

**QLDC Council**  
**27 November 2014**

**Report for Agenda Item: 2**

**Department:**

**Legal and Regulatory**

**2: Dog Control Bylaw 2014 and Dog Control Policy**

**Purpose**

- 1 To approve a new Dog Control Bylaw and Dog Control Policy

**Recommendation**

- 2 *That Council:*
  - a. **Approve** the proposed Queenstown Lakes District Council Dog Control Bylaw 2014.
  - b. **Approve** the proposed Queenstown Lakes District Dog Control Policy.

Prepared by:



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12/11/14

Reviewed and Authorised by:



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12/11/14

**Background**

- 3 The Chief Executive's performance plan requires a review of Council's bylaws. The Dog Control Bylaw was due for review. That bylaw had been adopted by Council on 30 June 2006, under the Local Government Act 2002 ("LGA2002").
- 4 Council undertook an online pre-consultation survey regarding dog control matters in early 2014. Feedback from the community demonstrated that a bylaw was appropriate.
- 5 On 22 May 2014, Council resolved to undertake public consultation regarding the proposed Dog Control Policy and Dog Control Bylaw, and appointed Councillors Perkins, MacLeod and Aoake to hear submissions received and

recommend to Council the form of Dog Control Bylaw and Dog Control Policy to be adopted. Consultation closed on 30 June 2014.

- 6 A hearing of submissions was held on 29 July 2014 and deliberations followed.
- 7 The hearings panel has considered the submissions and the attached proposed Bylaw and Policy are recommended to be adopted by Council.

## **Comment**

### **Submissions, Deliberations and Recommendations**

- 8 A total of 98 submissions were received regarding the proposed Queenstown Lakes District Council Dog Control Bylaw and Dog Control Policy.
- 9 Eight submitters spoke at the hearing. The principal matter raised was related to the areas where dogs are permitted on and off leashes across the district. Submitters stated that the Bylaw did not enable dog owners to walk their dogs off leashes in some areas and that it was too restrictive.
- 10 The clear themes identified from the submissions have been taken into account by the hearing panel in proposing the attached Bylaw and Policy.

### ***On & Off Leash Areas***

- 11 The most significant theme was regarding where dogs were proposed to be allowed on and off leads. The proposal was that dogs would be on a lead in all cemeteries, playgrounds and other public places except:
  - a) Areas designated (by Council resolution) as dog exercise areas;
  - b) The Rural General Zone (as described in the Queenstown Lakes District Plan), unless that area is a playground or cemetery;
- 12 The panel discussed the ability to permit dogs off leads on Council controlled tracks and reserves, and compared the opportunities available across the district on maps identifying the different areas i.e. Rural General, tracks and reserves.
- 13 In the last financial year 46 dog attacks (dog vs person, stock or domestic animal) were reported to Council, of which six were on Council controlled tracks or reserves. The attacking dogs were not on leads.
- 14 The panel reviewed each of the maps and concluded that dogs should be allowed off leads on Council controlled tracks and reserves across the district, except in the following locations, where it is proposed that all dogs should be on leads:
  - a) Queenstown Gardens
  - b) Queenstown Beach
  - c) Queenstown Hill walkway

- 15 The panel considered it was appropriate to allow dogs off leads in these areas so dog owners have readily available areas to walk and exercise their dogs off leads particularly in urban areas. This was considered in light of where most dog attacks had occurred over the last year, i.e. residential areas, and was considered an appropriate proposal.
- 16 Queenstown Gardens, Queenstown Beach and Queenstown Hill walkway are exceptions to this proposal to help reduce the likelihood of nuisances from dogs to the public and adjacent land owners. Queenstown Gardens was considered a very high use area and it was not considered appropriate for dogs to be off leads in this area. This is a unique location where many people go to walk and it has some narrow tracks. Queenstown Hill has a history of dogs 'worrying' stock because the dogs are not on leads. Farming takes place either side of the track higher up the mountain. Queenstown Beach was also identified as an area that has significant use at certain times of the year, and as this beach is relatively small, it was deemed appropriate to ensure dogs are on leads at all times.

### **Prohibited Area – Buckingham Street Arrowtown**

- 17 A submission to prohibit dogs from Buckingham Street, Arrowtown was supported by the panel as a result of this street being a high tourism area with very narrow streets. The panel determined that even dogs on leashes can frighten and cause nuisance and were not appropriate in this area.

### **Fouling**

- 18 Submitters supported the proposal in the Bylaw to require dog owners to pick up after their dogs. The panel also suggested that dog owners should be required to carry a bag or similar container to aid in picking up after their dogs as it is not possible to pick up after dogs without an appropriate container.

### **Working dog exemption in restricted areas**

- 19 A couple of submissions were received regarding the need to allow working dogs to be off leads in restricted areas, while undertaking their duties, e.g. Search and Rescue dogs.
- 20 The panel supported these submissions and this has been included in the Bylaw.

### **Dispensation for special events and activities**

- 21 Two submissions were received to request the ability to apply for a dispensation to allow dogs in certain areas or off leashes for special events, and this was supported by the panel.

### **Licence required for more than two dogs**

- 22 The requirement for a licence to be obtained from Council for properties where more than two dogs are kept, with the exception of working dogs in the Rural General Zone, was supported by submissions received.
- 23 There are currently 65 properties across the district where a licence for more than two dogs would be required, if the proposed Bylaw is implemented. This does not include properties in the Rural General zone where more than two working dogs are kept as it is deemed appropriate and necessary for farming practices and the risk of nuisance to neighbouring properties is negligible given the large size of the subject properties.
- 24 The panel considered it was appropriate to maintain this provision to ensure these properties were properly assessed by Animal Control Officers, with the aim of reducing nuisance effects caused by having multiple dogs in inappropriate circumstances.

### **Working Dogs**

- 25 Submissions were received to amend the definition of working dogs to include pest control dogs and retired working dogs.
- 26 The panel supported the submission to increase the scope of working dogs to include pest control dogs which are kept solely or principally for this purpose and to extend the definition to include retired working dogs, to assist farmers in maintaining their dogs after they finish their years of working service.

### **Delegations**

- 27 The Chief Executive has the delegation to perform all functions under the Dog Control Bylaw.
- 28 The Bylaw provides the ability for temporary exemptions to be granted for special events and activities. The Bylaw also gives Council the discretion to grant a licence to keep more than two dogs.

### **Financial Implications**

- 29 There will be minimal cost implications to educate and inform the community regarding the proposed Bylaw and Policy and enforce their provisions, each of which will be met through existing budgets and staff resources.

### **Local Government Act 2002 Purpose Provisions**

- 30 Section 10 of the LGA2002 identifies a key purpose of local government is to undertake good-quality regulatory functions in the most cost-effective way.

31 Having a Dog Control Bylaw regarding the specific issues identified in our community that are not addressed by any other means, enables Council to perform its duties in accordance with s.11 of the LGA2002.

### **Council Policies**

32 The following Council Policies were considered:

- Policy on Significance: the matters being reported on are not significant as they do not meet the thresholds specified within the policy.
- Dog Policy: this policy must be consistent with the Dog Control Bylaw and outlines dog controls, which supplement those set by the Dog Control Act 1996. A new policy is to be considered as part of this report.
- Annual Plan / 10-Year Plan: the proposed bylaw meets the financial criteria established.

### **Consultation**

33 Pre-consultation took place with the community with an online survey regarding dog control undertaken in February 2014. The invitation to take part in the survey was emailed to dog owners and a press release issued to invite comments from the wider community.

34 A total of 985 surveys were completed, which provided information to assist in the development of the proposed Bylaw and Policy.

35 On 22 May 2014 the Council resolved to consult with the public on the proposed Dog Control Policy and Dog Control Bylaw. Consultation closed on the 30 June 2014 with 98 submissions received.

36 Council appointed a hearings panel to hear public submissions and recommend to Council the form of Dog Control Bylaw and Dog Control Policy to be adopted.

37 A hearing of submissions was held on 29 July 2014 and deliberations followed.

### **Attachments**

- A Queenstown Lakes District Council Dog Control Bylaw (with track changes)
- B Queenstown Lakes District Council Dog Control Bylaw (clean)
- C Queenstown Lakes District Council Dog Control Policy (with track changes)
- D Queenstown Lakes District Council Dog Control Policy (clean)