
REPORT 2
(1215/52/IM)

REVIEW OF THE DOG POLICY 2009

1. Purpose of Report

This report presents the results of the special consultative procedure and submissions received on the proposed Dog Policy 2009. It recommends amendments to the draft policy and seeks Committee agreement to refer the policy to Council for consideration and adoption.

2. Executive Summary

The revised Dog Policy 2009 aims to achieve a balance between the control of dogs and recognition of the community health benefits of dog ownership. It provides five new off-leash exercise areas, additional classifications for dog access to public places and a 'right of direct passage' for dogs and their owners through the central city.

A new initiative for consideration as part of the 2010/11 Draft Annual Plan process is recommended to fund signage for exercise areas, the central business district and key prohibited areas.

The Dog Policy 2009 will be implemented in conjunction with the Wellington Consolidated Bylaw 2008 – Part 2: Animals. A report on the results of public consultation on the proposed bylaw is being considered at this meeting and should be read alongside this report.

3. Recommendations

Officers recommend that the Committee:

1. *Receive the information.*
2. *Note that 381 written submissions were received and 33 oral submissions were heard on the proposed Dog Policy 2009 during the special consultative procedure undertaken in accordance with section 10(8) of the Dog Control Act 1996 and section 83 of the Local Government Act 2002.*
3. *Note that a summary of issues raised by the submitters is attached at Appendix One.*

4. *Agree to making the following changes to the policy:*
 - (a) *Include the following as new designated dog exercise areas:*
 - *Chelmsford Reserve, Ngaio*
 - *Vice Regal North, Newtown*
 - *Alexandra Road West, Newtown*
 - *Seatoun beach (Hector Street South to Point Dorset) – as an exercise area (specified times)*
 - *Worser Bay beach (entire beach) – as an exercise area (specified times).*
 - (b) *Change the classification of Arthur Carman Park and Kaiwharawhara Park from Exercise Areas to Prohibited places (specified times).*
 - (c) *Maintain the Waitangi Park and Karori Cemetery as controlled public places where dogs are allowed on-leash under control of their owners.*
 - (d) *Change the current restrictions for the central city to provide ‘direct right of passage’ through the central business district to the waterfront and other parts of the city for all dog owners and their dogs on-leash at all times.*
 - (e) *Accept two new public place classifications of ‘Exercise area (specified times)’ and ‘Prohibited place (specified times)’.*
 - (f) *Accept the proposed extensions/reductions to all exercise areas listed in point 5.2.3 including extending the designated dog exercise area in Trellissick Park.*
 - (h) *Maintain Macalister Park as a designated dog exercise area where dogs are allowed off-leash under control of their owners.*
 - (i) *Accept the proposed changes to ‘Responsible Dog Owner’ application and maintenance criteria.*
5. *Agree to officers developing a new initiative to provide funding for signage for all exercise areas, the central business district and key prohibited areas for consideration as part of the 2010/11 Draft Annual Plan process.*
6. *Note that officers do not recommend developing a Dog Destination Park at this time.*
7. *Agree to officers continuing to evaluate provision of bins as part of all play area upgrades when play areas are located in or near to a dog exercise area.*
8. *Agree to signage and dog owner education materials being used to promote a ‘pick up and take home’ message to dog owners/handlers who use exercise areas without bins.*
9. *Recommend to the Council that it agree to the amended Dog Policy 2009, as set out in Appendix Two.*

4. Background

The Dog Control Act 1996 and its subsequent amendments require the Council to develop a policy on dog control and related bylaws to enforce provisions in the policy and the Act. The proposed Dog Policy 2009 replaces Council's Dog Control Policy 2004.

Consultation on the draft Dog Policy 2009 occurred from 26 June to 7 August 2009. The Council received 381 written and heard 33 oral submissions on the draft policy. The majority of respondents were dog owners (84%). Fifty-three percent of respondents held Responsible Dog Owner status.

4.1 Dogs in Wellington – some statistics

In June 2008 there were 8,570 dogs registered to approximately 7,300 dog owners in Wellington city. Eight percent of Wellington households own dogs. The highest numbers of registered dogs are located in the Northern and Onslow-Western wards.

Twenty three of the 8,570 dogs registered in July 2007 - June 2008 were classified as dangerous¹ and 101 as menacing². The Council issued 279 infringement notices – the majority (60%) to owners for failing to register their dog. Of the 2157 dog related complaints the Council received for the 2007-2008 period, the majority (1263) were for roaming dogs, followed by 533 complaints about barking dogs.

Most dog owners (62.5%) who responded to the Council's Dog Exercise Survey in May 2008 reported that they walked their dogs every day. Common times for dog walks were weekend afternoons and weekday evenings. Most popular exercise areas were those that had parking, rubbish bins, a water source, were interesting for the dog and perceived as safe for the owner.

4.2 Dog 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.

Wellington has three primary classifications for public places under the policy:

- a) *Controlled public place* - dogs are allowed but must be controlled on a leash
- b) *Prohibited public places* – dogs are not allowed in these places at any time
- c) *Exercise areas* – dogs are allowed off leash but must be under the control of their owner/handler.

All public places in Wellington are controlled, unless they are listed as prohibited or designated exercise areas. Most current dog exercise areas have existed for approximately ten years.

¹ Under the Act, a 'dangerous dog' means any dog that behaves aggressively and threatens the safety of the public, stock, poultry, domestic animal or protected wildlife.

² A 'menacing dog' 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.

5. Discussion

5.1 Feedback from consultation questions

5.1.1 New off-leash exercise areas

Five new off-leash exercise areas were proposed in the draft policy:

- a. Chelmsford Reserve, Ngaio
- b. Vice Regal North, Newtown
- c. Alexandra Road West, Newtown
- d. Owhiro Bay beach
- e. Te Kopahou.

It is recommended that Chelmsford Reserve in Ngaio and Vice Regal North and Alexandra Road West in Newtown be accepted as new off-leash exercise areas.

Due to a high number of submissions from local residents and a submission from the Department of Conservation opposing Owhiro Bay and Te Kopahou as dog exercise areas (citing conflict with wildlife and habitat) it is recommended that these beach areas not be included as exercise areas and remain controlled public places where owners can walk with their dog on-leash.

Three new exercise areas (specified times) were also proposed:

- a) Island Bay beach (pier to the eastern end of the beach)
- b) Seatoun beach (Hector Street South to Point Dorset)
- c) Worser Bay beach (entire beach).

A number of submitters were opposed to the reclassification of Island Bay beach (pier to the eastern end of the beach) from a prohibited area to an exercise area (specified times) as the change would not allow any space on the beach for children, seniors or people who are afraid of dogs.

As Island Bay beach (pier to the western end of the beach) allows dogs at specified time in summer and throughout winter, it is recommended that the eastern end of Island Bay beach remain prohibited to allow residents and visitors to the area a section of the beach that will not have dogs on it.

It is recommended that Seatoun beach (Hector Street South to Point Dorset) be reclassified as an exercise area (specified times) and that Worser Bay beach also change from a 'Beach Area restricted during Summer' to an exercise area (specified times) where dogs are allowed off-leash before 9am and after 7pm in summer and off-leash at all times in winter.

5.1.2 Change in dog access to Arthur Carman and Kaiwharawhara Parks

Most respondents agreed with the proposal to change the status of Arthur Carman Park (75%) and Kaiwharawhara Park (73%) from exercise areas to mixed use sports field/dog exercise areas. This will mean that the parks will be

prohibited for most of the year when they are used as sports fields but be used as dog exercise areas for some summer months.

It is recommended that the change in status for both parks be made but that the classification for these parks is changed from 'Park exercise areas (specified times)' to 'Prohibited places (specified times)' as the areas are prohibited for a greater amount of time than dogs would be allowed to exercise on them.

It is also recommended that the 'specified times' be changed from public holiday dates to calendar dates for ease of use.

The parks will therefore become 'Prohibited place (specified times)'. Dogs are prohibited from 1 February to 31 October when the areas will be used as sports fields. Dogs can be exercised off-leash from 1 November to 31 January each year when the parks become dog exercise areas.

5.1.3 Waitangi Park

It is recommended that Waitangi Park remain a controlled public place where owners can walk with their dog on-leash. Sixty six percent of respondents stated that Waitangi Park should not be prohibited to dogs. Animal Control has not encountered any significant animal control problems on this area in the past.

5.1.4 Karori Cemetery

Karori Cemetery is a popular area for dog owners to walk their dogs. Many submitters commented that they use the cemetery because it feels safe, is well lit, has amenities such as a water bowl for dogs and there is a lack of similarly suited places in Karori.

The Council received two e-petitions requesting that Karori Cemetery be designated as a dog exercise area:

- a) 8 June 2008 e-petition – had 64 signatures supporting a request that dogs be allowed to walk unleashed in Karori Cemetery between agreed hours of before 9am and after 6pm.
- b) 2 February 2008 e-petition – had 106 signatures supporting a request for the cemetery to be able to be used as an exercise area between 7.30-11.30am Monday to Friday.

Although there has been a high level of support for a change of status from a controlled public place to an exercise area, it is recommended that Karori Cemetery remain a controlled public place with dogs on-leash in recognition of 58% of submissions received (84% of these submissions being from dog owners) that supported maintaining the status quo.

5.1.5 Central city restriction

The central city is currently classified as a prohibited place for dogs between 8am and 6pm, seven days a week. Only dog owners living in the central city may walk through the city with their dog on-leash to access the waterfront or other parts of the central area.

With an increasing number of people (and potential dog owners) moving in to the central city, the draft policy proposes relaxing the restriction to afford all dog owners a right of direct passage through the central city at all times.

This change was supported by submissions and so it is recommended that the policy be changed to allow all dog owners and their dogs to walk through the central city at all times.

5.1.6 Destination Dog Park

Although 62% of respondents supported a dog destination park, a number of submitters thought it was more appropriate to ensure current exercise areas were equipped with required facilities such as clear signage, bins and fencing.

It is therefore recommended that a dog destination park is not developed at this time.

5.1.7 Name of policy

The preferred name of the policy is the Wellington City Council Dog Policy (42%). Thirty eight percent of respondents said the name of the policy did not matter. Twenty percent of respondents preferred the Dog Control Policy.

5.2 Key submission points

5.2.1 New public place classifications

The draft policy recommended three additional public place classifications:

- **Exercise area (specified times)** – dogs allowed off-leash between midnight and 9am.
- **Park exercise area (specified times)** – this classification applied to Kaiwharawhara and Arthur Carman parks only and allowed dogs to exercise off-leash in the parks from Labour Weekend to Wellington Anniversary Weekend. Dogs would be prohibited from the parks outside of this period.
- **Prohibited place (specified times)** – areas where dogs are prohibited during the times specified.

Many submitters found the first two classifications confusing and contradictory to the stated policy objectives of promoting public safety and responsible dog ownership (midnight to 9am were not seen as safe times for owners to walk their dogs, nor conducive to allowing them to see and collect any dog faeces left in public places).

As such it is recommended that the new public place classifications be simplified and amended to:

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

Three new areas were proposed under this classification. Island Bay beach (pier to the eastern end of the beach) has been removed for reasons previously discussed. The classification will therefore only apply to Seatoun beach (Hector Street South to Point Dorset) and Worsler Bay beach at this time.

- **Prohibited place (specified times)** – areas where dogs are prohibited during the times specified.

Kaiwharawhara and Arthur Carman parks will be designated as 'Prohibited places (specified times)' along with other defined areas such as the South Coast in seal 'haul out' season.

The times dogs are prohibited on Kaiwharawhara and Arthur Carman parks (1 February to 31 October when the areas are used as sports fields) will be clearly stated, along with the times the fields can be used as dog exercise areas (1 November to 31 January).

The classification of 'Park exercise area (specified times)' will be removed from the policy.

To clarify the status of beaches listed as being 'restricted during summer'; the following definition will be included in the policy:

- **Beach areas restricted during summer** – dogs are prohibited from these areas from 9am – 7pm every day in summer 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.

5.2.2 Responsible dog owner criteria and information

The draft policy proposed that dog owners seeking 'Responsible Dog Owner' (RDO) status should be required to answer dog care questions as part of their RDO application. Although 82% of respondents ticked the box to agree with the proposal, a significant number of submitters commented that they disagreed with the change.

Most respondents thought it was more appropriate that dog welfare information be provided to all dog owners and the general public, as owners who wish to attain RDO status are likely to provide appropriate care and attention to their dog. It is therefore recommended that this requirement be removed from the draft policy and that the Council focus on general education provision for all dog owners and the general public.

Additional changes recommended to the RDO criteria are as follows:

- a) Dog owners who hold RDO status can contact the Council to suspend their status for 24 months if they travel away from Wellington or if their dog dies. The owner must make a written request and provide appropriate documentation to the Council to ask for a suspension.
- b) Owners with RDO status will be allowed a ten day grace period before they lose their status. Currently 'Responsible Dog Owners' can lose their status if they are one day late after the 1 July registration fee deadline.

Note: The Council will continue to encourage all dog owners to pay their registration fee by the 1 July due date specified in the Dog Control Act. Penalty fees incurred if payment is made on or after 1 August (also specified under the Act) will also apply.

5.2.3 Proposed changes to exercise areas

It is recommended that the following exercise areas be extended/reduced as proposed. Maps indicating all changes are included in the policy in Appendix B.

- Duncan Park - removal of northwest corner of park from exercise boundary
- Taylor Park – extension at southern end of park
- Willowbank Park – extension north east of Boscobel Lane
- Edward Wilson Park – small extension near Churton Drive
- Seton Nossiter Park – extension of area north-west from Tyrico Way
- Meekwood Reserve – extension of park east to Clifford Road
- Silverstream Road – remove strip closest to Silverstream Road
- Chelmsford Reserve – NEW area
- Trelissick Park – extend beyond suggested boundaries as per point 5.2.3.2
- Top of Tinakori Hill – extend to include middle section of hill
- Tinakori Slopes – small extensions to connect slopes to tracks
- Karori Park – remove carpark – a strip along the top walk way around the sports field and land at the top of Khouri Ave (north west of the dog exercise area)
- Ohiro Park (Tanera Park) – small extension to north west of park, removal of area closest to Marama Crescent (west of Ohiro Road)
- Kowhai Park – small extension of walkway from Arizona Grove
- Hataitai Park – removal of area at the back of the Badminton Hall
- Vice Regal North – NEW area
- Alexandra Road West - NEW area
- Macalister Park – keep as per point 5.2.3.1
- Owen Street Park – extend to include larger area near Owen Street
- Mt Albert Park – remove area near Dual Slalom Track, extent to include hill areas behind the hockey stadium and Chinese Sports and Cultural Centre
- Sinclair Park – small extension
- Tawa Tawa Reserve (Prestons Gully) – small extension, removal of two small areas at bottom edges of park along Murchison Street
- Dorrie Leslie Park – extend north along Queens Drive
- Ataturk Memorial – extension north of current area up towards Bowes Crescent and Bury Grove

5.2.3.1 Macalister Park

The draft policy proposed removing Macalister Park as a dog exercise area so the park could be used as a sports field. The Council received a number of submissions requesting that the park be retained as it is well used, there are no other similar flat areas to walk dogs near by and the removal of the park would have a significant affect on a number of residents of the local rest home who own dogs and regularly use the park and its facilities. It is therefore recommended that Macalister Park be retained as a dog exercise area.

5.2.3.2 Extension of Trelissick Park

The Council received a number of submissions and an e-petition³ requesting that the exercise area in Trelissick Park be extended so it starts at entrance number six on Kaiwharawhara Road (bottom of Ngaio Gorge) and ends at entrance number two on Waikowhai Street (by Crofton Downs Railway Station).

It is recommended that this extension be made in recognition that the majority of current park users are dog walkers and the park provides a large space for dogs to exercise that is not used extensively for any other purpose.

5.2.3.3 Suggested dog exercise areas

A number of additional areas were suggested by submitters including:

- Magpie Lawn, Botanic Gardens
- Mt Kaukau
- The end of Sirsi Terrace to the fence line on the Northern walkway for Broadmeadows residents
- Newtown Park - the hospital end off Coromandel St
- A new area in Karori (as the cemetery cannot be off-leash)
- An area in Mt Victoria

These areas cannot be considered as exercise areas under the proposed Dog Policy 2009 without additional consultation on the change using the special consultative procedure; however it is recommended that these areas be considered in the next review of the Dog Policy and related bylaws in 2014.

When considering new dog exercise areas the Council should investigate potential community partners (such as local dog clubs) who would be willing to support the development of appropriate spaces⁴.

Alternatively the Council could decide to progress its inclusion of dogs in the city, allowing the policy to be more permissive and change the general classification of most reserve/park spaces in Wellington from controlled spaces to allowing dogs off-leash but under the control of their owners.

³ The e-petition will close on 10 October 2009 but had 83 signatures at 22 September 2009.

⁴ Note: potential partnerships with community organisations would be considered on a case-by-case basis and would be subject to general consultation with the wider community. It should be noted that for shared use reserves, fencing will generally not be appropriate.

This approach would focus on dog owner responsibility rather than regulation to ensure public health and safety. It would provide a number of benefits including:

- simplifying the policy to allow greater ease of understanding for dog owners and the general public
- changing the policy model to suit Wellington's environment and topography so that appropriate mixed use of all suitable flat accessible land and Wellington's recreational track network was encouraged
- a reduction in costs associated with 'exercise area' including signage, fencing and special bins.

As the change in policy would alter areas where owners can travel with their dogs on and off-leash (again requiring consultation through the special consultative procedure) it is recommended that this option be investigated at the next review of the Dog Policy and related bylaws in 2014.

5.2.4 Signage

Many submitters commented on the lack of clear and appropriate signage across the Council's exercise areas and in some prohibited areas (such as Tarakena Bay where dogs are in conflict with wildlife and their habitat).

It is recommended that a new initiative is developed for consideration as part of the 2010/11 Draft Annual Plan process to provide funding for signage for exercise areas, the central business district and key prohibited areas.

Signage will provide clear information about the status of each area (where dog exercise areas start and end), times they can be used (for exercise areas with specified times) and promote owner responsibility to pick up and dispose or remove faeces from the area if there are no bins available.

5.2.5 Bins

It is a requirement of the Wellington Consolidated Bylaw 2008: Part 2 – Animals that dog owners remove and dispose of any dog faeces left by their dog in any public place. Many submitters commented on the lack of bins to allow them to dispose of the bagged dog faeces. Others commented on piles of bagged dog faeces often left by dog owners at the entrance or exits to exercise areas.

Seven of the Council's 'top ten'⁵ exercise areas have bins, however out of the Council's current 48 exercise areas: 25 do not have bins; 16 have bins located near the car park at one of the entrances to the park; and 8 only have bins located near the children's play area of the park.

The 2002 trial where speciality dog faeces bins were installed in exercise areas showed no marked difference in the cleanliness of those spaces. At an

⁵ The ten most popular dog exercise areas in Wellington identified in the May 2008 dog exercise survey were as follows: 1) Lyall Bay, 2) Seton Nossiter Park, 3) Cummings Park, 4) Karori Park, 5) Ataturk Memorial, 6) Willowbank Park, 7) Tinakori Hill, 8) Trelissick Park, 9) Ohiro Park, 10) Waihinahina Park. Considerations in ranking areas included safety, access to parking, water, bins and interest for the dogs.

approximate cost of \$1200 to install and approximately \$1000 per annum to empty and disinfect, bins are expensive. Bins in isolated dog exercise areas are also difficult and costly to access and maintain with issues such as fly tipping often making the bins ineffective.

Parks officers currently evaluate provision of bins as part of any play area upgrades when play areas are located in or near to a dog exercise area. It is recommended that this work continue and that signage and education materials provided to dog owners be used to promote a 'pick up and take home' message to dog owners/handlers who are using exercise areas without bins.

5.2.6 Fencing and lighting

Submitters (including the SPCA) mentioned a number of current Council exercise areas they considered dangerous without appropriate fencing. Areas mentioned included the Awa Road/Worser Road park, Evans Bay and Churton Park.

Lighting was another issue raised by a number of submitters. The Council has also received two e-petitions requesting lighting:

- a) 6 July 2008 e-petition – had 411 signatures supporting a request that at least the most popular exercise areas be supplied with lighting adequate for dog-exercising and personal safety.
- b) 22 June 2008 e-petition – had 37 signatures supporting a request for lighting in dog exercise parks.

Although public health and safety is very important to the Council, fencing dog exercise areas is not recommended at this time as most exercise areas are shared use spaces where fencing is not appropriate and can cause other safety problems.

Fencing⁶ and lighting⁷ would also require significant investment that is not affordable or a priority in the current economic climate.

As discussed previously, the Council will consider potential community partnerships to develop dog exercise areas where fencing and/or lighting is appropriate.

5.2.7 Registration fees and benefits

A number of submitters mentioned the high cost of Wellington's registration fees and the lack of benefits Wellingtonian dog owners feel they receive – their fees contributing to measures required for city dog control rather than on items or initiatives that provide direct benefits to dog owners.

⁶ Fencing dog exercise areas costs between \$95 - \$120 per metre to install hurricane style or galvanised mesh fencing. The total cost of each park depends on the park size and key areas required to be fenced.

⁷ Providing basic lighting to an area can cost between \$20,000-\$30,000 minimum depending on the type of lighting required, installation costs (trenching, cabling). The area also needs to be near an available power supply.

Fees are currently used for:

- dog control and law enforcement
- campaigns and education in schools, community groups and businesses
- canine promotional materials
- administering the dog shelter at Moa Point
- some signage of dog exercise areas
- administering the dog register, application forms and tag distribution.

While registration fees⁸ in Wellington are the highest in New Zealand, fees have not increased in five years and cover 75% of dog control costs, the remaining 25% of costs are provided through general rates. It is therefore recommended that the current fees policy does not change at this time.

5.3 LTCCP Implications

A new initiative for consideration as part of the 2010/11 Draft Annual Plan process is recommended to fund signage for all exercise areas, the central business district and key prohibited areas.

6. Conclusion

This report recommends amendments to the draft Dog Policy 2009 and seeks Committee agreement to refer the policy to Council for consideration and adoption.

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⁸ Annual registration fees for 2008/09 were: \$145 for an entire dog, \$105 for desexed (neutered), \$52.50 for dogs of owners that hold 'RDO' status, \$40 for working dogs and free of charge for approved disability assist dogs. Fees are due by 1 July. An additional 50% surcharge applies to fees paid on or after 1 August.

Supporting Information

1) Strategic Fit / Strategic Outcome

The Dog Policy supports the Council's Social Wellbeing strategy and Public Health and Safety activity.

2) LTCCP/Annual Plan reference and long term financial impact

The policy relates to 5.4.3 Public health regulations (food/dogs) in the LTCCP. A new initiative for consideration to the 2010/11 Draft Annual Plan process is recommended to fund signage for all exercise areas, the central business district and key prohibited areas.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations in relation to this policy.

4) Decision-Making

The report sets out a number of options and reflects the views of those people who made submissions on the draft policy.

5) Consultation

a) General Consultation

Consultation took place from 26 June to 7 August 2009. The Council received 381 written and 33 oral submissions on the draft policy.

b) Consultation with Maori

Wellington Tenth Trust and Te Runanga o Toa Rangatira were provided with a draft version of the policy during the special consultative procedure.

6) Legal Implications

The Council's lawyers have been consulted on the development of the related bylaws that will be used to enforce this policy.

7) Consistency with existing policy

This report makes amendments to the proposed Dog Policy 2009.