
Information for the Hearing on the Proposed Dog Control Policy and Bylaw 2012

1. Purpose of Report

- 1.1 To provide information relevant to decisions on the Proposed Dog Control Policy and Bylaw 2012.

2. Background

- 2.1 At the Council meeting on 31 January 2012 it was resolved

THAT the draft Dog Control Policy and Bylaw be approved for public notification;

AND THAT the special consultative procedure be adopted, in accordance with section 83 of the Local Government Act, and that the consultation period be from 4 February to 5 March 2012;

AND THAT a hearing date of 20 March 2012 be scheduled for Council to hear submitters and make decisions on submissions.

- 2.2 Consultation on the proposal was carried out from 4 February to 5 March 2012. As required by the Dog Control Act, all dog owners in Nelson were sent a summary of the proposal and invited to make a submission. Letters were also sent to:

- neighbours of parks proposed to be new dog exercise areas
- vets, the SPCA and the Ark
- organisations likely to have an interest in the policy and bylaw
- Tasman District Council and Marlborough District Council
- any members of the public who requested the summary (following publicity about the policy and bylaw in Live Nelson).

- 2.3 The Council received 695 submissions, and 93 submitters requested the opportunity to speak at the hearing. A draft hearing schedule for both 20 and 23 March, an index of submitters and the full text of all written submissions is provided in the submissions folder that accompanies this report.

3. Discussion

Dogs Prohibited Areas

- 3.1 Most submissions support dogs prohibited areas at Paremata Flats and Haven Holes, to protect wildlife.
- 3.2 Many dog owners requested that at least one swimming hole near town be made available for dogs – and that dogs be allowed in all swimming holes during the winter months. Some submitters suggested allowing dogs in the swimming holes before 10am and after 7pm. Quite a few people suggested that Dennes Hole may be a better option than Black Hole, which is currently a dog swimming area, because it doesn't have a picnic spot or facilities, is smaller and loses the sun early, and doesn't have a playground associated with it.
- 3.3 Some submitters have requested access for dogs to the Waterworks Reserves.
- 3.4 Some submitters requested access to the part of Brook Conservation Reserve that is not within the Brook Sanctuary – given that this is no longer part of the Waterworks Reserve.
- 3.5 Many submitters supported protection of weka in the eastern part of Marsden Valley reserve prohibiting dogs from this area. An equally large number of submitters opposed dogs being prohibited from this part of Marsden Valley reserve. They felt that there were enough bird protection areas from which dogs were prohibited (such as the Waterworks Reserves and the Brook Conservation Reserve) without adding this area as well. Some submitters suggested compromises including use of muzzles and allowing dogs into the area which have had weka aversion training
- 3.6 Some submitters have requested more large open spaces to exercise dogs, including on sports fields that only have seasonal use.
- 3.7 Three submitters (452, 535 and 518), including the Ornithological Society of New Zealand, requested addition of Sand Island to the list of dogs prohibited areas, to avoid disturbance of threatened and 'at risk' bird species known to occur on Sand Island. This site is of regional and national importance as both a breeding and roosting site for a number of birds, including: black-fronted tern, black-billed gull, pied shag, red-billed gull, Caspian tern, South Island Pied Oystercatcher, white-fronted tern and the variable oyster catcher. In addition, godwits roost on this island during spring tides.
- 3.8 Both the Brook Sanctuary manager (submission 527) and the Department of Conservation (submission 44) made submissions related to dogs in conservation areas.
- 3.9 Brook Sanctuary requested a slight broadening of the clause related to use of dogs in these areas for specific feral animal control purposes to "permits may be give for dogs to be used in this area for specific conservation purposes," and associated changes to the bylaw.

- 3.10 The Department of Conservation (DoC) requested changes to the exemption for working dogs in clause 2.3 of the policy because a blanket exemption for all working dogs (which includes farm dogs) is not appropriate for DoC land. DoC requested a change to reflect that a working dog may be exempted, subject to conditions.

Dogs on Leash Areas

- 3.11 **Maitai Walkway** – Most submitters opposed the proposal that dogs be required to be on a leash along the Maitai Walkway. The key reason for the opposition is that the Maitai Walkway is a highly valued recreational area close to town, and that dogs and people get far better exercise by walking along a track than in a neighbourhood park.
- 3.12 **Railway Reserve** – Similarly, many submitters expressed concern about the proposal that dogs be required to be on a leash along the Railway Reserve. It is an important area for exercise and socialising for many people who live near this reserve. Other submitters expressed concerns about off leash dogs in this area due to confrontations or cycle crashes involving dogs. Quite a number of submitters suggested requiring dogs to be on a lead during busy commuter times (in the morning and evening) and allowing dogs to be off-leash at other times.
- 3.13 **Atawhai Shared Pathway** – a few submitters specifically requested that the Atawhai Shared Pathway be an off lead area, or that it only be an on-lead area during commuter hours. Other submitters, including the New Zealand Transport Authority (submission 693) supported this area being on-lead. NZTA is concerned about the Pathway's proximity to the State Highway.
- 3.14 **Botanical Hill (Centre of New Zealand)** – a number of submitters have requested listing the tracks on the Branford Park side of Botanical Hill as off leash areas because they are less well used, but to require dogs on lead on the two main tracks (on the side facing the Botanics sports ground). Other submitters requested that the whole of Botanical be an off-leash area.
- 3.15 **Boulder Bank Drive** – A number of submitters opposed the proposal to require dogs on Boulder Bank Drive to be on a leash.
- 3.16 **Public Streets** – There was general support for dogs being on a leash on public streets, and very little feedback on the proposed requirement for dogs to be on a leash on other esplanade reserves.
- 3.17 **Orphanage Creek esplanade reserve** – Submitter 159 suggested a compromise of the paved area being restricted to dogs on lead, but that dogs be allowed on the unpaved side.
- 3.18 **Saxton Field** – a few submitters opposed the proposal to require dogs on lead around the perimeter of Saxton Field. Several submitters expressed concern about road safety around the proposed Circus Oval dog exercise area, and requested fencing of this area.

Dog Exercise Areas

- 3.19 **Neighbourhood Parks** – Most submitters, particularly neighbours, opposed the proposal to add new neighbourhood parks to the list of dog exercise areas. Their reasons included: lack of fencing between their properties and the parks, the number of children who play in these areas, and a number of these parks being beside busy roads and therefore dangerous for off-leash dogs. These parks were considered too small to provide enough exercise for dogs.
- 3.20 **Marsden Valley paddock** – Several submitters asked the Council to include the paddock on the opposite side of the road to the Marsden Valley cemetery gates as a dog exercise area.
- 3.21 **Grampians Reserve** – A few submitters said dogs should be on a lead on the Grampians because dogs are disturbing native birds, especially weka and the traps, and several other submitters opposed any restrictions on the Grampians Reserve exercise area.
- 3.22 **Almond Tree Flat and Nursery Paddock areas** – Two submitters (69 and 95) raised issues about cows grazing in the Almond Tree Flat and Nursery Paddock areas which were included in the proposed bylaw as dog exercise areas.
- 3.23 **Miyazu Reserve** – Many submitters opposed this area being listed as a dog exercise area because of the busy roads surrounding it.
- 3.24 **Dog Parks** – Some submitters asked the Council to provide dog parks, where dogs can run free within a fenced area, for example in a Maitai Valley exercise area or at Saxton Field.
- 3.25 **Tantragee Reserve** – A number of submitters requested that this area be listed as an off leash area. (Submitters sometimes referred to this area as Codger’s Track.)
- 3.26 **Bishopdale Reserve (South)** – A large number of submitters requested that this reserve be reinstated as a dog exercise area.

Good Dog Owner Policy

- 3.27 Some submitters supported replacement of the Good Dog Owner discount with a general discount for everyone who pays their registration fees on time. A large number of submitters have opposed replacement of an incentive for good dog ownership with an incentive to pay on time. Submitters have suggested variations to the policy, such as rewarding good dog ownership with discounts for attending puppy classes, dog obedience classes, desexing, and no record of infringements. An alternative suggestion was subsidised dog training courses.

Multiple Dog Ownership

- 3.28 Most submitters supported this approach, although a few suggested the permitted limit should be three dogs. Submitter 78 suggested that the process for gaining written permission from Council for keeping more than two dogs should include consultation with the neighbours.

Enforcement

- 3.29 A very high number of submitters requested more emphasis on enforcement of the existing bylaw rather than increasing restrictions in the new bylaw. Requests included more patrols at Tahunanui Back Beach and at the Maitai swimming holes. Submitter 83 summed up what a number of submitters have said: for the bylaw to be effective and meaningful to people it must have enough personnel to support it. After hours patrols were also requested.
- 3.30 Some submitters raised issues of aggressive responses from dog owners when confronted about not complying with the current dog bylaw.
- 3.31 Several submitters suggested an instant fine approach to all infringements, and others requested that dog control officers take part in school education programmes related to dogs.

Signage/Information

- 3.32 **Signage** - Some submitters have asked for more signage on where dogs can and can't be, on lead and off lead. Other submitters have asked for signage/information about the presence of cattle and sheep in the dog exercise areas, and messages to cyclists to take care around walkers and their dogs. One submitter asked for signage at Back Beach alerting parents of very small children that dogs run free in this area.
- 3.33 **Communication with Dog Owners** - Some submitters have supported improvements to the publicity material given to dog owners, including positive actions that can be taken by dog owners to avoid conflicts. A few submitters have suggested Council provide booklets on puppy and dog behaviour, informing owners what to expect and how to be proactive in eliminating difficult behaviour.
- 3.34 Submitter 569 provided examples of useful education material for dogs and their owners, as well as non-dog owners. Submission 567 advised that a group has been formed (Dogs United Group) to represent dog owners of Nelson.

Other Issues

- 3.35 **Doggy Do Bags** – additional doggie do dispensers (and associated rubbish bins) were requested in the following areas: Saxton Field, Neale/Guppy Park, Railway Reserve (at both Stoke and Saxton Road ends), the Glen, Wigzell Park, Grampians Walkway, Maitai Bowling Club (a rubbish bin), the start of the path to Tahunanui Back Beach by the BMX track, at Orphanage Creek, Centre of New Zealand, and at Neale Avenue Reserve. However, submitter 443 said the Council shouldn't provide doggy do bags – it should be owner responsibility. Submitter 102 requested Council to provide a year's worth of doggy do bags when registration fees are paid.
- 3.36 **School Grounds** – Submitter 6 requested Council to make school grounds dog free.

3.37 **Department of Conservation land** – clarity was requested on whether dogs are permitted on Department of Conservation land, such as Wakapuaka sand flats and at Cable Bay. The Department of Conservation submission (446) states that dogs are not allowed on reserves administered by the Department under the Reserves Act 1077 unless the owner has a dog control permit issued by the Department; or there is Department of Conservation signage that clearly identifies where a dog may be taken without a permit.

3.38 **Cyclists** – a high proportion of submitters raised concerns about speeding cyclists on shared pathways such as the Maitai Walkway, Railway Reserve and Atawhai Shared Pathway. This cannot be addressed within the scope of the dog control policy and bylaw, but the Council does have an ongoing programme of signage and education about sharing pathways. Many submitters requested mandatory use of bells on bikes. (The Council provides bells but it is not able to legally require them to be used.)

4. Options

4.1 A summary of options considered so far is shown on the following pages and includes the following:

- Option 1 is the approach of the existing Dog Control Bylaw 209, prepared in 2004.
- Option 2 is the approach outlined in the proposal approved for consultation in January 2012.

4.2 Versions of the bylaw reflecting Options 1 and 2 are included as Attachments 2 and 3 to this report.

4.3 Summary of options considered so far:

	Option 1 2004 bylaw	Option 2 2012 proposal
Paremata Flats and Haven Holes	Not listed	Prohibited
Maitai swimming holes and associated picnic areas	Dogs prohibited from Dennes, Sunday and Maitai Camp holes; and permitted in Black Hole and Girlies Swimming Hole	Dogs prohibited from all swimming holes
Waterworks Reserves	Prohibited	Prohibited
Brook Conservation Reserve	Prohibited	Prohibited

	Option 1 2004 bylaw	Option 2 2012 proposal
Marsden Valley Reserve (eastern side)	Off lead	Prohibited
The playing area of sports grounds	Prohibited	Prohibited
Sand Island	Not listed	Not listed
Maitai Walkway	Off lead upstream of Collingwood bridge	On lead
Railway Reserve	On lead on the paved areas, and off lead on the grass areas.	On lead
Botanical Hill (Centre of New Zealand)	Off lead	On lead
Atawhai Shared Pathway	Not listed	On lead
Boulder Bank Drive	Off lead	On lead
Default for esplanade reserves and public streets not otherwise listed in bylaw	Off lead	On lead
Orphanage Creek Esplanade Reserve	Off lead	On lead
Saxton Field	Not listed	On lead around perimeter of the Field
Neighbourhood Parks	Some neighbour-hood reserves listed	Add new neighbourhood reserves
Marsden Valley paddock (opposite cemetery)	Not listed	On lead
Grampians Reserve	Off lead	Off lead
Almond Tree flat and Nursery paddock area	Not listed	Off lead
Miyazu Reserve	Atawhai Mounds – off lead	Off lead
Dog parks	Not listed	Not listed
Tantragee Reserve / Andrews Farm	Not listed	Off leash – but not listed because outside of the urban area (see map attached to proposed bylaw)
Bishopdale Reserve South	Off lead	On lead
Good Dog Owner policy	Good Dog Owner discount	Change to discount for fees paid on time

	Option 1 2004 bylaw	Option 2 2012 proposal
Multiple dog ownership	No more than one dog per property unless the owner is a current participant of the Good Dog Owner scheme	Two dogs per property as of right – written permission for more
Enforcement	Infringement notices may be preceded by a written warning	Primarily education and advisory approach, but enforcement action against repeat offenders
Signage	Signage at all exercise areas and swimming holes.	Signage in high use areas.
Information for dog owners	Provide information to owners, periodic publicity in Live Nelson, pamphlets containing maps of dog exercise and prohibited areas.	Amend information to owners to include more advice on avoiding conflicts, locking extendable leads and dog training options.
Doggy do bags	Doggy Do project	Continue Doggy Do project
School grounds	Leave to schools to decide	Leave to schools to decide

5. Conclusion

- 5.1 The majority of submitters have expressed strong opposition to the Council's proposal to increase the areas in which dogs are prohibited or required to be on a leash, stating that the proposal is far too harsh considering the extent of the problem. They have pointed out the significant social wellbeing and mental and physical health benefits arising from the ownership and exercise of dogs. Other submitters have provided information about threatening behaviour and attacks from dogs (including submissions 33, 40, 55, 63, 110, 234, 273, 287, 332, 344, 384, 435, 436, 564, 587).
- 5.2 Many submitters have suggested compromises to meet the needs of the whole community.
- 5.3 When adopting a dog control policy and bylaw section 10(4) of the Dog Control Act requires the Council to have regard to:
- the need to minimise danger, distress, and nuisance to the community generally; and
 - the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and

- the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- the exercise and recreation needs of dogs and their owners.

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Attachments

- Attachment 1: Report to Council on 31 January 2012 – Review of the Dog Control Policy and Bylaw [1193808](#)
- Attachment 2: Option 1 – Existing Nelson City Council Bylaw - Control of Dogs (2004) pages 1-9 of [219610](#)
- Attachment 3: Option 2 – the Proposed Control of Dogs Bylaw approved for consultation in January 2012 [1191826](#)

No supporting information follows.