

### **Appendix 1 – Draft Amendments to Wellington Consolidated Bylaw 2008: Part 2 - Animals**

Proposed additions to the existing Bylaw are highlighted and deletions are identified by strikethrough.

#### **Wellington Consolidated Bylaw 2008: Part 2 - Animals**

This Part of the Bylaw outlines the requirements for the keeping of animals and bees. The requirements are deemed necessary to assist with the implementation of the draft Wellington City Council Dog Control Policy 2009 and for the purposes of protecting the public from nuisance and protecting, promoting and maintaining public health and safety.

This Part is made pursuant to sections 145 and 146 of the Local Government Act 2002, section 64 of the Health Act 1956 and section 20 of the Dog Control Act 1996. The Animal Welfare Act 1999 should be read in conjunction with this Part.

#### **1. Definitions**

##### **1.1 In this Part:**

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

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

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

*Controlled public place* means any area declared under clause 3.4.1 where dogs are allowed as long as they are on a leash.

*Exercise area* means any area declared under clause 3.4.1 where dogs are allowed and are not required to be on a leash.

*Exercise area (specified times)* means any area declared under clause 3.4.1 where dogs are allowed and are not required to be on a leash at specified times.

*Park exercise area (specified times)* means a park area declared under clause 3.4.1 where dogs are allowed and not required to be on a leash from Labour Weekend to Wellington Anniversary Weekend.

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

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

*Prohibited public place* means any area declared under clause 3.4.1 where dogs are not allowed at any time on or off-leash.

*Prohibited (specified times) public place* means any area declared under clause 3.4.1 where dogs are not allowed at specified times on or off-leash.

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

~~Stock shall include any horse, cattle, deer, mule, sheep, pig, goat, alpaca or llama~~

*The Act* means the Dog Control Act 1996, including any amendment from the date it comes into force, and any regulation under it.

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

### **2. Activities that Require Council Permission**

2.1 The authority to ~~issue a licence or permit~~ **grant Council permission** for anyone to carry out the activities set out below is outlined in Part 1 (Introduction) of this Bylaw. ~~A licence or permit~~ **Council permission** may be granted subject to any conditions the Council sees fit.

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

#### **2.2.1 Animal establishments**

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

#### **2.2.2 Keeping goats**

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

#### **2.2.3 Keeping poultry in an urban area**

Anyone keeping more than 6 poultry in total on a property.  
Anyone keeping a rooster on a property.

#### **2.2.4 Keeping more than three dogs**

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

In assessing an application under clause 2.2.4 the Council will consider the impact granting a ~~licence~~ **Council permission** will have on the amenities of the neighbourhood and it may be subject to any terms, conditions and restrictions, including:

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- i. limiting the number of dogs that may remain or be kept on the premises at any one time
- ii. limiting the duration of the licence **Council permission**
- iii. restrictions as to the purpose for which the dogs are to be kept
- iv. provision for the dogs' hygiene, control, confinement and regular inspection
- v. provision for the protection of other persons or property from being affected in any way by the dogs.

### 3. Other Activities

#### 3.1 General conditions of keeping animals

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

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

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

**3.1.4 All animals capable of confinement must be confined within their owners' property.**

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

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

#### 3.2 Feeding Animals

**3.2.1 Feeding of animals must be done in a manner that does not cause or is not likely to cause a nuisance.**

#### 3.3 Dog nuisances

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

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

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

### 3.4 Dog areas

3.4.1 The Council may, by publicly notified resolution, declare any public place to be a 'controlled public place', a 'prohibited public place', a 'prohibited (specified times) public place', an 'exercise area' an 'exercise area (specified times)' or a 'park exercise area (specified times)' and may impose prohibitions and restrictions in respect of that area. A list of areas is included as Appendix 1.

3.4.2 The owner of any dog shall ensure their dog does not enter or remain in a 'controlled public place', a 'prohibited public place' or a 'prohibited (specified times) public place' contrary to any prohibition or restriction imposed by Council under clause 3.4.1.

3.4.3 Despite any restrictions imposed under clause 3.4.1 any working dog that is working at the time may enter a 'controlled public place', a 'prohibited public place' or a 'prohibited (specified times) public place'.

3.4.4 The owner of any dog may keep their dog off a leash in any 'exercise area' declared under clause 3.4.1 and off the leash in a 'exercise area (specified times)' or a 'park exercise area (specified times)' during the times specified in the resolution under clause 3.4.1.

3.4.5 The owner of any authorised hearing ear dog, guide dog or companion disability assist dog may keep their dog off a leash in a 'controlled public place', a 'prohibited public place' or a 'prohibited (specified times) public place' declared under clause 3.4.1.

### ~~3.5 Impounding~~

~~3.5.1 Any dog found at large in breach of this Bylaw may be impounded by a Dog Control Officer~~

~~3.5.2 The Council will apply the procedure set out in Section 69 Of the Act to any impounding under clause 3.5.1~~

## 4. Offences

4.1 Everyone commits an offence who:

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- a. injures any animal on any road and fails to render assistance.
  - b. kills any animal on any road and allows it to remain on the road.
  - c. buries any animal carcass anywhere in the district in a manner that is or is likely to become a nuisance, injurious or hazardous to health or safety.
  - d. being the owner or having the care, custody, or control of any animal, does not confine it adequately to prevent it from straying on to any road; trespassing on any land or reaching into or over any residential property or public land.
- 4.2 Every dog owner or person in control of the dog at the time commits an offence who:
- a. allows their dog to enter a public place when it is infected with mange, distemper, or other infectious disease, or it is a bitch in season.
  - b. does not immediately remove **and dispose of** their dog's faeces when it defecates in any public place, or on land or premises other than that occupied by the dog's owner.
  - c. allows their dog (except a working dog that is working at the time) in a public place, unless it is controlled by a leash or unless allowed by resolution under clause 3.4.1.

## Appendix 1 – List of Controlled Public Places, Prohibited Public Places and Exercise Areas

### 1 CONTROLLED PUBLIC PLACES

All public places in Wellington City are classed as controlled public places where dogs are allowed controlled on a leash, except for public places classified as:

- a **Prohibited Public Place** under this Bylaw
- a **Prohibited Public Place (Specified Time)** under this Bylaw
- an **Exercise Area** under this Bylaw
- a **Park Exercise Area (Specified Time)** under this Bylaw
- an **Exercise Area (Specified Time)** under this Bylaw

### 2 PROHIBITED PUBLIC PLACES

The following areas are classified as *Prohibited Public Places* in relation to dogs.

**TABLE 1 PROHIBITED PUBLIC PLACES**

1	Wellington Zoo	
2	Karori Wildlife Sanctuary	
3	Wellington International Airport	
4	Areas of Children’s Play Equipment	
5	Sports fields	
6	Freyberg Beach	
7	Oriental Bay Beach	
8	Scorching Bay Beach	
9	Princess Bay Beach	
10	Palmer Head	Wahine Park (penguin nests etc.) to Tarakena Bay
11	Tarakena Bay Beach	To Moa Pt including Hue Te Taka - boat launching ramp and protected area
12	Lyall Bay Beach	From the steps in the seawall, opposite no. 30 Lyall Parade (200 metres from the eastern side of the children’s playground) to the western end of the beach
13	Waitangi Park	The open grassed area

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## 3 PROHIBITED - SPECIFIED TIMES

The following areas are classed as *Prohibited Public Places* in relation to dogs during the times specified.

**Island Bay Beach** – The area from the pier to the eastern end of the beach shall be classed as a *Prohibited Public Place between the hours of 9am and midnight*.

**Kaiwharawhara Park and Arthur Carmen Park** – *shall be classed as Prohibited Public Places from the end of Wellington Anniversary Weekend to the end of Labour Weekend.*

### Seal Colony Restrictions

**Sinclair Head** – the area of Sinclair Head shall be classed as a *Prohibited Public Place from the 1st of May to the 31st of August each year*.

**South Coast** – seal ‘haul out’ areas along the South Coast may change from year to year. Areas where seals congregate shall be classed as *Prohibited Public Places from the 1st of May to the 31st of August each year*.

### Central City Restriction

The area of the Central City defined on Map 1 in Appendix 2 shall be classed as a *Prohibited Public Place between the hours of 8am and 6pm, 7days a week*.

### Summer Beach Restriction

The following beach areas shall be classed as *Prohibited Public Places between 9am and 7pm every day during national ‘Daylight Savings’ hours*.

**TABLE 2 BEACH AREAS RESTRICTED DURING SUMMER**

1	Balaena Bay Beach
2	Hataitai Bay Beach
3	Island Bay Beach (from the pier to the western end of the beach)
4	Seatoun Beach (including Churchill Park)
5	Worser Bay Beach

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### 4 EXERCISE AREAS

The areas listed in Table 3 below shall be classed as *Exercise Areas*, where dogs can be exercised off a leash. However, owners are required to maintain control over their dog at all times.

**TABLE 3 EXERCISE AREAS**

<b>Exercise Areas</b>	<b>Locations</b>
Duncan Park	Linden Ave, Tawa – area between stream and Nathan St
Grasslees Reserve	Main Rd, Tawa – western side of stream to Main Rd
Taylor Park	Taylor Tce. Tawa – southern area of park behind badminton hall
Willowbank Park	Main Rd, Tawa – area north of scout hall and area on eastern side of stream
Churton Park	Halswater Dr, Churton Park – southern side of Halswater Dr up to sports field area
Edward Wilson Park	Churton Dr, Churton Park – hill slopes to Middleton Rd
Seton Nossiter Park	Mark Ave, 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
Spemore St Park	Spemore St, Newlands
Waihinahina Park	Ladbroke Dr, Newlands - large flat area to the south on right-hand side of car park
Meekwood Reserve	Ohariu Rd, Johnsonville – Ohariu Rd side of reserve up to crest of hill
Flinders Park	Flinders Place, Johnsonville – area to south of carpark
Cashmere Park	Onslow Rd, Khandallah
Silverstream Rd Reserve	Silverstream Rd, Croften Downs – part of Huntleigh Park, area south of play area
Cummings Park	Ottawa Rd, Ngaio – area to east of stream in central part of reserve
Chelmsford Reserve	Chelmsford Street, Ngaio
Trelissick Park	Ngaio Gorge Rd, Ngaio – valley floor from Ngaio Gorge Rd to first sewer trap
Odell Reserve	Punjab St, Khandallah – area up to reservoir

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<b>Exercise Areas</b>	<b>Locations</b>
Izard Park	Wilton Rd, Wilton – area north and east of play equipment
Top of Tinakori Hill	Weld St, Wadestown – open areas along summit
Tinakori Slopes	Wadestown Rd, Thorndon – hill slopes from summit to Wadestown Rd
Ian Galloway Park	Curtis St, Northland – bottom area adjacent to BMX track and skateboard ramp
Karori Park	Karori Rd, Karori – area north of sports fields
Monaghan Rd Reserve	Monaghan Rd, Karori
Wrights Hill	Wrights Hill Rd, Karori – parade ground area
The Terrace	The Terrace behind numbers 230-242, grassed area above motorway entrance to Terrace Tunnel
Mitchelltown School Site	Holloway Rd, Aro Valley – area above Holloway Rd/Aro St
Ohiro Park (aka Tanera Park)	Ohiro Rd, Brooklyn – open area on ridge
Kowhai Park	Mitchell St, Brooklyn
Charles Plimmer Park	Palliser Rd/Majoribanks St, Mt Victoria – area above petanque to Palliser Rd entrance
Ellice St Quarry	Ellice St, Mt Victoria
Cog Park	Evans Bay Parade, Hataitai
Hataitai Park	Ruahine St/Alexandra Rd Hataitai – open area along Ruahine St from badminton hall to park entrance. Open area from Alexandra Rd to behind badminton hall
Vice Regal North	Coromandel Street
Alexandra Road West	Alexandra Road
Liardet & Balfour St Corner	Liardet Street, Vogeltown – open area on west side of Liardet Street
Owen Street	Lower terrace on southern end of Owen St
Newtown Park	Russell Tce – pine plantation at top end of Newtown Park
Mt Albert	Mt Albert Rd, Melrose – hill areas behind hockey stadium and Chinese Sports and Cultural Centre

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Exercise Areas	Locations
Sinclair Park	Houghton Valley Rd, Melrose – terraced areas in park down from Houghton Valley School excluding bottom field
Prestons Gully	Murchison Rd, Happy Valley
Dorrie Leslie Park	Queens Dr, Lyall Bay – open space along coast north from Arthurs Nose to residential area
Bann St	Orchy Cres/Bann St, Island Bay - Hill top between Orchy Cres and Bann St
Reef St	Reef St/The Esplanade, Island Bay – corner opposite Shorland Park
Maupuia Walkway (Old Prison Rd)	Maupuia Rd/Akaroa Dr, Maupuia - open walkway accessed from Maupui Rd and Akaroa Dr
Ataturk Memorial	Eastern Walkway, grass valley on left arm of walkway heading north from the Memorial
Worser Bay/Awa Rd intersection	Awa Rd, Seatoun – corner of Awa Rd and Marine Parade opposite Worser Bay beach
Tukanae St Reserve	Tukanae St, Strathmore – reserve accessed from Tukanae St
Cliff Gaskin Reserve	Makara Rd, Makara Village
Te Kopahou	Beach area from Owhiro Bay Parade to Fly Rock
Owhiro Bay	Beach area along Owhiro Bay Parade

The beach areas listed in Table 4 below shall be classed as *Exercise Areas*:

**TABLE 4 BEACH EXERCISE AREAS**

Weka Bay Beach	
Kio Bay Beach	
Evans Bay Beach	
Lyall Bay Beach	from the steps in the seawall, opposite no. 30 Lyall Parade (200 metres from the eastern side of the children’s playground) to the airport end of the beach
Little Karaka Bay Beach	
Makara Beach	
Houghton Bay Beach	

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The beach areas listed in Table 5 below shall be classed as *Exercise Areas (Specified Times)* Dogs are allowed off leash, remaining under control at all times, between 12:00 am (midnight) and 9:00 am.

**TABLE 5: BEACH EXERCISE AREAS (SPECIFIED TIME)**

<b>Beach Exercise Areas</b>	<b>Comment</b>
Island Bay Beach	Pier to the eastern end of the beach
Seatoun Beach	Hector Street South to Point Dorset
Worser Bay Beach	Entire Beach

The following park areas listed in Table 6 below shall be classed as *Park Exercise Areas (Specified Times)*. Dogs are allowed off leash, remaining under control at all times, from Labour Weekend to Wellington Anniversary Weekend.

**TABLE 6: PARK EXERCISE AREAS (SPECIFIED TIME)**

<b>Park Exercise Areas</b>	<b>Comment</b>
Arthur Carmen Park	Collins Ave, Linden
Kaiwharawhara Park	Hutt Road, Kaiwharawhara

## Appendix 2

MAP 1: CENTRAL CITY RESTRICTED AREA



**DATA STATEMENT**  
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### Central City Dog Restriction Area

 CBD Dog Control	 Add
 Remove	

