
**DRAFT DOG CONTROL POLICY AND BYLAW
DRAFT KEEPING OF ANIMALS (EXCLUDING DOGS) AND BIRDS
BYLAW**

Department: Regulatory Services

EXECUTIVE SUMMARY

- 1 The Council's Dog Control Policy (dog policy), Dog Control Bylaw (dog bylaw) and Keeping of Animals (excluding dogs) and Birds Bylaw (animal bylaw) have been reviewed and a number of changes are proposed in order to improve the balance between allowing Dunedin residents to keep animals and limiting the nuisance that animals cause to others.
- 2 A draft Statement of Proposal, including a draft dog control policy and dog control and keeping of animals bylaws are attached for consideration for adoption for formal consultation.

BACKGROUND

- 3 On 13 October 2015 the Planning and Regulatory Committee considered a draft Statement of Proposal to adopt amendments to the Council's dog control policy and dog control and keeping of animals bylaws for formal consultation. A combined consultation was recommended to enable a single community conversation regarding these two related issues.
- 4 The Planning and Regulatory Committee requested further legal advice on the subject of protecting wildlife from cats. The report was left to lie on the table.
- 5 The Council is permitted to consider and determine matters that are under consideration by a committee.

RECOMMENDATIONS

That the Council:

- a) **Notes** that a report on this matter was previously considered by the Planning and Regulatory Committee on 13 October 2015 and is lying on the table pending the receipt of legal advice on the topic of protecting wildlife from cats.
- b) **Notes** that consideration of this matter by Council will enable the public consultation to commence earlier than if the matter is considered at the next ordinary meeting of the Planning and Regulatory Committee (which is scheduled for Tuesday, 9 February 2016). The report lying on the table at the Planning and Regulatory Committee will automatically lapse.
- c) **Resolves** that following a review of the Dog Control Bylaw 2004 which commenced on 14 June 2014:
 - i. in terms of section 155 of the Local Government Act 2002 a bylaw is the most appropriate and proportionate way of addressing the perceived problems;

- ii. the proposed Dog Control Bylaw 2015 is (for the purpose of public consultation) the most appropriate and proportionate way of addressing the perceived problems;
 - iii. the proposed Dog Control Bylaw 2015 is not (for the purpose of public consultation) inconsistent with, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- d) **Resolves** that following a review of the Keeping of Animals Bylaw 2010 which commenced on 14 April 2015,
- i. in terms of section 155 of the Local Government Act 2002 a bylaw is the most appropriate and proportionate way of addressing the perceived problems;
 - ii. the proposed Keeping of Animals Bylaw 2015 is (for the purpose of public consultation) the most appropriate form of bylaw;
 - iii. the proposed Keeping of Animals Bylaw 2015 is not (for the purpose of public consultation) inconsistent with, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- e) **Adopts** the proposed Dog Control Bylaw 2015, the proposed Dog Control Policy 2015 and the Keeping of Animals Bylaw 2015 together with the 'Animal Rules' statement of proposal for public consultation and commences the special consultative procedure;
- f) **Appoints** a Hearings Subcommittee of four elected members to hear and consider submissions and recommend to Council the final forms of the proposed Dog Control Bylaw 2015, the proposed Dog Control Policy 2015 and the Keeping of Animals Bylaw 2015.

BACKGROUND

Dog Control

- 6 The Dog Control Act 1996 requires Council to have a policy on dog control which:
- Outlines the nature of any dog control bylaw;
 - Identifies places where dogs are to be controlled and how they are to be controlled;
 - Designates any dog exercise areas; and,
 - States whether menacing dogs are to be neutered.
- 7 The policy must have regard to: the need to minimise danger, distress and nuisance to the community; the need to avoid danger allowed by dogs having uncontrolled access to public places frequented by children; the importance of public use of public places without fear of attack or intimidation by dogs, and the exercise and recreational needs of dogs and dog owners.
- 8 Dog control bylaws may be used to implement and enforce a dog control policy but cannot contravene the policy.
- 9 Dunedin's current dog control policy and bylaw were last amended and adopted in September 2004. The Local Government Act 2002 (LGA 2002) requires that the bylaw be reviewed no later than ten years after the last review. The Dog Control Act requires dog control policies to be reviewed whenever the bylaw implementing the policy is reviewed.

Keeping of Animals

- 10 The Council also has the power to adopt bylaws to control nuisance created by animals other than dogs. The Dunedin City Council exercised this power by adopting the 'Keeping of Animals (excluding dogs) and Birds Bylaw' (animal bylaw) in October 2010. The purpose of the animal bylaw is to act as back-stop 'rule book' to control nuisance from animals kept in residential areas, where nuisance is not being addressed through non-statutory means. The bylaw primarily focusses on controlling the nuisance effects of keeping animals rather than controlling specific actions or limiting residents to a specific number of animals per property.
- 11 The LGA 2002 requires bylaws to be reviewed five years after adoption, and then at ten year intervals.

Review to date

- 12 Review of the dog control policy and bylaw began in June 2014, with community feedback sought via an opt-in survey and a People's Panel survey. Of a total of 810 responses, 58% were from those identifying as dog owners and 42% identifying as non-dog owners. This compares to 13,000 individuals (11% of the total population) who are specifically registered with Council as a dog owner (total of 17,000 dogs). 108 relevant comments made in response to the 2014 Residents' Opinion Survey were also considered.
- 13 The development of draft dog control policy and bylaw has continued, alongside review of the Keeping of Animals Bylaw.
- 14 Active review of the animal bylaw began in April 2015. This involved stakeholder engagement (SPCA and bird clubs). Relevant (unprompted) comments made in response to the 2014 Residents' Opinion Survey 2014 (24) and the dog control survey (28) were also considered.
- 15 Key issues identified in community and stakeholder engagement included:
 - fouling, particularly on sports grounds;
 - restrictions on dogs in areas including St Clair Esplanade, the CBD and cemeteries;
 - dog attacks on wildlife;
 - the number of dogs kept on a property before a permit is required; and
 - the nuisance created by cats (companion (pet), stray and feral);

DISCUSSION

- 16 On 13 October 2015 the Planning and Regulatory Committee considered a report on the Draft Dog Control Policy and Bylaw and Keeping of Animals (excluding dogs) and Birds Bylaw.
- 17 Following discussion, staff were asked to seek legal advice on what rules could apply to cats within a bylaw at which point a procedural motion was moved (Cull/Staynes):

"That the Planning and Regulatory Committee lay the item on the table to enable legal advice to be provided."

to enable staff to seek legal advice.
- 18 Legal advice has now been provided (Attachment A) on possible tools Council can use to control cats.

- 19 Following the legal advice no changes have been made to the Keeping of Animals (excluding dogs) and Birds Bylaw, however it is recommended that staff investigate the redirection of pest management spending towards the controlling of feral cats in wildlife sensitive areas. Further discussion on this issue is outlined in the Issues and Options Analysis in Attachment B.
- 20 A combined consultation on the two bylaws is recommended as the most effective way to enable a single community conversation regarding these issues.

Proposed Changes

- 21 Analysis of the issues identified in community engagement has resulted in staff recommending a number of changes. Proposed amendments are highlighted in the draft documents (Attachments C, D and E).
- 22 Key changes proposed include:
 - Protecting wildlife by extending the prohibition of dogs at Brighton Beach;
 - Introducing a new requirement for dogs to be leashed and kept 10m away from protected wildlife;
 - Permitting dogs off leash on Peninsula Beach Road (Port Chalmers) and on leash at St Clair Esplanade;
 - Requiring dogs to be on a leash on DCC owned sports grounds (while maintaining prohibition of dogs on marked playing fields);
 - Providing for Council officers to restrict the number of animals and birds kept on a property where other efforts to manage nuisance have failed;
 - Increasing feral cat management in sensitive wildlife areas; and,
 - Other changes for clarification or to align the policy and bylaws with recognised best practice.
- 23 Together these proposed changes are expected to improve the balance between allowing residents to keep animals and limiting the nuisance that keeping animals creates.

Determination of Bylaw Appropriateness

- 24 Before adopting a proposed bylaw for public consultation, the Council is required to determine if a bylaw is the most appropriate way of addressing a perceived problem, and determine the form of the bylaw and whether there are any Bill of Rights implications.
- 25 Options to address perceived issues relating to the keeping of animals include public and owner education and dog obedience courses. While these are used in Dunedin, alone, they are not the most appropriate way of addressing the perceived problem as where they are not successful in dealing with nuisance there is no ability to enforce community expectation.
- 26 A bylaw is considered to be the most appropriate way to address animal control issues as it enables enforcement of the community's expectations for animal control.
- 27 Legal review of the draft bylaws identified no implications under or inconsistencies with the New Zealand Bill of Rights Act 1990.

OPTIONS

Option One – Adopt Statement of Proposal for consultation (recommended)

- 28 This option is for Council to approve the 'Proposed Changes to Dunedin's Animal Rules' Statement of Proposal (SOP) (as attached or amended) for formal consultation, using the special consultative procedure.

Advantages

- The draft SOP (Attachment F) aligns closely with community and stakeholder demands as identified in early engagement and the city's strategic framework
- Enables enforcement of the community's expectations for animal control
- Provides an opportunity for the community to provide feedback on proposed animal rules

Disadvantages

- To communicate the new restrictions with dog owners.

Option Two – Repeal bylaws and amend or maintain Dog Control Policy

- 29 Legislation only requires Councils to have a Dog Control Policy. Dog Control and Keeping of Animals Bylaws are optional and the Committee could propose to repeal the existing bylaws without replacing them. Any proposal to repeal a bylaw would be subject to the special consultative procedure.

Advantages

- Animal owners would face fewer restrictions.

Disadvantages

- Community expectations for animal control could not be enforced beyond the minimum standards set by the Dog Control Act 1996 and Health Act 1956.
- Communities left vulnerable to the danger and nuisance caused by dogs.

NEXT STEPS

- 30 Following adoption of a Statement of Proposal, staff will prepare and undertake community engagement, following the Special Consultative Procedure.
- 31 It is recommended that the Committee appoint a Hearings Sub-Committee to hear verbal submissions, consider feedback and make recommendations on the bylaws proposed and proposed policy content and form and report back to the Committee.

Signatories

Author:	Ros MacGill, Manger Environmental Health/Animal Services
Authorisers:	Adrian Blair, Group Manager Customer and Regulatory Services Simon Pickford, General Manager Services and Development

Attachments

- A. Legal Opinion
- B. Issues and Options Analysis
- C. Draft Dog Control Policy 2015
- D. Draft Dog Control Bylaw 2015

- E. Draft Keeping of Animals Bylaw 2015
- F. Draft 'Animal Rules' Statement of Proposal

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision relates to providing a regulatory function and it is considered good-quality and cost-effective.

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environment Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Spatial Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Integrated Transport Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks and Recreation Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other strategic projects/policies/plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Animal Control contributes to the 'healthy and safe people' strategic direction of the Social Wellbeing Strategy and will help achieve draft environmental and parks and recreation objectives.

Māori Impact Statement

Ōtākou and Puketeraki runaka have been consulted with regards to the cultural implications of permitting dogs in cemeteries. Feedback was received from Ōtākou runaka and this has been incorporated into the draft dog bylaw.

Sustainability

There are no known implications for sustainability.

LTP/Annual Plan / Financial Strategy/Infrastructure Strategy

There are no known implications.

Financial considerations

Proposed changes could be implemented within existing budgets.

Significance

There is a significant level of community interest in animal control and a large number of residents are affected by animal control rules including 13,000 registered dog owners and their families.

Engagement – internal

City Development, Parks, Recreation and Aquatics and Transportation have been consulted in the development of the draft bylaws and policy. Meetings were held with Parks, Recreation and Aquatic Group.

Engagement - external

External engagement has included an opt-in and People's Panel surveys, meetings with key stakeholders (Yellow Eyed Penguin Trust, Society for the Prevention of Cruelty of Animals (SPCA). Department of Conservation) and analysis of relevant comments from the 2014 Residents Opinion Survey. The survey was also forwarded to the Blind Foundation, Hearings Dogs, and three surf lifesaving clubs.

SUMMARY OF CONSIDERATIONS

Public consultation on a draft Policy and Bylaws, using the Special Consultative Procedure, will enable further community engagement.

<i>Risks: Legal / Health and Safety etc.</i>

There are no known risks.

<i>Conflict of Interest</i>

There are no known conflicts of interest.

<i>Community Boards</i>

Community Boards have had the opportunity to contribute to the review of the dog control policy and bylaw and will be able to participate in the formal engagement process.



Legal Opinion

TO: Councillors, Dunedin City Council

FROM: Kristy Rusher

DATE: 9 December 2015

SUBJECT: Note : this opinion is privileged. It is for the exclusive use of Councillors. It must not be distributed without the written approval of the Council's Chief Executive

BACKGROUND

At the meeting of the Planning and Regulatory Committee on 13 October 2015 to consider the adoption of a proposal for an animal control bylaw, the committee requested further legal advice about its powers to protect wildlife from cats.

WHO IS RESPONSIBLE FOR THE PROTECTION OF WILDLIFE?

A general protection of wildlife (both indigenous and exotic species) is given under the provisions of the Wildlife Act 1953. The duty to protect wildlife is held by the Minister of Conservation, with the management of areas declared to be wildlife areas managed by the Department of Conservation.

IS PROTECTION OF WILDLIFE WITHIN THE ROLE OF LOCAL AUTHORITIES?

The Council is responsible for achieving the core purpose of local government, which is to provide for democratic decision making and good quality infrastructure¹ and for the performance of duties under legislation.²

There is no legislation that prescribes Council has a duty to protect wildlife or to control cats however, Council has a power to ensure that land it administers under the Reserves Act 1977 is managed to achieve the purpose of the classification as a recreation, scientific, historic, scenic or nature reserve³ ('Classified Reserve').

Where the reserve is administered under any of these classifications it is necessary for the Council to provide for preserving, managing or protecting indigenous flora or fauna to the extent that is compatible with the classification of the reserve, and which is within the limits of resourcing. The Council has a role in ensuring that fauna predators or species that damage flora are controlled. Cats can behave in a manner incompatible with the reserve purposes by disturbing the land surface to defecate, marking trees and wildlife predation. Therefore, the control of cats to manage and protect flora and fauna is within the scope of Council's powers for managing a Classified Reserve.

WHAT ARE COUNCIL'S POWERS TO PROTECT WILDLIFE FROM CATS WITHIN RESERVES IT ADMINISTERS?

The Council can exclude cats by fencing, or alternatively through its reserve management plans prohibit cats from the reserve. Section 96 of the Reserves Act 1977 states that the Council may seize and destroy, sell or otherwise dispose of an animal that is trespassing on the reserve and where it is not branded or displaying other evidence of ownership.

¹ Section 10, Local Government Act 2002

² Section 11, Local Government Act 2002

³ See for example section 17(2)(b) of the Reserves Act 1977

ARE THERE ANY OTHER LAWS THE COUNCIL CAN USE TO PROTECT WILDLIFE WITHIN NATURE RESERVES FROM CATS?

Section 106 of the Reserves Act 1977 provides that either the Council or the Minister of Conservation can preclude cats from being within the Reserve by making a bylaw in the model form prescribed by the Minister of Conservation. However, as yet the Minister has not created a model form of bylaw for the exclusion of animals from a reserve. Council cannot pass a bylaw of this nature until the Minister of Conservation has provided for a model bylaw for that purpose⁴.

WHY CAN'T THE COUNCIL PASS A BYLAW FOR CAT CONTROL IN THE SAME WAY IT CAN MAKE A BYLAW FOR DOG CONTROL?

Councils may only make bylaws where they are expressly permitted to do so by legislation, because a local authority is subordinate to Parliament as the constitutional body that makes all legislation in New Zealand.

The Dog Control Act 1996 contains express provisions for Council to prescribe how dogs are to be controlled in public places. There is no equivalent legislation that applies for the control of cats in public places, other than in the case of reserves as outlined above.

This is confirmed by the Local Government Act 2002 which specifies that Council's powers to make bylaws are restricted to matters of public welfare such as:

- "(a) protecting the public from nuisance;
- (b) protecting, promoting, and maintaining public health and safety;
- (c) minimising the potential for offensive behaviour in public places."⁵

More specifically the Local Government Act 2002 provides in section 146(a)(v) that the Council may make a bylaw for the keeping of animals.

Therefore, the Council may pass a bylaw that limits the number of cats kept on a property to avoid a nuisance to neighbours, and a bylaw may prescribe how a cat is kept by its owner. However, the Council may not pass a bylaw to generally protect wildlife, as the Local Government Act 2002 is directed at people and communities, not the protection of wildlife.

Although there is an argument that wandering cats may adversely affect public health by ripping plastic rubbish bags open, the Local Government Act 2002 requires that the Council must first establish that this is an existing problem of a scale that requires intervention, then consider whether a bylaw is the most appropriate means of resolving that problem. As it is possible for Council to prescribe that residents use cat-proof rubbish receptacles, it will need to consider whether a bylaw is necessary in circumstances where alternative and non-regulatory methods are available.

WHY CAN'T THE COUNCIL REQUIRE THAT CATS ARE MICROCHIPPED OR ARE KEPT INDOORS OVERNIGHT?

Microchipping of cats is a method of identifying the person that is the owner of the cat. Microchipping does not prevent or minimise predatory behaviour of cats. Therefore on its own, microchipping is not a tool that will avoid risks to wildlife and cannot be prescribed as part of a reserve management plan for the purpose of protecting wildlife within a Classified Reserve.

Unlike dogs, there is no legislation prescribing that cats must wear or be fitted with identifying information. Therefore, no legislation expressly permits Council to pass a bylaw for the purpose of microchipping cats.

The purpose of identifying the cat's owner is to impose a sanction such as an infringement fine. Currently, the Council is not permitted to introduce infringement offences as Parliament

⁴ Section 106(2) of the Reserves Act 1977

⁵ Section 145, Local Government Act 2002

has not yet enacted the regulations under the Local Government Act 2002 required to permit Councils to create an infringement fine for a breach of bylaws.

Keeping cats indoors overnight to minimise predatory behaviour is recommended by community advocacy groups. As with microchipping, there is no legislation permitting the Council to pass a bylaw for this purpose and similarly no enforcement powers are currently available to the Council to enforce this.

HOW CAN COUNCIL INFLUENCE CONTROL OF CATS?

A voluntary microchip register is available for cat owners who wish to enrol their cat in a privately run microchipping programme and the Council can assist the uptake of that scheme by running public education campaigns. Similarly, Council can educate owners of cats to keep their pet indoors overnight. The Dunedin City Council can update its applicable reserve management plans, by prescribing that cats are prohibited from Classified Reserves. If this option is adopted, reserve management plans for sensitive wildlife areas can be prioritised.

Council can seek the Minister of Conservation's assistance by requesting the Minister make a bylaw to permit the control of cats found within reserve land. This choice is not recommended as there is currently no infringement regime available to fine cat owners who are found to be in breach of the bylaw.

Council can seek that the Government passes empowering legislation to permit local authorities to pass bylaws for the purpose of micro-chipping and controlling cats. Any such system would require the costs of administering a registration system to be met by the public and/or the ratepayer.

The Otago Regional Council has a pest management strategy under the Biosecurity Act 1993. This strategy currently does not define feral cats as a pest, but Dunedin City Council could propose that the strategy is amended to include feral cats as a biosecurity pest in Otago. The Otago Regional Council would be responsible for the costs of implementing that change in the strategy.

Similarly, the Council can request that the Department of Conservation adopts a specific policy that provides for the protection of wildlife from cats, with the Department being responsible for the costs of implementing that strategy.

Local authorities around New Zealand are also considering a wide range of alternatives which may impact on control of cats, including the management or prohibition of feeding of cats and other wildlife in public places. Council could monitor the progress of these policies and when they are further developed, consider whether there is any benefit to the public in applying a similar framework in Dunedin City or whether this issue could be incorporated into a proposal for a Public Places Bylaw.

CONCLUSION

Council does have a role in protecting indigenous flora and fauna in the administration of its reserves. However, the Department of Conservation has direct responsibility for the protection of wildlife under the Wildlife Act, and the Otago Regional Council has responsibility for pest control more generally throughout the Otago region. The Council may wish to consider how it wishes to co-ordinate across multiple agencies.

Kristy Rusher
MANAGER CIVIC AND LEGAL

ATTACHMENT B

ISSUES AND OPTIONS ANALYSIS

- 1 A range of issues and concerns with the current Dog Control Policy, Dog Control Bylaw and Keeping of Animals (excluding dogs) and Birds Bylaw were identified via customer, community, stakeholder and staff feedback. The key issues and options analysed are outlined below.
- 2 The options recommended below have been incorporated in the draft Policy and Bylaws presented to the Committee for consideration.

Dog control on sports grounds

- 3 The Council is receiving an increasing number of complaints, particularly during the winter sporting season, relating to dogs fouling on the playing fields of DCC owned sports grounds. During the winter of 2014 more signage was placed in the problem areas (Kettle Park, Monticello Park, Bathgate Park and Forrester Park), and staff increased their patrols and ran radio adverts reminding dog owners of their responsibilities.
- 4 Despite additional signage and enforcement, there is a clear difficulty in managing the current prohibition of dogs on marked areas of sports grounds (playing fields) while allowing dogs to be off leash on non-marked areas of sports grounds.
- 5 A survey of 21 other territorial authorities showed that 13 prohibit dogs from Council-owned sports grounds. The other eight do not permit dogs on the playing fields of the sports grounds.
- 6 Community feedback has shown a majority of non-dog owners (56% of the non-dog owners who responded to the survey) and a quarter (25%) of dog owners, support prohibiting dogs from marked areas of sports grounds. The most popular level of control for sports grounds amongst dog owners was requiring dogs to be on a leash (43%).

Option A: Prohibit dogs from marked playing fields and permit dogs on-leash on all other areas of DCC owned sports grounds – as per Map A (Recommended)

Advantages	Disadvantages
<ul style="list-style-type: none">• Helps limit fouling on sports grounds, manages nuisance and public health risks.• Aligns with practice in another district.	<ul style="list-style-type: none">• Introduces a new restriction on dog owners, and reduces areas where dogs can be exercised off the leash.• New signage to ensure dog owners are aware of the new rule.• Initial increase in patrols by officers to educate and enforce this rule.

Option B: Prohibit dogs from marked playing fields of DCC owned sports grounds – as per Map A (Status Quo).	
Advantages	Disadvantages
<ul style="list-style-type: none"> Helps limit fouling on sports grounds, manages nuisance and public health risks. Aligns with practice in other districts. 	<ul style="list-style-type: none"> Risks that dog owners do not pick up their dog's poo thereby putting other users of the area at risk of being exposed dog faeces. An increased risk of dogs intimidating and/or causing a nuisance to other users of the playing fields.

Option C: Prohibit dogs from all areas of DCC owned sports grounds	
Advantages	Disadvantages
<ul style="list-style-type: none"> Helps limit fouling on sports grounds, manages nuisance and public health risks. Aligns with practice in other districts. 	<ul style="list-style-type: none"> Introduces a new restriction on dog owners, and reduces areas where dogs can be exercised off the leash. New signage to ensure dog owners are aware of the new rule. Initial increase in patrols by officers to educate and enforce this rule.

- 7 It is recommended that the Council prohibit dogs from marked playing fields and permit dogs on-leash on all other areas of DCC owned sports grounds (Option A). Further signage, education and enforcement will also be required. This would add to the status quo by increasing dog owner responsibility and help reduce the likelihood of dogs fouling on the marked areas, thereby reducing the risk to public health.

Dog exercise in Port Chalmers

- 8 For a number of years dog owners in Port Chalmers have requested that the Council consider allocating a designated dog exercise park in their area. To-date this project has not been progressed due to a lack of budget. The following alternative options have been considered.

Option A: Make no further provision for dog exercise in Port Chalmers (Status Quo)	
Advantages	Disadvantages
<ul style="list-style-type: none"> No cost to Council 	<ul style="list-style-type: none"> Community demand for off-leash exercise areas will not be met.

Option B: Allow dogs to be walked off-leash on Peninsula Beach Road – as per Map B (Recommended)	
Advantages	Disadvantages
<ul style="list-style-type: none"> Meets community request for an area to exercise dogs off-leash without the cost of a dog exercise park. 	<ul style="list-style-type: none"> An increased risk of dogs intimidating and/or causing a nuisance to other users of the road. Inconsistent with existing approach to requiring dogs to be on-leash in residential areas

- 9 It is recommended that the Council adopt Option B (allow dogs to be walked off-leash on Peninsula Beach Road). This would provide an alternative exercise area for dog owners in Port Chalmers at minimal cost.

Dog control on St Clair Esplanade

- 10 Survey feedback has shown demand from dog owners for dogs to be allowed on the St Clair Esplanade on leash.

Option A: Prohibit dogs on the St Clair Esplanade (Status Quo).	
Advantages	Disadvantages
<ul style="list-style-type: none"> Manages risks of dogs intimidating and/or causing a nuisance to other users and fouling in the area. 	<ul style="list-style-type: none"> Limits areas for dog walking in the area. Does not meet demand for a change in the level of control in this area.

Option B: Permit dogs on the St Clair Esplanade on-leash – as per Map C (Recommended)	
Advantages	Disadvantages
<ul style="list-style-type: none"> Allows dog owners the chance to walk their dogs in a popular area. Meets demand for a change in the level of control in this area. 	<ul style="list-style-type: none"> Risks that dog owners do not pick up their dog's poo thereby putting other users of the area at risk of being exposed dog faeces. An increased risk of dogs intimidating and/or causing a nuisance to other users of the area.

- 11 It is recommended that the Council allow dogs on the St Clair Esplanade on-leash (Option B). This would meet community request and allow dog owners access to a popular area.

Dog control in the Central Business District

- 12 Currently only disability assist dogs, working dogs confined in a sufficient container (e.g. kennel, crate or compartment), police dogs and dogs owned by residents in the area, that are being taken to the nearest area where the dog may be exercised, are permitted in the Central Business District (CBD).
- 13 Community feedback showed support amongst dog owners (58% of survey respondents) for leashed dogs to be allowed in the CBD. The majority (56%) of non-dog owners surveyed supported continued prohibition of dogs in the CBD.

Option A: Prohibit dogs in the CBD (Status Quo, Recommended).	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Recognises the importance of enabling the public to use public places without fear of attack or intimidation by dogs. • Allows disability assist, working dogs and central city residents' dogs in the CBD when necessary. 	<ul style="list-style-type: none"> • Dog owners unable to walk their dogs in the CBD.

Option B: Permit dogs in the CBD on-leash.	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Access for dog owners to walk their dogs in the CBD. • Meets demand from dog owners to allow dogs in the CBD. 	<ul style="list-style-type: none"> • Risks that dog owners do not pick up their dog's poo thereby putting other users of the area at risk of being exposed dog faeces. • An increased risk of dogs intimidating and/or causing a nuisance to other users of the area.

- 14 It is recommended that the Council maintain the current prohibition of dogs in the CBD (Option A). This minimises public nuisance and fear in a high profile, high use area.

Dog control in cemeteries

- 15 Dogs are currently prohibited from cemeteries, however community feedback has shown a majority (55% of survey respondents) support dogs being on a leash in cemeteries. Support is higher amongst dog owners (60%) than non-dog owners (48%).
- 16 A survey of 16 other TAs showed 12 of these prohibited dogs in cemeteries; three districts (Invercargill, Queenstown Lakes and Taupo) permits dogs at all times and one district (Gisborne) permits dogs on a leash during daylight hours only.
- 17 The Ōtākou runaka allow disability assist dogs only in their urupa as they consider them as an extension of the person and extremely well trained. They would support a similar policy across public cemeteries as well.

Option A: Prohibit dogs from cemeteries (Status Quo).	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Manages risks of dogs intimidating and/or causing a nuisance to other users and fouling in the area. • Manages risk of damage to graves. • Aligns with practice in other districts. 	<ul style="list-style-type: none"> • Disability assist dogs are prohibited to accompany their owners to visit grave sites. • Does not meet demand from dog owners to allow dogs on-leash in cemeteries. • Does not acknowledge Ōtākou runaka's view.

Option B: Dogs (except disability assist dogs) are prohibited from cemeteries unless prior approval is granted (Recommended).	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Manages risks of dogs intimidating and/or causing a nuisance to other users and fouling in the area. • Allows disability assist dogs to accompany their owners to visit grave sites. • Manages risk of damage to grave sites. • Aligns with practice in other districts. • Acknowledges Ōtākou runaka's view. 	<ul style="list-style-type: none"> • Does not meet demand from dog owners to allow dogs on-leash in cemeteries.

Option C: Dogs are permitted in cemeteries on-leash	
Advantages	Disadvantages
<ul style="list-style-type: none"> • All dog owners will be permitted to take their dogs to visit grave sites. • Acknowledges feedback from dog owners wishing to have access to cemeteries. 	<ul style="list-style-type: none"> • Risks that dog owners do not pick up their dog's poo thereby putting other users of the area at risk of being exposed dog faeces. • An increased risk of dogs intimidating and/or causing a nuisance to other users of the area. • Increases the risk of damage to grave sites. • Does not acknowledge Ōtākou runaka's view.

19 It is recommended that the Council allow disability assist dogs in cemeteries and that Council Officers be able to allow dogs in cemeteries on a case-by-case basis (Option B). This would balance concerns with allowing dogs open access to cemeteries, with community demand to allow dogs in cemeteries.

Dog attacks on wildlife

20 The Department of Conservation (DoC), Yellow Eyed Penguin Trust (YEPT) and community feedback have highlighted problems encountered with dogs being off leash around wildlife. Specific concern has been raised regarding dog attacks on wildlife at Brighton Beach.

Option A: No new requirements for dog control around wildlife (Status Quo).	
Advantages	Disadvantages
<ul style="list-style-type: none"> No new restrictions on dog owners. 	<ul style="list-style-type: none"> Risk of dogs attacking wildlife remains the same.

Option B: Require dogs to be leashed and kept 10m away from protected wildlife (Recommended).	
Advantages	Disadvantages
<ul style="list-style-type: none"> Likely reduction in the number of dog attacks on wildlife. Ability for Animal Services Officers to enforce recognised best practice dog control. 	<ul style="list-style-type: none"> New restriction on dog owners. New signage to ensure dog owners are aware of the new rule.

Option C: Extend the prohibited area at Brighton Beach as per Map D (Recommended)	
Advantages	Disadvantages
<ul style="list-style-type: none"> Likely reduction in the number of dog attacks on wildlife 	<ul style="list-style-type: none"> New restrictions on dog owners. New signage to ensure dog owners are aware of the new rule. Reduction in exercise area for dogs.

21 It is recommended that the Council require dogs to be leashed and kept 10m away from protected wildlife (Option B) and extend the prohibited area at Brighton Beach (Option C). Together these options would help manage the conflict between dogs and protected wildlife in their natural habitat. Signage and education would be required to effectively implement these changes.

Permits for multiple dogs

22 To help limit the number of wandering dogs and the nuisance that multiple dogs can cause (barking) the current bylaw requires dog owners to have their property assessed for appropriate fencing and a review of their dog ownership record before they can be permitted to keep more than one dog on the property. During the property visit the Animal Service Officer educates the dog owner about the responsibilities associated with owning more than one dog.

23 The following table outlines the number of dogs registered per property in Dunedin.

	Approx. number of registered dogs	Number of Properties	Percentage of total dogs
Total number of registered dogs	17,000 (13,000 dog owners)		
One dog	9,574	9,574	56%
Two dogs	4,394	2,197	26%
Three dogs	1,389	463	11% (Properties with 3 & 4 dogs)
Four dogs	552	138	
Five or more dogs (majority working dogs)	1,087	154	6%

24 Community feedback has shown overwhelming support for limiting the number of dogs that can be kept on a property (supported by 93% of survey respondents). Almost half (45%) of dog owners and 43% of non-dog owners believe you should be permitted to have two dogs before needing a permit compared to the current limit of one. However maintaining the status quo is favoured by 37% of non-dog owners.

	Dog Owners		Non-Dog Owners		Total	
	No.	%	No.	%	No.	%
No	55	12%	7	2%	62	7%
One dog	36	8%	123	37%	160	19%
Two dogs	215	45%	143	43%	370	45%
Three dogs	116	24%	29	9%	150	18%
Four dogs	25	5%	10	3%	35	4%
Five dogs	9	2%	3	1%	12	1%
Other	20	4%	18	5%	38	5%
TOTAL	467	100%	333	110%	827	100%

25 A review of twenty eight other dog control bylaws revealed that 25 allow dog owners to own two dogs before a permit is required and three allow dog owners to own one dog before a permit is required.

Option A: Require a permit to keep more than one dog on a property (Status Quo, Recommended).	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Ensures that properties where two or more dogs are legally kept are assessed for suitable fencing, limiting opportunities for approx. 6,335 (37%) of known registered dogs to wander or cause a nuisance. • Provides Animal Service Officers with an opportunity to talk with dog owners about their responsibilities and educate them on ways to avoid their dogs causing a nuisance. • Provides an enforcement tool which enables Animal Services to remove the second dog if nuisance problems persist. • More non-dog owners (37%) support this option than dog owners (8%). • Retains familiar level of inspection and public assurance. 	<ul style="list-style-type: none"> • Requires dog owners to have their properties assessed before being permitted to keep two or more dogs (approx. 40 dog owners each year) at a cost of \$79 per visit which is paid by the dog owner. • Does not assess properties where one dog is kept (approx. 9,574 (56%) of known registered dogs).

Option B: Require a permit to keep more than two dogs on a property.	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Ensures that properties where more than two dogs are legally kept are assessed for suitable fencing, limiting opportunities for approx. 1,900 (11%) of known registered dogs to wander or cause a nuisance. • Reduces the number of dog owners requiring and having to pay for permits. • Dog owners may be more likely to register the second dog if the cost of a permit (\$79) is no longer required. • Community opinion is divided (215 (45%) dog owners and 143 (43%) non-dog owners' support requiring permits for more than two dogs) and aligns with practice in other districts. 	<ul style="list-style-type: none"> • Requires dog owners to have their properties assessed before being permitted to keep three or more dogs (approx. 20 dog owners each year) at a cost of \$79 per visit which is paid by the dog owner. • Does not assess properties where one or two dogs are kept (approx. 13,968 (82%) of known registered dogs). • Does not support the 37% of non-dog owners that would like status quo to remain.

Option C: No permits required.	
Advantages	Disadvantages
<ul style="list-style-type: none"> Reduces requirements and costs for dog owners (63% of the dog owners who responded to the survey believed restrictions on dog owners are an issue). 	<ul style="list-style-type: none"> Potential to increase the number of wandering dogs and barking nuisance as no property inspections will occur.

- 26 While the current requirement for Dunedin dog owners to have a permit for two or more dogs is in the minority compared to other bylaws across the country staff's opinion is that this works well. It provides Animal Service Officers with the opportunity for direct contact with the dog owners to explain how to manage nuisance behaviours such as barking and to ensure properties are appropriately fenced to reduce wandering.
- 27 It is recommended that the Council maintain the status quo and require a permit to keep more than one dog on a property (Option A).

Cat Control

- 28 Legal advice has indicated this legislative framework does not permit a territorial authority to set controls within a bylaw with regards to cats being registered or microchipped and nor would either of these measures prevent cats from killing wildlife.
- 29 Concerns regarding nuisance caused by companion (pet), stray and feral cats have been raised by the community via multiple channels, including unprompted comments in response to the Residents' Opinion Survey 2014 and Dog Control Survey.
- 30 Key concerns relate to fouling, wildlife (bird) attacks, roaming and an imbalance between restrictions on dog and cat owners.
- 31 Environmental Health receives approximately 12 complaints a year regarding the number of cats (both companion and stray) being kept on neighbouring properties in urban areas and odour nuisance from excrement.
- 32 Unlike the Dog Control Act 1996, which allows territorial authorities to create their own bylaws to control dogs in their area, there is a different legislative framework that covers the ownership and keeping of animals (excluding dogs). This framework comes under section 145 of the LGA 2002 which enables territorial authorities to make a bylaw for the purpose of protecting the public from nuisance and to maintain and promote public safety.
- 33 The key options available to the Council include:
- Non-regulatory approach (e.g. public education on responsible cat ownership);
 - Use of a general nuisance regulation in the Keeping of Animals (excluding dogs) and Birds Bylaw. Authorised Council Officers currently have powers which include the ability to restrict the number and/or species kept on a property where nuisance is not being effectively managed;
 - Increasing feral cat management in sensitive wildlife areas; and,
 - Regulating the number of cats that may be kept per property in an urban area.

Option A: Non regulatory response (e.g. public education on responsible cat ownership) (Status Quo).

Advantages	Disadvantages
<ul style="list-style-type: none"> • No new restrictions or requirements for cat owners. • Can be used to provide guidance on the importance of responsible cat ownership and how to minimise potential nuisance to neighbours, including encouraging owners to de-sex and microchip their cat/s. • Education on responsible cat ownership (welfare) is an existing role of other agencies (SPCA). 	<ul style="list-style-type: none"> • Will not address perceived problems with companion, stray or feral cats killing wildlife.

Option B: Use of a general nuisance regulation in the bylaw and clarification of the powers to limit companion (pet) and stray cat numbers where non-regulatory action has not effectively reduced nuisance (Recommended).

Advantages	Disadvantages
<ul style="list-style-type: none"> • Aligns with general approach to responding to (non-dog) animal related nuisance with non-regulatory approaches used in the first instance. • Will not impose new restrictions on companion cat owners, provided their cats are not creating a nuisance. • The threat of a limit could improve management of cat related nuisance. • Resolution of problems is based on a case by case basis. E.g. negotiation and working alongside other agencies involved in cat management initiatives. • In line with Auckland Council's Animal Management Bylaw 2015. 	<ul style="list-style-type: none"> • Will largely rely on responding to complaints to nuisance rather than active enforcement. • Will not address perceived problems with companion, stray or feral cats killing wildlife.

Option C: Increasing feral cat management in sensitive wildlife areas (Recommended to be endorsed).	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Provides proactive management of feral cats in the wildlife sensitive areas. • Reduction in the number of feral cats in sensitive wildlife areas. • Reduction in the number of wildlife killed by feral cats. 	<ul style="list-style-type: none"> • Redirection in pest management spending which may impact on some other pest management activities. • Potential conflict with other agencies approach to manage unwanted feral cats – e.g. capture, neuter and release approaches versus euthanising.

Option D: Regulate the number of cats that may be kept per property in urban areas.	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Proactive regulation of nuisance and public health issues. • Provides enforcement officers with a clear standard that can be enforced. • A limit could improve management of companion and stray cat related nuisance. 	<ul style="list-style-type: none"> • Disproportionate response to the 12 annual complaints received by the council. • Reduces the ability of the council to resolve problems on a case by case basis through general nuisance regulations. E.g. negotiation and working alongside other agencies involved in cat management initiatives. • A number limit for keeping cats is arbitrary. • Cost to council if cats need to be seized, impounded and re-homed. • May not address perceived problems with companion, stray or feral cats killing wildlife. • Potential public resistance.

- 34 Auckland Council's Animal Management Bylaw was reviewed in 2014. Auckland Council found the most appropriate means to address the nuisance and public health issues associated with the keeping of companion and stray cats was with a general nuisance regulation in a bylaw.
- 35 It is recommended that the Council adopt Option B supported by Option A and C. Option B will enable enforcement officers to restrict the number and/or species of animals (including cats) and birds that can be kept on a property, where other reasonable requests to reduce nuisance have not resulted in an acceptable reduction in the nuisance. Public education on responsible cat ownership will also help reduce cat related nuisance.
- 36 It is also recommended that the Council endorse Option C as this will help address community concerns regarding feral cat issues and reduce the number of wildlife killed by feral cats. This issue will be addressed through the Reserves Management Plan 2010.

- 37 The Dog Control Policy has been re-written to provide a clear framework on which the Dog Control Bylaw and associated fees regarding dog registration and offences are based. The proposed policy is based on Queenstown Lakes District Council's 2014 Dog Control Policy which covers the Council's obligations under the Dog Control Act 1996.

ATTACHMENT C

DRAFT DOG CONTROL POLICY 2015

INTRODUCTION

The Dunedin City Council is responsible for dog control across the district. This policy serves to meet the Council's obligations under the Dog Control Act 1996, and provides the framework on which the Dog Control Bylaw and associated fees regarding dog registration and offences are based.

OBJECTIVES

The Council's principal objectives are to:

- (a) have all dogs registered and micro-chipped;
- (b) minimise danger, distress and nuisance caused by dogs;
- (c) minimise the risk of dog attacks;
- (d) minimise the fear of dogs attacking or intimidating people;
- (e) avoid danger from uncontrolled dogs entering children's play areas;
- (f) ensure the protection of public health and safety in areas used by the general public;
- (g) provide for exercise and recreational needs of dogs;
- (h) provide for service users to meet the costs of services.

RESPONSIBLE DOG OWNERSHIP

Proactively promote the responsible ownership of dogs, including care and control around people, protected wildlife, other animals, property and natural habitats.

WHAT DOES IT MEAN TO BE A RESPONSIBLE DOG OWNER?

- ✓ *Choose the right dogs and treat them well.*
- ✓ *Ensure your dog has adequate exercise.*
- ✓ *Consider the health benefits for your dog of neutering at an early age.*
- ✓ *Register and microchip your dog.*
- ✓ *Teach your dog basic obedience (keep your dog under control at all times).*
- ✓ *Know the best locations where you are allowed to take (exercise) your dog.*
- ✓ *Be particularly vigilant near children and closely supervise interaction.*
- ✓ *Know when your dog will ignore commands: put dog on-leash, shorten leash, or avoid the area altogether (even if in an off-leash or designated dog exercise area).*
- ✓ *Respect other people's personal space. Public places are for everyone's enjoyment and not everyone is fond of dogs.*
- ✓ *Ensure your dog cannot leave your property by itself.*
- ✓ *Know when your dog must be on a leash, and always carry a leash.*
- ✓ *Pick up after your dog and carry the means (e.g. a bag) to pick-up their dog faeces.*

LEGISLATION

The legislation that relates to the control of dogs and specifies the obligations imposed on Dunedin City Council and dog owners are:

Dog Control Act 1996

The purpose of the Dog Control Act ⁶ is to make better provision for the care and control of dogs:

- (a) by requiring the registration of dogs; and

⁶ Section 4, Dog Control Act 1996

- (b) by making special provision in relation to dangerous dogs and menacing dogs; and
- (c) by imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person; and
- (d) by imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife; and
- (e) to make provision in relation to damage caused by dogs.

Dog Control Policy

All Territorial Authorities must adopt a Dog Policy under the Dog Control Act⁷, which must have regard to the following:

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

Dog Control Bylaw

Section 20 of the Dog Control Act permits any territorial authority to make bylaws regarding the control of dogs in accordance with the process in the Local Government Act 2002. The Dog Control Bylaw includes the following provisions;

- (a) prohibiting dogs, whether under control or not, from specified public places;
- (b) requiring dogs, other than working dogs, to be controlled on a leash in specified public places, or in public places in specified areas or parts of the district;
- (c) regulating and controlling dogs in any other public place;
- (d) designating specified areas as dog exercise areas;
- (e) prescribing minimum standards for the accommodation of dogs;
- (f) limiting the number of dogs that may be kept on any land or premises;
- (g) requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces;
- (h) requiring any female dog to be confined but adequately exercised while in season;
- (i) providing for the impounding of dogs, whether or not they are wearing a collar having the proper label or disc attached, that are found at large in breach of any bylaw made by the territorial authority under this or any other Act;
- (j) requiring the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to cause that dog to be neutered (whether or not the owner of the dog has been convicted of an offence against section 53).

⁷ Section 10, Dog Control Act 1996

FEES AND REGISTRATION

The Council's policy is to apply a graduated fee scale to target fees to high demand users and to deter non-compliance. For example, fees for repeat impounding of a dog increase with each subsequent impounding.

Registration Fees

All dogs are required to be registered in accordance with the Dog Control Act 1996 which provides:

- Dog registration fees are set by Council resolution;
- Dog registration fees, fines and impound fees are used to fund the dog control service;
- Registration fees paid after 31 July will have a late payment penalty applied. The penalty is an additional 50% of the registration fee; and
- Infringement notices for not registering a dog may also be issued.

While there are specific registration fees set for differing classifications of dogs, registration fee reductions are prescribed to recognise and reward dog ownership behaviour that complies with the legislation i.e. self-compliance. Compliant dog owners will be recognised by the application of fee reductions. Rewarding self-compliance with the legislative requirements transfers the burden of service costs to non-complying dog owners. Examples of occasions where registration fee reductions may apply are as follows:

- Dogs that are kept within an effectively fenced area on the property they are registered at, to prevent escape from the property (Selected Owners);
- Dog owners that have not received infringements, valid nuisance complaints, or had a dog impounded in the two years leading up to the current registration period;
- Neutered dogs;

The Council will provide a pro-rata refund for registration fees paid where a registered dog dies in the period of registration⁸.

Other Fees

These fees are set by Council resolution and include but are not limited to:

- Impounding,⁹
- Sustenance and board (during period of impounding)¹⁰
- Microchipping¹¹
- Multiple dog permit¹²

MULTIPLE DOG PERMIT

No more than one dog of registerable age i.e. three months old and over (whether or not such dogs are registered) may be kept on any premises unless the owner or occupier of the property has a permit from the Council.

⁸ Section 39, Dog Control Act 1996

⁹ Section 68, Dog Control Act 1996

¹⁰ Section 68, Dog Control Act 1996

¹¹ Section 69A, Dog Control Act 1996

¹² Section 150, Local Government Act 2002

No permit will be required to keep one or more dogs (working dogs) within the Rural zone as defined in the Dunedin City Council District Plan.

No permit may be granted to the owner or occupier of any property for more than one dog if the owner or occupier cannot demonstrate compliance with the Dog Control Bylaw, or if the criteria below are not met to the satisfaction of the Council:

1. If the property in which the dog owner/owners resides is leased/rented, the written consent of the property owner is required to keep more than two dogs on that property before any consideration for a permit will be given. A copy of such consent must be forwarded to the Council with the permit application.
2. The property must be adequately fenced to confine the dogs on the section, or in the absence of full boundary fencing, a portion of the section must be fenced sufficiently to confine the dogs yet allow them to have an adequate exercise area for their size.
3. Where necessary and having regard to the numbers and size of the dogs kept, the area of confinement must be paved, graded and drained to any standard set by the Council and in any event, must be on well drained ground.
4. Adequate housing of sufficient size suitable to meet the needs of the dogs, with access to clean water, must be provided on well drained ground.
The Council may consider the owner's dwelling to be sufficient to meet this condition, depending on the particular circumstances.
5. All dogs must be currently registered and must be kept at all times in accordance with the provisions of the Dog Control Act.
6. Such screening of the area of confinement as is necessary to protect the visual amenities of the neighbourhood must be provided.
7. All dog owners must abide, at all times, with the Dog Control Bylaw and its subsequent amendments. Failure to meet this requirement may result in a notice to remove one or more dogs permanently from the property.
8. The property must be made available for inspection by an authorised council officer at any reasonable time.
9. The number of dogs that may be kept on a property must not exceed that number for which the permit may be issued.
10. Any alterations to the property must meet the Council's criteria prior to the Animal Control Officer issuing a permit.
11. Any permit must be obtained prior to an additional dog being obtained.
12. The Council may:
 - a. Refuse the granting of a permit for the keeping of two or more dogs, or
 - b. Revoke a permit issued, if the conditions set out above are at any time breached and not rectified following written notice by the Council and within a period of time allowed by the Council and to give notice in writing that all dogs except one be removed from the property within such time as Council consider necessary in the particular case.
13. No permit will be granted relating to a property used for breeding, boarding or fostering unless a resource consent has been obtained where appropriate.

14. Council must be notified of any change of address, so that a permit may be obtained for the new address. Permits may not be transferred to a new property.
15. If your dog numbers reduce to one or no dogs for a period of two or more years your permit is deemed to have lapsed and you will need to reapply if you once again have two or more dogs on your property.
16. A fee as prescribed in the Animal Services annual fees and charges in the Council's Annual Plan must be paid to the Council by 31 July.

EDUCATION AND DOG OBEDIENCE

The Council encourages dog owners to attend dog obedience courses, particularly puppy training classes, to assist in the training and socialisation of dogs.

Where a dog has been classified as Menacing or Dangerous, the Council may require a dog owner to attend specified courses.

MENACING AND DANGEROUS DOGS

Dogs can be classified as Menacing in accordance with sections 33A and 33C of the Dog Control Act or Dangerous in accordance with section 31 of the Act.

PROBATIONARY AND DISQUALIFIED OWNERS

Dog owners can be classified as a Probationary owner in accordance with sections 21 of the Dog Control Act or can be disqualified in accordance with section 25. The maximum period of probation or disqualification may apply, unless the owner can demonstrate that the maximum period is unnecessary for the purpose of achieving the objectives of the Council's Dog Control Policy.

NEUTERING OF DOGS

Any dog classified as Dangerous by the Council or by any other Territorial Authority in accordance with section 32 of the Dog Control Act must be neutered. A dog categorised as Menacing under section 33E of the Dog Control Act may be required to be neutered.

In all cases the classification documents served on the owner of a Menacing or Dangerous dog will advise the owner of the requirement to neuter the classified dog within one month.

The owner of a dog which is required to be neutered by the Council; must produce a veterinary certificate showing either that the dog has been neutered or that the dog is unfit to be neutered before a certain date.

The Council may require the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to have the dog neutered or spayed whether or not the owner of the dog has been convicted of an offence against section 53 of the Act.

DOG FOULING

Dog fouling is not tolerated in any form within the Dunedin City Council boundary. Dog owners must ensure that they have a suitable receptacle to collect dog faeces and remove it immediately.

INFRINGEMENTS

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

Section	Offence	Infringement
18	Wilful obstruction of a Dog Control Officer	\$750.00
19(2)	Failure/refusal to supply information/wilfully stating false particulars	\$750.00
19A(2)	Failure to supply information or wilfully providing false particulars about dog	\$750.00
20(5)	Failure to comply with any bylaw authorised by the section	\$300.00
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	\$300.00
24	Failure to comply with obligations of probationary owner	\$750.00
28(5)	Failure to comply with effects of disqualification	\$750.00
32(2)	Failure to comply with effects of classification of dog as dangerous dog	\$300.00
32(4)	Fraudulent sale/transfer of a dangerous dog	\$500.00
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	\$300.00
33F(3)	Failure to advise person of muzzle and leashing requirements	\$100.00
36A(6)	Failure to implant microchip transponder in dog	\$300.00
41	False statement relating to registration	\$750.00
41A	Falsely notifying death of dog	\$750.00
42	Failure to register dog	\$300.00
46(4)	Fraudulent attempt to procure a replacement registration label/disk	\$500.00
48(3)	Failure to advise change of dog ownership	\$100.00
49(4)	Failure to advise change of address	\$100.00
51(1)	Removal/swapping of labels/disks	\$500.00
52A	Failure to keep dog controlled or confined	\$200.00
53(1)	Failure to keep dog under control	\$200.00
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	\$300.00
54A	Failure to carry leash in public	\$100.00
55(7)	Failure to comply with barking dog abatement notice	\$200.00
62(4)	Allowing a dog known to be dangerous to be at large unmuzzled	\$300.00
62(5)	Failure to advise of muzzle and leashing requirements	\$100.00
72(2)	Releasing dog from custody	\$750.00

Any of the above offences may be proceeded with by way of an infringement notice or by initiating a prosecution in accordance with the Criminal Procedure Act 2014.

DOG EXERCISE AREAS

The Council will review the need for specified dog exercise areas and suitable locations as necessary.

Dogs weighing more than eight kilograms may not be allowed inside the boundaries of any small dog park.

DOGS ON LEASH

Every owner of a dog shall keep that dog on a leash in public areas at all times except in a dog exercise area (specified either by signage or listed in a schedule Dog Control Bylaw) or by exceptions specified in the bylaw. Dogs must be leashed near any playground.

DOG RESTRICTIONS

Areas where dogs are restricted or prohibited within the Dunedin City Council district (except when in a vehicle) are specified in Schedule D of the Dog Control Bylaw.

The Department of Conservation ("**DOC**") manages dog restrictions by the use of on-site access signage and brochures. Dog owners are expected to adhere to restrictions displayed on signage and in brochures as to where dogs are permitted or prohibited.

Further information on dog restrictions on DOC-managed land can be obtained from the Dunedin DOC Office and i-Site Visitors Centre.

Dog owners must place their dogs on a leash within 10 metres of protected wildlife.

In addition to the specific restrictions set out above, dogs must be kept under control at all times as required by the Dog Control Act. This is expected to be sufficient to ensure that dogs do not injure, endanger, or cause distress to any protected wildlife.

WELFARE OF DOGS DURING AN EMERGENCY

All dog owners are expected to plan and prepare for the care and welfare of their dog(s) in anticipation of an emergency. While a state of emergency is in place dog owners must:

- a) Keep their dogs under effective control at all times;
- b) Ensure their dog does not injure, endanger or cause distress to any person.

ATTACHMENT D

DRAFT DOG CONTROL BYLAW 2015

Former Bylaws ~~Repeated~~Revoked

~~Section 5 of the Dunedin City Council Dog Control Bylaw 1997 on Control of Dogs The Dunedin City Council Dog Control Bylaw 2004 is revoked. —and a~~All bylaws of the Dunedin City Council already in force ~~shall~~must be read subject to this bylaw. In the event of conflict between the provisions of any former bylaw and the provisions of this bylaw, the provisions of this bylaw shall prevail.

Title and Commencement

~~The Dunedin City Council makes the Dunedin City Dog Control Bylaw 2015 pursuant to section 20 of the Dog Control Act 1996 and section 145 of the Local Government Act 2002.~~

~~This bylaw is administered by the Dunedin District Council.~~

~~This bylaw comes into force on <date to be specified>.~~

Purpose

~~The purpose of this bylaw is to give effect to the Dunedin City Dog Control Policy 2015 by:~~

~~Protecting the well-being and safety of both animals and people;~~

~~Regulating the public places where a dog may be taken by its owner, and the method of control of the dog; and~~

~~Limiting the number of dogs that may be kept on any premises;~~

~~Requiring the owner of any dog that defecates in any public place to immediately remove the faeces; and~~

~~Requiring the owner to neuter a dog which has not been kept under control on more than one occasion.~~

~~Provide for the enforcement of this bylaw by prescribing offences for contravening or permitting a contravention of this bylaw.~~

5.1 Definitions-Interpretation

~~**Act** – means the Dog Control Act 1996 (~~“the Act”~~)~~

~~**Animal Control Officer** – has the same meaning as ‘Dog Control Officer’ as appointed under section 11 of the Act.~~

~~**Cemetery** – means any land or premises for the burial and/or cremation of the dead and includes a closed cemetery and Urupa (Maori burial ground).~~

~~**Dangerous dog** – means a dog classified in accordance with section 31 of the Act.~~

~~**Designated dog exercise area** – means a fenced area in which dogs may be exercised off the leash.~~

Disability assist dog – has the same meaning given to it in section 2 of the Act.

District – means that area within the Dunedin City Council territorial authority boundaries.

Dog control fee - means any fee prescribed under section 37 of the Act.

Dog control officer - means a dog control officer appointed under section 11 of the Act and includes a warranted officer exercising powers under section 17 of the Act.

Designated Dog exercise area - means an area that is designated by Dunedin City Council resolution for use as a place for exercising dogs and includes a designated dog exercise area and small dog park.

Dog ranger - means a dog ranger appointed under section 12 of the Act, and includes an honorary dog ranger.

Domestic animal - includes—

(a) any animal (including a bird or reptile) kept as a domestic pet;

(b) any working dog; or

(c) 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 a dog classified in accordance with section 33A or section 33C of the Act.

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

Owner – means every person who:

(a) Owns a dog; or

(b) Has possession of the dog, whether the dog is at large or in confinement, otherwise than for the sole purpose of restoring a lost dog to its owner; or

(c) Is the parent or guardian of and shares a household with a person under the age of 16 years who is the owner of the dog pursuant to paragraph (a) or (b) of this definition:

but does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996 or the Animal Protection Act 1960 or any regulation made under either of those Acts.

Playground - means any children's playground equipment provided or maintained by the Council for public use and includes a skateboarding facility.

~~**Paws Track** — the track defined by white painted paw prints and signage through the no dog area from the corner of Bedford Street and Victoria Road along the northern side of the Forbury Road extension, in front of the Surf Club to the access point for the Middle Track and onto the beach to the piles.~~

~~**Playground** — means any children's playground equipment provided or maintained by the Council for public use and includes a skateboarding facility.~~

~~**Poultry** — means any live bird (including a domestic fowl, a duck, a goose, a turkey, a guinea-fowl, a pheasant, an emu, an ostrich, a quail, or a pigeon) that is kept or raised for the purpose of sale or of producing eggs, hatching eggs, or poultry products or for the purpose of~~

~~rearing on behalf of another person.~~

Private way - has the meaning given to it by section 315(1) of the Local Government Act 1974.

Protected wildlife - means

- (a) Any animal for the time being absolutely protected pursuant to section 3 of the Wildlife Act 1953; and
- (b) Any animal for the time being partially protected pursuant to section 5 of the Wildlife Act 1953, other than an animal in such circumstances that it may be hunted or killed under the authority of subsection (2) of that section; and
- (c) Any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978

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, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Registration year - has the same meaning as that given to the term "financial year" by section 5 of the Local Government Act 2002. Currently this is defined as from the 1st day of July in any one year to the 30th day of June the following year.

Road – has the same meaning as in section 315 of the Local Government Act 1974.

~~Roaming Dog~~ – means any dog that is found at large in any public place or on any land or premises other than that occupied by the owner.

Small breed dog park - means a designated dog exercise area in which only dogs weighing less than eight kilograms may be permitted.

Stock – means

- (a) Any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, mule, or water buffalo that is not in a wild state;
- (b) Any deer, goat, tahr, rabbit, possum, or other animal that is kept within a fence or enclosure for domestic or farming purposes

Warranted officer - means any person who is for the time being a warranted officer within the meaning of the Conservation Act 1987.

Working Dog – means Has the same definition as in the Act and includes:

- (a) any disability assist dog, guide dog, hearing ear dog, or companion dog
- (b) any dog:
 - i. kept by the Police or any constable, the Customs Department, the Ministry for Agriculture, the Ministry of Fisheries Primary Industries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or,
 - ii. ~~a collie dog (healing, huntaway or handy) that is~~ kept solely or principally for the

- purposes of herding or driving stock; or,
- kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or,
 - iii. kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
 - iv. kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
 - v. kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or
 - vi. certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
 - vii. owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or
 - iii-viii. declared by resolution of the territorial authority to be a working dog for the purposes of the Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution and does not include a dog kept for the purposes of hunting.

5.2 — Shelter for Dogs

- ~~1) The owner of any dog shall provide for it a weatherproof kennel or place of confinement of adequate size with access to clean water, constructed on well-drained ground and, in the case of a kennel without other means of confinement, provided with a fixed chain or running wire which allows the dog free movement about the kennel. All kennels or places of confinement shall be kept in a reasonable, clean and sanitary condition. A place of confinement may include a dwelling.~~
- ~~2) Animal Control Officers will have discretion to determine what is reasonable.~~
- ~~No owner of any dog shall keep it in any kennel or place of confinement within two metres to any boundary of neighbouring premises. This clause does not apply to dogs confined within a dwelling house on any premises in any kennel or place of confinement, other than a dwelling, any part of which is nearer than two metres to any boundary of those premises.~~

5.2 Shelter for Dogs

- 1) The owner of any dog must provide:
 - a) a weatherproof kennel of adequate size and on well drained land, or other place of confinement (which may include any dwelling); and
 - b) access to clean water and food; and
 - c) clean and sanitary conditions.
- 2) Where a premises is unfenced, the owner of a dog must restrain the dog by a fixed chain or running wire which allows the dog free movement.
- 3) No owner of any dog shall keep it in any kennel or place of confinement within two metres to any boundary of neighbouring premises. This clause does not apply to dogs confined within a dwelling house.

5.3 Control of Dogs ~~on a Leash~~

- 1) The owner of a dog must keep their dog under continuous control on a leash in all public places, and any person for the time being having charge of any dog shall ensure that the dog does not enter or remain in any public place unless it is kept on a leash, chain or lead which is in turn secured or held so that the dog cannot break loose. Except:
 - a) a dog may be exercised without being restrained on a leash during the hours commencing half an hour before sunrise and half an hour after sunset in any public place where dogs are not prohibited allowed other than a road, street or prohibited area. The dog must be under continuous control whilst being exercised.
 - a) ~~For the purpose of this clause it shall be deemed to be sufficient control if the dog is under the continuous surveillance or control of some responsible person, that is, able to be recalled instantly whenever another person, dog, or any other animal, is encountered. The dog must not give rise to any reasonable complaint as to its behaviour while being exercised.~~
 - b) in designated dog exercise areas described in Schedule A; and
~~–areas listed in sections B and C of Schedule A provided the dog is under effective control.~~
- 2) ~~The Clause provisions of 5.3(1) shall does~~ not apply to a working dog carrying out the work in respect of which the dog has been registered.
- 3) Clauses 5.3(1)(a)-(b) do not apply to roads.
- 3) ~~Notwithstanding any other provision of this Bylaw, the entry of dogs on to any public place specified in Section 5.5 is prohibited.~~
- 4) Dog owners must carry a leash with them at all times while exercising dogs in terms of clauses 5.3(1)(a)-(c).
- 5) Dog owners must place their dogs on a leash within 10 metres of protected wildlife.

~~5.4 Designated Dog Exercise Areas~~

~~5.5 Dogs within Exercise Areas may be exercised at large at all times while under continuous surveillance and effective control, or on a leash according to the appropriate signage for that area within the exercise area, except dogs are not permitted to enter children's playgrounds and marked sports grounds where these are adjacent to Exercise Areas.~~

~~5.6 The designated Dog Exercise Areas are contained in Section (A) of the attached Schedule.~~

~~5.7 Owners must pick up and wrap all dog faeces deposited by their dogs on Exercise Areas and place into the litter bins provided.~~

~~5.85.4 Dogs weighing more than eight kilograms may not be allowed inside the boundaries of any small dog park.~~

5.5 Public Places in which Dogs are Prohibited

- 1) Dogs are prohibited at all times in those places listed in Section (D) of ~~the attached~~ Schedule A at all times unless otherwise specified.
- 2) ~~The Council may from time to time make areas temporarily prohibited to dogs because of any potential conflict with people, domestic animals, or at the advice of the Department of Conservation, wildlife. If, in the opinion of the Animal Control Officer, there is or is likely to be harm caused to people or animals in any area, t~~Temporary prohibitions of the entry of dogs may be made to specified places. The temporary prohibition will take be effect from the time notified by signage is placed at the points of entry to the affected areas and will end when signage is removed by an Animal Control Officer. and where
- 3) ~~The Council may, by resolution, make areas permanently prohibited to dogs.~~
- 4) ~~Permanent prohibitions will be publicly notified practicable, public notice in the newspaper.~~

5.6 Fouling in Public Places

- 1) ~~No person being the owner or a person having charge of any dog shall permit the dog to defecate in a public place or on land or premises other than that occupied by the owner.~~The owner of any dog that is in a public place must carry a bag or other receptacle suitable for the removal of faeces.
- 2) ~~The owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner must immediately remove the faeces.~~
- 1) ~~Provided that, no offence shall be deemed to have been committed against this bylaw where the owner or the person having charge of the dog removes the faeces immediately after the dog has deposited them.~~
- 2) ~~Any person having charge of any dog shall at all times while exercising the dog whether within a designated exercise area or any public place carry a suitable receptacle to remove and dispose of dog faeces immediately after the dog has deposited them.~~

~~3) Plastic bags, paper bags or acceptable pooper scoopers are examples of suitable receptacles.~~

3) Where a public litter bin or similar receptacle is used to dispose of the ~~droppings/faeces~~, they must be suitably wrapped or contained to prevent fouling the receptacle.

5.7 Infectious or ~~Infested~~ Diseased Dogs –

No person being the owner or having control or charge of any infectious or ~~infested/diseased~~ dog ~~shall~~ may

take ~~that dog/same~~ into any public place ~~or permit or suffer such dog to enter or remain in a public place~~ except ~~while~~ being taken to a veterinary clinic.

5.8 ~~Bitches~~ Female dogs in Season –

1) ~~No/Every~~ person ~~being the owner or having control or charge~~ that is the owner of any ~~bitch/female dog~~ in season ~~shall~~ must at all times keep that dog confined so that it does not enter or remain on ~~any~~ take the same into any public place ~~or permit or suffer such dog to enter or remain in a public place~~ except the premises occupied by the owner.

2) Any dog must be adequately exercised on private land occupied by the owner of the dog or other private land with the consent of the occupier.

3) Clause 5.8(1) does not apply when that dog is being taken to a veterinary clinic.
~~Such bitches shall be kept confined but adequately exercised.~~

~~5.85.9~~ Dogs Adopted from the Pound –

~~1) —~~ The owner of any dog adopted from the Council pound must present a certificate to an Animal Control Officer stating the dog is a neutered dog within one month of the adoption date.

5.10 Nuisances

~~1) The owner of any dog and the owner or the occupier of any premises on which any dog or dogs are kept shall (a) Take adequate precautions to prevent the dog or dogs or the keeping thereof from becoming a nuisance or annoyance.~~

~~2) 1) If, in the opinion of the Council, any dog or dogs~~ or the keeping thereof on any premises has become or is likely to become a nuisance, the Council may, by notice in writing, require the owner or occupier of the premises within a time specified in such notice, to do all or any of the following:

- a) Reduce the number of dogs kept on the premises;
- b) Order the permanent removal of a single-particular dog on a property;
- c) Construct, alter, reconstruct or otherwise improve the kennels, places of confinement or other buildings used to house or contain such dog or dogs ~~(Animal Control Officers will have the discretion to determine what is acceptable or reasonable);~~

- d) Require such dog or dogs to be tied up or otherwise confined during specific periods;
- e) Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance.

~~3)2)~~ The owner of every dog shall ensure it does not create a nuisance ~~or annoyance~~ by:

- a) ~~By~~ Obstructing the lawful passage of persons in public places;
- b) ~~By~~ Rushing and frightening persons in a public place or lawfully on private property;
- ~~c) Shall not permit it to be kept in circumstances that may be offensive or likely to be injurious to health;~~
- ~~d)c)~~ ~~Shall not permit or allow it at any time to~~ Destroying, tearing or otherwise interfere with any refuse container whether the container is on private property or in a public place.

5.10 Permit to Keep More Than One Dog -

~~1)~~ No more than one dog of registrable age (whether or not such a dog is registered) may be kept on any premises unless:

~~2)1)~~

- a) The owner or occupier is the holder of a permit to keep two or more dogs; or,
- b) The premises are zoned rural in the ~~relevant~~, operative Dunedin City District Plan.
- ~~b) Notwithstanding the exception in (b), if a justifiable complaint is received about any dog on the premises the Council may, in its discretion, require the owner to apply for and obtain a permit for all dogs on the premises.~~

~~3)2)~~ No permit shall be granted to the owner or occupier of any premises if ~~such~~ the premises by reason of inadequate fencing, size, location or detrimental effect on any other premises would be inappropriate for the housing of two or more dogs.

~~4)3)~~ If the property in which the dog owner resides is leased/rented, the written consent of the property owner is required to keep two or more dogs on that property ~~before any consideration for a Permit will be given~~. A copy of such consent must be ~~forwarded provided to the~~ Council ~~with the application for the permit~~.

4) A permit issued under this Clause is subject to the conditions set by the Council. Any breach of such conditions or other terms or restrictions shall be a breach of this Bylaw.

5) Any permit may be revoked by the Council for breach of conditions or, in the event of change of circumstances relating to the premises, the owner or occupier ~~thereof~~ or the animals kept ~~or remaining on such on the~~ premises.

6) Applications for permits to keep more than one dog shall be made on the form supplied by the Council and shall provide such information in respect of the application as the Council may reasonably require.

7) There shall be paid to the Council for every such permit an inspection fee which the Council may from time to time by resolution publicly notified prescribe, and on each 1st day of July following the date of issue, an annual fee may be charged for the following twelve months.

- 8) The fee for such permits shall be payable in addition to the registration fees payable under the Dog Control Act 1996.

5.11 ~~Impounding-Neutering~~ of Dogs

~~When any contravention of Section 52 (1)(2) of the Act occurs, the dog may be impounded in a dog pound in accordance with Section 52(3) of the Act. Animal Control Officers~~The Council ~~may elect in some circumstances to~~ require the owner of any continually offending dog (being a dog that, on a number of occasions, has not been kept under control) to have the dog neutered or spayed ~~(whether or not the owner of the dog has been convicted of an offence against section 53 of the Act).~~

5.12 ~~Dog Control Fees~~

~~The Council will regularly review its dog control fees. Fees will be set by resolution, publicly notified and advertised.~~

5.13 ~~Amendment of Schedules~~

~~That any items contained in the attached schedules to this Bylaw be altered at any time by resolution of Council and publicly notified.~~

Offences

- 1) Every person who contravenes or permits a contravention of this bylaw commits an offence.
- 2) Every person who commits an offence under this bylaw is liable to a penalty under section 20(5) of the Dog Control Act 1996.

Savings

Every licence issued under the Dunedin City Council Dog Control Bylaw 2004 to keep more than one dog shall continue in effect unless revoked under clause 5.10

SCHEDULE

NOTE: All are Dunedin City Council reserves or tracks unless otherwise stated.

(A) DESIGNATED DOG EXERCISE AREAS

Rotary Park – Highcliff Road

Forrester Park – Norwood Street

Cemetery Road – East Taieri

Shand Park – Brighton Road, Green Island

Shand Park – Brighton Road, Green Island – small breed dog park

Wakari Reserve

Kew Park – Corner of Easter Cres and Forbury Road

(NOTE: Dogs are not permitted in children's Playgrounds ~~or on marked sports grounds adjacent to any of these Exercise Areas~~).

(B) TRACKS AND RESERVES WHERE DOGS ARE ALLOWED

Controlled dogs are permitted without a leash unless otherwise specified.

Dogs must be leashed and kept 10 metres away from Protected Wildlife.

Sports grounds

Dogs are prohibited from marked playing fields and permitted on a leash on all other areas of DCC owned sports grounds.

Dunedin City

Market Reserve – Princes Street

Bethunes Gully (on a leash in lower picnic area)

Ferntree (on a leash)

~~Frasers Gully Recreation Reserve (on a leash)~~

Leith Valley Scenic Reserves (DOC)

Ocean Beach Domain

Ocean Grove Recreation Reserve Ross Creek (on a leash)

Track from northern end of Esplanade to the scout den at the southern end of Kettle Park (on a leash)

~~Track from Forbury Road to the Middle Track and known as the "Paws Walking Track" the northern end of Esplanade to the southern end of Kettle Park~~ (on a leash)

Woodhaugh Gardens (on a leash on defined walking Tracks only)

Flagstaff

Flagstaff/Swampy

Jim Freeman Track

Nicols Falls

Pineapple Track ~~(on a leash)~~

Whare Flat

McGowan Track (on a leash)

North of Dunedin

Aramoana Beach south of Keyhole Rock (DOC)

Bucklands Crossing

~~Cleghorn Street~~

Between Doctors Point/Mapoutahi (on a leash)

Doctors Point

Evansdale Glen

Huriawa Pa (on a leash – Ngai Tahu and DOC)

Karitane Esplanade Reserve (dogs must be controlled on a leash in dune areas)

Long Beach Recreation Reserve (dogs must be controlled on a leash in dune areas)

Mapoutahi Pa (on a leash – Ngai Tahu and DOC)

Purakaunui Recreation Reserve

Signal Hill Recreation Reserve Scott Memorial

Truby King Reserve ~~(on a leash)~~

Waikouaiti Recreation Reserve (dogs must be controlled on a leash in dune areas)

Waikouaiti River Foreshore and Duncansby Street River Reserve (on a leash)

Warrington Recreation Reserve

Peninsula

Allans Beach south west of where the access track enters the beach (DOC)

Bacon Street to Highcliff Road

Camp Road (on a leash)

Greenacres Street (on a leash)

Karetai Road (on a leash)

Port Chalmers

Peninsula Beach Road

Silverstream

Racemans Track

South of Dunedin

Brighton Recreation Reserve (dogs must be controlled on a leash in dune areas)

Island Park Recreation Reserve (dogs must be controlled on a leash in dune areas)

Ocean View Recreation Reserve (dogs must be controlled on a leash in dune areas)

Westwood Recreation Reserve

Woodside Glen Track (DCC and DOC)

St Clair Esplanade

The Esplanade area which fronts and runs parallel to the sea wall to where it meets Beach Street to the south (on a leash)

The asphalt car park that is accessed from the Esplanade (on a leash)

The reserves park situated between the asphalt car park that is accessed from the Esplanade and Bedford Street (on a leash)

(C) AREAS WHERE A HUNTING PERMIT IS REQUIRED

Permits are necessary to take your dog into the following areas for hunting purposes.

Allans Beach Wildlife Management Reserve (DOC)

Chalkies (DOC)

Silverpeaks (DOC)

Maungatua Scenic Reserve (DOC)

Woodside Glen Track (DOC)

Taieri Gorge Scenic Reserve – Outram Glen (DOC)

(D) AREAS WHERE DOGS ARE PROHIBITED

Areas developed and equipped as children's Playgrounds.

Dogs are prohibited from marked playing fields and permitted on a leash on all other areas of DCC owned sports grounds.

~~The designated playing area of all marked sports grounds.~~

All cemeteries, (except disability assist dogs), unless prior approval has been granted.-

Areas that from time to time the Council will notify by way of signage and advertising that there is a temporary dog prohibition in place because of wildlife, stock or other issue.

Commercial areas:

The Octagon, the Civic Centre, the Library Plaza and those areas of Princes Street and George Street which lie between the Exchange and Knox Church.

King Edward Street, South Dunedin between Hillside and Macandrew Roads.

Except, this prohibition does not apply to disability assist dogs guide dogs for the blind,

hearing ear dogs, companion dogs, police dogs and dogs being used by security guards, working dogs, dogs confined in an efficient container, or securely confined in or by lead or restraint on a vehicle. No offence shall be committed when a dog securely controlled by means of a lead, leash or chain is being taken through the defined area to the nearest area where the dog may be exercised by a resident of the defined area.

From time to time upon application DCC Animal Services may approve dogs being brought into the commercial area for particular events/purposes

Beach Areas:

Designated areas of bathing beaches where lifeguards mark the safe areas for swimming by the placement of flags during the periods when daylight saving is in force.

St Clair Beach and Esplanade:

- a) All of the beach from the Salt Water Pool to the northern end of the sea wall. ~~nearest piles on the beach to the north,~~ **however,** dogs on a leash may have access to the beach between 8.00 pm and 8.00 am the following day. ~~with access via end of Beach Street and the steps between shark warning bell and the end of the sea wall at the northern end of the Esplanade.~~
- b) The park on Victoria Road adjoining the playground area, the playground area itself and the sealed area adjacent to this that starts at the Esplanade and extends past the Surf Club to the beach track.
- e) The Esplanade area which fronts and runs parallel to the sea wall to where it meets Beach Street to the south.
- d) The asphalt carpark that is accessed from the Esplanade.
- e) The reserves park situated between the asphalt carpark that is accessed from the Esplanade and Bedford Street.

Brighton Beach:

All of the area within the bay from the Big Rock to the small cliff at the North end of the domain including Barneys Island, the estuary and all of the beach within the confines of Brighton Road.

Recreation

Macandrew Bay Beach Reserve

Broad Bay Beach Reserve

Botanic Garden

Woodhaugh Gardens (other than on defined walking tracks).

Conservation/Wildlife Areas

Okia Reserve (DCC and Yellow Eyed Penguin Trust)

Victory Beach (Yellow Eyed Penguin Trust)

Boulder Beach (DOC)

Sandymount and associated track network (DOC)

Sandfly Bay (DOC)

Seal Point Road to Sandfly Bay (DOC)

Lighthouse Reserve (Taiaroa Head and DCC)

Taiaroa Head (DCC and DOC)

Allans Beach north east of where access track enters the beach (DOC)

Pilots Beach Recreational Reserve (DCC)

Warrington Spit and Rabbit Island – from the first break water point from the north (DCC)

Aramoana Beach from Keyhole Rock north to Heyward Point (DOC)

Aramoana Ecological Area – salt marsh and wetland (DOC)

Hereweka/Harbour Cone (Dogs not permitted except for farm management purposes (DCC))

Deep Stream Scenic Reserve (DCC and DOC)

Grangers Road Track (DOC)

Hyde-Middlemarch Rail Trail (DOC)

Mill Creek Track (DOC)

Outram Glen to Lee Stream (DOC)

Sutton Salt Lake Scenic Reserve (DOC) Aramoana-Hayward Point (DOC)

Careys Creek (DOC)

Grahams Bush Walk (DOC)

Hawksbury Lagoon (DOC)

Leith Saddle (DOC)

Matanaka (DOC)

Organ Pipes (DCC)

Mount Cargill (DCC)

Orokonui (DOC)

Tunnel Beach (DOC)

Burns Park (DOC)

Goat Island (DOC)

Quarantine Island (DOC)

Otekiho Reserve (DCC and Yellow Eyed Penguin Trust)

Tracks

Highcliff Road to Hoopers Inlet Lime Kilns (Private)

Mount Charles (Private and DOC)

Paradise Road and Track Pipikaretu Beach (Private)

Quoin Cliff (Private)

COUNCIL
14 December 2015

41 Peg Track District Road
Track Ridge Road Track
Nyhon Track
Bacon Street Track
Buskin Road (Otago Peninsula)
Aramoana – Heyward Point Track (DOC)

ATTACHMENT E

DRAFT KEEPING OF ANIMALS (EXCLUDING DOGS) AND BIRDS BYLAW 2015

22.1 Title and Commencement

- (1) This Bylaw shall be known as the Keeping of Animals (Excluding Dogs) and Birds Bylaw 201~~6~~⁹.
- (2) The Bylaw shall come into effect on the ~~1st day of November 2010~~[insert date bylaw comes into effect].

22.2 Interpretation

ACT – means the Local Government Act 2002.

ANIMAL – means any live member of the animal kingdom that is a mammal (excluding dogs), bird, cat 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 an officer specifically delegated by the Council to administer and enforce aspects of this bylaw.

BIRD – includes housed or free range geese, ducks, peacocks, pigeons, doves, turkeys, pheasants, swans, chickens, roosters and all other types of domestic or fancy birds.

COMPANION CAT - Common domestic cat (including a kitten unless otherwise stated) that lives with humans as a companion and is dependent on humans for its welfare. For the purposes of this bylaw, will be referred to as "cat".

FERAL CAT - For the purposes of this bylaw, means a cat which is not a stray cat and which has none of its needs provided by humans. Feral cats generally do not live around centres of human habitation. Feral cat population size fluctuates largely independently of humans, is self-sustaining and is not dependent on input from the companion cat population.

KEEP OR KEEPING includes owning, looking after, caring for, being in charge, a custodian or in possession of any animal.

NOISE NUISANCE – the term “noise nuisance” means any noise emitted by an Animal that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person, or likely to be injurious to human health.

NUISANCE – without limiting the meaning of the term “nuisance”, a nuisance shall be deemed to be created in any of the following cases, that is to say:

- a) Where any accumulation or deposit is in such a state or so situated as to be offensive or likely to be injurious to human health;

- b) Where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or likely to harbour rats or other vermin;
- c) Where any buildings or premises used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive or likely to be injurious to human health;
- d) Where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to human health;

PEN – a small confined area for animals and birds;

RESIDENTIAL AREA – means any area zoned ‘residential’ in the Dunedin City Council District Plan.

STRAY CAT - for the purposes of this bylaw, means a Companion Cat which is lost or abandoned and which is living as an individual or in a group (colony). Stray Cats have many of their needs indirectly supplied by humans, and live around centres of human habitation. Stray Cats are likely to interbreed with the unneutered Companion Cat population.

OWNER – means every person who:

- a) Owns the Animal or Bird, or
- b) Is the parent or guardian of a person under the age of 17 years who;
 - i Is the owner pursuant to paragraph (a) of this definition; and
 - ii Is a member of the parent or guardian’s household living with and dependent on the parent or guardian.

22.3 Purpose

To protect the public from nuisance and to protect, promote and maintain public health and safety by controlling the keeping of animals and birds within the residential district.

22.4 Exclusion

This Bylaw does not apply to dogs.

22.5 Keeping of Animals

22.5.1 Every person keeping an animal on residential land shall ensure that the animal is kept in a manner that:

- a) Does not or is not likely to cause a nuisance to any person;
- b) Does not or is not likely to cause a noise nuisance to any person;
- c) Ensures that the animal is kept in conditions which are not offensive or injurious to human health.

22.5.2 An abatement notice may be served on any person by an authorised officer requiring that person to take such reasonable action as is considered necessary if:

a) ~~If~~ an animal kept on residential land is causing or is likely to cause a nuisance or a noise nuisance, or

b) ~~an animal~~ is kept in conditions which are or are likely to be offensive or injurious to human health, ~~taking into account amenity value and local conditions in the particular situation an authorised officer may issue a notice requiring the person keeping the animal or the owner or occupier of the private land, to take such action as is considered necessary, by the authorised officer within any reasonable time specified to abate or prevent the nuisance or noise nuisance or the conditions which are or are likely to be offensive or injurious to health.~~

The person issued with such a notice shall comply with the notice.

Where a person keeping an animal or bird creating a nuisance, has not complied with any reasonable request of an Authorised Officer to abate or prevent the nuisance, the Council may impose a limit on the number and/or species of animals or birds kept at the property.

22.5.3 No person keeping animals in a pen shall allow manure to collect to the extent that it causes a nuisance, and shall dispose of it in a manner that does not cause a nuisance as outlined in 22.5.1.

22.5.4 Every person keeping an animal, other than cats, pigeons, and doves, shall be responsible for ensuring that the animal is caged or otherwise restrained within the boundaries of the private land on which it is kept.

22.6 Keeping of Birds

22.6.1 A person shall only keep birds, in accordance with the following requirements:

Maintenance

- a) Every bird house and run shall be:
- i Maintained in good repair;
 - ii Maintained in a clean condition;
 - iii Free from any offensive smell or overflow of excrements;
 - iv Free from vermin;
 - v Free from accumulations of manure and food.

If the bird house and run are not properly maintained an authorised officer may issue a notice requiring compliance.

- b) Every person keeping a bird on residential land shall ensure that the bird is kept in a manner that:
- i Does not or is not likely to cause a nuisance to any person;
 - ii Does not or is not likely to cause a noise nuisance to any person;
 - iii Ensures that the animal is kept in conditions which are not offensive or injurious to human health.

- c) In prescribing any conditions under clause 22.6 the authorised officers must consider:
 - i The nature and extent of the problem to be addressed;
 - ii Whether the problem can be addressed by other means;
 - iii Any advice from ~~recognised bird clubs, the Dunedin Bird Club and Dunedin Poultry, Pigeon and Cage Bird Club.~~

22.6.2 Exemptions

Any person may keep birds:

- a) In an auction room for less than 24 hours;
- b) In retail premises for the purpose of sale;
- c) For commercial purposes including the sale of birds and/or eggs where such use is registered under the Animal Products Act 1999, or allowed for under the District Plan or by resource consent;
- d) At a bird show or contest for no more than 4 days.

22.7 Appeals

Any person who is dissatisfied with the decision made by the Authorised Officer may, appeal in writing against that decision or requirement to the Chief Executive within 14 days after being notified in writing of the decision or requirement.

On hearing the appeal brought under this bylaw, the Chief Executive may confirm, reverse, or modify the decision or requirement made by the Authorised Officer and the decision of the Chief Executive on the appeal shall be final.

This right of appeal is in addition to any other statutory right made available to the occupier.

22.8 Offences

22.8.1 Everyone commits an offence who:

- a) Contravenes a provision in this Bylaw; and
- b) Fails to carry out any action required by an authorised officer; or
- c) Fails to comply with a notice issued under 22.5.2.

22.9 Penalties

22.9.1

- a) Any person who commits an offence is liable on summary conviction to a fine not exceeding \$20,000 under section 242(4) of the Local Government Act 2002.

- b) The penalty outlined in clause 22.9.1 (a) above is in addition to, and not in substitution of, any action the Council might take pursuant to any other legislation to address the contravention.
- c) Notwithstanding the above, nothing in this Bylaw serves to prevent the Council, where it considers it appropriate, from exercising its powers under the Health Act 1956 or Resource Management Act 1991 to abate nuisance without notice.

22.10 Giving and content of notices

22.10.1 Any notice or direction under this Bylaw that is to be given to any particular person shall be in writing and may be given:

- a) By delivering it personally to the person to whom it is to be given; or
- b) By leaving it, or sending it by post in a letter addressed to the person, at his or her usual or last known place of residence; or

22.10.2 If a notice or direction to which subsection 22.10.1 of this section applies is sent by post in a registered letter, that notice or direction shall be deemed for the purposes of this Bylaw, in the absence of proof to the contrary, to be given at the time at which the letter would have been delivered in the ordinary course of post.

22.10.3 Every notice to which subsection 22.10.1 of this section applies shall—

- a) Specify—
 - i The purpose of the notice; and
 - ii The rights of appeal (if any) to the matters referred to in the notice; and
 - iii The name and address of the Authorised Officer to whom inquiries in respect of the notice may be made; and
 - vi If entry on land or premises is intended, the statutory authority for the entry; and
 - v In the case of notice that an animal has been seized, a statement that the animal may be sold, destroyed, or otherwise disposed of unless the animal is claimed and all fees paid within 14 days after the receipt of the notice; and
- b) In the absence of proof to the contrary, be sufficiently authenticated if it bears the name of the person giving the notice or direction.

Advice Note - Power of Seizure

The Powers of Seizure are listed under sections 165, 166, 167 and 168 of the Local Government Act (LGA 02) 2002:

- LGA 2002 Section 165 - A judicial officer may issue a warrant authorising an enforcement officer to enter private property involved in the commission of an offence, and seize and impound property.
- LGA 2002 Section 166 – Outlines the conditions to exercise a warrant to seize property on private property.

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- LGA 2002 Section 167 – Outlines the return of property seized and impounded.
- LGA 2002 Section 168 – Outlines the power to dispose of property seized and impounded.

ATTACHMENT F

DRAFT STATEMENT OF PROPOSAL

Proposed Changes to Dunedin's Animal Rules

The Dunedin City Council wants your feedback on proposed changes to the rules for keeping animals in Dunedin.

The proposed changes are based on community feedback and aim to strike the right balance between ensuring residents can keep animals, and limiting the nuisance that animals cause to others.

Proposed changes include:

- improving protection for wildlife in their natural habitat by requiring dogs to be leashed and kept 10m away from protected wildlife and extending the prohibited area at Brighton Beach
- allowing dog owners to take their dogs to St Clair Esplanade (on a leash) and exercise dogs off the leash on Peninsula Beach Road (Port Chalmers)
- requiring dogs to be on a leash on DCC owned sports grounds (while continuing to keep dogs off marked playing fields)
- allowing DCC staff to limit the number and species of animals (including cats) that can be kept in cases where nuisance effects cannot be managed any other way.
- other changes for the purposes of clarification and to align Dunedin's approach to animal control with recognised best practice.

Background

Dunedin's dog control rules were last reviewed in 2004 and our rules for keeping other animals in residential areas were last consulted on in 2010. Now is a good time (and the legal deadline) for reviewing and updating these rules to reflect current community expectations and best practice.

The DCC has reviewed Dunedin's animal rules in light of resident, customer and stakeholder feedback. This involved a dog control survey of 810 residents, ongoing customer and resident feedback and meetings with key stakeholders such as the SPCA and the Department of Conservation.

Options for addressing the issues raised have been evaluated against the need to maintain public health and safety, and the needs of animal owners. This consultation document sets out these issues, the key options considered, and the reasons for the proposed changes.

Issues and Options

Reducing fouling on playing fields

Despite prohibiting dogs from marked playing fields and increased signage, radio adverts and patrols, the DCC is receiving an increasing number of complaints about fouling on playing fields.

Allowing dogs off the leash on playing fields is leading to dogs being on the marked areas, despite the current prohibition.

The following options have been considered:

Option		Pros and Cons
A	No change to dog control rules around playing fields.	No new restrictions on dog owners. Problem with fouling on playing fields will not be addressed.
B	Dogs are prohibited from marked playing fields and permitted on a leash on all other areas of sports grounds – see Map A.	Reduces likelihood of dogs fouling on playing fields. Introduces a new restriction on dog owners, and reduces areas where dogs can be exercised off the leash.
C	Prohibit dogs on playing fields.	Reduces the likelihood of dogs fouling on playing fields. Introduces a new restriction on dog owners, and markedly reduces areas where dogs can be exercised.

We are proposing to continue to keep dogs off marked playing fields and permit dogs on a leash on all other areas of DCC owned sports grounds. This would mean dog owners could better comply with the prohibition of dogs on marked areas of playing fields and would lead to a reduction in fouling in these areas.

Which option(s) do you support for managing fouling on sports grounds? How would the proposed changes affect you? Have Your Say on page [X](#).

Protecting Dunedin's wildlife

Feedback from conservation groups and the wider community has highlighted concerns with dogs being off leash around wildlife. Specific concern was raised regarding dog attacks on wildlife at Brighton Beach. We need to balance these concerns – and Dunedin's reputation as New Zealand's wildlife capital - with the need for dog owners to exercise their dogs.

The following options have been considered:

Option		Pros and Cons
A	No change to dog control rules around wildlife.	No new restrictions on dog owners. Risk of dogs attacking wildlife remains the same.
B	Require dogs to be leashed and kept 10 metres away from protected wildlife.	Likely reduction in dogs attacking wildlife. Ability to enforce best practice dog control.

		New responsibilities for dog owners.
C	Extend prohibited area at Brighton Beach – See Map C.	Likely reduction in dogs attacking wildlife. New restrictions on dog owners. Reduction in exercise area for dogs.

We are proposing changes to help protect wildlife by requiring dogs to be leashed and kept 10 metres away from protected wildlife and extending the prohibited area at Brighton Beach.

While this would place new responsibilities and restrictions on dog owners, it would help manage conflict between dogs and protected wildlife. Following these rules will also help reduce the risk of dog owners being subject to police or DoC prosecution for dog attacks on protected wildlife.

Which option(s) do you support for managing conflict between dogs and wildlife in their natural habitat? How would the proposed changes affect you? Have Your Say on page **X**.

Improving access to public places for exercising dogs

Feedback has shown that many dog owners feel there are too many restrictions on where they can and cannot exercise their dogs. Specific areas where an easing of the rules has been requested including for easing rules the St Clair Esplanade, cemeteries and the CBD. Port Chalmers dog owners have also requested a dog exercise park in their area.

The following options have been considered:

Option		Pros & Cons
A	No change to rules for exercising dogs in public places.	No new restrictions on dog owners. Demand for increased dog access to public places not met.
B	Allow dogs to be exercised off the leash on Peninsula Beach Rd, Port Chalmers – See Map B.	Meets demand for off-leash exercise area in Port Chalmers without the cost of a dog exercise park. Risks that dog owners do not keep their dogs under control and do not pick up their dog's poo thereby putting other users of the area at risk of being exposed dog faeces. An increased risk of dogs intimidating and/or causing a nuisance to other users of the area.
C	Allow leashed dogs at St Clair Esplanade – See Map D.	Meets demand for allowing dog owners to walk their dogs in a popular area. Risks that dog owners do not pick up their dog's

Option		Pros & Cons
		<p>poo thereby putting other users of the area at risk of being exposed dog faeces.</p> <p>An increased risk of dogs intimidating and/or causing a nuisance to other users of the area.</p>
D	Allow leashed dogs in the CBD.	<p>Meets request from some dog owners.</p> <p>Risks that dog owners do not pick up their dog's poo thereby putting other users of the area at risk of being exposed dog faeces.</p> <p>An increased risk of dogs intimidating and/or causing a nuisance to other users of the area.</p>
E	Allow dogs on a leash in cemeteries.	<p>Meets request from some dog owners.</p> <p>Risks that dog owners do not pick up their dog's poo thereby putting other users of the area at risk of being exposed dog faeces.</p> <p>An increased risk of dogs intimidating and/or causing a nuisance to other users of the area.</p>

We are proposing to allow leashed dogs on the St Clair Esplanade and off-leash dogs on Peninsula Beach Road, Port Chalmers. No change is proposed for dog controls in the CBD and cemeteries (where dogs are prohibited). This approach will enable dog owners access to additional public places while protecting public health and safety in areas of high public use (CBD) and sensitivity (cemeteries).

Which option(s) do you support for balancing need for exercising dogs and minimising public health and safety risks? How would the proposed changes affect you? Have Your Say on page **X**.

Cat control

Concerns have been raised about companion (pet), stray and feral cats fouling, attacking wildlife and roaming on private property. Dog owners have also pointed out an imbalance in restrictions on cats and dogs.

The following options have been considered:

Option		Pros and Cons
A	No changes to rules around keeping cats.	<p>No new restrictions on cat owners.</p> <p>Issues with companion (pet) and feral cats not addressed.</p>

Option	Pros and Cons
<p>B Limit companion (pet) cat numbers in cases where voluntary action fails.</p>	<p>Allows people to keep companion (pet) cats as long as nuisance is managed.</p> <p>Improves management of companion (pet) cat nuisance.</p> <p>Feral cat issues not addressed.</p>
<p>C Regulate the number of companion (pet) cats that may be kept per property in urban areas.</p>	<p>Improves management of companion (pet) cat nuisance.</p> <p>Provides a clear standard that can be enforced.</p> <p>Reduces the ability of the council to resolve problems on a case by case basis.</p> <p>A number limit for keeping companion (pet) cats is subjective.</p> <p>Feral cat issues not addressed.</p> <p>Cost to council if companion (pet) cats need to be seized, impounded and re-homed.</p> <p>Potential public resistance.</p>

We are proposing to clarify the ability for DCC staff to set a limit on the number and species of animals (including companion cats) that can be kept at a property, or by an individual where other (non-regulatory) efforts to manage nuisance have failed.

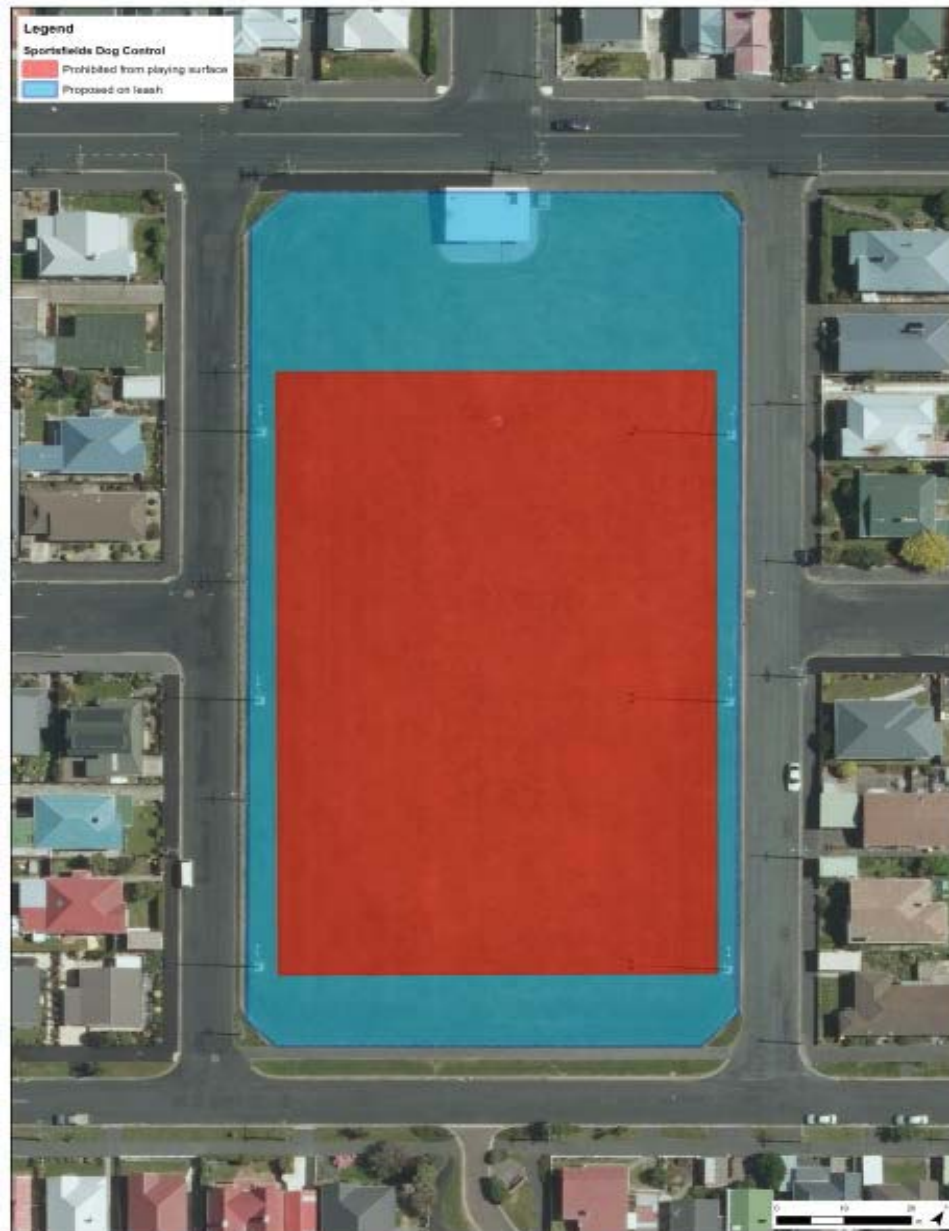
Which option(s) do you support for managing nuisance created by pet cats? How would the proposed changes affect you? Have Your Say on page **X**.

Find Out More

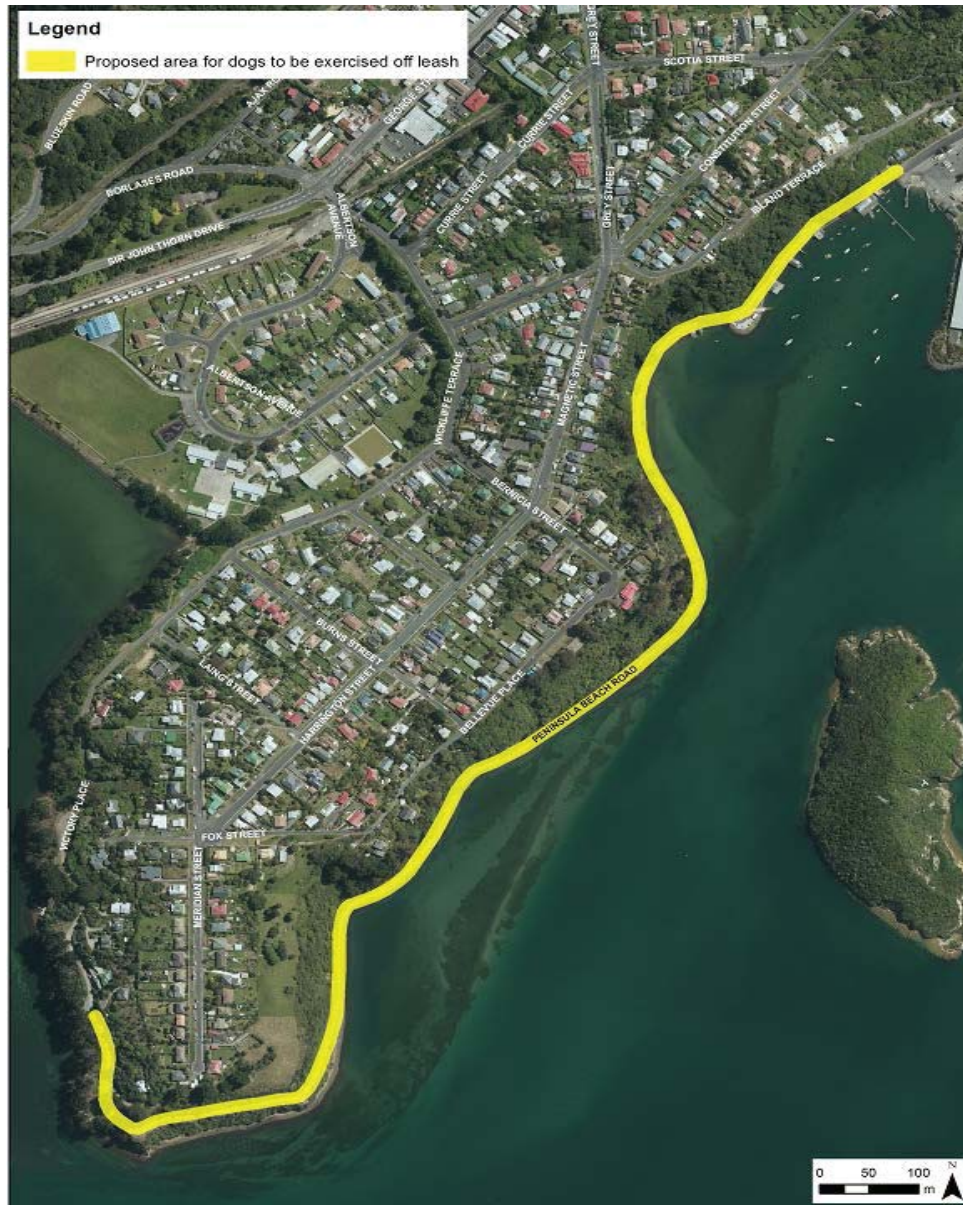
Staff reports, including a full analysis of options, and committee resolutions are available at www.dunedin.govt.nz/animalrules and at Dunedin Public Libraries.

Maps

Map A – Proposed changes to dog control on sports grounds



Map B – Proposed changes to dog control on Peninsula Beach Road, Port Chalmers



Map C – Proposed changes to dog control at Brighton Beach



Map D – Proposed changes to dog control at St Clair Esplanade



Legal Requirements

This consultation document is a statement of proposal prepared and adopted by the Dunedin City Council under sections 83, 83A and 86 of the Local Government Act 2002.

The Dunedin City Council proposes to adopt: the attached Draft Dog Control Policy using its powers under section 10 of the Dog Control Act 1996; the attached Draft Dog Control Bylaw using its powers under section 145 of the Local Government Act 2002 and section 20 of the Dog Control Act 1996; and, the attached Draft Keeping Animals (excluding dogs) and Birds Bylaw using its powers under sections 145 and 146 of the Local Government Act and section 64 of the Health Act 1956.

Proposed Dog Control Policy

[insert Proposed Dog Control Policy as adopted by the Committee]

Proposed Dog Control Bylaw

[insert Proposed Dog Control Bylaw as adopted by the Committee]

Proposed Keeping of Animals (excluding dogs) and Birds Bylaw

[insert Proposed Keeping of Animals (excluding dogs) and Birds Bylaw, as adopted by the Committee]

Have Your Say

We want to know what you think about the proposed rules for keeping animals in Dunedin. What have we got right? What do you want to change?

Make a submission online, in hard copy and/or in person between [submission period]

www: www.dunedin.govt.nz/consultation

Post: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Deliver: Civic Centre or Dunedin Public Libraries

In person: A public hearing will be held on [hearing date]. To confirm your interest in speaking at the hearing, indicate in a written submission or contact 477 4000.

Feedback form

Your Details

Name:

Organisation (if applicable):

Address:

Email address:

Phone number:

Would you like to speak to the hearings panel in person? Yes / No

Reducing fouling on sports grounds

Which option(s) do you support for managing fouling on sports grounds?

- A – No change dog control rules around sports grounds
- B – Require dogs on a leash on DCC owned sports grounds, while continuing to keep dogs off marked playing fields (**proposed**)
- C – Prohibit dogs on sports grounds

How would the proposed changes affect you?

Protecting Dunedin's wildlife

Which option(s) do you support for managing conflict between dogs and wildlife in their natural habitat?

- A – No change to dog control rules around wildlife
- B – Require dogs on tracks and reserves to be leashed and kept 10 metres away from protected wildlife (**proposed**)
- C – Extend prohibited area at Brighton Beach (**proposed**)

How would the proposed changes affect you?

Improving access to public places for exercising dogs

Which option(s) do you support for balancing the need to exercise dogs and minimising public health and safety risks?

- A – No changes to rules for exercising dogs in public places
- B – Allow dogs to be exercised off leash on Peninsula Beach Rd, Port Chalmers (**proposed**)
- C – Allow leashed dogs at St Clair Esplanade (**proposed**)
- D – Allow leashed dogs in the CBD
- E - Allow leashed dogs in cemeteries

How would the proposed changes affect you?

Cat control

Which option(s) do you support for managing nuisance created by cats – nature of the nuisance?

- A – No changes to rules around keeping cats
- B – Limit cat numbers in cases where voluntary action fails (**proposed**)
- C – Regulate the number of cats that may be kept per property in urban areas

How would the proposed changes affect you?

Other comments

What do you agree with, what do you disagree with, and how would any changes affect you?