

**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**

Hearings Panel: Jamie Arbuckle (Chair)
 Nadine Taylor
 Thelma Sowman
 Barbara Faulls

Jamie Arbuckle (Chair)

Nadine Taylor

Thelma Sowman

Barbara Faulls

Dated _____

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Introduction

1. The Marlborough District Council Dog Control Policy and Dog Control Bylaw review has been undertaken in accordance with the Dog Control Act 1996 and with the special consultative procedures set out in section 83 of the Local Government Act 2002.
2. Territorial authorities are required in accordance with the Dog Control Act 1996 section 10 to adopt a policy on dogs and section 20 to make dog control bylaws.
3. For the purpose of this Recommendation 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
 - **Recommendation Report** means this 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
 - **Proposed Policy** means the Marlborough District Council Dog Control Bylaw September 2020 which is the version that was publically notified on 18 September 2020
 - **Proposed Bylaw** means the Marlborough District Council Dog Control Bylaw September 2020 which is the version that was publically notified on 18 September 2020
 - **Draft Policy** means the Marlborough District Council Dog Control Policy May 2021 which is proposed to come into effect on 1 August 2021
 - **Draft Bylaw** means the Marlborough District Council Dog Control Bylaw May 2021 which is proposed to come into effect on 1 August 2021
4. A report was prepared for the Environment Committee meeting on 20 August 2020 to detail the background and context to the Dog Control Policy and Bylaw Review. Council approved the commencement of the review of the Current Policy and Current Bylaw and a proposed timeline for the review process. A Hearings Panel was appointed to hear submissions on the Bylaw Review and make recommendations to Council on the proposed Policy and proposed Bylaw following deliberations on the submissions received.
5. Public notification and calls for submissions on the Proposed Policy and Proposed Bylaw started on 18 September 2020 and 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.
6. There were 679 submissions received and a petition with 699 signatures objecting to dogs being on leash on the Taylor River was also received.
7. The Hearings Panel consisted of Councillor Arbuckle as Chair, Councillors Taylor, Sowman and Faulls as Panel Members. Jamie Clark (Compliance Manager), Jane Robertson (Contract Manager for Animal Control) and Nicole Chauval (Committee Secretary) were present for Monday 30 November and 1 December 2020. Barbara Mead (Advocacy and Practice Integration Manager) was also present for Monday 30 November 2020.
8. Hearings were held on Monday 30 November and 1 December 2020. There were 72 submitters that indicated that they wished to speak to their submissions. There were 36 speakers that had indicated they wished to speak to their submission but either withdrew prior to the Hearing date or did not appear at their allotted time.
9. The Hearings Panel subsequently deliberated on 2 December 2020, 9 December 2020, 17 December 2020, 20 January 2021, 18 February 2021, 18 March 2021, 1 April 2021 and 18 May 2021. Site visits were also undertaken to a number of locations in Blenheim and Picton.
10. The Hearings Panel has sought to encourage responsible dog ownership and highlight the legal obligations of dog owners imposed by the Dog Control Act 1996 with regard to the control, keeping and treatment of dogs.

11. This Recommendation Report records the recommendations of the Hearings Panel and the reasons for those recommendations.
12. **Appendix One** which is attached to this Recommendation Report sets out the recommendations on various topics and rational as to why dog access has been prohibited, or restricted to on leash or allowed to be off leash.

Background and procedural matters

13. In making, a dog control bylaw territorial authorities must use the special consultative procedure for making, amending or revoking a bylaw made under the Local Government Act 2002.
14. Letters were sent to all registered dog owners in the Marlborough District to give notice of the Proposed Policy and Proposed Bylaw review as required by s 10(2) of the Dog Control Act 1996.
15. A review of the bylaw must be undertaken every 10 years provided that a review under s 158 of the Local Government Act 2002 has been completed. The previous review of the Marlborough District Council Dog Control Policy and Bylaw was completed in 2012.
16. Pre-work was undertaken to the review of the current Policy and current Bylaw and all of the public places in Marlborough which are under council control to consider dog access. Council staff spent time reviewing the current Policy and current Bylaw. All of the new reserves which have been created since the previous bylaw review was undertaken were included in the proposed Policy and proposed Bylaw. The reasons for some of the proposed changes in dog access from off-leash to on-leash areas were in response to conflict between users from uncontrolled dogs and fouling and also for ecological reasons.
17. A Dog Control Bylaw Review Workshop was held on 21 July 2020 with a number of Council staff to discuss and review documents in preparation for the agenda item which was presented to the Environment Committee meeting on 27 August 2020.
18. Some of the changes to the Proposed Bylaw represented areas where Council considered that there needed to be detail to ensure that the Bylaw is clear, consistent and enforceable. These areas included cyclists exercising dogs, dog fouling in public places and prevention of public nuisance.
19. Some additional changes were recommended since the Proposed Bylaw was notified following the submission process such as temporary changes to dog access and non-walkers exercising dogs.
20. The Draft Policy and Draft Bylaw were reviewed to ensure compliance with the Dog Control Act 1996 and to ensure that Animal Control have the ability to meet statutory requirements and enforce the Proposed Policy and Bylaw.
21. The Dog Control Act 1996 provides the power to regulate and control dogs “in any other public place” in accordance with the Local Government Act 2002. This enables the Marlborough District Council, in general, to make a bylaw controlling or regulating dogs on beaches.
22. Dogs are allowed on all beaches down to Mean Low Water Springs (MLWS), except where the beach is part of a type of area to explicitly exclude areas from being an “open dog area” as detailed in the Conservation Act 1987 or at the discretion of Council based on evidence showing it would be inappropriate to allow dogs. The Conservation Act 1987 defines an open dog area as an area where dogs are allowed either on-leash or off-leash (without requiring a permit).

Approach to decision making

23. The Hearings Panel have attempted to achieve a balance between the control of dogs and a recognition of the numerous community benefits of responsible dog ownership.
24. The Proposed Policy refers to “Access to Public Places” and details in 3 schedules the areas in the Marlborough District where dogs are prohibited, required to be on-leash or allowed to be exercised off-leash.
25. The Proposed Policy lists the criteria for determining levels of access for dogs in public places. It states that the access to public places should be restricted where:
 - There is intense public use;
 - Another predominant use exists;
 - Significant wildlife or habitats exist; or
 - There is significant risk to other users.
26. This Proposed Policy also states that access could be less restricted where:
 - The area is not used extensively by other users
 - It is of significant size
 - There are sufficient sight lines
 - The area is well bounded from adjacent areas.
27. The Draft Policy has sought to achieve a balance between the control of dogs and recognition of the community benefits of responsible dog ownership. This supports Council’s objective to encourage responsible dog ownership that allows owners to enjoy their dogs without infringing on the enjoyment and safety of others.
28. Council must create bylaws to give effect to the Policy. The Draft Bylaw provides for the care and control of dogs, and a safe and healthy environment for the community in the area administered by the Marlborough District Council. The Bylaw provides options for access to public places in Marlborough where dogs are prohibited or must be controlled on a leash and where dogs can be exercised off-leash.
29. In accordance with section 20 of the Dog Control Act 1996, dog control bylaws are made for a number of purposes including:
 - Prohibiting dog access to specified public places,
 - Designating specified areas as on-leash and off-leash 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 owners of dogs that defecate in a public place to immediately remove the faeces,
 - Requiring female dogs to be confined but adequately exercised while in season, and
 - Providing for the impounding of dogs.
30. In making their decisions the Hearings Panel has reviewed a number of documents including the following:
 - Dog Control Act 1996,
 - Submissions lodged on the Proposed Policy and the Proposed Bylaw and evidence presented at the subsequent hearings,
 - The Ministry for Primary Industries Code of Welfare: Dogs 1 October 2018,
 - Draft Reserve Management Plan for Victoria Domain Reserves (Waitohi/Picton and Waikawa) prepared by Marlborough District Council September 2020,
 - Marlborough’s East Coast Technical Report prepared by Marlborough District Council 28 June 2019,
 - Pollard Park Reserve Management Plan prepared by Marlborough District Council October 2014,

- Picton Foreshore Reserve Management Plan prepared by Marlborough District Council May 2014;
 - Taylor River Floodway Reserve Recreation and Amenity Plan prepared by Marlborough District Council.
31. The Hearings Panel was mindful of providing 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.
 32. Recommendations on the submissions received have been collated in this one Recommendation Report rather than on each individual submission. The reason for this is that many of the submissions were similar in content and reasons for supporting or opposing the proposed Policy and Bylaw. Consequently, the Hearings Panel has grouped the recommendations and responses according to topic and location.
 33. A copy of this Recommendation Report, Draft Policy and Draft Bylaw can be found on Council's website at www.marlborough.govt.nz.

Overview of submissions and recommendations

34. In total 679 submissions were received and a petition with 699 signatures objecting to dogs being on leash on the Taylor River was also received.
35. The Hearings Panel acknowledged the efforts of submitters in preparing submissions and attending the hearings. The civic mindedness of those that submitted on behalf of others in the community was commended.
36. The volume of submissions received indicates that people feel passionately about dogs and dog access to public places.
37. Appendix One which is attached to this Recommendation Report alphabetically summarises the range of topics and locations of submissions that were received.
38. One of the more significant topics related to changes that were proposed from the current off-leash areas to proposed on-leash areas, which were made in response to conflict with users from uncontrolled dogs and issues with dog fouling.
39. The Hearings Panel was challenged on the data. The number of nuisance complaints and rush/attack incidents over the last 10 years was assessed and considered.
40. It was acknowledged by the Hearings Panel that not all incidents are reported to Animal Control. Lost and found dogs are also frequently posted onto various social media pages sometimes before or instead of contacting Animal Control. The way that complaints are recorded may not always capture all of them for the various locations.
41. The complaints data did not sway the Hearings Panel and did not meet the threshold for the significant change to require all dogs to be on-leash in the Taylor River Reserve, to prohibit dogs from Pollard Park, or to increase the exclusion zone of dogs from children's playgrounds from 3 metres to 10 metres.

Blenheim

Taylor River Reserve and Riverside Park

Submissions

42. The proposal to require dogs to be on-leash on the section of the Taylor River Reserve from the Burleigh Bridge to The Quays (near Raupo café) received the most submissions.
43. There was a strong response in opposition to the proposal to have dogs on-leash. The submissions received by Council were overwhelmingly in favour of keeping the status quo and allowing dogs off-leash on the Taylor River Reserve.
44. The Taylor River Reserve is a central Blenheim location and it is a shared space which is a popular place for recreation and exercise for the community, visitors to the region and their dogs. The area is used by walkers, cyclists, people on mobility scooters, and people with children in buggies and prams.
45. The majority of the submissions received referred to the outstanding amenity value of the Taylor River Reserve and the significant enhancements which have been made to the area. For example, the pathway that has recently been upgraded and widened to accommodate multiple users and many of the car parking areas along the Reserve that have been improved and upgraded such as the Munro Street carpark.
46. Submitters commented that there are very few places for dogs to walk without a lead and the accessible shared recreational space of the Taylor River Reserve has a happy atmosphere with dogs and people socialising.
47. A number of submissions noted that there was not sufficient evidence on the conflict with users detailed in the Statement of Proposal. Feedback from submitters was that significant numbers of dogs and their owners frequent the Taylor River Reserve without incident on a daily basis. Many submitters commented that they have never observed any issues and did not want the minority spoiling it for the majority.
48. Submitters wanted the Taylor River Reserve to remain dog friendly and commented that the proposed changes would result in a significant loss of convenience and amenity currently enjoyed by dog owners. A number of submitters noted the smooth pathway is accessible to walk on especially for elderly and for those with mobility scooters even when it is wet.
49. At a time where increasing numbers of people are suffering mental illness and obesity, submitters felt people should not be deterred from owning dogs and exercising. The direct health benefits to the mind and body through regular exercise and owning pets was mentioned.
50. There were comments stating the mental and physical wellbeing of people and dogs is aided by being allowed to exercise dogs off-leash.
51. Numerous submitters made comments about their dogs swimming in the river and that this is a great way for dogs to cool off in summer but they would not be able to enjoy swimming in the river if they had to be on-leash.
52. The importance of having accessible off-leash areas given the increase of infill housing and reduced section sizes was also mentioned.
53. There were comments that in the winter and after work in the evenings, none of the few proposed off-leash areas are safe for the many women, older dog owners and people with disabilities who like to walk their dogs off-leash.
54. Several submitters noted that they did not want to have to drive to an off-leash area and increase CO² emissions.

55. There was support to deal with any issues or perceived issues using an educational approach. It was noted that there is plenty of open space on the Taylor River Reserve for dogs to exercise and play without interfering with other users of the Reserve.
56. Submitters commented that the issue and incidents of dog fouling would not stop if dogs were on leash. The vast majority of submitters felt that most owners take responsibility and pick up after their dogs.
57. The issue of dogs getting tangled up if they are on lead causing serious incidents with cyclists was also raised.

Recommendations and rationale

58. The Hearings Panel noted that the vast majority of submitters opposed having dogs on-leash on the Taylor River Reserve and Riverside Park between Burleigh Bridge and Stuart Street on the Blenheim town side.
59. The petition which was received with 699 signatures opposing changes to having dogs on-leash on the Taylor River Reserve was also noted.
60. The Hearings Panel acknowledged that the Proposed Policy makes provision for the exercise and recreational needs of dogs and their owners and was satisfied that there was sufficient space and sight lines along most of the Taylor River Reserve to allow dogs to be exercised off-leash.
61. Data shows that there were 203 complaints reported to Animal Control between 2009 and 2019 at the Taylor River location. This total includes 58 attack/rush complaints and 145 nuisance complaints (which includes roaming and uncontrolled dogs, breach of bylaws and fouling).
62. In the last two years, there were three infringement notices issued for the Taylor River location (one for an uncontrolled dog issued under s 53 of the Dog Control Act 1996 and two for failure to comply with the bylaw to pick up dog fouling issued under s 20(5) of the Dog Control Act 1996).
63. It is recognised that there is under reporting of complaints about dogs to Animal Control. In some instances there has been insufficient information for Animal Control to take enforcement action if the dog and owner involved are not able to be located or their identity cannot be established.
64. The Hearings Panel recommended status quo with dogs off-leash along the true right bank (Blenheim town centre side) of the Taylor River from Taylor Dam to the Henry Street Bridge; and along the true left bank (west side) of the river from Meadowbank Road to the Alfred Street bridge.
65. It was noted by the Hearings Panel that although the majority of the Taylor River Reserve area is off-leash it does not preclude people from having their dogs on-leash.
66. For the section from the Sinclair Street railway bridge – to the Alfred Street Bridge on the west side and to the Henry Street entrance on the Blenheim town centre side, the Hearings Panel considered it to be more appropriate for dogs to be on-leash. It was identified that this would give a possible area for people who do not like dogs to have a choice about using the area knowing that dogs should be on-leash. This would provide a dog safe space to walk from the Henry Street Bridge towards the Sinclair Street rail bridge which leads to town. It also links back to the Proposed Policy provisions to minimise the danger, distress and nuisance to the community and to have unimpeded access to public places, and to also use public amenities without fear of attack or intimidation by dogs.
67. The Hearings Panel felt that the Henry Street Bridge was a logical place to delineate between being on-leash and off-leash, place signage and to enforce.
68. Furthermore, the Hearings Panel considered that this linked into the Blenheim Central Business District allowing dogs' on-leash provided good continuity down to the Quays, Riverside Park and the Taylor River Reserve.

69. Therefore, the Hearings Panel's recommendations regarding dog access on the Taylor River Reserve and Riverside Park are as follows;

Dogs are allowed off-leash

- **Along the true right bank (Blenheim town centre side) of the Taylor River from the Taylor Dam to the Henry Street Bridge; and**
- **Along the true left bank (west side) of the river from Meadowbank Road to the Alfred Street bridge.**
- **From the Sinclair Street rail bridge (Blenheim town centre side) to Stuart Street.**
- **From the Sinclair Street rail bridge (west side) to the formed pathway that connects to Snowden Crescent.**

Dogs are allowed on-leash

- **Along the true right bank (Blenheim town centre side) of the river, from the Henry Street Bridge to the Sinclair Street rail bridge; and**
- **Along the true left bank of the river from the Alfred Street Bridge (Leeds Quay) to the Sinclair Street rail bridge.**

Blenheim Central Business District (CBD)

Submissions

70. The proposal to allow dogs to be on-leash and under control in the Blenheim Central Business District (CBD) received a robust response. A number of submissions were received both for and against allowing dogs' on-leash in the Blenheim CBD.
71. The Blenheim Business Association submitted in support of allowing dogs into the Blenheim CBD.
72. Other submitters detailed that the Blenheim CBD should be designated on-leash so that dogs and their owners can gain access to the Taylor River and visit cafes. Submitters commented that it would be good for the retail sector and help to encourage dog owners to linger longer in town.
73. There were a number of comments that Blenheim is not dog friendly and well behind other New Zealand towns and cities where you can see many dogs and their owners enjoying time together out in public places.
74. There was mention of the one month trial of allowing dogs into the Blenheim CBD in October 2019. This exemption to allow dogs into the Blenheim CBD was to coincide with the hosting of the National Dog Show in Blenheim which submitters noted was very successful and well supported.
75. The submitters that opposed allowing dogs in the Blenheim CBD expressed concerns regarding dogs being a hazard for the elderly and children. The vulnerability of disability assist dogs to attack by other dogs was mentioned.
76. Submitters considered that the centre of town is no place for dogs, not everyone likes or feels comfortable around dogs and dogs can be intimidating even if on-leash.
77. The issue of fouling, who will clean up and odour were raised by a number of submitters. It was noted that businesses have enough problems to contend with without having to remove dog faeces and urine from the pavement. It was also raised that dogs can carry diseases which are transmissible to people.

Recommendation and rationale

78. The proposal to allow dogs into the Blenheim CBD was a contentious issue.
79. Several reasons persuaded the Hearings Panel to recommend allowing dogs' on-leash into the Blenheim CBD.

80. Central living with more people residing in the central business district has been permitted in the Proposed Marlborough Environment Plan and the Hearings Panel felt that policy setting should support and encourage this.
81. The Blenheim Business Association (BBA) submitted in favour of allowing dogs' on-leash throughout the process and according to their survey the majority of business owners supported this change.
82. Furthermore, there were no complaints reported to Animal Control when there was the one month trial allowing dogs into the Blenheim CBD in October 2019 when the National Dog Show was in Blenheim.
83. With regard to the proposal to allow dogs into the Blenheim CBD it was the opinion of the Hearings Panel that responsible owners should be required to clean up after their dogs.
84. The Hearings Panel was provided with information from Marlborough Roads on rubbish bin emptying and cleaning frequency. This information on the daily and weekly cleaning regimes which are in place helped to form the Hearings Panel's recommendation. Having considered the submissions and evidence the Hearings Panel was satisfied that it was appropriate to allow dogs on-leash in the Blenheim CBD.
85. It was acknowledged that some people noted vulnerability but the Hearings Panel felt this could be managed by compliance with dog owner obligations which are specified in s 5 of the Dog Control Act 1996 that dogs must be under control at all times.
86. The Hearings Panel acknowledged that the Proposed Bylaw only related to footpaths and public areas and that it is up to individual business owners to decide if they welcome dogs into their premises.
87. The Hearings Panel felt that there was good continuity by allowing dogs' on-leash in the Blenheim CBD down to the Quays, Riverside Park and the Taylor River Reserve.
88. Consequently, the Hearings Panel's recommendation is that;

Dogs are allowed on-leash in the Blenheim Central Business District

Pollard Park, Churchill Glade and Waterlea Gardens

Submissions

89. The proposal to prohibit dogs from Pollard Park also received a strong response with the majority of submitters being opposed to this proposal.
90. Concerns were expressed by submitters that many elderly people with dogs that like to walk through Pollard Park cannot drive and/or like to exercise close to home.
91. In the hot summer months, a number of submitters noted that the shade in Pollard Park is a haven for dogs and their walkers.
92. A number of submitters were not opposed to dogs being restricted around the playground area at Pollard Park but felt that dogs and their owners should be allowed to enjoy the remainder of the park as an on-leash dog exercise area.
93. Some submitters felt that dogs should be allowed off-leash in Pollard Park and one submitter suggested that dogs should be restricted to the footpaths in Pollard Park.
94. There were some submitters who supported the proposal to prohibit dogs from Pollard Park recognising that it is an area for families and people should not need to worry about dogs.
95. The issue of fouling was also mentioned.

Recommendations and rationale

96. The Hearings Panel recommended that dogs should be allowed on-leash in Pollard Park, Churchill Glade and Waterlea Gardens and dogs should be prohibited from the Blenheim Golf Course. It was also suggested that dogs be excluded from the Baden Powell corner grassed area, the BBQ areas and around the children's playground.
97. Data shows that there were 24 complaints reported to Animal Control between 2009 and 2019 at Pollard Park. This total includes 1 attack/rush complaint and 23 nuisance complaints (mainly roaming dogs).
98. No infringement notices were issued in the last 2 years for any breaches of the Dog Control Act 1996 at Pollard Park.
99. The Hearings Panel acknowledged the shade in the park and the accessibility of the park for the elderly and those that live close to the park. Having dogs' on-leash was thought to minimise the potential for conflict with other dogs, park walkers and children.
100. As Pollard Park is a premiere park, it was considered appropriate to prohibit dogs from the playground area to create some dog free playground spaces. The grassed BBQ area near the children's playground and public toilets and the Baden Powell corner grassed area are highly used family picnic areas. This fits with the policy provisions to minimise the danger, distress and nuisance to the community and to have unimpeded access to public places that are frequented by children, and to also use public amenities without fear of attack or intimidation by dogs.
101. The Hearings Panel gave particular consideration to Churchill Glade. It was noted that some informal sports are played there and it is also a public event space. The Hearings Panel felt that the informal nature and irregularity did not necessitate the need to prohibit dogs.
102. The Hearings Panel's view that keeping the status quo with the prohibition of dogs from the Blenheim Golf Course at Pollard Park is in line with the general position that dogs should be prohibited from sports fields.
103. The Hearings Panel felt that Council does need the ability to exclude dogs when there are large events on. To manage this, the Hearings Panel recommended including a Draft Policy provision to enable temporary changes to dog access.
104. The Hearings Panel's recommendation for dog access to Pollard Park, Churchill Glade and Waterlea Gardens is as follows;

Dogs are prohibited from the Blenheim Golf Course, the Baden Powell corner grassed area, the BBQ picnic areas and children's playground.

Dogs are allowed on-leash on the balance of Pollard Park, Churchill Glade and Waterlea Gardens.

Picton

General comments

105. There were fewer submissions received on dog exercise areas in Picton Area than expected in comparison to the previous bylaw review.
106. A number of the submissions received for the Picton area noted walking dogs on the tracks off-leash provides relaxed exercise for both dog and owner.
107. Submitters noted that dogs need to have a proper run for which they need to be off-leash and dogs also need to socialise.
108. It was suggested that using a leash makes it more difficult for multiple users with having the dogs on lead to navigate when passing.
109. The Hearings Panel recognised that people treat the wider district as their playground and noted that people from Blenheim, specifically, take their dogs to the Esson's Valley and Tirohanga Tracks in Picton or to Ward beach.

Victoria Domain Reserves, Shelly Beach and Bob's Bay

Submissions

110. Some submissions supported changing Victoria Domain and Bob's Bay walking tracks from dog off-leash to dog on-leash areas while others opposed the proposals.
111. One submitter wanted dogs to be prohibited on the track to Bob's Bay to enhance safety for all track users and to support volunteer trappers.
112. One submitter commented on retaining prohibiting dogs from the designated mountain bike trails and suggested replacing the no dog signs that are missing on the mountain bike trails.
113. Several submitters supported the proposal to prohibit dogs from Shelly Beach and there was a suggestion to replace dog signage which has been taken down.

Recommendations and rationale

114. The Hearings Panel noted that the Draft Reserve Management Plan for Victoria Domain Reserves (Waitohi/Picton and Waikawa) was currently out for consultation.
115. It was noted that Victoria Domain Reserves are well used which is consistent with the Draft Policy to restrict access when there is intense public use, some tracks are narrow and there are limited sight lines.
116. Furthermore, the Hearings Panel supported the proposal to limit dog access to be on-leash for ecological and recreational reasons.
117. The Hearings Panel recommended dogs need to be on-leash on Victoria Domain Reserves except that dogs should be prohibited from the mountain bike tracks.
118. The Hearings Panel discussed whether there were enough off-leash areas in Picton as this is a change to go from off-leash to on-leash in Victoria Domain Reserves.
119. The Hearings Panel considered that the lower track should be an off-leash to provide one off-leash track in Victoria Domain. This recommendation was made to give balance and options and the lower track is considered to be for more urban walkers.
120. Hence the Hearings Panel's recommendation on dog access for Victoria Domain Reserves, Bob's Bay and Shelly Beach was as follows;

Dogs are allowed on-leash on roadways and formed walking tracks, shared walking and biking tracks.

Dogs are prohibited from the mountain bike tracks and the balance of Victoria Domain.

Dogs are allowed off-leash on the lower Picton to Waikawa track (but not on Endeavour Park).

Dogs are prohibited from the grassed picnic area at Shelly Beach.

Dogs are allowed on-leash on Shelly Beach and the road to access the Bob's Bay Track.

Esson's Valley and Tirohanga Walking Tracks

Submissions

121. All of the submitters on the Esson's Valley and Tirohanga tracks opposed the proposal to change from dogs off-leash to dogs on-leash areas.
122. Submitters mentioned that they like the freedom to exercise their dogs off-leash and that experienced responsible dog owners do not want a reduction in opportunities to properly exercise their dogs.
123. There were numerous comments about the benefits of dog ownership and that it encourages people to get outside, exercise, socialise and relax.
124. Some submitters mentioned that using a leash makes it more difficult for multiple users with having dog leads to also navigate when passing and that dogs can be more protective of their owners when they are on-leash.
125. With regard to the issue of dog fouling, submitters did not consider that having dogs on-leash would change the behaviour of those who do not pick up after their dogs.

Recommendation and rationale

126. The Hearings Panel's rationale was to keep the Esson's Valley and Tirohanga Tracks off-leash because of the submissions received and that these are shady areas for dogs to exercise especially when it is hot.
127. This is also one of the few hilly public places in the district where dogs can be walked off-leash.
128. It was noted that a significant number of Marlborough residents enjoy walking their dogs in these Picton Reserves during the hot summer months due to the shade and trees.
129. Consequently, the Hearings Panel recommended that;

Dogs are allowed off-leash on the Esson's Valley and Tirohanga Tracks.

Nelson Square

Submissions

130. In one of the submissions that were received, it noted that dog walkers are frequently seen at Nelson Square.

Recommendation and rationale

131. Following a site visit, the Hearings Panel considered that Nelson Square could potentially be an on-leash exercise area for dogs.

132. There are already rubbish bins which would be easy to attach a bag dispenser to; there is updated seating, some new plantings and some shade.
133. The Hearings Panel considered that the area would not be suitable or appropriate to be off-leash because of traffic safety concerns due to the proximity to the road surrounding Nelson Square. However, Nelson Square would provide a logical location for ferry traffic to stop and there are good sight lines.
134. In the past, Nelson Square used to be a cricket ground but the Hearings Panel received clarification from the Parks and Open Spaces Section that Nelson Square is not currently used as a sports ground with the cricket wicket and pavilion having been removed. Nelson Square is not currently designated for other purposes and has an Open Space 2 zoning in the Marlborough Environment Plan.
135. The Hearings Panel noted that in practise the area is being used despite Auckland Street Reserve being close by. The Hearings Panel noted that there is no playground at Nelson Square and considered that having dogs on-leash was an appropriate use of the space.
136. Accordingly, the Hearing Panel recommended that;

Dogs are allowed on-leash in Nelson Square.

Waitohi Domain

Submissions

137. A number of submissions were received specifically supporting the construction of a dog park at Waitohi Domain in Picton.
138. Submitters noted that Picton needs a fenced, secure, off-leash dog park similar to the Renwick Dog Park.
139. The Waitohi Domain was noted as an ideal location for a dog park as it allows easy access for locals as well as those travelling on the ferry.

Recommendation and rationale

140. The Hearings Panel did note that there were a number of submissions made to support proceeding with the construction of a dog park at Waitohi Domain.
141. It was noted that travellers and people who are coming and going from the ferry terminal would also want to use the area to exercise their dogs.
142. The site visit that was undertaken by the Hearings Panel noted that there is already some fencing and landscaping in place which would support a dog off-leash exercise area at this location.
143. The Hearings Panel considered that recommending the establishment of a dog park at Waitohi Domain could be outside of their remit and will refer the matter to the Animal Control Sub-Committee to consider the establishment of a dog park at Waitohi Domain in conjunction with the Port Redevelopment.
144. Consequently, the Hearings Panel recommend consideration that;

Dogs are allowed off-leash at Waitohi Domain.

Wairau Valley Golf Course and Recreation Reserve

Submissions

145. One submitter supported dogs being prohibited from the Wairau Valley Golf Course and Recreation Reserve because of issues of uncontrolled dogs worrying stock.
146. A strong response was received in opposition to the proposal to prohibit dogs from the Wairau Valley Golf Course and Recreation Reserve.
147. Submitters raised safety issues and queried where else they could take their dogs apart from along State Highway 63.

Recommendation and rationale

148. The Hearings Panel discussed the issues of uncontrolled dogs in rural areas with stock. It was acknowledged that there have been complaints received by Animal Control regarding dogs worrying stock and this was a concern.
149. The Wairau Valley Golf Course and Recreation Reserve is a shared space bordering rural land and there are limited other options on State Highway 63. The Hearings Panel considered that courtesy to existing landowners and stock is vital.
150. It was noted that prohibiting dogs would create issues with accessing the Wairau Valley loop track which is recommended to be a dog on-leash area. This loop track is due to be completed in 2021 which will give additional recreational opportunities.
151. The Wairau River does provide an off-leash area option for dog owners.
152. Accordingly, the Hearings Panel recommended that;

Dogs are allowed on-leash on the Wairau Valley Golf Course and Reserve.

Ward Beach

Submissions

153. There were several submitters who supported the proposal to prohibit dogs from Ward Beach including from the East Coast Protection Group Inc. These submitters recognised that dogs are predators and that they pose a threat and could have a detrimental impact on the biodiversity of the Marlborough East Coast.
154. Conversely, a number of submissions were received opposing dogs being prohibited from Ward Beach.
155. Some submitters recognised the importance of protecting nesting birds and made suggestions as to where dogs could be exercised to enable and allow for use of the beach area by locals and day visitors.

Recommendations and rationale

156. Following the 2016 Kaikoura earthquake and associated coastal uplift, the landscape changed. The high tide line shifted up to 200 metres down the beach. This made more of the East Coast more accessible more of the time. Consequently, there has been an increase in the use of the East Coast including Ward Beach.
157. The outstanding natural landscape of the East Coast has a presence of many species of indigenous fauna, birds and marine mammals.
158. It was proposed to prohibit dogs from Ward Beach to ensure that dogs do not injure, endanger or cause distress to protected wildlife.

159. It was recognised by the Hearings Panel that the Marlborough East Coast area has ecological overlays and various recreational uses. The landscape is unique which is detailed in the Technical Report on Marlborough's East Coast that was prepared by Council in 2019.
160. The Hearings Panel noted that at Ward Beach the area is being used for a range of recreational activities including walking, surfing, white baiting, dog walking and fishing.
161. There are also boat launching provisions which allow for commercial and public use so small boats can also launch from this location.
162. The issue of legal authority to make a decision on a beach was central in determining the extent of the bylaw and whether the jurisdiction is Council's or the Department of Conservation. If dogs are on leash then they should be under control. Council has the authority to make Bylaws in its district as far as MLWS on its seaward boundaries, and in any area that is not a type of land to explicitly exclude areas from being an "open dog area" as detailed in the Conservation Act 1987.
163. The Hearings Panel has therefore made the following recommendation that;

Dogs are allowed on-leash in the car park and on Ward 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 on the Ward Beach boat launching area

Dogs are prohibited on Ward Beach north beyond Chancet Rocks to Marfells Beach and south beyond Needles Point to the Marlborough District Council boundary.

Children's Playground Exclusion Zones

Submissions

164. Some submitters supported the proposed increase of the exclusion of dogs within 10 metres of any children's playground - whether or not the balance of the area is designated as a dog off-leash area or a dog on-leash area.
165. A number of submitters considered that the proposed exclusion of dogs within 10 metres of a playground is not practical or workable and should be removed or reduced. It was pointed out that there would be difficulties in getting to the Picton dog exercise area where the Auckland Street Skate Park has to be passed.
166. Submitters noted that they walk their dogs at the same time as taking children to play in the playgrounds at various parks and reserves.
167. The limit in the current bylaw is 3 metres and whilst some submitters considered this limit should be retained others suggested reducing the 10 metres to 5 metres.

Recommendation and rationale

168. The Hearings Panel made site visits to a number of playgrounds including Ballinger Park, Omaka Landings, Burleigh Park, Waikawa foreshore and Pollard Park.
169. There was discussion on the playground exclusion zones and it was noted that a number of other territorial authorities have 10 metre exclusion zones.
170. The set back in the 2002 Dog Control Bylaw had an exclusion zone of 15 metres before it was changed to 3 metres in the Current Bylaw.
171. The Hearings Panel was provided with no strong data to support an increase in the children's playground exclusion zones for dogs and there was no evidence a 10 metre exclusion zone was more effective than a 3 metre zone.

172. Responsible owners should have their dogs under control at all times. A 3 metre exclusion zone enables dogs and families with children to walk together and visit their local playgrounds.
173. The Hearings Panel considered that the current 3 metre exclusion has been satisfactory and that no complaints have been reported to Animal Control in recent years.
174. It was noted by the Hearings Panel that the policy provisions need to minimise the danger, distress and nuisance to the community and to have unimpeded access to public places that are frequented by children and to also use public amenities without fear of attack or intimidation by dogs.
175. Confirmation was received from the Parks and Open Spaces Team Manager that every Council managed playground or piece of playground equipment has some type of safety surfacing underneath, whether it is matting or bark.
176. The Hearings Panel felt that the wording needed to be specific about the dog being 3 metres away from a playground surfacing to avoid any issues about length of dog leash.
177. The Hearings Panel considered that dogs should be allowed on formed pathways in reserves that allow dogs on-leash regardless of the proximity to playgrounds provided that the dogs are on-leash and under control.
178. The Hearings Panel felt that there needs to be a district wide rule that makes it clear for any new reserves and pocket park playgrounds that are developed in the future that are not listed in the schedules.
179. It was agreed that dogs must be 3 metres away from the edge of the playground safety surfacing (matting or bark).
180. If the 3 metre exclusion zone cannot be achieved such as at Omaka Landings or at Burleigh Park then dogs are allowed on leash on the formed pathway or footpath except in dog prohibited areas.
181. As dogs are proposed to be excluded from some playgrounds the Hearings Panel considered that there are choices for people who do not like dogs.
182. Therefore, the Hearings Panel recommended that district wide;

At any children's playground dogs must be 3 metres away from the outside edge of safety surfacing (external to the playground) irrespective of the area being a dog on-leash or dog off-leash area.

Where this is not physically possible dogs must be on-leash on the formed pathway or footpath (except in dog prohibited areas).

Other general matters

183. Some submissions referred to topics that are provided for under the Dog Control Act 1996 and are legal requirements which are therefore outside the scope of the policy and bylaw review. For example the requirements to wear dog registration tags, muzzle requirements for dogs which have been classified as menacing by breed, setting dog fees and charges, and microchipping requirements.
184. A number of additional issues were raised through the submission process which were outside the scope of this Dog Control Policy and Bylaw Review.
185. Many submitters noted issues of conflict with cyclists on the Taylor River Reserve and the increasing number of electric bikes. Some of the concerns detailed included cyclists going too fast along the Taylor River Reserve or cyclists not warning that they are coming past. Concerns were also expressed about mountain bikes which are designed to go off road not moving off the pathway and issues with electric bikes and motorised scooters.
186. There were a number of suggestions that there should be speed limits for cyclists and that bells on bicycles should be compulsory.
187. The Hearings Panel gave due consideration to the issues of conflict with cyclists which were detailed in the submissions. The concerns regarding cyclists unrelated to dog control matters were outside the scope of this bylaw review. However, general requirements for cyclists exercising dogs have been included in the Draft Bylaw to specifically address concerns with not having their dogs under control and not picking up dog fouling.
188. The lack of signage and/or need for clear signage was mentioned in a number of submissions for a variety of locations.
189. To help address the issue of dog fouling a number of submitters made comments about having more rubbish bins and increasing the frequency of bin emptying.
190. Some submitters made specific suggestions with regard to the placement of additional rubbish bins, bag dispensers and toilets. These suggestions will be forwarded to Council's Assets and Services Department and the Parks and Open Spaces Section to follow up and consider.
191. With regard to the Taylor River Reserve several submitters requested an increased presence of Animal Control Officers and enforcement of those owners breaching bylaws by not having their dogs under control and not picking up after their dogs. Consequently, Animal Control have been undertaking more of their patrolling time to focus specifically along the Taylor River Reserve at different times of the day.
192. The issue of rabbits on the Taylor River was raised and will be referred to the Biosecurity Section to follow up.
193. The Hearings Panel felt that there should be guidelines for future children's playgrounds within subdivision developments and the formation of new pocket parks in any new Council managed reserves. These should give due consideration to the placement and location of playground equipment and surfacing. This suggestion will be referred to the Council Resource Consent Section to follow up on when dealing with new sub-division resource consent applications in conjunction with Council's Parks and Open Spaces Section.
194. The Proposed Policy and Proposed Bylaw included all new Council managed reserves that have been developed since the previous review was undertaken. There were no submissions received on many of the new areas. Therefore the Proposed Policy and Proposed Bylaw recommendations have been accepted and put into the Draft Policy and Draft Bylaw.
195. Where a topic or location has received no submissions then the Hearings Panel considers there has been no further information for it to take into account regarding that matter and has recommended that the Bylaw for the topic or location as proposed is to be adopted.

Next steps

196. 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 Policy and Bylaw must be made at a full Council meeting.
197. Media releases will need to be prepared with key messages about the decisions from the Dog Control Policy and Dog Control Bylaw review.
198. A signage review will be required to ensure that the correct signage is in place when the new Dog Control Bylaw comes into effect.
199. The potential construction of a dog park at Waitohi Domain will need to be referred to the Animal Control Sub-Committee to consider in conjunction with any redevelopment of the area.
200. The Dog Exercise Smart Map on the Council website will need to be updated to have the correct dog prohibited, dog on leash and dog off leash areas for when the new Dog Control Bylaw comes into effect.
201. 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.
202. The Animal Control Instrument of Delegation will also need to be updated to refer to the updated new Dog Control Bylaw 2021.

Attachments

Appendix One

Recommendations on topics/locations in the proposed Dog Control Policy and Bylaw

Appendix Two

Draft Marlborough District Council Dog Control Dog Policy May 2021

Appendix Three

Draft Marlborough District Council Dog Control Bylaw May 2021