

Tabled at
Regulatory Committee
meeting - 12/3/2020

BACKGROUND

In January 2019 I spoke to a few Tata Beach residents that were concerned about the current 6 month prohibition of dogs on Tata Beach. I offered to formulate a submission to the Golden Bay Community Board to get dog access back to Tata Beach. I worked closely with Tata Beach homeowners, Trudy Robertson & Lisa Savage, to represent the wishes of the Tata Beach community. Lisa Savage kindly submitted our proposal to the GBCB on 12.3.19

We received support of the attached submission by 91 individuals (approximately 46 households) simply by word of mouth. I believe there are a lot more Tata Beach homeowners that would support a review of the Dog Bylaw.

REPORT OF THE POTENTIAL REVIEW OF THE DOG CONTROL BYLAW FOR TDC MEETING 12 MARCH 2020 (MURCHISON)

1.2 The existing rules **DO NOT** allow reasonable dog access to Tata Beach. We disagree with Adrian's comments that changes will not benefit birds or the majority of birds. All responsible dog owners understand the need to protect wildlife. We all accept that we should prohibit dogs at sunrise when there may be Spotted Shags on the West end of Tata Beach.

1.3 **The calls for more permissive rules at Tata Beach have NOT come primarily from wrongdoers. We have over 45 Tata Beach homeowners that are asking for more dog access to Tata Beach. We have the support of the Golden Bay Community Board to review the Tata Beach Dog Bylaw. Adrian's statement is simply incorrect and misleading.**

4.1 He states that many of the provisions under the Dog Control Bylaw have changed little since the introduction of the Bylaw in 1997. This is not true in relation to Tata beach. **This is misleading.**

1997 Dogs had open access to Tata Beach for 9 months of the year & 3 hours access over summer (5am-8am)

2004 - This was changed to 2 hours access over summer

2009 – Total prohibition of dogs was DOUBLED to 6 months (Daylight Savings)

2014 – was the only year extra prohibition was not introduced.

Prior to 1997 there were no issues of dogs disturbing wildlife or being a nuisance to the public on the beach.

4.6 The presence of the Spotted Shag colony is only during sunrise (and mainly in winter) and we are happy for dogs to remain off the beach at that time.

We move to accept Option 2 – to start a SCP with targeted amendments to Tata Beach dog access – namely to have dog access all year except from Sunset to 8am to mitigate any harm to Little Blue Penguins and/or Spotted Shags.

I can't make it to tomorrow's TDC meeting in Murchison because of work commitments, however I would be grateful if you could raise the issues mentioned above.

Kind regards

Andrew Davies

Submission on Behalf of Tata Beach Residents in Support of a Review of the Dog Control Bylaw 2014

We request that the current Bylaw which prohibits dogs on Tata Beach at any time during the six months of daylight saving hours needs to be reviewed and amended. The reasons are as follows:

1. The Bylaw is no longer effective following a recent decision

A District Court decision in January of this year means that the current bylaw is no longer effective. This recent decision found that most of the beach at Tata is actually the esplanade according to an historic map. Tata beach comprises only of the wet sand from the high tide mark and below. Dogs are therefore allowed on the main part of the beach.

2. There is no justification for a total ban on dogs at Tata beach for six months of the year

At present dogs are prohibited from being on the beach at all times during the six months of daylight saving hours. There is no time at all for them to be allowed on the beach during these six months and there is no justification for this. Apart from January each year, the beach is practically empty of people. The Forest and Bird Society and DOC in their submissions at the review of the bylaw in 2009 only wanted to protect the spotted shags in winter. This is addressed in the bylaw and supported by residents.

The current bylaw already requires that dog owners have their dogs under effective control in public places as well as being required to carry a leash at all times. This mitigates any perceived problem that a dog might be a nuisance on the beach. Dog owners are already required to remove dog faeces so this addresses any concern in this respect.

The majority of residents in Tata Beach support Tata beach being a dog friendly beach. To date some 116 Tata beach residents from around 50 households support this.

3. The Bylaw does not support the Council's obligations

The Tasman District Dog Control Policy requires the council is to have regard to the welfare, exercise and recreational needs of dogs. Dog owners must be provided with a reasonable level of access to public places providing the safety and comfort of the public is not compromised. There is no provision for a public park or reserve at Tata for ratepayers to exercise and meet the recreational needs of their dogs. The Council is not upholding their obligation to have regard to the exercise and recreational needs of dogs.

No other beach in Golden Bay prohibits dogs for six months of the year. Ligar Bay for example restricts dogs for the three months of the summer but also allows for times when dogs can be exercised on the beach. Other beaches such as Patons Rock have a large domain where dogs can be exercised.

Proposal

There is a very strong feeling amongst the residents of Tata that there is no justification for a total ban on dogs for six months of the year. Other than the month of January, the beach is practically empty for all of this time. There is no chance at all for dogs to be exercised on the beach for six months of the year. There needs to be an element of reasonableness incorporated into this bylaw and as residents, we strongly submit that there are other, more reasonable solutions.

It is our submission therefore that the current bylaw be reviewed. There is no need for dogs to be totally excluded from the beach for 24 hours, six months of the year. It is our proposal that dogs be permitted on the beach at Tata other than between the hours of 5am and 8am during the winter months of April through to October in order to protect the spotted shags.

12.3.19 GOLDEN BAY COMMUNITY BOARD MEETING

Tata Beach Dog Owners & Supporters presented the following submission to the Golden Bay Community Board meeting on Tuesday 12.3.19 in regard to regaining dog access to Tata Beach.

We would like to like to submit the following proposal:

That Tata Beach becomes a dog friendly beach. Dogs to have full access to Tata Beach at all times during the year except for a 2-hour dog ban around sunrise (one hour before & and one hour after sunrise) to mitigate any risk to the spotted shags that gather at sunrise at the west end of Tata Beach.

We ask that the Golden Bay Community Board and the TDC meet their obligations under the TDC Dog Control Bylaw 2014 to;

- 1) take into account the welfare, and the exercise and recreational needs of dogs and their owners and,***
- 2) that Dog Owners are recognised as a user of public places and,***
- 3) that Dog Owners must be provided with a reasonable level of access to public places and,***
- 4) to provide a range of opportunities for dogs to be exercised both on & off leash.***

As responsible dog owners we support the bylaw that requires 1) dogs to be under effective control at all times, and 2) that all owners of dogs that defecate in a public place immediately remove the dog's faeces.

The above Dog Bylaws mitigate any concerns over a) dog faeces b) protection of wildlife and c) dog nuisance on the beach.

Tata Beach dog owners also request that we are treated fairly and without bias in regard to timing periods of dog prohibition. It is observed by dog owners of Tata Beach that similar beaches in Golden Bay, such as Ligar Bay, allow certain times for exercising dogs in Summer months (5.00am-9.00am).

It is also noted that Tata Beach is the only beach in Golden Bay that has the extended prohibited period of 'Daylight Saving hours' which is currently 30 September – 7 April (6 months). That is over half the year that residents cannot exercise their dogs on Tata Beach! All other beaches in Golden Bay, (that have seasonal dog restrictions), have dog 'Prohibited Areas over Summer months' defined as 1 December – 1 March – (only 3 months).

Other beaches in Golden Bay, such as Patons Rock Beach, also have dog exercise areas.

Tata Beach residents and ratepayers feel they have been unfairly targeted by this bylaw that disregards the requirement of the TDC Dog Control Policy 2014 for dog owners to be recognised as users of public places.

The following Tata Beach residents and supporters support this submission;

Further to the submission we have had consultation with the following stakeholders

Forest & Bird

We have consulted with Cynthia McConville, the Golden Bay representative of Forest & Bird, and she stated on 29.3.19 that *"Forest and Bird would support Tata beach residents in any bylaw change that will allow dog owners access to the beach. Protection of the spotted shags there would be a priority for us so continuance of the one hour before and one hour after sunset ban on dogs would still apply."*

Golden Bay Community Board

August 2019 - The Golden Bay Community Board recommends to the Environment & Planning Committee that it introduce amendments to the Dog Control Bylaw early in the term of the next Council:-

Allowing dogs under leash control to come back into Commercial Street, Takaka; and
Allowing dogs back onto Tata Beach all year round except one hour before and after sunrise and sunset.



Tata Beach 11.29am 4/11/2019

- two jet skis in the water
- no shorebirds on the beach
- beach empty – but residents can't exercise their dogs for 6 months of the year

drew Davies

Dog Control Bylaw - Tata Beach
mailto:drew.davies@tasman.govt.nz

Please print this out for Tony. Adrian said "the people who have raised the requests for changes will be represented in the report to Council as it came through the GBCB". This is not the case and our submission from 91 supporters to get dog access to Tata Beach over summer was not represented in the report.

From: Adrian Humphries <Adrian.Humphries@tasman.govt.nz>
Sent: Friday, 11 October 2019 1:38 PM
To: Andrew Davies
Subject: RE: Dog Control Bylaw - Tata Beach

Andrew,

As indicated before everyone is entitled to submit on any new bylaw proposals, the people who have raised the requests for changes will be represented in the report to Council as it came through the GBCB.

Kind Regards

Adrian

From: Andrew Davies
Sent: Wednesday, 9 October 2019 6:03 pm
To: Adrian Humphries <Adrian.Humphries@tasman.govt.nz>
Subject: RE: Dog Control Bylaw - Tata Beach

Adrian

Sorry I have missed your reply to my previous email. I have been asked by some Tata Beach dog owners and ratepayers if our request and the GBCB's recommendation to review the Dog Bylaw for Tata Beach will be included in the Council staff's report on the options for the Council Dog Bylaw review? There are a lot of Tata Beach ratepayers who have family dogs that would like to have access to Tata Beach to exercise their dogs during summer - either day in or out or limited access during the day. The Tata Beach dog owners also want to mitigate any concerns the anti-dog groups have with regard to protection of shorebirds etc.

A six month dog ban during daylight savings is unfair to the Tata Beach residents. I went to Tata Beach last week at 11.30am and the beach was empty - there was no one on the beach except for a couple of jet skiers launching their jet skis and no shorebirds at all on the beach. The summer months of December and January are the only months of the year when beach activity increases. The rest of the year hardly anyone is on the beach - but the locals can't use the beach to exercise their dogs.

