

## **P10-022 Dog Control Policy**

*Approved by the Council on 2 September 2010 and amended 5 October 2010.*

### **A. POLICY PURPOSE**

To meet the requirements of the Dog Control Act 1996.

### **B. POLICY OBJECTIVES**

The objectives of the policy are to:

- Encourage responsible dog ownership;
- Minimise danger, distress and nuisance to the community generally;
- Avoid the inherent danger in allowing dogs uncontrolled access to public places that are frequented by children;
- Enable as far as is practicable the public to use the streets and public amenities without fear of attack or intimidation by dogs; and
- Recognise the exercise and recreational needs of dogs and their owners.

### **C. POLICY SCOPE**

The policy applies to all dogs within the district, including those not registered by the New Plymouth District Council.

The policy should be read and implemented concurrently with the Dog Control Bylaw.

### **D. POLICY STATEMENTS**

The policy covers the New Plymouth District and applies to:

#### **1. Dogs prohibited (banned) from specific public places**

The New Plymouth District Council designates specific areas within the district where dogs are prohibited – for the protection of public safety and to ensure dogs do not cause a public nuisance in areas of high community use.

The prohibited areas are as follows:

##### **a) New Plymouth Central Business Area**

All Public Places within the area bounded by and including:

- Ariki Street and Gill Street between Egmont Street and Gover Street.
- Devon Street between Robe Street and Gover Street.
- Egmont Street from Ariki Street to Devon Street.
- Puke Ariki Landing

**b) Beaches – total ban**

**i) Ngamotu Beach and Reserve**

That area of the Ngamotu Beach (the foreshore and beach, reserve and playground area) located between the eastern side of the Blyde Wharf reclamation area and the western side of the industrial reclamation area, inclusive of all land on the seaward side of Ocean View Parade in or between this area.

**ii) Fitzroy Seaside Park**

Fitzroy Seaside Park paddling pool and enclosure and the playground area to the east of the pool.

**iii) Urenui Domain and beach**

All the domain area on the northern side of the Urenui River and the adjoining foreshore and beach, but excluding the areas leased by the Golf Club.

**c) Beaches – ban during daylight saving hours**

**i) Fitzroy and East End Beaches**

That part of the foreshore and beach of Fitzroy and East End Beaches in the area between imaginary lines drawn directly to the sea from the western (city) end of the East End Surf Life Saving Club building and the eastern (Waiwhakaiho) end of the Fitzroy Surf Life Saving Club building. The prohibition shall apply from 9.00am to 6.00pm daily during the period of daylight saving for New Zealand.

**ii) Oakura Beach**

The foreshore and beach in the area between imaginary lines drawn directly to the sea from the eastern side of the vehicle entrance to the motor camp and from the western side of the end of Wairau Road. The prohibition shall apply from 9.00am to 6.00pm daily during the period of daylight saving for New Zealand.

**iii) Oakura River / Corbett Park**

The area of Oakura River, beach, foreshore and adjoining land, bounded by State Highway 45 road bridge, the true left bank of the river (Oakura village side), the eastern edge of the formed vehicle access through Corbett Park on the east side of the river (New Plymouth side) and an imaginary line contiguous with and parallel to the seaward side of the building housing the Changing Rooms / Public Toilets.

iv) **Onaero Domain and adjoining beach**

All the Onaero Domain (except the land occupied by the baches) including the campground, and domain area on both sides of Onaero River and the adjoining foreshore and beach.

*Note: Dogs may be exercised at large or be present at all other times, providing the dog(s) is kept under Continuous Control.*

d) **Parks and Reserves**

i) **Pukekura Park/Brooklands Park**

(a) Pukekura Park playgrounds near Rogan Street and Gilbert Street intersecting Victoria Road, the Fernery, and Brooklands Zoological enclosure.

(b) Pukekura Park in the areas used for the Festival of Lights lighting display and its associated events, or other organised event programmes. The ban shall only apply for the duration of the lighting display and or event between the hours of 7pm and midnight.

*Note: All other parts of Pukekura Park, Brooklands Park and gardens are a Leashed Control area at all times as set out below).*

ii) **Barrett Domain**

The pond water and wetland areas and the wetland areas around the lagoon, with the exception of the access route from Rotokare Crescent / Kororako Grove.

iii) **Lake Rotomanu**

The island in the middle of Lake Rotomanu.

iv) **Lake Mangamahoe**

Lake Mangamahoe and the land area 200 metres from the waters edge.

v) **Egmont National Park**

All areas of road reserve within the boundaries of the Egmont National Park, including the area between Egmont Road (Rahiri Cottage) to Egmont Camp House)

*Note: Dogs are banned from the Egmont National Park under the National Parks Act 1980, administered by the Department of Conservation.*

e) **New Plymouth District Council Playgrounds**

Any area set aside as a children's play area by the New Plymouth District Council, for the recreation of children, that includes play equipment for this purpose.

With the exception of Pukekura Park playground from which dogs are completely banned, this clause shall not apply to any dog on a leash being led directly through a playground avoiding play equipment and its associated under surfacing.

**2. Dogs required to be on a leash in specific public places**

The New Plymouth District Council designates specific public places within the District where dogs must be kept on a leash at all times for the protection of public safety and to ensure dogs do not cause an unnecessary nuisance.

The public places where dogs are required to be leashed are:

a) **New Plymouth**

i) **Pukekura Park/Brooklands Park**

Within the boundaries of Pukekura Park, Brooklands Park and Gardens (excluding the prohibited areas comprising Pukekura Park playground, the Fernery and Brooklands Zoological enclosure).

*Note: Prohibited areas – refer above.*

ii) **Liardet Street**

The road and formed footpath on both sides of Liardet Street from the southern (Pukekura Park) side of the intersection between Liardet and Leach Streets to the northern (sea) side of the intersection between Liardet and Molesworth Street/St Aubyn Street.

iii) **New Plymouth Coastal Walkway**

The formed walkway area, the rock embankment and the grassed area adjoining the walkway from the western end of the formed car park in Kawaroa Park to the Rewa Rewa bridge, including eastern end start of the walkway at Lee Breakwater car park, Port Taranaki to the eastern end of the formed walkway at Ellesmere Ave, Bell Block, including the Waiwhakaiho River Mouth car park, the Fitzroy camping site, the Buller Street car park, the Molesworth Street car park, the Wind Wand car park at the seaward end of Egmont Street and all of that part of Kawaroa park seaward of the access road, including the road and car park

lv) **Peringa Park/Lake Rotomanu Wetlands Area**

Within the boundaries of the fenced wetland area located on the western side of Lake Rotomanu including the walkway linking with Weka Street.

*Note: Specific prohibitions apply to playgrounds – refer above.*

v) **Lee Breakwater**

From the edge of the car park leaving the formed area of the walkway for the entire length of the breakwater of the Port Area.

(vi) **Te Henui Walkway**

That part of the Te Henui walkway located between the lower foot bridge (nearest to the mouth of the Te Henui Stream) and the overhead motor vehicle bridge on Devon Street East, New Plymouth.

This subclause applies to the paved and unsealed walkway, adjoining grassed areas and the Te Henui Stream itself, located between these two points.

(vii) **Fitzroy Shopping Area**

The road and formed footpath on both sides of Devon Street East from its intersection with Beach Street through to its intersection with Darnell Street.

(viii) **Moturoa Shopping Area**

The road and formed footpath on both sides of Breakwater Road and St Aubyn Street from the eastern end of the building located at 486 St Aubyn Street to the western side of the property located at 7 Breakwater Road.

*Note: at the time of drafting, 486 St Aubyn Street is occupied by the TSB Bank and 7 Breakwater Road by a Service Station.*

(ix) **Westown Shopping Area**

The road and formed footpath on the southern side of Tukapa Street in front of the commercial premises (ie: from the eastern side of the commercial building at 37 Tukapa Street to the western side of the property at 63 Tukapa Street).

*Note: at the time of drafting, 63 Tukapa Street is occupied by the TSB Bank.*

b) **Bell Block**

i) **Bell Block Shopping Area**

That area of formed footpath in front of the commercial premises on northern side of the former Devon Road from the east side of Nugent Street to and including the formed car park adjoining the commercial area.

c) **Waitara**

i) **Waitara Main Shopping Area**

The road, verge and formed footpath on both sides of McLean Street from Browne Street to West Quay and Queen Street from Whittaker Street to the south side of the Waitara Library and Service Centre.

d) **Inglewood**

i) **Inglewood Shopping Area**

The road, verge and formed footpath on both sides of Rata Street from its intersection with Standish Street to its intersection with Brown Street, and Matai Street from its intersection with Brookes Street to its intersection with Rata Street.

e) **Oakura**

i) **Oakura Shopping Area**

The road, verge and formed footpath on both sides of State Highway 45 from its intersection with Dixon Street to its intersection with The Outlook.

f) **Okato**

i) **Okato Shopping Area**

The road, verge and formed footpaths from the roundabout on the corner of South Road and Carthew Street through to the corner of Gosling Street and Carthew Street.

g) **Tongaporutu Domain**

i) All the Tongaporutu Domain area seaward of the State Highway 3 bridge.

h) **Beaches (leash control area between August and April)**

i) **Bell Block beach**

The Bell Block foreshore, beach and reserve at the end of Mangati Rd, located between and including the toilet block and picnic area to the west, and the beach access ramp to the east.

ii) **Waiti Beach**

iii) **Tapuae Marine Reserve**

The area between the Tapuae stream boundary to the Herekawe stream boundary.

iv) **Paraninihi Marine Reserve**

The area between the Waipingau Stream to the Clifton Road boundary.

i) **Public Cemeteries and Crematorium**

i) The area of land defined as the Taranaki Crematorium.

ii) Dogs are permitted inside the Taranaki Crematorium building subject to approval from an authorised officer.

j) **Sports parks**

That part of a sports park being used during an organised event undertaken by a recognised club, school or organisation.

**3. Dog exercise areas (Leash-free Areas)**

The New Plymouth District Council provides areas for the adequate recreational and exercise needs of dogs and their owners. Any dog may be exercised at large in all public places providing that:

- a) The dog is kept under continuous control of a person responsible for the dog (and other lawful requirements are met); and
- b) No dog is permitted to exercise at large in any area outlined under policy statements (i) Prohibited Areas or (ii) Leashed Areas, as identified above.

**4. Dogs allowed within certain prohibited areas**

- a) With the exception of Pukekura Park Playground from which dogs are completely banned, dogs are permitted to be led on a leash directly through a playground in order to get to a designated area.
- b) Dogs are permitted to be led directly into or out of Liardet Street, or to residential address in the New Plymouth Central Business Area, provided that the dog is on a leash and does not constitute a nuisance or endanger any person. (leash control area)

**5. Application of Bylaws (Section 20 – Dog Control Act 1996)**

The New Plymouth District Council has made a bylaw under Section 20 of the Dog Control Act 1996, for the following purposes (in addition to those prohibited dog areas, leashed areas and exercise areas for dogs):

- a) Limiting the number of dogs kept in Urban Areas.

- b) Requiring the owner of any dog that defecates in a public place to remove the faeces.
- c) Prescribing minimum standards for the accommodation for dogs.
- d) Dogs in/on vehicles.
- e) The control of nuisances.
- f) To ensure adequate control of dogs.

The specific content of these Bylaws is outlined further in the New Plymouth District Council Bylaw 2010 - Dog Control.

#### **6. Identification of “Controlled” and “Open” dog areas – Department of Conservation**

The New Plymouth District Council recognises the need to inform all dog owners of lands administered by the Department of Conservation which may be declared as:

- a) A controlled dog area – including a National Park (dogs banned unless provided with a permit).
- b) An open dog area – permits not required, but conditions may be imposed.

Dogs are prohibited on the Egmont National Park. No dogs are permitted to enter onto any other conservation land in the district unless the owner is provided with an appropriate permit from the Department of Conservation.

#### **7. Control of menacing dogs classified by the New Plymouth District Council**

Dogs that are identified and classified as menacing by the New Plymouth District Council may be subject to neutering by the Council. The decision to have the dog neutered will be based on the following assessments:

- a) The dog has not been classified as a dangerous dog; but
- b) The New Plymouth District Council considers the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:
  - i) Any observed or reported behaviour of the dog; or
  - ii) Any characteristics typically associated with the dog's breed or type

The owner of any dog proposed for neutering will be given written notice, and information relating to the process for appeal.

## **8. Control of menacing dogs classified by another territorial local authority**

Dogs that are identified and classified as menacing by another territorial authority may be subject to neutering by the New Plymouth District Council once they become registered within the New Plymouth District boundary, or are found to be residing within the boundary without being registered. The decision to have the dog neutered will be based on the following assessment:

- a) The dog has not been classified as a dangerous dog; but
- b) The New Plymouth District Council considers the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:
  - i) Any observed or reported behaviour of the dog; or
  - ii) Any characteristics typically associated with the dog's breed or type

The owner of any dog proposed for neutering will be given written notice, and information relating to the process for appeal.

If the dog has already been neutered, the New Plymouth District Council requires the owners of the dog to produce to the Council a certificate issued by a veterinarian certifying that the dog has been neutered.

If the dog has not been neutered as requested, the New Plymouth District Council requires the owners of the dog to produce to the Council a certificate issued by a veterinarian certifying that for reasons that are specified in the certificate, it will not be in a fit condition to be neutered before a date specified in the certificate.

## **E. FEES AND INFRINGEMENT NOTICES**

- a) Fees for the registration of dogs may be set by the New Plymouth District Council from time to time, pursuant to sections 37 and 38 of the Dog Control Act 1996, and shall include consideration of that which:
  - i) Promotes responsible ownership by all dog owners.
  - ii) Recognises and rewards good behaviour in dogs.
  - iii) Recognises that working dogs are an integral and necessary part of the rural community and sets the fees accordingly.
  - iv) Encourages owners to de-sex their animals to reduce the incidence of roaming, aggressive behaviour and abandoned dogs.
  - v) Supports the funding of the Animal Control activities of the Council primarily from the registration fee for dogs, while recognising that rates funding is appropriate for those costs which should not be borne by registered dog owners or where there is a direct community benefit from the activities.

Pound fees may be set by the New Plymouth District Council from time to time, pursuant to section 68 of the Dog Control Act 1996, and can include:

- i) The seizure of dogs by dog control officers or dog rangers.
- ii) The sustenance of any dog impounded under this Act.
- iii) The destruction of any dog impounded under this Act.

In setting pound fees the New Plymouth District Council may:

- i) Set different fees for registered and unregistered dogs;
  - ii) Set a graduated scale of fees for the repeated impounding of the same dog;
  - iii) Require the fee to be paid before the dog is released from the pound.
- b) The New Plymouth District Council considers the issuing of Infringement Notices to be a valuable tool toward encouraging responsible ownership and control of dogs. The use of Infringement Notices is to be used additional to or in place of Court action alternatives. Infringement fees are set out in Schedule 1 of the Dog Control Act 1996.

**F. POLICY CONTACT**

The policy holder is the Dog Control Team within the Customer and Regulatory Services Group.

**G. POLICY REVIEW**

This policy shall be reviewed prior to each triennial anniversary of the date on which it takes effect, or any such time in which the Dog Control Bylaw is reviewed.