

Report No:	REP12-06-07
File No:	D402
Date:	19 June 2012
<b>Decision Required</b>	

## REPORT SUMMARY

**Report to:** Environment & Planning Committee  
**Meeting Date:** Thursday, 28 June 2012  
**Report Author:** Ross Connochie, Regulatory Administration Officer  
**Subject:** **ANNUAL DOG CONTROL REPORT 2011-2012**

### EXECUTIVE SUMMARY

The Dog Control Act requires Territorial Authorities to publicly report annually on dog control policy and practices as outlined under Section 10a of the Dog Control Act 1996. This report contains information and statistics on Council's dog control activity for the year 1 July 2011 to 30 June 2012.

Council has received a petition from 364 people in Golden Bay regarding the restrictions which exist in the current Bylaw regarding dogs in Takaka. Given the weight of opinion in the petition it is recommended that this part of the Bylaw be put out for public submission using a Special Consultative Procedure as part of a general bylaw review.

### RECOMMENDATIONS

That the draft resolutions be adopted.

### DRAFT RESOLUTION

**THAT the Environment & Planning Committee:**

1. **Receives and adopts the Annual Dog Control Report 2011-2012, Report REP12-06-07, required pursuant to Section 10A of the Dog Control Act 1996;**
2. **Agrees to the adopted report Annual Dog Control Report 2011-2012 be publicly notified and be made available on the Council's website with a copy being sent to the Secretary for Local Government.**
3. **Instructs staff to prepare an amendment to the existing Dog Control Bylaw 2009 (Appendix 1) which proposes that:**
  1. **That Commercial Street Takaka be excluded from the Dog Prohibited Areas Schedule 3 of the Dog Control By Law 2009.**
  2. **That Commercial Street Takaka be designated a Leash Control Area under Schedule 1 of the Dog Control By Law 2009.**

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## **1. Dog Control Policy**

1.1 Council's Policy on Dogs was adopted in 2009 with the following objectives:

- To educate and assist owners to act responsibly with their dogs
- to ensure dogs are given proper care, shelter and sustenance as determined by the Act
- to minimise any danger, distress and nuisance to the community generally
- to avoid the inherent danger in allowing dogs to have uncontrolled access to public places frequented by children
- to enable the public to use streets and public amenities without fear of attack or intimidation by dogs
- to have regard to the exercise and recreational needs of dogs and their owners by designating areas where dogs may be freely exercised, areas where dogs must be exercised on a leash and areas where dogs are prohibited
- to identify any land which is a National Park as constituted under the National Park Act 1980, or is a controlled or open dog area under Section 26 of the Conservation Act 1987 and;
- to identify required means of dog control in all public places.

## **2. Dog Control and Enforcement Practices in Tasman District Council**

2.1 Control Services (Nelson) Ltd carries out Council's dog control activities, providing 24 hour, seven day per week coverage for the Tasman District. Three full time animal control officers and a number of casual staff are employed by Control Services to implement Council's policy and practices.

Targeted property visits are made and patrols of areas with specific issues are carried out on a regular basis.

- 2.2 Council staff and Control Services work closely with local veterinarians, the SPCA and Department of Conservation staff. Good relations are also fostered with other Territorial Authorities, Police and Dog Obedience Clubs.
- 2.3 Animal Control Officers are available to conduct educational visits; these primarily focus on bite prevention and safety around dogs and are given to local community organisations, schools and businesses.
- 2.4 Council continues to work in co-operation with the Department of Conservation to monitor areas where protected wildlife could be at risk. Ten Department of Conservation Rangers are warranted under the Dog Control Act 1996 as they work in the remote areas where stray dogs occasionally appear.

### 3. Website and Media

- 3.1 The Tasman District Council's website allows Council staff to provide up to date and relevant information on dog related issues in the district. The provision of online forms and brochures allows the public to access the information they require and provides links to relevant legislation and other informative websites.
- 3.2 Tasman District Council's fortnightly newsletter, Newline, provides access to all homes in the district for information on annual dog registration, education on dog welfare issues and other relevant topics.
- 3.3 Radio interviews have been conducted during the annual registration period to make people aware of registration requirements and dog control issues.

### 4. Dog Registration and Enforcement Statistics for July 2011 to June 2012

4.1	Number of dog owners in the district	6,619
	Probationary owners	1
	Disqualified owners	Nil
4.2	Number of registered dogs in the district	
	Rural dogs	5,774
	Urban dogs	4,584
	<b>Total</b>	<b>10,377</b>
4.3	Number of dogs classified as Dangerous under Section 31	
	Sec 31 1(a) due to owner conviction	1
	Sec 31 1(b) due to sworn evidence	4
	Sec 31 1(c) due to owner admittance	3
	<b>Total</b>	<b>8</b>
4.4	Number of dogs classified as Menacing under Section 33	
	Sec 33A (Observed or Reported Behaviour)	42
	Sec 33C (By Breed)	27
	<b>Total</b>	<b>69</b>

4.5	Infringement Notices Issued	
	Failing to register dog	59
	Failure to keep dog under control	5
	Failure to keep dog controlled or confined	2
	Failure to implant Micro Chip transponder	3
	Failure to comply with Dangerous Dog classification	1
	<b>Total</b>	<b>70</b>
4.6	Number of impounded dogs	
	Claimed	55
	Rehomed	30
	Disposed of	14
	Still in shelter as at 14 June 2012	11
	<b>Total</b>	<b>110</b>
4.7	<b>Prosecution:</b> One dog owner was prosecuted under s57 of the Dog Control Act (Dog attacking person) after a number of dogs owned by him attacked two people on horseback. He was fined a total \$3,500 and classified as a Probationary owner.	

## 5. Service Request Statistics for 01 July 2011 to 14 June 2012

5.1 Service Requests include complaints, lost and found dogs, advice and dog owner education requests.

### **Service Requests Received as Complaints**

Barking / Whining	402
Aggressive Behaviour / Rushing	58
Wandering / Fouling	372
Attack on Persons	44
Attack on Stock	32
Attack on Pets	55
Unregistered	12
Welfare Concerns	52
In Restricted Area	17
Not on Leash	7
Excess Dogs on Property	4
Found dogs	564
Lost dogs	384
Education	15
<b>Total</b>	<b>2,018</b>

## 6. DOG REGISTRATION AND OTHER FEES

6.1 Tasman District Council Dog Control is funded solely by the annual registration fees, which remain among the most cost effective throughout New Zealand. This includes the annual charge payable to the Department of Internal Affairs for the maintenance of the National Dog Database (\$6.1k approx). The registration fees for the 2011 to 2012 year were \$48.00, for every Urban dog (properties up to one hectare), and \$29.00 for every Rural dog (properties one hectare and over).

- 6.2 Other dog related income includes, 50% late payment penalty, pound fees, fees incurred by owners who need a licence to keep more than the permitted number of dogs on their property and income from Infringement Notices.

## **7. RECOMMENDATIONS**

- 7.1 That Report REP12-06-07 required pursuant to Section 10A of the Dog Control Act 1996, be received and adopted by Council.
- 7.2 That the adopted report REP12-06-07 be publicly notified and be made available on the Council's website with a copy being sent to the Secretary for Local Government.

## **8. DRAFT RESOLUTION**

**THAT the Environment & Planning Committee:**

- 1. Receives and adopts the Annual Dog Control Report 2011-2012, Report REP12-06-07, required pursuant to Section 10A of the Dog Control Act 1996;**
- 2. Agrees to the adopted report Annual Dog Control Report 2011-2012 be publicly notified and be made available on the Council's website with a copy being sent to the Secretary for Local Government.**
- 3. Instructs staff to prepare an amendment to the existing Dog Control Bylaw 2009 (Appendix 1) which proposes that:**
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Ross Connochie  
**Regulatory Administration Officer**

### **Appendices**

*Appendix 1: Proposed Bylaw Amendment*  
*Appendix 2: Statistical report on a petition*

## PROPOSED BYLAW AMENDMENT

### 1. Dog Control Bylaw

- 1.1 The purpose of this report is to recommend that the element of the existing Dog Control Bylaw 2009 which relates to Takaka be reviewed.

### 2. Background

#### 2.1 The Dog Control Bylaw 2009 Schedule 3 currently states:

##### *Dog Prohibited Areas*

*Dogs are prohibited on all Council sports fields and complexes, and within 10 metres of playground equipment and picnic tables and in the following areas:*

*Commercial Street Takaka – from Pioneer Park to Top Town Dairy.*

- 2.2 **Suggested Amendment.** The amendment would make Commercial Street Takaka an Urban Area under the definition in the existing Dog Control Bylaw by removing it from the list of prohibited areas i.e.

##### *2009 Schedule 1 Leash Control Areas:*

*'Every dog shall be kept under continuous control by means of a leash which is secured or held by a person capable of restraining the dog so that the dog cannot break loose:*

1. *In an urban area or cemetery;*
2. *Faulkner Bush Reserve picnic area.*

Areas where dogs should still be banned such as the "Village Green", would then be included in Schedule 3.

### 3. Matters to be Considered

- 3.1 Earlier this year a petition was submitted to Golden Bay Community Board and staff requesting a change to the existing bylaw provisions relating to Commercial Street Takaka. The statistical breakdown of the petition is attached below. The Community Board felt that the bylaw should not be reviewed as they had had feedback indicating that the bylaw in its current form was popular. A concern to staff was the number of signatories on the petition (364) and the fact that the overwhelming majority were in favour of change (85%).
- 3.2 It is the staff's opinion that there are some issues with the existing Bylaw:

- 3.2.1 It is the only Dog Prohibited area in Tasman that pertains to a residential area. Additionally no similar restriction has been found anywhere else in New Zealand.
- 3.2.2 It restricts the freedoms of five dog owners resident in Commercial Street in that they are required to transport dogs in a vehicle out of the prohibited area to exercise them.
- 3.2.3 It reportedly causes significant frustration to both visitors and the local population. This is reflected in comments made to Council Staff and continuous vandalism to dog control signage in Takaka.
- 3.2.4 Enforcement of the current bylaw is difficult and unpopular.

#### **4. Financial/Budgetary Considerations**

- 4.4 No additional budget would be required for this review.

#### **5. Options**

##### **5.1 Option 1: No change - Pros:**

- 5.1.1 Perceived limitation of dog related nuisance: Fouling, noise, intimidation, dogs being tied up outside premises while owners are inside,
- 5.1.2 No administrative changes required.

##### **5.2 No Change - Cons**

- 5.2.1 Dog ban in Commercial Street remains out of sync with rest of Tasman area.
- 5.2.2 Persons resident in Commercial Street would continue to be restricted in freedom of movement of their dogs
- 5.2.3 Continuing visitor frustrations and local conflict.

##### **5.3 Option 2: Change with some limitations on dogs – Pros:**

- 5.3.1 Dogs on a leash would be under full control and therefore dog related nuisances would be limited by the level of control the owners have over the animals.
- 5.3.2 Persons resident in Commercial Street would no longer be restricted in freedom of movement of their dogs provided they were under control.
- 5.3.3 Specific areas where dogs are banned e.g the Village Green and play areas could be more effectively patrolled.
- 5.3.4 The Bylaw would be in sync with the weight of public opinion.

5.3.5 Enforcement of the Bylaw would be targeted at areas where prohibition of dogs is considered more necessary e.g children's play areas and thus be more effective.

#### **5.4 Option 2: Change with some limitations on dogs - Cons:**

4.4.1 Some shop owners do not want dogs tied up outside their premises as they feel there is a risk of dogs fouling.

4.4.2 Some food premises use the pavement areas out side of there establishments as seating and do not want customers to suffer nuisance from dogs scavenging for food.

4.4.3 There would need to be consultation using a Special Consultative Procedure and this would involve some administrative work.

### **6. Evaluation of Options**

**6.1** Option 1 would maintain the status quo. As legislation allows a maximum of 10 years between reviews of the bylaw we could therefore wait until 2019. There is also some reported concerns that given the number of proprietors that either own the land directly in front of their premises, or have Licence to Occupy the footpath in the central Commercial Street Area, allowing access to dogs has the potential to cause a nuisance to some businesses situated on Commercial Street. Maintaining the status quo would in theory prevent such nuisance.

**6.2** Option 2 would allow measured access of dogs to Commercial Street provided they were under direct leash control of their owners. It would also allow dog owners living on the street to be legally compliant. Areas which are deemed to benefit significantly from dogs being banned could keep that status and could be more effectively policed. The bylaw would be compliant with the majority view in Takaka.

### **7. Recommendation**

**7.1** On balance Option 2 is the most effective and reasonable approach. If the petition did not truly represent the views of the Takaka residents they will have the opportunity to submit on the proposal.

### **8. Timeline/Next Steps**

**8.1** Staff prepare a draft amendment to the existing bylaw and put it out as part of a Special Consultative Procedure.



**Statistical report on a petition presented to Council by Pam Nelson and Helen Mead on 27 January 2012**

Question : Do you agree that the bylaw should be changed to allow dogs on a leash in the Takaka CBD?											
Response	A	B	C	D	E	F	G	H	I	K	L
364	Agree	Do not agree	Do not care/mind	Live or work in CBD	Own a dog	Do not own a dog	Visitor to Golden Bay	A&E	A&F	B&E	B&F
	322	31	11	117	178	110	43	164	87	5	16
	88.46%	8.52%	3.02%	32.14%	48.90%	30.22%	11.81%	45.05%	23.90%	1.37%	4.40%