



**QUEENSTOWN LAKES DISTRICT COUNCIL
DOG CONTROL BYLAW 2020 AND DOG
CONTROL POLICY 2020**

STATEMENT OF PROPOSAL

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INTRODUCTION

This is a statement of proposal prepared in accordance with section 83(1)(a) Local Government Act 2002 (**LGA**) in relation to the making of the Queenstown Lakes District Dog Control Bylaw 2020 and the Queenstown Lakes District Dog Control Policy 2020.

The Queenstown Lakes District has approximately 5100 registered dogs and aims to achieve responsible dog ownership and a positive interaction between dogs and public.

All Territorial Authorities must adopt a Dog Policy under the Dog Control Act 1996 (**DCA**) and the policy must have regard to the following:

- (a) the need to minimise danger, distress, and nuisance to the community generally;
- (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;
- (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.

The majority of dog control is administered through the Dog Policy. However, the DCA provides for local authorities to have a Dog Control Bylaw to identify local issues and further protect the public from nuisance; protect, promote, and maintain public health and safety; and minimise the potential for nuisance behaviour in public places.

The Queenstown Lakes District Council (**Council**) invited the community to share their views on dog control in an on-line survey. This survey received 184 completed responses.

The survey sought comment on key areas, which are not already addressed by the DCA, these being:

- Additional control or prohibition of dogs in public areas such as in residential areas, parks and reserves or in town beyond the requirement of the DCA (the DCA requires dogs to be under control at all time, this can be verbal control); and
- Whether the District would benefit from having additional recreational areas where dogs must be controlled on a leash.

Following receipt of feedback, the Dog Control Bylaw 2014 and Dog Control Policy 2014 were reviewed, amendments made and a draft of the Dog Control Bylaw 2020 and Dog Control Policy 2020 prepared by the Council for consultation in terms of s86 LGA. The Dog Control Bylaw 2020 will be made by the Council using powers contained in sections 145, 146, 158 and 160 of the LGA, and sections 10 and 20 of the DCA. The Dog Control Policy 2020 will be made by Council using powers contained in section 10 of the DCA.

In accordance with section 86(2) of the LGA the Council when making a bylaw and dog control policy is required to include in the Statement of Proposal:

- (a) A draft of the Bylaw and Policy proposed;
- (b) The reasons for the proposed Bylaw and Policy; and
- (c) A report of any relevant determinations by the Council under s155 of the LGA.

A. DRAFT BYLAW

A draft of the reviewed Bylaw is attached as Appendix 1 to this Statement of Proposal.

B. DRAFT POLICY

A draft of the reviewed Policy is attached as Appendix 2 to this Statement of Proposal.

C. REASONS FOR PROPOSAL

Background/legislative frame work

All Territorial Authorities must adopt a Dog Policy under the DCA, following initial consultation with the community it is proposed to amend the existing Policy.

To enable the Dog Policy to be enforced, a Dog Control Bylaw is required.

The DCA only requires dogs to be under control at all times, verbal control in a correct fashion can constitute compliance with the DCA, however verbal control as a single mechanism for controlling dogs does open up potential for nuisance or risk of safety in some areas (Children's Playgrounds for example).

Section 20 of the DCA allows for the prescription of a Dog Control Bylaw in accordance with the LGA, for the purpose of addressing local issues through the following provisions including but not limited to:

- (a) prohibiting dogs, whether under control or not, from specified public places;
- (b) regulating and controlling dogs in any other public place;
- (c) designating specified areas as dog exercise areas;
- (d) prescribing minimum standards for the accommodation of dogs;
- (e) limiting the number of dogs that may be kept on any land or premises;
- (f) requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces; and
- (g) requiring any bitch to be confined but adequately exercised while in season:

Following a public survey discussed above and undertaking a LGA Section 155 Analysis which requires Council, when considering a bylaw, to determine:

- Whether a bylaw is the most appropriate way of addressing the perceived problem;
- Whether a bylaw is in the most appropriate form; and
- Whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990;

it has been determined that a an amended Dog Control Bylaw as proposed is appropriate, to give effect to the amended Dog Control Policy.

Discussion

It is important that the Dog Control Bylaw 2020 and respective Policy are implemented to address:

- (a) the need to minimise danger, distress, and nuisance to the community generally;

- (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;
- (c) the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without being attacked or in fear of attack/intimidation by dogs; and
- (d) the exercise and recreational needs of dogs and their owners.

The key revisions to the Dog Control Bylaw are consistent with the proposed Policy and include but are not limited to:

- (a) Changes to leash restrictions in Matakauri Park, where dogs must now be on leash at all times;
- (b) Permitting dogs on Buckingham Street, Arrowtown, but must be under control on a leash at all times; and
- (c) Prohibiting dogs on Queenstown Hill and Queenstown Hill Walkway.

Key changes in the Dog Control Policy are:

- (a) Minor updates to align with the proposed revisions to the Bylaw; and
- (b) Updates to the strategic context of the Policy.

D. RELEVANT DETERMINATIONS UNDER SECTION 155 LGA AND SECTION 20 OF THE DCA

The Council in proposing the Queenstown Lakes District Council Dog Control Bylaw 2020 considers that it is the appropriate means for addressing the actual and likely issues associated with dogs in the Queenstown Lakes District and considers the Bylaw will encourage appropriate dog ownership and meet the objectives of the proposed Dog Control Policy.

The Council considers that the proposed Bylaw is consistent with the New Zealand Bill of Rights Act 1990 and only seeks to impose justifiable and reasonable limitations on persons in the interests of environmental quality, public health and safety.

E. DISTRIBUTION OF STATEMENT OF PROPOSAL

This proposal will be distributed in accordance with Section 83 of the LGA, on the following basis:

- a) The Council will scrutinise Council's existing databases of organisations within the community with a potential interest in this matter and will write to each providing a copy of the proposal and indicating that the Council would welcome submissions on the matter.
- b) The Council will make contact with each registered dog owner. They will be provided a copy of the proposal and advised that the Council would welcome submissions on the matter.
- c) The Council will advertise in the Otago Daily Times, Southland Times, The Wānaka Sun and in the Mountain Scene, advising that the proposal exists and inviting submissions.

Timetable for Consultation

The following dates represent the key times in the consultation programme:

30 th January 2020	Council resolves to undertake public consultation on the proposed changes to the Dog Control Bylaw and Policy following the special consultative procedure
30 th January 2020 31 st January 2020	Advertisement in 'Mountain Scene', The Wānaka Sun Advertisement in the Otago Daily Times, Southland Times
28 th February 2020	Submissions close 5pm
In the week between 6 th April 2020 and 9 th April 2020	Submissions heard by a subcommittee of Councillors (to be confirmed)
4 th June 2020	Council considers outcome of public hearing process. Adoption of Dog Control Bylaw 2020 and Dog Control Policy 2020
4 th June 2020	The Bylaw and Policy come into effect
4 th June 2020	Public notice of final decision (if Council resolve to adopt the Bylaw and Policy)

Inspection of Documents and Obtaining Copies

Copies of this proposal, the draft Bylaw and Policy and the supporting reports may be inspected, and a copy obtained, at no cost, from:

- a) Either of the Council offices at 10 Gorge Road, Queenstown or the Wānaka Service Centre, 47 Ardmore Street, Wānaka
- b) The Council website – www.qldc.govt.nz

Right to Make Submissions and Be Heard

Any person or organisation has a right to be heard in regard to this proposal and the Council would encourage everyone with an interest to do so.

The Council would prefer that all parties intending to make a submission set those submissions out in writing and submit them to the Manager: Regulatory, Private Bag 50072, Queenstown, no later than 5 PM on Monday 28th of February 2020. The Council will then convene a hearing, which it intends to hold during the week between 6th April 2020 and 9th April 2020, at which any party who wishes to do so can present their submission in person.

Equal weight will be given to written and oral submissions.

The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.

Every submission made to the Council will be acknowledged in accordance with the LGA, will be copied and made available to the public, and every submission will be heard in a meeting, which is open to the public.

Section 82 of the LGA sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

Making an Effective Submission

Written submissions can take any form (e.g. Email, letter) but we recommend your submission be made on a standard submission form available from Council. An effective submission references the clause(s) of the Draft Bylaw you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.

Submissions on matters outside the scope of the Bylaw and Policy cannot be considered by the Hearings Panel. For example, submissions concerning the contents of Freedom Camping Act 2011 (e.g. opposing the level of fine) cannot be considered by the Hearing Panel.

Mike Theelen
CHIEF EXECUTIVE

APPENDIX 1 – Draft Queenstown Lakes District Council Dog Control Bylaw 2020

APPENDIX 2 - Draft Queenstown Lakes District Council Dog Policy 2020