

4. IMPLEMENTATION OF AMENDED DOG CONTROL POLICY

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The purpose of this report is to recommend that the Council now take the necessary steps to implement the amendments to its dog control policy which it adopted at its meeting on 23 October 2003.

Those amendments were made after undertaking the consultative procedures prescribed in the Dog Control Act 1996 and the Local Government Act 2002.

PROHIBITED DOG AREAS AND RESTRAINED DOG AREAS

The amended policy provides for a number of additional public places being declared “prohibited dog areas” or “restrained dog areas”, and for altering the existing prohibitions relating to dogs on the city’s beaches.

The policy includes a reference to prohibitions in the Brooklands Lagoon area but these are not included in these changes as the Council determined that further discussions be held with the residents before that particular area should be included in any formal restrictions.

Clause 8 of the Christchurch City Dog Control Bylaw 1997 empowers the Council to impose these restrictions by way of resolution publicly notified.

That clause provides:

- (1) *The Council may from time to time, by resolution publicly notified in at least one newspaper circulating in the City, declare any public place to be a prohibited dog area, or a restrained dog area, or a dog exercise area.*
- (2) *The Council may from time to time, by resolution publicly notified in at least one newspaper circulating in the City, amend or revoke any resolution made under this clause.*
- (3) *The Council may, in any resolution made under this clause –*
 - (a) *Assign a name to any prohibited dog area or restrained dog area or dog exercise area:*
 - (b) *Define the boundaries of any prohibited dog area or restrained dog area or dog exercise area:*
 - (c) *Specify the times of day and periods of the year when a prohibited dog area may be open to dogs:*
 - (d) *Specify any circumstances in which a person may take a dog into a prohibited dog area:*
 - (e) *Describe the area of any prohibited dog area or restrained dog area or dog exercise area by reference to any plan lodged in the office of the Environmental Services Manager.*
- (4) *The Council shall mark each prohibited dog area, restrained dog area, and dog exercise area by placing or erecting such signs, markings, or notices as the Council sees fit.*
- (5) *The owner or person in charge of any dog shall prevent that dog from entering or remaining upon any part of a prohibited dog area except as authorised by the Council by resolution made under this clause.*
- (6) *The owner or person in charge of any dog shall keep that dog under effective control by means of a leash at all times while that dog is in a restrained dog area.*

The resolution required to implement the amendments to the policy in relation to prohibited dog areas and restrained dog areas is resolution 1 below.

AMENDMENT TO BYLAW

The amended policy included the altering the clause 11 of the bylaw as it affects the taking of dogs into children's play areas in parks. Clause 11 presently prohibits dogs being within 10 metres of children's playground equipment unless they are on a leash and being walked through. The amendment requires that dogs not be allowed within 1 metre of such equipment and there be no exemption for dogs being walked through such areas.

The bylaw may only be altered in accordance with the special consultative procedure prescribed in the Local Government Act 2002. In order to comply with the timing requirements of that procedure it is recommended that that procedure be commenced at the December 2003 meeting of the Council. A draft of the amending bylaw is attached. To comply with the bylaw making requirements of that Act the Council will in the meantime need to comply with the requirements of section 155 of that Act.

Section 155(1) provides that before commencing the process to make a bylaw it must determine whether or not a bylaw is the most appropriate way to address the perceived problem. Given that the problem, which relates to the control of dogs around children's playground equipment, is already the subject of bylaw control it is considered that the most appropriate way to amending those controls is by way of an amending bylaw.

Section 155(2) provides that once the Council has determined that a bylaw is the most appropriate way of addressing the problem it must determine whether the proposed bylaw is the most appropriate form of bylaw and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990. Having taken legal advice it is considered that the attached draft is the most appropriate form for the amending bylaw and that it does not give rise to any implications under the Bill of Rights Act.

Recommendation: That the Council:

1. Declare, pursuant to clauses 8(1) and 8(3) of the Christchurch City Dog Control Bylaw 1997, -
 - (i) That the following public places be prohibited dog areas:
 - (a) The Styx Mill Conservation Reserve area, - dogs will only be allowed in this area when they are kept on a short leash* so as not to interfere with, damage or disturb any plant or wildlife, therefore, dogs must be kept on designated walking paths for the purposes of passing through to the Styx Mill Reserve dog park until the enclosed predator-proof fence (excluding the existing dog park) has been completed, upon the final completion of this predator fence, dogs shall be prohibited.
 - (b) Horseshoe Lake Reserve (except for the walking tracks where dogs are to be restrained on a leash; and the Horseshoe Lake Reserve dog park where dogs should be under effective control).
 - (c) Cockayne Reserve.
 - (d) Bexley Wetlands (except for on the walking tracks where dogs are to be restrained on a leash).
 - (e) Naughty Boys Island
 - (f) Lower Avon saltmarshes (all wetland areas on both sides of the Avon River between Admirals Way and Bridge Street bridge).
 - (g) Raupo Bay (saltmarsh and raupo area south of Bridge Street bridge to Pleasant Point jetty).
 - (h) Te Huingi Manu Wildlife Refuge (Bromley Oxidation Ponds), Linwood Paddocks and the adjacent Avon-Heathcote Estuary shoreline.

- (i) Lower Heathcote River saltmarshes, (all wetland areas on both sides of the Heathcote River between Tunnel Road and Ferrymead Bridge).
- (j) Charlesworth Reserve (Humphreys Drive Wetlands).
- (k) McCormacks Bay roosting islands.
- (l) Godley Head Foreshore, Taylors Mistake to Boulder Bay, (except walking track where dogs are to be restrained on a leash).
- (m) Wigram East Retention Basin ponds (except for the walking tracks where dogs are to be restrained on a leash).
- (n) At all times while daylight saving** applies dogs will be prohibited on Sumner beach within 100 metres in a northerly direction from the Sumner Surf Life Saving Club's pavilion and in a general southerly direction from the pavilion to Cave Rock.
- (o) Except for the purposes of passing through on a short leash*, dogs will be prohibited within the following specified areas of the beaches at Spencer Park, Waimairi, North Beach, New Brighton, South New Brighton and Taylors Mistake between 8am and 8pm, at all times while daylight saving** applies.
 - For a distance of 100 metres in a northerly and southerly direction from the Spencer Park Surf Life Saving Club's pavilion.
 - For a distance of 100 metres in a northerly and southerly direction from the Waimairi Surf Life Saving Club's pavilion.
 - For a distance of 100 metres in a northerly and southerly direction from the North Beach Surf Life Saving Club's pavilion.
 - From the New Brighton Surf Life Saving Club's pavilion southwards to a point 100 metres southward of the Christchurch Pier.
 - For a distance of 100 metres in a general northerly and southerly direction from the South New Brighton Surf Life Saving Club's pavilion.
 - For a distance of 50 metres in a general northerly and southerly direction from the Taylor's Mistake Surf Life Saving Club's pavilion.
 - On any other area of beach between yellow and red flags and which is patrolled by members of a surf life saving club for the purpose of public swimming.

Note:

* "short leash" means a leash held by the person in charge of the dog that is connected to the dog's collar or neck region that constrains and controls the dog to the side of the person whilst walking and that does not allow the dog to move uncontrolled more than a third of a metre from the hand of the person controlling the dog at all times.

** "daylight saving" means "New Zealand daylight time" as defined in section 4(3) of the Time Act 1974.

- (ii) That the following public places be restrained dog areas:
 - (a) Addington Prison Reserve.
 - (b) Angela Stream Track.
 - (c) Bexley Wetlands (all tracks).
 - (d) Brooklands Lagoon (all tracks except for the prohibited areas).
 - (e) Carmen Reserve.
 - (f) Cranmer Square.
 - (h) Elsie Lock Park.
 - (i) Excelsior Hotel Reserve.
 - (j) Ferrymead Historic Reserve.
 - (k) Flay Park.
 - (l) Godley Head Foreshore tracks.
 - (m) Hansen's Park paved walkways.
 - (n) Horseshoe Lake walking track.
 - (o) Kapuatohe Reserve.
 - (p) Latimer Square.
 - (q) Mona Vale.
 - (r) Nurses Memorial Chapel Reserve.
 - (s) Papanui Memorial Reserve.
 - (t) Peter Scoular Park.
 - (u) Rose Historic Chapel Reserve.
 - (v) Seafield Park tracks.
 - (w) South New Brighton Spit Tip.
 - (x) Styx River mouth (the track on main stopbank).
- 2. That a bylaw amending clause 11 of the Christchurch City Dog Control Bylaw 1997 is the most appropriate way of amending the restrictions imposed by that clause.
- 3. That the attached draft bylaw is the most appropriate form of bylaw for this purpose.
- 4. That the Council note the attached draft bylaw does not appear to give rise to any implications under the New Zealand Bill of Rights Act 1990.

5. That a special consultative procedure for making the bylaw be commenced by the Council following the Council meeting on 11 December 2003.
6. That the Dog Control Working Party meet on 4 December 2003 to discuss funding requirements associated with proposed changes to the Dog Control Policy.