

# Statement of Proposal

---

## Auckland Council's New Policy on Dogs and Dog Management Bylaw

February 2019



# 1 Have your say

Under the [Dog Control Act 1996](#) (the Act), Auckland Council must adopt a policy on dogs. The Act lists several requirements that the council must include in its policy. The Act also enables the council to make a bylaw to implement aspects of the policy.

Auckland Council last adopted its [Auckland Policy on Dogs](#) (the Policy) and [Dog Management Bylaw](#) (the Bylaw) in 2012. In November 2018, the Regulatory Committee completed its statutory review of the Policy and Bylaw and agreed that they should be amended. This document highlights the proposed changes to the Policy and Bylaw to ensure they meet the future needs of Auckland.

## What Auckland Council does

Public places in Auckland are used for a variety of purposes, including exercising dogs. However, not all people enjoy the company of dogs. We make rules and provide services that aim to better manage dogs in Auckland. We do this through promoting responsible dog ownership, classifying dogs as dangerous or menacing, developing access rules, and taking measures to minimise nuisance caused by dogs, as set out in the Policy and Bylaw.

## Improving dog access, while minimising the harm caused by dogs

The council recently reviewed how the current approach to dog management is working. The main changes we propose to make are to:

- reorganise the Policy and Bylaw information into user friendly themes
- remove duplication from the Bylaw, which will also simplify future amendments
- reduce confusion about dog access rules and improve voluntary compliance by:
  - presenting the rules in the schedule in a consistent manner
  - applying a consistent definition of time and season
  - applying consistent rules to multiple dog ownership
- address emerging issues around dog management by:
  - including specific reference to the [Code of Welfare](#)
  - extending environmental protection to include flora
  - clarifying delegations and processes for additional designated exercise areas
  - clarifying the enforcement requirement to neuter uncontrolled dogs
  - clarifying the council's jurisdiction on privately owned public spaces
  - promoting responsible dog ownership amongst owners of dogs classified as 'menacing' on the basis of their behaviour
  - reviewing access rules in regional parks.

## What is not changing

This review of the current Policy and Bylaw is not intended to change local dog access rules (where dogs are allowed under control on leash, off leash or prohibited areas and designated dog exercise areas). Local dog access rules are determined by local boards.

## **We want to know what you think**

Starting on 1 April through to 10 May 2019, we want you to tell us what you think about the proposed changes to the [Auckland Council Policy on Dogs 2012](#) and [Dog Management Bylaw 2012](#). Please visit [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say) to find out more information, give your feedback and find out where you can drop in to a 'Have Your Say' event.

# 2

## What is the Policy?

Kaupapa mo ngā Kurī 2012 ([The Auckland Council Policy on Dogs 2012](#)) sets out the framework for dog management in Auckland. The Policy aims to keep dogs as a positive part of Aucklanders' lives. This is achieved by maintaining opportunities for dog owners to take their dogs into public places, while adopting measures to minimise the problems caused by dogs.

Policy requirements as listed in the Dog Control Act 1996		
Specify the nature and application of bylaws.	Identify areas or parts of the district in respect of which no public places or areas are to be identified as prohibited generally or at specified times or under control on a leash.	In adopting a policy, the council <i>must</i> have regard to: <ul style="list-style-type: none"><li>• minimising danger, distress and nuisance to the community generally</li><li>• avoiding the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not accompanied by adults</li><li>• enabling, to the extent practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs</li><li>• the exercise and recreational needs of dogs and their owners.</li></ul>
Identify public places in which dogs are to be prohibited, generally or at specified times.	State whether dogs classified as menacing are required to be neutered.	
Identify public places or parts of the district in which dogs are required to be under control on a leash.	State whether dogs classified as menacing by any other territorial authority and registered with council are required to be neutered.	
Identify areas as designated dog exercise areas.	Shall include other details, as council sees fit, including but not limited to: <ul style="list-style-type: none"><li>• fees or proposed fees</li><li>• owner education programmes</li><li>• dog obedience courses</li><li>• classification of owners</li><li>• disqualification of owners</li><li>• issuing of infringement notices.</li></ul>	

In addition to the above, every policy adopted:

- must identify any land within the district that is:
  - a controlled dog area or open dog area under [section 26ZS](#) of the Conservation Act 1987
  - a national park constituted under the [National Parks Act 1980](#)
  - Te Urewera, as defined in [section 7](#) of the Te Urewera Act 2014.
- may contain other information and advice related to dogs as the territorial authority deems necessary.

# 3 What is the Bylaw?

Under the [Dog Control Act 1996](#), Auckland Council can make a bylaw for certain aspects of dog management. Ture a Rohe Tiakina Kuri, ([The Dog Management Bylaw 2012](#)) currently:

- regulates public places where a dog may be taken by its owner and the means of control of the dog
- limits the number of dogs that may be kept on any land or premises
- requires the owner of any dog that defecates in any public place or on land or premises other than that occupied by the owner to immediately remove the faeces
- requires any female dog to be confined but adequately exercised while in season
- requires the owner of any dog (being a dog that, on more than one occasion, has not been kept under control) to neuter it.

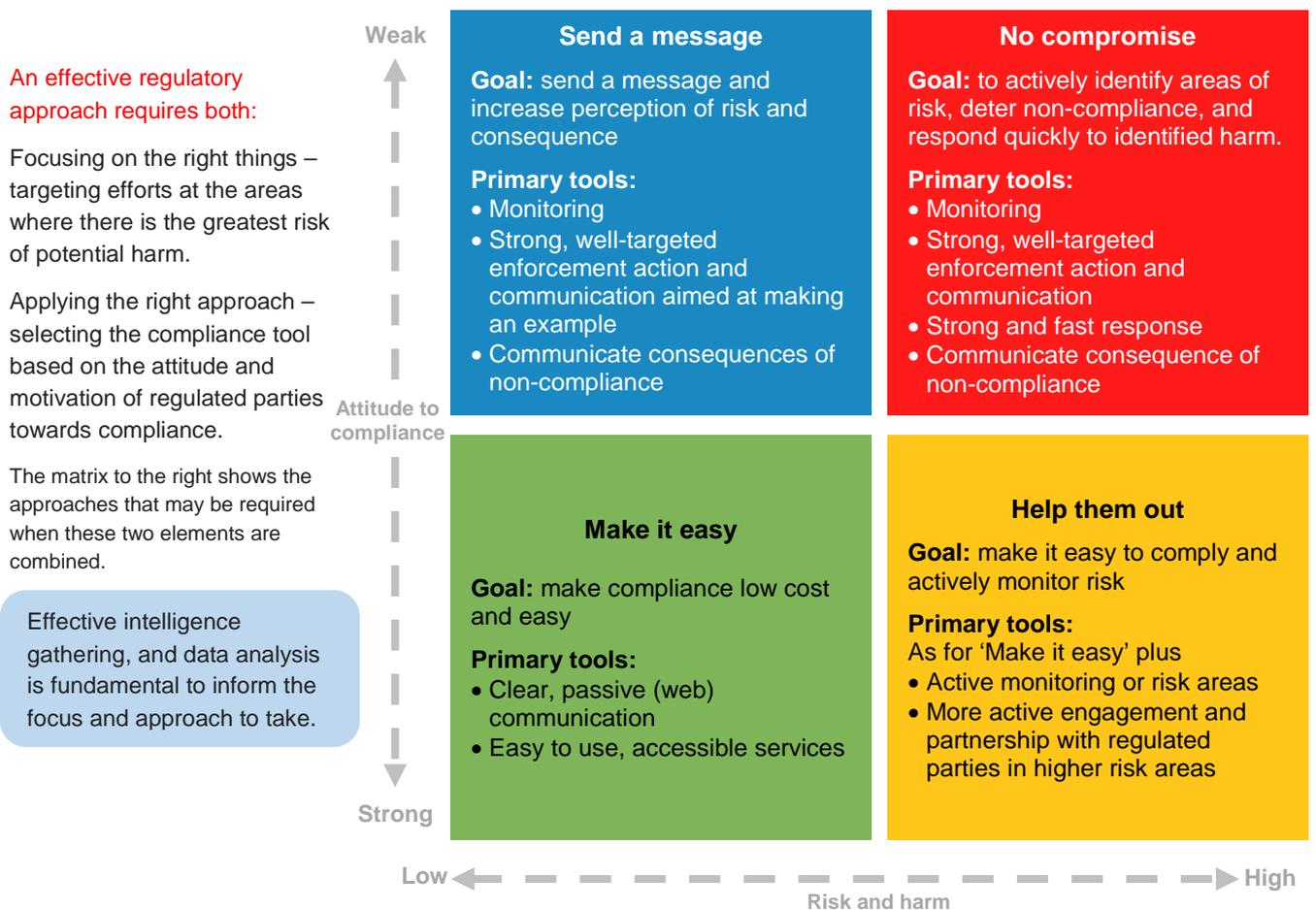
The Bylaw does not determine the dog access rules on individual parks, beaches and foreshore areas, as these are contained within the schedules of the Policy. Local dog access rules are determined by the local boards.

# 4 How we implement the Policy and Bylaw

The council uses a 'graduated response' when responding to complaints and concerns surrounding dog management (Figure 1). This means that the types of response and response times will vary depending on the level of risk, seriousness of harm, people's attitude towards compliance, and what is most practical.

Lower risk issues are first addressed with education, advice, and informal warnings. If this doesn't work, the council may issue formal warnings. For serious or ongoing bylaw breaches, the council may take enforcement measures such as issuing an infringement notice or prosecuting individuals.

**Figure 1: Council's risk-based, 'graduated response' approach**



# 5 What council proposes to change

The council recently reviewed the current Policy framework and identified some improvements that could be made.

The changes that the council is proposing to make to the [Auckland Council Policy on Dogs 2012](#) and [Dog Management Bylaw 2012](#) are summarised below. These are reflected in the attached proposed policy and bylaw.

## Proposed amendments to the current Policy and Bylaw

Proposed amendment	Reason for proposed change	Change in Policy	Change in Bylaw
Organisation of Policy content	The proposed policy has been reorganised into user friendly themes. It also better highlights the relationship between the Policy and the Bylaw, and clearly states what is expected of dog owners and what activities Auckland Council will undertake to manage dogs.	✓	
Removal of duplicate information	Schedules 1 and 2 are duplicated in the current Policy and Bylaw. These have been removed from the proposed bylaw and are now contained in the proposed policy only. This change will also make it easier for local boards to make future amendments to local dog access rules.	✓	✓
Reference the Code of Welfare for dogs	The Code of Welfare for Dogs from the Animal Welfare Act 1999 is now referenced in the proposed Policy. Reference to the Code highlights owner obligations. These are already used by council staff.	✓	
Time and season definition 10am to 7pm from Saturday of Labour Weekend to 31 March	Please see information below for more detail.	✓	
Clarifying the council's jurisdiction on privately owned public spaces.	Schedule 1 of the current Policy identifies dog access rules for council controlled public places.	✓	

	<p>Dog access to public places not under control of council is prohibited, unless permission is obtained by the person in charge of that place or there is signage indicating that dogs are allowed. An explanatory note has been added to the proposed Policy to clarify that public places under co-governance arrangements are considered privately-owned public spaces, therefore governed by this rule, unless they are specifically stated in Schedule 2.</p>		
<p>Standardise the way local dog access rules are organised in Schedule 2.</p>	<p>The current Policy assumes a default rule of dogs being under control on leash. Local boards have introduced rules into Schedule 2 which have created different default rules for their areas.</p> <p>Schedule 2 of the proposed policy no longer contains different default rules. Rules are presented in a consistent format which will make it easier for owners to know where they can take their dog.</p> <p>This will not change the types of access rules that are currently applied in any local beach, park or reserve.</p>	✓	
<p>Increased protection for flora that are vulnerable to dogs.</p>	<p>Council is proposing to extend its ability to make temporary changes to dog access rules to protect flora vulnerable to dogs, such as kauri.</p>	✓	✓
<p>Owners will only require a multiple dog ownership licence for more than two dogs in properties zoned as urban residential in the Unitary Plan.</p>	<p>The current Policy and Bylaw have different rules for multiple dog ownership depending on where the dog owner lives. The proposed policy and bylaw standardises the rule across Auckland. Most residential properties are adequate to home two dogs, however greater issues tend to arise where three or more dogs are kept on the property. The purpose of the licence is to ensure the aspects of dog welfare are addressed.</p>		✓
<p>Encouraging responsible dog ownership for menacing dog owners.</p>	<p>The proposed policy allows for owners of dogs classified as menacing due to behaviour, to have the opportunity to have their dog's classification reviewed if the owner provides evidence of completing a dog obedience course (at the owner's expense), and the owner has not obtained any infringements in relation to the dog</p>		✓

	<p>within a 12-month period. The removal of classification of the dog is at the discretion of council.</p> <p>This change is intended to incentivise dog owners to modify their dog's behaviour and promote-responsible dog ownership.</p>		
Requirement to neuter an uncontrolled dog.	The proposed bylaw includes an explanatory note to clarify that owners who do not comply the with current requirement to neuter their dog, if it is not under control on more than one occasion over a 12-month period, may be subject to an infringement and would still be required to neuter their dog.		✓
Clarifying intent of owners picking up after their dog.	Clause 11 of the Bylaw requires owners to immediately pick up after their dog after it defaecates. This section has been reworded to clarify the intent of this clause.		✓
Amendments to regional parks	<p>Implement the following:</p> <ul style="list-style-type: none"> <li>• a standard time and season definition of 10.00am to 7.00pm from the Saturday of Labour Weekend to 31 March</li> <li>• a standard lambing season rule to prohibit dogs from 1 July to 1 December</li> <li>• amend dog access rules to protect wildlife in the following region parks: <ul style="list-style-type: none"> <li>○ Glenfern Sanctuary</li> <li>○ Muriwai Regional Park</li> <li>○ Long Bay Regional Park</li> <li>○ Waitakere Ranges Regional Park - Whatipu</li> </ul> </li> </ul>	✓	

### What council is proposing for the time and season definition

The purpose of a time and season rule is to minimise the conflict between dogs, their owners and other users of busy public places. The time and season rules does this by prioritising different users at different times of the day (morning, daytime and evening) during the busy summer period.

Local boards are responsible for deciding:

- where a time and season rule applies (location)
- the type of dog access (i.e. prohibited, on-leash, off-leash or designated dog exercise area)
- what the winter time access rule will be.

For example, a local board may decide that a beach is off-leash before 10am, prohibited between 10.00am and 7.00pm and off-leash after 7.00pm.

The previous Policy had the time and season definition of 10.00am to 5.00pm from Saturday of Labour Weekend to 1 March. Local boards have chosen to adopt variations to this definition, which has resulted in thirteen local board variations and only one local board is using the current definition in areas within their local board area.

### **What we are proposing**

The proposed policy is recommending a time and season definition of 10.00am to 7.00pm from Saturday of Labour Weekend to 31 March to be applied to those areas that have been identified by local boards. A standard time and season would make it easier for dog owners to know when and where they can take their dogs and make enforcement easier for Animal Management Officers.

Local beaches, parks or foreshores that apply a time and season rule may have their hours of access changed as a result of this review.

### **Concerns raised**

On 14 February 2019, the Regulatory Committee debated concerns around proposed time and season definition and raised the following issues:

- 7.00pm being too late in the evening
- Whether there is a need for a regionally consistent time and season definition
- Local variation allows for the needs of communities to be met.

### **Alternative option**

The alternative option to having a regionally consistent time and season definition would be to have a default definition in the Policy, and enable local boards to introduce variations to this through the local rules in Schedule 2 of the Policy. Auckland council is also seeking feedback on this alternative option.

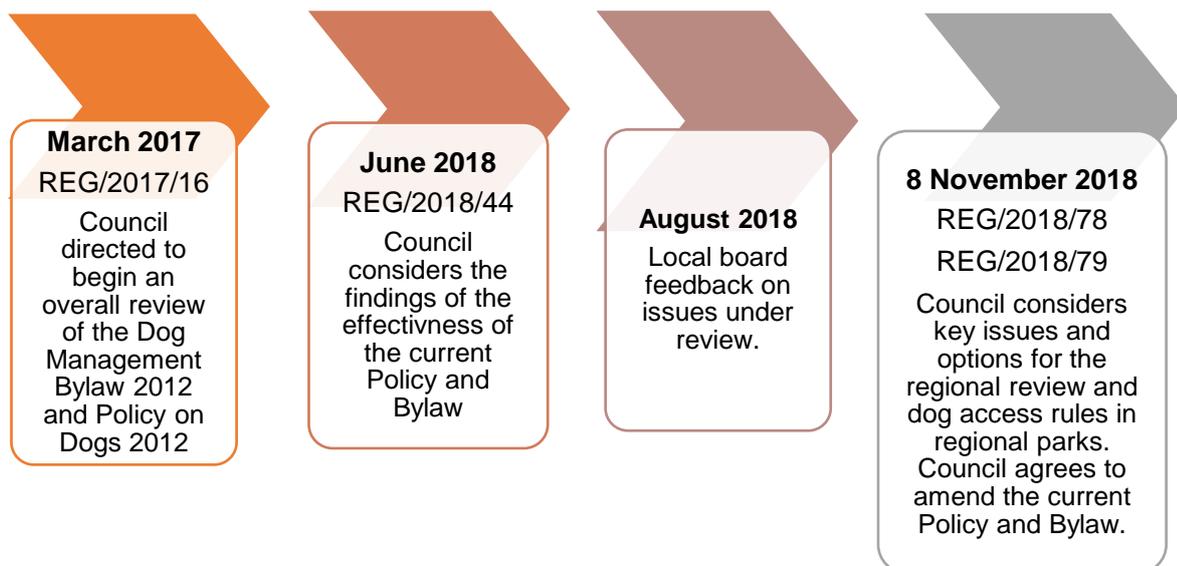
# 6 How we got here

## Decisions leading to the proposed changes

The [Local Government Act 2002](#), requires council to review its bylaws every five years to determine whether they are effective, efficient and still needed.

The [Dog Control Act 1996](#), states that the bylaw and policy must not inconsistent. Therefore, the review of the Policy must precede the review of the Bylaw.

Auckland Council reviewed dog management in the region. Staff have reported these findings and considered its options at meetings in June and September 2018, these are summarised below:



To access a copy of the above decisions, go to: [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say)

# 7 We want your input

## You have an opportunity to tell us your views

We would like to know what you think about the proposed Policy and Bylaw that will impact the future of dog management in Auckland.

### Give us your feedback

Starting on 1 April 2019 through to 10 May 2019 we will be seeking feedback on the Policy and Bylaw.

You can give your feedback:

- in person at one of our six 'Have Your Say' events – visit our website for details
- online at our website, [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say)
- online services and paper copies of the materials are available at our libraries.

Your name and feedback will be available to the public in our reports and online. All other personal details will remain private.

Find out more: phone 09 301 0101  
or visit [aucklandcouncil.govt.nz/](http://aucklandcouncil.govt.nz/)

