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

1. Purpose of Report

- 1.1 To provide additional information relevant to decisions on the Proposed Dog Control Policy and Bylaw 2012 as requested by the Council.

2. Background

- 2.1 The Council received 700 submissions on the proposed Dog Control Policy and Bylaw, and 73 submitters spoke to the Council over two days of hearings on 20 March and 23 March 2012.
- 2.2 Following the hearing of submissions the Council considered both the written and verbal submissions and provided direction to staff on a preferred approach. The Council requested a staff report to assist further decision-making related to the Dog Control Policy and Bylaw review.
- 2.3 Following adoption of a Dog Control Policy and Bylaw, a further review of this bylaw will not be required for 10 years because it will be a second review under the Local Government Act 2002.

3. Summary of Proposed Direction and Further Information Requested from Staff

- 3.1 The Council's preferred direction regarding dog prohibited areas is to retain the proposed prohibited areas with the following changes:
- Retain the part of Marsden Valley Reserve to the east of Barnicoat Reserve as a dog exercise area (with some possible conditions)
 - Retain two of the swimming holes (Girlies Hole and either Black Hole or Dennes Hole) as dog exercise areas during summer (December to March) and allow dogs in all holes during the remainder of the year.
 - Add Sand Island to the list of prohibited areas.
 - Consider limiting the dog prohibited status of the Maitai Cricket Ground to the cricket season.
- 3.2 The Council's preferred direction regarding dogs on leash is to require dogs to be on a lead within the urban centres of the Nelson Central

Business District, the Stoke shopping centre and possibly the Tahunanui shopping centre.

3.3 The Council's preferred direction in general is to allow dogs off leash everywhere else (where they are not prohibited). Possible exceptions to this approach are:

- Shared pathways – staff were requested to provide information on the options of on leash requirements during commuter periods in the early morning and late afternoon, or whether to allow dogs off leash at all times but provide guidelines encouraging people to exercise their dogs outside the commuter periods.
- Neighbourhood reserves – staff were requested to summarise information from submissions related to specific neighbourhood reserves included in the 2012 proposal as off leash areas.
- Running behind vehicles at Boulder Bank Drive – staff were requested to provide information on whether the practice of running dogs behind vehicles could be considered to be having a dog under control, as required by the Dog Control Act.
- Any other issues raised by submitters – staff were requested to provide information on any other issues raised in submissions which have not yet been discussed by Council.

3.4 The implications for further consultation regarding dogs in public places is outlined in section 6 of this report.

3.5 The Council requested staff to provide further information on enforcement options with the current level of funding and the financial implications of more enforcement; as well as the cost implications of more doggy do dispensers and rubbish bins.

3.6 Council indicated a dog park should be provided through the Long Term Plan.

3.7 The Council discussed working with the Dog Owner Group to review the Good Dog Owner Policy, and to establish a forum to discuss issues regarding shared pathways.

3.8 The Council advised staff that information for both dog owners and for the general community should be developed.

3.9 The conclusion to this report provides a summary of the resourcing implications of the Council's proposed direction.

4. Dogs in Public Places – Prohibited Areas

4.1 The Council's preferred direction regarding dog prohibited areas is to:

- Retain the proposed prohibited areas with the exception of the part of Marsden Valley Reserve to the east of Barnicoat Reserve.

- Retain two of the swimming holes (Girllies Hole and either Black Hole or Dennes Hole) as dog exercise areas during summer (December to March) and allow dogs in all holes during the remainder of the year.
- Add Sand Island to the list of prohibited areas.
- Consider limiting the dogs prohibited status of the Maitai Cricket Ground to the cricket season.

Marsden Valley Reserve

4.2 The Council requested staff to provide an assessment of the following options for the part of Marsden Valley Reserve to the east of the Barnicoat Walkway:

- Allow dogs off leash in this area.
- Allow dogs into this area which have been through weka aversion training.
- Allow dogs into this area if they wear a muzzle.

4.3 Assessment of options:

Reserve	Advantages	Disadvantages
Option A – off leash	Unlimited access for dogs and their owners to the native bush tracks in this area.	Risk of impacts on weka.
Option B – allow dogs which have completed weka aversion training	Access for dogs and their owners to the native bush tracks in this area if training has been completed.	Some risk of impacts on weka. Difficult to monitor and enforce. Requirement for patrols and enforcement action. Potential requirement for Council to provide weka aversion training, if DoC does not continue to offer this to the public in future.
Option C – allow dogs if they wear a muzzle	Patrolling can be effective due to the visibility of muzzles. Access for dogs and their owners to the native bush tracks in this area if muzzle is worn.	Requirement for patrols and enforcement action. Dogs may dislike wearing a muzzle.

- 4.4 Page 51 of the Nelson City Council Conservation and Landscape Reserves Management Plan 2009 includes the following policy for Marsden Valley Reserve:

“Allow dogs within exotic plantation forest areas of the reserve only, provided they are under control, or where authorised for reserves management purposes.”

- 4.5 If the Council confirms its decision to allow dogs in the native forest areas of Marsden Valley Reserve, it will be inconsistent with this policy. Under section 80 of the Local Government Act 2002, the Council must clearly identify:

- the inconsistency; and
- the reasons for the inconsistency; and
- any intention of the local authority to amend the policy or plan to accommodate the decision.

Maitai Swimming Holes

- 4.6 The Council expressed mixed views about whether the second swimming hole for dogs should be Dennes Hole or Black Hole. Currently dogs are allowed in Black Hole and Girlies Hole.
- 4.7 One reason given for including Black Hole rather than Dennes Hole is that the two dog swimming holes would be downstream of the two people-only holes. However, water quality monitoring has shown no effect from dogs swimming in holes. The reason for excluding dogs is for general human safety rather than water quality.
- 4.8 The Council’s Monitoring Coordinator has advised there have been dog deaths near Dennes Hole, due to the presence of cyanobacteria just upstream from this swimming hole. While cyanobacteria can occur in any reach of the river, there is a riffle area immediately upstream of Dennes Hole which is where the cyanobacteria tends to grow and gets dislodged into the swimming hole. With Sunday Hole there is a long deep run immediately upstream and it is much less likely that cyanobacteria would grow there. The Monitoring Coordinator considers Dennes Hole is a greater risk to dogs due to the form of the river immediately upstream.

Maitai Cricket Ground

- 4.9 The Maitai Cricket Ground is allocated to the Nelson Cricket Association for Saturday play from October to March. Parks staff have advised it would be acceptable to allow dogs to exercise on this area from April to September each year.

Paremata Flats

- 4.10 The Council asked staff to advise on Fish and Game's concerns about how to get dogs from Maori Pa Road to the Delaware estuary during the game bird season if Paremata Flats is a dog prohibited area.
- 4.11 The public road borders the estuary near the Bishops Peninsula boat ramp, which means dogs do not need to pass through Paremata Flats Reserve to reach the estuary. (Note that the sand and mudflats of Delaware inlet are an on-leash area under the current bylaw.)

5. Dogs in Public Places – On and Off Leash Areas

- 5.1 The Council advised staff that its preferred direction regarding dogs on leash was to:
- Require dogs to be on a lead within the urban centres of the Nelson Central Business District, the Stoke shopping centre and possibly the Tahunanui shopping centre (and provide certainty about the boundary of these areas).
 - Consider which neighbourhood reserves, particularly those which have a playground in them, should be an on lead area.
 - Allow dogs off leash everywhere else (where they are not prohibited).

Urban Centres

- 5.2 The current bylaw includes the following in the list of on lead areas:

"All public footpaths and other public areas within the Central Business District and Suburban Commercial Areas".

- 5.3 The boundary of the CBD can be defined by the Inner City-Centre zoning in the Nelson Resource Management Plan. Both the Stoke and Tahunanui shopping centres are in the Suburban Commercial Zone.

Neighbourhood Reserves

- 5.4 The Council requested staff to provide information on the submissions which related to specific neighbourhood reserves, to assist with decision-making about whether these should be on-leash or off-leash areas.
- 5.5 Submitters opposed the following reserves being off-leash areas:
- Neale Reserve
 - Ballard Reserve
 - Poets Park
 - Bolt Reserve

- Aldinga Reserve
- Betsy Eyre Park
- Bisley Avenue Reserve
- Tresillian Reserve
- Wolfe Reserve
- Pioneer Park
- Wigzell Park
- Todd Bush Reserve
- Te Ata Reserve
- Centennial Reserve
- Ranui Reserve
- Ronaki Reserve
- Manu Kau Reserve

5.6 More detail is shown in the following table:

Reserve	Submitter(s)	Reasons
Aldinga Reserve	54, 57, 153 and 295	Children play here. How to stop dogs not under control from ending up in the children's play area? Busy road. People pick up the faeces when their dog's on a leash. There was a dog attack in this reserve (refer submission 295).
Ballard Reserve	38, 91 and 487	Too small.
Betsy Eyre Park	73 and 296	Too small, not fenced, beside a busy road.
Bisley Avenue Reserve	75 and 89	Too small, busy road. Motorist hazard.
Bolt Reserve	50	Almost every house bordering the park has children under 10 who use the park safely, and there are no other dog free parks nearby. The surrounding houses are not adequately fenced to keep dogs out. The reserve is two minutes from the dog exercise area at Back Beach.

Reserve	Submitter(s)	Reasons
Centennial Reserve	342	This reserve is adjacent to retirement housing and the submitter said elderly people are more intimidated by unleashed dogs.
Frost Reserve	128, 134, 323 and 454	Too small, and hen and sheep issues. Dog faeces always left in this area. Dogs off lead will be a major problem as there are stock yards on the reserve. There are also a lot of permanently housed hunting dogs in that area. Residents have already had dogs come onto their properties and cause problems with stock.
Manu Kau Reserve	693 (NZTA)	Only allow as a dog exercise area if fully fenced.
Neale Reserve	4 and 153	Too small.
Pioneer Park	290 and 455	Not fenced, and used by children.
Poets Park	49, 174, 211, 477 and 589	It has swings, a roundabout and basketball hoop, and children play there.
Ranui Reserve	357	
Reserves in Atawhai	30	Too small.
Ronaki Reserve	414 and 532	
Te Ata Reserve	340	I have lost two hens to dogs, and my neighbour has had a dog in his house trying to get at his animals.
Todd Bush Reserve	328 and 445	Not fenced.
Tresillian Reserve	150 and 411	This reserve is a major access way to Clifton Terrace school, and has a playground and picnic area and is used every day by children for many sporting and play activities. Dogs in this area would have unhindered access to the school grounds.
Wigzell Park	290 and 483	Not fenced, and used by children.
Wolfe Reserve	290	Not fenced, and used by children.

5.7 Submitters expressed support for the following reserves being off lead areas:

- Grampian Oaks Reserve

- Andrews Farm Reserve
- Bledisloe North Reserve

5.8 Proposed new neighbourhood reserves for which the Council did not receive submissions in either opposition or support were:

- Bishops Park
- Blackwood Street Reserve (West)
- Custom House Reserve
- Nikau Reserve
- Woodstock Reserve

5.9 None of the parks listed above have playgrounds in them.

Dogs in Public Places – Off Leash Everywhere Else

5.10 The Council requested further information from staff on any other issues which were not discussed during the deliberations on 23 March 2012. One area that has not yet been discussed is the implications of an off leash default for any areas which are not dog prohibited areas.

5.11 Allowing dogs off leash everywhere except in prohibited areas would be a significant change from the current bylaw which lists the following areas as on leash:

- All public footpaths and other public areas within the Central Business District and Suburban Commercial Areas.
- Maitai Valley Walkway between Salt Water Creek and Trafalgar Street.
- Neighbourhood reserves – excluding those listed in the free roam areas.
- Horticultural parks – Anzac Park, Isel Park, Church Hill, Queen’s Gardens, Broadgreen Rose Gardens and Miyazu Japanese Gardens.
- The sealed surfaces of all walkways and cycleways (excluding those listed under Dog Exercise Areas).
- Nelson Cemeteries.
- Any part other than the playing area of Council Sports Grounds.
- Those areas through which the cycleway/walkways from the airport and Kidson Place to Point Road, and south of the Honest Lawyer pass.
- Wakapuaka Conservation Reserve.

- The sand and mudflats of Delaware Inlet.
 - The Boulder Bank Scenic Reserve from the intersection of Boulder Bank Drive and the Boulder Bank Scenic Reserve south for a distance of 4km at all times, and from that point to the Cut for the period March to September.
- 5.12 If the Council decides to change the areas listed above to off leash, the Council would need to provide specific reasons for the proposed changes. Very few submitters commented on the proposed on lead requirement for these areas, perhaps because these were already on-lead areas in the current bylaw.
- 5.13 A number of submitters opposed Miyazu Reserve being an off leash area, raising concerns about safety for both traffic and dogs. Several submitters suggested this area should be fenced if the Council chooses to retain this as an off leash area.

Shared Pathways (Railway Reserve and Atawhai Shared Pathway)

- 5.14 The Council advised staff that its preferred direction regarding dogs on the shared pathways was to consider the options of:
- Generally off leash, but on leash during the commuter periods in the morning and afternoon.
 - Off leash at all times, but provide guidelines to dog owners that it is better to avoid these areas during commuter periods.
- 5.15 Assessment of options for the Railway Reserve

Reserve	Advantages	Disadvantages
Option A – on leash during commuter periods	A compromise between commuter safety and dog exercise needs. It may reduce the number of dogs on the reserve during commuter periods, due to dog owners’ preference for off-leash exercising.	Costs of publicity, signage and enforcement.
Option B – off leash at all times	Maximises individual choice and promotes shared responsibility for safety and consideration.	Relies on owner’s responsibility and willingness to take other people’s needs into consideration.

- 5.16 Feedback from submitters on the Railway Reserve issue is summarised in Attachment One to this report.

Running Behind Vehicles

5.17 The Council asked staff to advise whether the practice of running dogs behind vehicles (as occurs at Boulder Bank Drive) could be considered to be having a dog under control, as required by the Dog Control Act.

5.18 The staff view is that a person in a vehicle, with a dog running behind the vehicle, does not necessarily have that dog under control. Two options are:

- Do not refer to this practice in the Council bylaw. Instead, respond to incidents on a complaints basis using the provisions of the Dog Control Act.
- Specifically ban this practice within the Council bylaw, and undertake patrols to enforce this aspect of the bylaw.

5.19 Assessment of options

Reserve	Advantages	Disadvantages
Option A – non-regulatory, respond to complaints only	Allows for rigorous exercise of large dogs.	Potential for incidents to occur, and for people to be intimidated, and discontinue recreational use of Boulder Bank Drive.
Option B – regulatory and enforced	More potential to reduce risk of incidents from dogs which are not under control.	Loss of this form of exercise for large dogs. Cost of additional patrols and enforcement.

6. Legal Advice Regarding Further Consultation

6.1 The Council's proposed approach to dogs in public places is substantially different from the 2012 Statement of Proposal. Based on Local Government Act consultation requirements and High Court decisions, the advice is that Council should undertake further consultation using the Special Consultative Procedure. That consultation can be limited to what Council decides the final proposal should be, and can be for the minimum period of one month. Failing to undertake that consultation exposes the Council's decision to challenge.

7. Working Dogs Definition

7.1 The Council advised staff that Land Search and Rescue dogs should be included in the definition of 'working dog' in the bylaw to ensure they are exempt from the rules controlling dogs in public places.

7.2 The Department of Conservation (submission 446) and the Brook Sanctuary Manager (submission 527) both raised issues in their submissions related to the exemptions for working dogs. These are shown in Attachment One.

8. Dog Control Policy (Outside of the Scope of the Bylaw)

Level of Enforcement

- 8.1 The Council requested information on what enforcement is possible with the current funding available, and the financial implications of more enforcement.
- 8.2 The current dog control activity is 80% complaints based. The current staff resource is:
- Manager of EIL (0.25 FTE)
 - Dog Control Officers (2.5 FTE)
 - Administration (1.4 FTE)
 - 24/7 response on roster (6 staff) – average call out and pound time is 6-8 hours per week.
- 8.3 The cost of additional enforcement and education is difficult to quantify without the detail of what would be involved. However, some general principles are:
- Additional after hours patrols would cost more than more patrols during working hours.
 - Additional enforcement would also result in additional administration costs.
 - An additional educational role would result in the need to develop and produce pamphlets and other educational material.
- 8.4 Should the Council decide to employ an additional full time equivalent Dog Control Officer to fulfil an increased enforcement/educational role then the cost would be \$70,000 - \$90,000, which would result in an increase in dog registration fees of \$14 to \$18 per year.
- 8.5 A summary of feedback from submitters on this issue is shown in Attachment One.

Doggy Do Dispensers and Rubbish Bins

- 8.6 Council requested information on the cost implications of installing and maintaining doggy do dispensers.
- 8.7 The costs of doggy do dispensers are a one-off installation cost of \$300 (from rates), and then an annual cost of \$500 - \$700 for bags (from dog registration fees). There is currently a cost of \$8000-\$9000 in EIL staff time to check all 13 dispensers on a weekly basis and this would increase if the number of dispensers increased (to be paid by dog registration fees).

- 8.8 A summary of feedback from submitters on this issue is shown in Attachment One.

Dog Parks

- 8.9 Council advised staff that a fenced dog exercise area should be provided for through the Long Term Plan.
- 8.10 Budget for a dog park was initially proposed for inclusion in the Long Term Plan 2012-22 but this item did not remain in the draft plan due to other projects having a higher priority. Parks staff consider a low cost dog park (with deer fencing and a gate) could be provided for \$20,000 to \$30,000. As a one-off capital project, this could be funded from current reserves in the dog registration fund.
- 8.11 A summary of feedback from submitters on this issue is shown in Attachment One.

Good Dog Owner Policy

- 8.12 The Council advised staff that its preferred direction regarding the Good Dog Owner Policy was to work with the newly formed Dog Owner Group to review this policy. Staff and Marianne Castle (submitter 694, and a member of the Dog Owner Group) consider a revised Good Dog Owner Policy can be developed within one month, including two to three meetings with the Dog Owner Group.
- 8.13 Given that a further special consultative procedure is required regarding the proposed change to dogs in public places aspect of the policy and bylaw, it is also a good opportunity to consult dog owners on a revised Good Dog Owner Policy, within the scope of the dog control policy and bylaw review.

Addressing Conflict Between Users of Shared Pathways

- 8.14 The Council advised staff that its preferred direction to resolve issues between users of shared pathways including cyclists, joggers, pedestrians and dog owners is to set up a forum to discuss these issues and recommend solutions to the Council.
- 8.15 This work is outside the scope of the dog control policy and bylaw review because it needs to involve a range of user groups including cyclists, pedestrians and dog owners, as well as staff from across a number of Council activities including transport, recreation and parks management.
- 8.16 This issue could be addressed through the Active Transport Forum because this forum has objectives and a membership that is well aligned with the purpose of this work (with the addition of dog owner representatives). The terms of reference for this existing forum is shown in Attachment Two.
- 8.17 This work will involve a number of staff across Council and is not currently included in Project Balance for 2012/13.

Education

- 8.18 The Council advised staff that information for both dog owners and for the general community should be developed. Education material should be produced for dog owners with guidance on dog behaviour around children, and what it means to keep a dog under control. General guidance on how to relate safely with dogs should be included in Live Nelson.
- 8.19 Development of new dog ownership information, a quarterly email newsletter similar to Christchurch City Council's 'K9 News', and articles in Live Nelson to provide ongoing information for dog owners and others in the community, can be achieved within current staff resourcing.

Multiple Dog Ownership

- 8.20 This proposed policy has not yet been discussed by the Council. Most submissions supported the proposed approach or made no comment on it. A summary of feedback from submitters on this issue is shown in Attachment One.
- 8.21 It is proposed that people wishing to own more than two dogs in future would pay an additional one-off charge to cover the costs of the approval process.

9. Conclusion

The staff time and cost implications of the Council's proposed direction are shown below. Trade offs with other planned projects will be required to free up the additional staff time to complete this work.

Topic	Action	Costs
Change in approach from the Statement of Proposal regarding dogs in public places and the Good Dog Owner Policy	Special consultative procedure – second round of consultation, limited to: <ul style="list-style-type: none"> - dogs in public places, and - Good Dog Owner Policy. 	150 hours Strategic Response staff time. 175 hours Administration staff time and \$1400 mail out to 4000 dog owners (based on time and costs of first round of special consultative procedure) 20 - 25 hours Community Relations staff time
Good Dog Owner Policy review	Work with Dog Owner Group.	30 hours staff time.
Enforcement	Consider level of provision.	\$70,000 - \$90,000 per year (= \$14 to \$18 increase in dog registration fees).

Topic	Action	Costs
Doggy Do Dispensers and rubbish bins	Consider level of provision.	For each additional dispenser: \$300 installation (from rates) and an annual cost of \$500-\$700 for bags (from dog registration fees). More dispensers would also increase EIL staff time required for checking and refilling dispensers (which currently costs \$8000 – \$9000 per year in EIL staff time for 13 dispensers).
Dog park	Consider provision.	\$20,000 - \$30,000 (from dog registrations reserve fund)
Active Transport Forum – shared pathways	Work with stakeholders.	Staff time across the Council activities of transport, recreation and parks management.
New dog owner information about the policy, bylaw and other matters	Publication for dog owners.	Staff time (25 hours and \$1200 printing cost and design).
Ongoing communication	Quarterly email newsletter and Live Nelson articles.	32 hours staff time per year.

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Attachments

Attachment 1: Summary of Submitter Feedback [1264188](#)

Attachment 2: Terms of Reference for the Active Transport Forum [921979](#)

No Supporting information follows.