

Notice of Meeting:

I hereby give notice that an ordinary meeting of the Hearings Committee will be held on:

Date: Tuesday 29 October 2024
Time: 1:00pm - Dog Control Bylaw Hearing Reconvened
Venue: Council Chambers, Dunedin Public Art Gallery, The Octagon,
Dunedin

Sandy Graham
Chief Executive Officer

Hearings Committee

MEMBERSHIP

Chairperson	Cr Bill Acklin Cr Carmen Houlahan Cr Mandy Mayhem
Senior Officer	Cazna Sevell (Acting Manager Compliance Solutions)
Governance Support Officer	Jennifer Lapham

Jennifer Lapham
Governance Support Officer

Telephone: 03 477 4000
Jenny.Lapham@dcc.govt.nz
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Note: Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

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PART A REPORTS (Committee has power to decide these matters)		
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PART A REPORTS

HEARINGS COMMITTEE DELIBERATIONS - DOG CONTROL BYLAW AND DOG CONTROL POLICY

Department: Civic

EXECUTIVE SUMMARY

- 1 The Hearings Committee – Dog Control Bylaw meet on Thursday 26 and 27 September to hear submitters who wished to speak to their submission. The meeting was adjourned and will reconvene on 29 October 2024 to consider the submissions.
- 2 To assist the Committee a consultation matrix has been prepared which covers the topics raised, what is currently in the bylaw, any new proposals, consultation information, staff comments and recommendation.
- 3 As this is an administrative report the summary of considerations is not required.

RECOMMENDATIONS

That the Committee recommends that the Council:

- a) **Notes** that the Hearings Committee has heard and considered submissions on the proposed Dog Control Policy and Dog Control Bylaw.
- b) **Adopts** the amended Dog Control Policy and Dog Control Bylaw.
- c) **Approves** a date of effect for the Dog Control Policy and Dog Control Bylaw of 5 May 2024.

Signatories

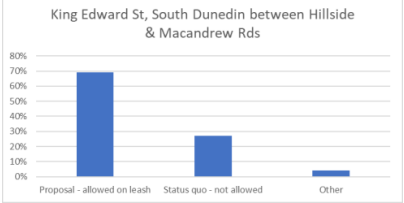
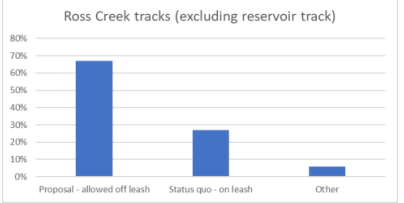
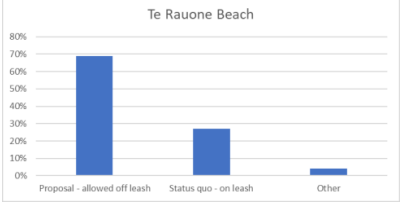
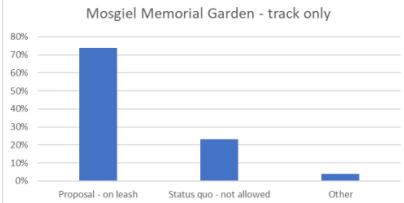
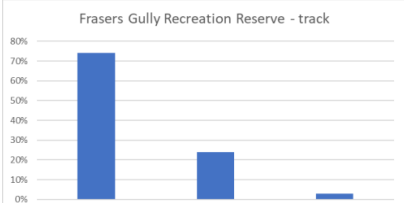
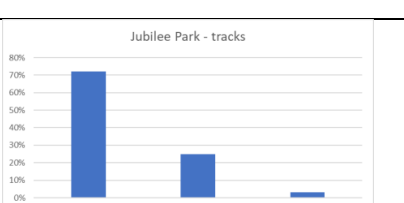
Author:	Jennifer Lapham - Governance Support Officer
Authoriser:	Clare Sullivan - Manager Governance

Attachments

	Title	Page
↓A	Hearing Committee - Dog Control Bylaw - Deliberations Sheet	5

Dog Control Bylaw and Policy review matrix – September 2024

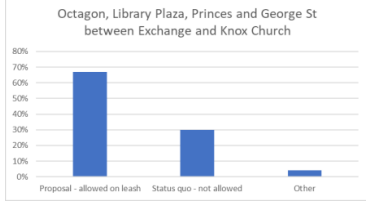
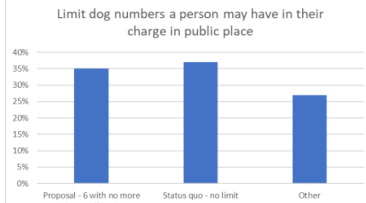
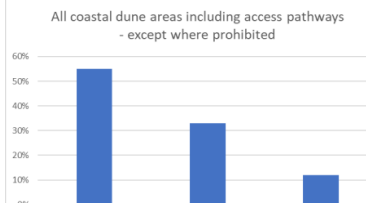
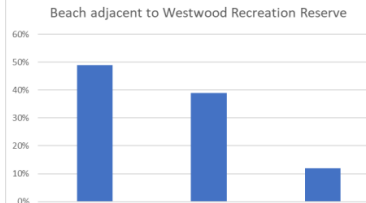
1. There is good support (more than 66%) for proposed changes to these areas.

TOPIC	CURRENT	PROPOSAL	CONSULTATION INFORMATION	COMMENTS	STAFF RECOMMENDATION	HC DECISION
King Edward St and South Dunedin between Hillside and Macandrew Roads	Prohibited	On leash <i>Reason: address demand for increased dog access</i>		Comments – 3. Minimal issues here	Adopt proposal	
Ross Creek tracks	On leash	Off leash – excluding Reservoir track which would remain on leash <i>Reason: address demand for increased dog access</i>		Comments: 37 with mixed views. Health NZ agree with clear signage, Forest & Bird support	Adopt proposal	
Te Rauone Beach	On leash	Off leash <i>Reason: address demand for increased dog access in area with limited opportunities</i>		Comments: 8 with mixed views. DOC oppose but recognise community need, Forest & Bird, Yellow Eyed Penguin Trust oppose.	Adopt proposal	
Mosgiel Memorial Garden – track only	Prohibited	On leash <i>Reason: address demand for increased dog access, providing access through this area.</i>		Comments: 2.	Adopt proposal	
Frasers Gully Recreation Reserve - track	Track is on leash but surrounding area is off leash	Off leash track <i>Reason: align with surrounding off leash area</i>		Comments: 5. Area well used by dog owners – few issues.	Adopt proposal	
Jubilee Park - tracks	On leash	Off leash <i>Reason: aligns with surrounding area which is off leash</i>		Comments: 2. Area well used by dog owners with - issues.	Adopt proposal	

TOPIC	CURRENT	PROPOSAL	CONSULTATION INFORMATION	COMMENTS	STAFF RECOMMENDATION	HC DECISION								
Bethunes Gully picnic area	On leash	Off leash <i>Reason: aligns with nearby track which is off leash</i>	<p>Bethunes Gully picnic area</p> <table border="1"> <tr><th>Category</th><th>Percentage</th></tr> <tr><td>Proposal - off leash</td><td>70%</td></tr> <tr><td>Status quo - on leash</td><td>25%</td></tr> <tr><td>Other</td><td>5%</td></tr> </table>	Category	Percentage	Proposal - off leash	70%	Status quo - on leash	25%	Other	5%	Comments: 10. Forest & Bird support.	Adopt proposal	
Category	Percentage													
Proposal - off leash	70%													
Status quo - on leash	25%													
Other	5%													
McGouns track	On leash	Off leash <i>Reason: align with nearby tracks which are off leash.</i>	<p>McGouns track</p> <table border="1"> <tr><th>Category</th><th>Percentage</th></tr> <tr><td>Proposal - off leash</td><td>70%</td></tr> <tr><td>Status quo - on leash</td><td>25%</td></tr> <tr><td>Other</td><td>5%</td></tr> </table>	Category	Percentage	Proposal - off leash	70%	Status quo - on leash	25%	Other	5%	Comments: 4. Forest & Bird support.	Adopt proposal	
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Woodside Glen	Glen is off leash but unformed legal roads within the reserve default to on leash	Off leash unformed legal roads <i>Reason: align with rest of this area as it is unclear where unformed roads are</i>	<p>Woodside Glen - unformed legal roads</p> <table border="1"> <tr><th>Category</th><th>Percentage</th></tr> <tr><td>Proposal - off leash</td><td>70%</td></tr> <tr><td>Status quo - on leash</td><td>25%</td></tr> <tr><td>Other</td><td>5%</td></tr> </table>	Category	Percentage	Proposal - off leash	70%	Status quo - on leash	25%	Other	5%	Comments: 20 comments. Forest & Bird, adjoining landowner oppose. Few issues over 10 years (3 complaints). Area has limited off leash opportunities for dog owners	Adopt proposal. Be clear in communications that the Woodside Glen track (mostly DOC) is still on leash, the Woodside Glen Reserve is still off leash – and that the proposal aims only to tidy up the unformed legal roads rule – as it unclear where these roads are.	
Category	Percentage													
Proposal - off leash	70%													
Status quo - on leash	25%													
Other	5%													
Exempting dogs from restrictions with permission	No exemptions	Council may exempt with permission <i>Reason: allow exemptions for purposes not adequately covered e.g. dogs in training to be working dogs and pest control volunteers</i>	<p>Exempting dogs from restrictions with permission</p> <table border="1"> <tr><th>Category</th><th>Percentage</th></tr> <tr><td>Proposal - exempt dogs with permission</td><td>70%</td></tr> <tr><td>Status quo - no exemptions</td><td>25%</td></tr> <tr><td>Other</td><td>5%</td></tr> </table>	Category	Percentage	Proposal - exempt dogs with permission	70%	Status quo - no exemptions	25%	Other	5%	Comments: DOC asks whether this will affect wildlife areas. Halo Project supports provided exemptions support the bylaw/rules.	Adopt proposal	
Category	Percentage													
Proposal - exempt dogs with permission	70%													
Status quo - no exemptions	25%													
Other	5%													
Playgrounds definition	Means any children's playground equipment provided or maintained by the Council for public use and includes Council skateparks and Council outdoor basketball areas	Amended to include 'within one metre' of playground area and equipment <i>Reason: provide a clearer definition</i>	<p>Playgrounds definition</p> <table border="1"> <tr><th>Category</th><th>Percentage</th></tr> <tr><td>Proposal - clarify to 'within one metre'</td><td>70%</td></tr> <tr><td>Status quo</td><td>25%</td></tr> <tr><td>Other</td><td>5%</td></tr> </table>	Category	Percentage	Proposal - clarify to 'within one metre'	70%	Status quo	25%	Other	5%	Comments: 15.	Adopt proposal	
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Proposal - clarify to 'within one metre'	70%													
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Right of review for dog owners	No right of review	Add right of review for dog owners – that an owner affected by a decision made under the bylaw may apply in writing to the Chief Executive for a review of the decision within 14 days after receiving notification of the decision.	<p>Right of review for dog owners</p> <table border="1"> <tr><th>Category</th><th>Percentage</th></tr> <tr><td>Proposal - add right of review</td><td>70%</td></tr> <tr><td>Status quo - no right of review</td><td>25%</td></tr> <tr><td>Other</td><td>5%</td></tr> </table>	Category	Percentage	Proposal - add right of review	70%	Status quo - no right of review	25%	Other	5%	Adding this to bylaws as best practice.	Adopt proposal	
Category	Percentage													
Proposal - add right of review	70%													
Status quo - no right of review	25%													
Other	5%													

TOPIC	CURRENT	PROPOSAL	CONSULTATION INFORMATION	COMMENTS	STAFF RECOMMENDATION	HC DECISION								
Displaying dog poo bag	Required to display a dog poo bag (as well as carry it)	Remove the requirement to display a dog poo bag (must still carry one) <i>Reason: may be more convenient for some dog owners</i>	<table border="1"> <caption>Displaying dog poo bag - Survey Results</caption> <thead> <tr> <th>Response</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Proposal - remove requirement to display bag</td> <td>70%</td> </tr> <tr> <td>Status quo - must display bag</td> <td>25%</td> </tr> <tr> <td>Other</td> <td>5%</td> </tr> </tbody> </table>	Response	Percentage	Proposal - remove requirement to display bag	70%	Status quo - must display bag	25%	Other	5%		Adopt proposal	
Response	Percentage													
Proposal - remove requirement to display bag	70%													
Status quo - must display bag	25%													
Other	5%													

2. Views are more divided views for these proposed changes.

TOPIC	CURRENT	PROPOSAL	CONSULTATION INFORMATION	COMMENTS	STAFF RECOMMENDATION	HC DECISION
Octagon, Princes St and George St between Exchange and Knox Church	Prohibited	On leash (but not allowed to be left tied up and unattended) <i>Reason: address demand for increased dog access in these areas</i>		<p>Comments: strong views for both sides with 56 comments against and 36 for. DOC oppose (red billed gulls). Dogs have been prohibited in this area since the bylaw began in 1997.</p>	Adopt proposal	
Limiting number of dogs a person may have in their charge in a public place	No limits	No more than 6 with no more than 2 off leash <i>Reason: address increasing concerns about multiple dogs per owner</i>		<p>Comments: Most popular topic - 131 pro formas and 126 others against this e.g. concerned about impact on professional dog walking businesses. 15 support. Many agree with limit of 6 but not with 2 off leash for businesses. Several suggest permit/licence system for businesses as an alternative.</p> <p>Organisations against: Taieri Canine Training Club, Muddy Paws Adventures, Brighton Pony Club, Four Paws Outdoors, Go Fetch Dog Adventures, The Fit Pack, Pack of Paws, Canine Capers Dog Services, Tails on Trails Dunedin, Take the Lead Ltd.</p> <p>Organisations for: Halo Project, Forest and Bird, Sea Lion Trust, RNZSPCA.</p>	<p>Introduce a limit of six dogs a person may have in their charge in a public place, without written permission (permit). If a permit is granted, then the owner must comply with conditions that Council thinks fit. A permit could be revoked if conditions are breached.</p> <p>For example, assessment, knowledge of bylaw/Act rules.</p>	
Coastal dunes	Rules vary	On leash all coastal dunes including access pathways (unless prohibited) <i>Reason: greater protection for wildlife</i>		<p>32 comments with mixed views. DOC initiated this, supported by Halo, Forest & Bird, Predator Free, Sea Lion Trust.</p>	Adopt proposal	
Beach adjacent to Westwood Beach	Off leash	On leash <i>Reason: address safety concerns with horses, dogs, people raised in early engagement</i>		<p>Comments: 71 comments with mixed views, many dog owners preferring status quo. Forest & Bird/DOC support on leash. Alternative suggestion (Brighton & Dunedin Pony Clubs) – on leash within 20 metres of horses. Pack of Paws want off leash. One submitter wants within 500m of horses.</p> <p>Jurisdiction is with DCC and also DOC for the adjacent reserve. Refer to DOC agreed wording in our policy: "On beaches where it may be confusing whether DoC or the Council has control, DoC agrees that the bylaw will apply. These beaches are specified in the Dunedin Dog Control Policy."</p>	<p>Dogs must be on leash within certain distance of horses at this beach. Think about appropriate distance.</p> <p>Insufficient consultation to warrant an ALL beach distance rule – but could look at this next review.</p> <p>Coastal dune rule would also help with this.</p>	

TOPIC	CURRENT	PROPOSAL	CONSULTATION INFORMATION	COMMENTS	STAFF RECOMMENDATION	HC DECISION								
Caledonian Grounds	Allowed with sportsground rules	Prohibited <i>Reason: address nuisance, safety concerns about dogs in sporting venue</i>	<p>Caledonian Grounds</p> <table border="1"> <tr><th>Category</th><th>Percentage</th></tr> <tr><td>Proposal - dog not allowed</td><td>60%</td></tr> <tr><td>Status quo - dogs allowed sportsground rules apply</td><td>30%</td></tr> <tr><td>Other</td><td>10%</td></tr> </table>	Category	Percentage	Proposal - dog not allowed	60%	Status quo - dogs allowed sportsground rules apply	30%	Other	10%	Comments: 7 comments. Athletics Otago submitted in early engagement re nuisance, safety, fouling issues	Adopt proposal	
Category	Percentage													
Proposal - dog not allowed	60%													
Status quo - dogs allowed sportsground rules apply	30%													
Other	10%													
Pūrākaunui Beach	On leash	Off leash <i>Reason: address demand for increased dog access in area with limited off leash opportunities</i>	<p>Pūrākaunui Beach</p> <table border="1"> <tr><th>Category</th><th>Percentage</th></tr> <tr><td>Proposal - allowed off leash</td><td>70%</td></tr> <tr><td>Status quo - on leash</td><td>25%</td></tr> <tr><td>Other</td><td>5%</td></tr> </table>	Category	Percentage	Proposal - allowed off leash	70%	Status quo - on leash	25%	Other	5%	Comments: 16 comments. While good support for proposal, Halo, Forest & Bird & Predator Free would like dogs prohibited. DOC oppose but supports on leash to left of the access track.	On leash or prohibited for the beach area to the left of access track and off leash for the rest of beach to the right of the access track. Coastal dune rule would help.	
Category	Percentage													
Proposal - allowed off leash	70%													
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Other	5%													
Minor change – consistent wording	Nuisance definition includes wildlife but 14.2.2 does not.	Add 'or wildlife' to 14.2.2: <i>".. rushing and frightening persons or protected wildlife in a public place.."</i>		DOC asked for this change for consistency/clarity.	Make this minor change for consistency									

Some other areas were brought to our attention but would require consultation for change, so could be flagged for attention at the next review, for example:

- Doctors Point – Halo Project would like prohibited. Early engagement showed mixed views on rules at this beach. Coastal dunes and temporary signage rule would help protect wildlife at this beach while still allowing for an off-leash area in part of Dunedin where there are few off leash opportunities.
- Long Beach Wharewera – Halo Project would like prohibited for part of this beach.
- Headlands and river mouths – DOC would like blanket rule for all to be on leash. This was not consulted on (as not raised earlier) and there would likely be numerous affected parties. Flag for attention at the next bylaw review?
- St Clair beach – St Clair Surf Club think it would be a good off leash area (currently prohibited) as the beach is changing, rarely any swimmers, and some sand at low tide. Not consulted on but could next review?