
ORDINARY MEETING

OF

ENVIRONMENT COMMITTEE

AGENDA

Time: 09:15 am
Date: Thursday, 17 March 2016
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

MEMBERSHIP

Mayor Wade-Brown
Councillor Ahipene-Mercer
Councillor Coughlan
Councillor Eagle
Councillor Foster
Councillor Free
Councillor Lee
Councillor Lester
Councillor Marsh
Councillor Pannett (Chair)
Councillor Peck
Councillor Ritchie
Councillor Sparrow
Councillor Woolf
Councillor Young

Have your say!

You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 803-8334, emailing public.participation@wcc.govt.nz or writing to Democratic Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number and the issue you would like to talk about.

AREA OF FOCUS

The Committee will focus on climate change initiatives, enhancing the city's open spaces, protecting biodiversity in plant, bird and animal life, and ensuring there are high quality outdoor areas for residents and visitors to enjoy. The committee is also responsible for waste minimisation, energy efficiency and the three waters (drinking water, stormwater and wastewater).

Quorum: 8 members

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1 Meeting Conduct

1.1 Apologies

The Chairperson invites notice from members of apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

1.2 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

1.3 Confirmation of Minutes

The minutes of the meeting held on 11 February 2016 will be put to the Environment Committee for confirmation.

1.4 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

1.5 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows:

Matters Requiring Urgent Attention as Determined by Resolution of the Environment Committee.

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor Matters relating to the General Business of the Environment Committee.

No resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Environment Committee for further discussion.

2. Petitions

OFFICERS RESPONSE - FULL TIME OFF-LEASH DOG FRIENDLY SECTION FOR ISLAND BAY BEACH

Primary Petitioner: Hilary Davis
Total Signatures: 81

Presented by: Hilary Davis
Contact Officer: Jessica Clarke
Director Responsible: CPO - Policy & Reporting

Recommendation

That the Environment Committee:

1. Receive the information.
2. Note that this proposal will be consulted on as part of the Dog Policy review, in order to gauge wider public opinion.

Background

1. The ePetition "Full Time Off-Leash Dog Friendly Section for Island Bay Beach" was initiated by Hilary Davis on 26 November 2015 and closed on 26 January 2016.
2. The petition proposes that *"a section of Island Bay Beach is designated as an off-leash area for dogs for use at all times. The beach is large enough to accommodate all users without having a detrimental impact on families and children wishing to occupy a dog-free section. An initial poll on Neighbourly indicated wide support for this petition. This would improve the dog-friendly amenity of Island Bay for dogs who enjoy swimming & being off-leash. It would also reduce journeys to other suburbs."*
3. The petition was open to all members of the public with internet access to the Council's website. It received 81 signatures.

Officers' response

4. Currently dogs are permitted on-leash in the area from the pier to the western end of Island Bay Beach at all times in winter. No dogs are permitted anywhere on the beach between 9am and 7pm during summer daylight savings hours. Currently dogs cannot be off-leash at any time on Island Bay Beach.
5. Opposite the beach, on Reef Street/The Esplanade (corner opposite Shorland Park) there is an off-leash dog exercise area. Dogs are permitted at this exercise area all year around.
6. On-leash dogs on Island Bay Beach are not permitted between 9am and 7pm during summer daylight saving hours to stop their being any conflict between dogs and the public when there is peak demand for the beach use.

7. Island Bay Beach from the shoreline is included as part of the Taputeranga Marine Reserve. Officers have requested comment on this from the Department of Conservation, but are yet to hear back.
8. The Dog Policy is currently being reviewed. As part of the review, officers are reviewing dog access to various off-leash exercise areas and beaches. Public consultation is scheduled to take place on the review from 01 April till 02 May 2016.
9. Officers propose that this ePetitions proposal is consulted on as part of the Dog Policy review, in order to gauge wider public opinion.

Attachments

Nil

3. Policy

DOG POLICY

Purpose

1. The purpose of this report is to seek the Environment Committee's agreement to consult the public on proposed amendments to the Council's Dog Policy.

Summary

1. The purpose of the Dog Policy is to recognise the community and health benefits of dog ownership while balancing public safety concerns and the relevant legal requirements.
2. The Policy seeks to ensure that dogs are well cared for, Wellingtonians are able to enjoy dog ownership, and that owners of dogs comply with their obligations under the Dog Control Act (DCA).
3. Under the DCA the Council is required to adopt a policy on dogs. The Policy must be reviewed at the same time as the Wellington Consolidated Bylaw 2008, Part 2: Animals (the Animals Bylaw). A review of the Animals Bylaw is currently underway and must be completed by 31 August 2016. The Policy was last reviewed in 2009.
4. The review of the Dog Policy has focused primarily on exercise areas. The Policy itself is generally an effective tool to guide operations and works well. Proposed content changes to the Policy are to make it consistent with the proposed Animals Bylaw and the DCA.
5. Officers anticipate that levels of service at dog exercise areas will be the leading issue. Pre-consultation engagement shows that while dog owners enjoy using these areas to exercise their dogs. There is dissatisfaction with the lack of rubbish bins, signage and fencing at these spaces. Additional funding will be required to address these issues.
6. Officers have undertaken a comprehensive review of the current 71 exercise areas across the city. It is proposed that four new areas are added, while nine are modified by increasing the size, and four areas are removed.
7. The majority of the proposed changes to the policy are required to more accurately reflect the DCA. The no-stopping zone in the central area is proposed to be replaced with a clause where people are not allowed to leave dogs unattended in public. It is proposed that the daylight savings restrictions for some exercise areas are replaced with summer calendar dates.

Recommendations

That the Environment Committee:

1. Receive the information.
2. Agree to consult on the following recommended changes to the Dog Policy, see Attachment A.
3. Agree to adopt the Statement of Proposal attached (see Attachment 1) and to initiate the special consultative procedure under section 83 of the Local Government Act 2002.
4. Agree the consultation period will run from 1 April 2016 to 2 May 2016.

5. Agree to delegate to the Chief Executive and the Chair of the Environment Committee, the authority to amend the proposed Statement of Proposal and associated consultation document, to include any amendments agreed by the Committee and any associated minor consequential edits.
6. Note that additional expenditure has been included in the 2016/2017 Annual Plan and additional operational expenditure to improve exercise areas would need to be agreed in future Annual Plan processes. If requested by the Committee, officers can report back to Committee with the potential costs of any additional operational expenditure.

Background

Pre-consultation engagement

8. A workshop took place in January 2016 with key stakeholders from across the dog community. Attendees included: SPCA Wellington, Wellington Canine Obedience Club, New Zealand Kennel Club, New Zealand Veterinary Association, Places for Penguins, Wellington Zoo, Small Dog Socials, ACE Dog Training Limited, Loose Leash Dog Walking and Central Allbreeds Dog Training School. Key findings from the workshop were:

Policy

- The no stopping rule in the central city area is impractical.
- The Responsible Dog Owner scheme works well, but it could place a greater emphasis on training owners, not just dog obedience.
- A limit of three dogs per household is reasonable as long as exceptions can be made.
- More rubbish bins are required to manage dog faeces being left in public places.
- Some beach and exercise areas have restricted hours during daylight savings, and this is confusing and not followed. Better signage is needed.

Exercise areas

- Better signage is needed. Signs could be used to point out boundaries of exercise areas, have 'responsible owner tips', and highlight wildlife conflict areas.
- Not all owners are able to verbally control their dogs when they are off-leash which creates risks for other park users.
- Introduce different usage timings for different size dogs, e.g. little dogs can use an area from 3-4pm and big dogs from 4-5pm.
- Quality of areas is preferred over quantity. Having at least four different "destination" parks across the city (e.g. north, south, east, and west) would be fair, and similar to what other cities provide. To do this we would need to create a "hierarchy of parks" and need to priorities key areas.
- There is a lack of exercise areas provided in the northern suburbs and the central city.
- Developing fenced areas in conjunction with various clubs could create community ownership over park.

- Need to identify where wildlife is and make sure wildlife rejuvenation is not impacted by dog parks. Dog owners do not want to negatively impact wildlife.
9. Officers have met with Advisory Groups.
- The Pacific Advisory Group noted that they were concerned about unregistered dogs, public safety around dogs, and dog faeces making places not public friendly.
 - The Youth Council is interested in increasing dog education targeted at schools and youth focused places such as after school programmes.
 - The Accessibility Advisory Group is interested in regulation around disability assist dogs and will provide officers with their feedback at a later date.
 - The Environmental Reference Group recommended that fencing is considered around sensitive wetlands. They also noted that they would support dogs being allowed off-leash in reserves as long as it was in areas that did not clash with wildlife. Increased enforcement, signage and awareness of the rules would encourage compliance.
10. The Community Boards have also provided some initial input. The Tawa Community Board raised concerns around dog exercise areas, particularly the conflicts occurring at Grasslees Reserve. The Makara/Ohariu Community Board discussed the impact of the Policy on working and rural dogs.
11. An intercept survey was run at the Paws in the Park event on 6 March 2016. It asked participants if they would prefer higher quality or a greater quantity of exercise areas in Wellington City. It found that 58 per cent of respondents said they would prefer better quality, 26 percent preferred greater quantity, and 16 percent wanted both.
12. As part of the engagement for the Animals Bylaw review an online survey was carried out in December 2015 using the Wellington City Council's research panel, *Our Capital Views*. Dogs were not explicitly covered but a number of respondents raised the following issues in relation to dogs in the general comments section:
- Faeces left in public areas – 41 respondents
 - Barking – 23 respondents
 - Dogs not on leashes – 17 respondents
 - Concern for safety with regards to aggressive dog breeds or owners not controlling their dogs – 16 respondents.
13. As part of the Annual Plan 2016/17 pre-consultation, nine submissions were received suggesting an increase in fenced areas and overall quality of exercise areas.
14. Surveys were undertaken in 2012 as part of pre-engagement work. These reinforced the key findings of the 2009 Policy review:
- Registration fees are contentious. Dog owners are dissatisfied as they perceive that their fees are high and are unable to see what they are being used for.
 - A majority of both dog owners and the wider public support the use of leashes in public places.
 - Dog faeces remain a health concern for dog owners and the wider public.
 - Dog owners are dissatisfied with operational aspects of dog exercise areas such as the lack of bins, issues with lighting, and lack of seating.

15. The proposed consultation from 1 April to 2 May will enable the community to provide their views. Officers will notify all registered dog owners of this consultation. Owners will have the opportunity to provide input into this process.
16. Our funding policy has a private/public balance to reflect that dog control protects the wider public. To reflect this, during the consultation period officers will engage with the wider community as well as dog owners. In order to gauge public opinion of the central city no stopping zone, officers will engage those who would be impacted, including the Inner City Association.

Discussion

1. **Exercise areas and designated public places review**
17. Officers have undertaken an extensive review of all designated public places. This includes: dog exercise areas, prohibited places, beach exercise areas, beach areas restricted during summer, exercise areas (specified times), and prohibited public places (specified times). Officers assessed the areas: use, location, access, size, facilities, potential conflicts, and work required.
18. Changes are proposed in order to remedy some of the issues with exercise areas. Table One sets out the proposed changes to the various designations for public places. For a full list of all of these areas and associated maps, please see Attachment 1.
19. Dogs are prohibited on-leash in all public places unless specified otherwise.

Table One: Proposed changes to designated public places

Exercise Areas	Proposal changes
Finnimore Terrace	Proposed new area – alternative to area at Liardet and Balfour St Corner. Walking track from Finnimore Terrace down the 4WD track to the grassed areas above MacAlister Park.
Hataitai Park	Modify – link this area and the one above with an off leash path.
Karori Park	Modify – include old grade 2 mountain bike track.
Khandallah Park	Proposed new area – entrance off Sirsi Crescent including the grassed areas above the reservoir and the track to the gate below Mt Kaukau.
Liardet and Balfour St Corner	Remove – area very small and next to a major road junction. Alternative area nearby.
Mitchelltown School Site	Remove – better alternative close by at Central Park. Poor area close to road now major entrance for Polhill Reserve.
Odell Reserve	Modify – include top of reservoir.
Seton Nossitor	Modify – extend to include track from car park off Mark Avenue.
Stebbings Detention Dam	Proposed new area – Stebbings Detention Dam area at Westchester Drive, Churton Park.
Te Ahumairangi (Tinakori) Slopes	Modify – remove small area at bottom and propose route from Wadestown Road becomes off leash.
Top of Te Ahumairangi (Tinakori Hill)	Modify – extend at southern end to include track from car park.
Vice Regal North	Modify – link this area with the end of Owen Street.

Waihinahina Park in Memory of Dennis Duggan	Modify – develop as Destination Park. Add area north of car park for small dogs.
Willowbank Park	Modify – including stream between two sections. Remove section above Ara Tawa Walkway as it is now revegetated.
Wrights Hill	Modify – include track from Wrights Hill Road.
Beach Exercise Areas	Proposed changes
Evans Bay Beach	Remove – too small as beach area and not grass. Right next to SH1.
Island Bay beach	Modify – allow dogs to walk full-time, off leash on allowed area of the beach from the pier to the western end of the beach.
Exercise Areas (Specified Times)	Proposed changes
Arthur Carman Park	Modify – reduce off leash area to bottom two levels and allow dogs to walk off-leash at all times. Top level retained for informal sport.
Kaiwharawhara Park	Remove – Sports field. Better alternatives close by.
Prohibited Public Places	Proposed changes
Sports fields	Modify – prohibition is limited to playing surface with dogs on-leash at all times around the periphery.
Tapu te Ranga island	Proposed new area – penguin habitat and other birds should be protected from dogs.
Tarakena Bay Beach	Modify – allow dogs to walk on-leash between the car park and Ataturk.
Prohibited Place (specified times)	Proposed changes
Arthur Carman Park	Modify – reduce area to bottom two levels and allow dogs to walk off-leash at all times

20. Gaps in the network of exercise areas have been identified in the northern suburbs and the western side of the Town Belt. To fix this, new areas are proposed at Khandallah Park with a new off leash route, off Finnimore Terrace on Town Belt, and Stebbings Detention dam in Churton Park (serving lower Stebbings Valley).
21. Officers propose increasing the area at Karori Park and proposing to modify the Wrights Hill area by allowing dogs off leash from the car park to the Parade Ground.
22. Kelburn does not have any exercise areas. Officers do not support using Magpie Lawn at the Botanic Garden. Magpie Lawn is being increasingly used for events and is regularly used by Kelburn Normal School.
23. During consultation, it is proposed that we seek community feedback on whether a walking track within the city could be added as an off-leash exercise area. If there was community support and suitable areas can be identified that balance the needs of all users, the Council will consider how these could be implemented.

Levels of service at exercise areas

24. Changes are needed to increase the suitability of some sites. Fencing is needed in some areas to remove conflicts with roads and playgrounds. Not all areas need to be fully enclosed as partial fencing may resolve conflicts.
25. Lack of rubbish bins is a frequent cause of complaints. Officers note most areas have a bin but some sites have none. Dog agility equipment is also requested by the public. No sites currently have agility equipment.
26. Currently Wellington has two fully enclosed fenced exercise areas. An upgrade programme is underway to increase this to four areas. The two additional areas most likely to be Taylor Park in Tawa and Sinclair Park in Houghton Valley. Feedback from the community shows that these areas are treated as “destination” parks as owners will travel to them.
27. A key contention appears to be the quality of dog exercise areas. Levels of service at exercise areas in comparable cities (such as Christchurch and Hamilton) are considered to be higher than in Wellington. Christchurch has six “destination” dog parks, some of which have multiple fenced areas and provides agility equipment at these areas.
28. Officers will report back to the Committee with the potential costs of undertaking any upgrading work.

No stopping in central city area

29. Dogs are currently not allowed to stop within the central city area. This central area is not clearly marked or sign posted and is different from the central area in the District Plan.
30. Dog ownership is increasing, particularly within the central city as more people choose to live in Te Aro. It is important that dog owners who live in the central city area are able to safely exercise their dogs.
31. It appears that the intention of the no stop zone in the central district area was to discourage dog owners from leave their dogs unattended tied up on the footpath. This is particularly a problem in areas with high pedestrian use.
32. It is proposed that the clause not allowing stopping within the central city area is removed, and replaced with a clause explicitly stating that dogs are not allowed to be tied up and left unattended in a public place. This may still be an issue of interest in consultation and could be restricted to the central city area. Feedback will be sought during consultation.

Wildlife

33. As numbers of native animals increase there is also greater risk for conflict with dogs particularly in reserve areas¹.
34. Pre-consultation engagement shows that dog owners are concerned about any adverse impact to wildlife caused by dogs. Owners would take steps to prevent their dogs from impacting wildlife but are unsure where these risk areas are.
35. Non-regulatory options would be the most effective way to communicate these messages, particularly in high impact areas. Signs at key wildlife areas would help alert the public to the presence of wildlife.
36. In addition, it is proposed that dogs are prohibited from entering Tapu te Ranga Island and the seal “haul out areas” at Sinclair Head and South Coast.

¹ Wellington City Council, [Dog kills kākā in Huntleigh Park](#), 2015

“Summer hours” for exercise areas

37. Dog access is limited during daylight savings to places classified as: beach areas restricted during summer, exercise areas (specified times), and prohibited public places (specified times). Officers note that these rules are often forgotten or overlooked, and are unclear.
38. Dogs are not permitted at these areas between 9am and 7pm. The intention of this is to reduce any conflict between dogs and area users during peak demand.
39. Officers investigated the option of removing any seasonal restrictions. Removing these options would unfairly penalise responsible dog owners who respect these areas and other users. Imposing a blanket rule for all year around access could create conflict at these areas particularly during peak demand.
40. Officers propose introducing “summer hours” based on calendar dates (from 1 December until 1 March the consecutive year). It is also proposed that the restricted times are adjusted to 10am and 7pm. This give dogs an extra hour of beach access while these areas are not at peak demand. Porirua City currently restricts its summer hours to these times.

Registration fees

41. Registration fees are a concern for dog owners. There appears to be some misinformation about what the funds from registrations are spent on.

Options

42. Policy changes alone cannot address public concerns around exercise areas. Changes to improve the network of exercise areas will need to be done overtime and within available funding. If these changes are not sufficient, additional funding will need to be provided.
43. If additional gaps are identified in the network of exercise areas during consultation and they cannot be met within existing budgets, additional funding would need to be considered in future annual plan processes.
44. The Council can consult on and amend dog exercise areas at any time without also needing to review the Dog Policy. Consultation must follow the special consultative procedure outlined in the Local Government Act 2002.

Next Actions

If the Committee agrees, consultation will be undertaken according to the timetable below.

01 April – 02 May 2016	Consultation period
May	Oral submissions received
23 June 2016	Environment Committee considers final report
04 August 2016	The Council decides whether to adopt the proposed changes
The amended policy will come into force	

Attachments

Attachment 1. Attachment 1 - Statement of Proposal: Draft

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Author	Jessica Clarke, Graduate Advisor, Policy and Reporting
Authoriser	John McGrath, Acting Director Strategy and External Relations

SUPPORTING INFORMATION

Consultation and Engagement

An Engagement and Consultation Plan has been developed and followed. This plan considers the projects: significance, risk factors, various stakeholders, and constraints. The plan was developed in accordance with the Council's Significance and Engagement Policy.

Treaty of Waitangi considerations

Mana Whenua iwi have been consulted and have no concerns with the review at this point.

Financial implications

Not applicable at this point. If a decision is made to require high levels of service at exercise areas, additional funding will need to be allocated through the Annual Plan process.

Policy and legislative implications

The Policy review will take into account the decisions made in this paper.

Risks / legal

The Policy amendments are required to fulfil the Council's obligations under the Local Government Act 2002, Dog Control Act 1996, Health Act 1956, and the Animal Welfare Act 1999.

Climate Change impact and considerations

No considerations at this point.

Communications Plan

Officers are working to ensure that any communication issues are effectively managed.

Statement of Proposal

April 2016

Have your say on our proposed changes to the Wellington City Council
Dog Policy 2009

CONTENTS

Summary
Have your say
Background
Why change the Policy?
Legislative requirements

POLICY

Description of proposed revised Dog Policy
Proposed Dog Policy

MAPS AND SCHEDULES

Appendix A
TABLE 1: EXERCISE AREAS
TABLE 2: BEACH EXERCISE AREAS
TABLE 3: EXERCISE AREAS (SPECIFIED TIME)
TABLE 4: BEACH AREAS RESTRICTED DURING SUMMER
TABLE 5: PROHIBITED PUBLIC PLACES
TABLE 6: PROHIBITED PLACES – (Specified Times)

Appendix B: Maps of all exercise areas
Appendix C: Offences under the Dog Control Act 1996
Appendix D: Infringement offences under the Dog Control Act 1996

Statement of Proposal

This Statement of Proposal relates to a review of the Wellington City Council Dog Policy 2009. It is prepared under sections 10 and 10AA of the Dog Control Act 1996, and section 83 of the Local Government Act 2002.

The amendments are summarised in the Statement of Proposal document and the proposed Policy is included.

Summary of information

We're seeking feedback on proposed changes to the Wellington City Council Dog Policy 2009 (the Policy) and we want to hear your views. Dogs are important to many families and households and the majority of dog owners in Wellington are very responsible. However, some residents prefer public spaces to be dog free.

Under the Act, the Council needs to balance potential and perceived risks to public safety, risks to wildlife and natural habitats, potential nuisance issues and to the recreational and exercise needs of dogs and their owners. As it is often difficult to find a good balance – we want to check and see how we're going.

The Policy aims to recognise the community and health benefits of dog ownership while balancing public safety concerns and the relevant legal requirements. The Policy sets out:

- the public places where dogs are prohibited, and where dogs need to be controlled on a leash or are allowed off-leash (exercise areas)
- the Responsible Dog Owner scheme
- dangerous dog classification
- education programmes
- when owners may be disqualified from owning dogs
- enforcement action the Council may take against dog owners
- the nature and application of bylaws which give effect to the Policy.

Proposed changes to the Policy include:

- a specific list of the responsibilities of the Council and dog owners
- clarifying some of the rules around Responsible Dog Owner status, including what happens when a Responsible Dog Owner moves house and where Responsible Dog Owner status is reinstated after being suspended
- removing the central city area restriction known as the 'no stopping' ban and instead clarifying that dogs are not to be tied up and left unattended in public places
- relaxing restrictions on dogs using the side-lines of sports fields when they are not being used for sporting events. However, dogs will not be permitted on artificial sports surfaces at any time
- classifying existing seal colony areas as prohibited places all year round to reduce the potential for conflict between dogs and wildlife, and to protect wildlife
- adjusting the timings and dates around daylight savings specific rules
- clarifying that owners only need to get permission and pay the associated fee once to keep more than three dogs (outside of the rural area)

As part of the review we also looked at existing exercise areas, beach exercise areas, exercise areas (specific times), beach areas restricted during summer, prohibited public places, and prohibited places (specified times). For a full list of all of these areas, please see Appendix A.

We recognize that these areas provide positive spaces for dogs to exercise and socialise, but some are not meeting communities' expectations. We are planning to add more fully fenced exercise areas and install rubbish bins in the most popular areas. If you are interested this work please let us know on the submission form, and we will keep you informed.

Exercise Areas	Proposed changes
Willowbank Park	Modify - including stream between two sections. Remove section above Ara Tawa Walkway as it is now revegetated.
Seton Nossitor	Modify - extend to include track from car park off Mark Avenue.
Waihinahina Park in Memory of Dennis Duggan	Modify - develop as Destination Park. Add area north of car park for small dogs.
Odell Reserve	Modify - include top of reservoir.
Top of Te Ahumairangi (Tinakori Hill)	Modify - extend at southern end to include track from car park.
Te Ahumairangi (Tinakori) Slopes	Modify - remove small area at bottom and propose route from Wadestown Road becomes off-leash.
Karori Park	Modify - include old grade 2 mountain bike track.
Wrights Hill	Modify - include track from Wrights Hill Road.
Mitchelltown School Site	Remove - better alternative close by at Central Park. Area is close to road, which is a major entrance for Polhill Reserve.
Hataitai Park	Modify - link the two areas in this park with an off-leash path.
Vice Regal North	Modify - link this area with the end of Owen Street.
Liardet and Balfour St Corner	Remove - area very small and next to a major road junction. Alternative new area nearby at Finnimore Terrace.
Khandallah Park	Proposed new area - entrance off Sirsi Crescent including the grassed areas above the reservoir and the track to the gate below Mt Kaukau.
Finnimore Terrace	Proposed new area – alternative to area at Liardet and Balfour St Corner. Walking track from Finnimore Terrace down the 4WD track to the grassed areas above MacAlister Park
Stebbings Detention Dam	Proposed new area - Stebbings Detention Dam detention dam area at Westchester Drive, Churton Park.
Beach Exercise Areas	Proposed changes
Evans Bay Beach	Remove - too small as beach area and not grass. Right next to SH1.

Island Bay beach	Modify - allow dogs to walk off-leash full-time, on the allowed area of the beach from the pier to the western end of the beach.
Exercise Areas (Specified Times)	Proposed changes
Arthur Carman Park	Modify - reduce off-leash area to bottom two levels and allow dogs to walk off-leash at all times. Top level retained for informal sport.
Kaiwharawhara Park	Remove - Sportsfield. Better alternatives close by.
Prohibited Public Places	Proposed changes
Sports surfaces	Modify - Prohibit access on artificial sports surfaces. Dogs are allowed on-lead at all times around the periphery of a sports surface it is not in use.
Tarakena Bay Beach	Modify - allow dogs to walk on-leash between the car park and Atatürk.
Tapu te Ranga island	Proposed new area - penguin habitat and other birds should be protected from dogs.
Prohibited Place (specified times)	Proposed changes
Arthur Carman Park	Modify - reduce area to bottom two levels and allow dogs to walk off-leash at all times

The Council is interested in community feedback on whether a walking track within the city could be added as an off-leash Exercise Area. If there was community support and suitable areas can be identified that balance the needs of all users the Council will consider how these could be implemented.

The proposed changes consider other Council's policies, bylaws and legislation such as the Dog Control Act 1996 (subsequently referred to as the Act). Changes are part of a wider approach to encourage responsible dog ownership in Wellington including suggested adjustments to the Wellington Consolidated Bylaw, Part 2: Animals (subsequently referred to as the Animals Bylaw).

The Dog Policy and the Animals Bylaw are being reviewed at the same time, but consulted on separately. You can get copies of the Statement of Proposals for both the Dog Policy and the Animals Bylaw online at wellington.govt.nz/haveyoursay, the Service Centre at 101 Wakefield Street, libraries, by emailing policy.submission@wellington.govt.nz or phoning 04 499 4444.

Have your say

We need your feedback by 5pm on Monday 02 May 2016.

The Council is keen to know what people think about the proposed Policy. Please make a submission online at wellington.govt.nz/haveyoursay, email your submission to policy.submission@wellington.govt.nz or complete the attached submission form and send it to Dog Policy, Freepost, Wellington City Council, P.O. Box 2199, Wellington 6140.

You can get more copies online at wellington.govt.nz/haveyoursay, the Service Centre at 101 Wakefield Street, libraries, by emailing policy.submission@wellington.govt.nz or phoning 04 499 4444.

If you'd like to make an oral submission to Councillors, please indicate this on the submission form and make sure you have included your contact details. We will contact you to arrange a time for you to speak. Submissions will be heard by the Environment Committee in May 2016.

The Council's Environment Committee will consider the submissions and make recommendations to the full Council. The Council will then decide whether to change the Policy.

Written submissions open on 1 April 2016 and close at 5pm on 2 May 2016.

Timeline for considering the proposed Policy

When	Proposed Actions
1 April – 2 May	Consultation period
May	Oral submissions
June	Environment Committee considers submissions
August	The Council decides whether to adopt the proposed changes
Following Council decision on proposed changes	The reviewed Policy will come into force

Background

The context of the Policy and the review requirement

The Act requires the Council to adopt a policy on dogs. The Policy must be reviewed when the bylaw giving effect to the Policy is reviewed. A review of the Animals Bylaw is currently underway and must be completed by 31 August 2016. The Policy was last reviewed in 2009.

Dog ownership in Wellington is increasing with 10,716 dogs registered in 2014/2015, yet rates of dog ownership remain relatively low, with a ratio of 5 registered dogs per 100 people. In contrast Lower Hutt has 9 dogs per 100 people, and nationally there are 11 dogs per 100 people. Popular breeds in Wellington City are Labrador/cross, Border Collie/cross, Cavalier King Charles Spaniel/cross, and Bichon Frise.

The Policy seeks to ensure that dogs are well cared for, Wellingtonians are able to enjoy dog ownership, and that owners of dogs comply with their obligations under the Act. The main components of the Policy are:

- Introduction, purpose, and establishing the responsibilities of the Council and dog owners
- Setting out the rules around dogs in public places, including parks and beaches
- Registration, fees and microchipping
- Responsible Dog Owner status
- Education and dog obedience
- Ways to minimise the nuisance caused by dogs
- Provisions relating to menacing and dangerous dogs
- Enforcement options open to the Council
- Classification of owners as probationary and disqualification of owners
- Detailing the application of the Animals Bylaw

Appendices attached to the Policy currently detail: beach exercise areas, exercise areas (specified time), beach areas restricted during summer, prohibited public places, prohibited places (specified time), maps of all exercise areas, offences under the Act, and infringement offences under the Act. It is intended these will remain and be updated to reflect any changes to the Policy.

Dog exercise areas are popular with dog owners and provide a positive environment for dogs to socialise off-leash. There are currently 71 off-leash dog exercise areas in Wellington. Feedback indicates that residents enjoy using these areas to exercise their dogs, but that they could be improved. We are going to progressively upgrade some areas by improving signage and fencing to improve safety for dogs. In addition, we are planning to add more fully fenced exercise areas and install rubbish bins in the most popular areas.

As numbers of native animals increase there is also more risk for conflict with dogs¹, particularly in reserve areas. For example, penguins are now nesting in more places along the coastline, and seals in colonies along Sinclair Head and on the South Coast

¹ Wellington City Council, [Dog kills kākā in Huntleigh Park](#), 2015

have changed their habits and tend to be on shore all year round (rather than just during part of winter). A balance needs to be found between the rights of owners' and dogs, and protection of wildlife.

Why change the Policy?

Proposed changes intend to address issues picked up during the review of the Policy, encourage responsible dog ownership, and to address legal requirements under the Act and public safety concerns. Some of these changes will help clarify processes, such as what happens when a Responsible Dog Owner moves house. Other changes reflect shifting public opinion and trends, such as increasing levels of dog ownership, particularly within the central city. All proposed changes to the policy are listed in Table 1.

Exercise areas

The review has also helped address issues with exercise areas. Dog exercise areas are popular with dog owners and are a positive environment for dogs to socialise off-leash. These areas currently do not need to be fenced, and some share boundaries with children's play areas, roads, sport fields and reserves.

It is proposed the Policy be amended so that any new exercise areas are not allowed to be next to a road and unfenced. It is also proposed that current off-leash dog exercise areas that are not fit for purpose are de-listed. Improvements to other areas are proposed to make up for the reduction in the total number of exercise areas. A full table of current exercise areas and proposed changes to listed off-leash dog exercise areas are included in Appendix A.

The Council provides 71 off-leash exercise areas. Some of these parks are better than others. It is proposed that four new areas are added, while nine are modified to increase in size, and four off-leash areas are removed.

We are planning to add more fully fenced exercise areas and installing rubbish bins in the most popular areas. Dog owners are currently required to pick up dog faeces. This requirement will remain.

Currently the rules for some beaches vary and are specified based on daylight savings. It appears that these seasonal rules are often forgotten and are unclear. We propose changing the restrictions so they are based on summer calendar dates rather than daylight savings, and changing the timing to increase beach access at non-peak times.

Some dog owners enjoy walking or running with their dogs along tracks throughout the city. The Council is interested in community feedback on whether a walking track or tracks within the city could be added as an off-leash Exercise Area or areas to give owners and their dogs more opportunities to exercise.

The Council is aware that potential conflicts with other users would need to be managed and there is a need to protect wildlife so owners would be expected to keep their dogs under control at all times if this access was to be granted.

If there was community support and suitable areas could be identified through the consultation process such as parts of the Outer Green Belt that balance the needs of all users, the Council will consider how these could be implemented at a later stage.

Wildlife

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Wellington is starting to experience the benefits of years of hard work by the Council, Zealandia, and many volunteer groups and partner organisations to increase native biodiversity in Wellington. The Policy and associated list of dog exercise areas, beaches, and prohibited places, need to recognise these changes to our natural environment.

The seal territory along the South Coast and Sinclair Head has changed since the Policy was last reviewed in 2009. Seals now appear to be along the South Coast and Sinclair Head all year round, not just from 1 May to 31 August each year.

Central city restrictions

It is proposed that the restriction on dogs not being allowed to stop within the central city area is removed. This central area is not clearly marked or sign posted and is different from the central area in the District Plan. More dog owners live in the central city area, and it is important that they are able to safely exercise their dogs. Any nuisance caused within the central by dogs will be managed, and owners are responsible for picking up any dog faeces.

It is not explicitly clear in the Policy that dogs are not allowed to be tied up and left unattended in a public place. This is a particular issue within the central city area due to the high number of pedestrians, but is also an increasing concern in suburban centres. A new clause has been inserted to clarify this.

Bylaws and Legislation

The Act requires that the section of the Animals Bylaw dealing with dogs gives effect to the Policy. The Animals Bylaw and the Policy are being reviewed at the same time, but reported separately. Please see the Animals Bylaw consultation documents for background on the proposed changes to the Bylaw.

You can get a copy to the Animals Bylaw consultation documents online at wellington.govt.nz/haveyoursay, the Service Centre at 101 Wakefield Street, libraries, by emailing policy.submission@wellington.govt.nz, or phoning 04 499 4444.

The Act states which of the Council's obligations are to be clearly set out in the Policy. We are proposing some changes to the Policy to accurately reflect this. The main changes to the Policy as a result are the rewriting of the Dangerous and Menacing Dogs section, and making some other changes to ensure the Bylaw and Policy have consistent wording and content.

Responsible dog owners and keeping more than 3 dogs

The Responsible Dog Owner (RDO) scheme offers a reduced dog registration fee to recognise and encourage good dog ownership. Approximately 25% of owners currently have RDO status. It is currently unclear in the Policy what happens to RDO status when an owner moves house. It is proposed that this is clarified, along with the reinstatement of RDO status if it has been suspended due to a dog's death or the owner returns after temporarily moving out of Wellington City.

Currently households (not in rural areas) may only keep up to three dogs. Permission is needed from the Council if a household wishes to keep more than three dogs. This creates a lot of extra work for dog owners, especially if they are still in the same house and have the same dogs. It is proposed that the fee may now be paid once, on application.

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Readability and clarity

The Policy needs to be clear and readable so that everyone can access and understand it. It is proposed that a few changes are made to ensure formatting and wording is consistent throughout the Policy.

One of these changes is to clarify the rules around sports fields. Currently dogs are prohibited from sports fields at all times. Owners are currently allowed to walk their dogs' on-leash around the side-lines of the marked sports surface when it is not in use. It is proposed that this is clarified, so that dog owners are aware of this. Dogs would not be allowed on artificial sports surfaces such as Astroturf at any time.

Legislative requirements

The following legislation is relevant to the proposed amendments to the Policy.

Dog Control Act 1996: Under section 10, the Council must adopt a Policy in respect of dogs within its district. When a bylaw implementing the Policy is reviewed, the Policy must also be reviewed.

Under section 10 of the Act, the Council's Policy must:

1. specify the nature and application of any dog control bylaws made under the Act.
2. identify public places in which dogs are to be prohibited, either generally or at specified times.
3. identify any particular public places and any areas or parts of the district in which dogs in public places are required to be controlled on a leash.
4. identify those areas or parts of the district in respect of which no public places or areas are to be identified for items 2 or 3 above.
5. identify the areas to be designated as dog exercise areas in which dogs may be exercised at large.
6. state if "menacing" dogs have to be neutered, and outline the relevant criteria.
7. include any other details the Council thinks fit, including:
 - fees or proposed fees
 - owner education programmes
 - dog obedience courses
 - classifying owners as probationary owners
 - disqualifying owners from owning dogs
 - the issuing of infringement notices.

Section 10(4) of the Act also says that when adopting a Policy on dogs the Council must consider:

- the need to minimise danger, distress and nuisance to the community generally
- the need to avoid the inherent danger of uncontrolled dogs in public places frequented by children, whether or not the children are accompanied by adults
- the importance of enabling the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs
- the exercise and recreational needs of dogs and their owners.

Health Act 1956: The Health Act gives the Council powers to appoint health officers and other officers to protect public health.

Local Government Act 2002: The Local Government Act sets out the special consultative procedure the Council must follow to make, amend, or revoke a policy.

Animal Welfare Act 1999: The purpose of the Animal Welfare Act is to ensure that animal owners and caregivers of animals attend properly to the animal's welfare. It should be read along with the Policy.

Table 1. Proposed changes to the policy and rationale.

Proposed Policy Ref.	Proposed revised Policy, clause names	Key differences between proposed Policy and current Policy.
-	Content	Changes reflect re-ordering and simplification/clarification of headings.
1.	Introduction	Section renamed so title is consistent with other policies.
2.	Purpose	Section renamed so title is consistent with other policies. Footnote and associated information on dog owner responsibility moved to section 4.
3.	Definitions	Minor clarifications, grammatical and format changes. The following definitions are updated so they reflect definitions under the Act: <ul style="list-style-type: none"> - "Disability assist dog" - "Menacing dog" - "Owner" - "Probationary Owner" - "Protected wildlife" A definition of "nuisance" has been added. The definition of "Substantive compliant" has been removed as it is not defined in the Act or in case law, and is not legally robust. The definition of "Working Dog" is reworded so it is clearer.
4.	Responsibilities	Title changed to reflect the section's increased focus on the responsibilities of dog owners and the Council. Minor edits to simplify language and enhance readability. It is proposed to re-order content to create sections 4.1 and 4.2. They are not new obligations - content from 4.1 is moved from section 6. Content of 4.2 comes from a footnote that is currently in section 2. The intention of this re-ordering is to specifically set out the responsibilities of the Council and dog owners. This will help the public understand what the Council can and cannot do and clarify the obligations of dog owners.
5.	Access to Public Places	The removal and replacement of the phrase "prohibited areas", so that the Policy consistently refers to "prohibited places". Updated to reflect that the Bylaw no longer has the contents of Appendix A. attached to it.

		<p>Confusion has been noted around the use of day light saving and time-of-day restrictions. Dogs are currently not permitted between 9am and 7pm during summer daylight saving hours to stop any conflict occurring between dogs and the public when there is peak demand for the beach use.</p> <p>It is proposed that the day light savings restrictions are removed and replaced with summer time restrictions (from 1 December until 1 March the consecutive year).</p> <p>It is proposed that the time-of-day restrictions are changed to dogs not being permitted between 10am and 7pm. It is currently between 9am and 7pm. This will give dogs an extra hour of beach access, and make Wellington City's rules consistent with Porirua City so it is easier for owners across the Wellington region to remember the rules. These changes are updated in:</p> <ul style="list-style-type: none"> - "Beach areas restricted during summer" - "Exercise area (specified times)" - Section 5.2 exercise areas - Section 5.4 summer beach restrictions <p>Section 5.1 has been updated to clarify that dogs must be on-leash at all times unless within a designated exercise area.</p> <p>Criteria added to section 5.2.1 for any new exercise areas to be fenced if they are next to a road.</p> <p>Under section 5.3 a list of prohibited places has been removed, and redirects readers to table 5. The intention is to remove any confusion that it may have been only the areas listed in 5.3 that were prohibited.</p> <p>Changes to section 5.3.1 clarify that dogs are allowed to be on the side-lines of a marked sports field if it is not in use.</p> <p>Changes to section 5.3.2 to classify seal colony areas as prohibited public places all year round, to remove the risk of seals and dogs coming into conflict.</p> <p>5.3.3 'Central City Restrictions' is to be removed, and replaced by new section dealing with 'Unattended Dogs'. The intention is to clarify what is permitted or restricted in the central city. It also addresses public concerns about dogs being left unattended in public places.</p> <p>Changes to section 5.4 clarify the restrictions on working dogs.</p>
6.	Registration and Fees	<p>Title changed to clarify what the content refers to.</p> <p>Text has been moved to section 4.1 as it works with other</p>

		<p>information on responsibilities.</p> <p>Minor grammatical and format changes to assist with readability.</p> <p>Section 6.3 on microchipping dogs has been moved here from the current section 9. This section is better suited to be in section 6 as it deals with information from the Act that needs to be provided to dog owners.</p> <p>Removal of sentence to reflect that a dog cannot be seized for not being microchipped.</p>
7.	Responsible Dog Ownership	<p>Title of section simplified.</p> <p>Proposed changes to section 7.1 and 7.1.1 help to clarify elements of the current policy. They are:</p> <ul style="list-style-type: none"> - what happens when RDO status is reinstated - establishes that the Council needs to be provided with proof of obedience course attendance - sets out that any associated or outstanding fees must be paid before RDO status is granted. <p>Section 7.1.2.f clarifies what happens to RDO status when an owner moves house. The intention of this is to ensure that RDO's are not unfairly being penalised.</p>
8.	Education	<p>Minor changes to format and to enhance readability.</p>
9.	Minimising nuisance	<p>Title of section simplified.</p> <p>Section 9.3 is reworded to increase consistency with the Act.</p> <p>Subsections on menacing and dangerous dogs have been moved to the new section 10.</p>
10.	Menacing and Dangerous Dogs	<p>Section given a separate heading as different from nuisance issues. Format changes to reflect re-ordering.</p> <p>Sections dealing with menacing and dangerous dogs have been relocated from section 5.9 and amended.</p> <p>Sections 10.1 and 10.3 have been amended to better reflect the Act. More information has been added to these sections to expand on the requirements set out in the Act.</p> <p>A new section 10.2 has been added, drawing on content from the old section 9.6, to clearly outline the Council's ability to require dogs classified as menacing to be neutered.</p> <p>The following sections have been removed or shifted:</p> <ul style="list-style-type: none"> • 'Dogs prohibited from being imported into New Zealand' has been removed as import/customs issues are outside the Council's jurisdiction.

		<ul style="list-style-type: none"> • Microchipping has been moved to the section on Registration and Fees. • Impounding has been moved to the Enforcement section.
11.	Enforcement	<p>Format changes to reflect re-ordering. Minor grammatical changes throughout section to enhance readability. Format changes to ensure consistency throughout Policy.</p> <p>Sections 11.1 and 11.2 on impounding have been moved into this section.</p> <p>The following statements were added to 11.1: 'without the consent of the owner/occupier in question' and 'The dog may also be seized and impounded if not under proper control or has attacked'. This is to better reflect the content of the Act.</p> <p>Sections 11.5 and 11.6 have been updated to better reflect the content of the Act and provide more information.</p>
12.	Bylaws	<p>Format changes to reflect re-ordering. Content changes throughout the section to reflect the wording used in the Bylaw.</p> <p>Paragraph added to explicitly specify the nature and application of Bylaw as required under the Act.</p> <p>The current section 11.2 on 'Restriction on diseased dogs or dogs on heat' is reworded to be consistent with the Bylaw.</p> <p>Section 12.3 has been updated to detail all of the different types of classifications of areas. An exclusion exempting working dogs has also been added. This means that it is clear that disability assist dogs, police dogs etc. are allowed in all public places.</p> <p>It is proposed additions to section 12.4 be made to explicitly reflect the content of the Bylaw. Owners will only have to apply once and pay the associated fee to apply to keep more than three dogs.</p> <p>Section 12.5 has been added on the general conditions of keeping animals, to reflect the content of the Bylaw.</p>
Appx. A	Table 1: Exercise areas	<p>Areas being modified:</p> <ul style="list-style-type: none"> • Willowbank Park • Seton Nossitor • Waihinahina Park in Memory of Dennis Duggan • Odell Reserve • Top of Te Ahumairangi (Tinakori Hill) • Te Ahumairangi (Tinakori) Slopes • Karori Park

		<ul style="list-style-type: none"> • Wrights Hill • Hataitai Park • Vice Regal North <p>Areas being removed:</p> <ul style="list-style-type: none"> • Mitchelltown School Site • Liardet and Balfour St Corner <p>Proposed new areas:</p> <ul style="list-style-type: none"> • Khandallah Park • Finnimore Terrace • Stebbings Detention Dam
Appx. A	Table 2: Beach Exercise Areas	<p>Areas being removed:</p> <ul style="list-style-type: none"> • Evans Bay Beach <p>Proposed new areas:</p> <ul style="list-style-type: none"> • Island Bay Beach
Appx. A	Table 3: Exercise Areas (Specified times)	<p>Areas being modified:</p> <ul style="list-style-type: none"> • Worser Bay Beach • Arthur Carman Park <p>Areas being removed:</p> <ul style="list-style-type: none"> • Kaiwharawhara Park
Appx. A	Table 4: Beach areas restricted during summer	<p>Areas being removed:</p> <ul style="list-style-type: none"> • Island Bay Beach – to reflect change to being a beach exercise area
Appx. A	Table 5: Prohibited Public Places	<p>Areas being modified:</p> <ul style="list-style-type: none"> • Tarakena Bay Beach • Island Bay Beach • Waitangi Park <p>Proposed new areas:</p> <ul style="list-style-type: none"> • Tapu te Ranga Island • Seal Colony Restrictions at Sinclair Head and South Coast
Appx. A	Table 6: Prohibited Place (Specified Times)	<p>Areas being modified:</p> <ul style="list-style-type: none"> • Arthur Carman Park <p>Areas being removed:</p> <ul style="list-style-type: none"> • Kaiwharawhara Park • Central City Restriction
Appx. B	Maps of all exercise areas	<p>Additions, deletions and modification of maps to reflect proposed changes in Appendix A.</p> <p>Formatting changes</p>
Appx. C	Offences under the Dog Control Act 1996	Minor changes to have no full-stops, so consistent with rest of section.
Appx.	Infringement	Minor changes to make all infringement fees marked with \$

D	offences under the Dog Control Act 1996	sign.
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Proposed Dog Policy

Proposed additions are underlined, while deletions are marked with a ~~strike through~~.

Wellington City Council Dog Policy 2016

1. ~~BACKGROUND~~ INTRODUCTION

2. ~~POLICY OBJECTIVES~~ PURPOSE

3. DEFINITIONS

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5.2.1 Criteria to determine exercise areas

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5.3.1 Right of access to a prohibited ~~area~~ place

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5.3.3 ~~Central city restriction~~ Unattended dogs

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5.4 Exemptions

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7.1.1 Criteria for Responsible Dog Owner Status

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8. EDUCATION

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9. MINIMISING RISK OF DISTRESS AND NUISANCE

9.1 Nuisance

9.2 Abatement of nuisance

9.3 Barking dogs

~~9.6 Dogs prohibited from being imported into New Zealand~~

~~9.7 Microchipping dogs~~

10. ~~MENACING AND DANGEROUS DOGS~~

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~~10.2~~ Neutering of menacing dogs

~~9.5~~ 10.3 Dangerous dogs

10. 11. ENFORCEMENT

- 9.8 11.1 Impounding and seizing
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- 10.4 11.3 Infringement notices
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11. 12. BYLAWS

- 11.1 12.1 Notice to abate dog nuisance
- 11.2 12.2 Restriction on diseased dogs or dogs on heat
- 11.3 12.2 Fouling of public places
- 11.4 12.3 Dogs in public places
- 11.5 12.4 Council permission required for more than three dogs

APPENDIX A:

- Table 1: Exercise Areas
- Table 2: Beach Exercise Areas
- Table 3: Beach Exercise Areas (Specified Time)
- Table 4: Beach Areas Restricted During Summer
- Table 5: Prohibited Public Places
- Table 6: Prohibited Place (Specified Time)

APPENDIX B: Maps of all public places classified as dog exercise areas, beaches restricted during summer and prohibited places can be seen at www.Wellington.govt.nz

APPENDIX C: Offences under the Dog Control Act 1996

APPENDIX D:—Infringement offences under the Dog Control Act 1996

1. BACKGROUND INTRODUCTION

The Dog Control Act 1996 and its subsequent amendments together (referred to as 'the Act'), requires the Council to develop a policy on dog control. The Dog Policy specifies:

- the nature and application of any ~~bylaws~~ Bylaw made to give legal powers to implement the Dog Policy and determine what is considered to be an offence
- public places where dogs will be controlled on a leash, prohibited or allowed off leash (exercise areas)
- whether dogs classified as menacing must be neutered and the criteria used to decide whether to neuter
- fees
- education programmes (for dogs and owners)
- when owners may be classified as probationary or disqualified from owning dogs
- infringements set by the Dog Control Act 1996.

The Council recognises that the majority of dog owners in Wellington are responsible and that most interaction between dogs and the public is positive.

This Policy policy to achieve a balance between the control of dogs and recognition of the community health benefits of dog ownership. The Policy policy will be implemented in conjunction with the Wellington Consolidated Bylaw 2008 – Part Two: Animals.

2. POLICY OBJECTIVES PURPOSE

- To ensure that the owners of dogs comply with their obligations under the Act, that dogs are well cared for and Wellingtonians are able to enjoy dog ownership.
- To prevent any potential danger caused by dogs to the public, wildlife and natural habitats.
- To minimise the risk of distress and nuisance caused by dogs to the public, wildlife and natural habitats.
- To actively promote the responsible ownership of dogs.
- To provide for the reasonable exercise and recreational needs of dogs and their owners.

3. DEFINITIONS

Dangerous dog ~~means any dog classified as dangerous by the Council under section 31 or 33ED of the Act. means any dog that behaves aggressively and threatens the safety of the public, stock, poultry, domestic animal or protected wildlife.~~

Disability assist dog ~~means a dog trained (or in training) to assist a person with a disability as defined under the Act, including any guide dog, hearing ear dog, or companion dog.~~

Domestic animal ~~includes:~~ means any animal (including a bird or reptile) kept as a domestic pet; any working dog; any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment.

Infringement offence has the meaning given to it in section 65(1) of the Act.

Menacing dog means any dog classified as menacing under sections 33A or 33C or 33ED of the Act. means any dog the Council considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife due to observed or reported behaviour or dogs classified as menacing under sections 33A or 33C of the Dog Control Act 1996.

Neutered dog means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised.

Nuisance means a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person.

Owner ~~has the meaning as defined under the Act including means every person who owns a dog; or has a dog in his or her possession; or the parent or guardian of a person under the age of 16 years who owns a dog.~~

Probationary owner ~~means any owner who has received three or more infringement notices in a period of 24 months. classified as probationary under section 21 of the Act.~~

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Protected wildlife means any animal for the time being absolutely or partially protected under the Wildlife Act 1953, and has the same meaning as defined under the Act.

Public place means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge.

Roaming dog means any dog that is found in any public place or on any land or premises other than that occupied by the owner and which is unaccompanied by their owner.

Rushing is defined as when a dog in a public place rushes at, or startles, any person or animal in a manner that causes any person to be killed, injured, or endangered; or any property to be damaged or endangered; or rushes at any vehicle in a manner that causes, or is likely to cause, an accident.

Stock ~~has the meaning~~ means any animal that is kept within a fence or enclosure for domestic or farming purposes.

Substantiated complaint ~~means a complaint where a Dog Control Officer considers there is enough evidence to support a case in a court of law.~~

Under control a dog can be kept under control by a person by physically limiting its movements, or by using direct commands.

Working dog ~~means any guide dog, hearing ear dog, or companion dog or dog defined as working under the Act.~~ means any dog that works for the Government, the Police, is a disability assist dog, or is part of commercial activity.

4. POLICY STATEMENTS RESPONSIBILITIES

4.1 Responsibilities of the Council

Dog owners have a responsibility to provide for their dog's welfare. To support dog owners and the welfare of dogs in Wellington, the Council will:

- ~~provide Dogs and their owners will be provided~~ with a reasonable level of access to public places, however this will be balanced with the need to ~~prevent potential danger~~ protect public safety and to minimise distress and nuisance to the public at large.
- ~~The Council will~~ provide designated exercise areas enabling dog owners to exercise their dogs off-leash provided the dogs are kept under control at all times
- ~~Where the likelihood of conflict exists between dogs and the public at large,~~ access for dogs to public places ~~will be restricted.~~ restrict or prohibit dog access to public places where the likelihood of conflict exists between dogs and the public
- ~~Where the likelihood of conflict exists between dogs and wildlife,~~ access for dogs to public places ~~will be restricted.~~ restrict or prohibit dog access to public places where the likelihood of conflict exists between dogs and wildlife
- ~~The Council will~~ actively encourage responsible dog ownership through the promotion of the Responsible Dog Owner (RDO) status
- ~~The Council will~~ promote public safety, responsible dog ownership and provisions of the Act and the Council's Dog Policy through education programmes for dog owners and the public

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- The Council will encourage the use of approved education and obedience courses for dogs.

When dogs have not received proper care and attention the Council will ensure that the appropriate action is taken and may:

- issue a warning or infringement notice
- prosecute where it considers the offence or the effects of the offence are significant.

4.2 Responsibilities of Dog Owners

The responsibilities of dog owners are to:

- ensure that the dog is registered and that the Council is notified of any change of address or ownership of the dog
- ensure that the dog is kept under control at all times or confined in such a manner it cannot freely leave its premises
- ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter
- ensure that the dog receives adequate exercise
- take all reasonable steps to ensure that the dog does not cause a nuisance to any other person, whether by persistent and loud barking or howling or by any other means
- take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person
- take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife:
- take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person
- comply with the requirements of this Act and of all regulations and bylaws made under the Act.

5. ACCESS TO PUBLIC PLACES

Under the Act, Councils can designate public places where dogs are prohibited or allowed on or off-leash. These areas are enforced using the related ~~bylaws~~ Bylaws.

Designated public places are classified as follows:

- **Controlled public places** – dogs are allowed on a leash
- **Exercise areas** – dogs can exercise and socialise off-leash
- **Prohibited areas ~~places~~** – dogs are not allowed in these areas at any time

Dogs must be under the control of their owner at all times on or off-leash. A list of exercise areas and prohibited places are attached ~~at in~~ Appendix A. ~~and included in the Wellington Consolidated Bylaw 2008 – Part Two: Animals~~

Wellington City has the additional classifications of:

- **Beach exercise areas** – beach areas where dogs can exercise off-leash.
- **Beach areas restricted during summer** – dogs are prohibited from these areas from ~~9am~~ 10am – 7pm every day during summer ~~(from 1 December until 1 March the consecutive year)~~ national Daylight Savings hours. These areas are classed

as controlled public places where dogs can be on-leash before ~~9am~~ 10am and after 7pm in summer and on-leash at all times in winter.

- **Exercise area (specified times)** – dogs are allowed off-leash before ~~9am~~ 10am and after 7pm in summer (from 1 December until 1 March the consecutive year) during ~~national Daylight Saving hours~~ and off-leash at all times in winter.
- **Prohibited place (specified time)** – where dogs are prohibited during the times specified.

5.1 Controlled public places

~~Dogs must be on-leash and under the control of their owners at all times in public places. In an exercise area, dogs must be verbally under direct control. Most areas in Wellington City are classified as 'Controlled public places' where dogs are welcome on-leash and under the control of their owners.~~

5.2 Exercise areas

The Council provides ~~51~~ designated off-leash exercise areas^[4] and ~~7~~ beach exercise areas^[2] across the city. The city also has two exercise areas where dogs are allowed off-leash before ~~9am~~ 10am and after 7pm in summer (from 1 December until 1 March the consecutive year) during ~~Daylight Saving hours~~ and off-leash at all times in winter. Dogs can exercise and socialise off-leash ~~at all times~~ in these areas as long as they remain under the control of their owner.

A list of all exercise areas is provided in Appendix A. Maps of all exercise areas are provided in Appendix B.

5.2.1 Criteria to determine exercise areas

The criteria used to determine exercise areas for dogs include:

- the area is not used extensively for sporting or other purposes
- the area is of significant size and has appropriate access
- there are sufficient sight lines
- the area is well bounded from adjacent areas
- no potential risk to other groups;
- new areas must be fenced if they are adjacent to a road.

5.3 Prohibited areas places

Dogs are prohibited in:

- ~~play areas~~
- ~~sports fields~~

Dogs will be restricted or prohibited in places that are used frequently by the public and areas where there is the presence of significant wildlife and/or wildlife habitat.

Prohibited areas places are listed in Appendix A, Table 5. The city also has areas that are classified as 'Prohibited places (specified times)' where dogs are prohibited during the times specified. These places are listed in Appendix A, Table 6.

5.3.1 Right of access to a prohibited area place

Dog owners/handlers are allowed:

- to move through a play area specifically to move from one side to the other if there is no alternative route but they cannot stop with their dog in the play area
- access to Wellington International Airport if they intend to transport their dog
- outside of the boundary of a sports field, however the dog must not go onto the sports field area to access the side-line of a sports field, if the marked sports surface is not in use.

5.3.2 Seal colony restrictions – Seal 'haul-out' areas

Areas where seals congregate and 'haul out' in the area of Sinclair Head and on the South Coast will be classed as prohibited public places. ~~from 1 May to 31 August each year.~~ Note: seal 'haul-out' areas along the South Coast may change from year to year.

5.3.3 Central city restriction

The area of the central city (defined on Map 1 in Appendix B) is classed as a restricted area. Dog owners are allowed to move through the central city with their dog on-leash to travel to or from the waterfront; however they cannot stop in the central city.

5.3.3 Unattended dogs

Dogs are not to be tied up and left unattended in controlled public places.

5.3.3.4. Summer beach restrictions

The following beach areas are classed as prohibited public places between ~~9am~~ 10am and 7pm every day in summer (from 1 December until 1 March the consecutive year) during national 'Daylight Savings' hours:

- Balaena Bay beach
- Hataitai Bay beach
- ~~Island Bay beach (from the pier to the western end of the beach)~~
- Seatoun beach (including Churchill Park)

These areas are classed as controlled public places where dogs can be on-leash before ~~9am~~ 10am and after 7pm in summer (from 1 December until 1 March the consecutive year) during national Daylight Saving hours and on-leash at all times in winter.

5.4 Exemptions

Disability assist dogs are exempt from all public place restrictions specified in this Policy. They do not need to be ~~on a leash~~ on-leash in controlled or prohibited public places.

Disability assist dog exemptions requires written authorisation from the appropriate organisation.

~~Certain Working dogs will also be exempt from the restrictions specified, if they are working at the time. The definition of a 'working dog' can be found in section 3 of this policy. Working dogs must be working at the time to be exempt. All working dogs will not need to be on-leash in a controlled public place. All working dogs, except those kept to herd stock will not need to be on-leash in a prohibited public place.~~

5.5 Classification of areas under other legislation

Access for dogs can be controlled by other legislation, for example the:

- Conservation Act 1987 – "controlled dog areas" and "open dog areas"

- National Parks Act 1980 – “national park”

At present there are no areas in Wellington City that are classified according to these provisions.

6. DOG WELFARE REGISTRATION AND FEES

Dog owners have a responsibility to provide for their dog's welfare.

To support dog owners and the welfare of dogs in Wellington, the Council will:

- ~~provide specific exercise areas where dogs can exercise off leash~~
- ~~promote responsible dog ownership through the Responsible Dog Owner (RDO) status~~
- ~~provide information to owners about the welfare requirements of dogs and how to provide for them.~~

When dogs have not received proper care and attention the Council will ensure that the appropriate action is taken and may:

- ~~issue a warning or infringement notice~~
- ~~prosecute where the offence or the effects of the offence are significant.~~

6.1 Registration

The maintenance of a dog registration system is both a statutory requirement and an essential component of the efficient running of a dog control service.

Information will be provided to dog owners and ~~potential owners~~ about their obligation to register their dog.

Registration will be monitored and the following action taken against owners ~~that~~ who fail to register their dog:

- issuing of a warning or infringement notice
- impounding of unregistered dogs. (Note: all dogs will be required to be registered before they are released from the shelter).

6.2 Fees

6.2.1 Registration fees

Registration fees are due on 1 July each ~~every~~ year. There are penalties for late dog registration.

Dog registration fees are set by Council resolution in accordance with the Revenue and Financing Policy. They are consulted on with levels of service through the Annual Plan or Long Term Council Community Plan.

A full registration fee must be paid for ~~entire~~ not neutered dogs. A discounted dog registration fee is available for owners who:

- hold Responsible Dog Owner status
- have a neutered (~~spayed or castrated~~) dog
- have a working dog(s).

There is no registration fee for disability assist dogs.

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Funds generated from dog registration fees are used to provide: facilities and maintenance of dog exercise areas; signs and advertising about dog bylaws; education programmes and campaigns for schools; community groups and businesses; dog control including law enforcement and attending to complaints and incidents; administering the shelter at Moa Point; and administering the dog control programme.

6.2.2 Other fees

Fees are also charged by the Council for:

- Dogs who have been impounded (impounding fees and daily sustenance fees)
- Licences for more than three dogs (in urban premises not rural)
- Collection or delivery of a dog on behalf of an owner
- Euthanasia of a dog at the owner's written request
- Replacement registration tags
- Responsible Dog Owner status (this includes site inspection fees).

Fees are set and advertised before the beginning of each registration year. The registration year runs from 1 July to 30 June the consecutive year.

The Council recovers 75% of the total cost associated with dog control through registration and control fees, and enforcement. Residential rates are used to meet the remaining 25% of dog related costs. The Council will actively pursue may seek appropriate sponsorship to offset its capital or operating costs.

6.3 Microchipping dogs

Owners must provide permanent identification of their dog (other than a working dog) by arranging for the dog to be implanted with an approved microchip when the dog is:

- registered for the first time on or after 1 July 2006
- classified as dangerous or menacing on or after 1 December 2003
- impounded and not registered
- registered and impounded twice.

Where microchipping has not occurred the Council may:

- issue a warning or an infringement notice
- seize the dog for non-compliance
- prosecute the owner.
- where the dog has been impounded, microchip the dog and recover the costs from the owner or person taking possession of the dog.

The Council requires a copy of the implantation certificate at the time of registration.

7 ACTIVELY PROMOTING RESPONSIBLE DOG OWNERSHIP

7.1 Responsible Dog Owner (RDO) status

The Council encourages responsible dog ownership through the promotion of its Responsible Dog Owner (RDO) status.

Dog owners can apply for RDO status if they meet the criteria listed at 7.1.1.

Once RDO status is obtained owners receive a discount on their annual registration fee. Unless cancelled for one of the reasons set out at 7.1.2, an owner can ~~maintain~~ retain their RDO status for as long as they require it.

Additional payment for RDO status will only occur if:

- a) the owner moves house and requires another site inspection
- b) the owner's RDO status is cancelled for reasons detailed.

Note: Responsible dog owners still require a licence to keep more than three dogs.

An owner's RDO status can be held in suspension for up to 24 months if the owner is travelling away from Wellington or their dog dies. Responsible Dog Owner status will only be reinstated if the owner still lives at the same property or until the new property has been approved. The owner must make a written request and provide appropriate documentation to the Council to ask for a suspension.

7.1.1. Criteria for Responsible Dog Owner Status

To be classified as a Responsible Dog Owner the following criteria must be met:

- a) The owner must comply with ~~the Council bylaw~~ Bylaw requirements as they relate to dogs (e.g. dogs must be under control at all times, owners must remove their dog's faeces in public places);
- b) The owner's dog must have been registered in Wellington for at least one year; or the owner must provide adequate proof of having held this status from their previous authority. If an owner has not been registered in Wellington for at least one year the owner should provide the Council with a pass certificate ~~for will be required to attend and pass an approved Responsible Dog Owner Education and Obedience course;~~
- c) The owner must not have:
 - received a conviction under the Act
 - received an infringement notice in the last year
 - had a dog impounded in the last year
 - been the subject of a substantiated public complaint in the last year, or
 - been classified as a Probationary or Disqualified owner
- d) The area of the property that the dog has free access to must be fully fenced and gated;
- e) Any outside kennels must be weatherproof and hygienic.

An application and payment of the prescribed fee must be made to Council, and approved before the benefits of the RDO status can be gained.

7.1.2 Cancellation of Responsible Dog Owner status

An owner's Responsible Dog Owner status will be cancelled if the owner:

- a) Is convicted of an offence under the Act. The owner will never be permitted to be reinstated as a Responsible Dog Owner.
- b) Is issued with an infringement notice. The owner will not be permitted to be reinstated as a Responsible Dog Owner for a year.
- c) Has their dog impounded. The owner will not be permitted to be reinstated as a Responsible Dog Owner for a year.
- d) Has one substantiated complaint then the owner will not be permitted to be reinstated as a Responsible Dog Owner for one full year.

- e) Fails to pay dog registration fees by the 1 August penalty deadline. Registration fees are due on 1 July each year but an owner will lose their RDO status if they fail to pay their registration fee by 1 August. If this occurs, the owner will not be permitted to be reinstated as a Responsible Dog Owner until after one registration payment is made by the due date.
- f) If the owner moves from the approved property, then the owner will not be permitted to be reinstated as a Responsible Dog Owner until the new property is approved by the Council.

8 EDUCATION

The Council will offer an education programme free of charge to promote public safety and responsible dog ownership as defined under Act and the Council's Dog Policy. The programme will include:

- presentations to schools on dog behaviour and safety
- educational materials to dog owners on dog welfare, dog control problems and their avoidance, dog safety, the handling of dogs and the rights of the general public.

Media publicity will be used to promote public awareness of:

- Dog registration obligations
- Owner responsibilities
- The Council's Dog Policy and related bylaws.

A copy of the Council's Dog Policy and related bylaws will also be available to every dog owner through the Council website. These publications will also be available in hard copy on request ~~in hard copy~~.

8.1 Dog obedience

The Council will encourage the use of approved education and obedience courses by promoting them as a criterion to attain Responsible Dog Owner status and for owners that have been classified as probationary. A list of Wellington dog trainers will be provided on the Council website.

9 MINIMISING RISK OF DISTRESS AND NUISANCE

9.1 Nuisance Nuisance

Nuisance caused by dogs can include:

- barking dogs
- dog faeces
- roaming dogs.

In managing nuisance caused by dogs the Council will:

- educate owners about major nuisances associated with the ownership of dogs and how to avoid them
- require owners to take steps considered necessary to abate dog nuisance such as remove faeces left by their dog in public places
- provide appropriate deterrents against non-compliance with dog control laws by issuing warning or infringement notices, prosecuting where the offence or the effects of the offence are significant, impounding roaming or unregistered dogs
- control the number of dogs kept on a property

- provide incentives such as Responsible Dog Owner status to encourage responsible dog ownership.

9.2 Abatement of nuisance

Where a complaint has been received and a Dog Control Officer ~~dog-control-officer~~ considers that a nuisance exists the officer may issue the owner with a notice requiring the owner to stop the nuisance. These notices will be issued pursuant to the Wellington Consolidated Bylaw 2008: Part 2 - Animals.

9.3 Barking Dogs

Where a dog is considered to be causing a nuisance through persistent and loud barking or howling a Dog Control Officer ~~dog-control-officer~~ may issue the owner of the dog with a notice requiring the owner to make such reasonable provisions to stop the nuisance.

The owner of the dog has seven days to either comply with the notice or object to the Council about the content of the notice. The process for objections is set out in section 55 of the Act.

~~If after the seven day period the notice is has not been complied with, the Council may issue an infringement notice to the owner. If the nuisance notice is not complied with and further complaints have been received, a Dog Control Officer~~ dog-control-officer may remove the dog from the land or premises.

~~If an objection has been received the objector will have the right to be heard by the Council. The Council will consider the notice and any evidence submitted with the objection and will confirm, cancel or modify the notice.~~

10 MENACING AND DANGEROUS DOGS

9.6 10.1 Classification as a menacing dog

The Council may classify a dog as menacing if the dog:

- poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:
 - any observed or reported behaviour of the dog; or
 - has any characteristics typically associated with a prohibited dog breed or type.

The process for objecting to a dog's classification as a menacing dog is set out in sections 33B and 33D of the Act.

The Council must classify dogs as menacing if they wholly or predominantly belong to the breeds of dogs listed in Schedule 4 to the Act.

~~In addition to all other obligations the owner of any As set out in sections 33E, 33EA and 36A of the Act, a dog that is classified as menacing must:~~

- ~~ensure the dog is~~ must be muzzled and on-leash in any public place
- ~~ensure the dog is neutered within one month of classification~~
- ~~ensure the dog is~~ must be microchipped within two months of classification
- maintains its status as a menacing dog no matter where it lives in New Zealand

The Council may require a menacing dog to be neutered (see below for details).

10.2 Neutering of menacing dogs

~~Under sections 33E and 33EB of the Act when a dog is classified as menacing due to the dog's deeds or behaviour the Council may order the owner to have the dog neutered, unless the owner provides a certificate from a vet that the dog is not in a fit condition to be neutered, within one month of notification. The Council has a discretion to waive the requirement for neutering on a case by case basis. It will consider the likelihood of the dog posing a threat in public and whether neutering is likely to curb the menacing behaviour when requiring a dog to be neutered.~~

9.7 10.3 Dangerous Dogs

~~Under the Act dogs can be classified~~ As set out in section 31 of the Act, the Council must classify a dog as dangerous where:

- an owner of the dog has been convicted of ~~an attack a specified offence;~~
- the territorial authority has reasonable grounds to believe the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife based on sworn evidence that the dog has shown aggressive behaviour on 1 or more occasions; or
- the owner admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic or protected wildlife animal or stock.

~~This procedure is prescribed by law and is not open to interpretation by Council. The process for objecting to a dog's classification as a dangerous dog is set out in section 31 of the Act.~~

As set out in sections 32, 32A and 36A of the Act, a dog that is classified as dangerous:

- must be kept within a securely fenced portion of the owner's property (note: dog-free access to at least one door of the property must be available)
- must be muzzled and on-leash in any public place
- must be neutered within one month after receipt of a notice of classification
- must be microchipped within two months of classification
- is subject a higher registration fee
- must not be disposed of to any other person without the written consent of the Council
- maintains its status as a dangerous dog no matter where it lives in New Zealand.

~~Where dogs through their actions have shown themselves to be dangerous or menacing the Council will:~~

- ~~issue a warning or infringement notice~~
- ~~prosecute where the offence or the effects of the offence are significant~~
- ~~classify the owners as probationary or disqualified~~
- ~~classify the dogs as dangerous or menacing~~
- ~~seize and retain in custody any menacing dog~~
- ~~require dogs impounded to be retained in the shelter pending a decision of the Court~~
- ~~prosecute the owners of any prohibited dog breeds without a Council approved exempting statutory declaration.~~

In addition to all other obligations the owner of any dog that is classified as dangerous must:

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- ensure the dog is kept within a securely fenced portion of the owner's property (note: the dog should not be kept in an area required to obtain access to at least one door of the property)
- ensure the dog is muzzled in any public place
- ensure the dog is neutered within one month of classification
- ensure the dog is microchipped within two months of classification
- pay a higher registration fee
- not dispose of the dog to any other person without the written consent of the Council.

9.8 **Dogs prohibited from being imported into New Zealand**

The Act identifies certain dogs that are prohibited from being imported into New Zealand. These are:

- Brazilian Fila, Dogo Argentine, Japanese Tosa (breed of dog)
- American Pit Bull Terrier (type of dog)

9.9 **Microchipping dogs**

Owners must provide permanent identification of their dog by arranging for the dog to be implanted with an approved microchip when the dog is:

- registered for the first time
- classified as dangerous or menacing
- impounded.

Where microchipping has not occurred the Council may:

- issue a warning or an infringement notice
- seize the dog for non-compliance
- prosecute the owner.

The Council requires a copy of the implantation certificate at the time of registration.

9.10 **Impounding and seizing**

The Act sets out certain provisions for the impounding of dogs. Where any dog is found at large in a public place in contravention of a bylaw or, on any property other than the owners, it may be impounded.

Where any dog is impounded and the owner is known, the Council will make all attempts to contact the owner. The owner then has seven days to recover the dog from the pound.

Where the owner of the dog is unknown the Council must keep the dog for seven days. If the dog is not claimed, after this time the dog may be disposed of (e.g. a new owner found) or destroyed as the Council sees fit.

Where the owner of a dog does not comply with registration or microchipping requirements or the requirements of a menacing or dangerous dog classification the dog(s) may be seized and impounded.

All registration requirements, fees and pound fees must be paid and the dog microchipped before a dog will be released from the pound.

9.8.1 Impounding fees

~~Under section 68 of the Act the Council can set fees for the impounding of dogs. Fees are set for seizure, sustenance, and the destruction of a dog. These fees can be varied for registered and unregistered dogs and may be graduated for repeated impounding of the same dog.~~

10 11. ENFORCEMENT

11.1 Impounding and seizing

The Act sets out certain provisions for the impounding of dogs. Where any dog is found at large in a public place in contravention of a Bylaw or, on any property other than the owners' (without the consent of the owner/occupier in question) it may be impounded.

Where any dog is impounded and the owner is known, the Council will make all attempts to contact the owner. The owner then has seven days to recover the dog from the pound.

Where the owner of the dog is unknown the Council must keep the dog for seven days. If the dog is not claimed, after this time the dog may be disposed of (e.g. a new owner found) or destroyed as the Council sees fit.

Where the owner of a dog does not comply with registration or microchipping requirements or the requirements of a menacing or dangerous dog classification the dog(s) may be seized and impounded. The dog may also be seized and impounded if not under proper control or has attacked.

All registration requirements, fees and pound fees must be paid and the dog microchipped before a dog will be released from the pound.

11.2 Impounding fees

Under section 68 of the Act the Council can set fees for the impounding of dogs. Fees are set for seizure, sustenance, and the destruction of a dog. These fees can be varied for registered and unregistered dogs and may be graduated for repeated impounding of the same dog.

10.1 11.3 Infringement notices

The Act empowers Dog Control Officers to issue infringement notices which impose an instant fine on the recipient. Infringement notices can only be issued for particular offences (called infringement offences) as listed in Appendix D.

Fine amounts are set in the Act and range from \$100 - \$750. The Council has no discretion to alter these fees.

Once a fine has been issued the recipient has 28 days to pay it settle. After this period of time a reminder notice is issued. Twenty-eight days after issue of a reminder notice the infringement can be filed with the court. The court can then serve proceedings to recover any outstanding fines and any additional costs incurred.

The use of infringement notices is considered an efficient method of enforcement and allows the Council to fulfil its objectives under this ~~policy~~ Policy. The Council may consider issuing an infringement notice rather than referring an offence to the court. As

part of this system the Council may issue warning notices for particular infringement offences.

10.2 **11.4 Prosecution**

Where an offence is considered to be serious and sufficient evidence exists, the Council will consider prosecuting an offender in a Court of Law. This includes situations where a dog has:

- caused significant damage to property
- caused significant damage or injury to any person or animal
- caused severe distress
- caused danger, distress or nuisance to any person or the community on a number of occasions.

Situations for which a person can be prosecuted are defined in the Act and are set out in Appendix C.

10.3 **11.5 Probationary dog owners**

When an owner is convicted of an offence under the Act (or other Act specified in section 21 of the Act) or has received three infringement notices within 24 months or has committed three infringement offences not related to a single incident within a continuous 24 month period, the Council will classify that owner as a probationary owner for the a period of 24 months. The 24 month period will start from either the date of the offence or the date of the third infringement offence.

The probationary classification has the following effects within 14 days of being classified as a probationary owner:

- the owner is not allowed to own any ~~other~~ dogs other than those that were owned at the time the classification was made
- the owner must dispose of any unregistered dogs.

A probationary owner has the right to object to the classification. The Act sets out a number of matters whereby the ~~two year~~ 24 month probationary period can be reduced. In considering an objection the Council will have regard to:

- the circumstances and nature of the offence(s)
- the competence of the person in terms of responsible dog ownership
- any steps taken by the person to prevent further offences
- the matters advanced in support of the objection and any other relevant matters.

The Council will encourage all owners classed as probationary to undertake approved dog education and obedience courses.

10.4 **11.6 Disqualification of ownership**

Any owner convicted of an offence under the Act (or other Acts specified in section 25 of the Act), or who has received committed three infringement notices offences not related to the same event within 24 months, can be immediately disqualified from owning or possessing any dog.

A probationary owner who is convicted of a further offence, or receives three further infringement notices can be disqualified from owning a dog. It is not necessary for an owner to be classified as a probationary owner before being disqualified.

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The disqualified owner must dispose of all dogs they own within 14 days of being notified of the decision. Disqualified owners ~~and can not~~ cannot own any more dogs for up to five years. A disqualified owner has the right to object to the classification.

11. ~~12.~~ BYLAWS

Under the Act the Council is required ~~has the ability~~ to create bylaws to give effect to the Dog Policy. The Act lists the particular matters for which bylaws can be made. Bylaws relating to this Policy ~~policy~~ are contained in the Wellington Consolidated Bylaw 2008 – Part Two: Animals.

The purpose of Wellington Consolidated Bylaw 2008 – Part Two: Animals is to specify the requirements for the keeping of animals (including dogs), in order to protect the public from nuisance, maintain and promote public health and safety, and safeguard the welfare of animals. The following are in that Bylaw.

11.1 ~~12.1~~ Notice to abate dog nuisance

Where a Dog Control Officer considers that any dog or the keeping of any dog has become a nuisance, injurious or hazardous to the health, property or safety of any member of the public, an officer may in writing require the owner to ~~do any or all of the~~ following:

- reduce the number of dogs kept on a premises;
- construct, alter, reconstruct or improve the kennels or other buildings used to house or contain the dog or dogs; and
- take such action as an officer deems necessary to minimise or remove the likelihood of nuisance, or injury or hazard to health, property, or safety to any member of the public.

11.2 ~~12.2~~ Restriction on diseased dogs or dogs on heat

Where a dog is infected with mange, distemper or other infectious disease; or any bitch is on heat, the owner of that dog will not allow the dog in any public place. A dog is not allowed to enter or be in a public place when it is infected with mange, distemper, or other infectious disease, or it is a bitch in season.

11.3 ~~12.2~~ Fouling of public places

The owner or handler of the dog will immediately remove and dispose of their dog's faeces if the dog defecates in a public place or on land or premises other than that occupied by the owner.

11.4 ~~12.3~~ Dogs in public places

The bylaw identifies public places where dogs will be that the Council may, by publicly notified resolution, declare any additional public place to be one of the following classifications and may impose prohibitions and restrictions in respect of that area:

- ~~controlled (allowed on a leash)~~
- ~~allowed to be exercised (allowed off a leash) and~~
- ~~prohibited (not allowed).~~
- controlled public place
- exercise area
- exercise area (specified times)
- beach exercise area

- beach area (restricted during summer)
- prohibited public place
- prohibited place (specified times).

Tables listing these areas are attached in Appendix A.

Any working dog that is working at the time may enter any public place off-leash if required.

~~These areas will be identified, from time to time by resolution of Council. These areas are specified in the bylaw to allow Dog Control Officers to enforce the public place restrictions made under this policy.~~

~~This bylaw will also specify particular dispensations for particular dogs where the general provisions of the bylaw may not apply or may be altered.~~

11.5 12.4 Council permission required for more than three dogs

~~The bylaw Bylaw requires that any owner or occupier of premises household (other than in the rural premises area) who that keeps more than three dogs in total on the property must obtain prior Council permission to do so. Permission will be required for more than three dogs over the age of three months, whether or not the dogs are registered or the owner/occupier is the registered owner of the dogs. In considering whether to grant permission the Council will have regard to the danger, distress and nuisance that would be caused to the community generally if permission is granted.~~

The Council will have the right to impose terms and conditions on the granting of permission, including:

- specifying the number of dogs that may be kept at any one time
- specifying the duration of the permission
- restrictions as to the purpose for which such dogs may be kept
- provision for hygiene, control and confinement and regular inspection
- provision for the protection of other persons or property from being affected in any way by the dogs.

~~The Council may fix an annual fee for permission to keep more than three dogs on a property. On application, dog owners will have pay the associated fee for permission to keep more than three dogs on a property.~~

12.5 General conditions of keeping animals

The Bylaw outlines the general conditions for keeping animals (including dogs). Animals must be:

- kept in a manner that is not, or is not likely to become, a nuisance, dangerous, offensive, or injurious to health
- kept in a manner that ensures they have access to sufficient food, water, shelter and, where appropriate, adequate exercise

All animals, other than domestic cats, found at large and not within their owner's property may be seized and impounded by an authorised officer. The Council may sell, re-home

or otherwise dispose of any animal seized and impounded under clause 3.3 that has not been claimed or returned within 7 days after it was seized and impounded.

The feeding of animals can attract rats or other vermin or cause excessive fouling to public places. No animals are to be fed in public places, except for in designated areas, or with prior written permission from the Council. Areas for feeding will be clearly signposted. In assessing an application to feed animals, the Council will consider the following factors:

- whether the activity is likely to attract vermin or create public health issues
- whether the activity is likely to cause nuisance, or adversely impact wildlife

Appendix A

TABLE 1: EXERCISE AREAS

Dogs must be under control of their owner at all times but can exercise and socialise off-leash in these areas.

Map #	Exercise Area	Locations	Proposed changes
36	Alexander Road West	Alexandra Road	No change
48	Ataturk Memorial	Eastern Walkway, grass valley on left arm of walkway heading north from the Memorial	No change
45	Bann Street	Orchy Cres/Bann St, Island Bay - Hill top between Orchy Cres and Bann St	No change
13	Cashmere Park	Onslow Road, Khandallah	No change
	Charles Plimmer Park	Ellice Street, Mt Victoria	No change
16	Chelmsford Reserve	Chelmsford Street, Ngaio	No change
6	Churton Park	Halswater Drive, Churton Park – southern side of Halswater Drive up to sports field area	No change
51	Cliff Gaskin Reserve	Makara Road, Makara Village	No change
15	Cummings Park	Ottawa Road, Ngaio – area to east of stream in central part of reserve	No change
44	Dorrie Leslie Park	Queens Drive, Lyall Bay – open space along coast north from Arthurs Nose to residential area	No change
2	Duncan Park	Linden Avenue, Tawa – area between stream and Nathan Street	No change
7	Edward Wilson	Churton Drive, Churton Park – hill slopes to Middleton Road	No change
32	Ellice Street Quarry	Palliser Road/Majoribanks Street, Mt Victoria – area above petanque to Palliser Rd entrance	No change
	Finnimore Terrace	<u>Walking track from Finnimore Terrace down the 4WD track to the grassed areas above MacAlister Park. Replacing the area on corner of Liardet and Balfour Street.</u>	Proposed new area
12	Flinders Park	Flinders Place, Johnsonville – area to south of carpark	No change

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3	Grasslees Reserve	Main Road, Tawa – western side of stream to Main Rd	No change
34	Hataitai Park	Ruahine Street/Alexandra Road Hataitai – open area along Ruahine Street from badminton hall to park entrance. Open area from Alexandra Road to behind badminton hall	Modify – link this area and the one above with an off-leash path
23	Ian Galloway Park	Curtis Street, Northland – bottom area adjacent to BMX track and skateboard ramp	No change
20	Izard Park	Wilton Road, Wilton – area north and east of play equipment	No change
24	Karori Park	Karori Road, Karori – area north of sports fields	Modify – include old grade 2 mountain bike track
	<u>Khandallah Park</u>	<u>Entrance off Sirsi Crescent including the grassed areas above the reservoir and the track to the gate below Mt Kaukau.</u>	Proposed new area
30	Kowhai Park	Mitchell Street, Brooklyn	No change
	Liardet and Balfour Street Corner	Liardet Street, Vogelstown – open area on west side of Liardet St	Remove – very small and next to a major road junction. Alternative areas close by
33	Lower portion of Treasure Island/Kainui Road Reserve (land opposite Cog Park)	Evans Bay Parade, Hataitai	No change
38	Macalister Park	Adelaide Road, Berhampore – area south of sports field area	No change
47	Maupuia Walkway (Old Prison Road)	Maupuia Road/Akaroa Drive, Maupuia – open walkway accessed from Maupui Road and Akaroa Drive	No change
11	Meekwood Reserve	Ohariu Road, Johnsonville – Ohariu Road side of reserve up to crest of hill	No change
-	Mitchelltown School Site	Holloway Rd, Aro Valley – area above Holloway Rd/Aro St	Remove – better alternative close by at Central Park. Poor area close to road now major entrance for Polhill Reserve

25	Monaghan Road Reserve	Monaghan Road, Karori	No change
41	Mt Albert	Mt Albert Road, Melrose – hill areas behind hockey stadium and Chinese Sports and Cultural Centre	No change
40	Newtown Park	Russell Terrace – pine plantation at top end of Newtown Park	No change – Fenced area option
18	Odell Reserve	Punjab Street, Khandallah – area up to reservoir	Modify – include top of reservoir
29	Ohiro Park (aka Tanera Park)	Ohiro Road, Brooklyn – open area on ridge	No change
39	Owen Street	Lower terrace on southern end of Owen Street	No change
46	Reef Street	Reef Street/The Esplanade, Island Bay – corner opposite Shorland Park	No change
8	Seton Nossitor	Mark Avenue, Paparangi/Newlands – valley floor, not including the Mark Avenue access path, up to the stream crossing adjacent to the Paparangi School boundary and the titoki grove	Modify – extend to include track from car park off Mark Avenue
14	Silverstream Road Reserve	Silverstream Road, Crofton Downs – part of Huntleigh Park, area south of play area	No change
42	Sinclair Park	Houghton Valley Road, Melrose – terraced areas in park down from Houghton Valley School excluding bottom field	No change
9	Spenmoor Street Park	Spenmoor Street, Newlands	No change
	<u>Stebbings Detention Dam</u>	<u>Proposed new area - Stebbings Detention Dam detention dam area at Westchester Drive, Churton Park.</u>	Proposed new area
43	Tawa Tawa Reserve (Prestons Gully)	Murchison Road, Happy Valley	No change – Destination Park
4	Taylor Park	Taylor Terrace, Tawa – southern area of park behind badminton hall	No change
22	Te Ahumairangi (Tinakori) Slopes	Wadestown Road, Thorndon – hill slopes from summit to Wadestown Road	Modify – remove small area at bottom and propose route from Wadestown Road becomes off-leash
27	The Terrace	The Terrace behind numbers 230-242, grassed area above motorway entrance to Terrace Tunnel	No change

21	Top of Te Ahumairangi (Tinakori Hill)	Weld Street, Wadestown – open areas along summit	Modify – extend at southern end to include track from car park.
17	Trellisick Park	Kaiwharawhara Road (bottom of Ngaio Gorge) to Waikowhai Street (by Crofton Downs Railway Station), Ngaio	No change
50	Tukanae Street Reserve	Tukanae Street, Strathmore – reserve accessed from Tukanae Street	No change
35	Vice Regal North	Coromandel Street	Modify – link this area with the end of Owen Street
10	Waihinahina Park in Memory of Dennis Duggan	Ladbroke Drive, Newlands – large flat area to the south on right-hand side of car park	Modify – develop as Destination Park. Add area north of car park for small dogs
5	Willowbank Park	Main Road, Tawa – area north of Scout hall and area on eastern side of stream	Modify – include stream between two sections. Remove section above Ara Tawa Walkway as now revegetated
49	Worser Bay/Awa Road intersection	Awa Road, Seatoun – corner of Awa Road and Marine Parade opposite Worser Bay Beach	No change
26	Wrights Hill	Wrights Hill Road, Karori – parade ground area	Modify – include track from Wrights Hill Road

TABLE 2: BEACH EXERCISE AREAS

Beach areas where dogs must be under control of their owner at all times but can exercise off-leash.

Beach Exercise Areas	Locations	Proposed changes
Evans Bay Beach	Cobham Drive (Transit)	Remove – too small as beach area and not grass. Right next to SH1
Houghton Bay Beach	Houghton Bay and Elsdon Point	No change
Island Bay Beach	From the pier to the western end of the beach	Proposed new area – allow dogs to walk off-leash on allowed area of the beach
Kio Bay Beach	Evans Bay Parade	No change
Little Karaka Bay	Evans Bay Parade	No change

	Lyall Bay Beach	From the steps in the seawall, opposite no. 30 Lyall Parade (200 metres from the eastern side of the children's playground) to the airport end of the beach	No change
	Makara Beach	Makara Beach Foreshore & Reserves	No change
	Weka Bay Beach	Evans Bay Parade	No change

TABLE 3: EXERCISE AREAS (SPECIFIED TIME)

Map #	Exercise Areas (Specified Times)	Locations	Specified time	Proposed changes
1	Arthur Carmen Park	Collins Avenue, Linden	1 November to 31 January only. Prohibited the rest of the year	Modify – reduce off-leash area to bottom two levels and allow dogs to walk off-leash at all times. Top level retained for informal sport
-	Kaiwharawhara Park	Hutt Rd, Kaiwharawhara	1 November to 31 January only. Prohibited the rest of the year	Remove – better alternatives close by. Also near sports surface
	Worser Bay Beach	Entire Beach	Dogs are allowed off-leash before 9am 10am and after 7pm in summer in summer (from 1 December until 1 March the consecutive year) during national Daylight Saving hours and off-leash at all times in winter.	Modify – updates to reflect new access times

TABLE 4: BEACH AREAS RESTRICTED DURING SUMMER

Dogs are prohibited from these areas from 9am – 7pm every day during national Daylight Savings hours. These areas are classed as controlled public places where dogs can be on-leash before 9am and after 7pm in summer and on-leash at all times in winter. These areas are classed as controlled public places where dogs can be on-leash before 10am and after 7pm in summer (from 1 December until 1 March the consecutive year) and on-leash at all times in winter. Dogs are prohibited from these areas from 10am – 7pm every day during summer (from 1 December until 1 March the consecutive year).

Beach Areas Restricted During Summer	Locations	Proposed Changes
Balaena Bay Beach	Balaena Bay Beach	No change
Hataitai Beach	Esplanade Reserve – 393 Evans Bay Parade	No change
Island Bay beach	From the pier to the western end of the beach	Remove – allow full-time off-leash, as a beach exercise area
Seatoun Beach	Including Churchill Park	No change

TABLE 5: PROHIBITED PUBLIC PLACES

Dogs are prohibited from these public places at all times.

Prohibited Public Places at all times	Locations	Proposed changes
Areas of Children's Play Equipment	Exemption to move through a play area specifically to move from one side to the other if there is no alternative route but they cannot stop with their dog in the play area.	No change
Freyberg Beach		No change
Island Bay Beach	Pier to eastern end of beach	No change – but allowing a full-time, off-leash exercise access from pier to western end of the beach
Karori Wildlife Sanctuary (Zealandia)		No change
Lyall Bay Beach	From the steps in the seawall, opposite 30 Lyall Parade (200 metres from the eastern side of the children's playground) to the western end of the beach	No change
Oriental Bay Beach		No change
Palmer Head	Wahine Park (penguin nests) to Tarakena Bay	No change
Princess Bay Beach	Te Raekaihau Point and Princess Bay	No change

	Scorching Bay Beach		No change
	<u>Seal Colony Restrictions</u> <u>Sinclair Head and South Coast 'haul out' areas</u>	<u>The area of Sinclair Head and seal 'haul out' areas along the South Coast.</u>	Proposed new area – seal 'haul out' patterns have changes, and now seals are there all year around
	<u>Sports fields:</u> <u>Marked sports surfaces and artificial sports surfaces</u>		No change
	<u>Tapu te Ranga Island</u>	<u>Island Bay</u>	Proposed new area – penguin habitat and other birds should be protected from dog predation
	Tarakena Bay Beach	To Moa Pt including Hue Te Taka – boat launching ramp and protected area	Modify – allow dogs to walk on-leash between the car park and Atatürk
52	Waitangi Park	Dogs are not allowed on the grassed area of Waitangi Park. Dog owners can take their dogs on-leash on the outside of the park.	No change
	Wellington International Airport	Exemption if need to access to Wellington International Airport if owner intends to transport dog.	No change
	Wellington Zoo		No change

TABLE: 6 - PROHIBITED PLACE – (Specified Times)

The following areas are classed as *Prohibited Place (specified times)* where dogs are prohibited during the times specified.

Prohibited Place (specified times)	Locations	Proposed changes
Arthur Carmen Park Prohibited: 1 February to 31 October Exercise Area: 1 November to 31 January	Collins Avenue, Linden	Modify – Reduce area to bottom two levels and allow dogs to walk off-leash at all times

<p>Beach areas restricted during summer</p> <p>Prohibited: between 9am and 7pm every day during summer (from 1 December until 1 March the consecutive year)</p> <p>Controlled: dogs allowed on-leash before 9am and after 7pm and on-leash at all times during winter.</p>	<p>The following beach areas are classed as prohibited public places between 9am 10am and 7pm every day during summer (from 1 December until 1 March the consecutive year):</p> <ul style="list-style-type: none"> - Balaena Bay Beach - Hataitai Bay Beach - Island Bay Beach (from the pier to the western end of the beach) - Seatoun Beach (including Churchill Park) <p>These areas are classed as controlled public places where dogs can be on-leash before 9am 10am and after 7pm in summer (from 1 December until 1 March the consecutive year) and at all times in winter.</p>	<p>Modify – Update to reflect proposed new timings and use of calendar dates</p>
<p>Central City Restriction</p> <p>Dog owners can move through the central city but not stop in the CBD.</p>	<p>The area of the central city (defined on Map 1 in Appendix B) is classed as a restricted area. Dog owners are allowed to move through the central city with their dog on-leash to travel to or from the waterfront, however they cannot stop in the central city.</p>	<p>Remove – replaced by new clause dealing with 'Unattended Dogs' to better reflect the desired intent</p>
<p>Kaiwharawhara Park</p> <p>Prohibited: 1 February to 31 October</p> <p>Exercise Area: 1 November to 31 Jan</p>	<p>Hutt Road, Kaiwharawhara</p>	<p>Remove – Better alternatives close by</p>
<p>Seal Colony Restrictions</p> <p>Sinclair Head and South Coast "haul out" areas</p> <p>Prohibited: 1 May to 31 August</p> <p>Controlled: dogs allowed on-leash rest of year</p>	<p>The area of Sinclair Head and seal 'haul out' areas along the South Coast shall be classed as a Prohibited Public Place 1 May to 31 August each year.</p>	<p>Remove – as being changed to a full-time Prohibited Place</p>

Appendix B: Maps of all exercise areas

Maps for the following areas can be downloaded from www.Wellington.govt.nz

SECTION 1: CENTRAL BUSINESS DISTRICT

SECTION 12: EXERCISE AREAS including:

- BEACH EXERCISE AREAS
- EXERCISE AREAS (specified time)

SECTION 23: BEACH AREAS RESTRICTED DURING SUMMER

SECTION 32: PROHIBITED PUBLIC PLACES

SECTION 1: EXERCISE AREAS including:

- BEACH EXERCISE AREAS
- EXERCISE AREAS (specified time)



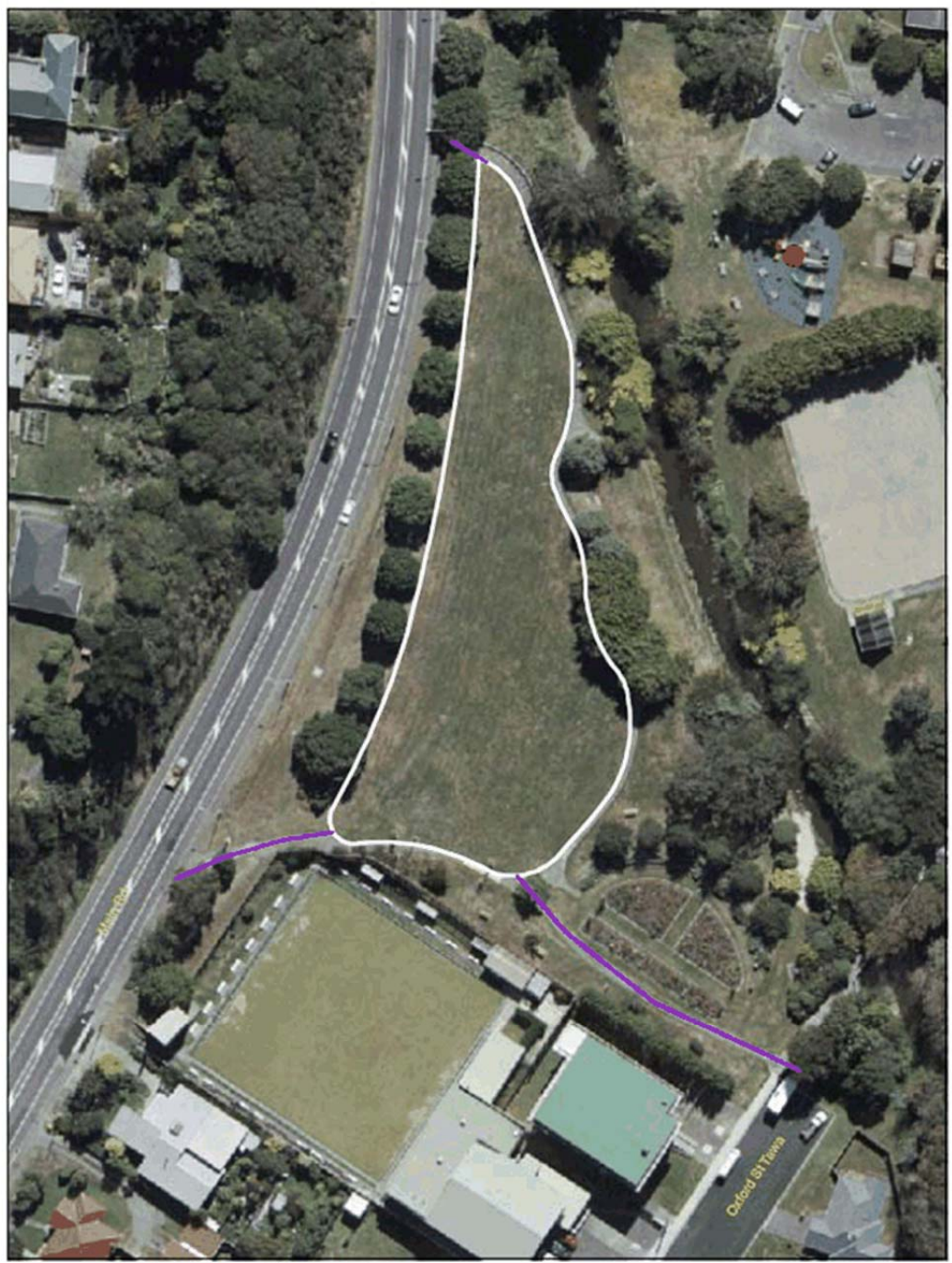


2. Duncan Park

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Dog Exercise Area Boundary
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3. Grasslees Reserve

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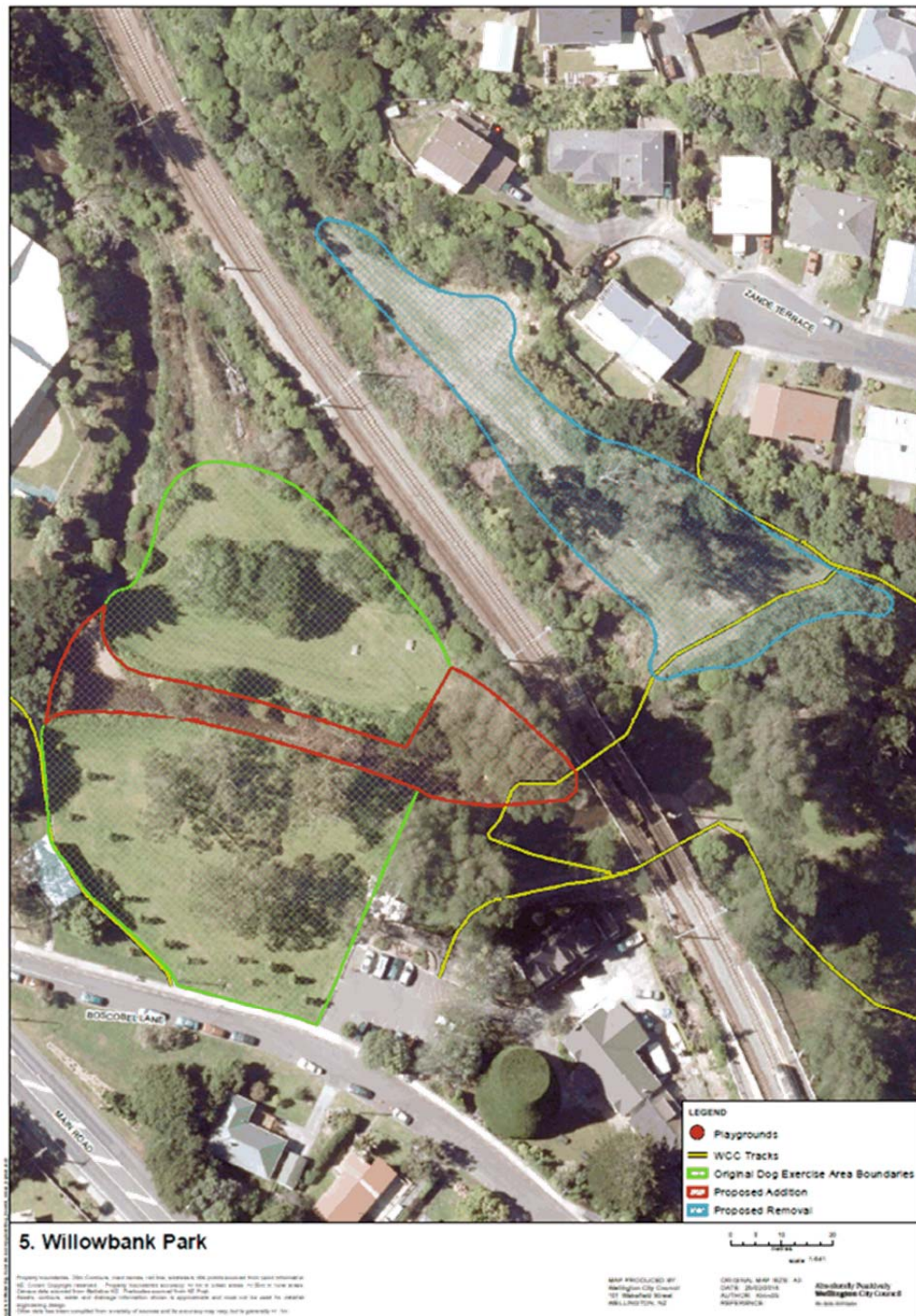


4. Taylor Park

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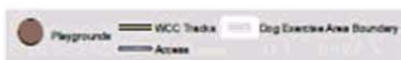
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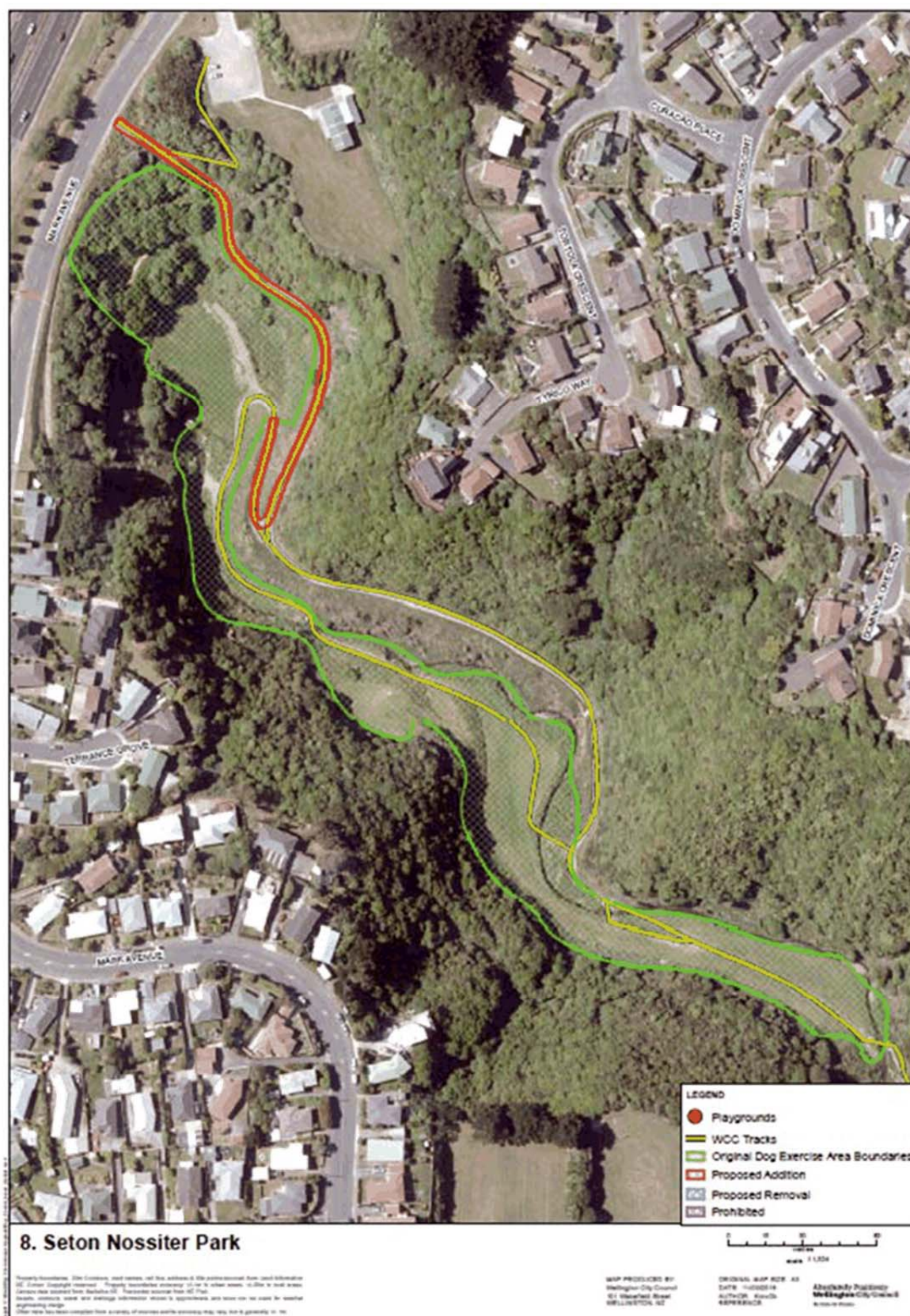


6. Churton Park

Prepared by:
Wellington City Council
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Wellington 6140
Date: 10/03/2016
Version: 1.0
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13. Cashmere Park

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Legend

- Playgrounds
- WCC Tracks
- Dog Exercise Area Boundary
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14. Silverstream Road Reserve

Topographic map
Wellington City Council
Map 2: Strategic Reserve
Reserve 14 - 2016

Legend
Playground WCC Tracks Dog Exercise Area Boundary
Access

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Revealing our future



15. Cummings Park

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Aerial photography © NZ
Satellite 2014/15
Map data © Wellington City Council
Dog exercise area established Oct 2016

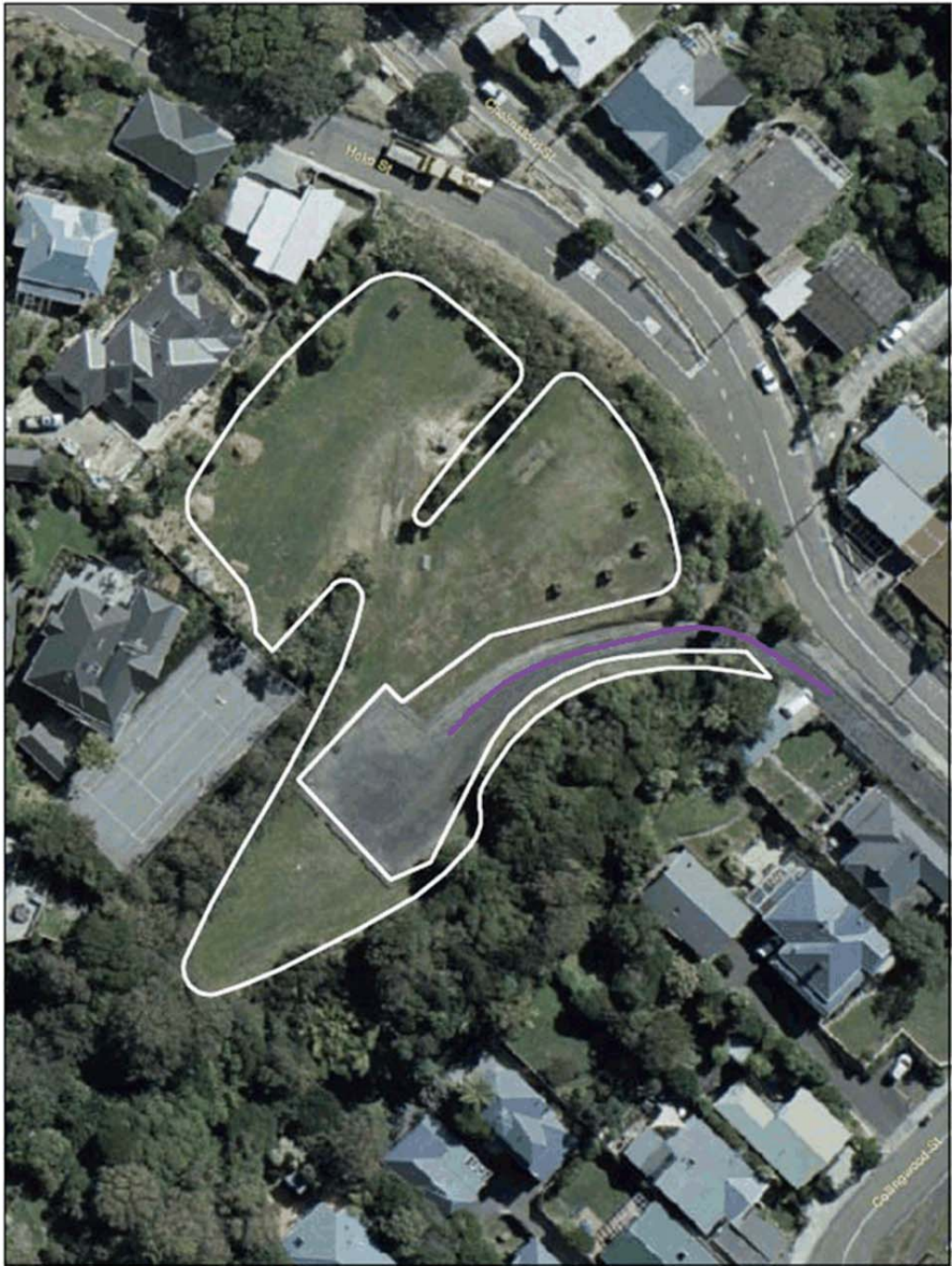
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 WCC Tracks

 Dog Exercise Area Boundary

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16. Chelmsford Reserve

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Council - 11/10/15
Aerial Imagery: Google + WCC
Aerial Map: 2014/15 Aerial Data
As set by Wellington City Council
Dog Exercise Area: 2015/16



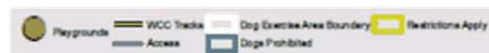


17. Trelassick Park

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Local Government Act 2002
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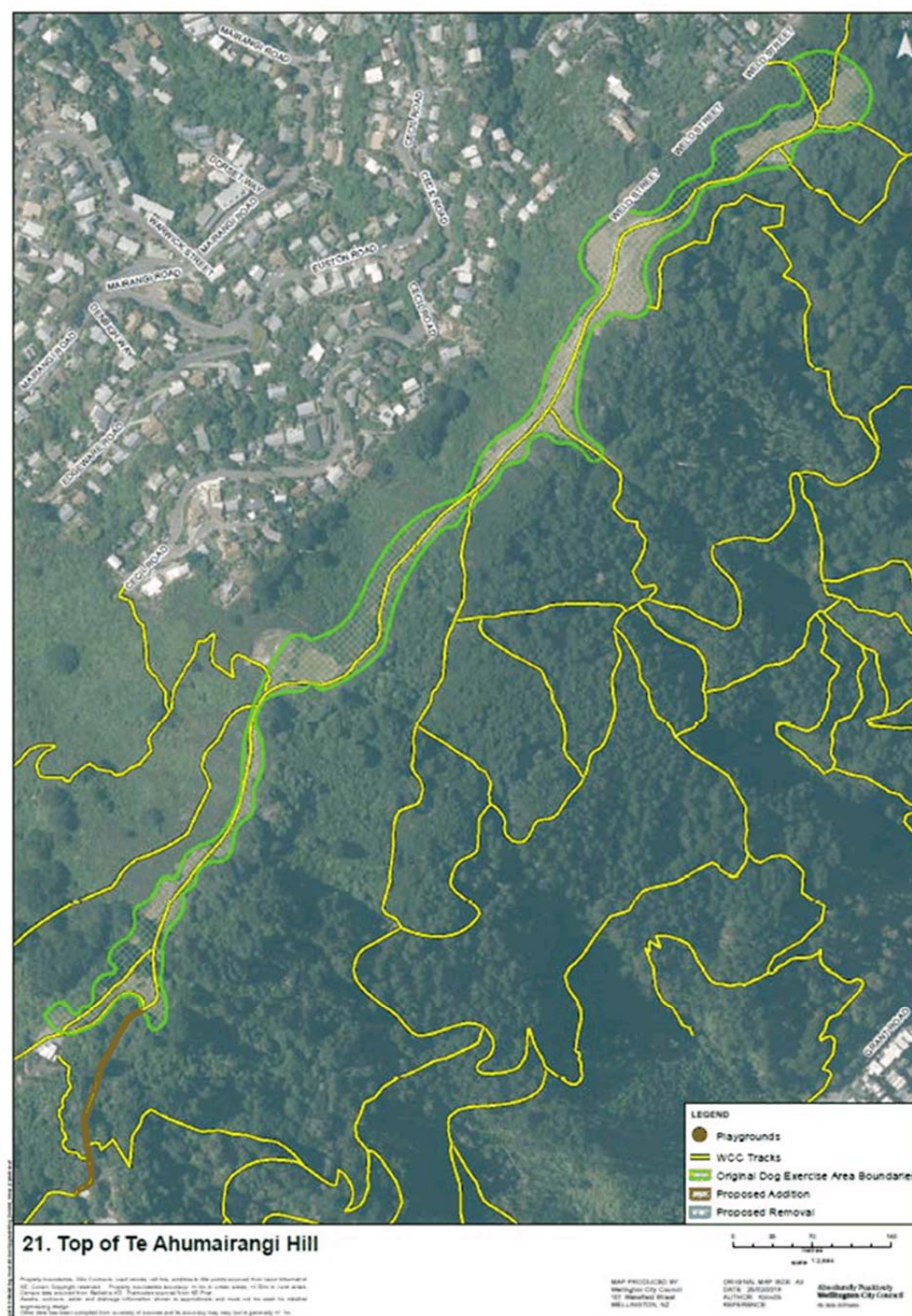
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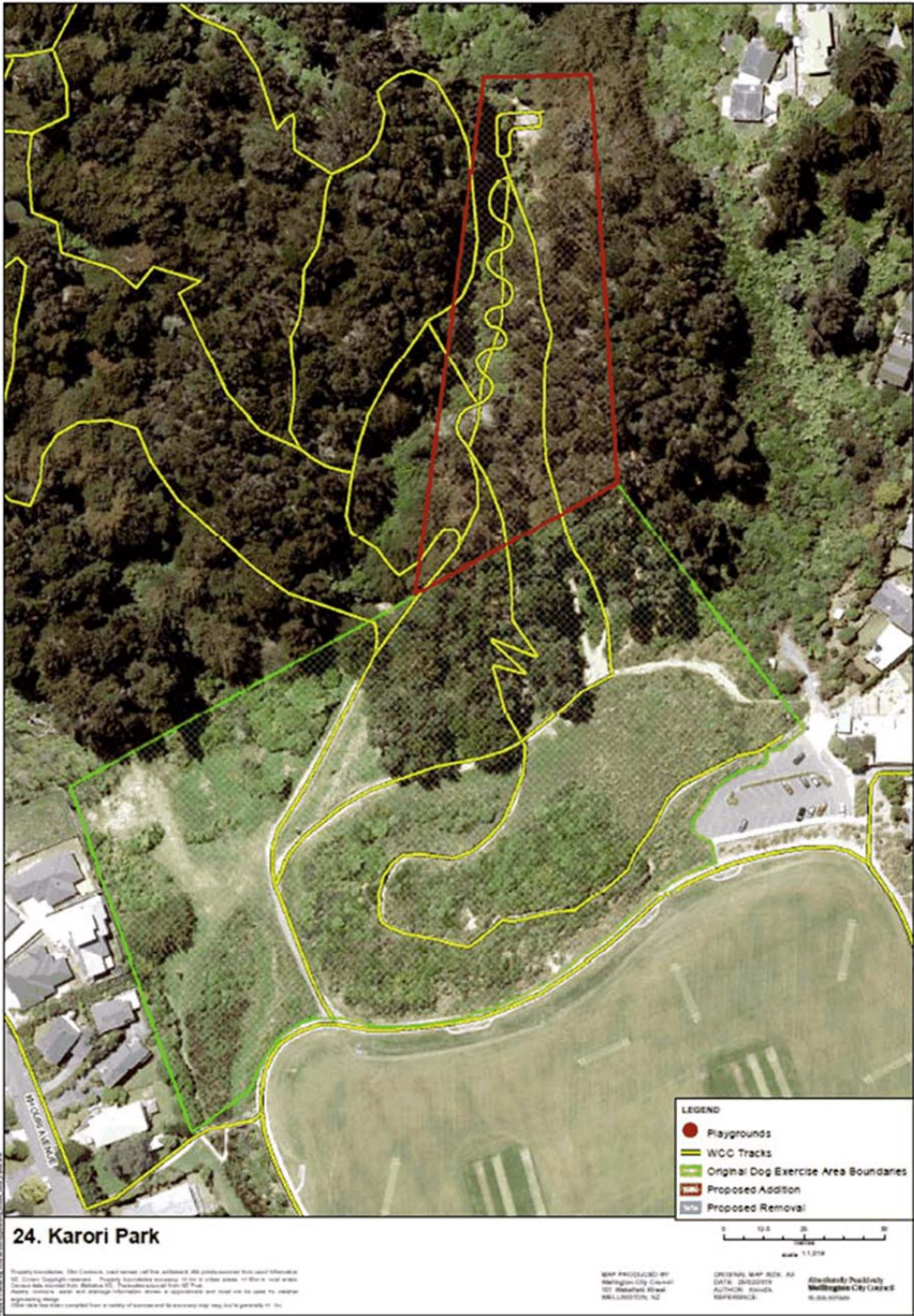




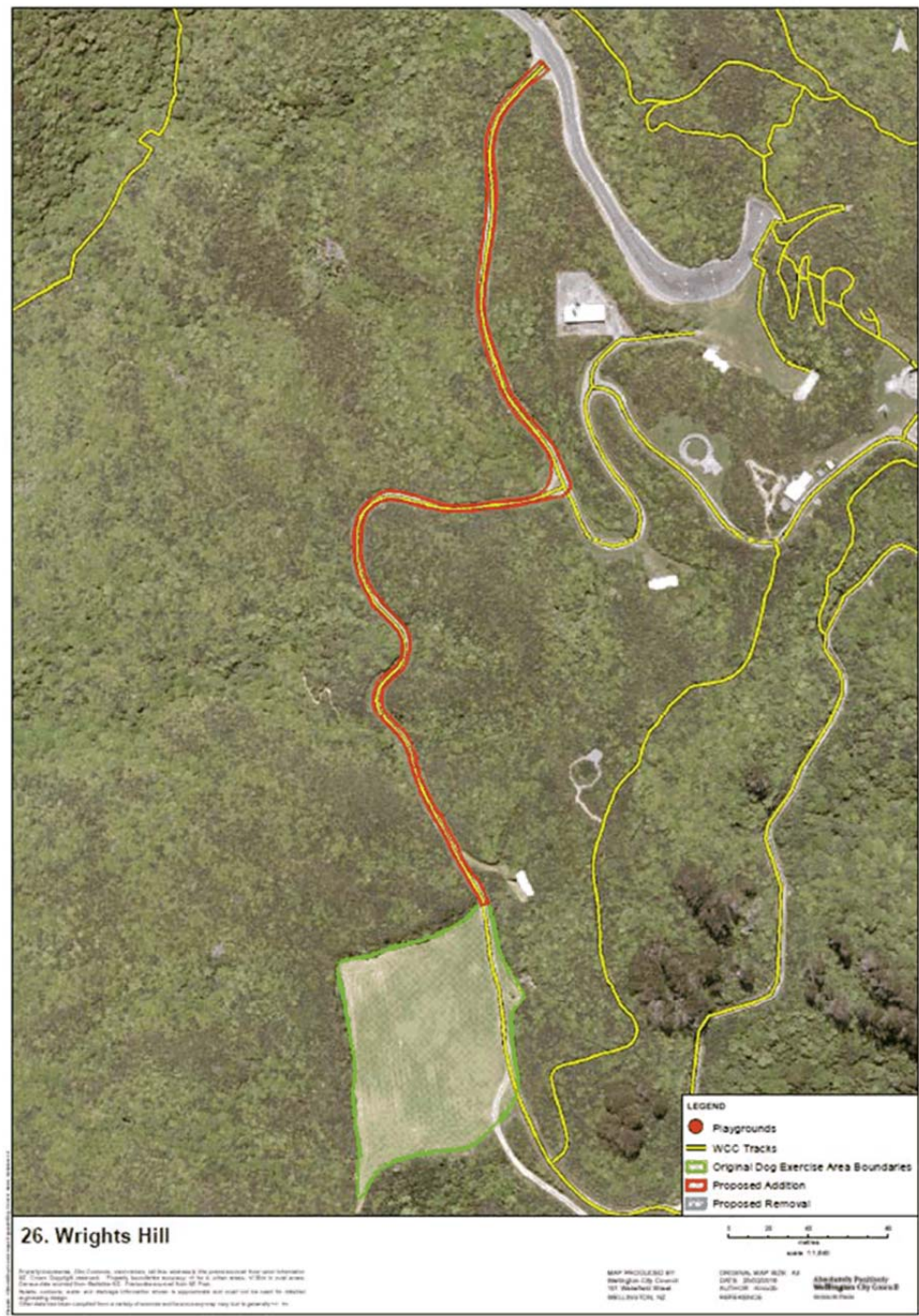


















Transcript Date
Hearings by Council
HCC - excepted meeting
Assembly - 20th

Letter Calligraphy - 20th
from the 20th Feb March 2018
sent to Wellington City Council

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33. Lower Section of Treasure Island/Kainui Reserve
(land opp Cog Park)

Photograph: 2015
Wellington City Council
WCC Strategic Planning
Version: 1.0
Date: 17/03/2016

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39. Owen Street Park

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Colour Lithography 1:100
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Course: Comprehensive + 600
From: May 2018 To: March 2019
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47. Maupuia Walkway (Old Prison Road)

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Map of Wellington
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49. Worser Bay - Awa Road

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50. Tukanae Street Reserve

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51. Cliff Gaskin Reserve

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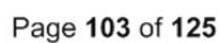
Dog Exercise Area Boundary

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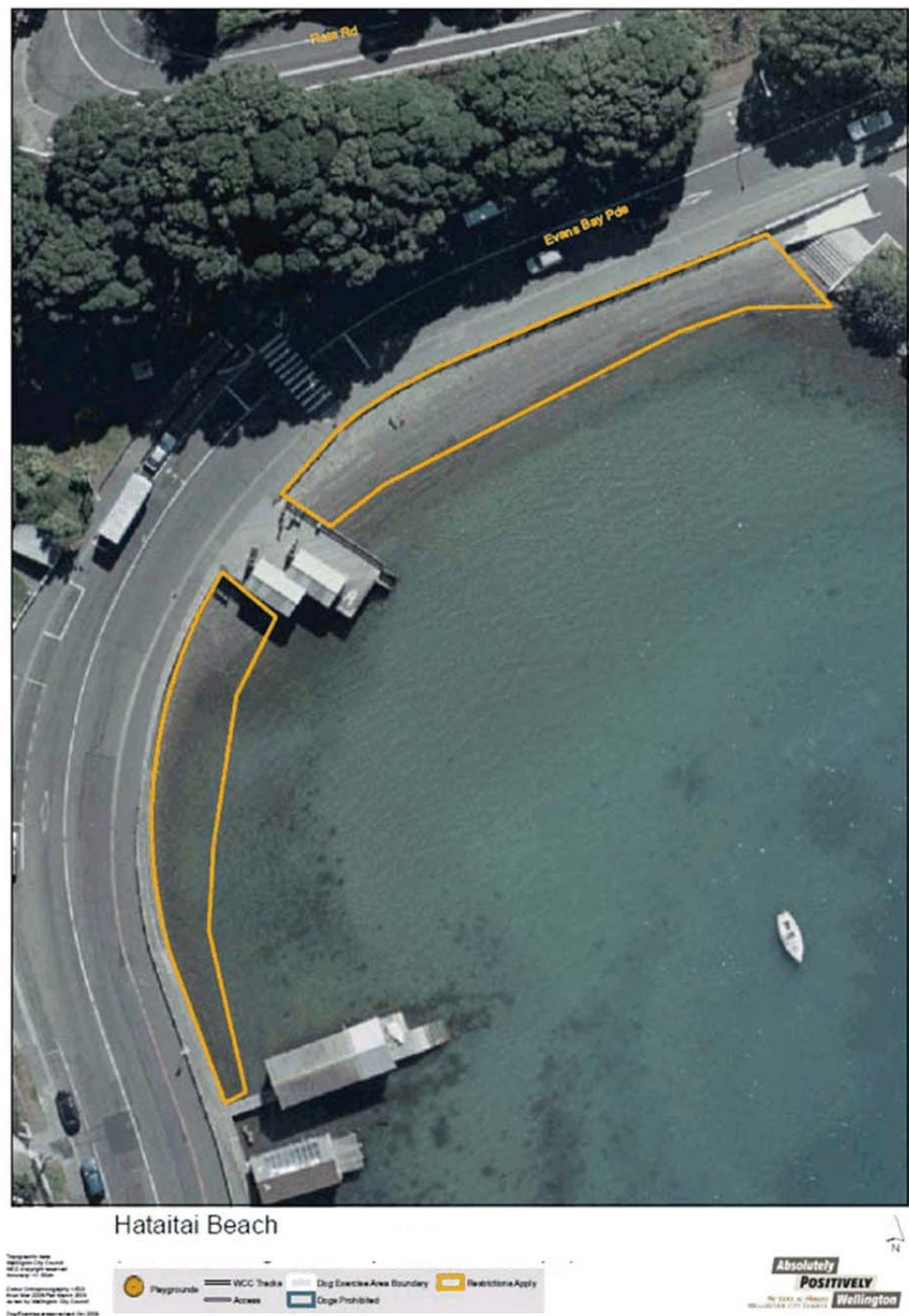
No Dogs in Parks
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Kio Bay Beach

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Makara Beach

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Local Geography 1-620
From May 2018-Feb March 2020
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PLEASE NOTE:
Seaton Beach (Hector St South to Point Dorset) is a controlled area where dogs are only allowed on-leash at all times of the year.

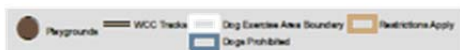




Weka Bay Beach

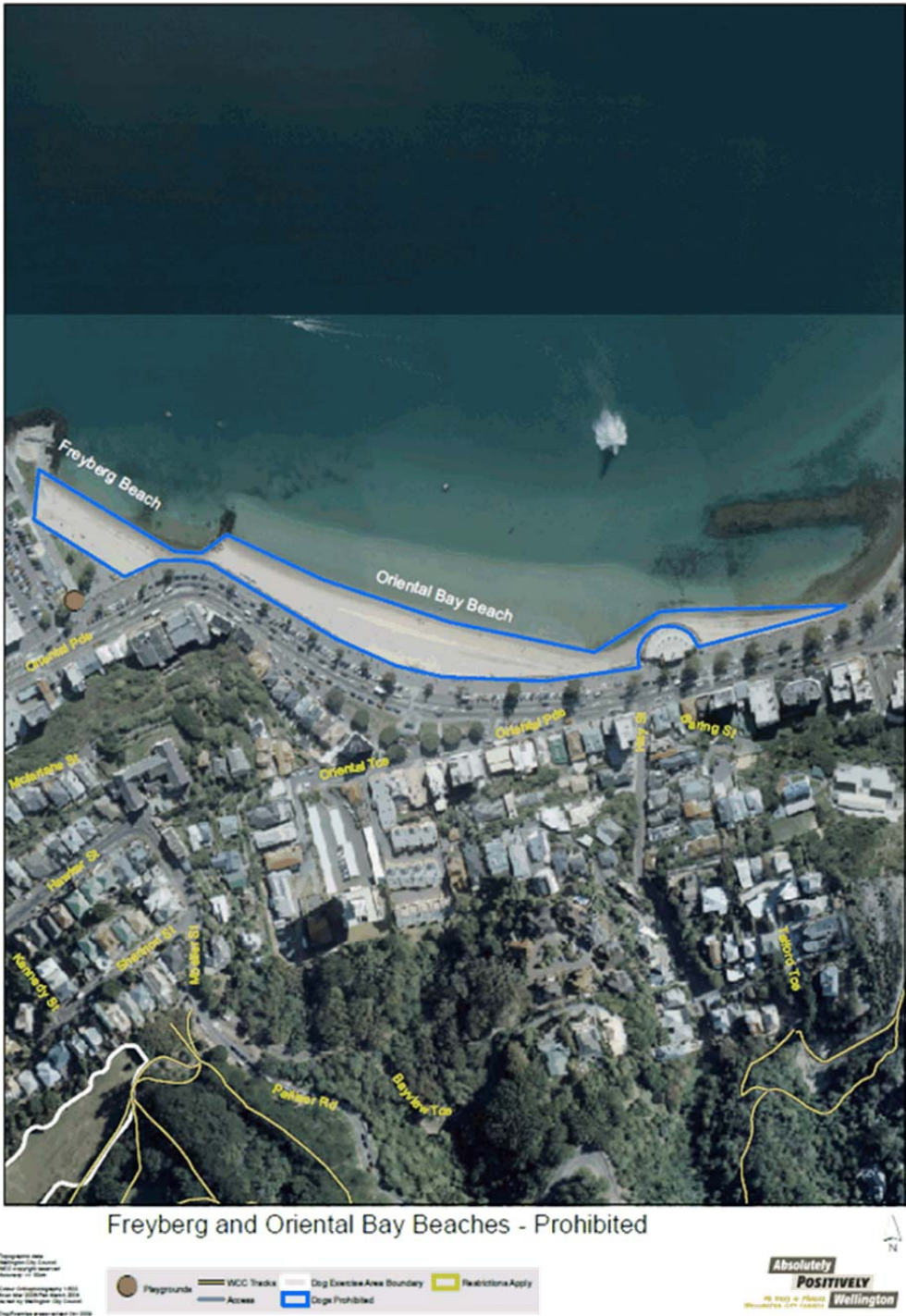
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SECTION 3: PROHIBITED PUBLIC PLACES





Palmer Head - Prohibited Area
Wahine Park (penguin nests) to Tarakena Bay

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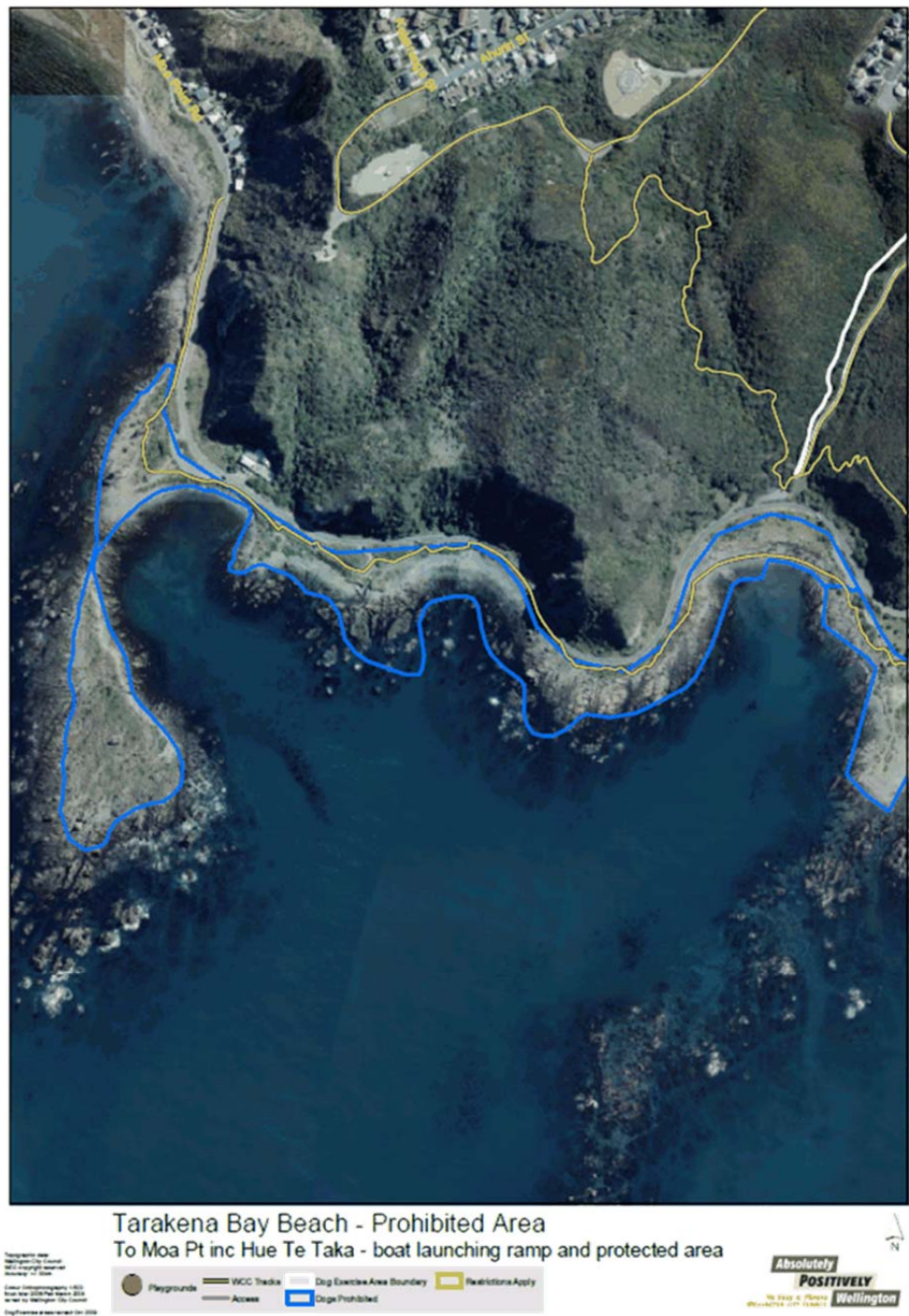
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Access Dog Prohibited

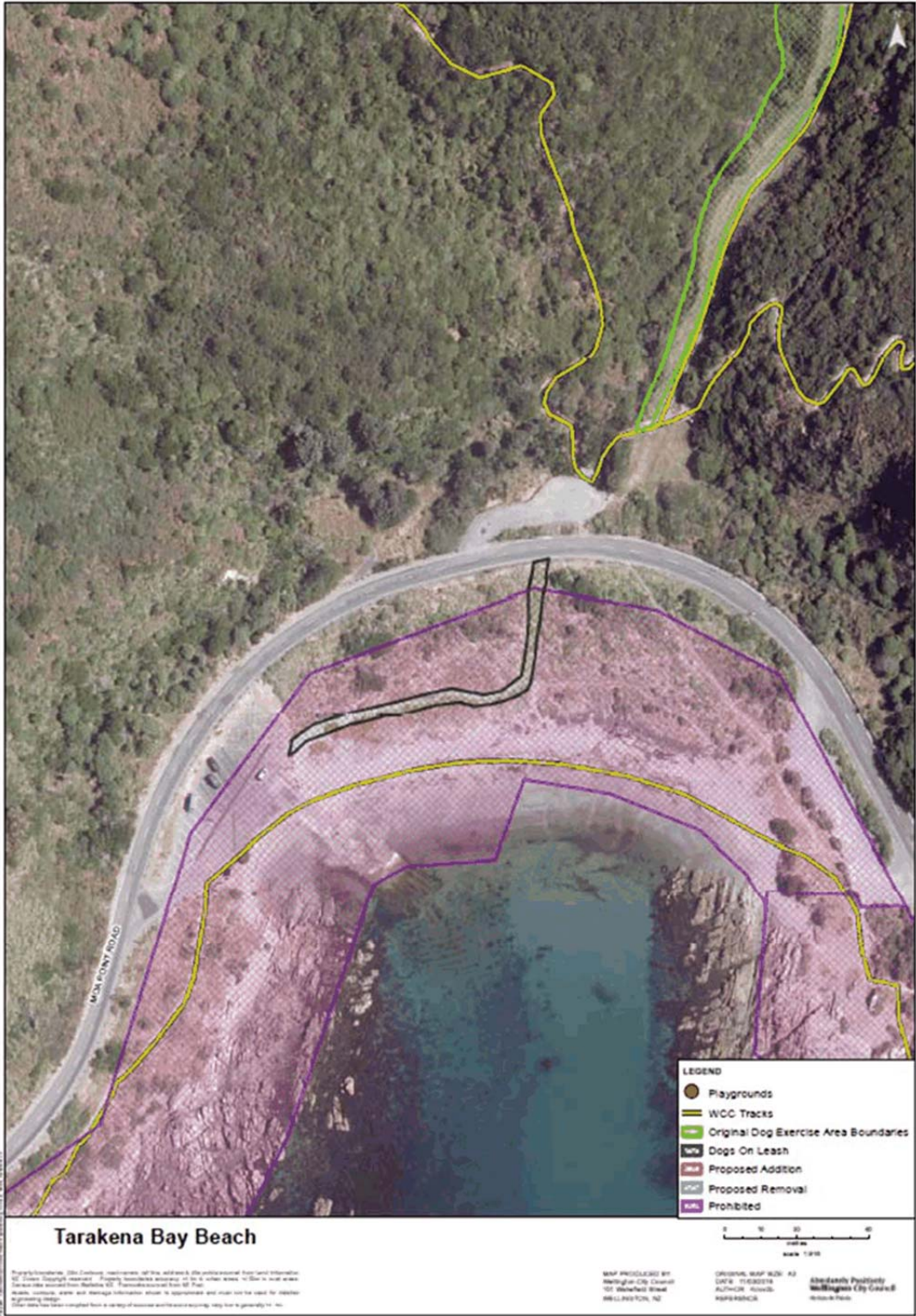
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Appendix C: Offences under the Dog Control Act 1996

Name of Section	Description of the offence	Section of the Act
Wilful obstruction of dog control officer or dog ranger	Obstructing an officer	18
Power of constable, dog control officer, or dog ranger to request information about owner	Failure or refusal to supply information	19
Power of constable, dog control officer, or dog ranger to request information about dog	Failure or refusal to supply information about dog	19(A)
Dog Control Bylaws	Failure to comply with a bylaw made under this section.	20
Territorial authority may require probationary owner to undertake training	Failure to undertake training	23A
Obligation of probationary owners to dispose of unregistered dogs	Failure to dispose of unregistered dog	24
Effect of disqualification	Failure to comply with the requirements of a disqualified owner classification	28
Effect of classification as dangerous dog	Failure to comply with requirements of a dangerous dog classification. Selling a dog classified as a dangerous dog without disclosing the information to the other person that the dog is classed as dangerous.	32
Offence to fail to comply with section 33E(1) or 33EB	Failure to comply with requirements of menacing classification	33EC
Owner must advise person with possession of dangerous or menacing dog of requirement to muzzle and leash dog in public	Failure to advise person of muzzle and leash requirements	33F
Microchip transponder must be implanted in certain dogs	Failure to implant microchip transponder in dog	36A
Penalty for false statement relating to application for registration	Supplying false information in application for registration.	41
Dead dogs	Supplying false information that dog has died	41A
Offence of failing to register dog	Failure to register dog	42
Issue of label or disc and completion of registration	Procuring or attempting to procure a replacement registration tag for a dog that has not lost its current tag.	46
Change of ownership of registered dog	Failure to notify territorial authority of change of ownership	48

	within 14 days-	
Transfer of dog from one address or district to another	Failure to notify territorial authority of change of address	49
Offences relating to collars labels, and discs	Removal of registration tag, use of another dogs tag or making counterfeit tags	51
Control of dog on owner's property	Failure to keep dog under control	52A
Offence of failing to keep dog under control	Failure to keep dog under control	53
Obligations of dog owner	Failure to comply with the obligations of an owner-	54
Owner must use or carry leash in public	Failure of owner to carry a leash in a public place	54A
Barking dogs	Failure to comply with a barking notice issued under section 55	55
Dogs attacking persons or animals or rushing at vehicles	Dogs attacking persons or animals; dogs rushing persons, animals or vehicles causing an accident	57
Dogs causing serious injury	Dogs causing serious injury to any person or death of protected wildlife	58
Orders relating to dog seen worrying stock	Failure to comply with a notice issued under section 61-	61
Allowing dogs known to be dangerous to be at large unmuzzled	Allowing dog known to be dangerous to be in a public place unmuzzled	62
Offence to release dog from custody	Releasing a dog that is under the custody of a territorial authority other than in accordance with the Act	72
Regulations	Failure to comply with regulations made under the Act	78

Appendix D: Infringement offences under the Dog Control Act 1996

The following infringements are set by the Dog Control Act 1996. The Council has no discretion to alter these fees.

Section	Brief description of Offence	Infringement Fee
18	Wilful obstruction of dog control officer or ranger	\$750
19(2)	Failure or refusal to supply information or wilfully stating false particulars	\$750
19A(2)	Failure to supply information or wilfully providing false particulars about dog	\$750
20(5)	Failure to comply with any bylaw authorised by section 20 of the Act (For a more detailed description of bylaws within Wellington City see section 4.6 of this Policy)	\$300
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	\$300
24	Failure to comply with obligations of probationary owner	\$750
28(5)	Failure to comply with effects of disqualification	\$750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	\$300
32(4)	Fraudulent sale or transfer of dangerous dog	\$500
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	\$300
33F(3)	Failure to advise person of muzzle and leashing requirements	\$100
36A	Failure to implant microchip transponder in dog	\$300
41	False statement relating to registration	\$750
41A	Falsely notifying death of dog	\$750
42	Keeping unregistered dog	\$300
46(4)	Fraudulent attempt to procure replacement label or disk	\$500
48(3)	Failure to advise change of ownership	\$100
49(4)	Failure to advise change of address	\$100
51(1)	Removal or swapping of labels or discs	\$500
52A	Failure to keep dog controlled or confined	\$200
53(1)	Failure to keep dog under proper control	\$200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	\$300
54A	Failure to carry leash in public	\$100
55(7)	Failure to comply with barking dog abatement notice	\$200
62(4)	Allowing dog known to be dangerous to be at large unmuzzled	\$300
62(5)	Failure to advise of muzzle and leashing requirements	\$100
72(2)	Releasing dog from custody	\$750

WELLINGTON CONSOLIDATED BYLAW 2008: PART 2 - ANIMALS

Purpose

1. The purpose of this report is to seek the Environment Committee's agreement to consult the public on proposed amendments to the Council's Animals Bylaw.

Summary

1. The Wellington Consolidated Bylaw 2008, Part 2: Animals (the Bylaw) provides the Council with powers to manage animals. The purpose of the Animals Bylaw is to protect the public from nuisance, maintain and promote public health and safety. It also provides the Council with legal powers to enforce the Dog Policy under the Dog Control Act 1996 (DCA).
2. The Local Government Act 2002 (LGA) requires bylaws to be reviewed at least once every 10 years, with an additional 2 years allowed before the bylaw lapses. The bylaw must be reviewed and adopted by 31 August 2016.
3. Proposed changes reflect changes in animal ownership since the Bylaw was last reviewed. Poultry are being kept as pets and the Council commonly receives complaints about roosters crowing. Public debate surrounding responsible cat ownership has increased and dog ownership is becoming more popular.
4. There has been a noticeable increase in the numbers of native birds in Wellington. The Council does not have the power to make bylaws that protect wildlife from cats. However, the Council can manage pest and predator control on reserves, including stray cats. Officers need to be able to distinguish between strays and owned cats.
5. The proposed bylaw will require that owned cats to be easily identified and returned to their owners. Microchips are a very effective way to identify a cat as owned and will be strongly recommended but not mandated. An initial survey indicated that approximately half of owned cats are already microchipped.
6. The proposed bylaw would also require people wanting to keep more than three cats over 6 months of age to seek permission from the Council. Factors to consider before granting permission include microchipping and de-sexing. Engagement so far has indicated a low proportion of people own more than three cats.
7. Other proposed changes to the Bylaw include:
 - requiring permission to keep more than 12 poultry in urban areas
 - prohibiting roosters from urban areas
 - restructuring the Bylaw and creating separate sections for different animal types
 - changes to improve clarity, consistency, structure and readability
 - prohibiting the feeding of animals (including pigeons) in public places except in designated areas, or with the Council's prior permission.

8. Changes to the Dog Policy must be given effect to in the Bylaw. The Dog Policy and the Animals Bylaw are being reviewed at the same time, but consulted on separately. The proposed amendments to the Bylaw concerning dogs are summarised below:
 - changes to improve clarity, consistency, structure and readability
 - changes to seasonal restrictions so they are based on summer calendar dates rather than daylight savings dates, and changing the timing to increase beach access at non-peak times.
9. Officers have surveyed the public and met with stakeholders to gauge public opinion. Survey results and findings engagement with stakeholders and advisory groups indicate public support for the proposed changes.

Recommendations

That the Environment Committee:

1. Receive the information.
2. Agree that Part 2: Animals of the Wellington Consolidated Bylaw 2008 (the Animals Bylaw) remains the most appropriate way of addressing these animal management issues, and that the proposed Animals Bylaw is the most appropriate form of bylaw under the Local Government Act 2002 and the Dog Control Act 1996.
3. Agree to consult on the proposed amendments to the Animals Bylaw, included in Attachment 1.
4. Agree to direct officers to explore the development an “Animals Policy” covering the management of cats and other animals.
5. Agree to adopt the Statement of Proposal (Attachment 1) and to initiate the special consultative procedure under Section 83 of the Local Government Act 2002.
6. Agree to consult on clause 4.1 of the proposed Bylaw that states “All domestic cats must be easily identifiable as owned and in a way that lets the owner be traced easily”. Note that officers will provide further advice following consultation on this clause and that any final decision will be made following consultation.
7. Agree to consult on the need for cat management. Note that any final decisions can be made following consultation and may influence the development of an “Animals Policy”.
8. Agree that the proposed Animals Bylaw is consistent with the New Zealand Bill of Rights Act 1990.
9. Agree the consultation period will run from 1 April to 02 May 2016.
10. Agree to delegate to the Chief Executive and the Chair of the Environment Committee, the authority to amend the proposed Statement of Proposal and associated consultation document, to include any amendments agreed by the Committee and any associated minor consequential edits.

Background

Pre-consultation engagement

Survey

2. As part of the engagement for the Animals Bylaw review an online survey was carried out in December 2015 using the Wellington City Council’s research panel, *Our Capital*

Views. Of the 723 people surveyed, fifty percent had pets, thirty five percent had cats, nineteen percent dogs, five percent chickens. Other pets owned included birds, guinea pigs, rabbits, rats, bees, fish and horses.

3. Virtually all respondents (97 percent) agreed that the protection of wildlife was important, and 95 percent of pet owners agreed they would take practical steps to stop their pets harming wildlife.
4. While the current Bylaw does not place any explicit requirements on cat owners, 55 percent said their cat was already microchipped. As shown in Table 1, the majority of respondents were supportive of measures being introduced to promote responsible cat ownership.

Table 1. Levels of support expressed by survey respondents for a range of management options for cat ownership.

Potential measures	Yes	No	Unsure
A public education campaign on responsible cat ownership	86%	6%	8%
A limit on the number of cats per household	77%	12%	11%
Mandatory de-sexing of cats (with some exceptions for registered cat breeders)	77%	13%	10%
Subsidised microchipping of cats to encourage microchipping	70%	20%	10%
Mandatory cat registration	67%	20%	13%
Compulsory microchipping of cats	66%	19%	14%
Authorities having the ability to trap and remove cats found on reserve land	62%	17%	21%
A night time curfew on cats (e.g. cats must be contained to their owner's property at night)	43%	38%	19%

5. Majority of respondents (72 percent) were supportive of hens being allowed to live in their area. However, the majority of respondents (64 percent) were opposed to roosters living in their area.
6. Almost half of all respondents were bothered by pigeon faeces (45 percent) and being surrounded by pigeons while eating (47 percent) in the last year.

Stakeholders

7. Officers have met with the Wellington Cats Protection League (WCPL), New Zealand Cat Fancy (NZCF), and the Wellington SPCA in order to gain an understanding of the issues surrounding cat ownership.
8. All groups strongly support compulsory microchipping of cats and registration with a recognised microchip registry. These groups note that the Council may need to subsidise this. The SPCA noted that New South Wales' compulsory microchipping requirement has low compliance.
9. Compulsory or subsidised de-sexing of cats is strongly supported by these groups as long as there is an exception for registered breeders.
10. A limit on the number of cats households may own is strongly supported. WCPL would prefer a system where people could keep more cats than the limit if they were proven to be responsible owners. NZCF submitted that a limit of five cats would be reasonable and would want exceptions for registered breeders. The SPCA would support a limit as it would give clear guidance when resolving problematic hording issues. The SPCA

notes that there would need to be exceptions for foster homes and proven responsible owners but they like to avoid additional bureaucracy.

11. The groups generally regard a night-time cat curfew as being unenforceable. Education is the preferred approach to encourage responsible ownership.

Community Boards and Advisory Groups

12. Officers have met with the Advisory Groups. Discussions with the Pacific Advisory Group, Youth Council, and the Accessibility Advisory Group were predominately focused on dog issues. Key points included public safety around dogs and increased education.
13. The Environmental Reference Group supported the Council leading the way on encouraging responsible cat ownership. Their key points were:
- Night-time cat curfews send the message that cats only pose a threat to wildlife at night. Education is the preferred approach.
 - Identifying cats (through either microchipping or collars) will help to create a culture of responsibility. There would need to be an amnesty period before any rules came into effect.
 - If there is a marked decreased in cat ownership pest trapping will need to be increased in order to control pest levels.
 - Limits on the number of cats a household may own could decrease numbers. Three would be a suitable number as it is the same as dogs.
14. The Environmental Reference Group also had several pieces of advice on the management of other animals:
- Increased dog control enforcement, signage and awareness of the rules would encourage compliance. They also noted that they would support dogs being allowed off-leash in reserves as long as it was in areas that did not clash with wildlife.
 - More signage is needed to discourage people from feeding pigeons. Having locations where feeding is allowed sends mixed messages.
 - Starlings are a leading cause of bird faeces across the city centre. Ducks and other bird faeces negatively impacts waterways.
 - No roosters should be allowed in urban areas as they are a nuisance. It is possible to purchase pre-fertilised eggs, which would enable breeding.
 - Having minimum requirements for chicken coops, such as distance coops can be kept from boundaries and buildings, would provide clearer guidelines to owners.
15. The Tawa Community Board was predominately focused on dog issues particularly exercise areas.
16. The Makara/Ohariu Community Board discussed how roosters do not cause nuisance in their areas and are an expected part of a rural life.

Authority to make bylaws

17. The Council does not have to the power to make bylaws that protect wildlife. The Council can make bylaws relating to animals under the LGA, Health Act 1956 and the Dog Control Act 1996. Under the LGA, the Council can make bylaws for protecting the

public from nuisance; protecting, promoting, and maintaining public health and safety; and to regulate the keeping of animals. The Health Act 1986 provides similar powers.

18. The Council can make bylaws under the Reserves Act 1977 for managing gazetted reserves if a model bylaw for a particular issue has been provided by the Minister of Conservation. No model bylaw for the management of cats on reserves has been issued.

Discussion

Cats

19. The 'status quo' situation is that 'cats roam freely'. This causes a range of public health and nuisance issues such as faeces, fighting, predation of wildlife and small pets, running across roads, uncontrolled breeding resulting in unwanted kittens, and stray and feral cats.
20. There is no national legislation to manage undesired effects of cat ownership. While the Animal Welfare (Companion Cats) Code of Welfare (2007) includes some helpful standards and recommendations, it is primarily focussed on the welfare of cats.
21. The Council manages stray cats and cat colonies on reserves and other public places. Research conducted by Victoria University indicates that on average Wellington's domestic cats have a range of 4.3 hectares.
22. Owned cats often wander into areas where stray cats are trapped. To assist the management of stray cats officers need to be able to establish whether or not a trapped cat is owned. The Animal Welfare Act 1999 and Reserves Act 1977 require that reasonable steps are taken to identify the owners of any cat that may have been trapped. Stray and feral cats are managed by *Our Natural Capital – Wellington's Biodiversity Strategy & Action Plan*.
23. Cats that are identifiable can be returned to their owners if they become separated in emergencies. Following the February 2011 earthquake in Christchurch approximately 80 to 85 percent of lost microchipped cats were identified and returned to owners, compared to only 15 percent of cats without microchips².
24. Officers recommend the public are consulted on the requirement that owned cats can be identified so they can be returned to their owners.
25. It is proposed that permission would be required for more keeping more than a set number of cats. This would enable the Council to act if it is concerned about animal welfare due to the number of cats being kept at premise. A number of other territorial authorities across the country have similar restrictions³.
26. Currently households have to get permission to keep more than three dogs. It would be fair to have the same limit for cats.
27. Officers have considered other approaches to cat management including those raised in the engagement phase of the review. It was assessed that they not appropriate to include in the Bylaw at this stage. These options as well as those elsewhere in this report could depending on feedback consultation, be expanded further under "Animals Policy".

² New Zealand Veterinary Association, [Vets@work](http://vets@work.org.nz), 2011

³ Limit of 3 cats per household: Buller District Council, Invercargill City Council, Masterton District Council, Palmerston North City Council, and Rangitikei District Council. Limit of 4 cats per household: Hastings City Council, and Marlborough District Council. Limit of 5 cats per household: New Plymouth District Council, and Far North District Council.

Dogs

28. Dog ownership is regulated by the Bylaw and the Dog Policy, as required under the Dog Control Act 1996 (DCA). Proposed changes to the Bylaw relating to dogs and dog exercise areas will be discussed as part of the Dog Policy review (see *Dog Policy, Environment Committee on 17 March 2016*).
29. The Bylaw must give effect to the Policy. Officers proposed changes to more consistently reflect the Policy and the DCA. Other minor changes are technical in nature and relate to consistencies of definitions and clarifying the intent of clauses.

Other Animals

Poultry

30. Poultry ownership is becoming more popular in Wellington. It is difficult to manage roosters to stop them from crowing loudly and there is high probability that nuisance will occur. Owning roosters in urban areas is currently allowed. Poultry escaping is also a prominent form of nuisance and the Council receives complaints about the number of poultry being kept (and associated nuisances).
31. Encouraging urban agriculture is an important platform in enabling Wellington to be resilient. Poultry are also pets for some households and it would be unreasonable to restrict the right to own poultry if the risk of any potential nuisance is being managed in a suitable way. Officers propose three changes regarding poultry:
 - Prohibiting rooster ownership in urban areas
 - Requiring permission to keep more than 12 poultry in urban areas
 - Establishing in the Bylaw that all poultry must be adequately contained.
32. Officers have evaluated other approaches to poultry management including further limiting the number of poultry a household may keep and establishing set distance coops can be kept from boundaries and buildings. These options are not appropriate for a bylaw and could be explored further in an "Animals Policy".

Pigeons

33. Pigeons are a cause of concern with business and property owners as pigeon faeces and nests damage buildings. The public appear to oppose any pigeon population culls in public places.
34. It is proposed that the Bylaw be changed to establish that there is to be no feeding of animals (including pigeons) in public places unless in a designated area.
35. Non-regulatory approaches, such as increased signage and public education, could be used to support this proposed change.

Bees

36. Bee ownership is not managed by the current Bylaw. Officers do not recommend changes to the bylaw at this time. Any additional guidance around bee ownership and management could be explored in an "Animals Policy".

Goats

37. Feral goats are a pest management issue. As with stray cats officers need to easily identify whether goats are owned. Currently owned goats need to be tagged and registered. Officers note that there are very low compliance rates with goat registration. Officers recommend removing the need for registration but keeping the requirement that owned goats are identifiable.

Options

38. Officers recommend that following the completion of the Bylaw review, an “Animals Policy” is investigated. The intention is to provide owners with more guidance.
39. The Council could choose not to progress any amendments, but the decision to retain the Bylaw would still need to be considered through a public consultation process. It is therefore practical to use the review as an opportunity to progress amendments to improve the Bylaw.
40. It may be appropriate for some amendments to be later placed in an “Animals Policy” rather than the Bylaw.

Next Actions

01 April – 02 May 2016	Consultation period
May	Oral submissions received
23 June 2016	Environment Committee considers final report
04 August 2016	The Council decides whether to adopt the proposed changes
The amended Bylaw will come into force	

Attachments

Attachment 1.	Attachement 1 - Statement of Proposal: Draft	Page 153
Attachment 2.	Attachment 2 - Survey: Residents Opinions on Animal Management	Page 185

Author	Jessica Clarke, Graduate Advisor, Policy and Reporting
Authoriser	John McGrath, Acting Director Strategy and External Relations

SUPPORTING INFORMATION

Consultation and Engagement

An Engagement and Consultation Plan has been developed and followed. This plan has considered the project's: significance, risk factors, various stakeholders, and constraints. The plan was developed in accordance with the Council's Significance and Engagement Policy.

Treaty of Waitangi considerations

Mana Whenua iwi have been consulted with and have no concerns with the review at this point.

Financial implications

Not applicable at this point. If any decisions are made to provide subsidies or undertake public education campaigns, additional funding will need to be allocated through the Annual Plan process.

Policy and legislative implications

The Bylaw review will take into account the decisions made in this paper.

Risks / legal

The Policy amendments are required to fulfil the Council's obligations under the Local Government Act 2002, Dog Control Act 1996, Health Act 1956, and the Animal Welfare Act 1999.

Climate Change impact and considerations

No considerations at this point.

Communications Plan

Officers are working to ensure that any communication issues are effectively managed.

Statement of Proposal

April 2016

Have your say on our proposed changes to the animal provisions in Part 2 of the
Wellington Consolidated Bylaw 2008

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Appendix B: Proposed Animals Bylaw

Appendix C: Current Animals Bylaw (2004)

Statement of Proposal

This statement of proposal relates to a review of the Wellington Consolidated Bylaw 2008, Part 2: Animals. The bylaw is prepared under section 20 of the Dog Control Act 1996, section 64 of the Health Act 1956, and sections 145, 146, 83, and 86 of the Local Government Act 2002 (LGA).

The amendments are summarised in the Statement of Proposal document and a proposed Bylaw is attached (see Appendix A and B). The current Bylaw is also attached as Appendix C.

Summary of information

We're seeking feedback on proposed changes to the Wellington Consolidated Bylaw 2008, Part 2: Animals (subsequently referred to as the Bylaw), and we want to hear your views.

The Bylaw outlines requirements for keeping animals to protect the public from nuisance, maintain and promote public health and safety, and to protect the welfare of animals.

For many residents their pets are part of their families while other residents prefer public spaces to be animal free. It is sometimes difficult to find a balance between these two groups and we want to check and see if we've got it right.

Proposed changes reflect changes in animal ownership since the Bylaw was last reviewed. For example, poultry are increasingly being kept as pets and the Council receives complaints about roosters crowing and the number of poultry kept on properties (and associated nuisances caused). We're also proposing to restructure the bylaw, creating separate sections for different animal types, to make it easier for people to access the information relevant to them. The proposed changes are summarised below:

- changes to improve clarity, consistency, structure and readability.
- all domestic cats will need to be easily identifiable as owned, in a way that lets the owner be traced easily.
- the Council's permission will be needed to keep more than three cats over 6 months of age, with conditions to mitigate public health and nuisance concerns.
- the Council's permission will be needed to keep more than 12 poultry in urban areas.
- roosters will be prohibited from urban areas.
- feeding of animals in public places will be prohibited, except in designated areas, or with the Council's prior permission.

Changes to the Dog Policy must be given effect in the Bylaw. The Dog Policy sets out the obligations for keeping dogs, and changes to the Bylaw are proposed to ensure that requirement of the Dog Control Act 1996 is met. The Dog Policy and the Animals Bylaw are being reviewed at the same time, but consulted on separately. The proposed changes to the Bylaw to reflect the proposed changes to the Policy are summarised below:

- changes to improve clarity, consistency, structure and readability.
- changes to seasonal restrictions so they are based on summer calendar dates rather than daylight savings, and changing the timing to increase beach access at non-peak times.

We will be seeking feedback from the community on these changes. Some areas we will be consulting on are:

- What is a suitable limit on the number of cats and poultry a household may keep?

- Should roosters be allowed in urban areas?
- Is it reasonable to ban feeding animals in public places?
- Are there other animals that this Bylaw should be including?
- Other there other issues that this Bylaw should manage?

You can get copies of the Statement of Proposal's for both the Dog Policy and the Animals Bylaw online at wellington.govt.nz/haveyoursay, the Service Centre at 101 Wakefield Street, libraries, by emailing policy.submission@wellington.govt.nz or phoning 04 499 4444.

Have your say

We need your feedback by 5pm on Monday 2 May 2016.

The Council is keen to know what residents, ratepayers and stakeholders think about the proposed amended bylaw.

Please make a submission online at wellington.govt.nz/haveyoursay, email your submission to policy.submission@wellington.govt.nz or complete the attached submission form and send it to Animals Bylaw, Freepost, Wellington City Council, P.O. Box 2199, Wellington.

You can get more copies online at wellington.govt.nz/haveyoursay, the Service Centre at 101 Wakefield Street, libraries, by emailing policy.submission@wellington.govt.nz or phoning 04 499 4444.

If you'd like to make an oral submission to Councillors, please indicate this on the submission form and make sure you have included your contact details. We will contact you to arrange a time for you to speak. Submissions will be heard by the Environment Committee in May 2016.

The Council's Environment Committee will consider the submissions and make recommendations to the full Council. The Council will then decide whether to change the Bylaw.

Written submissions open on 1 April 2016 and close at 5pm on 2 May 2016.

Timeline for considering the proposed bylaw

When	Proposed Actions
1 April – 2 May	Consultation period
May	Oral submissions
June	Environment Committee considers submissions
August	The Council decides whether to adopt the proposed changes
Following Council decision on proposed changes	The Bylaw will come into force

Background

The LGA requires bylaws to be reviewed at least once every 10 years, with an additional 2 years allowed before the bylaw lapses. The current Bylaw was adopted in 2004 and accordingly it must be reviewed by 31 August 2016.

The Council can make bylaws relating to animals under the LGA, Health Act 1956 and the Dog Control Act 1996. Under the LGA, the Council can make bylaws for protecting the public from nuisance; protecting, promoting, and maintaining public health and safety; and to regulate the keeping of animals. The Health Act provides similar powers to the LGA.

The purpose of the Animals Bylaw is to protect the public from nuisance; maintain and promote public health and safety; and to enforce the Dog Policy. The Council may make Bylaws regarding dog ownership as per section 20 of the Dog Control Act 1996.

The current Animals Bylaw also establishes:

- activities that require Council permission – these include running animal establishments, owning goats, owning more than three dogs (other than in a rural area)
- general conditions for keeping animals – they must not cause a nuisance, must be kept in an appropriate way, and the Council may seize stray animals
- that animals (including pigeons) cannot be fed in specified public places
- the Council's ability to create exercise areas, controlled places and prohibited places for dogs
- restrictions on keeping goats
- offence provisions

The proposed Bylaw will form part of a wider approach to animal management and promoting responsible pet ownership. Non-regulatory measures will complement the Bylaw, for example signs and public education campaigns.

Legislative requirements

The following legislation is relevant to the proposed amendments:

Local Government Act 2002: The LGA requires bylaws to be reviewed every 10 years and sets out the procedure the Council must follow to make, amend or revoke a bylaw. It also provides powers to make bylaws protecting the public from nuisance and protecting, promoting and maintaining public health and safety, as well as regulating the keeping of animals and poultry.

Before making a bylaw the Council must determine that the bylaw is the most appropriate way of addressing the perceived problem, that it is the most appropriate form of bylaw and whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Dog Control Act 1996: Under section 10, the Council must adopt a policy and bylaw covering the ownership of dogs within their district. When a bylaw is reviewed, the policy must also be reviewed. Section 10(6) requires that the Council must also give effect to its Dog Policy by making bylaws.

Health Act 1956: Councils may make bylaws for the improvement or protection of public health and to prevent or abate nuisances. It specifically allows for bylaws to be made regulating, licensing or prohibiting the keeping of animals.

Animal Welfare Act 1999: The purpose of the Animal Welfare Act is to make sure owners and caregivers of animals attend properly to the animal's welfare. It should be read along with the Bylaw. The Animal Welfare Act requires that reasonable steps are taken to identify the owners of animals.

Reserves Act 1977: The Reserves Act sets out the management and governance of reserves. The Reserves Act also requires reasonable steps to be taken to identify the owners of animals captured on reserves.

Why is the proposed Bylaw needed?

Animal ownership has a lot of community interest – many people view their pets as part of their family, while the public also expect to be protected from animal nuisance and dangerous animals. Having clear rules around animal ownership helps the owners understand their obligations to be responsible, while helping protect the public.

Overall, there have been no changes to legislation, or to wider Council policy that would indicate an Animals Bylaw is no longer appropriate. During the review process we identified some things that could be dealt with better than in the current Bylaw. Some of these issues are technical, such as structure and readability. Other proposed changes are more substantive and aim to address the following issues:

- the need to encourage responsible cat ownership and manage stray cats
- the need for the Bylaw to give effect to the Dog Policy
- the need to discourage feeding animals in public places
- the need to manage poultry in urban areas

These issues are discussed in more detail in the following sections, which outline why we think the proposed changes are necessary. We have provided detail on our proposals concerning owning and managing cats, as we anticipate significant public interest in this issue.

We recognise that protecting wild life is an important consideration, but the Council does not have to the power to make bylaws that protect wildlife from cats. The Council manages stray cats and cat colonies on reserves and other public places. This is set out in *Our Natural Capital – Wellington's Biodiversity Strategy & Action Plan*.

Encouraging responsible cat ownership

The Council is proposing two new provisions within the Bylaw concerned with owning and managing cats:

- requiring that all domestic cats must be easily identifiable as owned, in a way that lets the owner be traced easily.
- requiring the Council's permission to keep more than three cats over 6 months of age, with conditions to mitigate public health and nuisance concerns.

Table 1 provides a summary of why we think a Bylaw is appropriate for managing cats. The question of what form of Bylaw is most appropriate is addressed in Table 2.

Table 1. What is the perceived problem regarding cats and why would a Bylaw be the most appropriate way to address the problem?

What is the Perceived Problem?	Other options to address the problem	Why is a bylaw the most appropriate option?
Problem 1: Nuisance caused by cats Cats need to be better managed to mitigate nuisance behaviours. While the 'status quo' situation is that 'cats roam freely', this causes a range of public health and nuisance issues, such as fighting,	Lobbying for change: As lobbying is generally a longer-term strategy, the Council may pursue this alongside other options. The Council might lobby for legislation to manage cats, or a model bylaw for managing cats under the	Management of cat nuisance behaviours are not already covered by other legislation, regulation, or agencies. Under the LGA and the Health

<p>predation of wildlife and small pets, running across roads, and uncontrolled breeding resulting in unwanted kittens, and stray and feral cats.</p> <p>There is no national legislation to manage undesired effects of cat ownership. While the Animal Welfare (Companion Cats) code of Welfare (2007) is primarily focussed on the welfare of cats.</p> <p>A survey conducted by the Council found that 45 percent of respondents had been bothered by cat behaviors, including such as digging and toileting in gardens and lawns, attacking and killing other people's pets and wildlife, fighting, getting into rubbish, stealing property and producing unwanted kittens.</p> <p>Problem 2: Public health issues Need to control stray cats to mitigate public health issues.</p> <p>Wandering domestic cats toilet in neighbours vegetable gardens. Cats spread toxoplasmosis through faeces, which can have serious health implications for humans, especially pregnant women and people with impaired immunity¹. New Zealand has high rates of toxoplasmosis with more than 40% of the population infected².</p> <p>Problem 3: Identifying unowned cats Lost cats become part of the stray cat population. The Council manages stray cats and cat colonies on reserves and other public places. This is set out in Our Natural Capital – Wellington's Biodiversity Strategy & Action Plan.</p> <p>Research conducted by Victoria University indicates that on average Wellington's domestic cats have a range of 4.3 hectares.</p>	<p>Reserves Act 1977.</p> <p>This option will not address the issue in the short-term.</p> <p>An Animals Policy: The Council could create an Animals Policy. While this might complement a Bylaw, its provisions are not enforceable. Usually a policy would work to justify and expand on the content of a bylaw.</p> <p>This option would not be effective standalone, and would be most effective if it built on the Bylaw. Officers are investigating the option of developing an Animals Policy.</p> <p>Education: An education campaign could inform cat owners of ways they can be responsible cat owners. It could cover a wide range of topics, such as reducing the impact of cats on wildlife, and having a plan for cats in a disaster.</p> <p>This option could be effective, however it would require funding.</p> <p>Working with other Agencies: Some other agencies do have statutory authority to manage cats, including Greater Wellington Regional Council (feral cats – Biosecurity Act 1993) and the SPCA (cat welfare – Animal Welfare Act 1999).</p> <p>The Council already works with these agencies where possible. However this is not fixing the problems. Additional measures may enable further collaboration between these groups.</p> <p>Voluntary measures: Behaviours such as howling and fighting tend to be sexually-related. The Companion Cats Code of Welfare recommends de-sexing and</p>	<p>Act, the Council can make bylaws concerning nuisance and public health.</p> <p>The Council is already working with other agencies where possible, and pursuing a range of other options for managing cats. No solutions have so far been established.</p> <p>Nuisance issues persist despite existing voluntary measures and therefore, something more mandatory in nature is required.</p> <p>The Council considers a bylaw would be most appropriate if used alongside other measures, such as a public education campaigns.</p> <p>Requiring that cats are identifiable would significantly increase the proportion of cats that are microchipped or otherwise identifiable as owned.</p> <p>Voluntary microchipping has resulted in about half of the total number of domestic cats being microchipped. With a bylaw requirement it is hoped that the percentage either microchipped or</p>
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¹ Dangerous feline parasite at shocking levels in humans, New Zealand Herald, September 2012, http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=10831740 accessed 07 March 2016

² Disease carried by Cats not so trivial, New Zealand Herald, January 2013, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10862178 accessed 07 March 2016

<p>Owned cats often wander into areas where stray cats are trapped. To assist the management of stray cats council officers need to be able to establish whether or not a trapped cat is owned. The Animal Welfare Act 1999 and Reserves Act 1977 establish that reasonable steps are taken to identify the owners of domestic cats.</p> <p>Cats that are easily identified, they can be returned to their owners if they are separated. Following the February 2011 earthquake in Christchurch, approximately 80 to 85 percent of lost microchipped cats were identified and returned to owners, compared to only 15 percent of cats³ without microchips.</p>	<p>keeping cats in at night as 'best practice' to mitigate these issues. The Council could work with partners to promote and incentivise de-sexing and keeping cats inside.</p> <p>This option alone will not fix the problems identified. Voluntary measures could be advertised so owners are aware of various options. By stating the preferred options for owners in our bylaw we are clearly establishing what behaviours are expected of responsible owners.</p> <p>Trapping stray cats: The Council works alongside other organisations to manage stray cat populations. However, complementary measures are needed to reduce the supply of stray cats and some way of identifying owned cats will make the process simpler and less time consuming.</p> <p>Microchipping: The Companion Cats Code of Welfare already includes micro-chipping as recommended best practice.</p> <p>However, it is not an enforceable requirement. In order to enforce this option, a regulatory regime would need to be established.</p>	<p>identified in some other way will increase significantly, which will reduce the time required by Council officers when identifying whether trapped cats are owned or not.</p>
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Table 2. What is the most appropriate form of Bylaw?

What is the perceived problem and proposed form of bylaw?	Other forms of the bylaw	Why is the proposed bylaw most appropriate?
<p>Lack of regulation to help manage cats: The Council is proposing a Bylaw under the nuisance and public health provisions of the LGA and Health Act.</p> <p>Cat nuisance behaviours: The Council</p>	<p>The Council can make bylaws concerning nuisance and public health under the LGA and the Health Act, but doesn't currently have the ability to make bylaws to protect wildlife. As a result, our focus of this bylaw is to remedy public health and nuisance issues surrounding cats.</p> <p>Requiring permission for more</p>	<p>The proposed bylaw is consistent with the empowering provisions and processes of the LGA and Health Act.</p> <p>The proposed bylaw will help reduce nuisance behaviours including unwanted breeding. The Council considers that</p>

³ New Zealand Veterinary Association, [Vets@work](#), 2011

<p>is proposing that owning more than three cats will require permission, and compliance with the best practice recommendations of Companion Cats code of Welfare.</p> <p>Managing stray cats: The Council is proposing cats must be identifiable as owned. The form of identification will be left to the cat's owner, although the Council will recommend microchipping as per the Companion Cats Code of Welfare.</p>	<p>keeping more than a set number of cats: Prohibiting people from owning more than a set number of cats would enable Council to act if they are concerned about animal welfare, due to the number of cats being kept at premise. Currently households have to get permission to keep more than three dogs. It would be fair to have the same limit for cats.</p> <p>Limiting the number of cats per household is a regulatory option already in place in a number of other Territorial Authorities⁴.</p> <p>Specifying microchipping: The bylaw could specify microchipping as a requirement. However other options are available including tattooing and identity tags. Cat owners also benefit either way since they can be reunited with their cat if it becomes lost, injured or trapped.</p>	<p>the proposed bylaw provides an appropriate balance between regulating the positive and negative aspects of keeping cats. The Council can regulate but not prohibit the keeping of cats.</p> <p>Requiring identification will make managing stray cats safer for domestic cats and easier for the Council. We consider it is most appropriate to leave the form of identification to the discretion of the owner.</p>
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Giving effect to the Dog Policy

The Animals Bylaw provides the Council with legal powers to give effect to and enforce the Dog Policy. The proposed changes relating to dogs are to give effect to amendments to the Dog Policy. The Dog Policy sets out the obligations for keeping dogs. It aims to recognise the community and health benefits of dog ownership while balancing public safety concerns and the relevant legal requirements.

The Bylaw and the Dog Policy are being reviewed at the same time but reported separately. You can get copies of the Statement of Proposal for the Dog Policy online at wellington.govt.nz/haveyoursay, the Service Centre at 101 Wakefield Street, libraries, by emailing policy.submission@wellington.govt.nz or phoning 04 499 4444.

The Bylaw must give effect to the Policy. Changes that are proposed to the Policy need to be reflected in the Bylaw, and they need to be consistent. As a result, it is proposed to add new sections to the Bylaw, on content from the Policy. Other smaller changes are technical in nature, and relate to wording consistencies of definitions and clarifying the intent of clauses.

Changes to seasonal restrictions are proposed so they are based on summer calendar dates rather than daylight savings, and changing the timing to increase beach access at non-peak times.

⁴ Limit of 3 cats per household: Buller District Council, Invercargill City Council, Masterton District Council, Palmerston North City Council, and Rangitikei District Council. Limit of 4 cats per household: Hastings City Council, and Marlborough District Council. Limit of 5 cats per household: New Plymouth District Council, and Far North District Council.

An issue with the Dog Policy is the confusion around access to exercise areas with restricted times: “beach areas (specified times)” and “exercise area (specified times)”. Currently the rules for some beaches vary, and are specified based on daylight savings. It appears that these changing rules are often forgotten and are unclear.

An option to address this perceived problem is to introduce a blanket all year around rule either prohibiting these areas, or allowing access all year around. It would not be reasonable to prohibit dogs in these areas as the rights of responsible dog owners would be restricted. Allowing access all year around would create conflict between dog owners and the wider public when there is peak demand for these areas during summer.

Adjusting specified times to be before 10am and after 7pm in summer from 1 December until 1 March the consecutive year will increase the amount of time dogs can access these areas without interfering with beach users. The changes intend to make it easier for owners to remember the rules.

Feeding animals in public places

The proposed Bylaw would make it an offence to feed animals in public places, aside from designated areas. For example grain is provided at the Wellington Botanical Gardens to feed ducks. Public places where feeding animals is permitted, will have signs or people wanting to feed animals in public places will need prior permission from the Council.

The problem we need to address with the proposed bylaw is that feeding animals in public places can lead to public health and nuisance issues. For example, feeding pigeons increases and supports high numbers of pigeons. Many pigeons produce a lot of excrement which damages buildings, structures and is a public health concern. Cities around the world face similar issues and research shows that the most effective way to control pigeon populations is to limit food sources. Other options the Council has considered for managing pigeons are much more difficult and expensive, not available in New Zealand (contraceptives) or unpalatable (eradication).

In some places the Council manages stray cats. If unneutered strays are being fed in public places there is a risk that a cat colony could quickly form. The Companion Cats Code of Welfare notes that cats can breed from when they are only 5 months old and a single female cat can have 300 kittens in its lifetime.

Non-regulatory approaches will also be used to support the Bylaw. For example, signs will encourage people not to feed pigeons or leave food where it can be easily scavenged by pigeons, and redirecting the efforts of people who habitually feed pigeons elsewhere.

We consider it most appropriate to make a general bylaw concerning the feeding of animals rather than name specific animals. Feeding of other types of animals is also problematic, both for the health and welfare of animals, and due to the potential to attract and support vermin such as rats.

Managing poultry in urban areas

The proposed Bylaw will require the Council's permission to keep more than 12 birds per property, and prohibit the keeping of roosters in urban areas.

The problem we need to address with the proposed Bylaw is that large numbers of poultry can create nuisance issues such as noise and odour, and public health issues if kept in unsatisfactory conditions. This problem is exaggerated in urban areas when households are in close proximity. The Council commonly receives complaints about roosters crowing, as well as wandering chickens and the number of poultry being kept (and associated nuisances).

Poultry ownership is becoming more popular in Wellington. Owning roosters in urban areas is not currently prohibited, and there is no limit on the number of poultry that people can keep in urban areas. The Bylaw needs to clearly set out the responsibilities of poultry owners, and protect the public from nuisance.

Several options have been assessed to address the perceived problem. Council could prohibit poultry ownership across the city. This would be unreasonable, as poultry eggs provide a sustainable food source to many households. Encouraging urban agriculture is an important platform in enabling Wellington to be resilient. Poultry are also pets for some households, and it would be unreasonable to restrict the right to own poultry if the risk of any potential nuisance is being managed in a suitable way.

Households were limited to only owning twelve chickens or less, prior to the 2004 review. This was removed and replaced with a clause that requires animals to be kept in a way that "is not likely to become a nuisance, dangerous, offensive, or injurious to health". We have found this clause has not provided clear enough guidance.

The proposal to prohibit rooster ownership in urban areas is the most appropriate form of bylaw. It is very difficult to manage roosters to stop them from crowing loudly, and there is high probability that nuisance will occur. It is recognised that roosters are required for breeding, and therefore it would be unreasonable to prohibit their ownership everywhere.

It is proposed that the limit of twelve poultry or less per household is reintroduced. This number is an appropriate amount as it is what the bylaw stated previously and will therefore be easy to remember. Sometimes some properties may be in urban areas, but have low likelihood of causing nuisance. It is proposed that this is recognised by allowing more poultry to be kept if relevant criteria are met and Council permission is obtained.

New Zealand Bill of Rights Act 1990 (NZBORA) implications

Under section 155(3) of the LGA, the Council is obliged to consider whether the proposed Bylaw is inconsistent with the NZBORA. The LGA expressly requires that bylaws are not inconsistent with the NZBORA.

Under section 21 of the NZBORA, "everyone has the right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence or otherwise". The proposed Bylaw may be seen to limit this under sections 3.4, as the seizure of owned animals would be classified as the seizure of property.

Animals (excluding cats) will only be seized if they stray from their owners' property. Considering the public safety and nuisance issues involved, officers consider the potential seizure of animals a reasonable restriction of this right. Owned cats may be seized inadvertently where trapping is used to manage stray cats. Proposed changes to the bylaw will make it easier for officers to differentiate between owned cats and stray cats.

The Council considers that other proposed changes, such as requiring permission to own more than a set number of certain animals, or restrictions on owning roosters, are not inconsistent with NZBORA and do not give rise to any implications under the NZBORA.

Areas of bylaw where no changes are proposed

We have assessed the parts of the Bylaw where no proposed changes are made. These provisions address genuine problems and the Bylaw provisions continue to be the most appropriate way of addressing those issues and the most appropriate form of Bylaw. There has been nothing to suggest these provisions need to be changed as part of the review.

Appendix A: Description of proposed changes

Proposed Bylaw Ref.	Proposed revised bylaw, clause names	Key differences between proposed revised bylaw and current Part 2: Animals.
-	Purpose	<p>"Context" changed to "Purpose" for consistency with other recently reviewed bylaws.</p> <p>Content of section carried over from current bylaw, and amended date of Dog Policy. Removed bees, to reflect them being included in the definition of "Animal".</p> <p>Removal of animal welfare reference from purpose, to bring it in line with the LGA bylaw powers.</p> <p>Minor reordering of wording, to increase readability.</p>
1	Definitions	<p>The updated definition of "Animal" includes bees. This is to reflect the proposed changes to section 7.1. Changes aim to clarify that it is not an offence to injure/kill a bee under the Bylaw.</p> <p>The term "Domestic Animal" is newly defined in the bylaw to make the overall intent and scope of the bylaw clearer. In section 7.1 it establishes that it is only an offence to kill/injure an owned animal.</p> <p>The revised definition of "nuisance" intends to provide a clearer definition of the term.</p> <p>"Poultry" has been defined to reflect the new section on their keeping.</p> <p>The term "Public Place" has been added to provide clarification as to what areas it includes.</p> <p>"Rural area" and "urban area" has been updated to provide clearer definitions of what areas are covered under the Council's district plan.</p> <p>"The Act" has been shortened to be more succinct.</p> <p>The terms, "birds" and "stock" have been deleted as they were not specifically referred to in the bylaw.</p> <p>The following terms have been moved to 5.1 Interpretation (dogs):</p> <ul style="list-style-type: none"> - beach exercise areas - beach areas (specified times)

		<ul style="list-style-type: none"> - controlled public places - exercise area - exercise area (specific times) - leash - prohibited public place - prohibited place (specified times).
2	Activities that require Council permission	<p>Clarifies that dog day care is considered as a boarding establishment. The overall intention 2.2.1 is to let the Council know about where animal establishments are, so they can be monitored.</p> <p>The introduction of 2.2.2 is to clearly establish that permission for occasions, such as when horses and dogs are in prohibited areas for festivals.</p> <p>The section "Keeping goats" has been moved to 6.2.</p> <p>The section "Keeping more than three dogs" has been moved to 5.2.1.</p> <p>Minor grammatical changes made.</p>
3	General conditions of keeping animals	<p>Title has been changed, as a result of the content becoming more specific. The formatting of the section has changed, due to the removal of the subtitles. Minor grammatical and wording changes made to increase clarity.</p> <p>Removal of bees, to reflect that they are included in the new definition of "Animal".</p> <p>Proposed changes to section 3.5 intend to limit the instances where animals may be fed in public. The intention is to discourage the public from feeding pigeons and other birds in unsuitable places. The aim is to redirect public feeding of birds to suitable locations.</p> <p>The section on goats has been moved to 6.2.</p> <p>The section "Dog nuisances" has been moved to 5.3.</p> <p>The section "Dog areas" has been moved to 5.4.</p>
4	Cats	<p>Section 4 currently covers Offences. In the proposed text, this has been moved to section 7.</p> <p>Having a dedicated section on cats makes the bylaw more reader-friendly, as it allows people to quickly find the information they are looking for.</p> <p>The proposed changes set out the management of cats. Under the current bylaw, there are no explicit restrictions on cat</p>

		<p>ownership; there is also currently no national legislation explicitly on the management of owned domestic cats.</p> <p>Microchipping and collars means owned domestic cats can be distinguished from feral cats.</p> <p>It is proposed permission is required to keep more than three cats. The intent of this is to protect the public from nuisance, and enable animal welfare organisations to assist if owners are irresponsible. A variety of other Council's across the country have similar restrictions.</p>
5	Dogs	<p>Various parts of the bylaw on dogs are proposed to be moved under one section. The intent of this is to make the bylaw more reader friendly.</p> <p>Minor grammatical and wording changes made throughout section to increase readability.</p> <p>All terms in 5.1 Interpretation (dogs) have been moved from Section 1.</p> <p>The definitions of "Beach exercise areas", and "Prohibited place (specified times)" are updated to be consistent with the Dog Policy.</p> <p>The definitions for "beach areas (specified times)" and "exercise area (specified times)", and clause 5.4.6 have been updated to reflect proposed changes to the Dog Policy. By adjusting specified times to be 10am and after 7pm in summer from 1 December until 1 March the consecutive year, it will increase the amount of time dogs can access these areas without interfering with beach users. The changes intend to make it easier for owners to remember the rules, by using the dates commonly known as being summer.</p> <p>The following terms are proposed to be defined to make the overall intent and scope of the bylaw clearer, and to be consistent with the Dog Policy:</p> <ul style="list-style-type: none"> - disability assist dog - exercise area (specified times) - working dog. <p>Section 5.2 and 5.2.1 have been reworded to establish that prior written permission is required.</p> <p>Section 5.2.1 has been reworded so it is clearer, and has been broken down into more sections so it is easier to read.</p> <p>Section 5.2.2 has been added to reflect the Dog Policy. Owners need permission to keep more than three dogs. The</p>

		<p>new wording establishes that the associated fee is one-off.</p> <p>It is proposed that section 5.4.1 is amended so that the list of dog exercise areas, prohibited and restricted places are attached to the Dog Policy, but not the bylaw.</p> <p>The proposed changes to 5.4.2 are to clarify its purpose. The wording in the old clause was not clear.</p> <p>Section 5.4.4 is updated for clarity.</p> <p>Beach areas (specified times) has been added to section 5.4.6 and 5.4.7 to clearly establish where working dogs and disability assist dogs are allowed.</p> <p>Section 5.4.8 has been added to reflect the Dog Policy. This section details the various criteria used to determine a dog exercise area.</p>
6	Other animals	<p>Various parts of the bylaw on other animals (such as poultry and goats) are proposed to be moved under one section. As with the sections on dogs and cats, this is intended to make the bylaw more reader friendly and easier to find information in.</p> <p>Proposed section 6.1 has been added to provide regulations around keeping poultry. Under the current bylaw, there are no explicit limitations on poultry ownership. The proposal establishes that poultry must be adequately contained so as not to cause nuisance. It is proposed that roosters are not allowed in urban areas.</p> <p>A limit on the number of poultry in urban areas is also proposed.</p> <p>It is proposed permission is required to keep more than twelve chickens. Similarly to cats, the intent of this is to protect the public from nuisance, and enable animal welfare organisations to assist if owners are irresponsible. A variety of other Council's across the country have similar restrictions. The exception for those in rural areas acknowledges that there is a lower chance of nuisance occurring due to rural properties being larger than those in urban areas.</p> <p>Proposed section 6.2 on goats has been restructured from the current section 2. The requirement for owned goats to be registered has been removed. The proposed changes will still require owned goats to be tagged or collared, so that they are identifiable from feral goats.</p>
7	Offences	<p>This section has been moved from its current position as section 4. Minor changes wording changes made to increase readability.</p>

		<p>The removal of bees from section 7.1.a is to reflect that the definition of "Animal" was updated to include bees.</p> <p>The introduction of the term domestic animal throughout section 7.1 to establishes that it is not a bylaw offence to offence to injure a bee or a wild bird. Offences concerning animal welfare (such as injuring and killing of wild animals) are enforceable under the Animal Welfare Act 1999.</p> <p>By adding "car park" to the section, the intention is to broaden the areas where domestic animals need to be under control. Proposed changes clarify the section's intention of protecting pets while they are being transported.</p> <p>Replacing "road" with "public place" means more areas – like carparks, parks, and footpaths – are covered.</p>
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Appendix B: Proposed Animals Bylaw

Wellington Consolidated Bylaw 2008: Part 2 – Animals

Purpose

The Wellington Consolidated Bylaw 2008: Part 2 – Animals, gives effects to, and gives legal powers to enforce, the Dog Policy 2016. It also sets requirements for the keeping of animals, to protect the public from nuisance, and to maintain and promote public health and safety and safeguard the welfare of animals.

This bylaw is made under Sections 145 and 146 of the Local Government Act 2002, Section 20 of the Dog Control Act 1996 and Section 64 of the Health Act 1956. The Animal Welfare Act 1999 should be read in conjunction with this bylaw.

1. Definitions

In this Bylaw:

Animal has the meaning defined in the Animal Welfare Act 1999 and means any live member of the animal kingdom that is a mammal, bird, bee, or any other member of the animal kingdom that is declared from time to time by the Governor-General, by Order in Council, to be an animal.

Authorised Officer means any person appointed or authorised by the Council on its behalf.

Domestic animal means any animal (including a bird or reptile, but excluding bees) kept as a domestic pet; any working dog; any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment.

Nuisance means a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person.

Poultry means domestic fowls kept for the eggs they produce, their meat, their feathers, or sometimes as pets.

Public Place has the meaning defined in Part 1 of the Bylaw and means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Rural area means any area zoned "rural" in any operative District Plan of the Council's operative District Plan.

The Act means the Dog Control Act 1996.

Urban area means any area that is not zoned "rural" under the Council's Operative District Plan.

2. Activities that require Council permission

2.1 The process to grant Council permission for anyone to carry out the activities set out below is outlined in Part 1 (Introduction) of the Wellington Consolidated Bylaw 2008. Council permission may be granted subject to any conditions the Council sees fit.

2.2 The following activities will require the Council's prior written permission:

2.2.1 Animal establishments

a. Establishing or maintaining any animal boarding establishment, including dog daycare services.

b. Establishing or maintaining a pet shop, animal hospital, or refuge centre for the keeping, selling, or treating of animals that also operates a business as a boarding establishment.

2.2.2 Bringing a domestic animal, other than where this is permitted under the Dog Policy, into areas classified as a beach area (restricted during summer), controlled public place, exercise area (specified times), prohibited public place, prohibited place (specified times) for special events.

3. General conditions of keeping animals

3.1 All animals shall be kept in a manner that is not, or is not likely to become, a nuisance, dangerous, offensive, or injurious to health.

3.2 All animals shall be kept in a manner that ensures they have access to sufficient food, water, shelter and, where appropriate, adequate exercise.

3.3 All animals, other than domestic cats, found at large and not within their owner's property may be seized and impounded by an authorised officer.

3.4 The Council may sell, re-home or otherwise dispose of any animal seized and impounded under clause 3.3 that has not been claimed or returned within 7 days after it was seized and impounded.

3.5 Feeding of animals can attract rats or other vermin or cause excessive fouling to public places. No animals are to be fed in public places, except for in designated areas, or with prior written permission from the Council.

3.5.1 Areas for feeding will be clearly signposted. In assessing an application to feed animals, the Council will consider the following factors:

- a. whether the activity is likely to attract vermin or create public health issues
- b. whether the activity is likely to cause nuisance, or adversely impact wildlife

4. Cats

4.1 All domestic cats must be easily identifiable as owned, in a way that lets the owner be traced easily.

Note: The Council strongly recommends that cats are microchipped and registered with the registration with a recognised microchip registry. This is in line with recommended best practice outlined in the Ministry of Primary Industry's Animal Welfare (Companion Cats) Code of Welfare 2007.

4.2 Activities that require Council permission

4.2.1 An owner or occupier of any premises may keep no more than three cats over the age of six months on a property without the Council's prior written permission.

4.2.2. Clause 4.2.1 does not apply to approved catteries or registered breeders operating in accordance with all required approvals and consents.

4.2.3. In assessing an application to allow more than three cats under clause 4.2.1, the Council will consider:

- a. The number of cats at the premises
- b. Whether all the cats at the premises are microchipped and neutered
- c. Provision for the cats' hygiene, control, and confinement
- d. Provision for the protection of other persons or property from being affected in any way by the cats.

The Council may impose whatever conditions it sees fit on any permission it issues.

5. Dogs

5.1 Interpretation (dogs)

Beach exercise areas means beach areas where dogs can exercise off-leash.

Beach areas restricted during summer means areas where dogs are prohibited from 10am to 7pm every day during summer (from 1 December until 01 March the consecutive year). These areas are classed as controlled public places where dogs can be on-leash before 10am and after 7pm in summer and on-leash at all times in winter.

Controlled public place means any area where dogs are allowed as long as they are on-leash and under the control of their owner.

Disability assist dog means a dog trained (or in training) to assist a person with a disability as defined under the Act, including any guide dog, hearing ear dog, or companion dog.

Exercise area means any area where dogs are allowed off-leash under the control of their owner.

Exercise area (specified times) means areas where dogs are allowed off-leash before 10am and after 7pm in summer (from 1 December until 1 March the consecutive year) and off-leash at all times in winter.

Leash means a strap or chain attached to a collar or harness on the dog, sturdy enough to ensure that the dog is restrained and controlled by the person using the leash.

Prohibited public place means any area where dogs are not allowed at any time, on or off-leash.

Prohibited place (specified times) means where dogs are prohibited during the times specified.

Working dog means any dog that works for the Government, the Police, is a disability assist dog, or is part of commercial activity.

5.2 Activities that require Council permission

The following activities will require the Council's prior written permission:

5.2.1 Keeping more than three dogs

No household (other than those in a rural area) may keep more than three dogs in total, unless given prior written permission by the Council. Permission will be required for more than three dogs over the age of three months, whether or not the dogs are registered or the owner/occupier is the registered owner of the dogs.

5.2.2 On application, dog owners will have to pay the associated fee for permission to keep more than three dogs on a property.

5.2.3 In assessing an application under clause 5.2.1 the Council will consider the impact granting Council permission will have on the amenities of the neighbourhood. The Council's permission may be subject to any terms, conditions and restrictions it thinks fit, including:

- a. specifying the number of dogs that may be kept on the premises at any one time
- b. specifying the duration of the Council's permission
- c. restrictions as to the purpose for which the dogs may be kept
- d. provision for the dog's hygiene, control, confinement and regular inspection
- e. provision for the protection of other persons or property from being affected in any way by the dogs.

5.3 Dog nuisances

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5.3.1 If, in the opinion of an authorised officer, any dog or the keeping of any dog on any premises has become, or is likely to become, a nuisance, injurious or hazardous to health, property, or safety, the officer may require the owner by written notice to:

- a. reduce the number of dogs kept on the premises
- b. construct, alter, reconstruct or otherwise improve the kennels, fences or other buildings used to house or contain the dog
- c. take such action as the authorised officer deems necessary to minimise or remove the likelihood of nuisance, hazard or injury to health, property or safety

5.3.2 The owner must comply with any notice issued under clause 5.3.1 within the time specified in the notice.

5.4 Dog areas

5.4.1 The Council may, by publicly notified resolution, declare any public place to be one of the following classifications and may impose prohibitions and restrictions in respect of that area:

- a. controlled public place
- b. exercise area
- c. exercise area (specified times)
- d. beach exercise area
- e. beach area (restricted during summer)
- f. prohibited public place
- g. prohibited place (specified times).

5.4.2 Dogs not on private land must be on-leash and under the control of their owners at all times, unless in a designated off-leash area (where they can be off-leash, but still need to be under the control of their owner).

5.4.3 Dogs are permitted to enter any cemetery controlled by the Council, provided that:

- a. this part of the Bylaw is complied with
- b. the dog is under the control of its owner and on-leash at all times.

This clause is made pursuant to the Burial and Cremation Act 1964.

5.4.4 The owner of any dog will ensure their dog does not enter any public place contrary to any classification, prohibition or restriction imposed by the Council under clause 5.4.1.

5.4.5 The owner of any dog may keep their dog off-leash in any exercise area, exercise area (specified times), beach exercise area, or beach areas restricted during summer during the times specified in the resolution under clause 5.4.1

5.4.6 Despite any restrictions imposed under clause 5.4.1, any working dog that is working at the time may enter a controlled public place without a leash if required and a prohibited public place, beach areas restricted during summer, beach areas (specified times) or a prohibited place (specified times) declared under clause 5.4.1.

5.4.7 The owner of any disability assist dog may keep their dog off-leash in a controlled public place, prohibited public place, beach areas restricted during summer, or a prohibited place (specified times) declared under clause 5.4.1.

5.4.8 Criteria to determine exercise areas

The criteria used to determine exercise areas for dogs include:

- the area is not used extensively for sporting or other purposes
- the area is of significant size and has appropriate access
- there are sufficient sight lines
- the area is well bounded from adjacent areas
- no potential risk to other groups
- new areas must be fenced if they are adjacent to a road.

6. Other animals

6.1 Poultry

6.1.1 Poultry must be adequately contained within the owner's property, so as not to cause (or be likely to cause) nuisance, offence or be injurious to health.

6.1.2 No roosters are to be kept in urban areas.

6.2 Goats

6.2.1 Goats must wear an ear tag (an RFID tag or similar) or collar to indicate that they are not feral, and so the owner can be traced if the goat is seized.

6.2.2 All goats kept within the district must be kept confined within their owner's property.

6.1.3 Activities that require Council permission

6.1.4 An owner or occupier of any property in an urban area may keep no more than twelve poultry without the Council's prior written permission. In assessing an application to allow more than twelve poultry, the Council will consider:

- a. The number of poultry at the premises
- c. Provision for hygiene, control, and confinement of the poultry

- d. Provision for the protection of other persons or property from being affected in any way by the poultry.

The Council may impose whatever conditions it sees fit on any permission it issues.

7. Offences

7.1 Everyone commits an offence who:

- a. keeps animals in a manner that is, or is likely to become, a nuisance, dangerous, offensive, or injurious to health
- b. being the owner or having the care, custody, or control of any domestic animal does not confine it adequately to prevent it from straying on to any road or car park; trespassing on any land or reaching into or over any residential property or public place
- c. injures any domestic animal in a public place and fails to render assistance
- d. kills any domestic animal in a public place and allows it to remain in a public place
- e. buries any animal carcass anywhere in the district in a manner that is or is likely to become a nuisance, injurious or hazardous to health or safety.

7.2 Every dog owner or person in possession of the dog at the time commits an offence who:

- a. allows their dog to enter or be in a public place when it is infected with mange, distemper, or other infectious disease, or it is a bitch in season
- b. does not immediately pick up and remove and/or dispose of their dog's faeces when it defecates in any public place, or on land or premises other than that occupied by the dog's owner
- c. allows their dog (except a working dog that is working at the time) in a public place, unless it is controlled by a leash or unless allowed by resolution under clause 5.4.1.

Appendix C: Current Animals Bylaw (2004)

Wellington Consolidated Bylaw 2008: Part 2 - Animals

Contents

The *Wellington Consolidated Bylaw 2008: Part 2 - Animals*, gives legal powers to enforce the Dog Policy 2009 and determines requirements for the keeping of animals and bees to protect the public from nuisance, maintain and promote public health and safety and the welfare of animals.

This bylaw is made under Sections 145 and 146 of the Local Government Act 2002, Section 20 of the Dog Control Act 1996 and Section 64 of the Health Act 1956. The Animal Welfare Act 1999 should be read in conjunction with this bylaw.

1. Definitions

In this bylaw:

Animal has the meaning defined in the Animal Welfare Act 1999 and means any live member of the animal kingdom that is a mammal, a bird or any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order in Council, to be an animal.

Authorised Officer means any person appointed or authorised by the Council on its behalf.

Beach exercise areas - beach areas where dogs can exercise off-leash under the control of their owner.

Beach areas restricted during summer means areas where dogs are prohibited from 9am - 7pm every day in summer (during national Daylight Saving hours). These areas are classed as controlled public places where dogs can be on-leash before 9am and after 7pm in summer and on-leash at all times in winter.

Birds include any domestic or wild birds, poultry, game, caged birds or birds kept for display. Poultry includes geese, ducks, turkeys, pigeons, pheasants, domestic fowls, chickens or roosters.

Controlled public place means any area where dogs are allowed as long as they are on-leash and under the control of their owner.

Exercise area means any area where dogs are allowed off-leash under the control of their owner.

Exercise area (specified times) means any area where dogs are allowed off-leash before 9am and after 7pm in summer (during national Daylight Saving hours) and off-leash at all times in winter.

Leash means a strap or chain attached to a collar or harness on the dog, sturdy enough to ensure that the dog is restrained and controlled by the person using the leash.

Nuisance refers to the dictionary definition (a person, thing, or circumstance causing trouble or annoyance; anything harmful or offensive to the community or a member of it and for which a legal remedy exists) or to a statutory nuisance as defined in Section 29 of the Health Act 1956.

Prohibited public place means any area where dogs are not allowed at any time on or off-leash.

Prohibited place (specified times) means any area where dogs are prohibited for a specified time.

Rural area means any area zoned 'rural' in any operative District Plan of Council and rural premises is any premises situated in the rural zone, open space zone or conservation zone under the operative District Plan.

Stock has the meaning as defined under the Dog Control Act 1996.

The Act means the Dog Control Act 1996 and its subsequent amendments.

Urban area means any area which is not a rural area.

2. Activities that require Council permission

2.1 The process to grant Council permission for anyone to carry out the activities set out below is outlined in Part 1 (Introduction) of the Wellington Consolidated Bylaw 2008. Council permission may be granted subject to any conditions the Council sees fit.

2.2 The following activities will require Council's prior written permission.

2.2.1 Animal establishments

Establishing or maintaining any animal boarding establishment.

Establishing or maintaining a pet shop, animal hospital, or refuge centre for the keeping, selling or treating of animals that also operates a business as a boarding establishment.

2.2.2 Keeping goats

Anyone keeping goats within the district (including the rural area).

2.2.3 Keeping more than three dogs

An owner or occupier of any premises (other than rural premises) keeping more than three dogs in total on a property. Permission will be required for more than three dogs over the age of three months, whether or not the dogs are registered or the owner/occupier is the registered owner of the dogs.

In assessing an application under clause 2.2.3 the Council will consider the impact granting Council permission will have on the amenities of the neighbourhood. Council's permission may be subject to any terms, conditions and restrictions, including:

- a. limiting the number of dogs that may remain or be kept on the premises at any one time
- b. limiting the duration of Council's permission
- c. restrictions as to the purpose for which the dogs are to be kept
- d. provision for the dogs' hygiene, control, confinement and regular inspection
- e. provision for the protection of other persons or property from being affected in any way by the dogs.

3. Other activities

3.1 General conditions of keeping animals

3.1.1 All animals and/or bees shall be kept in a manner that is not or is not likely to become a nuisance, dangerous, offensive, or injurious to health.

3.1.2 All animals shall be kept in a manner that ensures they have access to sufficient food, water, shelter and, where appropriate, adequate exercise.

3.1.3 All goats kept within the district must be kept confined within their owner's property and must display (whether by a tag or otherwise) the number provided by the Council when Council permission is granted under clause 2.2.2, so that the owner can be identified.

3.1.4 All animals, other than domestic/owned cats, found at large and not within their owner's property may be seized and impounded by an authorised officer.

3.1.5 The Council may sell, re-home or otherwise dispose of, any animal seized and impounded under clause 3.1.4 that has not been claimed or returned within 7 days after it was seized and impounded.

3.2 Feeding animals

3.2.1 Feeding of animals can attract rats or other vermin or cause excessive fouling to public places. Where restrictions are required for specific areas, they will be clearly signposted. Animals must not be fed in these signposted areas.

3.3 Dog nuisances

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3.3.1 If, in the opinion of an authorised officer, any dog or the keeping of any dog on any premises has become, or is likely to become, a nuisance, injurious or hazardous to health, property, or safety, the officer may require the owner by written notice to:

- a. reduce the number of dogs kept on the premises
- b. construct, alter, reconstruct or otherwise improve the kennels, fences or other buildings used to house or contain the dog
- c. take such action as the Officer deems necessary to minimise or remove the likelihood of nuisance, hazard or injury to health, property or safety.

3.3.2 The owner must comply with any notice issued under clause 3.3.1 within the time specified in the notice.

3.4 Dog areas

3.4.1 The Council may, by publicly notified resolution, declare any additional public place to be one of the following classifications and may impose prohibitions and restrictions in respect of that area:

- a. Controlled public place
- b. Exercise area
- c. Exercise area (specified times)
- d. Beach exercise area
- e. Beach area (restricted during summer)
- f. Prohibited public place
- g. Prohibited place (specified times)

A list of areas that are currently classified is included in Appendix A.

3.4.2 Dogs entering and remaining in *Controlled public places* must be on-leash and under the control of their owner at all times.

3.4.3 Dogs are permitted to enter any cemetery controlled by Council, provided that:

- a. This Part of the Bylaw is complied with; and
- b. No dog is permitted to enter any cemetery controlled by Council unless it is under the control of its owner and on-leash at all times.

This clause is made pursuant to the Burial and Cremation Act 1964.

3.4.4 The owner of any dog will ensure their dog does not enter a *Prohibited public place* or a *Prohibited place (specified times)* contrary to any prohibition or restriction imposed by the Council under clause 3.4.1.

3.4.5 Despite any restrictions imposed under clause 3.4.1 any working dog that is working at the time may enter a *Controlled public place* without a leash if required and a *Prohibited public place* or a *Prohibited place (specified times)*.

3.4.6 The owner of any dog may keep their dog off-leash in any *Exercise area*, *Exercise area (specified times)* or *Beach exercise area* during the times specified in the resolution under clause 3.4.1.

3.4.7 The owner of any authorised disability assist dog may keep their dog off-leash in a *Controlled public place*, *Prohibited public place* or a *Prohibited place (specified times)* declared under clause 3.4.1.

4. Offences

4.1 Everyone commits an offence who:

- a. keeps animals and/or bees in a manner that is, or is likely to become a nuisance, dangerous, offensive, or injurious to health.
- b. being the owner or having the care, custody, or control of any animal, does not confine it adequately to prevent it from straying on to any road; trespassing on any land or reaching into or over any residential property or public land.
- c. injures any animal on any road and fails to render assistance.
- d. kills any animal on any road and allows it to remain on the road.
- e. buries any animal carcass anywhere in the district in a manner that is or is likely to become a nuisance, injurious or hazardous to health or safety.

4.2 Every dog owner or person in control of the dog at the time commits an offence who:

- a. allows their dog to enter or be in a public place when it is infected with mange, distemper, or other infectious disease, or it is a bitch in season.
- b. does not immediately pick up and remove and/or dispose of their dog's faeces when it defecates in any public place, or on land or premises other than that occupied by the dog's owner.
- c. allows their dog (except a working dog that is working at the time) in a public place, unless it is controlled by a leash or unless allowed by resolution under clause 3.4.1.

Residents' Opinions on Animal Management in Wellington City

Report on the 2015 animal bylaw survey

WCC Research and Evaluation team

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2 Residents Opinions on Animal Management

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Introduction and Aims

A review of the Animal Bylaw is currently being undertaken and is to be completed by August 2016. The purpose of the bylaw is to assist the management of animals in Wellington, including maintaining and promoting public health and safety, protecting the public from nuisance and protecting the welfare of animals. This review has already received significant media attention and public interest.

Public debate surrounding cat ownership in particular has increased since the last bylaw review, with concern for native animals being expressed. Preliminary results of a VUW survey indicated that there was broad support for the introduction of some measures to promote responsible cat ownership. However, as the survey was opt-in, it is uncertain whether the results were reflective of the broader population in Wellington City.

As only dogs need to be registered, other pet populations in Wellington City are unknown, making it difficult to understand who would be affected by changes to regulations.

Therefore, the Policy team requested a survey to be carried out in order to:

- Gain an idea of animal ownership in the Wellington City area, especially cats, hens and roosters
- Understand the political feasibility of possible options for animal management.

Method

An online survey was carried out using the Wellington City Council’s research panel, *Our Capital Views*. Panel members were given a small incentive to complete the survey, a prize-draw for one \$100 supermarket voucher.

723 (32%) of the 2,289 panel members responded in December 2015.

Demographics are presented in the tables below. While the panel is broadly reflective of the Wellington City’s population over 18 years of age, it was noted that proportionally less males, 18-39 year olds, and Lambton Ward residents, answered the survey compared to the Wellington City population. Therefore, results were weighted by sex, age and ward to ensure they were as reflective of the population as possible.

Open ended responses have been analysed into themes.

Table 1: Sex, Age and Ward Breakdown of Sample

	This survey	Census figures Wellington City 18+
Sex		
Male	42%	48%
Female	57%	52%
Gender diverse	0%	-
Didn't disclose	1%	-
Age		
18-29	6%	29%
30-39	15%	20%
40-49	23%	19%
50-64	31%	20%
65+	25%	12%
Ward		
Eastern Ward	18%	19%
Lambton Ward	19%	26%
Northern Ward	22%	22%
Onslow-Western	26%	20%
Southern Ward	14%	14%

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General results

Domestic animals in the city

50% of respondents had pets living at their household. Of those that had pets in their households, 35% had cats, 19% had dogs, and 5% had hens. One household had a rooster and none had goats. Other pets owned included birds, guinea pigs, rabbits, rats, bees, fish and horses.

Opinions about wildlife

Almost all respondents (97%) agreed that the protection of wildlife was important and 95% of pet owners agreed that they would take steps to stop their pets from harming wildlife if the measures were effective.

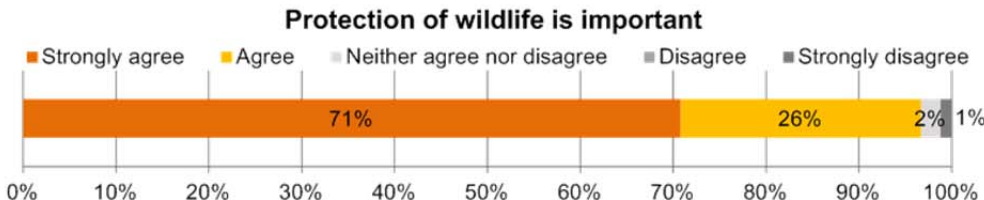


Figure 1: Importance of protecting wildlife

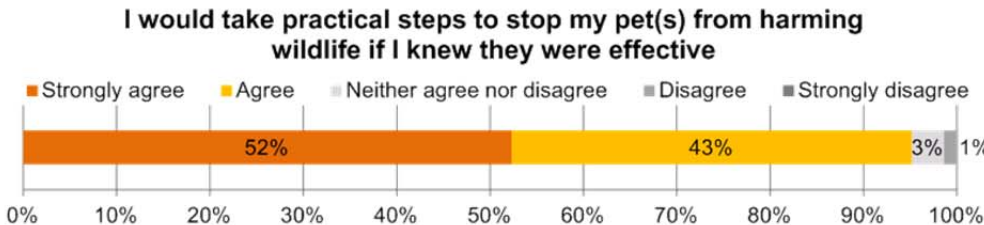


Figure 2: Owners' willingness to take measures to protect wildlife from pets

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Cats

Current rules for cat ownership

While there are currently no rules around cat ownership in the city, most respondents were uncertain about this.

Table 3: Knowledge about rules on cat ownership at present

Rules	Percentage
I'm not sure	62%
There are no rules on cat ownership in my area	28%
Restricted number of cats per household	7%
Cats must be desexed	5%
Cats must be microchipped	4%
Cats must be registered	4%
Cats contained to the owners' property	1%

*Responses sum to more than 100% as respondents could choose more than one option.

Attitudes towards cats

65% of the sample claimed to either like or really like cats, with only 15% disliking or really disliking cats.

Over half of the respondents (55%) had not been bothered by cats in Wellington in the last year. However, 29% of respondents had been bothered by wandering cats and a quarter by cat faeces. 'Other' reported nuisance behaviours included: other peoples' cats killing or disturbing their pets; digging in the garden and using their lawn as a toilet; coming into their house; stalking and attacking birds, lizards and skinks; leaving dead animals to clean up; having cat hair on their property; fighting; getting into the rubbish; stealing socks; and producing unwanted kittens.

Table 4: Respondents bothered by cat behaviours in the last year

Nuisance behaviours	Percentage
Not been bothered by cats	55%
Wandering cats	29%
Faeces	24%
Noise	12%
Smells	7%
Other	11%

*Responses sum to more than 100% as respondents could choose more than one option.

6 Residents Opinions on Animal Management

Support for proposed measures

Respondents were most supportive of introducing a public education campaign on responsible cat ownership (86%) and least supportive of a night time curfew for cats (43%). See Table below.

Of the 77% of respondents that thought there should be a limit to the number of cats per household, the average limit suggested was 2 cats. Suggestions ranged up to 6 cats.

Table 5: Respondents supportive of measures being introduced

Potential measures	Yes	No	Unsure
A public education campaign on responsible cat ownership	86%	6%	8%
A limit on the number of cats per household	77%	12%	11%
Mandatory de-sexing of cats (with some exceptions for registered cat breeders)	77%	13%	10%
Subsidised microchipping of cats to encourage microchipping	70%	20%	10%
Mandatory cat registration	67%	20%	13%
Compulsory microchipping of cats	66%	19%	14%
Authorities having the ability to trap and remove cats found on reserve land	62%	17%	21%
A night time curfew on cats (e.g. cats must be contained to their owner's property at night)	43%	38%	19%

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Cat owner behaviour

Of the respondents that have cats, 56% said that their cats caught prey, 39% said their cats did not hunt and 4% were unsure.

57% of respondents with cats in their household did not purposefully try to keep their cat indoors. 34% kept their cat indoors at night, 7% kept their cat indoors all the time and 1% kept their cat indoors during the day. Those that kept their cat indoors all or some of the time gave the following reasons for doing so:

- Ensure the cat's safety – don't want them fighting, having an accident or getting lost/stolen (57)
- Reduce hunting and bringing prey inside (48)
- Cats like being inside or do not venture outside (8)
- Keep the cat close to them, to pat etc (2)
- Foster for the SPCA and they are not allowed out (1)
- Live in an apartment (1).

55% of respondents with cats reported they had been microchipped, 2% commented that at least one of their cats had been microchipped, while 39% had not microchipped their cat. 4% were unsure whether the cat in their household had been microchipped.

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Hens and Roosters

Opinions about hens and roosters

The majority of respondents (72%) were supportive of hens being allowed to live in their area. However, the majority of respondents (64%) were opposed to roosters living in their area.

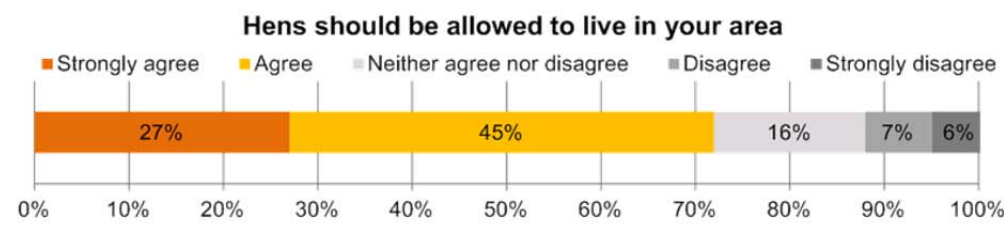


Figure 3: Opinions on hens in the city

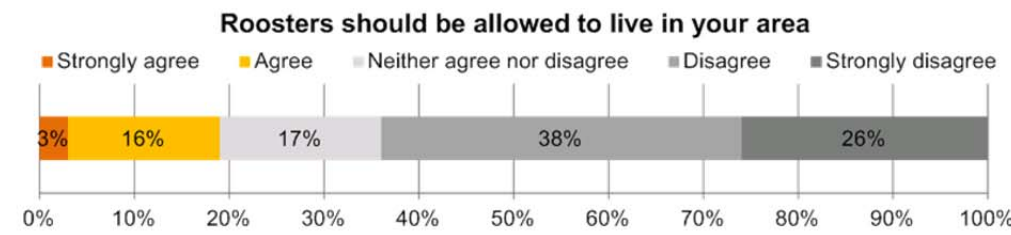


Figure 4: Opinions on roosters in the city

68% of respondents thought there should be a limit on the number of roosters and hens per household, 10% thought there should not be any limit and 22% were unsure. Of those that thought there should be a limit, the average suggestion was 4, with suggestions ranging up to 10.

Most respondents (89%) had not been bothered by hens or roosters in the last year.

Table 6: Respondents bothered by hens or roosters in the last year

Nuisance behaviours	Percentage
Not been bothered by hens or roosters	89%
Loose hens or roosters that have escaped	6%
Noise	6%
Smells	3%
Other	2%

*Responses sum to more than 100% as respondents could choose more than one option.

'Other' nuisance behaviours reported included creating a mess in the garden, rats near hens, stale eggs, poo and disruption of their pets.

Pigeons

Opinions on pigeons

Almost half of all respondents were bothered by pigeon faeces and being surrounded by pigeons while eating in the last year.

Table 7: Respondents bothered by pigeons in the last year

Nuisance behaviours	Percentage
Being surrounded while eating	47%
Faeces	45%
Not been bothered by pigeons	37%
Health concerns	24%
Smells	16%
Other	6%

*Responses sum to more than 100% as respondents could choose more than one option.

'Other' nuisance behaviours reported included hazardous low flying, flocking behaviour, people feeding the pigeons, unsightly pigeons that are dead or in poor health, pigeons stealing food, property damage, pigeons entering homes and cafes, dirtying washing and a general dislike for pigeons. In contrast there were a couple of comments that indicated concern for pigeons' wellbeing.

General comments

Respondents were given the opportunity to make general comments about animal management in the city. These comments were coded into themes. The main themes are presented below.

Cats

These comments should be read in conjunction with the results on page 6.

Containing cats (39)

These respondents opposed a cat curfew or containing cats as they thought it was an impractical measure, it would be hard to enforce, was not fair to cats, and while supportive of reducing the impact of cats on wildlife, they did not think having a curfew would achieve the desired outcome. A couple of people specifically commented that they thought cats posed the same if not more threat to wildlife during the day as at night.

Predatory behaviour (26)

Respondents mentioned that cats played a useful role in keeping pest (e.g. stoats, rats and mice) numbers down and that this should be taken into consideration. A few people commented that their cats did not hunt native birds, while others conceded that while cats may hunt birds, by also hunting other predators of birds, they were assisting keep bird numbers up.

Bells/collar (11)

Items such as mandatory bells and clown collars were suggested to protect wildlife.

Registering, microchipping and desexing (13)

Respondents reiterated their support for one or a combination of registering, microchipping and desexing cats. However, there was a concern raised that making such things compulsory may lead to an increase in abandoned animals.

Euthanasia (10 supportive, 2 opposed)

Some comments were supportive of stray cats being put down, as they thought the current catch, fix and release programme did not stop cats from attacking wildlife and being a nuisance. However, others thought this was inhumane.

Limit on numbers (10)

Respondents made comments in favour of limiting the number of cats in Wellington, especially around bush reserves. However, 1 person mentioned that limiting the number of cats would lead to an increase in the number of dogs which they were not in favour of.

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Dogs

A number of respondents raised the following issues in relation to dogs:

- Faeces left in public areas (41)
- Barking (23)
- Dogs not on leashes (17)
- Concern for safety with regards to aggressive dog breeds or owners not controlling their dogs (16).

In favour of dogs, 17 respondents commented that they would like the rules around dogs to be relaxed, allowing them access to more places in Wellington while on their lead and having more dog friendly areas e.g. fully fenced dog parks or exercise areas.

Eight respondents also mentioned that rules for cats and dogs were inconsistent and should be the same.

Pigeons

42 respondents commented that they would like pigeon numbers to be managed. While some would support any form of pigeon control, others thought killing them was harsh. They suggested putting anti bird spikes on public buildings, educating people on why they should not feed pigeons and introducing penalties for those that do feed them.

Hens and roosters

There were a range of comments made about hens and roosters. Five respondents commented that the number of hens should be subject to the size of owners' sections. One person commented that keeping hens should be encouraged as civil emergency provisions. Others stated that containment of hens should be enforced (3) although a few people thought they should not be allowed in the city at all as they attracted rats (3).

On the whole comments were more tolerant of having hens than roosters in the city. Comments ranged from people wanting strictly no roosters in the city (5), to those that enjoyed hearing roosters crow in the morning (2).

Other birds

Respondents commented that other birds such as ducks, geese, kaka, roosting birds and starlings were also a nuisance, due to aggressive behaviour, noise and faeces (12).

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Bees

Four respondents thought bee keeping should be actively encouraged in the city. However, two respondents, whose neighbours had bees, said that they stung their pet, left sticky residue on their home and scared children.

Responsible pet ownership

Respondents commented that responsible animal ownership should be encouraged (26). While a number of respondents thought that responsible pet ownership was common sense, some respondents suggested introducing an animal permit or rewarding responsible ownership, while others suggested irresponsible pet ownership or mistreatment of animals should result in a penalty e.g. a lifetime ban of animal ownership. A few people specifically commented that it was the owners not the animals that were the problem and owners needed to be more responsible for their animals.

Wildlife

Respondents commented favourably on the recent increase in bird life in Wellington. A number of respondents thought that protection of wildlife should have precedence over pets (17). However, others thought the balance needed to be sensible and realistic.

Other comments in relation to wildlife included support for educating the public about the harm pets can have on wildlife, and calling for increased public participation in controlling and culling other animals such as possums, stoats and rats that are threats to native wildlife.

Call for evidence and education

Education and clear explanation, using quality research, was requested by 26 respondents to encourage people to adopt certain measures willingly. In particular, requests for public education were made in relation to:

- The importance of wildlife e.g. raise profile of lizards and insects
- Wildlife breeding areas and seasons
- The impact on wildlife of cats and off leash dogs
- Keeping dogs on leash on beaches and streets
- Encouraging dog owners to pick up faeces
- Desexing dogs
- How to keep cats off your property
- Why you should not feed pigeons.

Conclusion

Of those surveyed, 50% had a household pet. The most common household pet was a cat. Most respondents were unclear about whether there were any current regulations with regards to cats in the city. The majority of respondents liked cats and had not experienced any nuisance behaviours in relation to cats in the last year. However, except for the introduction of a cat curfew, the majority of respondents supported introducing proposed measures for cats. This supports the preliminary findings from the VUW study. The proposed measures supported by the majority of respondents included a public education campaign, limiting the number of cats per household, mandatory de-sexing of cats, mandatory and subsidised microchipping, mandatory registration, and authorities being allowed to trap and remove cats from reserve land.

At present the majority of cat owners do not currently try to keep their cats indoors. Comments indicated that respondents thought this was impractical and also would be hard to enforce.

Close to two thirds of respondents were bothered by pigeons in the last year and there was strong support for management of pigeon numbers in the comments. While most respondents have not been bothered by hens or roosters in the city in the last year, the majority of respondents did not want roosters allowed in their area. In contrast the majority of respondents agreed that hens should be allowed.

Support for wildlife was strong, with virtually all respondents agreeing that protection of wildlife was important, and pet owners reportedly prepared to take practical steps to minimise harm to wildlife.

4. Monitoring

REPORTS FROM COUNCIL CONTROLLED ORGANISATIONS FOR THE QUARTER ENDING 31 DECEMBER 2015

Purpose

1. To provide reports from the Wellington Zoo Trust and the Karori Sanctuary Trust for the quarter ended 31 December 2015.
2. To receive information from Wellington Water Limited for the quarter ended 31 December 2015.

Recommendations

That the Environment Committee:

1. Receive the information.
2. Note any issues for the Chair to raise with the Council Controlled Organisations covered in this report.

Background

3. It is a requirement of the Local Government Act 2002 (the Act) that where the Council is a shareholder in a Council Organisation it must regularly undertake performance monitoring of that organisation to evaluate its contribution to the achievement of:
 - the Council's objectives for the organisation;
 - the desired results, as set out in the organisation's Statement of Intent; and
 - the Council's overall aims and outcomes.
4. The Environment Committee is tasked with the assessment of the efficiency and effectiveness of the following entities:
 - The Wellington Zoo Trust (the Zoo)
 - The Karori Sanctuary Trust (ZEALANDIA)
5. The Committee also receives information from Wellington Water limited (WWL). The Council is one of five shareholders in the company. The others being the Hutt City Council, Porirua City Council, Upper Hutt City Council and the Wellington Regional Council. The shareholders jointly monitor the company via the Wellington Water Committee.
6. Officers have reviewed the Quarterly reports from the organisations noted above and consider that there are no material issues that are not covered in the reports.

Discussion

7. If the Committee needs to clarify the information presented or requires additional assistance with its monitoring role, it can ask officers or the Chair of the Committee to seek responses from the Board Chair.

The Wellington Zoo Trust

ACTIVITY SUMMARY							
<ul style="list-style-type: none"> Meet the Locals He Tuku Aroha was opened by the Mayor on 22 October 2015. The Zoo's new website went live on 1 December and includes the upgrade of the online booking system and integration with a new Point of Sales platform. In November, the Zoo was named Supreme Award Winner at the 2015 Wellington Region Business Excellence awards. The Zoo has again been carboNZero certified and continues to reduce emissions. The installation of solar panels in early 2016 is expected to cut emissions further by approximately 2.3%. YTD, visitor numbers to the Zoo are tracking well due in part to a strong response to the opening of Meet the Locals He Tuku Aroha. There has been a delay in the completion of the kea aviary in the Meet the Locals He Tuku Aroha precinct. The Zoo is currently in discussions with the contractor to resolve the issue with the mesh. In November, the Zoo received its triennial ZAA Animal Welfare Accreditation. 							

SUMMARY FINANCIALS							
* Variance (Actual minus Budget): ✓ Favourable variance to budget ✗ Unfavourable variance to budget							
FINANCIAL PERFORMANCE (\$,000)	Q1 Actual	Q1 Budget	Variance	YTD Actual	YTD Budget	Variance	Annual Budget
Total Revenue	1,863	1,725	138 ✓	3,365	3,139	226 ✓	6,303
Total Expenses	1,735	1,600	135 ✗	3,209	3,173	36 ✗	6,303
Net Surplus	128	(125)	253 ✓	156	(34)	190 ✓	0
FINANCIAL POSITION							
Total Assets				3,672	2,137	1,535 ✓	2,170
Total Liabilities				1,592	1,208	(384) ✗	1,207
Equity				2,080	929	1,151 ✓	963
CASH FLOWS							
Total Net Cash Flows				(520)	(23)		21
Opening Cash				3,456	2,582		2,032
Closing Cash				2,936	2,559		2,053

SUMMARY FINANCIALS

A review of the financial statements of the Zoo highlights the following points:

- Revenue of \$1.863m for the quarter is ahead of budget by \$138k (8%). YTD revenue is \$226k (7%) ahead of budget, largely as a result of trading income YTD of \$1,638 being \$147k (9%) ahead of budget, and the receipt of a \$40k unbudgeted grant for Health and Safety staff provisioning. YTD revenue includes \$22k of capital grants and donations.
- Expenses for the quarter of \$1,735 is \$135k (8%) over budget, due largely to the timing of marketing and advertising for the launch of Meet the Locals He Tuku Aroha.
- The YTD net surplus of \$156k is well ahead of the budgeted deficit of -\$34k.
- The Trust's cash balance as at 31 December was \$2.936m, including \$1.606m in restricted funds.
- The Council's fully costed visitor subsidy calculation for the quarter was \$20.59. It is on track to meet the target at year end.

KEY PERFORMANCE INDICATORS

MEASURE		Q2 31 Dec 15	YTD 31 Dec 15	3 Year Trend	Comments
Visitors	Target Actual	62,248 67,133 ✓	109,552 116,150 ✓	Improving ↗	Q2 visitors were ahead of target by 4,885 (8%) largely due to the successful response to the opening of Meet the Locals He Tuku Aroha.
Average income per visitor (excl. WCC grant)	Target Actual	\$16.42 \$16.84 ✓	\$15.82 \$16.32 ✓	Steady →	The favourable result is due in part to YTD revenue being above budget.
Ratio of trust generated income as % WCC grant	Actual YTD	135%		Improving ↗	Annual Target 124%.
Average WCC subsidy per visitor	Actual YTD	\$12.11		Improving ↗	Annual Target \$11.99.
Fully costed visitor subsidy	Actual YTD	\$20.59			Annual Target \$21.19. WCC generates the figure which includes depreciation, shared service costs, insurance, and interest.
Staff turnover	Actual YTD	4.8%		Steady →	Annual Target <20%
Number of vulnerable or endangered species	Actual YTD	25		NA	Annual Target >26
Volunteer hours	Actual YTD	6,619 hrs		Steady →	Annual Target 9,600 hrs

KPI COMMENTARY

The Zoo's KPIs are tracking well, with the following items noted:

- LEOTC numbers of 7,029 are slightly lower (5%) than the same time last year. However, the holiday programme continues to be well supported with numbers up 7% YTD on the previous year. During the quarter the Zoo hosted an Enviroschools Hui to showcase learning opportunities available to teachers through the LEOTC and Bush Builders programmes.
- Contact Animal hours YTD were lower than the same period last year as a result of the focus of Visitor Rangers on finishing their preparatory work for Meet the Locals He Tuku Aroha. However, contact hours are expected to increase over the summer months as people participate in Close Encounters.
- The Zoo continues to grow its online presence with its Facebook following increasing by 2,886 (9%) to 34,169, and Twitter followers reaching 7,353, up 5% on the previous quarter. This is enabling the Zoo to engage with the wider community to deliver its key environmental programmes and conservation messages.

OUTLOOK

Key activities and issues anticipated in the next quarter include:

- Work continues on undertaking earthquake strength assessments of Zoo assets that have been identified as potentially earthquake prone.

ZEALANDIA

QUARTER IN REVIEW

Visitors:

- ZEALANDIA welcomed 34,273 visitors during the quarter, taking YTD visitation to 55,774 which is 25% ahead of the Trust's YTD target.
- The Q2 results included the highest ever December visitation at 13,903 for the month which was 8% up on the previous highest month (Jan-2015). The strong performance has continued the growth that followed the successful 20th anniversary celebrations and the Sirocco visit and is a result of a combination of other factors including the timely launch of the summer campaign and stronger than forecast support for the Trust's education programmes. The Trust is also enjoying the benefits of having stable and experienced frontline staffing.
- ZEALANDIA received positive feedback from various overseas-based visiting groups including, The Woodlands and Wetlands Trust, Canberra; Mandai Safari Park & Wildlife Reserves, Singapore; and a Japanese Ministry delegation as guests of the Japanese Embassy.

Education:

- Q2 education visits reached 3,554 with YTD figures now almost 20% ahead of the Trust's target to 31 Dec 2015. Q2 saw a record 2,334 LEOTC students engaging

with ZEALANDIA's education team compared to 1,774 for the same period last year. Two key areas have contributed to the strong Q2 performance.

- The uptake of ZEALANDIA's trapping and tracking outreach programme was higher than expected. Also, the funding partnership with the Hutt Mana Trust that provides free visits for low decile schools coincided with a study conducted by VUW at low decile schools and combined to improve visitation from these sources.

Members:

- Membership numbers totalled 9,926 at 31 Dec 16 which was 274 (3%) below the forecast year-end target of 10,200. The Trust is reviewing its membership 'offer' in order to attract more members and is developing systems to better understand the support it receives from its membership.

Conservation & research:

- Conservation staff are working with the Botanic Gardens to discuss ongoing kaka damage to trees and possible solutions. Discussions about the possibility of a collaborative WCC & ZEALANDIA translocation of rifleman in 2017 have begun.
- By the end of December, 59 kākā chicks had been banded from 17 nest boxes, including a nest from which a record 6 chicks fledged. There were six known natural nests recorded.
- At least 40 breeding female Hihi recorded, the highest number since release in 2005 with potential to become the most productive year.
- Kākāriki have had a breeding season marked by fewer nests than recorded at a similar time in previous seasons. By the end of December 30 chicks had been banded compared to 75 at the same time the season before.
- Tuatara survey (coordinated by Victoria University undertaken in December to coincide with the 10th anniversary of their release. A total of 69 animals were captured, some the heaviest recorded, and with 21 of them being ZEALANDIA-born juveniles, the population appears healthy;
- Planning for the translocation of spotted skinks from Matiu-Somes kept the conservation team busy. The release of over 40 spotted skinks was held in February (Q3) and well attended, including the Mayor.
- A paper on lake restoration (with particular emphasis on eradication of perch and trout from lower valley) to be presented to the Trust Board in Q3.

People:

- Paul Atkins joined the Trust as Chief Executive on 16 November, succeeding Hilary Beaton who resigned in July 2015.
- Charles Daugherty reached the end of his term on the Board after six years in December. The Guardians carried out a wide reaching recruitment process and attracted a number of high quality applicants. The Board appointed Charles as the establishment Chair of a research Reference Council.
- Professor David Bibby from Victoria University has been appointed to the Trust Board to replace Charles Daugherty. David has 40 year career in science, management and education and for the last 10 years has been the Pro-Vice Chancellor and Dean of Science, Engineering, Architecture and Design. In June he was recognised for his services to science and education and awarded the CNZM.

Strategy:

- Following the celebration of the Trust's first 20 years the Board and management have initiated a process for developing a long-term, '2nd generation' strategy covering the next 20-year period.

SUMMARY FINANCIALS

* Variance (Actual minus Budget). ✓ Favourable variance to budget ✗ Unfavourable variance to budget

FINANCIAL PERFORMANCE	Q2 Budget	Q2 Actual	Variance*	YTD Budget	YTD Actual	Variance*	FY Budget
(\$000)	31 Dec 15	31 Dec 15	31 Dec 15	31 Dec 15	31 Dec 15	31 Dec 15	30 Jun 16
Total Revenue	1,034	1,177	143 ✓	1,757	1,969	212 ✓	3,607
Op. Exp. before Depreciation	873	855	(18) ✓	1,719	1,631	(88) ✓	3,433
Surplus (Loss) before Depn.	161	322	160 ✓	38	339	301 ✓	174
Surplus (Loss) after Depn.	(175)	171	346 ✓	(634)	17	651 ✓	(1,167)
FINANCIAL POSITION							
Total Assets	13,532	15,246	1,715	13,945	14,477	531	13,024
Total Liabilities	11,281	11,346	65	11,520	11,528	8	11,306
Equity	2,251	3,900	1,649	2,426	2,949	523	1,718
CASH FLOWS							
Total Net Cash Flows	(89)	(41)	47 ✓	(130)	74	204 ✓	12
Opening Cash	567	754		567	754		609

The stronger than forecast visitor numbers for the quarter were also recognised in the Trust's financial performance. Revenue for the quarter exceeded budget by \$143k led by retail sales exceeding target by \$26k and café and functions exceeding target by \$36k. Operating expenditure was contained below budget by \$18 for the quarter and by \$88k YTD and with the changes to the depreciation treatment of the Visitor Centre, the Trust's surplus after depreciation was \$171k for the quarter – a positive YTD variance of \$651k. An analysis to further understand the retail and café and functions is underway to ensure they are being managed well as a key contributors to the organisation.

The Trust's net cash flows exceeded forecast by \$47k in Q2 and \$204k YTD, led by improved revenues and containment of operating costs referred to above. The result is closing cash balance leading into Q3 of \$713k.

KPI DASHBOARD

✓ Achieved ✗ Not Achieved. The 3 Year Trend = year on year actual/nominal performance
→ Steady ↗ Improving ↘ Declining

The table contains a selection of KPIs and is not a complete list.

		Q1	YTD	3 Year	
MEASURE		30 Sep 15	30 Sep 15	Trend	Comments on trend
Visitors	Actual	34,273 ✓	55,774 ✓	↗	Strong growth so far this year and expected to exceed full year target comfortably.
	Target	26,346	44,653		
Students & education visits	Actual	3,554 ✓	5,126 ✓	↗	A strong Q2 performance as recovered a weaker Q1 and the trend is once again positive.
	Target	2,088	4,285		
Full costs to Council*	Actual	\$359k ✓	\$722k ✓	n/a*	This is a Council metric which the Trust does not control or influence.
	Target	\$383k	\$767k		
Annual measures to 30 Jun 16					
The Trust reports quarterly.					
Council subsidy (\$/visit)	Actual	\$6.38 ✓		↗	Strong visitation is helping this metric to exceed the SOI forecasts.
	Target	\$9.12			
Average revenue** (\$/visit)	Actual	\$26.82 ✓		→	Broadly steady despite reduced admissions prices.
	Target	\$25.90			
Non-Council funding	Actual	\$154,502		n/a*	Annual measure.
	Target	\$250,000			
Individual members	Actual	9,926		n/a*	Annual measure which the Trust expects to meet.
	Target	10,200			

* This is a new KPI for the Trust so trend data is not yet available. This measure is owned by Council and includes costs which the Trust does not control (e.g. interest cost on its Council loan) plus grant funding. ** Revenue per visit excludes interest, Council and government grants.

ISSUES & OUTLOOK

- The Trust is continuing to work with Council on its proposal with respect to the Visitor Centre and its \$10.34m loan, and on strengthening its relationship with the Council.
- The Trust is in the process of upgrading its point of sale system and CRM function in conjunction with the planned upgrade to its web site. Integrated systems will provide a more coordinated approach to product sales (tours etc.) and membership renewals and reduce the manual input to financial systems, reducing risks and margins for error.
- The Trust's *Be.Accessible* rating was improved from Bronze to Silver and work continues on the improvements needed to reach a Gold status.
- The Trust, in conjunction with the Guardians, is working on developing, agreeing and committing to its Second Generation Strategy and expects to have this completed by mid-2016. The Second Generation Strategy is a response to the sanctuary's first 20 years and looks toward the next 20 years of ZEALANDIA's development and contribution to Wellington.

Attachments

Attachment 1.	Wellington Zoo Trust Q2 2015-16 Report	Page 208
Attachment 2.	Karori Sanctuary Trust Q2 report to 31 Dec 2015	Page 221

Authors	Richard Hardie, Portfolio Manager Warwick Hayes, CCO Project Manager
Authoriser	Derek Fry, Director City Growth & Partnerships

SUPPORTING INFORMATION

Consultation and Engagement

The organisations in this report consult with the Council on a wide range of matters as part of our “no surprises” relationship.

Treaty of Waitangi considerations

This report raises no new treaty considerations. Where appropriate the entities do consult with the Council’s Treaty Relations unit as part of normal operations.

Financial implications

The CCOs work within the context of the Council’s overall Long Term Plan and Annual Plan framework.

Policy and legislative implications

This report complies with the legislative requirements of the Local Government Act (2002) and is consistent with existing Council policy.

Risks / legal

Not applicable.

Climate Change impact and considerations

The CCOs work with the Council and other organisations in considering the environmental sustainability of their operations, including with the Council’s Our Living City programme.

Communications Plan

Not applicable.

WELLINGTON



To: Wellington City Council Environment Committee
From: Wellington Zoo Trust
Date: 31 December 2015

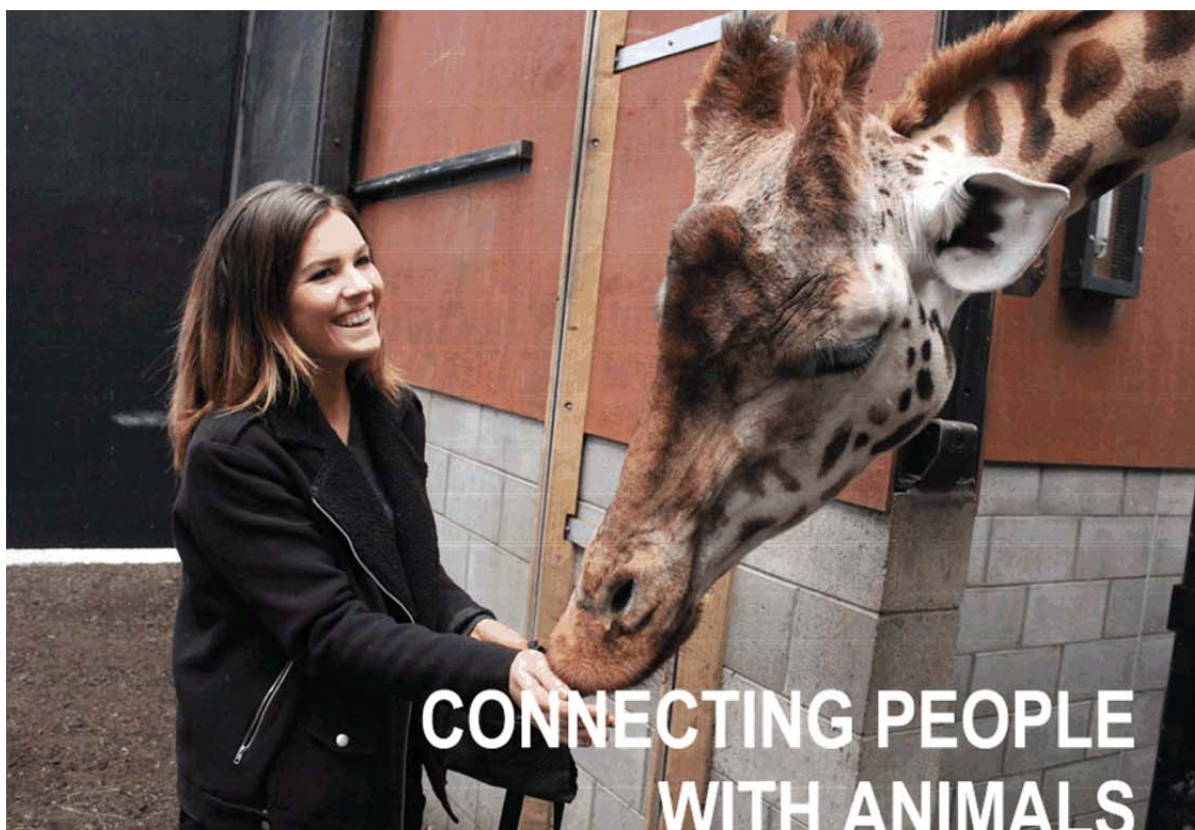
Second Quarter Report 2015/16 Financial Year

Highlights

- Meet the Locals He Tuku Aroha (MTLHTA), opened on October 22, 2015. Over 5,100 visitors coming into the Zoo over the long weekend which was 2,546 more than the same weekend in 2014-15.
- Wellington Zoo's new website went live on 1 December; this was a significant piece of work, and constitutes the first major rebuild of the website since 2008. The idea is that the new online experience will more accurately reflect the onsite experience. This work has been done in conjunction with an overhaul of back end systems to ensure seamless online booking and integration with a new POS system.
- The GM Business and Partnerships was one of the three national finalists IMNZ/Eagle Technology Young Executive of the Year Awards. The winner, Craig West from Downer, was announced at the Deloitte 200 Business Awards.
- The CE was a finalist in the Westpac/Fairfax Media NZ Women of Influence Awards in the Board and Management section. The Supreme winner, Joan Withers, was also the winner of this category.
- We achieved ZAA Animal Welfare Accreditation in November.
- We have again been carboNZero certified and continue to look at large scale projects to help us reduce our emissions further. We have engaged the Sustainability Trust to install a solar panel array on the front entry building early in 2016. This will result in approximately 2.3% energy savings, which is critical to our continued certification through carboNZero as energy use is our largest emissions factor.
- The result for the six months to 31 December 2015 shows an operating surplus of \$133,877 against a budgeted operating deficit of \$33,937.
- Operating Revenue is above budget by \$203K and expenditure is below budget YTD December by \$35K due to timing of spend yet to happen.

Challenges This Quarter

- The completion of the kea aviary in MTLHTA and snags for the opened part of MTLHTA is the biggest strategic issue for Wellington Zoo at the moment. We have been having discussions with consultants and contractors. We have raised this issue with WCC officers.
- We changed the advertising programme for MTLHTA due to community feedback. The Clemenger advertising campaign we agreed was edgy and did not seem to be accepted as the usual Wellington Zoo brand message by some. Other community members liked it but we felt we should respond and change it. We were able to do this quickly with the assistance of Clemenger. This nimble approach has been well received.



Visitors and events

- On Labour Weekend, 24–26 October 2015, we opened Meet the Locals He Tuku Aroha to visitors. This three day opening event invited visitors to become a Wellington Zoo local through eight different activities placed around the Zoo. Upon arrival visitors were given a "Local Passport" and were encouraged to get stamps at the different activities throughout the Zoo.
- Visitation for 2015-2016 as at end of December was 116,150. This is 6,598 ahead of target and 10,560 ahead of last year.

Visitor Attendance for the quarter ended 31 December 2015	
ACTUAL	67,133
TARGET	62,248
DIFFERENCE	+4,885

- We hosted Open Lab in the barn of Meet the Locals He Tuku Aroha on 15 November. The Open Lab is a mobile laboratory run by DOC volunteers. The Open Lab increases awareness of New Zealand's diverse and interesting population of invertebrates and provide a unique learning opportunity for our community.

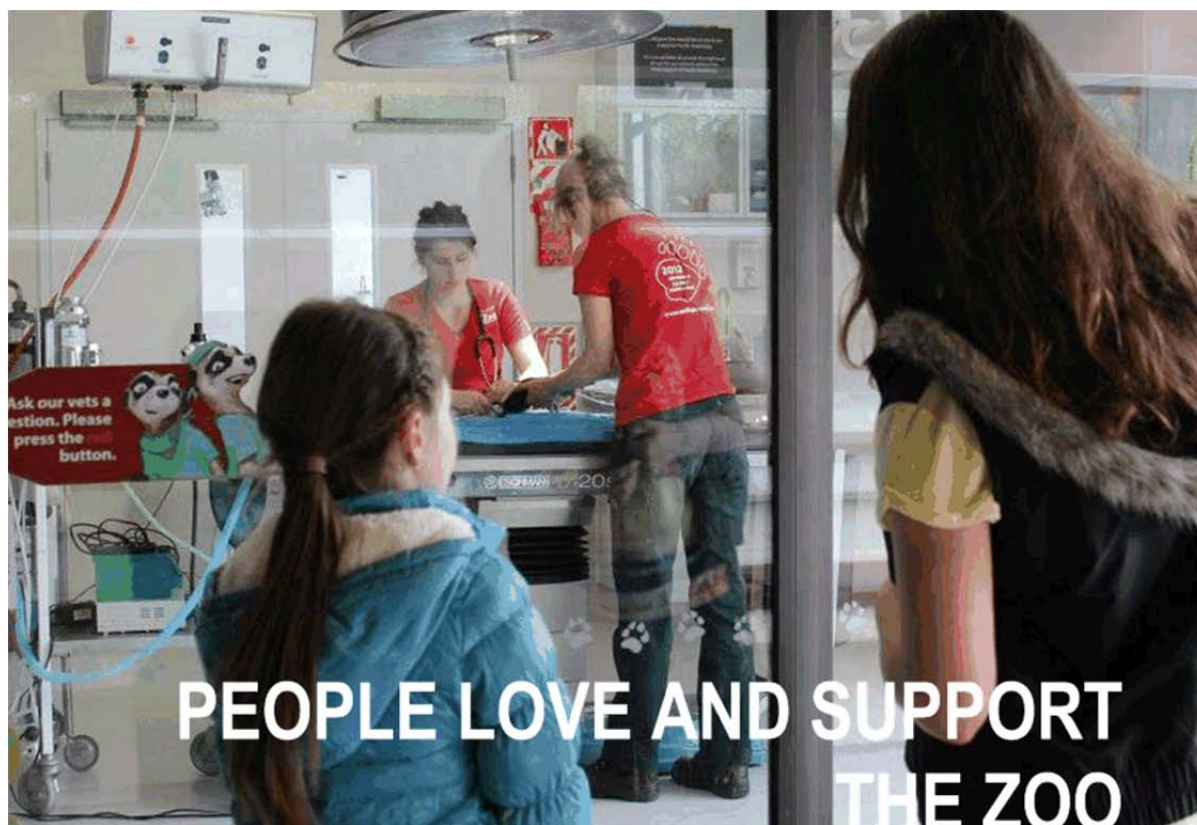
LEOTC Numbers

	Annual Target	YTD 14/15	YTD 15/16
School Visits (LEOTC)	9,000	7,440	7029
Holiday Programme	1,300	809	867
Total	10,300	8,249	7,896

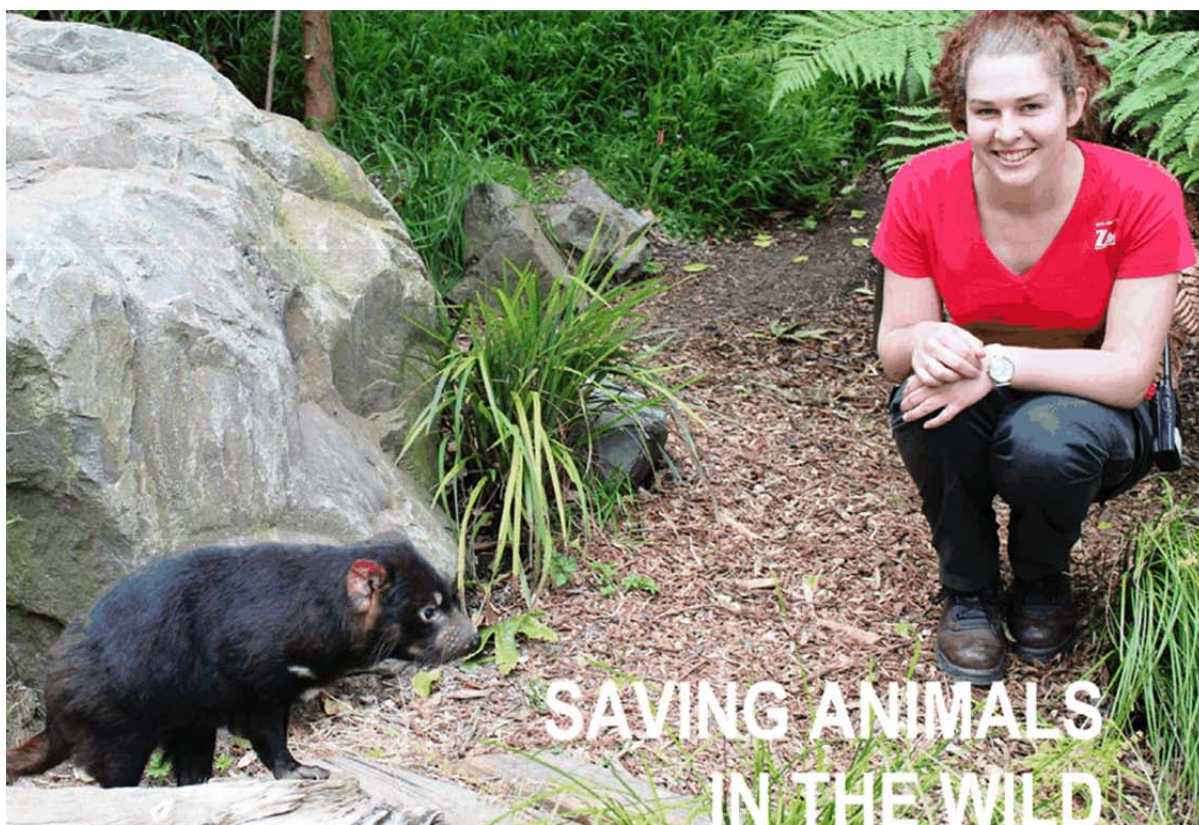
- We have reviewed applications and allocated The Warehouse Wellington Zoofari funding for schools to come to the Zoo in Terms 1 and 2 of 2016. For the first time we will be hosting a secondary school through this programme and two teenage parent schools.
- Teachers from five schools attended a teacher's professional development event at the Zoo highlighting investigation methods and self-directed learning in Meet the Locals He Tuku Aroha.
- We hosted an Enviroschools Hui on October 28 for 17 teachers showcasing our new precinct and highlighting the opportunity for them to visit with their schools through our LEOTC programme or by getting involved in Bush Builders.
- 300 South Wellington Intermediate School (SWIS) students have gone through their three phases of Bush Builders this quarter.
- We hosted Open Lab in the barn of Meet the Locals He Tuku Aroha on 15 November. The Open Lab is a mobile laboratory run by DOC volunteers. The Open Lab increases awareness of New Zealand's diverse and interesting population of invertebrates and provide a unique learning opportunity for our community.

Animal Collection

Species	Gender	Status	Due
Bees	Swarm	From Lower Hutt, via the Wellington Bee Keepers Society	Arrived during October 2015
Flemish Giant Kits	1 male, 2 females	From private breeder in Christchurch	Arrived during October 2015
Bongo	1 female	From Singapore Zoo for Taronga Western Plains Zoo in 2017	Arrived during October 2015
Pygmy Marmoset	1 male	From Auckland Zoo	Arrived during November 2015
North Island Kaka	1 male	From Auckland Zoo	Due to arrive in January 2016
Red Panda	1 male	From Auckland Zoo	Arrived during November 2015
Golden Lion Tamarin	Male	Awaiting recommendation from the International Species Coordinator	Arrived during November 2015
Cotton-top Tamarin	Male	From Bratislav Zoo in Slovakia	Due to arrive in April / May 2016
Cotton-top Tamarin	Female	From Blackpool Zoo in the UK	Due to arrive in April / May 2016
Giraffe	Female	From Auckland Zoo	Due to arrive in May 2016
Nyala	Males and females as combined import	From South Africa	When available
Eastern Grey Kangaroos	3 males and 1 female	From Symbio Zoo in New South Wales	Due to arrive late April 2016
Rainforest Mantis	Males and females	From Australia	When available



- NZCT approved our application for an \$80,000 grant for the Visitor Interpretation in the Barn in Meet the Locals He Tuku Aroha. This was the last of the Grant Applications for Meet the Locals He Tuku Aroha.
- Our Facebook following has increased to 34,169 and our Twitter following has increased from 6,967 to 7,353. We have also launched @Wellington.Zoo Instagram channel as a visual story-telling platform to connect people with animals and share how we are saving animals in the wild, we have 443 followers.
- Venue business grew throughout November and December, with a number of corporate Christmas bookings from local businesses including Datacom and Catalyst which involve the hire of the full Zoo after hours.
- Wellington craft beer brewer Garage Project, Wellington Zoo and Trade Me released a new beer known as 'Zoo Brew' at a launch event at the Southern Cross Garden Bar on 22 November. The stunning artwork on the bottles was specially created for the project by renowned Wellington-based artist, Seraphine Pick. Total funds raised from the project for Wellington Zoo's conservation fund totalled to \$7,880.



Anna McKenzie Pollock travelled to Tasmania to assist with the release of Tasmanian Devils

- Two Wellington Zoo staff members travelled overseas to work on projects supported by the Wellington Zoo Conservation Fund. Visitor Ranger Anna McKenzie-Pollock is on the Forestier Peninsula in Tasmania assisting with the release of disease free Tasmanian Devils back to the wild. General Manager Business and Partnerships Daniel Warsaw travelled to Madagascar to assist the Madagascar Fauna and Flora group with strategic planning.
- We participated in PestFest the DOC Wellington office's event for Conservation Week. We promoted the Take the Lead campaign encouraging dog owners to keep their dogs on leads to help protect penguins. We also participated in a national DOC geocache challenge, with a hidden spot in Meet the Locals He Tuku Aroha.
- Conservation Manager presented to WCC Environment Committee as part of Places for Penguins committee on dog bylaws in Wellington.
- We have increased our level of funding to Proyecto Titi (Cotton top Tamarins) and 21st Century Tiger to reflect the importance of these critically endangered animals. We also made a payment to the Indonesian Fire fund due to the devastation of forest fires burning across Indonesia to make way for Palm Oil Plantations.
- We have agreed on a joint positioning statement on sustainable palm oil with other Zoos and NGOs across Australia and New Zealand. We are also going to join the Round Table on Sustainable Palm Oil (RSPO) and will compile 'frequently asked questions' information on the position statement with Zoos Victoria and Taronga Conservation Society Australia.

Native animals brought to The Nest Te Kōhanga in the last year

Veterinary Statistics

	Oct 2015	Nov 2015	Dec 2015	Calendar YTD 2015 Total
Collection Animal Cases	46	73*	45	428
Native Wildlife Cases	19	33	67	478
Post Mortems	3	4	1	31

** includes the baboons that were in quarantine before leaving the Zoo collection.*

Native Animal Admission Statistics

	2014	2015
January	57	63
February	72 *	51
March	41	60
April	31	30
May	23	37
June	34	34
July	12	33
August	19	26
September	28	25
October	20	19
November	43	33
December	56	67

** 42 patients + 30 Quarantine*



Wellington Zoo Trust received the Supreme Award at the HVCC Wellington Region Business Excellence Awards

- Wellington Zoo was named Supreme Award Winner at the 2015 Wellington Region Business Excellence Awards on Friday 6 November, on top of taking out the Not for Profit category. The awards were presented by the Hutt Valley Chamber of Commerce at a black tie gala dinner attended by people from all areas of the business community, and both local and central government representatives from across the Hutt Valley and wider Wellington Region. We're thrilled at this acknowledgement of all that we are achieving as a charitable trust – celebrating nature by connecting people with animals, and saving animals in the wild through our conservation partnerships and native wildlife rehabilitation in The Nest Te Kōhanga.
- Neavin Broughton from Taranaki Whānui ran two staff workshops on the iwi stories represented in Meet the Locals He Tuku Aroha. We will continue to work with iwi going forward in all areas of Wellington Zoo.

Craig Ellison
Chairperson, Wellington Zoo Trust Board

Appendix 1 – Wellington Zoo Strategy Framework 2015-16

Measure	Target 2015-16	Tracking YTD December	Notes
CONNECT PEOPLE WITH ANIMALS			
Fundraising targets for ZCP reached or exceeded	25% of ZCP Capex Spend	Achieved	Varies according to ZCP CAPEX spend. This measure is appropriate for 2015-16 only as the ZCP will then be complete.
Meet ZCP project timing and budget programme	Complete Meet the Locals He Tuku Aroha	Delay of aviary	With this project the ZCP is complete. Project total completion delayed due to issues with aviary construction.
Measure visitor feedback and satisfaction	1 research project	Annual target	We have an initial social return on investment report, with further research in the wider community to produce a full picture of this, once complete; will be presented to the Trust Board.
Participate in visitor research project re behaviour change	> 1	Annual target	The three year collaborative Zoo Action project looking at engaging visitors with behaviour change as a result of their visit to the Zoo is coming to a close this year.
Contact animals meeting visitors in Zoo	1,000 hours	431 hrs 27 mins	This is down on last year, as the team were training on new animals in the lead up to opening of MTLHTA. This number should increase over summer with new animals in the programme.
People participating in Animal Close Encounters	3,665	1,666 people have participated YTD Dec	The majority of people participate in Close Encounters during the Summer months.
Number of students participating in LEOTC sessions	10,000	7029	We are tracking slightly behind year on year, mainly due to timing of Zoofari last year.
PEOPLE LOVE AND SUPPORT THE ZOO			
Increase total visitation by 2% each year on base year 2005/06 (170,116 visitors) as per the ZCP Business Case	234,714	116,150 YTD December above target by 6,598 and ahead of last year actuals by 10,560	These increases are beyond the required 2% pa as agreed in the ZCP Business case. This is appropriate for 2015-16 only as the ZCP will then be complete.
Increase total visitation as per agreed %	NA	Annual target	New measure introduced in 15-16 as the ZCP will be complete.
Percentage of operating costs generated by the Trust	55%	59%	Tracking well.
Ratio of Trust generated income as percentage of WCC grant	124%	135%	Tracking well.
Average income per visitor from Trust generated revenue	\$14.86	\$16.32	Good result due to trust generated revenue being above budget for the first six months.
Average WCC subsidy per visitor	\$11.99	\$12.11	This KPI measures only WCC Zoo OPEX Grant per visitor. As these targets are set on the full year budget, these results tend to be behind target in the lower visitation and revenue months.
Full cost per visitor including WCC costs	\$21.19	Annual target	This KPI is generated by WCC. It includes depreciation, shared services costs, CCO team costs, insurance, CAPEX interest and the OPEX grant.
Volunteer hours	≥11,520 hours (6 FTE)	6,619.25 (3.4 FTE)	Tracking well.

Quarterly Report: Quarter Two 2015/16
Page 8



Measure	Target 2015-16	Tracking YTD December	Notes
SAVE ANIMALS IN THE WILD			
Number of vulnerable, endangered or critically endangered species (IUCN list) in the Zoo's collection	≥26	25	Upon the arrival of Maud Island Frogs in Quarter 3 we will be ahead of target.
Percentage of native patient successful release to the wild after treatment in the Nest Te Kōhanga	≥55%	Annual target	65.7% at 30 June 2015.
Number of Field Conservation Projects supported for threatened (NZ) endangered or critically endangered (global) species	≥ 4	7	Kea Conservation Trust (NZ-TH), Madagascar Fauna and Flora Group (CR), Proyecto Titi (CR), Associação Mico-Leão-Dourado (EN), 21st Century Tiger (CR), Save the Tasmanian Devils Programme (EN), JGI Chimpanzees (EN).
% of OPEX directly contributed to field conservation	3%	Annual target	This measure uses the American Zoo Association Framework (now adopted by the Zoo Aquarium Association Australasia) to measure direct contribution to field conservation. We achieved 4.5% in 14-15.
Participate in animal based scientific projects	≥ 4	6	Projects from The Nest Te Kōhanga include; Kākā lead study (ongoing with Aditi and Wildbase), Kākā microchip investigation (ongoing with Kate McInnes) and Dingo genetics Study (with Otago University). Scientific paper Giraffe C-section, Chimpanzee ear surgery and Bongo Rumenotomy.
LEAD THE WAY			
Maintain Zoo and Aquarium Association Animal Welfare Accreditation	Achieved	ZAA Accreditation assessment visit planned for October 27/28	New Measure - achieved October.
Maintain carboNZero certification	Achieved	CarboNZero audit due in November	New Measure - achieved November.
H&S targets met	ACC work levy discount applied Achieved	(Lag) Discount has been applied to WTZ's work levies based on experience rating (Lead) On track to date	Lag indicator – WTZ gets a discount applied on work levies if we perform better than our industry peer group & Total Levy Risk Group in terms of the number and severity of work-related injury claims. Lead indicators - H&S included in weekly 'Zoo Staff News' emails (e.g. monthly metrics, drill and incident debriefs, topical reminders). Training provided for identified risks and emergency situations. Monthly SIT meeting Minutes available to all staff.
Initiatives to embed professional development of our people	≥ 8	10	Zauled - Streamlining LS Workflows, P4P Full & Refresher Training Sessions, Putting a Face to our Values, Iwi Stories with Neavin, Bees 101, Leadership Presentation by Rachel Taulelei, Fatigue Busters by Synergy Health.
Staff turnover (permanent staff only)	≤ 20%	4.84%	Tracking well, was sitting at 12.84% for the same period in 2014/15

Appendix 2 – Financial Statements

CCO: Wellington Zoo Trust		\$NZ000's	
Quarter Two 2015/16			
Actual 30-Jun-15	EARNINGS STATEMENT	Actual 31-Dec-15	Budget 31-Dec-15
	Revenue		
3008	Trading Income	1638	1491
2757	WCC Grants	1447	1406
82	Other Grants	41	42
	Sponsorships and Donations-		
188	Operational	124	125
1252	Sponsorships and Donations-Capital	22	0
114	Investment Income	35	25
355	Other Income	58	50
7,756	Total Revenue	3,365	3,139
	Expenditure		
4,010	Employee Costs	2,135	2128
2,078	Other Operating Expenses	1,063	1035
20	Depreciation	11	10
	Interest		
595	Vested Assets		
6,703	Total Expenditure	3,209	3,173
1,053	Net Surplus/(Deficit) before Taxation	156	(34)
0	Taxation Expense		
991	Operating Surplus (Deficit)	134	(34)
1,053	Net Surplus/(Deficit)	156	(34)
12.8%	Operating Margin	4.0%	-1.1%

Actual 30-Jun-15	STATEMENT OF FINANCIAL POSITION	Actual 31-Dec-15	Budget 31-Dec-15
	Shareholder/Trust Funds		
0	Share Capital/Settled Funds	0	0
0	Revaluation Reserves	0	0
1,624	Restricted Funds	1,606	583
318	Retained Earnings	474	346
1,942	Total Shareholder/Trust Funds	2,080	929
	Current Assets		
3,456	Cash and Bank	2,936	2,009
360	Accounts Receivable	49	30
84	Other Current Assets	76	60
3,900	Total Current Assets	3,061	2,099
	Investments		
0	Deposits on Call	0	0
0	Other Investments	0	0
0	Total Investments	0	0
	Non-Current Assets		
67	Fixed Assets	611	38
0	Other Non-current Assets	0	0
67	Total Non-current Assets	611	38
3,967	Total Assets	3,672	2,137
	Current Liabilities		
1,267	Accounts Payable and Accruals	720	700
	Provisions		0
746	Other Current Liabilities	860	496
2,013	Total Current Liabilities	1,580	1,196
	Non-Current Liabilities		
0	Loans - WCC	0	0
0	Loans - Other	0	0
12	Other Non-Current Liabilities	12	12
12	Total Non-Current Liabilities	12	12
1,942	Net Assets	2,080	929
1.9	Current Ratio	1.9	1.8
49.0%	Equity Ratio	56.6%	43.5%

Actual 30-Jun-15	STATEMENT OF CASH FLOWS	Actual Dec-15	Budget Dec-15
	<i>Cash provided from:</i>		
3008	Trading Receipts	1,638	1,491
2757	WCC Grants	1447	1,407
82	Other Grants	41	42
1440	Sponsorships and Donations	146	125
114	Investment Income	35	25
409	Other Income	3,270	50
7810		6,577	3,140
	<i>Cash applied to:</i>		
4,010	Payments to Employees	1,974	2,128
1,668	Payments to Suppliers	5,123	1,035
	Net GST Cashflow		
595	Other Operating Costs (VESTING)		
	Interest Paid	0	0
6273		7,097	3,163
1537	Total Operating Cash Flow	(520)	(23)
	Investing Cash Flow		
	<i>Cash provided from:</i>		
(18)	Sale of Fixed Assets		
	Other		
(18)		0	0
	<i>Cash applied to:</i>		
	Purchase of Fixed Assets		
	Other -vesting Cash for Capital Projects	0	0
0		0	0
(18)	Total Investing Cash Flow	0	0

Actual 30-Jun-15	STATEMENT OF CASH FLOWS (CONT)	Actual 31-Dec-15	Budget 31-Dec-15
	Financing Cash Flow		
	<i>Cash provided from:</i>		
	Drawdown of Loans		
	Other		
0		0	0
	<i>Cash applied to:</i>		
	Repayment of Loans		
	Other		
0		0	0
0	Total Financing Cash Flow	0	0
1,519	Net Increase/(Decrease) in Cash Held	(520)	(23)
1,937	Opening Cash Equivalents	3,456	2,582
3,456	Closing Cash Equivalents	2,936	2,559

Actual 30-Jun-15	CASH FLOW RECONCILIATION	Actual 31-Dec-15	Budget 31-Dec-15
1,053	Operating Surplus/(Deficit) for the Year	156	(34)
	Add Non Cash Items		
20	Depreciation	11	10
	Other (movement Restricted Funds)	(18)	
1,073		149	(24)
	Movements in Working Capital		
101	(Increase)/Decrease in Receivables	311	0
(24)	(Increase)/Decrease in Other Current Assets	8	0
437	Increase/(Decrease) in Accounts Payable	(547)	(130)
(50)	Increase/(Decrease) in Other Current Liabilities	114	131
464		(114)	1
	Net Gain/(Loss) on Sale:		
0	Fixed Assets	(555)	0
	Investments	0	0
0		(555)	0
1,537	Net Cash Flow from Operations	(520)	(23)



Report to the Wellington City Council CCO Performance Committee 2nd Quarter ended 31 December 2015

HIGHLIGHTS

Building connections, influence and impact

- Educators from other fenced sanctuaries hosted at ZEALANDIA for a workshop in November.
- Overseas visitors including, The Woodlands and Wetlands Trust, Canberra, ACT; Chairman, CEO and senior staff from Mandai Safari Park, and Wildlife Reserves, Singapore; Japanese Ministerial delegation as guests of the Japanese Embassy, interested in our conservation strategies.
- A group of 30 ecological students from Elon University in the States visited ZEALANDIA in early January as part of their overseas field trip.

Financial sustainability

- Revenue for our commercial operations (excludes education) for Q2 ended \$101,186 (14%) above the quarter target. This brings us to \$123,563 and 11% above the year-to-date target.
- Q2 Retail sales exceeded target by \$25,920 (41%).
- Q2 Café & Functions gross surplus averaged at \$36,332, with a December peak of \$53,635.

Engaging our communities

- Total visitors (34,273) for Q2 ended 7,927 (30%) above target, with the highest visitation ever recorded in a December at 13,903.
- Total membership average for the quarter (9,926) continues to stabilise just 3% (274) under target
- Annual Volunteer Appreciation Dinner held with 130 volunteers attending, a very strong turnout and over a quarter of our total volunteers.
- Education visits stand at 5,125 (year-to-date figure), almost 20% ahead of target (4,285).
- Summer campaign launched to encourage new and return visits.

Flourishing biodiversity & Sustainability

- Tuatara Survey led by Nicky Nelson from Victoria University confirms a very stable Tuatara population 10 years after the initial transfer.
- Working with WCC to establish guidelines for managing the impact of Kākā in our city.
- We were awarded our carboNZero certification in October by Enviromark.

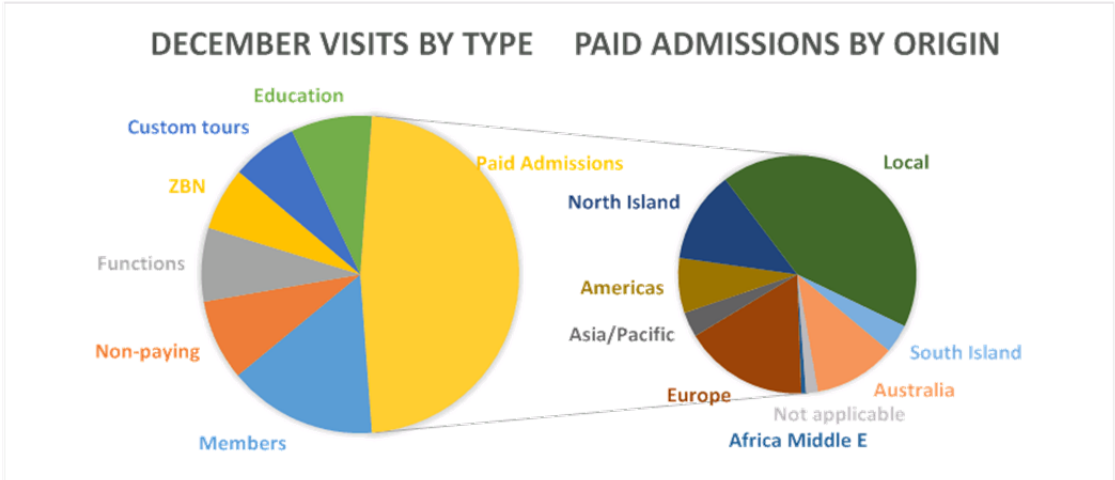
Governance

- New CEO appointed and settling into role.
- Appointment of a new Trustee, Professor David Bibby.



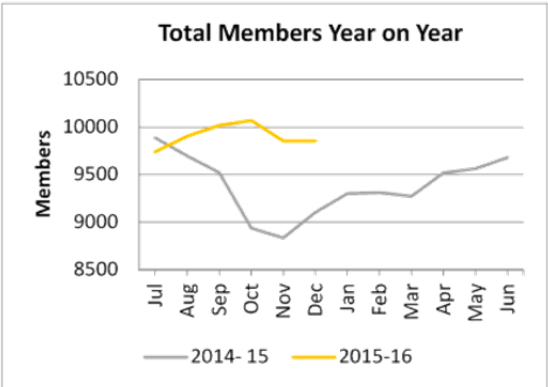
VISITOR EXPERIENCE

Total visits for Quarter two were 34,273, 30% above target. There was a consistent flow of visitors throughout the quarter, and growth in visitor numbers has continued from the winter months following the 20th Anniversary and Sirocco. December ended with the highest recorded visitor numbers in a single month at 13,903, (up 8% on the previous highest, being January 2015). Projected year end total, based on reaching the remaining monthly targets is over 108,000.



Deficits in tour (Custom and ZBN) visits from earlier in the quarter have now also rebalanced with a busy cruise ship season and at least two ZBN tours per night running for most of December. The recently reintroduced 'Dusk walk' has proved successful.

Members: Total membership average for the quarter (9,926) continues to stabilise just 3% (274) under target. Initiatives from the admissions team have contributed to retention rates at the end of this quarter of 70% and a year average of 73%. The stability of the membership indicates we are establishing a good base for future growth. We are currently reviewing our membership 'offer' in order to attract more members and achieve targeted growth.



We are currently developing systems to enable an enhanced understanding of the type of support we receive from across this, currently broad, category.

Visitor Experience: We are receiving very positive feedback from locals and New Zealand and overseas tourists. 86% of visitors who completed the Getsmart survey rated their visit as very good or higher. 81% is the benchmark for other similar organisations in the region in the past quarter. The contribution made by our volunteer guides are seen as an outstanding feature of our visitor's experience to ZEALANDIA.

The Visitor Experience Team have continued their work with the SHaGs (Skippers, Hosts and Guides) Advisory Group to develop a refreshed guiding programme for the summer as well as working with Custom and Cruise ship guides to refine the experience for these visitors. A successful workshop was held in October using the Nature Connections training with SHaGs. This workshop will be repeated in 2016.

In November we were audited by Be.Accessible as a result we have moved from Bronze to Silver level rating. We celebrated The International Day of Disabled Persons with groups from Hutt Valley Disability

Resource Trust (HVDRT) and Thumbs Up. These groups learnt about some of our species and became guides for the day. We offered discounts for local groups working with the disabled to enter the valley on the day. The Sanctuary Care team used their Volunteer day to assist in clearing the land on HVDRT's property to allow it to be planted up as a garden.

FINANCIAL SUSTAINABILITY

Revenue for our commercial operations (excludes education) for Q2 ended \$101,186 (14%) above the quarter target. This brings us to \$123,563 and 11% above the year-to-date target.

Retail: Retail continues to outperform current targets and that of previous years. The strategy to clear old, high value, low turnover stock has been successful to date. With many more locally sourced and affordable items, a balance has been achieved between servicing the tourist and local markets. Supply processes are yet to be fully optimised, but replacing the antiquated and limited Centaman EPOS by 30 June 2016 will be key in further improving this area of the business. Sales for Q2 exceeded target by \$25,920 (41%). This is \$36,990 (70%) above the figure for the same period last year.

Café & Functions: Q2 for café and functions ended positively with two particularly strong months ending November and December. Ongoing steady growth in everyday trade, plus a high number of functions which continued into the festive season, made for these significant results.

An analysis to further understand the health of the retail and café and functions parts of our organisation is underway to ensure they are being managed well as a key contributors to the sustainable future of our organisation.

STRATEGY

Following the celebration of the Trust's first 20 years and the significant achievements demonstrated in that time, the Board and management have initiated a process for developing a long-term, '2nd generation' strategy covering the next 20-year period. Management attended an away day in early December. The Board held a workshop at Wellington Zoo in January (including a walk around Meet the Locals with the Zoo Chief Executive) as part of progressing this work. We are undertaking a process which will engage all our key stakeholders and finalise a strategy by June 2016.



GOVERNANCE

Charles Daugherty reached the end of his term on the Board after six years in December. The Board appointed Charles as the establishment Chair of a research Reference Council. The Guardians carried out a wide reaching recruitment process and attracted a significant number of outstanding applicants. Professor David Bibby from Victoria University has been appointed as our new trustee. David has 40 year career in science, management and education and for the last 10 years has been the Pro-Vice Chancellor and Dean of Science, Engineering, Architecture and Design. In June he was recognised for his services to science and education and awarded the CNZM.

EVENTS & VISITORS

- Visited by groups from overseas including, The Woodlands and Wetlands Trust, Canberra, ACT; Chairman, CEO and senior staff from Mandai Safari Park, and Wildlife Reserves, Singapore; Japanese Ministerial delegation as guests of the Japanese Embassy.
- A group of 30 ecological students from Elon University in the States visited ZEALANDIA in early January as part of their overseas field trip.

EDUCATION

During this quarter, a record 2344 LEOTC students have engaged with the education team, compared to 1,774 students for the same time period last year. Total education visits were 3,554, 70% above the target of 2,088. YTD figures (5,125) are also ahead of target (4,285) by almost 20%.

Our higher than expected numbers in education are attributed to two key areas:

- The uptake of the trapping and tracking outreach programme within schools was higher than expected due to interest in the programme growing after its successful initial roll out.
- Through a funding partnership with Hutt Mana Trust, ZEALANDIA was able to provide free visits for low decile schools from the region. This also coincided with a slightly higher number of low decile schools visiting as part of a study conducted by VUW into the effect of outdoor education as a factor in student engagement with their awareness of the environment in a wider context.



*Wainuiomata Intermediate receives their briefing from WCC and ZEALANDIA Rangers at Wainuiomata Water Catchment.
 Photo: ZEALANDIA*

Outreach: Five schools (469 students) have been involved in our Kaitiaki Schools Outreach programme. Each of these schools are actively tracking and trapping introduced pest species and should have a positive impact on the biodiversity in their area.

The 2016 Kaitiaki Schools Outreach programme will focus on: re-establishing existing connections and involving more colleges in the programme and approaching and forging new connections particularly but not limited to low decile schools.

Sleepovers: Eight sleepovers were run during the six week period in mid-October to November while still maintaining a busy daytime school tours schedule – while this stretched resources, it was achieved due to the commitment of the education team and support from volunteers.

Hutt Mana Bush Explorers: During this quarter, 532 students and their whanau have visited from eight schools. A grant of \$3000 from Hutt Mana Charitable Trust will again be used to fund transport for low decile schools in the Wellington region to ZEALANDIA in 2015/2016.

Victoria University project: An ongoing research project initiated by Andrea Milligan and Rachel Tallon from Victoria University Faculty of Education has been looking at how students from low decile schools and those traditionally under-represented in conservation education statistics (e.g. ESOL students, teenage mums) engage with education programmes at ZEALANDIA and how that experience permeates back into their everyday life. Five groups (193 students and whanau) visited this quarter as part of this research and the students were interviewed following their return to school. These groups were different to those brought in on the Hutt Mana Bush Explorers programme.



*Education Rangers at DOC Pest Fest in at Waitangi Park
 Photo: ZEALANDIA*

Ambassadors: Our School Ambassador programme continues to flourish, with several students involved in leading both night tours and school tours, and assisting with events such as Pestfest and our December Holiday programme.

Education Space: Not having a dedicated education space continues to be a challenge for our Education Team. The Sirocco Enclosure has been converted into a space the Education Team can use over summer. We are currently working with Rotary to develop plans for a bush classroom.

As part of the continued work we are doing in facilitating the '7 Sanctuaries' initiative, we hosted four educators from three of the fenced sanctuaries (Brook Waimarama, Orokonui and Rotokare). They participated in an education sleepover night tour and a day tour. There was a workshop session to discuss the education work going on at the sanctuaries. All agreed there was a useful exchange of ideas and there would be considerable benefit in similar workshops at other sites. A Fenced Sanctuaries Educators trip to Orokonui Ecosanctuary is planned for April 2016.

COMMUNICATIONS AND MARKETING

The first phase of the Summer Campaign was launched in November. A steady flow of promotion has continued to place ZEALANDIA at key points within the city and in key publications. Complimenting this are more positive news stories, including a [second saddleback nesting in Polhill Gully](#), [travel piece in the Guardian](#), [Rata earning all Conscious Consumers badges](#), and [an opinion piece from the Mayor and WCC](#).

The next phase of promotion is scheduled to commence 18 January, which captures both the inbound tourists and locals ahead of the Wellington Anniversary and Waitangi long weekends. This next phase also includes an online remarketing/ targeting campaign. New visitor brochures have been distributed with the imagery and messaging mirroring that of the current campaign.

Communications highlights

- iSite Graphic was installed for the summer season. It features a blackboard which the iSite team have been updating every second day to keep the advertisement dynamic and appealing.
- Bond Street container with native bush and bird graphics has been installed. The team have been working with the WCC Property and Media Teams to get the most mileage out of this. This collaboration opportunity was a direct outcome of the iSite install and is at zero cost.
- Summer campaign launched with success, including new onsite promotion at Ibis Hotel Wellington, YHA and Cable Car.
- Digital channels have performed well (December figures)
 - Facebook followers increased by 301 followers (+4%)
 - Overall website traffic increased by 12% compared to December 2014
- Numerous third party websites have been updated. This includes Trip Advisor, Lonely Planet and 100% Pure New Zealand.



Isite Graphic: Photo: Robert McGuinness



Box of Birds: Photo: WCC

VOLUNTEERS

In December we held Annual Volunteer Appreciation Dinner to celebrate our volunteer's commitment and effort to ZEALANDIA. Highlights include:

- The presentation of the first 20 year service badges to 42 people.
- 130 volunteers attended, a strong turnout and over a quarter of our total volunteers.
- The presentation of the inaugural Schaef Award to a volunteer who has given an extraordinary amount of time and effort to ZEALANDIA.
- The first use of our new multipurpose exhibition/function space.

Volunteers are central to ZEALANDIA's purpose and future and it is essential that we develop our organisation to support them effectively. In order to manage our volunteers more effectively ZEALANDIA undertook a small restructure at the end of 2015. A Guide and Volunteer Coordinator position was created to administer the recruitment of volunteers and support the SHaGs group as well as working with staff and volunteers to develop an ongoing continuous improvement culture which unifies both staff and volunteers in a seamless task and visitor focused operation.

Our ZEALANDIA 2016 calendar was an overwhelming success. The calendar was shot, designed and edited by our volunteers and therefore our only cost was production. All 500 copies have been sold or given away as part of a membership incentive. The calendars have contributed over \$3,000. This is a great highlight and another significant contribution by our volunteer workforce.

Capacity for meeting our summer volunteer programme continues to be a challenge, especially this summer with increased cruise ship tours schedules, because many volunteers take their holidays at our busiest time. Recruitment for volunteers is more regular across the organisation as staff have settled into their roles. Our recent SHaGs recruitment in September resulted in 15 new guides and 1 new host. Staff continue to work on improving training and social opportunities for new and existing volunteers.

In October our Volunteer Advisory Group presented their volunteer survey document to Management. The survey provides an excellent set of data as a benchmark to follow up in future years to further understand the motivations of our volunteers and how we can improve their experience here. Highlights include, 93% of volunteers join to contribute to ZEALANDIA's conservation efforts and 94% continue volunteering because it is something they believe in. Management will be considering the recommendations with the Volunteer Advisory Group in 2016.

Schaef Award: Judi Miller was this year's recipient of the new Schaef award given to a volunteer who embodies the late Faye Schaef's qualities and characteristics: kindness, generosity, modesty, dedication, friendliness and approachability.

Judi's particular passion is kaka, and she's been in charge of the kaka nestbox monitoring program for many years now, actively managing the program in consultation with ZEALANDIA Staff and with the help of around 20 volunteers. Not only has she spent countless hours out in the field, she's spent many hours making sure everyone's needs are met. Judi has single-handedly formed the Storytellers group and made it a part of sanctuary operations. This group assists with social media, media releases, our marketing material, and they also produced the very successful ZEALANDIA 2016 calendar.



CONSERVATION, SUSTAINABILITY AND RESEARCH

- We were awarded our carboNZero certification in October by Enviromark. All sources of carbon emissions produced by ZEALANDIA have been identified and offset. The audit done by Enviromark will form a baseline we can use as we undertake further sustainability initiatives to reduce our emissions in the future.
- Planning for the translocation of 100 Spotted skinks from Matiu-Somes has kept the conservation team busy. Over 100 artificial covers (which are used as retreats by the lizards) were deployed on Matiu-Somes during November to facilitate capture; some also installed at release sites for future monitoring.
- The WWF funded upgrade of bait station infrastructure completed
- Conservation staff attended two kaka focused meetings - in November with curators and management of the Botanic Gardens to discuss ongoing kaka damage to trees and possible solutions; in December with representatives of DOC and WCC to establish guidelines for a landscape approach to protecting the species.
- Tuatara survey (coordinated by Victoria University undertaken in December to coincide with the 10th anniversary of their release. A total of 69 animals were captured, some the heaviest recorded, and with 21 of them being ZEALANDIA-born juveniles, the population appears healthy; <http://www.radionz.co.nz/news/national/293692/last-survivors-of-reptilian-order-doing-well>
- Discussion about the possibility of a collaborative WCC & ZEALANDIA translocation of rifleman in 2017 has begun. Further meetings are planned so that the budget implications of a translocation can be discussed in the next quarter.
- Paper on lake restoration (with particular emphasis on eradication of perch and trout from lower valley) to be presented to the Board in the next quarter.
- Priorities for Quarter 3
 - Annual pest audit planned for late February;
 - Support a student research project using transmitters on kākārīki;
 - Hosting 2 interns from LiveNZ who will start in February;
 - Hosting a Royal Society sponsored teacher for 6 months starting in February



Waiata prior to the recent Spotted Skink release. Photo: Kristine Zipfel

Species updates

- By the end of December, 59 **kākā** chicks had been banded from 17 "nestboxes", including a nest from which a record 6 chicks fledged. Six known natural nests recorded. The proposed transfer of kākā chicks from ZEALANDIA to Cape Sanctuary has been delayed due to the DOC permitting process.
- At least 40 breeding female **Hihī** recorded, the highest number since release in 2005 with potential to become the most productive year.
- **Kākārīki** have had a breeding season marked by fewer nests than recorded at a similar time in previous seasons. By the end of December 30 chicks had been banded compared to 75 at the same time the season before.
- Examples of the bait stations deployed in the **takahē**-accessible areas were sent to the Takahē Recovery Team as part of a national assessment programme following deaths of takahē elsewhere when they gained access to poisonous baits.
- The 2 person Weed Team commenced their summer contract targeting environmentally significant weeds in the Sanctuary



CE Paul Atkins helping band kaka. Photo: Judi Miller

MEASUREMENT AGAINST TARGETS IN SOI

Non-Financial Performance Measures (Quarterly Targets)

Measure	2015/16 Quarter 2 (Oct-Dec)		2015/16 Annual	
	Actual	Target	Actual (YTD)	Target
Visitation	34,273	26,346	55,773	95,947
Education Visits (LEOTC, Tertiary, Early Childhood, School Holiday Programme)*	3,554	2,088	5,125	8,378

* Education visits are also included in total visitation numbers above.

Non-Financial Performance Measures (Annual Targets)

Measure	Actual YTD	Annual Target 2015/16
Individual Members	9,926 ¹	10,200
Quality of Visit	86%	92%
Volunteers	412	>400
City Residents' Awareness ²	-	87%

¹ Q2 Average

² A survey will be completed at the end of the final quarter to assess the level of awareness of city residents.

Financial Performance Measures

Measure	Actual YTD	Annual Target 2015/6
Full cost per visitor (including WCC costs)	\$12.95	\$16.28
Average subsidy per visit (Total WCC operating grant/all visitors)	\$7.84	\$9.12
Average revenue per visitation (excludes Council & Government grants)	\$26.82	\$25.90
Non-Council Donations/Funding	\$154,502	\$250,000

Conservation Programme (Annual Targets)

Conservation Measures	Actual YTD	Annual Target 2015-16	Commentary
Restore missing species to the wild in accordance with the Restoration Strategy			
Number of new animal species transferred	0	1	Tracking: Transfer of Spotted skinks planned for January 2016
No. animal species being actively managed in the wild. <i>* Active management includes supplementary feeding, nestbox and roostbox management and excludes species held in captivity.</i>	9	9	On target: Hihi, kākā, takahē, bellbird, kākārīki, kiwi, MI frog, Long-fin eels, giant weta; Note: Saddleback had nestboxes provided at time of release, but none actively managed at this time.
No. animal species being actively monitored (assuming 1 new species transferred/annum) <i>*Includes species with ongoing active data collection.</i>	12	12	On target: Hihi, kākā, takahē, bellbird, kākārīki, kiwi, scaup, shags (3 species), tuatara, giant weta. Observations of other species (eg saddleback) gathered in ad hoc manner;
Percentage of transferred animal species (17) regarded as self-sustaining (assuming ongoing management)	76%	76%	On target: 13 of the 17 species transferred are regarded as self-sustaining assuming ongoing current management. 2 transfers failed (tomtit, weka) and 2 (bellbird, Long-fin eels) not regarded as self-sustaining; Note: it usually takes several breeding seasons before a transfer can be regarded as self-sustaining (successful breeding, population stable or increasing) so % will reduce with new transfers eg to 72% after Spotted skink transfer (13/18)
Improve the population status of nationally threatened species present			
Number of threatened species present (excluding species held for advocacy or temporarily eg. takahe, kakapo)	4	4	On target: Hihi, NI kākā, Maud Island frog and Pied shag are all breeding successfully.
Number of threatened species actively managed	3	3	On target Pied shag is not actively managed.
Number of threatened species actively managed that increase or are regarded as self-sustaining	3	3	On target:
Manage species held for captive breeding purposes to ensure they remain healthy and breed successfully			
No. species of held for captive breeding	2	2	On target: Maud Island frogs and Barking geckos.

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Conservation Measures	Actual YTD	Annual Target 2015-16	Commentary
No. species breeding successfully	2	2	On target: Maud Island frogs and Barking geckos both breeding successfully.
Monitor animal pest status, control mice & successfully respond to any incursions			
Mice maintained at levels below or similar to previous years (abundance per 100 trap nights)	2.35	<10	On target: The actual figure represents the average abundance/100 corrected trapnights of index trapping done in Sept and Nov – mice still suppressed following control operation in July 2015 but likely to increase in next quarter
No. invasive mammalian species actively searched for (eg by audits)	0	7	The animal audit is scheduled for quarters 3 and 4.
No. biosecurity incursions	0	0	Tracking tunnel audit and dog searches planned for 3 rd quarter.
Percentage incursions successfully eradicated	N/A	100	0 incursions detected so no responses needed; tracking tunnel audit and dog searches planned for 3 rd quarter
Monitor plant pest status and reduce distribution of environmental weeds (currently 123) within and near the fence perimeter			
No. species actively controlled or surveyed	12	44	On target: 44 environmental weeds identified as priorities but work yet to begin on most species
No. species where control has achieved a decline to low levels of infestation	49	52	On target: Evaluation of additional species not until annual programme completed (3 rd -4 th quarters); Note control also undertaken outside the perimeter fence for key species to improve feasibility of ongoing suppression inside the fence

Measures against Strategy Areas

MEASURE against Strategy Areas	TARGET 2015/16	TRACKING 2015/16
ZEALANDIA is an internationally recognised centre for ecological restoration, visible engagement with research and science, visitor experience and community involvement		
ZEALANDIA is recognised internationally as a centre for ecological restoration and conservation action	Formal Agreement with Victoria University of Wellington to establish a presence at ZEALANDIA	The new CE has now been recruited and is actively engaging with senior staff and researchers at Victoria University to progress these targets. The CE is working with the newly appointed trustee who is a Professor with Victoria University.
	Recruitment of key staff, jointly funded by Victoria University and ZEALANDIA	
	Development of a research programme by June 2016	
	Publication of key research outcomes	
	Strategic Scientific Steering Group established and functioning by 2016, which nominates resident thinker	
ZEALANDIA's visitors are moved, touched and inspired to act on our call to action		
Define a clear identity for ZEALANDIA in the urban environment	Identity statement for ZEALANDIA in the urban environment and 'call for action' agreed by the Board by October 2015	A process of developing, agreeing and committing a Second Generation Strategy is well underway with a target completion date of June 2016.
	Key messages used consistently throughout our programme	
Improve visitor experience through the articulation and presentation of our story	Annual visitor experience programme developed/enhanced	In Progress
	Professional development programme for staff/volunteers in telling our story, developed and implemented throughout the year	Being achieved through Nature Connections and other development programmes being run in house and externally
	Complete signage projects that tell the story of the sanctuary	Wayfinding signage being progressed; other signage to be progressed following development of revised Management Plan in 2016
	Monthly Kids Trail and Children's discovery area established part of programme	Kids Trail is promoted during school holidays and as part of the education programme
	Plan for matauranga Maori focus developed and implementation underway by June 2016	Iwi engagement is an integral part of the Second Generation Strategy.
	Accessibility progressively improved and recognised	Be.Accessible rating moved from Bronze to silver. Beginning work to make improvements which will help us achieve gold.
	Animation of various exhibition spaces throughout the Visitor Centre to tell our story via exhibitions and annual programming events	New education exhibition (lower foyer) launched in July 2015 tells the story of schools involved in visit and outreach programmes
Increase presence/profile within our community	1,500 people reached via attendance at community events	On course to achieve this (Spring festival, Johnsonville Santa parade, Pest Fest, Wellington City Santa Parade, Kids Day out, Pest Fest)

MEASURE against Strategy Areas	TARGET 2015/16	TRACKING 2015/16
	ZEALANDIA is represented and visible at five or more city events	On course to achieve this (Wellington on a plate, Spring festival, Kids Day out, Pest Fest)
ZEALANDIA will extend its conservation, research and education programmes to the backyards of Wellington's residents		
ZEALANDIA extends to residents' backyards	Community groups sign up for ZEALANDIA Outreach programme	New funding bid submitted to extend our Kaitiaki Programme to more low decile schools and their communities.
	City residents report increasing numbers of native birds in their gardens	Achieved – Reports from Wellingtonians through NatureWatch, ZEALANDIA's "Report a Bird" and the annual Landcare Garden Bird Survey indicate an increase in native birds throughout the city. This is also supported by systematic counts such as the WCC 5 minute bird counts
	Education materials on how to attract native fauna and keep them safe (eg. Lizard garden, traps etc) available on website	Achieved – there is also provision for this in the new website
	Increased number of households actively managing pests in their backyards	Achieved – Education outreach programme in collaboration with other organisations such as the Halo project
ZEALANDIA's strategies and reputation are firmly aligned with those of Wellington City, and the people of Wellington love ZEALANDIA as an integral part of the City.		
Align ZEALANDIA's reputation with Wellington City	ZEALANDIA's 20 th Anniversary is celebrated by the community	20 th Anniversary weekend (4-5 July 2015), Volunteer celebration dinner (5 December 2015)
	Increased visibility through our Outreach programme	The number of schools that are a part of this is increasing along with awareness of the program
	Regular, proactive release of good news stories	Ongoing - especially in the social media forum
ZEALANDIA is a financially viable and sustainable business		
Diversity revenue streams	Commercial partnerships established with organisations that are aligned with ZEALANDIA's vision	Ongoing – ZIP (Zero Invasive Predators), CVNZ (Conservation Volunteers New Zealand), 7 Sanctuaries Expanding partnerships with like-minded organisations is a priority for our new CE and the Second Generation Strategy.
	Donor conversion programme	On hold
	Corporate sponsorship programme	In progress
	An improved premium product offering	In progress
	A Corporate Team Building product developed	In progress
	An event programme for Rata café is established	Completed – a review of the number and type of events is underway
	Refurbishment of the top floor exhibition to create a multi-functional space that will provide greater venue hire options	Funding secured and the bulk of this work has been completed. There is some additional technical work required which is due to be completed in February. The work has also included a number of sustainability
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MEASURE against Strategy Areas	TARGET 2015/16	TRACKING 2015/16
		improvements which has reduced power consumption by around 10kw/h
Implement the Sanctuary Blueprint project	Phase 1 valley enhancements of the Sanctuary Blueprint project completed	Accessibility progressively improved and recognised
Improve organisational capability	IT capability across the organisation is improved with the server software upgrade and rollout of upgraded computers and software to staff	Complete
	Automation of membership renewal process	Complete - As complete as possible with the current system processes continue to be improved on an ongoing basis.
	Website upgrade and improved online booking system	In progress – Contract signed and now being implemented.
	Point of sale system reviews and updated	Goal to have system replaced by July 1 2016
	Options for improved CRM database investigated	Linked to POS system replacement
	Full review of organisational policy and procedures completed	In progress

FINANCIAL PERFORMANCE

Detailed financials are attached.

Balance Sheet

Karori Sanctuary Trust As at 31 December 2015

31 Dec 2015

Assets

Current Assets	
Accounts Receivable	80,750
Cash	712,536
Prepayments	111,687
Stock on Hand	64,069
Total Current Assets	969,042
Fixed Assets	
Fixed Assets	4,716,853
VC Building	10,202,668
Less Accumulated Depreciation on VC Building	(642,136)
Total Fixed Assets	14,277,385
Total Assets	15,246,427

Liabilities

Current Liabilities	
Accounts Payable	162,510
Accrued Liability	6,700
Community Trust Loan - Current	58,333
Entertainment Books	382
GST	42,777
Payroll Taxes	133,463
Project / Capex Fund	(7,109)
Suspense	3,018
Unearned income	200,043
Total Current Liabilities	600,117
Non-Current Liabilities	
Community Trust Loan	400,000
WCC Loan	10,346,689
Total Non-Current Liabilities	10,746,689
Total Liabilities	11,346,805
Net Assets	3,899,621

Equity

Current Year Earnings	405,466
Retained Earnings	3,494,156
Total Equity	3,899,621

Profit & Loss

Karori Sanctuary Trust For the 3 months ended 31 December 2015

	Dec-15	Sep-15	YTD
Income			
Admissions	305,633	196,023	501,656
Care & Preservation Income	6,947	5,486	12,433
Education Other Revenue	5,024	-	5,024
Evening Talk (Koha)	28	352	380
Interest Income	7,287	3,748	11,035
KBN (Kids by Night) Tours	35	-	35
Membership Subscriptions	85,869	63,285	149,154
Non-LEOTC Sleepovers & Night Tours	-	1,243	1,243
Other Grants & Donations	104,796	74,564	179,360
Other Operating Revenue	22,926	12,929	35,855
Sales of Goods	419,503	216,069	635,572
WCC Grant	218,750	218,750	437,500
Total Income	1,176,799	792,449	1,969,248
Gross Profit	1,176,799	792,449	1,969,248
Less Operating Expenses			
Additional Cruise Ship Shuttle Hireage	574	-	574
Administration & Management	95,009	138,212	233,221
Be Accessible & Carbon Zero	6	2,967	2,973
Colt Motor Vehicle Expenses	285	239	524
Contractors & Consultants - Marketing	546	-	546
Cost of Goods Sold	156,835	98,635	255,470
Education Events	201	-	201
Food - Functions Expenses	6,975	-	6,975
Marketing - Education	1,150	-	1,150
Other Operating Expenses	66,235	41,130	107,366
Personnel	457,199	408,997	866,196
Salaries & Wages - Guides	9,287	4,973	14,260
Salaries & Wages - Tourism & Trade	13,154	18,170	31,324
Salaries & Wages - Visitor Experience	16,805	19,939	36,744
Sirocco Costs	1,460	7,969	9,429
Sirocco Expenses	-	3,834	3,834
Sirocco Expenses - (R & A)	8,969	9,680	18,649
Skink Transfer Programme	33	-	33
SMT - Discretionary Expense Allowance	142	-	142
Interest Paid			
Interest Expense	5,881	6,996	12,877
Total Interest Paid	5,881	6,996	12,877
Trustees Remuneration			
Board Expenses	20,366	20,609	40,975
Total Trustees Remuneration	20,366	20,609	40,975

Profit & Loss

	Dec-15	Sep-15	YTD
Total Operating Expenses	861,114	782,350	1,643,464
Operating Profit	315,685	10,099	325,784
Non-operating Expenses			
Depreciation Expense	144,194	165,533	309,727
Total Non-operating Expenses	144,194	165,533	309,727
Net Profit	171,490	(155,434)	16,057

5. Operational

PROPOSED RESERVE REVOCATION: ORIENTAL TERRACE - RESPONSE TO SUBMISSIONS

Purpose

1. To report back to Committee on the submissions received in response to the proposed exchange of reserve land, being approximately 70m² of Council-owned land adjoining 1 Oriental Terrace in exchange for approximately 100m², under section 15 of the Reserves Act 1977.
2. To recommend that Committee decides whether or not to uphold the objections.

Summary

3. At its meeting held 30 September 2015, Council resolved to exchange approximately 70m² of its land at 52 McFarlane street for approximately 100m² of privately-owned land at 73 Hawker Street (St Gerard's Monastery), subject to (among other things) reserve revocation (the **Exchange**).
4. The purpose of this Exchange is to secure ongoing public access over land that is currently privately-owned to the adjoining park. Under the current arrangement, the owner of the privately-owned land can withdraw access rights with 6 months' notice.
5. As the Council-owned land is classified as scenic reserve under the Reserves Act 1977 (**RA**), Council resolved to initiate the necessary process under the RA to give effect to the Exchange.
6. Officers notified the proposed exchange of reserve land in accordance with section 15 of the RA, with submissions to be received on or before 7 December 2015.
7. Oral submissions were heard by the Environment Committee on 11 February 2015.
8. Delegation of the power at section 15 of the Reserves Act 1977 to exchange reserve land for other land rests with the Environment Committee.
9. The Environment Committee now needs to decide whether to uphold the objections, and halt the Exchange, or, alternatively, not to uphold the objections and proceed to the next step in the Exchange process.

Recommendations

That the Environment Committee:

1. Receives the information.
2. Having considered and taken into account the submissions received on the proposed exchange of reserve land, agrees to recommend that Council proceed with the land exchange, however the decision remains subject to:
 - (a) The required District Plan Change being completed; and
 - (b) The terms of a Land Exchange Agreement being negotiated and agreed between the Council and ICPE.
3. Note the delegations resolved at the 30 September 2015 meeting of Council and the

agreement to initiate a proposed amendment to the District Plan

4. Instructs the Chief Executive to give effect to the exchange in the event that the pre-requisite conditions (a commercial Land Exchange Agreement and an amendment to the District Plan) are fulfilled.

Background

10. At its meeting held 30 September 2015, one of the recommendations Council resolved was to:

*“...dispose of approximately 70m² of Council-owned land adjoining 1 Oriental Terrace, Mt Victoria (being part of Lot 1 DP 76510, CFR WN42D/683, shown as the blue Area A on the plan in Attachment 1) in exchange for approximately 100m² of privately-owned land at 73 Hawker Street, Mt Victoria (being part of Lot 3 DP 76510, WN 42D/685, shown as red Area B on the plan in Attachment 1) (**the Exchange**)...”*

11. In order to effect the Exchange, Council resolved to:

“...initiate the necessary process under the Reserves Act 1977 to facilitate the Exchange, and notes the outcome of this process will require a further decision by Council or one of its Committees...”

12. Delegation to exchange reserve land under section 15 of the Reserves Act 1977 rests with the Environment Committee.
13. On 8 November 2015 the proposed exchange of reserve land was notified.
14. The submission period closed on 7 December 2015 and four submissions were received.
15. Two submissions were in opposition, one was neutral and one supported the exchange. All four submissions qualified their positions by requesting that other actions occur.
16. Oral submissions were heard at Environment Committee on 11 February 2016.
17. A general summary of negative points raised in the two opposition submissions are as follows:
 - Council has not put enough thought into the outcome and negative impacts generated as a result.
 - Council has not thought about the context and character of the area and the effects of the Exchange on future development.
 - The District Plan provides insufficient protection of 1 Oriental Terrace. Council should impose some form of development restriction on 1 Oriental Terrace.
 - Council should purchase all of 1 Oriental Terrace and convert it into a park (and relocate the existing dwelling onto another part of the park, away from the submitter's dwelling).
 - Council should promote further use of the park in front of the Monastery by tidying it up, addressing antisocial behaviour by some users, and upgrading access to allow vehicles.

- There is no guarantee that funds raised through the sale of 1 Oriental Terrace would be used for earthquake strengthening.
 - Monastery earthquake strengthening options have not been fully explored, but all require some form of access which will be compromised by the land exchange.
 - ICPE cannot afford the strengthening and redevelopment.
18. In relation to the statement that earthquake strengthening would be compromised by the Exchange, officers have discussed the potential to grant access rights over the path if needed.

Discussion

19. The notification relates to the exchange of reserve land only.
20. Despite this, as can be seen above, submissions relate to the wider proposed transaction.
21. Opposition submissions can be grouped into three areas: i) District Plan outcomes and consequences of the Exchange, ii) the use of the nearby park and 1 Oriental Terrace, iii) St Gerard's Monastery earthquake strengthening work proposed.
- i) District Plan Outcomes**
22. The land exchange would not promote inappropriate development of 1 Oriental Terrace given the constraints imposed by the District Plan. The site is already constrained by the District Plan (DP) rules. Any development in excess of these standards must be considered through a resource consent application.
23. The proposed Exchange will increase the net available area by (from 250m² up to approximately 380m²). This increase includes the Council-owned land plus an adjoining sliver currently separated from 1 Oriental Terrace by the Council-owned land.
24. ICPE can sell or redevelop its land now - irrespective of whether the Exchange progresses.
25. The Exchange is contingent on a DP zone change of the reserve land from Open Space B to Inner Residential (Attachment 1). An opportunity for public participation forms part of this process.
- ii) Use of the Park**
26. The purchase of additional land, development of vehicular access or the joint management of road and park is beyond the scope of this land exchange process.
27. As a separate exercise, work is already underway with the City Community, Urban Design and Parks, Sports and Recreation teams to try to improve the safety and security of the park. Installing gates, planting and greater police monitoring are under discussion.
- iii) Proposed monastery earthquake strengthening**
28. There are a number of strengthening options available to the Monastery owners (ICPE). Each option presents different cost, timing and building functionality impacts. Irrespective of the eventual solution chosen, it is ICPE's issue to work with their own funding model and site constraints, including proximity to adjacent boundaries.
29. Regarding use of the accessway by ICPE either temporarily during construction, or longer term for structural items, in the event it is transferred to Council ownership, Council could agree at that time to provide use. This could be via a short term licence

or easement allowing ICPE to install structural components under or over the path, either permanently or temporarily.

30. Council's key focus would be for permanent access to be maintained in the current position and for any damage to the path to be made good.
31. Officers recommend that the exchange of reserve land is approved in principle, allowing the Exchange process continue, despite the two objections received. The primary objective of the Exchange is to secure permanent access to the reserve, and this is consistent with the submissions.

Options

32. **Option 1:** Committee does **not** uphold submissions objecting to the exchange of reserve land. The Exchange process continues and the reserve classification is revoked upon vesting of the exchanged land in Council. An amendment to the DP will be sought as part of the Exchange process, so that the Council-owned land adjoining 1 Oriental Terrace becomes 'residential'.
33. **Option 2:** Committee does **not** uphold submissions but with conditions imposed. ICPE would need to agree to these conditions (effectively as part of the Land Exchange Agreement still to be negotiated). If ICPE does approve the conditions, the Exchange process continues. An amendment to the DP is then needed so that the Council-owned land adjoining 1 Oriental Terrace becomes 'residential'.
34. **Option 3:** Committee agrees to uphold submissions objecting to the exchange of reserve land. The Exchange will not proceed. The existing access arrangement will continue until such a time as either party wished to cancel the access deed (at 6 months' notice).

Next Actions

35. If the recommendations of this report are accepted the following will occur:
- A Land Exchange Agreement between the parties to be negotiated and entered into.
 - A survey of the land will be completed.
 - The District Plan Team will be asked to include the reserve land to be exchanged in the next zone plan change.
 - If the plan change is successful, the Exchange can then be completed by publication of a Gazette Notice which cancels the reserve status of Area A and vests Area B in Council as scenic reserve. Once the reserve status has been cancelled, Area A can be transferred to ICPE and amalgamated with the 73 Hawker Street title.

Attachments

Attachment 1. Land Exchange Areas

Page 242

Author	Brett Smith, Property Advisor
Authoriser	Greg Orchard, Chief Operating Officer

SUPPORTING INFORMATION

Consultation and Engagement

In mid-October consultation letters were sent to adjacent neighbours and relevant community groups. The exchange of reserve land was publicly advertised on 8 November 2015 with submissions closing on 7 December 2015.

Treaty of Waitangi considerations

There are no Treaty of Waitangi implications arising from this decision. The land is not identified as being of significance to Māori nor is the land being disposed of on the open market.

Financial implications

There are financial implications relating to the land exchange which are discussed in the preceding report. For the area of land involved, and the required process, the costs are not significant.

Policy and legislative implications

The proposed land exchange will follow relevant legislative and Council requirements.

Risks / legal

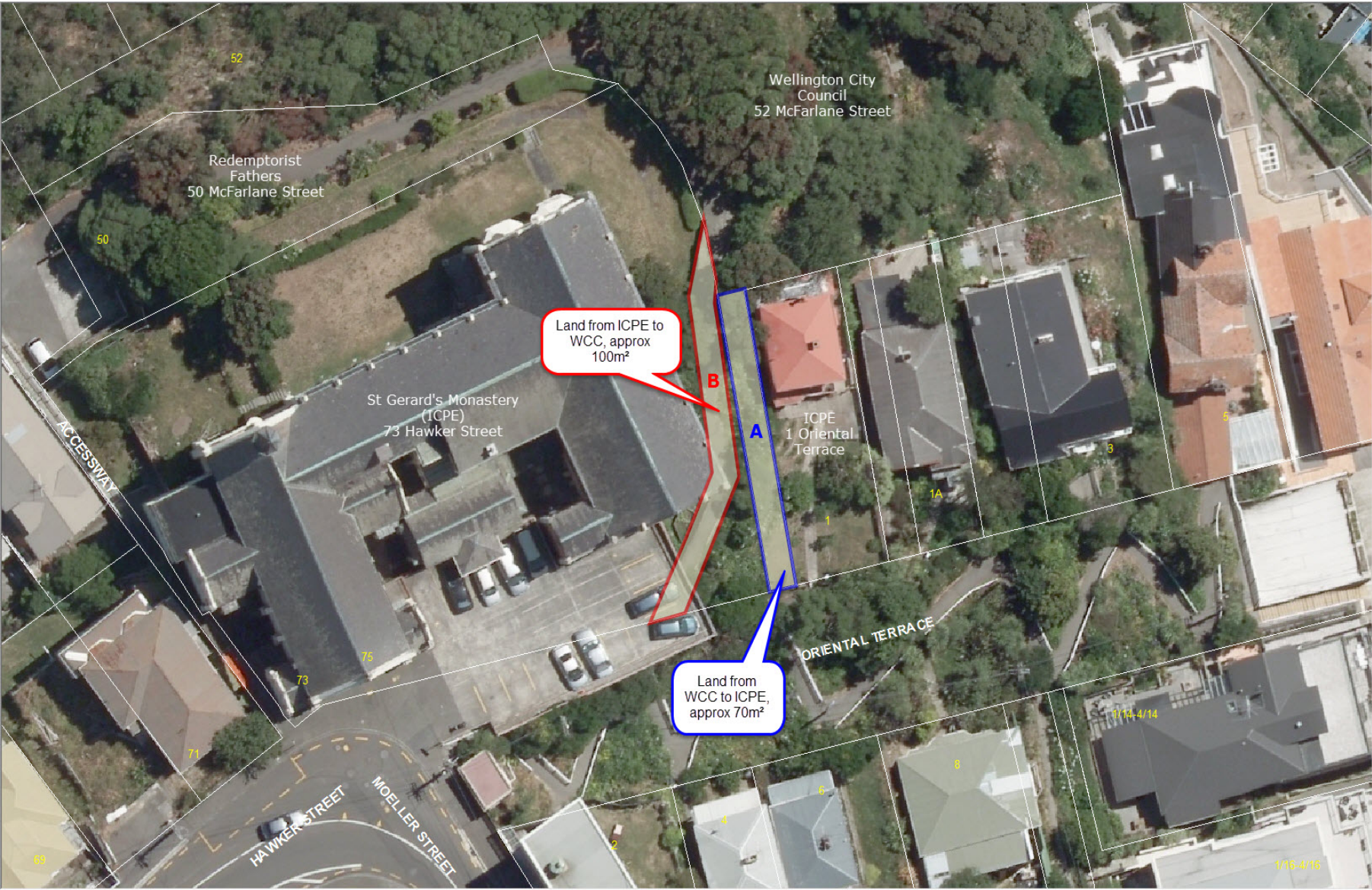
The proposed land exchange will follow relevant legislative and Council requirements. Any legal agreement, Court action, will be overseen by the Council's lawyers.

Climate Change impact and considerations

There are no climate change implications for this land exchange.

Communications Plan

Public consultation and notification has occurred in accordance with legislative requirements.



SOCIAL HOUSING ACCESS EASEMENTS - NAIRN STREET PARK AND NEWTOWN PARK

Purpose

1. To seek the Committee's approval to access easements over Wellington Town Belt at Nairn Street Park and Newtown Park to City Housing complexes known as Berkeley Dallard and Newtown Park Apartments (refer to attachment 1 & 2).

Summary

2. The Council constructed high density rental housing at 46 Nairn Street (Berkeley Dallard Apartments) and 320 Mansfield Street (Newtown Apartments) in the 1960s and 1970s.
3. Parts of the existing driveways to Berkeley Dallard Apartments (off Brooklyn Road) and Newtown Apartments (off Mansfield Street) were inadvertently built over adjoining Wellington Town Belt land. This remained unnoticed until recently and right of way easements are needed in order to formalise their continued access.
4. Given the minor impact on the Wellington Town Belt and their use for community purposes, this report recommends the Committee approves the proposed easements in order to rectify this historical anomaly.
5. As the formed driveways have existed since the 1960s and 1970s they will not materially alter or damage the Wellington Town Belt.

Recommendations

That the Environment Committee:

1. Receives the information.
2. Approves a right of way easement in perpetuity over part of Wellington Town Belt at Nairn Street Park (**part of** Lot 3 DP 10508 CFR WN12D/1438) pursuant to the Wellington Town Belt Management Plan 2013 and Section 48 of the Reserves Act 1977 (in favour of 46 Nairn Street (Berkeley Dallard Apartments, being Lot 1 DP 48297 CFR WN24D/942).
3. Approves a right of way easement in perpetuity over part of Wellington Town Belt at Newtown Park (**part of** Part Lot 1 DP 8754 CFR WN47B/502)) pursuant to the Wellington Town Belt Management Plan 2013 and Section 48 of the Reserves Act 1977 (in favour of 320 Mansfield Street (Newtown Park Apartments)) CFRs WNE3/776 and WN21D/17).
4. Waives the requirement for public notification under Section 48(2) of the Reserves Act 1977 in accordance with Section 48(3) of the Reserves Act 1977, as the Wellington Town Belt is not likely to be materially affected and the rights of the public are not likely to be permanently affected by the granting of the easements.
5. Delegates to the Chief Executive Officer all powers necessary to conclude this matter.

Background

6. In the 1960s and 1970s Council undertook a large scale development of medium to high density rental housing.
7. The Berkeley Dallard Apartments at 46 Nairn Street were built in the late 1970s and the Newtown Apartments (adjoining Newtown Park) at 320 Mansfield Street, Newtown were built in the late 1960s.
8. The driveway to Berkeley Dallard Apartments off Brooklyn Road crosses over approximately 85m² of adjoining Wellington Town Belt – Nairn Street Park.
9. The driveway to Newtown Apartments off Mansfield Street crosses over approximately 213m² of adjoining Wellington Town Belt – Newtown Park.
10. Until recently, Officers have been unaware these driveways encroached on the Wellington Town Belt adjoining the City Housing Apartments.
11. In accordance with the Wellington Town Belt Management Plan and Section 48 of the Reserves Act 1977, the Environment Committee has delegated authority to grant approval for easements over the Wellington Town Belt.

Discussion

12. The Wellington Town Belt Bill is currently before Parliament and due for its final reading on 17 April 2016. Shortly after this date it will become enacted and this will mean that easements over Wellington Town Belt will be limited to public services for network infrastructure including the transmission of gas, electricity, telecommunications and the three waters.
13. The proposed easements will legalise the current longstanding driveway use for community purposes and there will be no material impact on the Wellington Town Belt.
14. The Friends of the Wellington Town Belt have been consulted and they support these easements, noting these will benefit ongoing management of the land and without adverse impacts to the Wellington Town Belt.
15. All legal and survey costs associated with these easements will be borne by Council.
16. It is recommended the easements be approved.

Next Actions

17. If the proposed resolution is accepted, Officers will prepare and execute the necessary documentation and finalise all outstanding matters.

Attachments

- | | | |
|---------------|---|----------|
| Attachment 1. | Aerial Photo showing easement area to Berkeley Dallard Apartments | Page 246 |
| Attachment 2. | Aerial Photo showing easement area to Newtown Park Apartments | Page 247 |

Authors	John Vriens, Senior Property Advisor Michael Oates, Open Space and Recreation Planning Manager
Authoriser	Greg Orchard, Chief Operating Officer

SUPPORTING INFORMATION

Consultation and Engagement

Outlined in the report and while none is required, the Friends of the Wellington Town Belt support the proposal.

Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations.

Financial implications

All costs associated with these easements will be borne by the owner – Council.

Policy and legislative implications

The proposed easement is consistent with the Wellington Town Belt Management Plan 2013 and the Reserves Act 1977.

Risks / legal

Council's lawyers have been consulted during the development of this report.

Climate Change impact and considerations

None.

Communications Plan

None.



