



STAFF REPORT

TO: Environment & Planning Committee

FROM: David Lewis, Co-Ordinator - Regulatory Services

REFERENCE: B955

SUBJECT: **REVIEW OF DOG CONTROL BYLAW - LICENCE TO KEEP THREE OR MORE DOGS - DELEGATION FOR ISSUE OF KENNEL LICENCES - REPORT EP07/05/06** – Report prepared for 9 May 2007 Meeting

1. BACKGROUND

The Tasman District Council Consolidated Bylaw No.2 – Dog Control, requires under Section 7 that a licence is required to keep three or more dogs on any premises outside of an urban area unless the dogs are kept solely or principally for the purpose of herding or driving stock or to an approved premises that is used for the business of dog boarding kennels. In looking at Council's records to action this requirement it was discovered that there were some 890 dog owners outside the urban area who had three or more dogs. At this stage it is not known how many of these would be exempted due to the dogs being classified as "working dogs" but, at the annual licence fee of \$25.00, the logistics and costs of implementing such kennel licences does not make the process viable.

In order to rationalise this requirement, staff have considered the likely effects of the number of dogs on a property, particularly in relation to the size of the property, and the potential nuisances that a varying number of dogs could create. In this respect it was considered that, for a reasonable sized rural property, up to six dogs could be acceptable and, if this cut-off point was adopted, then the potential number of dog kennel licences required would drop to around 160 (less "working dogs"). Such a figure would be more administratively manageable.

It is also noted that, under the Council's delegation register, there is no delegation of the power to issue kennel licences from Council to staff. As the majority of applications for a kennel licence outside an urban area would be a straightforward exercise they could be competently handled by staff for issue without the need for referral to Council. Obviously, any contentious application would need vetting by Management to decide the appropriate course of action to be followed.

2. COMMENT

The requirement for a kennel licence is a means to implement nuisance control, dog welfare provisions and dog control as Council is required to provide under the Dog Control Act 1996. A recent application for a kennel licence highlighted problems that can arise from a number of dogs on a property through perceived or otherwise problems resulting in conflict situations.

The present cost of a kennel licence application is \$75.00 with an annual fee of \$25.00 (in addition to the dog registration fees). The expectation would be that Council's Dog Control contractors would be required to make at least annual visits to properties where kennel licences are held and this would be additional to their present contract.

It is believed by staff that control on the number of dogs on a property is required and this is dependant on the situation and size of the property. At present, within the Residential Zone of the Tasman Resource Management Plan, a Resource Consent is required if three or more dogs are kept on the property. The present Dog Control Bylaw requires a licence to keep three or more dogs outside of an urban area (an area which is either within or adjacent to the built-up area of a town, village or settlement) but does not take into account the size of the property – five dogs on a 50 hectare property would have negligible effect compared with five dogs on a 0.5 hectare property with close neighbours. Consequently, an amendment to the Dog Control Bylaw has been recommended.

3. RECOMMENDATION

I That the Tasman District Council consolidated Bylaw, Chapter 2 – Dog Control be amended by repealing Section 7.1 and substituting it with the following:

7. LICENCE TO KEEP THREE OR MORE DOGS

7.1 No occupier of any property outside of an urban area shall:

- (a) for a property less than one hectare in area allow or cause to remain or keep three or more dogs over the age of three months (whether or not such dogs are registered) on the property; and**
- (b) for a property that is greater than one hectare in area allow or cause to remain or keep six or more dogs over the age of three months (whether or not such dogs are registered) on the property**

unless any such occupier is the holder of a licence from Council for such purpose provided that this prohibition shall not apply to any dog kept solely or principally for the purpose of herding or driving stock or to any approved property that is used for the business of dog boarding kennels.

Note that in the residential zone a resource consent is required if three or more dogs are kept on a property.

II That the Dog Control Bylaw be further amended by replacing the word “premises” with “property” in Section 7.3.

III That public comment be called for on the proposed resolutions I and II in terms of the Special Consultative procedures under Section 83 of the Local Government Act 2002 and that any submissions received be considered at a future meeting of Council.

- IV That the power to issue kennel licences under the Tasman District Council Consolidated Bylaw Chapter 2 – Dog Control be granted to the Environment and Planning Manager, Manager Consents, Co-ordinator Regulatory Services and Administration Officer – Regulatory and that the Delegations Register be amended to reflect this.**

D R Lewis
Co-Ordinator - Regulatory Services