

3. Marlborough District Council Dog Control Policy and Dog Control Bylaw Review

(Cllr Arbuckle) (Report prepared by Jane Robertson)

E305-003-001-01

Purpose of Report

1. The purpose of this report is for Council to adopt the draft Marlborough District Council Dog Control Policy and Bylaw 2021 with effect from 1 August 2021

Executive Summary

2. This report details the background and context to the Dog Control Policy and Dog Control Bylaw Review. It also sets out the submissions received and the recommendations which have been made.
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RECOMMENDATIONS

That Council:

1. **Approve the Recommendation Report of the Hearings Panel to the Marlborough District Council and Submitters in respect of the proposed Dog Control Policy and Dog Control Bylaw 2020 (including Appendix One).**
 2. **That the draft Marlborough District Council Dog Control Dog Policy May 2021 is adopted effective 1 August 2021.**
 3. **That the draft Marlborough District Council Dog Control Bylaw May 2021 is adopted effective 1 August 2021.**
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For the purpose of this report the following terminology is used;

- **Current Policy** means the Marlborough District Council Dog Control Policy August 2012
- **Current Bylaw** means Chapter 4 of the Marlborough District Council Dog Control Bylaw 2010
- **Proposed Policy** means the Marlborough District Council Dog Control Bylaw September 2020 which was the version that was publically notified on 18 September 2020
- **Proposed Bylaw** means the Marlborough District Council Dog Control Bylaw September 2020 which was the version that was publically notified on 18 September 2020
- **Recommendation Report** means the Recommendation Report of the Hearings Panel to the Marlborough District Council and Submitters in respect of the proposed Dog Control Policy and Dog Control Bylaw 2020
- **Draft Policy** means the Marlborough District Council Dog Control Policy May 2021 proposed to come into effect on 1 August 2021
- **Draft Bylaw** means the Marlborough District Council Dog Control Bylaw May 2021 proposed to come into effect on 1 August 2021

Background/Context

3. The Dog Control Act 1996 requires territorial authorities to make dog control bylaws. The previous Dog Control Policy and Bylaw Review conducted by the Marlborough District Council was completed in August 2012. Under section 159 of the Local Government Act 2002 local authorities must review bylaws every 10 years.
4. The process to review the Dog Control Policy and to amend the Dog Control Bylaws is set out in section 10 of the Dog Control Act 1996 and in the Local Government Act 2002.

5. Following the Environment Committee meeting on 27 August 2020, Council approved the commencement of the review of the current Policy and current Bylaw.
6. A Hearing Panel consisting of Chair, Councillor Arbuckle, and Councillors Taylor, Sowman and Faulls were appointed to hear submissions on the Dog Control Policy and Bylaw Review and make recommendations to Council on the proposed Policy and Bylaw following deliberations on the submissions received.
7. The public notification on the proposed Policy and proposed Bylaw commenced on 18 September 2020 and the submission period closed on 9 November 2020. Letters were sent to all registered dog owners in the Marlborough District to give notice of the proposed Policy and proposed Bylaw review.

Submissions and Hearings

8. Council received 679 submissions on the proposed Policy and proposed Bylaw including a petition with 699 signatures opposing dogs being on-leash on the Taylor River.
9. Of the submissions received, 72 submitters indicated that they wished to speak to their submissions.
10. Hearings were held at Council on 30 November and 1 December 2020. There were 36 submitters that had indicated that they wished to speak to their submissions but either withdrew prior to the Hearing date or did not appear at their allocated time.
11. The proposal to require dogs to be on-leash on the section of the Taylor River from the Quays near Raupo café to the Burleigh Bridge received strong opposition and the most submissions.
12. With regard to the proposal to allow dogs to be on-leash and under control in the Blenheim Central Business District (CBD) a robust response was received with submissions both for and against the proposal.
13. There was a strong response in opposition to the proposal to prohibit dogs from Pollard Park.
14. Restricting dog access to Ward Beach and the Wairau Valley Golf Course and Recreation Reserve area also received a number of submissions.
15. There were also submissions received in Picton with regard to the proposal to change to on-leash areas at the Victoria Domain Reserves, Esson's Valley and Tirohanga Tracks.

Recommendations and rationale

16. The Hearings Panel undertook a number of site visits and deliberated over a number of days.
17. The recommendations have attempted to achieve a balance between the control of dogs and recognition of the community benefits of responsible dog ownership. The Hearings Panel has endeavoured to provide opportunities for the exercise and recreational needs of dogs and their owners whilst recognising the need to minimise danger, distress and nuisance to the community generally.
18. The recommendations are expanded further in the attached Recommendation Report. Appendix One alphabetically goes through all of the recommendations on topics and locations in the proposed Dog Control Policy and Bylaw.
19. The Hearings Panel made some amendments to the proposed Policy and proposed Bylaw to take into consideration the recommendations that have been made. The draft Policy and draft Bylaw are also attached to the Recommendation Report.
20. Where a topic or location received no submissions the Hearings Panel considered there has been no further information for it to take into account regarding that matter and has recommended that the Policy and Bylaw for the topic or location as proposed should be adopted.
21. It has been recommended that the draft Policy and draft Bylaw should come into effect from 1 August 2021. This date has been chosen as it avoids the particularly busy registration period for Animal

Control as dog registration fees need to be paid by 31 July 2021 before the late fees are applied. It would provide time to enable correct signage to be in place and the Dog Exercise Area Smart Map to be updated.

Summary of recommendations

22. A full list of the recommendations and consideration of all topics and locations is detailed in the attached Recommendation Report and Appendix One.
23. Along the Taylor River Reserve dogs are allowed off-leash from Taylor Dam to the Henry Street bridge on the Blenheim town side and to the Alfred Street bridge on the true left bank (west side) and both sides of Riverside park north of the Sinclair Street rail bridge.
24. Dogs are allowed on-leash in the Blenheim Central Business District.
25. In Pollard Park, Churchill Glade and Waterlea Gardens dogs are allowed on-leash but they are prohibited from the Blenheim golf course and the Baden Powell corner grassed area, BBQ picnic areas and the children's playground.
26. At Victoria Domain Reserves dogs need to be on-leash on the formed walking and shared walking and biking tracks but are prohibited from the mountain bike tracks and are allowed off-leash on the lower Picton to Waikawa Track.
27. Dogs are allowed on-leash at the Wairau Valley Golf Course and Recreation Reserve.
28. At Ward Beach dogs are allowed on-leash in the car park and on the beach, north of the boat launching area to Chancet Rocks and south of the boat launching area to Needles Point. Dogs are allowed off-leash at the Ward Beach boat launching area. However, dogs are prohibited at Ward Beach north beyond Chancet Rocks to Marfells Beach and south beyond Needles Point to the Marlborough District Council boundary due to ecological reasons.

Next steps

29. Under the Local Government Act 2002, Council cannot delegate the power to make a bylaw to a committee. Consequently, the final decision on the making of the Dog Control Bylaw must be made at the next full Council meeting.
30. Media releases will be prepared with key messages about the decisions from the Dog Control Policy and Dog Control Bylaw review
31. A signage review will be required to ensure that the correct signage is in place when the new bylaw comes into effect.
32. The Council Dog Exercise Smart Map will need to be updated to have the correct dog prohibited, dog on-leash and dog off-leash areas for when the new bylaw comes into effect.
33. Other matters which were raised through the submission process that were outside the scope of the Dog Control Policy and Bylaw review will be collated and referred to Council's Parks and Open Spaces Section.

Presentation

A short presentation will be given by Jane Robertson (15 minutes).

Attachments

Attachment 1 – Recommendation Report of the Hearings Panel to the Marlborough District Council and Submitters in respect of the proposed Dog Control Policy and Dog Control Bylaw 2020 Page [no]

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| Author | Jane Robertson, Animal Control Contract Manager |
| Authoriser | Jamie Clark, Compliance Manager |

| Summary of decision-making considerations | | | |
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| Fit with purpose of local government | | | |
| The review of the Dog Control Policy and Dog Control Bylaw is required by the Dog control Act 1996 and the Local Government Act 2002. | | | |
| Fit with Council policies and strategies | | | |
| X | <i>Contributes</i> | <i>Detracts</i> | <i>Not applicable</i> |
| LTP / Annual Plan | X | <input type="checkbox"/> | <input type="checkbox"/> |
| Financial Strategy | X | <input type="checkbox"/> | <input type="checkbox"/> |
| Infrastructure Strategy | <input type="checkbox"/> | <input type="checkbox"/> | X |
| Social well-being | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Economic development | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Environment & RMA Plans | X | <input type="checkbox"/> | <input type="checkbox"/> |
| Arts & Culture | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 3 Waters | <input type="checkbox"/> | <input type="checkbox"/> | X |
| Land transport | <input type="checkbox"/> | <input type="checkbox"/> | X |
| Parks and reserves | X | <input type="checkbox"/> | <input type="checkbox"/> |
| Nature of the decision to be made | | | |
| The relationship of Maori and their culture and traditions with their ancestral land, water, sites, wahi tapu, valued flora and fauna, and other taonga have been identified and considered in determining access for dogs in public places. | | | |
| Financial considerations | | | |
| The review has been budgeted for in the Dog Control budget. | | | |
| Significance | | | |
| The recommendation is considered significant under Council's Significance and Engagement Policy. These recommendations that have been made affect the whole of the Marlborough District and all residents in Marlborough are potentially interested these decisions. | | | |
| Engagement | | | |
| The Special Consultative Procedure was followed as per section 83 of the Local Government Act 2002. Public consultation is required for a minimum of 4 weeks but the submission period was open for just over 6 weeks to give the public plenty of opportunity to have their say. | | | |
| A communications plan was developed and the Council website has been regularly updated with the next steps. | | | |

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| <i>Summary of decision-making considerations</i> |
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| <i>Risks: Legal / Health & Safety etc</i> |
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| The legal risks for the Council in adopting a new dog control policy and control bylaw have been managed through engaging a legal review to ensure compliance with the Dog Control Act 1996 and that the special consultative procedure was followed in accordance with section 83 of the Local Government Act 2002. |
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| Climate Change Implications |
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| There are no known climate change implications to this decision. |
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