Statement of Proposal

Dog Control Bylaw 2017
This Statement of Proposal has been prepared in accordance with the requirements of Sections 83 & 86 of the Local Government Act (LGA) 2002.

Procedures for making bylaws
Council is authorised to make this bylaw by the Dog Control Act 1996. The procedure for making this bylaw is set out in the Local Government Act (LGA) 2002.

LGA 2002 Section 155 Determination whether bylaw made under this Act is appropriate states that 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.
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.
The proposed bylaw has been deemed to be the most appropriate form to address the needs of the South Waikato community to achieve its outcomes and it is Council’s view that no provision of the proposed bylaw is inconsistent with the NZBORA 1990.

Section 158 Review of bylaws made under this Act (1) states that a local authority must review a bylaw made by it under this Act no later than 5 years after the date on which the bylaw was made.

Section 160A Bylaw not reviewed within specified time frame revoked states that a bylaw that is not reviewed as required is revoked on the date that is 2 years after the last date on which the bylaw should have been reviewed under that section.

Background
The proposed Dog Control Bylaw 2017 was first adopted in December 2004 and was subsequently reviewed in March and October 2014 and October 2015.
The purpose of the bylaw is to fulfil and regulate the provisions of the Dog Control Act 1996 as it pertains to Council’s Dog Control Policy as set out in the Dog Control Act 1996.
A Survey was carried out in November 2016 and with the feedback provided, it was evident that the communities had different views on certain points with the Tokoroa community wishing to maintain a dog prohibited area in the CBD. The Putaruru and Tirau communities wished to lift the CBD bans.
Council agreed to carry out pre-consultation with interested parties prior to bylaws being presented for public consultation. These parties included the Dog Steering Group, Tirau Community Board, Pride in Putaruru/Putāruru Moving Forward and Tokoroa Business Association.

Options considered by Council
A bylaw review has been undertaken in accordance with section 160(2) of the LGA. Now that the review is completed, Council has four options to consider in accordance with section 160(3) of the LGA. These options also provide a link to the decision-making requirements of section 77 of the LGA, including the identification of reasonably practicable options.

Council has considered four options:
A. Amend the bylaw
B. Keep the bylaw as it is without any amendments
C. Revoke the bylaw
D. Revoke the current bylaw and replace it with a new bylaw

For each option Council is required to consult with the community, either using the special consultative procedure or in accordance with section 82 of the LGA. The table below outlines Council's options in and briefly highlights the advantages and disadvantages for each option:
<table>
<thead>
<tr>
<th>Option</th>
<th>Description</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option A - Amend the bylaw</strong></td>
<td>Undertake Public consultation On the proposed Bylaw.</td>
<td>To ensure the bylaw has been thoroughly reviewed and amended as necessary.</td>
<td>Staff time and costs associated with public consultation.</td>
</tr>
<tr>
<td><strong>Option B - Keep the Bylaw as it is</strong></td>
<td>Adopt a statement of proposal for public consultation with the current bylaw (no changes)</td>
<td>No change to current clauses.</td>
<td>This may not reflect best practice.</td>
</tr>
<tr>
<td><strong>Option C - Revoke the Bylaw</strong></td>
<td>Undertake consultation stating Council’s intention to Revoke the Bylaw</td>
<td>This would reduce Council’s enforcement activity requirements.</td>
<td>There would be less means for the management of dogs in the district.</td>
</tr>
<tr>
<td><strong>Option D - Revoke the current Bylaw and Replace with a new Bylaw</strong></td>
<td>Undertake consultation for public consultation including a new bylaw.</td>
<td>The bylaw would have a full and complete review and would be up to date with current legislation.</td>
<td>Being a new bylaw, this would mean that the bylaw would need to be reviewed within a 5 year period rather than 10 years.</td>
</tr>
</tbody>
</table>

Council is proposing Option A. The proposed bylaw is attached.

**Significant Changes to Proposed Bylaw**

The most significant changes made to the proposed Dog Control Bylaw 2017 are:

- Added definition for oestrous
- Added definition for restricted
- A proposed extension to the restricted/prohibited dog area in the Tokoroa CBD as outlined in the Map entitled Proposed Dog Control Bylaw 2017 Map
- The lifting of prohibited dog areas in Putaruru and Tirau CBD’s and Arapuni
- The proposed dog prohibited areas for Te Waihou Walkway and all Waikato River Trails as indicated in the Second Schedule
- The addition of all playgrounds, all cemeteries, airport and all Council owned/controlled facilities as prohibited areas in the Second Schedule
- The removal of the upper right side of the Village Green, Arapuni, as a dog exercise area, due to this land no longer being Council owned
- The increased availability of dog poo disposable bags which are provided free of charge from Council offices in Tokoroa and Putaruru offices and Tirau i-Site as per Clause 9.3
- Added name of Permit to Clause 13.8 “Permit to Keep More than Two Dogs – Urban Area”
- The removal of Clause 13.15 which stated that a person must produce their permit to keep more than two dogs, at the request of any Council officer
- Added Clause 14.0 Selected Owner Policy
- The updating of forms in the First Schedule.
Why is Council consulting?

Consultation is being undertaken with the public as Council is interested in the public’s opinion on the proposed bylaws.

LGA Section 156 Consultation requirements when making, amending, or revoking bylaws made under this Act states that when making a bylaw under this Act or amending or revoking a bylaw made under this Act, a local authority must—

(a) use the special consultative procedure (as modified by section 86) if—

   (i) the bylaw concerns a matter identified in the local authority’s policy as being of significant interest to the public; or

   (ii) the local authority considers that there is, or is likely to be, a significant impact on the public due to the proposed bylaw or changes to, or revocation of, the bylaw; and

(b) in any case in which paragraph (a) does not apply, consult in a manner that gives effect to the requirements of section 82.

Council believes the information contained in the proposed bylaw is considered to be significant and therefore will follow the Special Consultative Procedure as set out in LGA Sections 83 & 86.

Consultation Process

Members of the public have the opportunity to comment on all bylaws either by way of an online submission or by completing a hard copy submission form during the consultation period which is open for a period of one month from Wednesday 13 September 2017 to Friday 13 October 2017.

Copies of the proposed Bylaws, Statement of Proposals and Submission forms are available from the following locations:

South Waikato District Council office, Torphin Crescent, Tokoroa
Putaruru Office (Jim Howland Centre), Overdale Street, Putaruru
Tirau i-Site, Main Road, Tīrau, and

Council’s website – www.southwaikato.govt.nz

The submission form must contain the submitter’s name, address, contact telephone number and/or email address.

Bylaws being consulted on under Sections 83 & 86, hearings will be held. All submitters are given the opportunity to present their submission at a public hearing if submitters have advised that they wish to be heard. For those bylaws being consulted on under Section 82, all submissions will be considered but no public hearing will be held.