



## **Summary of Statement of Proposal**

# **AMENDMENTS TO THE DOG CONTROL POLICY AND BYLAW 2013**

**January 2020**

## Introduction

Nelson City Council (**Council**) would like to know what you think of the Dog Control Policy 2020 (**Policy**) and the Dog Control Bylaw 2020 (**Bylaw**) and Council's proposed amendments to them.

The current Policy and Bylaw both came into effect on 25 February 2013 following the consideration of submissions in 2012. The current Policy and Bylaw reflect Council's preferred direction at that time, which was:

- to allow dogs off-leash in most places (if they are under control)
- to require dogs to be on a leash in urban centres and most neighbourhood reserves
- to continue to prohibit dogs from a list of sensitive areas including conservation reserves, the playing surface of sports fields, and playgrounds.

The Council has reviewed both documents and is proposing some changes in approach (described below). We want to know what you think of the proposed changes, as well as any other matters which are relevant to the Policy and Bylaw that you wish to raise as part of this consultation process. In making decisions on this proposal, Council will be taking account of all submissions made.

**This is a summary of the information in the Statement of Proposal, which is available on the Council website - [nelson.govt.nz/council/consultations](http://nelson.govt.nz/council/consultations). Paper copies of both this summary and the Statement of Proposal are available at the Council's Customer Service Centre and in the Nelson libraries.**

**The Proposed Policy and Bylaw are attached to the Statement of Proposal, with the key changes underlined. Additional improvements have been made to the wording of the Policy and Bylaw to reflect legal advice. To enable you to focus on the key proposals, these detailed changes are not underlined.**

## Review of the key issues

The key issues identified with the 2013 Policy and Bylaw, and the proposed changes to address them, are outlined below.

<b>Problem to be addressed</b>	<b>Proposed change</b>
The Good Dog Owner (GDO) Policy is not achieving the objectives for which it was developed due to the time and costs involved in administering it. It also unfairly disadvantages people who are unable to pay registration fees on time.	Delete the GDO Policy.
Stock grazing is a low cost way to control grass in Council reserves, in order to manage fire risk. However, graziers are reluctant to provide sheep or cattle for this purpose if there is a risk of attack or worrying of their stock by dogs.	Require dogs to be on a leash in Council's grazed reserves (rather than being allowed to be off-leash).

<b>Problem to be addressed</b>	<b>Proposed change</b>
Dogs have the potential to disturb rare, ground-nesting birds which live in Paremata Reserve and on the margins of Delaware Inlet.	Prohibit dogs from the planted area at Paremata Reserve and Delaware Inlet.
In 2014 Council received a petition signed by 66 people asking for dogs to be allowed off-leash in Monaco Reserve.	Allow dogs to be off-leash in Monaco Reserve (excluding the playground).
Dogs have the potential to disturb birdlife in Titoki Reserve, which is a Conservation Reserve with regenerating indigenous forest, and where community-led pest control is being actively undertaken.	Require dogs to be on-leash in Titoki Reserve.
Dogs have potential to disturb birdlife in Whakatū Drive Foreshore Reserve and the neighbouring Waimea Estuary margins.	Require dogs to be on-leash in Whakatū Drive Foreshore Reserve.
DOC is responsible for management of the Boulder Bank and has signage stating this is an on-leash area. However, this is currently an off-leash area in Council's Bylaw.	Require dogs to be on-leash on the Boulder Bank (apart from the areas which are already prohibited) to align with DOC signage.
EIL have advised that the Number of Dogs policy is not achieving the desired outcome. Most people are unaware of the policy (of requiring permission to have more than two dogs per property).	Manage potential issues with multiple dogs on a property through the DCA rather than requiring a permit to have more than two dogs.
Minor inconsistencies between how the enforcement process is carried out by Council and the current text in the Bylaw.	Amend the Bylaw to more accurately reflect the enforcement process carried out by Council.

## Summary of the Proposal

**Note:** No changes are proposed to the Railway Reserve and Isel Park, but the potential to make changes was considered during the assessment of the 2013 Policy and Bylaw, so these areas are included in the following list.

**The Railway Reserve** — Retain the off-leash status of the Railway Reserve along with signage and publicity on what dog owners can do to avoid conflicts with cyclists, pedestrians and other dogs.

**Isel Park** — Retain the half on-leash and half off-leash approach.

**Good Dog Owner Policy** — Delete the Good Dog Owner Policy.

**Grazed Reserves** — Change from off leash to on-leash status at all times in Council reserves where grazing occurs (except in the grazed part of Paremata Flats Reserve).

**Paremata Reserve and Delaware Inlet** — Prohibit dogs from the planted area at

Paremata Flats and Delaware Estuary's vegetation margin and islands.

**Monaco Reserve** — Change from on-leash to off-leash status (other than in the playground).

**Titoki Reserve** — Change from off-leash to on-leash status.

**Whakatū Drive Foreshore Reserve** — Change from off-leash to on-leash status.

**Boulder Bank** — Change from off-leash to on-leash status for the whole of the Boulder Bank to align with the Department of Conservation (**DOC**) signage in this area. (Note: no change is proposed to the prohibition of dogs in the area from the Cut towards Boulder Bank Drive for 4km, from October to February, to protect nesting birds.)

**Number of Dogs** — Delete Part 9 of the Policy (Number of Dogs) which requires Council permission to keep more than two dogs within the City and rely on Council's ability to reduce the number of dogs if necessary, under clause 10.2 of the Bylaw. (Consequently, delete the Map of the Nelson Urban Area and definition of 'urban area' in the Bylaw and Policy, as these related to the Number of Dogs policy.)

**Enforcement provisions** — Amend clauses 4.1, and 7.5 of the Policy, and clause 10.2 of the Bylaw to align with Council's approach to enforcement.

## **Assessment process**

A consistent set of Nelson City Council criteria have been used to assess the different options associated with each issue.

When adopting a policy Council needs to have regard to the matters outlined in section 10(4) of the Dog Control Act, which are:

- (a) the need to minimise danger, distress, and nuisance to the community generally; and
- (b) the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
- (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.

These legislative matters are reflected in the first and second of the criteria listed below. In addition, Nelson City Council's criteria include additional outcomes sought by Council which are: management of fire risk, having clear and enforceable rules, and the ability to provide cost-effective dog control services.

## Nelson City Council's Criteria

1. Conflicts between people, wildlife and dogs are minimised.
2. All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.
3. Cost-effective stock control of grass and weeds in Council reserves.
4. Clear enforceable rules that are well understood.
5. Cost-effective dog control services.

## Assessment of Options

### Railway Reserve

**Note:** The following outcome is not applicable to this topic:

- Cost-effective stock control of grass and weeds in Council reserves.

Options	Assessment of benefits
<p><b>Option A</b> Status quo: Off-leash for the whole of the Railway Reserve.</p>	<p><u>High</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs. Clear enforceable rules that are well understood. Cost-effective dog control services.</p>
	<p><u>Medium</u> Conflicts between people, wildlife and dogs are minimised. (Approximately 40 complaints over three years.)</p>
<p><b>Option B</b> Off-leash for the whole of the Railway Reserve, plus signage and publicity about what dog owners can do to avoid conflicts with cyclists, pedestrians and other dogs.</p>	<p><u>High</u> Conflicts between people, wildlife and dogs are minimised. All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs. Clear enforceable rules that are well understood.</p>
	<p><u>Medium</u> Cost-effective dog control services.</p>
<p><b>Option C</b> On-leash for the whole of the Railway Reserve.</p>	<p><u>High</u> Clear enforceable rules that are well understood.</p>
	<p><u>Medium</u> Conflicts between people, wildlife and dogs are minimised. (The use of extendable leashes is likely to increase as a result of this change, which increase risks for cyclists).</p>

Options	Assessment of benefits
	<p>Cost-effective dog control services. (Likely to result in complaints about off-leash dogs.)</p> <p><u>Low</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.</p>
<p><b>Option D</b> On-leash everywhere except the area between Quarantine Road and Songer Street.</p>	<p><u>Medium</u> Conflicts between people, wildlife and dogs are minimised. (This may concentrate more off-leash dogs in one area and increase the use of extendable leashes in other areas.) All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs. Cost-effective dog control services. (Likely to result in complaints about off-leash dogs in on-leash areas.)</p> <p><u>Low</u> Clear enforceable rules that are well understood. (Variable rules for different sections is likely to be confusing.)</p>
<p><b>Option E</b> On-leash during specific hours (e.g. 7–9am and 3–6pm).</p>	<p><u>Medium</u> Conflicts between people, wildlife and dogs are minimised. All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs. Cost-effective dog control services. (Likely to result in complaints about off-leash dogs during on-leash hours.)</p> <p><u>Low</u> Clear enforceable rules that are well understood. (Variable rules for different times of the day is likely to be confusing.)</p>

**Preferred Option:**

**Option B** – Off-leash for the whole of the Railway Reserve, plus signage and publicity about what dog owners can do to avoid conflicts with cyclists, pedestrians and other dogs.

**Reasons:**

The benefits of meeting the exercise and recreational needs of the dogs and their owners are greater than the costs associated with a small number of complaints related to off-leash dogs on the Railway Reserve.

## Isel Park

**Note:** The following outcome is not applicable to this topic:

- Cost-effective stock control of grass and weeds in Council reserves.

Options	Assessment of benefits
<p><b>Option A</b> Status quo: Part on-leash and part off-leash.</p>	<p><u>High</u> Conflicts between people, wildlife and dogs are minimised.</p>
	<p><u>Medium</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs. Cost-effective dog control services. (Ongoing complaints about lack of compliance.)</p>
	<p><u>Low</u> Clear enforceable rules that are well understood.</p>
<p><b>Option B</b> Part on-leash and part off-leash with clearer demarcation of the on-leash and off-leash areas.</p>	<p><u>High</u> Conflicts between people, wildlife and dogs are minimised. Clear enforceable rules that are well understood. Cost-effective dog control services.</p>
	<p><u>Medium</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.</p>
<p><b>Option C</b> All off-leash.</p>	<p><u>High</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs. Clear enforceable rules that are well understood. Cost-effective dog control services.</p>
	<p><u>Medium</u> Conflicts between people, wildlife and dogs are minimised.</p>
<p><b>Option D</b> All on-leash.</p>	<p><u>High</u> Conflicts between people, wildlife and dogs are minimised. Clear enforceable rules that are well understood. Cost-effective dog control services.</p>
	<p><u>Low</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.</p>

## Preferred option:

**Option B** — Status quo: Part on-leash and part off-leash with clearer demarcation of the on-leash and off-leash areas.

## Reasons:

Option B is the preferred option because:

- Isel Park offers a high amenity recreation area for parents and children, and the elderly, as well as for dog owners of all ages.
- Parents need on-leash spaces where they can be confident their children can run around without being rushed at by dogs.

## Grazed Reserves

**Note:** The following outcomes are not applicable to this topic:

- Conflicts between people, wildlife and dogs are minimised.
- Cost-effective dog control services.

Options	Assessment of benefits
<b>Option A</b> Status quo: dogs must be under control at all times (which can be either on a leash or by obeying commands) and dogs caught attacking or worrying sheep will be destroyed.	<u>High</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.
	<u>Low</u> Cost-effective stock control of grass and weeds in Council reserves. Clear enforceable rules that are well understood. (Due to the frequency of issues related to sheep and dogs.)
<b>Option B</b> Require dogs to be on a leash <u>WHEN</u> stock are present.	<u>High</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.
	<u>Medium</u> Cost-effective stock control of grass and weeds in Council reserves.
	<u>Low</u> Clear enforceable rules that are well understood.
<b>Option C</b> Require dogs to be on a leash in grazed areas (at all times) — excluding Paremata Flats Reserve, where dogs can be off-leash	<u>High</u> Cost-effective stock control of grass and weeds in Council reserves. Clear enforceable rules that are well understood.
	<u>Medium</u> All dog owning residents have easy access to off-leash

but must be controlled around stock.	areas away from traffic for exercise and socialisation of dogs. (All of the grazed areas are connected to areas where dogs can be off-leash.)
<b>Option D</b> Require dogs to be on a leash in grazed areas (at all times) in the Grampians Reserve only.	<u>High</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs. Clear enforceable rules that are well understood.
	<u>Low</u> Cost-effective stock control of grass and weeds in Council reserves. (Both the Grampians Reserve and the Sir Stanley Whitehead Park have been identified as at extreme fire risk, and the Maitai Conservation Reserve is identified as High Risk).
<b>Option E</b> Prohibit dogs from grazed areas (at all times).	<u>High</u> Cost-effective stock control of grass and weeds in Council reserves. Clear enforceable rules that are well understood.
	<u>Low</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.

**Preferred option:**

**Option C** — Require dogs to be on a leash in all grazed reserves (at all times) **excluding** Paremata Flats Reserve, where dogs can be off-leash but must be controlled around stock.

**Reasons:**

Both weeds and fire risk increase if stock are not grazing these areas. It is difficult for dog walkers to know when stock are in an area, and usually a dog walker will not know there is stock present until they come across them. Therefore, it can be difficult for dog walkers to know when they need to control their dogs around the grazing stock and an owner is better able to control their dog(s) around grazing stock when it is on a leash. For these reasons, Council considers that dogs should be on a leash in all grazed reserves but with an exception carved out for Paremata Flats.

The grazed area at Paremata Flats Reserve is excluded from this proposed change, as off-leash dog exercise areas are limited in Nelson North, and the grazier hasn't had any issues with dogs in this reserve. He is supportive of this being an off-leash exercise area, as long as there is adequate signage indicating "stock grazing — keep dogs under control".

## Good Dog Owner Policy

**Note:** The following outcomes are not applicable to this topic:

- All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.
- Cost-effective stock control of grass and weeds in Council reserves.
- Clear enforceable rules that are well understood.

Options	Assessment of benefits
<b>Option A</b> Status quo: Retain the current GDO Policy.	<u>Low</u> Conflicts between people, wildlife and dogs are minimised. Cost-effective dog control services.
<b>Option B</b> Delete the GDO Policy.	<u>High</u> Cost-effective dog control services.
	<u>Low</u> Conflicts between people, wildlife and dogs are minimised.

**Preferred option:**

**Option B** – Delete the GDO Policy.

**Reasons:**

Option B is preferred because the GDO Policy:

- is costly to administer (approximately \$16,500 per annum based on 300 requests at \$55 per request)
- is costly to implement (currently there are 2,500 owners receiving the \$19.50 subsidy which costs \$48,750, with the potential for another 3,701 applications at a cost of approximately \$72,000) and it is easy to be classified as a good dog owner
- does not achieve policy outcomes as it works on the basis that good dog owners need to prove they are good dog owners rather than assuming all dog owners are good dog owners and penalising those who are not
- duplicates provisions in the Dog Control Act which require owners to keep their dog under control generally (ss52 and 52A) and confined to their property (s52A).

## Monaco Reserve

**Note:** The following outcomes are not applicable to this topic:

- Cost-effective stock control of grass and weeds in Council reserves.
- Cost-effective dog control services.

Options	Assessment of benefits
<b>Option A</b> Status quo: dogs must be under control at all times (which can be either on a leash or by obeying commands) and dogs caught attacking or worrying sheep will be destroyed.	<u>High</u> Clear enforceable rules that are well understood.
	<u>Medium</u> Conflicts between people, wildlife and dogs are minimised. (Monaco Reserve is currently used as an off-leash area by many dog owners, leading to complaints about non-compliance.)
	<u>Low</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.
<b>Option B</b> Include Monaco Reserve in Schedule 3, as an off-leash area	<u>High</u> Conflicts between people, wildlife and dogs are minimised. (This approach is supported by the community)  All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.  Clear enforceable rules that are well understood.

**Preferred option:**

**Option B** — Remove Monaco Reserve from Schedule 2 (on-leash areas) and add it to Schedule Three (neighbourhood parks in which dogs may be off-leash).

**Reasons:**

Although there is a playground in Monaco Reserve (which will remain a dog prohibited area), signs can be used to indicate this. There is also a playground in a number of other neighbourhood parks where dogs are allowed to be off-leash, including Wolfe Reserve, Poplar Reserve, Fairfield Park and Hanby Park. Allowing Monaco Reserve to be an off-leash area would not be inconsistent with the rest of the Bylaw.

**Titoki Reserve**

**Note:** The following outcomes are not applicable to this topic:

- Cost-effective stock control of grass and weeds in Council reserves.
- Cost-effective dog control services.

Options	Assessment of benefits
<b>Option A</b> Status quo: Retain Titoki Reserve as an off-leash area	<u>High</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.  Clear enforceable rules that are well understood.

Options	Assessment of benefits
	<u>Low</u> Conflicts between people, wildlife and dogs are minimised.
<b>Option B</b> Include Titoki Reserve in Schedule 2, as an off-leash area	<u>High</u> Conflicts between people, wildlife and dogs are minimised. Clear enforceable rules that are well understood.
	<u>Low</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs. (Access to off-leash areas is very limited to the north of Nelson City.)

**Preferred option:**

**Option B** – Include Titoki Reserve in Schedule 2 (on-leash areas).

**Reason:**

Allowing dogs to be off leash in this area conflicts with the goals of the ecological restoration and pest control work being carried out in this Conservation Reserve.

**Whakatū Drive Foreshore Reserve**

**Note:** The following outcomes are not applicable to this topic:

- Cost-effective stock control of grass and weeds in Council reserves.
- Cost-effective dog control services.

Options	Assessment of benefits
<b>Option A</b> Status quo: Retain Whakatū Drive Foreshore Reserve as an off-leash area	<u>Medium</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs. (Most of the shared pathway within this area is located alongside State Highway 6.) Clear enforceable rules that are well understood.
	<u>Low</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.
<b>Option B</b> Include Whakatū Drive Foreshore Reserve in Schedule 2, as an on-leash area	<u>High</u> Conflicts between people, wildlife and dogs are minimised. Clear enforceable rules that are well understood.
	<u>Medium</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.

**Preferred option:**

**Option B** — Include Whakatū Drive Foreshore Reserve in Schedule 2 (on-leash areas).

**Reasons:**

Requiring dogs to be on-leash in this area will reduce the risk of conflicts between wildlife and dogs around Waimea Estuary.

Dog owners have a number of other off-leash exercise options in Stoke and Monaco.

**Paremata Flats Reserve and Delaware Estuary**

**Note:** The following outcomes are not applicable to this topic:

- All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.
- Cost-effective stock control of grass and weeds in Council reserves.
- Cost-effective dog control services.

<b>Options</b>	<b>Assessment of benefits</b>
<b>Option A</b> Status quo — dogs are prohibited within the fenced area of the foreshore and esplanade reserve at Paremata Flats.	<u>Medium</u> Conflicts between people, wildlife and dogs are minimised.
	<u>Low</u> Clear enforceable rules that are well understood.
<b>Option B</b> Explicitly refer to the Paremata Flats planted area and the Delaware Estuary margins and islands within the estuary as a dogs prohibited area	<u>High</u> Conflicts between people, wildlife and dogs are minimised. Clear enforceable rules that are well understood.

**Preferred option:**

**Option B** — Explicitly refer to the Paremata Flats planted area within clause 19 of Schedule One (dog prohibited areas), and include Delaware Estuary margins, and islands within the estuary as a dog prohibited area.

**Reasons:**

Currently the dog prohibited area is the planted areas by the estuary and river, so an extension to cover all the planted areas is appropriate to protect the habitat of rare, ground nesting birds such as fern birds.

There is an off-lead dog exercise area available in the grazed area of Paremata Flats Reserve, and this ensures that dog owners have access to off-lead areas.

## Boulder Bank

**Note:** The following outcome is not applicable to this topic:

- Cost-effective stock control of grass and weeds in Council reserves.

Options	Assessment of benefits
<p><b>Option A</b> Status quo: DOC has signs indicating dogs should be on a leash on the Boulder Bank but this is not listed as an off-leash area in the Bylaw. (However, the area from the Cut towards Boulder Bank Drive for 4km from October to February is listed as a prohibited area to protect nesting birds.) Dogs are permitted on foreshore and sea bed administered by DOC unless it is an area listed in this Schedule.</p>	<p><u>High</u> Cost-effective dog control services.</p>
	<p><u>Medium</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs. (Council cannot currently enforce DOC's on-leash requirement.)</p>
	<p><u>Low</u> Conflicts between people, wildlife and dogs are minimised.  Clear enforceable rules that are well understood.</p>
<p><b>Option B</b> Include the Boulder Bank in Schedule 2 as an on-leash area (noting the prohibited status of part of the Boulder Bank from October to February to protect nesting birds).</p>	<p><u>High</u> Conflicts between people, wildlife and dogs are minimised.  Clear enforceable rules that are well understood. (Consistency with DOC requirements.)</p>
	<p><u>Medium</u> Cost-effective dog control services. (This is an additional cost to Council.)</p>
	<p><u>Low</u> All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs. (Very limited off-leash options in the Nelson North area.)</p>

### Preferred option:

**Option B** — Include the Boulder Bank in Schedule 2 (on-leash areas) of the Policy and Bylaw to enable enforcement to be carried out by Council on behalf of the Department of Conservation.

### Reasons:

DOC has signage on the Boulder Bank which indicates that dogs are permitted if on a leash in this area.

The Acting Statutory Manager has advised that DOC does not have the resources to undertake compliance and enforcement work in relation to dogs being walked off-leash at this site.

## Number of Dogs

**Note:** The following outcomes are not applicable to this topic:

- All dog owning residents have easy access to off-leash areas away from traffic for exercise and socialisation of dogs.
- Cost-effective stock control of grass and weeds in Council reserves.

Options	Assessment of benefits
<b>Option A</b> Status quo — No more than two dogs can be kept on any property in the urban area without written permission from the Council.	<u>Medium</u> Conflicts between people, wildlife and dogs are minimised.
	<u>Low</u> Clear enforceable rules that are well understood. Cost-effective dog control services.
<b>Option B</b> Rely on Council’s ability to reduce the number of dogs if necessary, under clause 10.2 of the Bylaw.	<u>High</u> Cost-effective dog control services.
	<u>Medium</u> Conflicts between people, wildlife and dogs are minimised. Clear enforceable rules that are well understood.

### Preferred option:

**Option B** - Rely on Council’s ability to reduce the number of dogs if necessary, under clause 10.2 of the Bylaw. (Consequent amendment — delete the map of the Nelson Urban Area and definition of 'urban area' from the Dog Control Policy and Bylaw, as this relates to Part 8 of the Policy.)

### Reasons:

This approach provides Council with the authority it needs to manage nuisance and health issues associated with multiple dogs on the same property.

## Enforcement Provisions

Options	Assessment of benefits
<b>Option A</b> Status quo: Some inconsistencies between the Policy/Bylaw and Council’s enforcement approach and/or the DCA	<u>Medium</u> Clear enforceable rules that are well understood.

Options	Assessment of benefits
<p><b>Option B</b> Consistency between the Policy/Bylaw and Council’s enforcement approach and/or the DCA</p>	<p><u>High</u> Clear enforceable rules that are well understood.</p>

**Preferred option:**

Amend the wording of the Policy as follows:

- Section 4.1 of the Policy — change the last sentence of clause 4.1 to “Non compliance with this notice may result in enforcement action.”
- Clause 7.5 of the Policy — Amend to “Where the offence relates to a failure to register a dog, Council will issue a notice that a dog is not registered. Then, if the registration fee is not paid within seven days, the owner will receive an Infringement Notice.”
- Clause 10.2 of the Bylaw should refer to both dog owners, and to owners and occupiers of premises, as follows:

If, in the opinion of a Dog Control Officer, any dog has become or is likely to become a nuisance to any person or injurious to the health of any person, the Dog Control Officer may, by notice in writing, require the dog owner or the owners or occupiers of the premises at which the dog is kept, within a time specified in such notice to do all or any of the following:

- a) reduce the number of dogs on the premises;
- b) construct, alter, reconstruct or otherwise improve the kennels or other buildings or fences used to house or contain the dog;
- c) tie up or otherwise confine the dog during specified periods;
- d) take such other action as necessary to minimise or remove the likelihood of nuisance or injury to health.

**Reasons:**

These changes will more accurately reflect the enforcement process carried out by Council.

**All other aspects of the Policy and Bylaw**

**Proposal:**

Retain all other aspects of the Policy and Bylaw (other than improvements to the wording of the Policy and Bylaw to reflect legal advice).

**Note:** Some changes have been made to use correct names of public places. For example, all references to the ‘Boulder Bank Scenic Reserve’ have been changed to ‘Boulder Bank’ because parts of the Boulder Bank do not have a scenic reserve

classification. Some parts (the baches) have a recreation reserve classification, and the part owned by Port Nelson (around the Lighthouse) doesn't have a reserve classification.

### **Reason:**

The proposed amendments are based on informal consultation with a broad range of stakeholders. However, the formal consultation process is an opportunity to suggest other changes which have not yet been considered.

### **Submissions**

Anyone may make a submission about any aspect of the Policy and Bylaw. The entire Policy and Bylaw are open for consultation, as well as any matters relevant to the Policy and Bylaw that people wish to raise as part of this consultation process. Council, in making its decision, will take account of all submissions made.

All submissions, including the name and contact details of the submitter, will be made available to the public and media on Council's website, unless you specifically request that your contact details be kept private and explain why it is necessary to protect your privacy. Council will not accept any anonymous submissions.

Submissions can be made:

- online at [nelson.govt.nz/council/consultations](https://nelson.govt.nz/council/consultations)
- by post to Dog Control Policy and Bylaw Review, PO Box 645, Nelson 7010
- by delivering your submission to Civic House, 110 Trafalgar Street, Nelson.

Submissions must be received no later than 28 February 2020.

Any person who wishes to speak in support of their submission will be given the opportunity to address the Council at a hearing on **24 March 2020**.

## **DRAFT FOR CONSULTATION**

### **Proposed Amendments to the Dog Control Policy 2020 and the Dog Control Bylaw 2020**

#### **Maps**

Maps showing the proposed changes are available on the website. Paper copies are available at the Customer Service Centre and in Nelson libraries.

#### **Proposed Amendments to the Policy and Bylaw**

The key changes Council proposes to made are underlined in both the Dog Control Policy and Bylaw 2020 which are attached to the Statement of Proposal. This is available on the website [nelson.govt.nz/council/consultations](https://nelson.govt.nz/council/consultations)

Paper copies are available at the Customer Service Centre and in Nelson libraries.