

**Frequently Asked Questions
Special Consultative Procedure
Review of Policy and Bylaw on Dogs
December 2011**

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1. Why is council reviewing the policy and bylaw on dogs?

Council is required to review the seven policies and bylaws on dogs inherited from the seven former City and District territorial authorities in the region.

The review of the policy and bylaw on dogs is a priority for Auckland Council.

2. What does the proposed policy and bylaw on dogs contain?

The council proposes to replace the seven inherited policies and bylaws on dogs with a single policy and a single bylaw that, if adopted in the middle of 2012, will come into force across the whole region from 1 October 2012. The inherited policies and bylaws will remain in place until the new policy and bylaw comes into force.

The major matters proposed are –

A policy on dogs that provides guidance and vision with a focus to –

- (a) Keep dogs as a positive part of the life of Aucklanders by adopting measures to minimise the problems caused by dogs while maintaining opportunities for dog owners to take their dog to public places.
- (b) Proactively promote the responsible ownership of dogs, including the care and control of dogs around people, protected wildlife, other animals, and natural habitat.
- (c) Increase public awareness on how to be safe around dogs.
- (d) Provide dog owners with reasonable access to public places that is safe for everyone. This includes adopting principles and criteria to guide decision-making on any future changes to dog access rules.
- (e) Identify the owner of every dog.
- (f) Ensure public safety and comfort, change and where appropriate penalise irresponsible owner behaviour through compliance and enforcement.

A region-wide standard time and season for specified beaches and adjoining parks.

All of the legacy policies and bylaws included rules to control the access of dogs to particular public places at certain times. These rules were designed to help share popular public places between dogs with their owners and people without dogs.

The proposed region-wide standard will enable local areas to retain the current level of dog access (off-leash, on-leash, prohibited) they have now, but will align the change-over dates and times so they are the same across the region. The consistent standard will only be applied to beaches and parks that currently have this type of a time and season rule (NB the winter standard will only apply to beaches and parks that currently have a winter rule).

The proposed region-wide standard times and dates for **specified beaches and adjoining parks** are –

- (a) 10.00am to 6.30pm between the Saturday of Labour Weekend and 31 March; and
- (b) 10.00am to 4.00pm between 1 April and the Friday before Labour Weekend.

The proposed region-wide standard time and season for specified other parks is -

- (a) 8.00am to 6.30pm between the Saturday of Labour Weekend and 31 March; and
- (b) 8.00am to 4.00pm between 1 April and the Friday before Labour Weekend.

Region-wide dog access rules in relation to –

- (a) **Playgrounds.** Dogs are prohibited from council playgrounds, and required to be under control and on a leash in the vicinity of council playgrounds that are being used.
- (b) **Sports surfaces.** Dogs are prohibited from council sports surfaces, and required to be under control and on a leash in the vicinity of council sports surfaces that are being used. *This will prohibit dogs from sports surfaces where they are currently allowed under some legacy rules.*
- (c) **Roads (including footpaths), private ways (e.g. a shared driveway), and council controlled car parks and boating areas.** Dogs must be kept under control and on a leash in these areas at all times. *This will allow dogs on-leash in town centres where they are currently prohibited under some legacy rules.*
- (d) **Cemeteries and camping grounds under council control.** Dogs are prohibited at all times within cemeteries and camping grounds unless stated otherwise.
- (e) **Exemptions to dog access rules –**
 - (i) working dogs are exempt from rules that prohibit dogs while the dog is working;
 - (ii) working dogs and dogs kept in vehicles are exempt from on-leash rules; and
 - (iii) temporary change to any dog access rule is allowed (e.g. for an official event).
- (f) **Unless otherwise stated –**
 - (i) dogs must be under control and on a leash in public places with unrestricted access that are under the control of the council (e.g. roads, parks, beaches)
 - (ii) dogs are prohibited in public places with restricted access unless permission is obtained from the manager of the premise (e.g. fenced sports stadiums, shopping malls, school grounds).

Amend the regional park and associated beach dog access rules to align with the Auckland Council Regional Parks Management Plan and the new region-wide dog access rules above.

Local Boards will decide future changes to dog access rules in local parks and beaches. Dog access rules in your area will remain the same with the exception of amendments needed to align with new region-wide standards and region-wide dog access rules as above.

Where changes to local rules are proposed in the future, these will be reviewed and decided on by your Local Board. Any changes will need to be consistent with the region-wide rules and standards below and with the safe dog access principles and criteria.

Harmonise owner obligations to minimise dog nuisance -

- (a) Owners must immediately remove their dog's faeces (apart from on the owner's property).
- (b) The existing approach to limit the number of dogs that may be kept on any one property will remain the same although the limit will apply to the property rather than the owner and working dogs will be exempt.

- (c) All dogs classified as a menacing dog must be neutered. This applies even if the dog was classified by another council and later moved to Auckland.
- (d) All dogs found to have been not kept under control on more than one occasion within a 12-month period may be required by council to be neutered, although with a right of objection.
- (e) Dog owners must ensure that female dogs in heat (in season) are kept at home or within a vehicle or cage when being transported, unless permission is obtained to enter a premise such as a veterinary clinic.

Council will rely on the Dog Control Act, Animal Welfare Act, information and education to replace current provisions on dog welfare, confinement of dogs (other than female dogs in heat), dogs with contagious diseases, requiring information from breeders and pet shops, and the requirement to carry the means (e.g. a bag) to pick up dog faeces.

3. What amendments are being proposed to the regional park dog access rules?

Proposed amendments to existing regional park and associated beach dog access rules will align the policy and bylaw with the Auckland Council Regional Parks Management Plan.

To see what these amendments would mean for dog access to regional parks, please see Schedule 2 of the proposed policy and bylaw in the draft Statement of Proposal on the public agenda of the Regulatory and Bylaws Committee for the meeting on 9 December:

www.aucklandcouncil.govt.nz/EN/AboutCouncil/meetings_agendas/committees/Pages/regulatoryandbylawscommittee.aspx.

Note that the Statement of Proposal may be amended before it is formally adopted.

4. What changes are being proposed to the current dog access rules in my local area?

Dog access rules in your local area will remain the same as they are now apart from any amendments to align with the proposed region-wide standards and region-wide dog access rules (see Schedule 1 of the proposed policy and bylaw in the Statement of Proposal).

To see what these amendments would mean for dog access in your local area, please see Schedule 1 and 3 of the proposed policy and bylaw in the draft Statement of Proposal on the public agenda of the Regulatory and Bylaws Committee for the meeting on 9 December:

www.aucklandcouncil.govt.nz/EN/AboutCouncil/meetings_agendas/committees/Pages/regulatoryandbylawscommittee.aspx.

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5. Can I request a change to an existing local dog access rule?

Yes. Requests for changes to dog access rule can be made at any time. All requested changes are logged on a register and investigated by council staff from time to time together with other change requests (e.g. annually).

Any proposed changes must be publicly notified for dog owners and the general public to make a submission which will be considered before any decisions are made.

6. How will future changes to the dog access rules be considered?

Where changes to local dog access rules are suggested in the future, it is proposed that these will be reviewed and decided on by your Local Board (or jointly with other local boards).

The Regulatory and Bylaws Committee will be responsible for decisions on the region-wide dog access rules.

The Regional Development and Operations Committee on recommendation from the Parks and Heritage Forum will be responsible for decisions on dog access rules on regional parks (including any associated beach or foreshore area).

To ensure consistent and transparent decision-making, all decisions will be subject to the principles and criteria for making dog access rules (see page 26 of the Statement of Proposal) and must not be inconsistent with any decision in relation to region-wide dog access rules (see Schedule 1 of the proposed policy and bylaw on the public agenda of the Regulatory and Bylaws Committee for the meeting on 9 December:

www.aucklandcouncil.govt.nz/EN/AboutCouncil/meetings_agendas/committees/Pages/regulatoryandbylawscommittee.aspx).

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7. What do you mean by a new region-wide “time and season” standard?

All of the legacy policies and bylaws included rules to control the access of dogs to some public places within certain times and dates. There is currently a wide variety of times and dates, as well as the combination of access rules applied. These rules were designed to help share popular public places between dogs with their owners and people without dogs.

The proposed region-wide standard will enable local areas to retain the current dog access rules they have now, but will alter the dates and the times to be consistent across the region. The consistent standard will be applied to all beaches and parks that currently use a time and season rule in summer and to beaches and parks that currently use a time and season rule in winter. Consistency will mean that dog owners and people without dogs, as well as enforcement officers, will know at what dates and times different dog access rules will apply wherever in the region they decide to visit.

For a full discussion of the options considered, please see page 13 of the Statement of Proposal on the public agenda of the Regulatory and Bylaws Committee for the meeting on 9 December:

www.aucklandcouncil.govt.nz/EN/AboutCouncil/meetings_agendas/committees/Pages/regulatoryandbylawscommittee.aspx).

Note that the Statement of Proposal may be amended before it is formally adopted.

8. Does the new region-wide “time and season” standard mean that restrictions will be placed on dog access to beaches during the winter?

The region-wide “time and season” standard will standardise the times and dates that currently control dog access to certain beaches and parks during summer and those that control dog access to certain beaches and parks during winter. If a particular beach currently has a time and season rule to prohibit dogs on a beach during the daytime in summer, this rule will continue but within the new times and dates. If a beach currently allows dog off-leash at all times on a beach during winter, the new time and season for winter will not apply as it only applies to beaches that currently have a winter rule.

9. What do the new times and seasons mean for our area?

The new region-wide time and season standard only applies to beaches currently specified as having a time and season rule in summer and/or winter. Other beaches may be off-leash, on-leash or prohibited at all times.

The existing access remains unchanged (off-leash, on-leash, prohibited). You can see the impact the proposed rule will have on access to beaches in your local area by reading the relevant part of Schedule 3 of the Statement of Proposal on the public agenda of the Regulatory and Bylaws Committee for the meeting on 9 December: www.aucklandcouncil.govt.nz/EN/AboutCouncil/meetings_agendas/committees/Pages/regulatoryandbylawscommittee.aspx).

10. What do you mean by “under control on a leash in the vicinity of playgrounds / sports surfaces” as an access rule?

The proposed region-wide dog access rule to prohibit dogs from playgrounds and sports surfaces at all times, and to require dogs to be kept under control on a leash in the vicinity of the playground or sports surface whilst it is in use, is considered to better promote responsible dog ownership.

The rule sends the message that a responsible dog owner will put their dog on a leash in the vicinity of a playground /sports surface with children and adults using the facilities and allows for family outings to include the dog. The term vicinity allows consideration of the type and size of dog by enabling the owner to use their judgment and obligations as an owner to know when they should put their dog on a leash.

The rule only requires dogs to be on a leash near a playground / sports surface when children and adults are using the playground / sports surface. Dogs are prohibited at all times from the actual surface to remove the risk of residual faeces.

11. Can council make dog access rules that apply to private ways?

Yes. A "private way" includes shared driveways and other forms of rights of way. Rules in relation to private ways are intended to improve safety as research indicates that the most common location for dog attacks or aggression incidents to people that are reported to council occur just outside or on the dog owners property.

12. How will I be affected by the changes to the multiple dogs rules?

The proposed changes to the rules on keeping multiple dogs mean that the limit on the number of dogs before an approval from council is required will in future be based on the number of dogs on any one property, rather than the number of dogs per owner. This is more aligned with the objective to reduce problems from multiple dog properties. However, an owner with multiple dogs whose situation complies with the bylaw adopted by the relevant former council will not be affected until their circumstances change, for example, they obtain another dog or move property.

13. Why are you proposing that all dogs found to have been not kept under control on more than one occasion within a 12 month period to be neutered, although with a right of objection?

The neutering of dogs both male and female has a number of benefits including reduced incidents of roaming, aggression, barking and unwanted dogs.

Due to the specific provisions for dogs that are menacing or dangerous in the Dog Control Act 1996, the term uncontrolled dogs typically applies to dogs that have roamed

or to incidents of dog attack or aggression that do not warrant prosecution of the owner, destruction of the dog, or classification of the owner or dog.

The ability for council to require the neutering of uncontrolled dogs provides another means to prevent further uncontrolled incidents. Other means include owner information and education, instant fines, owner classification. The decision to require the neutering of the dog is discretionary, and a right of objection is provided, partly because of the range of means available to prevent further incidents.

14. Can I make a submission on the proposed policy and bylaw?

No submissions are being called for at this time. A Statement of Proposal on the review of policy and bylaw on dogs has been prepared for consideration by the Regulatory and Bylaws Committee and the Governing Body. If the Statement of Proposal is adopted, submissions from the public are likely to be called for in late January 2012. Look for further announcements for when the submission period opens.

Once the submission period opens:

- You will be able to make a submission on-line at www.aucklandcouncil.govt.nz/bylaws or by using a paper submission form.
- All dog owners will receive information about the proposal.
- Submission forms and the full Statement of Proposal (including the proposed policy and bylaw, and analysis of issues and options) will be available from the council's website www.aucklandcouncil.govt.nz/bylaws, any Auckland Council library or service centre, or contact us on 09 301 0101.

15. Can I make a submission over the telephone?

Submissions cannot be made over the telephone.

16. Can I make an oral submission on the proposed policy and bylaw?

Yes you will be able to make an oral submission. You will need to make a written submission first and indicate that you would like to make an oral submission to the Hearings Panel. Council officers will contact you after the close of the written submission period to arrange a time and date for you to present your views to the Panel. Hearings dates are being planned for April and May 2012 but are yet to be confirmed.

17. What will council do with my submission?

Once the submission period opens, Council will analyse all submissions received and produce a summary report for the Hearings Panel. The Hearings Panel will then receive oral submissions and consider both the written and oral submissions before producing a recommendation to the Governing Body on whether to adopt the proposed policy and bylaw, with any changes arising from those submissions.

Please note that in accordance with the Local Government Act 2002, all submissions (including personal details of submitters – names and addresses) will be made public.

18. When will the new policy and bylaw be adopted?

The new policy and bylaw will be adopted by the Governing Body following deliberations and recommendations by the Hearings Panel. It is expected that this will be in the middle of but this is subject to hearings dates being confirmed for April and May 2012.

19. When will the new policy and bylaw on dogs come into force?

If adopted in the middle of 2012, the new policy and bylaw will come into force across the whole region on 1 October 2012.

20. Where can I get more information?

To find out more about these proposals, a copy of the Statement of Proposal prepared for the 9 December meeting of the Regulatory Bylaws Committee is included in the committee agenda. Note that changes may be made to this before it is published at the start of the submission period:

www.aucklandcouncil.govt.nz/EN/AboutCouncil/meetings_agendas/committees/Pages/regulatoryandbylawscommittee.aspx.

For more information, please visit our website www.aucklandcouncil.govt.nz/bylaws or contact us on 09 301 0101.