

**SUMMARY OF INFORMATION
AND
STATEMENT OF PROPOSAL
TO REVIEW THE
DOG CONTROL POLICY 2004**

DOG CONTROL POLICY

HAVE YOUR SAY

The Wellington City Council is keen to hear what residents think about the review of the Dog Control Policy 2004, and the resulting draft Dog Control policy 2009.

Attached is a full Statement of Proposal for the review, along with a summary of the information in the proposal and a submission form. Copies of these documents are available at the Wellington City Council, 101 Wakefield Street, Wellington public libraries and on the Council website www.wellington.govt.nz

Please fill in a submission form, make a submission online at www.wellington.govt.nz or e-mail a submission to policy.submission@wcc.govt.nz

Written submissions can be sent to:

Freepost WCC
Submissions (Dog Control Policy 2009)
Policy Unit
Wellington City Council
PO Box 2199
Wellington

Submissions close at 4 pm on Friday 7 August 2009.

Hearings and meetings on the policy will be open to the public. People wishing to speak on their submission can do so at the relevant Committee meeting.

SUMMARY OF INFORMATION IN THE STATEMENT OF PROPOSAL

The Dog Control Policy was adopted by the Council in 2004 with a resolution to review the Policy in 2009. The policy is largely concerned with community safety and health, animal welfare and providing mechanisms for the registration of dogs. The review has resulted in the draft Dog Control Policy 2009, which is attached as Appendix 1.

The following issues and associated proposed policy changes have been identified for public consultation.

- a) New policy objectives recognising the positive community health benefits of dog ownership in addition to the existing policy focus on the control of dogs.
- b) Improved access to the waterfront through the central city dog restriction area.
- c) New provisions to encourage the take up of responsible dog ownership (RDO) status including emphasis on the need for timely payment of fees in order to maintain RDO status, new requirements to ensure owners have adequate knowledge of dog care, and easier retention of RDO status when dogs die.
- d) Changes to controlled public places, prohibited public places and exercise areas, including increased numbers of exercise areas, and a new category of exercise area (specified times).
- e) A destination dog park.
- f) Provision of criteria for determining the requirement to neuter menacing dogs.
- g) Provision of a new bylaw requirement for dog owners to carry a receptacle for removal of dog faeces while in public places.
- h) A new provision to encourage dialogue between owners and the Council to promote responsible dog ownership.

The Animals Bylaw which provides the Council powers to enforce the Dog Control Policy is also being reviewed to give effect to the Policy. A Statement of Proposal for the amended bylaw is also available for public consultation online at www.wellington.govt.nz.

On completion of the review process, the draft Policy will be adopted as the Dog Control Policy 2009.

The Council is keen to know what residents think about the draft Policy. The full Statement of Proposal to review the existing Policy is attached to this summary of information along with a submission form. It is also available online at www.wellington.govt.nz.

Submissions close at 4 pm on Friday 7 August 2009.

FULL STATEMENT OF PROPOSAL

TO REVIEW THE

DOG CONTROL POLICY 2004

CONTENTS

1. Introduction

2. Background

- 2.1 Relevant legislation
- 2.2 The policy review

3. Issues and proposed policy changes

- 3.1 Addition to policy objectives
- 3.2 Changes to controlled public places, prohibited public places, and exercise areas
 - 3.2.1 Controlled public places
 - 3.2.2 Prohibited Public Places
 - 3.2.3 Exercise areas
 - 3.2.4 Karori Cemetery
- 3.3 Central City Restriction Area
- 3.4 Rubbish bins in exercise areas
- 3.5 Changes to the requirements for achieving Responsible Dog Owner status
- 3.6 Promotion of dialogue to encourage responsible dog ownership
- 3.7 Criteria for determining the requirement to neuter menacing dogs
- 3.8 Provision to require owners to carry a receptacle for the removal of dog faeces
- 3.9 Other proposed changes

4. Process to adopt the Dog Control Policy 2009

Appendix 1 - –Draft Dog Control Policy 2009

Appendix 2 - –Exercise area boundary changes

1. Introduction

The Dog Control Policy was adopted by the Council in 2004 with a resolution to review the Policy in 2009. The policy is largely concerned with community safety and health, animal welfare and providing mechanisms for the registration of dogs. The review has resulted in the draft Dog Control Policy 2009.

This Statement of Proposal has been prepared in accordance with section 86 of the Local Government Act 2002 (LGA) and provides information about the review process.

2. Background

2.1 Relevant legislation

The Dog Control Act 1996 and its subsequent amendments, together referred to as the Act throughout this Statement Of Proposal, requires Council to develop a Dog Control Policy. Council's policy must:

- 1) specify the nature and application of all bylaws made or to be made under the Act
- 2) identify public places where dogs shall be controlled on a leash, prohibited or allowed off leash
- 3) state whether dogs classified as menacing by the Council must be neutered and the criteria used in deciding whether to neuter
- 4) include any other details as the territorial authority thinks fit, including but not limited to:
 - fees or proposed fees
 - owner education programmes
 - dog obedience courses
 - classifying owners as probationary
 - disqualifying owners from owning dogs
 - the issuing of infringement notices.

When adopting a Policy on dogs the Council must have regard to the following matters:

- the exercise and recreation needs of dogs and their owners
- 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 accompanied by adults, and
- the importance of enabling the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs.

The Act also allows the Council to conduct a review of the Policy at any time, with the same provisions applying to a review as apply to the initial policy. At the adoption of Council's existing Policy in 2004 a review was scheduled for 2009.

2.2 The policy review

The current policy provides a large degree of access to Wellington City's public spaces. Dogs are welcome on a leash in most places except for prohibited public places. Owners' responsibilities in public places include keeping their dogs under control at all times and removing their dogs' faeces.

Dog control policy is a matter of significant public interest as indicated by the 1019 written submissions received in the development of the policy in 2004.

The purpose of this review is to ensure that the Council's Dog Control Policy and associated Animals Bylaw are relevant and contain the necessary provisions to continue to deliver high quality public health and safety outcomes for Wellingtonians, striking a balance between the needs of the general public and those of dog owners.

3. Proposed changes

The Policy is working well overall, but an opportunity exists with this review to balance its regulatory and control focus with recognition of the community health benefits of dog ownership.

The following issues and associated proposed policy changes have been identified for public consultation.

3.1 Proposed addition to policy objectives

The dog control focused objectives of the existing Policy are currently being met as evidenced by the low levels of dangerous dogs and attacks with 1.0% of dogs recorded as being involved in an attack on people or animals in the 2007/08 financial year.

This policy review provides an opportunity to balance the regulatory focus of the policy with the community health benefits of dog ownership, and the following changes are proposed to achieve this.

- New introductory text to section 2.0 Objectives of the Policy - *"The Policy aims to balance the rights of the public with freedom of ownership and movement of dog owners and their dogs."*
- Extending Objective 1 (additions in italics) be extended to read – *"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.”

The new objectives acknowledge that dog owners exercising their dogs on a regular basis results in positive health benefits for both dogs and owners. In keeping with the changes to the objectives, changes are proposed to the wording of section 3.1 Community Safety, Health and Wellbeing as follows:

- In the Description of Issue section:

“Council has a responsibility to safeguard community safety and health by controlling the activities of dogs. Council also recognizes the health and well-being benefits of dog ownership and associated exercise.”

- In the Access to Public Places section by adding:

“In most public places dogs are welcome on leash and there are only a few places that are prohibited to dogs in Wellington. Council also provides a range of off leash exercise areas”.

3.2 Proposals for changes to controlled public places, prohibited public places, and exercise areas.

92% of Wellington households are not dog owners. When considering the exercise and recreation needs of dogs and their owners, it is important to ensure that the general public are not intimidated by uncontrolled dogs and that conflict of use is avoided or mitigated.

All public places in Wellington are classified as controlled public places under the Animals Bylaw unless they are classified as prohibited public places or exercise areas. Dogs are allowed in controlled public places, on leash, at any time. In prohibited places, dogs are not allowed except in clearly defined circumstances, such as transiting through Wellington Airport (which is a prohibited public place). In exercise areas, dogs are allowed off leash at all times, as long as they are under control. Changes to the areas to which the various classifications apply are detailed below.

3.2.1 Controlled public places

As stated above, all public places in Wellington are controlled public places, unless otherwise classified. The changes in respect of this classification therefore result from the changes proposed to prohibited public places and exercise areas.

3.2.2 Prohibited public places

In addition to those places listed in the Animals Bylaw as prohibited places, there is also a number of areas defined as prohibited public places (specified times).

Island Bay beach, from the pier to the eastern end of the beach, is currently a prohibited public place. It is proposed, in section 4.1.3 of the draft Policy, to reclassify this part of the beach as a prohibited place between the hours of 9.00 am and midnight, all year round. Between midnight and 9.00 am it is proposed to designate this area as an exercise area (specified time) as discussed in section 3.2.3 below.

3.2.3 Exercise areas

The designated off leash exercise areas in Wellington enable dog owners to exercise their dogs off leash provided they are under control at all times. This review proposes a number of additions, deletions and boundary adjustments to exercise areas as set out below.

Additions and deletions of exercise areas

It is proposed to add five exercise areas at Chelmsford Reserve (Ngaio), Vice Regal North and Alexandra Road West (Newtown), Owhiro Bay, and Te Kopahou in response to user demand, and to delete three exercise areas, at Arthur Carmen Park, Kaiwharawhara Park and McAlister Park due to use as sportsfields.

The draft Policy also proposes a new category of exercise area (specified time). Three beach areas are proposed to be included in this category at Worsler Bay Beach, Seatoun Beach, and Island Bay Beach. These areas will be classified as exercise areas between the hours of midnight and 9.00 am all year round. This enables dog owners to exercise their dogs in the early morning before potential significant conflict with other user groups arises.

It is proposed that Section 4.1 of the draft Policy, Access to Public Places, is amended by adding this exercise area (specified time) category.

Boundary changes for exercise areas

The other proposed modifications to exercise areas are the adjustment of boundaries in line with natural or built features to avoid confusion by owners and the general public. While natural or built features are the preferred method of delineating boundaries, additional signage may be considered. Signage is an annual plan issue and no changes to the policy text are proposed.

The net gain from the changes to exercise areas is five areas, giving a new total of 60, and an expansion of total dog exercise area of 11 ha. Table 1 summarises these changes, with full details of the changes set out in Appendix 2.

Table 1 Proposed Exercise Area Changes Summary

Current Exercise Areas	Proposed Exercise Areas
48 exercise areas	50 exercise areas
7 beach exercise areas	7 beach exercise areas
	3 beach exercise areas (specified time)
Total 55	Total 60

3.2.4 Karori Cemetery

Officers have considered the issue raised by the e-petition seeking the designation of Karori Cemetery as an exercise area allowing off leash access. On-leash access is already available in the cemetery and a water bowl for dogs has been installed. It is common for other Councils to treat cemeteries as prohibited areas. Officers do not recommend this proposal of an off leash exercise area within the cemetery because of the high likelihood that dogs would come into contact with graves. As there are a limited number of exercise areas in Karori, officers recommend that the Karori Cemetery continue to be accessible to dogs on leash.

3.3 Central City Restriction Area

“Section 4.1.3 Prohibited – specified times” provides a map defining the central city dog restriction area. The restricted area rules allow people living within the zone to move directly through and out of and in to the zone.

However, the zone provides a barrier to those living in Te Aro and Thorndon from accessing the waterfront on foot with their dogs. These people are currently not provided with a right of passage through the CBD between 8am and 6pm.

It is proposed that all dog owners are afforded a right of direct passage through the zone to access the waterfront. This would allow all dog owners to access the zone at all times provided the ultimate destination was outside the central city dog restriction area. This improved access through the zone is not likely to cause significant problems in light of the lack of dog related issues experienced to date. It is expected that dog owners will continue to respect the requirement to move directly through the zone.

It is also proposed to remove Kent Terrace from the Central City Dog Restriction Area to provide for direct access to the waterfront at all times.

3.4 Rubbish bins in exercise areas

The current expectation is for owners to take responsibility for their dog’s waste by removing and disposing of it. The demand for the provision of bins for the deposit of wrapped dog faeces is therefore an issue for consideration.

The standard parks bins are costly to install and maintain at \$1200 and \$1000 pa respectively. The parks department also wish to maintain a balance between provision of a reasonable disposal service and an open space network free of cluttering structures.

In 2002 the Council initiated a trial by providing special dog faeces bins in exercise areas where dog fouling was identified as a problem. The trial resulted in no material improvements.

Officers recommend that while Council should continue to consider case-by-case proposals for location of further standard parks bins, the current level of service provision is considered to be generally adequate. No changes to the Dog Control Policy are proposed.

3.5 Proposed changes to the requirements for achieving Responsible Dog Owner (RDO) status

The Council encourages responsible dog ownership as an effective means of preventing danger and minimising distress and nuisance. Owners who qualify for the Responsible Dog Owner (RDO) Status are eligible for a reduction in dog registration fees. The requirements for achieving RDO status are set out in section 4.2 of the Policy. Some additions and clarifications to the criteria are proposed, and these are set out in Table 2 together with the reasons for each change.

Table 2: Proposed Changes to RDO Criteria

Proposed Change	Reason for change
Owners seeking RDO status would be required to correctly answer questions about dog care and welfare as part of their application.	This is intended to reinforce knowledge of rules concerning dog ownership and animal welfare.
The owner must not have been the subject of a substantiated public complaint in the last two years.	This provision ensures that dog owners continue to demonstrate behaviour consistent with RDO status.
An owner applying for RDO status is required to pay for a site inspection of their property	Current practice but not set out in the Policy
An owner with RDO status who changes address must reapply for RDO status at the new address, and pay a new fee, to recover the costs of a property inspection.	The criteria for RDO status require that the area of the owner's property to which the dog has free access must be fully fenced and gated. The fee covers a site visit to confirm this.
Unless cancelled for one of the reasons set out in the criteria, RDO status remains valid unless an owner has had no registered dogs for at least 24	Currently owners are required to re-apply for RDO status when replacing a dog that has died This approach is insensitive.

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3.6 Proposed new provision to encourage dialogue between owners and Council to promote responsible dog ownership

Face-to-face dialogue between owners and Council officers is a practical means of emphasising the benefits of responsible dog ownership. The proposed new microchipping service to be provided at the Animal Shelter on a nominated day each month provides an excellent educational opportunity for owners, particularly first time owners with young dogs, to speak to dog care professionals and ask questions.

The proposed change is to add the following paragraph to the section 4.3 Education and Obedience immediately before Policy 6:

“An opportunity exists to use the microchipping service provided at the Animal Shelter to build rapport with dog owners, and encourage responsible dog ownership”.

3.7 Provision of criteria for determining the requirement to neuter menacing dogs

The Act provides for dogs to be classified as menacing either on the basis of breed or behaviour. Section 33C of the Act states that dog breeds and types listed in Schedule 4 are by definition menacing, and must be neutered. Section 33A allows Councils to determine that a dog is menacing on the basis of deeds or behaviour.

When the Council makes such a determination it may choose whether or not to order the dog to be neutered. Currently, Council’s policy states that such dogs may be required to be neutered, but does not include any criteria for determining whether or not to neuter on a case by case basis.

To address this, it is proposed to add the following sentence to section “4.4.6 Classification as menacing dog”:

“The matters taken into account in requiring a dog to be neutered include the likelihood of the dog posing a threat in public and whether neutering is likely to curb the menacing behaviour.”

3.8 Proposed new provisions to require owners to carry a receptacle for the removal of dog faeces.

The current policy requires that owners remove and dispose of dog faeces, but there is no requirement to carry a suitable receptacle.

Porirua and Manukau City Councils have both experienced a decline in dog faeces complaints with their bylaw requirement for dog owners to carry a receptacle for dog faeces. The requirement ensures dog owners are prepared, and facilitates peer monitoring. It is also noted that Council already offers, for sale through service centres, bag dispensers that attach to leads. Council is also considering the installation of bag dispensers at some popular sites.

The proposed change is to add the following sentence to section 4.6.3 Fouling of public places:

“Owners and handlers shall carry a receptacle for the collection and removal of dog faeces at all times when in a public place”.

3.9 Other proposed changes to the policy document

Other minor changes to the Policy have been made. These are mainly minor wording changes to clarify the existing policy; all such changes are highlighted in grey in the draft Policy document.

In addition it is proposed to replace Table 7 Categories for which fees will be charged under the Act with the revised Table 7 below. This corrects the duplication of some fee types in the existing policy, and added the miscellaneous fees which were previously omitted.

Table 4: Categories for which fees will be charged

<p><i>Registration</i></p> <ul style="list-style-type: none">• responsible dog owner• neutered (spayed or castrated) dogs• entire dogs• newly registered dogs• working dogs• disability assist dogs• dangerous dogs <p><i>Impounding</i></p> <ul style="list-style-type: none">• first impounding• subsequent impounding in same registration year• daily sustenance fee. <p><i>Miscellaneous</i></p> <ul style="list-style-type: none">• licence fee for more than three dogs (other than rural premises)• collection or delivery of dog on behalf of owner• euthanasia of dog at owner’s written request• replacement registration tag• site inspection fee for Responsible Dog Owner status.
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4. Process to adopt the Dog Control Policy 2009

Consultation on the draft Dog Control Policy 2009 will end on 7 August 2009. Hearings and meetings on the draft Policy will be open to the public, and people may speak on their submissions at the relevant Committee meeting. An analysis of all submissions will then be presented to the Strategy and Policy Committee for consideration. On agreement the draft Policy will be referred to Council for consideration and adoption. The process is set out in Table 5 below.

Table 5: Process and Timeline

Date	Action
May 2009	Strategy and Policy Committee will consider the proposed revised Dog Control Policy, proposed revised Animals Bylaw and associated summaries and statements of proposal and refer them to Council for consideration and initiation of the special consultative procedure.
26 June to 7 August 2009	Special consultative period.
September 2009	Strategy and Policy Committee hears oral submissions
October 2009	Presentation of analysis of submissions to the Strategy and Policy Committee for consideration. Reference of the recommended draft Dog Control Policy 2009 and Animal Bylaw to the Council for adoption.