
Minutes of a meeting of the Nelson City Council to hear and consider submissions to the draft Dog Control Policy and Bylaw Review

Held in the Council Chamber, Civic House, Trafalgar Street, Nelson

On Tuesday 20 March 2012, commencing at 9.00am

Present: Councillors A Boswijk (Chairperson), I Barker, E Davy, K Fulton, J Rackley, P Rainey, R Reese, and M Ward

In Attendance: Acting Chief Executive (R Johnson), Executive Manager Network Services (A Louverdis), Executive Manager Strategy and Planning (M Schruer), Manager Environmental Inspections Limited (S Lawrence), Manager Parks and Facilities (P McArthur), Manager Policy and Planning (N McDonald), Manager Resource Consents (M Bishop), Planning Adviser (D Bradley), and Administration Adviser (L Canton)

Apologies: His Worship the Mayor Aldo Miccio, Councillors R Copeland, P Matheson, J Rackley (for lateness), and D Shaw (for lateness)

1. Apologies

Resolved

THAT the apologies be received and accepted.

Boswijk/Rainey

Carried

2. Conflicts of Interest

The Chairperson noted that owning a dog was not a conflict of interest.

It was noted that Councillor Collingwood would not sit on the hearings panel as she had made a submission to the review.

Attendance: Councillor Ward joined the meeting at 9.05am.

3. Introduction

The Chairperson welcomed everyone to the hearing and explained that the meeting was scheduled to run over two days, Tuesday 20 and Friday 23 March. She said that once all submitters who wished to speak had been heard, there would be a consideration period on Friday 23 March.

4. Late submissions

Resolved

THAT Council accept the five late submissions to the Dog Control Policy and Bylaw Review 2012.

Reese/Rainey

Carried

5. Hearing of Submissions

Document No. 1227476, additional folder of submissions refer.

- 5.1 Richard Palmer, submission 296, submissions pages 395 refer.

Mr Palmer said that the proposed changes would not change the incidence of dog attacks. He said owner responsibility should be encouraged, the Good Dog Owner policy retained, and the Council could encourage education on how to behave around dogs.

- 5.2 Ivan Downing, submission 59 & 589, submissions pages 54 & 910 refer.

Mr Downing highlighted that the proposed policy listed Poets Park, which contained a playground, as an off-leash exercise area. He said that most people currently passed through Poets Park with their dogs on-leash, although a few had been seen off-leash.

- 5.3 Ian Price, submission 25, submissions pages 25 refer.

Mr Price said he supported banning dogs from the fenced area at Paremata Flat where there was a Forest & Bird programme to protect ground nesting birds. He said that as there were currently very few dogs sighted in the area, it should not be difficult to enforce a ban.

- 5.4 William Hobbs, submission 67, submissions pages 79 refer.

Mr Hobbs highlighted that one in four households had a dog, so there was a need to recognise their contribution to community well-being. He suggested that dog attacks were usually the result of unattended dogs and managing these was not part of the policy.

In response to a question, Mr Hobbs clarified that he thought the Maitai walkway should not be changed to an on-leash area as it was a very important area for owners to let their dogs run free.

- 5.5 Rosa Coutts, submission 69, submissions pages 86 refer.

Ms Coutts spoke to her submission. She said that the proposed policy was not adequate for dogs requiring off-leash exercise, and that some proposed off-leash areas such as Almond Tree Flat often had stock present, or were not fit for purpose. She added that the onus for safety on shared paths should be on cyclists.

In response to a question, Manager Parks and Facilities, Paul McArthur, clarified that Almond Tree Flat and Stanley Whitehead Park were managed grazing areas and grazing would continue at intervals, which would be notified.

- 5.6 Irene Minchin, submission 73, submissions pages 91 refer.

Ms Minchin spoke to her submission and noted that as someone who worked in a hospital theatre, she had seen very few injuries related to dog attacks. She added that Miyazu Park was not a suitable off-leash area due to its proximity to a busy road.

- 5.7 Candy Clarke, submission 79, submissions pages 101 refer.

Ms Clarke said she opposed making the Maitai into an on-leash exercise area as she had not experienced any issues with dogs being exercised off-leash in the area. She said that one of the reasons for her family having a dog was their perception that Nelson was a dog friendly city.

- 5.8 Jackie McGrath, submission 83, submissions pages 108 refer.

Ms McGrath highlighted the importance of the use of the Railway Reserve by senior citizens who wished to exercise their dog off-leash, and noted that education of dog owners was very important.

In response to questions, Ms McGrath said that she would support scheduled on and off-leash exercise times in specific areas. She agreed that more dog wardens may be helpful, and said she had noticed an improvement in dog owner behaviour over the years.

- 5.9 Kass Harker, submission 87, submissions pages 117 refer.

Ms Harker said that she opposed most of the proposed changes. She said that the Good Dog Owner policy should be retained and suggested two categories of dog licensing for those dogs that were recognised as trained, obedient dogs and those that were not.

- 5.10 Kass Harker, on behalf of Nola Cahill, submission 339, submissions pages 463 refer.

Ms Harker spoke on behalf of Ms Cahill, who emphasised the value of dog exercising for the elderly and noted that exercise areas needed to be flat and accessible in order to be suitable for the less able elderly. She added that there should be no reduction in off-leash exercise areas.

- 5.11 Jane Gass, submission 90, submissions pages 122 refer.

Ms Gass spoke to her submission. She suggested that the area opposite Marsden Valley cemetery entrance should be considered for inclusion in the policy. In response to a question, Mr McArthur advised that this area was Council-owned land.

- 5.12 Sean Thomas, submission 98, submissions pages 134 refer.

Mr Thomas said that being on a leash did not make dogs any less dangerous if they were not well-controlled dogs. He suggested that instead dog owners could have their dogs off-leash if they were under demonstrated control.

- 5.13 Bob Hancock, submission 295, submissions pages 393 refer.

Mr Hancock said dogs in the Marsden Valley should not be restricted except in the wildlife reserve, and as the Aldinga Reserve was a well used, unfenced recreational and playground area, it should not be made an off-leash area. He suggested the creation of a fenced dog run area.

In response to a question, Mr Hancock said people should have their dogs on a leash in public rather than only under demonstrated control as there were a wide range of dog temperaments.

- 5.14 Jennie Warr, submission 117, submissions pages 156 refer.

Ms Warr highlighted the social engagement that stemmed from owning a dog. She said she was opposed to any changes to the current policy and bylaw, and noted that she had not witnessed any incidents of dangerous dog behaviour in two years of owning a dog.

- 5.15 Rosanne Birch, submission 494, submissions pages 714 refer.

Ms Birch spoke in support of including the area opposite the entrance to Marsden Valley Cemetery as an off-leash exercise area. She noted the effectiveness of halti-harnesses for controlling lunging dogs.

- 5.16 Jane Waring Martin, submission 124, submissions pages 163 refer.

Ms Martin said the health and social benefits of dog ownership for older people were enhanced by having dogs off-leash, and suggested the Maitai cricket field as an alternative off-leash exercise area.

Attendance: The meeting adjourned at 10.43am and reconvened at 10.52am, during which time Councillor Rackley joined the meeting.

Planning Adviser, Debra Bradley, tabled an enlarged map (1233658) showing proposed dog exercise and dog prohibited areas.

- 5.17 Susan Alldred-Lugton, submission 195, submissions pages 266 refer.

Ms Alldred-Lugton explained her background as a child psychologist and tabled a document (1258581). She emphasised the mental health benefits of having dogs in the community and the need to educate children on appropriate behaviour around dogs.

- 5.18 Bryant Quarterman, submission 139, submissions pages 188 refer.

Mr Quarterman suggested better education of the public, discounted fees for neutered dogs, and a scheme to promote dog obedience training for a discounted registration fee.

- 5.19 Helen Bailey, submission 145, submissions pages 197 refer.

Ms Bailey highlighted the social benefits of exercising dogs off-leash. She suggested that cyclists access the Maitai Walkway further up the valley, and emphasised the need for more dog control personnel, and more dog waste disposal bins.

- 5.20 Howard Williams, submission 148, submissions pages 201 refer.

Mr Williams spoke to his submission. He highlighted the need for ongoing dog obedience training, better signage where dog swimming was not allowed, and an additional dog waste disposal bin at Guppy Park.

- 5.21 Randi Westphal, submission 176, submissions pages 242 refer.

Ms Westphal spoke to her submission and highlighted the difficulty of exercising a dog on a leash. She suggested that Orphanage Creek, a proposed on-leash area, be made off-leash along one side of the creek.

- 5.22 Ros Pochin, submission 398, submissions pages 553 refer.

Ms Pochin highlighted the social and educational opportunities in dog ownership, and said increased restrictions may mean people would not walk their dogs and would miss these associated opportunities.

- 5.23 Fay Vaughan, submission 194, submissions pages 265 refer.

Ms Vaughan, a teacher, suggested better signage in multi-use areas, and Council assistance with the high cost of obedience training. In response to questions, she said requiring dogs to be on-leash at certain times may be suitable, and children needed to be naturalised to being around dogs.

- 5.24 Jacquetta Bell, submission 199, submissions pages 273 refer.

Ms Bell outlined the reasons for the strong feelings in the community about the proposed policy changes. She said larger exercise areas were preferable to small ones, better signage was required for shared-use areas, and cyclists could be encouraged to announce their approach.

- 5.25 Dinah Thomson, submission 207, submissions pages 288 refer.

Ms Thomson said she had never experienced an incident of aggression between dogs, or dogs and people. In response to a question, Ms Thomson said she did not mind having her dog on-leash in town, but having a dog under control did not necessarily mean on a leash.

5.26 Keith Parfitt, submission 209, submissions pages 292 refer.

Mr Parfitt spoke to his submission. He said that the Railway Reserve should be an off-leash exercise area. In response to questions, Mr Parfitt said he did not object to dogs being required to be on-leash at certain times, but some fast-travelling cyclists posed a safety risk.

5.27 Tim Bayley, submission 215, submissions pages 304 refer.

Mr Bayley spoke to his submission. He suggested that Council consider providing fenced dog exercise areas. He said that cyclists were a safety issue on the Maitai Walkway from the Nile Street Bridge to Black Hole.

5.28 Sky Landis, submission 183, submissions pages 250 refer.

Ms Landis spoke to her submission. She highlighted the need for affordable dog training courses, and emphasised that aggression in public places by off-leash dogs was extremely rare, making large off-leash exercise spaces more appropriate.

5.29 Bridget Baldwin, submission 157, submissions pages 217 refer.

Ms Baldwin suggested a risk assessment on the health and safety aspects of the proposed policy changes and their effect on community health and well-being. In response to a question, she said there was anecdotal evidence of a risk of trips and falls caused by dogs on-leash.

5.30 Beverley Brown, submission 368, submissions pages 507 refer.

Ms Brown highlighted the importance of the Railway Reserve walkway being an off-leash exercise area for people who had difficulty accessing other areas. In response to a question, she agreed that it would be suitable to have set times for on-leash and off-leash exercise.

Attendance: The meeting adjourned at 12.45pm and reconvened at 1.05pm.

5.31 Elizabeth Dooley, submission 373, submissions pages 516 refer.

Ms Dooley highlighted the social benefits of off-leash dog exercise for the community, particularly the elderly. In response to a question, Ms Dooley defined a dog being under control as a dog that responded to its owner's commands.

5.32 Alison McLeish, submission 297, submissions pages 398 refer.

Ms McLeish said information provided to her by the Council showed most reported cases of dog aggression had not resulted in prosecution. She said having dogs on-leash was usually insufficient, and urged Council to retain the current policy with the exception of protected wildlife reserves.

- 5.33 Dr Ron Blackwell, submission 298, submissions pages 401 refer.

Dr Blackwell said he supported the retention of the Good Dog Owner policy, and the idea of time share for certain areas. He suggested Council consider a seasonal approach to dogs accessing swimming holes.

- 5.34 Charlotte Bayly, submission 331, submissions pages 452 refer.

Ms Bayly said that additional prohibited areas aimed at wildlife preservation were unnecessary as there were already sufficient protected areas, and threats other than dogs. She noted that voice command could be a more effective means of dog control than leashes.

- 5.35 Mike Kolff, submission 347, submissions pages 476 refer.

Mr Kolff spoke to his submission. He highlighted the importance of the Maitai Walkway and the Railway Reserve as off-leash exercise areas as there were limited accessible alternatives. Mr Kolff said he had not had any conflict with cyclists and everyone should be able to use the path.

- 5.36 Katrina O'Connor, Stoke Kindergarten, submission 357, submissions pages 488 refer.

Ms O'Connor spoke on behalf of Stoke Kindergarten. She explained that the kindergarten backed onto the Ranui Reserve and urged the Council to keep the reserve as an on-leash area to ensure the safety of the children.

- 5.37 Dr Hans Andersen, Halifax Veterinary Centre, submission 358, submissions pages 491 refer.

Dr Andersen spoke to his submission. He said that the idea of dogs on a leash gave a false perception of safety, and there was no reason why all bush clad areas in the urban fringe should not be accessible for off-leash dog exercise.

In response to questions, Dr Andersen said it was not known to what degree dogs contributed to the spread of disease in playgrounds, and that the health impact from dogs in swimming holes was negligible. He said that his clinic charged \$75 for four puppy training classes, and noted the importance of puppy and owner education in ensuring good dog behaviour.

In response to further questions, he said that leashed dogs were more likely to behave defensively than off-leash dogs, but there were limits to voice control. He noted that neutering male dogs did reduce inter-male, and dominance aggression but it was not a significant effect, and it had no effect with female dogs.

- 5.38 Raewyn Scott, submission 118, submissions pages 157 refer.

Ms Scott spoke to her submission. She emphasised that conflict on shared-use tracks could be addressed by creating single use tracks.

5.39 Carol Ercolano, submission 352, submissions pages 482 refer.

Ms Ercolano said she opposed the proposed discontinuation of the Good Dog Owner policy and stressed the role of education in promoting good dog ownership. She suggested Council investigate licensing dog owners.

5.40 Steve Newport, submission 370, submissions pages 510 refer.

Mr Newport highlighted the danger of on-leash dogs for owners who exercised their dogs while cycling, the importance of an accessible fresh water swimming hole for dogs, and the difficulty of having dogs on-leash when hunting possums.

5.41 John-Paul Pochin, submission 397, submissions pages 552 refer.

Mr Pochin emphasised that in his experience as a cyclist, runner, and dog owner, most track users were tolerant of each other. He suggested an increased number of dog exercise areas would be more productive.

5.42 Julie Malthus, DOG Dog Owners Group, submission 568, submissions pages 862 refer.

Ms Malthus tabled a copy of her presentation in support of the Dog Owners Group submission (1258583). She highlighted the group's preference for education and suggested that Council consult the group when drafting bylaw changes.

She introduced Marion Carson as a dog behaviourist and Dr Andersen as members of the group. In response to questions, Ms Malthus said the group supported the Good Dog Owner policy, but with changes that required more detailed discussion than was possible in this hearing. Dr Andersen said that there was no collective discussion between vets to identify problem dogs, and there was no obligation to report unsafe dogs, but they were referred to behavioural training on a case by case basis.

5.43 Kay Switzer, submission 417, submissions pages 588 refer.

Ms Switzer said that the proposed restrictions would not address the problem of dog intimidation and inconvenience, and would reduce the community enjoyment of dogs. She said leash restriction should only apply where there was clear justification such as bird nesting sites.

5.44 Heather Bell, submission 418, submissions pages 591 refer.

Ms Bell emphasised the value of the Railway Reserve as a multi-use area and said she supported keeping it an off-leash area at certain times of the day. In response to a question, she said she preferred guidance to regulation on sensible use during peak and off-peak times.

5.45 Duration of meeting

Resolved

THAT in accordance with Standing Orders paragraph 3.3.7 the meeting continue beyond six hours.

Barker/Rainey

Carried

5.46 Election of Chairperson

Resolved

THAT Councillor Reese assume the Chair for the remainder of the day.

Boswijk/Barker

Carried

Attendance: Councillor Boswijk left the meeting at 2.52pm.

5.47 Janine Starks, submission 419, submissions pages 592 refer.

Ms Starks spoke to her submission. She highlighted the importance of retaining off-leash exercise areas, and her personal experience of tolerance and accommodation between different user groups.

Attendance: Councillor Fulton left the meeting at 3.00pm.

5.48 Steven Dolan, submission 497, submissions pages 722 refer.

Mr Dolan highlighted the importance of the Maitai Walkway remaining off-leash and the tolerance of most users sharing multi-use areas. He suggested a schedule for use of Black Hole by dogs, and added that dog control officers needed a higher profile.

5.49 John West, submission 429, submissions pages 604 refer.

Mr West asked Council to consider that off-leash areas should include some smooth path areas for disabled use. He suggested that registration tags be differentiated to reflect whether dogs were trained, and that trained dogs be permitted to be off-leash.

5.50 Tom Kroos, submission 452, submissions page 652 refer; and Willie Cook speaking for David Melville of The Ornithological Society of New Zealand, submission 518, submissions page 764 refer.

Mr Kroos tabled a document supporting his submission (1258580). In response to questions, Mr Cook said there had been multiple instances of dogs disturbing bird life on Sand Island. He emphasised the need for dog control on all beaches while rare birds were nesting.

5.51 Dr Iain Wilson, submission 448, submissions pages 642 refer.

Dr Wilson explained his background as a general practitioner. He said that in Nelson he had not treated any facial injuries from dog aggression, and his experience in the United Kingdom suggested that most injuries from dogs occurred in the home rather than in public spaces.

5.52 Jo Dippie, submission 448, submissions pages 642 refer.

Ms Dippie spoke to her submission. She said she was opposed to any reduction in off-leash exercise areas, and that fast-travelling cyclists who did not give way on the tracks were an issue.

5.53 Gail Collingwood, submission 450, submissions pages 646 refer.

Mrs Collingwood tabled additional information (1258577). She noted her opposition to Miyazu Reserve becoming an off-leash area, proposed an alternate area outlined in her tabled document, and suggested Councillors visit proposed exercise areas before making a decision.

Attendance: The meeting adjourned at 3.41pm and reconvened at 3.45pm.

5.54 Christie Carlson, submission 329, submissions pages 450 refer.

Ms Carlson spoke to her submission. She highlighted the need for safe off-leash areas for adequate exercise, and the role that adequate exercise played in ensuring good dog behaviour.

5.55 Don Schwass, Search and Rescue, submission 131, submissions pages 179 refer.

Mr Schwass noted that there were no police dogs qualified in search and rescue, and only three search and rescue dogs in Nelson. He said that off-leash exercise areas were essential to the training and deployment of search and rescue dogs.

Manager Environmental Inspections Limited, Stephen Lawrence, confirmed that working dogs would continue to be exempted from the dog prohibited and dog on-leash requirements in the Dog Control Policy and Bylaw.

5.56 Simon Malthus, submission 266, submissions pages 360 refer.

Mr Malthus highlighted the social and health aspects of dogs in the community and the importance of exercising dogs off-leash.

5.57 Mitch Carlson, submission 451, submissions pages 650 refer.

Mr Carlson spoke to his submission. He emphasised the safety risks in requiring dogs to be on-leash in the Maitai Valley exercise areas, and said education and dog training were more effective in ensuring good dog behaviour.

5.58 Nyanne Pollard-Graf, late submission.

Ms Graf outlined her submission and said she opposed the removal of the off-leash exercise area in the Marsden Valley as there was effective weka aversion training available. She said that small residential exercise areas were insufficient for larger dogs.

5.59 Cynthia McConville, submission 99, submissions pages 135 refer.

Ms McConville spoke to her submission and highlighted the low use of Maitai Valley recreation areas during working hours. She suggested a discounted registration for certified neutered dogs and compulsory bells on bikes.

5.60 Joe Hay, submission 493, submissions pages 712 refer.

Mr Hay explained his background as a freshwater biologist. He said that parks allocated as exercise areas restricted the range of exercise for both dogs and their owners. In response to a question he said that the impact of dog faeces on water quality was minimal.

The Chairperson thanked submitters for their presentations and explained that the process of deciding the dog control policy and bylaw would be public.

She noted that Councillors would require the following information from staff:

- information on the rationale for including small neighbourhood reserves as proposed exercise areas;
- clarification on the location of the potential dog exercise area in Marsden Valley reserve;
- health impacts of the policy (if available);
- evidence of the problems and incidents that contributed to the development of the policy;
- clarification of the location and extent of the Miyazu Park area;
- Dog Control Act definition of a working dog;
- Clarification of the use of Maitai Valley cricket field.

There being no further submitters scheduled for the day, the meeting adjourned at 4.39pm.

Minutes of a reconvened meeting of the Nelson City Council to hear and consider submissions to the draft Dog Control Policy and Bylaw Review

Held in the Council Chamber, Civic House, Trafalgar Street, Nelson

On Friday 23 March 2012, commencing at 9.00am

Present: Councillors A Boswijk (Chairperson), I Barker, E Davy, J Rackley, P Rainey, R Reese, D Shaw, and M Ward

In Attendance: Acting Chief Executive (R Johnson), Executive Manager Support Services (H Kettlewell), Executive Manager Network Services (A Louverdis), Executive Manager Strategy and Planning (M Schruer), Manager Environmental Inspections Ltd (S Lawrence), Manager Parks and Facilities (P McArthur), Manager Resource Consents (M Bishop), Team Leader Parks (L Barber), Planning Adviser (D Bradley), and Administration Adviser (L Canton)

Apologies: His Worship the Mayor Aldo Miccio, Councillor P Matheson, J Rackley (for lateness), and K Fulton (for lateness)

6. Hearing of Submissions continued from Tuesday 20 March

Document No. 1227476, additional folder of submissions refer.

6.1 Marianne Castle, submission 694, submissions pages 1035 refer.

Ms Castle emphasised the importance of promoting awareness of dog behaviour and said it was better to increase tolerance of dogs than to expect dogs to be prevented from approaching people. In response to questions, she said that the smaller reserves were inadequate.

6.2 Stephen Mortimer, submission 495, submissions pages 717 refer.

Mr Mortimer spoke to his submission and to a tabled document (1259839). He urged Council to give the same support to dog owners that they had to other groups in the community.

6.3 Deanna Clement, submission 680, submissions pages 1009 refer.

Ms Clement spoke to her submission. She emphasised her opposition to proposed changes to a number of areas, particularly during the working week as there was minimal use by others during these times. In

response to a question, she said she did not believe the Good Dog Owner policy would be effective in addressing bad behaviour by dog owners.

- 6.4 Pam Jeffrey, submission 498, submissions pages 723 refer.

Ms Jeffrey spoke to her submission. She emphasised that sports field perimeters and the Railway Reserve should remain accessible off-leash areas, and said it was only a few speeding cyclists that caused problems.

In response to a question addressed to the public gallery, all female submitters said they felt more secure when walking with a dog.

- 6.5 Susan Murray-Rifici of the Nelson ARK, submission 517, submissions pages 761 refer.

Ms Murray-Rifici spoke about the therapeutic value of dogs. She asked Council to encourage dog training, and dog awareness education in schools. She said that unexercised dogs were likely to be poorly behaved.

- 6.6 Julie McLintock, submission 479, submissions pages 690 refer.

Ms McLintock spoke to her submission. She emphasised the need to protect the bird population, and said that bird populations had increased due to trapping, but that off-leash dogs were still a threat.

- 6.7 Deb Pioch, submission 519, submissions pages 771 refer.

Ms Pioch spoke to her submission and tabled a document (1262839). She highlighted the need for education of non-dog owners about dog behaviour. She recommended and tabled an educational book 'Life Skills pet dog training' (1259944).

- 6.8 Sarah Holman, submission 681, submissions pages 1014-1015 refer.

Ms Holman spoke to her submission. She emphasised the need for tolerance by all users of exercise areas. She said in her experience dogs on-leashes tended to be harder to control and were unlikely to get sufficient exercise.

- 6.9 Kristine Rose, submission 521, submissions pages 777 refer.

Ms Rose spoke to her submission. She said she opposed the Maitai River walkway as an on-leash area and suggested Council collaborate with the Dog Owners Group.

- 6.10 Robyn Dunmore, submission 679, submissions pages 1006 refer.

Ms Dunmore highlighted the dog behavioural problems that resulted from insufficient exercise, the role of owner responsibility, and the benefits of neutering. In response to a question, she said in her experience most problems were caused by a minority of intolerant users.

- 6.11 Chris Kirby, submission 560, submissions pages 845 refer.

Mr Kirby highlighted the need to maximise multi-use areas. He suggested better signage of exercise areas, more waste bags, and a higher profile for dog control officers. In response to a question, he said he would support increased registration fees for increased services.

- 6.12 David Wakeling, submission 561, submissions pages 848 refer.

Mr Wakeling highlighted the need for off-leash corridors for dog owners in central Nelson, and for dog owners and Council to work positively together. He said he supported the idea of designated times for off-leash and on-leash exercise in certain areas.

- 6.13 Helen Black, submission 569, submissions pages 864 refer.

Ms Black highlighted the need for education of dog owners and non-dog owners, for Council to fund different user groups without bias, and suggested designated areas for dog walking only.

- 6.14 Bridget Gardner, submission 564, submissions pages 857 refer.

Ms Gardner spoke in support of the proposed changes. She emphasised the need for consideration of less able track users who may feel threatened by dogs. In response to a question, Ms Gardner said she was less likely to use areas where she had had bad experiences with dogs.

- 6.15 Caroline Wheeler, submission 430, submissions pages 605 refer.

Dr Wheeler emphasised the importance of sufficient off-leash exercise, and the health benefits to humans. In response to questions, Dr Wheeler said owners should maintain visual contact with their dogs, and she had seen only one dog related injury in 20 years of general practice.

Attendance: The meeting adjourned at 10.50am and re-convened at 11.05am, during which time Councillor Rackley joined the meeting.

- 6.16 Susan Drew, submission 565, submissions pages 859 refer.

Ms Drew spoke to her submission. She highlighted the importance of sufficient off-leash exercise for dog health and temperament.

- 6.17 Karen Dean, Residents Association, submission 566, submissions pages 860 refer.

Ms Dean spoke on behalf of the Residents Association and tabled two posters (1259965, 1259967). She said there should be greater availability of dog control officers, and compulsory desexing of dogs.

- 6.18 Lawson Davey, Fish and Game New Zealand, submission 678, submissions pages 1001 refer.

Mr Davey highlighted the need for sufficient off-leash areas for game bird hunting dogs to exercise and operate, and for dog training. He said Fish & Game supported the restriction of dogs from Sand Island, but asked that dogs be allowed access to the estuary from the bottom of Paremata Flats in duck shooting season. He said that as wildlife protection was covered by the Wildlife Act, there was no requirement for Council to regulate for this.

In response to questions, he said 8-10 permits a year were issued for the Wakapuaka area in duck shooting season and that dogs were trained to target certain species. He said that Fish & Game and the Department of Conservation took prosecutions under the Wildlife Act, but such prosecutions were rare.

6.19 Heather Arnold, submission 396, submissions pages 550 refer.

Ms Arnold tabled a document supporting her submission (1259837). She emphasised the health and social benefits of exercising dogs in unrestricted shared-use areas, the periods of low use in some restricted areas, and the ability to better control off-leash dogs than on-leash dogs.

6.20 George Dunning, submission 570, submissions pages 877 refer.

Mr Dunning tabled a document (1259935). He emphasised the health and social benefits of exercising a dog, the need for increased signage including contact details for dog control officers, and the low use of proposed restricted areas such as Black Hole.

6.21 The chairperson invited Ms Castle to join Councillors for further discussion in her capacity as a dog trainer.

In response to a question, Ms Castle said the retention of the Good Dog Owner policy was an important and complicated issue that required detailed discussion between dog owners and dog control staff. She said some of the key issues were a lack of recognition for owners undertaking training; that the criteria for good dog ownership did not cover all aspects of dog control; and that the scheme did not include rehabilitation for dogs that had transgressed.

With regard to small dogs, she said they too had a large capacity for exercise and size did not determine a dog's perception of threat from other dogs.

Attendance: The meeting adjourned at 11.50am and reconvened at 12.07pm

7. Consideration of Submissions

Document number 1241675, agenda pages 1-38 refer.

Planning Adviser, Debra Bradley, tabled a document (1258298) containing the additional information requested by Councillors at the conclusion of the first day of hearing submissions, Tuesday 20 March.

She also tabled additional information received from submitter number 215, Mr Tim Bayley (1259836). As deliberations progressed, Ms Bradley noted key discussion points on a whiteboard (1269353).

Acting Chief Executive, Richard Johnson, noted that if the policy and bylaw review did not conclude before the current bylaw lapsed, most regulations were contained in the Dog Control Act.

He also cautioned Councillors that if a new matter was introduced into the policy that had not been signalled in the original statement of proposal, Council may need to undertake a Special Consultation Procedure as specified in the Local Government Act 2002, or risk judicial review.

Attendance: Councillor Fulton joined the meeting at 12.20pm.

The Acting Chief Executive advised that Councillors should not let this advice restrict their decision on the new policy and bylaw, but suggested staff detail any implications of the recommended changes in a staff report before a final decision was made.

The Chairperson explained that the meeting would agree a list of agreed changes, then adjourn and reconvene once staff had had an opportunity to provide a report on any implications of the changes.

Councillor Fulton tabled a document (1262823) and gave a summary of the document which outlined her suggestions for consideration.

Attendance: The meeting adjourned at 1.10pm and reconvened at 1.45pm, during which time Councillor Fulton left the meeting.

7.1 Playgrounds

There was general agreement that there needed to be a distinction between neighbourhood reserves that contain playgrounds and those that do not, and that clarification on the definition of a playing field was also required.

In response to a suggestion that wording be included in the policy to indicate that a higher level of dog control was required when around children, the Acting Chief Executive advised that bylaws were only effective where there they were enforceable and this was dependent on specific statements of what was or was not allowed.

7.2 Maitai Valley

There was a suggestion that the Maitai Valley should remain an off-leash exercise area.

This was followed by discussion about the difficulty of enforcing the prohibition of dogs from swimming holes, and the need for people to have access to dog-free swimming holes in the same way that they do at the front part of Tahunanui beach. It was also noted that Dr Andersen's

advice had been that dogs using swimming holes did not pose a health risk.

It was suggested that swimming access for dogs could be seasonal, with restricted access in summer, but timing needed to be very clearly identified. Alternatively, it was suggested that specific holes be allocated to dogs and people, such as Girlies and Black Holes for dogs, and Dennes and Sunday Holes for people only.

Mr Lawrence advised that dog control provided an emergency service after hours and weekends, meaning that during the times when swimming holes were most used there was limited ability to enforce the prohibition of dogs from swimming holes.

7.3 Dogs On-leash

There was a suggestion that the policy needed to separate the off-leash or on-leash issues from that of areas where dogs were completely prohibited.

There was general agreement that dogs should be required to be on-leash in areas with a high concentration of people such as the central, Stoke, and Tahunanui business areas. Mr Lawrence confirmed that this currently applied in Nelson and Stoke.

Councillors also discussed the stretch of the Railway Reserve from Bishopdale through to Stoke, and the possibility of requiring dogs to be on-leash only at certain times. It was agreed that making the Railway Reserve an on-leash area would create significant issues for elderly members of the community using it to exercise their dogs.

Mr Lawrence advised that, from an enforcement point of view, the simpler and clearer the rule was, the easier it was to enforce. He said that having set hours may create confusion in the community.

7.4 'Under Control'

It was suggested that the policy be reworded to reflect criteria for dogs being under control, whether they were on or off-leash. Mr Lawrence advised that under the Act, a dog had to be under control at all times whether it was on or off-leash, however the Act did not define this any further. He said that the practical interpretation applied by Council was that where there was a clear offence, such as 'rushing' or biting people, a dog was not under control.

However, Mr Lawrence said that where there was no clear offence, the definition of 'under control' was open to interpretation by people with differing views. He noted there had been increasing demand from the community for Council to enforce regulations for dogs not 'under control' but that this was difficult to measure. It was agreed that Council required guidance on how this might be stipulated in a way that was

practical to enforce, particularly as it was difficult to define, and not included in the Dog Control Act.

7.5 Signage

It was agreed that better signage was required to indicate conditions of shared use and clear requirements for dog controls.

It was noted that with regard to mountain bikers using the Maitai Walkway to continue their journey into the city, the intention was that mountain bikers shift onto the road at Smith's Ford. It was suggested that signage encouraging this would help to reduce the conflicts noted in some submissions.

7.6 Consultative forum

A view was expressed that submissions were heavily oriented to one group in the community and did not necessarily provide a representative community view. There was a suggestion that ongoing engagement between Council and a full spectrum of key stakeholders, as suggested by a number of submitters, be considered for inclusion in the Dog Control Policy.

The Acting Chief Executive advised that Council staff could provide scope and terms of reference for such a forum in their recommendation report to the reconvened meeting. There was a suggestion that this include a summary of the aims behind the Dog Control Policy.

7.7 Boulder Bank Drive

There was a brief discussion about the value of Boulder Bank Drive as an off-leash area. Although it was noted that it would be difficult to argue dogs were under control while owners were driving vehicles in front of them, it was agreed that more information was required on the implications of allowing this practice to continue.

7.8 Wildlife areas

It was agreed that maps were required, clearly identifying wildlife areas from which dogs were prohibited.

There was general agreement that there was a need to prohibit dogs from Sand Island.

There was discussion about Marsden Valley, and some agreement about the need to accept restrictions where necessary to preserve bird life. There was also some agreement that the policy could consider allowing off-leash access, subject to conditions such as muzzling, weka aversion training, or similar constraints. It was noted that in some dog prohibited areas, dogs were allowed access on a permit basis and this needed to be clearly identified.

It was questioned whether there should be restrictions on the basis of health issues for the water reserve catchment areas. Executive Manager Network Services, Alec Louverdis, advised that the issue was not whether water plants could treat contaminated water, which they could, but rather one of gradings. He said there were two ratings, one for source and treatment, and one for reticulation. Allowing dogs into the catchment would affect the source and treatment grading, he said, therefore it was important not to allow dogs into the area. He said dogs could only access water catchment areas on a permit basis.

7.9 Enforcement

It was noted that there was an associated cost implication for enforcing bylaws, and that this was related to the degree of complexity of the bylaw. There was a brief discussion about whether there was a need to be more targeted about how staff enforced the bylaw within cost constraints, and whether voluntary wardens could be an item for discussion with the proposed forum.

7.10 Registration Fees

It was expressed that there was a need for clarity around what dog registration fees covered.

In response to a question about Search and Rescue dogs, Mr Lawrence noted that written proof of Search and Rescue registration was required before Council would recognise a Search and Rescue dog.

The Acting Chief Executive noted that Council would soon be receiving a report on environmental health fees, which included dog registration. This would recommend no change due to the timing of the bylaw review.

It was further noted that, under the Dog Control Act, Council could choose to set lower registration fees in return for neutering or demonstrated 'under control' good dog criteria.

7.11 Incentive for education

It was generally agreed that staff be requested to recommend how education might be incorporated into the reviewed policy, and how to achieve identification of dogs that had been educated.

Mr Lawrence noted that there could never be an assumption of safety based on a dog's training; rather he said safety was determined by a dog's behaviour.

7.12 Bylaw Review Timing

It was noted that Council would need to ensure public clarity about what regulations remained in place, should the bylaw lapse before the review was finalised. It was also noted that the bylaw could be amended at any point in the future without awaiting the next review period.

7.13 Other Issues

It was noted that further information would be required on the cost implications of providing more dog waste bag dispensers.

There was some agreement that there was a need to address the issue of speeding cyclists, but that this should be done through other channels.

It was noted that there was a need to ensure this bylaw was consistent with the Esplanade and Foreshore Reserves Management Plan 2008.

The Chairperson advised that staff would complete a report based on Councillors' discussion of written and verbal submissions. She said the meeting would reconvene at a time and date to be publicly advertised in line with the requirements of the Local Government Act 2002.

There being no further discussion, the meeting adjourned at 2.52pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date