



te kaunihera ā-rohe o
matamata-piako
district council



Statement of Proposal

Dog Control Bylaw 2010 (Amended 2016)

Consultation 7 September – 10 October 2021

Version: For consultation 7 September to 10 October 2021



Executive Summary

The Matamata-Piako District Council (Council) has reviewed the Dog Control Bylaw 2010 (Bylaw), which is part of the Consolidated Bylaw and proposes to make the following amendments to Schedule 3 – Dog Exercise Areas of the Dog Control Bylaw.

Addition of:

- Peria Road Reserve, Matamata (portion excluding memorial plantings and pathway)
- Reserve on Spur Street, Te Aroha (portion opposite netball club and bmx track)

Expansion of:

- Spur Street Esplanade, Te Aroha (portion near the Waihou River under the footbridge)

Removal of:

- The area adjacent to the Waihou River and known as the Te Aroha Boat Ramp.

Included in this document are:

- the reasons for the proposal
- changes proposed
- a report on the relevant determinations by the Council under section 155 of the Local Government Act (LGA)
- where you can find more information and copies of all proposals
- how you can submit on the proposals

A draft of the proposed Bylaw can be found at Council offices, libraries and website www.mpd.govt.nz

This document constitutes the Statement of Proposal for the purposes of Section 83(1)(a) of the LGA.

We are undertaking consultation to assess public support for the proposal to amend the Bylaw. The decision to amend the Bylaw or leave it the same will be made following receipt of community feedback.

Reasons for the proposal

The purpose of the Bylaw is to balance the needs of dogs and their owners against the need to ensure that the danger, distress and Nuisance of dogs and dog behaviour to the community is minimised.

Council have proposed this amendment be made to allow for a change in dog exercise areas in Matamata and Te Aroha where dogs are allowed to be off leash. The amendments are proposed because it is important for the dog owning community that the Council provides adequate places where dogs can be exercised, this is especially necessary as not every dog owner will have a sufficient backyard for their dog to be exercised in.

Changes proposed

The key changes are outlined below:

Bylaw Clause	Recommend Amendments	Rationale for Amendment
Schedule 3	<p>Under the title 'Matamata'</p> <p>Add: <u>Peria Road Reserve, Matamata (portion excluding memorial plantings and pathway)</u></p> <p>Under the title 'Te Aroha' Council would:</p> <p>Add: <u>Reserve on Spur Street, Te Aroha (portion opposite netball club and bmx track)</u></p> <p><u>Expand: Spur Street Esplanade, Te Aroha (portion near the Waihou River under the footbridge)</u></p> <p>Remove: The area adjacent to the Waihou River and known as the Te Aroha Boat Ramp.</p>	<p>Council have had a number of requests from the community for additional/expanded dog exercise areas in both Matamata and Te Aroha where dogs are able to exercise off leash whilst still under control of the owner.</p> <p>The Boat Ramp area is often flooded and has conflicting use with the Hauraki Rail Trail running through the area.</p>

Proposed maps - Matamata



Proposed maps – Te Aroha





Options considered by Council

The proposed amendment gives Council options to consider on what course of action they want to take in accordance with section 156 of the LGA. Council needs to have regard to the decision-making requirements of section 77 of the LGA and identify if there are reasonably practicable options.

For each option Council is required to consult with the community, either using the special consultative procedure or in accordance with section 82 of the LGA. The table below outlines Council's options and briefly highlights the advantages and disadvantages for each option:

Dog Bylaw – Schedule 3 Amendments:

Council has identified the following options for the proposed Schedule 3 amendments:

- A. Amend the Bylaw to:
 - Add: Peria Road Reserve, Matamata (portion excluding memorial plantings and pathway) and Reserve on Spur Street, Te Aroha (portion opposite netball club and bmx track)
 - Expand: Spur Street Esplanade, Te Aroha (portion near the Waihou River under the footbridge)
 - Remove: The area adjacent to the Waihou River and known as the Te Aroha Boat Ramp.
 - Council is proposing this option.
- B. Amend the Bylaw as per option A but keep The Boat Ramp area as a dog exercise area as well.
- C. Amend the Bylaw to include Peria Road Reserve, Matamata but leave the Te Aroha areas as current.
- D. Amend the Bylaw to include the proposed Te Aroha areas (including removing the Boat Ramp area) but leave the Matamata areas as current.
- E. Keep the Bylaw the same as current.

Option	Advantages	Disadvantages
<p>Option A - Add: <u>Peria Road Reserve, Matamata (portion excluding memorial plantings and pathway) and Reserve on Spur Street, Te Aroha (portion opposite netball club and bmx track)</u> Expand: Spur Street Esplanade, Te Aroha (<u>portion near the Waihou River under the footbridge</u>) Remove: The area adjacent to the Waihou River and known as the Te Aroha Boat Ramp. Council is proposing this option.</p>	<ul style="list-style-type: none"> • Adds dog exercise areas for dog owners to use. • Removes the Boat Ramp area which is susceptible to flooding and has conflicting uses with the Hauraki Rail Trail. 	<ul style="list-style-type: none"> • New provisions of the Bylaw may cause disagreement from the neighbours to the proposed areas. • Removal of the Boat Ramp area as a dog exercise area for those that use it.
<p>Option B – Amend the Bylaw as per option A but keep The Boat Ramp area</p>	<ul style="list-style-type: none"> • Adds dog exercise areas for dog owners to use. • Does not remove the Boat 	<ul style="list-style-type: none"> • New provisions of the Bylaw may cause disagreement from the

Option	Advantages	Disadvantages
as a dog exercise area as well.	Ramp area as a dog exercise area for those that use it	neighbours to the proposed areas. <ul style="list-style-type: none"> The Boat Ramp area is susceptible to flooding and has conflicting uses with the Hauraki Rail Trail.
Option C – Amend the Bylaw to include Peria Road Reserve, Matamata but leave the Te Aroha areas as current.	<ul style="list-style-type: none"> Adds a dog exercise area in Matamata for dog owners to use. Does not remove the Boat Ramp area as a dog exercise area for those that use it 	<ul style="list-style-type: none"> Does not allow additional larger dog exercise areas in Te Aroha Could increase dogs being run off-leash in non exercise areas.
Option D - Amend the Bylaw to include the proposed Te Aroha areas (including removing the Boat Ramp area) but leave the Matamata areas as current.	<ul style="list-style-type: none"> Adds larger dog exercise areas in Te Aroha Removes the Boat Ramp area which is susceptible to flooding and has conflicting uses. 	<ul style="list-style-type: none"> Does not allow an additional dog exercise area in Matamata Could increase dogs being run off-leash in non exercise areas.
Option E - Keep the Bylaw the same as current.	<ul style="list-style-type: none"> No change to current situation, no changes for the community to adjust to. 	<ul style="list-style-type: none"> Does not provide the additional areas for dog exercise that the community has asked for. The Boat Ramp area is susceptible to flooding and has conflicting uses with the Hauraki Rail Trail.

Council is proposing Option A. The amended bylaw is attached.

Legal Requirements:

Council is required under the LGA to resolve that bylaws are the most appropriate way of addressing particular issues. The process for review required by section 155 of the LGA consists of the following two stages:

1. Section 155(1) requires us to determine whether a bylaw is the most appropriate way of addressing the perceived problem.
2. Sections 155(2) and (3) require us to consider whether the format of the bylaw is appropriate; and whether any aspect is in conflict with the New Zealand Bill of Rights Act 1990.

Council has resolved that the draft Bylaw is the most appropriate way of addressing the perceived problem for the proposed amendments; and that it does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990. It is not a legal requirement to have a bylaw. However there are a number of potential risks to the community which are most appropriately addressed through a bylaw for the control of dogs.

Section 146 of the Act allows the Council to make a bylaw to manage and regulate dogs for the purpose of protecting the community from the danger, nuisance and fouling of any dog.

The draft bylaw is the most appropriate form of bylaw because it meets the following tests:

- It is authorised by statutory authority under the Local Government Act 2002
- It is not repugnant to the general laws of New Zealand
- The bylaw is certain and provides clear direction
- The bylaw is reasonable
- The bylaw is not overly restrictive, onerous on any person, or impractical.

For further information on the section 155 determinations see the Matamata-Piako District Council agenda report 25 August 2021 which is available online at www.mpd.govt.nz or at Council offices and libraries. Alternatively this can be supplied on request.

Proposed Bylaw – from draft to adoption

The views of the community are vital to our success. Therefore, we invite the community to give us feedback on the draft Bylaw to assist us in the decision making process.

The submission process

Date	Key steps in reviewing the Bylaw
25 August 2021	Council adopt proposals for consultation
7 September – 10 October 2021	Community consultation (submissions invited)
3 November 2021	Council Hearing and Decision (24 November as back up decision date if required)
1 December 2021	Changes to Bylaw effective (noting signage will be in place but other associated capital and maintenance work may be completed after this date)

Where can I find more information?

You can download the draft Dog Control Bylaw at www.mpd.govt.nz and you can view a copy of these documents at our offices or libraries.

How can I have my say?

We actively encourage the community to contribute and it is easy to have your say. Simply make a submission and return it to us by 10 October 2021.

You can make a submission:

Online - through our website at www.mpd.govt.nz

Email - submissions@mpdc.govt.nz

Written- simply write your submission as a letter and either drop it off at one of our offices or post it to:
Submissions
PO Box 266
Te Aroha 3342

Note: Please be aware that submissions made to Council are public information. Your submission will be used and reproduced for purposes such as reports to Councillors, which are made available to the public and media.

If you advise in your submission that you wish to speak at your submission at the hearing on 3 November 2021, Council staff will contact you (please ensure to provide a day time contact) to arrange a time for you to speak at the meeting on 3 November 2021. If you advise on your submission assistance is required Council is able to offer assistance with special requirements such as New Zealand sign language and audio visual mechanisms.

Office and library locations

- Te Aroha Council Office: Kenrick Street Te Aroha
- Te Aroha Library: Rewi Street, Te Aroha

- Morrinsville Area Office or Library: Canada Street, Morrinsville
- Matamata Area Office or Library: Tainui Street, Matamata

Any questions?

We are here to help - so if you have any questions about the submission process please let us know. Just call us on 07 884 0060 and let our friendly Customer Services staff know you have a question about the Dog Control Bylaw amendment.

You must have your submission back to Council by 10 October 2021.