

STAFF REPORT

TO: Environment & Planning Committee

FROM: Jean Hodson, Regulatory Manager

REFERENCE: D402-1

SUBJECT: **STATEMENT OF PROPOSAL: REVIEW OF TASMAN DISTRICT COUNCIL POLICY ON DOGS (DOG CONTROL POLICY) AND TASMAN DISTRICT COUNCIL CONSOLIDATED BYLAW CHAPTER 2 (DOG CONTROL BYLAW) - REPORT EP09/04/04 - Report prepared for meeting of 23 April 2009**

This statement of proposal is made for the purposes of Sections 83 and 86 of the Local Government Act 2002. It is divided into four parts as follows:

- Part 1:** This part contains a “Summary of Information”.
- Part 2:** This part contains details of the statutory processes that Council is obliged to give consideration to as well as the details and discussion of the changes intended from the existing Dog Control Policy and Dog Control Bylaw. This section also includes the recommendation to Councils E & P Committee to proceed with the next step in adopting the draft Dog Control Policy and Dog Control Bylaw
- Part 3:** This part contains the draft Dog Control Policy 2009
- Part 4:** This part contains the draft Dog Control Bylaw 2009

PART 1: Summary of Information

This summary is made to fulfil the purposes of Sections 83(1)(a)(ii) and 89 of the Local Government Act 2002. The summary contains details of the Statement of Proposal to make some changes in the new Tasman District Council Policy on Dogs (Dog Control Policy) and Tasman District Council Consolidated Bylaw Chapter 2 (Dog Control Bylaw) compared to that currently existing.

- A.** The vast majority of the existing Dog Control Policy and Dog Control Bylaw which is derived from that policy remains unchanged. Changes that are made are:
- 1. Additional Leash Control Areas**
 - Faulkner Bush picnic area;
 - Commercial Street, Takaka

2. Additional Controlled Dog Exercise Areas

- Faulkner Bush (except for picnic area)

3. Prohibited Areas

- Remove Commercial Street, Takaka

4. Changes are made to the format of the Dog Control Policy and Dog Control Bylaw to produce documents that are easier to read and understand.

B. The full Statement of Proposal including the draft Dog Control Policy and Dog Control Bylaw may be inspected during ordinary office hours at the following places:

Tasman District Council 189 Queen Street Richmond 7031	Tasman District Council 7 Hickmott Place Motueka
Tasman District Council 92 Fairfax Street Murchison	Tasman District Council 78 Commercial Street Takaka
District Library Queen Street Richmond	Motueka Library Pah Street Motueka
Takaka Memorial Library Commercial Street, Takaka	

C. A copy of the full Statement of Proposal may be viewed or copied from the Tasman District Council web site at: www.tasman.govt.nz

D. All submissions on the proposal are to be in writing and posted or delivered to: The Administration Advisor, Tasman District Council, Private Bag 4, 189 Queen Street, Richmond 7031, or they may be emailed to dogcontrol@tdc.govt.nz or faxed to 03 543 9524

E. Submissions will be received at any time from 27 May 2009 up to 4.30 pm on 1 July 2009.

PART 2: Statutory Processes and Details of Draft Amendments.

A. Statutory Processes

The following are the various statutory processes that have received consideration:

- (a) Section 684B of the Local Government Act 1974 as amended by the Local Government Amendment Act (No 2) 1999.
- (b) The Dog Control Policy and Dog Control Bylaw are not considered to be inconsistent with the New Zealand Bill of Rights Act 1990.
- (c) Section 10 of the Dog Control Act 1996

B. Background and Details of Changes from the Existing Policy and Bylaw:

1. REASON FOR REPORT

This report presents the draft Dog Control Policy 2009 and Dog Control Bylaw 2009 for the Committee's consideration with a recommendation for its adoption and release for public consultation.

A timeline for the process is presented along with a summary of the information/issues which have been considered.

2. LEGAL BACKGROUND

Council is required to review a bylaw every five years pursuant to Section 158 of the Local Government Act 2002 (LGA). The bylaw must not be inconsistent with the Council's Dog Control Policy so it is appropriate that both documents be reviewed together. It is noted that after this review takes place, the next review is required to be done within 10 years. (Section 159 LGA)

The Special Consultative procedure under the LGA is required to be used. The process must be completed by September 2009 as the existing bylaw was made operative in September 2004.

The Dog Control Act 1996 (the Act), requires that a territorial authority must adopt a policy in respect of dogs in its district. (See Appendix 1 for full wording of Section 10)

The Council must give effect to the new Policy by making the necessary bylaws, which must come into force not later than the sixtieth day after the adoption of the Policy. Any existing bylaws inconsistent with the Policy must be repealed. The Council has an existing Dog Control Bylaw which will be repealed.

3. PRE-DRAFT INPUT

Comments were received from individuals involved in key interest groups such as DOC, dog owners, Royal Forest and Bird and Beryl Wilkes, Reserves Manager at Tasman District Council.

Councillors Norriss and Borlase are thanked for their involvement and guidance.

4. COMPARISON WITH EXISTING POLICY AND BYLAW

4.1 General

An attempt has been made to use simple language in the Policy and thus it has been substantially rewritten from the 2004 version, however the intent remains the same.

Maps have been created to show all the Controlled Dog Exercise Areas and all the Dog Prohibited Areas. This will assist with both clarity and ease of interpretation.

4.2 Proposed Alterations to Specified Dog Control Areas

4.2.1 Additional Leash Control Areas

- Faulkner Bush picnic area see map on attached draft

Comment: Faulkner Bush Reserve is bounded by residentially zoned land and is a popular area for families and visitors. In order to avoid the inherent danger of allowing dogs to have uncontrolled access to public places frequented by children, the picnic area defined on the map is proposed to be a Leash Control area. We have received some comments about boisterous dogs in this area and therefore this measure will assist with resolving that situation. The Reserves Manager, Beryl Wilkes, supports this proposal.

- Commercial Street, Takaka

Comment: There is no obvious reason which makes this main street any different from all other main streets within the urban areas of Tasman District Council. It is assumed that there may have been an historical reason stemming back to Golden Bay County Council days. This anomaly has caused confusion with dog owners and visitors and great difficulty with enforcement. Therefore it is recommended that Commercial Street, Takaka become a Leash Control Area instead of Dog Prohibited Area.

4.2.2 Additional Controlled Dog Exercise Areas

- Faulkner Bush (except for picnic area), see map on attached draft.

Comment: As Faulkner Bush is adjacent to an urban area (and therefore dogs should be on a leash at all times), it is beneficial to make a specific Controlled Dog Exercise Area in order to allow dogs to continue to be exercised in this popular location. The Reserves Manager, Beryl Wilkes, supports this proposal.

4.2.3 Prohibited Areas

- Remove Commercial Street, Takaka

See comments in 4.2.1 above

4.3 Other Issues for Further Consideration

4.3.1 Motueka Sandspit

This was discussed at the time of the last review and it was agreed to monitor and revisit this particular area if necessary. The Spit is a very valuable habitat for birds but is also highly valued by dog owners as a place to walk and play. Council has received comments on observations of bird disturbances but not of any actual injury caused by dogs. Staff are not recommending any changes to the current designation, but are recommending more education be carried out amongst visitors to the Sandspit.

4.3.2 Property Visits

The present routine is for the Animal Control Contractors to visit every dog owner in a residential area every year, and rural owners every two years. Given the large rural district that we have to cover, the rural visits take up considerable time and effort. There are definitely benefits which emerge out of the regular contact with dog owners, but we do receive feedback from good owners such as "Why are you visiting me when there must be other more important enforcement work to keep up with?" This is a valid question. Another option for the process of property visits is to adopt a target of approach and direct the effort towards the areas where known or suspected issues are likely to be occurring and thus focus more effort on the "enforcement" function and a little less on the "education" function.

Staff recommend that a more targeted approach to property visits be adopted.

5. SPECIAL CONSULTATIVE PROCESS TIMELINE

It is necessary to establish time lines for the consultation process to ensure the adoption of the Policy prior to 1 September 2009.

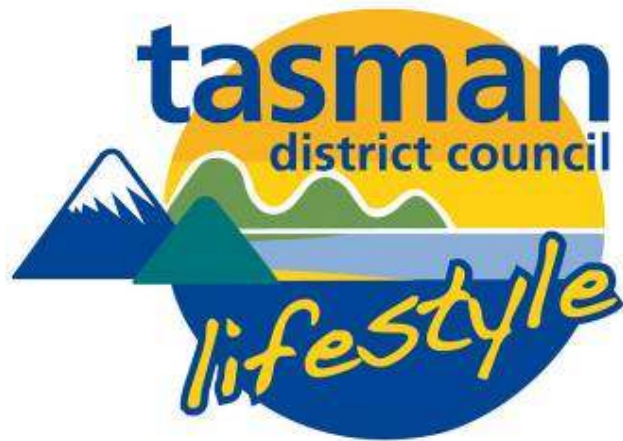
A proposed programme is as follows:

23 April 2009	Consideration and adoption (with amendments if any) of the Draft Policy on Dogs by the Environment & Planning Committee;
25 May 2009	Public notification using Special Consultative Procedure, calling for submissions to the draft Policy;
27 May 2009	Opening day for receiving submissions;
1 July 2009	Closing date for submissions;
4 and 5 August 2009	Hearing of submissions and deliberations;
20 August 2009	Consider final Policy and recommend adoption of new Bylaw by 4 September 2009.

6. RECOMMENDATION

THAT the Tasman District Council, proceeds with the Dog Control Policy 2009 and Dog Control Bylaw 2009, and that the drafts contained in Part 3 and Part 4 of this statement of proposal be adopted and be notified to commence the consultative procedure as set out in the Local Government Act 2002.

Jean Hodson
Regulatory Manager



POLICY ON DOGS 2009

*TDC in Partnership with its Residents
and Dog Owners*

Policy on Dogs for Tasman District Council

Prepared pursuant to Section 10 of the Dog Control Act 1996

Introduction

The Dog Control Act 1996 contains obligations that require all owners to register their dogs, ensure they are kept under control and ensure that they do not cause a nuisance to any person, cause damage to property, or injure, endanger or cause distress to any person, stock, poultry or domestic animal, or protected wildlife.

Council has powers under the Act to assist dog owners to meet these obligations and to address situations where those obligations are not met.

The Dog Control Act 1996 requires Council to adopt a policy on dogs within its district, and review this policy regularly, so that these powers are used effectively and form part of Council's approach to the management of dogs.

Tasman District Council's Policy on Dogs largely reflects existing practices and states how the community wishes to live with dogs (Objectives), what needs to be done to achieve the objectives (Policies) and what Council can do to ensure the community achieves those policies (Methods).

Interpretation

Act means the Dog Control Act 1996.

Animal Welfare Inspector means an officer appointed under the Animal Welfare Act 1999.

Bylaw means Tasman District Council Dog Control Bylaw 2009.

Continuous Control means that the dog is kept under control by means of a leash, chain or lead which is secured or held by a person capable of restraining the dog so that the dog cannot break loose,.

Controlled Dog Exercise Area means any public place so defined within the District where a dog may be exercised off the leash but must still be responding to the commands of the person accompanying the dog. (See Schedule 2)

Council means the Tasman District Council.

District means the area administered by the Tasman District Council.

Dog Control Officer means an officer appointed under Section 11 of the Act.

Dog Ranger means a ranger appointed under Section 12 of the Act and includes an Honorary Dog Ranger.

Dog Prohibited Area means any public place so defined within the District where a dog is prohibited either generally or at specified times. (See Schedule 3)

Effective Control means that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.

Leash means an adequate restraint held by a person physically capable of restraining a dog.

Leash Control Area means any public place so defined in the District where a dog is required to be kept under continuous control by means of a leash. (see Schedule 1)

Owner in relation to any dog, means every person who either:

- (a) owns the dog; or
- (b) has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- (c) the parent or guardian of a person under the age of 16 years who:
 - (i) is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
 - (ii) is a member of the parent or guardian's household living with or dependent on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under the Bylaw, or the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Dog Control Act 2003 or the Animal Welfare Act 1999.

Private Way means any way or passage whatsoever over private land within the district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the public generally.

Probationary Owner means any person who has been convicted of an offence (except an infringement offence) under this Act or various specified provisions of other acts. A person who has committed three or more infringement offences (unrelated to a single incident) within 24 months may be classified as a probationary owner.

Protected Coastal Birds include the following birds:

Pied Shag, Little Black Shag, Little Shag, Royal Spoonbill, Banded Rail, Pied Oystercatcher, Variable Oystercatcher, Wrybill, Bar-tailed Godwit, Black-fronted Tern, Caspian Tern, Penguins, Banded Dotterill, Pied Stilt, Red Knots.

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. (As defined in Section 2 of the Dog Control Act 1996)

Reserve means:

- a) Any land vested in the council and declared as a reserve by resolution of the Council, under Section 14 of the Reserves Act 1977, or
- b) Any park, domain or recreational area under the control or ownership of the Council.

Urban Area means an area which is either within or adjacent to the built-up area of a town, village or settlement

Objectives (Community Expectations)

1. To educate and assist owners to act responsibly with their dogs and ensure their dogs are given proper care, shelter and sustenance as determined by the Act.
2. To minimise any danger, distress and nuisance to the community generally.
3. To avoid the inherent danger in allowing dogs to have uncontrolled access to public places frequented by children.
4. To enable the public to use streets and public amenities without fear of attack or intimidation by dogs.
5. To have regard to the exercise and recreational needs of dogs and their owners.
6. To identify any land which is a National Park as constituted under the National Park Act 1980, or is a controlled or open dog area under Section 26 ZS of the Conservation Act 1987.
7. To identify required means of dog control in all public places.

Policies and Methods (Action to achieve Objectives)

1. Identify the Owner of Every Dog

Dog owners must register all dogs in their possession over the age of 3 (three) months. All dogs, with the exception of dogs used solely or principally for the herding and driving of stock, registered for the first time in New Zealand after 1 July 2006 must be microchipped. All dogs classified as “menacing” or “dangerous” under the Act, are also required to be microchipped.

Methods:

- 1.1 Keep a register of dogs as required by the Act, set registration fees, ensure information is uploaded to the National Dog Database on a daily basis and provide relevant information on this process for dog owners.
- 1.2 Carry out education and information campaigns to encourage registration and microchipping in accordance with the Act.

- 1.3 Send an annual invoice/reminder to all known dog owners to register their dogs in accordance with the Act.
- 1.4 Take enforcement action against owners of unregistered dogs.

2. Make Provision for Dog Access to Public Places

Dog owners must be provided with a reasonable level of access to public places without compromising the safety and comfort of members of the community generally.

Methods:

- 1.1 The planning or making of a bylaw controlling the access of dogs to public places by Council will include:
 - 1.1.1 Recognising the dog owner as a user of public places.
 - 1.1.2 Ensuring controls on access of dogs to particular areas are clearly defined and obvious on the ground to both dog owners and the general public by way of signage and maps.
 - 1.1.3 Aiming to provide a range of opportunities for the control of dogs both on and off the leash.
- 1.2 Council will make a bylaw that:
 - 1.2.2 Requires dogs to be under leash control at all times in specific areas as defined in Schedule 1
 - 1.2.3 Allows dog owners to freely exercise their dogs without a leash, whilst still under effective control and with the owner carrying a leash at all times, in specific areas as defined in Schedule 2.
 - 1.2.4 Prohibits dogs from specific areas as defined in Schedule 3.
 - 1.2.5 In all public places, not specified in Schedules 1, 2 and 3, requires dogs to be under effective control at all times, so that the person in charge of the dog is able to obtain an immediate and desired response from the dog by means of a leash, voice commands, hand signals, whistles or other effective means.
 - 1.2.6 Recognises that working dogs while working, are not prohibited from public places or required to be on a leash.
 - 1.2.7 Requires the owner of any dog that defecates in a public place, or on land or premises other than that occupied by the dog owner, to immediately remove the faeces.

1.2.8 Informs dog owners which land, if any, within the district is included in a controlled or open dog exercise area under the Conservation Act (currently there are none), and land which is national park under the National Parks Act 1980.

1.3 Council may take enforcement action against owners who breach the Act or bylaw.

3. Educate Dog Owners and the Community about Dog Management

Promote responsible dog ownership to dog owners and awareness in the community of how to live with dogs, minimising danger, distress and nuisance.

Methods:

1.1 Use a variety of means to provide information on dealing with wandering dogs, barking, aggression, fouling etc. (Making hard copy and online website brochures available, using radio and newspaper articles.)

1.2 Carrying out animal care and education programmes in schools and places of business. These include general dog control, animal welfare, bite prevention and hygiene.

1.3 Encouraging owners to utilise dog obedience clubs and classes available within the community.

1.4 Carrying out targeted property visits annually, to check for compliance and to provide an opportunity for Dog Control Officers to discuss relevant educational or welfare issues with dog owners, and to interact with members of the public who may have concerns relating to dog registration and control.

1.5 Council may appoint Honorary Dog Rangers whose primary role would be an educational one. They may also assist in surveillance in dog exercise and prohibited areas.

4. Set Fees and Charges in Order to Provide Adequate Funding for Managing Dog Control.

Council must ensure adequate funding is available for the management and enforcement of the Dog Control Act 1996 and Bylaw, covering such issues as welfare, dog control, education and ensuring dogs do not cause a nuisance in the community.

Dog registration fees and other user charges shall cover 100% of the funding requirements for the dog control activity.

Methods

1.1 Annually fix fees for registration and other dog control services provided by Council.

1.2 Fix registration fees based on the size of the property where the dog resides.

- 1.3 Fix a higher registration fee for the late registration of dogs.
- 1.4 Allow for a reduced or zero registration fee for Disability Assist, Police and Search & Rescue dogs.
- 1.5 Encourage de-sexing of dogs by setting a reduced impounding fee for neutered dogs.

5. Enforce Dog Owner Obligations

Utilise the powers of enforcement under the Dog Control Act 1996 so as to ensure the safety of the community generally and to penalise and deter irresponsible dog ownership.

Methods

- 1.1 Use Council's Service Request system to receive, investigate and resolve dog complaints from members of the public.
- 1.2 Use powers to issue infringement notices, prosecute owners, use menacing or dangerous dog classifications, and probationary and disqualified owner classifications as required.
- 1.3 Use powers to remove dogs threatening public safety and comfort.
- 1.4 The Council will make a bylaw that
 - 1.4.1 Requires a licence to be obtained where the numbers of dogs allowed to be kept on any land or premises exceed a specified maximum dependant upon the zoning and size of the land.
 - 1.4.2 Prescribes minimum standards for the accommodation of dogs so that every dog owner is required to provide his or her dog with suitable housing or kennelling which is weatherproof, dry, clean and gives the dog adequate space, warmth and shade, and is situated in a position that does not cause a nuisance to any person, in accordance with the Animal Welfare Act.
 - 1.4.3 Requires all dogs riding on the open tray of a vehicle on any road or public place to be restrained at all times by a leash or chain that is sufficiently short in length as to prevent the dog from reaching beyond the tray.
 - 1.4.4 Requires that all owners of dogs which are infected with any contagious disease suitably contain that dog on his or her property.
 - 1.4.5 May require the neutering of any dog classified as "menacing" under Section 33A of the Dog Control Act 1996.
 - 1.4.5 Will require an owner classified as "probationary" under Section 21 of the Act to undertake a dog owner education programme and/or dog obedience course approved by Council.

6. Gather Information to Assess the Effectiveness and Fairness of Our Policy on Dogs

Information must be gathered to determine if our methods are working towards achieving our objectives.

Methods

- 1.1 Meet the Act's requirement to report on Council's administration of the Policy on Dogs and its dog control activity by publishing an annual report.

SCHEDULE 1

LEASH CONTROL AREAS

Every dog shall be kept under continuous control by means of a leash, lead or chain which is secured or held by a person capable of restraining the dog so that the dog cannot break loose, while that dog is:

1. In an urban area or cemetery
2. In the presence of protected birds or protected wildlife
3. In the presence of stock, unless that dog is being used solely or principally for the herding or driving of the stock.
4. Faulkner Bush picnic area.

SCHEDULE 2

CONTROLLED DOG EXERCISE AREAS

Every dog shall be kept under the effective control of a responsible person, responding to voice commands, whistles, hand signals or other effective means. Dog owners must carry a leash at all times.

NOTE: IF PROTECTED BIRDS OR WILDLIFE ARE PRESENT, DOGS MUST BE KEPT UNDER CONTINUOUS CONTROL BY MEANS OF A LEASH AND MUST NOT CAUSE ANY DISTURBANCE TO THE BIRDS OR WILDLIFE EVEN IN A CONTROLLED DOG EXERCISE AREA.

Golden Bay

Beach from Milnthorpe Quay to Collingwood (east of township)

Motupipi Estuary – the area between the cemetery and the internal boundary of the golf course as indicated by signs

Patons Rock Beach, west of settlement to Pariwhakaoho River mouth

Pohara Beach from the end of Pohara Valley Road to eastern boundary of Pohara Camp

Rangihaeata Beach

Rototai Recreation Reserve

Motueka / Kina

Batchelor Ford Road

Motueka River Reserve – excluding picnic areas

Riwaka River Mouth to Tapu Bay mudflats

York Park

Kina Beach- exposed seaward side of the beach

Richmond / Mapua

Dellside Reserve including track up into Richmond Hills

Foreshore from Seaward boundary Mapua Leisure Park to Chayter Reserve

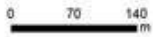
Headingly Lane – mudflat area below high tide mark

Railway Reserve behind Jubilee Park

Rough Island – Hunter Brown and Greenslade Park

Wakefield

Faulkner Bush Reserve except for picnic area, as defined on attached map



Faulkner Bush



SCHEDULE 3

DOG PROHIBITED AREAS

Dogs are prohibited on all Council sports fields and complexes, and within 10 metres of playground equipment and picnic tables, and in the following areas:

Golden Bay

Collingwood Camping Ground

Ligar Bay Beach – summer months, between the hours of 5.00am and 9.00am

Motupipi Estuary – excluding designated dog exercise area

Onekaka Estuary

Otuwhero Estuary and Sandspit

Pakawau Beach (camp frontage) – summer months

Parapara Inlet

Patons Rock Beach in front of the settlement – summer months

Pohara Beach Top 10 Holiday Park

Pohara Beach from eastern camp boundary to Selwyn Street Reserve – summer months

Pohara Beach from the sign at the western end of the golf course to the mouth of the Motupipi Estuary

Ruataniwha Inlet

Tata Beach – summer months except from 7am to 9 am

Tukurua Beach (camp frontage) – summer months

Waikato Inlet – including beach area to Ruataniwha Inlet

Waitapu Estuary

Western boundary of the Rototai dog exercise area to the mouth of the Waitapu estuary

Motueka / Kina

Breaker Bay Beach

Fearons Bush Camping Ground

Kaiteriteri Beach

Little Kaiteriteri Beach – summer months, between the hours of 5.00am and 9.00am

Lower Moutere Recreation Reserve – except for Dog Obedience and Tracking classes

Memorial Reserve Corner Riwaka

Saltwater Baths – Motueka

Stephens Bay Beach – summer months, between the hours of 5.00 am and 9.00 am

Richmond/Mapua

Hope Recreation Reserve and Hall – except for Dog Obedience classes

McKee Memorial Domain

Rabbit Island (including the beach)

Murchison

Riverview Motor Camp – Murchison

Definitions:

Summer months = 1 December to 1 March

Exception to Dog Prohibited Area:

This prohibition of dogs from specified areas does not apply to game hunting dogs during the recognised hunting season

Section 10 Dog Control Act 1996

10. Duty of territorial authorities to adopt policy on dogs

- (1) Every territorial authority must adopt, in accordance with the special consultative procedure set out in section 83 of the Local Government Act 2002, a policy in respect of dogs in the district of the territorial authority.
- (2) For the purposes of subsection (1), the territorial authority must, under section 83(1)(e) of the Local Government Act 2002, give notice of the draft policy to every person who is, according to its register, the owner of a dog.
- (3) Every policy adopted under this section –
 - (a) Shall specify the nature and application of any bylaws made or to be made under section 20 of this Act; and
 - (b) Shall identify any public places in which dogs are to be prohibited, either generally or at specified times, pursuant to a bylaw made under section 20(1)(a) of this Act; and
 - (c) Shall identify—
 - (i) Any particular public places; and
 - (ii) Any areas or parts of the district, -
in which dogs (other than working dogs) in public places are to be required by a bylaw made under section 20(1)(b) of this Act to be controlled on a leash; and
 - (d) Shall identify those areas or parts of the district in respect of which no public places or areas are to be identified under paragraph (b) or paragraph (c) of this subsection; and
 - (e) Shall identify any places within areas or parts of the district specified in paragraph (c)(ii) of this subsection that are to be designated by a bylaw under section 20(1)(d) of this Act as dog exercise areas in which dogs may be exercised at large; and
 - (ea) must state whether dogs classified by the territorial authority as menacing dogs under section 33A or 33C are required to be neutered under section 33E(1)(b) and, -
 - (i) if so, whether the requirement applies to all such dogs; and
 - (ii) if not, the matters taken into account by it in requiring any particular dog to be neutered; and

- (eb) must state whether dogs classified by any other territorial authority as menacing dogs under section 33A or 33C are required to be neutered under section 33EB(2) if the dog is registered with the territorial authority and, -
- (i) if so, whether the requirement applies to all such dogs; and
 - (ii) if not, the matters taken into account by it in requiring any particular dog to be neutered; and
- (f) Shall include such other details of the policy as the territorial authority thinks fit including, but not limited to, details of the policy in relation to –
- (i) Fees or proposed fees; and
 - (ii) Owner education programmes; and
 - (iii) Dog obedience courses; and
 - (iv) The classification of owners; and
 - (v) The disqualification of owners; and
 - (vi) The issuing of infringement notices.
- (4) In adopting a policy under this section, the territorial authority must have regard to -
- (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.
- (5) Every statement or publication of a policy adopted under this section –
- (a) Shall identify any land within the district that is included in –
 - (i) A controlled dog area or open dog area under section 26ZS of the Conservation Act 1987; or
 - (ii) A national park constituted under the National Parks Act 1980; and
 - (b) May contain such other information and advice in relation to dogs as the territorial authority thinks fit.
- (6) The territorial authority must give effect to a policy adopted under this section –
- (a) by making the necessary bylaws under section 20, which must come into force not later than the 60th day after the adoption of the policy; and

- (b) by repealing, before the 60th day after the adoption of the policy, any bylaws that are inconsistent with the policy.
- (7) No territorial authority shall make any bylaw that is inconsistent with the policy under this section that, at the time of the making of the bylaw, is in force in its district.
- (8) The territorial authority may, at any time, adopt, in accordance with the special consultative procedure, an amended policy under this section and this section shall apply, with the necessary modifications, to the adoption of that amended policy.
- (8A) The adoption of a policy or amended policy in accordance with this section satisfies the requirements of sections 86, 155, and 156(1) of the Local Government Act 2002 in respect of any bylaw to which subsection (6) applies.
- (9) This section shall come into force on the day on which this Act receives the Royal assent.
- (10) Subsection (8) applies subject to section 10AA.