defined in Section 69G of the Health (Drinking Water) Amendment Act 2007’.
 - (b) The words “for drinking only” be removed from “Clause 8.1.3”.

- (c) The words 'adequate supply' (as interpreted in Section 69G Health (Drinking Water) Amendment Act 2007 be incorporated in "Section 6.0 Interpretations and Definitions".
- (d) "Clause 10.1.1" incorporates access to population health staff in accordance with the Act.
- (e) Questions the purpose or intention of "Clause 11.1.4(a)". Suggests that this be amended appropriately or deleted.
- (f) Under Clause 11.12.3 there is a need to include both treated and untreated water supply (as per the water take off the Makotuku raw water supply before it gets to Raetihi.

5.1.4 Submission Topic – Water Supply Bylaw (Opposed)

- One submission opposes various Clauses within the proposal which are listed as follows:
 - (a) "Access to System Clause 10.1.1(a)" – objects to this, stating all Council ratepayers must be allowed access to view and inspect the water supply they pay for and drink from.
 - (b) States that "Clauses 11.3.2 and 11.9.2" must also apply in a reciprocal manner with ratepayers.
 - (c) Opposes "Section 11.6 Liability".

6.1 REVIEW OF LAND TRANSPORT BYLAW - BREAKDOWN OF THE 14 SUBMISSIONS RECEIVED

6.1.1 Submission Topic – Double Parked Vehicles

- One submission comments that double parked vehicles in the mainstreet (Taumarunui) make it awkward for trucks and trailers to pass.

6.1.2 Submission Topic – Section 14.0 (Traffic Restrictions)

- Two submissions identify various concerns within this Section of which, are listed as follows:
 - (a) Opposes "Clause 14.17.1" to prohibit the use of engine braking devices within 70km/hour speed zones and suggests that Council liaise with the heavy transport industry to limit the use in such areas as identified in "Schedule 19".
 - (b) "Clause 14.5.7" will significantly impact upon farming practices and suggests the sentence be amended to include the words 'in a Rural Zone or'.
 - (c) "Clause 14.5.8" will restrict normal farming activities and suggests the sentence be amended to include the words 'in a Rural Zone or'.

6.1.3 Submission Topic – Section 20.0 (Restrictions on Use of Road)

- Four submissions identify various concerns within this Section and are listed as follows:

- (a) Questions Mangapurua Road as an unformed road.
- (b) The “Interpretations” do not cover two or four wheel motorbikes and questions whether these are included in the restrictions.
- (c) Questions the restrictions in “Clause 20.2.3” and suggests that this Clause be removed.
- (d) That the barbwire restriction in “Clause 20.5.5” be removed.
- (e) That Council seek legal right under the Transport Act before empowering restrictions.
- (f) That a new ‘Clause 20.2.8’ be added to “Section 20.2” for Council to consult with landowners and affected parties before placing restrictions on any roads.
- (g) The words “motor” is removed from Clause 20.2.2.
- (h) “Clause 20.2.4, 20.2.5 and 20.2.6” be amended to require cost recovery to damaged roads to be on a retrospective basis.
- (i) Questions the reiteration of “Section 20” to Section 22AB of the Land Transport Act.
- (j) Questions the ineffectiveness of the motor vehicle restriction for the roads listed in “Schedule 21”, stating that “Clause 20.2.3” does not specify what the motor vehicle restriction on these roads actually is.
- (k) Questions statutory power to authorise encroachments on legal roads as per “Section 20.4”.
- (l) Questions legal power to authorise the fencing off of parts of a legal road for private use as per “Section 20.5”.
- (m) Questions the requirement of “Section 20.6” and states this is covered under Section 344 of the Local Government Act 1974.
- (n) Questions “Clause 20.6.3(b)” stating it is contrary to the common law right of the public to pass and re-pass on a legal road.
- (o) Suggests the “unformed road” definition is inadequate.
- (p) Questions the use of the term “road reserve” in reference to unformed legal road or to the unpaved portions of formed roads. Stating this term can be confusing as 'legal road is legal road' whether formed or not. Further stating the term “road reserve” is sometimes use for land held for the purpose of use as a road at sometime in the future but not currently designated as legal road.

6.1.4 Submission Topic – Land Transport Bylaw

- Two submissions support the proposed amendments within “Section 20” but one submission suggests that the wording of “24 months” in Schedule 2 (Step Six) indicates a strict 24 month warranty period requirement and requests the wording to be amended to state 'up to 24 months'.

- One submission supports “Sections 12.0 (Stock Movement on Public Roads)” and “Section 13.0 (Speed Limits)”.

6.1.5 Submission Topic – Schedules 20 and 21

- Two submissions make the following comments about Schedules 20 and 21:
 - (a) Questions “Schedule 20” restrictions - suggests the length restriction be removed.
 - (b) “Schedule 20 and 21” to be amended to include descriptions of the actual road restrictions.
 - (c) Highlighted that the various roads listed in Schedule 21 are incorrect.

6.1.6 Submission Topic – Land Transport Bylaw (Various)

- One submission highlights various issues within the bylaw as follows:
 - (a) “Schedule 5” no maps contained within the prescribed bylaw area.
 - (b) Better 30kmph signs need to be placed in Waiouru.
 - (c) “Schedule 8” is incorrect and not needed.
 - (d) “Schedule 10” (Ohakune Mountain Road) should be 100kmph.

6.1.7 Submission Topic – Cycleway Track (Fisher/Kurua Road)

- One submission suggests that the access (from the main gate) be for cyclist and walkers only.

7.1 Due to the number of submitters wanting to be heard at the Hearing, deliberations will be held alongside the adoption on 13 March 2012.

Suggested Resolution(s)

- 1 That the Report on the Summary of Submissions for the Hearing on the Review and Development of Council’s Bylaws and Policies be received.



Jo Tocker
POLICY PLANNER

15 February 2012

Attachments: Hearings Timetable List

Taumarunui – 21 February 2012 (Tuesday) Hearings List for the Bylaws and Policy Review

	Time	Submitter	Submission No.	Page No
1	10.15am	Cheryl Bigham – Dog Control Policy, Animal Control Bylaw	35	67
2	10.25am	Don Lawson – Dog Control Policy	83	164
3	10.35am	Joke Brady – Dog Control Policy	37	71
4	10.45am	Chris Brady – Dog Control Policy	38	72
5	10.55am	Enterprising Taumarunui, Nicole Middleton – Dog Control Policy	98	183
6	11.10am	Lynda Gulbransen – Dog Control Policy / Darryl Gulbransen – Dog Control Policy	116, 64	201, 125
7	11.25am	Allan Kirk – Animal Control Bylaw, Dog Control Policy	10	12
8	11.35am	Edward Southwell – Dog Control Policy	94	177
9	11.45am	CKC SPCA – Ann Harrison – Dog Control Policy and Animal Control Bylaw.	3, 78, 79	4, 140, 145

Lunch 12:00pm

10	12:30pm	Dick Ward for Wendy Ward's submission – Animal Control Bylaw	56	101
11	12:45pm	Rachel Steele – Animal Control Bylaw Daniel Steele / Leon Stratford speaking on behalf of Rachel Steele	60	109
12	1.05pm	New Zealand Motor Caravan Assoc/ James Imlach – Freedom Camping	41	76
13	1.20pm	Federated Farmers – Kelly Martyn – Freedom Camping Policy and Land Transport Bylaw	62, 121	120, 225
14	1.40pm	Western Central District Road Transport Association – Tom Cloke – Land Transport Bylaw	28	50
15	2.00pm	Ohakune 2000 – Freedom Camping Policy,	21	36
16	2.20pm	Winston Oliver – Land Transport Bylaw, Dog Control Policy, Public Places Bylaw	24, 25, 26	41,42, 44
17	2.40pm	Alf Sivyer – Dog Control Policy	117	219
18	2.50pm	Laura Sivyer – Land Transport Bylaw	103	188

Concludes 3.00pm