

I hereby give notice that an ordinary meeting of the Rodney Local Board will be held on:

Date: Monday, 12 May 2014
Time: 1.00pm
Meeting Room: Council Chamber
Venue: Orewa Service Centre
50 Centreway Road
Orewa

Rodney Local Board

OPEN ADDENDUM AGENDA

MEMBERSHIP

Chairperson	Brenda Steele
Deputy Chairperson	Steven Garner
Members	James Colville
	Warren Flaunty, QSM
	Thomas Grace
	Beth Houlbrooke
	John McLean
	Phelan Pirrie
	Greg Sayers

(Quorum 5 members)

Raewyn Morrison
Local Board Democracy Advisor

9 May 2014

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Review of dog access in the Rodney Local Board area

File No.: CP2014/09278

Purpose

1. The purpose of this report is to provide information on the option of bringing forward a review of the time and season rules ahead of a planned comprehensive review of all dog access areas scheduled to start later this year.

Executive summary

2. The local board decided at its meeting in September 2013 to “*approve the timing for the review of dog access rules in the Rodney Local Board area between September 2014 and October 2015*” (Resolution number RD/2013/290).
3. The planned 2014-2015 review is intended to cover a range of matters, including the review of dog access on beaches, parks adjoining beaches, and in habitats home to protected wildlife. These matters are typically interrelated and best addressed together.
4. The local board has requested officers to report on the process and costs of the option of bringing forward a review of the local board’s areas time and season rules with a proposal to adopt the region-wide standard summer beach times and season by October 2014, before undertaking a planned wider review of dog access rules.
5. Splitting the review of the beach time and season rule ahead of the planned comprehensive review is not currently budgeted for. This means staff resource has not been allocated. The bylaws team would be able to support the process as peer reviewers and would offer as much help as practicable without compromising the regional bylaw review, but additional resources would be required for project management and initial drafting of reports, advertising media, and support through the hearings process. If external resource is required, this will be a cost to the local board.
6. The cost is estimated between \$52,500 to \$71,000 based on both staff resource and materials. The final cost may be lower depending on how much external resource is required and the type of signage used to implement any changes.
7. There are 12 local beaches in the Rodney Local Board area that currently have a time and season dog access rule as follows. If the region-wide standard summer beach times and season was adopted, this would allow dog owners to take their dog under control off-leash on the 12 local beaches for an extra three hours a day in summer, and for an extra six weeks at any time during the year.
8. The split option (if adopted) would provide dog owners with more under control off-leash dog access one year earlier than planned. The board will consider the costs over the benefits of undertaking review outside of resourced work programme, consulting with the community about the same areas twice in consecutive years, and that decisions are being made on current information about the effect of the possible change on public safety and comfort, and the views of non-dog owners.
9. The process for a split review will require a decision from the local board in June 2014 on proposed changes, with hearings, deliberations on the proposal and a final decision in September 2014.

Recommendations

That the Rodney Local Board:

- a) receive the report on the review of dog access including time and season rules in the Rodney Local Board area.

Comments

Request to investigate change in timing and scope of review

10. The local board has requested staff to report on the option of bringing forward a review of the local board areas dog management time and season rules with a proposal to adopt the region-wide standard summer beach times and season by October 2014, before undertaking a planned wider review of dog access rules over the following year.
11. There are 12 local beaches in the Rodney Local Board area that currently have a time and season dog access rule as follows. If the region-wide standard summer beach times and season was adopted, this would allow dog owners to take their dog under control off-leash on the 12 local beaches for an extra three hours a day in summer, and for an extra six weeks outside of the summer season.
12. The Dog Control Act 2012, and the Local Government Act 2002, requires that the local board (as part of council) follow the special consultative procedure for any change to dog access times and seasons. The discussion below details the steps the local board must follow.

Process

13. The process for a split review ready for the summer 2014 is as follows.

May-June (preparation of the statement of proposal)

Beach time and season rule

- Proposed changes adopted at the 9 June 2014 business meeting.
 - It is noted that due to timing, there is no opportunity to undertake new research and consultation. The local board will need to decide that the current information satisfies its statutory decision-making requirements to make an informed decision.
 - A copy of decision-making requirements is contained in Attachment B. The most important statutory requirement is to ensure decisions on dog access provide for public safety and comfort and the needs of dogs and their owners.
 - The information available to the local board is from submissions to the 2012 review of dog access rules.
 - In that review, 721 Rodney submissions expressed a view of beach dog access rules, 666 (or 92 percent) were dog owners and only 55 were non-dog owners (or 8 percent). Meaning the views of non-dog owners is underrepresented. By household, it is estimated that 34 per cent of the Rodney Local Board area's households have a dog.
 - Non-dog owners were concerned about the risk of dog attack, intimidation, nuisance from off-leash dogs (including risk of dog attacks on children and dogs running up to children).
 - Dog owners said that beaches were not always in high use and sought a summer end date of 1 March. Few submissions to the then proposal sought alternative summer start dates (Labour Weekend) or alternative summer start and end times (10am and 6.30pm).

July (One month special consultative procedure)

- Proposed changes notified in July 2014

August (Analysing community responses and preparing reports to support the hearing panel)

September (local board hearings and governing body adopting any changes)

- Local board panel hearing, deliberations and recommendations in September 2014
- Local board decision made in September 2014 (may require special meeting)
- Governing Body will update bylaw in September 2014

October (implementation)

- Changes will commence in October 2014.

Cost for split review

14. The review of the beach time and season rule by October 2014 is not budgeted. This means staff resource has not been allocated across Policies and Bylaws, Integrated Bylaw Review and Implementation, Customer Services, Communications and Public Affairs, Licensing and Compliance, Local and Sports Parks, Democracy Services, Local Board Services.
15. It is not known at this time whether staff are available (if required by the local board to undertake specialist work) to meet the timeframes above or whether external resource would be required. If external resource is required, this will be a cost to the local board. The following cost estimates are based on both staff resource and materials.
- 16.

Table 3: Cost estimate of beach time and season change

Item	Cost estimate
Materials (public notification in Herald and local newspapers of proposal and decision)	\$10,000 Assumptions <ul style="list-style-type: none"> • Public notice in New Zealand Herald and advertorial in four local newspapers
Material (public notification to Rodney dog owners)	\$3,000 Assumptions <ul style="list-style-type: none"> • 7,500 dog owners
Materials (signage)	\$4,500 to \$23,500 Assumptions <ul style="list-style-type: none"> • \$3,500 to audit signs (number and location) • \$10,000-\$20,000 to replace sign OR \$1000 to use stickers over existing signs. Assumes twelve beaches with four signs per beach (48 signs).
Staff costs	\$35,000 Assumptions <ul style="list-style-type: none"> • Cost estimate based on staff costs to gather relevant information, prepare reports, statement of proposal and other media information and administrative support, including the running of the special consultative procedure and hearing processes. • These costs may be absorbed by the various departments if they have capacity.
Total estimated cost	\$52,500 to \$71,000

Analysis of options

17. The reasons against proposing to adopt the region-wide standard summer beach times and season by October 2014 and undertaking a wider review of dog access rules by October 2015 are summarised in Table 3.

Table 3: Reasons for and against split review

Option	Pros	Cons
Option 1: Split review	<ul style="list-style-type: none"> If adopted, would provide dog owners with more under control off-leash dog access (three more hours in the summer season) one year earlier than planned. 	<ul style="list-style-type: none"> Cost to the local board of undertaking review outside of resourced work programme. The local board would consult dog owners and general public twice about the same beach to identify any under control off-leash at all-time areas, dog access rules on adjoining parks, and beaches with habitat for protected wildlife. Decision in June 2014 would assume continued public safety and comfort – this is unknown as no assessment undertaken. The Governing Body acknowledged in its decision that regional consistency and local needs need to be carefully balanced depending on the unique circumstances for each area. Decision in June 2014 would assume community views known – the views of non-dog owners are underrepresented.
Option 2: Single review	<ul style="list-style-type: none"> Less cost to local board as review budgeted for by Governing Body (excludes signage and additional research, consultation, and public notification initiatives) The local board would consult dog owners and general public once about the same beach to identify any under control off-leash at all-time areas, time and season beaches, dog access rules on adjoining parks, and beaches with habitat for protected wildlife. Decision in April 2015 would include a public safety and comfort assessment. Decision in April 2015 would be based on an up to date understanding of the views of non-dog owners which are currently underrepresented. 	<ul style="list-style-type: none"> Does not satisfy the desires of a large number of dog owners in the local board's area.

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Currently planned timing and scope of the dog access review

18. The local board decided at its meeting in September 2013 to “*approve the timing for the review of dog access rules in the Rodney Local Board area between September 2014 and October 2015*” (Resolution number RD/2013/290).
19. The 2015/16 review is intended to cover the following matters:
 - dog access on local beach (includes foreshore areas and adjoining parks). It is noted here that the delegated duty of the local board is to identify under control off-leash at all-time beaches, and to identify where it is appropriate to use the region-wide standard summer beach times and season.
 - dog access in Snells Beach
 - dog access in habitats home to protected wildlife
 - under control off-leash dog access in Helensville
 - under control off-leash areas that meet new criteria for dog exercise area status
 - bush walks on which dogs are required to be under control on-leash
 - gulf islands where dogs may be a threat to any native fauna
 - dog access in picnic areas
20. It is noted here that dog access on beaches, parks adjoining beaches and in habitats home to protected wildlife are typically interrelated and best addressed together.

Timing of the planned review with any changes in place for summer 2015

- Research and consultation will occur during the summer 2014/15. This would (if not for the split review) include an on-line survey of beach use and dog access in March 2015 to assist the local board in obtaining more representative views from non-dog owners with which to make an informed decision.
- Proposed changes adopted in April 2015
- Proposed changes notified in June 2015 with dog registration forms
- Local board panel hearing, deliberations and recommendations in August 2015
- Local board decision made in August 2015
- Governing Body will update bylaw in September 2015
- Changes will commence in October 2015.

Delegated authority of the board

21. The local board has the delegated authority to make changes to local dog access rules in the Rodney Local Board area. This does not include regional parks and associated beaches – Pakiri, Te Arai, Wenderholm, Muriwai, Mahurangi, Te Rau Puriri and Tawharanui Regional Parks.

Consideration

Local board views and implications

22. The views of other local boards have not been sought in relation to this report.

Maori impact statement

23. The views of Maori have not been sought in relation to this report.

Implementation

24. The implementation issues are discussed in the discussion of this report.

Item 13

Attachments

No.	Title	Page
A	Current beach dog access rule and region-wide standard time and season	11
B	Relevant legislation	13

Signatories

Authors	Andrew Simon Pickering - Manager, Planning, Policies and Bylaws Paul Wilson - Principal Policy Analyst
Authorisers	Lesley Jenkins - Relationship Manager

Attachment A

Current beach dog access rule and region-wide standard time and season

1. There are currently 12 local beaches in the Rodney local board area that currently have a time and season dog access rule as follows. At the time of writing it is not known how many other local beaches there are in the Rodney Local Board area.

<ul style="list-style-type: none"> (a) Algies Bay headland to headland. (b) Baddeleys and Campbells Beach headland to headland. (c) Buckletons Beach headland to headland. (d) Jamiesons Bay headland to headland. (e) Martins Bay headland to headland. (f) Matheson Bay headland to headland. (g) Omaha all eastern coastline adjoining residential settlement and western coastline from boat ramp to Omaha Point (DOC prohibited area). 	<ul style="list-style-type: none"> (h) Point Wells from boat ramp on western side to a point 600 m south of wharf on eastern side (i) Sandspit from boat ramp on western side to a point 600 m south of wharf on eastern side. (j) Scotts Beach To boat ramp, and including Casnell Island and surrounding beaches. (k) Shelly Beach headland to headland. (l) Snells Beach headland to headland.
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2. The current beach time and season rule and an amended rule that adopts the region-wide standard summer beach times and season is shown in Table 1 and 2 below. The effect of the change (if adopted) in summer 2015/16 is as follows:
 - Dogs allowed under control off-leash (instead or prohibited) for an extra one hour in the morning.
 - Dogs allowed under control off-leash (instead or prohibited) for an extra two hours in the evening.
 - In summer 2015/16, dogs allowed under control off-leash at any time (instead of prohibited between 9am and 7pm) for an extra 21 days at the start of summer – three weeks.
 - In summer 2015/16, dogs allowed under control off-leash at any time instead of prohibited between 9am and 7pm for around an extra 19 days at the end of summer - about three weeks.

Table 1: Current beach time and season rule in Rodney local board area

Summer (1 st Sunday in October (4 Oct 2015) to 3 rd Sunday in March (20 Mar 2016))		
Before 9am	9am to 7pm	After 7pm
Off-leash	Prohibited	Off-leash
Outside summer season, under control off-leash at any time		

Table 2: Beach time and season rule amended to adopt region-wide summer beach time and season (changes shown in bold font)

Summer (Labour Weekend (24 Oct 2015) to 1 March)		
Before 10am	10am to 5pm	After 5pm
On-leash	Prohibited	On-leash
Outside summer season, under control off-leash at any time		

Attachment B- Relevant legislation

Dog Control Act 1996 (s10(1), (2))

- Must use the special consultative procedure in the Local Government Act 2002.
- Must under the Local Government Act 2002, give notice to every dog owner.

Dog Control Act 1996 (s10(4))

- 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 uncontrolled 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.
 - (d) The exercise and recreational needs of dogs and their owners.

Local Government Act 2002 (Subpart 1 of Part 6)

- Define the problem and outcome sought.
- Consider options and peoples (including Maori) views having regard to the significance of the matter.
- Explain any inconsistency with existing policies or plans.
- Prepare and invite people to have their say on a Statement of Proposal.
- Hear and consider submissions to the Statement of Proposal before making a final decision.
- Receive views with open mind and give them due consideration.

Policy on Dogs 2012 (Policy Statement 4 and Policy Method 3, and 3A to 3E)

- Aim to “provide dog owners with reasonable access to public places and private ways in a way that is safe to everyone (s10(4) DCA1996) in accordance with the following principles –
 - *Recognises dog owners as legitimate users of public places (s10(4)(d) DCA1996);*
 - *Integrates (not separates) dog owners and their dogs with other users of public places (s10(4)(d) DCA1996);*
 - *Provides opportunities for dog owners to take their dog to public places that are accessible, desirable, and provide diversity in experience (sights, sounds, smells, textures, other dogs and humans) for both the dog and owner (s10(4)(d) DCA1996);*
 - *Considers access on a comprehensive region-wide basis rather than a place-by-place basis (s10(4)(d) DCA1996);*
 - *Manages the safe interaction between dogs and people using public places and private ways, in particular with children and vulnerable adults (s10(4)(a) to (c) DCA1996); and*

- *Manages the conflict between dogs and protected wildlife, stock and poultry, domestic animals, and property and natural habitat. (s10(4)(a) DCA1996)*”
- Satisfy the relevant criteria in the Policy on Dogs under –
 - Policy Method 3A(f) (standard beach summer times and season);
 - Policy Method 3B (changes to dog access rules in general)
 - Policy Method 3C (changes to provide more dog access)
 - Policy Method 3D (changes to provide less dog access); and
 - Policy Method 3E (criteria for dog exercise areas) (s10(4)(a) to (d) DCA1996).