

## 16. DRAFT DOG CONTROL POLICY AND BYLAW REVIEW

<b>General Manager responsible:</b>	General Manager Regulation and Democracy, DDI 941-8462
<b>Officer responsible:</b>	Inspections and Enforcement Manager
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### PURPOSE OF REPORT

1. To consider the adoption of a draft Dog Control Policy and bylaw under the Dog Control Act 1996 for the City of Christchurch.

### EXECUTIVE SUMMARY

2. The Christchurch City Dog Control Bylaw 1997 is required, under section 158 of the Local Government Act 2002, to be reviewed prior to June 2008. The Banks Peninsula District Council Dog Control Bylaw 2004 is required to be reviewed prior to 15 December 2009.
3. The Dog Control Act 1996 (the Act) is the national legal instrument controlling dogs in New Zealand and has the objectives of requiring the registration of dogs; making provisions in relation to dangerous dogs; imposing obligations on owners to ensure dogs do not create a nuisance or injure or endanger any person; and do not endanger or injure any stock, other animals or wildlife. The Council has a duty under the Act to adopt a policy on dogs, which may specify the nature and application of any dog control bylaw.
4. The policy may also specify other non bylaw matters such as fees; education programmes; classification of owners; and matters to do with infringement notices.
5. Section 10(4) of the Act states that the Council, in adopting a policy under section 10 must have regard to:
  - (a) the need to minimise danger, distress, and nuisance to the community generally; and
  - (b) the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
  - (c) the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
  - (d) the exercise and recreational needs of dogs and their owners.
6. Section 20 of the Act provides for the making of dog control bylaws; any territorial authority may, in accordance with the Local Government Act 2002, make bylaws (within specified guidelines) for the purposes of complying with the adopted policy.
7. In 2006 Banks Peninsula District was merged with Christchurch City, and thus the need exists to incorporate into one policy the Banks Peninsula Dog Control Policy and Bylaw and the City Council Dog Control Policy and Bylaw as they are now under the same jurisdiction, thus ensuring consistency in intent, application and enforcement of dog controls across the district, and where appropriate nominating specific approaches for specific management requirements.
8. A copy of the current Christchurch City Dog Control Policy 1996 can be viewed on the Council website at <http://www.ccc.govt.nz/Policy/>. The Banks Peninsula Dog Control Policy can be viewed at <http://www.ccc.govt.nz/policy/bankspeninsula/dogcontrolpolicy.pdf>. Both the Christchurch City Dog Control Bylaw and the Banks Peninsula Dog Control Bylaw can be viewed on the City Council website in the bylaw register at <http://www.ccc.govt.nz/bylaws/>.
9. During the past two years there have been significant additions and changes to the areas of land under the Council's control, including parks and reserves and foreshore areas. There has also been an increase in knowledge and awareness of the significant values of some areas e.g. mudflats, where no dog controls are in place. These areas all have specific amenity, recreation and wildlife values which need to be supported and/or protected.

10. The total number of dogs registered in Christchurch City has risen by 5.9% from 28,569 in the 2004/05 financial year to 30,376 in the 2006/07 financial year. During this same period the Banks Peninsula District Council dog registration statistics were merged with the Christchurch City Council statistics, accounting for the majority of the increase. It is critical to ensure both dog owners/dogs, including working dogs, and non dog owner requirements are satisfactorily catered for across the wider region, however this needs to be aligned with park and reserve area management practices.
11. There has been an increase in the number of vicious attacks by dogs on people both nationally and in Christchurch City and these have all received high profile media coverage. Although the number of reported attacks on people in Christchurch City dropped from 190 (2004/05) to 174 (2006/07), there is still strong evidence for the need for education (of both dog owners and the general public) and enforcement to ensure this attack rate decreases.
12. For the reasons mentioned above, it is considered that a bylaw is the most appropriate way to address the dog control problems as outlined. The Dog Control Bylaw is required to include provisions relating to prohibiting dogs from specified public places (e.g. around children's play areas and swimming areas on beaches) and requiring dogs to be leashed in public places such as footpaths. Both a new policy and bylaw are required, as the amalgamation of Banks Peninsula District and Christchurch City has resulted in two Dog Control Policies and Bylaws being in existence. Consequently the form of the recommended bylaw is also considered to be in the most appropriate form and there do not appear to be any implications raised by the bylaw in terms of the New Zealand Bill of Rights Act 1990.

#### **FINANCIAL IMPLICATIONS**

13. If the "Consolidation" option is adopted by the Council then the financial implications would be minimal as under the amalgamation these responsibilities already exist.
14. However, should the "**Development**" option be adopted by the Council it is anticipated that there may be some significant financial implications in relation to enforcement of the Dog Control Policy and Bylaw.
15. Because a larger number of new prohibited, restrained and not-specified dog areas have been included in this option significant funding is likely to be required to cover the cost of the enforcement necessary to monitor and service these additional areas.
16. The Council and the community, through consultation, need to be mindful therefore that if the "Development" option is approved, the increased number of prohibited, restrained and not-specified dog areas could have a direct cost implication.
17. It is anticipated that the additional costs for enforcement in relation to the "Development" option could amount to approximately \$120 - \$140,000 per annum (salary plus equipment cost) - that being the cost of two additional FTE animal control officers required to monitor and enforce the additional specified dog areas.
18. This additional budget requirement could be funded through dog registration fees, infringement notice revenue, rates, or a combination of these.
19. The current Dog Control account is funded 92% from dog registration fees and 8% from rates (to recognise the public good component of the service).
20. Should the Council be minded to place all this additional cost on dog owners, there would, based on the additional FTE/operational costs, be a consequential need to increase dog registration fees by approximately \$5 across the board. The current Dog Registration Fee Schedule is attached to this report.
21. If the Council is minded to adopt the "Development" option then it should indicate to staff how in broad terms it wants to apportion funding of the additional costs between the different sources available, so that more detailed financial modelling can be carried out.

22. In the "Development" option there are some additional costs associated with erecting appropriate warning signs and installing disposal bins at various locations to assist dog owners in complying with the bylaws. These costs will be covered by the City Environment Group within its current budgets, with the rollout of signage and bins taking place over the next few years focusing initially on high impact areas (i.e. where there are high dog access numbers and/or high wildlife or environmental values that need protecting) and being incorporated with their current programme of reviewing park and reserve signage.

**Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?**

23. Yes

**LEGAL CONSIDERATIONS**

24. The legal considerations in relation to the review and adoption of a new bylaw, including one made under the Dog Control Act 1996 (by virtue of sections 10AA and 20 of that Act) largely arise from section 155 of the Local Government Act 2002. This sets out the matters that must be determined as follows:

*"(1) A local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.*

*(2) If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw:*

*(a) is the most appropriate form of bylaw; and*

*(b) gives rise to any implications under the New Zealand Bill of Rights Act 1990.*

*(c) No bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990, notwithstanding section 4 of that Act."*

25. In order to comply with section 155 the Council needs to formally resolve that a bylaw is the most appropriate way to deal with this issue, and if so, that the proposed form of bylaw is the most appropriate form, and that it is not inconsistent with the New Zealand Bill of Rights Act 1990. The conclusion reached in the background section below is that this bylaw is the most appropriate way to deal with the issues covered by the proposed bylaw. The matters to be controlled are not covered by other legislation or Regional Council provisions. The Dog Control Act 1996 is the predominant legal instrument controlling dogs in New Zealand, but it is operated and enforced through territorial authorities. The Dog Control Act contemplates that bylaws will be used for the purpose of setting in place operation and enforcement mechanisms for controlling dogs in the region. The legal services unit also considers that the form of the bylaw is the most appropriate form and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

26. Both the draft bylaw and draft policy must be consulted on by way of the special consultative procedure, as required by sections 10, 10AA and 20 of the Dog Control Act 1996. The special consultative procedure requires that the Council must prepare and resolve on a statement of proposal (which must include the draft bylaw and policy, set out the reasons for the proposal and include a report on the Council's determinations under section 155) and a summary of information (which must provide a fair representation of the major matters in the statement of proposal, be distributed as widely as reasonably practicable and as determined by the Council, must indicate where the statement of proposal can be inspected and a copy obtained, and state the submissions period). In addition to giving public notice of the proposal, section 10(2) of the Act requires that the Council give notice of the draft policy to every person who is, according to its register, the owner of a dog. Following the submissions period, the Council will hear from anyone who wishes to be heard, consider the submissions made and then resolve on the final form of the policy and the bylaw.

**Have you considered the legal implications of the issue under consideration?**

27. Yes

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

28. Yes: *The Council minimises potential hazards and nuisances from dogs and wandering stock* (Ref. LTCCP Volume 1 page 146).

**ALIGNMENT WITH STRATEGIES**

**Do the recommendations align with the Council's strategies?**

29. Strategic Directions require the *"Provision of a variety of safe, accessible and welcoming local parks, open spaces and waterways"* under Objective 5 Strengthen the Garden City Image; and under Objective 6 *Identify, protect and enhance the city's native and exotic ecosystems "Encouraging the community to learn about and care for biodiversity and ecosystems."*

In addition the Dog Control Policy and Bylaw aligns with the Key Challenges of:

- *Biosecurity – Introduced pests threaten both native and exotic species and habitats;*
- 
- *Understanding the impact of our actions on the environment – Ongoing research in needed to improve our grasp of how our actions affect the environment, and to find solutions to environmental problems.*

And who we need to work with:

- *Working with conservation and recreation organisations on projects to protect and restore the environment.*

30. The Draft Biodiversity Strategy will be considered by the Council early in 2008. Dogs are specifically identified as having a significant impact on penguin populations in the technical report - 'Dog control is a major issue in urban areas if penguins are again to form a prominent part of our urban wildlife.' Whilst dogs are not specifically identified elsewhere in the technical report, they do have a significant impact on some types of wildlife particularly on the seashore and mudflats. A number of the areas identified for tighter dog control measures (prohibited or restrained areas) in the 'Development' option correspond with those identified in the draft Biodiversity Strategy as being important habitats for biodiversity in the concept plans contained in the draft Strategy.

**CONSULTATION FULFILMENT**

31. Through a Council Seminar (June 2007) Councillors gave initial input into the need for the breadth and the potential content for consideration when reviewing the Dog Control Policy and Bylaw.

32. There has been no input from Community Boards to the Dog Control Policy and Bylaw at this stage. This results from the absence of a process for doing so during and following the local body elections, coupled with the pressure to review a significant number of bylaws prior to 30 June 2008 to meet statutory timelines. Community Boards will have the opportunity to express their views on the proposed Dog Control Policy and Bylaw through the Special Consultative Procedure.

33. Initial discussions have taken place with Mahaanui Kurataiao (MKT). However due to the timeframes involved, the number of bylaw reviews for MKT to consider, MKT's early stages of development and its priorities, effective consultation has not yet taken place. MKT will have the opportunity to express its views on the Draft Dog Control Policy and Bylaw during the Special Consultative Procedure.

34. Once adopted by the Council and as part of the Special Consultative Procedure, all dog owners and a number of possible stakeholder groups in addition to those individuals who expressed interest in the subject, will be sent information on the bylaw and the Policy. Wider publicity, beyond that legislatively required, will be given to the bylaw once it is adopted as a proposal by the Council including clarifying the distinction between dog control areas, documenting the areas and their dog control status and other areas covered by the bylaw.

#### **STAFF RECOMMENDATION**

It is recommended that the Council resolve that:

- (a) Under section 155 of the Local Government Act 2002 the draft Christchurch City Dog Control Bylaw is the most appropriate way to address the dog control issues covered by the draft bylaw, is in the most appropriate form, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- (b) The attached draft bylaw (Appendix B) and draft Dog Control Policy (Appendix A) based on the 'Consolidation' option be adopted for consultation by way of the special consultative procedure.
- (c) The attached statement of proposal (incorporating the draft bylaw and draft policy) and the attached summary of information be adopted and made available for public inspection at all Council Service Centres, Council libraries and on the Council's website.
- (d) Notice of the proposal be given by mail to all registered dog owners in the district.
- (e) Public notice of the proposal be given in "The Press" and "Christchurch Star" newspapers and on the Council's website on Wednesday 23 January 2008, with public notice also to be given in the "Akaroa Mail", "Diamond Harbour Herald" and other community newspapers distributed in the Christchurch area as close as possible to Wednesday 23 January 2008.
- (f) The period within which written submissions may be made to the Council be between Wednesday 23 January and Wednesday 27 February 2008.
- (g) A Hearings Panel comprising (the members thereof to be named at the present Council meeting) be appointed to consider and where necessary hear any submissions on the draft bylaw and draft policy, and report back to the Council with its recommendations thereon.

## BACKGROUND (THE ISSUES)

### Background information

35. In undertaking the review of the bylaws, this must be carried out in accordance with section 155(1) of the Local Government Act 2002. This section requires that the Council is satisfied that a bylaw is necessary, and the perceived problems cannot be dealt with in any other manner. However in the case of bylaws made under the Dog Control Act 1996 (the Act) prior to their introduction the Council must adopt a policy in respect of dogs in the district which must specify the nature and application of any bylaws made, or to be made, under section 20 of the Act. The policy must also identify any public places in which dogs are to be prohibited or controlled on a leash, and how dogs classified as menacing dogs are dealt with. A number of matters also may be contained in the policy relating to fees, owner education programmes, dog obedience courses, classification of owners, disqualification of owners, and the issuing of infringement notices.
36. The purpose of this section of the report is to outline the legal requirements for Local Authorities in relation to Dog Control under the Dog Control Act 1996, the context and content of a Dog Control Policy and Bylaw for Christchurch City Council and the justification for a Bylaw

### Section 155 considerations

37. A useful guide to considering the matters under section 155 (as quoted above) is the *Code of Good Regulatory Practice, 1997* which suggests the following should be considered:
- *Efficiency by adopting only regulations for which the costs to society are justified by the benefits. To achieve objectives at the lowest cost taking into account alternatives.*
  - *Effectiveness to ensure it can be complied with and enforced at the lowest possible cost.*
  - *Transparency by defining the nature and extent of the problem and evaluating the need for action.*
  - *Clarity in making things as simple as possible, to use plain language where possible, and keeping discretion to a minimum.*
  - *Regulation should be fair and treat those affected equitably. Any obligations or standards should be imposed impartially and consistently.*<sup>61</sup>

In addition guidance provided by Local Government New Zealand states the following matters should be taken into account at this stage: *What is the problem?; Have we got enough information?; Who is affected or interested?; What is our objective?; What is the root cause of the problem – not the symptom?*<sup>62</sup> In the following paragraphs these issues are addressed in the context of determining a need for any bylaw.

38. The Dog Control Act 1996 (the Act) is the national legal instrument controlling dogs in New Zealand and has the objectives of requiring the registration of dogs; making provisions in relation to dangerous dogs; imposing obligations on owners to ensure dogs do not create a nuisance or injure or endanger any person; and do not endanger or injure any stock, other animals or wildlife. Territorial authorities are given the role of undertaking functions under the Act, including registering dogs in its area. Section 10 of the Act requires territorial authorities to adopt a policy on dogs and sets the process for doing this which includes its adoption through the special consultative procedure under the Local Government Act 2002. Furthermore, in accordance with the Act the Council must have regard to the section 10(4) matters, as quoted under clause 3, when adopting a policy.

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<sup>61</sup> Ministry of Economic Development, *Code of Good Regulatory Practice*, Quality of Regulation Team, Competition and Enterprise Branch, November 1997

<sup>62</sup> *The Knowhow Guide to the Regulatory and Enforcement Provisions of the Local Government Act 2002*, SOLGM, Local Government New Zealand, Department of Internal Affairs, no date

These matters focus on minimising danger, distress and nuisance; removing the inherent danger of dogs having uncontrolled access to public places frequented by children; enabling the public to use streets and public amenities without fear of attack or intimidation by dogs; while also considering the exercise and recreational needs of dogs and their owners. Any policy must specify any bylaws to be made under the Act; areas in which dogs are to prohibited or restrained; areas in which no prohibitions or restraints are applied; and areas designated as "dog exercise areas. The policy may also specify other non bylaw matters such as fees; education programmes; classification of owners; and matters to do with infringement notices.

39. The Act under section 20, also provides for the introduction of dog control bylaws where any territorial authority may, in accordance with the Local Government Act 2002, make bylaws (within specified guidelines) for the purposes of complying with the adopted policy. The matters that may be controlled under bylaw include the prohibition of dogs from specified areas; requiring leashing in certain areas; requiring dogs to be kept confined in certain circumstances; limiting the numbers of dogs that can be kept on premises; and making provision for impounding. Under the Dog Control Amendment Act 2003 territorial authorities were required to revise their dog control policies so there was more emphasis on public safety and were also required to participate in the National Dog Database and micro-chipping of dogs. Under the Dog Control Amendment Act 2006 councils were required to strengthen policies in relation to dealing with menacing and dangerous dogs. Thus, to meet the objects of the Act and the obligations of the Act, as a territorial authority the Christchurch City Council must adopt a policy on dog control.
40. The Dog Control Amendment Acts 2004 and 2006 lay out an inventory of tools for local councils to use to crack down on unregistered dogs, roaming dogs, and irresponsible owners. Fines and penalties have been increased for erring owners, and sensible steps have been taken to enable councils to take a more preventative approach to keeping children clear of uncontrolled dogs in public spaces. It is necessary to revise the Christchurch City Council Dog Control Policy and Bylaw to ensure the objects of these amendments to the Act are incorporated.
41. In 2006 Banks Peninsula District was merged with Christchurch City, and thus the need exists to incorporate the Banks Peninsula Dog Control Policy and Bylaw in the City Council Dog Control Policy and Bylaw as they are now under the same jurisdiction; thus ensuring consistency in intent, application and enforcement of dog controls across the region and where appropriate nominating specific approaches for specific management requirements. Alongside this is the need to ensure that the controls for rural (working) and urban dogs are appropriately addressed, as the amalgamation of Banks Peninsula District resulted in the inclusion of farming areas and thus working rural dogs, into the Christchurch City Council's jurisdiction.
42. During the past two years there have been significant additions and changes to the areas of land under Council control, including parks and reserves and foreshore areas. There has also been an increase in knowledge and awareness of the significant values of some areas e.g. mudflats, where no dog controls are in place. These areas all have specific amenity, recreation and wildlife values which need to be supported and/or protected. There are some areas that may require reclassification for example to align them with the need to keep dogs separate from dog sensitive wildlife areas in reserves and foreshore areas in keeping with the draft Biodiversity Strategy.
43. A number of Department of Conservation scenic reserves on Banks Peninsula were included in the present Banks Peninsula Dog Control Bylaw. The Minister of Conservation has different dog control responsibilities on scenic reserves as set out in the Conservation Act 1987, than local authorities, and therefore these reserves need to be removed from the schedules, before they are attached to the proposed Christchurch City Council Dog Controlled Bylaw, e.g. Palm Gully Scenic Reserve.
44. In addition, a number of reserves that are leased out to private enterprise were included in the dog control areas for Banks Peninsula. As these three areas are leased with specific contractual agreements into private enterprise they cannot be designated as dog control areas and need to be removed from the Dog Control Bylaw.

45. The total number of dogs registered in Christchurch City has risen by 5.9% from 28,569 in the 2004/05 financial year to 30,376 in the 2006/07 financial year. During this same period the Banks Peninsula District Council dog registration statistics were merged with the Christchurch City Council statistics, accounting for the majority of the increase. It is critical to ensure both dog owners/dogs and non dog owners' requirements are satisfactorily catered for across the wider region, however this needs to be aligned with park and reserve area management practices and the collation of supporting the knowledge and information which has enabled the identification of specific areas that have values and resources that need protecting from dogs. It is through a bylaw that these areas can receive the necessary protection, by imposing partial or full dog control mechanisms to control dog access e.g. prohibit access or specify restraint required.
46. There has been an increase in the number of vicious attacks by dogs on people both nationally and in Christchurch City and these have all received high profile media coverage. Although the number of reported attacks on people in Christchurch City Council region dropped from 190 (2004/05) to 174 (2006/07), there is still strong evidence for the need for education (of both dog owners and the general public) and enforcement to ensure this attack rate decreases. It is considered that to achieve the level of input required for education, monitoring and enforcement to achieve the decrease in attack outcome a Dog Control Policy and Bylaw is essential to enable the Council to effectively manage dog control issues.
47. For the reasons mentioned above, it is considered that a bylaw is the most appropriate way to address the dog control problems as outlined. The Dog Control Bylaw is required to cover provisions relating to prohibiting dogs from specified public places (e.g. around children's play areas and swimming areas on beaches) and requiring dogs to be leashed in public places such as footpaths. A review is also required as the amalgamation of Banks Peninsula District Council and Christchurch City Council has resulted in two Dog Control Policies and Bylaws are in existence to cover the now amalgamated jurisdiction. Consequently the form of the recommended bylaw is also considered to be in the most appropriate form and there do not appear to be any implications raised by the bylaw in terms of the New Zealand Bill of Rights Act 1990.

#### **THE OBJECTIVE**

48. The objective is to introduce a new policy that will replace both Councils' former policies. It is also to have a bylaw that will continue to reduce the incidence of dog related issues (both to human, wildlife and land) through the application of controls that enable dog access that is sympathetic to the needs of the community and the environment. The controls recommended under the bylaw endeavour to address these potential issue areas. The bylaw is to replace, by revocation, the Christchurch City Dog Control Bylaw 2006 and the Banks Peninsula District Council Dog Control Bylaw 2004.

#### **THE OPTIONS**

49. The "Development" option includes additional areas for enhanced dog protection (prohibited, restrained and not specified) as listed in Appendix C. The reason for protection will be specific to each area, but may include aspects such as community health, safety and hygiene; wildlife habitat or breeding seasons; or sensitive environmental areas. Although a great deal more information will be contained within the merged policy and bylaw this option could create a greater clarity amongst members of the public moving within the region and for those enforcing the policy and bylaw, which will make administration of the bylaw simpler. It would also allow for greater alignment between other Christchurch City Council policy and strategic outcomes e.g. relating to management of areas such as wildlife, protection of children from dog attacks and fouling and health and safety issues.



50. The “Do Nothing – Minimal Change” option would mean the retention of two current bylaws: the Christchurch City Council Bylaw which covers the pre-amalgamation CCC district and the Banks Peninsula District Council Bylaw which covers the BPDC area pre-amalgamation. However within this option as a minimum the CCC Policy and Bylaw must be reviewed by June 2008 as prescribed by the Local Government Act. Aside from administering two policies and bylaws, there are also other anomalies between the two Dog Control bylaws and policies which has the potential to create confusion for the public accessing dog control areas (e.g. different access times for beaches in Banks Peninsula area than in the Christchurch area) and may hinder the effective and efficient management of dog control issues by the Animal Control Officers. For these reasons it is not considered this option should be adopted.
51. A fourth option would be to update both the current policies and bylaws and maintain two separate regional documents but under the one jurisdiction, ie a Policy and Bylaw relating to specified boundaries in Banks Peninsula and a Policy and Bylaw relating to the balance of Christchurch City. Although this would create the least change for the respective communities it would be cumbersome and inefficient to manage; it could also generate potentially conflicting implementation of Christchurch City Council policy e.g. management and protection of wildlife areas if updated policies and bylaws were based on their current clauses within Banks Peninsula.

### **THE PREFERRED OPTION**

52. The preferred option is a “Consolidation” option. This option is based on the need to amend the current Christchurch City Council Policy and Bylaw to incorporate provisions from the previous Banks Peninsula District Council Bylaw, align the provisions for each area as appropriate and amend some of the other “dog control” clauses to simplify the bylaw and provide some additional clarity. This option would also include the adoption of consistent access times (based on daylight saving hours) and prohibition of dogs to these areas within these times. No new or re-designated access will be added to the dog control areas at this time. However, a key element of this option is for staff to subsequently review additional areas for enhanced dog control in order to protect wildlife (in line with the draft Biodiversity Strategy); protect children from dog attacks, and generally improve health and safety. Any proposals for changes to designations will then be presented back to the Council at a later date.

### **ASSESSMENT OF OPTIONS**

#### **The Preferred Option**

53. The preferred option is a “Consolidation” option. This option is based on the need to amend the current Christchurch City Council Policy and Bylaw to incorporate provisions from the previous Banks Peninsula District Council Bylaw, align the provisions for each area as appropriate and amend some of the other “dog control” clauses to simplify the bylaw and provide some additional clarity. This option would also include the adoption of consistent access times (based on daylight saving hours) and prohibition of dogs to these areas within these times. No new or re-designated access will be added to the dog control areas at this time. However, a key element of this option is for staff to subsequently review additional areas for enhanced dog control in order to protect wildlife (in line with the draft Biodiversity Strategy); protect children from dog attacks and generally improve health and safety. Any proposals for changes to designations will then be presented back to Council at a later date.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Gives dog owners and other citizens clarity around where and when dogs can access areas and what some of the competing interests are in relation to areas.	The application of some dog control measures to Banks Peninsula (that are not in the current Banks Peninsula policy) may be of concern to some dog owners.
<b>Cultural</b>	None specific.	None specific.
<b>Environmental</b>	Continued protection of areas that have previously been identified as significant due to their wildlife or habitat.	Continued limited access to some areas for owners with their dogs, which may be seen as negative by dog owners. Additional environmental areas that have been identified as benefiting from protection may not be protected.
<b>Economic</b>	More cost effective to manage as it creates one policy for the region.	Currently there are costs to the Council associated with the provision of signage and possibly 'dog bins' in the designated areas, however this is a current and ongoing business cost. No other changes in costs envisaged since the amalgamation of the two Councils.

**Extent to which community outcomes are achieved:**

This policy option aligns with the following Community Outcomes:

A Safe City – we live free from crime, violence, abuse and injury. We are safe at home and in the community. Risks from hazards are managed and mitigated.

A City of People who Value and Protect the Natural Environment – Our lifestyles reflect our commitment to guardianship of the natural environment in and around Christchurch. We actively work to protect, enhance and restore our environment for future generations.

**Impact on Council's capacity and responsibilities:**

Similar impact as to current capacity.

**Effects on Maori:**

No specific effects noted. Consultation with Mahaanui Kurataiao (MKT) and other representative groups, will be undertaken as part of the Special Consultative Process.

**Consistency with existing Council policies:**

Generally consistent with current Policies. There is some degree of alignment with the draft Biodiversity Strategy. This strategy indicates that some additional areas should at least be considered for greater dog protection and this option provides for this to take place subsequent to this policy review.

**Views and preferences of persons affected or likely to have an interest:**

Support from people who see a potential conflict with dogs in areas where health, safety and hygiene must be maintained, or where environmental issues need protecting; however this group may be unhappy that many other 'environmentally sensitive' areas have not been included.

**Other relevant matters:**

## The “Development” Option

54. The “Development” option includes additional areas for enhanced dog protection (prohibited, restrained and not specified) as listed in Appendix C. The reason for protection will be specific to each area, but may include aspects such as community health, safety and hygiene; wildlife habitat or breeding seasons; or sensitive environmental areas. Although a great deal more information will be contained within the merged policy and bylaw, this option could create a greater clarity amongst members of the public moving within the region and for those enforcing the policy and bylaw, which will make administration of the bylaw simpler. It would also allow for greater alignment between other Christchurch City Council policy and strategic outcomes e.g. relating to management of areas such as wildlife, protection of children from dog attacks and fouling and health and safety issues.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Gives dog owners and other citizens clarity around where and when dogs can access areas and what some of the competing interests are in relation to areas.	Possible increase in the number of complaints owing to the higher number of dog areas designated as prohibited and restrained.
<b>Cultural</b>	None specific.	None specific.
<b>Environmental</b>	Protection of areas that have been identified as significant due to their wildlife or habitat.	None specific.
<b>Economic</b>	More cost effective to manage as it creates one policy for the region. Protection of environmental and wildlife areas may result in some economic savings through starting work now – rather than having to spend more later to recover what may have been lost through allowing not specified dog access.	Should the proposed policy ultimately be adopted there will be significant financial implications for the Council in terms of additional enforcement costs, anticipated to be approximately \$120-\$140k p.a. There will also be costs to the Council associated with the provision of signage and possibly the installation of ‘disposal bins’ in the newly designated areas.
<p><b>Extent to which community outcomes are achieved:</b>            This policy option aligns with the following Community Outcomes:  <u>A Safe City</u> – we live free from crime, violence, abuse and injury. We are safe at home and in the community. Risks from hazards are managed and mitigated.  <u>A City of People who Value and Protect the Natural Environment</u> – Our lifestyles reflect our commitment to guardianship of the natural environment in and around Christchurch. We actively work to protect, enhance and restore our environment for future generations.</p> <p><b>Impact on Council’s capacity and responsibilities:</b>            Similar impact as to current capacity.</p> <p><b>Effects on Maori:</b>            No specific effects noted. Consultation with Mahaanui Kurataiao (MKT) and other representative groups, will be undertaken as part of the Special Consultative Process.</p> <p><b>Consistency with existing Council policies:</b>            Consistent with current Policies. This option supports the directions in the draft Biodiversity Strategy.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b>            Support from people who see a potential conflict with dogs in areas where health, safety and hygiene must be maintained, or where environmental issues need protecting.            Potential unrest from dog owners who will view this as “further limiting” their recreation and access.</p> <p><b>Other relevant matters:</b></p>		

## Maintain the “Do Nothing – Minimal Change”

55. The “Do Nothing – Minimal Change” option would mean the retention of two current bylaws, the Christchurch City Council Bylaw which covers the pre-amalgamation CCC district and the Banks Peninsula District Council Bylaw which covers the BPDC area pre-amalgamation. However within this option as a minimum the CCC Policy and Bylaw must be reviewed by June 2008 as prescribed by the Local Government Act. Aside from administering two policies and bylaws, there are also other anomalies between the two Dog Control bylaws and policies which has the potential to create confusion for the public accessing dog control areas (e.g. different access times for beaches in Banks Peninsula area than in the Christchurch area) and may hinder the effective and efficient management of dog control issues by the Animal Control Officers. For these reasons it is not considered this option should be adopted.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Some dog owners in Banks Peninsula may be happy that no further restrictions have come into place which further limits their recreation.	Frustration in dealing with two different policies within the same jurisdiction – for both the public and for the Animal Control Officers. Confusion for the public with two policies and bylaws operative and one of these related to the former CCC district being reviewed.
<b>Cultural</b>	None specific.	None specific.
<b>Environmental</b>	Existing levels of protection to wildlife will remain in Banks Peninsula and could be either enhanced or reduced in Christchurch depending on the content of the revised Christchurch policy.	Some important environmentally sensitive or wildlife areas will not be protected in Banks Peninsula. Health, hygiene and safety in some bathing areas and public places may not be protected.
<b>Economic</b>	New signage or bins required to be installed only in former CCC district.	More challenging management regimes for the Inspection and Enforcement team managing two separate policies.
<p><b>Extent to which community outcomes are achieved:</b> This policy option aligns with the following Community Outcomes: <u>A Safe City</u> – we live free from crime, violence, abuse and injury. We are safe at home and in the community. Risks from hazards are managed and mitigated. <u>A City of People who Value and Protect the Natural Environment</u> – Our lifestyles reflect our commitment to guardianship of the natural environment in and around Christchurch. We actively work to protect, enhance and restore our environment for future generations.</p> <p><b>Impact on the Council’s capacity and responsibilities:</b> Running separate policies and bylaws will have some increase in capacity impact on current Council services. No change from current responsibilities since the amalgamation of the two Councils.</p> <p><b>Effects on Maori:</b> No specific effects noted. Consultation with Mahaanui Kurataiao (MKT) and other representative groups, will be undertaken as part of the Special Consultative Process.</p> <p><b>Consistency with existing Council policies:</b> Would be inconsistent with Council direction to protect and enhance environmentally sensitive, wildlife areas. Would also not align with Council direction of health, safety and hygiene standards in public places.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b> Support from people who see a potential conflict with dogs in areas where health, safety and hygiene must be maintained, or where environmental issues need protecting. Potential unrest from dog owners who will view this as “further limiting” their recreation and access.</p> <p><b>Other relevant matters:</b></p>		

**At least one other option (or an explanation of why another option has not been considered)**

56. The fourth option would be to update both the current policies and bylaws and maintain two separate regional documents but under the one jurisdiction i.e. a Policy and Bylaw relating to specified boundaries in the Banks Peninsula region and a Policy and Bylaw relating to the Christchurch City district. Although this would create the least change for the respective communities it would be cumbersome and inefficient to manage; it could also generate potentially conflicting implementation of Christchurch City Council Policy e.g. management and protection of wildlife areas if updated policies and bylaws were based on their current clauses within Banks Peninsula.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Gives dog owners and other citizens clarity around where and when dogs can access areas and what some of the competing interests are in relation to areas.	Confusion over which policy is relevant where and which policy clause is being updated with what. Difficult for Animal Control to manage and implement. Possible increase in the number of complaints owing to the higher number of dog areas designated as prohibited.
<b>Cultural</b>	None specific	None specific
<b>Environmental</b>	Updated policies would better align with the current CCC strategic direction and community outcomes.	None specific
<b>Economic</b>	Less cost effective to manage dual policies within the region, than to manage one consistent policy.	No change in costs envisaged since the amalgamation of the two Councils.
<p><b>Extent to which community outcomes are achieved:</b>            This policy option aligns with the following Community Outcomes:  <u>A Safe City</u> – we live free from crime, violence, abuse and injury. We are safe at home and in the community. Risks from hazards are managed and mitigated.  <u>A City of People who Value and Protect the Natural Environment</u> – Our lifestyles reflect our commitment to guardianship of the natural environment in and around Christchurch. We actively work to protect, enhance and restore our environment for future generations.</p> <p><b>Impact on the Council’s capacity and responsibilities:</b>            Running separate policies and bylaws will have some increase in capacity impact on current Council services. No change from current responsibilities since the amalgamation of the two Councils.</p> <p><b>Effects on Maori:</b>            No specific effects noted. Consultation with Mahaanui Kurataiao (MKT) and other representative groups, will be undertaken as part of the Special Consultative Process.</p> <p><b>Consistency with existing Council policies:</b>            Consistent with current policies would depend on the content of each Dog Control Policy.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b>            Support from people who see a potential conflict with dogs in areas where health, safety and hygiene must be maintained, or where environmental issues need protecting.            Potential unrest from dog owners who will view this as “further limiting” their recreation and access.</p> <p><b>Other relevant matters:</b></p>		

## COMPARISON OF CURRENT CCC AND BPDC DOG CONTROL POLICIES

	<b>Bylaws</b>	<b>Christchurch City</b>	<b>Banks Peninsula District</b>	<b>Is there provision for the offence in the Act?</b>
1.	Prohibiting dogs from specified public places (sect 20(1)(a))	Yes	Yes	No
2.	Requiring dogs on leashes in specified public places (sect 20(1)(b))	Yes	Yes	No
3.	Regulating and controlling dogs in other public place (sect 20(1)(c))	Yes	Yes	No
4.	Designating specified dog exercise areas (sect 20(1)(d))	Yes	Yes	No
5.	Prescribing minimum standards for dog accommodation (sect 20(1)(e))	No	No	Yes
6.	Limiting the number of dogs that may be kept (sect 20(1)(f))	Yes	No	No
7.	Requiring dogs to be confined overnight (sect 20(1)(g))	Yes	No	No
8.	Requiring owner to remove faeces in public places (sect 20(1)(h))	Yes	Yes	No
9.	Requiring bitch to be confined while in heat (sect 20(1)(i))	Yes	No	No
10.	Providing for the impounding of dogs at large (sect 20(1)(j))	Yes	Yes	Yes
11.	Requiring dogs to be neutered if not under control (sect 20(1)(k))	No	No	Yes – for menacing & dangerous dogs
	<b>Other policy matters</b>			
12.	Details of fees or proposed fees (sect 10(3)(f)(i))	Not specific	Not specific	Yes
13.	Owner education programmes (sect 10(3)(f)(ii))	Yes	Yes	No
14.	Dog Obedience courses (sect 10(3)(f)(iii))	No	No	No
15.	Classification of owners (sect 10(3)(f)(iv))	Yes	Yes	No
16.	Disqualification of owners (sect 10(3)(f)(v))	Yes	Yes	Yes
17.	Issuing of infringement notices (sect 10(3)(f)(vi))	Yes	Yes	No