
Statement of Proposal

DOG POLICY - REVIEW 2016



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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 Dog Control Act 1996, the Council needs to balance potential and perceived risks to public safety, risks to wildlife and natural habitats, and potential nuisance issues with 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 **if we've got it right**.

The policy aims to recognise the community and health benefits of dog ownership while addressing 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 **Council's and dog owners'** responsibilities, including that when in a public place dog owners are required to immediately pick up and dispose of their **dog's faeces**
- clarifying some of the rules around Responsible Dog Owner status, including what happens when a Responsible Dog Owner moves house and when Responsible Dog Owner status is reinstated after being suspended
- encouraging 50 percent of dog owners to achieve Responsible Dog Owner status over the next three years
- provide more information on how dog related revenue is spent
- 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 sidelines of sportsfields when they are not being used for sporting events (though 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 saving specific rules
- clarifying that some exercise areas may be considered over time for other uses, and if this is the case there would be further consultation at the time
- clarifying that owners only need to get permission and pay the associated fee once to keep more than three dogs (in non-rural areas).

As part of the review we also looked at all designated areas. This includes 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 and proposed changes, see Appendix A. Maps of these areas has not been included in this document. You can view all maps and proposed changes in *Dog Policy: exercise areas – review 2016* or online at wellington.govt.nz/haveyoursay.

We recognise 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 in this work please let us know on the submission form, and we will keep you informed.

Proposed changes to designated areas

Exercise areas	Proposed changes
Willowbank Park	Modify – including stream between two sections. Remove section above Ara Tawa Walkway as it is now revegetated.
Seton Nossiter	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 Street 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 Street Corner. Walking track from Finnimore Terrace down the 4WD track to the grassed areas above MacAlister Park.
Stebbing's Dam	Proposed new area – Stebbings Dam area at Westchester Drive, Churton Park.
Beach exercise areas	Proposed changes
Evans Bay Beach	Remove – too small as beach area and no 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.
Balaena Bay Beach	Proposed new area – allow dogs to walk off-leash on the beach from 1 March to 30 November.

Kaiwharawhara Park	Remove – sportsfield. Better alternatives close by.
Oriental Bay Beach	Proposed new area – allow dogs to walk off-leash on the beach from 1 March to 30 November.
Scorching Bay Beach	Proposed new area – allow dogs to walk off-leash on the beach from 1 March to 30 November.
Seatoun Beach	Proposed new area – allow dogs to walk off-leash on the beach from 1 March to 30 November.
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 when 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.
Waitangi Park	Remove – allow dogs to access grassed area on-leash.
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.
Central city restriction: dog owners can move through the central city but not stop.	Remove – allow dogs to stop in the central city. New clause added to prohibit dogs being left unattended in public spaces.

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 is community support and suitable areas can be identified that balance the needs of all users the Council will consider how these could be implemented.

Availability of agility equipment may be another area where we are interested in hearing feedback from the community. Currently no dog exercise areas have permanent dog agility equipment.

The proposed changes consider other Council 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@wcc.govt.nz or phoning 04 499 4444.

Have your say

We need your feedback by 5pm, Monday 2 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, PO Box 2199, Wellington 6140.

You can get more copies of the consultation documents online at wellington.govt.nz/haveyoursay, the Service Centre at 101 Wakefield Street, libraries, by emailing policy.submission@wcc.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

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.

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 that gives effect to the policy is reviewed. A review

of the Animals Bylaw is currently under way 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 five registered dogs per 100 people. In contrast, Lower Hutt has nine 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 a more places along the coastline, and seals in colonies along Sinclair Head and on the south coast 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 exercises 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, sportsfields 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.

For a full list of all of these areas and proposed changes, see Appendix A. Maps of these areas have not been included in this document. You can view all maps and proposed changes in ***Dog Policy: exercise areas – review 2016*** or online at wellington.govt.nz/haveyoursay.

Feedback on these areas helps to ensure that they **meet the community's needs. We expect** submissions on the status of a variety of areas, including Cummings Park.

The Council recognises that more information on the locations of dog exercise areas is needed. More information could be provided to owners in an accessible way, such as through a proposed dog exercise area app.

We are planning to add more fully fenced exercise areas and install 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 saving dates. 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 saving dates, 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

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

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

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 between 1 May and 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 Dog 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 of the Animals Bylaw consultation documents online at wellington.govt.nz/haveyoursay, the Service Centre at 101 Wakefield Street, libraries, by

emailing policy_submission@wcc.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. As a result, the main changes 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 three dogs

The Responsible Dog Owner (RDO) scheme offers a reduced dog registration fee to recognise and encourage good dog ownership. Approximately 25 percent of owners currently have RDO status. It is proposed a goal is added to increase this to 50 percent by 2019.

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.

Dog owners need to be clearly aware of their responsibilities. It is proposed to adjust the policy to strengthen this requirement. This change also includes that when in a public place dog owners are required to immediately pick up and dispose of **their dog's faeces**.

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 sportsfields. Currently dogs are prohibited from

sportsfields 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.

Transparency

Previous discussions with dog owners showed there is confusion about dog-related funding. Some of the key issues that came up included:

- **that it's** unclear how much (if any) funding goes towards dog exercise areas
- uncertainty around surplus revenue (if any) from dog registration fees
- general interest in greater transparency on what dog fees are spent on
- that fees seem high, relative to the level of service provided.

It is proposed to include additional information on revenue and funding in the policy, so there is greater transparency.

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 Dog Policy.

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	<p>Minor clarifications, grammatical and format changes. The following definitions are updated so they reflect definitions under the Act:</p> <ul style="list-style-type: none"> • “disability assist dog” • “menacing dog” • “owner” • “probationary owner” • “protected wildlife” <p>A definition of “nuisance” has been added.</p> <p>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.</p> <p>The definition of “working dog” is reworded so it is clearer.</p>
4.	Responsibilities	<p>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.</p> <p>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.</p> <p>An addition to 4.2 is to set out that dog owners are required to pick up their dog’s faeces.</p>
5.	Access to public places	<p>The removal and replacement of the phrase “prohibited areas”, so that the policy consistently refers to “prohibited places”.</p> <p>A clause has been added to section 5.1 to clarify that dogs are allowed in the central city.</p> <p>Updated to reflect that the bylaw no longer has the contents of Appendix A attached to it.</p> <p>Confusion has been noted around the use of daylight saving and time-of-day restrictions. Dogs are currently not permitted between 9am and</p>

		<p>7pm during summer daylight saving hours to stop any conflict occurring between dogs and the public when there is peak demand for use of the beach.</p> <p>It is proposed that the daylight saving 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>A new section has been added to 5.2 to clarify that dog exercise areas may be changed over time.</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>Section 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. Minor grammatical and format changes to assist with readability. Text has been moved to section 4.1 as it works with other information on responsibilities.</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</p>

		<p>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> <p>A graph and a small summary detailing the revenue and spending during the 2016/2017 financial year are proposed to be added.</p>
7.	Actively promoting Responsible Dog Ownership	<p>Goal to increase Responsible Dog Ownership is added. 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 RDOs are not unfairly being penalised.</p>
8.	Education	Minor changes to format and to enhance readability.
9.	Minimising nuisance	Title of section simplified. Section 9.3 is reworded to increase consistency with the Act. Subsections on menacing and dangerous dogs have been moved to the new section 10.
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. • 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 the 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</p>

		<p>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 the 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 Nossiter • Waihinahina Park in Memory of Dennis Duggan • Odell Reserve • Top of Te Ahumairangi (Tinakori Hill) • Te Ahumairangi (Tinakori) Slopes • Karori Park • Wrights Hill • Hataitai Park • Vice Regal North <p>Areas being removed:</p> <ul style="list-style-type: none"> • Mitchelltown School Site • Liardet and Balfour Street Corner <p>Proposed new areas:</p> <ul style="list-style-type: none"> • Khandallah Park • Finnimore Terrace • Stebbings 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	<p>Areas being modified:</p> <ul style="list-style-type: none"> • Worser Bay Beach

	(Specified times)	<ul style="list-style-type: none"> Arthur Carman Park <p>Areas being removed:</p> <ul style="list-style-type: none"> Kaiwharawhara Park <p>Proposed new areas:</p> <ul style="list-style-type: none"> Balaena Bay Beach Oriental Bay Beach Scorching Bay Beach Seatoun Beach
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"> Central City Restriction Kaiwharawhara Park Waitangi Park
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. D	Infringement offences under the Dog Control Act 1996	Minor changes to make all infringement fees marked with \$ sign.

Proposed Dog Policy

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

Wellington City Council Dog Policy 2016

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APPENDIX A:

- Table 1: Exercise Areas
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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/dog-exercise

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 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 aims to achieve a balance between the control of dogs and recognition of the community health benefits of dog ownership. The 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.

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
- ~~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:

- immediately pick up the faeces of their dog if it defecates in a public place
- ensure their dog does not cause any public nuisance
- 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.

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~~ to 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 Savings 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. Dogs are able to stop in the public places, including the central city area.

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^{ttt} and ~~7~~ beach exercise areas^{ttt} 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.

Dog exercise areas may be considered for other uses over time. If this occurs, consultation will take place before any decisions are made and compensatory areas will be provided.

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 sportsfield, 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~~ dogs that have not been neutered. 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.

Funds generated from dog registration fees are used to provide: facilities and maintenance of dog exercise areas; signs and advertising about dog ~~bylaws~~ 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:

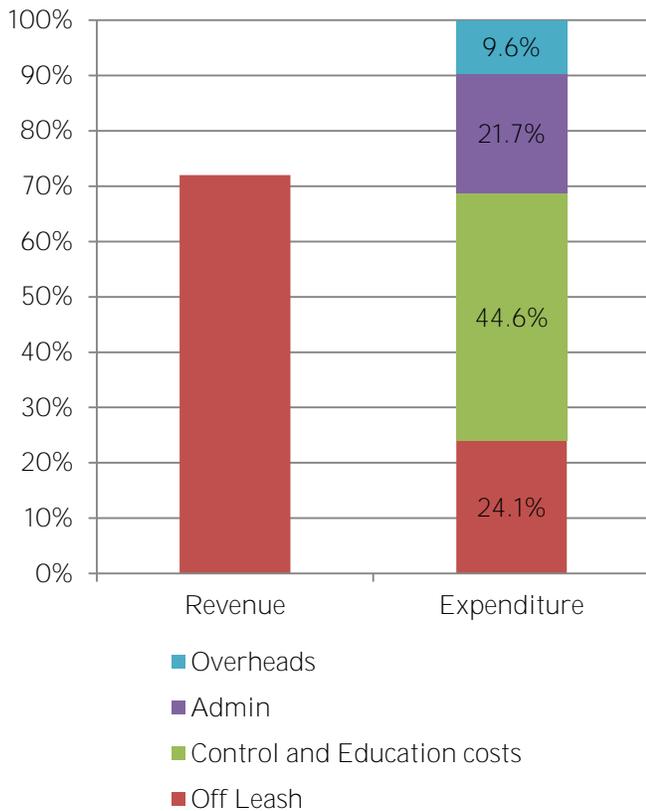
- ~~D~~dogs who have been impounded (impounding fees and daily sustenance fees)
- ~~L~~icences for more than three dogs (in urban premises not rural)
- ~~C~~ollection or delivery of a dog on behalf of an owner
- ~~E~~uthanasia of a dog at the owner's written request
- ~~R~~eplacement registration tags
- Responsible Dog Owner status (this includes site inspection fees).

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

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

The graph below details revenue and expenditure during the 2016/2017 financial year. It details total revenue (inclusive of registration fees and all other types of fees), and how it was spent.

Dog revenue and expenditure



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
- if 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. The Council will actively encourage dog owners to achieve RDO status, with the goal of having 50 percent of owners registered as RDO by 2019.

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 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 1 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~~ 1 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~~ 1 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:

- ~~D~~dog registration obligations
- ~~O~~owner responsibilities
- ~~T~~he 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~~ removing 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~~ 7 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
 - = 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~~ 2 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~~ 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 one 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 1 month after receipt of a notice of classification
- must be microchipped within 2 months of classification
- is subject to 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:

- ~~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 7 days to recover the dog from the pound.

Where the owner of the dog is unknown the Council must keep the dog for 7 days. If the dog is not claimed, after this time the dog may be disposed of (eg 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 it 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 that 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 to \$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. 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.

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~~ 5 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 are contained in the Wellington Consolidated Bylaw 2008 – Part Two: Animals.

The purpose of the 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 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 3 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 to 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.

Popular areas are planned to be upgraded. This includes making some popular exercise areas fully fenced and installing more rubbish bins. Additional signage is planned to encourage dog owners to pick up and dispose of their dog faeces.

Exercise Area	Locations	Proposed changes
Alexander Road West	Alexandra Road	No change
Ataturk Memorial	Eastern Walkway, grass valley on left arm of walkway heading north from the Memorial	No change
Bann Street	Orchy Cres/Bann St, Island Bay - Hill top between Orchy Cres and Bann St	No change
Cashmere Park	Onslow Road, Khandallah	No change
Charles Plimmer Park	Ellice Street, Mt Victoria	No change
Chelmsford Reserve	Chelmsford Street, Ngaio	No change
Churton Park	Halswater Drive, Churton Park – southern side of Halswater Drive up to sports field area	No change
Cliff Gaskin Reserve	Makara Road, Makara Village	No change
Cummings Park	Ottawa Road, Ngaio – area to east of stream in central part of reserve	No change
Dorrie Leslie Park	Queens Drive, Lyall Bay – open space along coast north from Arthurs Nose to residential area	No change
Duncan Park	Linden Avenue, Tawa – area between stream and Nathan Street	No change
Edward Wilson	Churton Drive, Churton Park – hill slopes to Middleton Road	No change
Ellice Street Quarry	Palliser Road/Majoribanks Street, Mt Victoria – area above petanque to Palliser Rd entrance	No change
<u>Finnimore Terrace</u>	<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
Flinders Park	Flinders Place, Johnsonville – area to south of carpark	No change
Grasslees Reserve	Main Road, Tawa – western side of stream to Main Rd	No change
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

Ian Galloway Park	Curtis Street, Northland – bottom area adjacent to BMX track and skateboard ramp	No change
Izard Park	Wilton Road, Wilton – area north and east of play equipment	No change
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
Kowhai Park	Mitchell Street, Brooklyn	No change
Liardet and Balfour Street Corner	Liardet Street, Vogeltown – open area on west side of Liardet St	Remove – very small and next to a major road junction. Alternative areas close by
Lower portion of Treasure Island/Kainui Road Reserve (land opposite Cog Park)	Evans Bay Parade, Hataitai	No change
Macalister Park	Adelaide Road, Berhampore – area south of sports field area	No change
Maupuia Walkway (Old Prison Road)	Maupuia Road/Akaroa Drive, Maupuia – open walkway accessed from Maupui Road and Akaroa Drive	No change
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
Monaghan Road Reserve	Monaghan Road, Karori	No change
Mt Albert	Mt Albert Road, Melrose – hill areas behind hockey stadium and Chinese Sports and Cultural Centre	No change
Newtown Park	Russell Terrace – pine plantation at top end of Newtown Park	No change – Fenced area option
Odell Reserve	Punjab Street, Khandallah – area up to reservoir	Modify – include top of reservoir
Ohiro Park (aka Tanera Park)	Ohiro Road, Brooklyn – open area on ridge	No change
Owen Street	Lower terrace on southern end of Owen Street	No change
Reef Street	Reef Street/The Esplanade, Island Bay – corner opposite Shorland Park	No change

Seton Nossiter	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
Silverstream Road Reserve	Silverstream Road, Crofton Downs – part of Huntleigh Park, area south of play area	No change
Sinclair Park	Houghton Valley Road, Melrose – terraced areas in park down from Houghton Valley School excluding bottom field	No change
Spenmoor Street Park	Spenmoor Street, Newlands	No change
<u>Stebbing's Dam</u>	<u>Proposed new area - Stebbings Dam detention dam area at Westchester Drive, Churton Park.</u>	Proposed new area
Tawa Tawa Reserve (Prestons Gully)	Murchison Road, Happy Valley	No change – Destination Park
Taylor Park	Taylor Terrace, Tawa – southern area of park behind badminton hall	No change
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
The Terrace	The Terrace behind numbers 230-242, grassed area above motorway entrance to Terrace Tunnel	No change
Top of Te Ahumairangi (Tinakori Hill)	Weld Street, Wadestown – open areas along summit	Modify – extend at southern end to include track from car park.
Trellisick Park	Kaiwharawhara Road (bottom of Ngaio Gorge) to Waikowhai Street (by Crofton Downs Railway Station), Ngaio	No change
Tukanae Street Reserve	Tukanae Street, Strathmore – reserve accessed from Tukanae Street	No change
Vice Regal North	Coromandel Street	Modify – link this area with the end of Owen Street
Waihinahina Park in Memory of Dennis Duggan	Ladbrook 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
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
Worser Bay/Awa Road intersection	Awa Road, Seatoun – corner of Awa Road and Marine Parade opposite Worser Bay Beach	No change
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
Lyllall 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)

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

Exercise Areas (Specified Times)	Locations	Specified time	Proposed changes
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
<u>Balaena Beach</u>	<u>Evans Bay Parade, Roseneath</u>	<u>Prohibited from 10am – 7pm every day during summer (from 1 December until 1 March the consecutive year).</u>	Proposed new area - allow dogs to walk off-leash on allowed area of the beach
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
<u>Oriental Bay Beach</u>	<u>Oriental Parade, Oriental Bay.</u> <u>Does not include Freyberg Beach.</u>	<u>From 1 March to 30 November only.</u> <u>Prohibited at all times during summer.</u>	Proposed new area - allow dogs to walk off-leash on allowed area of the beach

<u>Scorching Bay Beach</u>	<u>Karaka Bay Road, Karaka Bays</u>	<u>From 1 March to 30 November only. Prohibited at all times during summer.</u>	Proposed new area - allow dogs to walk off-leash on allowed area of the beach
<u>Seatoun Beach</u>	<u>Marine Parade, Seatoun. Allowed from the boat ramp at the north west end to the start of Churchill Park at Inglis Street.</u>	<u>Prohibited from 10am – 7pm every day during summer (from 1 December until 1 March the consecutive year).</u>	Proposed new area - allow dogs to walk off-leash on allowed area of the beach
Worser Bay Beach	Entire Beach	Dogs are allowed off-leash before 9am <u>10am</u> and after 7pm in summer <u>in summer (from 1 December until 1 March the consecutive year) during national Daylight Saving hours</u> 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 to 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	Baleana Bay Beach	Modify – proposed to be an off-leash area
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	Modify – proposed to be an off-leash area

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	<u>Oriental Parade, Oriental Bay</u>	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
Lyllall 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		Modify – proposed access from 1 March to 30 November. Prohibited at all times in summer
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		Modify – proposed access from 1 March to 30 November. Prohibited at all times in summer.
Seal Colony Restrictions Sinclair Head and South Coast ‘haul out’ areas	<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
Sports fields: Marked sports surfaces and artificial sports surfaces		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
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.	Modify – proposed access from 1 March to 30 November. Prohibited at all times in summer.
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
Beach areas restricted during summer Prohibited: between 9am 10am and 7pm every day during summer (<u>from 1 December until 1 March the consecutive year</u>) Controlled: dogs allowed on-leash before 9am and after 7pm and on-leash at all times during winter.	The following beach areas are classed as prohibited public places between 9am 10am and 7pm every day during summer (<u>from 1 December until 1 March the consecutive year</u>): — 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 (<u>from 1 December until 1 March the consecutive year</u>) and at all times in winter.	Modify – Update to reflect proposed new timings and use of calendar dates
Central City Restriction Dog owners can move through the central city but not stop in the CBD.	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.	Remove – replaced by new clause dealing with ‘Unattended Dogs’ to better reflect the desired intent
Kaiwharawhara Park Prohibited: 1 February to 31 October Exercise Area: 1 November to 31 Jan	Hutt Road, Kaiwharawhara	Remove – Better alternatives close by
Seal Colony Restrictions Sinclair Head and South Coast "haul out" areas Prohibited: 1 May to 31 August Controlled: dogs allowed on-leash rest of year	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.	Remove – as being changed to a full-time Prohibited Place

Appendix B: Maps of all exercise areas

For a full list of all of these areas and proposed changes, see Appendix A. Maps of these areas has not been included in this document. You can view all maps and proposed changes in *Dog Policy: exercise areas – review 2016* or online at wellington.govt.nz/haveyoursay.

Maps for the following areas can be downloaded from www.wellington.govt.nz/dog-exercise

~~SECTION 1: CENTRAL BUSINESS DISTRICT~~

SECTION 1a: EXERCISE AREAS including:

- BEACH EXERCISE AREAS
- EXERCISE AREAS (specified time)

SECTION 2a: BEACH AREAS RESTRICTED DURING SUMMER

SECTION 3a: PROHIBITED PUBLIC PLACES

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 within 14 days-	48
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	\$300

	obedience course (or both)	
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

