

13 JUNE 2019

Meeting Status: **Public**

Purpose of Report: For Decision

AMENDMENT TO THE DOG CONTROL BYLAW 2019

PURPOSE OF REPORT

- 1 This report seeks Council's approval for an amendment to remove the Waikanae Estuary Scientific Reserve (WSR) from Schedule Two of the Dog Control Bylaw 2019.

DELEGATION

- 2 Under Section A2 of the Governance Structure and Delegations for the 2016-2019 Triennium, Council is responsible for the adoption of bylaws.

BACKGROUND

- 3 The Strategy and Policy Committee approved the release of the *Statement of Proposal to Adopt the Draft Kapiti Coast District Council 2018 Dog Control Bylaw and the Draft Kapiti Coast District Council 2018 Dog Control Policy* for public consultation on 14 June 2018.
- 4 With Council's approval for the *Statement of Proposal*, a special consultative procedure was undertaken, with the public submission period from 7 August 2018 to 14 September 2018. One hundred and one (101) submissions were received. Hearings were held on 25 October 2018, with 16 submitters speaking to their submissions.
- 5 During the Special Consultative Process, issues were raised about the WSR because it is under the jurisdiction of the Department of Conservation (DOC).
- 6 In response to these concerns, the following changes were proposed to clarify that the WSR is not included in our dog control areas because it is under the jurisdiction of DOC:
 - 6.1 additional clause added to Section 1 of the Bylaw;
 - 6.2 amendments to the Bylaw maps to show the WSR is under DOC's jurisdiction
 - 6.3 remove WSR from Schedule Two of the Bylaw, which lists dog on-leash areas in the District.
- 7 On 14 March 2019, Council adopted the Dog Control Bylaw 2019 with the proposed amendments.

ISSUES AND OPTIONS

- 8 While the additional clauses were added to Section 1 of the Bylaw and the maps were amended, the WSR was not removed from Schedule Two of the Bylaw. As such, the Bylaw

is currently inconsistent because it states that the WSR is not under the jurisdiction of Council, but also states that the WSR is a dog on-leash area in Schedule Two.

- 9 To address this error, Council recommends that the WSR be removed from Schedule Two of the Bylaw (Appendix 1).

CONSIDERATIONS

Policy considerations

- 10 There are no policy considerations in relation to this amendment.

Legal considerations

- 11 According to Section 156(2) of the Local Government Act,

A local authority may, by resolution publicly notified,

(a) make minor changes to, or correct errors in, a bylaw, but only if the changes or corrections do not affect

(i) an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or

(ii) an existing status or capacity of any person to whom the bylaw applies

- 12 Legal Counsel has considered this proposed amendment, and deemed that this error can be corrected by a publicly notified Council resolution.

Financial considerations

- 13 There are no financial considerations in relation to this amendment.

Tāngata whenua considerations

- 14 There are no tāngata whenua considerations in relation to this amendment.

Strategic considerations

- 15 There are no strategic considerations in relation to this amendment.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 16 This amendment has a low level of significance, and no further consultation or engagement is required.

Publicity

- 17 In accordance with Section 156(2) of the Local Government Act, this Council resolution will be publicly notified.

RECOMMENDATIONS

- 18 That Council approve the amendment to remove the Waikanae Estuary Scientific Reserve from Schedule Two of the Dog Control Bylaw 2019.

Report prepared by	Approved for submission	Approved for submission
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Environmental Standards Manager, Regulatory Services	Group Manager, Corporate Services	Group Manager, Regulatory Services

ATTACHMENTS

- 1 Proposed amendment to Schedule Two of the Kapiti Coast District Council Dog Control Bylaw 2019

Appendix 1: Proposed amendment to Schedule Two of the Kapiti Coast District Council Dog Control Bylaw 2019

SCHEDULE TWO – DOG ON-LEASH AREAS

1. Inland dog on-leash areas

Dogs must be under continuous leash control at all times in dog on-leash areas.

- a) All commercial retail zones as described in the Kapiti Coast District Plan
- b) All recreational reserves within the District, except those specified in Schedules 1 or 3
- c) All public footpaths, streets and roads within the District (urban and rural). (Note: this includes the shared cycleways, walkways, and bridleways alongside the Kapiti Expressway.)
- d) All sensitive sites (see below)
- e) All cemeteries under Council control
- f) Native bush reserves, including but not limited to Wi Parata Reserve and Russell Reserve
- g) Walking tracks or signed marked areas in coastal dunes
- h) The western corner of Mazengarb Park from the central car park up to the boundary defined by the stream, extending through the reserve west along the drain up to the Mazengarb roundabout and the intersection on Guildford Drive
- i) Wharemauku Stream/Paraparaumu Airport walkway from Rimu Road through to Teoti Street, Paraparaumu Beach or Weka Park, Raumati Beach
- j) The stop bank track on the north side of the Ōtaki River from old State Highway 1 east to Crystals Bend
- k) The outside perimeter of all sports grounds at all times. (Note: this does not include the areas in between individual playing fields/courts.)
- l) The cross country area and pony club paddocks adjacent to Waikanae Park
- m) The Waikanae Riverbank Walkway on the north side of the Waikanae River from the western edge of Jim Cooke Park to Waikanae Estuary Scientific Reserve
- n) Kaitawa Reserve, Paraparaumu
- o) Edgewater Park, Waikanae

2. Sensitive sites

These sensitive sites remain dog on-leash areas at all times.

- a) Ames Street Reserve, Paekākāriki (including beach from Beach Road entrance to southern boundary)

~~b) Waikanae Estuary Scientific Reserve~~

e)b) _____ Waimanu Lagoons, Waikanae

d)c) _____ Waimeha Lagoon, Waikanae

e)d) _____ Waimeha Stream Estuary

f)e) Pharazyn Reserve

g)f) Barry Hadfield Nikau Scenic Reserve

h)g) _____ Te Kowhai Stream Estuary

i)h) Mangaone Stream Estuary

j)i) Ōtaki Estuary and River mouth¹

k)j) Waitohu Stream Estuary

3. Access corridors

Dog access corridors allow access through or around otherwise no dog areas. Where possible, dog owners have on-leash 'rite of passage' with their dogs through otherwise no-dog areas. These corridors remain dog on-leash areas at all times.

Some examples include, but are not limited to;

- a) The road going through Otaihanga Domain in order to access the Otaihanga footbridge and the walkway
- b) The footpath through MacLean Park
- c) Walking through Campbell Park, either from Wellington Road to the Parade or vice versa

4. Beach dog on-leash areas

See Schedule Four, sections 1.2 and 2.1 for beach dog on-leash areas in the summer and winter.

¹ Unless Greater Wellington Regional Council has issued a permit for a specific activity.