JULY 2012

STATEMENT OF PROPOSAL

DOG CONTROL POLICY AND BYLAW
1 **Background**

1.1 **Reasons for the Proposal**

The Council invited feedback on a proposed dog control policy and bylaw early in 2012. Most submitters considered the ‘dogs in public places’ aspect was too restrictive for dog owners and dogs. In response, the Council decided not to proceed with the first proposal. It has developed a new proposed approach, which is reflected in the new Statement of Proposal (as Option A). This is also reflected in the draft policy and bylaw, which form part of this proposal.

‘Dogs in public places’ is the focus of the consultation because it is the most contentious issue, but the entire draft policy and bylaw are open for consultation, as well as any matters relevant to the policy and bylaw that people wish to raise as part of this consultation process. In making its decision on this proposal the Council will be taking account of all submissions made.

1.2 **What is the Key Issue the Policy and Bylaw Needs to Address?**

The key issue to be addressed is where dogs are prohibited, required to be on a lead, or can be off lead. This requires the Council to weigh up a range of values including ability to exercise dogs, public health and safety, wildlife protection and water supply grades.

2 **Legal Provisions**

2.1 **Dog Control Act 1996**

Section 10 of the Dog Control Act 1996 states that every territorial authority must adopt, in accordance with the special consultative procedure set out in section 83 of the Local Government Act 2002, a policy in respect of dogs in the district of the territorial authority. Every policy adopted:

- Shall specify the nature and application of any bylaws made to implement it.
- Shall identify any public areas in which dogs are to be prohibited.
- Shall identify public areas in which dogs are required to be on a lead.
- Shall identify any dog exercise areas in which dogs may be exercised without being on a lead.
- Must state whether dogs classified as menacing dogs are required to be neutered.

It can also address any other issues the territorial authority thinks are appropriate.

The territorial authority must give effect to the dog control policy through a dog control bylaw.

Section 20 of the Dog Control Act states that any territorial authority may, in accordance with the Local Government Act 2002, make bylaws for all or any of the following purposes:

- Prohibiting dogs, whether under control or not, from specified public places.


- Requiring dogs, other than working dogs, to be controlled on a lead in specified public places, or in public places in specified areas or parts of the district.

- Regulating and controlling dogs in any other public place.

- Designating specified areas as dog exercise areas.

- Prescribing minimum standards for the accommodation of dogs.

- Limiting the number of dogs that may be kept on any land or premises.

- 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.

- 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.

- Requiring any bitch to be confined but adequately exercised while in season.

- 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.

- 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 this Act).

- Any other purpose that from time to time is, in the opinion of the territorial authority, necessary or desirable to further the control of dogs.

2.2 **Is the Proposed Bylaw the Most Appropriate Form of Bylaw?**

The draft policy and bylaw, which reflect the Council’s proposed approach, meet the following tests:

- They are authorised by statutory authority, by sections 10 and 20 of the Dog Control Act 1996.

- The policy and bylaw are not repugnant to the general laws of New Zealand.

- The policy and bylaw are certain and provide clear direction.

- The policy and bylaw are reasonable.

- The policy and bylaw are not overly restrictive, onerous on any person, or impractical.
2.3 **Does the Proposed Bylaw Give Rise to Any Implications Under the New Zealand Bill of Rights Act 1990 (NZBORA)?**

Part 2 of the NZBORA sets out 20 rights that are affirmed and protected under the NZBORA, subject to “such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society” (section 5 of the NZBORA). Section 18 (freedom of movement) of the NZBORA is particularly relevant. The proposed policy and bylaw are consistent with these sections because they provide for the exercise and recreational needs of dogs and their owners.

2.4 **The Statement of Proposal**

In adopting the Statement of Proposal for public consultation, including a draft policy and bylaw indicating the proposed option, the Council is required to consider whether the draft policy and bylaw meet the requirements of sections 10 and 20 of the Dog Control Act 1996.

The Council considers the draft policy and bylaw do meet these requirements.

3 **Options to Address the Issue**

The Council developed its proposed approach to dogs in public places following consultation on the February 2012 proposal. However, the Council welcomes feedback on both of the other options included with this proposal.

3.1 **Option A: The Proposed Approach – the July 2012 Proposal**

<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dogs Prohibited</strong></td>
</tr>
<tr>
<td>• No dogs are allowed in the dog prohibited areas listed in Appendix 1.</td>
</tr>
<tr>
<td><strong>Dogs on a Lead</strong></td>
</tr>
<tr>
<td>• Dogs are allowed, but only on a lead, in the Central Business District and the Stoke and Tahunanui shopping centres, and in all neighbourhood parks not listed as off lead areas in Appendix 1.</td>
</tr>
<tr>
<td><strong>Dogs Under Control – On or Off Lead</strong></td>
</tr>
<tr>
<td>• In all public places where dogs are not prohibited or required to be on a lead, dogs must be kept under control by the owner. It is the responsibility of the owner to decide whether this control can be achieved off lead or on a lead. Under control means that at all times a dog is able to be restrained or to obey commands.</td>
</tr>
</tbody>
</table>

Note: The Maitai Walkway, the Railway Reserve and the Atawhai Shared Pathway are included in this category.
Reasons for the Proposed Approach

The Council received significant feedback from the community that the ability to exercise dogs off lead is highly valued by Nelson dog owners.

The Council recognises the role dog ownership plays in:

- Encouraging people to exercise, as they take their dogs for a walk or run.
- Enhancing social wellbeing, as dog owners interact with others while exercising their dogs.
- Providing companionship for many people. This is particularly important for people living on their own, which is an increasing trend.

In most places, other than sensitive areas such as children’s playgrounds, shopping centres, and reserves with significant recreation and conservation values, the Council proposes to enable dog owners to choose how best to ensure their dogs are under control at all times (as required by the Dog Control Act).

This approach gives dog owners more choice about how best to exercise their dog as well as responsibility for effectively controlling their dog so that it does not cause danger, distress or nuisance to the community.

Another reason for the Council’s proposed approach is to simplify the bylaw, making it easier to understand and to implement.

3.2 Other Options Considered by the Council (which are not proposed, but on which comments are also welcome)

Option B: 2004 Bylaw (Updated)

Retain the 2004 Policy and Bylaw which lists prohibited, on lead and off lead areas – with the addition of new reserves and facilities created (or changed) since 2004, or to reflect Council policy developed since 2004. (See list of prohibited, on lead and exercise areas in the 2004 bylaw in Appendix 2.)

This option is included in this Statement of Proposal because many submitters on the earlier proposal requested a return to the status quo (the 2004 approach).

Option C: February 2012 Proposal (Withdrawn)

Retain aspects of the proposal that was notified and consulted upon in February 2012. (See list of prohibited, on lead and exercise areas for this first proposal in Appendix 3.)
4 Shared Pathways

The shared pathways are a highly valued resource for cyclists, pedestrians and dog owners. The Council considered three different options for the shared pathways of the Railway Reserve and the Atawhai Shared Pathway before deciding on its proposed approach of dogs being allowed off lead at all times.

The other two options considered were:

- On leash during commuter periods.
- On lead at all times.

The advantages and disadvantages of these options for shared pathways were identified as follows:

<table>
<thead>
<tr>
<th>Option</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 2012 proposed approach: Off lead at all times</td>
<td>Maximises individual choice and promotes shared responsibility for safety and consideration.</td>
<td>Reduced sense of safety for some users of shared pathways.</td>
</tr>
<tr>
<td>On lead during commuter periods</td>
<td>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-lead exercising.</td>
<td>Costs of publicity and signage, and more complex approach for enforcement.</td>
</tr>
<tr>
<td>On lead at all times</td>
<td>Increased traffic safety along SH6 (for the Atawhai Shared Pathway). Increased sense of safety for some users of the shared pathways.</td>
<td>Loss of significant exercise areas for dogs and their owners.</td>
</tr>
</tbody>
</table>

The Dog Owner Group will take part in an Active Transport Forum meeting on 2 August 2012 to discuss ways to enhance how dogs and their owners, pedestrians, runners and cyclists share these multi-use spaces.

5 Marsden Valley Reserve to the east of the Barnicoat Walkway

The Council considered 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 if they have been through weka aversion training.
- Allow dogs into this area if they wear a muzzle.
- Prohibit dogs in this area.
### Assessment of options:

<table>
<thead>
<tr>
<th>Reserve</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off lead</td>
<td>Unlimited access for dogs and their owners to the native bush tracks in this area.</td>
<td>Risk of impacts on weka. Inconsistency with the Nelson City Council Conservation and Landscape Reserves Management Plan 2009.</td>
</tr>
<tr>
<td>Allow dogs which have completed weka aversion training</td>
<td>Access for dogs and their owners to the native bush tracks in this area if training has been completed.</td>
<td>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 the Department of Conservation does not continue to offer this to the public in future.</td>
</tr>
<tr>
<td>Allow dogs if they wear a muzzle</td>
<td>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.</td>
<td>Requirement for patrols and enforcement action. Dogs may dislike wearing a muzzle.</td>
</tr>
<tr>
<td>Prohibit dogs</td>
<td>Aligned with the Nelson City Council Conservation and Landscape Reserves Management Plan 2009 (page 51) which includes the following policy for Marsden Valley Reserve: &quot;Allow dogs within exotic plantation forest areas of the reserve only.&quot;</td>
<td>Loss of a dog exercise area in native bush</td>
</tr>
</tbody>
</table>

### 6 Maitai Swimming Holes

The Council is proposing to prohibit dogs from the following Maitai River swimming holes and the listed picnic areas: the picnic area and river bank beside Black Hole (true right side only), Dennes Hole and the adjacent picnic area, Sunday Hole and the adjacent picnic area, and Maitai Camp Hole. (This prohibition only applies from December to March each year.)

The Maitai swimming holes and adjacent picnic areas are important and highly popular recreation and swimming spots for large numbers of residents and visitors of all ages. The high numbers of families frequenting these areas during
summer months can lead to potential conflict between children and dogs. Further, because the spaces are confined the potential approach and movement of dogs through people’s picnics can be intimidating for some members of the public. When use is high there is also increased potential for conflict between dogs. In addition, any dog faeces left uncollected becomes a health risk. The nature of the river bank means that detection and clean up of faeces is more difficult and can be easily overlooked by owners.

The setting aside of the river bank and picnic area on the true right side of Black Hole, whilst retaining the option for dogs to swim in this hole by accessing it from the true left side (the side with the Maitai walkway), still provides dogs with ample exercise and swimming opportunities. There are also picnic tables on this side of the river, allowing people to picnic with their dogs. Dog owners are still able to park their cars on the true right hand side of the river near Black Hole and walk across the nearby bridge to access the true left side of the river.

The high levels of cyanobacteria detected immediately upstream of Dennes Hole means that this swimming hole is not suitable as a dog swimming area during summer months.

Other options considered were:
- Prohibit dogs from Dennes Hole, Sunday Hole and Maitai Camp Hole throughout the year
- Prohibit dogs from Black Hole but allow dogs to swim in Dennes Hole. This option was not chosen because there have been dog deaths near Dennes Hole, due to the presence of cyanobacteria just upstream from this swimming hole.
- Prohibit dogs from Girlies Hole, Black Hole, Dennes Hole, Sunday Hole and Maitai Camp Hole, and adjacent picnic areas, throughout the year

7 Neighbourhood Parks

Council has received mixed feedback on whether the following neighbourhood parks should be on lead or off lead areas:
- Current off lead areas: Kowhai Reserve, Orchard Reserve, Pipers Park, Poplar Reserve, and Queen Elizabeth II Reserve
- Current on lead areas: Betsy Eyre Park, Ranui Reserve, Marybank Reserve, Tresillian Reserve and Wolfe Street Reserve.

For this reason a specific question about the on lead or off lead options for these parks is included in this Statement of Proposal (see question 4).

8 Good Dog Owner Policy

A new proposed policy has been developed in collaboration with the Dog Owner Group which, if adopted, will take effect from July 2013:

- A Substantial Good Dog Owner discount applies on an annual basis for meeting the following three conditions:
  - Having no more than one minor, proven complaint/impounding, and
  - Having adequate fencing or other means of containing the dog on the property, and complying with standard welfare requirements for water, shelter and food (spot checks will apply), and
• Paying registration fees on time.
  
  o An additional ongoing registration fee discount applies for any dog that is either neutered, or registered as a member of the New Zealand Kennel Club.
  
  o One discount voucher will also be available per dog, for all dog owners towards attending a recognised training course or 1:1 training to address a behavioural issue (only payable by Council, if it is redeemed with an approved provider).

People on the current Good Dog Owner scheme will automatically transfer to the above Good Dog Owner discount in 2013.

Note: If this new proposal is adopted by the Council, it is likely to result in an increase of the base registration fee. Widening the gap between the base fee and the Good Dog Owner discount will provide more of an incentive to meet the criteria. Dog owners who meet the Good Dog Owner criteria will not be affected by this change.

Two other options under consideration:
  • to discontinue the Good Dog Owner Policy and provide a discount to all dog owners who pay their registration fees on time; and
  • to retain the existing Good Dog Owner Policy.

9 Questions for Submissions

The following are questions you may wish to consider when making a submission. Although these specific questions have been posed within this Statement of Proposal, any comment or feedback is welcome on the options being considered for dogs in public places, and on any other aspects of the draft policy and bylaw.

A submission form containing these questions is available on the website and from the Council’s Customer Service Centre.
9.1 Feedback on the proposed approach (Option A), and the two other options which are not proposed but on which comments are welcome

**Question 1:**

The following table provides a summary of the differences between the proposed approach (Option A) and the other two options which have been considered by Council.

Please provide your feedback in respect of any of these options.

<table>
<thead>
<tr>
<th>Area</th>
<th>Option A: July 2012 proposed approach</th>
<th>Option B: 2004 bylaw (updated)</th>
<th>Option C: February 2012 proposed approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Default for unlisted areas</td>
<td>Off lead</td>
<td>Not specified</td>
<td>On lead</td>
</tr>
<tr>
<td>Marsden Valley</td>
<td>Off lead – to the west of the Barnicoat Walkway. Prohibited – to the east of the Barnicoat Walkway.</td>
<td>Off lead</td>
<td>Off lead – to the west of the Barnicoat Walkway. Prohibited – to the east of the Barnicoat Walkway.</td>
</tr>
<tr>
<td>Sand Island</td>
<td>Prohibited</td>
<td>Not specified</td>
<td>Not specified</td>
</tr>
<tr>
<td>Whakapuaka Raupo Swamp</td>
<td>Prohibited</td>
<td>Not specified</td>
<td>Not specified</td>
</tr>
<tr>
<td>Haven Holes</td>
<td>Prohibited</td>
<td>Not specified</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Trafalgar Park</td>
<td>Prohibited</td>
<td>Not specified</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Saxton Field special facilities</td>
<td>Prohibited</td>
<td>Not specified</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Fenced area of the foreshore and esplanade reserve at Paremata Flats Reserve</td>
<td>Prohibited</td>
<td>Not specified</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Maitai Swimming holes</td>
<td>Prohibited status only applies from December to March each year. Prohibited in Dennes, Sunday and Maitai Camp</td>
<td>Prohibited in Dennes, Sunday and Maitai Camp swimming holes Swimming allowed in Black Hole and Girkles Hole</td>
<td>Prohibited in Girkles Hole, Black Hole, Dennes Hole, Sunday Hole and Maitai Camp Hole, and adjacent picnic areas</td>
</tr>
<tr>
<td>Area</td>
<td>Option A: July 2012 proposed approach</td>
<td>Option B: 2004 bylaw (updated)</td>
<td>Option C: February 2012 proposed approach</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>---------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>swimming holes and adjacent picnic areas</td>
<td>Prohibited in the picnic area and true right bank beside Black Hole.</td>
<td>Prohibited from October to February</td>
<td>Prohibited from October to February</td>
</tr>
<tr>
<td>and Girlies Hole</td>
<td>Off lead from March to September</td>
<td>On lead from March to September</td>
<td>Off lead from March to September</td>
</tr>
<tr>
<td>The Boulder Bank Scenic Reserve from the Cut towards Boulder Bank Drive, for 4km</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban streets other than the Central Business District and the Stoke and Tahunanui shopping centres</td>
<td>Off lead</td>
<td>Not specified</td>
<td>On lead</td>
</tr>
<tr>
<td>The Maitai Walkway between Saltwater Creek and Trafalgar Street</td>
<td>Off lead</td>
<td>On lead</td>
<td>On lead</td>
</tr>
<tr>
<td>Horticultural parks – Anzac Park, Isel Park, Church Hill, Queens Gardens, Melrose Gardens, Broadgreen Rose Garden and Miyazu Japanese Gardens</td>
<td>Off lead</td>
<td>On lead</td>
<td>On lead</td>
</tr>
<tr>
<td>Nelson Cemeteries</td>
<td>Off lead</td>
<td>On lead</td>
<td>On lead</td>
</tr>
<tr>
<td>Any part other than the playing area of Council Sports Grounds</td>
<td>Off lead</td>
<td>On lead</td>
<td>On lead</td>
</tr>
<tr>
<td>Those areas through which the cycleway / walkways pass from the airport and Kidson Place to Point Road, and south of the Honest Lawyer</td>
<td>Off lead</td>
<td>On lead</td>
<td>On lead</td>
</tr>
</tbody>
</table>
### Area

<table>
<thead>
<tr>
<th>Area</th>
<th>Option A: July 2012 proposed approach</th>
<th>Option B: 2004 bylaw (updated)</th>
<th>Option C: February 2012 proposed approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wakapuaka Conservation Reserve</td>
<td>Off lead</td>
<td>On lead</td>
<td>Off lead</td>
</tr>
<tr>
<td>The sand and mudflats of Delaware Inlet</td>
<td>Off lead</td>
<td>On lead</td>
<td>Off lead</td>
</tr>
<tr>
<td>The Boulder Bank Scenic Reserve from the intersection of Boulder Bank Drive and the Boulder Bank Scenic Reserve south for a distance of 4 kilometres at all times, and from that point to the cut for the period March to September</td>
<td>Reworded as &quot;The Boulder Bank Scenic Reserve from the Cut towards Boulder Bank Drive for 4km from October to February.&quot;</td>
<td>On lead</td>
<td>Off lead</td>
</tr>
<tr>
<td>Neighbourhood parks</td>
<td>Default of on lead, with exceptions listed (see A3 in Appendix 1)</td>
<td>Default of on lead, with exceptions listed (see B3, #12, in Appendix 2)</td>
<td>Default of on lead, with exceptions listed (see C3, #10 in Appendix 3)</td>
</tr>
</tbody>
</table>

**Question 2:**

Are there any other areas (not listed above) which should be included in the prohibited, on lead or off lead categories?

Why?

**Question 3:**

The Railway Reserve and Atawhai Shared Pathway are proposed to continue to be off lead areas. Do you agree?

Why or why not?

**Question 4:**

If you have a view, please indicate your preference for off or on lead status for the following neighbourhood parks, and please provide your reasons.
<table>
<thead>
<tr>
<th>Current off lead areas</th>
<th>Off lead</th>
<th>On lead</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kowhai Reserve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Orchard Reserve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pipers Park</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poplar Reserve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Queen Elizabeth II Reserve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Currently on lead areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Betsy Eyre Park</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ranui Reserve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marybank Reserve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tresillian Reserve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wolfe Reserve</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Question 5:**

Do you support the proposed Good Dog Owner Policy? Why or why not?

**Question 6:**

Do you have any other comments about the proposal?

**10 Submissions**

Any interested person or body is welcome to make submissions or comments on the proposed approach and the other options which have been considered for dogs in public places and on any aspect of, or omission from, the draft policy and bylaw. Please note that the entire draft policy and bylaw are open for consultation, as well as any matters relevant to the policy and bylaw that people wish to raise as part of this consultation process. Council in making its decision will be taking account of all submissions made.

**Note:** People who submitted on the February 2012 proposal, and wish to restate part or all of that position, can do so by attaching a copy of their earlier submission to this form and highlighting the relevant points. (A full set of the previous submissions is available at the Elma Turner Library, if you need to make a copy, or you can email administration.support@ncc.govt.nz for assistance.)
**Public information:** Submissions to Council are public information. Your submission will be available to the public and the media.

To make your submission online go to nelsoncitycouncil.co.nz (search phrase = July 2012 dog control proposal)

OR email submissions@ncc.govt.nz

OR post your submission form to:
Dog Control Policy and Bylaw Review
Nelson City Council
PO Box 645
Nelson 7040

Or drop your submission form and/or any written comments to the Civic House Customer Services Centre, 110 Trafalgar Street, Nelson.

Submissions must be received no later than 5.00pm on Monday, 27 August.

Any person who wishes to speak to the Council in support of their submission can do so at a hearing which will commence at 9.00am on either Monday 24 September or Tuesday 25 September 2012. The hearing date will depend on the number of submitters who wish to be heard.

Copies of the Statement of Proposal and draft Policy and Bylaw, and maps showing the location of proposed dog prohibited and on lead areas, are available free of charge from Civic House or on request.

All enquiries should be directed to Debra Bradley on 546 0261.
APPENDIX ONE

Option A – Proposed Approach for Dogs in Public Places

A1 Dog Prohibited Areas

1. Nelson Airport.
2. Eastern two thirds of Tahunanui Beach.
3. The playing area of any Council sports grounds. (The exception is Maitai Cricket Ground, for which the prohibition only applies from October to March each year.)
4. Children’s playgrounds - the section of the reserve set aside for playground equipment.
8. Any public building owned or controlled by the Council. (Except in respect of the Trafalgar Centre or Stoke Hall when a function involving dogs is being held.)
10. Saxton Field Cricket Oval and the Athletics Track.
11. Saxton Field Hockey and Softball Areas.
12. Haulashore Island.
13. Oyster Island.
15. The following Maitai River swimming holes and the listed picnic area: the picnic area and river bank beside Black Hole (true right side only), Dennes Hole and the adjacent picnic area, Sunday Hole and the adjacent picnic area, and Maitai Camp Hole and the adjacent picnic area. (This prohibition only applies from December to March each year.)
16. Dogs are prohibited from being on Department of Conservation that is not foreshore or sea bed. (Dogs are permitted on foreshore and sea bed administered by the Department of Conservation unless it is an area listed as prohibited in the Bylaw.)
17. The beaches and estuary flat of Nelson Haven bounded by the Boulder Bank Scenic Reserve (to the west) and Boulder Bank Drive (to the east) for a distance of 500 metres along each of those boundaries.
18. The Boulder Bank Scenic Reserve, from the Cut towards Boulder Bank Drive for 4km, from October to February.
19. Whakapuaka Raupo Swamp.
20. The fenced area of the foreshore and esplanade reserve at Paremata Flats.
21. The part of the Marsden Valley Reserve to the east of the Barnicoat Walkway.
22. Sand Island.

A2 Dogs on Lead

2. Stoke Shopping Centre.
3. Tahunanui Shopping Centre.
4. All neighbourhood parks not listed as off lead areas.


A3 Neighbourhood Parks in which Dogs may be Off Lead

1. Abraham Heights Reserve.
2. Andrews Farm Reserve.
3. Bayview Road Reserve (North).
5. Bishop’s Park.
10. Emano East Reserve.
11. Emano West Reserve.
12. Fairfield Park.
15. Kowhai Reserve.
16. Murphy North Reserve.
17. Murphy South Reserve.
20. Orchard Reserve.
22. Poplar Reserve.
23. Queen Elizabeth II Reserve.
24. Station Reserve.
25. Songer Reserve.
27  Wakapuaka Reserve.
28  Waterhouse Reserve.
29  Woodstock Reserve.

A4  Dogs off lead

Dogs may be off lead in all other areas, if the owner is able to keep them under control. Under control means that at all times the dog is able to be restrained or to obey commands.
APPENDIX TWO

Option B – 2004 Bylaw Approach to Dogs in Public Places (Updated)

B1 Dog Prohibited Areas

The same prohibited areas as for Option A (excluding: Paremata Flats, Sand Island and the eastern part of Marsden Valley Reserve, Saxton Field facilities and Trafalgar Park).

B2 Dogs on Lead

1. All footpaths in the Central Business District and Suburban Commercial Areas (Stoke and Tahunanui).
2. The Maitai walkway between Saltwater Creek and Trafalgar Street.
3. Neighbourhood parks – excluding those listed as off lead areas.
6. Any part other than the playing area of Council Sports Grounds.
7. Those areas through which the cycleway/walkways pass from the airport and Kidson Place to Point Road, and south of the Honest Lawyer.
8. Wakapuaka Conservation Reserve.
9. The sand and mudflats of Delaware Inlet.
10. The Boulder Bank scenic reserve from the intersection of Boulder Bank Drive and the Boulder Bank Scenic Reserve south for a distance of 4 kilometres at all times, and from that point to the cut for the period March to September.

B3 Areas where Dogs may be Off Lead

1. Tahunanui Back Beach.
2. Branford Park.
3. Fairfield Park.
4. Boulder Bank Drive (Sewerside Drive).
5. The Boulder Bank north from its intersection with Boulder Bank Drive, to the Glen.
7. Maitai Walkway above Trafalgar Street Bridge.
8. Grampians – except on a lead when stock are grazing.
9. Sir Stanley Whitehead Park – except on a lead when stock are grazing.
10. Areas under the direction of the Canine Obedience Club.
11. Railway Reserve – St Vincent Street to Elms Street.
12. Abraham Heights Reserve, Bayview road Reserve (North), Bishopdale Reserves (North and South), Bledisloe Avenue Reserve (North), Corder Park, Emano Street Reserves (East and West), Hanby Park, Hira Store Reserve, Kowhai Avenue/Stafford Avenue Reserve, Murphy Street Reserves (Lower and Upper), Ngapua Reserve, Orchard Stream Gardens, Pipers Park, Poplar Reserve, Ronaki Reserve, Songer Street/The Ridgeway Corner Wilderness Reserve, Station Reserve, Tosswill Reserve and Waterhouse Street Reserve.
13. Marsden Valley – (From War Memorial up).

**Swimming for Dogs**

1. Blind channel at Tahunanui Beach.
2. All the area of the Maitai River, excluding Maitai Camp Hole, Sunday Hole and Dennes Hole.

**B4 New Areas to Add, to Update the 2004 Bylaw**

1. Atawhai Shared Pathway.
2. Trafalgar Park.
4. Saxton Field Hockey and Softball Areas.
6. The fenced area of the foreshore and esplanade reserve at Paremata Flats.
7. Sand Island.
8. Brook Conservation Reserve (no longer part of the Waterworks Reserve).
9. The part of the Marsden Valley Reserve to the east of the Barnicoat Walkway.
APPENDIX THREE

Option C – February 2012 Proposal (Withdrawn)

C1 Dog Prohibited Areas
1. Nelson Airport (unless transporting dogs for air lift out of Nelson; or dogs securely restrained in the owner’s vehicle).
2. Eastern two thirds of Tahunanui Main Beach.
3. The playing area of any Council sports grounds.
4. Children’s playgrounds - the section of the reserve set aside for playground equipment.
5. Nelson City Council Water Works Reserves (without Council permits):
   - Maitai Valley
   - Roding
7. Any public building owned or controlled by the Council. (Except in respect of the Trafalgar Centre or Stoke Hall when a function involving dogs is being held.)
8. Trafalgar Park.
10. Saxton Field Hockey and Softball Areas.
11. Haulashore Island.
12. Oyster Island.
14. The following Maitai River swimming holes and the listed barbeque facilities and picnic area:
   - Girlies Hole
   - Black Hole and the barbeque facilities adjacent to it
   - Dennes Hole
   - Sunday Hole and the picnic area adjacent to it
   - Maitai Camp Hole
15. Dogs are prohibited from being on any land administered by the Department of Conservation that is not foreshore or sea bed unless the owner has specific authorisation, for example a dog control permit, or the area is otherwise specifically provided for in the Dog Control Bylaw or by the Department of Conservation. (Dogs are permitted on foreshore and sea bed administered by the Department of Conservation unless it is an area listed in this Schedule.)
16. The beaches and estuary flat of Nelson Haven bounded by the Boulder Bank Scenic Reserve (to the west) and Boulder Bank Drive (to the east) for a distance of 500m along each of those boundaries.
17. The Boulder Bank Scenic Reserve, during the period from October to February, from a point 4km from the intersection of Boulder Bank Drive and the Boulder Bank Scenic Reserve, to the Cut.
18. The fenced area of the foreshore and esplanade reserve at Paremata Flats.
19. The part of the Marsden Valley Reserve to the east of the Barnicoat Walkway.
**C2  Dogs on Lead**

Dogs must be kept on a leash in all public areas in the urban area. The only exceptions are those areas where dogs are prohibited, and the areas listed as dog exercise areas or swimming for dogs.

**C3  Areas where Dogs may be Off Lead**

1. Tahunanui Back Beach and the western third of the Tahunanui Main Beach.
2. Branford Park.
3. Fairfield Park.
4. The Boulder Bank north from its intersection with Boulder Bank Drive, to the Glen.
5. Maitai Valley – Almond Tree Flat area.
6. Maitai Valley – the paddock before the golf course.
7. Grampians, except on a leash where stock are grazing.
8. Sir Stanley Whitehead Park, except on a leash where stock are grazing.
9. Areas under the direction of the Canine Obedience Club.
10. The following neighbourhood reserves:
    - Whangamoa – Frost Reserve and Hira Store Reserve
    - Atawhai – Bayview Road Reserve (North), Corder Park, Frenchay Reserve, Montrose Reserve, Ngapua Reserve, Te-Ata Reserve, Todd Bush Reserve and Tresillian Reserve
    - Nelson City – Abraham Heights Reserve, Andrews Farm Reserve, Betsy Eyre Park, Bishopdale Reserve (North), Custom House Reserve, Emano Street Reserves (East and West), Grampian Oaks Reserve, Hanby Park, Murphy Street Reserves (Lower and Upper), Pioneers Park, Pipers Park, Ronaki Reserve, Russell Reserve, Station Reserve, Wigzell Park and Wolfe Reserve
    - Stoke – Aldinga Reserve, Ballard Drive Reserve, Bishops Park, Bledisloe Avenue Reserve (North), Enner Glynn North Reserve, Kowhai Avenue/Stafford Avenue Reserve, Manson Reserve, Manu Kau Reserve, Monaco Reserve, Neale Reserve, Ngaio Reserve, Nikau Reserve, Orchard Stream Gardens, Poets Park, Poplar Reserve, Ranui Reserve, Songer Street/The Ridgeway Corner, Wilderness Reserve, Tokomaru Reserve, Waterhouse Street Reserve and Woodstock Reserve
    - Tahunanui – Bisley Reserve, Blackwood West Reserve, Bolt Reserve, Centennial Park and Toosswill Reserve
11. The part of the Marsden Valley Reserve to the west of the Barnicoat Walkway.
12. Miyazu Reserve (between Neale Park and Paremata Street).
13. Saxton Field Circus Oval – excluding the periods when a circus is occupying the area.
14. Undeveloped areas of Saxton Field.

**Swimming for Dogs**

1. Blind channel at Tahunanui Back Beach (foot access is provided along Waikare Street Extension, Bisley Walk and the BMX track walkway). Dogs must be kept on a leash until the dog exercise area is reached.
2. All reaches of the Maitai River excluding the swimming holes listed in the First Schedule.