

Minutes of a meeting of the Nelson City Council to hear submissions to the Draft Dog Control Policy and Bylaw Review 2012

**Held in the Council Chamber, Civic House, Trafalgar Street, Nelson
On Monday 24 September 2012, commencing at 9.00am**

- Present:** Councillor A Boswijk (Deputy Mayor, Chairperson), Councillors I Barker, E Davy, K Fulton, P Rainey, D Shaw and M Ward
- In Attendance:** Executive Manager Policy and Planning (M Schruer), Manager Strategic Response (C Ward), Policy Adviser (D Bradley) and Administration Adviser (A Rose)
- Apologies:** Apologies were received and accepted for His Worship the Mayor A Miccio, Councillors G Collingwood, R Copeland, P Matheson, J Rackley and R Reese

The Deputy Mayor welcomed everybody to the meeting and explained that today's meeting was to hear those submitters who had requested to be heard, and that consideration of all the submissions would take place in a Council meeting to be held on 6 November 2012.

1. Conflicts of Interest

There were no updates to the Interest Register indicated or any conflicts of interest with items in the agenda identified.

2. Late Submissions

The Chairperson referred to additional information for the Dog Control Hearing (document number 1375947) which had been circulated to Councillors.

Attendance: Councillor Shaw declared an interest in the late submission from Hudson Dodd, General Manager of the Brook Waimarama Sanctuary Trust, and took no part in the discussion or voting.

Resolved

THAT the late submission from Hudson Dodd be accepted for consideration as part of the public consultation on the July 2012 Dog Control Proposal.

Boswijk/Fulton

Carried

3. Hearing of Submissions

The Deputy Mayor drew Councillors' attention to the hearing schedule (document number 1362896).

3.1 Howard Williams – Submission number 1, Page 1

Mr Williams spoke to his submission, which fully supported Option A in the Statement of Proposal. He emphasised his support of the requirement for people to have their dogs trained to be included in the preferred dog owners' criteria.

Mr Williams said he did not support Queens Gardens or the Cemeteries as 'off lead' areas.

3.2 Robyn Dunmore – Submission number 303, Page 663

Ms Dunmore spoke to her submission saying she generally supported Option A in the Statement of Proposal.

She requested that the Wakapuaka Raupo Swamp and the area of Marsden Valley Reserve to the east of Barnicoat Walkway be classified as 'off lead' areas for dog exercise.

3.3 Christine Gardner – Submission number 127, Page 288

Ms Gardner spoke to her submission saying that she generally supported Option A in the Statement of Proposal.

She urged Council to create one or more dedicated fenced areas for exercising dogs within the City. She spoke of her experience using one such area in Brisbane, Australia, and said it was particularly good for socialising dogs with other dogs.

Ms Gardner also expressed the view that she felt it better for dogs to be on leashes on shared pathways in town such as the Willow Walk.

3.4 Alistair Papps – Submission number 129, Page 291

Mr Papps spoke to his submission, which generally supported Option A in the Statement of Proposal, but he said that in his role as Sexton for the Nelson City Council he believed it would not be appropriate to have dogs off the lead in cemeteries because of potential livestock issues and the

disturbance that could be caused to families and individuals during their grieving times.

3.5 Jackie McGrath – Submission number 100, Page 224

Ms McGrath said she supported Option A in the Statement of Proposal and she said that she felt that having dogs interacting with people was beneficial for the general health the community. She expressed the opinion that dogs interact better with other dogs off their leads. She requested that the Marsden Valley Reserve be designated as an 'off lead' area.

3.6 Stephen Mortimer – Submission number 298, Page 645

Mr Mortimer spoke to his submission. He requested a change to the definition of rural dogs and sought a reduced registration fee if such dogs and their owners resided on a property with an area in excess of one hectare within the Nelson urban area, or a property which had an area in excess of half a hectare outside the urban area. He said dogs kept on these types of properties usually put less strain on the Dog Control Officers.

He also requested that the wording under Schedule 1, Dog Prohibited Areas, under Nelson Airport be altered to allow the airlifting of dogs into Nelson as well as out of Nelson.

Mr Mortimer further requested that Marsden Valley should be left as an 'off lead' area, from the quarry gate to an old water reservoir across the river, up to the old pipeline track and back to the quarry gate.

3.7 Kay Switzer – Submission number 139, Page 317

Ms Switzer spoke to her submission, and said she supported Option A in the Statement of Proposal but requested Council install more signage and provide better education for dog owners.

3.8 Brian Wood – Submission number 144, Page 327

Mr Wood spoke to his submission and tabled additional information which he read. (Document Number 1380564) Mr Wood requested that all paved, shared pathways in Nelson City should be designated as "on lead" areas for the safety of the public using these areas and he quoted various parts of the Dog Control Act 1966 to support this view.

3.9 David Cox – Submission number 229, Page 491

Mr Cox spoke to his submission, which he said requested Council remain with the February 2012 proposal (Option C).

In particular, he said he strongly urged Council to ensure that the path along the Maitai River from the city centre to Sunday Hole should be an 'on lead' area, as should the Railway Reserve and the Atawhai Shared Pathway.

3.10 Cheryl de Lange – Submission number 220, Page 491

Ms de Lange spoke to her submission, which supported Option A in the Statement of Proposal. She drew on her experience as a runner and walker in the City saying that the more that dogs are exercised in places where people were exercising and children were playing, the more that dogs would come to know how to behave and the result would be better and safer for everybody.

3.11 Carol Ercolano – Submission number 194, Page 417

Ms Ercolano spoke to her submission, which supported Option A in the Statement of Proposal. She emphasised the importance of Council's good dog owner policy and she said she strongly supported it.

Ms Ercolano said she believed that more education and signage was needed to overcome issues with the shared pathways.

3.12 Aine Byrne – Submission number 28, Page 57

Ms Byrne presented her submission. She said she had strong reservations about dogs being 'off lead' along the Maitai Walkway, more particularly, the paved areas.

3.13 John Higginbotham – Submission number 6, Page 13

Mr Higginbotham presented his submission saying that he supported the 2004 Bylaw. He urged Council not to relax any of the controls that it presently had on dogs. He questioned how Council would enforce the new Bylaw should any changes were made. He said he feared that the provisions of any new Bylaw would only be enforced after something had happened.

Attendance: The meeting adjourned for morning tea between 10.31am and 10.48am.

3.14 Pam Jefferey – Submission number 302, Page 657

Ms Jefferey presented her submission which supported Option A in the Statement of Proposal and which she said was fair to all users and presented a balanced solution.

3.15 Katherine Rock – Submission number 202, Page 439

Ms Rock presented her submission and tabled additional information (document number 1380573), which she read. She said that she believed the proposal to create 'off lead' areas for dogs in Nelson City Council horticultural parks, cemeteries and urban streets contravened the Dog Control Act and parts of the Local Government Act.

3.16 Susan Stokes – Submission number 222, Page 477

Ms Stokes said she supported Option A in the Statement of Proposal but did not support prohibiting dogs from the “east Barnicoat” area. She said that she strongly supported the east Barnicoat area remaining open for exercising dogs ‘off lead’ with no restriction.

3.17 Halifax Veterinary Centre – Submission number 221, Page 475

Mr Hans Andersen presented the submission on behalf of the Halifax Veterinary Centre. He said that the Centre supported Option A in the Statement of Proposal. He pointed out that in his experience the majority of dog biting incidents occurred to people who knew the dog, and that they occurred on private property. He also said that a large proportion of dog bites happened when children approached a dog on a lead. It was a territorial thing, he added.

In answer to a question regarding what Council could do about the people who did not control their dogs, Mr Andersen said education was needed both for dogs and their owners, and that this better education should be promoted through Live Nelson.

3.18 Dog Almighty – Submission number 223, Page 478

Ms Sue Walsh presented the submission on behalf of Dog Almighty. Ms Walsh, who was a dog trainer and behaviour counsellor, said that Dog Almighty supported Option A in the Statement of Proposal for all matters arising in Table A. She commended the Council for revising the February proposal to take account of public concern and the importance of providing ‘off lead’ exercise.

She proposed that the Council give an incentive to owners to undertake an approved training course by giving those owners a reduction in dog registration fees.

3.19 Stoke Kindergarten – Submission number 309, Page 686

Mr Catherina O’Connor presented the submission on behalf of Stoke Kindergarten. She said that in particular the Stoke Kindergarten strongly requested that Ranui Reserve should not be included as a dog exercise area.

She said that the Stoke Kindergarten was bordered on two sides by the Ranui Reserve which also bordered Kiwi Treasures Pre-School and that the reserve is frequently used by both the kindergarten and pre-school pupils to extend the children’s physical activity and for excursions to investigate nature. Allowing this reserve as a dog exercise area, she said, would create a situation of danger where dogs would have uncontrolled access to a public place, which was frequented by pre-school children.

3.20 Jo Dippie – Submission number 252, Page 533

Ms Dippie presented her submission, which supported Option A in the Statement of Proposal, but Ms Dippie said that she thought horticultural parks and cemeteries should be 'on lead' areas for dogs. She said she thought the Council should enforce a speed limit for cyclists using the Maitai Walkway.

Ms Dippie also strongly supported the good dog owner policy but said that it should be made more accessible to people with dogs who move into Nelson City and can demonstrate that they have been a good dog owner in the areas that they have come from.

3.21 Queen's Gardens Preservation Society – Submission number 254, Page 536

Ms Ellen Brinkman presented the submission on behalf of the Queen's Gardens Preservation Society. She said that the greater proportion of the members of the Society who own, or had owned, dogs and were happy to see dogs in Queen's Gardens as long as they were on a lead. She said that the Queen's Gardens and other Council horticultural parks were popular and safe places to bring young children to play. Therefore, for safety reasons alone, she said, these parks should be given the same 'on lead' status as was proposed for neighbourhood parks.

3.22 Francis Gargiulo – Submission number 255, Page 538

Mr Gargiulo presented his submission and said that he was strongly opposed to the part of the Marsden Valley Reserve to the east of the Barnicoat Walkway being included as a prohibited area for dogs. He said the reason stated in the proposed policy was that it was a habitat for the growing Weka population. He said that there had been no reported dog attacks on Weka in this area and there was no evidence that any problem existed that would cause the exclusion of dogs in the area.

3.23 Ralph Ching – Submission number 195, Page 420

Mr Ching presented his submission, which urged Council to make sure that all dogs were on a lead in public places. Mr Ching produced a wealth of anecdotal evidence from the Waterhouse Street area to back up this request. Mr Ching also urged Council not to make Waterhouse Reserve an 'off lead' area for dog exercising.

3.24 Helen Black – Submission number 257, Page 549

Ms Black presented her submission plus additional information which was tabled (document number 1380576). Ms Black said she supported Option A in the Statement of Proposal subject to the exceptions that she had listed in her submission on page 550.

3.25 Mike Pioch – Submission number 268, Page 575

Mr Pioch presented his submission, which generally supported Option A in the Statement of Proposal. He said he was generally in favour of as many 'off lead' areas as possible. In particular he said that the 'off lead' access to the bush area of the east Barnicoat should remain. The burgeoning weka population in the area was evidence that the use of this area for 'off lead' dog exercising was causing no harm.

He said that Council should encourage dog owners and their dogs to undergo a dog training course by offering the carrot of reduced registration fees.

Attendance: The meeting adjourned from 11.53am to 1.00pm for lunch.

3.26 Mariesa Hansen – Submission number 304, Page 670

Ms Hansen presented an extensive submission in opposition to the Council's proposal. Her submission included petitions signed at Nayland Road Diary and Birchwood Kindergarten and letters of support from Birchwood School and Nayland Kindergarten.

She requested Council to make all horticultural parks, cemeteries, streets and all public areas especially the Railway Reserve 'on lead' areas. She also questioned how the provisions of any new Bylaw were to be enforced.

3.27 Julie McLintock – Submission number 240, Page 508

Ms McLintock presented her submission. She said she believed that dogs should be 'on lead' in all public places and, in particular, emphasised that the sand and mud flats of the Delaware Inlet must be kept as an 'on lead' area.

3.28 Charmian Koed– Submission number 277, Page 595

Ms Koed presented her submission and requested that all horticultural parks and cemeteries remain on 'lead areas.'

3.29 Dr Iain Wilson– Submission number 283, Page 605

Dr Wilson spoke to his submission and said that his preference was Option A in the Statement of Proposal. He requested that Council make the Grampian Reserve an 'off lead' area because he said there were remarkably few places within the City boundaries where a dog could run free or chase a stick.

In answer to a question Dr Wilson said he would like to see the Boulder Bank area classified as a national park with no dogs allowed.

3.30 Bets Stallard – Submission number 286, Page 612

Ms Stallard spoke to her submission emphasising, as a new dog owner, the therapeutic benefits of owning a dog. She said her preference was for as many 'off lead' areas as possible.

3.31 Nelson Youth Council – Submission number 165, Page 367

A delegation from Nelson Youth Council presented and spoke to its submission. They said that the Youth Council supported the Option A in the Statement of Proposal and, in particular, emphasised the benefits of the good dog owner policy and supported the proposed "on and off lead" areas.

The Youth Council representatives did not support the Miyazu Reserve or the Queen Elizabeth II Reserve and parts of Neale Park as an 'off lead' dog exercise area due to the proximity to the state highway. They expressed support for the Railway Reserve being an 'off lead' exercising area.

3.32 Nayland Primary School – Submission number 190, Page 411

The Principal of Nayland Primary School, Ms Janice Gulbransen, presented the submission on behalf of Nayland Primary School. She said that the school requested Aldinga Reserve, Isel Park, Broadgreen Rose Gardens, Neale Reserve, Devon Reserve and Bledisloe South Reserve all be designated as 'on lead' areas. This request was being made to ensure the safety of children, she said.

3.33 Fred Greig– Submission number 292, Page 631

Mr Greig said he supported dogs being on a lead in all public areas including the Grampians and the Railway Reserve. With regard to this latter area Mr Greig said he believed dogs were very unpredictable in their movements and presented a danger to cyclists. Mr Greig was supported in his submission by his wife and his daughter.

3.34 Nelson Dog Owners Group – Submission number 275, Page 589 and Elizabeth Dooley – Submission number 276, Page 593

Ms Dooley presented the submission on behalf of the Nelson Dog Owners Group and her own submission. She said that both submissions supported Option A in the Statement of Proposal.

She requested that Council reconsider allowing dog to be exercised in east Barnicoat and the Wakapuaka Swamp area. Both areas were currently prohibited for dog walking, she added.

In addition, she requested that Council consider making Betsy Eyre Park, Ranui Reserve, Marybank Reserve and Wolfe Reserve all into 'off lead' areas. She also requested that Council remove sheep from the Grampians.

3.35 Steven Dalan – Submission number 241, Page 510

Mr Dalan presented his submission which supported Option A in the Statement of Proposal. Mr Dalan said he was still unclear about the proposals regarding exercise and swimming of dogs along the Maitai Walkway and he asked Council to clarify these.

He urged Council not to increase the dog registration fee and he asked how the new bylaw, if it was brought in, was to be policed.

That concluded the hearing of submissions.

There was discussion about the additional information that Councillors would require for the consideration of the submissions. It was agreed that clear maps including details of all the swimming holes in the Maitai would be provided together with a full list of the horticultural parks referred to in Option A and a table of the differences in 'off lead' areas in Option A and Option B.

In answer to a question regarding the proposal for a fenced dog exercise area on the south side of Stoke, at Saxton Field, that was raised during the Long Term Plan process, it was advised that such a proposal did not fit within the existing Reserve Management Plan and because of lack of funding no further action had been taken. If Council wanted to pursue this project, it could do so through the 2013-14 Annual Plan process.

Councillors were encouraged to email staff with any other requests for information before 13 October 2012.

Councillor Boswijk reminded the meeting that consideration of all the submissions, and decision making, would take place at a Council meeting to be held on 6 November 2012.

There being no further business the meeting ended at 2.21pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date