

MEETING: BAY OF ISLANDS AND WHANGAROA COMMUNITY BOARD
03 JULY 2017

Name of item: DRAFT DOG CONTROL BYLAW AND DOG POLICY 2017

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Date of report: 12 June 2017

Document number: A1876199

Executive Summary

The purpose of this report is to seek feedback from Community Boards on the Draft Dog Control Bylaw and Dog Policy 2017 in Attachment 1.

There has been extensive community consultation and research into dog control in the Far North District. In response to community feedback on the Statement of Proposal, there are a number of changes to the Bylaw and Policy. The tracked changes are shown in Attachment 2.

Many changes are to ensure that the rules are clear and easier to understand. Other significant changes include:

- More reliance is placed upon the enforcement of the Dog Control Act 1996;
- Extending the scope of summer on leash restrictions.

Community consultation has taken place under the Special Consultative Procedure for the Proposed Bylaw and Policy. The written feedback is summarised in Attachment 3.

The approach to dog control is to be proactive and positive wherever possible, seeking to educate, assist and direct compliance where possible. Enforcement is not the preferred approach and is to be used as required, not as a first option.

The Community Board is asked to deliberate on the issue of predation by dogs of all kinds on protected wildlife in the Bay of Islands and to advise as to whether there should be further restrictions on the number of dogs per household.

Recommendation

THAT the Bay of Islands and Whangaroa Community Board recommend to Council that the Draft Dog Control Bylaw and Dog Policy 2017 be adopted with the following amendments:

1) Background

Previous Decisions

On 16 June 2016 Council determined that a Dog Control Bylaw is the most appropriate way of addressing the problem.

On 29 June 2016 the Bay of Islands-Whangaroa Community Board recommended that the proposed Draft Dog Control Bylaw 2016 and the proposed Draft Dog Policy 2016 be adopted by Council for public consultation.

On 08 September 2016 Council adopted a Summary Statement of Proposal for the Draft Dog Control Bylaw 2016 and the Draft Dog Policy 2016 and resolved that a full Statement of Proposal be prepared for the incoming Council to approve for public consultation.

On 26 October 2016 it was resolved *THAT Council adopt the Dog Control Bylaw and Dog Policy Statement of Proposal for public consultation.*

The Dog Control Bylaw and Dog Policy consultation under the Special Consultative Procedure was open for written submissions from 7 November to 16 December 2016.

Council received a total of 335 written submissions from the public, 234 of which were responses to the Dog Control Bylaw and Policy Survey.

In addition to these formal submissions, all information received has been taken into account and is included in the summary report included as Attachment 3.

43 submitters requested to speak at hearings in Kerikeri (16), Kaikohe (15) and Kaitia (12) in February and March 2017.

On 16 March 2017, the Strategy Committee resolved *THAT further community consultation be undertaken to consider the issues of responsible dog ownership, wildlife protection, dog welfare and implications for Māori.*

There were gaps in knowledge prior to the submissions process about specific geographic locations, including which beaches may or may not be suitable for the exercise of dogs and at what times of the year. The Proposed Bylaw and Policy did not fully take into account the unique characteristics of all parts of the District, particularly areas where the interests of dog owners may be incompatible with the protection of wildlife.

Council staff mapped the wildlife habitats that are a priority to be protected. This information was shared during the consultation via an interactive web map upon which the public could 'pin' comments.

Council staff have subsequently consulted in more detail with Forest and Bird, Maori representatives, the Department of Conservation and the Department of Internal Affairs on the need for restriction to protect wildlife and places of significance to Maori.

A focus group with representatives from three different interest groups – conservationists, Maori representatives, and dog owners – was held on 21 June 2017 to explore areas of agreement and disagreement in more detail. The results of that meeting are not available at the time of writing this report.

Dog Control Act 1996 (the Act)

The primary rules to control dogs are set out in this Act, which is currently being reviewed by central government. "The [Objects of this Act](#) are:

- (a) to make better provision for the care and control of dogs
 - (i) by requiring the registration of dogs; and
 - (ii) by making special provision in relation to dangerous dogs and menacing dogs; and
 - (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.

The Act provides an extensive range of powers to control dogs, including prosecution, infringement fines, impounding and seizure. Dogs must be under control at all times and must not disturb protected wildlife.

The Act sections 10 and 20 set out the areas to be included in a Dog Policy and Bylaw respectively. A key consideration for local regulation is where to impose additional restrictions. The Bylaw and Policy do not repeat the primary legislation in order to keep the rules clear and simple.

Resource Management Act 1991

The Resource Management Act 1991 section 6(c) requires Council to manage indigenous flora and fauna and their habitats. The operative District Plan allows for conditions or covenants on the titles of new developments as part of the Resource Consent. These are an appropriate mechanism to protect wildlife, and could be more widely and consistently applied. Consent conditions or covenants can restrict a household to no cats, dogs, or mustelids. A recent decision by the Independent Hearings Commissioner (April 21, 2017) supports the applicability of such restrictions: “I consider that the most effective way of protecting kiwi in areas of high concentration where there is a known viable population, is by prohibiting the further introduction of domesticated predators into the area... A consistent approach to the protection of North Island Brown Kiwi which is classified as ‘nationally vulnerable’ is being implemented and is imperative to the survival of the species.” Further, options proposed by objectors, such as fencing, were rejected as hard to monitor and enforce consistently.

An important limitation to consent conditions is that they cannot be applied retroactively and so only new consents can include restrictive conditions. Other relevant legislation includes the [Wildlife Act 1953](#) which clarifies that dogs are not protected wildlife. The interpretation in the Conservation Act 1987 defines protected wildlife:

“protected wildlife vulnerable to dogs means:

- (a) any flightless protected wildlife:
- (b) any limited-flight protected wildlife:
- (c) any protected wildlife that nests (including moulting or breeding), or roosts, upon or in close proximity to the ground:
- (d) any protected wildlife that feeds upon or in close proximity to the ground:
- (e) any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978.

protection, in relation to a resource, means its maintenance, so far as is practicable, in its current state; but includes:

- (a) its restoration to some former state; and
- (b) its augmentation, enhancement, or expansion.

2) Discussion and options

Best Practice

An overall theme in the written feedback and discussion on the issue over the past year and as part of the consultation was that the public, including dog owners, were not familiar with the existing rules, and that the Statement of Proposal was too complicated. The Draft Bylaw and Policy is a further simplification of the rules in order to try to meet the first requirement of effective regulation compliance – clear rules that are understood by the public.

A second overall theme emerged though the hearings of a lack of enforcement. Some submitters suggested that the rules were not seen to be credible and were widely disregarded as a result. Community concern about safety was widespread, with dogs not having been under good control at all times in all communities. Compliance is not only a matter of resources. Community acceptance is required and that requires that the rules be seen to be fair and be consistently applied.

Best practice to regulation is to take a staged approach that enables compliance. The model applied here is known as **VADE: Voluntary, Assisted, Directed and Enforced**.

The optimal approach is to promote **Voluntary** compliance as most people will follow the rules if they are able to do so, know what the rules are and consider them to be fair and reasonable. Information is an important component of this approach, for example, notifying dog owners about the new Bylaw and Policy when adopted.

Those who do not comply can be **Assisted** to comply. Education is an important component of this approach and targeted resources may be required to overcome barriers to compliance. For example, the recent programme in Kaikohe moved a section of the community towards full compliance.

If there is still non-compliance, then people may be **Directed** to comply, for example, through a verbal instruction or by sending written notices.

Enforced is the last option for responding to for persistent or serious breaches of the rules. This may include an injunction or taking the matter to the District Court.

However, infringement fines are appropriate for less serious offences as a proportionate penalty for matters such as persistent barking, leaving faeces in public places or not having a leash. Infringement fines are set out under the Dog Control Act 1996.

Interest Groups

There was a significant difference between the responses of dog owners and non-dog owners in general. There was a conflict between the expressed views of some dog owners and the views of conservationists.

There was a view expressed by some dog owners that they were being punished. However, the Bylaw and Policy do not set out to punish, but to protect. The reasons for rules are in accordance with the objects of Dog Control Act 1996.

Some dog owners claimed that there were no issues with dogs in their area. A common statement is that the majority of dog owners are responsible. However, there is not a great deal of evidence to support that supposition. More accurately it is likely that dog owners want and intend to be responsible, but better information, education and regulation are required to prevent unintended harm. Issues were identified in most, if not all, parts of the District for the following reasons:

- Central government has stated that there is an unacceptably high level of dog attacks across New Zealand which requires improved local regulation;
- Many dog attacks go unreported as does the fear of dog attacks;
- Animal management staff, Department of Conservation staff and community members identified issues across the District;
- Problems can be heightened in the busy summer period, in part due to holiday-makers arriving into the District with their dogs;
- Individuals may not wish to express their views in their community if they do not consider that the dialogue is inclusive and they are entitled to confidentiality under the Privacy Act 1993;

- Protected wildlife species are threatened across the District and some dog owners are unaware of the threat to protected wildlife caused by their dogs;
- Shore nesting birds are particularly vulnerable to their nests being disturbed by dogs (and by other predators, vehicles and people); and
- The Bay of Islands is unique in New Zealand in having growing urban populations and wild kiwi and similar birds in close proximity one to the other.

Further, implications for the relationship of Māori, their culture and traditions with ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga arose, including:

- Protection of kai moana (particularly shell fish)
- Taonga (indigenous wildlife) and customary use of fauna
- Waahi tapu.

These matters are further explained in the [Wai 262 Waitangi Tribunal claim](#). An aspect of the claim was the ownership and control over taonga plants and animals.

Case example

One petition showed that many people may not understand the reasons for restrictions. This petition signed by 599 people was received as part of a submission at a hearing meeting. The signatories requested 24/7 access to the coastline from Paihia beach to Te Haumi Beach and the northern 500 metres of Waitangi Beach. Neither of these are appropriate areas for unrestricted access because they are very busy in the summer. These are also significant bird nesting areas, and the northern end of Waitangi beach is of the highest possible significance for protected wildlife. Lastly, these are areas where tangata whenua wish to protect taonga and kai moana, particularly the pipi beds at Te Haumi beach.

Beach Restrictions

There was disagreement about the locations for restricting where dogs may be exercised and about when restrictions might apply.

Kiwi and other protected wildlife commonly use beaches. Allowing unrestricted dog access at any time of year where there are likely to be flightless birds is not consistent with the protection of these species.

For shore nesting birds such as dotterel, observations confirm that the main problem with disturbance is from the time that birds arrive to nest in spring through to when the fledglings have matured sufficiently to leave the nest. For dotterel and other shore birds, that season is from around Labour Day (the 4th Monday of October) to the first of May. Dogs on a leash are a suitable restriction for most beaches through that period as there are shore-nesting birds on most beaches that are not inundated at high tide. Dogs should still be able to be allowed off leash to swim in a leash only area. Winter restrictions have been removed in these areas, as per the Proposal.

Prohibition could be applied to specific important nesting sites, and these are included in the schedules. People are a problem in these areas as well as dogs, and advisory notices and other protections may be required to clearly identify areas. It is not suggested that dogs should otherwise be unrestricted on these beaches as the dog cannot differentiate without being under the control of its owner, and in these instances, it is suggested that on leash is an appropriate level of control. The Dog Control Act section 59 states that a dog at large that disturbs or threatens protected wildlife may be seized or destroyed forthwith. As a general rule, Responsible Dog Owners should not take their dogs into areas where shore birds are clustered or gathered together.

Tauranga Bay

On 2 December 2015 the Bay of Islands-Whangaroa Community Board recommended that the First Schedule of the Dog Control Bylaw 2006 (prohibited areas) be amended to prohibit dogs at all times on Tauranga Bay Beach from the sand spit to the north of the tractor access point, being approximately a 280 metre stretch of the beach." This was in response to a request from the Tauranga Bay Community Association, Inc. and was subsequently adopted by the Council. On 24 April 2017 Staff received a request from the Secretary of the Association as follows:

"At the AGM for the Tauranga Bay Community Association, Inc it was decided by the membership that the dog exclusion zone established approx 18 months ago is not wanted by a majority of the community. I realise that we fought hard for this and we appreciate the responsiveness of the FNDC to the original request.

The intent of the dog exclusion zone was to improve the results of the nesting season of the threatened New Zealand Dotterel. It was believed that dogs were disturbing the nests and that keeping them off the sandspit would help keep the birds on the nests. We discovered that the lack of dogs did not prevent the dotterel eggs from disappearing. It was only after we started controlling the stoats, hedgehogs and rats that the eggs stopped disappearing. We also believe that black-backed gulls are a significant predator but there is no means of controlling them.

As we learned at the AGM, most residents believe the dog exclusion zone was unfair to people who do use a leash when exercising their dogs and want the dog exclusion zone signage removed. The signage spelling out the dog restrictions should stay, that is, the signs saying that dogs are restricted during the holiday season and that leashes are required."

However, Regional Council staff and conservationists have strongly argued for continued protection by prohibiting dogs from the shore bird nesting area. A letter in response from a dotterel conservation management expert is included as attachment 4. Dogs are certainly not the only predator or threat. Vehicles on the sand spit may also be destructive of habitats. However, disturbance by dogs contributes to the risk of nesting birds not successfully hatching and rearing fledglings. There is no clear reason to remove a restriction necessary for wildlife protection as dog owners are only asked to avoid the nesting area and can exercise their dogs on leash elsewhere. If the other predator control is successful then the population of nesting birds should increase year on year.

Muzzling

There was disagreement about a requirement to muzzle dogs tethered in public. Requiring dogs to be tethered and muzzled while unattended in public places was closely split with 47% of the total responding "No" and 50% responding "Yes". On balance, the feedback suggested that such a restriction may not be widely accepted by dog owners in all areas.

Neutering (de-sexing)

De-sexing impounded dogs is an important control to prevent future wandering or other aggressive behaviour. Feedback was that there should be discretion as a dog may be at large or otherwise impounded for reasons outside the control of the owner of person in charge of the dog at that time.

Protecting Wildlife

The Bay of Islands and Whangaroa Community Board area has some choices if it intends to protect its native bird population. There are two vulnerable groups: shore birds and flightless birds.

At present, brown kiwi are in decline and the population is rising in the urban areas, together with an increase in visitor numbers. The [Department of Conservation website states](#) that: “Northland brown kiwi once lived all over Northland. By the 1980s kiwi were locally extinct in many areas. This was largely caused by predation from introduced mammals. In 1996, it was estimated that North Island kiwi had probably declined by at least 90% during the previous century... The brown kiwi is one of our most common kiwi species; however, the population is steadily declining by about 2–3% a year. Without ongoing support, experts estimate brown kiwi will be extinct in the wild within two generations.”

Research studies show that: “Dogs known to have killed kiwi in Northland include farm dogs, hunting dogs, and family pets including Rottweilers, Labradors, fox terriers, and a poodle (Pierce, R.J. and Sporle, W. 1997, Causes of kiwi mortality in Northland. Wellington: Department of Conservation).

“In Northland, it has been shown that the average lifespan of an adult brown kiwi is only 13–14 years rather than the 30–40 years in all other brown kiwi populations due mainly to predation by dogs,” and, “for some populations (e.g. in Northland), dogs have surpassed mustelids as the main agent of decline.” (DOC, Draft Kiwi Recovery Plan 2017-27). Council submitted in support of the Plan and requested engagement with DOC at a national level. DOC have responded informally to signal some degree of agreement that local regulation may play a larger role in protecting wildlife and further discussions are anticipated. Discussions are taking place with government agencies, including the Department of Internal affairs and DOC to ensure that policy responses are integrated at a national, regional and local level.

[Call count monitoring of northland brown kiwi 2016](#) by DOC states: “The 2016 results from the Eastern Area were excellent, with an all-time high mean kiwi call rate.” The issue arises that as kiwis expand in numbers they will be more prevalent in areas currently frequented by dogs. A particular effort has been made by volunteers in Russell resulting in an encouraging trend as per the table below:

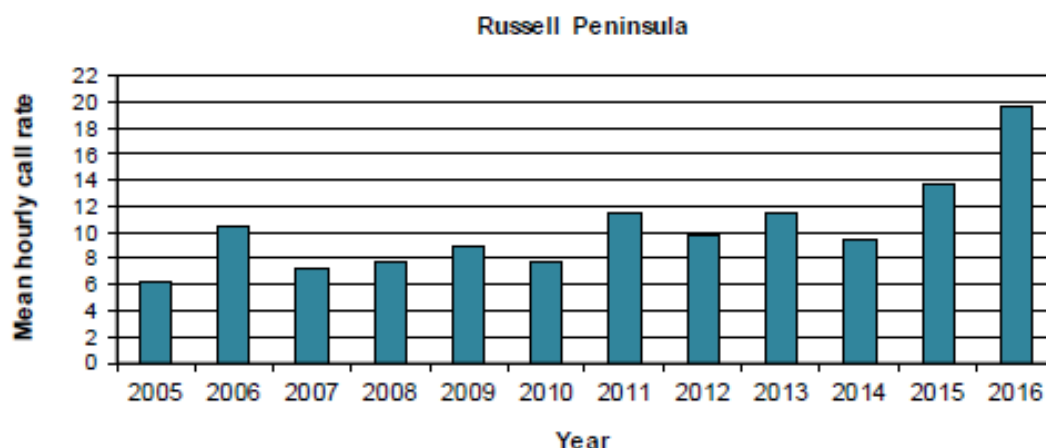


Figure 6. Trends in mean kiwi call rates at Russell Peninsula management site.

Note that kiwi avoidance training is at best only partially effective and depends upon all dog owners in an area being responsible, which operational experience suggests

is not the case at present. It is a method best applied for hunting, farm or other working dogs (see [Kiwis for Kiwis](#) for more information).

Brown kiwi are an indicator species. Other protected wildlife preyed upon by dogs in the Community Board area include the following:

- Brown teal - pateke (*Anas chlorotis*, conservation status: recovering) are the rarest of the mainland water fowl, and are found at Indico Bay, northwest Urupukapuka Island, and in many estuarine wetland areas around the eastern Bay of Islands. Dogs are known predators of brown teal.
- Dotterel (*Charadrius obscurus*, conservation status: nationally vulnerable) nest just above high tide mark around many beaches of the Far North District. Nests are easily trampled by dogs. Both adults and chicks cannot feed on the water's edge when disturbed and chicks are left unattended when their parents are forced away by dogs. Eggs may not be at a life-sustaining temperature if left unattended due to disturbance. Dotterels often cluster with Variable Oystercatchers (*Haematopus unicolor*: conservation status recovering) which are also vulnerable to dogs.
- Little blue penguin (*Eudyp tula minor*, conservation status: declining) may breed as isolated pairs or in colonies, close to the sea in natural burrows and in/under a variety of man-made structures. Penguins are under threat of predation when dogs that are not under control wander away from beaches into the coastal landscape where penguins are resting in dens or nesting.
- North Island weka (*Gallirallus australis* grey, conservation status: endangered) are ground dwelling, flightless birds which are known to be charismatic and attracted to human activity. Since 2000, weka have been released near Russell, in the Whirinaki Forest.
- Banded rail (*Gallirallus phillippensis assimilis* conservation status: at risk, naturally uncommon) is a largely terrestrial bird. They have been recorded in a wide variety of inland and coastal wetland areas, particularly in mangrove stands.

The national situation is summarised in a May 2017 report by the Parliamentary Commissioner for the Environment, [Taonga of an island nation: Saving New Zealand's birds](#): "This report looks at the desperate state of New Zealand's native birds, the challenges they face, and what it might take to restore them in large numbers back on to the mainland. New Zealand is home to 168 species of native bird, and many of these are found in no other country – they are endemic to New Zealand. Four out of every five are in trouble – and some sit on the brink of extinction. This investigation is focused on a vision – a vision of restoring abundant, resilient, and diverse native birdlife on the mainland. Realising this vision will require using the knowledge, ingenuity, and passion of many New Zealanders."

On the Russell peninsula, there is a higher presence of reintroduced and protected wildlife at risk from dogs than in other areas. In addition, there are a lack of suitable dog exercise areas and no suitable beaches for dogs to exercise upon off-leash due to the presence of kiwi and other birds. Ideally, the Russell Peninsula would move towards reducing the number of dogs per household towards zero. Restrictive covenants or consent conditions on new developments (as at present) are insufficient to enable full wildlife restoration.

Responsible Dog Ownership

There was broad agreement on promoting and rewarding Responsible Dog Ownership. This is consistent with the best practice described above.

Urban area restrictions

There was broad agreement for retaining a maximum of 2 dogs (over 3 months old) per household. Around 30% of survey respondents supported a decrease in the number of dogs per household, with only a slight difference between dog owners and non- dog owners.

In most urban areas, restrictions are primarily intended to reduce nuisance (such as barking) and for public safety (reducing the overall number of dogs in any given area). Importantly in the Bay of Islands there are also protected wildlife considerations due to the proximity of protected wildlife to development. As the human population increases, the increased pressure on protected wildlife may result in their loss.

Working Dogs

The Policy and Bylaw does not specify or mention working dogs that are not disability assist dogs. That is in part because no satisfactory definition of a working dog has been determined. In general the same rules apply to working dogs. Exceptions include that the Dog Control 1996 clarifies that working dogs (undefined in the Act) are not included in designated on leash areas and the owner does not have to carry a leash. Any restrictions on dogs in rural areas must take account of the need for working dogs on farms and consider other purposes, such as hunting dogs (also undefined in the Act).

Department of Conservation (DOC) response to Community Board

Two areas may be gazetted by DOC to allow for dogs on leash rather than prohibited in responses to the request of the Bay of Island and Whangaroa Community Board on 29/06/2016. These details are to be confirmed and will be reported in due course.

Option 1: Adopt the Draft Dog Control Bylaw and Dog Policy 2017

There has been extensive community consultation and research into dog control in the Far North District over a period of a full year to date. In response to community feedback on the Statement of Proposal, there are a number of significant changes to the Bylaw and Policy:

- They have been simplified so that the rules can more easily be understood and known. They have removed duplication with the primary instrument for dog control, the Dog Control Act. They avoid operational guidelines which can be determined under delegated authority. They are not overly specific about dog registration and education, for example, as these matters can be separately decided by resolution of Council and/or through staff guidelines and procedures.
- There is more provision to protect wildlife based upon further research and consultation (it was noted that more work was required in this area at the time of adopting the Proposal).
- More restrictions have been placed on beaches to require dogs on a lead for a longer period (from Labour Day to 1st of May) and with near universal coverage.
- More dog prohibited areas have been introduced where there are known nesting sites or populations of brown kiwi and other protected wildlife that is vulnerable to dogs of all kinds.

There are a range of other amendments to the Proposal and these are shown in Attachment 2 – Tracked Changes.

Option 2: Amend the Draft Dog Control Bylaw and Dog Policy 2017

There are a wide range of possible amendments to the Bylaw and Policy. This report highlights some rules to consider amending or adding, and include:

Muzzles

- Should all dogs be required to be muzzled if left tethered-up in a public place and unaccompanied, such as when outside a shop?
- Dangerous and menacing dogs are required to be muzzled in public under the Act.

Limits per household

- Should the number of dogs be reduced to less than 2 per household in the urban areas of the Bay of Islands where there are high numbers of protected wildlife?
- Should the number of dogs be reduced to 1 or none per household (other than working dogs) on the Russell Peninsula due to the high presence of protected wildlife?
- Should limits include a 'grandfathering' clause exempting existing registered dogs?
- Should limits be set to be introduced at future date, say 5 or 10 years hence?

Option 3: Do not adopt a Dog Control Bylaw and Policy

This would mean that the Dog Control Bylaw and Policy 2006 would remain in place. That would not be consistent with the process of review and consultation which has identified reasons for significant changes to the original Policy and Bylaw, many of which have been supported in the community consultation. The 2006 Bylaw and Policy are no longer fit for purpose as they have become dated and do not include the protection of wildlife in their general scope.

Option 1 is the preferred option recommended by Council staff to achieve the objectives of the Dog Control Act 1996 and respond to the issues raised during the consultation.

3) Financial implications and budgetary provision

There are no direct costs associated to the options.

4) Reason for the recommendation

The draft Bylaw and Policy provide a framework of local regulation that supports the primary legislation to protect the public, dogs and wildlife.

Manager: Dr Dean Myburgh - General Manager District Facilities

Attachment 1: Draft Dog Control Bylaw and Dog Policy 2017 - Document number A1877000

Attachment 2: Tracked Changes to Proposed Dog Control Bylaw and Dog Policy 2016 - Document Number A1877100

Attachment 3: Summary of Community Consultation on Proposed Dog Control Bylaw and Policy Report - Document number A1876185

Attachment 4: New Zealand Dotterels at Tauranga Bay - Document number A1877503

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process:
 - a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) assess the options in terms of their advantages and disadvantages; and
 - c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna, and other taonga.
2. This section is subject to section 79 - Compliance with procedures in relation to decisions.

Relationship with existing policies and Community outcomes.	Dog Control Bylaw 2006 and Dog Policy. Safe, healthy, resilient places and people. Our environment is protected, enhanced and wisely managed.
Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga.	Here are specific cultural considerations, including: <ul style="list-style-type: none"> - protection of kai moana (particularly shell fish); - taonga (indigenous wildlife) and customary use of fauna; - waahi tapu.
Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons.	Registered dog owners were notified of the proposal. Community views have been taken into account under the Special Consultative Procedure.
Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124?	Yes, the matter is of high significance and there is a high level of community interest.
If the matter has a Community rather than a District wide relevance has the Community Board's views been sought?	This is a District wide matter, but there are specific local issues for the Community Board to advise upon. The Community Board was initially consulted a year ago prior to a Statement of Proposal being adopted.
Financial Implications and Budgetary Provision. Chief Financial Officer review.	There are no direct financial implications or need for budgetary provision associated with this report. The Chief Financial Officer has reviewed this report.



Pursuant to Section 145 of the Local Government Act 2002, Section 20 of the Dog Control Act 1996 and every other enabling power and authority.

To come into force: 01 XXXX 2017

For the purpose of: The purpose of this Bylaw is to control dogs, protecting people and wildlife from harm.

To be reviewed by: 01 XXXX 2027

1.0 Title, Commencement and Application

1.1 The title of this Bylaw is the Far North District Council *Dog Control Bylaw 2017* which comes into force on 01 XXXX 2017.

2.0 Former Bylaw Repealed

2.1 As of the date this Bylaw comes into force the *Far North District Council Dog Control Bylaw 2006* is repealed.

2.2 All approvals, permits and other acts of authority that originated under the *Far North District Council Dog Control Bylaw 2006* and all applications shall, for the purposes of this Bylaw, continue as if they had originated under this Bylaw.

2.3 The revocation of the *Far North District Council Dog Control Bylaw 2006* shall not prevent any legal proceedings, criminal or civil, being taken to enforce these bylaws, and such proceedings shall continue to be dealt with and completed.

3.0 Interpretation

Terms in this Bylaw have the same meaning as the terms in the Dog Control Act 1996.

AT LARGE means at liberty, not 'on a leash' as defined in this section.

AUTHORISED OFFICER means any person authorised by the Council to act on its behalf.

BEACH means the area of shoreline above mean low water tides and any adjoining land in public ownership.

CONFINED means enclosed securely in a building or tied securely to an immovable fixture on a premise or within an enclosure from which the dog cannot escape.

CONTROL means 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.

COUNCIL means the Far North District Council.

LEASH means an adequate restraint, not exceeding 2 metres in length.

NEUTERED DOG means a dog that has been spayed or castrated and does not include a dog that has been vasectomised.

ON A LEASH means that a dog is kept under control by means of a leash which is attached to the dog so that the dog cannot break loose, and the other end held by a person physically capable of restraining the dog.

RESERVE means any land under the control, administration, or ownership of the Council that is subject to the Reserves Act 1997.

RESPONSIBLE DOG OWNER means a Dog Owner who has been approved by Council as a Responsible Dog Owner.

4.0 Confinement of Dogs

- 4.1 The person in charge of a dog shall, from half an hour after sunset until half an hour before sunrise, keep the dog tied up or otherwise confined, unless the dog is on a leash or under continuous control.

5.0 Diseases

- 5.1 No dog infected with a contagious disease can be exercised in any public place.
- 5.2 Every person in charge of a dog must ensure that any dog infected with a contagious disease is contained on their land or premises in such a manner that it cannot leave the land or premises, other than when being transported to a registered veterinary clinic for treatment.

6.0 Dogs In or On Vehicles

- 6.1 No person shall take a dog onto any public place in a motor vehicle or leave a dog in any unattended motor vehicle unless that person takes measures to render it impossible for the dog to get out of the vehicle.
- 6.2 Any person allowing a dog to ride on the open tray of a vehicle shall ensure that it is under control by a chain or any other suitable tether that is sufficiently short in length as to prevent the dog from leaving the tray or causing a nuisance to the public.

7.0 Faeces

- 7.1 The person in charge of a dog must remove dog faeces immediately and dispose of them in a suitable waste container.

8.0 Female Dogs in Season

- 8.1 No bitch in season can be exercised in any public place.
- 8.2 Every person in charge of a dog must ensure that every female dog in season is contained and adequately exercised on their land or premises.

9.0 Impounding

- 9.1 Any Authorised Officer may impound any dog found at large.
- 9.2 Any Authorised Officer may impound a dog found tethered and unattended.
- 9.3 Council's operating procedures shall apply when any dog has been impounded.

10.0 Limitation on Number of Dogs

- 10.1 No person may keep more than two dogs aged over 3 months on land or premises in any urban area as identified in the Schedule of this Bylaw.

11.0 Neutering

- 11.1 If any dog owner fails to keep their dog under control on more than one occasion within a 12 month period, Council may, by written notice, require the owner to neuter the dog.
- 11.2 Where any dog has been impounded more than two times throughout its life, Council may require the neutering of that dog prior to the dog's release from the pound.
- 11.3 Any dog of an owner classified as Probationary or Disqualified must be neutered.
- 11.4 A dog owner must, within one month of receipt of a written notice that a dog must be neutered, produce to the Council a certificate issued by a registered veterinary surgeon certifying that the dog has been neutered; or
 - (a) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
 - (b) the dog owner must, within one month after the date specified in the certificate, produce a further certificate that the dog is or has been neutered.

12.0 Nuisance

- 12.1 A person must not keep a dog on any land or premises if the dog:
 - (a) causes a demonstrable nuisance; or
 - (b) is a significant risk to the health and safety of the public; or
 - (c) prevents lawful access to at least one door of the dwelling.
- 12.2 No person shall cause any dog to become restive or unmanageable.
- 12.3 No person shall cause any dog to attack any other animal or person.
- 12.4 If any dog is a nuisance or injurious to health, an Authorised Officer may, by notice in writing, require within a specified time the owner or occupier of the premises to:
 - (a) reduce the number of dogs kept on the premises;
 - (b) construct, alter, reconstruct or otherwise improve the kennels or other accommodation used to house, contain or restrain the dog(s);
 - (c) require the dog to be tied up or otherwise confined during specified periods;
 - (d) take action to minimise or remove the nuisance.

13.0 Shelter/Housing

- 13.1 The owner or person having charge of any dog shall provide accommodation inside for that dog, or a kennel that:

- (a) is sited on a suitable hard surface;
- (b) is weatherproof and dry;
- (c) is clean;
- (d) has shade;
- (e) has warm flooring in the sleeping area; and
- (f) has space for the dog to move around.

- 13.2 No dog connected to any accommodation or place of confinement by a chain or other humane device shall have its movements further restricted by any other fixture.

14.0 Schedules

- 14.1 Every person in charge of a dog must ensure that the dog does not enter or remain in any place designated as a **Prohibited Area** in the Schedule of this Bylaw.
- 14.2 Every person in charge of a dog must ensure that the dog is kept on a leash in any public place designated as a **Leashed Area** in the Schedule of this Bylaw.
- 14.3 A person in charge of a dog may exercise the dog off-leash and under control in any area designated as a **Dog Exercise Area** in the Schedule of this Bylaw.

15.0 Offences and Penalties

- 15.1 Every person who fails to comply with the requirements of this Bylaw commits an offence and is liable to a penalty under the *Dog Control Act 1996* and the *Local Government Act 2002*.

POLICY # 3120 – DOG POLICY 2017

Date Issued: XXXX 2017

INTRODUCTION

The Dog Control Act 1996 section 10 requires Council to adopt a policy on dogs. The Dog Control Bylaw 2017 applies to this Policy.

POLICY OBJECTIVE

The Dog Policy aims to:

1. Prevent danger, fear and nuisance from dogs.
2. Promote Responsible Dog Ownership.
3. Provide for the exercise and welfare needs of dogs.
4. Protect wildlife.

POLICIES

Policy 1 – Encourage Responsible Dog Ownership

- 1.1 Council will promote Responsible Dog Ownership, including providing information on dog obedience courses, owner training courses and support organisations.
- 1.2 Council may approve a dog owner as a Responsible Dog Ownership (RDO) if the owner has complied with all Council requirements as they relate to dogs and has complied with the requirements of the Dog Control Act 1996.
- 1.3 The owner's dog(s) must have been registered in New Zealand for at least one year, or must attend and pass a Council-approved course.
- 1.4 The property that the dog has free access to must be fully fenced and gated.
- 1.5 Council will cancel an owner's RDO status if the owner subsequently fails to meet the requirements of this Policy, the Dog Control Bylaw and/or the Dog Control Act 1996.
- 1.6 The owner must not have:
 - (a) received a conviction under the Dog Control Act 1996;
 - (b) received an infringement notice in the past two years related to dogs;
 - (c) had a dog impounded in the last two years due to their negligence;
 - (d) been the subject of a substantiated public complaint in the last two years;
 - (e) been classified as a Probationary or Disqualified owner.
- 1.7 Council will cancel an owner's RDO status if the owner:
 - (a) has their dog impounded (unless due to extenuating circumstances);
 - (b) has a substantiated complaint upheld;
 - (c) Fails to pay dog registration fees by the 31st August in any year.
- 1.8 If an owner's RDO status is cancelled, it will not be reinstated for at least two years.

Policy 2 – Registration Fees

- 2.1 Council will charge a lower recovery fee for registered dogs impounded for the first time.
- 2.2 Council will levy penalties of up to 50% of the registration fee on dog owners who do not register their dogs by the 31st day of August each year.
- 2.3 A waiver of the penalty fee may be granted if:
 - (a) Council has made an omission or error;
 - (b) circumstances beyond the control of the dog owner prevent the registration fee being paid and the dog owner has contacted Council within 14 days of the due date;
 - (c) there is evidence of a track record of paying the registration fees on time for the previous three years and the dog owner has contacted Council within 14 days of the due date to give the reason for the delay in payment;
 - (d) there is evidence of hardship and payment arrangements are agreed between the owner and Council. Where arrangements are made, the waiver of the penalty will be subject to the agreed payments being kept up to date.

Policy 3 – Neutering Menacing Dogs

- 3.1 Any dog classified as Menacing by this Council or any other Council must be neutered.

Policy 4 – Access of Dogs to Public Places

- 4.1 Dogs are not allowed in any public place designated as a **Prohibited Area** in the Schedule of this Policy.
- 4.2 Every person in charge of a dog must ensure that his or her dog is kept on a leash in any public place designated as a **Leashed Area** in the Schedule of this Policy.
- 4.3 Council provides designated **Exercise Areas** where dogs can be exercised off-leash under control by voice command or signal as listed in the Schedule of this Policy.

DOG POLICY AND DOG CONTROL BYLAW SCHEDULE

Schedule A Dog Prohibited Areas

Schedule B Dog On-leash areas

Schedule C Dog Exercise Areas

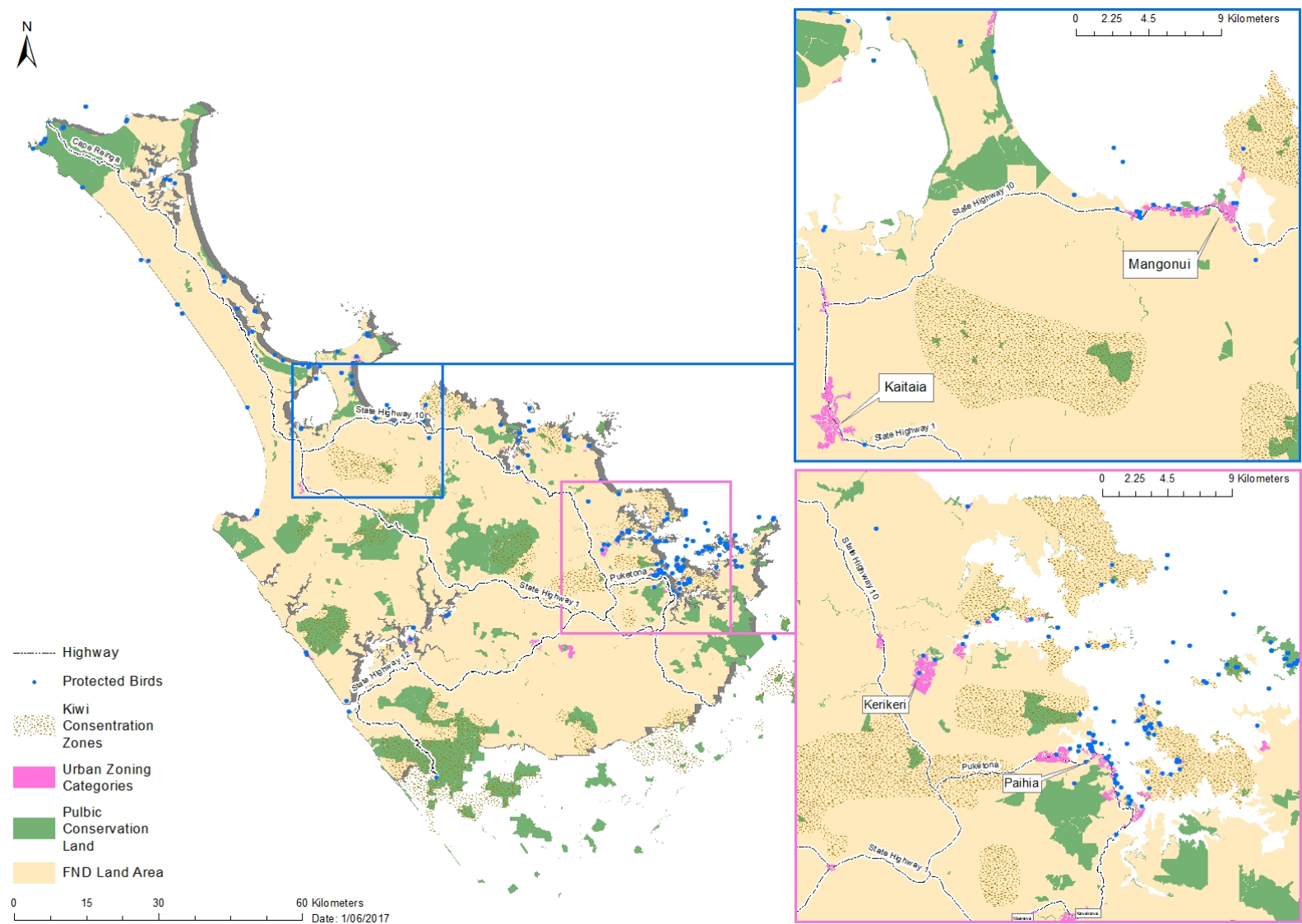
Schedule D Limitation on Number of Dogs in Urban Areas

Schedule E Department of Conservation Controlled Dog Areas - No Access

Schedule A - DOG PROHIBITED AREAS

- Dogs are prohibited from all children's playgrounds at all times.
- Dogs are prohibited from all public swimming pools at all times.
- Dogs are prohibited from land administered by the Department of Conservation (unless DOC issues a permit or specifies otherwise).
- Disability assist dogs are generally exempt from these prohibitions (unless specified otherwise).
- Dogs are prohibited from Labour Day to the first of May from all the protected bird locations marked in blue in **Figure 1: Protected Wildlife Areas** below. Local signage will be used to make it clear where these areas are.
- The person in charge of a dog must avoid disturbing the areas where the shore birds are clustered or gathered together.

Figure 1. Protected Wildlife Areas: Far North District



Schedule B – DOG ON-LEASH AREAS

- All reserves.
- Pou Herenga Tai Twin Coast Cycle Trail.
- Russell Beach, Tapeka Point Beach and Long Beach at all times.
- All other beaches from Labour Day to first of May.
- Dogs are allowed off leash to swim.
- All urban areas.

Schedule C - DOG EXERCISE AREAS

Dogs may be exercised off-leash in the areas listed below and shown in Figure 2.	
Kaitaia	Empire Street. See map.
Kaikohe	Highway 12. See map.
Kerikeri	Rolands Wood, Kerikeri Inlet Rd. Wiroa Road. See Map.
Opua	Beechy Street waterfront. See Map.
Rangiputa	Rangiputa beach.

- Dogs must be under control at all times.

Figure 2. Dog Exercise Areas: Far North District



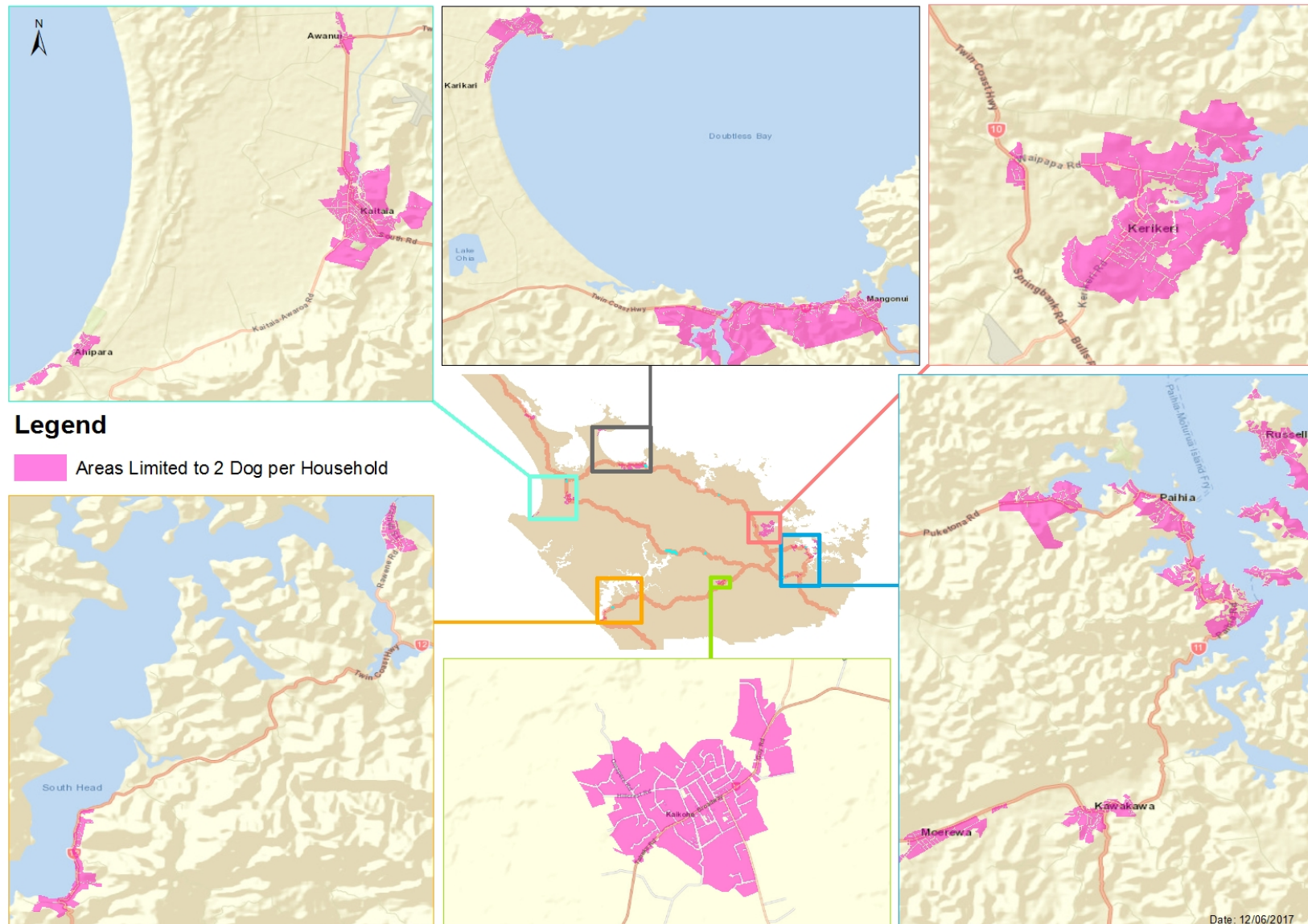
Schedule D - LIMIT OF TWO DOGS PER HOUSHOLD IN URBAN AREAS

The urban areas with a maximum limit of two dogs over 3 months old per household are:

Kaikohe, Kaitaia, Kawakawa, Kerikeri, Moerewa, Okiato Point, Opononi, Paihia, Rawene, Russell, Waitangi.

The urban areas to which the 2 dog limit applies are outlined in **Figure 3: Dog Exercise Areas** below. More detailed maps will be available on the Council website.

Figure 3. Urban Areas with 2 Dog Ownership Limit: Far North District



Schedule E – Department of Conservation CONTROLLED DOG AREAS NO ACCESS

- Dogs are not allowed ashore to a controlled dog area or nature reserve at any time. This includes the entire foreshore to low tide.
- Dogs are not allowed in Department of Conservation (DOC) nature reserves or wildlife sanctuaries except by written approval.
- Dogs and other pets are not allowed in DOC campgrounds unless specified otherwise.
- Dogs are not allowed inside any DOC hut or lodge.
- Dogs are not permitted at any time in the areas listed below:

DOC Reference	Dog Prohibited Areas - no access	Local Office
Ref: P05032	Akeake Historic Reserve	Bay of Islands
Ref: Q05043	Balast Point	Bay of Islands
Ref: Q05002	Black Rocks Scenic Reserve	Bay of Islands
Ref: P05030	Blacksmiths Bay	Bay of Islands
Ref: Q05013	Deep Water Cove Scenic Reserve	Bay of Islands
Ref: Q05065	Harata Historic Reserve	Bay of Islands
Ref: P05060	Hongi Hika Recreation Reserve	Bay of Islands
Ref: Q05030	Kahuwhera Pa Historic Reserve	Bay of Islands
Ref: P05065	Kerikeri Esplanade Reserve	Bay of Islands
Ref: P05022	Kerikeri Govt. Purp. Fish Hatchery	Bay of Islands
Ref: P05026	Kerikeri Inlet Scenic Reserve	Bay of Islands
Ref: P05020	Kerikeri River Scenic Reserve	Bay of Islands
Ref: P05066	Kerikeri Wharf Historic Reserve	Bay of Islands
Ref: P05025	Kororipo Pa Historic Reserve	Bay of Islands
Ref: P05015	Lake Waiparaheka Scientific Reserve	Bay of Islands
Ref: P04005	Mahinepua Peninsula Scenic Reserve	Bay of Islands
Ref: Q05033	Man O War	Bay of Islands
Ref: Q05014	Manawahuna Scenic Reserve	Bay of Islands
Ref: Q05001	Marsden Cross Historic Reserve	Bay of Islands

Ref: Q05036	Motuarahi Island Island Scenic Reserve	Bay of Islands
Ref: Q05003	Motuarohia Island Recreation Reserve	Bay of Islands
Ref: P04006	Motukawanui Island Scenic Reserve	Bay of Islands
Ref: Q05034	Motumaire Island Historic Reserve	Bay of Islands
Ref: P05044	Motupapa Island Scenic Reserve	Bay of Islands
Ref: Q05004	Moturua Island Scenic Reserve	Bay of Islands
Ref: P05031	Motutapu Island Scenic Reserve (Kerikeri Inlet)	Bay of Islands
Ref: Q05042	Motutokape Island	Bay of Islands
Ref: P05016	Ngawha	Bay of Islands
Ref: P05109	Ngawha Purchase Scenic Reserve	Bay of Islands
Ref: Q05006	Okahu Island Scenic Reserve	Bay of Islands
Ref: P05017	Okuratope Pa Historic Reserve	Bay of Islands
Ref: Q05009	Otehei Bay (Pt. Urupukapuka Island Rec. Reserve)	Bay of Islands
Ref: P05061	Pakaraka Kauri Scenic Reserve	Bay of Islands
Ref: Q05010	Poroporo Island Scenic Reserve	Bay of Islands
Ref: P05018	Puketona Scenic Reserve	Bay of Islands
Ref: P05019	Pukewhau Ecological Area	Bay of Islands
Ref: P05021	Rainbow Falls Scenic Reserve	Bay of Islands
Ref: P05029	Rangitane Scenic Reserve	Bay of Islands
Ref: P05034	Taranaki Island Scenic Reserve	Bay of Islands
Ref: P04022	Taronui Bay Access	Bay of Islands
Ref: P04021	Taronui Bay Recreation Reserve	Bay of Islands
Ref: P04023	Taronui Bay Addition Recreation Reserve	Bay of Islands
Ref: Q05016	Te Toroa Scenic Reserve	Bay of Islands
Ref: Q05031	Tikitikioure	Bay of Islands
Ref: Q05037	Toretore Island Scenic Reserve	Bay of Islands
Ref: Q05008	Urupukapuka Island Recreation Reserve	Bay of Islands
Ref: Q05029	Uruti Bay	Bay of Islands
Ref: Q05007	Waewaetorea Island Recreation Reserve	Bay of Islands

Ref: P05023	Waipapa Stm Scenic Reserve	Bay of Islands
Ref: P05068	Wairoa	Bay of Islands
Ref: P05045	Waitangi Endowment Forest	Bay of Islands
Ref: Q05028	Waitata Point	Bay of Islands
Ref: O03001	Matai Bay Recreation Reserve	Kaitaia
Ref: O04024	Mangonui Court House Historic Reserve	Kaitaia
Ref: M02001	Motuopao Island Nature Reserve	Kaitaia
Ref: N02003	North Cape Scientific Reserve	Kaitaia
Ref: O04014	Rangikapiti Pa Historic Reserve	Kaitaia
Ref: N03008	Simmonds Is. Nature Reserve	Kaitaia
Ref: L01001	Three Kings Islands Nature Reserve	Kaitaia
Ref: O04036	Walker Island Nature Reserve	Kaitaia
Ref: O03007	Whangatupere Bay Marginal Strip	Kaitaia
Ref: O03008	Paeroa/Knuckle Point Scenic Reserve	Kaitaia



DOG CONTROL BYLAW 2017

Pursuant to Section 145 of the Local Government Act 2002, Section 20 of the Dog Control Act 1996 and every other enabling power and authority.

To come into force: 01 XXXX 2017

For the purpose of: The purpose of this Bylaw is to control dogs, protecting people and wildlife from harm.

To be reviewed by: 01 XXXX 2027

1.0 ~~Short~~ Title, Commencement and Application

1.1 The title of this ~~bylaw~~Bylaw is the Far North District Council *Dog Control Bylaw* ~~2016 and 2017 which~~ comes into force on ~~xxx01 XXXX 2017~~.

~~1.2 This bylaw applies to the Far North District.~~

~~1.3 This Bylaw is due for review by xxxx~~

2.0 Former Bylaw Repealed

2.1 As of the date this ~~bylaw~~Bylaw comes into force the ~~following bylaw is hereby repealed:~~

~~The "Far North District Council Dog Control Bylaw 2006" is repealed.~~

2.2 All approvals, permits and other acts of authority that originated under the *Far North District Council Dog Control Bylaw*, ~~2006~~ and all applications, shall, for the purposes of this ~~bylaw~~Bylaw, continue as if they had originated under this ~~bylaw~~Bylaw.

2.3 The revocation of the *Far North District Council Dog Control Bylaw* ~~2006~~ shall not prevent any legal proceedings, criminal or civil, being taken, to enforce these bylaws, and such proceedings shall continue to be dealt with and completed ~~as if the bylaw had not been revoked.~~

3.0 Interpretation

Terms in this Bylaw have same meaning as the terms in the Dog Control Act 1996.

AT LARGE means at liberty, ~~free~~, not 'on a leash' as defined in this section.

AUTHORISED OFFICER means any person ~~appointed or~~ authorised by the Council to act on its behalf ~~and with its authority, including a member of the Police.~~

BEACH means the area of shoreline above mean low water ~~spring~~ tides and any adjoining land in public ownership.

CONFINED means enclosed securely in a building or tied securely to an immovable fixture on a premise or within an enclosure from which the dog cannot escape.

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. ~~Where the dog is not required to be on a leash, and other than in a designated dog exercise area, it is not allowed to be any more than 10 metres distant or out of the line of sight of the handler.~~

COUNCIL means the Far North District Council.

~~**DANGEROUS DOG** has the meaning in s 31 of the *Dog Control Act 1996*.~~

~~**DISABILITY ASSIST DOG** means a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability as defined in Section 2 of the *Dog Control Act 1996*.~~

~~**DISTRICT** means the area under the control of the Far North District Council.~~

~~**DOG CONTROL OFFICER** means a Dog Control Officer appointed by the Far North District Council under Section 11 of the *Dog Control Act 1996*.~~

~~**DOG OWNER** means owner as defined in Section 2 of the *Dog Control Act 1996*.~~

~~**HUNTING DOG** means a dog used for hunting game provided that:~~

- ~~(a) It shall be a defence that any hunting dog found in a public place without a leash is under the immediate supervision of a currently licensed or permitted game hunter who is using the dog for the immediate purpose, of locating and/or retrieving game.~~
- ~~(b) It shall also be a defence that any hunting dog found in a public place without a leash is under the immediate supervision of a currently licensed firearms owner who is using that unleashed dog for the immediate purpose of locating and/or retrieving game.~~
- ~~(c) In both (a) and (b), the onus shall fall on the hunter/shooter to demonstrate that he or she was entitled to legally be in that public place and to demonstrate that the unleashed dog was under their full control.~~

~~**IMPOUND** means to seize and impound any dog in accordance with the provisions of the *Dog Control Act 1996*.~~

~~**INFRINGEMENT OFFENCE** has the meaning given to it in s 65(1) of the Act.~~

LEASH means an adequate restraint, not exceeding 2 metres in length.

~~**MENACING DOG** has the meaning in ss 33A or 33C of the *Dog Control Act 1996*.~~

NEUTERED DOG means a dog that has been spayed or castrated and does not include a dog that has been vasectomised.

~~**NUISANCE** means anything annoying, harmful or offensive to a community or a member of it and always as defined by law.~~

ON A LEASH means that a dog is kept under control by means of a leash, which is attached to the dog, so that the dog cannot break loose, and the other end held by a person physically capable of restraining the dog.

~~PERSON~~ includes not only a natural person but also a corporation sole and a body of persons whether incorporated or not.

~~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 use of the public generally.

~~PROTECTED WILDLIFE ZONE~~ means any zone or area identified by a recognised authority as being an area where the New Zealand Dotterel, Banded Dotterel, Brown Teal, Blue Penguin, Weka and North Island Brown Kiwi either live or breed.

~~PUBLIC PLACE~~ means a place that, at any material time, is open to or is being used by the public, whether for free or on payment of a charge.

~~RECOGNISED AUTHORITY~~ means:

- ~~(a) A Regional Council named in Part 1 of Schedule 2 of the *Local Government Act 2002*.~~
- ~~(b) A Territorial Authority, being a city council or district council named in Part of Schedule 2 of the *Local Government Act 2002*.~~
- ~~(c) A Unitary Authority as defined in Section 5 of the *Local Government Act 2002*.~~
- ~~(d) The Department of Conservation.~~

RESERVE means any land under the control, administration, or ownership of the Council that is subject to the Reserves Act 1997.

RESPONSIBLE DOG OWNER means a Dog Owner who has been ~~certified~~approved by Council as a Responsible Dog Owner.

~~SUBSTANTIATED COMPLAINT~~ means a complaint where a Dog Control Officer considers that there is enough evidence to support a case in a court of law.

~~WORKING DOG~~ means any working dog as defined in section 2 of the *Dog Control Act 1996* and for the purpose of this bylaw shall include Disability Assist Dogs and Hunting Dogs.

~~4.0 Control of Dogs in Public Places~~

~~PROHIBITED AREAS~~

4.0 Confinement of Dogs

~~4.1.0 Every Dog Owner must ensure that their dog does not enter or remain in any place designated as a Prohibited Area in the Schedule of this Bylaw.~~

ON-LEASH AREAS

~~4.2.0 Every Dog Owner must ensure that his or her dog is kept on a leash in any public place or private way designated as a Leashed Area in the Schedule of this Bylaw.~~

~~4.2.1 Dog classified as Dangerous or Menacing must be muzzled whilst in a Leashed Area.~~

OFF-LEASH AREAS

~~4.3.0 Every Dog Owner may exercise his or her dog other than on a leash, but must keep the dog under continuous control at all times, in any other public area that is not designated as an on-leash or prohibited area.~~

~~4.3.1 It is the responsibility of the Dog Owner or person in charge of a dog to adequately control the dog, and be seen to be in control of the dog, so it will not cause a danger, distress or nuisance.~~

~~4.3.3 The person in charge of the dog in an off-leash area must be carrying a leash, and must be seen to be doing so a dog shall.~~

~~4.3.2 Dogs classified as Dangerous or Menacing must be muzzled whilst off-leash in any public areas.~~

~~DOG EXERCISE AREAS~~

~~4.4.0 A Dog Owner may exercise their dog off-leash but must keep the dog under control in any area designated as a dog exercise area in the Schedule of this Bylaw~~

~~4.4.1 Dogs classified as Dangerous or Menacing must be muzzled whilst in a designated Dog Exercise Area.~~

~~GENERAL PUBLIC ACCESS AREAS~~

~~4.5.1 No dog may be left unattended and tethered, at any time, to any apparatus whether it be fixed or otherwise in any public place at any time unless the dog is muzzled.~~

~~4.5.2 A dog will not be regarded as unattended if it is not more than 10 metres distance from and within sight of the owner.~~

~~EXEMPTIONS~~

~~4.6 Clause 4.1.0 and 4.2.0 do not apply to the owner of:~~

- ~~(a) a Working Dog while it is working; or~~
- ~~(b) any dog which is confined completely within a vehicle or cage; or~~
- ~~(c) any dog taking part in a special event approved by the Council such as a dog show or dog training seminar or any other organised dog event.~~
- ~~(d) any dog with specific written approval exempting it from the requirements of clause 4.1.0 and/or 4.2.0.~~

~~5.0 Shelter/Housing~~

~~5.1 The owner of any dog or other person having charge of any dog shall provide adequate accommodation for that dog. If the accommodation is a kennel it is to be sited on a suitable hard surface, have wooden (or similar) flooring in the sleeping area, be of appropriate size, and provide suitable shelter in that it must, at all times:~~

- ~~(a) be weatherproof~~
- ~~(b) be dry~~
- ~~(c) be clean, and~~
- ~~(d) give the dog adequate space, warmth and shade.~~

~~5.2 If a kennel is not provided, dogs are to be confined inside premises, which comply with the requirements of 5.1.~~

~~5.3 — Accommodation for dogs is to be kept in a clean condition at all times so as not cause a nuisance through visual, audible or olfactory disturbance.~~

~~5.4 — No dog accommodation or place of confinement for any dog in any area shall be sited in a position whereby any dog connected to any such accommodation or place of confinement, whether by a chain or some other approved and humane device, can get tangled up or have its movements further restricted, by any other fixture.~~

~~5.5 — No dog accommodation or place of confinement for any dog in urban areas shall be sited in a position that allows any dog connected to it by way of a chain or some other approved and humane device, to be able to enter upon any other person's land or property.~~

~~6.0 — Limitation on Number of Dogs~~

~~6.1 — No person may keep a dog over the age of three months on any land or premises in any urban area identified in the Schedule of this Bylaw, which results in more than two dogs being kept on the land or premises.~~

~~7.0 — Confinement of Dogs~~

~~— The owner of any dog or other person having charge of a dog shall, during the period commencing half an hour after sunset on each day and ending until half an hour before sunrise on the next day, keep the dog tied up or otherwise confined, unless the dog is on a leash or under the continuous control of the owner or handler.~~

~~85.0 Removal of Faeces~~Diseases

~~8.1 — Where any dog defecates in a public place or on land or premises other than that occupied by the owner, the Dog Owner must remove the faeces immediately and dispose of them in a suitable waste container.~~

~~5.1 No dog~~

~~9.0 — Female Dogs in Season and Diseased Dogs~~

~~9.1 — It shall be an offence to exercise any bitch in season in any public place.~~

~~9.2 — Every Dog Owner must ensure that every female dog in season is contained on their land or premises in such a manner that it cannot freely leave the land or premises, and must ensure that the dog is adequately exercised.~~

~~9.3 — It shall be an offence to exercise any dog infected with a contagious disease can be exercised in any public place.~~

~~9.4-5.2~~ Every Dog Owner~~person in charge of a dog~~ must ensure that any dog infected with a contagious disease is contained on his or her~~their~~ land or premises in such a manner that it cannot leave the land or premises, other than when being transported to a registered veterinary clinic for treatment.

~~106.0 Neutering of Dogs~~

- ~~10.1~~ Where any Dog Owner fails to keep their dog under control on more than one occasion with a 12 month period, Council may, by written notice, require the owner to cause the dog to be neutered.
- ~~10.2~~ Where any dog has been impounded more than two times throughout its life and in the ownership of the same person, Council may require the neutering of that dog prior to the dog's release from the pound to its owner or any other person.
- ~~10.3~~ Where any dog is classified as Dangerous or Menacing and/or the owner is classified as Probationary or Disqualified, Council will require the neutering of that dog by written notice to the owner.
- ~~10.4~~ Where a written notice that a dog must be neutered has been given to the Dog Owner they must, within one month of receipt of the notice, produce to the Council a certificate issued by a registered veterinary surgeon certifying:
- ~~(a)~~ that the dog is or has been neutered; or
 - ~~(b)~~ that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate;
 - ~~(c)~~ if a certificate under clause (b) is produced, the Dog Owner must within one month after the date specified in the certificate, produce a further certificate to the Council under clause (a).

~~11.0~~ Impounding

- ~~11.1~~ Any Authorised Officer may impound a dog found at large in breach of any provision of this Bylaw whether or not it is wearing a collar having the proper registration label or disc thereon or attached thereto.
- ~~11.2~~ Any Authorised Officer may impound a dog found tethered and unattended in breach of Clause 4.5.
- ~~11.3~~ Where any dog has been impounded the provisions of the Dog Control Act 1996 and Council's standard operating procedures shall apply in relation to the dog's release.

Dogs In or On Vehicles

- ~~126.1~~ No person shall take a dog onto any public place in a motor vehicle or leave a dog in any unattended motor vehicle unless that person takes measures to render it impossible for the dog to get out of the vehicle, ~~without limiting the requirements of the Animal Welfare Act 1999.~~
- ~~126.2~~ Any person allowing a dog to ride on the open tray of a vehicle shall ensure that it is ~~at all times kept~~ under control by a chain or any other suitable tether that is sufficiently short in length as to prevent the dog from leaving the tray or ~~endangering or~~ causing a nuisance to the public.

7.0 Faeces

- 7.1 The person in charge of a dog must remove dog faeces immediately and dispose of them in a suitable waste container.

8.0 Female Dogs in Season

8.1 No bitch in season can be exercised in any public place.

8.2 Every person in charge of a dog must ensure that every female dog in season is contained and adequately exercised on their land or premises.

9.0 Impounding

9.1 Any Authorised Officer may impound any dog found at large.

9.2 Any Authorised Officer may impound a dog found tethered and unattended.

9.3 Council's operating procedures shall apply when any dog has been impounded.

10.0 Limitation on Number of Dogs

10.1 No person may keep more than two dogs aged over 3 months on land or premises in any urban area as identified in the Schedule of this Bylaw.

11.0 Neutering

11.1 If any dog owner fails to keep their dog under control on more than one occasion within a 12 month period, Council may, by written notice, require the owner to neuter the dog.

11.2 Where any dog has been impounded more than two times throughout its life, Council may require the neutering of that dog prior to the dog's release from the pound.

11.3 Any dog of an owner classified as Probationary or Disqualified must be neutered.

11

Duty to Avoid-4 A dog owner must, within one month of receipt of a written notice that a dog must be neutered, produce to the Council a certificate issued by a registered veterinary surgeon certifying that the dog has been neutered; or
(a) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
(b) the dog owner must, within one month after the date specified in the certificate, produce a further certificate that the dog is or has been neutered.

12.0 Nuisance

~~1312.1~~ A person must not keep a dog on any land or premises if the dog:

- (a) ~~the dog~~ causes a demonstrable nuisance; or
- (b) ~~the dog exposes is a significant risk to~~ the health and safety of ~~others to~~ significant risk ~~the public~~; or
- (a) ~~the dog creates a reasonable apprehension in the minds of others of a threat to their health or safety. The reason must be justified by proven evidence; or~~
- (c) ~~the dog~~ prevents lawful access to at least one door of the dwelling.

~~1312.2~~ No person shall cause any dog to become restive or unmanageable, ~~to incite~~.

12.3 No person shall cause any ~~dog fight or dog~~ to attack any other animal or person.

~~13.3~~12.4 If any dog~~(s) or the keeping of any dog(s) on any premises has become or~~ is likely to become a nuisance or injurious to health ~~the, an~~ Authorised Officer may, by notice in writing, require within a specified time the owner or occupier of the premises ~~within a time specified in the notice to do all or any of the following to:~~

- (a) ~~Reduce~~reduce the number of dogs kept on the premises;
- (b) ~~Construct~~construct, alter, reconstruct or otherwise improve the kennels or other accommodation used to house ~~or,~~ contain or restrain the dog ~~or dogs-(s);~~;
- (c) ~~Require~~require the dog ~~or dogs~~ to be tied up or otherwise confined during specified periods;
- (d) ~~Take such other reasonable~~take action to minimise or remove the ~~likelihood of~~ nuisance ~~or injury to health.~~

—Any

13.0 Shelter/Housing

~~13.1~~ The owner or person ~~who fails to comply with~~having charge of any ~~notice issued under Clause 14.1~~ ~~commits an offence under~~dog shall provide accommodation inside for that dog, or a kennel that:

- (a) is sited on a suitable hard surface;
- (b) is weatherproof and dry;
- (c) is clean;
- (d) has shade;
- (e) has warm flooring in the sleeping area; and
- (f) has space for the dog to move around.

~~13.2~~ No dog connected to any accommodation or place of confinement by a chain or other humane device shall have its movements further restricted by any other fixture.

14.0 Schedules

~~14.1~~ Every person in charge of a dog must ensure that the dog does not enter or remain in any place designated as a **Prohibited Area** in the Schedule of this Bylaw.

~~14.2~~ Every person in charge of a dog must ensure that the dog is kept on a leash in any public place designated as a **Leashed Area** in the Schedule of this Bylaw.

~~14.3~~ A person in charge of a dog may exercise the dog off-leash and under control in any area designated as a **Dog Exercise Area** in the Schedule of this Bylaw.

15.

14.0 Offences and Penalties

~~14.15~~.1 Every person who fails to comply with the requirements of this Bylaw commits an offence and is liable to a penalty under the *Dog Control Act 1996* and the *Local Government Act 2002*.

~~14.2~~ The Council may apply to the District Court under section 162 of the *Local Government Act 2002* for an injunction restraining a person from committing a breach of this Bylaw.

POLICY # 3120 – ~~Proposed~~ DOG POLICY 2017

Date Issued: ~~26 October 2016~~ XXXX 2017

INTRODUCTION

The Dog Control Act 1996 section 10 requires Council to:

- ~~• Minimise the danger, distress, and nuisance that adopt a policy on dogs may pose. The Dog Control Bylaw 2017 applies to the community~~
- ~~• Avoid the danger inherent in allowing dogs to have uncontrolled access to public places that are used by children~~
- ~~• Enable the public to use public places without fear of attack or intimidation by dogs~~
- ~~• Provide for the exercise and recreational needs of dogs with their owners~~

~~Classify dogs and owners, and provide an annual report~~ this Policy.

POLICY OBJECTIVE

~~Council recognises the importance of dogs to many people within the Far North District Council.~~ The Dog Policy aims to:

- ~~1. Enforce the legal obligations of dog owners~~
- ~~2.1. Prevent danger, fear and nuisance from uncontrolled dogs.~~
- ~~3.2. Promote Responsible Dog Ownership because the main factor in dog control is the quality of care by the dog's owner.~~
- ~~4.3. Support dog owners to provide Provide for the exercise and welfare needs of their dog(s) dogs.~~
- ~~5.4. Protect wildlife.~~

POLICIES

Policy 1 – ~~Identify the Owner of Every Dog~~

~~Policy 2 – Enforce Dog Owner Obligations~~

~~Policy 3 – Classify Dogs and Owners~~

~~Policy 4 – **Encourage Responsible Dog Ownership**~~

~~Policy 5 – Apply Registration Fees~~

~~Policy 6 – Control Access of Dogs to Public Places~~

Policy

1 – ~~Identify the Owner of Every Dog~~

~~1.1 – All dog owners must register and microchip their dogs to identify the person responsible for the care and control of every dog.~~

~~1.2 – All dogs aged three (3) months and over must be registered.~~

Policy 2 – Enforce Dog Owner Obligations

 Council will:

- ~~2.1 Make dog owners comply with their legal obligations to control and care for their dog(s), and to maintain the safety of the public.~~
- ~~2.2 Seize and impound dogs that are considered to be a danger, threat or nuisance to the public, wildlife, stock, poultry or domestic animals.~~
- ~~2.3 Limit the number of dogs in urban areas.~~
- ~~2.4 Make Menacing or Dangerous dog classifications and Probationary or Disqualified dog owner classifications under the Dog Control Act 1996.~~
- ~~2.5 Take action where necessary for breaches of the Dog Control Act 1996, policies or bylaws, or to prevent breaches from occurring.~~

Policy 3 – Classify Dogs and Owners

- ~~3.1 Council will exercise its authority under the Dog Control Act 1996 to classify non-compliant owners as either Probationary or Disqualified and dogs as either Dangerous or Menacing.~~
- ~~3.2 Council will order all dogs classified as Menacing or Dangerous to be neutered at the owner's expense.~~

Policy 4 – Encourage promote Responsible Dog Ownership, including providing information on dog obedience courses, owner training courses and support organisations.

1.2 Council will:

- ~~4.1 Recognise and encourage~~may approve a dog owner as a Responsible Dog Ownership (RDO):

~~The) if the~~ owner ~~must have fully~~has complied with all Council ~~policy and bylaw~~ requirements as they relate to dogs and has complied with the requirements of the Dog Control Act 1996.

~~(a) 1.3~~ The owner's dog(s) must have been registered in ~~the District~~New Zealand for at least one year; ~~or the owner must provide proof of having held this status from their previous territorial authority.~~

~~If an owner has not been registered in the District for at least one year, the owner, or~~ must attend and pass a Council-approved ~~Responsible Dog Owner Education and Obedience~~ course.

1.4 The property that the dog has free access to must be fully fenced and gated.

1.5 Council will cancel an owner's RDO status if the owner subsequently fails to meet the requirements of this Policy, the Dog Control Bylaw and/or the Dog Control Act 1996.

~~1.6~~ The owner must not have:

- (a) ~~Received~~received a conviction under the Dog Control Act 1996;
- (b) ~~Received~~received an infringement notice in the past two years related to dogs;
- (c) ~~Had~~had a dog impounded in the last two years due to their negligence;
- (d) ~~Been~~been the subject of a substantiated public complaint in the last two years;
- (e) ~~Been~~been classified as a Probationary or Disqualified owner.

~~(b) The property that the dog has free access to must be fully fenced and gated.~~

~~(c) Outside kennels must be weatherproof and hygienic.~~

~~An application must be made to Council and approved before the benefits of the RDO status can be gained.~~

~~4.2~~ ~~Cancel~~1.7 Council will ~~cancel~~ an owner's RDO status if the owner:

~~(a) Is convicted of an offence under the Dog Control Act 1996. The owner will not be reinstated as a RDO.~~

~~(b) Is issued with an infringement notice. The owner will not be reinstated as a RDO for two (2) years.~~

~~(c)(a) Has~~has their dog impounded (unless due to extenuating circumstances). ~~The owner may not be reinstated as a RDO for two (2) years.~~

~~(d)(b) Has one~~has a substantiated complaint upheld. ~~The owner will not be reinstated as a RDO for two (2) years.~~

~~(e)(c)~~ Fails to pay dog registration fees by the 31st August in any year.

~~4.3~~ Supply information about dogs on Council's website and provide owners of dogs with information on their legal obligations and how to manage dog control issues.

~~4.4~~ Promote dog safety along with care and control awareness amongst children, the general public and dog owners.

~~4.5~~ Supply information on dog obedience courses, owner training courses and support organisations to promote Responsible Dog Ownership. 1.8 If an owner's RDO status is cancelled, it will not be reinstated for at least two years.

Policy ~~5~~ Apply2 – Registration Fees

~~52.1~~ Council will ~~set dog registration fees to recover the costs of dog control services~~charge a lower recovery fee for registered dogs impounded for the first time.

~~52.2~~ Council will levy penalties of up to 50% of the registration fee on dog owners who do not register their dogs by the 31st day of August each year.

~~5.4~~ ~~Charge a lower recovery fee for registered dogs impounded for the first time.~~

~~5.52.3~~ A waiver of the penalty fee may be granted if:

- (a) ~~5.5.1~~ Council has made an omission or error;
- (b) ~~5.5.2~~ There are circumstances beyond the control of the dog owner that prevent the registration fee being paid ~~within the registration period~~ and the dog owner has contacted Council within 14 days of the due date;
- (c) ~~There~~there is evidence of a good track record of paying the registration fees on time for the previous three years, ~~a reasonable reason for waiver has been supplied~~, and the dog owner has contacted Council within 14 days of the due date to give the reason for the delay in payment;
- (d) ~~There~~there is evidence of hardship and payment arrangements are agreed between the owner and Council. Where arrangements are made, the waiver of the penalty will be subject to the agreed payments being kept up to date.

~~5.6 Council will take enforcement action against owners of unregistered dogs.~~

~~5.7 Failure to make full payment or arrangements for payment of the Registration Fee and Penalty Fee may result in a prosecution in the District Court.~~

Policy ~~63~~ – Neutering Menacing Dogs

~~3.1 Any dog classified as Menacing by this Council or any other Council must be neutered.~~

Policy 4 – Access of Dogs to Public Places

~~4.1 Dogs are not allowed in any public place designated as a Prohibited Area in the Schedule of this Policy.~~

~~4.6.1 Council provides for Dog Prohibited Areas where the presence of dogs could create a danger, or cause nuisance to the public or protected wildlife. See the Dog Policy and Bylaw Schedule.~~

~~6.2 Council provides for Dog2 Every person in charge of a dog must ensure that his or her dog is kept on a leash in any public place designated as a Leashed Area in the Schedule of this Policy.~~

~~4.3 Council provides designated Exercise Areas where dogs can be exercised off-leash. They must at all times be under the control of the owner by voice command or signal; see as listed in the Dog Policy Schedule of this Policy.~~

~~6.3 Dogs must be under the control of the owner at all times and in all public places.~~

DOG POLICY AND DOG CONTROL BYLAW SCHEDULE

Schedule 1A<u>A</u>	Dog Prohibited Areas
Schedule 1B<u>B</u>	Dog On-leash areas
Schedule 1C<u>C</u>	Dog Exercise Areas
Schedule 1D<u>D</u>	Limitation on Number of Dogs in Urban Areas
Schedule 1E<u>E</u>	Department of Conservation Controlled Dog Areas - No Access

Schedule ~~1AA~~ - DOG PROHIBITED AREAS

- Dogs are ~~banned~~prohibited from all ~~childrens'~~children's playgrounds at all times.
- Dogs are ~~banned~~prohibited from all public swimming pools at all times.
- ~~Dogs are banned from all Protected Wildlife Zones at all times.~~
- Dogs are ~~banned~~prohibited from land administered by the Department of Conservation (unless ~~the Department of Conservation~~DOC issues a permit or specifies otherwise).
- Disability assist dogs are generally exempt, ~~but must be under control at all times.~~ from these prohibitions (unless specified otherwise).
- ~~In addition, dogs are banned from the areas at the times listed below:~~
- Dogs are prohibited from Labour Day to the first of May from all the protected bird locations marked in blue in **Figure 1: Protected Wildlife Areas** below. Local signage will be used to make it clear where these areas are.
- The person in charge of a dog must avoid disturbing the areas where the shore birds are clustered or gathered together.

DOG-PROHIBITED-AREASFigure 1. Protected Wildlife Areas: Far North District

Area

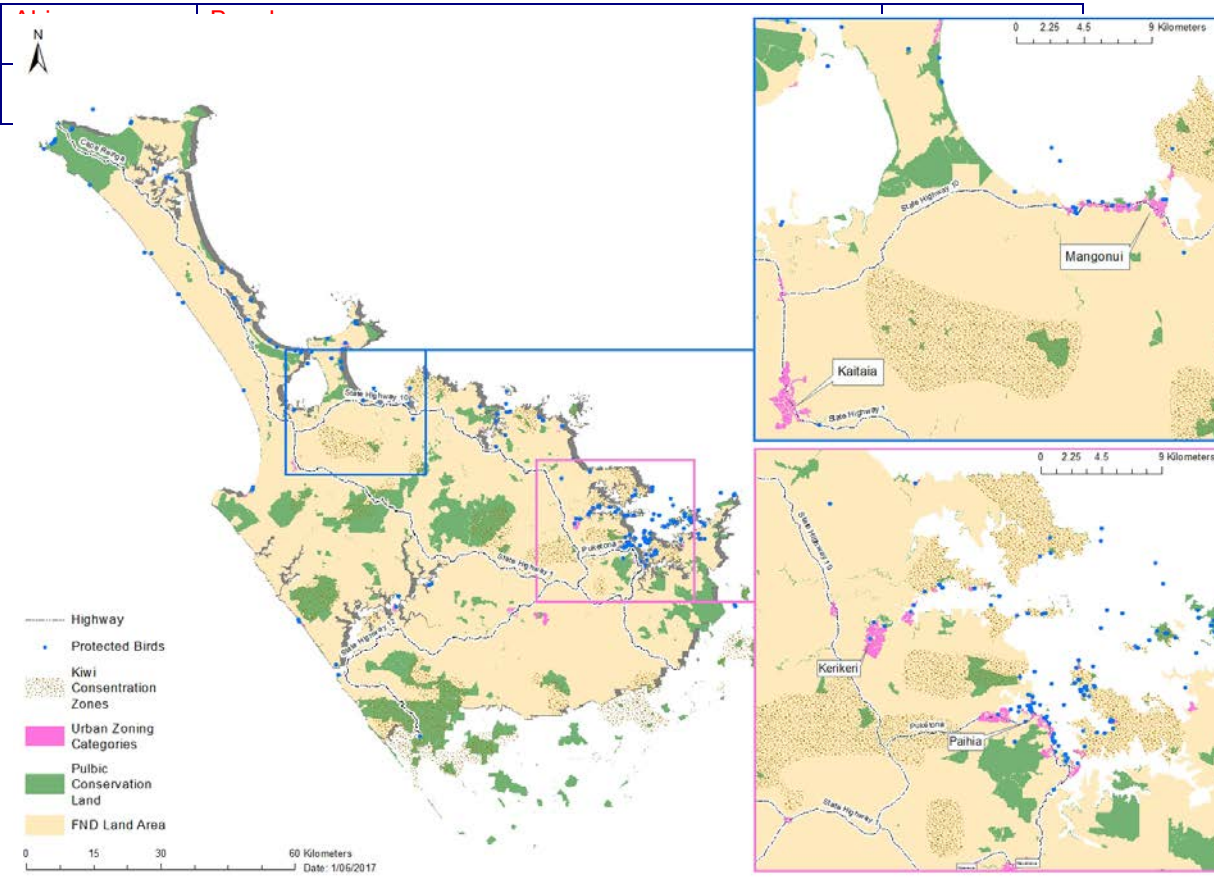
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Coopers Beach	All beaches	From 1st December to 28th or 29th February between 9:00am and 6:00pm
English Bay	Beach	
Hihi	Beach	
Opito Bay	Beach next to the adjoining roadway	
Opononi and Omapere	All areas from the road for a length of 200 metres in a south direction from the boat ramp in Opononi.	
Paihia and Waitangi	All beaches (with the exception of the grass bank off the sand at Te Haumi beach which is allowed on-leash)	
Russell	Russell Beach and all public areas adjoining and including the Strand between Pitt Street and Wellington Street Tapeka Point Beach, reserves and adjoining public places Long Beach	
Taipa	All beaches	
Taupo Bay	All beaches	
Tauranga Bay	All reserves Beach	
Rangiputa	Beach	
Tokerau Beach	Beach	
Te Ngaere Bay	All beaches and reserves	
Whangaroa	All beaches	

Schedule ~~1BB~~ – DOG ON-LEASH AREAS

- ~~Dogs are required to be on leash~~All reserves.
- ~~Pou Herenga Tai Twin Coast Cycle Trail.~~
- ~~Russell Beach, Tapeka Point Beach and Long Beach~~ at all times ~~on recreational sports fields or complexes.~~
- ~~All other beaches from Labour Day to first of May.~~
- ~~Dogs are allowed off leash to swim in a leash only area.~~
- ~~All urban areas.~~

Schedule C - DOG EXERCISE AREAS

DOG ON-LEASH AREAS			Deleted Cells
Area	Details	Time	
Russell Beach Tapeka Point Beach and reserves and adjoining public areas	Domain	At all times	
Pou Herenga Pou Herenga for the length of the beach up to the area of beach opposite the vehicle turn around zone at the end of the adjoining roadway. Dogs may be exercised off-leash in the areas listed below and shown in Figure 2 of Schedule C.	Domain	At all times	
Paihia and Waitangi	All beaches (but only on the grass bank off the sand at Te Haumi beach)	From 6.00pm to 8.00pm from 1st December to 28th or 29th February	

Kaitaia	Taupo Bay	All reserves	Empire Street. See map.
Kaikohe	Tauranga Bay	Beach and all reserves	Highway 12. See map.
Kerikeri	Te Ngaere Bay	All reserves	Rolands Wood, Kerikeri Inlet Rd. Wiroa Road. See Map.
Opua	Whangaroa Rangiputa	All reserves	Beechy Street waterfront. See Map. Rangiputa beach.

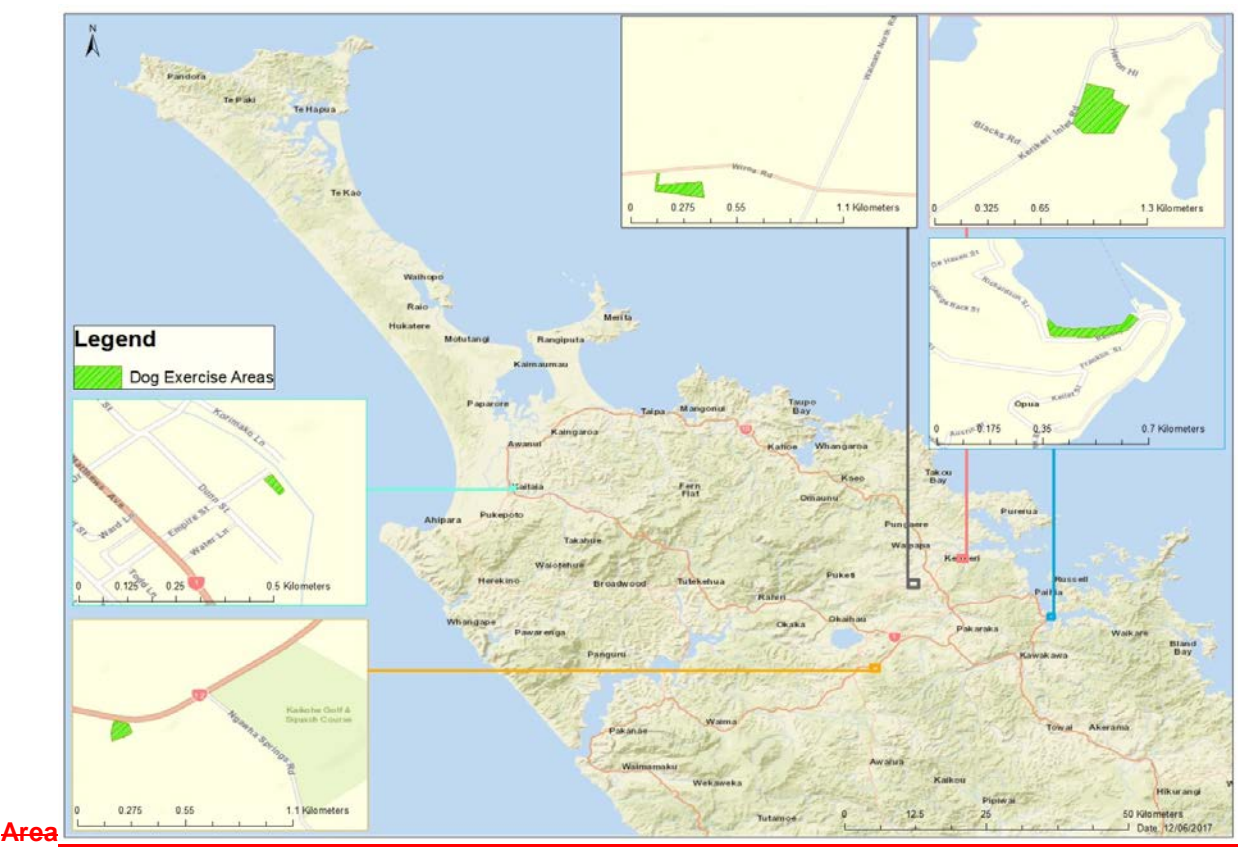
Schedule 1C
DOG
EXERCISE
AREAS

• Every
dog owner
may exercise
their dog(s)

off-leash at the times in the areas listed below **providing that the dogs are under control at all times.**

- Dogs classified as Dangerous or Menacing must be muzzled while in these Dog Exercise Areas.

Figure 2. Dog Exercise Areas: Far North District



Details

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Kaitaia	Matthew's Park (within the designated fenced area of the park)
Kerikeri	Rolands Wood The land behind the Crematorium in Wiroa Road
Opua	Opua Beach between the car ferry ramp and the boat ramp opposite Opua Hall
Russell	The area of beach forming part of Long Beach from opposite the vehicle turn around zone at the end of the adjoining roadway to the end of the eastern part of the beach

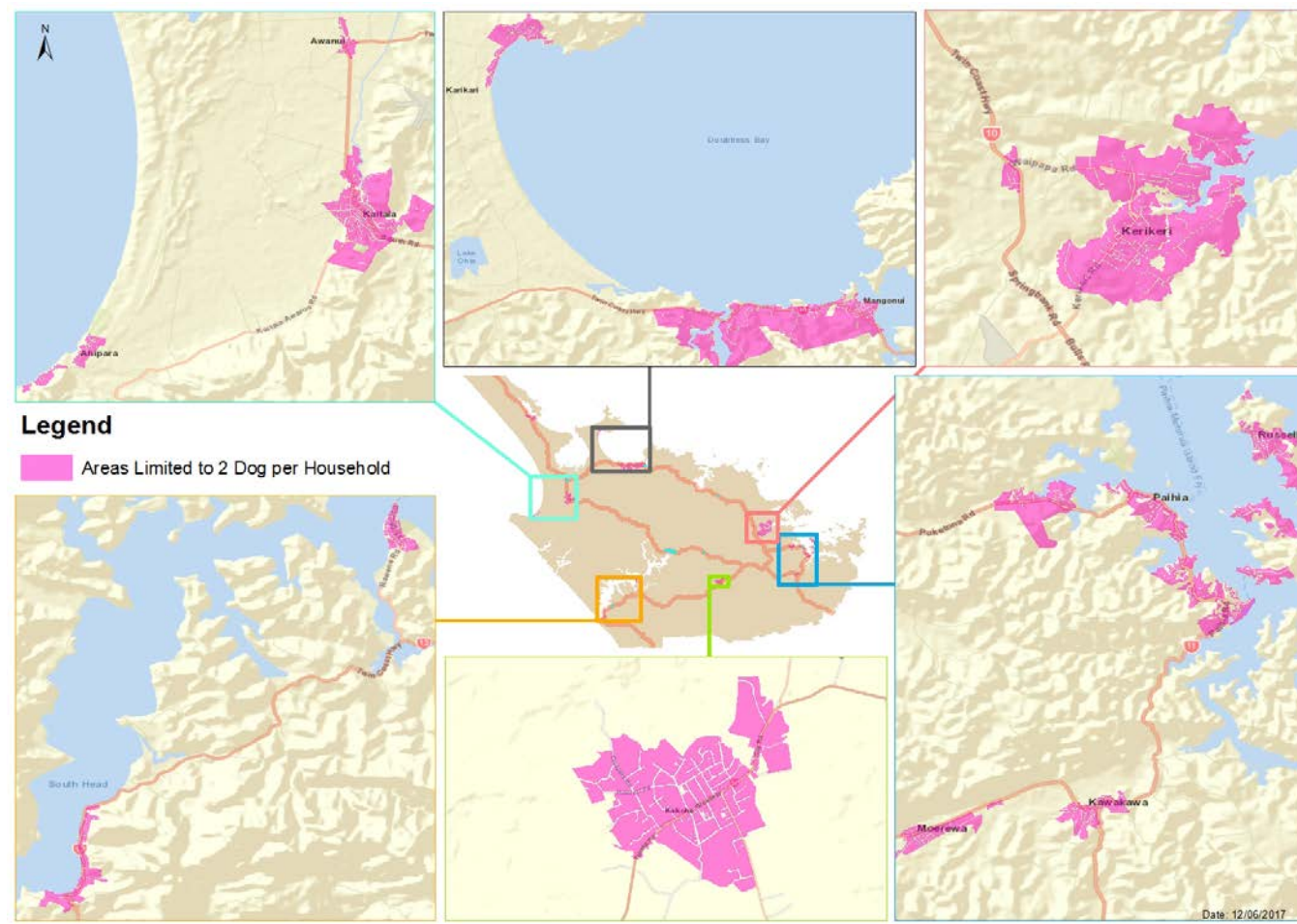
Schedule ~~1D~~ – LIMITATION ON NUMBERD - LIMIT OF TWO DOGS PER HOUSHOLD IN URBAN AREAS

The urban areas with a maximum limit of two dogs over 3 months old per household are:

Kaikohe, Kaitaia, Kawakawa, Kerikeri, Moerewa, Okiato Point, Opononi, Paihia, Rawene, Russell, Waitangi.

~~Detailed~~The urban areas to which the 2 dog limit applies are outlined in **Figure 3: Dog Exercise Areas** below. More detailed maps ~~are~~will be available on the Council website. ~~A summary map is below.~~

Figure 3. Urban Areas with 2 Dog Ownership Limit: Far North District



Schedule 4EE – Department of Conservation CONTROLLED DOG AREAS NO ACCESS

- ~~Dogs are not allowed ashore to a controlled dog area or nature reserve at any time. This includes the entire foreshore to low tide.~~
- Dogs are not allowed in Department of Conservation (DOC) nature reserves or wildlife sanctuaries except ~~with express~~by written approval.
- ~~Dogs are not allowed ashore to a controlled dog area or nature reserve at any time. This includes the foreshore (that is, the entire beach area down to the low tide level).~~
- ~~Unless specified, dogs~~ and other pets are not allowed in DOC campgrounds unless specified otherwise.
- Dogs are not allowed inside any DOC hut or lodge.
- ~~In addition dogs~~Dogs are not permitted at ~~any~~any time in the areas listed below:

DOC Reference	Dog Prohibited Areas - no access	Local Office
Ref: P05032	Akeake Historic Reserve	Bay of Islands
Ref: Q05043	Balast Point	Bay of Islands
Ref: Q05002	Black Rocks Scenic Reserve	Bay of Islands
Ref: P05030	Blacksmiths Bay	Bay of Islands
Ref: Q05013	Deep Water Cove Scenic Reserve	Bay of Islands
Ref: Q05065	Harata Historic Reserve	Bay of Islands
Ref: P05060	Hongi Hika Recreation Reserve	Bay of Islands
Ref: Q05030	Kahuwhera Pa Historic Reserve	Bay of Islands
Ref: P05065	Kerikeri Esplanade Reserve	Bay of Islands
Ref: P05022	Kerikeri Govt. Purp. Fish Hatchery	Bay of Islands
Ref: P05026	Kerikeri Inlet Scenic Reserve	Bay of Islands
Ref: P05020	Kerikeri River Scenic Reserve	Bay of Islands
Ref: P05066	Kerikeri Wharf Historic Reserve	Bay of Islands
Ref: P05025	Kororipo Pa Historic Reserve	Bay of Islands
Ref: P05015	Lake Waiparaheka Scientific Reserve	Bay of Islands
Ref: P04005	Mahinepua Peninsula Scenic Reserve	Bay of Islands

Ref: Q05033	Man O War	Bay of Islands
Ref: Q05014	Manawahuna Scenic Reserve	Bay of Islands
Ref: Q05001	Marsden Cross Historic Reserve	Bay of Islands
Ref: Q05036	Motuarahi Island Scenic Reserve	Bay of Islands
Ref: Q05003	Motuarohia Island Recreation Reserve	Bay of Islands
Ref: P04006	Motukawanui Island Scenic Reserve	Bay of Islands
Ref: Q05034	Motumaire Island Historic Reserve	Bay of Islands
Ref: P05044	Motupapa Island Scenic Reserve	Bay of Islands
Ref: Q05004	Moturua Island Scenic Reserve	Bay of Islands
Ref: P05031	Motutapu Island Scenic Reserve (Kerikeri Inlet)	Bay of Islands
Ref: Q05042	Motutokape Island	Bay of Islands
Ref: P05016	Ngawha	Bay of Islands
Ref: P05109	Ngawha Purchase Scenic Reserve	Bay of Islands
Ref: Q05006	Okahu Island Scenic Reserve	Bay of Islands
Ref: P05017	Okuratope Pa Historic Reserve	Bay of Islands
Ref: Q05009	Otehei Bay (Pt. Urupukapuka Island Rec. Reserve)	Bay of Islands
Ref: P05061	Pakaraka Kauri Scenic Reserve	Bay of Islands
Ref: Q05010	Poroporo Island Scenic Reserve	Bay of Islands
Ref: P05018	Puketona Scenic Reserve	Bay of Islands
Ref: P05019	Pukewhau Ecological Area	Bay of Islands
Ref: P05021	Rainbow Falls Scenic Reserve	Bay of Islands
Ref: P05029	Rangitane Scenic Reserve	Bay of Islands
Ref: P05034	Taranaki Island Scenic Reserve	Bay of Islands
Ref: P04022	Taronui Bay Access	Bay of Islands
Ref: P04021	Taronui Bay Recreation Reserve	Bay of Islands
Ref: P04023	Taronui Bay Addition Recreation Reserve	Bay of Islands
Ref: Q05016	Te Toroa Scenic Reserve	Bay of Islands
Ref: Q05031	Tikitikioure	Bay of Islands
Ref: Q05037	Toretore Island Scenic Reserve	Bay of Islands

Ref: Q05008	Urupukapuka Island Recreation Reserve	Bay of Islands
Ref: Q05029	Uruti Bay	Bay of Islands
Ref: Q05007	Waewaetorea Island Recreation Reserve	Bay of Islands
Ref: P05023	Waipapa Stm Scenic Reserve	Bay of Islands
Ref: P05068	Wairoa	Bay of Islands
Ref: P05045	Waitangi Endowment Forest	Bay of Islands
Ref: Q05028	Waitata Point	Bay of Islands
Ref: O03001	Maitai <u>Matai</u> Bay Recreation Reserve	Kaitaia
Ref: O04024	Mangonui Court House Historic Reserve	Kaitaia
Ref: M02001	Motuopao Island Nature Reserve	Kaitaia
Ref: N02003	North Cape Scientific Reserve	Kaitaia
Ref: O04014	Rangikapiti Pa Historic Reserve-	Kaitaia
Ref: N03008	Simmonds Is. Nature Reserve	Kaitaia
Ref: L01001	Three Kings Islands Nature Reserve	Kaitaia
Ref: O04036	Walker Island Nature Reserve	Kaitaia
Ref: O03007	Whangatupere Bay Marginal Strip	Kaitaia
Ref: O03008	Paeroa/Knuckle Point Scenic Reserve	Kaitaia

Summary of Community Consultation on the Proposed Dog Control Bylaw and Policy

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1 PURPOSE

To summarise the written community responses to the proposed Council Dog Control Bylaw and Dog Policy.

2 COMMUNICATIONS

Written submissions were open for 6 weeks from 7 November 2016 to 16 December 2016. Late submissions were accepted.

- Notifications were sent to 6500 registered dog owners by email or post and 1800 submitters to previous consultations.
- Full page advertisements were placed in the Northern News and the Bay Chronicle
- Posters were placed at all Council service centres.
- Social media posts were made , including notifications on Facebook and Neighbourly.
- A short URL was created (www.Districtc.govt.nz/dogcontrol2016).
- An interactive web map was created to allow the public to pin comments.
- Weekly updates were posted during the consultation period.
- Formal submissions include emails, letters and an online survey.

2.1 Submissions

The majority (64%) of submissions came through the online survey. Most people submitting through email or hard copy chose to include additional information or cover topics not encompassed by the survey. Informal submissions not counted here include social media posts and responses to the interactive web map.

Formal submissions	
Method	Count
online survey	216
email	79
mailed hard copy	39
RFS or phone	4
Total	338

2.2 Web-traffic

The Statement of Proposal and links to the survey and interactive map were hosted on <http://www.Districtc.govt.nz/communication/consultation/dog-control-bylaw-2016> . From 01 Oct to 31 Dec of 2016 there were 1140 visits to this page¹

Facebook Insights for dog-related posts:

- Post 1: 5.8K reach and 600 clicks
- Post 2: 1.6k reach and 79 clicks
- Post 3: 5.4K reach and 467 clicks
- Post 4: 2.4K reach and 166 clicks

¹ Note these metrics exclude our DISTRICT IP address and any pages associated with TK.
Document number A1876185

3. SURVEY

Section 1: Your Details

Title (please tick a box) ☐ Dr ☐ Mr ☐ Mrs ☐ Ms ☐ Miss

First Name _____

Surname _____

Answer the following only if you are authorised to make a submission on behalf of an organisation

Name of organisation _____

Position in organisation _____

Your contact details (please print clearly)

Postal Address _____

_____ PostCode _____

Email Address _____

(If you give us your email address we will use this to contact you about submissions, unless you tell us otherwise)

Phone Number (day) _____ Phone Number (evening) _____

Mobile Phone _____

Would you like us to notify you about future consultations? ☐ Yes ☐ No

Optional (for statistical purposes only)

Age Group ☐ 15-24 ☐ 25-34 ☐ 35-44 ☐ 45-54 ☐ 55-64 ☐ 65+

Ethnicity ☐ Māori ☐ Pakeha ☐ Other (please specify) _____

Section 2: Do you want to speak at a Hearing?

Do you want to speak to Councillors about this Bylaw at a Hearing? ☐ Yes ☐ No

If you wish to speak to Council at a Hearing, do you require any translation assistance?:

I require a Te Reo Māori translator ☐ Yes ☐ No

I require a NZ Sign language translator ☐ Yes ☐ No

Hearings will be held in February 2017 - The indicated dates are subject to confirmation. If you wish to speak at a Hearing, please indicate your preferred venue:

☐ Kaitsia (Tuesday 7 February) ☐ Kerikeri (Thursday 9 February) ☐ Kaikohe (Tuesday 14 February)

SUBMISSIONS CLOSE AT 4.30PM FRIDAY 16 DECEMBER 2016

Privacy Statement – Please be aware when providing personal information that this submission form is part of the public consultation process for the Dog Control Bylaw and Policy Consultation 2016. As such, all submissions, any summaries of submissions, and attached documents are copied and made available to Councillors as well as the public, as part of the consultation process. Your submission and personal details will not be treated as confidential unless you specifically request it.

☐ Please tick if you want us to keep your details confidential.

Section 3: Tell us what you think

You can get a copy of the Statement of Proposal, including the proposed Dog Control Bylaw and Policy, and more information on our website www.fndc.govt.nz/dogcontrol2016 or from any Council service centre or library.

The main parts of the bylaw are below – please select the best answer to how you feel about each statement. You may comment about each section or the Bylaw in general if you wish.

Do you own a dog?

☐ Yes ☐ No

1. Research shows that frequent wandering or aggressive behaviour can be reduced in a dog if it is ~~desexed~~ or neutered.

Should dogs that have been impounded have to be ~~desexed~~ or neutered before they can be released, to reduce the likelihood of future impounding?

☐ Yes ☐ No

2. Under the current bylaw, no dog is permitted to be left unattended and tied up in any public place at any time (in order to prevent a dog biting anyone that may approach it).

Should we allow dogs to be unattended in a public place if they are tied up and muzzled (to reduce the likelihood of them biting someone)?

☐ Yes ☐ No

3. Many Councils have a category of *Responsible Dog Owner* to reward and acknowledge owners who register their dogs and follow the rules.

Should the category of Responsible Dog Owner be introduced to encourage responsible dog ownership?

☐ Yes ☐ No

4. *Should registration fees be reduced for those categorised as Responsible Dog Owners?*

☐ Yes ☐ No

5. Dogs are currently prohibited from specified Council reserves and areas, including many beaches during daytime hours in the summer.

(Most prohibitions are from 1 December until the end of February, when areas are busiest and birds are nesting. Disability assistance dogs are exempt from these prohibitions).

Should dogs be prohibited from most beaches during the daytime during summer?

☐ Yes ☐ No

6. Apart from the specific areas noted in Question Five, dogs are also prohibited from all children's playgrounds and public swimming pools at all times.

Should the places where dogs are prohibited be extended or reduced?

☐ Extended ☐ Reduced ☐ Remain unchanged

7. Where there are prohibitions for specific times, they generally apply between 9am and 6pm.

Should the times that dogs are prohibited be changed?

- ☐ Extended hours ☐ Reduced hours ☐ Remain unchanged

8. Currently, dogs must always be on a leash:

- On any footpath adjoining a street, road or highway
- On sports fields or at sports complexes
- On Pou Herenga Tai – Twin Coast Cycle Trail.

Should other areas in the district only allow dogs that are on a leash?

- ☐ Yes ☐ No

9. ***Currently, dogs must be on a leash on many Far North beaches. Should this restriction be removed outside the summer period?***

- ☐ Yes ☐ No

10. At present, the following areas permit dogs to be exercised off-leash:

- Tangonge Domain, Kaitia (the fenced area of Matthew's Park);
- Rolands Wood, Kerikeri
- The land behind the Crematorium, Wiroa Rd, Kerikeri
- Opua Beach

Are there any other areas that you believe are suitable as public dog exercise areas?

- ☐ Yes ☐ No

- 10(a). ***If you answered "Yes" to Question 10, what other area(s) would you recommend as suitable for public dog exercise?***

11. Many of the urban areas in the Far North District have a maximum limit of two adult dogs (aged over three months) per household.

These areas are: Ahipara, East Coast (Taipa, Cable Bay, Coopers Beach, Mangonui), Kaikohe, Kaitia, Kawakawa, Kerikeri, Moerewa, Okato Point, Opononi, Paihia, Rawene and Russell.

Should the number of dogs per household in an urban area be?

- ☐ Restricted to one per household
☐ Restricted to two per household
☐ Not restricted at all

12. Are there additional urban areas in the Far North District that you believe are suitable for restrictions such as those outlined in Question 11?

☐ Yes ☐ No

12(g). If you answered "Yes" to Question 12, please list the urban area(s) you believe should be included:

If you have any other comments you wish to make, please use the space below.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

(Please continue on a separate sheet if necessary).

Return your submission form:

By post: Freepost Authority 6124
Dog Control Bylaw and Policy submissions
Far North District Council
Private Bag 752
Kaikohe 0440

By email: submissions@fnhc.govt.nz

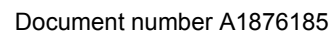
By fax: 09 401 5363
Or: hand it in to any Council service centre or library

Customer enquiries: Phone 0800 920 029

3.2 Survey Results

- Council received 234 unique and complete responses to the survey.
- 172 (73.5%) respondents were dog owners and 62 (26.5%) were not.
- Survey respondents were asked to provide the name of the locality nearest to where they live.
- The largest areas of response were in the Eastern and Northern Wards of the District.
- In the Northern Ward, 56 responses came from Kaitaia, Ahipara, and Awanui; and 24 from Taipa, Cable Bay, Coopers Beach, and Mangonui combined.
- In the Eastern Ward 58 responses came from Kerikeri and Waipapa; and 24 from Paihia, Haruru, Waitangi, Okaito, and Opuia combined.
- In the Western Ward 16 responses came from Omapere, Opononi, Rawene, Horeke, Kaikohe, and Okaihau combined.
- The majority of the 17 responses that were “Outside Far North District” came from the Auckland District.

The total responses from each area are shown in Figure 1.

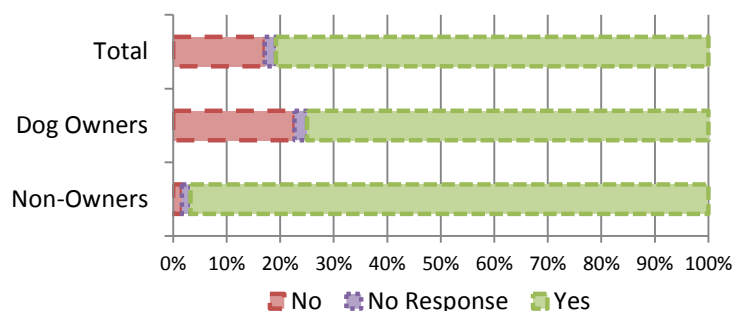


3.2.1 Impounded and Unattended Dogs

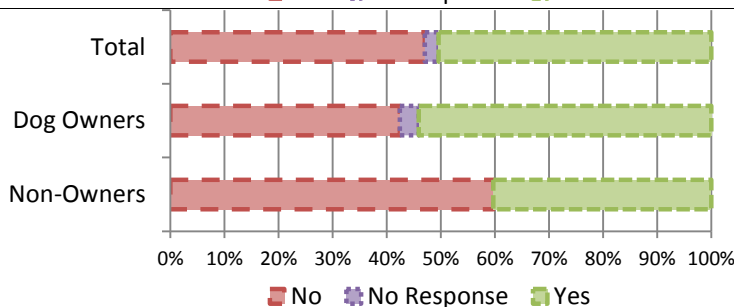
De-sexing impounded dogs was supported by 81% of the respondents, with the majority of dog owners (75%) and non-owners (97%) in support.

Requiring dogs to be tethered and muzzled while unattended in public places was closely split with 47% of the total responding “No” and 50% responding “Yes”. Non-owners were more strongly opposed with 60% responding “No”, while 54% of dog owners responded “Yes”.

Question One - Should dogs that have been impounded have to be de-sexed or neutered before they can be released, to reduce the likelihood of future impounding?



Question Two - Should we allow dogs to be unattended in a public place if they are tied up and muzzled (to reduce the likelihood of them biting someone)?

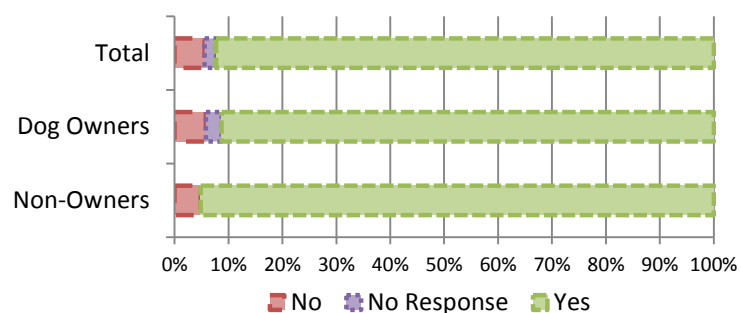


3.2.2 Responsible Dog Owners

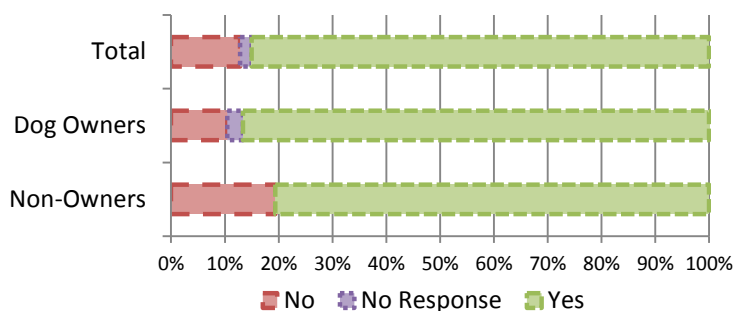
Creating a Responsible Dog Owner (RDO) Category was supported by over 92% of all respondents, with non-owners responding slightly higher (95%) than dog owners (91%).

Giving RDOs a reduction in administration fees was supported by 85% of respondents, with stronger support from dog owners (86.6%) than non-owners (81%).

Question Three - Should the category of Responsible Dog Owner be introduced to encourage responsible dog ownership?



Question Four - Should registration fees be reduced for those categorised as Responsible Dog Owners?

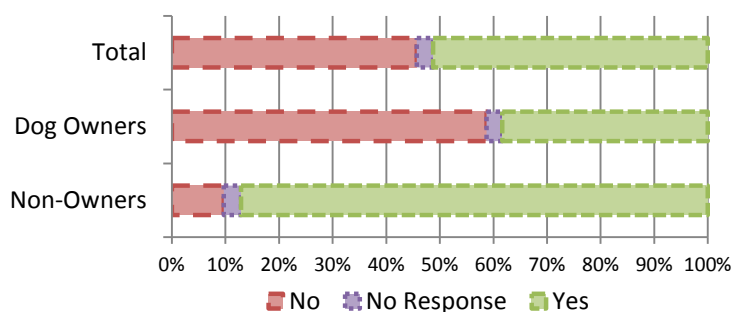


3.2.3 Dog Prohibition Times and Areas

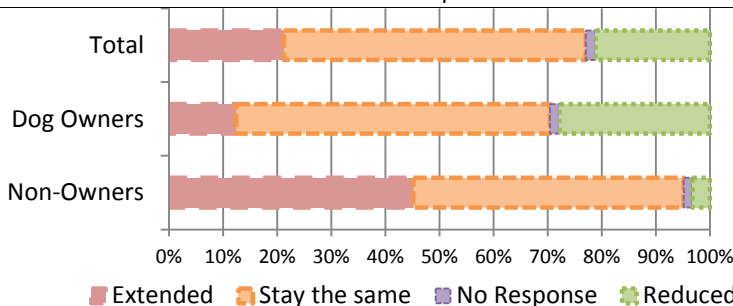
The responses to prohibiting dogs from most beaches during the daytime in summer was closely divided, with 51% of the total responding “Yes” and 46% responding “No”. The majority of dog owners were against the summer prohibition, with 59% responding “No”. Non-owners were more in favour of summer prohibitions, with 87% responding “Yes”.

The majority of respondents (56%) advocated keeping the places where dogs are prohibited the same. The number that responded in favour of extending places of prohibition was the same as those that wanted to reduce places of prohibition at 21%.

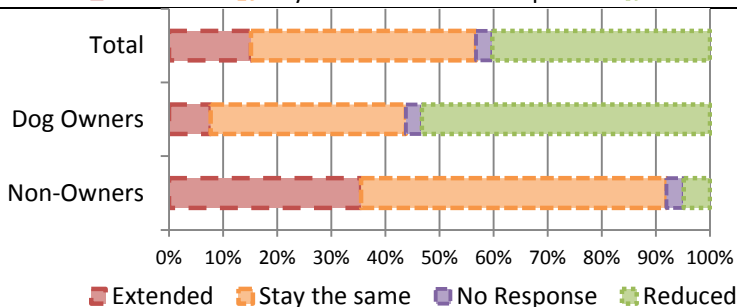
Question Five - Should dogs be prohibited from most beaches during the daytime during summer?



Question Six - Should the places where dogs are prohibited be extended or reduced?



Question Seven - Should the times that dogs are prohibited be changed?

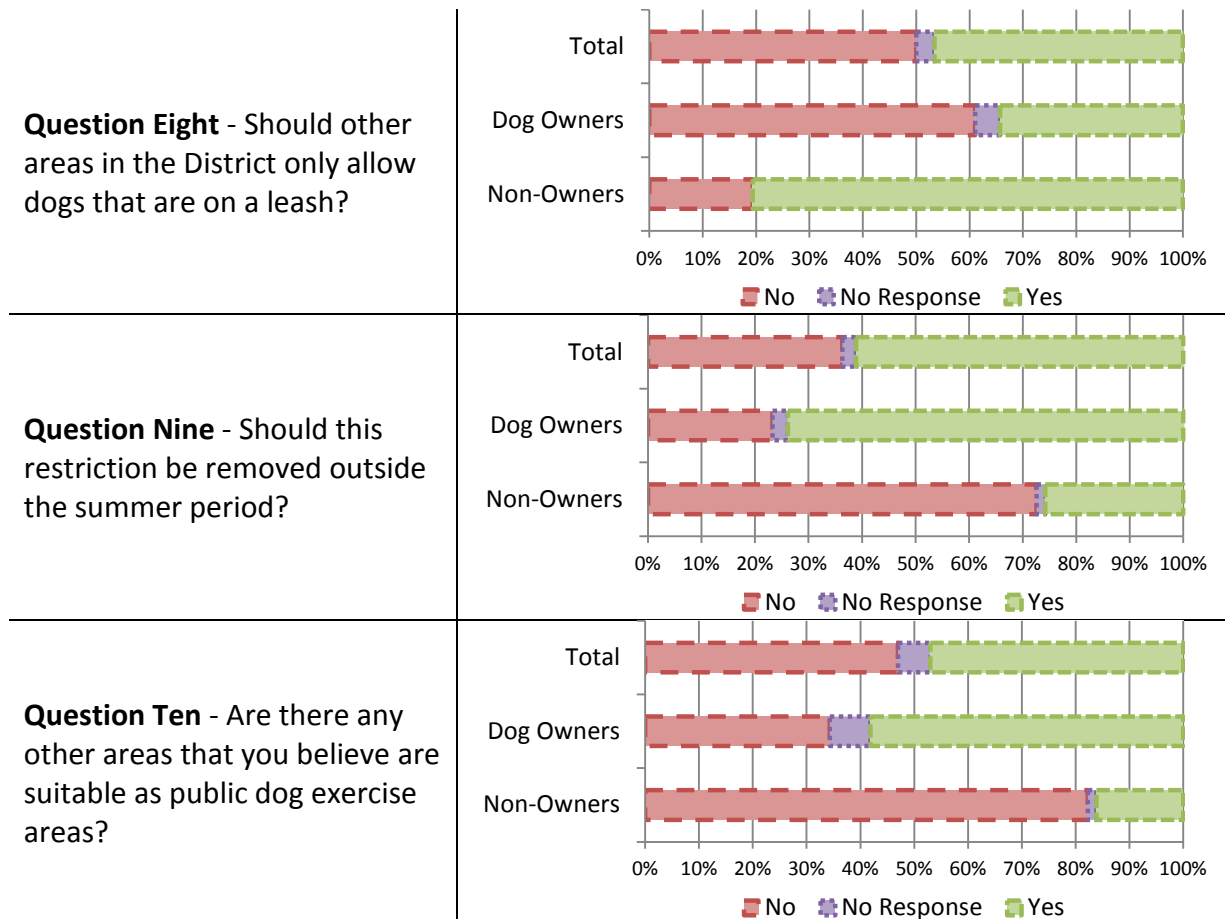


The largest total response for the times of prohibition was to keep the current times of (9am-6pm) at 42%. More respondents (40%) supported decreasing the times than extending (15%). The majority of dog owners (53%) responded that times should be reduced, while the majority of non-owners (57%) responded that times should stay the same.

3.2.4 Dogs on a Leash Times and Areas

Having other areas in the District that are dog on leash only was closely split in the total response, with 50% responding “No” and 47% responding “Yes”. Dog owners responded in opposition of more dog on leash areas, with 61% saying “No”. Non-owners were more strongly in favour of having more areas dog on leash only, with 81% saying “Yes”.

The majority (61%) of total respondents supported restrictions being removed outside of the summer period. Sentiment between owners and non-owners was closely divided, with 74% of dog owners responding “Yes” and 73% of non-owners responding “No”.



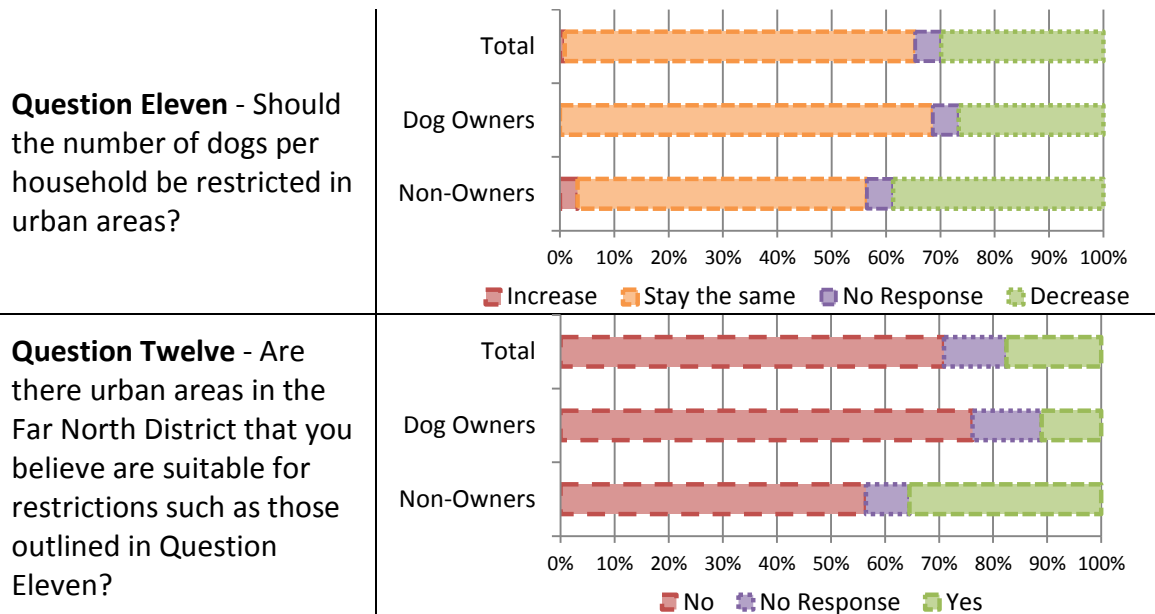
The total responses were evenly split at 47% “Yes” and “No” to the question of other suitable public places that could be used as dog exercise areas. The majority (82%) of non-owners believed there were no other suitable locations, while the majority (58%) of dog owners believed there were.

The following table is a summary of locations that were suggested by respondents as dog exercise areas. There was no limit to the number or types of locations they could suggest.

Question Ten (A) - If you answered yes to Question Ten, please list any other area(s) would you recommend as suitable for public dog exercise?			
Multiple Responses		Single Response	
Location	Count	Locations	Count
Don't know/ Unrelated Response	18	A&P Show Grounds	1
90 Mile Beach	15	Allen Bell Drive park (Kaitaia)	1
Te Haumi	14	Cable Bay	1
All Beaches	13	DoC Land	1
Parks or Sports-fields	11	Donkey Bay	1
Sullivans Beach	11	English Bay	1
Ahipara	7	Koutu Beach	1
Kerikeri Domain	5	Lindvark Park	1
Hongi Hika Recreation Reserve	4	Ngati Kahu road taipa	1
Paihia	4	Omapere	1
Stone Store	4	Oneroa Beach	1
Taumarumaru pa	4	Pipiroa Beach	1
Coopers Beach	3	Pipis	1
Rangikapiti Pa	3	Puketotara Reserve	1
Tauranga Bay	3	Tapeka Beach	1
Cycle Trials	3	Te Ngaere Bay	1
Anywhere/ Everywhere	2	Te Tii	1
Haruru Falls	2	Tokerau reserve	1
Kaitaia (generally a dog park)	2	Waione Road	1
Lake Ngatu	2	Waitangi Forest	1
Rainbow Falls Track	2	Waitotara reserve and river walking path	1
Russell Beaches	2		
Taipa Beach	2		

3.2.5 Urban Dog Ownership

The majority (65%) of total respondents supported keeping the current 2 dogs per household restriction in urban areas. This included 69% of dog owners and 53% of non-owners supporting the status quo of 2 dogs per household.



Over 70% responded “No” when asked if there were any other suitable areas for limits to the number of dogs per household. The table below shows the count for places suitable for limitation recommended by respondents. Respondents were not restricted to the number of areas they nominated. Areas which already have limitations recommended were not counted, and non-responses were also not counted.

Question Twelve (A) - If you answered yes to Question Twelve, please list the urban area(s) you believe should be included:			
Multiple Responses		Single Response	
Location	Count	Locations	Count
All Urban Areas	10	Cape Reinga Settlements	1
Don't know/Unrelated	8	Doves Bay Road	1
Everywhere (Whole District)	4	Kaimaumu	1
Kaeo	4	Opua	1
Waipapa	3	Rangiputa	1
Anywhere near Kiwi Zones	2	Skudders Beach	1
Awanui	2	Taipa	1
Hihi	2	Takahui	1
Karikari	2	Taupo Bay	1
Okaihau	2	Totara North	1
Opito Bay Road	2	Waimate North	1
Rangitane Road	2	Waipapakauri	1
Tauranga Bay	2	Whangaroa	1

3.2.6 Other Comments

Respondents had the option to fill out any additional information in an open ended comment box. Comments that were directly related to topics already covered in other questions, or that the respondent had already covered in their responses to Question 10(a) or 12(a) were not counted.² Insults or issues unrelated to the proposal were also not counted.³ Additionally, email submissions that did not fill out a survey were counted in this table. The following table shows the general categories of topics or concerns:

Any other comments?	
General Topic of Interest or Concern	Count
Need more control officers/enforcement	27
Lack of areas/facilities/access makes being a responsible owner hard	23
Roaming dogs without their owners a problem	20
Dog excrement/disposal is an issue	18
Dogs are a threat to birds/environment	15
Better de-sexing program	13
Dog friendly is good for visitors and tourism	12
Responsible dogs/owners are being punished	11
Higher penalties for owners violating the rules	11
More restrictions on dangerous breeds/ breed owners	9
Ban bad owners/repeat offenders from having dogs	8
Sparse population times/areas shouldn't be regulated	8
More responsibility on owners to provide fencing/space for their dog	8
Low registration	8
No muzzling	7
Stray dogs (without owners) are the issue	7
Better reporting/response system	7
Dogs are good for health	7
Dogs aren't the problem, owners are	6
Microchipping	6
Better signage	6
Start restriction times later in the day	5
More provision for obedience training	5
Clarification of the high water mark	5
More regulation on breeding	4
Barking dogs a nuisance	4
More hunting dog restrictions	3
Concerns about adoption	3
Exemptions for farm/working dogs	3
No shooting as euthanasia method	1

² As an example, if the respondent suggested creating a dog exercise area in 10(a) and made the same suggestion again in the comment, it would not be counted.

³ Topics such as controlling cats, regulating freedom campers, restricting beach driving, etc. do not fall under the scope of the Dog Control Bylaw and were not counted.

4. DOG CONTROL CONSULTATION MAPS

Figure 2 below shows the areas affected by the Dog Control Bylaw. Any of the locations that are explicitly mentioned are represented. The points represent 4 different categories of restriction. The pink areas show the proposed urban areas⁴ where households are limited to owning two adult dogs.⁵ This map was hosted online, and available for the public to view and add comments.

Figure 3 below shows the responses received by 13 January, 2017. All submissions came from the public, who were allowed to drop pins anywhere on the map and make a comment about the type of dog control or changes they would like to see in the area.

⁴ Localities with a population of 500 or more (from 2013 census data), that have a distinct commercial/industrial core.

⁵ Dogs over the age of 6 months.

Figure 2.

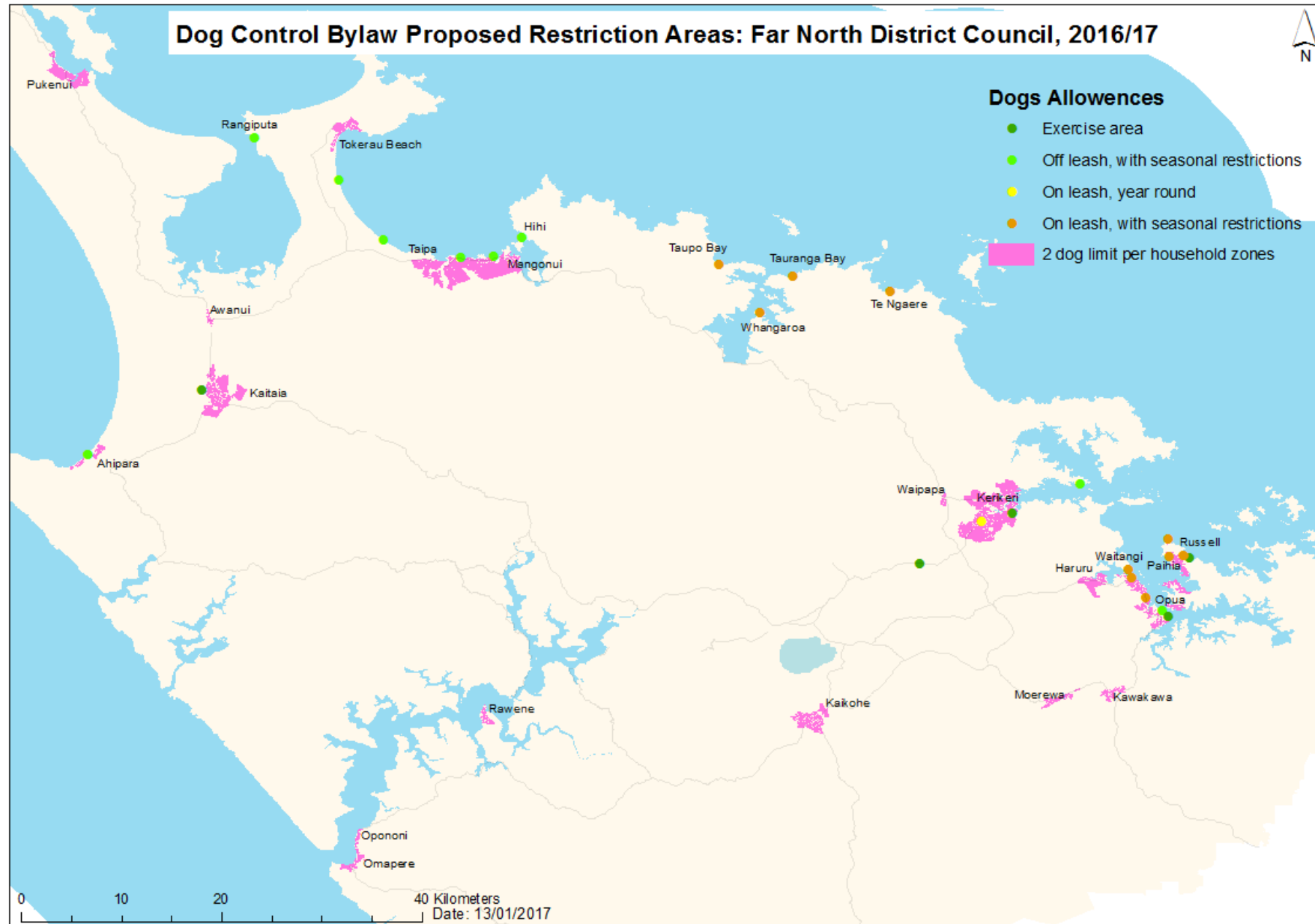
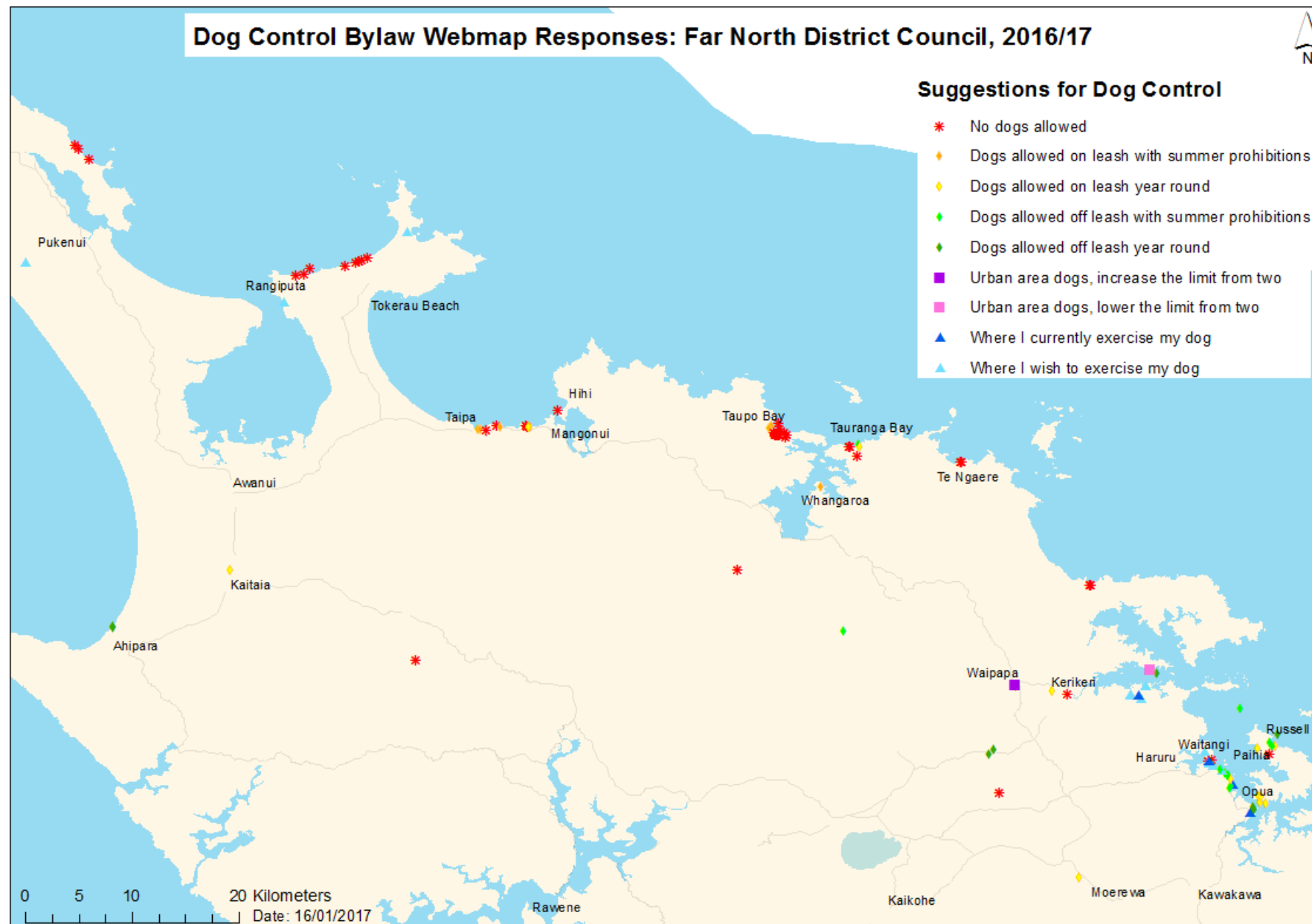


Figure 3.



5. ADDITIONAL INFORMATION

Additional information was provided by of government bodies, businesses and interest groups including Federated Farmers, SPCA, DoC, Mid-North Alliance of Landcare Groups, Bay of Islands Whangaroa Community Board, Kiwis for Kiwis, Far North Branch of Forest and Birds, and others. The following are points from these various agencies:

5.1 Statutory Obligations

- DCA, 1996, (s 4(a)(iv)) impose on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any wildlife.
- RMA, (s 31(1)(b)(iii)), responsible for controlling the use, development, or protection of land for the purposes of maintaining indigenous biological diversity.
- New Zealand Coastal Policy Statement, Policy 11 includes directions to avoid adverse effects on:
 - Indigenous taxa that are listed as threatened or at risk in New Zealand;
 - Habitats in coastal environments that are important during the vulnerable life stages of indigenous species;
 - Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; and
 - Habitats, including areas and routes, important to migratory species
- Of concern is the large number of ongoing incidents where dogs either attack or kill kiwi and other native wildlife in the District.
- The Conservation Act 1987 contains provisions to protect ecological values from unauthorized dogs brought into Conservation Areas. All lands administered as public conservation land (with but a few exceptions) are gazetted under section 262S of the Conservation Act 1987 as either: "*Controlled Dog Areas*" and "*Open Dog Areas*" all of which have been notified in the New Zealand Gazette Issue No.169 dated 21 December 2014. The Gazette notice is comprised of several schedules. Most Conservation Areas and Reserves in the Far North District are gazetted in the category : "*Controlled Dog Areas - Entry by Permit for Management and/or Recreational Hunting Subject to conditions*". The Dog Control Act s 10 (5) (a) (i) requires that these Controlled Dog Areas be identified in Councils' dog policies.
- These Controlled Dog Areas have been designated as areas where dogs are not generally permitted due to the risks to indigenous wildlife. Permits are only issued by the Department for management or recreational hunting, and cannot be issued for recreational dog walking.
- The Wildlife Act 1953 and Reserves Act 1977, along with the Conservation Act, protect wildlife from intentional hunting and prevent dogs being brought onto Reserves administered by the Department of Conservation.

5.2 Conservation and Wildlife Areas

Most conservation land has prohibitions for any dog at any time of the year unless for permitted purposes. The land is typically administered by the Department of Conservation (DoC), and outside of Council jurisdiction. The following table was supplied by DoC outlining areas declared to be Wildlife Protected Zones.

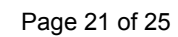
DOC administered public conservation land	Dotterel breeding site	Kiwi breeding site	Other wildlife	Notes
Eastern Bay of Islands				
Motuarohia Island Recreation Reserve	✓	✓	Blue penguin dens/likely breeding	
Moturua Island Scenic Reserve	✓	✓	Blue penguin dens/likely breeding	
Urupukapuka Island Recreation Reserve	✓	✓	Blue penguin dens/likely breeding	
Otehei Bay Recreation Reserve	✓		Blue penguin dens/likely breeding	Release of kiwi planned 2017
Waewaetorea Island Recreation Reserve	✓		Blue penguin dens/likely breeding	Potential use of the island as kiwi creche
Poroporo Island Scenic Reserve			Blue penguin dens/likely breeding	Potential breeding site for sea birds
Okahu Island Scenic Reserve			Blue penguin dens/likely breeding	Release of lizards and petrels planned
Te Toroa Scenic Reserve			Blue penguin dens/likely breeding	
Manawahuna Scenic Reserve		✓	Blue penguin dens/likely breeding	
Deep Water Cove Scenic Reserve		✓	Blue penguin dens/likely breeding	
Oke Bay Scenic Reserve	✓		Blue penguin dens/likely breeding	
Whangamumu Scenic Reserve		✓	Blue penguin dens/likely breeding	
Paihia/Russell area				
Motumaire Island Historic Reserve	✓		Blue penguins/likely breeding	
Tapeka Point Historic Reserve	✓	✓	Blue penguins, weka present	
Uruti Bay Conservation Area			Banded rails present, weka present, bitterns	

Kerikeri area				
Taronui Bay Recreation Reserve	✓		Blue penguins/likely breeding	
Taronui Bay Addition Recreation Reserve	✓			
Blacksmith Bay Conservation Area		✓		
Rangitane Scenic Reserve		✓		
Marsden Cross Historic Reserve	✓	✓	Blue penguins/likely breeding	
Whangaroa area				
Motukawanui Island Scenic Reserve	✓	✓	Blue penguins/likely breeding	
Ranfurly Bay Scenic Reserve	✓	✓	Blue penguins/likely breeding	
Mahinepua Scenic Reserve	✓	✓	Blue penguins/likely breeding	

Additional wildlife areas outlined by members of the Far North Branch of Forest and Bird that need protection are show below.

Additional Recommended Areas of Wildlife Protection	
Area	Comment
Pipiroa	Scenic and recreation
Te Wahapu	Scenic and coastal margins
Orongo Bay, Uruti Bay, and Okaito-Russell walkway	Wetlands and shrub lands
Taupo Bay	Southern half
Taipa Beach	Northern half
Henderson Bay	North end and stream midway
Rarawa Beach	Southern end
Waitata Beach	Dotterel
Tapeka Beach	Dotterel

The map in Figure 4 below shows the types and locations of DOC Public Conservation Land in the District.



5.3 Protected Bird Species

The Ministry for the Environment's report, *Our Marine Environment 2016*, outlines extinction of native marine birds and mammals as one of the top three marine issues in New Zealand. The report shows that 90% of indigenous bird species and 88% of indigenous shorebirds are threatened or at risk of extinction.

The following bird species have been identified by DoC as at risk and important to consider when drafting the Dog Control Bylaw and Policy:

- Brown teal - pateke (*Anas chlorotis*, conservation status: recovering) are the rarest of the mainland water fowl, and are found at Indico Bay, northwest Urupukapuka Island, and in many estuarine wetland areas around the eastern Bay of Islands. Dogs are known predators of brown teal.
- Dotterel (*Charadrius obscurus*, conservation status: nationally vulnerable) nest just above high tide mark around many beaches of the Far North District. Nests are easily trampled by dogs. Eggs may not be at a life-sustaining temperature if left unattended due to disturbance. Both adults and chicks cannot feed on the water's edge when disturbed and chicks are left unattended when their parents are forced away by dogs. Dotterels often cluster with Variable Oystercatchers (*Haematopus unicolor*: conservation status recovering) which are also vulnerable to dogs.
- Little blue penguin (*Eudyp tula minor*, conservation status: declining) may breed as isolated pairs or in colonies, close to the sea in natural burrows and in/under a variety of man-made structures. Penguins are under threat of predation when dogs that are not under control wander away from beaches into the coastal landscape where penguins are resting in dens or nesting.
- North Island weka (*Gallirallus australis grey*, conservation status: endangered). Weka are ground dwelling, flightless birds which are known to be charismatic and attracted to human activity. Since 2000, weka have been released near Russell, in the Whirinaki Forest.
- Banded rail (*Gallirallus phillippensis assimilis* conservation status: at risk, naturally uncommon) is a largely terrestrial bird. They have been recorded in a wide variety of inland and coastal wetland areas, particularly in mangrove stands.

Forest and Bird cites dogs as a major risk to kiwi populations, noting major kill events at South Kerikeri Inlet. It's also noted that Kiwi have an average life span of 40-50 years, but only a 14 year life span in the District. Dogs are cited as the primary influence.

The Draft National Kiwi Recovery Plan 2017-2027 produced by the Department of Conservation states that unmanaged populations of brown kiwi are in decline in Northland due to predation of adults by dogs and ferrets (and predation of chicks by stoats). The Draft Plan states: "It is currently thought that the rate of decline of unmanaged populations of

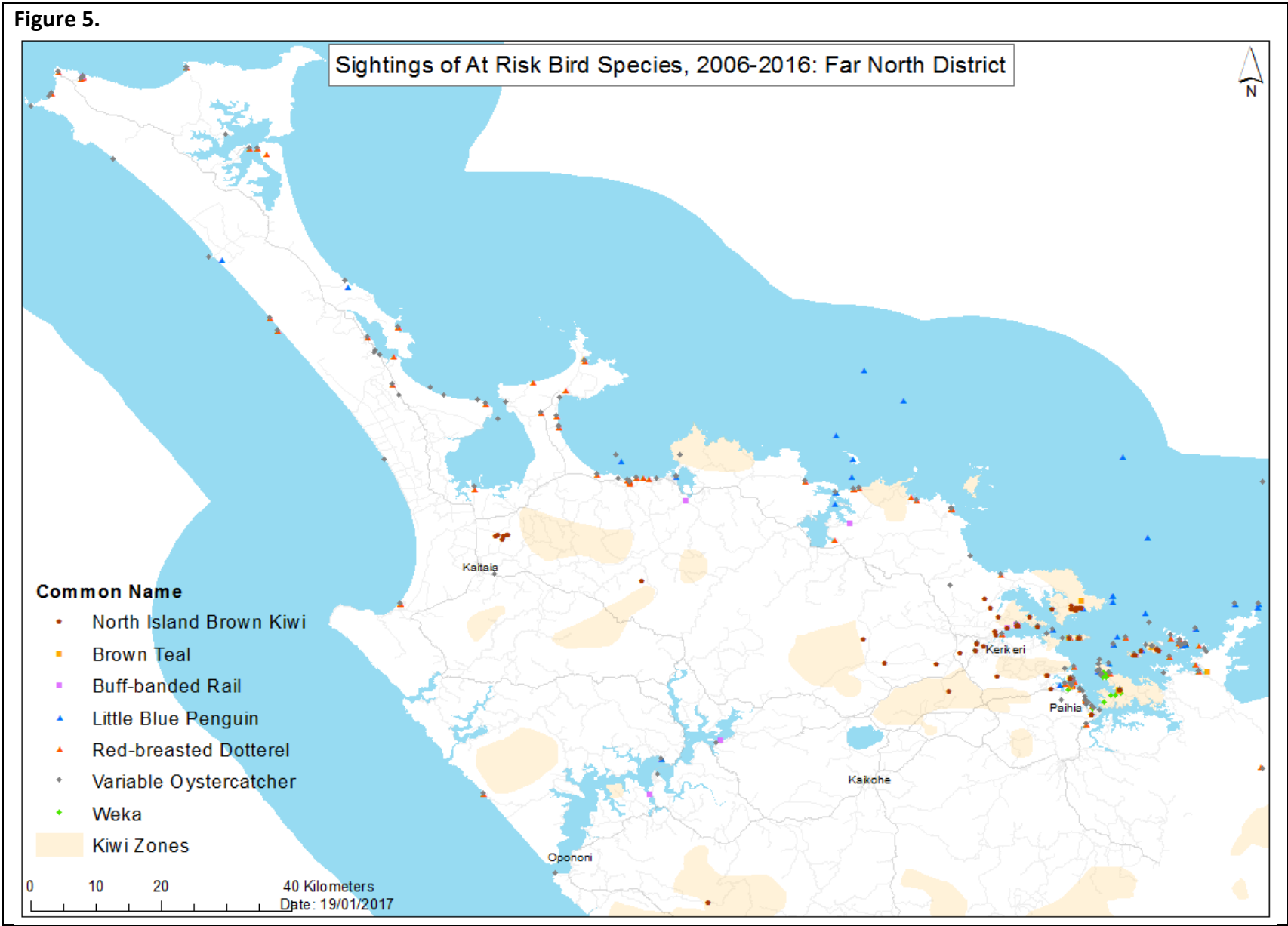
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kiwi is likely to be close to 2% at most sites, although in Northland the true rate is probably closer to 3% because dogs kill so many adult kiwi (p. 24).

The map shown in Figure 5 below displays data on the at-risk bird species that have been spotted in the District. The sighting data comes from eBirds.org, which hosts a web map that users can use to post bird sightings. The map only shows sightings from the prior 10 years (2006 to 2016). Additionally, only data which had been vetted⁶ by eBird administration were used. The map also shows kiwi concentration zones as identified in 2014 by DoC.

⁶ eBirds administrators check data for unusual numbers, locations, or times for bird sightings. Any of the unusual and unverified sightings are not included.

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Limited or restricted dog ownership near kiwi zones (in excess of those imposed on urban areas) was suggested in multiple submissions. Within the last 10 years, Council has started using section 221 of the Resource Management Act to add consent notices to subdivisions near kiwi concentration zones. Notices cannot easily be added retroactively, and are only used during new subdivisions. The notices have taken many forms, and have included the following requirements related to dogs:

- No outright ban, but caution that site is a kiwi zone and dogs and cats should be kept under control;
- Kiwi high density, no outright ban but dogs kept inside, fenced and/or receive kiwi aversion training;
- No more than two dogs and two cats may be kept or introduced to the site;
- Dogs must either be tied up, kennelled, or kept within a dog proof enclosure at night;
- Dogs shall be microchipped and registered with the Far North District;
- All dogs shall have a current kiwi aversion training certificate;
- Submit a photograph of the dog;
- Plan showing extent of fenced area;
- No owners or occupiers of or visitors to any of the lots shall keep or introduce onto the land any carnivorous animal (such as cats, dogs and mustelids) which have the potential to be Kiwi predators. This prohibition includes the bringing of any such animals onto the site by visitors and contractors; and
- Working dogs, being dogs used specifically for stock management purposes, may be kept on the lots where they are under control of the owner at all times, and housed in a kennel/run when not working. Where possible, any working dogs should have completed kiwi aversion training before being introduced onto the lot(s).

Council is currently standardising, implementing, and monitoring the consent notices for subdivisions around kiwi zones. After consultation with kiwi protection groups Council can:

- Standardise expectations and requirements for subdivisions in high density kiwi areas
- Investigate warranting more officers;
- Promote minimum expectations for responsible dog ownership and kiwi protection;
- Find and map historic consent notices so they can be proactively monitored and enforced; and
- Standardise the process for recording and mapping new consent notices.

Protection of New Zealand dotterels at Tauranga Bay, Northland

To whom it may concern

My name is John Dowding. I have been involved in research and management of New Zealand dotterels and other shorebirds for more than 30 years. I was author of the first Dotterel Recovery Plan in 1993, senior author of the second plan in 2007, and science advisor on the Department of Conservation's New Zealand Dotterel Recovery Group. I also teach an annual course on management of dotterels at the Miranda Shorebird Centre. That course is aimed at community group members and agency staff.

I have been asked by Mrs Heather Peat of the Tauranga Bay Community Association to comment on the potential impacts of dogs and vehicles on the dotterels there, and on the advisability of excluding dogs and vehicles from the sand spit.

The first point to note is the importance of the site to the species. Tauranga Bay currently holds nine pairs of New Zealand dotterels (six on the sand spit and three along the beach), and has a post-breeding group of at least 21 birds. These figures constitute 1% of the total population, and make the site one of international importance for the species under Criterion 6 of the Ramsar Convention on Wetlands, to which New Zealand is a signatory.

The second point of note is that both dogs and vehicles are well-known threats to New Zealand dotterels, and were identified as such in both recovery plans. Dogs are predators of dotterels – they chase and kill chicks, occasionally trample nests, and always cause very high levels of disturbance. Vehicles crush nests and chicks and also cause significant disturbance. Even short periods of disturbance can have disproportionate effects, for example by causing adults and chicks to become separated, making chicks much more vulnerable to predation by gulls or harriers.

Human pressure on the North Island's east coast continues to increase, partly as a result of ongoing development, and partly because of growth in recreational activities in the coastal zone. With 85% of the dotterel population on the east coast, impacts on the species will only escalate.

The New Zealand dotterel is classified by DOC as 'Conservation Dependent', meaning that it will decline without management. Partly because of its thin and widespread distribution, this species cannot be managed effectively by DOC alone, and there is significant (and successful) community and other-agency involvement in its conservation. If its efforts are to be effective however, the community must be given the tools necessary to undertake that management. This typically includes support from DOC and local councils.

In the case of Tauranga Bay, it is clear that the sand spit at the north-eastern end of the beach is the most significant area for native shorebirds. It holds two-thirds of the dotterel pairs (and a number of pairs of variable oystercatcher) in one-third to one-quarter of the total length of the bay. It is also the main roosting area. In addition, the estuary behind the sand spit provides good feeding habitat.

I understand from Mrs Peat that vehicles have previously been excluded from the spit, and that a section of the community is now seeking to have that restriction overturned. Based on my experience at many dotterel sites over 30 years, I am in no doubt that effective management of birds there would require exclusion of vehicles and dogs from the spit. While this is crucial for the birds during their breeding season, Mrs Peat has pointed out that vehicles will also damage native vegetation on the spit at all times of year. That vegetation not only stabilises the spit (maintaining breeding habitat for the birds) but also provides cover for shorebird chicks to hide from aerial predators. It is my view that without the ability to exclude vehicles and dogs from the spit, the community's efforts to protect the resident shorebirds are very likely to be frustrated.

It is sometimes argued that activities at any particular site are insignificant at a population level because they only affect a relatively small number of pairs. This argument ignores the fact that similar impacts are occurring at many sites. As noted in the second recovery plan, the cumulative effect of small-scale impacts at many sites has a significant adverse effect on the population as a whole.

Given the high proportion of the dotterel population in the Far North District, and the fact that there are relatively few actively managed dotterel sites there, I would strongly support any assistance that agencies could provide to the community effort at Tauranga Bay, especially with regard to excluding vehicles and dogs from the spit.

Dr JE Dowding
05 May 2017