

2. DOG CONTROL WORKING PARTY

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The purpose of this report is to briefly inform the Council of the matters considered by the Dog Control Working Party to date, and to seek an expansion of the Dog Control Policy matters to be considered by the working party.

CONTEXT

At its meeting on 21 November 2002 the Council resolved that a review of the list of restrained and prohibited areas for dogs be undertaken by a working party comprising representatives of the Animal Control Unit, Parks and Waterways Unit, City Streets Unit, Director of Policy's office and Councillors Sue Wells, Ishwar Ganda and Chrissie Williams.

The working party has met twice since that date and determined a range of issues that it considered needed to be addressed.

It was agreed that the policy defined four types of areas in relation to dogs, prohibited; restrained (in which the dogs were required to be leashed); under control (voice control only); and special dog exercise areas. It was considered that there may be confusion amongst both dog owners and the general public as to the areas to which each category applied and this was not made adequately clear by the signage (or lack of it) in many cases. Together with this latter matter was a perceived lack of promotion of the dog control policy and bylaw requirements.

The Parks and Waterways Unit had also put forward a list of ecologically sensitive sites that they considered should be made prohibited areas to protect wildlife but were currently not included in such a category.

ISSUES UNDER CONSIDERATION

At the first meeting the matter was raised as to the need to undertake a review of the Dog Control Policy to change the list of prohibited and restrained areas contained in the bylaw (through special consultative process).

The advice of the Legal Services Manager on this is as follows:

In my view, the scheme of section 10 of the Dog Control Act is that the Council can only make bylaws to create prohibited dog areas, restrained dog areas or dog exercise areas where those areas have been already identified in the Dog Policy.

If the proposal now is to vary the prohibited dog areas, restrained dog areas or dog exercise areas already identified in the Dog Policy, then that can only be done by first amending the current Dog Policy in accordance with the provisions of section 10, which includes notification of the proposed amendment to all registered dog owners, and then if the Policy is amended, clause 8 of the Bylaw can be used to vary the prohibited dog areas, restrained dog areas or dog exercise areas identified in the Bylaw.

In the case of prohibited and restrained areas agreement has been reached on the process the working party would use to examine the additional areas, or amendments to existing areas, for recommending changes. It is considered the reasons for requiring changes must be understandable by both dog owners and the public.

The criteria for introducing prohibitions on certain ecologically sensitive areas would include disturbance of waterfowl breeding or nesting areas, as well as the need to protect native plantings. In the case of other public spaces the criteria would include the need to protect areas with high pedestrian use, in addition to providing protection for areas with a high use by young children. As far as possible, these would all be balanced with providing dog owners with opportunities to exercise their dogs as required under the Act.

Some other matters have been raised by staff in regard to changes in other parts of the Dog Control Policy. These do not fall within the original resolution of the Council to restrict consideration only to changes to the Bylaw Schedules.

These matters reflect changes made since the Policy was adopted, and include registration, the criteria for using infringement notices, and some other wording changes to reflect changing operational circumstances.

Staff will develop these for reporting back to the Working Party for consideration before the amendments are put out for consultation. However, as such possible changes are outside the original decision of the Council for review, approval to consider these in this process is sought.

CONCLUSION

Progress has been made on the preparation of a new list of areas in which dogs will be either prohibited, required to be on leashes, or able to be exercised under control. In addition, new or changed specifically designated dog exercise areas will be identified.

Recommendation: That approval be granted for the working party to undertake a review of other matters in the Dog Control Policy related to registration matters, criteria for the issue of infringement notices, and other wording changes to reflect changes since the Policy was adopted in 1997.