

2 July 2019

Dear [REDACTED]

Official Information request - Dog Control Bylaw and Policy Review

I am writing in response to your email of 27 May 2019 requesting provision of information on the 2004 Bylaw and Policy. Answers to your questions are provided below:

- a) **Council records that conclusively show the 2004 Bylaw and Policy were properly reviewed no later than 15 August 2009.**
There was no requirement to review the 2004 Bylaw and Policy prior to 15 August 2009 as it was not a review of a new bylaw (which is a requirement under section 158 of the Local Government Act 2002). The 2004 Dog Control Bylaw was adopted in September 2004 and was a review of the Dog Control Bylaw 1997. Section 158 relates to the first review of a new bylaw.
- b) **The reasons (and supporting evidence) the Bylaw and Policy are exempt the s158 requirement for a five-year review so there was no requirement to perform it before the 10-year review.**
- c) **Council records that conclusively show the 2004 Bylaw and Policy were properly reviewed no later than 10 years after they were last reviewed.**
The review of the 2004 Bylaw and Policy commenced on 14 June 2014, under Section 159 of the Local Government Act 2002 (Further reviews of bylaws every 10 years). This was within the 10-year review period to commence a review, as it was a review of an existing bylaw which had already been reviewed in 2004.

I have attached to this letter resolutions from the Planning and Environment Committee and subsequently at full Council, to show the reviewed commenced on 14 June 2014.

I trust that this answers your query.

Yours sincerely



Lauren McDonald
Governance Support Officer

Encl: 1

**EXTRACT FROM THE CONFIRMED MINUTES OF A MEETING OF THE PLANNING AND REGULATORY COMMITTEE
HELD IN THE EDINBURGH ROOM, MUNICIPAL CHAMBERS ON TUESDAY, 13 OCTOBER 2015, COMMENCING
AT 1.00PM**

**5. DRAFT DOG CONTROL POLICY AND BYLAW
DRAFT KEEPING OF ANIMALS (EXCLUDING DOGS) AND BIRDS BYLAW**

It was moved (Benson-Pope/Bezett):

"That the Planning and Regulatory Committee:

- a) Resolves that following a review of the Dog Control Bylaw 2004 which commenced on **14 June 2014**, the proposed Dog Control Bylaw 2015 was:
 - i. the most appropriate and proportionate way of addressing the perceived problems;
 - ii. the most appropriate form of bylaw;
 - iii. not inconsistent with, and did not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- b) Resolves that following a review of the Keeping of Animals Bylaw 2010 which commenced on 14 April 2015, the proposed Keeping of Animals Bylaw 2015 is:
 - i. the most appropriate and proportionate way of addressing the perceived problems;
 - ii. the most appropriate form of bylaw;
 - iii. not inconsistent with, and did not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- c) Adopts the proposed Dog Control Bylaw 2015, the proposed Dog Control Policy 2015 and the Keeping of Animals Bylaw 2015 together with the 'Animal Rules' statement of proposal for public consultation and commences the special consultative procedure."

Following further discussion, a procedural motion was moved (Cull/Staynes):

"That the Planning and Regulatory Committee:

- a) lay the item on the table to enable legal advice to be provided."

Motion carried on a show of hands

**EXTRACT FROM THE CONFIRMED MINUTES OF A MEETING OF THE DUNEDIN CITY COUNCIL HELD IN THE COUNCIL
CHAMBER, MUNICIPAL CHAMBERS ON MONDAY, 14 DECEMBER 2015, COMMENCING AT 1.05 PM**

**14. DRAFT DOG CONTROL POLICY AND BYLAW
DRAFT KEEPING OF ANIMALS (EXCLUDING DOGS) AND BIRDS BYLAW**

Following questions and discussion it was moved (Benson-Pope/MacTavish):

"That the Council:

- a) Notes that a report on this matter was previously considered by the Planning and Regulatory Committee on 13 October 2015 and is lying on the table pending the receipt of legal advice on the topic of protecting wildlife from cats.
- b) Notes that consideration of this matter by Council will enable the public consultation to commence earlier than if the matter is considered at the next ordinary meeting of the Planning and Regulatory Committee (which is scheduled for Tuesday, 9 February 2016). The report lying on the table at the Planning and Regulatory Committee will automatically lapse.

- c) Resolves that following a review of the Dog Control Bylaw 2004 which commenced on 14 June 2014:
 - i) in terms of section 155 of the Local Government Act 2002 a bylaw is the most appropriate and proportionate way of addressing the perceived problems;
 - ii) the proposed Dog Control Bylaw 2015 is (for the purpose of public consultation) the most appropriate and proportionate way of addressing the perceived problems;
 - iii) the proposed Dog Control Bylaw 2015 is not (for the purpose of public consultation) inconsistent with, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- d) Resolves that following a review of the Keeping of Animals Bylaw 2010 which commenced on 14 April 2015:
 - i) in terms of section 155 of the Local Government Act 2002 a bylaw is the most appropriate and proportionate way of addressing the perceived problems;
 - ii) the proposed Keeping of Animals Bylaw 2015 is (for the purpose of public consultation) the most appropriate form of bylaw;
 - iii) the proposed Keeping of Animals Bylaw 2015 is not (for the purpose of public consultation) inconsistent with, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- e) Adopts the proposed Dog Control Bylaw 2015, the proposed Dog Control Policy 2015 and the Keeping of Animals Bylaw 2015 together with the 'Animal Rules' statement of proposal for public consultation and commences the special consultative procedure.
- f) Appoints a Hearings Subcommittee of Councillors Peat (Chair), Hall, Lord and Whiley to hear and consider submissions and recommend to Council the final forms of the proposed Dog Control Bylaw 2015, the proposed Dog Control Policy 2015 and the Keeping of Animals Bylaw 2015.
 - a) Requests staff explore with other agencies, a coordinated cross-agency approach to pest management in Dunedin.
 - b) Requests staff review the focus and adequacy of pest management in parks and reserves, for the purposes of the protection of indigenous species and ecosystems, within the 2016/17 financial year."

Following discussion, the motion was put and carried.

Extract from the Confirmed minutes of an ordinary meeting of the Dunedin City Council held in the Council Chamber, Municipal Chambers, The Octagon, Dunedin on Monday 23 May 2016, commencing at 1.03 pm

13. DOG CONTROL POLICY AND BYLAW AND KEEPING OF ANIMALS (EXCLUDING DOGS) AND BIRDS BYLAW - 23 MARCH 2016

Moved (Cr Neville Peat/Cr David Benson-Pope):

That the Council:

- a) **Notes** the minutes of the Dog Control Policy and Bylaw and Keeping of Animals (Excluding Dogs) and Birds Bylaw Hearing held on 23 and 24 March and 1 April 2016.

Motion carried (CNL/2016/048)

23. AMENDED PROPOSED DOG CONTROL POLICY AND BYLAW 2016 AND KEEPING OF ANIMALS (EXCLUDING DOGS) AND BIRDS BYLAW 2016

Moved (Cr Neville Peat/Cr Hilary Calvert):

That the Council:

- a) **Approves and adopts** the Dog Control Policy 2016 as amended by the Hearings Committee, with an operative date of 1 July 2016.
- b) **Determines** that the proposed Dog Control Bylaw 2016 is necessary and is the most appropriate form of bylaw and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- c) **Makes** the proposed Dog Control Bylaw 2016 as amended by the Hearings Committee, with an operative date of 1 July 2016.
- d) **Revokes** the 2004 Dog Control Policy and Bylaw, with the effect of revocation being 1 July 2016.
- e) **Determines** that the proposed Keeping of Animals (excluding dogs) and Birds Bylaw 2016 is necessary and is the most appropriate form of bylaw and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- f) **Makes** the proposed Keeping of Animals (excluding dogs) and Birds Bylaw 2016 amended by the Hearings Committee, with an operative date of 1 July 2016.
- g) **Revokes** the 2010 Keeping of Animals (excluding dogs) and Birds Bylaw, with the effect of revocation being 1 July 2016.

An amendment was moved to Part c) of the motion.

Moved (Cr David Benson-Pope/Cr Richard Thomson):

That the Council:

- a) c) **Makes** the proposed Dog Control Bylaw 2016 as amended by the Hearings Committee, with the addition that current restrictions in commercial areas in Schedule D continue, with an operative date of 1 July 2016.

Division

Voting was carried out by division.

For: Mayor Dave Cull, Crs Chris Staynes, David Benson-Pope, Aaron Hawkins, Jinty MacTavish and Richard Thomson (6).

Against: Crs Hilary Calvert, Doug Hall, Mike Lord, Andrew Noone, Neville Peat and Kate Wilson (6).

An equality of votes was recorded 6:6 following which the Mayor used his casting vote in favour of the motion.

Motion carried (CNL/2016/060)

Following further discussion, the substantive motion was then put.

Motion carried (CNL/2016/061)