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**MARLBOROUGH  
DISTRICT COUNCIL**



Only Marlborough

10 June 2021

Record No: 2187291  
File Ref: D050-001-E01  
Ask For: Nicole Chauval

## **Notice of Committee Meeting – Thursday 10 June 2021**

A meeting of the Environment Committee will be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, **10 June 2021 commencing at 9.00 am.**

### **BUSINESS**

As per Agenda attached.

**MARK WHEELER  
CHIEF EXECUTIVE**



**Meeting of the ENVIRONMENT COMMITTEE  
to be held in the Council Chambers, District Administration Building, Seymour Street,  
on THURSDAY, 10 JUNE 2021 commencing at 9.00 am**

**Committee**

Mayor J C Leggett (Chairperson)  
Clr D D Oddie (Deputy)  
Clr G A Hope (Deputy)  
Clr J A Arbuckle  
Clr J D N Croad  
Clr B A Faulls  
Clr T P Sowman  
Iwi Representative (to be advised)  
Mr E R Beech (Rural representative)

**Departmental Head**

Mr H Versteegh (Environmental Science and Policy Group Manager)  
and Ms G Ferguson (Consents and Compliance Group Manager)

**Staff**

Nicole Chauval (Committee Secretary)

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**In Public**

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## **1. Apologies**

No apologies received.

## **2. Declaration of Interests**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

### 3. Te Whanau Hou Grovetown Lagoon

(Clr Hope) (Report prepared by Justine Johnson)

C230-001-G01-02

#### Purpose of Report

1. To provide an update on Te Whanau Hou Grovetown Lagoon Incorporation restoration work at the Grovetown Lagoon.

#### Executive Summary

2. Restoration of the Lagoon began in 2002 when local iwi brought to the attention of MDC the degraded state of the area and the water quality. Since that time local iwi, MDC, the Grovetown community, and Department of Conservation (DOC) have been working together to enhance the Lagoon.
3. The Community Management Plan for the Lagoon is dated 2003 and although there have been other work plans created the original Community Management Plan has not been updated since then. Work has begun with the Foundation members of Te Whanau Hou in conjunction with Council to write a new management plan under the Reserves Act 1977.

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#### RECOMMENDATION

That the information be received.

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#### Background/Context

4. Te Whanau Hou Grovetown Lagoon Incorporated (Society) is restoring Grovetown Lagoon and its tributaries. The Society aims to reverse the degradation that has occurred, by planting trees, controlling predator pests, eradicating weeds, and also improving public access. Restoration of the Lagoon began in 2002 when local iwi brought to the attention of MDC the degraded state of the area and the water quality. Since that time local iwi, MDC, the Grovetown community, and Department of Conservation (DOC) have been working together to enhance the Lagoon. The 2020 aerial photograph below is taken from above Wairau Bar Road looking west across to Grovetown Lagoon with Grovetown Township beyond at the top of the photograph.



Figure 1 Aerial Photograph of Grovetown Lagoon

#### Finance and Infrastructure

5. There is support for the project from MDC of a contracted coordinator \$15,000 per annum. MDC Reserves and Amenities Section funds the Society \$12,000 per annum for running costs. For the



investment, MDC receives a high return as volunteers undertake much of the labour. In addition to the Council funding the society is sponsored by Dog Point Vineyard, Isaac Conservation and Wildlife Trust is the principal sponsor in conjunction with its wholly owned Marlborough subsidiary Simcox Construction. Department of Conservation and Council have granted the project funds for weed control works.

- The loop track around the outside of the lagoon was opened in April 2019 with the final section of the track being the completion of the boardwalk across Kelly’s Creek. The boardwalk cost \$90 000, an engineered structure which was funded by the Rata Foundation, Lions Foundation, Redwood Trust, Pelorus Trust and Garden Marlborough. A toilet and car park were installed late 2020 earlier 2021 and was funded from the Long Term Plan 2018. The infrastructure has enabled the community to enjoy the lagoon with visitor numbers of 150 people per weekend day.

**Community**

- The society has volunteers working at the Lagoon every week, both on site and at the shade house situated at Grovetown School. There are Sunday working bees every six weeks. Corporate planting days have been popular with wine companies, Outward Bound and RNZAF volunteering, however this has been impacted by Covid. The society gets referrals from Volunteer Marlborough and the Department of Corrections also undertake tasks. School groups come to the lagoon for education or to volunteer; 11 classes in 2020. Blenheim Lions have funded and built a noticeboard at the corner of Steam Wharf Road. The Society has over two hundred and fifty members on its newsletter emailing list. Te Whanau Hou is a registered Charity and receives donations of goods and services or through the ‘Give a Little’ page.

**Environment**

- The plants for the project are propagated by volunteers from seed collection in the ecological district. In addition to the school shade house, an additional shade house was built and then extended in 2021 to house the plants. 975 trees were planted in 2020. Tens of thousands of native plants have been planted over the duration of the project and the margins of the Lagoon are now home to a thriving native ecosystem. The land area of the project has extended over time with Council purchasing land; the Society now manages approximately 40 hectares. Weed control works are undertaken by a combination of volunteers and contractors dependant on the species and control method.
- The society started a predator control program in 2017. There are 80 traps at the lagoon which are monitored weekly by volunteers. There are trap lines both around the outside of the Lagoon and internally on Māori Island. There are no public walkways on Māori Island but is a good bird nesting habitat. Rats are the main target species; see the graph below of the trapping record since May 2017.

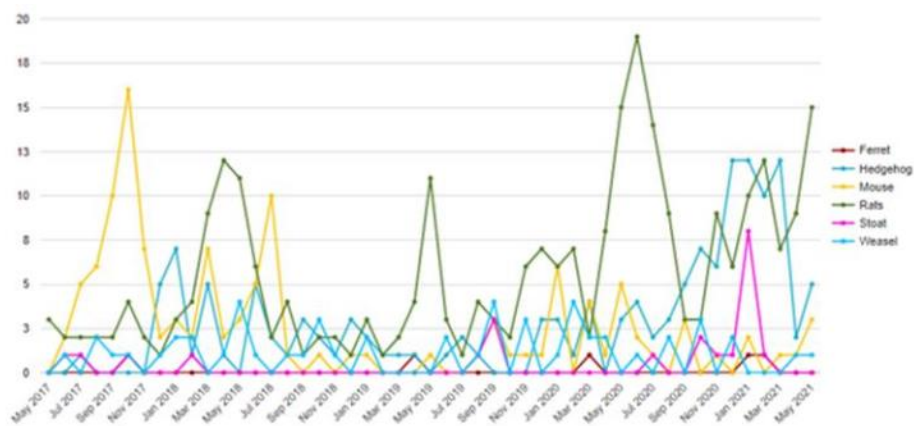


Figure 2 Graph of Predators trapped at Grovetown Lagoon - Monthly Catch Totals

**Next steps**

- The Community Management Plan for the Lagoon is dated 2003 and although there have been other work plans created; the original Community Management Plan has not been updated since then. Work has begun with the Foundation members of Te Whanau Hou in conjunction with Council to write a new management plan under the Reserves Act 1977.

## Presentation

A short presentation will be given by Justine Johnson (10 minutes).

Author	Justine Johnson, Te Whanau Hou Grovetown Lagoon Coordinator
Authoriser	Peter Hamill, Environmental Scientist - Aquatic Ecosystems, Environmental Science and Monitoring

## 4. Catchment Care Funding Principles

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(Clr Hope) (Report prepared by Peter Hamill)

E355-021-03-001

### Purpose of Report

1. To ratify the funding principles for landowner support for the Catchment Care Programme.

### Executive Summary

2. The Catchment Care Programme is an outcome of the non-regulatory provisions prescribed in the Proposed Marlborough Environmental Plan (PMEP) designed to develop a collaborative catchment enhancement plans in degraded catchments to help protect or improve water quality outcomes.
3. The Committee will recall that Catchment Care starts with community meetings to discuss water quality issues, followed by a Catchment Condition Survey, a data analysis phase, private consultations with individual farmers and then implementation of the required mitigations pursuant to a catchment enhancement Plan (fencing, planting, Dung Beetles etc)
4. Catchment Conditions Surveys have been completed in a number of designated catchments and key priority areas have been identified where fencing, planting and other mitigation methods will provide environmental enhancements.
5. The priority areas will be eligible for funding assistance from the government grants of up to \$6.00 per metre of fencing materials, the provision of maintenance of wetland and riparian plantings for two years following planting and a grant of \$2000 per farm pack of Dung Beetles.
6. The overarching funding principles as proposed require funding to be targeted to at risk and degraded catchments as defined in the PMEP.
7. Priority action is determined by the outcomes from Catchment Condition Surveys.
8. Best practice industry mitigation outcomes are to be achieved with a focus on implementation of a range of integrated mitigation methods within a catchment, while achieving the minimum standards prescribed under the National Environmental Standards.

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### RECOMMENDATIONS

1. **That the report be received.**
  2. **That the Funding Principles are accepted and incorporated into the Catchment Care programme.**
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### Background/Context

9. The Committee will recall that the Ministry of the Environment (Mfe) has funded \$600,000 for a five year period as a contribution towards the \$1.7 million Catchment Care Programme. This funding is sourced from the Public Waterways and Ecosystem Restoration (PWER) fund. Additional funding for the Te Hoiere Exemplar Project is expected soon from MfEs Freshwater Improvement Funds and DOCs Nga Awa fund.
10. The Catchment Care Programme is aligned to objectives in the Proposed Marlborough Environment Plan (PMEP), requirements of the National Policy Statement for Freshwater and outcomes of the Kotahitanga Mo Te Taiao Alliance Strategy.
11. The Catchment Care Programme is a new initiative designed as an implementation method under the (PMEP) to protect or improve water quality in specified degraded water bodies in the region.
12. In practical terms, the programme will see Council working closely with landowners and catchment communities in a collaborative model to identify and implement key mitigations such as fencing off

critical source areas, stock access to rivers, wetlands, planting of riparian areas and distribution of dung beetles. These actions will all to help reduce loss of contaminants in runoff and groundwater to waterways.

13. The Catchment Condition Survey identifies information such bank erosion, fencing, riparian buffers, critical source areas, in-stream conditions, weeds and fish barriers. This data is collected in a nationally leading GIS data collection software package developed in-house. These surveys help to identify areas with the greatest need and potential to keep our waterways healthy for future generations.
14. Analysis of this data across an entire catchment provides a way to prioritise where landowners could act for the best cost/benefit to meet water quality goals. Following the data collection and analysis, a meeting with the landowner outlines the survey findings, and develops goals and priorities that form an action plan. The surveys and the post-survey landowner consultations give catchment communities the ability to contribute in a common-sense way to the prioritisation and planning so all can agree on where to act, to get the best value for money, while seeking to achieve water quality catchment objectives that would not necessarily be met on its own by the minimum standards evoked by the National Environmental Standards for fresh water.
15. The action plan then identifies priority areas for landowners to focus on that will improve water quality or enhance and protect wetlands. The Catchment Condition Surveys prioritises fencing of all waterways into four levels; High, Medium, Low; and Not Required. Consideration is given to the recently enacted Section 360 RMA Stock Exclusion rules to ensure landowners will meet their compliance obligations.

## **Next steps**

16. Through discussions with landowners and staff the following funding principles for providing assistance are proposed.
17. The overarching guiding principles for funding assistance are;
  1. The funding will be targeted to the at risk and degraded catchments as defined in the PMEP
  2. Priority action is determined by the outcomes from Catchment Condition Surveys.
  3. Best practice industry mitigation outcomes are to be achieved with a focus on implementation of a range of integrated mitigation methods within a catchment, while achieving the minimum standards prescribed under the National Environmental Standards.
18. Fencing
  - 18.1 The cost of installing a full seven wire (or netting) fence, including labour costs approximately \$18.00 per metre. The material cost is approximately \$6.00 per metre and labour cost the remainder.
  - 18.2 Fences identified as priority to install, as a product of the Catchment Condition Surveys will be eligible for funding assistance of up to \$6.00 per metre of fencing materials.
  - 18.3 This contribution of up to \$6.00 per metre for materials will cover all of the materials with the landowner responsible for the installation costs. This allows the landowner the option of undertaking the installation of the fence themselves (therefore not incurring any additional external costs) or, to employ a contractor.
  - 18.4 If a full seven wire (or netting) fence is not required to protect the waterways but a less robust fence is sufficient (for example a two wire fence), the cost is reduced and the funding eligibility will be reduced to cover the actual cost of the fencing materials for the two wire fence. Landowners can choose what fencing materials they prefer (new or recycled posts, waratahs etc). Where fences are in difficult locations or have excessive bends requiring more strainers, consideration will be given to lifting the \$6.00/metre cap at Councils discretion.

19. As funding is limited the fences identified as High Priority will initially receive funding and when all landowners in the catchment have been approached and agreed on areas to be fenced and remaining catchment budget then be reallocated to Medium and then Low Priority fences.
20. In cases where stock exclusion fencing removes the supply of stock water (for example where stock drink directly from streams), consideration will be given to contributing toward installation of reticulated stock water. The scale of such contributions will remain within the discretion of the Council and will require approval of the Team Leader Land and Water. Allocation of such contributions will be based solely on the scale of the environmental benefits that would be gained from such a contribution.

### *Planting*

21. Planting riparian margins and wetlands requires an investment over several years as without ongoing maintenance, high weed pressure results in high plant mortality.
22. The maintenance of approved plantings for two years will be covered as part of the funding grant with the purchase and planting of the plants covered by the landowners. Council will source and make available suitable plants to be purchased by the landowners at cost to plant in areas identified as part of the Catchment Condition Survey.

### *Dung Beetles*

23. Dung Beetles are part of the solution for improving water quality as they remove faecal matter from the ground surface reducing overland flow of contaminants. They can also make a significant contribution to pasture productivity (up to 35% increases) and reductions in fertiliser costs.
24. Dung Beetles are purchased in "Farm Packs" which includes four different species of beetles that are released at different times of the year. Each farm receives a selection of four species suited to the local environment in 3-4 deliveries each made up of over 1000 beetles.
25. Each farm pack costs \$6,000 and landowners can get a grant of \$2,000 towards the purchase of the farm pack. Orders of 10 farm packs or more receive a \$1000 discount from the supplier. Catchment groups are encouraged to order as a group and Council provides a free service to deliver and release the beetles to farms. There are limited funds available and therefore farm packs will be distributed around the catchment to get a spread of releases which will speed up the establishment of the beetles across the catchment.

### *Implementation and Monitoring*

26. Council has obligations to funders to document the allocation and completion of the funded mitigations.
27. The method used is a GIS based system that maps the preferred location and size of mitigations, creates a record of the agreement between landowners and Council, alerts Land Resource Officers of proposed completion dates to enable follow-up and facilitates documentation of completed works.
28. The GIS system also enables funders to access near real-time data on project progress.
29. Landowners will need to sign a Landowner Agreement to allow monitoring of completed work. This to ensure work has met the original goals of the mitigations.
30. Landowners are expected to invoice Council for material costs for reimbursement, and at the same time supply information such as photographs of work and total hours worked on the projects to meet reporting requirements.

Author	Peter Hamill, Environmental Scientist - Aquatic Ecosystems, Environmental Science and Monitoring
Authoriser	Alan Johnson, Environmental Science and Monitoring Manager

## 5. Soil Quality Monitoring Report 2020

(also refer separate report available on Council's website)

(Cllr Hope) (Report Prepared by Matt Oliver)

E355-001-001-20

### Purpose of Report

1. To receive report on Soil Quality Monitoring for 2020.

### Executive Summary

2. In this investigation, soils were sampled from thirteen monitoring sites that included four vineyards, three pasture sites and six cropping sites. These sites represented 11 different soil types from three soil orders.
3. This year's results are consistent with all previous years. While many sites show good soil quality, most soils show the effects of human land use. Soil compaction, excessive levels of nitrogen and phosphorus and loss of soil carbon remain the consistent theme of this work. Hot water carbon (HWC) testing introduced last year showed that 90% of samples failed to reach the target; indicating Marlborough soils may have low microbial activity and face risks of structural degradation.
4. The Soil Quality Monitoring Programme has been operating for 20 years now. This is now a nationally significant dataset. This data has documented clear downward trends in soil quality.
5. A set of guidelines has been developed to address the soil quality issues of concern for each land use.

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### RECOMMENDATION

That the information be received.

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### Background/Context

6. Regional councils (and Unitary Councils) have a responsibility for promoting the sustainable management of the natural and physical resources of their region. Under Section 35 of the Resource Management Act (1991), one of the physical resources that we have a duty to monitor and report on is soil. Specifically, to report on the "life supporting capacity of soil" and to determine whether current practices will meet the "foreseeable needs of future generations". To help meet these goals, the Council undertakes a soil quality monitoring programme that involves collecting soil samples from a network of sites that represent the main land use activities and soil types within the region and analysing these samples for a suite of soil physical, biological and chemical properties that have been shown to be robust indicators of soil quality. The aim of this report is to summarise both the current state of, and the long-term trends in, soil quality in the Marlborough region as determined by the results of soil analysis from sampling across a range of land use activities and soil types.

### Soil Quality Monitoring

7. In this investigation, soils were sampled from thirteen monitoring sites that included four vineyards, three pasture sites (including two dairy sites) and six cropping sites. These sites represented 11 different soil types from three soil orders.
8. This year's results are consistent with the previous 20 years' worth of results. While many sites show good soil quality, most soils show the effects of human land use with soil quality indicators for many of these falling outside target ranges. 76% of sites (mostly vineyards) reported soil compaction measurements outside the target range. These results put these soils at risk of poor aeration and impeded drainage which may potentially affect pasture production and predispose the soil to surface runoff, nutrient loss, erosion and flooding. While soil compaction may not be permanent, it clearly should be avoided and remediated where necessary. A range of beneficial management options to prevent and remediate soil compaction are outlined in the report.

9. A new soil quality test was introduced last year. HWC measures the easily available sources of carbon in the soil and provides indications on the level of microbial activity within the soil. In addition, HWC can help understand what risks are posed to soil structure, nutrient availability and water retention from a loss of this soil carbon fraction. A provisional target of >1900 mg/kg has been set. This year, 19 of the 21 samples failed to reach this target providing worrying support for last year's poor results. Although more samples are required, Marlborough soils may have low microbial activity and face risks of structural degradation.
10. The long-term analysis introduced in 2016 has been repeated this year. The results from a new set of samples confirm the concerns outlined in the 2016, 2017 and 2018 reports that soil compaction, soil organic matter loss and loss of nutrients to water are significant problems for Marlborough.
11. A new addition to the soil quality report this year is specific guidance for landowners on how to improve soil quality. Each land use that has an identified poor trend in soil quality data now has a guidance note that can be used to:
  - 11.1 Understand when soil quality is compromised and;
  - 11.2 What actions should be taken to rectify poor soil quality.

### Next Steps

12. The Soil Quality Programme has consistently shown slow degradation in Marlborough's soil quality for some years now. Utilising these identified trends, a set of guidelines have been developed to address poor soil quality.
13. Staff are developing a non-regulatory education programme based on these guidelines for landowners to be delivered by Land Resources staff under the Catchment Care Programme. A developed programme will be presented at a future Environment Committee.
14. Following the development of the education programme, the guidelines would be suitable for incorporation as permitted activity standards in the MEP following appropriate consultation with land users.

### Presentation

A short presentation will be given by Matt Oliver (15 minutes).

### Attachment

**Attachment 1** – Soil Quality in the Marlborough Region 2020 report is available on Council's website via the following link <https://www.marlborough.govt.nz/your-council/meetings>

Author	Matt Oliver, Environmental Scientist- Land Resources
Authoriser	Peter Hamill, Environmental Scientist - Aquatic Ecosystems, Environmental Science and Monitoring

## 6. Nitrate – N in Groundwater & Connected Streams SoE Report

(also refer separate report available on Council's website)

(Clr Hope) (Report Prepared by Peter Davidson)

E345-007-001

### Purpose of Report

1. To present the MDC state of the environment (SoE) report entitled Marlborough Groundwater and Connected Surface Water Nitrate-N State of the Environment Report.

### Executive Summary

2. Irrigated mature vineyard under Wairau Plain conditions leaches Nitrate-N but at low levels relative to other land uses.
3. Long-term median Nitrate-N concentrations in groundwater at Wairau Valley, Rai River Valley and Tuamarina River Valley are moderately high from an aquatic ecology perspective.
4. A more detailed analysis of how recent Nitrate-N concentrations match the PMEP aquatic ecology targets will be contained in a follow-up MDC scorecard in 2021.
5. Nitrate-N concentrations at all SoE sites are currently well below the maximum allowable value for human consumption in the Drinking Water Standards for New Zealand (2005/2018).
6. The highest measured Nitrate-N levels in Marlborough water resources are found in groundwater and mimicked in connected springs or aquifer fed streams.
7. Levels of Nitrate-N in groundwater are primarily driven by land use activities, particularly artificial fertiliser use and stocking rates.
8. Soil type, climate and irrigation rates influence Nitrate-N leaching rates and their timing, but are not the prime drivers of excessive Nitrate-N levels in Marlborough groundwater.
9. Managing excessive levels of Nitrate-N in groundwater can only be effectively achieved by managing land use and limiting nutrient limits.
10. Nitrate-N enters groundwater in a diffuse manner meaning it can't be intercepted by riparian management tools like fencing or planting channels.
11. The current MEP permitted activity Nitrate-N application rate of 200 kg/ha/year is an order of magnitude higher than current usage and probably historical Wairau Plain loadings averaged over the Wairau Plain land area.
12. For those Wairau Plain aquifer SoE sites where sufficient length of record (30 years or more) exists, there is generally a long-term declining trend in groundwater Nitrate-N levels and those of connected streams.
13. This decline is consistent with the dominant Wairau Plain agricultural land-use changing from mixed farming (sheep and arable) to vineyard from the mid-1980s onwards.
14. Recent Nitrate-N concentrations since 2014 have tended to be lower for the Wairau Plain probably because of the drier climatic conditions experienced leading to reduced rainfall leaching.
15. Confined aquifers act as natural sinks for Nitrate-N due to their reducing biochemical conditions, and the further inside the confined part of the aquifer the more assimilation occurs.
16. Climate change predictions are still too vague to translate into implications for Nitrate-N leaching to aquifers 60 years out.



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## RECOMMENDATION

That the information be received.

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### Background/Context

17. The topic of Nitrate-N in groundwater has a very high profile nationally. In the Canterbury province where the same alluvial gravel type aquifers predominate as in Marlborough, Nitrate-N levels for some shallow aquifers are above 50 percent of the Maximum Allowable Value for human health (Drinking Water Standards for New Zealand – 2005 (2018)). These levels have implications for the aquatic health of groundwater fed streams with much lower Nitrate-N limits.
18. One of the focuses of the government's National Policy Statement for Freshwater management is on the effects of nutrients on the aquatic ecology on wetlands, streams and aquifers.
19. The Proposed Marlborough Environment Plan (PMEP) contains aquatic ecology limits for Nitrate-N to maintain the health of surface waters, and these same annual median and maximum concentration thresholds also apply to shallow groundwater in the same Freshwater Management Unit (FMU).
20. Nitrate-N is more difficult to treat than microbial contaminants, especially in the volumes required for municipal supply to a population the size of Blenheim. All of the inhabitants of the Wairau Plain rely on groundwater for drinking and it's in everyone's interest to maintain acceptable levels of nutrients in our aquifers.
21. Marlborough is fortunate from a water demand and nutrient perspective that the predominant land use for the Wairau Plain, Wairau Valley and Awatere River Valley is vineyard. Grape plants have low irrigation and nutrient needs compared to dairy and arable land uses.
22. The 2021 SoE report focused on long term trends and the link between groundwater or spring quality and land use both current and historical. A follow-up MDC SoE report will analyse current Nitrate-N levels in shallow groundwater relative to the PMEP aquatic ecology thresholds.

### Presentation

A short powerpoint presentation will be given by Peter Davidson to summarise the key findings of the report (15 minutes).

### Attachment

Attachment 1 – Marlborough Groundwater and Connected Surface Water Nitrate-N State of the Environment Report is available on Council's website via the following link <https://www.marlborough.govt.nz/your-council/meetings>

Author	Peter Davidson, Groundwater Scientist
Authoriser	Alan Johnson, Environmental Science and Monitoring Manager

## 7. The Marlborough Coastal Marine Area: Environmental Issues and Scientific Information Needs for Environmental Management

(also refer to separate report available on Council's website)

(Clr Hope) (Report Prepared by Oliver Wade)

E325-003-005

### Purpose of Report

1. To provide an update to the Committee on the findings of a report describing environmental issues in the Marlborough coastal marine area (CMA) and scientific information needs for environmental management.
2. There will be a short presentation by Dr Hilke Giles (Pisces Consulting).

### Executive Summary

3. MDC is committed to developing a more collaborative and integrated approach to managing the Marlborough CMA.
4. This report provides a foundation for this approach by:
  - 4.1 Describing existing information on environmental issues in the Marlborough CMA.
  - 4.2 Identifying science information needs for managing the Marlborough CMA described in existing regulatory and non-regulatory documents.
  - 4.3 Identifying preliminary information gaps to inform a more strategic approach for collecting scientific information.
5. This report was prepared in collaboration with the Department of Conservation (DOC) and Fisheries New Zealand (FNZ).
6. This report identifies that there has been a significant amount of scientific information collected about the environmental issues in the Marlborough CMA. The challenges identified with aligning scientific information collection and addressing environmental issues highlight the need for a collaborative and integrated approach to data collection and the management of the Marlborough CMA.

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### RECOMMENDATION

That the report be received.

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### Background/Context

7. The Marlborough CMA is exposed to a variety of stressors both anthropogenic and natural and substantial ecosystem change has occurred.
8. Environmental issues of relevance identified for the CMA through this report are:
  - 8.1 Sedimentation and suspended sediment;
  - 8.2 Habitat modification and impact on species;
  - 8.3 Water and sediment quality degradation;
  - 8.4 Marine pests;
  - 8.5 Marine litter;

## 8.6 Climate change

9. These issues are connected and can combine to cause cumulative effects.
10. This report describes the:
  - 10.1 Environmental issues in the Marlborough CMA;
  - 10.2 Current knowledge of the state of the Marlborough CMA in relation to these issues;
  - 10.3 Scientific information needs derived from regulatory and non-regulatory documents of relevance to environmental research and monitoring of the Marlborough CMA;
  - 10.4 Science information needs identified on a national level relevant to the Marlborough CMA;
  - 10.5 Preliminary information gaps identified for each environmental issue.
11. This report concludes that a large volume of environmental information has been collected in relation to the Marlborough CMA. This information is being actively utilised by MDC and others involved with management of this area.
12. This report also concludes that a number of key challenges exist for addressing environmental issues:
  - 12.1 Meeting agency scientific information needs through existing information or current projects;
  - 12.2 Aligning and coordinating scientific work being carried out in the Marlborough CMA;
  - 12.3 Expanding the collection of environmental information currently centred on the Marlborough Sounds to the wider CMA;
  - 12.4 Consistent use of indicators of environmental health throughout the Marlborough CMA;
  - 12.5 There is a lack of recognition of te ao Māori in most scientific investigations, monitoring or indicators;
  - 12.6 Cumulative effects are difficult to account for through current information collection.
13. This report is not designed to lead to recommendations for addressing environmental issues on its own. Instead, it is intended to be one of many sources of information that will inform discussion around more integrated management of the Marlborough CMA. Addressing scientific information gaps and developing solutions for the identified environmental issues will require research, integration and collaboration, including recognition of te ao Māori.

## Next Steps

14. The report will be made available via the Council website.

## Presentation

A short presentation will be given by Dr Hilke Giles (Pisces Consulting) (15 minutes).

## Attachment

**Attachment 1** – The Marlborough Coastal Marine Area: Environmental issues and scientific information needs for environmental management Giles (2021) report is available on Council's website via the following link <https://www.marlborough.govt.nz/your-council/meetings>

Author	Oliver Wade, Environmental Scientist – Coastal
Authoriser	Alan Johnson, Environmental Science and Monitoring Manager

## Summary of decision-making considerations

### Fit with purpose of local government

The proposal enables *democratic local decision-making and action by, an on behalf of communities and relates to providing a public service and it is considered good-quality and cost effective.*

### Fit with Council policies and strategies

	Contributes	Detracts	Not applicable
LTP / Annual Plan	✗	<input type="checkbox"/>	<input type="checkbox"/>
Financial Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✗
Infrastructure Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✗
Social well-being	<input type="checkbox"/>	<input type="checkbox"/>	✗
Economic development	<input type="checkbox"/>	<input type="checkbox"/>	✗
Environment & RMA Plans	✗	<input type="checkbox"/>	<input type="checkbox"/>
Arts & Culture	<input type="checkbox"/>	<input type="checkbox"/>	✗
3 Waters	<input type="checkbox"/>	<input type="checkbox"/>	✗
Land transport	<input type="checkbox"/>	<input type="checkbox"/>	✗
Parks and reserves	<input type="checkbox"/>	<input type="checkbox"/>	✗

### Nature of the decision to be made

The options do not involve a significant decision in relation to land or a body of water.

### Financial considerations

There are no known financial implications.

### Significance

The decision is considered of low significance under Council's Significance and Engagement Policy.

### Engagement

No engagement is proposed.

### Risks: Legal / Health & Safety etc

There are no known significant risks or legal implications as.

### Climate Change Implications

Climate change has wide ranging implications for the marine environment as stressors such as ocean acidification, sea level rise and sea temperature increase become ever more prevalent. This report describes the current state of knowledge and preliminary information needs in relation to climate change.

## 8. New Burning Guides Heading Into Winter

(Clr Hope) (Report prepared by Sarah Brand, Shelley Lines and Grace Tocker)

E360-006-02

### Purpose of Report

1. To present the updated burning guides under the proposed Marlborough Environment Plan and details of air quality complaints received.
2. To provide information on regulatory changes and options for non-regulatory programmes to address air quality issues and complaints.

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### RECOMMENDATION

That the report be received.

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### Background/Context

3. During the winter months, Blenheim Airshed often exceeds the National Environmental Standard for Air Quality (NESAQ) for PM<sub>10</sub> when emissions from domestic home heating coincide with meteorological inversion conditions preventing dispersion of the particulate matter (PM).
4. The last air emission inventory for Blenheim (2017) showed that 90% of the anthropogenic particulate matter emissions originate from home heating (mainly wood smoke), with industry, transport and outdoor burning contribute the remaining 8%.
5. Particulate matter is known to have serious health effects, causing respiratory as well as cardiovascular problems and premature death with prolonged exposure to above acceptable levels. Therefore, any measures which reduce the production of particulate matter are to be encouraged.
6. Monitoring of the Blenheim Airshed shows that there has not been an improvement (decrease) in PM<sub>10</sub> concentrations in Blenheim since 2006. No trend has been evident.
7. The Ministry for the Environment is working towards amendments to the NESAQ which would look to move the focus from the current PM<sub>10</sub> daily average standard to a PM<sub>2.5</sub> daily average standard of 25µg/m<sup>3</sup> and an annual average PM<sub>2.5</sub> standard of 10µg/m<sup>3</sup>.
8. Monitoring of PM<sub>2.5</sub> over the last four years has shown that the Blenheim Airshed will not meet these proposed new standards and will actually significantly breach these standards.

Year	Number of times PM <sub>2.5</sub> exceeded the proposed daily average standard of 25µg/m <sup>3</sup>	Number of times the Blenheim Airshed would breach the proposed guidelines
2017	72	69
2018	61	58
2019	33	30
2020	45	42

9. Management measures to reduce PM<sub>10</sub> concentrations to meet the NESAQ have been included in the proposed Marlborough Environmental Plan (pMEP). Predictions based on a 2012 assessment suggested that concentrations would reduce from 2012-2018 in the absence of regulation, however this has not occurred.

10. With the lack of a decreasing trend of PM concentrations to meet the NESAQ, the measures in the pMEP are an important part of the package of measures that are needed to reduce PM and achieve the NESAQ standards. Other measures include non-regulatory behaviour change programmes and education targeting household operation of wood burners.
11. To increase public awareness of the pMEP regulatory measures and provide non-regulatory education, the Council's "Burning Guides" have been updated and refreshed.
12. The major regulatory changes from the WARMP & MSRMP to pMEP focus on whether burning is occurring within or outside the Blenheim Airshed.

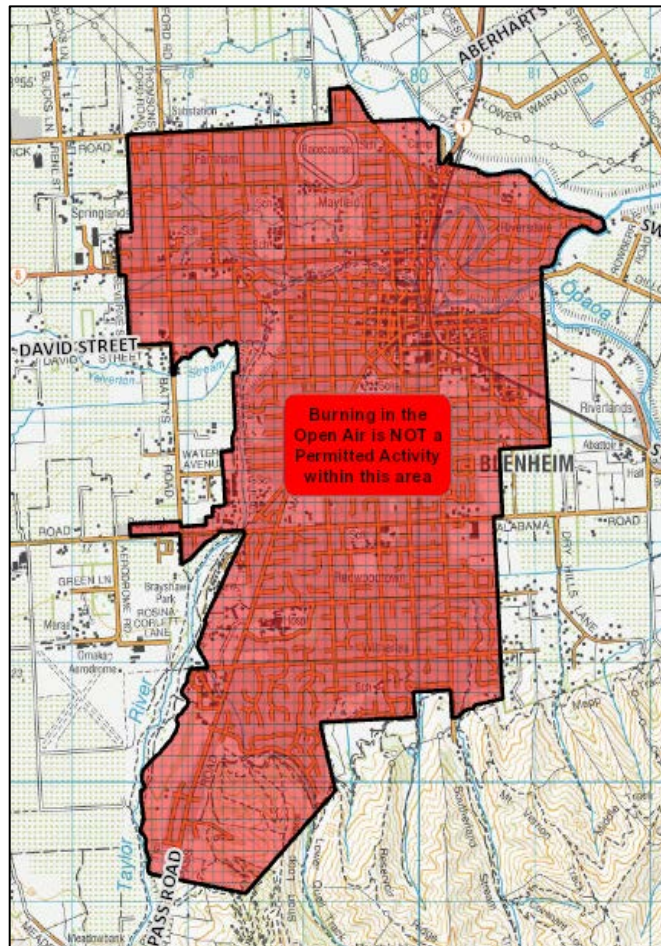


Figure 1: Map of the Blenheim Airshed

13. Outdoor burning within the Blenheim Airshed is now a prohibited activity unless the fire is used exclusively for the cooking or smoking of food for non-commercial purposes (all year), or is a brazier but is not used during the months of May, June, July or August, and does not involve the burning of any prohibited fuels/materials. This applies to all zones within the Airshed.
14. There are new *permitted activity standards* in relation to the use of indoor burners for domestic heating. These rules are complex but a summary of the standards relating to indoor burners is outlined below:
  - 14.1 Discharge from an enclosed pellet burner of any age, and installed at any time is permitted.
  - 14.2 Discharge from an enclosed wood burner installed after 1 September 2005 is permitted.
  - 14.3 Discharge from any indoor open fire is prohibited (unless the fire is used exclusively for the cooking or smoking of food for wholesale or retail sale).
  - 14.4 Discharge from any small scale solid fuel burner not described above is permitted until the burner reaches 15 years of age.

14.5 Discharge from any small scale solid fuel burner installed after 9 June 2016 is permitted.

15. A small scale solid fuel burning appliance means an appliance designed to burn solid fuel or a mixture of those fuels for the purpose of domestic space heating with a net heat output of up to 40 kilowatts. This includes:

- Solid-fuel burning open fire (use within the Blenheim Airshed is prohibited),
- a pot belly stove,
- a domestic range / stove,
- a wood burner,
- a pellet burner,
- a multi-fuel burner

16. The majority of complaints that the Council receive relate to two major areas; outdoor and domestic burning, and as such, these areas are the current focus.

### Compliance – Burning complaints (calendar year)

17. Over the previous three years, Council have received more outdoor burning complaints than domestic or commercial burning complaints

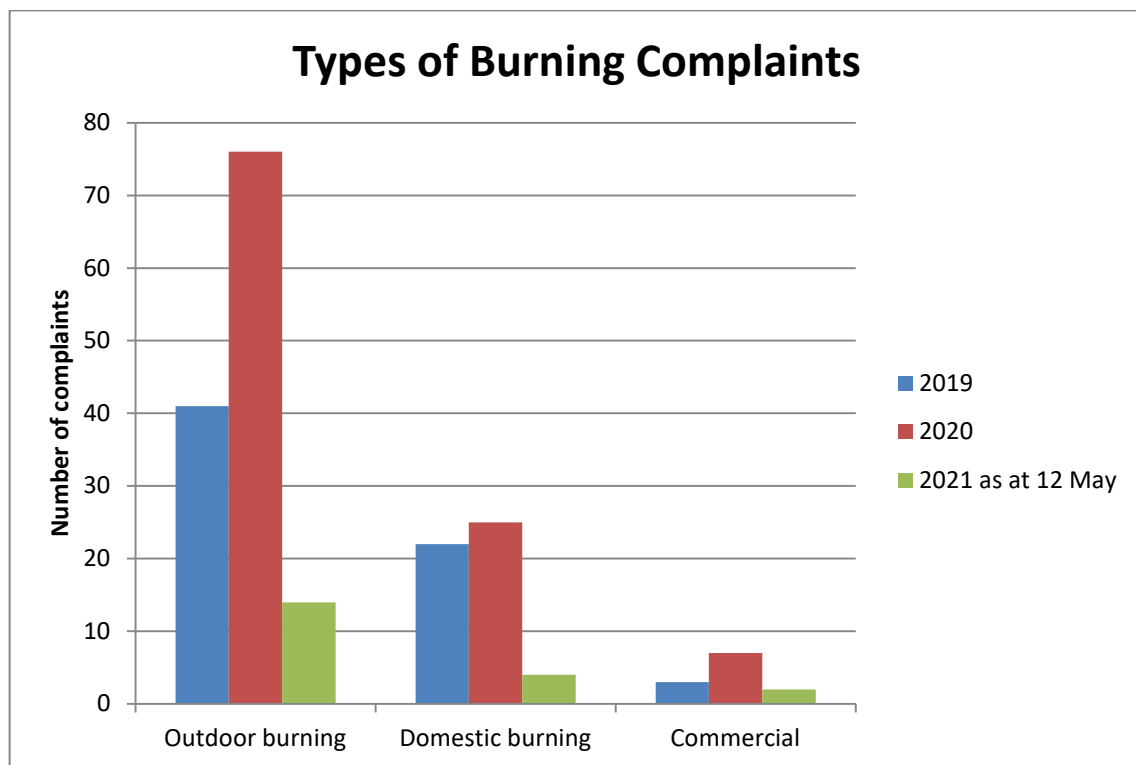
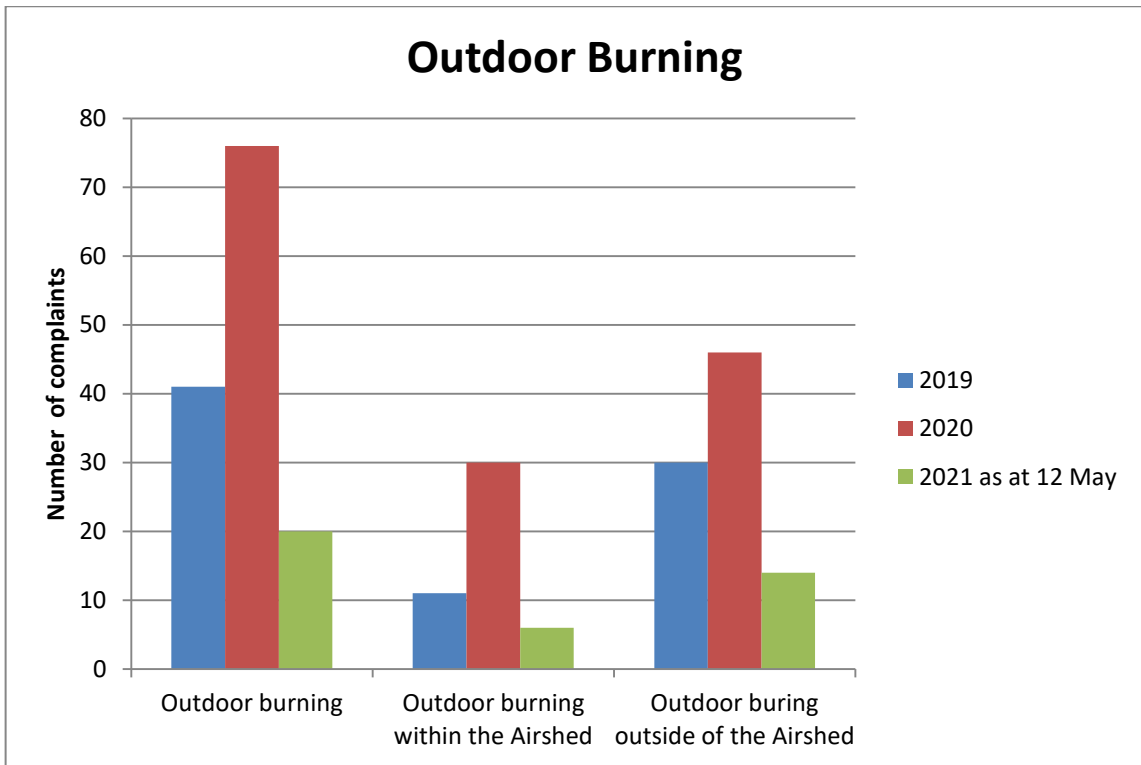


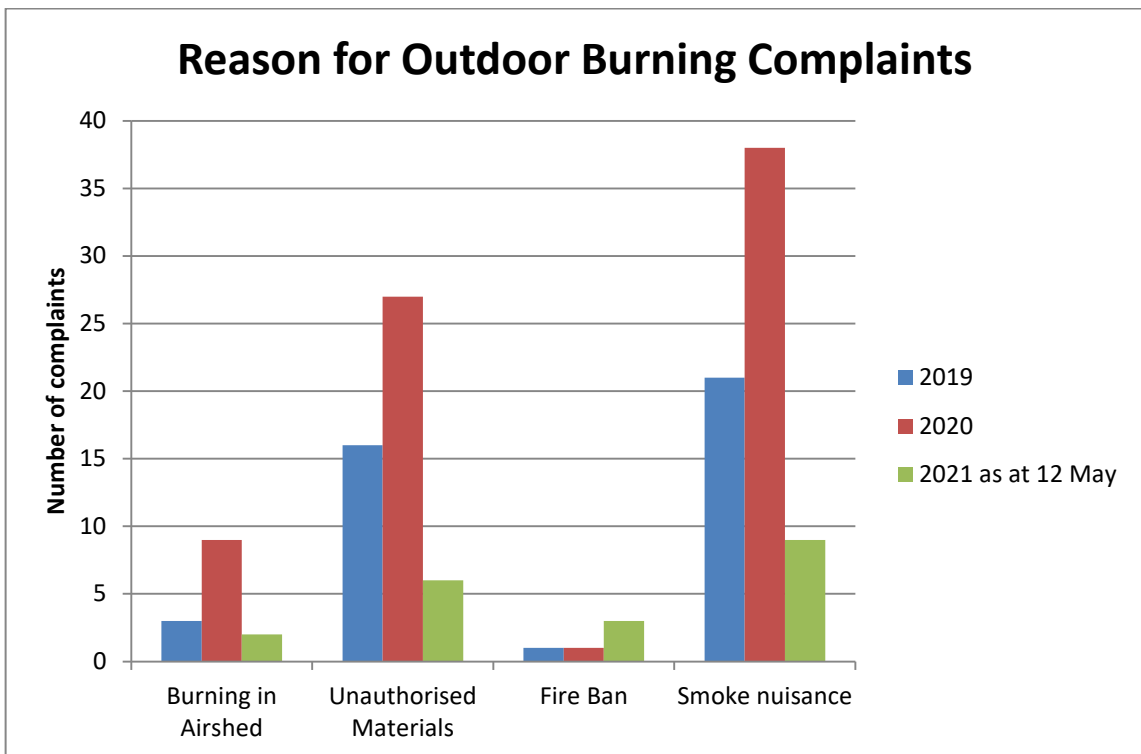
Figure 2: The number of burning related complaints received in 2019, 2020, and 2021 broken down into outdoor burning, domestic burning, and commercial burning.

The outdoor burning complaints have stemmed from properties both within the Blenheim Airshed and outside the Blenheim Airshed. More outdoor burning complaints have occurred on properties outside the Blenheim Airshed. Complaints regarding outdoor burning are received throughout the year, although most of these come in between the months of May – October.



**Figure 3: Outdoor burning complaints from 2019-2021 separated by whether the burning took place either within or outside of the Blenheim Airshed.**

The reasons for these outdoor burning complaints include burning within the Airshed, burning of unauthorised materials, burning during a fire ban, and a smoke nuisance generated from the burning activity. Burning generating a smoke nuisance and burning of unauthorised materials are the most common causes of complaint.



**Figure 4: Different reasons for outdoor burning complaints in the Marlborough Region from 2019-2021.**

18. The most common responses from the public when approached by the Compliance Team regarding outdoor burning in the airshed:-



- Being unaware of the rules
- Didn't know what the Airshed was
- Was used for cooking food
- Didn't care about the rules

19. Domestic burning complaints have also been categorised by whether they occur within or outside of the Blenheim Airshed. More domestic burning complaints appear to have occurred within the Blenheim Airshed where the close proximity between neighbours may be increasing the likelihood of domestic burning causing a nuisance to other properties. Domestic burning complaints occur most often during the months of June – August.

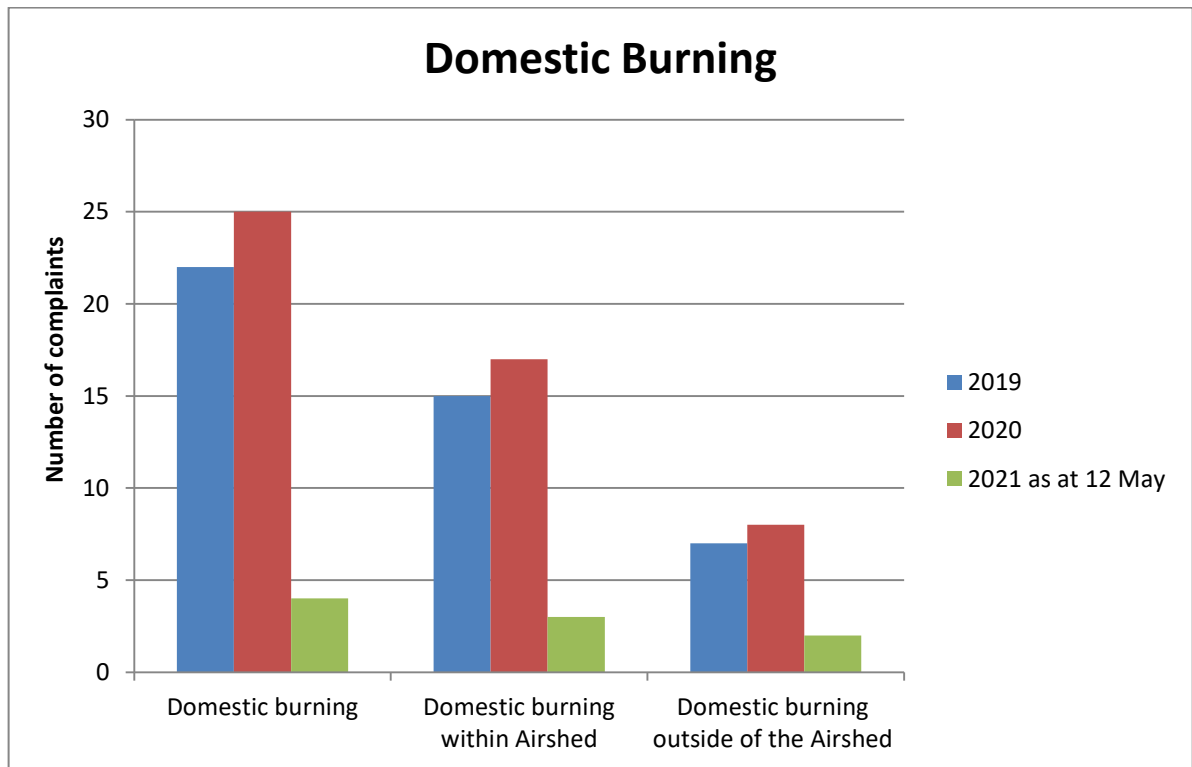
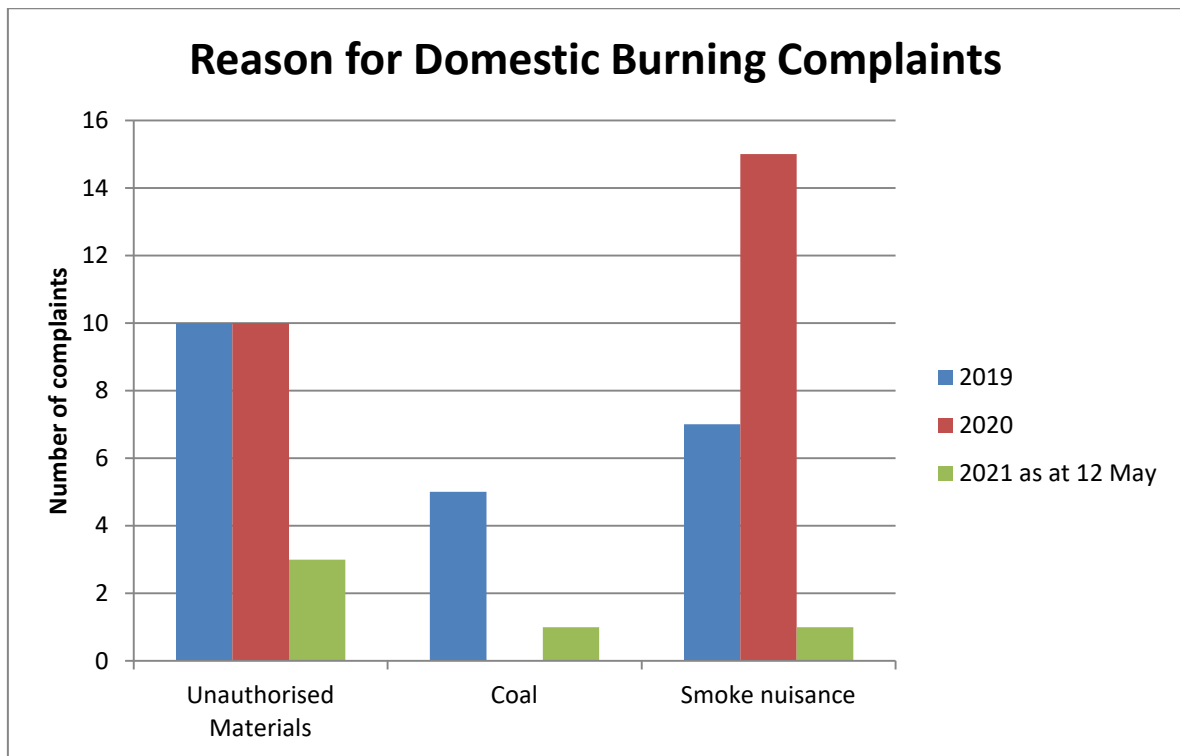


Figure 5: Domestic burning complaints received by Council categorised by whether the burning occurred within or outside of the Blenheim Airshed.

20. The reasons behind complaints regarding domestic burning between 2019 and 2021 include the burning of unauthorised materials, burning of coal, and the generation of a smoke nuisance from domestic burning. Smoke nuisance complaints doubled from 2019 to 2020. This could potentially be due to more people working from home due the covid-19 pandemic in 2020 where they are likely to be affected by domestic burning in the neighbourhood.



**Figure 6: Domestic burning complaints received by Council between 2019 and 2021 categorised by the reason for the complaint, which includes the burning of unauthorised materials, burning coal, and a smoke nuisance caused by domestic burning.**

## New Burning Guides

### 21. *Outdoor Burning Pamphlet*

The key information surrounding outdoor burning has been condensed into a single page flyer to give to members of the public at educational events/workshops or during Compliance site visits as a result of a complaint being received. This flyer covers topics such as the Blenheim Airshed, what materials to/not to burn, and how the rules apply to each zone.

### 22. *Good Practice for Outdoor Burning Booklet*

A thorough guide for outdoor burning, including factors to consider before, during and after lighting an outdoor fire. It also highlights the value in using the “Check It’s Alright” webpage on the FENZ website.

### 23. *Solid Fuel Burner Regulations*

The pMEP regulations and rules surrounding different solid fuel burning appliances have been summarised into a single page leaflet. This leaflet defines each type of burner, the regulations that apply to each type of burner, and how the rules differ between zones.

### 24. *Domestic Woodburning Guide*

A one-page flyer has been compiled with information on how to get the best out of your domestic woodburner. It provides advice on the type of wood to buy, when to source wood for the winter, the lifespan for appliances and flues, what not to burn, and the standards that apply to certain appliances.

## Non-Regulatory Programmes

25. In light of the increase in complaints associated with air quality, and with the Marlborough Environment Plan becoming fully operative, it is suggested that this would be a good time to engage in some non-regulatory work programmes for air quality.

26. It is proposed that these programmes would take the form of informative and practical campaigns aimed at increasing the understanding of air quality rules, health effects and most importantly what actions individuals can take to continually improve our air quality.
27. The new burning guides will be distributed to all cooperating agencies and handed out at all site visits in response to domestic or outdoor burning complaints.
28. Council's Building department have confirmed that the one page flyer Domestic Woodburning – Burn Right and Outdoor Burning Guide will be sent out with issued Building Consents for Log Fires.
29. We have engaged with Heating Marlborough about providing our burning guides with all new fires purchased/installed and potentially running some workshops on effective and efficient domestic burning after their busy winter season.
30. Along with the burning guides, a letter will be sent to agencies such as Kaingaora - Housing NZ, law firms, real estate agencies, and property management companies to inform them of our focus to improve air quality in Marlborough. Included in this letter will be information on disposing of green waste/grass at an authorised greenwaste facility as an alternative to outdoor burning.
31. All new information collated into the refreshed Burning Guides will be available on the MDC website with helpful links to additional sources of information. We also have the ability to include some/or all Burning Guides into the Information for Residents packs that are distributed to all new property owners.

## Presentation

A short presentation will be given by Sarah Brand, Shelley Lines and Grace Tocker (15 minutes).

Author	Sarah Brand, Environmental Scientist; Shelley Lines, Senior Environmental Protection Officer, and Grace Tocker, Environmental Protection Officer
Authoriser	Jamie Clark, Compliance Manager

## 9. 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.

---

### RECOMMENDATIONS

1. That Council 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.

---

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, Council's Animal Control Contract Manager (15 minutes).

## Attachment

**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 [26]

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

## **Summary of decision-making considerations**

### **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**

	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
Financial Strategy	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
Infrastructure Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
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	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
Arts & Culture	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
3 Waters	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
Land transport	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
Parks and reserves	<b>X</b>	<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.

### **Risks: Legal / Health & Safety etc**

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.

### **Climate Change Implications**

There are no known climate change implications to this decision.

**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 Faulis



JA Arbuckle.

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Jamie Arbuckle (Chair)

N Taylor

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Nadine Taylor

Sowman.

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Thelma Sowman

Barbara Faulls

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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](http://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 CO<sup>2</sup> 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, Bureleigh 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

## Appendix One:

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

Topic/Location Proposed Policy & Bylaw that went out for public consultation	Draft Bylaw Proposed to come into effect 1 August 2021	Submission summary	Recommendations and consideration rationale
<p><b>A &amp; P Park</b></p> <p>Dogs are prohibited from the whole of the A &amp; P park including the car parks except that dogs are allowed at:</p> <ul style="list-style-type: none"> <li>• The annual A &amp; P Show;</li> <li>• Any authorised dog obedience courses;</li> <li>• Any other activities as authorised in writing by Council.</li> </ul>	<p>Dogs are prohibited from the whole of the A &amp; P park including the car parks except that dogs are allowed at:</p> <ul style="list-style-type: none"> <li>• The annual A &amp; P Show;</li> <li>• Any authorised dog obedience courses;</li> <li>• Any other activities as authorised in writing by Council.</li> </ul>	<p>One submission was received #: 470 which indicated that as a Farmers' Market stallholder that they would like to see dogs (leashed) allowed into the market area. Failing that, they suggested that the blanket ban on dogs at A &amp; P Park should be relaxed to allow dogs to be tethered near the perimeter walls, where there is shade and water is provided. The submitter felt that this would save animals being left in hot cars and would enable more dog owners to attend the market for a longer period.</p>	<p><u>Recommendation</u> Status quo.</p> <p><u>Consideration</u> The Hearings Panel are aware that some people do currently hitch dogs at the entrance to A &amp; P Park when attending the Farmers Market.</p> <p>The proposed bylaw ability to authorise in writing may help to future proof any other activities. The food health, safety and hygiene regulations may restrict dogs in the Farmers Market area.</p> <p>Clarification has subsequently been sought from one of the Environmental Health Inspectors and the only restrictions around food are in food preparation areas under the Food Act 2014.</p>
<p><b>Athletic Park</b></p> <p>Dogs are prohibited on the grounds that surround the enclosed oval except that dogs are allowed on-leash only on the formed pathway solely to access the riverbank from Brewer and Stratford Streets. A direct route must be taken and the dog and owner</p>	<p>Dogs are prohibited from Athletic Park including the grounds that surround the enclosed oval except that dogs are allowed on-leash on the formed pathway when taking a direct route solely to access the Taylor riverbank from Brewer and Stratford Streets.</p> <p>Note: dogs are allowed on-leash in the arboretum area south west of the oval.</p>	<p>There were 5 submissions received about Athletic Park.</p> <p>All of the submitters requested to keep the ability to walk dogs on-leash through Athletic Park to access the Taylor River and several wanted to allow dogs' on-leash in the arboretum to the south-west of the athletics track.</p>	<p><u>Recommendation</u> Dog prohibited area including the grounds that surround the enclosed oval except that dogs are allowed off-leash on a direct route on the formed pathway to access the Taylor riverbank from Brewer and Stratford Street. Note: Dogs are allowed on-leash in the arboretum area south west of the oval.</p> <p><u>Consideration</u> Site visit undertaken 2 December 2020.</p> <p>The Hearings Panel felt that Athletic Park was a unique case because it links to Taylor River and it has a shady arboretum area adjacent to the Taylor River.</p> <p>The Hearings Panel suggested removing the wording "must not stop" in the proposed bylaw. It was felt that</p>

<b>Topic/Location</b> Proposed Policy & Bylaw that went out for public consultation	<b>Draft Bylaw</b> Proposed to come into effect 1 August 2021	<b>Submission summary</b>	<b>Recommendations and consideration rationale</b>
cannot stop within the park.			<p>the arboretum south west of the oval track was a nice shaded area that could be developed further by the Parks and Open Spaces Team.</p> <p>At the Hearings Panel's request one of the submitters provided suggested wording and a map defining the arboretum area.</p>
<b>Auckland Street Reserve</b>  Dogs are allowed except dogs are prohibited on the Picton Skate Park.	Dogs are allowed off-leash in Auckland Street Reserve - except dogs are prohibited on the Picton Skate Park.	No submissions received.	<p><u>Recommendation</u> Status quo for dogs to be off-leash in the Auckland Street Reserve (except dogs are prohibited from the Picton Skate Park).</p> <p><u>Consideration</u> Site visit undertaken 9 December 2020.</p> <p>The Hearings Panel recognised that this was a popular area for dogs to be off-leash that was well defined open space and sufficient sight lines. At the time of the site visit it was noted that there was plenty of evidence of dog fouling which had not been picked up which was disappointing given that there is a rubbish bin and bag dispenser.</p>
<b>Ballinger Park</b>  Dogs are prohibited.	Dogs are allowed on-leash in Ballinger Park.	One submission opposed dogs being prohibited from Ballinger Park	<p><u>Recommendation</u> To allow dogs to be on-leash</p> <p><u>Consideration</u> Site visit undertaken 2 December 2020.</p> <p>The Hearings Panel felt that there was sufficient open green space to allow dogs on-leash at Ballinger Park</p>
<b>Beach Road Reserve</b>  Dogs are allowed off-leash.	Dogs are allowed off-leash in Beach Road Reserve.	No submissions received.	<p><u>Recommendation</u> status quo dog off-leash area.</p> <p><u>Consideration</u> Site visit undertaken 9 December 2020.</p> <p>The Hearings Panel noted that this was a large open space suitable to have dogs off-leash. There is a rugby goal post which has been put in at the community's request but this is not a formal sports ground.</p> <p>The Hearings Panel recognised that the policy makes provision for the exercise and recreational needs of dogs and their owners and was satisfied that there was</p>



Topic/Location Proposed Policy & Bylaw that went out for public consultation	Draft Bylaw Proposed to come into effect 1 August 2021	Submission summary	Recommendations and consideration rationale
<b>Beacons Road Reserve</b>  Dogs are prohibited.	Dogs are prohibited from the Beacons Road Reserve.	There was one submission received opposing dogs being prohibited from the Beacon Road Reserve	<p>sufficient space and sight lines.</p> <p><u>Recommendation</u> To prohibit dogs from the Beacons Road Reserve.</p> <p><u>Consideration</u> The Hearings Panel noted that the Beacons Road Reserve is a newly acquired reserve due to its ecological values.</p> <p>The nearby Wairau Lagoons Walkway which is Department of Conservation land prohibits dogs and it was therefore considered desirable to also keep the Beacons Road Reserve as dog prohibited.</p>
<b>Blenheim Central Business District including the Quays</b>  Dogs allowed on-leash.	Dogs are allowed on-leash in the Blenheim CBD.	<p>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.</p> <p>Almost 80 submissions were received which were supportive of allowing dogs in the Blenheim CBD including from the Blenheim Business Association. Submitters detailed that the CBD should be on-leash so that dogs and their owners could gain access to the Taylor River and frequent cafes. Submitters commented that it would be good for the retail sector and help to encourage dog owners to linger longer in town. There were a number of comments that Blenheim was not dog friendly and well behind other New Zealand towns and cities where many dogs and their owners can enjoy time together out in</p>	<p><u>Recommendation</u> To allow dogs into the Blenheim CBD.</p> <p><u>Consideration</u> The proposal to allow dogs into the Blenheim CBD was a contentious issue.</p> <p>Several reasons persuaded the Hearings Panel to allow dogs into the Blenheim CBD. Central living with more people residing in the central business district has recently been permitted in the Proposed Marlborough Environment Plan and the Hearing Panel felt that policy setting should support and encourage this. The Blenheim Business Association (BBA) submitted in favour of this throughout the process and according to their survey the majority of business owners supported this change. It was the opinion of the Hearings Panel with regard to the issue of dog fouling that responsible owners should clean up after their dogs.</p> <p>The Hearings Panel has been provided with information from Marlborough Roads on rubbish bin emptying and cleaning frequency. This information helped to form the Hearing Panel's recommendation because the daily and weekly cleaning regimes are in place.</p> <p>By making this recommendation, the Hearings Panel</p>

<b>Topic/Location</b> Proposed Policy & Bylaw that went out for public consultation	<b>Draft Bylaw</b> Proposed to come into effect 1 August 2021	<b>Submission summary</b>	<b>Recommendations and consideration rationale</b>
		<p>public places.</p> <p>Submitters opposing allowing dogs in the Blenheim CBD expressed concerns regarding dogs being a hazard for the elderly and children. Disability assist dogs and their vulnerability to attack were mentioned. Submitters believe 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. 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.</p>	<p>noted that there is likely to be an increased need for bags, bins and the frequency of emptying and cleaning. Careful consideration will be required as to the location of any rubbish bins.</p> <p>It was noted that the BBA have indicated that they want to be involved in solutions. The Hearing Panel heard about the Marlborough Mile in the Blenheim BBA submission regarding pop up play areas.</p> <p>The Hearings Panel heard through the process that a number of submitters support allowing dogs into the Blenheim CBD but they would not personally bring their dogs into town. The example of the Picton CBD is that the town accommodates dogs on-leash and predominately people take their dogs into town to access cafes.</p> <p>It was acknowledged that some people noted vulnerability but the Hearings Panel felt this could be managed by compliance with dog owner dog owner obligations which are specified in s 5 of the Dog Control Act 1996 that dogs must be under control at all times.</p> <p>A number of submitters noted the one month trial in October 2019 when dogs were allowed in the Blenheim CBD. There were no complaints reported to Animal Control during this time. Weight was given to this even though it was a short trial period.</p> <p>The Hearings Panel did consider various options such as Market Street specifically being prohibited. However, this was viewed by the Hearings Panel as being complicated for compliance management.</p> <p>It was noted that the bylaw only applied to footpaths and public areas. It is up to individual business owners to decide if they welcome dogs into their premises.</p>

<b>Topic/Location</b> Proposed Policy & Bylaw that went out for public consultation	<b>Draft Bylaw</b> Proposed to come into effect 1 August 2021	<b>Submission summary</b>	<b>Recommendations and consideration rationale</b>
			<p>During the hearings on 1 December 2020, the Hearings Panel requested that the BBA provide supplementary information from the survey that they conducted of business owners specifically so the data could be used at the deliberations meeting. No additional information was received from the BBA despite follow up requests.</p> <p>The Hearings Panel considered that there could be temporary exclusion of dog access for specific events by way of public notice. This would be when there is intense public use of the CBD and there is the need to enable large numbers of the public to use the streets and public amenities such as during the Christmas Parade, a concert or a Market Day.</p> <p>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 Taylor River.</p> <p>The Hearings Panel confirmed that the space under the stairway in the Forum has easements for pedestrian rest and recreation.</p>
<b>Brayshaw Museum Park</b>  Dogs are prohibited.	Dogs are prohibited from the Brayshaw Museum Park.	One submission was received wanting dogs to be allowed on-leash at the Brayshaw Museum Park.	<p><u>Recommendation</u> To prohibited dogs from the Brayshaw Museum Park.</p> <p><u>Consideration</u> Brayshaw Museum Park is on Department of Conservation land but this is administered by the Council.</p> <p>The Hearings Panel considered that this is a risky site to have dogs because of the machinery, trains and small children. Family events are also held in the Brayshaw Museum Park.</p>
<b>Children's Playground Exclusion Zone</b>	At any children's playground dogs must be 3 metres away from the outside edge safety surfacing (external to the	Ten submitters supported the proposed increasing of the exclusion of dogs within 10 metres of any children's playground - whether or not the balance	<p><u>Recommendation</u> Dogs must be 3 metres away from the outside edge of playgrounds or play equipment safety surfacing (external to the playground) or where this is not possible dogs must be on-leash on the</p>



<b>Topic/Location</b> Proposed Policy & Bylaw that went out for public consultation	<b>Draft Bylaw</b> Proposed to come into effect 1 August 2021	<b>Submission summary</b>	<b>Recommendations and consideration rationale</b>
Dogs are prohibited 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.	<p>playground) irrespective of the area being a dog on-leash or dog off-leash area.</p> <p>Note: where this is not physically possible dogs must be on-leash on the formed pathway or footpath (except in dog prohibited areas).</p>	<p>of the area is designated as a dog off-leash area or a dog on-leash Area.</p> <p>Sixteen 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 and the Auckland Street Skate Park has to be passed.</p> <p>Submitters noted that they walk their dogs at the same time as taking children to play in the playgrounds at parks such as Pollard Park.</p> <p>The limit in the current bylaw is 3 metres and some submitters considered this limit should be retained others suggest reducing the 10 metres to 5 metres.</p>	<p>formed pathway or footpath (except in dog prohibited areas).</p> <p><u>Consideration</u> Site visits were made to a number of playgrounds on 2 and 9 December 2020 including Ballinger Park, Omaka Landings, Burleigh Park, Waikawa foreshore and Pollard Park.</p> <p>There was discussion on the playground exclusion zones and a number of other territorial authorities have a 10 metre dog exclusion zone from children's playgrounds. 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.</p> <p>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. 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.</p> <p>The Hearings Panel considered that the current 3 metre exclusion has been satisfactory and that no complaints have been reported to Animal Control. Although the Hearings Panel did note the need of 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 of dogs. It was felt that the current 3 metre exclusion zone provided for that.</p> <p>Confirmation was received from the Parks and Open Spaces Team Manager that every Council managed playground or piece of playground equipment has some</p>

<b>Topic/Location</b> Proposed Policy & Bylaw that went out for public consultation	<b>Draft Bylaw</b> Proposed to come into effect 1 August 2021	<b>Submission summary</b>	<b>Recommendations and consideration rationale</b>
			<p>type of safety surfacing underneath, whether it is matting or bark. The Hearings Panel wanted the wording to be specific about the dog being 3 metres away from a playground surfacing to avoid any issues about length of dog leash.</p> <p>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. 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. It was agreed that the dog must be 3 metres away from the edge of the playground safety surfacing (matting or bark).</p> <p>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. As dogs are proposed to be excluded from some playgrounds there are choices for people who do not like dogs.</p>
<b>Dog Fees and Charges</b>	<p>S37 of the Dog Control Act 1996 deals with territorial authorities setting fees for registration and control of dogs.</p> <p>Continue with annual review of fees.</p>	<p>Five submissions were received on the topic of dog fees and charges.</p> <p>There were suggestions to not increase the fees, having a reduced dog registration fee for outlying rural areas, reducing the registration for Dogs New Zealand financial members and/or those who have completed Dogs NZ approved Canine Good Citizen courses.</p> <p>One submitter also queried why category one dogs need to be neutered when many people who keep a dog</p>	<p><u>Recommendation</u> Status quo with the required annual review of fees.</p> <p><u>Consideration</u> The Hearings Panel noted that there are currently a variety of categories for dog registration fees and that the fee structure needs to be easy to administer.</p> <p>The categories are linked back to the Dog Control Act 1996 legislative requirements and the fees are reviewed annually. Other thoughts and ideas have been considered by the Animal Control Sub-Committee such as the old dog category. It was noted that if the fees were lowered for one particular category then other fees</p>

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		entire for the purpose of breeding, can also be and are responsible owners yet have to pay the higher standard fee..	may have to be increased to cover the costs of the animal control services function.
<b>Dog Parks</b>		<p>Eleven submitters were supportive of expediting plans to build a dog park in Blenheim similar to the dog park at Renwick.</p> <p>Four submissions were received opposing construction of a dog park in Blenheim.</p> <p>Four submissions were received specifically supporting the construction of a dog park at Waitohi Domain in Picton.</p> <p>One submitter supported the Auckland Street Reserve as a valuable dog exercise area.</p>	<p><u>Recommendation</u> No decisions made.</p> <p><u>Consideration</u> The Hearings Panel felt that some of the submissions may not have been in favour of dog parks as it may have been perceived by some people that dog parks could be a substitute for off-leash areas on the Taylor River Reserve.</p> <p>It was discussed that the Taylor River is not a dog park as it was referred to in several of the hearing submissions. Dog Parks are considered by the Hearings Panel to be fenced areas for dogs to run, exercise and socialise off-leash. A dog park is considered to have exclusive use for dogs and owners. The Taylor River Reserve is a shared space for the people of Marlborough. No user has greater priority over others.</p> <p>Site visits were made to potential dog park sites at Waitohi Domain in Picton on 9 December 2020 and also at the end of Wither Road in Blenheim on 25 November 2020. The Hearings Panel considered following up on future dog parks for both Picton and Blenheim should be referred to the Animal Control Sub-Committee once the bylaw review has been completed.</p>
<b>Education</b>		One submission was received supporting the continuation of providing education and training.	<p><u>Recommendation</u> No decisions made.</p> <p><u>Consideration</u> The Hearings Panel recommended that the education that is provided for under the Animal Control Contract does need to be highlighted for example Clued Up Kids, attendance at public events and the educational sessions undertaken at preschools, schools and businesses.</p>

Topic/Location Proposed Policy & Bylaw that went out for public consultation	Draft Bylaw Proposed to come into effect 1 August 2021	Submission summary	Recommendations and consideration rationale
			During the hearings Annie MacDonald indicated that she would be able to assist in bringing the various parties together and suggested that a public event would be a potential opportunity for further education.
<b>Endeavour Park</b> Dogs are prohibited.	Dogs are prohibited from Endeavour Park.  Note: dogs are allowed on-leash on the Joseph Sullivan Drive footpath to access various tracks.	One submitter suggested that there needs to be improvement to existing signs at Endeavour Park, more enforcement, no parking at upper carpark for dogs to run around carpark and onto the park, and an all-weather track alongside Endeavour Park on the Endeavour Heights Reserve side.	<u>Recommendation</u> Status quo that dogs should be prohibited from Endeavour Park. Note that dogs are allowed on-leash on the Joseph Sullivan Drive footpath to access various tracks.  <u>Consideration</u> Site visit undertaken 9 December 2020.  The Hearings Panel supported prohibiting dogs because of the sports grounds.  The Hearings Panel discussed that Joseph Sullivan Drive has been established since the previous bylaw was reviewed and it is confusing that the fencing is in between the road and the footpath. The Hearings Panel considered that specific note needs to be made that dogs are allowed on-leash on Joseph Sullivan Drive footpath and that clear signage is needed.
<b>Endeavour Heights Reserve/Endeavour Stream/Huia/Ranui Street Walkway</b> Dogs are allowed off-leash.	Dogs allowed off-leash.	One submission received commenting that on the proposal to remain as an off-leash area noting that it is potentially more hazardous being a shared pathway and as there is a paddock that often has horses in it.  Another submitter suggested Endeavour Heights Reserve should change from dog off-leash to dog on-leash.	<u>Recommendation</u> Status quo to keep dogs off-leash  <u>Consideration</u> The Hearings Panel felt it was logical to keep this as an on off-leash area and noted that this could link in with having dogs off-leash on the lower track. Nevertheless, it was noted that dogs must be under control at all times.  The terminology of the lower track on Victoria Domain was discussed and it was noted that this needs to reflect the tracks names as detailed in the Draft Reserves Management Plan for Victoria Domain Reserves and also be consistent with the signage that is already there.  The Hearings Panel discussed having one off-leash

<b>Topic/Location</b> Proposed Policy & Bylaw that went out for public consultation	<b>Draft Bylaw</b> Proposed to come into effect 1 August 2021	<b>Submission summary</b>	<b>Recommendations and consideration rationale</b>
			track that is the lower track in Victoria Domain closest the town side and recognised that dogs need to be on-leash for the rest of the Victoria Domain for ecological reasons and prohibited from the mountain bike tracks.
<b>Esson's Valley and Tirohanga Tracks</b> Dogs allowed on-leash.	Dogs are allowed off-leash on the Esson's Valley and Tirohanga Tracks.	Sixteen submitters opposed changing Essons Valley and Tirohanga tracks from dog off-leash to dog on-leash areas.	<p><u>Recommendation</u> Status quo for dogs to be allowed off-leash.</p> <p><u>Consideration</u> Site visit undertaken to the track entrances 9 December 2020.</p> <p>The Hearings Panel's thinking was to keep the Esson's Valley and Tirohanga Tracks off-leash because of the submissions received and that these are shady areas where dogs can exercise when it is hot. This is also one of the few hilly public places in the district where dogs can be walked off-leash.</p> <p>The Hearings Panel recognised that people treat the district as their playground and was surprised to learn that people from Blenheim specifically bring their dogs to these tracks. Reference will need to be made back to the relevant submissions.</p> <p>During the cruise ship season there is high usage by locals and these areas provide options for dog off-leash access. It was noted that there is parking at Esson's Valley.</p>
<b>Ferry Bridge Picnic Area</b> Dogs are allowed on-leash.	Dogs are allowed on-leash at the Ferry Bridge Picnic Area.	One submission received which recommended extending the dog on-leash area to include the whole project area.	<p><u>Recommendation</u> Allow dogs on-leash.</p> <p><u>Consideration</u> The Hearings Panel were supportive of allowing dogs on-leash to extend to the whole project area which is currently being undertaken as part of the Small Townships project work.</p>
<b>French Pass</b>		One submission received which wanted French Pass to be included as a dog on-leash area.	<p><u>Decision</u> No decision made.</p> <p><u>Consideration</u> The key concern raised by the submitter was around the need for clear signage about dogs</p>

<b>Topic/Location</b> Proposed Policy & Bylaw that went out for public consultation	<b>Draft Bylaw</b> Proposed to come into effect 1 August 2021	<b>Submission summary</b>	<b>Recommendations and consideration rationale</b>
			<p>being on-leash and in French Pass.</p> <p>The Hearings Panel felt it would be useful to invite Dave Hayes from the Department of Conservation (DOC) to talk to the Animal Control Sub-Committee to help clarify signage in the bays. It is technically a full on-leash area and the proposed bylaw does take care of it.</p> <p>The Hearings Panel referred to the DOC website which does have a process in place for dog access on conservation land and permits may be sought from the local DOC office. Animal Control is included on the DOC website. It was recommended by the Hearings Panel that Council should have a joint working relationship with DOC which could include discussions around reporting and signage.</p>
<b>Grovetown Lagoon</b> Dogs are allowed on-leash.	Dogs on-leash at the Grovetown Lagoon.	One submission received supporting the proposal to have dogs on-leash at the Grovetown Lagoon for the protection of native birds nesting in the area.	<p><u>Recommendation</u> Support proposal to have dogs on-leash at the Grovetown Lagoon.</p> <p><u>Consideration</u> This is a new area and the Hearings Panel agreed with the submitter and proposal to have dogs on-leash. The growing ecological importance of the Grovetown Lagoon area was noted.</p>
<b>Harling Park</b> Dogs are prohibited from the fenced Japanese Garden.  Note: dogs are allowed off-leash in the balance of the park.	Dogs are prohibited from the fenced Japanese Garden.  Dogs are allowed off-leash in the balance of the park.	One submission was received to make Harling Park off-leash.	<p><u>Recommendation</u> Status Quo dogs are prohibited from the fenced Japanese Garden area and dogs are allowed off-leash in the balance of the park.</p> <p><u>Consideration</u> Site visit undertaken 25 November 2020.</p> <p>The Hearings Panel noted that dogs are prohibited from the fenced Japanese garden area for cultural reasons.</p> <p>The issue of a lack of bin, bags and signage was raised.</p>
<b>Non-Walkers Exercising Dogs</b>	Any person on a bicycle, electric bike, non-motorised scooter, a mobility scooter or any other	Five submissions were received on the topic of cyclists exercising dogs; one was supportive and noted that when	<p><u>Recommendation</u> The Hearing Panel were satisfied with the requirements detailed in the proposed bylaw for cyclists exercising dogs and how this has been</p>



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Proposed bylaw was restricted to cyclists.	self-propelled, electric or motorized transport whilst exercising a dog must: <ul style="list-style-type: none"> <li>Keep the dog under control at all times; and</li> <li>At all times carry on their person bag(s) to immediately remove dog faeces;</li> <li>At all times carry a leash with them; and</li> <li>At all times in any public place including roads the dog must be on-leash except in off-leash Areas and comply with Dog Prohibited Area requirements.</li> </ul>	dogs are trying to keep up with their owners they are at their happiest and the other four submissions noted concerns about the practice that cyclists don't pick up after their dogs and welfare or safety concerns.	articulated but did want this to be broadened to include mobility scooters and other forms of transport such as e-bikes and scooters.  <u>Consideration</u> The Hearings Panel considered that the proposed bylaw includes personal responsibility to keep dogs under control, immediately remove any dog fouling and carry a leash at all times. It was discussed that it could be expanded further to include any person on a mobility scooter, ebike and various forms of scooters whilst exercising a dog must also to keep dogs under control, immediately remove any dog fouling and carry a leash at all times.  To cover the issue raised by several submitters about animal welfare with cyclists exercising dogs this is outside the scope of this bylaw review process. Any animal welfare concerns should be referred to the SPCA to investigate.
<b>Marlborough Equestrian Park</b>  Dogs are prohibited.	Dogs allowed on-leash at the Marlborough Equestrian Park.	One submission was received to suggesting making the Marlborough Equestrian Park a dog on-leash area.	<u>Recommendation</u> To have dogs on-leash at the Marlborough Equestrian Park.  <u>Consideration</u> This is a new area which has been developed since the last bylaw review. The Hearings Panel agreed with the submitter to have dogs on-leash to reflect practices already in place. There is already clear signage at the entrance to the Marlborough Equestrian Park to keep dogs on a lead.
<b>Marshall Place Reserve</b>		One submission was received suggesting that it would be very useful to have a dog poo bin at either end of Marshall Place Reserve – either at Marshall Place or the Boathouse Theatre end.	<u>Recommendation</u> No decision but the suggestion for a bin to be placed at either end of Marshall Place Reserve was noted and will be referred to the Parks and Open spaces Section at Council.



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<b>McKendry Park</b> Dogs are allowed on-leash.	Dogs are allowed on-leash at McKendry Park.	One submission was received suggesting that McKendry Park should be a dog off-leash area.	<u>Recommendation</u> To have dogs on-leash at McKendry Park.  <u>Consideration</u> There was one submitter that wanted to have dogs off-leash at McKendry Park however the Hearings Panel felt that there were better places to have dogs off-leash. The main concern raised by the Hearings Panel was that Murphys Creek is on one side which does have ducks and the area is used by school children.
<b>Memorial Park Entrance</b> Dogs are prohibited.	Dogs are prohibited from the grassed areas in the Memorial Park Entrance way and allowed dogs on-leash on the formed pathway. A direct route through must be taken.	Three submissions were received regarding the Memorial Park and Marina Entrance. Issues were raised about signage, dogs not being on-leash in the marina area and that the Memorial Park is used for car parking in summertime.  One submitter specifically supported allowing access for dogs on-leash through the Memorial Park Entrance and another submitter opposed this.	<u>Recommendation</u> Prohibit dogs from the grassed areas in the Memorial Park Entrance way and allow dogs on-leash on the formed pathway. A direct route through must be taken.  <u>Consideration</u> Site visit undertaken 9 December 2020.  The Hearings Panel noted that the Surrey Street entrance access way to Memorial Park (which is dogs off-leash) is used for emergency services. The hearings Panel wished to allow safe pedestrian access to the reserve on the formed pathway.
<b>Menacing Dogs</b>	S33C, S33E & S33EA of the Dog Control Act 1996 deals with menacing dogs and dogs belonging to breed or type listed in Schedule 4 need to be classified as menacing.	One submission was received opposing that menacing dogs should be muzzled in public spaces purely based on their breed.	Muzzling dogs which have been classified as menacing is a legislative requirement in the Dog Control Act 1996 and outside the scope of the bylaw and policy review.
<b>Microchipping</b>	S36A of the Dog Control Act 1996 deals with microchipping requirements.	One submitter queried why is it compulsory for all dogs to be microchipped as well as being registered and also having to wear a registration tag.	Microchipping dogs is a legislative requirement in the Dog Control Act 1996 and outside the scope of the bylaw and policy review.  If dogs are microchipped it is much easier to reunite any lost and found dogs with their owners.

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<b>Motuweka/Havelock Pathway</b>  Was not included	Dogs are allowed on-leash for the full length of the Motuweka/Havelock Pathway.	One submission received proposing that dogs should be on-leash.	<p><u>Recommendation</u> To allow dogs on-leash for the full length of the Motuweka/Havelock Pathway.</p> <p><u>Consideration</u> The Hearings Panel noted that the new Motuweka/Havelock Pathway is under construction and due to be completed in 2021.</p> <p>The Hearing Panel agreed with the submission received that the area of the new Motuweka/Havelock Pathway through the cemetery should be on-leash in keeping with the rest of the pathway. It is understood that the pathway is not in the cemetery itself but through the native bush along the bank.</p>
<b>Nelson Square</b>  Dogs are prohibited.	Dogs be allowed on-leash in Nelson Square.	One submission was received which noted that dog walkers are frequently seen at Nelson Square.	<p><u>Recommendation</u> To allow dogs on-leash in Nelson Square.</p> <p><u>Consideration</u> Site visit undertaken 9 December 2020.</p> <p>The Hearings Panel considered that Nelson Square could potentially be an on-leash area for dogs. 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. The area would not be suitable to be off-leash because of the proximity to the road surrounding it. However it would provide a logical location for ferry traffic to stop.</p> <p>In the past Nelson Square used to be a cricket ground but cricket is no longer being played at this location nor is it used as a sports ground.</p> <p>The Hearings Panel felt that it was not appropriate to have dogs off-leash because of traffic safety concerns and because Nelson Square is surrounded by a road.</p> <p>The Hearings Panel noted that in practise the area is being used despite Auckland Street Reserve being close by. The Hearing Panel considered that having</p>

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			dogs on-leash was an appropriate use of the space.
<b>Omaka Landings</b> Dogs are prohibited.	Dogs are prohibited from Omaka Landings.	There was one submission received in opposition to prohibiting dogs from Omaka Landings	<u>Recommendation</u> To prohibit dogs from Omaka Landings. <u>Consideration</u> Site visit undertaken 2 December 2020. The Hearings Panel agreed that dogs should be prohibited from this space because of the small space containing children’s playground equipment and flying fox.
<b>Okiwi Bay</b>		One submission was received that they did not understand why dogs had to be on-leash in Okiwi Bay and they suggested that an area for having dogs to exercise off-leash could be in the area behind the houses down by the green waste area.	<u>Recommendation</u> No recommendation made. <u>Consideration</u> The Hearings Panel noted that the issues for Okiwi Bay are similar to French Pass. There is a need for clear signage in Okiwi Bay. The Hearings Panel considered the green waste area was not suitable as an off-leash area due to congestion and lots of vehicle movements. There are a number of options for dog exercise in Okiwi Bay with Kaimiko Stream Reserve and Ruataniwha Place Reserve both being off-leash areas and Okiwi Bay Esplanade Reserves and Tunncliffe Reserve are on-leash areas.
<b>Picton Central Business District</b> Dogs on-leash town Basin and Fisherman’s Reserve - includes car parks.	Dogs are allowed on-leash in the Picton CBD.	Four Submissions were received supporting the proposal to continue to allow dogs in the Picton Central Business District	<u>Recommendation</u> Status Quo to allow dogs on-leash. <u>Consideration</u> Site visit undertaken 9 December 2020. One dog was seen on-leash. The Hearings Panel’s thinking was to keep dogs on-leash as there have been very few issues and on-leash access is required for the multiple access points to jetties and boat launching facilities on London Quay.

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<b>Picton Foreshore</b>  Dogs are prohibited including the car park and the beach adjacent to the Reserve.	Dogs are prohibited from the Picton foreshore.  Note: dogs are permitted on-leash only to access jetty and boat berthing facilities.	One submission appreciated that prohibiting dogs from the foreshore could alleviate the confusion that many people seem to have over what has / has not been allowed. They did note that this confusion could be avoided with clearer signage.  Another submitter opposed prohibiting dogs from the Picton foreshore and was concerned that dogs would not be legally allowed to access water transport.	<u>Recommendation</u> To prohibit dogs from the Picton foreshore.  <u>Consideration</u> The Hearings Panel's was satisfied with the proposal to prohibit dogs from the foreshore for avoidance of any doubt.  The Hearings Panel considered that there is intense public use and that this is a family picnic area which is consistent with the Draft Policy to restrict access. The open space is also used for events and a number of recreational activities. Picton Foreshore is considered to be one of Picton most precious landscapes as noted in the Picton Foreshore Reserve Management Plan.  It was noted that there is an exception with one jetty within the Picton Foreshore area where access needs to be permitted for dogs on-leash to access the jetty and boat launching facilities.
<b>Pollard Park, Churchill Glade and Waterlea Gardens</b>  Dogs are prohibited.	Dogs are prohibited from the Baden Powell corner grassed area, BBQ picnic areas and the children's playground.  Dogs are allowed on-leash on the balance of Pollard Park, Churchill Glade and Waterlea Gardens.	Four submissions were received supporting the proposal to prohibit dogs in Pollard Park.  100 submissions were received in opposition to the proposal to prohibit dogs in Pollard Park. Submitters opposing the proposal for dogs to be prohibited in Pollard Park indicated that the status quo should allow dogs on-leash. Concerns were expressed that many elderly people with dogs that like to walk through the park cannot drive. A number of submitters noted that in the hot summer months the shade in Pollard Park is a haven for dogs and their walkers.	<u>Recommendation</u> Status quo to allow dogs on-leash in Pollard Park, Churchill Glade and Waterlea Gardens and prohibit dogs from the Blenheim golf course. Agree to prohibit dogs in the Baden Powell corner to exclude dogs around the grassed area, children's playground and BBQ picnic area.  <u>Consideration</u> Site visits undertaken 25 November and 2 December 2020.  The Hearing 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 does minimise the potential for conflict with other dogs, park walkers and children.  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 Baden

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			<p>Powell corner grassed area is a family picnic area, schools go there and ladies do Tai Chi etc 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 of dogs.</p> <p>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.</p> <p>The Hearings Panel's view that 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.</p> <p>It was noted that submitters commented on the lack of signage and need for clarity of signage.</p> <p>The Hearing Panel felt that Council does need the ability to exclude dogs when there are large events on. To manage this, the Hearing Panel decided to include provision to enable temporary changes to dog access similar to provision in the Auckland City Council Policy on Dogs 2019.</p>
<b>Pound</b>	S67 of the Dog Control Act 1996 deals with provision of pound facilities.	There was one submission received suggesting that the location of the Pound is not suitable and should be moved for animal welfare reasons.	<u>Recommendation</u> Status Quo.  <u>Consideration</u> The Hearings Panel noted that the Dog Control Act 1996 requirement in section 67 is that every territorial authority shall make provision for the proper custody, care and exercise of dogs whilst impounded.  The Hearings Panel noted that the Pound is inspected and that it meets the standards for Temporary Housing



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			of Companion Animals Code of Welfare. The Pound facility is located in an industrial zone which is preferred to avoid barking creating a nuisance after hours. The Pound facility is kept clean and hygienic. There is under flooring heating to keep dogs warm in cooler weather. There are also standard operating procedures in place for the Pound Maintenance Policy, Handling of Dogs Policy and the Quarantine and Disease Prevention Policy. These procedures and policies are also audited.
<b>Queen Charlotte Drive Lookout</b> Dogs are prohibited.	Dogs are allowed on-leash only on the formed pathway at Queen Charlotte Lookout.	Two submissions requested that the Queen Charlotte lookout should not be prohibited to Shakespeare Bay.	<u>Recommendation</u> To allow dogs only on the formed pathway. <u>Consideration</u> The Hearings Panel considered that the access way should be on-leash rather than prohibited as proposed.
<b>Riverside Park</b> Dogs on-leash from the Hutcheson Street Bridge to the confluence with the Ōpaoa River (north side) and from the Hutcheson Street Bridge to Stuart Street (south side).	Dogs are allowed off-leash on both sides of the river north of the Sinclair Street rail bridge.  Dogs are allowed off-leash along the true left bank (west side) from the Hutcheson Street Bridge to the formed pathway at the Alfred Street bridge.  Note: dogs are allowed on-leash along the true right bank (Blenheim town centre side) between the Hutcheson Street bridge and the Sinclair Street rail bridge.	Two submissions were received opposing the proposal to have dogs on-leash in Riverside Park.	<u>Recommendation</u> Dogs are allowed off-leash on Riverside Park north of the Sinclair Street rail bridge on both sides of the river and on the west side from the Hutcheson street Bridge to Alfred Street bridge. Dogs are allowed on-leash from Henry Street to the along to the Sinclair street rail bridge.  <u>Consideration</u> The Hearings Panel noted the open spaces with good sight lines should be dog off-leash and the narrow part alongside the Taylor River from Henry Street through to the Sinclair Street rail bridge at Raupo is more suitable for dogs to be on-leash and this stretch is closest to the Blenheim CBD.  To avoid any confusion Taylor River and Riverside Park have been combined together in the bylaw as one location as many people would not be aware of where the boundaries of Riverside Park are and would more than likely refer to parts of Riverside Park as Taylor River Reserve.

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<b>Seymour Square</b> Dogs are prohibited.	Dogs are prohibited from Seymour Square.	One submitter wanted dogs to be allowed on-leash in Seymour Square.	<u>Recommendation</u> Status quo to remain dog prohibited. <u>Consideration</u> Seymour Square is a premiere park and also a memorial which is consistent with the rule that dogs are prohibited from all war memorials including their grounds.
<b>Shelly Beach</b> Dogs on-leash on the formed road leading to the Bob's Bay Track and in the area north of the Queen Charlotte Yacht Club including on the beach. Note: dogs are prohibited in the reserve south of the Queen Charlotte Yacht Club including on the grassed area and adjacent beach.	Dogs are prohibited from the grassed picnic area at Shelly Beach.  Note: dogs are allowed on-leash on the beach and the road to access the Bob's Bay Track.	Two submissions were received supporting the proposal to prohibit dogs from Shelly Beach and there was a suggestion to replace dog signage which has been taken down.	<u>Recommendation</u> To prohibit dogs from the grassed picnic area at Shelly Beach. <u>Consideration</u> Site visit undertaken 9 December 2020. A dog was seen swimming and fetching a ball. The Hearings Panel noted that this is well confined and the picnic area has opportunities for play and swimming. This links into the tracks that are also on-leash.
<b>Stadium 2000 Pocket Park</b> Dogs are prohibited.	Dogs are prohibited from the Stadium 2000 Pocket Park.	One submission was received opposing all of Stadium 2000 pocket park, Kinross St, becoming a completely prohibited area, as it is the only grassed area to the south of the CBD and near longer term parking. The submitter wanted part of Kinross St Pocket Park to be designated for dogs on-leash.	<u>Recommendation</u> To prohibit dogs from the grassed area. <u>Consideration</u> The Hearings Panel did not support having dogs in the Stadium 2000 Pocket Park as this is a place that school children sit on the grass and have lunch when attending the Stadium. This is a new park that has been established following the demolition of a house on the site. There was only one submission received and the Hearings Panel did not agree with the submitter to allow dogs on the green space.
<b>Sutherland Stream</b>	Dogs allowed on-leash between Hospital Road and Alabama	One submission was received suggesting making Sutherland Stream a	<u>Recommendation</u> Dogs on-leash on the Sutherland stream walkway between Hospital Road and Alabama

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<b>Reserve</b>  <b>Dogs off-leash</b> south of Whitehead Park to the Wither Hills Redwood Street car park.	Road alongside the eastern boundary of Rewi Murray Polo Park and Whitehead Park.  Dogs allowed off-leash between Hospital Road and the Wither Hills Redwood Street car park.	dog off-leash exercise area.	Road and dogs off-leash between Hospital Road and the Wither Hills Redwood Street car park.  <u>Consideration</u> The Hearings Panel recognised that this is a shared space used by walkers and cyclists. It is not considered practical for dogs to be off-leash as Sutherland stream borders private land and rural properties.
<b>Taylor River and Riverside Park</b>  <b>Dogs on-leash</b> <ul style="list-style-type: none"> <li>• Along the true right bank (Blenheim town centre side) of the river, from the Burleigh Bridge to the Stuart Street; and</li> <li>• Along the true left bank of the river from Doctors Creek to the confluence of the Ōpaoa and Taylor Rivers.</li> <li>• From the Hutcheson Street Bridge to the confluence with the Ōpaoa River (north side) and from the Hutcheson Street Bridge to Stuart Street (south side).</li> </ul>	Dogs off-leash <ul style="list-style-type: none"> <li>• Along the true right bank (Blenheim town centre side) of the Taylor River from the Taylor Dam to the Henry Street Bridge; and</li> <li>• Along the true left bank (west side) of the river from Meadowbank Road to the Alfred Street bridge.</li> <li>• From the Sinclair Street rail bridge (Blenheim town centre side) to Stuart Street.</li> <li>• From the Sinclair Street rail bridge (west side) to the formed pathway that connects to Snowden Crescent.</li> </ul> Dogs on-leash <ul style="list-style-type: none"> <li>• Along the true right bank (Blenheim town centre side) of the river, from the Henry Street Bridge to the</li> </ul>	The proposal to require dogs to be on-leash on the section of the Taylor River Reserve from The Quays near Raupo café to the Burleigh Bridge has received a strong response in opposition with almost 400 submissions received on this issue.  The Taylor River is a popular area to exercise and socialise dogs. Submitters commented that there are very few places for dogs to walk without a lead and the accessible shared recreational Taylor River area close to the CBD has such a happy atmosphere with dogs and people socializing. The proposed changes would result in a significant loss of convenience and amenity currently enjoyed by dog owners especially the elderly. Submitters want the Taylor River to remain dog friendly. Many commented that they have never observed any issues, keep Taylor River off-leash and don't let the minority spoil it for the majority. There were comments on the mental and physical wellbeing of people and dogs by being allowed to exercise off-leash. Numerous	<u>Recommendation</u> Status quo but allow dogs on-leash from the Henry Street Bridge (Blenheim Town side) to the Sinclair Street Railway bridge next to Raupo.  <u>Consideration</u> Site visit undertaken 25 November 2020 and 2 December 2020.  The Taylor River Reserve was one of the major issues and the vast majority of submitters opposed having dogs on-leash between the Burleigh Bridge and Stuart Street on the Blenheim town side.  The Hearings Panel acknowledged the carefully thought out submissions, civic mindedness and reasonableness of the submissions. The significant number of submissions on the issue of dogs off-leash on the Taylor River and the petition which was tabled with 699 signatures was noted.  Many submitters value off-leash dog walking in this shared area. Submitters commented that it was unrealistic to limit off-leash walking to the west side of Taylor River. Many submitters noted that the off-leash area is working well apart from minor issues raised.  The Hearings Panel noted that there is always going to be some conflict and heard that there have been limited numbers of infringements issued and complaints reported over the last 10 years.

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<b>Dogs off-leash</b> <ul style="list-style-type: none"> <li>Along the true right bank (Blenheim town centre side) of the Taylor River from the Taylor Dam to the Burleigh Bridge; and</li> <li>Along the true left bank (west side) of the river from Meadowbank Road to the Doctors Creek Bridge.</li> </ul>	<ul style="list-style-type: none"> <li>Sinclair Street rail bridge; and</li> <li>Along the true left bank of the river from the Alfred Street Bridge (Leeds Quay) to the Sinclair Street rail bridge.</li> </ul>	<p>submitters made comments about their dogs not being able to enjoy swimming in the river if they had to be on-leash and swimming is a great way for dogs to cool off in summer. The smooth pathway to walk on especially for elderly which is accessible for those with mobility scooters is also good when it is wet. The importance of having off-leash areas given increase of infill housing and reduced section sizes was also mentioned. In the winter, after work, none of the few proposed off-leash areas are safe for the many women, older and disabled people who walk their dogs off-leash. Submitters do not want to have to drive to an off-leash area and increase CO<sup>2</sup> emissions. At a time where more and more people are suffering mental illness and obesity, people should not be deterred from owning dogs and exercising. There are direct health benefits to the mind and body through regular exercise and owning pets. The issue of dogs getting tangled up if they are on lead causing serious incidents with cyclists was also raised. Submitters commented that dog fouling along this area would not change by having dogs on-leash.</p> <p>Note a petition received with 699 signatures.</p> <p>Note 11 submissions were received that</p>	<p>Submitters commented that education and an increased presence of Animal Control Officers would be the preferred way of resolving any issues.</p> <p>With regard to the area closer to the Blenheim CBD and the narrowest section of the riverside the Hearings Panel considered it to be more appropriate for dogs to be on-leash for the section from the railway bridge – to the Alfred Street Bridge on the west side and to the Henry Street entrance on the Blenheim town centre side. 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 Raupo which leads to town and also links back to the 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 of dogs. The Hearing Panel felt that the Henry Street Bridge was a logical place to delineate, place signage and to enforce.</p> <p>The Hearings Panel recognised that the 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. The Hearings Panel noted from the site visit undertaken that there was rugby field size of land for dogs to run around, opportunities for dogs to swim in the river to cool off and that the pathways made the area from the Burleigh Bridge towards Henry Street accessible.</p> <p>It was noted by the Hearings Panel that although the area is off-leash it does not preclude people from having their dogs on-leash. The Hearings Panel did</p>

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		<p>supported having dogs on-leash noted that undisciplined and unruly dogs make walking the Taylor River an unpleasant experience.</p>	<p>emphasize that when dogs are off-leash that they must be under control as per the definition given for control in the proposed bylaw.</p> <p>The Hearings Panel noted the number of nuisance complaints and rush/attack incidents over the last 10 years. In weighing up this data it was considered that it did not sway the Hearings Panel and did not meet the threshold for the significant change to require all dogs to be on-leash.</p> <p>The Hearings Panel supported an increase in the presence of Animal Control and of patrolling of the Taylor River area.</p> <p>The Hearings Panel gave due consideration to the issues of conflict with cyclists which were detailed in the submissions. However, the speed of cyclists was outside the scope of this bylaw review. Other issues which were raised including the cyclists, bins, bags, toilets and signage will need to be referred through to the relevant area with Council processes.</p> <p>Specific comments were made with regard to the placement of additional rubbish bins and bags, increasing the frequency of emptying and also about having additional toilets.</p>
<b>Victoria Domain Reserves</b>  Dog are prohibited except from the formed shared walking and biking tracks.  Note: dogs are permitted on-leash on the formed shared walking and biking	Dogs are allowed on-leash on roadways and formed walking tracks, on shared walking and biking tracks.  Note: dogs are prohibited on the mountain bike tracks and the balance of the domain.  Note: dogs are allowed off-leash on the lower Picton to Waikawa track.	<p>There were 13 submitters opposed to changing Victoria Domain tracks from dog off-leash to dog on-leash areas.</p> <p>One submitter wanted dogs to be prohibited on the track to Bob's Bay to enhance safety for all tracks users and to support volunteer trappers.</p> <p>One submitter commented on retaining prohibiting dogs from the designated</p>	<p><u>Recommendation</u> Dogs to be on-leash on Victoria Domain Reserves except dogs are prohibited from the mountain bike tracks and dogs are allowed off-leash on the lower Picton to Waikawa track but not on Endeavour Park.</p> <p><u>Consideration</u> The Hearings Panel noted that the Draft Reserve Management Plan Victoria Domain Reserves was currently out for consultation.</p> <p>The ecological and cultural input from Te Ati Awa was</p>



<b>Topic/Location</b> Proposed Policy & Bylaw that went out for public consultation	<b>Draft Bylaw</b> Proposed to come into effect 1 August 2021	<b>Submission summary</b>	<b>Recommendations and consideration rationale</b>
tracks. Note: dogs are prohibited on the designated mountain biking tracks.		mountain bike trails and suggested replacing the no dog signs that are missing on the mountain bike trails.	also noted in their submission. The Hearing Panel supported the proposal to limit dog access to be on-leash for ecological and recreational reasons. It was noted that Victoria Domain Reserves are well used which fits the policy to restrict access when there is intense public use, some tracks are narrow and there are limited sight lines. The Hearings Panel discussed whether there are enough off-leash areas in Picton as this is a change to go from off-leash to on-leash in Victoria Domain. The Hearings Panel considered that the lower track be an off-leash to provide one off-leash track on Victoria Domain. This would give balance and options and is considered to be for more urban walkers.
<b>Waikawa Bay Foreshore Reserve</b> Dogs are prohibited from the grassed area, playground and adjacent beach. Note: dogs are permitted on-leash in the balance of the reserve only to access jetties and boat launching facilities.	Dogs are prohibited in the grassed area, playground and adjacent beach. Note dogs are permitted on-leash in the balance of the reserve only to access jetties and boat launching facilities.	No submissions received.	<u>Recommendation</u> Status quo dogs are prohibited in the grassed area, playground and adjacent beach. Note dogs are permitted on-leash in the balance of the reserve only to access jetties and boat launching facilities. <u>Consideration</u> Site visit undertaken 9 December 2020 The Hearings Panel noted the current signage at the playground stated that dogs were not allowed within 15 metres of the playground. This is a family area which is particularly busy over summertime.
<b>Wairau Valley Loop Track</b> Was not included.	Dogs are allowed on-leash on the Wairau Valley loop Track.	One submission received recommending that the new Wairau Valley Loop Track area is included as an on-leash area for dogs.	<u>Recommendation</u> To allow dogs on-leash on the Wairau Valley loop Track <u>Consideration</u> The Hearings Panel considered the Wairau Loop Track in conjunction with the Wairau Valley Golf Course and Recreation Reserve. They were mindful of creating consistency between the 2 areas.

<b>Topic/Location</b> Proposed Policy & Bylaw that went out for public consultation	<b>Draft Bylaw</b> Proposed to come into effect 1 August 2021	<b>Submission summary</b>	<b>Recommendations and consideration rationale</b>
<b>Wairau Valley Golf Course &amp; Recreation Reserve</b>  Dogs are prohibited.	Dogs are allowed on-leash in the Wairau Valley Golf Course and Reserve.	<p>One submitter supported dogs being prohibited from the Wairau Valley Golf Course and Recreation Reserve because of issues of uncontrolled dogs affecting stock.</p> <p>There were 14 submissions received in strong opposition to the proposal to prohibit dogs from the Wairau Valley Golf Course and Recreation Reserve. Submitters queried where else that they could take their dogs apart from along SH63.</p>	<p><u>Recommendation</u> To allow dogs on-leash on the Wairau Valley Golf Course and Recreation Reserve.</p> <p><u>Consideration</u> The Hearings Panel discussed the issues of uncontrolled dogs in rural areas with stock. There have been complaints received by Animal Control and issued noted by the submitter.</p> <p>The Wairau Valley Golf Course and Recreation Reserve is a shared space adjacent to rural land and there are limited other options with State Highway 63. Courtesy to existing landowners and stock is important.</p> <p>It was noted that prohibiting dogs would create issues with accessing the loop track. This loop track is due to be completed in 2021 which will give additional recreational opportunities.</p> <p>The Wairau River does provide an off-leash area option for dog owners.</p>
<b>Waitohi Domain – Picton Dog Park</b>  Dogs are prohibited unless this becomes a designated dog park exercise area.	Dogs are allowed off-leash at Waitohi Domain.	Four submissions were received specifically supporting the construction of a dog park at Waitohi Domain in Picton.	<p><u>Recommendation</u> To allow dogs off-leash.</p> <p><u>Consideration</u> Site visit undertaken 9 December 2020.</p> <p>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.</p> <p>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.</p> <p>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 redevelopment of the area.</p>

<b>Topic/Location</b> Proposed Policy & Bylaw that went out for public consultation	<b>Draft Bylaw</b> Proposed to come into effect 1 August 2021	<b>Submission summary</b>	<b>Recommendations and consideration rationale</b>
<b>Ward Beach</b> Dogs are prohibited.	Dogs are allowed on-leash in the car park and on the 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 the Ward beach north beyond Chancet Rocks to Marfells Beach and south beyond Needles Point to the Marlborough District Council boundary.	Three submitters supported prohibiting dogs from Ward Beach including the East Coast Protection Group Inc.  37 Submissions were received opposing dogs being prohibited from Ward Beach some amendments were also suggested.	<u>Recommendation</u> Dog on-leash area in the reserve, car park and on the beach, north to Chancet Rocks and south to Needles Point.  With dogs being prohibited on the beach north beyond Chancet Rocks and south beyond Needles Point.  <u>Consideration</u> The submissions received included suggestions for Marfells Beach however the Hearings Panel were unsure if they could include Marfells Beach as this was not part of the proposed bylaw. The East Coast Protection Group did recommend prohibiting dogs along the whole east coast.  It was recognised by the Hearings Panel that the area has ecological overlays and that the landscape is special. The Hearings Panel requested a copy of the Technical Report on Marlborough’s East Coast which was prepared by Council in 2019, including Map 3 which shows the various uses of the East Coast.  The Hearings Panel noted that the bulldozer area is being used and that in there is a resource consent allowing the boat launching provisions and commercial use. This also allows public use and small boats are allowed to launch from this location.
<b>Wearing or display of current registration tags</b>	S46, S50 & 51 of the Dog Control Act 1996 deals with wearing, displaying and offences relating to dogs wearing proper labels or discs.	Two submitters opposed dogs having to wear display and wear their registration tags	Wearing or display of current registration tags is a legislative requirement in the Dog Control Act 1996 and outside the scope of the bylaw and policy review.
<b>Whitehead Park</b> Dogs are prohibited except that dogs are allowed on-leash only on the formed pathway on the eastern	Dogs are prohibited from the sports fields (being croquet and bowling greens) and on-leash for the balance of the park.	Two submitters opposed dogs being prohibited from Whitehead Park	<u>Recommendation</u> To prohibit dogs from the sports fields (being croquet and bowling greens) and allow dogs on-leash for the balance of the park.  <u>Consideration</u> The Hearings Panel felt that having some on-leash area was a continuation of Sutherland Stream

<b>Topic/Location</b> Proposed Policy & Bylaw that went out for public consultation	<b>Draft Bylaw</b> Proposed to come into effect 1 August 2021	<b>Submission summary</b>	<b>Recommendations and consideration rationale</b>
boundary and solely to access the Sutherland Stream walkway. A direct route must be taken and the dog and owner cannot stop within the park.			walkway and a compromise to deal with uncontrolled dogs and the issue of dog fouling.
<b>Wither Hills</b> Dogs are prohibited from the Mountain Bike Tracks and Taylor Pass Road car park but does not include the Redwood Street car park or the Sutherland Stream Reserve.	Dogs are prohibited from the Wither Hills.	Two submitters wanted the Wither Hills opened up for dogs.	<u>Recommendation</u> Status quo that dogs are prohibited from the Wither Hills. <u>Consideration</u> The Wither Hills is a working farm which has stock and therefore not suitable to have as a dog exercise area. There were also several submissions that recognised that dogs are prohibited on the Wither Hills and this gives people choices for walking if they do not like dogs.





Draft

# **Dog Control Policy**

May 2021



## Introduction

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This Policy on dogs is prepared in accordance with the Dog Control Act 1996 (the Act) which requires Council to have a Dog Control Policy. In adopting a policy, Council must have regard to:

- (a) The need to minimise danger, distress and nuisance to the community generally;
- (b) The need to avoid the inherent danger in allowing dogs to have unimpeded access to public places that are frequented by children, whether or not the children are accompanied by adults;
- (c) The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- (d) The exercise and recreational needs of dogs and their owners.

Council recognises that the majority of dog owners are responsible and that most interaction between dogs and the public is positive. It is also recognised that dogs can play a positive role in society and provide enjoyment and health benefits for individuals and families. This Policy seeks to achieve a balance between the control of dogs and recognition of the community benefits of responsible dog ownership.

## Our Objective

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Council's objective is to encourage responsible dog ownership that allows owners to enjoy their dogs without infringing on the enjoyment and safety of others. Responsible dog owners should:

- (a) Register their dogs and make sure they wear a current registration tag;
- (b) Keep their dogs under control;
- (c) Provide their dogs with proper and sufficient food, water, shelter and exercise;
- (d) Provide their dogs with care and attention (including veterinary care);
- (e) Not let their dogs be a nuisance to others;
- (f) Make sure their dogs do not injure, endanger, intimidate or distress any person or other animal or damage property;
- (g) Comply with the Act, any regulations and the Marlborough District Council Dog Control Bylaw (the Bylaw).

## Our Policy

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### 1. Access to Public Places

This Policy identifies public places in Marlborough where dogs are prohibited or must be controlled on a leash. It also identifies areas where dogs are allowed to be exercised off-leash. The Bylaw will provide for such areas.

#### **Criteria for determining levels of access for dogs in public places**

<b>Access should be restricted where:</b>	<b>Access could be less restricted where:</b>
<ul style="list-style-type: none"><li>• There is intense public use</li><li>• Another predominant use exists</li><li>• Significant wildlife or habitats exist</li><li>• There is significant risk to other users</li></ul>	<ul style="list-style-type: none"><li>• The area is not used extensively by other users</li><li>• It is of significant size</li><li>• There are sufficient sight lines</li><li>• The area is well-bounded from adjacent areas</li></ul>

### 1.1 Dog Prohibited Areas

Dogs are prohibited from Dog Prohibited Areas at all times.

**Dog Prohibited Areas are:**

- Those areas identified as the **Dog Prohibited Areas** in the attached **Schedule 1** and as confirmed in the Bylaw.

*Note paragraph 1.5 regarding land administered by the Department of Conservation.*

Where a children's playground is established in a public place after this Policy and the Bylaw is promulgated, dogs will be prohibited within 10 metres of the playground, notwithstanding that the place may be designated a Dog On-Leash or a Dog Off-Leash Area.

### 1.2 Dog On-Leash Areas

Dogs are permitted in Dog On-Leash Areas but must be controlled on a leash. For the purpose of this Policy on-leash means an adequate restraint not exceeding 2 metres in length and held by a person physically capable of restraining the dog. All dog faeces must be removed immediately by the owner or person responsible for the dog. At all times the owner or person responsible for the dog must carry on their person bag(s) to remove their dog's faeces.

**Dog On-Leash Areas are:**

- Those areas identified as **Dog On-Leash Areas** in the attached **Schedule 2** and as confirmed in the Bylaw; and
- With the exception of Dog Prohibited Areas and Dog Off-Leash Areas, dogs are permitted in all public places provided the dog is on a leash.

### 1.3 Dog Off-Leash Areas

Dogs are permitted off-leash in Dog Exercise Areas. At all times dogs must be kept under control. All dog faeces must be removed immediately by the owner or person responsible for the dog. At all times the owner or person responsible for the dog must carry on their person a leash and bag(s) to remove their dog's faeces.

**Dog Off-Leash Areas are:**

- Those areas identified as **Dog Off-Leash Areas** in the attached **Schedule 3** and as confirmed in the Bylaw.

### 1.4 Exceptions to 1.1 and 1.2

Dogs are permitted in Dog Prohibited Areas and are permitted off-leash in Dog On-Leash Areas (provided that the dog is kept under control at all times) in the following situations:

- (a) Where the owner has express written permission from the Council for the dog to be in a Dog Prohibited Area or to be off-leash in a Dog On-Leash Area; or
- (b) Where the dog is a working dog as defined in the Act carrying out its duty; or
- (c) Where the dog is confined completely within a cage or vehicle.

*Note: Nothing in this policy permits dogs to enter public places that are under the control of another organisation unless authorised by this Bylaw the relevant organisation (for example areas under the control of the Department of Conservation).*

### 1.5 Temporary changes to dog access

The Council may make temporary changes to Schedule 1, 2 and 3 of the Marlborough District Council Dog Control Policy in relation to –

- (a) leisure and cultural events (including dog friendly events);
- (b) dog training
- (c) protected wildlife that are vulnerable to dogs;
- (d) flora that are vulnerable to dogs;
- (e) pest control in any park, reserve and /or beach; and
- (f) other circumstance of a comparative nature to subclause 1.5 (a) to (e) inclusive.

In making or removing a temporary change to Schedule 1, 2 and 3 of the Marlborough District Council Dog Control Policy, the Council must –

- (a) have regard to section 1 of the Access to Public Places in the Marlborough District Council Dog Control Policy 2020;
- (b) specify in writing the reasons, location and timeframe that the temporary change is to apply to;
- (c) give public notice of the temporary change in a manner that the Council considers appropriate given the circumstances; and
- (d) Clearly indicate the area subject to the temporary change by 1 or more clearly legible notices affixed in 1 or more conspicuous places, on, or adjacent to, the place to which the notice relates, unless it is impractical or unreasonable to do so.

### 1.6 Controlled or Open Dog Areas under the Conservation Act 1987 and national parks under the National Parks Act 1980

No controlled or open dog areas, on lands administered by the Department of Conservation, have been declared under Part 5C of the Conservation Act 1987. There is a small portion of Nelson Lakes National Park in the Marlborough District where dogs are prohibited.

Further information on dog access on conservation land can be found via the following link [www.doc.govt.nz/parks-and-recreation/know-before-you-go/dog-access/where-can-i-take-my-dog/marlborough-dog-access/](http://www.doc.govt.nz/parks-and-recreation/know-before-you-go/dog-access/where-can-i-take-my-dog/marlborough-dog-access/).

Permits may be sought from the local Department of Conservation office.

### 1.7 Disability Assist Dogs

Disability assist dogs have a special status in the Dog Control Act 1996 and are allowed in all public places, even those declared to be prohibited under Council's bylaws. They are also permitted in premises registered under the Health Act 1956, such as restaurants.

A disability assist dog is a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability:

- (a) Hearing dogs for Deaf People New Zealand;
- (b) Mobility Assistance Dogs Trust;
- (c) New Zealand Epilepsy Assist Dogs Trust;
- (d) Royal New Zealand Foundation of the Blind;
- (e) K9 Medical Detection New Zealand;
- (f) Assistance Dogs New Zealand; and
- (g) Perfect Partners Assistance Dogs Trust.

## 2. Education

Council recognises the importance of education to promote responsible dog ownership and dog safety awareness:



- (a) In owners, of their responsibilities and obligations as dog owners; and
- (b) In the public, of safety awareness around dogs.

<p><b>Council will:</b></p> <ul style="list-style-type: none"> <li>• Provide education to preschool, primary and intermediate school children on dog safety awareness;</li> <li>• Offer dog safety awareness training to employees who regularly enter private properties;</li> <li>• Promote responsible dog ownership and obligations when undertaking patrols;</li> <li>• Promote dog obedience and dog owner education courses; and</li> <li>• Educate dog owners on the risk to stock from sheep measles (<i>taenia ovis</i>) posed by dogs.</li> </ul>
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Information and education will be provided through brochures, websites, social media, newspapers and school education programmes.

### 3. Dog Fees and Charges

The Council sets dog registration and pound fees. These fees will be set and publicly notified annually before the beginning of each registration year.

#### **Categories for which fees will be charged**

<b>Registration</b>	<b>Impounding</b>	<b>Miscellaneous</b>
<ul style="list-style-type: none"> <li>• Responsible dog owner</li> <li>• Standard dogs</li> <li>• Old dogs</li> <li>• Working dogs</li> <li>• Dangerous dogs</li> <li>• Late payment fees</li> </ul>	<ul style="list-style-type: none"> <li>• First impounding</li> <li>• Second impounding</li> <li>• Third and subsequent impounding</li> <li>• Daily sustenance and care</li> <li>• Veterinarian costs</li> </ul>	<ul style="list-style-type: none"> <li>• Multiple Dog Licence</li> <li>• Destruction</li> <li>• Surrender</li> <li>• Replacement tags</li> <li>• Microchipping</li> </ul>

The criteria for the various registration categories are detailed below.

**Responsible Dog Owners** (Category 1) includes all non-working dogs that meet all of the criteria below:

- (a) The dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location; and
- (b) The dog has been neutered; and
- (c) The dog has not been classified as dangerous or menacing; and
- (d) The owner has not within the previous seven years been classified as probationary or been disqualified from owning a dog; and
- (e) The owner of the dog has not within the previous seven years been convicted of an offence under the Dog Control Act 1996; and
- (f) The owner of the dog has not, within the previous two years, committed any infringement offence under the Dog Control Act 1996.

**Standard Dogs** (Category 2) are all non-working dogs that do not meet all of the criteria of a Category 1 dog, a dangerous dog, or an old dog.

**Old Dogs** include any dog that means the criteria below:

- (a) The dog will be over 12 years old as of 1 July for the new registration year;

- (b) The dog does not have to be desexed;
- (c) The dog only has to be microchipped if registered for the first time on or after 1 July 2006 (as per section 36A of the Dog Control Act 1996);
- (d) There is no infringement under the Dog Control Act 1996 in the two previous registration years relating to the dog owned by the person applying for the registration; and
- (e) Dangerous dogs and working dogs are excluded from the old dog category status.

**Working Dogs** are defined in the Dog Control Act 1996. In brief, they include:

- (a) Disability assist dogs;
- (b) Various dogs used by government agencies (such as Police, Prisons, Department of Conservation and Customs) in the course of their duties;
- (c) Farm dogs (used solely or principally for the purposes of herding or driving stock);
- (d) Dogs used to destroy pests or pest agents under pest management strategies made under the Biosecurity Act 1993; and
- (e) Dogs approved by Council to be a working dog.

**Dangerous Dog** category is required to pay 150 percent of the Standard Dog registration fee.

**Note: a late penalty fee is charged (50% of the applicable registration fee) for any payments made on or after 1 August.**

#### 4. Classification of Dogs and Owners

##### 4.1 Menacing Dogs

In accordance with section 33C of the Dog Control Act 1996 Council must classify any dogs belonging to the breed or type listed in Schedule 4 as menacing dogs. This includes the following breeds:

- American Pit Bull Terrier;
- Brazilian Fila;
- Dogo Argentino;
- Japanese Tosa; and
- Perro de Presa Canario.

As per section 33A of the Dog Control Act 1996 Council may classify any other individual dog as menacing if the dog poses a threat to any person, stock, poultry, domestic animal or protected wildlife because of the observed or reported behaviour of that dog.

As per section 33A of the Dog Control Act 1996 menacing dogs must wear a muzzle when in public (except when confined completely in a vehicle or cage).

The classification of a dog as menacing is in force throughout New Zealand. The classification is noted in the National Dog Database which is accessible to all territorial authorities with dog control responsibilities.

The Dog Control Act 1996 requires Council to state whether dogs classified as menacing are required to be neutered and, if so, whether the requirement applies to all such dogs. Council must also state whether dogs classified as menacing by another territorial authority and registered in Marlborough must be neutered.

***Council's policy is that all dogs classified as menacing will be required to be neutered within one month of the notice of classification.***

This applies to:

- All dogs classified as menacing by Council; and

- If a dog has been classified in another district, where it was not required to be neutered, but moves to the Marlborough District, it will be a requirement for the dog to be neutered within one month of residing in the Marlborough District.

In accordance with section 33D of the Dog Control Act 1996 the owner may within 14 days of receiving the notice of classification object in writing to the Council and has the right to be heard in support of the objection. If an owner objects to the classification, they must provide evidence that the dog is not of a breed or type listed in Schedule 4.

The Council Enforcement and Prosecution Committee will hear any objection and may either uphold or rescind the classification. The Committee in making its determination must consider:

- (a) The evidence which formed the basis for the classification; and
- (b) The matters relied on in support of the objection; and
- (c) Any other relevant matters.

The Committee, as soon as practicable, will give written notice to the owner of:

- (a) Its determination of the objection; and
- (b) The reasons for its determination.

#### **4.2 Dangerous Dogs**

In accordance with section 31 of the Dog Control Act 1996 Council must classify any dog as dangerous if:

- (a) The owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or
- (b) The Council has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife; or
- (c) The owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife.

Dogs classified as dangerous in accordance with the Dog Control Act 1996 are required to be neutered within one month of the notice of classification, have fencing requirements applied, and wear a muzzle and be on-leash in public.

The owner may within 14 days of receiving the notice of classification object in writing to the Council and has the right to be heard in support of the objection.

The Council's Enforcement and Prosecution Committee will hear any objection and may uphold or rescind the classification. The Committee in making its determination must consider;

- (a) The evidence which formed the basis for the classification; and
- (b) Any steps taken by the owner to prevent any threat to the safety of persons and animals; and
- (c) The matters relied on in support of the objection; and
- (d) Any other relevant matters.

The Committee as soon as practicable, will give written notice to the owner of:

- (a) Its determination of the objection; and
- (b) The reasons for its determination.



### 4.3 Probationary Owner Classification

In accordance with section 21 of the Dog Control Act 1996 Council may classify certain persons as a probationary owner.

This classification may be considered for any person who has received three or more infringement notices (not relating to a single incident or occasion) within a continuous 24 month period or any person convicted of an offence under the Act (or other specified offences against the Animal Welfare Act 1999, the Conservation Act 1987 or the National Parks Act 1980).

**Council will consider:**

- In all situations classifying such persons as probationary owners.

Probationary classification has the following effects:

- The owner is not allowed to own any dogs other than dogs that were owned at the date of the relevant offence or date of the third infringement offence;
- The owner must dispose of any unregistered dogs; and
- Probation lasts for up to 24 months.

The Council may require a person that is classified as a probationary owner to undertake, at their own expense, a dog owner education programme or a dog obedience course (or both) that is approved by the Council.

Any owner classified as probationary may object to the classification in writing to the Council and has the right to be heard in support of the objection. An objection may be lodged at any time during the period of classification but no objection can be lodged within 12 months of hearing any previous objection to the classification.

The Council's Enforcement and Prosecution Committee will hear the objection and may uphold or rescind the classification. The Committee in making its determination must consider:

- (a) The circumstances and nature of the offence or offences in respect of which the classification was made; and
- (b) The competency of the person objecting in terms of responsible dog ownership; and
- (c) Any steps taken by the owner to prevent further offences including, but not limited to, the disposal of any dog or dogs or the fencing of the property on which the dog is kept; and
- (d) The matters advanced on in support of the objection; and
- (e) Any other relevant matters.

The Committee, as soon as practicable, will give written notice to the objector of:

- (a) Its determination of the objection; and
- (b) The reasons for its determination.

### 4.4 Disqualification

In accordance with section 25 of the Dog Control Act 1996 Council must disqualify certain persons from being a dog owner, but not where Council considers disqualification is not warranted or where Council will instead classify the person as a Probationary Owner.

The Council must disqualify any person from owning a dog if they have committed three or more infringement offences (not relating to a single incident or occasion) within a continuous 24 month period or disqualify any person convicted of an offence under the Act (or other specified offences against the Animal Welfare Act 1999, the Conservation Act 1987 or the National Parks Act 1980).

**Council will consider:**

- In all situations disqualifying such persons.

Disqualification has the following effects:

- The owner must dispose of all dogs they own;
- The owner cannot own any more dogs; and
- Disqualification lasts for up to five years.

Any person who is disqualified from owning a dog may object to the disqualification in writing to the Council and has the right to be heard in support of the objection. An objection may be lodged at any time during the period of classification but no objection can be lodged within 12 months of hearing any previous objection to the classification.

The Council's Enforcement and Prosecution Committee will hear the objection and may uphold the disqualification, bring forward the date of termination or immediately terminate the disqualification. The Committee in making its determination must consider;

- (a) The circumstances and nature of the offence or offences in respect of which the person was disqualified; and
- (b) The competency of the person objecting in terms of responsible dog ownership; and
- (c) Any steps taken by the owner to prevent further offences; and
- (d) The matters advanced in support of the objection; and
- (e) Any other relevant matters.

The Committee is required to give the objector written notice of its decision, the reasons for it and inform them of the right of appeal under section 27 of the Act (which provides a right of further appeal to the District Court for if the objector is dissatisfied with the Council's decision on the objection to their disqualification).

## 5. Bylaws

Council must create bylaws to give effect to this Policy. The Council Dog Control Bylaw has been enacted and it is intended that the Bylaw will reflect this Policy.

The Act lists the matters for which bylaws may be made. Council's Bylaw applies to all dog owners and will be enforced using the range of enforcement mechanisms available to Council, such as infringement notices and prosecutions open to Council. Specific enforcement mechanisms are also provided for in the Bylaw.

Council has identified the following issues for which the Dog Control Bylaw will be created:

- Dogs are required to wear current registration tags;
- Dog owners are required to dispose of dog faeces deposited in public places;
- Female dogs in season and diseased dogs must be contained and are prohibited from public places;
- Dog owners keeping more than two dogs require a multiple dog property licence in most circumstances;
- Dog owners must meet minimum standards for keeping and caring for dogs;
- Dogs in or on vehicles must be adequately restrained and cared for;
- Council may require neutering of dogs not kept under control on multiple occasions;
- Impounded dogs will not be released until the dog is registered and all fees and costs paid;
- Dogs must be sufficiently contained within its owner's property;

- Dog owners must comply with the restrictions on dog access in public places;
- Dogs that are classified as menacing or dangerous must be neutered within one month;
- Temporary changes to dog access; and
- Non-walkers exercising dogs.

#### 6. Offences and Penalties

Every person who commits a breach of any of the Dog Control Act 1996 shall be liable on summary conviction to a fine not exceeding \$20,000 or be issued with an infringement notice of \$300.

Dog Control Officers can issue infringement notices for particular offences under the Dog Control Act 1996. The infringement offences and fees are set in accordance with Schedule 1 of the Dog Control Act 1996. Infringement notice fines range from \$100 to \$750 and the Council has no discretion to change these.

**Council will:**

- Use the infringement notice process for breaches;
- Consider probationary owner classification or disqualification for repeat offenders; and
- Consider prosecution for more serious breaches.



## Schedule 1 - Dog Prohibited Areas

**District Wide** Dogs are prohibited in the following areas except where the dog is in or on a vehicle in accordance with Clause 10 of the Bylaw:

- (a) At all sports grounds or parks including the playing fields and their immediate surrounds and car parks. Note: there are some exceptions where dogs are allowed on-leash on parts of grounds which have conditions specified in relation to a particular sports ground; and
- (b) At all cemeteries including their car parks; and
- (c) At any children's playground dogs must be 3 metres away from the outside edge safety surfacing (external to the playground) irrespective of the area being a dog on leash or dog off leash area Note: where this is not physically possible dogs must be on leash on the formed pathway or footpath (except in dog prohibited areas); and
- (d) At all museums and halls including their grounds and car parks; and
- (e) At all war memorials including their grounds and car parks; and
- (f) On any public conservation land including the foreshore unless authorised by this Bylaw, by the Department of Conservation, or where the owner has a permit from the Department of Conservation.

The following table identifies areas of the Marlborough District where dogs are prohibited at all times. The maps should be viewed in order to determine the exact location of restrictions.

### Dog Prohibited Areas - Blenheim

Name of Public Place	Location/Access
<p><b>Athletic Park</b></p> <p>Including the grounds that surround the enclosed oval except that dogs are allowed on-leash on the formed pathway when taking a direct route solely to access the Taylor riverbank from Brewer and Stratford Streets.</p> <p>Note: dogs are allowed on-leash in the arboretum area south west of the oval.</p>	Brewer Street and Stratford Street
<p><b>A &amp; P Park</b></p> <p>The whole of the park including the car parks except that dogs are allowed at:</p> <ul style="list-style-type: none"> <li>• The annual A &amp; P Show;</li> <li>• Any authorised dog obedience courses;</li> <li>• Any other activities as authorised in writing by Council.</li> </ul>	Maxwell Road and Alabama Road
<b>Awarua Park</b>	Rapaura Road
<b>Beacon Road Reserve</b>	Beacon Road
<b>Blackmore Reserve – southern end</b>	Blackmore Place
<b>Blenheim Skate Park</b>	Horton Street
<b>Brayshaw Museum Park</b>	Arthur Baker Place
<p><b>Churchward Park</b></p> <p>Except that dogs are allowed on-leash on the formed pathway and solely to access the riverbank from Maxwell Road. A direct route must be taken.</p>	Taylor Pass Road
<b>College Park</b>	Stephenson Street

Name of Public Place	Location/Access
<b>Covent Gardens Reserve</b>	Brandon Mews and Covent Gardens
<b>Harling Park</b> Fenced Japanese Garden Note: dogs are allowed off-leash in the balance of the park.	Howick Road and Solway Drive
<b>Horton Park</b>	Redwood Street and Stephenson Street
<b>Lansdowne Park</b>	Lansdowne Street
<b>Mark Smith Reserve</b>	Turnbull Drive
<b>Oliver Park</b>	Weld, Cleghorn and Bythell Streets
<b>Omaka Landings</b>	Spitfire Drive and Kittyhawk Road
<b>Pollard Park, Churchill Glade and Waterlea Gardens</b> – Baden Powell corner grassed area, BBQ picnic areas and the children's playground. Note dogs are allowed on-leash on the balance of Pollard Park, Churchill Glade and Waterlea Gardens.	Parker Street
<b>Pollard Park Golf Course</b>	Parker Street and McLaughlan Street
<b>Railway Station Reserve</b>	Railway Station
<b>Rewi Murray Polo Park</b> Except that dogs are allowed on-leash on the formed pathway on the eastern boundary and solely to access the Sutherland Stream walkway. A direct route must be taken and the dog.	Redwood Street and Alabama Road
<b>Riverlands Reserve</b>	State Highway 1
<b>Stadium 2000 Pocket Park</b>	Kinross Street
<b>Seymour Square</b>	Bounded by Seymour, Alfred, Henry and High Streets
<b>Whitehead Park</b> From the sports fields (being croquet and bowling greens). Note: dogs are allowed on-leash on the balance of the park and on the formed pathway on the eastern boundary and to access the Sutherland Stream walkway.	Brooklyn Drive
<b>Wither Hills Farm Park</b> Including the Mountain Bike Tracks and Taylor Pass Road car park but does not include the Redwood Street car park or the Sutherland Stream Reserve.	Taylor Pass Road, Rifle Range Place, Forest Park Drive, Grigg Drive, Rifle Range car park, Quail Stream car park, Solway Drive, Weld Street, Redwood Street, Fyffe Street, Dry Hills Lane and Cob Cottage Road.

### Dog Prohibited Areas - Picton, Waikawa and Koromiko

Name of Public Place	Location/Access
<b>Collins Memorial Reserve and Koromiko Forest Reserve</b>	Freeths Road off State Highway 1, Koromiko
<b>Endeavour Park</b> Note: dogs are allowed on-leash on the Joseph Sullivan Drive footpath to access various tracks.	Waikawa Road

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<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Memorial Park Entranceway</b> Except that dogs are allowed on-leash on the formed pathway.	Waikawa Road and Picton Marina
<b>Parklands Reserve</b>	Tui Drive and Fantail Heights
<b>Picton Foreshore Reserve</b> Including the car park and the beach adjacent to the Reserve. Note: dogs are permitted on-leash only to access jetties and boat birthing facilities.	London Quay
<b>Picton Skate Park</b>	Wairau Street and Auckland Street
<b>Queen Charlotte Drive Lookout</b> Except dogs are allowed on-leash on the formed pathway.	Queen Charlotte Drive
<b>Shelly Beach Reserve</b> – on the grassed picnic area. Note: dogs are allowed on-leash on the beach and on the road leading to the Bob's Bay Track.	Access from Picton Marina entrance, Waikawa Road
<b>Victoria Domain Reserves</b> Including on the designated mountain biking tracks. Note: dogs are allowed on-leash on the roadways and formed walking tracks, shared walking and biking tracks. Note: dogs are allowed off-leash on the lower Picton to Waikawa Track (but not on Endeavour Park).	Surrey, Sussex and Leicester Streets, Waikawa Road, Shelly Beach and Picton Marina
<b>Waikawa Bay Foreshore Reserve</b> the grassed area, playground and adjacent beach. Note: dogs are permitted on-leash in the balance of the reserve only to access jetties and boat launching facilities.	Waikawa Bay

### **Dog Prohibited Areas - Marlborough Sounds and Havelock**

<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Canvastown Hall Grounds and Playground</b>	State Highway 6, Canvastown
<b>Havelock Domain/Memorial Park</b>	Neil Street, Havelock
<b>Havelock Wetland</b>	State Highway 6, Havelock (on the left of the long straight heading west out of Havelock)
<b>Oyster Bay Reserve</b>	Oyster Bay , Port Underwood

### **Dog Prohibited Areas - Rai Valley**

<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Rai Valley Arboretum and Memorial</b>	State Highway 6, Rai Valley

### Dog Prohibited Areas - Renwick

Name of Public Place	Location/Access
Hammond Reserve	River Terrace
Renwick Domain	Uxbridge Street
Vorbach Reserve	Vorbach Place

### Dog Prohibited Areas - Seddon, Ward and Awatere Valley

Name of Public Place	Location/Access
Seddon Domain	Redwood, Seymour and Foster Streets
Mill Street Reserves	Mill Street and Wakefield Street, Seddon
<b>Ward Beach</b> North beyond Chancet Rocks to Marfells Beach and south beyond Needles Point to the Marlborough District Council boundary.  Note: 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.  Note: Dogs are allowed off-leash on the Ward Beach boat launching area.	Ward Beach Road

### Dog Prohibited Areas - Tua Marina, Spring Creek and Rapaura

Name of Public Place	Location/Access
Rapaura Recreation and Memorial Reserve	Rapaura Road
Wairau Affray - Tua Marina	Pioneer Place, State Highway 1

## Schedule 2 - Dog On-Leash Areas

Dogs are allowed in the following areas, provided they are kept under continuous control by means of a leash which is secured or held by a person physically capable of restraining the dog so that the dog cannot break loose.

### District Wide

Note: At any children's playground dogs must be 3 metres away from the outside edge safety surfacing (external to the playground) irrespective of the area being a dog on leash area. Where this is not physically possible dogs must be on leash on the formed pathway or footpath (except in dog prohibited playgrounds).

The following table identifies areas of the Marlborough District where dogs are allowed on-leash. The maps should be viewed in order to determine the exact location of restrictions.

### Dog On-Leash Areas - Blenheim

Name of Public Place	Location/Access
<p><b>Athletic Park</b></p> <p>In the arboretum area south west of the oval and on the formed pathway when taking a direct route solely to access the Taylor riverbank from Brewer and Stratford Streets.</p> <p>Note: dogs are prohibited on the grounds that surround the enclosed oval.</p>	Brewer Street and Stratford Street.
<b>Ballinger Park</b>	Ballinger Drive
<b>Blackmore Reserve</b> grassed area	Blackmore Place
<b>Blenheim Central Business District</b> including the Quays	
<b>Brian Soper Reserve</b>	Taylor Pass Road, Maeburn Street and Turnbull Drive
<b>Burleigh Park</b>	Burleigh Road
<p><b>Camborne Green</b></p> <p>Camborne Street Link and eastern end of Camborne Street.</p>	Tremorne Avenue
<b>Cedar Grove Reserve</b>	Cedar Grove, Manatu Place and Faulkland Drive
<b>Clearwater Place Reserve</b>	Clearwater Place
<b>Dalton Reserve</b>	Elizabeth Street
<b>Eltham Road Reserve</b> (Girl Guide Hut site)	Eltham Road
<b>Elmwood Avenue Reserve</b>	Elmwood Avenue
<b>Eric Young Reserve</b>	Robalan Place and Westhaven Place
<b>Faulkland Drive Reserve</b>	Faulkland Drive (opposite Rata Place)
<b>George Powell Reserve</b>	Regent Place and Fyffe Street
<b>George Young Reserve</b>	Harwood Place and Elmwood Avenue
<b>Glenhill Heights Reserve</b>	Kim Crescent and Elisha Drive

<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Henderson Street Reserve</b> Except that dogs may be off-leash past the children's playground and over the stop bank to the Ōpaoa River Walkway	Henderson Street
<b>Hitaua Place Reserve</b>	Hitaua Place and Harakeke Place
Holdaway Street Reserve	Holdaway Street and Merlot Place
<b>Kensington Reserve</b>	Windsor Close and Kensington Place
<b>Leafmere Reserve</b>	Wither Road and Hope Drive
<b>Manor Place Reserve</b>	Redwood Street (opposite Nikau Drive)
<b>Marlborough Ridge Reserve</b>	Marlborough Ridge Reserve
<b>McKendry Park</b>	Orchard Lane and Aston Street
<b>Morrington Terrace Reserve</b>	Weld Street
<b>Omaka Reserve</b>	Lancaster Avenue
<b>Pollard Park, Churchill Glade and Waterlea Gardens</b> Note: dogs are prohibited from the Baden Powell corner grassed area, BBQ picnic areas and the children's playground.	Parker Street
<b>Rata Park</b>	Taylor Pass and Wither Road
<b>Rema Reserve</b>	Hope Drive and Lester Place
<b>Rose Manor Reserve</b>	Rembrandt Drive
<b>Rutledge Reserve</b>	Rutledge Drive and Magnolia Drive
<b>Snowden Crescent Reserve</b>	Snowden Crescent
<b>Springlands Green</b>	Middle Renwick and Battys Roads
<b>Sutherland Stream</b> Between Hospital Road and Alabama Road alongside the eastern boundary of Rewi Murray Polo Park and Whitehead Park.	Alabama Road, Brooklyn Drive and Hospital Road

Name of Public Place	Location/Access
<p><b>Taylor River and Riverside Park:</b></p> <ul style="list-style-type: none"> <li>Along the true right bank of the river (Blenheim town centre side), from the Henry Street Bridge to the Sinclair Street rail bridge; and</li> <li>Along the true left bank of the river from the Alfred Street Bridge (Leeds Quay) to the Sinclair Street rail bridge.</li> <li>Note: 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.</li> <li>Note: dogs are allowed off-leash from the Sinclair Street rail bridge (Blenheim town centre side) to Stuart Street.</li> <li>Note: dogs are allowed off-leash along the true left bank (west side) of the Taylor River from Meadow Bank Road to the Alfred Street Bridge.</li> <li>Note: dogs are allowed off-leash from the Sinclair Street rail bridge (west side) to the formed pathway that connects to Snowden Crescent</li> </ul>	<p>Taylor Pass Road, Meadowbank Road, Turnbull Drive, George Conroy Drive, Wither Road, Rosina Corlett Lane, Richardson Avenue, Spitfire Drive, New Renwick Road, Burleigh Road, Leitrim Street, Rogers Street, Brewer Street, Stratford Street, Monro Street, Purkiss Street, Brook Street, Boyce Street, Beaver Road, White Street, Henry Street, Hutcheson Street, Nelson Street, Stuart Street, Opawa Street, Auckland Street, Park Terrace, Snowden Crescent, Horton Street, High Street, Symon Street, John Street, Seymour Street, Sinclair Street, Leeds Quay and Alfred Street</p>
<p><b>Taylor Dam</b> Including the forest area south of the locked gates</p>	<p>Taylor Pass Road</p>
<p><b>Whitehead Park</b> Note: dogs are prohibited from the sports fields (being croquet and bowling greens) and on leash for the balance of the park and on the formed pathway on the eastern boundary and solely to access Sutherland Stream walkway.</p>	<p>Brooklyn Drive</p>
<p><b>Yee Reserve</b></p>	<p>Hutcheson Street over the road from Lansdowne Park</p>

### Dog On-Leash Areas - Picton, Waikawa and Koromiko

Name of Public Place	Location/Access
<p><b>Bob's Bay Reserve</b></p>	<p>Beach and Waikawa Roads</p>
<p><b>Memorial Park Entranceway</b> On the formed pathway only and a direct route through must be taken. Note: dogs are prohibited from the grassed area.</p>	<p>Waikawa Road and Picton Marina</p>
<p><b>Nelson Square</b></p>	<p>Nelson Square</p>
<p><b>Picton Central Business District, town Basin and Fisherman's Reserve</b> - includes car parks</p>	<p>Multiple access points including Picton Marina (Coathanger Bridge), Waikawa Road and surrounding streets</p>
<p><b>Queen Charlotte Drive Lookout</b> Only on the formed pathway.</p>	<p>Queen Charlotte Drive</p>
<p><b>Scotland Street Reserve</b></p>	<p>Scotland Street</p>



<b>Name of Public Place</b>	<b>Location/Access</b>
<p><b>Shelly Beach Reserve</b></p> <p>On the beach and on the formed road to access the Bob's Bay Track.</p> <p>Note: dogs are prohibited on the grassed picnic area at Shelly Beach.</p>	Access from Picton Marina entrance, Waikawa Road
<p><b>Victoria Domain Reserves</b></p> <p>On roadways and formed walking tracks, shared walking and biking tracks.</p> <p>Note: dogs are prohibited from the mountain bike tracks and the balance of the domain.</p> <p>Note: dogs are allowed off-leash on the lower Picton to Waikawa track (but not on Endeavour Park).</p>	Surrey Street, Sussex Street, Waikawa Road, Leicester Street, Shelly Beach, Picton Marina, Snout Track, and Bob's Bay.
<p><b>Waikawa Bay Foreshore Reserve</b></p> <p>Only to access jetties and boat launching facilities.</p> <p>Note: dogs are prohibited in the grassed area, playground and adjacent beach.</p>	Waikawa Road
<b>Waikawa Stream Picnic Area</b>	Waikawa and Boons Valley Roads

### Dog On-Leash Areas - Marlborough Sounds and Havelock

<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Bay of Many Coves Reserve</b>	Arthurs Bay, Queen Charlotte Sound
<b>Cissy Bay Reserve</b>	Cissy Bay Road, Cissy Bay, Pelorus Sound
<p><b>Double Bay Reserve</b></p> <p>From Moetapu Road to the beach</p>	Moetapu Road, Double Bay, Kenepuru Sound
<b>Havelock Camping Ground</b>	24 Inglis Street, Havelock
<b>Havelock Quay Picnic Area</b>	Havelock Quay, Havelock
<b>Kenepuru Head Reserve</b>	Kenepuru Road, Kenepuru Sound
<b>Log Wharf Reserve</b>	State Highway 6, Havelock (opposite Old Coach Road)
<b>Maraetai Bay Esplanade Reserve</b>	Maraetai Bay, Queen Charlotte Sound
<b>Moetapu Bay Reserve</b>	Moetapu Bay Road, Moetapu Bay, Mahau Sound
<b>Motuweka/Havelock Pathway</b>	Havelock Quay, Mahakipawa Road and Inglis Street, Havelock
<b>Ohingaroa Bay Reserve</b>	Kenepuru Road, Kenepuru Sound
<b>Okiwi Bay Esplanade Reserves</b>	Okiwi Bay, Croiselles Harbour
<b>Sandy Bay Reserve</b>	Sandy Bay, Kenepuru Sound
<b>Tunncliffe Reserve</b>	Okiwi Bay, Croiselles Harbour

Name of Public Place	Location/Access
Waterfall Track	Havelock
Whatanihi Bay Reserve	Whatanihi Bay, Mahau Sound
Whangataura Bay Esplanade Reserve	Whangataura Bay, Port Underwood
Whenuanui Bay Esplanade Reserve	Whenuanui Bay, Queen Charlotte Sound

#### Dog On-Leash Areas - Rai Valley

Name of Public Place	Location/Access
Alfred Stream Reserve	State Highway 6
Brown River Reserve	State Highway 6 and French Pass Road
Rai Stream Reserve	Bryants Road

#### Dog On-Leash Areas - Renwick

Name of Public Place	Location/Access
Kowhai Drive Reserve	Kowhai Drive and Chante Crescent
Rousehill Reserve	Kirk Street, Rushleigh Crescent and Alison Crescent

#### Dog On-Leash Areas - Seddon, Ward and Awatere Valley

Name of Public Place	Location/Access
Fearon Reserve	Fearon Street, Seddon
Mills Street Reserve	State Highway 1, Seddon
Newcombe Street Berm	Newcombe Street and Marama Road, Seddon
Ward Domain	State Highway 1, Ward
<b>Ward Beach</b> In the car park and on the Ward Beach, north of the boat launching area to Chancet Rocks and south of the boat launching area to Needles Point.  Note: Dogs are allowed off-leash on the Ward Beach boat launching area  Note: Dogs are prohibited on the Ward Beach north beyond Chancet Rocks to Marfells Beach and south beyond Needles Point to the Marlborough District Council boundary.	Ward Beach Road

### Dog On-Leash Areas - Spring Creek, Grovetown and Rapaura

Name of Public Place	Location/Access
Ferry Bridge Picnic Area	Wairau Bar Road and Bothams Bend Road, Spring Creek
Grovetown Lagoon Reserves	Steam Wharf Road, Grovetown
Grovetown Reserve	Vickerman Street, Grovetown
Kahikatea Reserve	State Highway 1, Spring Creek
Marlborough Equestrian Park	Bothams Bend, Spring Creek
Upper Spring Creek Lions Reserve	Rapaura Road, Spring Creek (the grassed area alongside Rapaura Road, beside Spring Creek from State Highway 1 to Spring Creek Camping Ground)

### Dog On-Leash Areas - Wairau Valley

Name of Public Place	Location/Access
Wairau Valley Golf Course and Recreation Reserve	Morse Street, Wairau Valley Township
Wairau Valley Loop Track	State Highway 63, Church Lane, Keith Coleman Lane and Morse Street

## Schedule 3 - Dog Off-Leash Areas

Dogs are permitted off-leash in the following areas, provided they are under control at all times, and the person responsible for the dog has a bag to immediately remove fouling and a leash with them.

### District Wide

All beaches with the exception of those areas specifically identified as Dog Prohibited or Dog On-Leash Areas, as well as the foreshore of Maud Island and Stephens Island (Takapourewa) any land prohibited under the Conservation Act 1987 from being an "open dog" area, any National Park, or any area otherwise prohibited by the Department of Conservation.

All river berms owned or administered by Council except those areas specifically identified as Dog Prohibited Areas or Dog On-Leash areas.

Note: At any children's playground dogs must be 3 metres away from the outside edge safety surfacing (external to the playground) irrespective of the area being a 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 playgrounds).

The following table identifies exercise areas of the Marlborough District where dogs are allowed off-leash. The maps should be viewed in order to determine the exact location of restrictions.

### Dog Off-Leash Areas - Blenheim

Name of Public Place	Location/Access
<b>Ching Park</b>	Endeavour Street
<b>Dillons Point River Reserve</b>	Dillons Point Road, behind the Nelson Street roundabout
<b>Harling Park</b> and walkway to Elmwood Avenue. Note: dogs are prohibited from the fenced Japanese Gardens.	Howick Road
<b>Marshall Place Reserve</b> including the riverside area	Marshall Place
<b>Murphys Reserve</b>	Horne Place and Kingwell Drive
<b>Fultons Creek Reserve</b>	Kingwell Drive
<b>Henderson Street Reserve</b> Except that dogs must be on-leash in the area going past the children's playground	Henderson Street and Harakeke Place
<b>Ōpaoa Walkway Reserve</b>	Access from Ching Park and Henderson Street Reserve
<b>Sheps Park</b>	Severne Street
<b>Sutherland Stream Reserve</b> Between Hospital Road and the Wither Hills Redwood Street car park. Note: dogs are allowed on-leash between Hospital Road and Alabama Road alongside the eastern boundary of Rewi Murray Polo Park and Whitehead Park.	Elisha and Glenhill Drives, Hospital Road and Wither Road, Brilyn Crescent and Redwood Street



<b>Name of Public Place</b>	<b>Location/Access</b>
<p><b>Taylor River:</b></p> <ul style="list-style-type: none"> <li>• Along the true right bank (Blenheim town centre side) of the Taylor River from the Taylor Dam to the Henry Street Bridge.</li> <li>• From the Sinclair Street rail bridge (Blenheim town centre side) to Stuart Street.</li> <li>• Along the true left bank (west side) of the Taylor River from Meadow Bank Road to the Alfred Street Bridge.</li> <li>• From the Sinclair Street rail bridge (west side) to the formed pathway that connected to Snowden Crescent.</li> <li>• Note: Dogs are allowed on-leash along the true right bank of the river (Blenheim town centre side), from the Henry Street Bridge to the Sinclair Street rail bridge; and</li> <li>• Note: Dogs are allowed on-leash along the true left bank of the river from the Alfred Street Bridge (Leeds Quay) to the Sinclair Street rail bridge.</li> </ul>	<p>Taylor Pass Road, Meadowbank Road, Turnbull Drive, George Conroy Drive, Wither Road, Rosina Corlett Lane, Richardson Avenue, Spitfire Drive, New Renwick Road, Burleigh Road, Leitrim Street, Rogers Street, Brewer Street, Stratford Street, Monro Street, Purkiss Street, Brook Street, Boyce Street, Beaver Road, White Street, Henry Street, Hutcheson Street, Nelson Street, Stuart Street, Opawa Street, Auckland Street, Park Terrace, Snowden Crescent, Horton Street, High Street, Symon Street, John Street, Seymour Street, Sinclair Street, Leeds Quay and Alfred Street</p>

### **Dog Off-Leash Areas - Picton, Waikawa and Koromiko**

<b>Name of Public Place</b>	<b>Location/Access</b>
<p><b>Auckland Street Reserve</b> Except dogs are prohibited on the Picton Skate Park.</p>	Auckland and Scotland Streets, Wairau Road and Heather Place
<b>Beach Road Reserve</b>	Beach and Waikawa Roads
<b>Endeavour Heights Reserve</b>	Ranui Street, Rohe Drive, Glentui and Admiralty Places
<b>Esson's Valley Tracks - Humphries Dam and Barnes Dam Tracks</b>	Garden Terrace
<b>Memorial Park</b> - entrance via Surrey Street	Waikawa Road, Hampden Street and the Picton to Waikawa Walkway, Picton Marina
<b>Moana View Reserve</b>	Moana View Terrace and Boons Valley Road
<b>Rimu Terrace Reserve</b>	Rimu Terrace
<b>Tirohanga Track</b>	Newgate Street and Garden Terrace
<p><b>Victoria Domain Reserves</b> On the lower Picton to Waikawa track (but not on Endeavour Park). Note: dogs are allowed on-leash on roadways and formed shared walking and biking tracks. Note: dogs are prohibited from the mountain bikes racks and the balance of the domain.</p>	
<b>Waitohi Domain</b>	Dublin Street



### Dog Off-Leash Areas - Marlborough Sounds and Havelock

Name of Public Place	Location/Access
Hakahaka Bay Esplanade Reserve	Port Underwood
Kaimiko Stream Reserve	Okiwi Bay
Ruataniwha Place Reserve	Okiwi Bay
Tirimoana Reserve	Tirimoana, Anakiwa

### Dog Off-Leash Areas - Renwick

Name of Public Place	Location/Access
Renwick Dog Park	State Highway 6 and Foxes Island Road
Lions Reserve	Hawkesbury Road

### Dog Off-Leash Areas - Riverlands

Name of Public Place	Location/Access
Simonsen Reserve	Malthouse Road, off State Highway 1

### Dog Off-Leash Areas - Seddon and Awatere Valley

Name of Public Place	Location/Access
Blairich Reserve	Awatere Valley Road
Flemings Road Esplanade Reserve	Seaview Road, Seddon

### Dog Off-Leash Areas - Wairau River

Name of Public Place	Location/Access
Wairau River banks and bed downstream of the confluence with the Waihopai River, including the banks of the Diversion but not leased land where the public is excluded.	

### Dog Off-Leash Areas – Ward Beach

Name of Public Place	Location/Access
<p><b>Ward Beach</b> – on the Ward Beach boat launching area.</p> <p>Note: 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.</p> <p>Note: Dogs are prohibited on the Ward Beach north beyond Chancet Rocks to Marfells Beach and south beyond Needles Point to the Marlborough District Council boundary.</p>	Ward Beach Road



Draft

# **Dog Control Bylaw** May 2021

This bylaw is made under the Local Government Act 2002 and the Dog Control Act 1996.

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The Marlborough District Council hereby makes by resolution of the Marlborough District Council Dog Control Bylaw 2021 pursuant to the powers contained in sections 145 and 146 of the Local Government Act 2002, section 20 of the Dog Control Act 1996, and any other Act or authority in any way enabling the Council in that behalf. This Bylaw is deemed to be made under section 145 of the Local Government Act 2002.

## 1. Title

1.1. This Bylaw is the **Marlborough District Council Dog Control Bylaw 2020**.

## 2. Commencement

2.1. This Bylaw comes into force on 1 August 2021.

## 3. Application

3.1. This Bylaw applies to the care and control of dogs in the area administered by the Marlborough District Council.

## Part 1 – Preliminary Provisions

### 4. Purpose

4.1. The purpose of this Bylaw is to provide for the care and control of dogs, and to provide a safe and healthy environment for people in the Marlborough District. The obligations of dog owners are addressed in parts of the Bylaw to ensure that dogs are well cared for.

### 5. Interpretation

5.1. In this Bylaw, unless specified or the context otherwise requires, the terms and definitions used have the meaning listed below. Where terms and definitions are not provided below, the terms and definitions of the Dog Control Act 1996 apply.

**Act** means the Dog Control Act 1996.

**At large** means not under control of a person.

**Beach** means the foreshore, and any adjacent area which can reasonably be considered part of the beach environment, including areas of sand, pebbles, shingle, dunes or coastal vegetation, except where the area is prohibited by the Department of Conservation or legislation administered by the Department of Conservation.

**Cemetery** means any land vested in or under the control of Council from time to time and dedicated as a cemetery.

**Control** means that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.

**Council** means the Marlborough District Council.

**District** means the area within the Marlborough District Council territorial authority boundaries, including to Mean Low Water Springs (MLWS) on its seaward boundaries.

**Dangerous dog** means a dog classified in accordance with section 31 of the Act.

**Dog Control Officer** means an officer appointed under section 11 of the Act and includes a warranted officer exercising powers under section 17 of the Act.

**Dog Exercise Area** means an area where, by Council resolution that is publicly notified,

dogs are permitted to be exercised either on-leash or off-leash, provided they are under control and the person responsible for the dog has a leash with them.

**Dog Prohibited Area** means an area in which no dogs are allowed, except working dogs in the course of their duty, disability assist dogs or dogs with express written permission from Council.

**Menacing dog** means a dog classified in accordance with section 33A or 33C of the Act.

**Occupier** means, in relation to any land, the owner or any person having a right to occupy the land.

**On-leash** means that the dog is kept under control by means of a leash, lead or chain not exceeding 2 metres which is secured or is held by a person physically capable of restraining the dog and the dog cannot break loose.

**Owner** has the same meaning as in section 2 of the Act and includes every person who owns a dog; or has the dog in his or her possession; or the parent or guardian of a person under the age of 16 years who owns a dog.

**Park/Reserve** means any land vested in or administered by the Council under the provisions of the Reserves Act 1977 or any park, domain or recreational area under control or ownership of the Council.

**Person responsible for a dog** means a person, who may or may not be the dog's owner, who is in charge of the dog at a given time.

**Playground** means any recreation play area containing playground equipment and surfacing.

**Private way** has the meaning given by section 315 of the Local Government Act 1974.

**Premise** means any land, dwelling, building, ancillary building, storehouse, warehouse, shop, cellar, yard, or part of the same or enclosed space separately occupied. All lands, buildings and places adjoining each other and occupied together are deemed to be the same premises.

**Property** means land that is owned as a single allotment, or adjoining allotments held in the same ownership.

**Protected wildlife** means any animal that is absolutely or partially protected in accordance with the Wildlife Act 1953 and any marine mammal within the meaning of the Marine Mammals Protection Act 1978.

**Public place** has the same meaning as in section 2 of the Act and includes, for the avoidance of doubt, any beach or reserve.

**Road** has the meaning given by section 315 of the Local Government Act 1974.

**Rural Zone** means land identified as Rural Environment or Coastal Environment in the Decision Document of the Marlborough Environment Plan dated 21 February 2020 or land identified as Rural 1 or 2 in the Marlborough Sounds Resource Management Plan or as Rural 3 or 4 in the Wairau/Awatere Resource Management Plan.

**Stock** has the same meaning as in section 2 of the Act.

**Working dog** means any working dog as defined in section 2 of the Act and includes disability assist dogs, Police dogs, and dogs kept solely or principally for the purposes of herding or driving stock.



## Part 2 – General Requirements

### 6. Control of Dogs in Public Places

- 6.1. In areas that are considered high use recreation areas there is a need to minimise danger, distress and nuisance to the community and general public. A list of Dog Prohibited Areas, On-Leash and Off-Leash Areas are set out in Schedules 1, 2 and 3 of this Bylaw.
- 6.2. In any public places the owner of any dog or person responsible for any dog must keep that dog under control at all times. At all other times dogs must be confined on private property in such a way that they cannot freely leave.
- 6.3. A working dog carrying out its duty, or a dog that has express written permission provided by Council to be in a specified public place, is permitted to be off-leash in that public place provided the dog is otherwise under control.
- 6.4. Without limiting the generality of Clause 6.2 in this Bylaw, a dog shall, for the purpose of this Bylaw, be deemed not under control if it is found at large in any public place or in a private way in contravention of this Bylaw.
- 6.5. Where a dog is not under control in terms of Clause 6.4 of this Bylaw, a Dog Control Officer may seize the dog and cause it to be returned to its owner or impounded.
- 6.6. The provisions of section 69 of the Act shall apply to the impounding of any dog.
- 6.7. For the avoidance of doubt, nothing in this Bylaw permits dogs to enter public areas which are under the control of another organisation unless authorised by this Bylaw or by the relevant organisation (for example areas under the control of the Department of Conservation).

### 7. Temporary changes to dog access rules:

- 7.1. The Council may make temporary changes to Schedule 1, 2 and 3 of the Marlborough District Council
  - 7.1.1. Dog Control Policy in relation to –
    - 7.1.2. leisure and cultural events (including dog friendly events);
    - 7.1.3. dog training
    - 7.1.4. protected wildlife that are vulnerable to dogs;
    - 7.1.5. flora that are vulnerable to dogs;
    - 7.1.6. pest control in any park, reserve and /or beach; and
    - 7.1.7. other circumstance of a comparative nature to sub clause 1.5 (a) to (e) inclusive.
- 7.2. In making or removing a temporary change to Schedule 1, 2 and 3 of the Marlborough District Council Dog Control Policy, the Council must –
  - 7.2.1. have regard to section 1 of the Access to Public Places in the Marlborough District Council Dog Control Policy 2020;
  - 7.2.2. specify in writing the reasons, location and timeframe that the temporary change is to apply to;

- 7.2.3. give public notice of the temporary change in a manner that the Council considers appropriate given the circumstances; and
- 7.2.4. Clearly indicate the area subject to the temporary change by 1 or more clearly legible notices affixed in 1 or more conspicuous places, on, or adjacent to, the place to which the notice relates, unless it is impractical or unreasonable to do so.

## **8. Non-walkers Exercising Dogs**

- 8.1. Any person on a bicycle, electric bike, non-motorised scooter, a mobility scooter or any other self-propelled, electric or motorised transport whilst exercising a dog must:
  - 8.1.1. Keep the dog under control at all times; and
  - 8.1.2. At all times carry on their person bag(s) to immediately remove dog faeces;
  - 8.1.3. At all times carry a leash with them; and
  - 8.1.4. At all times in any public place including roads keep the dog on-leash except in Off-Leash Areas and comply with Dog Prohibited Area requirements.

## **9. Diseased Dogs**

- 9.1. The owner of any dog infected with a contagious disease must not allow that dog in any public place or on any property other than that occupied by the owner, except:
  - 9.1.1. Where the dog is taken to another property with the consent of the occupier; or
  - 9.1.2. Where the dog is taken to a registered veterinary clinic for treatment, provided that the dog is transported in a way that avoids, as far as possible, contact with other dogs and the spread of disease.
- 9.2. The owner of a dog with an infectious disease must ensure that the dog is confined in an appropriate enclosure or controlled to prevent contact with other dogs and that the dog is adequately exercised while confined.

## **10. Dogs in or on Vehicles**

- 10.1. Any person who allows or leaves a dog in a public place inside or on a vehicle must take all reasonable steps to ensure that the dog:
  - 10.1.1. Is unable to escape that vehicle;
  - 10.1.2. Does not present a risk to or cause distress or nuisance to passers-by; and
- 10.2. When on a vehicle in a public place, dogs must be secured in a manner that prevents the dog from jumping or falling from that vehicle.

## **11. Female Dogs in Season**

- 11.1. The owner of any bitch in season must not allow that dog in any public place or on any property other than that occupied by the owner, except:
  - 11.1.1. Where the dog is taken to another property with the consent of the occupier; or

11.1.2. Where the dog is taken to a registered veterinary clinic for treatment, provided that the dog is transported in a way that avoids, as far as possible, contact with other dogs.

11.2. Except during planned mating, the owner of a bitch in season must ensure that the dog is confined in an appropriate enclosure or controlled to prevent contact with other dogs and that the dog is adequately exercised while confined.

## 12. Neutering of Dogs

12.1. When any dog owner fails to keep their dog under control on repeated occasions the Council may, by written notice, require the owner to neuter the dog. The dog owner must, within one month after receipt of the notice, produce to the Council a certificate issued by a registered veterinarian certifying:

12.1.1. That the dog is or has been neutered; or

12.1.2. That for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate.

12.2. If a certificate under Clause 11.1.2 is produced, the dog owner must within one month after the date specified in the certificate, produce a further certificate to the Council under Clause 11.1.1.

## 13. Prevention of Public Nuisance

13.1. Every owner of a dog or person responsible for the control of a dog shall take reasonable steps to ensure that the dog does not injure, endanger, intimidate or otherwise cause distress to any person.

13.2. The owner or occupier on any property must ensure every dog does not create a nuisance by;

13.2.1. Obstructing the members of the public going about their lawful business in public places;

13.2.2. Rushing and frightening persons in public places;

13.2.3. Destroying, tearing or otherwise interfering with any refuse in a public place; and

13.2.4. Taking such steps as necessary to prevent the dog(s) from becoming a nuisance or annoyance by barking, howling or by obstructing members of the public going about their lawful business in public places.

13.3. If in the opinion of a Dog Control Officer the keeping of such dog(s) on a property has become or is likely to become a nuisance or injurious to health, the Dog Control Officer may by notice require the owner or occupier of a property to do all or any of the following;

13.3.1. To reduce the number of dogs kept on the property;

13.3.2. To construct, alter, reconstruct or otherwise improve the kennels or other buildings used to contain such dog(s);

13.3.3. To require such dog(s) to be tied up or otherwise confined during specified times; or



- 13.3.4. To take other action as the Dog Control Officer deems necessary to minimise or remove the likelihood of nuisance, hazard or injury to health.

## **14. Signage**

- 14.1. No person, other than at the direction of Council may remove, erect or alter any dog related signage in a public place.

## **15. Dogs Fouling in Public Places**

- 15.1. Where any dog defecates in a public place or on property other than that occupied by the owner, the owner or person responsible for that dog must;
- 15.1.1. At all times carry on their person bag(s) to remove dog faeces; and
- 15.1.2. Immediately remove any faeces; and
- 15.1.3. Where a public litter bin or similar receptacle is used to dispose of any faeces they must be suitably wrapped and contained to prevent the receptacle from being fouled; and
- 15.1.4. Not deposit or attempt to deposit any dog fouling in, on, under or beside any litter bin if the receptacle is full or it is likely to fall out.

## **16. Limits on the Number of Dogs**

- 16.1. No more than two dogs over the age of three months shall be kept on or within any land or premise for a period exceeding 14 days, unless:
- 16.1.1. The land or premise is situated within the Rural Zone; or
- 16.1.2. The additional dogs are expressly allowed by a Multiple Dog Licence issued by the Council.
- 16.2. The limit of two dogs applies irrespective of the number of people residing in or using the land or premise.
- 16.3. Where there are more than two dogs living on land or within a premise without a Multiple Dog Licence as required by Clause 16.1 of this Bylaw, the Dog Control Officer will by written notice require the dog owner to apply for a Multiple Dog Licence within seven days.
- 16.4. An application for a Multiple Dog Licence must:
- 16.4.1. Be in writing and include the information required on the application for Multiple Dog Licence form;
- 16.4.2. Include any additional information reasonably required to process the application;
- 16.4.3. If the land or premise is rented or leased then written consent from the property owner is required; and
- 16.4.4. Payment of the application fee is required at the time of lodging the application.
- 16.5. Every application for a Multiple Dog Licence will require a Dog Control Officer to undertake a property inspection, taking into account:

- 16.5.1. The location and size of the land or premises on which dogs will be kept and the adequacy of land or premise for keeping additional dog(s) giving consideration to their size and breed;
  - 16.5.2. Containment and housing of the dogs, and the distance of that housing from the property boundary and neighbouring houses;
  - 16.5.3. The likelihood of the dog(s) becoming a nuisance;
  - 16.5.4. The method of removing and disposing of dog faeces, liquid waste and wash down water;
  - 16.5.5. Whether there is adequate fencing;
  - 16.5.6. Whether there is dog-free access to the land or premises;
  - 16.5.7. Any previous history of complaints and non-compliance with the Dog Control Act 1996 and/or bylaws about the owner or their dogs; and
  - 16.5.8. Any other factors considered relevant.
- 16.6. The Council may impose any reasonable conditions on a Multiple Dog Licence and unless otherwise stated the Licence Holder must comply with any conditions imposed within 14 days of the grant of the licence.
- 16.7. Failure to comply with the conditions of a Multiple Dog Licence within the specified time will invalidate that licence. Any failure to comply shall be a breach of the Bylaw.
- 16.8. The Council may impose additional conditions on, or revoke, any Multiple Dog Licence by giving 14 days' notice in writing if a Dog Control Officer determines that the keeping of the additional dog(s) is inconsistent with the provisions of the Act or this Bylaw.
- 16.9. Where a Multiple Dog Licence is declined or revoked, or the dog owner fails to lodge a Multiple Dog Licence application within seven days of being notified of the requirement to do so, the Dog Control Officer will by written notice require the owner or occupier to reduce the number of dogs on the land or premise to no more than two dogs within 14 days.
- 16.10. The limit on numbers of dogs does not apply:
- 16.10.1. To any land or premise used as a registered veterinary clinic;
  - 16.10.2. To any land or premise used lawfully for the purpose of a commercial boarding kennel;
  - 16.10.3. To any land or premise where animals are kept under the care of the Society of Prevention of Cruelty to Animals; or
  - 16.10.4. To any land or premise used for the purpose of impounding dogs under the Act.

## **17. Wearing or Display of Current Registration Tags**

- 17.1. The owner or person responsible for any dog which is on land other than that occupied by the owner must ensure the dog is wearing a current registration tag or must have a current registration tag immediately available for presentation on request from a Dog Control Officer.



## **18. Containment on Private Property**

- 18.1. When a dog is on land occupied by its owner, the owner must ensure that the dog is physically restrained, or confined, or under direct control, so that it cannot freely leave the land.

## **19. Standards for Keeping Dogs**

- 19.1. Dog owners must ensure that their dog(s) receive:
- 19.1.1. Proper sufficient shelter;
- 19.2. Dog owners must ensure that the dog accommodation is:
- 19.2.1. Located and designed to minimize nuisance and/or risk to humans and other animals; and
  - 19.2.2. At least 2 metres from a boundary fence.
- 19.3. If the Council has reasonable grounds to consider that a dog is being kept in contravention of this Bylaw, the Council may by written notice require the dog owner to take action(s) to ensure compliance with the Bylaw in a specified timeframe. Should the dog owner not comply with that notice, the Council may issue infringement notices.

## **20. Menacing and Dangerous Dogs**

- 20.1. Council requires mandatory neutering of dogs classified as menacing in accordance with the provisions of the Act within one month of classification.
- 20.2. If a dog has been classified in another district where it was not required to be neutered but moves to the Marlborough District, it must be neutered within one month of residing in the Marlborough District.
- 20.3. An exemption to the requirement to be neutered pursuant to Clause 19.1 or 19.2 of this Bylaw may be granted where the owner provides a written declaration from a registered veterinarian that neutering the dog would be detrimental to its health.
- 20.4. Menacing dogs must wear a muzzle in a public place.
- 20.5. Dogs classified as dangerous in accordance with the Act are required to be neutered, have a securely fenced portion of the owner's property, and wear a muzzle and be controlled on a leash in public pursuant to the requirements of the Act.

## **21. Probationary Owners**

- 21.1. If any owner of a dog is classified as a probationary owner pursuant to the Act, they may be required to complete, at their expense, a dog owner education programme or a dog obedience course (or both).

## Part 3 – Administration, Enforcement and Miscellaneous Matters

### 22. Impounding of Dogs

- 22.1. Any dog found at large or in breach of any provision of this Bylaw, whether or not it is wearing a collar with the correct registration tag, may be impounded by a Dog Control Officer.
- 22.2. Where a Dog Control Officer has reasonable grounds to believe an offence under the Act has been committed, including failure to comply with registration requirements, the dog(s) may be seized and impounded.
- 22.3. As soon as practicable, after any dog is seized and impounded a Dog Control Officer, shall give written notice to the owner of the dog or person in charge of the dog stating that unless the dog is claimed and all fees paid within seven days of the receipt of the notice, it may be sold, rehomed, destroyed or otherwise disposed of in a manner as the Council thinks fit.
- 22.4. Where any dog is impounded for any reason under the Act or this Bylaw, the dog will not be released until;
- 22.4.1. Proof of ownership and identity of the dog is established;
  - 22.4.2. Registered dogs are microchipped as required by section 69A of the Act;
  - 22.4.3. Unregistered dogs are registered and microchipped as required by section 69A of the Act;
  - 22.4.4. The dog has been neutered where it was impounded pursuant to Clause 11.1;
  - 22.4.5. All registration fees, pound fees and other associated costs (including daily sustenance and care costs, microchipping fee and any veterinary costs, including neutering costs) have been paid in full; and
  - 22.4.6. Any other provision required by the Act and this Bylaw are complied with.

### 23. Future areas requiring dog control

- 23.1. The district-wide provisions in the Bylaw apply to all public places in Marlborough, as defined in the Dog Control Act 1996, including those that are not currently in existence (for instance reserves or playground areas established in the future).

### 24. Consequences of Breach of Bylaws - Offences and Penalties

- 24.1. Every person who commits a breach of any of the provisions of this Bylaw shall be liable on summary conviction to a fine not exceeding \$20,000 or be issued with a \$300 infringement notice.
- 24.2. The infringement offences and fees are set in accordance with Schedule 1 of the Dog Control Act 1996 and the Council has no discretion to change these.

## Part 4 – Revocation and Savings

### 25. Revocation

- 25.1. Chapter 4 of the Marlborough District Council Dog Control Bylaw 2010 is revoked.

### 26. Savings

- 26.1. Any permissions, approvals or authorisations given under Chapter 4 of the Marlborough District Council Dog Control Bylaw 2010 continue in force in accordance with their terms.
- 26.2. Any Multiple Dog Property Licence (Licence) issued under Chapter 4 of the Marlborough District Council Dog Control Bylaw 2010 continues in effect, unless the Licence has been varied or cancelled by Council. If varied, the varied version of the Licence remains in force.

### 27. Validation

- 27.1. The Marlborough District Council Dog Control Bylaw 2021 was duly made at a meeting of the Marlborough District Council held after the completion of the Special Consultative Procedure and will come into force on 1 August 2021.
- 27.2. The Common Seal of the Marlborough District Council was affixed pursuant to a resolution of the Council on **date** in the presence of:

\_\_\_\_\_  
Mayor

Seal

\_\_\_\_\_  
Chief Executive

Date \_\_\_\_\_



## Schedule 1 – Dog Prohibited Areas

**District Wide** Dogs are prohibited in the following areas except where the dog is in or on a vehicle in accordance with Clause 10 of this Bylaw:

- (a) At all sports grounds or sports parks including the playing fields and their immediate surrounds and car parks. Note: there are some exceptions where dogs are allowed on-leash on parts of grounds which have conditions specified in relation to a particular sports ground; and
- (b) At all cemeteries including their car parks; and
- (c) At any children's playground dogs must be 3 metres away from the outside edge safety surfacing (external to the playground) irrespective of the area being a dog on-leash or dog off-leash area  
Note: where this is not physically possible dogs must be on-leash on the formed pathway or footpath (except in dog prohibited playgrounds); and
- (d) At all museums and halls including their grounds and car parks; and
- (e) At all war memorials including their grounds and car parks; and
- (f) On any public conservation land including the foreshore unless authorised by this Bylaw, by the Department of Conservation, or where the owner has a permit from the Department of Conservation

The following table identifies areas of the Marlborough District where dogs are prohibited at all times. The maps should be viewed in order to determine the exact location of restrictions.

### Dog Prohibited Areas - Blenheim

Name of Public Place	Location/Access
<b>Athletic Park</b> Including the grounds that surround the enclosed oval except that dogs are allowed on-leash on the formed pathway when taking a direct route solely to access the Taylor riverbank from Brewer and Stratford Streets. Note: dogs are allowed on-leash in the arboretum area south west of the oval.	Brewer Street and Stratford Street
<b>A &amp; P Park</b> The whole of the park including the car parks except that dogs are allowed at: <ul style="list-style-type: none"> <li>• The annual A &amp; P Show;</li> <li>• Any authorised dog obedience courses;</li> <li>• Any other activities as authorised in writing by Council.</li> </ul>	Maxwell Road and Alabama Road
<b>Awarua Park</b>	Rapaura Road
<b>Beacon Road Reserve</b>	Beacon Road
<b>Blackmore Reserve – southern end</b>	Blackmore Place
<b>Blenheim Skate Park</b>	Horton Street
<b>Brayshaw Museum Park</b>	Arthur Baker Place
<b>Churchward Park</b> Except that dogs are allowed on-leash on the formed pathway and solely to access the riverbank from Maxwell Road. A direct route must be taken.	Taylor Pass Road
<b>College Park</b>	Stephenson Street
<b>Covent Gardens Reserve</b>	Brandon Mews and Covent Gardens

<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Harling Park</b> Fenced Japanese Garden Note: dogs are allowed off-leash in the balance of the park.	Howick Road and Solway Drive
<b>Horton Park</b>	Redwood Street and Stephenson Street
<b>Lansdowne Park</b>	Lansdowne Street
<b>Mark Smith Reserve</b>	Turnbull Drive
<b>Oliver Park</b>	Weld, Cleghorn and Bythell Streets
<b>Omaka Landings</b>	Spitfire Drive and Kittyhawk Road
<b>Pollard Park Churchill Glade and Waterlea Gardens</b> - Baden Powell corner grassed area, BBQ picnic areas and the children's playground. Note: dogs are allowed on leash on the balance of Pollard Park, Churchill Glade and Waterlea Gardens.	Parker Street
<b>Pollard Park Golf Course</b>	Parker Street and McLaughlan Street
<b>Railway Station Reserve</b>	Railway Station
<b>Rewi Murray Polo Park</b> Except that dogs are allowed on-leash only on the formed pathway on the eastern boundary and solely to access the Sutherland Stream walkway. A direct route must be taken.	Redwood Street and Alabama Road
<b>Riverlands Reserve</b>	State Highway 1
<b>Stadium 2000 Pocket Park</b>	Kinross Street
<b>Seymour Square</b>	Bounded by Seymour, Alfred, Henry and High Streets
<b>Whitehead Park</b> From the sports fields (being croquet and bowling greens). Note: dogs are allowed on-leash on the balance of the park and on the formed pathway on the eastern boundary and to access the Sutherland Stream walkway.	Brooklyn Drive
<b>Wither Hills Farm Park</b> Including the Mountain Bike Tracks and Taylor Pass Road car park but does not include the Redwood Street car park or the Sutherland Stream Reserve.	Taylor Pass Road, Rifle Range Place, Forest Park Drive, Grigg Drive, Rifle Range car park, Quail Stream car park, Solway Drive, Weld Street, Redwood Street, Fyffe Street, Dry Hills Lane and Cob Cottage Road.

### **Dog Prohibited Areas – Picton, Waikawa and Koromiko**

<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Collins Memorial Reserve and Koromiko Forest Reserve</b>	Freeths Road off State Highway 1, Koromiko
<b>Endeavour Park</b> Note: dogs are allowed on-leash on the Joseph Sullivan Drive footpath to access various tracks.	Waikawa Road



<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Memorial Park Entranceway</b> Except that dogs are allowed on-leash on the formed pathway.	Waikawa Road and Picton Marina
<b>Parklands Reserve</b>	Tui Drive and Fantail Heights
<b>Picton Foreshore Reserve</b> Including the car park and the beach adjacent to the Reserve. Note: dogs are permitted on-leash only to access jetties and boat launching facilities.	London Quay
<b>Picton Skate Park</b>	Wairau Street and Auckland Street
<b>Queen Charlotte Drive Lookout</b> Except dogs are allowed on leash on the formed pathway.	Queen Charlotte Drive
<b>Shelly Beach Reserve</b> – on the grassed picnic area. Note: dogs are allowed on-leash on the beach and on the road to access the Bob's Bay Reserve Track.	Access from Picton Marina entrance, Waikawa Road
<b>Victoria Domain Reserves</b> Including on the designated mountain biking tracks. Note: dogs are allowed on-leash on the roadways and formed shared walking and biking tracks. Note: dogs are allowed off-leash on the Picton to Waikawa Track (but not on Endeavour Park).	Surrey, Sussex and Leicester Streets, Waikawa Road, Shelly Beach and Picton Marina
<b>Waikawa Bay Foreshore Reserve</b> The grassed area, playground and adjacent beach. Note: dogs are permitted on-leash in the balance of the reserve only to access jetties and boat launching facilities.	Waikawa Bay

### **Dog Prohibited Areas – Marlborough Sounds and Havelock**

<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Canvastown Hall Grounds and Playground</b>	State Highway 6, Canvastown
<b>Havelock Domain/Memorial Park</b>	Neil Street, Havelock
<b>Havelock Wetland</b>	State Highway 6, Havelock (on the left of the long straight heading west out of Havelock)
<b>Oyster Bay Reserve</b>	Oyster Bay , Port Underwood

### **Dog Prohibited Areas – Rai Valley**

<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Rai Valley Arboretum and Memorial</b>	State Highway 6, Rai Valley

### **Dog Prohibited Areas – Renwick**

<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Hammond Reserve</b>	River Terrace

<b>Renwick Domain</b>	Uxbridge Street
<b>Vorbach Reserve</b>	Vorbach Place

### Dog Prohibited Areas – Seddon, Ward and Awatere Valley

<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Seddon Domain</b>	Redwood, Seymour and Foster Streets
<b>Mill Street Reserves</b>	Mill Street and Wakefield Street, Seddon
<p><b>Ward Beach</b>            North beyond Chancet Rocks to Marfells Beach and south beyond Needles Point to the Marlborough District Council boundary.</p> <p>Note: 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.</p> <p>Note: Dogs are allowed off-leash on the Ward Beach boat launching area.</p>	Ward Beach Road

### Dog Prohibited Areas – Tua Marina, Spring Creek and Rapaura

<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Rapaura Recreation and Memorial Reserve</b>	Rapaura Road
<b>Wairau Affray – Tua Marina</b>	Pioneer Place, State Highway 1

## Schedule 2 – Dog On-Leash Areas

Dogs are allowed in the following areas, provided they are kept under continuous control by means of a leash which is secured or held by a person physically capable of restraining the dog so that the dog cannot break loose.

### District Wide

Note: At any children's playground dogs must be 3 metres away from the outside edge safety surfacing (external to the playground) irrespective of the area being a dog on leash area. Where this is not physically possible dogs must be on leash on the formed pathway or footpath (except in dog prohibited playgrounds).

The following table identifies areas of the Marlborough District where dogs are allowed on-leash. The maps should be viewed in order to determine the exact location of restrictions.

### Dog On-Leash Areas – Blenheim

Name of Public Place	Location/Access
<p><b>Athletic Park</b></p> <p>In the arboretum area south west of the oval and on the formed pathway when taking a direct route solely to access the Taylor riverbank from Brewer and Stratford Streets.</p> <p>Note: dogs are prohibited on the grounds that surround the enclosed oval.</p>	Brewer Street and Stratford Street.
<b>Ballinger Park</b>	Ballinger Drive
<b>Blackmore Reserve grassed area</b>	Blackmore Place
<b>Blenheim Central Business District including the Quays</b>	
<b>Brian Soper Reserve</b>	Taylor Pass Road, Maeburn Street and Turnbull Drive
<b>Burleigh Park</b>	Burleigh Road
<p><b>Camborne Green</b></p> <p>Camborne Street Link and eastern end of Camborne Street.</p>	Tremorne Avenue
<b>Cedar Grove Reserve</b>	Cedar Grove, Manatu Place and Faulkland Drive
<b>Clearwater Place Reserve</b>	Clearwater Place
<b>Dalton Reserve</b>	Elizabeth Street
<b>Eltham Road Reserve</b> (Girl Guide Hut site)	Eltham Road
<b>Elmwood Avenue Reserve</b>	Elmwood Avenue
<b>Eric Young Reserve</b>	Robalan Place and Westhaven Place
<b>Faulkland Drive Reserve</b>	Faulkland Drive (opposite Rata Place)
<b>George Powell Reserve</b>	Regent Place and Fyffe Street
<b>George Young Reserve</b>	Harwood Place and Elmwood Avenue
<b>Glenhill Heights Reserve</b>	Kim Crescent and Elisha Drive
<p><b>Henderson Street Reserve</b></p> <p>Except that dogs may be off-leash past the children's playground and over the stop bank to the Ōpaoa River Walkway</p>	Henderson Street

<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Hitaua Place Reserve</b>	Hitaua Place and Harakeke Place
<b>Holdaway Street Reserve</b>	Holdaway Street and Merlot Place
<b>Kensington Reserve</b>	Windsor Close and Kensington Place
<b>Leafmere Reserve</b>	Wither Road and Hope Drive
<b>Manor Place Reserve</b>	Redwood Street (opposite Nikau Drive)
<b>Marlborough Ridge Reserve</b>	Marlborough Ridge Reserve
<b>McKendry Park</b>	Orchard Lane and Aston Street
<b>Morrington Terrace Reserve</b>	Weld Street
<b>Omaka Reserve</b>	Lancaster Avenue
<b>Pollard Park, Churchill Glade and Waterlea Gardens</b> Note: dogs are prohibited from the Baden Powell corner grassed area, BBQ picnic areas and the children's playground.	Parker Street
<b>Rema Reserve</b>	Hope Drive and Lester Place
<b>Rose Manor Reserve</b>	Rembrandt Drive
<b>Rutledge Reserve</b>	Rutledge Drive and Magnolia Drive
<b>Snowden Crescent Reserve</b>	Snowden Crescent
<b>Springlands Green</b>	Middle Renwick and Battys Roads
<b>Sutherland Stream</b> Between Hospital Road and Alabama Road alongside the eastern boundary of Rewi Murray Polo Park and Whitehead Park. Note: dogs are allowed off leash between Hospital Road and the Wither Hills Redwood Street car park.	Alabama Road, Brooklyn Drive and Hospital Road
<b>Taylor River and Riverside Park:</b> <ul style="list-style-type: none"> <li>• Along the true right bank of the river (Blenheim town centre side), from the Henry Street Bridge to the Sinclair Street rail bridge; and</li> <li>• Along the true left bank of the river from the Alfred Street Bridge (Leeds Quay) to the Sinclair Street rail bridge.</li> <li>• Note: 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.</li> <li>• Note: dogs are allowed off-leash from the Sinclair Street rail bridge (Blenheim town centre side) to Stuart Street.</li> <li>• Note: dogs are allowed off-leash along the true left bank (west side) of the Taylor River from Meadow Bank Road to the Alfred Street Bridge.</li> <li>• Note: dogs are allowed off-leash from the Sinclair Street rail bridge (west side) to the formed pathway that connects to Snowden Crescent</li> </ul>	Taylor Pass Road, Meadowbank Road, Turnbull Drive, George Conroy Drive, Wither Road, Rosina Corlett Lane, Richardson Avenue, Spitfire Drive, New Renwick Road, Burleigh Road, Leitrim Street, Rogers Street, Brewer Street, Stratford Street, Monro Street, Purkiss Street, Brook Street, Boyce Street, Beaver Road, White Street, Henry Street, Hutcheson Street, Nelson Street, Stuart Street, Opawa Street, Auckland Street, Park Terrace, Snowden Crescent, Horton Street, High Street, Symon Street, John Street, Seymour Street, Sinclair Street, Leeds Quay and Alfred Street
<b>Taylor Dam</b> Including the forest area south of the locked gates	Taylor Pass Road



Name of Public Place	Location/Access
<b>Whitehead Park</b> Note: dogs are prohibited from the sports fields (being croquet and bowling greens) and on-leash for the balance of the park and on the formed pathway on the eastern boundary and to access Sutherland Stream walkway.	Brooklyn Drive
<b>Yee Reserve</b>	Hutcheson Street over the road from Lansdowne Park

### Dog On-Leash Areas - Picton, Waikawa and Koromiko

Name of Public Place	Location/Access
<b>Bob's Bay Reserve</b>	Beach and Waikawa Roads
<b>Memorial Park Entranceway</b> On the formed pathway only and a direct route through must be taken. Note: dogs are prohibited from the grassed area.	Waikawa Road and Picton Marina
<b>Nelson Square</b>	Nelson Square
<b>Picton Central Business District, town Basin and Fisherman's Reserve - includes car parks</b>	Multiple access points including Picton Marina (Coathanger Bridge), Waikawa Road and surrounding streets
<b>Queen Charlotte Drive Lookout</b> Only on the formed pathway.	Queen Charlotte Drive
<b>Scotland Street Reserve</b>	Scotland Street
<b>Shelly Beach Reserve</b> On the beach and on the formed road to access to the Bob's Bay Track. Note: dogs are prohibited on the grassed picnic area at Shelly Beach	Access from Picton Marina entrance, Waikawa Road
<b>Victoria Domain Reserves</b> On roadways and formed walking tracks, shared walking and biking tracks. Note: dogs are prohibited from the mountain bike tracks and the balance of the domain. Note: dogs are allowed off-leash on the lower Picton to Waikawa track (but not on Endeavour Park).	Surrey Street, Sussex Street, Waikawa Road, Leicester Street, Shelly Beach, Picton Marina, Snout Track, and Bob's Bay.
<b>Waikawa Bay Foreshore Reserve</b> Only to access jetties and boat launching facilities. Note: dogs are prohibited in the grassed area, playground and adjacent beach.	Waikawa Road
<b>Waikawa Stream Picnic Area</b>	Waikawa and Boons Valley Roads

### Dog On-Leash Areas - Marlborough Sounds and Havelock

Name of Public Place	Location/Access
<b>Bay of Many Coves Reserve</b>	Arthurs Bay, Queen Charlotte Sound

Name of Public Place	Location/Access
<b>Cissy Bay Reserve</b>	Cissy Bay Road, Cissy Bay, Pelorus Sound
<b>Double Bay Reserve</b> From Moetapu Road to the beach	Moetapu Road, Double Bay, Kenepuru Sound
<b>Havelock Camping Ground</b>	24 Inglis Street, Havelock
<b>Havelock Quay Picnic Area</b>	Havelock Quay, Havelock
<b>Kenepuru Head Reserve</b>	Kenepuru Road, Kenepuru Sound
<b>Log Wharf Reserve</b>	State Highway 6, Havelock (opposite Old Coach Road)
<b>Maraetai Bay Esplanade Reserve</b>	Maraetai Bay, Queen Charlotte Sound
<b>Moetapu Bay Reserve</b>	Moetapu Bay Road, Moetapu Bay, Mahau Sound
<b>Motuweka/Havelock Pathway</b>	Havelock Quay, Mahakipawa Road and Inglis Street, Havelock
<b>Ohingaroa Bay Reserve</b>	Kenepuru Road, Kenepuru Sound
<b>Okiwi Bay Esplanade Reserves</b>	Okiwi Bay, Croiselles Harbour
<b>Sandy Bay Reserve</b>	Sandy Bay, Kenepuru Sound
<b>Tunncliffe Reserve</b>	Okiwi Bay, Croiselles Harbour
<b>Waterfall Track</b>	Havelock
<b>Whatanihi Bay Reserve</b>	Whatanihi Bay, Mahau Sound
<b>Whangataura Bay Esplanade Reserve</b>	Whangataura Bay, Port Underwood
<b>Whenuanui Bay Esplanade Reserve</b>	Whenuanui Bay, Queen Charlotte Sound

#### Dog On-Leash Areas - Rai Valley

Name of Public Place	Location/Access
<b>Alfred Stream Reserve</b>	State Highway 6
<b>Brown River Reserve</b>	State Highway 6 and French Pass Road
<b>Rai Stream Reserve</b>	Bryants Road

#### Dog On-Leash Areas - Renwick

Name of Public Place	Location/Access
<b>Kowhai Drive Reserve</b>	Kowhai Drive and Chante Crescent
<b>Rousehill Reserve</b>	Kirk Street, Rushleigh Crescent and Alison Crescent

#### Dog On-Leash Areas - Seddon, Ward and Awatere Valley

Name of Public Place	Location/Access
<b>Fearon Reserve</b>	Fearon Street, Seddon

<b>Mills Street Reserve</b>	State Highway 1, Seddon
<b>Newcombe Street Berm</b>	Newcombe Street and Marama Road, Seddon
<b>Ward Domain</b>	State Highway 1, Ward
<p><b>Ward Beach</b></p> <p>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.</p> <p>Note: Dogs are allowed off-leash on the Ward Beach boat launching area</p> <p>Note: Dogs are prohibited on the Ward Beach north beyond Chancet Rocks to Marfells Beach and south beyond Needles Point to the Marlborough District Council boundary.</p>	Ward Beach Road

### Dog On-Leash Areas - Spring Creek, Grovetown and Rapaura

<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Ferry Bridge Picnic Area</b>	Wairau Bar Road and Bothams Bend Road, Spring Creek
<b>Grovetown Lagoon Reserves</b>	Steam Wharf Road, Grovetown
<b>Grovetown Reserve</b>	Vickerman Street, Grovetown
<b>Kahikatea Reserve</b>	State Highway 1, Spring Creek
<b>Marlborough Equestrian Park</b>	Bothams Bend, Spring Creek
<b>Upper Spring Creek Lions Reserve</b>	Rapaura Road, Spring Creek (the grassed area alongside Rapaura Road, beside Spring Creek from State Highway 1 to Spring Creek Camping Ground)

### Dog On-Leash Areas - Wairau Valley

<b>Name of Public Place</b>	<b>Location/Access</b>
<b>Wairau Valley Golf Course and Recreation Reserve</b>	Morse Street, Wairau Valley Township
<b>Wairau Valley Loop Track</b>	State Highway 63, Church Lane, Keith Coleman Lane and Morse Street

## Schedule 3 – Dog Off-Leash Areas

**Dogs are permitted off-leash in the following areas, provided they are under control at all times, and the person responsible for the dog has a bag to immediately remove fouling and a leash with them.**

### District Wide

All beaches with the exception of those areas specifically identified as Dog Prohibited or Dog On-Leash Areas, as well as the foreshore of Maud Island and Stephens Island (Takapourewa) Picton Foreshore and Shelly Beach and any land prohibited under the Conservation Act 1987 from being an "open dog" area, any National Park, or any area otherwise prohibited by the Department of Conservation.

All river berms owned or administered by Council except those areas specifically identified as Dog Prohibited Areas or Dog On-Leash areas.

Note: At any children's playground dogs must be 3 metres away from the outside edge safety surfacing (external to the playground) irrespective of the area being a 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 playgrounds).

The following table identifies exercise areas of the Marlborough District where dogs are allowed off-leash. The maps should be viewed in order to determine the exact location of restrictions.

### Dog Off-Leash Areas - Blenheim

Name of Public Place	Location/Access
<b>Ching Park</b>	Endeavour Street
<b>Dillons Point River Reserve</b>	Dillons Point Road, behind the Nelson Street roundabout
<b>Fultons Creek Reserve</b>	Kingwell Drive
<b>Harling Park</b> and walkway to Elmwood Avenue. Note: dogs are prohibited from the fenced Japanese Gardens.	Howick Road
<b>Marshall Place Reserve</b> including the riverside area	Marshall Place
<b>Murphys Reserve</b>	Horne Place and Kingwell Drive
<b>Henderson Street Reserve</b> Except that dogs must be on-leash in the area going past the children's playground	Henderson Street and Harakeke Place
<b>Ōpaoa Walkway Reserve</b>	Access from Ching Park and Henderson Street Reserve
<b>Sheps Park</b>	Severne Street
<b>Sutherland Stream Reserve</b> Between Hospital Road and the Wither Hills Redwood Street car park. Note: dogs are allowed on-leash between Hospital Road and Alabama Road alongside the eastern boundary of Rewi Murray Polo Park and Whitehead Park.	Elisha and Glenhill Drives, Hospital Road and Wither Road, Brilyn Crescent and Redwood Street



Name of Public Place	Location/Access
<p><b>Taylor River and Riverside Park:</b></p> <ul style="list-style-type: none"> <li>• Along the true right bank (Blenheim town centre side) of the Taylor River from the Taylor Dam to the Henry Street Bridge.</li> <li>• From the Sinclair Street rail bridge (Blenheim town centre side) to Stuart Street.</li> <li>• Along the true left bank (west side) of the Taylor River from Meadow Bank Road to the Alfred Street Bridge.</li> <li>• From the Sinclair Street rail bridge (west side) to the formed pathway that connected to Snowden Crescent.</li> <li>• Note: Dogs are allowed on-leash along the true right bank of the river (Blenheim town centre side), from the Henry Street Bridge to the Sinclair Street rail bridge; and</li> <li>• Note: Dogs are allowed on-leash along the true left bank of the river from the Alfred Street Bridge (Leeds Quay) to the Sinclair Street rail bridge.</li> </ul>	<p>Taylor Pass Road, Meadowbank Road, Turnbull Drive, George Conroy Drive, Wither Road, Rosina Corlett Lane, Richardson Avenue, Spitfire Drive, New Renwick Road, Burleigh Road, Leitrim Street, Rogers Street, Brewer Street, Stratford Street, Monro Street, Purkiss Street, Brook Street, Boyce Street, Beaver Road, White Street, Henry Street, Hutcheson Street, Nelson Street, Stuart Street, Opawa Street, Auckland Street, Park Terrace, Snowden Crescent, Horton Street, High Street, Symon Street, John Street, Seymour Street, Sinclair Street, Leeds Quay and Alfred Street</p>

### Dog Off-Leash Areas - Picton, Waikawa and Koromiko

Name of Public Place	Location/Access
<p><b>Auckland Street Reserve</b> Except dogs are prohibited on the Picton Skate Park.</p>	<p>Auckland and Scotland Streets, Wairau Road and Heather Place</p>
<p><b>Beach Road Reserve</b></p>	<p>Beach and Waikawa Roads</p>
<p><b>Endeavour Heights Reserve</b></p>	<p>Ranui Street, Rohe Drive, Glentui Place and Admiralty Place</p>
<p><b>Esson's Valley Tracks - Humphries Dam and Barnes Dam Tracks</b></p>	<p>Garden Terrace</p>
<p><b>Memorial Park</b> - entrance via Surrey Street</p>	<p>Waikawa Road, Hampden Street and the Picton to Waikawa Walkway, Picton Marina</p>
<p><b>Moana View Reserve</b></p>	<p>Moana View Terrace and Boons Valley Road</p>
<p><b>Rimu Terrace Reserve</b></p>	<p>Rimu Terrace</p>
<p><b>Tirohanga Track</b></p>	<p>Newgate Street and Garden Terrace</p>
<p><b>Victoria Domain Reserves</b> – on the lower Picton to Waikawa track. Note: dogs are allowed on-leash on roadways and formed walking tracks, shared walking and biking tracks. Note: dogs are prohibited from the mountain bikes tracks and the balance of the domain.</p>	
<p><b>Waitohi Domain</b></p>	<p>Dublin Street</p>

### Dog Off-Leash Areas - Marlborough Sounds and Havelock

Name of Public Place	Location/Access
Hakahaka Bay Esplanade Reserve	Port Underwood
Kaimiko Stream Reserve	Okiwi Bay
Ruataniwha Place Reserve	Okiwi Bay
Tirimoana Reserve	Tirimoana, Anakiwa

### Dog Off-Leash Areas - Renwick

Name of Public Place	Location/Access
Renwick Dog Park	State Highway 6 and Foxes Island Road
Lions Reserve	Hawkesbury Road

### Dog Off-Leash Areas - Riverlands

Name of Public Place	Location/Access
Simonsen Reserve	Malthouse Road, off State Highway 1

### Dog Off-Leash Areas - Seddon and Awatere Valley

Name of Public Place	Location/Access
Blairich Reserve	Awatere Valley Road
Flemings Road Esplanade Reserve	Seaview Road, Seddon

### Dog Off-Leash Areas - Wairau River

Name of Public Place	Location/Access
Wairau River banks and bed downstream of the confluence with the Waihopai River, including the banks of the Diversion but not leased land where the public is excluded.	

### Dog Off-Leash Areas – Ward Beach

Name of Public Place	Location/Access
<p><b>Ward Beach</b> - on the Ward Beach boat launching area.</p> <p>Note: 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.</p> <p>Note: Dogs are prohibited on the Ward Beach north beyond Chancet Rocks to Marfells Beach and south beyond Needles Point to the Marlborough District Council boundary.</p>	Ward Beach Road

## 10. Efficient Use of Water in Marlborough

(Clr Hope) (Report prepared by Victoria Rhind and Chanelle Seabrook)

E360-006-01

### Purpose of Report

1. To provide an update on addressing efficient use of water in the region through resource consenting and monitoring.

### Executive Summary

2. Inefficient allocation and use of water is potentially a significant issue in Marlborough, given that many water resources are at or are approaching full allocation.
3. The main efficient use model used by applicants in Marlborough is IrriCalc which uses existing soils information and modelled climate data to provide estimates of water use for a list of different crop types and provides a reasonable use volume at daily, monthly and yearly rates.
4. To ensure efficient use of water for irrigation, the Council will generally not grant water permits to use water for irrigation purposes at a rate that exceeds the reasonable use calculation provided by IrriCalc.
5. All water take meters provide data via telemetry, manual submissions or on request. These meters should be verified every five years.
6. There are minimum flow requirements for many Marlborough Rivers, with restriction and rationing provisions included in consents to protect these minimum flows.

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### RECOMMENDATION

That the information be received.

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### Background/Context

7. Inefficient allocation and use of water is potentially a significant issue in Marlborough, given that many water resources are at or are approaching full allocation. Once allocation limits have been reached, the Council is unable to continue allocating water to other users. To give effect to the National Policy Statement for Freshwater Management (NPSFM), there are a number of Objectives and associated Policies in the Proposed Marlborough Environment Plan (PMEP) aimed to achieve efficient water use for any given activity. Some examples of these policies can be seen below, this is not an exhaustive list:
  - Policy 5.7.1 – When resource consent is to be granted to use water, every proposed use will be authorised by a separate water permit.
  - Policy 5.7.2 – To allocate water on the basis of reasonable demand given the intended use.
  - Policy 5.7.3 – Water permit applications to use water for irrigation will not be approved when the rate of use exceeds the reasonable use calculation, except where the applicant can demonstrate that they require more water based on property specific information.
  - Policy 5.7.4 – Require water permit holders to measure, record and transfer the information from their water take using a meter and data management system that is capable of recording real time information, and transmitting this to the Marlborough District Council via telemetry
8. Every Water Permit applied for, whether it is a replacement of an expiring consent or a permit for a new take and use, must take into consideration the NPSFM, and the Objectives Policies and Rules set out under the PMEP.

## IrriCalc

9. Irrigation is used to replace any deficit in soil moisture in order to maintain crop health and growth. Climate and the properties of the soil in which the crop is growing are the main determinants of soil water availability and therefore irrigation demand. One of the ways in which efficient use of water can be achieved is by ensuring that the allocation to the user does not exceed that which is reasonably required for the use. For irrigation a reasonable use model can be used to estimate water demand for the crop, based on the soil type(s) and climate that exist at the property. The main model used by applicants in Marlborough is IrriCalc which uses existing soils information and modelled climate data to provide estimates of water use for a list of different crop types and provides a reasonable use volume at daily, monthly and yearly rates. Since June 2016 all water permit applications that seek to irrigate crops, must provide an IrriCalc assessment with their application.
10. To ensure efficient use of water for irrigation, the Council will generally not grant water permits to use water for irrigation purposes at a rate that exceeds the reasonable use calculation provided by IrriCalc. However, the PMP does have an explicit policy that enables water users to provide site specific information to demonstrate a reasonable use requirement that differs from IrriCalc. For non-irrigation uses, such as industrial or commercial water uses, the allocation will be assessed on a case-by-case basis.

## Impact on change of crop type

11. When Council is notified of a land use change involving a conversion in crop type it is Council's protocol to provide notification to the consent holder via letter or email. These notifications detail that a replacement permit is required to reflect the change in water allocation due to the change in crop type. The amount of water allocated in the new permit is based off IrriCalc and water availability for that FMU.

## Monitoring of water takes

12. All water take meters provide data via telemetry, manual submissions or on request. Marlborough District Council currently receives majority of the water meter data in the region via telemetry. The "*Resource Management (measurement and Report of Water Takes) Regulations 2010*" originally required all freshwater takes that are greater than 5 litres per second to record water taken daily and to provide this data annually. They also required these meters to be verified as accurate every five years. These original regulations had a staged implementation which prioritised larger takes and were implemented between 2010 and 2016. Since these regulations took effect in 2010 there have been two significant amendments to them. The first took effect in 2016 which required all water consent holders for every water take over 5 litres per second to have a measuring device installed, provide continuous records of water use annually and have the device independently verified by an accredited company. The most recent amendment to these regulations took effect on 3 September 2020. These amendments include recording water take data at 15 minute intervals and providing this data daily. The roll out of implementing these newly added regulations is staged over 6 years (2020 - 2026), with larger takes being prioritised first.
13. Water takes that are less than 5 litres per second and are only required to provide data as outlined in their conditions usually provide manual meter readings or csv files from data loggers. These records are uploaded online to the Water Meter System or submitted to the MDC water inbox. MDC has software which provides an alert when telemetered data has stopped being provided. These non-compliances are first followed up with the data host. If the data host confirms the issue requires an infield water meter specialist the non-compliance is highlighted to the consent holder to resolve. This software also has the capability to provide alerts when a water meter has abstracted more water than its allocated amount.
14. Verification of a water meters is the process of proving the accuracy of the installed meter. Irrigation New Zealand has developed The Water Measurement and Reporting Industry Accreditation Programme (Blue Tick Programme) to give permit holders greater certainty that service providers will deliver services that meet industry best practice, comply with the regulations and meet permit conditions. Marlborough District Council requires all meter verifications to be undertaken by an approved Blue Tick provider. Water takes that are greater than 5 litres per second are required to be verified every five years as per the "*Resource Management (measurement and Report of Water Takes) Regulations 2010*". Water takes not triggered by the regulations may require to be verified as part of their consent.



## Water take shut offs

15. The Wairau Awatere Resource Management Plan and the proposed Marlborough Environment Plan include minimum flow requirements for many Marlborough Rivers, with restriction and rationing provisions included in consents to protect these minimum flows. In some cases a river may also have a multi class allocation, usually A, B, and C classes, with class C being the least reliable and therefore first to be rationed or restricted, and class A the most reliable. Rationing and shut off levels are based on a flow monitoring site at a fixed location in the catchment; flow data is displayed on Council's Environmental graphs page, and summarised on the Irrigation status page.
16. Under the proposed Marlborough Environment Plan the aquifer FMU's also have minimum levels at which water permit holders can be restricted, and along the coast there are also conductivity limits to protect the aquifers from salt water intrusion.
17. Consent holders have the option to sign up to receive irrigation status notifications via Antenno alerts or group e-mails. An alert or email is sent when a river reaches a shut-off level for the first time each season. It is then the responsibility of the consent holder to check the Irrigation Status page to determine their water availability.

## Duration of consents

18. The PMEP has a policy to assist decision makers to determine the appropriate duration of water permits. Policy 5.3.14 of the PMEP outlines that the duration of water permits should generally:
  - a) not be less than 20 years for take from a non-over-allocated Freshwater Management Unit (FMU)
  - b) not be more than ten years for a take from an over-allocated FMU i.e. the Wairau, Benmorven, Brancott, Omaka and Riverlands Aquifers.
  - c) not be more than ten years when the take is from a FMU that does not have default environmental flow in the PMEP.
19. The circumstance in (a) reflects a desire by water users for longer water permit terms in order to provide the certainty required to make long-term investment decisions. It also recognises that there is certainty regarding the sustainability of water abstraction from a FMU when limits are set by rules in the PMEP.
20. The circumstances in (b) and (c) reflect situations where there is uncertainty regarding the sustainability of abstraction, either because the resource is over-allocated or because there is a lack of knowledge to set specific environmental flows/levels. A shorter term is an effective means of managing this uncertainty as it allows the sustainability of the existing abstraction to be reassessed against the provisions of a reviewed PMEP after its current ten year life. The policy also recognises that there may be other factors involved with a specific proposal that influence the determination of appropriate duration.

## S128 provisions

21. In relation to water permits, under section 128 of the Resource Management Act the Council has the ability to review conditions of a water permit when a regional plan is made operative to align existing consent with the new plan requirements in relation maximum or minimum levels or flows or rates of use of water.
22. Policy 5.2.26 of the PMEP states that where necessary, the Council will review the conditions of existing water permits authorising the taking of water within 24 months of the PMEP (or any subsequent plan changes) becoming operative to ensure that relevant environmental flows and levels are met.
23. Similarly, Policy 5.5.5 of the PMEP looks to resolve over-allocation of the Benmorven, Brancott and Omaka Aquifer Freshwater Management Units by reducing individual resource consent allocations on a proportional basis, based on the total allocation available relative to each individual's irrigated land area, or equivalent for non-irrigation water uses (excluding domestic and stock water). The reductions will be achieved by reviewing the conditions of the relevant water permits under s128 to reallocate the available allocation fairly across all relevant users.

## Ballot for water source

24. Policy 5.9.1 of the PMEP outlines that once an allocation limit is reached and that part of the water resource is fully allocated, any water that subsequently becomes free to allocate to other users will only be made available to those users through a system of ballot.
25. A ballot is considered by water users to be the most equitable way to determine who should receive the water given the likely competition for the water amongst existing users. It avoids the situation of a person gaining access to water in preference to other potential users based on the nature of the use or because they were first to make an application. The ballot system is yet to be established.

## Current status of FMU for allocation.

26. The majority of the regions water resources are fully or over-allocated. The Wairau River is the main resource that has allocation available, as well as high flow water in other rivers that is suitable to be taken and stored in storage dams.
27. It should be noted that some of the allocation limits set in the Proposed Marlborough Environment Plan are under appeal, the outcome of which may have an impact on the status of water allocation in the relevant FMU's in the future.

## Presentation

A short presentation will be given by Victoria Rhind (Environmental Planner – Resource Consents) and Chanelle Seabrook (Environmental Protection Officer – Compliance and Monitoring) (10 minutes).

Author	Victoria Rhind, Environmental Planner and Chanelle Seabrook, Environmental Protection Officer
Authoriser	Gina Ferguson, Consents and Compliance Group Manager

# 11. Resource Consent Hearings Update

(Clr Oddie) (Report prepared by Sue Bulfield-Johnston)

R450-004-22

## Purpose of Report

1. To provide a summary of the hearings undertaken since the previous report was provided together with update as to changes in practice following Covid19.

## Executive Summary

2. This report provides a rolling summary of hearings scheduled and completed for applications for resource consent. Since the onset of Covid19 and the Level 4 Lockdown a practice has been implemented to consider extension of timeframes and online hearings where appropriate.

## RECOMMENDATION

That the report be received.

## Background/Context

3. The Advocacy and Practice Integration Team has responsibility for facilitating the Resource Consent hearing process under the Resource Management Act 1991. API continues to work with the Resource Consents team to make improvements to this process for the benefit of Council and those participating in that process.

### *Applications that have been scheduled for hearing*

4. At the time of writing this report twenty hearings have been completed and the decision issued in the year commencing 1 July 2020. A further four hearings have taken place as scheduled and are in adjournment pending receipt of further information. A table listing these hearings is attached at Attachment 1.
5. Hearings have been set down for applications for resource consent as follows:

Date	U Number and Name	Details	Planner	Commissioner/Committee	Where being held
Monday 31 May	U200770 – Sanford Limited	Land Use (Activity) and Discharge Permit (To Air)	Adrienne Gravatt	Commissioner Besier	Council Chambers 9.00am
Tuesday 29 June and Wednesday 30 June if required	U140294 & U140296 - The New Zealand King Salmon Company Limited Combined Hearing	Coastal Permit (Marine Farm)	Peter Johnson	Commissioner S McGarry	Council Chambers 9.00am
Thursday 1 July	U190930 – Totaranui 250 Trust	Coastal Permit (Structure) x2 Land Use (Activity)	Sarah Silverstar	Commissioner Welsh	Council Chambers 9.00am
Tuesday 6 July	U200493 – Kuku Holdings Limited	Coastal Permit (Marine Farm)	Peter Johnson	Commissioner S McGarry	Council Chambers 9.00am
Wednesday 7 July	U201026 – Moetapu Bay Community Jetty Incorporated	Coastal Permit (Structure)	Sarah Silverstar	Commissioner S McGarry	Council Chambers 9.00am

6. Requests have been received to set hearings down for the following applications. No dates have been identified at the time of drafting this report.

Timeframe for hearing extended under s 37 to 1 November 2021	U190500 – Avora Limited	Coastal Permit (Structure) x2	Peter Johnson
The applicant has requested a delayed hearing. Date to be advised.	U160675 - The New Zealand King Salmon Company Limited and Te Atiawa o Te Waka-a-Maui Limited	Coastal Permit (Marine Farm)	Peter Johnson
This hearing has been deferred. Hearing date to be advised	U190438 – The New Zealand King Salmon Company Limited	Coastal Permit (Marine Farm)	Peter Johnson
The applicant has requested this hearing be postponed to late 2021 and s37A has been applied.	U200060 – S M Madsen (for Scott Madsen Family Trust)	Coastal Permit (Marine Farm)	Peter Johnson
Working towards setting a date for hearing in August. Extending timeframes under s 37 for provision of evidence due to scale and complexity of application. A panel of three independent commissioner will be assembled including cultural and hydrological expertise	U200349 – Marlborough District Council (For the Flaxbourne irrigation scheme project)	Water permit (Take water) x2 Land Use (Activity) x3 Land Use (River bed or Surface Activity) Land Use (Gravel Removal)	Summer Denize
Agent has agreed to extending timeframes for hearing under s 37 pending legal advice for the applicant	U200055 – T G McLeod	Land Use (Building) Land Use (Activity) x2 Discharge Permit (To Land)	Summer Denize
Application processing suspended under s 91A to enable applicant to consult with the parties to the hearing. Combined hearing requested as applications for adjacent forestry blocks that will be harvested together.	U200980 - Marberry Estates Limited and U200998 - McLachlan, D I; Yealands, A M; King, G D; Tarrant, M G; Watson, B C	Land Use (Land Disturbance)	Fliss Morey

## Next steps

- API will continue to facilitate the hearing process and adapt to the changing environment.

Author	Sue Bulfield-Johnston, Administrator and Hearing facilitator, Advocacy and Practice Integration
Authoriser	Barbara Mead, Advocacy and Practice Integration Manager



**Attachment 1**

The following hearings have taken place in the year commencing 1 July 2020

<b>Hearing Date</b>	<b>U Number and Name</b>	<b>Details</b>	<b>Planner</b>	<b>Commissioner/Committee</b>	<b>Status</b>
Friday 3 July	U190460 – Circle K Limited	Land Use (Activity)	Peter Johnson	Clr D Oddie (Chair) Clr J Arbuckle Clr B Faulls	Consent granted Decision issued
Friday 7 July	U190397 - C A & C C Aston	S357A Objection to condition	Ian Sutherland	Commissioner A Besier	Objection dismissed Decision issued
Friday 7 July	U191112 – AM & D A Campbell and O J Foster	Land Use (Activity)	Jenny Folster	Commissioner A Besier	Consent granted Decision issued
Thursday 9 July	U060329 – P J Woolley	S136 transfer of water permit	Glen Parker	Commissioner M Williams	Application refused Decision issued
Monday 27 July  And  Tuesday 28 July if required	U190470 – Simcox Quarry Limited – Reconvened Hearing	Land Use (Activity)	Fliss Morey	Commissioner S Berry	Consent granted Decision issued
Tuesday 1 September	U161142 – Marlborough Aquaculture Limited	Coastal Permit (Marine Farm)	Peter Johnson	Commissioner J Mills Clr D Oddie	Hearing Adjourned
Wednesday 2 September	U200218 - Marlborough District Council	Discharge Permit (To Water) x5	Glen Parker	Commissioner C Welsh	Consent granted Decision issued
Tuesday 22 September	U190483 – Beirne & Smith	Coastal Permit (Seawall)	Peter Johnson	Commissioner C Welsh	Application refused Decision issued
Tuesday 13 October	U200049 – JAHM Investments Limited & Others	Water Permit (Take Water and Use Water)	Glen Parker	Commissioner John Maassen	Application granted in part Decision issued
Tuesday 24 November	U191050 – Burkhart Fisheries Limited	Coastal Permit (Disturb Foreshore or Seabed)	Peter Johnson	Clr Arbuckle Clr Oddie Clr Faulls	Application granted Decision issued

Hearing Date	U Number and Name	Details	Planner	Commissioner/Committee	Status
Thursday 3 December 2020	U200094 - Kainga Ora - Homes and Communities	Subdivision (Allotment Creation)  Land Use (Land Disturbance ) x 2  Land Use (Building)	Tracey Hewitt	Commissioner M Williams	Consent Granted  Decision issued
Friday 11 December 2020	U190172 – Dunford, B J and M L  Reconvened Hearing	Subdivision (Allotment Creation)  Water Permit (Take Water & Use Water)  Land Use (Activity)	Ian Sutherland	Commissioner S McGarry	Application refused  Decision Issued
Thursday 17 December 2020	U190814 - Rarangi Golf Club Incorporated	Water Permit (Take Water, Use Water, Use Water)	Glen Parker	Commissioner D Caldwell	Application granted  Decision issued
Tuesday 12 January	U200556 – M R Newman/Newman Excavations	Land Use (Activity)	Jenny Folster	Commissioner Craig Welsh	Application granted  Decision issued
Wednesday 27 January	U200311 – Cowslip Valley Vineyards Limited	Water Permit (Take Water, Use Water, Dam Water)  Land Use (River Surface of Bed Activity)	Glen Parker	Clr D Oddie (Chair) Clr J Arbuckle Clr B Faulls	Application granted  Decision issued
Thursday 28 January	U060359 – P J Woolley	S357B Objection to costs	Anna Eatherley	Commissioner J Mills	Objection upheld in part  Decision issued
Monday 22 February	U200434 - Duncan Bay Residents Association Incorporated	Discharge Permit (To Air)  Land Use (Activity)	Adrienne Gravatt	Commissioner Besier	Application refused  Decision issued
Tuesday 23 February	U200816 – G K Goodsir	Subdivision (Allotment Creation)	Ian Sutherland	Commissioner Besier	Application refused  Decision issued
Tuesday 2 March and Wednesday 3 March if required	U191018 - Ants Nest Tabula Rasa Limited	Water Permit (Take Water and Use Water)	Victoria Rhind	Commissioner R Bannister	Application Granted  Decision Issued

<b>Hearing Date</b>	<b>U Number and Name</b>	<b>Details</b>	<b>Planner</b>	<b>Commissioner/Committee</b>	<b>Status</b>
Thursday 8 April	U200673 - H J & M K MacDonald (Te Iwingaro Trust)	Water Permit (Take Water, Use Water)	Glen Parker	Commissioner Williams	Application granted in part  Decision issued
Monday 15 March	U190629 – The Awatere River Wine Company Limited	Land Use (Activity and Building),  Discharge Permit (To Land)	Rebecca Partridge	Commissioner J Mills	Hearing Adjourned – directions for further information issued
Tuesday 30 March and Wednesday 31 March if required	U191071 – Whatamonga Farm Limited	Land Use (Land Disturbance)	Fliss Morey	Commissioner S McGarry	Hearing took place as scheduled. Application processing suspended under s 91A pending receipt of further information and revised conditions
Tuesday 13 April	U200915 - R L A Construction Limited	Subdivision (Allotment Creation), Land Use (Activity)	Tracey Hewitt	Commissioner Welsh	Hearing Adjourned – directions for further information issued
Tuesday 11 May	U190827 – Mohua Wines Limited	Subdivision (Allotment Creation), Land Use (Activity)	Ian Sutherland	Commissioner Williams	Hearing Adjourned – directions for further information issued

## 12. Appointment of Hearings Commissioners

(Clr Oddie) (Report prepared by Sue Bulfield-Johston)

R450-004-02

### Purpose of Report

1. The purpose of this report is to present David McMahon, Liz Burge, Rob Lieffering and Andrew Fenemor for inclusion on the list of Hearings Commissioners.

### Executive Summary

2. David McMahon, Liz Burge, Rob Lieffering, and Andrew Fenemor are being submitted to serve as Independent Commissioners on matters such as hearings on applications for resource consent.
3. David McMahon has 35 years experience in urban and environmental planning. He is the founding director of Resource Management Group Limited established in 2001, which provides consultancy services under the Resource Management Act 1991 and other related legislations. Over recent years David has primarily focussed on Commissioner appointments at both Local Government and EPA Boards of Inquiry levels. David is an accredited RMA Hearing Commissioner under the Making Good Decisions programme, he does not have the chairs endorsement.
4. Liz Burge has 27 years experience in environmental planning. She is the Director of Burge Consulting Resource Management Limited, which also provides consultancy services under the RMA. Her area of expertise cover Te Ao Māori, District and Regional policy, plans and plan changes, resource consenting including regional, land use and subdivision. Liz is also certified as a decision maker under the Making Good Decisions programme, she also does not have the chairs endorsement.
5. Rob Lieffering also has over 30 years experience across the RMA disciplines and has considerable decision maker experience both as an Independent Hearing Chair and as a member of a hearing panel. He is accredited under the Making Good decisions programme and has the Chairs endorsement.
6. Andrew Fenemor is a hydrologist and water management researcher and currently a Research Associate with Landcare Research, Nelson. He has over 40 years experience in catchment management, hydrology, water policy and RMA decision making. Andrew is an accredited RMA Commissioner and has the Chairs endorsement.
7. These three individuals will be a beneficial addition to the Commissioner list as they will widen the planning expertise available to us from within the sub group of Commissioners that serve in this capacity.
8. Liz Burge will also bring her expertise in Te Ao Māori, her addition to the list will provide us with more options when looking to secure the services of a commissioner with cultural expertise.

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### RECOMMENDATIONS

1. **That the report be received.**
  2. **That David McMahon, Liz Burge and Rob Lieffering are appointed to act as a Hearings Commissioner as and when required and that they be advised accordingly.**
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### Background/Context

9. Under the Marlborough District Council Resource Management Act 1991 Instrument of Delegation Council may delegate its function as a consent authority to a Hearings Commissioner.

10. Hearings Commissioners can be called on to hear and determine applications for resource consent pursuant to section 34A of the Resource Management Act, 1991.
11. This list of Hearings Commissioners can be beneficially extended with the inclusion of the following person as below:
12. Council has the discretion to decide who they employ as an independent Commissioner. The above person meets the accreditation requirements of section 39A of the Resource Management Act 1991 and is not a member of the Council or Council staff.
13. Any further expressions of interest to be included as a Council Hearings Commissioner will be forwarded to the Environment Committee for consideration.
14. Council is not bound to employ the services of a Commissioner once they are appointed before Full Council.

### *David McMahon*

15. David gained his Masters in Regional and Resource Planning from the University of Otago and has practised as a planner ever since. As a general planning specialist David has worked across the broader RMA practice, including policy and plan development and resource consenting matters. The matters he has heard and determined cover an equally broad array under the RMA, including heritage, industrial, infrastructure, utility, recreation, residential, rural-residential subdivision, plan change, etc.

### *Liz Burge*

16. Liz has undertaken various commissioner roles including whole Plan, Plan Changes and individual resource consent hearings. These processes have involved varying levels of complexity and have crossed all facets of local authorities' resource management responsibilities. Liz holds a Bachelor in Resource Studies with a focus on Māori Environmental Management. She obtained her qualification through Lincoln University.
17. In addition to being a commissioner, Liz provides resource management planning advice including policy and plan preparation and processes to various organisations from a national, regional and local level - including Councils, Māori organisations, Government departments, developers and individuals. She has also prepared Cultural Impact Assessments, resource consent applications and variations to consents (for subdivision and land use).

### *Rob Lieffering*

18. Rob has a Master of Sc (Hons) in Earth and Soil Sciences, obtained through Massey University and a Ph.D in Earth and Soil Sciences, also obtained through Massey University. He has over 30 years of accumulated technical expertise in resource management across the RMA disciplines of land use, water, discharge, coastal and subdivision. Rob has Local Government experience and has served as the Consents Manager at North Tasman District Council and Northland Regional Council.

### *Andrew Fenemor*

19. Since 2008, Andrew's RMA work has included being a hearings commissioner for the 60000ha Central Plains Irrigation project, changes to the Rakaia Water Conservation Order, the 58000ha Hurunui Water Project, ECan's regional plans for the lower Waitaki, South Coastal Canterbury and Banks Peninsula, for dairy discharge consents in Otago's Kakanui catchment, and BOP Regional Council's water allocation plan. Most recently he has been a member of the Freshwater Independent Advisory Panel for Minister David Parker's Essential Freshwater reforms 2019-2020. Prior to 2002 Andrew held various water and environmental management roles at Tasman District Council and predecessor organisations, as well as in the United States. Andrew is highly experienced in his field of expertise and will be a welcome addition to the Hearing Commissioner list given here are no hydrologists appointed to it.



## Next steps

20. If approved a contract for services will be provided to David McMahon, Liz Burge, Rob Lieffering and Andrew Fenemor.

## Attachments

<b>Attachment 1</b> – Summary CV of David McMahon	Page [131]
<b>Attachment 2</b> – Summary of CV of Liz Burge	Page [132]
<b>Attachment 3</b> – Summary CV of Rob Lieffering	Page [135]
<b>Attachment 4</b> – Summary CV of Andrew Fenemor	Page [138]

Author	Sue Bulfield-Johnston, Administrator and Hearings Facilitator, Advocacy and Practice Integration
Authoriser	Barbara Mead, Advocacy and Practice Integration Manager

## Attachment 1 Summary CV of David McMahon

### DAVID MCMAHON – DIRECTOR AND PRACTICE MANAGER; RESOURCE MANAGEMENT GROUP LIMITED

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#### SKILLS, EXPERIENCE & BACKGROUND



David McMahon has 30 years' experience in urban and environmental planning, representing both public and private interests. He is a founding director of RMG, established in 2001. Following the Christchurch earthquakes, David moved to Wellington to establish an RMG practice.

While David's workload in recent years has been heavily geared towards commissioner appointments at local council and EPA boards of inquiry level, many of the former relate to plan and plan change reviews. David also continues to be heavily involved in plan preparation and consent application and processing work for a range of local government and other clients.

David has substantial experience in:

- Providing planning policy advice to local and central government and private clients
- Preparing and representing submissions and evidence on legislative, policy and plan reviews
- Hearing and deciding submissions on district and regional plans and major resource use and infrastructure projects
- Leading long-term and complex consenting strategies
- Preparing resource consent applications to territorial, regional and unitary authorities
- Engaging and managing specialist consultants
- Practice and office management
- Liaising and communicating with clients

In the last ten years, David has taken on a wide range of relevant independent commissioner roles, including:

- Significant developments such as:
  - Boards of Inquiry for the Basin Bridge flyover proposal and Transmission Gully notice of requirement
  - Chair of EPA appointed panel to determine offshore drilling and exploration application in the Taranaki Bight
  - Notice of requirement relating to road connection between Abby Road and Johnston Drive, for the Palmerston North City Council
  - Stormwater discharges relating to Kaitoke Prison, for the Manawatu-Whanganui Regional Council
  - Resource consents and notice of requirement for Pinehaven Stream flood protection works, for the Greater Wellington Regional Council and Upper Hutt City Council
  - Castle Hill, Project Central, Project Hayes, and Project West Wind windfarms
  - Greytown and Masterton wastewater treatment plants
  - Three quarry proposals for Christchurch City council
- Numerous plans and plan reviews such as:
  - Plan Change 2 to Manawatu-Whanganui Regional Council's One Plan
  - All submissions to the Greater Wellington Proposed Natural Resources Plan
  - All submissions to the Proposed Kapiti Coast District Plan
  - Private plan change relating to residential rezoning in Kelson, for the Hutt City Council
  - Wellington City Plan Change 81 relating to the rezoning of 320 The Terrace and delisting of Gordon Wilson Flats
  - Flooding overlays and Southern Hills landscape overlay provisions for Upper Hutt City Council
  - Institutional precinct zone for the Hutt City Council
  - Port noise and inner-city noise provisions for Nelson City Council
  - Plan Changes 49 and 50, relating to the Tasman Resource Management Plan

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#### HOME LOCATION

Wellington

Attachment 2  
**Summary of CV of Liz Burge**

**Elizabeth Anne Burge**

Director  
Burge Consulting - Resource Management Ltd  
329 Millars Road  
R D 2  
CARTERTON 5792

Phone: 0274478368

Email: [elizabethaburge@outlook.com](mailto:elizabethaburge@outlook.com)



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**Independent Accredited Resource Management Commissioner**

**Resource Management Planner**

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Summary of Relevant Qualifications and Experience

**Resource Management Independent Commissioner Roles**

The following commissioner roles include whole plan, plan change and individual consent hearings:

- Tararua District Council Woodville Wastewater Treatment Plant upgrade consents (2021 - )
- Department of Corrections – Whanganui Prison discharge to water (stormwater) (2020 - )
- Horizons Manawatu Regional Council Plan Change 2 (2020 - 2021)
- Hutt City and Greater Wellington Regional Council Eastern Bays Shared Pathways (2020 - 2021)
- Hutt City Plan Change 47 (2020 - 2021)
- Wellington Regional Council Proposed Natural Resource Plan (PNRP) (2017 - 2019)
- Winstone Aggregates Ltd SH58 Cleanfill operation consents (2014)
- Kapiti Coast District Council water takes and river recharge consents (2012)
- Wellington Water Ltd Kaitoke weir upgrade and dam strengthening consents (2011)
- Hutt City Council sewage overflow discharge to Waiwhetu Stream consents (2010)
- Petrie ground water take (Wairarapa) (2009)
- Moa Point Sewage Treatment Plant (Wellington) coastal discharge consents (2008)
- Webstar Printing (Masterton) air discharge consents (2008)

**Recent General Resource Management Roles**

2019 – present

- Planning advise and preparation for s127 variation for Carterton District Council wastewater treatment plant and the establishment of a nursery to take treated wastewater (2020 - )
- Cultural Impact Assessment preparation for Masterton District Council for a s127 variation in relation to their wastewater treatment plant (2021 - )
- Cultural Impact Assessment preparation for LINZ for demolishing of the old Masterton Hospital buildings (2020 - )

- Cultural Impact Assessment preparation for Mobil NZ Faulknors Service Station Masterton Redevelopment (2020)
- Providing advice to Maori organisations (Iwi organisations, hapu and whanau initiatives, and post settlement agencies) on resource management matters of a national, regional and local level. This includes policy directions and implications, plan preparation and process, planning advice regarding developments including Maori developments, environmental conservation and preservation.
- Developing and maintaining close working relationships with local authorities on resource management developments.
- General advice to clients on resource management projects and preparing resource consents for lodging.

**Tomlinson and Carruthers Surveyors Ltd (Masterton)**

2009 – 2017 fulltime, under contract 2019 -

- Sole resource management planner providing advice to developers, individuals and organisations on a range of resource management issues including:
  - Property/land information assessments;
  - Resource consent application preparation, lodgement, variations and amendments for subdivision and land use at both a district and regional level;
  - Resource consent project management;
  - Liaison with Councils, Iwi and other professionals on behalf of clients.

**Rangitāne O Wairarapa Iwi Authority Inc. (Masterton)**

1994 - 2000

Resource Management - Pou-tiaki whenua

- Provide information, advice and assistance to marae, whanau, hapu and Māori land trusts on resource management issues and processes;
- Review and assess resource consent applications (notified and non-notified) received from Local Authorities;
- Meet and liaise with Council planners and other Council staff, consent applicants and project managers;
- Prepare and present submissions for Council annual plans, policy and plan formation and changes, resource consent applications and hearings;
- Attendance at Environment Court hearings to enhance knowledge and understanding of Wairarapa resource management issues;
- Being a party to mediation sessions;
- Preparing submissions for Department of Conservation concessions and other conservation projects.

Waitangi Tribunal Claim – Wai 175

- Research and examination of Rangitāne traditional tribal history including; Rangitāne tikanga, whakapapa, taonga, rohe and the resources utilized;
- The research included written and oral information sources and working closely with nga Kaumatua, nga Kuia, whanau and hapu members of Rangitāne Iwi;
- Development of my statement of evidence regarding issues of resource management matters within Wairarapa for Wai 175 and presentation of this to the Tribunal.

### **Tertiary Qualifications**

- Making Good Decisions Panel Certification programme (first awarded 2006, current until June 2024)
- Bachelor Resource Studies (BRS) Focus - Maori Environmental Management (completed 1993 Lincoln University)

### **Appointments and Other Involvements**

#### Greater Wellington Regional Council

Member of 'Te Upoko Taiao' - set up to oversee the development of the Proposed Natural Resources Plan (2012 – 2017).

Member of 'Ara Tahī' - consisted of the seven Iwi which reside within the Councils boundaries. Its role, at that time, was to advise Council on issues affecting Iwi (1996 – 1998).

#### Wellington Conservation Board

The Board provides a conservation advisory role, on behalf of the public, for the Wellington/Kapiti, Wairarapa and Manawatu regions (1999 – 2005).

#### Masterton District Council Maori Liaison Taskgroup

This committee consisted of local hapu and Marae which advised the Council on issues that affect them (1996 – 1998).

#### South Wairarapa District Council Maori Standing Committee

This committee articulates policy and advises Council on Maori issues. The committee consists of Wairarapa hapu who have whakapapa links into the Councils boundaries (1997 – 1998).

### **Referee**

#### David McMahon

Practice Manager / Director  
Resource Management Group  
Wellington Office:  
PO Box 10-170 The Terrace  
Wellington 6143

Mobile: +64 027 233 1917  
Email: david@rmgroup.co.nz

Updated March 2021





## Summary CV of Rob Lieffering

### CURRICULUM VITAE

#### DETAILS

Name: Rob Lieffering  
Mobile: 027 600 9781  
Email: lieffering@slingshot.co.nz  
LinkedIn URL: <https://www.linkedin.com/in/robert-lieffering-20135750/>

#### PROFILE

I am a highly skilled professional with over 30 years' experience in the resource management field. I have:

- Expert knowledge of the Resource Management Act 1991 (RMA) as it pertains to all parts of resource consent applications, processing, and consent condition drafting;
- Extensive experience in resource consent decision making, including many decisions made as an Independent Hearings Commissioner - I have been Certified (with Chair Endorsement) under the Ministry for the Environment's Making Good Decisions Programme since 2005;
- Excellent knowledge of a large range of resource management disciplines, including wastewater/industrial discharges, water permits, discharges to air, earthworks, land use (including designations), subdivisions, coastal dredging, and coastal structures/reclamations;
- Managed the Resource Consents Departments at both the Tasman District Council and the Northland Regional Council;
- Worked within local government and the private sector; and
- Been invited to be on reference groups by the Ministry for the Environment as part of RMA reforms.

#### EDUCATION

1996 Doctor of Philosophy (Earth/Soil Sciences), University of Waikato  
1990 Master of Science (Hons) (Earth/Soil Sciences), Massey University  
1988 Bachelor of Science (Earth/Soil Sciences), Massey University

#### MEMBERSHIPS

Full Member of the New Zealand Planning Institute (MNZPI)  
Resource Management Law Association (RMLA)

## **INDEPENDENT HEARINGS COMMISSIONER APPOINTMENTS**

### **Hearings Chaired**

(Activity, Applicant, Consent Authority, Year)

- Auckland Point School Notice of Requirement, Minister of Education, Nelson City Council, 2012
- Subdivision, M and J Vince, Nelson City Council, 2013
- Major Re-Development of Green Gables Retirement Village, Oceania Group Limited, Nelson City Council, 2013
- Section 357 RMA Objection to Return of Application, R and C Johns, Tasman District Council, 2016
- Major Expansion of the Ngawha Geothermal Power Station, Top Energy, Northland Regional Council and Far North District Council, 2016
- Aerial Application of Brodifacoum poison at Brook Waimarama Sanctuary, Nelson City Council, 2016
- Railway terminal and coastal reclamation, Bay of Island Vintage Railway Trust and B T Warren, Northland Regional Council and Far North District Council, 2017
- New kindergarten, Rutherford Street Kindergarten, Nelson City Council, 2017
- Coastal revetment structures, L G and N J Thompson, Nelson City Council, 2017
- Hydroelectricity generation scheme, Alliance Group Ltd, Environment Southland, 2018
- Timber treatment plant stormwater discharge, Bay of Plenty Regional Council, 2019
- East Coast Wastewater Treatment Plant, Far North District Council, Northland Regional Council, 2019
- New marina development, Whangarei Harbour Marina Management Trust, Northland Regional Council and Whangarei District Council, 2019
- Hydro-electric power station, Pioneer Energy, Environment Southland, 2019 (application subsequently withdrawn)
- Wairua hydro-electric power station, Northpower, Northland Regional Council, 2019 (yet to be heard)
- Untreated wastewater overflows throughout the Queenstown Lakes District, Queenstown Lakes District Council, Otago Regional Council, 2019
- Vegetable wash water discharge, Pyper's Produce Limited, Environment Southland, 2020
- Water permit (irrigation), Glenayr Limited, Otago Regional Council, 2020
- Coastal protection works and reclamation, Whangarei District Council, Northland Regional Council, 2020
- Water permits (irrigation), Last Chance Irrigation Company Limited & Ors, Otago Regional Council, 2020
- Coastal structures, dredging, and discharges, Doug's Boatyard, Northland Regional Council, 2020

### **Hearings Panel Member**

- New Solid Energy Coal Mine (Mt William North), West Coast Regional Council and Buller District Council, 2012
- New Farm Park, Pattinson Family Non-Trading Trust, Tasman District Council, 2013
- Major Expansion of the Ngawha Geothermal Power Station, Top Energy, Northland Regional Council and Far North District Council, 2015
- Alliance Meat Processing Plant, Environment Southland, 2016
- Proposed Deepening and Realignment of Whangārei Harbour Entrance and Approaches, NZ New Zealand Refining Company Limited, Northland Regional Council, 2018
- New free-range broiler farm, Tegel New Zealand Ltd, Northland Regional Council and Kaipara District Council, 2018 (application subsequently withdrawn)
- New wharf structure, Mangawhai Historic Wharf Trust, Northland Regional Council, 2020

### **Commissioner Decisions (no hearing required)**

Numerous consent decision on applications covering the following activity types:

- Overflows of untreated wastewater pump stations to freshwater
- River management works (structures, gravel extraction, water diversions)
- Landfills
- Forestry harvesting
- Large scale community events
- Cell phone towers
- Alternations to heritage buildings
- Section 357 RMA objections
- Signs
- Retirement villages
- Hospital redevelopments
- Coastal protection structures
- Mountain bike park developments

### **DELEGATED AUTHORITY DECISION MAKING**

As Consents Manager at the Northland Regional Council and the Tasman District Council I have made 1,000s of decisions on applications for resource consent, including drafting of resource consent conditions.

## Attachment 4

### Summary CV of Andrew Fenemor

Andrew Fenemor is an accredited RMA commissioner (chair endorsement) and a hydrologist and water management researcher. Now a Research Associate with Landcare Research, Nelson, he has over 40 years' experience in catchment management, hydrology, water policy and RMA decision-making. His research interests include

- water allocation and management, including water allocation methods, market-based instruments such as water trading, water augmentation, and river-aquifer modelling
- catchment-scale sustainability, including how to involve and motivate communities in integrated catchment management, and how to balance diverse values for water and translate that into effective policy.

Between 2002 and 2011 Andrew led the Integrated Catchment Management (ICM) research programme based in the Motueka catchment (see <http://icm.landcareresearch.co.nz/>). Prior to that, he held various water and environmental management roles at Tasman District Council and predecessor organisations, as well as in the US.

Since 2008, Andrew's RMA work<sup>1</sup> has included being a hearings commissioner for the 60000ha Central Plains Irrigation project, changes to the Rakaia Water Conservation Order, the 58000ha Hurunui Water Project, ECan's regional plans for the lower Waitaki, South Coastal Canterbury and Banks Peninsula, for dairy discharge consents in Otago's Kakanui catchment, and BOP Regional Council's water allocation plan. Most recently he has been a member of the Freshwater Independent Advisory Panel for Minister David Parker's Essential Freshwater reforms 2019-2020.

Technical work has included modelling catchment-scale nitrogen losses from farming (Waimea Plains Tasman), and as expert witness on the impacts of irrigation water allocation and farming on water allocation and quality limits for the Te Waikoropū Springs (Water Conservation Order application, Takaka). Andrew's recent research includes conceptual models for Integrated Catchment Management, and research supporting the design and implementation of collaborative freshwater planning processes – including with Māori - in the Wheel of Water (WOW) and Values, Monitoring & Outcomes (VMO) research programmes.

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<sup>1</sup> While affiliated with Manaaki Whenua Landcare Research, Andrew is available to carry out commissioner work in a private capacity

## New Zealand RS&T Curriculum Vitae – Andrew FENEMOR

### PART 1

1a. Personal details			
Full name	Mr	Andrew	Donald Fenemor
Present position	Research Associate – Integrated Catchment Management		
Organisation/Employer	Manaaki Whenua Landcare Research (MWLR)		
Contact Address	Private Bag 6, 24 Nile St		
	Nelson		
		Post code	7042
Work telephone	03 321 9973	Mobile	0274 414 080
Email	<a href="mailto:fenemora@landcareresearch.co.nz">fenemora@landcareresearch.co.nz</a>		
Personal website (if applicable)	<a href="http://www.landcareresearch.co.nz/about-us/our-people/andrew-fenemor">www.landcareresearch.co.nz/about-us/our-people/andrew-fenemor</a> <a href="http://icm.landcareresearch.co.nz/">http://icm.landcareresearch.co.nz/</a>		

1b. Academic qualifications	
1992 Dip. Bus. St (Management)	Massey University, Palmerston North, NZ
1978 M.S. (Agr.Engineering)	Ohio State University, Columbus, Ohio, USA
1976 B.E.(Hons)(Agr. Engineering)	University of Canterbury, Christchurch, NZ

1c. Professional positions held	
2020 – present	Research Associate – Integrated Catchment Management, MWLR
2012 – 2020	Senior Scientist ICM, Manaaki Whenua Landcare Research, Nelson
2002 - 2012	Programme Leader Integrated Catchment Management, MWLR Nelson
1999 - 2002	Manager Environmental Information, Tasman District Council
1992 - 1999	District Resource Analyst, Tasman District Council
1989 - 1992	Manager Resources, Nelson-Marlborough Regional Council
1985 - 1989	Senior Water Conservator, Nelson Catchment Board
1980 - 1984	Groundwater Scientist, MWD/DSIR Hydrology Centre, Chch
1978 - 1979	Agricultural Research Engineer, USDA Soil Drainage Research
1977 - 1978	Research Associate, Ohio Agricultural Research and Devt Center
1976 - 1977	Water Resources Officer, Nelson Catchment Board

1d. Present research/professional speciality	
<ul style="list-style-type: none"> <li>• Water (including groundwater, and water quality) allocation</li> <li>• Collaborative natural resources management and governance</li> <li>• Integrated Catchment Management (ICM) as a complex systems process</li> <li>• Irrigation and RMA catchment policy and resource consents, commissioner decisions</li> <li>• How to apply science, community and indigenous knowledge in resource management</li> <li>• Applied hydrology, socio-hydrology, freshwater and SOE monitoring.</li> </ul>	

1e. Total years research experience	44
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1f. Professional distinctions and memberships (including honours, prizes, scholarships, boards or governance roles, etc)	
2020 – present	Appointed in first tranche of NZ Freshwater Commissioners
2019 – 2020	Appointed member Minister for the Environment's Freshwater Independent Advisory Panel (chair David Sheppard)
2013 – 2018	Appointed member GWRC Science Advisory Committee
2012 – 2014	Appointed member, MPI expert panel for Irrigation Acceleration Fund
2012 – 2014	Appointed member GWRC Wairarapa Water Use Project panel

NZRSTCV-082018



2008 - present	Certified RMA commissioner (chair endorsement 2016)
2009 – 2015	Civil & Natural Resources Engineering Advisory Board, Canterbury Uni
2006	NZ Hydrological Society Outstanding Achievement Award
2006	International reviewer, CRC for Irrigation Futures, Australia
2005 – 2010	Member, UNESCO-HELP Australasian steering group
2003	Member, NZ Government delegation to 3 <sup>rd</sup> World Water Forum, Japan
2002 – 2008	Chair, Fruitgrowers Chemical Remediation Peer Review Committee
2000 – 2005	Chair, Olive Growers Nelson and chair 2005 Olives NZ conference
1996 – 2000	President, New Zealand Hydrological Society
1994 – 2010	Tutor, Commonwealth Science Council & UNESCO courses in groundwater modelling, groundwater quality management, ICM
1993	NZ Local Government Study Award, North America
1978	Taiganides Award, best MSc in Ag Engineering, Ohio State University
1977	Templin Travelling Scholarship for study in USA

1g. Total number of peer reviewed publications and patents	Journal articles	Books, book chapters, books edited	Conference proceedings	Patents
	27	13	62	0

## PART 2

### 2a. Research publications and dissemination

#### Peer-reviewed journal articles

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- Taylor L., Fenemor A., Roku M, Sayers T A, Porou T, Hikuroa D, Harcourt N, White P, and O'Connor M. 2020. Ngā Puna Aroha: Towards an Indigenous-Centred Freshwater Allocation Framework for Aotearoa New Zealand. *Australasian Journal of Water Resources special issue on indigenous water knowledge and values.* <https://doi.org/10.1080/13241583.2020.1792632>
- Turner J, Allen W, Fraser C, Fenemor A, Horita A, White T, Chen L, Atkinson M, Rush M. 2020. Navigating institutional challenges: design to enable community participation in social learning for freshwater planning. *Environmental Management.* <https://doi.org/10.1007/s00267-020-01256-x>
- Berkett, N; Fenemor, A; Newton, M; Sinner, J. 2018. Collaborative freshwater planning: changing roles for science and scientists. *Australasian Journal of Water Resources.* <https://doi.org/10.1080/13241583.2018.1465246>
- Fenemor, AD (2017). Water governance in New Zealand - challenges and future directions. *New Water Policy and Practice* 3(1): 9–21. <https://doi.org/10.18278/nwpp.3.1.3.2.2>
- Neto S, Camkin J, Fenemor A, Tan PL, Baptista JM, Ribeiro M, Schulze R, Stuart-Hill S, Spray C, Rahmah E. 2017. OECD Principles on Water Governance in practice - an assessment of existing frameworks in Europe, Asia-Pacific, Africa and South America. *Water International.* <http://www.tandfonline.com/doi/full/10.1080/02508060.2018.1402650>
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- Gusyevev M; Toews M; Daughney C; Hong T; Minni G; Ekanayake J; Davie T; Fenemor A; Basher L; Thomas J. 2012. Groundwater abstraction scenarios implemented in a transient groundwater-river interaction model of the Upper Motueka River catchment. *J Hydrology (NZ)* 51(2):85-110.
- Fenemor AD, Russell S, Neilan D, Allen W 2011. Improving Water Governance – Stakeholder Views of Catchment Management Processes and Plans. *Policy Quarterly* 7(4):10-19. Special Issue 'Governance for sustainability'.

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Fenemor AD, Phillips C, Allen WJ, Young RG, et al. 2011. Integrated Catchment Management – interweaving social process and science knowledge. *New Zealand Journal of Marine and Freshwater Research* 45(3): 313-331

Kilvington M, Allen W, Fenemor A 2011. Three frameworks to understand and manage social processes for integrated catchment management. *New Zealand Journal Marine and Fresh Water Research* 45(3): 547-561.

Phillips CJ, Allen W, Fenemor A, Bowden B, Young R. 2010. Integrated catchment management research: Lessons for interdisciplinary science from the Motueka Catchment, New Zealand. *Marine & Freshwater Research* 61:749-763.

Dymond JR, Davie TJA, Fenemor AD, et al. 2010. Integrating environmental and socio-economic indicators of a linked catchment–coastal system using variable environmental intensity. *Journal of Environmental Management* 46: 484–493.

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Atkinson M, Peacock K, Fenemor AD (eds) 2004. *Travelling River* – a collaboration of artists, scientists and the people of the Motueka River catchment. Catalogue for the *Travelling River* exhibition. Mountains-to-the-Sea project, Landcare Research, Nelson.

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Fenemor AD 1992. Water Resource Management in New Zealand. Chapter 19 in *Waters of New Zealand*. New Zealand Hydrological Society. Caxton Press.

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**Refereed conference proceedings**

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Atkinson MA, Fenemor AD 2005. Stepping in the River - creating an art-science-community collaboration in a NZ catchment. Invited plenary presentation. Proc. *Desire Lines* arts & ecology symposium. Dartington College of Arts & Schumacher College, Devon, UK.

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Fenemor, A. D.; Thomas, J. T.; Robb, C.; White, P. A. 1999: Using regional groundwater models for water allocation during drought. Keynote paper in Proc UNESCO-IHP International Symposium on Floods and Droughts, Nanjing, China, 18-21 October 1999.

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Coffin, A; Fenemor, A; Thompson, P; Nees, J; Kirikiri, R. 2018. Report and recommendations of hearing commissioners on Plan Change 9 (Region-wide Water Quantity) to the Bay of Plenty Regional Natural Resources Plan, 18 September 2018. 76+63pp. Decision notified by Bay of Plenty Regional Council, 9 October 2018.

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Fenemor AD, Price R. 2015. Modelling the Source and Fate of Nitrate-Nitrogen Losses from Waimea Plains Land Uses. Landcare Research report for the Waimea Freshwater and Land Advisory Group, 21p.

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- Fenemor, A;** Green, S; Dryden, G; Samarasinghe, O; Newsome, P; Price, R; Betts, H; Lilburne, L. 2015. Crop Production, Profit and Nutrient Losses in relation to Irrigation Water Allocation and Reliability - Waimea Plains, Tasman District. Landcare Research contract report LC2259 for MPI Environmental Economics Unit. 75p + 88 Excel files
- Fenemor, A.D.** et al. 2014. Working towards River Ora: Optimal Impacts review for the *Te Awaroa* project. Internal report for Te Awaroa Inc. & Dame Anne Salmond. 80p.
- Awatere, S; Daigneault, A; Hainsworth, S; **Fenemor, A;** Tahi, M. 2015. Land-Use Options for Makirikiri lands under a kaitiakitanga framework. Landcare Research report LC2135 for Makirikiri Aggregated Trust and MPI Sustainable Farming Fund. 31pp+appendices
- Hart G, Cradock-Henry N, **Fenemor A,** Frame B, Greenaway A, Rees T 2014. Farmer attitudes to water permit transfers. Landcare Research report LC2069 for MfE.
- Fenemor, A.** 2014. Report and recommendation of independent commissioner to grant Plan Change 2 (Māerewhenua River) to the Waitaki Catchment Water Allocation Regional Plan, September 2014. 28pp. Decision approved by Environment Canterbury Oct 2014.
- Fenemor, A.D.** 2014. Managing Technical Communication and Information Risks during Collaborative Catchment Limit-Setting Processes. Landcare Research contract report LC1881 for Environment Canterbury, 53p.
- Fraser, C.; **Fenemor, A.;** Turner, J.; Allen, W. 2014. Designing collaborative catchment decision-making processes using a WaterWheel – reflections from two case studies. Aqualinc report for MBIE Wheel of Water programme. 111p.
- Fenemor, A.D.** & Thomas, J.T. 2013. Water allocation limits for the upper Motueka catchment. Landcare Research report LC1631 for Tasman District Council. 30p.
- Rogers, P.; **Fenemor, A.;** Scott, T. 2013. Decision of independent commissioners 1 August 2013 to grant Resource Consents for the Hurunui Water Project (HWP) irrigation scheme. Decision and consent conditions for Environment Canterbury. 203pp.
- Fenemor, A.D;** Allen, W.J.; Stuart, B; Burton, A.S. 2013. The Sherry River Catchment Group - Landowner Views of their Integrated Catchment Management initiative. Landcare Research ICM report LC0025. 48p.
- Salmon P (QC), **Fenemor A,** Kirikiri R 2012. Decision and recommendations of independent commissioners to vary the Water Conservation Order (Rakaia River). 108p.
- Allen, W.J; **Fenemor, A.D.;** Wood, D. 2012. Effective indicators for freshwater management: attributes and frameworks for development. 'Wheel of Water' research programme. 31pp.
- Fenemor AD,** Sinner J, Anastasiadis S, Cradock-Henry N, Crengle H, Harris S, Bright J, Greenhalgh S, Kerr S 2012. Simulating Market-Based Instruments (MBIs) for Water Allocation and Quality in New Zealand. Landcare Research client report for MPI, 130p.
- Doornbos B, Chancusig M, **Fenemor A,** et al. 2012. Informe del inventario hídrico (Hydrological Inventory of the River Nagsiche catchment, Cotopaxi province, Ecuador). Published by CESA, LCR, Intercooperation America Latina. 140p. In Spanish.
- Sinner J, **Fenemor A,** Kilvington M, Allen W, Tadaki M 2012. Valuing Our Waters - A Case Study in Tasman District. Cawthron Institute Report 2107. 132pp.
- Fenemor A,** Meurk C, Hunter G, et al. 2010. Best Practice Guide for Watershed Management in Pacific Islands. COWRIE project of CRISP (Coral Reef Initiatives for the Pacific) for the University of the South Pacific. 93pp. USP, Suva, Fiji.
- Fenemor AD,** Grace E 2009. Water Allocation Options and Resource Consent Requirements for the Waimea Water Augmentation Project. Landcare Research contract report LC0910/059 for the Waimea Water Augmentation Committee. 49pp.
- Milne P, **Fenemor A,** Nixon R, O'Callaghan R 2010. Joint decision and recommendation of independent commissioners 28 May 2010 to grant Resource Consents and recommend a Notice of Requirement for the Central Plains Water (CPW) irrigation scheme. 609pp.
- Fenemor AD,** Fenemor HA, Gaul S 2008. Motupipi Catchment Nutrient Management: an ICM project with landowners of the Motupipi catchment, Golden Bay. Envirolink report LCR0809/014 for Motupipi landowners and TDC. 43pp.
- Fenemor AD,** Pickens A, Davie TJA, et al. 2007. Water Augmentation Options for Irrigation in the Motupiko catchment. Landcare Research report LC0607/157. 69pp.
- Sinner J, **Fenemor AD** 2007. Opportunities for separating the take and use of water in planning frameworks and resource consents. Ministry for the Environment, Wgtn. 37pp.
- Fenemor AD,** Sinner J 2005. Institutional Inertia? Case Studies of Transferable Water

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Permits in New Zealand. Ecologic Research Report No 6. Ecologic Foundation Inc. Dicker MJI, Fenemor AD, Johnston MR 1992. Geology and Groundwater Resources of the Waimea Plains, Nelson. Geological Bulletin, DSIR Geology and Geophysics, 59 pp.

## 2b. Previous research work

**Research title:** Improving NZ water governance

**Principal outcome:** Macro-scale governance options were identified for improved water allocation and water quality management, including in the MBIE-funded *Values Monitoring & Outcomes* and *Wheel of Water* programmes.

**Principal end-users:** Environment Canterbury [tim.davie@ecan.govt.nz](mailto:tim.davie@ecan.govt.nz); Tasman District Council [lisa.mcglinchey@tasman.govt.nz](mailto:lisa.mcglinchey@tasman.govt.nz)

**Research title:** Integrated Catchment Management

**Principal outcome:** Developed and demonstrated the integration of biophysical and social sciences for ridgetops-to-sea management of a catchment-coastal system, using the Motueka catchment as a national NZ and UNESCO-HELP case study 2000-2012. See ICM special issue of NZJ Marine & Freshwater Res:45 2011 & <http://icm.landcareresearch.co.nz/>

**Principal end-users:** Rob Smith, [Rob.Smith@tasman.govt.nz](mailto:Rob.Smith@tasman.govt.nz)

**Research title:** Groundwater modelling for integrated water resource management

**Principal outcome:** NZ's first 3-D river-aquifer model was developed for the Waimea Plains aquifers, informing the setting of sustainable water allocation limits; this approach subsequently applied in river-aquifer modelling in the Motueka, and other NZ catchments

**Principal end-users:** Tasman District Council [joseph.thomas@tasman.govt.nz](mailto:joseph.thomas@tasman.govt.nz)

**Research title:** Freshwater management under the RMA

**Principal outcome:** Various projects including regional water plan changes and water augmentation for Environment Canterbury, Tasman District Council, Nelson CC, Otago RC, BOPRC; MfE on redefining *take* and *use* permits, MPI on market-based instruments for water, Minister Parker's independent panel on *Action for Healthy Waterways*.

**Principal end-users:** MPI [darran.austin@mpi.govt.nz](mailto:darran.austin@mpi.govt.nz); MfE [Jo.Burton@mfe.govt.nz](mailto:Jo.Burton@mfe.govt.nz)

**Research title:** Maori and environmental decision making

**Principal outcome:** Co-led development of ideas on matauranga-led freshwater allocation in NZ, and a cultural values framing for assessing land use options for Maori lands. Land suitability planning for Wakatu Incorporation (Motueka) and Makirikiri Incorporation (Pukaha). Facilitated iwi-led research with Tiakina te Taiao.

**Principal end-users:** Barney Thomas (Ngati Rarua) [bthomas@doc.govt.nz](mailto:bthomas@doc.govt.nz)

## 2c. Describe the commercial, social or environmental impact of your previous research work

- ICM as a process for managing land and water at whole catchment scale has been mainstreamed by regional councils, MfE, MPI and sector groups
- Water governance approaches including water user committees, catchment management groups, transferable water permit schemes and water allocation methods have been defined and trialled for improved water management
- Demonstrated through RMA planning how groundwater modelling can be practically used to set water allocation limits for catchments

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- Whole catchment management, including hydrometric network design, is increasingly applied in developing countries through Aid projects
- Maori perspectives on catchments are better understood, and processes for applying tikanga and kaitiakitanga in catchment management being developed

#### **2d. Demonstration of relationships with end-users**

- Well networked with regional councils, MfE, MPI, MFAT and other research organisations through regular land-water fora, with Resource Management Law Association, as a co-designer of Dame Anne Salmond's *Te Awaroa* - 1000 Rivers project, and through the NZ Hydrological Society of which Andrew is a former president
- Particular links with Tasman District Council in water allocation, water augmentation, SOE monitoring design, collaborative freshwater processes, contaminated sites management and RMA land and water policy; ORC, ECan, BOPRC, MfE as RMA commissioner and technical process adviser
- Built local networks for ICM through the Motueka catchment including the Sherry farmer group, to demonstrate how ICM can work as a people-driven process
- International work for NZ Aid (Colombia-Ecuador ICM 2014-2020; Ecuador livelihoods 2008-12), French aid agency (ICM project in Fiji/Vanuatu), advisory member for the UNESCO global programme Hydrology for the Environment, Life & Policy (HELP)
- Connected with iwi, hapu and whānau groups through projects and interaction with Tiakina te Taiao (Nelson-Tasman), Ngai Tahu (Canterbury & Southland), Raukawa & Tainui (Waikato), Kahungunu (Hawkes Bay) and Maori researchers within Manaaki Whenua Landcare Research.

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## 13. Appeals Update

(Clr Oddie) (Report prepared by Barbara Mead)

R450-004-22

### Purpose of Report

1. The purpose of this report is to provide an update as to the current Appeals/Judicial Review caseload in Regulatory Services as at 26 May 2021.

### Executive Summary

2. Presently Council is engaged in eight appeals either as intervener or respondent. They originate as follows:
  - a) Four relate to resource consents decisions (two granted and two refused, all by independent commissioners);
  - b) One relates to policy case law (King Salmon principles and Otago Regional Council's proposed plan);
  - c) One relates to building compliance (swimming pool covers within this region); and
  - d) Two relate to RMA compliance (abatement notice for forestry harvesting issued by this Council and abatement notice for mooring location).

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## RECOMMENDATION

That the information be received.

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### Background/Context

3. Outlined below is a brief summary and update as to these appeals:
  - a) *EDS v Otago Regional Council (Court of Appeal, MDC as intervener)*
4. This appeal relates to the application of the *King Salmon* principles to plan development. The question to be answered is "*Did the High Court misapply the Supreme Court's decision in Environment Defence Society Inc v New Zealand King Salmon Co Ltd?*"
5. The matter is set down for hearing on 6 and 7 July 2021.
6. The appeal is of regional and national importance as it seeks to clarify the application of *King Salmon* case law principles (applying specific policies in the NZCPS policies as '*bottom lines*'). In particular whether these can and should be strictly applied to port activities in the same manner as in respect of aquaculture activities. The outcome of this appeal will effect the ability to undertake port activities (expansion and/or improvements) and potentially the provisions in the PMEP. It is also of importance given the intention to incorporate *King Salmon* caselaw into proposed Natural and Build Environments Act which will replace the RMA.
  - b) *Aparoa Zindia Ltd v Marlborough District Council (Court of Appeal, MDC as respondent)*
7. This appeal has been withdrawn. The High Court decision and Abatement Notice stands. The High Court decision confirmed that a permitted activity could not become a consented activity and that a harvesting consent is required in addition to consents for tracking that facilitate commercial forestry harvesting. The parties have agreed both the Court of Appeal and High Court costs. There is an application for costs before the Environment Court in relation to that hearing.

8. These proceedings have relevance to the interpretation resource consent scope and granting of future resource consents as the Court reviewed a wider range of materials than previously and determined a permitted activity was 'granted' under a Resource Consent by reference to the activity in the balance of documents/discussion. In addition the inclusion of a permitted activity in a resource consent provides it additional protection from future plan changes.

*c) Woolley (Environment Court appeal, MDC as respondent)*

9. This is an appeal, relates to a decision by an independent Commissioner to decline and application to transfer water use permit. The application was a site to site transfer and sought use of the water for vineyard irrigation. The consent provided for use of water to irrigate pasture and food crops. The Commissioner declined the application on the basis that it also sought to change the use.

10. The parties attended mediation on 4 March 2021 and agreement was largely reached. Draft settlement documents have been circulated.

11. This appeal has particular relevance as it will provide clear guidance as the importance of changing use during the process of making an application for site to site transfer.

*d) Omaka Valley Residence Group (Environment Court appeal, MDC as respondent)*

12. This appeal relates to a decision by an independent Commissioner to grant a resource consent to continue operating a quarry. The submitter has lodged a Notice of Appeal in respect of the tonnage granted being 90,000 tonnes per annum. They believe this in contrary to the policies in the plans and suggest a tonnage of 50,000 tonnes per annum is appropriate. They have also filed a Notice of Appeal in respect of the PMP hearings which supports the same position.

13. The parties attended mediation on 26 February 2021 and agreement was largely reached. Draft settlement documents have been circulated.

*e) Trustees of Cherrybank Trust (District Court appeal, MDC as respondent)*

14. This appeal relates to a determination by MBIE finding that pool covers are not lawful pool barriers. The appellants are property owners within this region and is appealing the determination.

15. This matter has been set down for hearing with a date yet to be allocated.

*f) Beirne & Smith (Environment Court appeal, MDC as respondent)*

16. This appeal relates to a decline of application for retrospective consent. A seawall had been constructed straddling private property and the foreshore. The application was declined given the location of the seawall in the coastal marine area having regard to the current policy framework that does not support hard engineering in the first instance and in that location.

17. This matter is of importance as there will be increasing pressure on property owners to protect their private property from climate change effects and therefore increasing pressure on Council and decision-makers to enable them to do so.

18. This matter was adjourned to enable an alternate planning proposal to be explored however the appellants has determined to proceed with the appeal. Directions will be granted shortly.

*g) Henshaw (Environment Court appeal, MDC as respondent)*

19. This appeal relates to an Abatement Notice in respect of an offsite mooring.

20. This matter was set down for mediation but adjourned to enable settlement discussions. These discussions are ongoing.

*h) Chateau Marlborough Ltd (Environment Court appeal, MDC as respondent)*

21. This appeal relates to a subdivision resource consent which was granted and the appellants' concern in respect of demolition and construction noise.
22. The parties attended mediation on 21 May 2021 and agreement was reached. Settlement documents will be drafted shortly.

**Next steps**

23. Regulatory staff will continue to progress these appeals and work to improve best practice.

Author	Barbara Mead, Advocacy and Practice Integration Manager
Authoriser	Gina Ferguson, Consents & Compliance Group Manager

## 14. Information Package

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### RECOMMENDATION

That the Regulatory Department Information Package dated 10 June 2021 be received and noted.

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