

MINUTES

TITLE: Full Council (Tasman District Council Policy on Dogs 2009 and Consolidated Bylaw Chapter 2 : Dog Control 2009)
DATE: Tuesday 4 August 2009
TIME: 9.00 am
VENUE: St John's Hall, Courtney Street, Motueka
PRESENT: Crs M J Higgins (Chair), B W Ensor, S G Bryant, N Riley, E J Wilkins, T E Norriss, B F Dowler, R G Currie
IN ATTENDANCE: Regulatory Services Co-ordinator (G Caradus), Regulatory Manager (J Hodson), Executive Assistant (V M Gribble)

**Moved Crs Bryant/Wilkins
CN09/08/01**

**THAT apologies for absence from Mayor R G Kempthorne, Crs J L Edgar, G A Glover, J L Inglis, S J Borlase and T B King be received.
CARRIED**

1 SUBMISSIONS

1.1 T H Sargent

Mr Sargent urged Council not to proceed with proposed clause 3.4.2. He noted that as the bylaw stands adequate protection is afforded to the Motueka sandspit area.

Cr Wilkins asked Mr Sargent if he knew of any additional dog exercise areas in Motueka.

Mr Sargent suggested that the area by the saltwater baths, where the campers stayed. There is an area that could be fenced off as a dog exercise area.

Mr Carradus noted that clause 3.4.2 has been removed from the amended draft.

1.2 Ornithological Society NZ – R Schuckard

Mr Schuckard was in attendance and tabled and presented the submission on behalf of the Ornithological Society. The Society is concerned about the effects dogs have on bird life at Motueka sandspit.

Cr Ensor asked what period of the year are the breeding times and weight gain periods?

Banded Dotterel are starting to go to their territory at the end of August/September. Due to disturbance they can relay several times and even in February chicks have been seen. Oyster catchers November/December and finish February. Migratory birds are here for six months and come from Alaska very lean. That weight is maintained

until January. They need three months to change their main feather composition. As soon as they have replaced their feathers they take about 3 months to gain weight.

1.3 Motueka SPCA

Mrs Lyn Cameron said SPCA considers the present bylaw works well. The SPCA is concerned with welfare of all animals. Mrs Cameron has not seen any birds at her vet clinic that have been injured at the Motueka sandspit. There have been no prosecutions resulting from dogs causing problems. The birds happily return each year and they wouldn't if they were being disturbed. People need the sandspit area to exercise dogs as there are no other areas available in Motueka.

1.4 W A Cook

Mr Cook supported the submission of the Ornithological Society. The Motueka sandspit is getting an increase in the human population every year, which means the shore birds haven't got anywhere else to go. He said some places need more protection from animals and humans than others and asked Council to consider the matter from that point of view.

Cr Bryant asked if Mr Cook if birds have the ability to adapt to people and dogs moving about.

Mr Cook said evidence shows that they don't. He said the birds keep coming back to the sandspit but numbers are reducing year by year. He said the Ornithological Society undertakes three censuses a year and said apart from Oyster catchers bird numbers are reducing. He said they need all the protection they can get and they don't like dogs as they see them as predators.

Mr Cook said he has observed nests opposite the car park and has seen dogs running loose and chasing birds.

1.5 H Kingston

Mrs Kingston tabled and spoke to her submission. She said in the last six months people have been observing the spotted shags which come to Tata Beach. They nest on Tata Island and on average 1,500 come to Tata Beach at daybreak and leave after sunrise. She submitted that dogs should not be allowed one hour before sunrise and one hour after sunrise. Mrs Kingston said the banded rail nest in Ligar Bay Inlet. She is concerned that the Ligar Bay Inlet is a dog exercise area. She asked that dogs be controlled on a leash while in the inlet because banded rail is protected and is vulnerable. She said the notice on Tata Beach about the birds is not adequate.

1.6 P Samways

Mrs Samways said the banded dotterel nest on the top, not down by the tide. Nests start at the beginning of the sandspit, and are all along the narrow bit, and the variable oyster catcher also nests there. These birds can be disturbed by dogs that roam. Mrs Samways suggested that dogs be allowed in the area north of the pipe line and be prohibited from the sandspit south of the pipe line. She suggested that

Tasman District Council and Department of Conservation work together to provide suitable areas for dog walking which are very clear to people.

Mrs Samways said people walk down off the top and would go down to where the spit widens, but the dogs are roaming which can disturb the birds. If dogs were kept on a leash it would be better. When birds are pushed out of their territory into another bird's territory they can be attacked.

Mr Caradus said Department of Conservation owns above High Water Springs (HWS) and Tasman District Council owns below HWS.

Cr Norriss asked if a compromise would be no dogs at high tide but controlled dog exercise area at low tide.

Mrs Samways said all along the northern end of the spit from the river there are birds nesting.

1.7 Nelson/Marlborough Conservation Board

Tracey Osborne tabled and presented a submission on behalf of the Board. The Board sought that Motueka Sandspit be included as a dog prohibited area in the Council's Dog Control Policy. They supported the evidence given by the Ornithological Society.

Ms Osborne said there is evidence that the decline in marine areas has been huge, but in terms of bird population she suggested asking the Ornithological Society. She said there appears to be inconsistency with the way the dog policy is implemented throughout the district.

1.8 Mrs C Davidson

Mrs Davidson was in attendance to present her submission. She said dog exercise areas in Motueka are very inadequate and requested the status quo be maintained in respect of the Motueka sandspit area. She considers that the birds on the sandspit get used to seeing dogs on the spit and don't believe they are at risk as they are still there. Mrs Davidson said there are some places where she is not happy working alone, even with a dog, but the sandspit is a lovely place to be. She walks all along the area from both Talley's end and Staples Street end.

Cr Norriss said the vast majority of people walk their dogs along the walkway. A suggestion was made of using the pipeline as a demarcation line. It appears most damage is done to the birds at high tide.

Mrs Davidson said the tide goes right over the spit, and she doesn't see why they can't walk along there.

1.9 Friends of Nelson Haven and Tasman Bay

Mrs Gillian Pollock tabled and presented the submission on behalf of the Friends of Nelson Haven and Tasman Bay.

They request that dogs be banned from the Motueka sandspit and that other dog exercise areas be provided.

1.10 N Davidson

Mr Davidson opposed any suggestion that dogs be banned from the Motueka sandspit. He doesn't believe there is any evidence of harm being done to the birds as they continue to return to the sandspit each year.

1.11 A Blackie

Mr Blackie was in attendance and spoke to his submission. He questioned land area being a determinant for dog fees.

Cr Norriss noted that Tasman District Council dog fees are approximately 50% less than other local authorities.

1.12 Forest and Bird, Golden Bay Branch

Debs Martin spoke to the submission on behalf of J-A Vaughan, Forest and Bird, Golden Bay Branch. They asked that provision be made for wildlife which are dependent upon beach areas of Golden Bay for feeding grounds. She said there are a lot of people in Golden Bay who would be willing to be honorary dog rangers and the Branch would like to see the appointment of rangers and training given to them.

1.13 Forest and Bird, Nelson/Tasman Branch

Debs Martin spoke to the submission on behalf of Forest and Bird, Nelson/Tasman Branch. She said the protection of protected wildlife is the prime purpose of Forest and Bird. They want something that has clarity, is enforceable and also to bring the community along, which is with education. She said the Motueka Sandspit is nationally important and wildlife should be protected and dogs should be prohibited. They requested that Pearl Creek and Niemans Creek areas be included within the schedules of dog prohibited areas.

Cr Higgins said the sandspit is not recognised as internationally important like Farewell Spit, but you referred to it as nationally important.

Ms Martin said it is identified in Council's TRMP as "nationally important" because it is home to protected wildlife. She said that gives capacity for Council to ensure it does the best it can to ensure there is no distress caused to these birds.

Lunch adjournment was taken at 12.50 pm.
The meeting resumed at 1.25 pm.

1.14 J Calder

Jen Calder was in attendance to speak to her submission. She recommended that clause 3.4.2 be deleted from the draft Dog Control Bylaw 2009. She sought good clear signage to let everybody know when they are in a dog exercise area.

1.15 Nelson Dog Training Club Inc

Mr J Perfect, President of the NZ Kennel Club Inc, spoke to the submission on behalf of the Nelson Dog Training Club Inc. The Kennel Club runs a Canine Good Citizen programme for dog owners.

Cr Norriss asked how many working dogs owners participate in the Canine Good Citizen programme?

Mr Perfect said they encourage all dog owners, to get them to become more responsible dog owners.

Ms Calder said they have working dogs coming to the Nelson Dog Training Club for training.

Mr Perfect said the programme is about dog control and responsible dog ownership and is centred around a dog on a leash. They asked for endorsement from Tasman District Council for the Canine Good Citizen programme.

Ms Calder said they are looking for an incentive scheme to get people to join it.

1.16 E A Bryant

Mrs Bryant spoke to her submission. She said it is crucial that protection for wildlife is included in policies.

1.17 Department of Conservation

Martin Rodd, Shona Bradley, Peter Gaze and Katherine Hughes were in attendance to present the submission on behalf of the Department of Conservation.

Ms Bradley spoke to the legal submissions on behalf of the Director-General of Conservation.

Mr Gaze tabled and spoke to his submission and elaborated on bird values of the additional sites recommended in the department's submission for inclusion as prohibited dog areas.

Mr Rodd tabled and spoke to his submission. He said "dog under control" at the present time is at the discretion of the dog owner. He said Council and Department of Conservation should work together to use the best range of tools possible to achieve protection of the wildlife while maximising people's enjoyment of Tasman's outdoor lifestyle. He considers that the Tasman District Council Dog Control bylaws are one such fundamental tool. He asked Council to prohibit dogs from the foreshore of the islands in the Abel Tasman which Department of Conservation jointly manage with Tasman District Council ie Tonga Island, Adele Island and Fishermen's Island. He also briefly spelt out the powers and mechanisms DoC has for controlling dogs. He

said that his view was that recreation, including walking with dogs, in the area of the Motueka Sandspit was highly desirable and he did not want to see the practice prohibited. If required to control dogs, DoC's options could result in the practice being prohibited. He sought a compromise where the more popular northern end of the Sandspit continued to be available as an "effective control" area and that in return the more sensitive southern part of the spit be dog prohibited.

Mr Caradus asked for identifying co-ordinates for the boundary of the proposed dog prohibited area on the Motueka Sandspit.

1.18 Fish and Game New Zealand

L Davey, Fish and Game, spoke to his submission. He said the main issues he had raised in his submission had been addressed in the staff report. He said rather than naming species, limit them to those species absolutely or partly protected by the Wildlife Act. He suggested defining the words "in the presence of". He supported the line in the sand submitted by Department of Conservation as a compromise situation.

1.19 Golden Bay Community Board

J Bell, K Brookes and C McLellan were in attendance to speak to the submission on behalf of the Golden Bay Community Board.

The Board requested that the "no dog" zone be retained in Commercial Street from Reilly Street to the Top of the Town shop.

Mrs McLellan said most of the complaints received relate to dogs in Commercial Street where there are a lot of outside eating places.

Cr Riley asked if an alternative would be to allow dogs on leashes outside business hours.

Mr Bell said "business hours" is hard to define, with cafes being opened late.

Mr Bell identified the following errors in the maps in the bylaw:
Controlled Dog Exercise Area – Pohara Valley Road to Camp (map identification doesn't match the map)
Collingwood Camping Ground covers more extended area on William Street
Spelling of Ruataniwha.

Cr Bryant left the meeting at 3.35 pm.

1.20 A B Jones

Mrs Jones was in attendance to present her submission. She doesn't want dogs banned from Rototai Beach.

Mr Caradus said people don't clearly understand where dogs are prohibited at Rototai Beach and where dogs can be exercised. The reality is that the dog prohibited area was in the 2004 bylaw.

Mrs Jones said there is widespread support for a dog exercise area at Rototai Beach. They are asking for the beach directly in front of their houses down to low water to be a dog exercise area.

1.21 P Dixon-Didier

Mr Dixon-Dider said the draft policy was misleading regarding dog prohibited areas for Kahurangi, Abel Tasman, Nelson Lakes and all other lands administered by Department of Conservation. He submitted that "working dogs" should be expanded to include seeing eye dogs, dogs specifically trained to detect bio hazards, illegal substances, specific flora and fauna and hunting dogs.

The meeting adjourned at 3.47 pm.

The meeting reconvened at 9.30 am on Wednesday 5 August 2009.

TITLE: Full Council (Tasman District Council Policy on Dogs 2009 and Consolidated Bylaw Chapter 2 : Dog Control 2009)
DATE: Wednesday 5 August 2009
TIME: 9.30 am
VENUE: Tasman Council Chambers, 189 Queen Street, Richmond
PRESENT: Crs M J Higgins (Chair), B W Ensor, S G Bryant, N Riley, E J Wilkins, T E Norriss, B F Dowler, R G Currie
IN ATTENDANCE: Regulatory Services Co-ordinator (G Caradus), J Hodson, Executive Assistant (V M Gribble)

**Moved Crs Bryant/Wilkins
CN09/08/01**

**THAT apologies for absence from Mayor R G Kempthorne, Crs J L Edgar, G A Glover, J L Inglis, S J Borlase and T B King be received.
CARRIED**

1 Deliberations on Dog Bylaw

Mr Caradus gave a powerpoint presentation illustrating issues that had been raised by submitters during the hearing.

Cr Higgins noted dog prohibited areas were requested for Pearl Creek and Niemans Creek.

Cr Currie advised that Pearl Creek and Niemans Creek are fenced off and not accessible.

Mr Caradus noted that signs warning people about their responsibilities under the Dog Control Act will be erected at Jimmy Lee Creek, northern end of Motueka Sandspit and Pearl and Niemans Creek.

Cr Dowler asked how the bylaw applies to seeing eye dogs and drug dogs.

It was advised they are covered in the Dog Control Act.

Mr Caradus advised that “effective control” is required at present at Ligar Bay Inlet but a submitter had requested “leash control” be imposed. He said there is a provision that covers “occasions” and was more inclined to use that provision for the Inlet.

**Moved Crs Norriss/Riley
FN09/08/02**

**THAT the submissions received to the Draft Policy on Dogs 2009 and Dog Control Bylaw 2009 be received.
CARRIED**

Ms Hodson advised that the submission commenting on resource consents required for keeping three or more dogs was outside the jurisdiction of this Committee.

Cr Riley said there are occasions when there should be someone to act on behalf of Control Services in Golden Bay as Control Services can't have staff there all the time.

Mr Caradus said there is provision to appoint Department of Conservation rangers in Golden Bay.

Cr Higgins requested Mr Caradus report back on the issue.

**Moved Crs Wilkins/Riley
CN09/08/03**

**THAT the Tasman District Council, ratifies the “Amended Draft Policy on Dogs 2009” as attached in Appendix 3, and “Amended Draft Consolidated Bylaw Chapter 2: Dog Control 2009” as attached in Appendix 4, and that the draft amended Policy and Bylaw be adopted by Council and come into force on 4 September 2009.
CARRIED**

**Moved Crs Bryant/Ensor
CN09/08/04**

**THAT Council staff liaise with the Department of Conservation to establish locations for the warning signs referred to in paragraphs 2.4.1.6, 2.4.3.1, and 2.4.5.3 of this report.
CARRIED**

**Moved Crs Wilkins/Bryant
CN09/08/05**

**THAT existing dog prohibited rule for Takaka CBD area as specified in the 2004 Dog Control Bylaw be retained.
CARRIED**

**Moved Crs Riley/Norriss
CN09/08/06**

THAT in relation to Controlled Dog Exercise Area Motupipi Estuary (between cemetery & golf course);

- (i) Schedule 2 in both the Policy and Bylaw detailed in recommendation 1 above, are further amended by deleting the reference to “Motupipi Estuary – the area between the cemetery, and the internal boundary of the golf course...” and deleting the associated map titled “Controlled Dog Exercise Area Motupipi Estuary (between cemetery & golf course).**
- (ii) Schedule 3 map “Dog prohibited Area (Rototai to Waitapu Estuary)” be altered to include within the Dog Prohibited Area, all that part of the Motupipi Estuary adjoining the Takaka Golf Club and shown previously as “Controlled Dog Exercise Area Motupipi Estuary (between cemetery & golf course)”.**

CARRIED

**Moved Crs Bryant/Riley
CN09/08/07**

THAT the Policy detailed in recommendation 1 above be further amended by:

- (i) Adding to the end of clause 2.2.2 “and on those times or occasions specified in the Bylaw.”**
- (ii) Deleting items 2 and 3 from Schedule 1.**

CARRIED

**Moved Crs Dowler/Ensor
CN09/08/08**

THAT the Bylaw detailed in recommendation 1 above be further amended by:

- (i) Adding to the heading, “4 Leash Control Areas” the words “and Leash Control Occasions.**
- (ii) Deleting the existing clause 4.2 and adding a new clause 4.2 as follows:**

“4.2 (a) Every dog shall be kept under continuous leash control on any occasions that it is likely to injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife;

(b) Clause 4.2 (a) shall not apply to any dog being used solely or principally for the purposes of herding or driving stock, and is under the control of its owner or the owner's agent, or is being taken by such person to or from the place where it is to be or has been employed for such purpose."

(iii) Deleting items 2 and 3 from Schedule 1.

CARRIED

**Moved Crs Wilkins/Riley
CN09/08/09**

THAT the Bylaw detailed in recommendation 1 above be further amended by:

- (i) Amending the map in Schedule 2 "Controlled Dog Exercise Area (Rototai Recreation Reserve)" to include an additional 300 metre northeast of the seaward boundary of the reserve;**
- (ii) Amending the description in Schedule 2 to include the area 300 metres north east of the reserve**
- (iii) Amending the map in Schedule 3 "Dog Prohibited Area (Rototai to Waitapu Estuary) to accommodate the increased area of the additional 300 metres added to the Controlled Dog Exercise Area (Rototai Recreation Reserve."**

CARRIED

**Moved Crs Riley/Norriss
CN09/08/10**

THAT the Bylaw detailed in recommendation 1 above be further amended by:

- (i) Deleting the maps in Schedule 3 of Bylaw showing "Dog Prohibited Area (Motupipi Estuary) and Dog Prohibited Area (Waitapu Estuary).**
- (ii) Adding in Schedule 3 in both the Policy and Bylaw detailed in recommendation 1 above the description "Rototai to Waitapu Estuary".**

CARRIED

**Moved Crs Dowler/Wilkins
CN09/08/11**

THAT the Policy and Bylaw detailed in recommendation 1 above are further amended by;

- (i) Adding in Schedule 3 the description "Motueka Sand Spit south of a line drawn through the point NZ Map Grid 2512857.1 (easting) 6009560.9 (northing)**
- (ii) Adding in Schedule 3 a map in similar format to that in the draft Bylaw which replicates the position of the line drawn in Map 7 included in Department of Conservation submission on this Bylaw.**

CARRIED

**Moved Crs Norriss/Ensor
CN09/08/12**

THAT the Policy and Bylaw detailed in recommendation 1 above are further amended by;

- (i) Adding in Schedule 3 the description “Abel Tasman National Park Foreshore Reserves on Tonga Island, Adele Island and Fisherman Island.**
- (ii) Adding in Schedule 3 of the Bylaw a map that shows the foreshore reserves on Tonga Island, Adele Island and Fisherman Island within the Abel Tasman National Park.**

CARRIED

**Moved Crs Riley/Currie
CN09/08/13**

THAT the Policy and Bylaw detailed in recommendation 1 above are further amended by;

- (i) Altering the map in Schedule 3 Dogs Prohibited Area (Collingwood Camping Ground) to show the dog prohibited including all of the Collingwood camping ground.**
- (ii) Altering the map in Schedule 2 Controlled Dog Exercise Area (Pohara Valley Road to Camp) to show the correct area.**
- (iii) Correcting the spelling of “Ruatanwha” in the map title in Schedule 3.**
- (iv) Altering the map in Schedule 3 Dogs Prohibited Area (Riverview Motor Camp – Murchison) to show the dog prohibited including all of the Riverview Motor camp.**

CARRIED

**Moved Crs Bryant/Riley
CN09/08/14**

THAT the Policy and Bylaw detailed in recommendation 1 above are further amended by;

- (i) Amending the reference in Schedule 3 to Tata Beach from “Tata Beach – summer months except 7 am to 9 am” to “ Tata Beach – During the period of New Zealand Daylight Saving Time, and for the remainder of the year from one hour prior to sunset until one hour after sunset.”**
- (ii) Altering the map in Schedule 3 Dogs Prohibited Area (Tata Beach) to include the note “During the period of New Zealand Daylight Saving Time, and for the remainder of the year from one hour prior to sunrise until one hour after sunrise.”**

**Moved Crs Riley/Ensor
CN09/08/15**

**THAT the Policy detailed in recommendation 1 above is amended by adding at the end of 3.3 the words “for example NZKC Canine Good Citizen Programme and programmes offered by Nelson Dog Training Club, and puppy and dog training offered by vets.
CARRIED**

The meeting concluded at 11.50 am.

Chair:

Date: