

10 May 2019

Dear Ms Anderson

I have received communication from the Ombudsman about four LGOIMA requests received by the DCC in January that have not yet been responded to. Please accept my apology for my oversight in not responding to the four requests, two received on 29 January, and two received on 31 January. I inadvertently overlooked your four last requests received, when dealing with the earlier 22 requests made by you.

Answers to the questions you have raised are as follows:

1. Information request dated 29 January 2019 – Written definitions and descriptions of areas in the Dog Control Bylaw Maps

Request for more exact references to information re descriptions in the maps so it can be viewed, suggesting it could be easily provided by a precise url supported by screenshots showing examples of the descriptions in the maps, and definitions on the webpage.

With respect to descriptions in the maps, the legend provided shows a high level of detail, e.g., the green legend shows as “allowed off leash”. When clicking into the map on a green area, a full description is provided.

Your suggestion for providing this information by a precise url is a good one, and so we have investigated the possibility of providing a direct link from the web page to the maps for each area. The url links have now been developed and will be uploaded on to the web site as soon as possible.

2. Information request dated 29 January 2019 – Inclusion of land information about land such as parcels, strata and other similar details.
 - a) **Request the legislative provisions or case law the DCC relies on as authority for dealing with land issues as part of the Dog Control Bylaws, along with similar references that established the consequences, such as infringement fines or other penalties for dog owners who do not know this information.**

We are not clear what is meant by your question about dealing with land issues as part of the Dog Control Bylaw. If you could please clarify this question, we will provide you with an answer.

The legislative provisions re infringement fines or other penalties are:

- Dog Control Act 1996, Schedule 1 Infringement offences and fees, Sec 20(5); and
- Local Government Act 2002, Section 242(4).

- b) Request references to all places land information appears in all documents, discussions and decisions relating to the consultation, deliberations and decision making during the 2016 dog control review.**

Your request for this information is declined under section 17(g) of the LGOIMA that we do not hold the information in the format requested, i.e. we do not hold a single collated list of references to all places land information in all of our documents etc., relating to the consultation, deliberations and decision making.

- c) Request the reference to the clause or clauses in the Dog Control Policy that establish land information is a matter that will be further explicated in the Bylaws.**

I advise that there are no references in the Dog Control Policy that establish land information is a matter that will be further explicated in the Bylaws.

- d) Request the legislative provisions or case-law the DCC relies on as authority for delaying giving effect to the Policy for longer than the statutorily specified period.**

The Local Government Act does not specify a period for giving effect to a Policy.

- e) Request the date this information will be included in the static maps, when it will be included in the text of the Bylaw, when the land information will be included in the dog control parts of the website, when affected signage will be changed, and when registered dog owners will be informed of the land information and the requirement to know it.**

I advise that there are no plans to change the static maps or the text of the Bylaw in respect of land information. There are also no plans to change any signage. The only change that will be made is in respect of your suggestion about the url links on the web page.

- f) Request a list of all the land information so dog owners may commence learning it as soon as possible.**

All land information that dog owners need to be aware of is found on the live map on the website.

We are aware that there are blue areas on the static maps that are no longer on the live web map. We will consider removing those from the static maps when the Bylaw is next reviewed.

- g) When it is intended to conduct the necessary education programme to enable registered dog owners to learn what the information means and how to apply it when walking with their dogs so they can be confident they are complying with their obligations under the Bylaw.**

The DCC has no plans to provide education programmes on this, but staff are happy to answer any queries received by dog owners. The web provides information to aid dog owners to comply with their obligations under the Bylaw.

Dog owner pamphlets are sent out annually with registration forms, and these are updated with current information as necessary.

3. Information request dated 31 January 2019 – Changes to Blue (DCC-owned) and Yellow (hunting permit) shading in the Dog Control Bylaw Maps.
 - a) **Request for a list of all the privately owned land against which the notations concerning permission or hunting permits have been made.**

The only land that is flagged as requiring hunting permits is land owned by the Department of Conservation. There is no privately owned land notated as requiring permission or hunting permits.

- b) **Information necessary for dog owners to be fully informed of the process they must follow to apply for permission or a hunting permit, and to whom they apply.**

Hunting permits are issued by the Department of Conservation, and application information can be found on line at <https://www.doc.govt.nz/parks-and-recreation/things-to-do/hunting/>.

In addition, hunting permits are issued by City Forest, and information can be found at <http://www.cityforests.co.nz/visit-our-forests/access-permits/>.

I note that the 3 Waters department at the DCC has a Pig Hunting permit for the Silverstream water catchment area. I have attached an application permit for your information.

- c) **Request a list of all the areas that were previously shaded blue before the shading was removed, and the records relating to the previously blue land that will confirm the revocation of the reserve status and subsequent sale to private owners.**

A list of all the areas that were previously shaded blue is attached.

Please refer to d) below for the records relating to the revocation of reserve status and sale of reserve land to private owners.

- d) **Provide references to, or if not on line, all information relating to the revocation of reserve status and sale to private owners, being not least the Gazette notices by which the Minister revoked the status, the required DCC resolutions as well as all documentation considered as part of making the resolution, the notices publishing the intention to revoke, the objections to the revocation, and the full records of hearings considering those objections.**

Since October 2016, there has been one sale of a small part of a reserve, being Emerson St Reserve. This decision involved the sale of a small strip of the reserve which was previously under a license to occupy.

Please find attached the following:

- A copy of the DCC resolution to notify intention to sell (28 March 2017)

- A copy of the report that went to the Hearing Committee.
- The Hearing decision.
- Public notice re proposed revocation.
- Gazette notice revoking the reservation.
- DoC confirmation approval.

- e) **The case-law or legislative provisions on which the DCC in-house legal counsel relies for the principle that contradictions between parts of documents are appropriately dealt with by changing one part of the documents so as to increase the contradictions, and support that by leaving in place signage that creates a further source of contradictions.**

This is not a request for official information. We do not wish to provide a response.

- f) **What and when steps will be taken to inform the public these areas are no longer public places and may not be entered, when the signs relating to public use will be removed and when the DCC will lodge the relevant and legally required records so that public records are accurate.**

The legally required records have been lodged for the Emerson Street sale, and the public records are accurate.

The public still has access to the Emerson St reserve, noting that only a small part of this reserve was sold. Practical access to the area sold has not been available for a number of years.

- g) **Request the evidence of confusion concerning access to these areas.**

The blue areas were removed from the live web maps in response to a request from a member of the public, to avoid confusion about where dogs could be walked. Generally, DCC land is public land, however some is not accessible to dog owners, as it may be leased and therefore not publicly available. By removing the blue shading, this has attempted to remove confusion over DCC land that may not be accessible.

Please refer to h) below for further information.

- h) **The dates of the Working Party meetings and times in the audio record the Working Party members considered evidence of the existence of confusion and that it would be suitably resolved by adding pop-ups or removing the blue shading.**

Please find attached the minutes from the meeting held on 9 October 2017, where the issue of confusion with the maps was discussed.

I understand that the audio of all recorded meetings were made available to you after the meetings.

- i) **A complete list of all areas that have been removed, including identifying which of those areas are "privately-owned"**

Please refer to c) above.

4. Information request dated 31 January 2019 – Changes to labels on the Dog Control Bylaw Maps

a) **Request the colour and the colour contrast analysis for the labels on the static and interactive maps, both before and after the stated changes were made.**

Your request for this information is declined under section 17(g) of the LGOIMA that we do not hold the information requested. The colour and contrasts were used as part of a routine change in the maps, and we have not kept details of the colour choices and contrasts.

b) **Provide examples of the labels that have been increased in size, and examples of labels that can be zoomed or increased and reduced in size as the user chooses.**

Labels are set on a map layer and are all the same size. The font size of the labels will not change when zooming in or out of the map. Areas on the map can be clicked on to display further information about the particular site selected.

I note that staff have liaised with the Foundation for the Blind, to ensure that the online map can be as accessible as possible for those with visual impairment.

As we have decided to withhold certain information, I advise that you have the right to have this decision reviewed by the Office of the Ombudsman (0800 802 602) or e-mail: info@ombudsman.parliament.nz.

Yours sincerely



Sharon Bodeker
Team Leader Civic
Dunedin City Council

