PROPOSED AMENDMENT TO THE DOG CONTROL BYLAW 2022 – CHANGE FROM PROHIBITION TO LEASHED-CONTROLLED WITHIN THE NEW PLYMOUTH CENTRAL BUSINESS AREA

MATTER / TE WHĀINGA

1. The matter for consideration by the Council is whether to adopt the Statement of Proposal for consultation on a proposed amendment to the Dog Control Bylaw 2022 - to change from prohibited to leashed-controlled dogs within the New Plymouth Central Business Area.

RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU

That having considered all matters raised in the report, Council:

a) Notes that on 6 May 2026 the NPDC Going for Growth Committee passed the following resolution requesting "that the Chief Executive prepare a Statement of Proposal to amend the Dog Control Bylaw 2022 for changing the New Plymouth Central Business Area from prohibition to leashed-control".

b) Do nothing, noting that the Dog Control Bylaw 2022 is due for a five year review to be initiated before 8 March 2027.

c) Determines that the amendments to the Dog Control Bylaw 2022 as proposed, do not give rise to any implications under the New Zealand Bill of Rights Act 1990.

d) Notes that if approved, the consultation will run for one month as required by the Local Government Act 2022 consultation requirements.

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being of moderate importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1) Do nothing noting that the Dog Control Bylaw 2022 is due for a five year review to be initiated before 8 March 2027. 2) Adopt the Statement of Proposal on amending the Dog Control Bylaw 2022 to change from prohibition to leashed-control within the New Plymouth Central Business Area.

COMPLIANCE / TŪTOHU	
Affected persons	The persons who are affected by or interested in this matter are people and businesses using the New Plymouth Central Business Area, New Plymouth District residents and dog owners.
Recommendation	This report recommends option One for addressing the matter.
Long-Term Plan / Annual Plan Implications	No.
Significant Policy and Plan Inconsistencies	Yes – if consultation is approved and following that the decision to amend the Bylaw is taken, Appendix 1 of the Dog Control Policy will require updating to ensure consistency.

EXECUTIVE SUMMARY / WHAKARĀPOPOTOTANGA MATUA

2. This report provides the option for Council to adopt a Statement of Proposal (SOP) for consultation on amending the Dog Control Bylaw 2022 (the Bylaw) to change the current regulation of dogs in the New Plymouth Central Business Area from prohibited to leashed-control (excluding dangerous and menacing dogs) see Appendix 1 (ECM_9808641).

3. This report is in response to the request of the 6 May 2026 New Plymouth District Council Going for Growth Committee that the Chief Executive prepare a Statement of Proposal to amend the Dog Control Bylaw for changing the New Plymouth Central Business Area from prohibition to leashed-control.

4. There is no risk in adopting the SOP and carrying out the consultation. Depending on what conclusions are drawn from the submissions, Council may determine to retain the prohibition of dogs in the New Plymouth Central Business Area or amend the bylaw to allow leashed-control dogs in the New Plymouth Central Business Area.

5. Should the Council adopt the SOP, the consultation will proceed, there will be an opportunity for any submitters wishing to speak to be heard by Councillors. Following this, the outcome of the consultation will be reported back to Council for deliberations and final decision on whether or not to adopt the proposed amendment to the Bylaw.

6. Should the Council do nothing the matter would be considered within the Dog Control Bylaw 2022 five year review that is required to be initiated by 8 March 2027.

BACKGROUND / WHAKAPAPA

Dog Control Bylaw

7. The purpose of the Dog Control Bylaw (the Bylaw) is to give effect to the Council's Dog Control Policy by regulating the keeping of dogs for the protection of the health and safety of the public. The Bylaw currently contains a prohibition of dogs within the New Plymouth Central Business Area defined as all places within the area bounded by and including:

   - Ariki Street and Gill Street between Egmont Street and Gover Street.
   - Devon Street between Robe Street and Gover Street.
   - Egmont Street from Ariki Street to Devon Street.
   - Puke Ariki Landing.

8. The Bylaw also contains a note stating that this prohibition shall not apply to any dog being led directly along Liardet Street, or to any dog registered at a residential address in the New Plymouth Central Business Area being led directly out of or into the area, provided that the dog is on a leash and does not constitute a nuisance or endanger any person. In addition, the Bylaw outlines Liardet Street from Leach Street to Molesworth Street/St Aubyn Street as a leashed-control area. See map below.



9. It is noted that, during the 2021/2022 bylaw consultation and deliberation process, specific consideration was given to shifting from a prohibition to a leash-controlled approach within the New Plymouth Central Business Area. To inform this decision, a trial was undertaken from 13 November to 12 December 2021, allowing dogs under leash control in the Central Business Area (excluding dogs classified as dangerous or menacing). One incident was recorded during the trial period, related to dog excrement in the Central Business Area.

10. In the special consultative procedure associated with the Bylaw, 72 per cent of submitters supported switching from prohibition to leashed-control in the Central Business Area. However, when the DCB was adopted, Council at the time did not approve leashed-control dogs and retained the historical approach of prohibiting dogs in the Central Business Area. The Council decision was to continue with a prohibition within the Central Business Area in the Bylaw.

11. On 21 March 2026, Government Minister, Simon Watts emailed Councils indicating that the Dog Control Act 1996 was no longer fit for purpose, needed significant change, and signalling that Government will undertake a comprehensive review of the Act. Minister Watts also indicated that he was particularly keen that all councils specify in their dog control policy that menacing dogs must be neutered, and to consider this within the next policy review. No further Government announcements have been made to date. Council will consider a requirement that menacing dogs must be neutered as a change to the Dog Control Policy as a part of the upcoming 2027 review.

Going for Growth Committee

12. On 6 May 2026 the New Plymouth District Council Going for Growth Committee requested that the Chief Executive prepare a Statement of Proposal to amend the Dog Control Bylaw 2022 for changing the New Plymouth Central Business Area from prohibition to leashed-control.

13. It is understood that this request arose from the view that changing the Central Business Area from a prohibited area for dogs to one allowing dogs under leash control could provide economic benefits.

Additional information and considerations

<u>Upcoming review of the Bylaw</u>

14. Under section 158 of the Local Government Act 2002 the Bylaw is due for a five year review that is required to be initiated by 8 March 2027. This review is required to be completed by 8 March 2029, or the Bylaw would be revoked under section 160A of the LGA.

15. As the Bylaw is almost due for its five year review, Council may wish to put off the consultation that is being proposed at this time and combine it with a full, more thorough review of the whole bylaw in the near future. This approach is arguably more resource efficient than carrying out two separate processes.

16. Should the change to leashed-control be approved (following consultation), this would be subject to the upcoming five year review of the bylaw.

Proposed amendment to the Dog Control Bylaw

17. The proposed amend to the bylaw is to amend the **Schedule 1: Area rules** of the bylaw to include an additional New Plymouth Central Business Area as leashed-control and to amend the current prohibited New Plymouth Central Business Area to be for dangerous and menacing dogs – see snip below. Appendix 1, Area Rules, of the Dog Control Policy would also be updated accordingly for consistency.

Area and description	At all dates and times	At specific dates and times
New Plymouth		
New Plymouth Central Business Area, all public places within the area bounded by and including: • Ariki Street and Gill Street between Egmont Street and Gover Street. • Devon Street between Robe Street and Gover Street. • Egmont Street from Ariki Street to Devon Street. • Puke Ariki Landing. Dangerous and menacing dogs. ~~Note: This prohibition shall not apply to any dog being led directly along Liardet Street, or to any dog registered at a residential address in the New Plymouth Central Business Area being led directly out of or into the area, provided that the dog is on a leash and does not constitute a nuisance or endanger any person.~~	Prohibited	
New Plymouth Central Business Area, all public places within the area bounded by and including: • Ariki Street and Gill Street between Egmont Street and Gover Street. • Devon Street between Robe Street and Gover Street. • Egmont Street from Ariki Street to Devon Street. • Puke Ariki Landing. All other dogs, excluding dangerous and menacing dogs.	Leashed control	

18. It is recommended to still continue with prohibiting dangerous and menacing dogs from the New Plymouth Central Business Area to reduce the risk of an incident occurring. This recommendation is consistent with the 2021/2022 trial and consultation that was undertaken on allowing leashed-control dogs in the Central Business Area.

19. It is also noted that the following bylaw rules would still apply:

    a) Faeces must be removed immediately and disposed of in a sanitary manner.

    b) Leashed-control as defined in the Bylaw means: that the dog is kept on a secure leash held by a person who is in total control of the dog at all times so as to prevent it being a nuisance or annoyance.

i) i.e. dogs may not be tied up and left outside businesses – as per the definition of leashed-control in the Bylaw. Dogs tied up outside businesses may cause obstruction on footpaths.

Background data in relation to the Bylaw amendment

20. Council officers looked at the service request data and staff reporting on dogs in the Central Business area since the Bylaw came into effect on 9 April 2022 to 12 May 2026. During this time there were:

a) **49** reports in relation to dogs in the New Plymouth Central Business Area.

b) **Four** of these were from members of the public.

i) Two of which were enquiries.

ii) Two reports of dogs in a prohibited area.

c) **45** of these were staff reports of speaking to people who had their dogs in a prohibited area – one of these dogs was also off-leash. These reports are often the result of proactive patrolling by Animal Control Officers that are logged for records purposes.

Potential risks

21. Although the Going for Growth Committee consider there could be economic benefit in allowing leashed-control dogs into the Central Business Area the potential consequences and risks must be considered too:

a) Potential for harm

i) Competing uses of the area – wherever there are conflicting or competing uses of a space there is potential for harm. The Central Business Area is a busy area with businesses, people and vehicles, including bikes, prams, skateboards, scooters. Therefore, introducing dogs to the Central Business Area may increase the risk that an incident, causing harm or injury, could occur.

ii) It is for this reason that dogs have historically been prohibited from busy / populated areas such as children's playgrounds, leisure beach areas. The potential for conflict between users would be further exacerbated during busy events such as Americarna, Christmas parades etc.

iii) The historical approach of prohibiting dogs from the Central Business Area aligns with objectives 2 and 4 of the NPDC Dog Control Policy – to minimise danger, distress and nuisance to the community generally and to enable as far as is practicable the public to use the streets and public amenities without fear of attack or intimidation by dogs.

iv) Dangerous and menacing dogs – Should a decision be made to allow leashed-control dogs within the Central Business Area, it is recommended that dogs classified as dangerous or menacing be prohibited. However, it is acknowledged that a small number of individuals may not comply with the rules. As dangerous and menacing dogs are not easily identifiable, there remains a risk that such dogs could enter the highly populated Central Business Area area. This presents an increased potential risk to public safety.

v) Fear of dogs – some people are afraid of dogs, allowing dogs in the Central Business Area may trigger that fear and make the Central Business Area an uncomfortable space for some people, to the point that they may avoid the area.

b) Fouling in the New Plymouth Central Business Area

i) Excrement – although clause 15 of the Bylaw stipulates that excrement must be immediately removed and disposed of in a sanitary manner, there may be incidents where this does not occur. This would result in unpleasant smells for people and businesses in the area, and the potential for it to be trod on (and walked into businesses).

ii) Urine – dogs frequently urinate on objects like lamp posts, trees or walls to leave their scent behind, the build-up of urine may result in unpleasant odours at particular features within the Central Business Area (such as walls, planter boxes etc.). The Transport Team have advised that there is the possibility of some porous absorption or urine by the blue stone pavers, but this is low compared to other stone paver types. The blue stones are classed as effectively impervious for urban design footpath purposes.

Summary

22. The flow on effects of allowing leashed-control dogs in the Central Business Area must be considered in conjunction with the results from the consultation. In addition, Appendix 1, Area Rules, of the Dog Control Policy will require updating if the decision to amend the bylaw is approved following consultation – this matter will be addressed in the deliberations report to Council following consultation.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI

23. There are no climate change implications from this matter.

NEXT STEPS / HĪKOI I MURI MAI

24. If Council approves the Statement of Proposal for consultation the next steps are to notify the public and key stakeholders of the consultation which will run for one month as per the Local Government Act 2002 Special Consultative Procedure consultation requirements.

25. Following consultation, submissions will be analysed, those who wish to speak to their submission will have the opportunity to be heard, and a report presented back to Council for consideration and deliberation on a final decision in relation to allowing leashed-control dogs in the New Plymouth Central Business Area, or retaining the prohibition.

SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA

26. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance. Dogs and the New Plymouth Central Business Area are both matters that generate a high level of public interest. Carrying out the consultation will provide the public and key stakeholders with the opportunity to express their views on the matter.

27. The consultation can be run through baseline budgets. However, it is noted that if following consultation, Council determines to allow leashed-control dogs in the Central Business Area, there may be increased regulatory requirements to enforce the new rules, these are outlined in the options assessment below.

OPTIONS / KŌWHIRINGA

Risk Analysis / Tātaritanga o Ngā Mōrearea

28. There is no significant risk for either of the options.

Promotion or Achievement of Community Outcomes / Hāpaitia / Te Tutuki o Ngā Whāinga ā-hāpori

29. Both options align with the Community Outcome of Thriving Communities and Culture, specifically the 'safe and active communities' in managing the potential problems and nuisances associated with dogs and safety around dogs.

Option 1 Do nothing noting that the Dog Control Bylaw 2022 is due for a five year review to be initiated before 8 March 2027.

Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi

30. There are no financial and resourcing implications for this option.

Statutory Responsibilities / Ngā Haepapa ā-ture

31. There are no statutory responsibilities associated with this option. However, the Bylaw would be reviewed in accordance with the bylaw review requirements of section 158 of the LGA and must be initiated by 8 March 2027.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

32. This option is consistent with Council's policies and plans.

Participation by Māori / Te Urunga o Ngāi Māori

33. There would be no opportunity for participation by Māori at this time under this option.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

34. There would be no opportunity for the community to express their views and preferences at this time under this option.

Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.

35. The advantage of this option is that no further staff time is required to carry out the consultation / reporting back of submissions. Another advantage is that to do nothing at this time means that processes are not duplicated.

36. The disadvantage of this option is that community views and preferences will not be sought at this time and any decisions regarding the regulation of dogs in the Central Business Area will be put on hold until the five year Bylaw review.

Option 2 Adopt the Statement of Proposal on amending the Dog Control Bylaw 2022 to change, from prohibition to leashed-control, within the New Plymouth Central Business Area.

Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi

37. The consultation can be run through existing budgets. Officer time is required to carry out the consultation, submission analysis and report writing. If the decision is approved following consultation, there are regulatory financial implications:

    a) Signage – would need to renew signage, would aim to coordinate this with New Plymouth Central Business Area signage updates.

    b) Enforcement – Animal Control Officers proactively patrol the Central Business Area where and when they can, there may be greater patrol requirements if the Central Business Area is approved as a leashed-control area as the Bylaw amendment beds in, and to ensure that other rules are being adhered to e.g. around excrement, leash control.

    c) Dog excrement bins – no changes required, but if incidents / issues arise from fouling, then dog excrement bins could be considered in the future.

38. It is noted that the Bylaw is due for the five year review, and this must be initiated by 8 March 2027 under section 158 of the Local Government Act 2022. Therefore, running this consultation is a potential duplication of process, as consultation will be required as part of the upcoming Bylaw review.

Statutory Responsibilities / Ngā Haepapa ā-ture

39. Council must undertake any consultation on amending a bylaw in accordance with section 156 of the LGA – these obligations would be met through this option and the special consultative procedure.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

40. If the decision is taken following consultation to amend the Bylaw to allow leashed-control dogs in the Central Business Area, then appendix one of the Dog Control Policy 2022 would require updating to ensure it is consistent with the Dog Control Bylaw 2022.

Participation by Māori / Te Urunga o Ngāi Māori

41. There would be opportunity for participation by Māori as part of the special consultative procedure.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

42. The community would have the opportunity to express their views and preferences as part of the special consultative procedure.

Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.

43. The advantage of this option is that community views and preferences are sought on the matter and correct process is being followed which would allow the Council to make an informed decision on whether to amend the Bylaw to allow leashed-control dogs in the New Plymouth Central Business Area. Another advantage would be that the information collected from allowing leashed-control dogs in the Central Business Area would be considered within the Dog Control Bylaw 2022 five year review that is required to be initiated by 8 March 2027.

44. The disadvantage of this option is that the bylaw is due for review next year, so it is duplicating a process that could be run next year.

Recommended Option
This report recommends option One - Do nothing, noting that the Dog Control Bylaw 2022 is due for a five year review to be initiated before 8 March 2027.

APPENDICES / NGĀ ĀPITIHANGA

Appendix 1 Statement of Proposal: Amendment to the Dog Control Bylaw 2022 – New Plymouth Central Business Area prohibition of dogs to allow leashed-control dogs (ECM 9808641)

Report Details

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Ward/Community:	District wide
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