14. *Draft Dog Control Bylaw and Policy 2026 for Consultation*

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Summary

- The purpose of this report is to consider the Draft Dog Control Bylaw and Policy, Draft Cemeteries Bylaw amendment, and Statement of Proposal to Council to be adopted for consultation, having considered the section 155 tests under the Local Government Act 2002 (LGA), and the objectives of the Bylaw Review.
- The purpose of the Dog Control Bylaw is to:
    - Set standards of control which must be observed by dog owners,
    - minimise the potential for dogs to cause harm, distress or nuisance to the community, animals or wildlife,
    - regulate dog-related matters and to enable the enforcement of the Dog Control Policy, and
    - support the intent of the Dog Control Act 1996.
- The purpose of the Dog Control Policy is to:
    - Maintain a safe and healthy community, to protect children, and to provide for the needs of dogs and owners, and to seek a balance between the recreational needs of dogs and their owners with the need to minimise the potential for any danger, distress or nuisance that may be caused by dogs.
- Officers are proposing some changes (discussed in this report), including:
    - an updated definition of 'under effective control'
    - changes to current exercise and prohibited areas (extensions, reductions and removals)
    - new additional exercise areas
    - new clauses about:
        - events and temporary designations

        - diseased dogs and dogs in season
        - dogs in hot vehicles
        - absentee control
    - other minor administrative changes including advisory notes and wording updates.
- For reasons set out in this report, Officers conclude that the proposal to amend the policy and bylaw meets the legal tests under section 155 of the LGA, addresses the issues identified, meets the assessment criteria and is fit for public consultation.
- Consultation is proposed for 15 June to 15 July 2026, alongside consultation on the Draft Keeping of Animals, Bees and Poultry Bylaw.

Recommendation

1. That Council determines that:
   a) a bylaw is the most appropriate way of addressing the perceived problems; and
   b) the proposed amendment to the Dog Control Bylaw is the most appropriate form of the bylaw; and
   c) the proposed amendment to the Dog Control Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act (NZBORA) 1990.

2. **That** Council adopts the Draft Dog Control Bylaw (2026 amendment), Draft Dog Control Policy 2026 and Draft Cemeteries Bylaw (2026 amendment) in Appendices 2 to 4, for consultation from 15 June to 15 July 2026.

3. **That** Council adopts the Statement of Proposal – Dog Control Bylaw and Policy 2026 (Appendix 3) for consultation from 15 June to 15 July 2026.

Attachment

Appendix 1 Statement of Proposal – Draft Dog Control Bylaw and Policy 2026
Appendix 2 Draft Dog Control Bylaw (2026 amendment)
Appendix 3 Draft Dog Control Policy 2026
Appendix 4 Draft Cemeteries Bylaw (2026 amendment)

Background

The current situation

1. Council has a Dog Control Policy, and a Dog Control Bylaw to enforce the Policy, as required under the Dog Control Act 1996. These were last reviewed in October 2021 and are now due for review again.

2. Officers believe that many of the issues addressed by the current bylaw and policy remain current and appropriate for the district today, therefore are proposing to keep the current documents with some changes.

3. Criteria for the review of the bylaw are listed below. The overall objective of the review is to meet these six criteria.

    - Lawfulness – compliance with the Local Government Act 2002 and the Dog Control Act 1996
    - Affordability - Bylaw can be reviewed and implemented within existing resources
    - Effectiveness – the Bylaw can deliver on its purpose
    - Relevance – the Bylaw meets present and anticipated community needs
    - Timeliness – adoption of the bylaw by 20 October 2026
    - Alignment – bylaw is aligned with existing strategies and plans.

Early feedback

4. Early engagement with the community opened 18 December 2025 and closed 1 February 2026. We were seeking feedback to see if our current rules were still fit for purpose, including feedback on our dog parks, exercise areas and prohibited areas.

5. In response to engagement we received a total of 339 responses to the survey. Of the feedback received:
    - 83% of respondents think our current rules for dogs in public places are sufficient
    - 74% of respondents thought we had about the right amount of off-leash areas (with 25% suggesting we needed more and 1% suggesting there were too many).

6. Feedback was also received about:
    - more fenced off-leash areas
    - an extension of the off-leash area at Argyle Park
    - suggesting to allow dogs at Lake Camp / Clearwater area
    - introducing limits to the number of dogs one person can walk at a time
    - suggesting more enforcement and education of rules
    - concerns around dogs off leash / roaming / barking
    - concerns around people not picking up after their dog
    - requests to re-open the old landfill area on Range Street
    - requests for more infrastructure (water, seating, poo bags and bins).

7. Engagement feedback was taken into account when developing the draft policy and bylaw and was discussed at the Council workshop held on 8 April.
Officers have also had a number of conversations with the Animal Control Contractor and the Department of Conservation through the review process which has helped to develop our draft bylaw and policy.

Proposed changes

8. The changes that officers are proposing have been included to increase the clarity of the documents, as well as to provide consistency with existing legislation, other documents and current practice.

9. Officers have identified five focus issues and range of other issues that we consider to be of lower public interest. The focus issues are fully described in the draft statement of proposal (consultation document) enclosed as Appendix 1.

10. Some of the key proposed changes to both the bylaw and policy include:
    - Update to the definition of effective control, to ensure that rules are clear and easy to enforce
    - Removal of Pioneer Park as an off-leash area, for consistency with other rules
    - Reduction of Smallbone Drive Reserve exercise area, to give consideration to other users
    - Extension of Argyle Park and Company Road off-leash areas, for clarity
    - New proposed exercise areas, to allow dogs to be off-leash in already popular or appropriate areas
    - Extension of Ashton Beach prohibited area to include more of the Hakatere River Mouth, in line with the Hakatere Shorebird Habitat Management Strategy
    - Removal of cemeteries as a prohibited area, to allow people to take dogs with them to visit loved ones (on a leash)
    - A new section and advisory note to allow Council to temporarily change the classification of an area by resolution, for example at events
    - A new section/clause requiring dogs in season and/or dogs with contagious diseases not be taken into public places (except for breeding or to visit a vet), to reduce the potential for nuisance
    - A new clause stating that Dog Control Officers may work with Police to release a dog suffering in a hot vehicle, for clarity
    - A new clause stating that a dog may be considered as under control if kept securely tethered or effectively confined so as to precent nuisance or annoyance, to fill a gap identified

11. Key proposed changes made to the policy include:

- A new clause noting that particular care should be taken to ensure children are protected from the potential for dog related accidents or injuries while visiting dog parks, for clarity and education
- A new section noting that dog friendly businesses are supported, provided they comply with all regulatory requirements (such as the Food Act 2014), for clarity and education
- A new section noting that there are no listed controlled or open dog areas on public conservation land within the district, the reflect the requirements of the Dog Control Act 1996.

12. There are a number of other changes proposed, considered to be minor. These are discussed in the following table.

	Clause	Change detail
Changes to both Bylaw and Policy	• Definitions (bylaw & policy)	• A new definition for 'registration tag', and updates to definitions for 'dog park', 'nuisance', 'playground', and 'working dog' for clarity and to line up with legislation
	• Clause 7.2 (bylaw) • Clause 3.5 (policy)	• Advisory note added to clarify that if your dog does not consistently respond to commands then they must be kept on a leash
	• Clauses 7.2, 7.4, 11.2 and 13.2 (bylaw) • Clause 3.2 (policy)	• Wording 'or person in charge' added for clarity
	• Clause 7.3 (bylaw) • Clause 3.6 (policy)	• New clause added to allow dogs to be considered as under control when owner is absent (under conditions)
	• Section 8 (bylaw) • Clause 3.10 (policy)	• New section about diseased dogs and dogs in season to reduce the potential for problems
	• Section 12 (bylaw) • Clause 9.3 (policy)	• New section to allow temporary reclassifications and advisory note to clarify that dogs may not be permitted at events
	• Clause 17.3 (bylaw) • Clause 12.2 (policy)	• New clause to clarify that Dog Control Officers (with the Police) may work to release dogs suffering in hot vehicles
	• Schedule 2 – Part B (bylaw & policy)	• Inclusion of Range Street Exercise Area and Rakaia Dog Park as off-leash areas, and corresponding advisory notes
Bylaw only	• Definitions	• Definition added for 'private way' for clarity
	• Clause 7.5 & 7.6	• Removal of unnecessary words
	• Section 10	• Re-worded for clarity
	• Section 18	• Removal of unnecessary words
	• Clause 20.2	• Removal of unnecessary words
	• Clause 20.3	• Removal of unnecessary words
	• Clause 21.1 • & Schedule 2	• Removed. Considered unnecessary as these are covered in the Dog Control Act 1996
Po lic	• Clause 1.5	• Update to the registration classifications table for clarity

	Clause	Change detail
	• Clause 1.7	• Removal of requirement to complete a 'working dog declaration form' to line up with current practice
	• Clause 4.2	• Change of wording for consistency with other sections of the policy
	• Clause 6.1	• Removal of date as it's no longer required
	• Clause 7.1	• Addition of (permanent or temporary) next to 'playground equipment' for clarity
	• Clause 8.4	• Wording changes for clarity and consistency
	• Clause 8.7	• Added to increase awareness of care needed when children are taken to dog parks
	• Clause 9.1	• New section added about conservation areas for consistency with the Dog Control Act
	• Clause 9.2	• New section added about dog friendly businesses
	• Section 10.1	• Minor wording changes to reflect current practice
	• Clause 14.3	• Minor wording changes to reflect current practice

Response to issues raised in the workshop

Playgrounds

13. During the workshop held on 8 April regarding the draft bylaw and policy, Councillors indicated they may like to consider increasing the distance from playgrounds that dogs are prohibited within. When looking at what seven other Councils do:
    - two prohibit dogs from within one metre of a playground,
    - one prohibits dogs from within five metres of a playground,
    - three prohibit dogs from within ten metres of a playground, and
    - one permits dogs near a playground provided they are on a leash.
14. Officers believe that one metre from playgrounds remains appropriate, and therefore have left this as it currently stands within the draft bylaw and policy attached in the appendices. If Council wishes to increase the distance that dogs are prohibited from playgrounds, it should be considered that this will have an impact on the ability and ease of dog walkers to use Argyle Park (as the pathway is very close to one of the playgrounds). Some signage across the district will also need to be updated in response to a change.

Alternative off-leash option in Allenton

15. A point of discussion in the workshop was that if there was a will to remove Argyle Park as an off-leash area, whether there would be an appropriate space available to use as an alternative exercise area within Allenton (other than Devon Park).
16. Officers have identified the following spaces as possible off-leash areas for investigation for future inclusion. Both of these spaces are currently leased out until 2029.

Racecourse Road

Meadowlands Green

17. It is important to note that there has been no investigation into how appropriate these spaces would be as exercise areas, and there are some concerns already noted (e.g. lack of parking, 100km/hr speed limit area, close to a bend). Funding may also be required to ensure the spaces are suitable for use.

Conservation areas

18. Elected members also requested further clarity on the clause within the draft policy that references open or controlled dog areas on conservation land within the Ashburton District. Officers have now updated this section and added an advisory note to be clearer.

New off-leash areas in Methven

19. Concerns were also raised around the proposed new off-leash area off Grace Ireland Drive in Methven, due to the possibility of disc golf and/or bike skills park being developed in this area. The Methven Community Board have since discussed the proposal to allow dogs off-leash here, and considered it not to be appropriate. Therefore, it has been removed from the draft bylaw and policy included in the appendices.

Wakanui Beach

20. Another question raised during the workshop was whether the Department of Conservation has a view on dogs being permitted at Wakanui Beach. They have since advised that there are no significant rivers or extensive feeding areas for braided river birds here, and agree that the current on-leash designation is still appropriate. It was noted that there are at times crested penguins and seals/sea lions in the area, and that it is unlikely some shore birds may nest there, therefore the on-leash rule should provide adequate protection.

Options analysis

Option one – Consult on amending the bylaw and policy (recommended)

21. Officers have prepared a Draft Dog Control Bylaw & Policy, a draft amendment to the Cemeteries Bylaw, and Statement of Proposal (consultation document) for Council adoption. Under this option, Council would consult on the proposed amendments. This is the recommended option. Council may also choose to add, remove or change any of the proposed amendments prior to consultation.

Advantages:	***Disadvantages:***
• Meets legislative requirements • Identified improvements are incorporated into the bylaw and policy • Provides an opportunity for the community to give feedback • Opportunity to make further amendments should Council receive submissions or further advice that such amendments would produce a better outcome	• If further amendments (from what is currently proposed) were included during the Council meeting, Officers may not have adequate time to consider legal and practical implications of further changes
Risks: • Risk of making changes that are outside the bylaw-making powers of the Council or failure to follow the correct bylaw-making process. Non-compliance can result in operational, financial and reputational risk. Compliance risk has been mitigated with legal advice. Issues arising later in the process will be mitigated in the same way.	

Option two – Consult on revoking and replacing the bylaw, and amending the policy (not recommended)

22. Under this option, Council would revoke the current bylaw and create a new bylaw to replace it, and amend the policy in line with the new bylaw. This option is not recommended as Officers consider that the level of change proposed in the bylaw does not warrant rewriting the bylaw as a whole.

Advantages:	***Disadvantages:***
• Meets legislative requirements • Identified improvements are incorporated into the bylaw and policy • Provides an opportunity for the community to give feedback	• This option requires more resource than option one, although it is funded within operating budgets • This option requires Officers to rewrite the bylaw and policy and bring them back to a future Council meeting to launch consultation
Risks: • This option generally has the same risks as option one, but also brings some extra risk in terms of meeting timeliness criteria.	

Option three – Consult on continuing the bylaw and policy unchanged (not recommended)

23. This option would see Council retaining the current bylaw and policy. This option is not recommended.

Advantages:	***Disadvantages:***
• Issues that are currently regulated would continue to be regulated	• Identified improvements are not incorporated into the bylaw and policy • Inconsistency regarding Pioneer Park and cemeteries rules • Not in line with what has been indicated to the community
Risks: • this option is inconsistent with our Cemeteries Bylaw (Pioneer Park), which has both legal and reputational risk • confusion due to not making changes following discussion of potential changes in the media (reputational risk) • it may look like Council is not doing anything when there is a wider national conversation on the need to improve dog control (reputational risk)	

Legal/policy implications

Policies and bylaws

24. The Dog Control Bylaw and Policy are complementary to relevant council documents including the Open Spaces Bylaw 2016 (recently reviewed) and Public Places Bylaw 2017.

25. The proposed change in our Draft Dog Control Bylaw and Policy to allow dogs in cemeteries (on a leash) is inconsistent with our current Cemeteries Bylaw, hence the inclusion of the proposal to amend the Cemeteries Bylaw to allow dogs on-leash. This amendment has been merged into the Dog Control consultation.

Dog Control Act 1996

26. Section 10 of the Dog Control Act 1996 states that councils must adopt a Dog Control Policy, and a Bylaw to give effect to the Policy, in accordance with s.83 of the Local Government Act 2002 (special consultative procedure).

27. Section 10AA states that a Dog Control Policy must be reviewed at the same time as a Dog Control Bylaw.

28. In adopting a policy under the Dog Control Act, section 10AA states that Council's must have regard to:

    - The need to minimise danger, distress, and nuisance to the community generally; and

    - 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; and

- 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

- The exercise and recreational needs of dogs and their owners.

Local Government Act 2002

29. The Dog Control Act 1996 requires consultation to be undertaken using the special consultative procedure set out in s83 of the Local Government Act 2002. Section 83 requires Council to:
    - prepare and adopt a statement of proposal, and make it publicly available; and
    - ensure that there is a submission period of at least a month; and
    - ensure submitters have an opportunity to present their views at a hearing.

    The proposed consultation meets these requirements.

30. Section 145 of the Local Government Act 2002 gives Council the power to make a bylaw for the purposes of:
    - protecting the public from nuisance;
    - protecting, promoting and maintaining public health and safety; and
    - minimising the potential for offensive behaviour in public places.

31. Section 155 requires Council to make the following determinations:

Required determination	***Council consideration***
Whether a bylaw is the most appropriate way of addressing a perceived problem	Officers have determined that a bylaw is the most appropriate way of addressing the perceived problem. It is a legal requirement for Council to have a Dog Control Bylaw and Policy under the Dog Control Act 1996. When a Dog Control Bylaw is reviewed, the Dog Control Act 1996 requires that the Dog Control Policy is reviewed at the same time.
Whether the bylaw is the most appropriate form of bylaw	Council's draft Dog Control Bylaw is the most appropriate form of bylaw because it meets the following tests: The bylaw is: • Authorised by statute under the Dog Control Act 1996 • Not repugnant of the general laws of New Zealand • Certain and clear • Reasonable • Not overly restrictive, onerous on any person, or impractical.

Whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990	The proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990, nor does it impose any restrictions on any of the rights listed in the Act.

Climate change

32. The adoption of the draft Dog Control Bylaw and Policy for consultation does not have a direct impact on climate change.

Review of legal / policy implications	
Reviewed by In-house Counsel	*Jacqui Watson; Senior Legal Counsel*

Strategic alignment

33. The recommendation relates to Council's community outcomes of 'ka whai mana, ka whai wāhi, ā, ka whakaputa kōrero kā kainoho', ('residents are well-represented, included and have a voice'), 'he tiriwā pai, he wāhi pai i tēnei takiwā' ('a district of great spaces and places'), and 'he taiao toitū' ('a balanced and sustainable environment').

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✗	
Environmental	✓	The bylaw and policy help to minimise the impacts of dogs on the environment (such as the requirement to remove dog poo)
Cultural	✓	The proposed bylaw and policy helps to protect our community's history by not allowing dogs at Pioneer Park (as it is a closed cemetery)
Social	✓	The proposal supports social wellbeing by striking a balance between allowing families and individuals to use shared spaces comfortably, while providing for the needs of dogs and their owners. Consultation means that the community will have a chance to involved and be heard.

Financial implications

Requirement	Explanation
What is the cost?	There is a cost for undertaking consultation such as printing and advertising. If proposed dog areas are adopted there will be a cost for signage and enforcement etc.
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	Existing budgets - Strategy & Policy budget for consultation costs, Animal Control budget for signage and enforcement
Are there any future budget implications?	There may be further costs for updated signage if changes are adopted in the final bylaw and policy. This would be covered by existing budgets.
Reviewed by Finance	Erin Register; Finance Manager.

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	Yes
Level of significance	Medium
Rationale for selecting level of significance	N/A
Level of engagement selected	3. Consult – formal two-way communication
Rationale for selecting level of engagement	The use of the special consultative procedure is required as per section 10(1) of the Dog Control Act 1996 and s. 83 Local Government Act 2002. Consultation is always required for bylaws.
Reviewed by Strategy & Policy	Mark Low; Strategy and Policy Manager

Next steps

Date	Action / milestone
15 June to 15 July 2026	Public consultation
18 & 19 August 2026	Hearings and deliberations (alongside Draft Keeping of Animals, Bees and Poultry Bylaw)
23 September 2026	Final Bylaw and Policy adopted