

QUEENSTOWN LAKES DISTRICT COUNCIL

POLICY ON DOGS

Prepared Pursuant to Section 10 of
the Dog Control Act 1996



March 2006

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1.0 INTRODUCTION

This Policy on Dogs (the Policy) forms the foundation of Queenstown Lakes District Council's (QLDC) regulation of dogs and dog control. The Policy serves to meet QLDC's obligations under the Dog Control Act 1996 (the Act) and the Dog Control Amendment Act 2003 (the Amendment Act). It also provides a framework on which the Dog Control Bylaw and all fees relating to dog registration and offences are based.

1.1 The Dog Control Act 1996

The objects of the Act, set out in section 4 read:

The objects of this Act

(a) *To make better provision for the care and control of dogs*

(i) *By requiring the registration of dogs;*

(ii) *By making special provision in relation to dangerous dogs;*

(iii) *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*

(iv) *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*

(b) *To make provision in relation to damage caused by dogs.*

QLDC has a role to play in the care and control of dogs pursuant to Section 6 of this Act. The following provisions are of direct relevance to this policy.

1.1.1 Duty of Territorial authorities to adopt policy on dogs

Section 10 of the Act has been amended by the 2003 Amendment Act and requires QLDC to develop a policy on dogs (Section 47). The purpose of the policy is to set out QLDC's direction for dog control within the District. There are certain mandatory obligations under the Act that must be included in every dog policy. The amendment to Section 10 also reinforces the safety provisions QLDC must have regard to in adopting this policy on dogs. Added considerations are the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places frequented by children, and the importance of enabling the public to use streets and public amenities without fear of attack or intimidation by dogs.



Section 10 contains the following provisions detailing the content of the policy:

(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.....

Subject to ensuring there is no conflict with the obligations of Section 10 of the Act, each Council is free to include other details as it deems necessary. Notwithstanding this discretion, a Council must have regard to:

(a) the exercise and recreational needs of dogs and their owners; and

(b) the need to minimise danger, distress and nuisance to the community generally

in the development of its policy.

Under Section 10 of the Act, QLDC's Dog Policy is also required 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.

1.1.2 Consultation

In adopting this Policy QLDC has followed the special consultative procedure as set out in Section 83 of the Local Government Act 2002.

2.0 ISSUES

This section combines the issues the Policy is required to address under the Act, and the additional issues identified as relevant to the Queenstown Lakes District.

2.1 Exercise

Dogs require exercise. However, there can be a conflict between dog owners and non-dog owners. The “outdoors” character of Queenstown Lakes District, with a large amount of open space and recreational areas, is generally suitable and conducive to having dogs as pets. It is therefore necessary to identify areas where dogs can be exercised on a leash, areas where they may be unleashed and also areas where they are prohibited.

Areas such as playgrounds and schools, shopping malls and other listed areas are unsuitable places for dogs. The public can reasonably expect dogs to be prohibited in these areas.



2.2 Registration

Every person who has in their possession a dog over three months old is required to register their dog annually, and to advise the QLDC promptly of any change of address or ownership of the dog.

If owners do not meet the obligations to register their dogs, enforcement procedures are initiated. Unregistered dogs may be seized and impounded by an Animal Control Officer.

2.3 Dogs Registered Outside of the Queenstown Lakes District

Due to the large percentage of holiday homes in the District, there is often an influx of dogs from other Districts at certain times of the year. Currently there is no mechanism to keep track of visiting dogs and, as such, problems can arise when endeavouring to enforce Council’s bylaws.

The Dog Control Act requires that any dog that is kept in a District for four weeks or more be registered within that District.

2.4 Defecating in Public Places

There is a continuing problem with dogs fouling private and public places. Not only is it unsightly and a nuisance, it is also a health risk.

Penalties exist under the Dog Control Act for failing to immediately remove dog faeces from public or private land.

2.4 Uncontrolled Dogs Causing Nuisance to People

Free roaming dogs are a District wide problem; they can frighten, intimidate or annoy others.

2.5 Stock and Wildlife Attacks

Dogs, if uncontrolled, can do tremendous damage to farm stock and wildlife. Many incidents of dogs worrying stock go unreported or unnoticed, as do instances of dogs chasing and harming wildlife. Dog owners have a responsibility to ensure their dogs do not cause damage to, or threaten livestock and wildlife.



2.6 Keeping Owners Informed

Dog owners and non-owners alike appear to be insufficiently aware of the rights and obligations of dogs and their owners. Appropriate signage is required to advise owners of areas where dogs are prohibited or required to be on a lead, and to reinforce the rules regarding removal of faeces. Due to the migrant nature of a large part of the District's population, there is a constant stream of new dog owners entering the District who need to be informed of the restrictions relating to dogs. For this reason it is recognised that Council must provide signage that adequately informs the public of areas where dogs are subject to particular restrictions.

3.0 METHODS OF OPERATION

This section describes the manner in which Queenstown Lakes District Council aims to address the issues.

3.1 Mandatory Obligations Under The Act

The Dog Control Act 1996 sets out provisions that QLDC is obliged to comply with and enforce i.e. QLDC has no discretion to set these aside.

In terms of this policy, the statutory requirements are summarised below:

3.1.1 *It is unlawful to import any of the following breeds/types of dog:*

- American Pit Bull Terrier
- Dogo Argentino
- Brazilian Fila
- Japanese Tosa



If QLDC has reasonable grounds to believe that a dog belongs wholly or predominantly to one of the four breeds/types listed above it must classify the dog as 'menacing'. Menacing dogs must be muzzled when in public.

3.1.2 *Leash*

Those taking dogs out in public will be required to use or carry a leash at all times.

Dangerous dogs must be leashed when in public and owners of dangerous and menacing dogs must advise anyone to whom they lend the dog of the requirement that it must be muzzled and leashed (in the case of dangerous dogs) when in public.

3.1.3 *Unlawful Release of Dog from Pound*

It is an offence to attempt to unlawfully release a dog from a pound or to be in possession of a dog that has been unlawfully released from a pound.

3.1.4 *Control*

Dog owners must ensure at all times that, when their dog is on their property, it is either

- (a) under direct control of a person, or
- (b) confined in such a manner that it cannot freely leave the property.

3.1.5 *Annual Report*

Councils are required to report annually on their dog control policies and practices. The report is to contain certain specific information such as the number of dogs registered, the number of dogs declared dangerous, and the number of disqualified owners.

3.1.6 *Microchipping*

All dogs first registered on or after 1 July 2006, and all dogs classified as dangerous or menacing since 1 December 2003 will be required to be microchipped.

Dangerous and menacing dogs classified before 1 July 2006 must be microchipped within two months of

that date.

Dogs released from pounds after 1 July 2006 will also be required to be microchipped, if impounded for the second time.

3.2 Areas Where Dogs Are Prohibited

Dogs are not permitted in the following areas at any time with the exception of Companion dogs, Guide dogs and Hearing Ear dogs.

Arrowtown: Buckingham Street between Berkshire and Wiltshire Streets and including the Arrowtown Village Green and Marshall Park.

Queenstown: Beach Street, the Mall, the Village Green and Earnslaw Park

Wanaka: Bremner Bay, between 1 December and 31 March

And:

- Areas laid out and equipped as children's play grounds
- Areas within a 50 metre radius of defined children's play grounds;
- Defined playing areas of sports fields;
- All Cemeteries.

National Parks

A significant part of Mount Aspiring National Park (as constituted under National Parks Act 1980) is located within the Queenstown Lakes District. Dogs are not permitted in any National Parks.

Conservation Areas

The Department of Conservation (DoC) advised QLDC of controlled or open dog areas under Section 26ZS of the Conservation Act 1987 for inclusion in this Policy (refer to Appendix 2 – these areas are not marked on the attached maps). Separate rules and regulations apply to these areas as determined by DoC.

3.3 Areas Where Dogs Are Required To Be On Leash

Dogs are generally permitted in residential and urban areas at any time if they are on a leash. Dogs may not be let off their leashes in these areas.

In general these are residential or distinctly urban areas, but do not include reserves or QLDC owned walking tracks.

In any case dogs are required to be on a leash in the following (but not limited to) zones:

Any areas zoned as follows in the QLDC District Plan and any roads running through or adjacent to these Zones:

- Wanaka Town Centre Zone
- Queenstown Town Centre Zone

- Arrowtown Town Centre Zone
- Corner Shopping Centre Zone
- High Density Residential Zone
- Low Density Residential Zone
- Residential Arrowtown Historic Management Zone
- Township Zone
- Remarkables Park Zone
- Resort Zone
- Bendemeer Zone
- Penrith Park Zone
- Quail Rise Zone
- Airport Mixed use Zone

Dogs may be allowed off leash in areas where they are not specifically prohibited or required to be on leash.

In any area where a dog is not required to be on a leash and the dog has been allowed off the leash, the owner of that dog must have the dog under voice control and be carrying a leash at all times. Should the dog be deemed as causing a threat or nuisance to any person or animal, the dog must be immediately leashed and brought under control.

3.3 Fees

3.3.1 Fee Structure

Fees are reviewed annually by QLDC. The fee structure is designed as a ‘user pays’ system. This takes into account the actual cost of the services used by dog owners and can cover up to 100% of the costs of the Dog Control Activities.

Fees cover all of the management and enforcement of the Act and Bylaw, and cover such issues as welfare and dog control. The fees do not cover the costs of any prosecution.

3.3.2 Registration Fees

QLDC has a tiered fee structure, allowing fees to be set at various levels for those categories of dogs that Council may from time to time choose to recognise.

Dogs assisting the disabled are exempt from registration fees. This recognises the contribution of these dogs to the community.

The registration fees are intended to cover:

- Administration of the registration process and collection of fees;
- Information provision to dog owners;
- Signage and other furniture associated with dog exercise areas; and
- Enforcement (with the exception of prosecution).

3.3.3 Part Year Payment

For the first time registration of a dog on its 3-month birthday only the balance of the year will be due.

If a dog owner relocates to the Queenstown Lakes District, the owner can exchange the registration tag from the previous district for a QLDC tag free of charge.

3.3.4 Neutered Dog Discount

QLDC wishes to encourage neutering of dogs as part of promoting responsible ownership and reducing the incidents of straying and unwanted dogs. The registration fee structure can recognise this by setting a lower rate for neutered dogs.



3.4 Penalties

Pursuant to Section 65 and 66 of the Act, Council may issue infringement notices for contravention of the Dog Control Bylaw, or for offences committed pursuant to the Act. .. Unpaid fines will be recovered through the courts as provided for the Summary Proceedings Act 1957.

Unless there are exceptional circumstances in any particular case, infringement notices will not be waived.

Examples of offences prescribed within the Act include (but are not limited to):

- Wilful obstruction of dog control officer or ranger
- Failure to comply with any bylaw (authorised by section 20(5) of the Act)
- Failure to comply with effects of classification of dog as dangerous or menacing
- Failure to register dog
- Failure to implant microchip transponder
- Failure to keep dog controlled or confined
- Failure to carry a leash in public

3.4.1 Bylaw Offences

In addition to offences listed in the Act, QLDC may impose further penalties for offences peculiar to this District by way of the Dog Control Bylaw. For example, the Bylaw requires dog owners to carry a suitable receptacle (e.g. plastic bag) for removing and disposing of faecal matter when their dog is not on their property. An infringement fee for a prescribed amount exists for contravention of this bylaw.

QLDC has no provision to set fees for any infringement offences. Infringement fees for all offences are prescribed within the Act.



4.0 DOG CONTROL BYLAW

QLDC will amend its existing Bylaw following completion of the consultative process and adoption of this Policy. The specific Bylaw will include the following provisions:

- a. Providing for any requirements of the Act and subsequent amendments.
- b. Prescribing minimum standards for the accommodation of dogs
- c. Requiring dogs to be on a leash at all times in or near residential areas.
- d. Identifying public places where dogs are permitted to be exercised at large or prohibited.
- e. Requiring the owner / person in charge of any dog that defecates in a public place or land or premises other than that occupied by the owner to immediately remove the faeces.
- f. Requiring diseased dogs to be kept on the owner's property
- g. Preventing dogs becoming a nuisance or injurious to health.
- h. Requiring a license for any premise within a residential zone, keeping more than 2 dogs within a residential zone.
- i. Providing for the impounding of dogs.
- j. Penalties for people breaching the bylaw.
- k. Authorising QLDC to disqualify any person convicted of offences under the Act, the Amendment Act or the QLDC bylaw, from owning a dog if a disqualification is deemed reasonable.
- l. Authorising QLDC to classify a dog as 'menacing' or 'dangerous'.
- m. Providing recognition of Search and Rescue dogs and Avalanche dogs as working dogs by way of Council resolution pursuant to Section 2 of the Dog Control Act 1996.



5.0 Definitions

Terms used in this policy have the same definition as specified in Section 2 of the Dog Control Act 1996 and in any subsequent amendments to that Act.

Companion dog means a dog certified by the Top Dog Companion Trust as being a companion dog or a dog under training as a companion dog:

Dangerous dog has the same definition as in section 31(1) of the Dog Control Act and in any subsequent amendments:

- (a) Any dog in respect of which the owner has been convicted of an offence under section 57A(2) of this Act; and
- (b) Any dog which the territorial authority has, on the basis of sword evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; and
- (c) Any dog that the owner admits in writing constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.

District means a territorial authority district as defined in section 2 (1) of the Local Government Act 1974:

Dog control fee means any fee prescribed under section 37 of this Act: [*being the Dog Control Act 1996*]



Dog control officer means a dog control officer appointed under section 11 of this Act; and includes a warranted officer exercising powers under section 17 of this Act: [*being the Dog Control Act 1996*]

Dog ranger means a dog ranger appointed under section 12 of this Act [*being the Dog Control Act 1996*]; 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:
- (c) Any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment:

Guide dog means a dog certified by the Royal New Zealand Foundation for the Blind as being a guide dog or a dog under training as a guide dog:

Hearing ear dog means a dog certified by the Hearing Association (Incorporated) as being a hearing ear dog or a dog under training as a hearing ear dog:

Infringement offence has the meaning given to it in section 65 (1) of this Act:

Neutered dog means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised:

Menacing Dog has the same definition as in sections 33A and 33C of the Dog Control Act as amended by the Dog Control Amendment Act 2003 and in any subsequent amendments:

And means a dog that

- (a) has not been classified as a dangerous dog under section 31 of the Dog Control Act 1996; but
- (b) a territorial authority considers 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 (this includes any dog that the territorial authority has reasonable grounds to believe belongs wholly or predominantly to 1 or more breeds or types listed in Schedule 4 of the Dog Control Act.

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of any warrant or with the authority of the Prime minister, is for the time being responsible for the administration of this Act.

Owner, in relation to any dog, means every person who---

- (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 and dependent on the parent or guardian;---

but does not include any person who has seized or taken custody of the dog under this Act or the Animals Protection Act 1960 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under this Act [*being the Dog Control Act 1996*] or the Animals Protection Act 1960:

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---

- (a) 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
- (b) 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 2 of the Local Government Act 1974:

Specified agency---

(a) means---

- (i) the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990:
- (ii) the Department of Conservation:
- (iii) the Department of Corrections:
- (iv) the Ministry of Agriculture and Forestry:
- (v) the Ministry of Defence:
- (vi) the Ministry of Fisheries:
- (vii) the New Zealand Customs Service:
- (viii) the New Zealand Police: and



(b) includes the Director of Civil Defence and Emergency Management.

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, thar, rabbit, possum, or other animal that is kept within a fence or enclosure for domestic or farming purposes:

Territorial authority has the same meaning as in the Local Government Act 1974; but, except for the purposes of section 7 of this Act, does not include any territorial authority that has united with any other territorial authority under section 114S of the Local Government Act 1974 for the purposes of this Act: *[being the Dog Control Act 1996]*

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---

(a) Any guide dog, hearing ear dog, or companion dog:

(b) Any dog---

- (i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries, 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) Kept solely or principally for the purposes of herding or driving stock; or
- (iii) 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

- (iv) Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
 - (iva) 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
 - (ivb) 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 that Service; or
 - (ivc) Certified for use by the Director of Civil Defence Emergency Management or the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
 - (v) Owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or

Declared by resolution of the territorial authority to be a working dog for the purposes of this Act [*being the Dog Control Act 1996*], 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.

APPENDIX 1 – Controlled or Open Dog Areas Under Section 26ZS of the Conservation Act 1987 as Supplied by the Department of Conservation

NOTES:

This table is current as at 3 October 2005.

The information in this table is taken from a submission to the Policy on Dogs put forward by Paul Hellebrekers of the Department of Conservation on 3 October 2005 in response to notification of the Proposed Policy on Dogs on 31 August 2005 in accordance with Section 83 of the Local Government Act 2002.

The information contained in this table may be altered at the discretion of the Department of Conservation

While the QLDC have the ability to exercise powers granted by the Dog Control Act 1996 and subsequent amendments to that Act on DOC administered land, use of that land by dogs and their owners is at the discretion of the of the Government appointed administer (being the Department of Conservation)

Table 1: Areas administered by the Department of Conservation - Dog access approval

AREA	DOGS ALLOWED		
WANAKA AREA OFFICE			
Mt Iron Scenic Reserve	Yes		
Albert Town Recreation Reserve	Yes		
Outlet Track	Yes		
Hikuwai Conservation Area	Yes		
Dublin Bay Recreation Reserve	Yes		
Cardrona Mouth Conservation Area	Yes		
Hospital Flat Conservation Area	Yes		
Boundary Creek Scenic Reserve	Yes		
Wharf Creek Recreation Reserve	Yes		
Wharf Creek Recreation Reserve		*Yes	
Pisa Conservation Area		*Yes	
Roaring Meg Pack Track		*Yes	
McKerrow Conservation Area		*Yes	
Hunter Conservation Area		*Yes	
Fast Burn Conservation Area		*Yes	
Big Hopwood Conservation Area		*Yes	
Hawea Conservation Area		*Yes	
Albert Burn Conservation Area		*Yes	
Treble Cone Conservation Area		*Yes	
The Stack Conservation Area			No
Diamond Lake Conservation Area			No
Kidds Bush Recreation Reserve			No
Mou Waho Scenic Reserve			No
Mou Tapu Scenic Reserve			No
Te Peka Karara (Stevenson's) Scenic Reserve			No
WAKATIPU AREA OFFICE			
Mt Aurum Recreation Reserve	Yes		
Lower Dart Conservation Area – Dans' Paddock	Yes		
Diamond Creek Track	Yes		
Glenorchy Lagoon Wildlife Management Reserve	Yes		
Glenorchy Foreshore Conservation Area	Yes		
Bobs Cove Recreation Area	Yes		
Seven Mile Recreation Reserve	Yes		
Sunshine Bay Recreation Reserve (pt)	Yes		
Wilson's Bay Recreation Reserve	Yes		
Diamond Lake and Lake Reid Wildlife Management Reserve		*Yes	
Tuckers Beach Wildlife Management Reserve		#Yes	
Tucker beach Recreation Reserve		#Yes	
Greenstone Conservation Areas			No
Caples Conservation Area			No
Macetown Historic Reserve			No
Rees River Beach Marginal Strip			No
Dart River Beach Marginal Strip			No
Mt Crichton Scenic Reserve			No
Moke Lake Recreation Reserve			No
Ben Lomond Scenic Reserve			No
Lake Dispute Scenic Reserve			No
Lake Hayes Wildlife Refuge			No
Bendemeer Bay			No
Lake Hayes Wildlife Reserve			No

- *Yes = Requires third party permission for access to the area
- #Yes = Open to dogs for part of the year
- **Dogs are not allowed in the Mount Aspiring National Park**
- The information contained in this table may be altered at the discretion of the Department of Conservation