

MEETING: BAY OF ISLANDS/WHANGAROA COMMUNITY BOARD - 14 AUGUST 2017

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

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Executive Summary

The purpose of this report is to seek further feedback from the Board on the Dog Control Bylaw and Dog Policy 2017 for adoption. The revised Draft Bylaw and Policy is included as Attachment 1.

There are many recommended changes to the Statement of Proposal in response to extensive community consultation. The tracked changes are shown in Attachment 2.

Community feedback on the Statement of Proposal is summarised in Attachment 3.

Changes since the report on 03 July to the Board reflect the advice from Community Boards and further research in response to community concerns, including a focus group which is summarised in Attachment 4.

An additional dog exercise area is proposed in Paihia (Sullivan's Beach).

The Department of Conservation has re-gazetted land to remove some restrictions and tidy up anomalies. If other suitable areas of public land are identified, they can be added by resolution of Council.

Options for limits to the number of dogs in kiwi concentration protected wildlife areas has been added for the Board to consider.

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.

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 Dog Control Bylaw and Dog Policy 2016 be adopted by Council for public consultation.

On 26 October Council adopted the Statement of Proposal for public consultation. under the Special Consultative Procedure.

Letters were sent to approximately 6,500 registered dog owners across the District. And 1800 people on Council's consultation database were contacted. Around a third of all households were contacted during the consultation process.

Council received a total of 335 written submissions from the public, 234 of which were responses to the Dog Control Bylaw and Policy Survey. 16 submitters requested to speak at hearings in Kerikeri in February 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.

A focus group with representatives from three different interest groups – conservationists, Māori representatives, and dog owners – was held on 21 June 2017 to explore areas of agreement and disagreement in more detail. This was in response to a community petition from dog owners in the area that was submitted during the consultation process. The notes of the focus group are included as attachment 4 to this report.

The main outcome was agreement that prohibited beaches were more effective than dogs on a leash in preventing harm and disturbance to protected wildlife. The pipi beds at Te Haumi Beach need to be protected from dogs urinating. There was agreement to dogs being allowed off-leash at Sullivan's Beach and around towards Te Haumi with access only at the historic wharf end. The access at the wharf requires improvements. The dog owning community should ensure that all dog owners behave responsibly and remove faeces.

On 03 July 2017 the Bay of Islands-Whangaroa Community Board recommended that the Draft Dog Control Bylaw and Policy 2017 be adopted. Detailed feedback from Board and responses are outlined below:

- *Bylaw & policy should be reviewed within two or three years of initial implementation.* All Bylaws and Policies are monitored and there is an annual activity report to government on dog control. The next 3 years are fully programmed for other Bylaw reviews.
- *Regular review and update of the DOC restricted and on-leash areas, as or when new areas are identified.* This is a matter for DOC. A review was completed by DOC as a result of a request from the Board in June 2016.
- *9.2 - Definition of unattended needs more clarity or additional considerations – length of time unattended?* This is an enabling clause and a matter for operational guidelines. The rule applies to any period of time, when an owner cannot be found. Council does not impound dogs unless absolutely necessary.
- *Specify that under 1.6 & 1.7 – that the substantiated public complaint is in relation to dog matters.* That is taken as read as it is part of the Dog Control Bylaw and Dog Policy and this is a matter for operational procedure.
- *Responsible Dog Owner – “it will not be reinstated for at least two years” – Remove “at least” and have two years as the minimum time frame or outline how one might have it reinstated sooner?* Council staff do not have the resources to support an additional process. The intention is for RDO status to be an incentive, not an entitlement. Again this is also a matter for operational procedures.
- *Waiver of fees – change “may be granted” to “will be granted.”* Agreed.
- *Schedule A - Dog prohibited areas – swimming pools – include grounds.* Dogs could be responsibly tethered to a vehicle in a car park.
- *Add - Dangerous and menacing dog will be muzzled in public.* The rules for menacing and dangerous dogs will be as per the current Dog Control Amendment Bill. Council does not propose to add requirements that make it harder to people to obtain a Licence as proposed in the current Amendment Bill.
- *6.0 - Dogs in or on Vehicles should address animal welfare expectations.* That is a matter under separate legislation which applies generally.
- *10.0 :Limitation on Number of Dogs – household needs to be clearly defined, due to multiple households within/on one residential property.* Household means per rateable unit, or separately used or inhabited parts of a rating unit (SUIPs).
- *Ensure that the definition of beach “area of shoreline above mean low water tides and any adjoining land” is consistent with Department of Conservation.* This

wording was at the request of DOC so that dogs can't go onshore onto island wildlife sanctuaries. The current Bylaw states high tides.

- *Kerikeri Basin becomes an on-leash area – negotiate with Department of Conservation.* Raised with DOC in June 2016 and gazetted (see below)
- *Is there data about the number of dogs that reside outside of Paihia that are brought into Paihia to use the beach?* No.
- *Are there other reserves that have been identified as potential dog exercise areas?* Staff have investigated public land and have not identified any suitable areas. Exercise areas can be added by resolution of Council.
- *How are we dealing with pig dogs?* Hunting dogs are not working dogs under the Dog Control Act and the same rules should apply as apply to all other dogs.
- *Please add a table to sit alongside maps for ease of communication.* Communication tools will be developed when the Bylaw is completed, including web information and summaries.
- *Ensure strong communication and education campaign accompanies the adoption of the bylaw and policy.* Agreed. The consultation process has raised public awareness and the rules would be communicated and applied on adoption.
- Improve general communication around dog issues, especially, when dog registrations are coming up, closing and when penalties will start to apply.
- Ensure good communication of the bylaw and policy at marinas and yacht clubs.
- Work with vets to improve communication of Bylaw and Policy to dog owners.

Department of Conservation

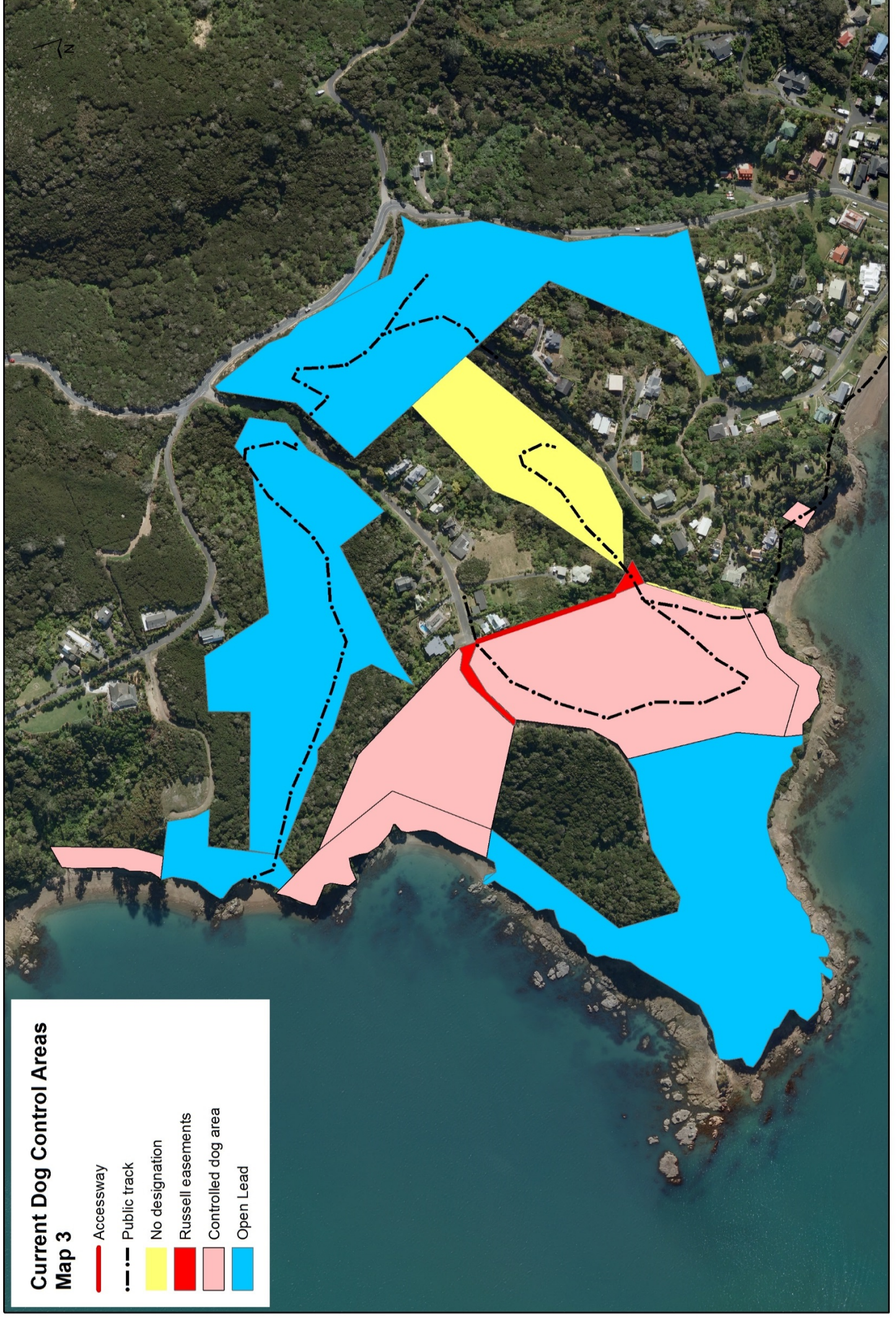
Hongi Hika Recreation reserve in the Kerikeri Basin and L T Hirst Scenic Reserve in Russell are now “open” to dogs on lead and these have been [gazetted](#) in response to the request by the Board in June 2016.

However, a number of reserves in Russell are now “closed” to dogs. There were continuous or clustered reserves with different designation (see map below). Kororareka Point Scenic Reserve and the marginal strips number 1 to 4 were correctly gazetted as Controlled Dog Area entry by Permit only, but the public conservation land in blue on the map were incorrectly gazetted as dog on lead areas

An easement agreement was placed across a neighbouring property to provide a necessary link for a popular walking track from Flagstaff Hill to Kororareka Point. The easement was based on the understanding that it allowed people only and no dogs. Due to the wrong designation of the Flagstaff Hill Addition Recreation Reserve as open dog area, dog owners wrongly assumed they could walk their dogs along the easement to Kororareka Point Scenic Reserve. As a result in 2006, Kororareka Crown Land Conservation Area and Flagstaff Hill Addition Recreation Reserve were revoked as “Open Dog Areas: Lead subject to Conditions” in New Zealand Gazette 13/4/2006 No.35 p.925. The revocation meant there was not current designation for dog status for both Kororareka Crown Land Conservation Area and the Flagstaff Hill Addition Recreation Reserve under the Conservation Act 1987. Inconsistencies of having open dog areas surrounding controlled permit areas caused dog owners to be unclear where they could walk their dogs. DOC has determined that the presence of dogs on the reserves posed also an unnecessary risk to protected wildlife which is in high numbers throughout the peninsula.

Current Dog Control Areas Map 3

- Accessway
- · - · Public track
- No designation
- Russell easements
- Controlled dog area
- Open Lead



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 sections 10 and 20 set out the areas to be included in a Dog Policy and Bylaw respectively. The Bylaw and Policy do not repeat the primary legislation in order to keep the rules clear and simple.

Protected Wildlife

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. 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 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.

Council staff have 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. Staff have further consulted with conservationists, iwi/hapu, DOC and the Regional Council in order to understand more fully the priority protected wildlife areas which exist across much of the Bay of Islands and Whangaroa area.

Dog Owner Concerns

There are dog owners who have raised concerns about the lack of suitable dog exercise areas. Below are the actions taken to address those concerns:

- Council requested that areas be gazetted by DoC to allow dogs (as above) and in particular to allow for dogs at LT Hirst Scenic Reserve and Hone Hika Recreational Reserve
- Council identified a dog exercise area at Sullivan's Beach in consultation with hapu/iwi, Forest and Bird and dog owner representatives.
- Council has also identified a new dog exercise area at Beechy Street, Opuia.
- Council has removed restrictions on taking dogs on a lead in the summer in Paihia and Russell townships.
- The current dog off leash area on Long Beach, Russell had to be removed because it is not public land and cannot be designated as part of the Policy.
- Kororareka Bay / The Stand allow dogs on a lead (or to swim).

Where there is a high density of protected wildlife, the Council cannot designate a dog exercise area as that would be inconsistent with its statutory duties to protect wildlife (as set out in several pieces of legislation).

It is also noted that Russell, Paihia and other parts of the Bay of Islands have an exceptional opportunity for enhanced ecotourism, with islands in its proximity that may allow for the further spread of protected species on the mainland. On the other hand, parts of the Bay of Islands are not particularly suitable places for holiday-makers to come with dogs. There are already very limited places for residents to exercise their dogs.

2) Discussion and options

The Bay of Islands and Whangaroa Community Board has to choose if it intends to protect its native bird population from dogs. 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... 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 agreement that local regulation may play a larger role in protecting wildlife and discussions with government agencies, including

the Department of Internal affairs and DOC have taken place to better align policy responses 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:

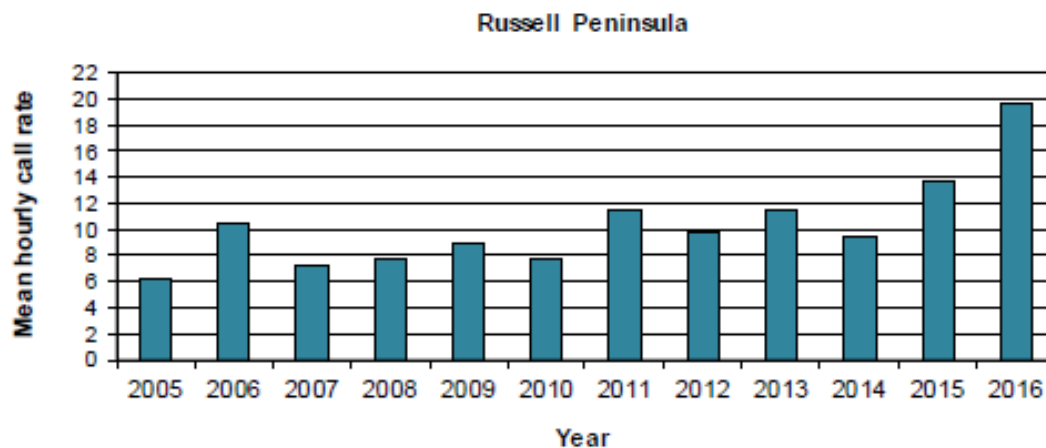


Figure 6. Trends in mean kiwi call rates at Russell Peninsula management site.

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 or 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. 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 (*Eudyptes 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 high presence of reintroduced and protected wildlife at significant risk from dogs and no suitable beaches for dogs to exercise due to the proximity and presence of kiwi, little blue penguins and other birds.

Working Dogs

The Dog Control 1996 clarifies that working dogs (as closely defined in the Act) are exempt from many provisions of the Act, including those related to a bylaw and policy under the Act.

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:

- 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).
- Winter on leash restrictions have been removed unless it is a dog prohibited area.
- 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.
- More dog exercise areas are proposed.
- It is proposed to reduce the limit for new dogs not previously registered to one new dog per household in the highest priority protected wildlife corridors.

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.

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 a yearlong and exhaustive 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 A1888433

Attachment 2: Tracked Changes to Proposed Dog Control Bylaw and Dog Policy 2016 - Document Number A1888430

Attachment 3: Summary of Community Consultation on Proposed Dog Control Bylaw and Policy Report - Document number A1897169

Attachment 4: Dog Policy and Bylaw Consultation Focus Group Meeting - Document number A1896850

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 has been consulted during this process on two previous occasions (June 2016 and July 2017).
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.

POLICY # 3120 – DOG POLICY 2017

Date Issued: 1 October 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. Promote Responsible Dog Ownership.
2. Prevent injury, distress and nuisance from dogs.
3. Provide for the exercise and welfare needs of dogs.
4. Protect wildlife.

POLICIES

Policy 1 – Promote 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 Owner (RDO) if they have complied with all Council requirements as they relate to dogs and has complied with the requirements of the Dog Control Act. A Responsible Dog Owner will meet all the requirements for a Licenced Dog Owner under the Dog Control Act.
- 1.3 The owner's dog 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 one year.

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 before the due date;
 - (c) the dog owner has contacted Council before the due date and has paid the registration fees on time on previous occasions;
 - (d) there is evidence of hardship and payment arrangements are agreed between the owner and Council, subject to the agreed payments being kept up to date.

Policy 3 – Dog Prohibited Areas

- 3.0 Dogs are not allowed in any public place designated as a **Prohibited Area** in the areas listed below and designated in the **schedule** of this Policy.
- 3.1 Dogs are prohibited from all children's playgrounds at all times.
- 3.2 Dogs are prohibited from all public swimming pools at all times.
- 3.3 Dogs are prohibited from land administered by the Department of Conservation (unless DOC specifies otherwise).
- 3.4 The person in charge of any dog must avoid disturbing the areas where birds are clustered or gathered together.

Policy 4 – On Leash restrictions

- 5.0 Every person in charge of a dog must ensure that his or her dog is kept on a leash in the areas listed below:
 - 5.1 Urban areas (900 plus population);
 - 5.2 All reserves (except for dog exercise areas);
 - 5.3 All beaches from Labour Day to 1st May (except for prohibited areas or dog exercise areas);
 - 5.4 Pou Herenga Tai Twin Coast Cycle Trail.
 - 5.5 The trail from Te Haumi Beach to Opuā.

Policy 5 – Exercise areas

- 6.0 Dogs may be exercised off-leash and under control in the areas listed below and designated in the **schedule** of this Policy:
- 6.1 Kaitaia Empire Street
 - 6.2 Kaikohe Highway 12
 - 6.3 Kerikeri Rolands Wood, Kerikeri Inlet Rd
 - 6.4 Kerikeri Wiroa Road
 - 6.5 Opuā Beechy Street waterfront
 - 6.6 Rangiputa Rangiputa beach
 - 6.7 Paihia Sullivans beach
 - 6.8 Exercise areas may be added by resolution of Council or the Te Oneroa A Tohe Beach Board.

Policy 6 – Urban limit to two dogs per household

- 7.0 There is a maximum limit of **two** dogs over 3 months old per household in the urban areas (i.e. with a population over 900 people) listed below and designated in the **schedule** of this Policy:
- 7.1 Kaikohe
 - 7.2 Kaitaia
 - 7.3 Kawakawa
 - 7.4 Kerikeri
 - 7.5 Moerewa
 - 7.6 Haruru, Opuā, Paihia, Waitangi
 - 7.7 Taipa, Coopers Beach, Cable Bay, Mangonui.

Policy 7 – Limit to one dog per household

- 8.0 There is a maximum limit of **one** dog over 3 months old per household in the kiwi concentration zones listed below and designated in the schedule of this Policy:
- 8.1 Russell and the Russell Peninsula
 - 8.2 Redcliffes, Rangitane, Blacksmiths Bay, Doves Bay, Opito Bay
 - 8.3 Te Tii and Purerua Peninsula
 - 8.4 Tauranga Bay, Mahinepua, Wainui, Te Ngaere, Matauri Bay, Tepnene, Takou Bay, Otaha
 - 8.5 Hihi, Taemaro, Waimahana Bay, Taupo Bay, Totara North.
 - 8.6 Existing registered dogs as at 01 October 2017 and working dogs are exempt.
- OR** There is a maximum limit of one dog over 3 months old per household in all kiwi concentration zones. Existing registered dogs and working dogs are exempt.
- OR** No dogs will be newly registered in kiwi concentration zones. Existing registered dogs and working dogs are exempt.

DOG POLICY AND DOG CONTROL BYLAW SCHEDULE

Schedule A Dog Prohibited Areas

Schedule B Dog Exercise Areas

Schedule C Limit on Number of Dogs per Household

Schedule D Department of Conservation Prohibited Dog Areas

Schedule E Kiwi Concentration Areas



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 October 2017

For the purpose of: The purpose of this Bylaw is:
- to provide for the care and of dogs;
- to prevent injury, distress or nuisance to any person;
- to prevent injury or distress to any stock, poultry, domestic animal or protected wildlife.

To be reviewed by: 01 October 2027

1.0 Former Bylaw Repealed

- 1.1 As of the date this Bylaw comes into force the *Far North District Council Dog Control Bylaw 2006* is repealed.
- 1.2 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.
- 1.3 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.

2.0 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 and is the equivalent of a Licenced Dog Owner.

3.0 Remove Faeces

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

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 Female Dogs in Season

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

8.0 Impounding

- 8.1 Any Authorised Officer may impound a dog found tethered and unattended.
- 8.2 Council's operating procedures will apply when any dog has been impounded.

9.0 Neutering

- 9.1 Any dog of an owner classified as Probationary or Disqualified must be neutered.
- 9.2 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.
- 9.3 If any dog is not kept under control on more than one occasion within a 12 month period, Council may, by written notice, require the owner to neuter the dog.
- 9.4 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.

10.0 Nuisance

- 10.1 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.
- 10.2 No person shall cause any dog to become restive, unmanageable or aggressive.
- 10.3 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.

11.0 Shelter/Housing

- 11.1 The owner or person having charge of any dog shall provide accommodation inside for that dog, or in 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.
- 11.2 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.

12.0 Limit on Number of Dogs

- 12.1 No person may keep more than two dogs aged over 3 months on land or premises in any urban area designated in the **schedule** of this Bylaw.
- 12.2 No person may keep more than one dog per household on land or premises in any area designated in in the **schedule** of this Bylaw.

13.0 Schedules

- 13.1 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*.

DOG POLICY AND DOG CONTROL BYLAW SCHEDULE

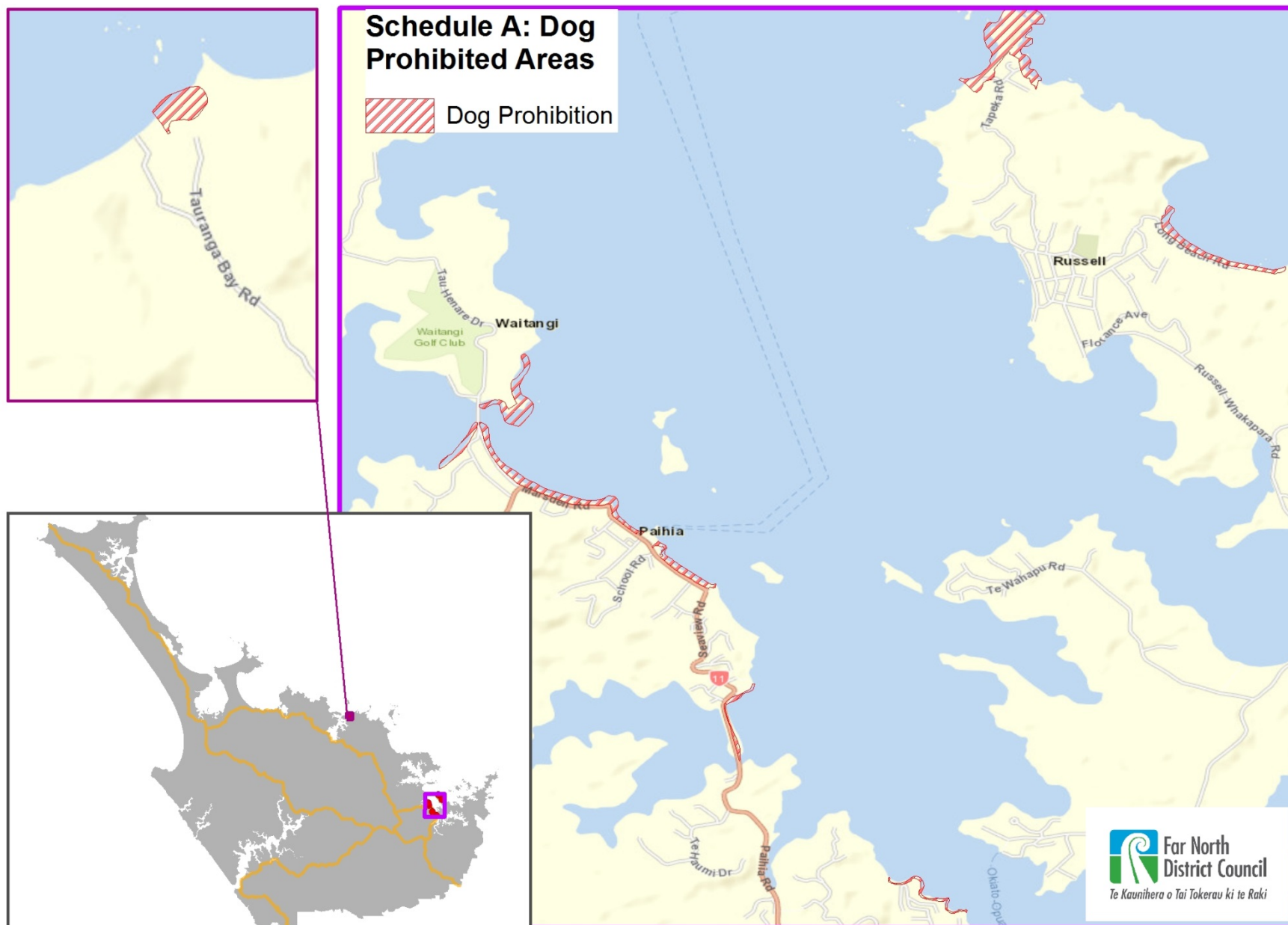
Schedule A Dog Prohibited Areas

Schedule B Dog Exercise Areas


Schedule C Limit to Number of Dogs per Household

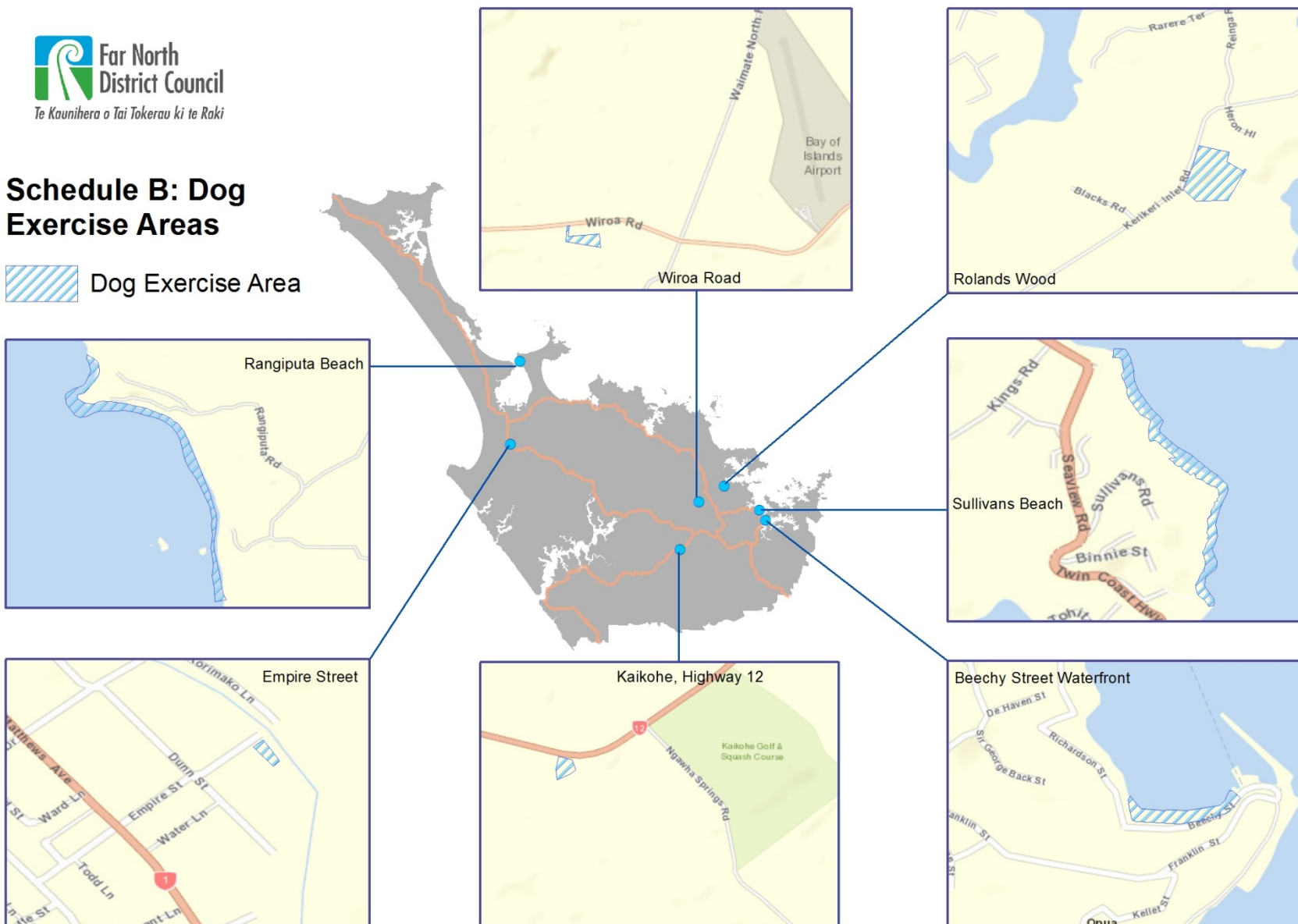
Schedule D Department of Conservation Prohibited Dog Areas

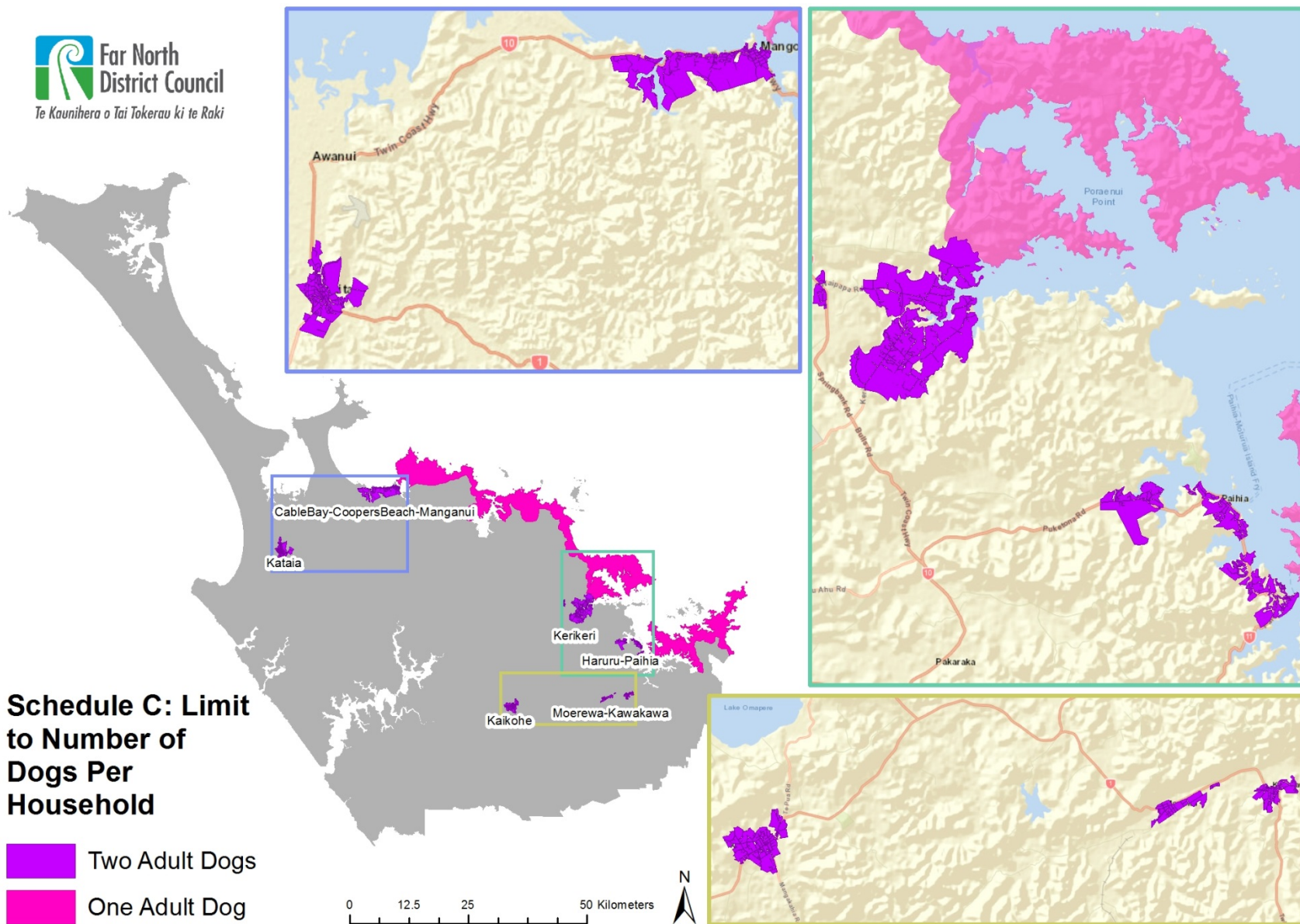
Schedule E Kiwi Concentration Areas

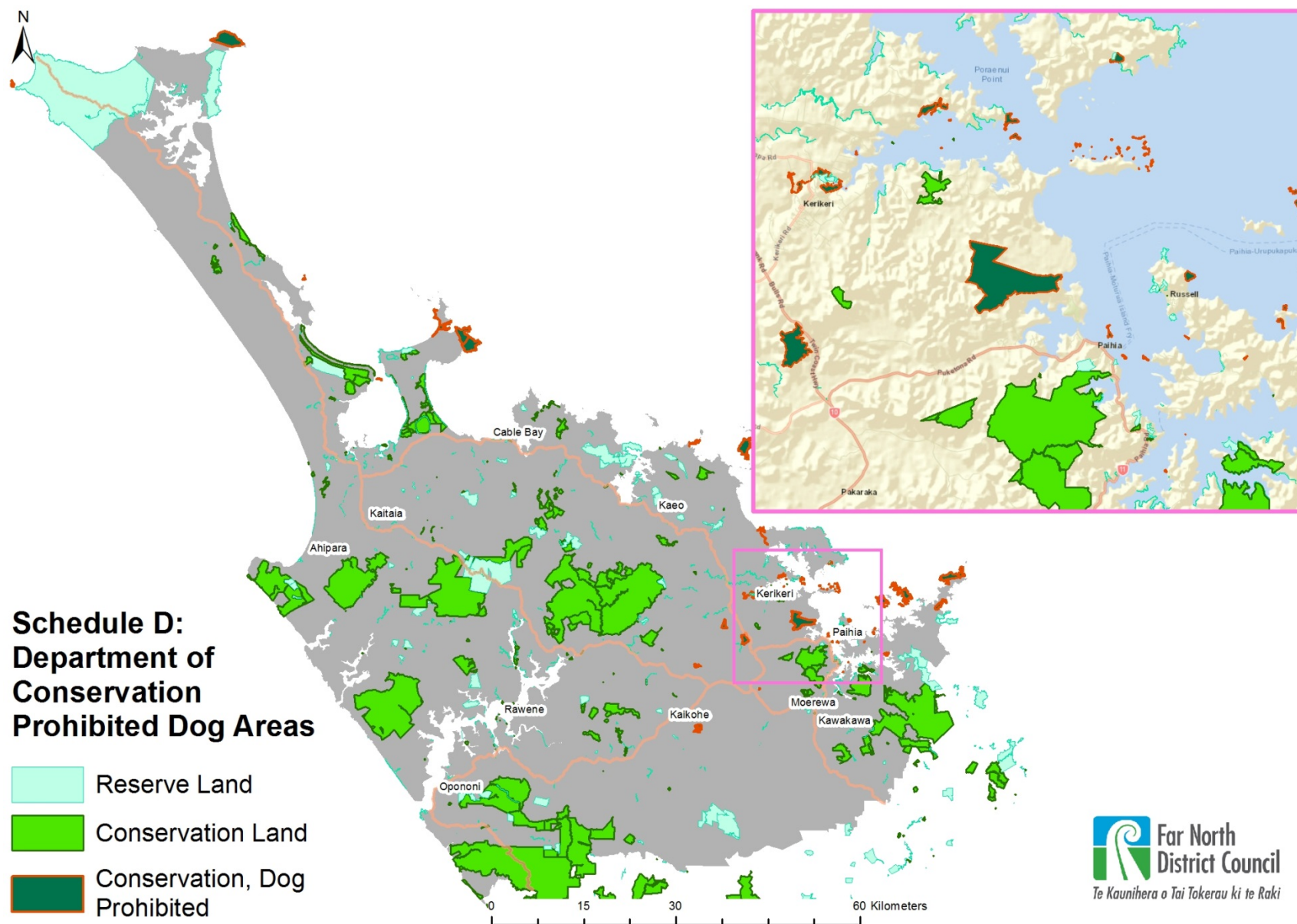


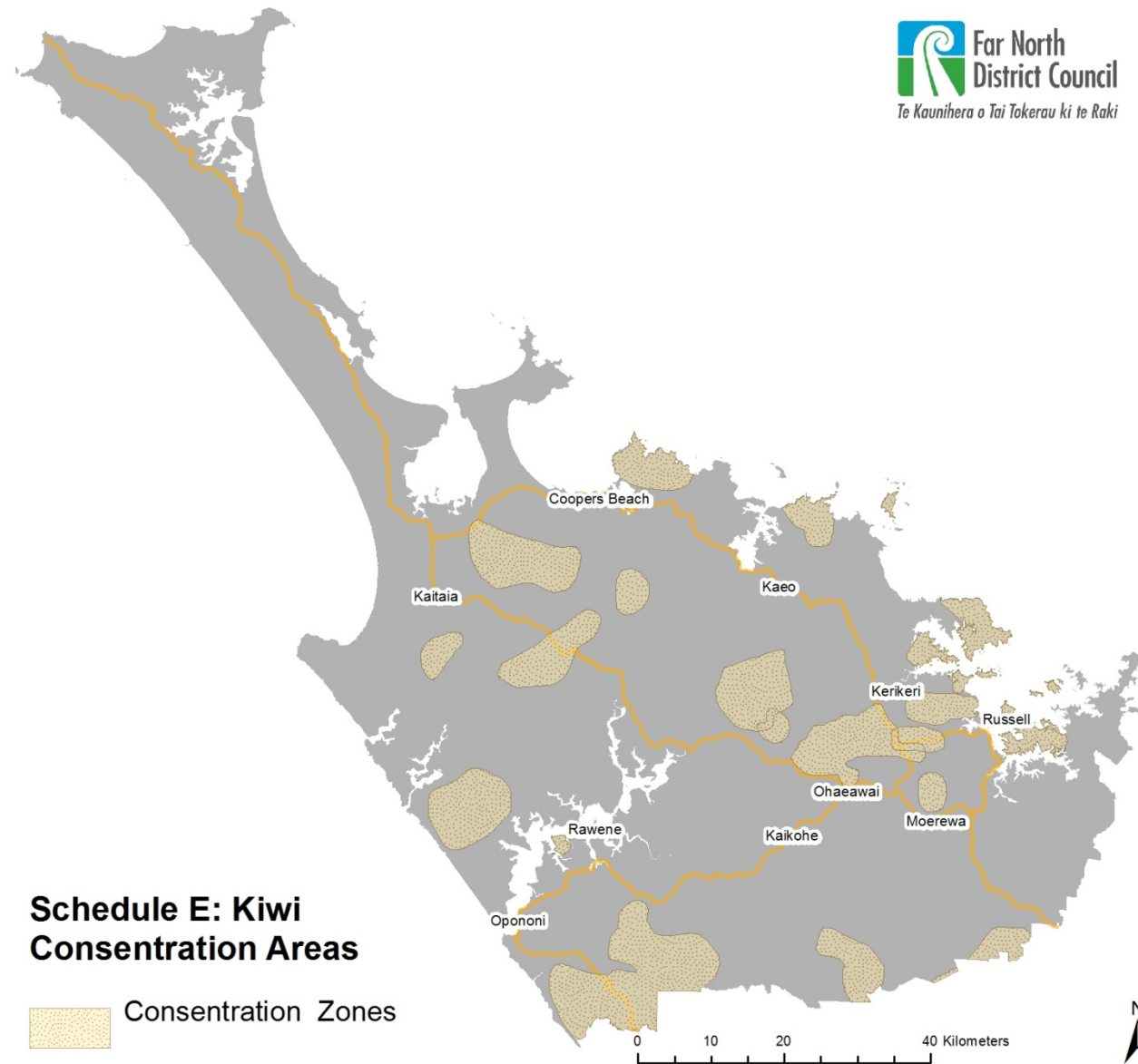
Schedule B: Dog Exercise Areas

 Dog Exercise Area











DOG POLICY 2017CONTROL BYLAW

Date Issued: XXXX 2017

INTRODUCTION

To come into force XXXXX

1.0 Short Title, Commencement and Application

~~1.1~~ The Dog Control Act 1996 section 10 requires Council to adopt a policy title of this bylaw is the Far North District Council *Dog Control Bylaw 2016* and comes into force on ~~xxxx~~.

~~1.2~~ dogs. The Dog Control Bylaw 2017This bylaw applies to this Policythe Far North District.

POLICY OBJECTIVE

The Dog Policy aims to:

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

POLICIES

Policy 1 – Promote Responsible Dog Ownership

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

- 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 Owner (RDO) if they have complied with all Council requirements as they relate to dogs and has complied with the requirements of the Dog Control Act. A Responsible Dog Owner will meet all the requirements for a Licenced Dog Owner under the Dog Control Act.
- 1.3 The owner's dog 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 one year.

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 before the due date;

(c) the dog owner has contacted Council before the due date and has paid the registration fees on time on previous occasions;

(d) there is evidence of hardship and payment arrangements are agreed between the owner and Council, subject to the agreed payments being kept up to date.

Policy 3 – Dog Prohibited Areas

3.0 Dogs are not allowed in any public place designated as a **Prohibited Area** in the areas listed below and designated in the **schedule of this Policy**.

3.1 Dogs are prohibited from all children's playgrounds at all times.

3.2 Dogs are prohibited from all public swimming pools at all times.

3.3 Dogs are prohibited from land administered by the Department of Conservation (unless DOC specifies otherwise).

3.4 The person in charge of any dog must avoid disturbing the areas where birds are clustered or gathered together.

Policy 4 – On Leash restrictions

5.0 Every person in charge of a dog must ensure that his or her dog is kept on a leash in the areas listed below:

5.1 Urban areas (900 plus population);

5.2 All reserves (except for dog exercise areas);

5.3 All beaches from Labour Day to 1st May (except for prohibited areas or dog exercise areas);

5.4 Pou Herenga Tai Twin Coast Cycle Trail.

5.5 the trail for Te Haumi Beach to Opuia

Policy 5 – Exercise areas

6.0 Dogs may be exercised off-leash and under control in the areas listed below and designated in the **schedule** of this Policy:

6.1 Kaitia Empire Street

6.2 Kaikohe Highway 12

6.3 Kerikeri Rolands Wood, Kerikeri Inlet Rd

6.4 Kerikeri Wiroa Road

6.5 Opuia Beechy Street waterfront

6.6 Rangiputa Rangiputa beach

6.7 Paihia Sullivans beach

6.8 Exercise areas may be added by resolution of Council or the Te Oneroa A Tohe Beach Board.

Policy 6 – Urban limit to two dogs per household

7.0 There is a maximum limit of **two** dogs over 3 months old per household in the urban areas (i.e. with a population over 900 people) listed below and designated in the **schedule** of this Policy:

7.1 Kaikohe

7.2 Kaitia

7.3 Kawakawa

7.4 Kerikeri

7.5 Moerewa

7.6 Haruru, Opuia, Paihia, Waitangi

7.7 Taipa, Coopers Beach, Cable Bay, Mangonui.

Policy 7 – Limit to one dog per household

8.0 There is a maximum limit of **one** dog over 3 months old per household in the kiwi concentration zones listed below and designated in the schedule of this Policy:

8.1 Russell and the Russell Peninsula

8.2 Redcliffes, Rangitane, Blacksmiths Bay, Doves Bay, Opito Bay

8.3 Te Tii and Purerua Peninsula

8.4 Tauranga Bay, Mahinepua, Wainui, Te Ngaere, Matauri Bay, Tepnene, Takou Bay, Otaha

8.5 Hihi, Taemaro, Waimahana Bay, Taupo Bay, Totara North.

8.6 Existing registered dogs as at 01 October 2017 and working dogs are exempt.

OR There is a maximum limit of one dog over 3 months old per household in all kiwi concentration zones. Existing registered dogs and working dogs are exempt.

OR No dogs will be newly registered in kiwi concentration zones. Existing registered dogs and working dogs are exempt.

DOG POLICY AND DOG CONTROL BYLAW SCHEDULE

Schedule A Dog Prohibited Areas

Schedule B Dog Exercise Areas

Schedule C Limit on Number of Dogs per Household

Schedule D Department of Conservation Prohibited Dog Areas

Schedule E Kiwi Concentration Areas



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 October 2017

For the purpose of: The purpose of this Bylaw is:
- to provide for the care and of dogs;
- to prevent injury, distress or nuisance to any person;
- to prevent injury or distress to any stock, poultry, domestic animal or protected wildlife.

To be reviewed by: 01 October 2027

1.0 Former Bylaw Repealed

12.1 As of the date this Bylaw~~bylaw~~ comes into force the *Far North District Council Dog Control Bylaw 2006* following ~~bylaw~~ is hereby repealed.:

1~~The “*Far North District Council Dog Control Bylaw 2006*”~~

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~~.

12.3 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~~.

23.0 Interpretation

Terms in this Bylaw have the 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:

- ~~— 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.~~
- ~~— 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.~~

~~— 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 Regional Council named in Part 1 of Schedule 2 of the *Local Government Act 2002*.~~

~~— A Territorial Authority, being a city council or district council named in Part of Schedule 2 of the *Local Government Act 2002*.~~

~~— A Unitary Authority as defined in Section 5 of the *Local Government Act 2002*.~~

~~— 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 approved/certified by Council as a Responsible Dog Owner and is the equivalent of a Licenced Dog Owner.;

3.0 Remove Faeces

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

4.1.0 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 The It is the responsibility of the Dog Owner or person in charge of a dog must remove dog faeces immediately and dispose of them in a suitable waste container 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.

4.0 Confinement of Dogs

~~4.14.3.3 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.~~

~~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~~

~~— 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

~~— 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:~~

- ~~— be weatherproof~~
- ~~— be dry~~
- ~~— be clean, and~~
- ~~— 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, from ——— 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 until on each day and ending 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 continuous the control of the owner or handler.~~

5

8.0 Diseases Removal of Faeces

~~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.~~

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 —~~ 5.1 No dog It shall be an offence to exercise any dog infected with a contagious disease can be exercised in any public place.

~~5.29.4 — Every person in charge of a dogDog Owner must ensure that any dog infected with a contagious disease is contained on theirhis or her 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.~~

610.0 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

~~642.1 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*.~~

~~642.2 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 Female Dogs in Season

~~7.1 No bitch in season can be exercised in any public place.~~

~~7.2 Every person in charge of a dog must ensure that every female dog in season is contained and exercised on private land or premises.~~

8.0 Impounding

~~8.1 Any Authorised Officer may impound a dog found tethered and unattended.~~

8.2 Council's operating procedures will apply when any dog has been impounded.

9.0 Neutering

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

9.2 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.

Duty to Avoid Nuisance

~~13~~

9.3 If any dog is not kept under control on more than one occasion within a 12 month period, Council may, by written notice, require the owner to neuter the dog.

9.4 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.

10.0 Nuisance

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

(a) ~~the dog~~ causes a demonstrable nuisance; or

(b) is a significant risk to ~~the dog~~ ~~exposes~~ the health and safety of the public ~~others to significant risk~~; or

~~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.

~~10.2 No person shall cause any dog to become restive, or unmanageable, to incite any dogfight or to attack any other animal or aggressive person.~~

- ~~10.3 If 13.3 If any dog(s) or the keeping of any dog(s) on any dog premises has become or is likely to become a nuisance or injurious to health, an the Authorised Officer may, by notice in writing, require within a specified time the owner or occupier of the premises to within a time specified in the notice to do all or any of the following:~~
~~reduce~~
~~(a) Reduce the number of dogs kept on the premises;:-~~
~~(b) constructConstruct, alter, reconstruct or otherwise improve the kennels or other accommodation used to house, or contain or restrain the dog(s); or dogs.~~
~~(c) requireRequire the dog or dogs to be tied up or otherwise confined during specified periods;~~
~~(d) takeTake such other reasonable action to minimise or remove the likelihood of nuisance or injury to health.~~

11.0 Shelter/Housing

- ~~11.1 The owner or Any person having charge of any dog shall provide accommodation inside for that dog, or in 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 dogwho fails to move around.~~
- ~~11.2 No dog connected toempty with any accommodation or place of confinement by a chain or other humane device shall have its movements further restricted by any other fixture.~~

12.0 Limit on Number of Dogs

- ~~12.1 No person may keep more than two dogs aged over 3 months on land or premises in any urban area designated in the **schedule** of this Bylaw.~~
- ~~12.2 No person may keep more than one dog per household on land or premises in any area designated in in the **schedule** of this Bylaw.~~

13.0 Schedules

- ~~13.1 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.~~

~~notice issued under Clause 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 ~~1—commits an offence~~ under control in any area designated as a **Dog Exercise Area** in the **schedule** of this ~~the~~ Bylaw.

15

14.0 Offences and Penalties

~~15~~14.1 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~~.

The urban areas with a limit of two dogs per household are:

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

Detailed maps are available on the Council website. A summary map is below:

Schedule D1E – 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.
- Dogs are not allowed in Department of Conservation (DOC) nature reserves or wildlife sanctuaries except by~~with express~~written approval.
- ~~— Dogs are not allowed ashore to a controlled dog area or nature reserve at any time.~~ Dogs 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.
- ~~— Dogs~~In addition dogs are not permitted at any~~any~~time in the areas listed below:

<u>DOC Reference</u>	<u>Dog Prohibited Areas – no access</u>	<u>Local Office</u>
<u>Ref: P05032</u>	<u>Akeake Historic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05043</u>	<u>Balast Point</u>	<u>Bay of Islands</u>
<u>Ref: Q05002</u>	<u>Black Rocks Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05030</u>	<u>Blacksmiths Bay</u>	<u>Bay of Islands</u>
<u>Ref: Q05013</u>	<u>Deep Water Cove Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05065</u>	<u>Harata Historic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05060</u>	<u>Hongi Hika Recreation Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05030</u>	<u>Kahuwhera Pa Historic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05065</u>	<u>Kerikeri Esplanade Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05022</u>	<u>Kerikeri Govt. Purp. Fish Hatchery</u>	<u>Bay of Islands</u>
<u>Ref: P05026</u>	<u>Kerikeri Inlet Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05020</u>	<u>Kerikeri River Scenic Reserve</u>	<u>Bay of Islands</u>

<u>Ref: P05066</u>	<u>Kerikeri Wharf Historic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05025</u>	<u>Kororipo Pa Historic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05015</u>	<u>Lake Waiparahaka Scientific Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P04005</u>	<u>Mahinepua Peninsula Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05033</u>	<u>Man O War</u>	<u>Bay of Islands</u>
<u>Ref: Q05014</u>	<u>Manawahuna Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05001</u>	<u>Marsden Cross Historic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05036</u>	<u>Motuarahi Island Island Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05003</u>	<u>Motuarohia Island Recreation Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P04006</u>	<u>Motukawanui Island Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05034</u>	<u>Motumaire Island Historic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05044</u>	<u>Motupapa Island Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05004</u>	<u>Moturua Island Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05031</u>	<u>Motutapu Island Scenic Reserve (Kerikeri Inlet)</u>	<u>Bay of Islands</u>
<u>Ref: Q05042</u>	<u>Motutokape Island</u>	<u>Bay of Islands</u>
<u>Ref: P05016</u>	<u>Ngawha</u>	<u>Bay of Islands</u>
<u>Ref: P05109</u>	<u>Ngawha Purchase Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05006</u>	<u>Okahu Island Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05017</u>	<u>Okuratope Pa Historic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05009</u>	<u>Otehei Bay (Pt. Urupukapuka Island Rec. Reserve)</u>	<u>Bay of Islands</u>
<u>Ref: P05061</u>	<u>Pakaraka Kauri Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05010</u>	<u>Poroporo Island Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05018</u>	<u>Puketona Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05019</u>	<u>Pukewhau Ecological Area</u>	<u>Bay of Islands</u>
<u>Ref: P05021</u>	<u>Rainbow Falls Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05029</u>	<u>Rangitane Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05034</u>	<u>Taranaki Island Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P04022</u>	<u>Taronui Bay Access</u>	<u>Bay of Islands</u>
<u>Ref: P04021</u>	<u>Taronui Bay Recreation Reserve</u>	<u>Bay of Islands</u>

<u>Ref: P04023</u>	<u>Taronui Bay Addition Recreation Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05016</u>	<u>Te Toroa Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05031</u>	<u>Tikitikioure</u>	<u>Bay of Islands</u>
<u>Ref: Q05037</u>	<u>Toretore Island Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05008</u>	<u>Urupukapuka Island Recreation Reserve</u>	<u>Bay of Islands</u>
<u>Ref: Q05029</u>	<u>Uruti Bay</u>	<u>Bay of Islands</u>
<u>Ref: Q05007</u>	<u>Waewaetorea Island Recreation Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05023</u>	<u>Waipapa Stm Scenic Reserve</u>	<u>Bay of Islands</u>
<u>Ref: P05068</u>	<u>Wairoa</u>	<u>Bay of Islands</u>
<u>Ref: P05045</u>	<u>Waitangi Endowment Forest</u>	<u>Bay of Islands</u>
<u>Ref: Q05028</u>	<u>Waitata Point</u>	<u>Bay of Islands</u>
<u>Ref: O03001</u>	<u>Maitai Bay Recreation Reserve</u>	<u>Kaitaia</u>
<u>Ref: O04024</u>	<u>Mangonui Court House Historic Reserve</u>	<u>Kaitaia</u>
<u>Ref: M02001</u>	<u>Motuopao Island Nature Reserve</u>	<u>Kaitaia</u>
<u>Ref: N02003</u>	<u>North Cape Scientific Reserve</u>	<u>Kaitaia</u>
<u>Ref: O04014</u>	<u>Rangikapiti Pa Historic Reserve</u>	<u>Kaitaia</u>
<u>Ref: N03008</u>	<u>Simmonds Is. Nature Reserve</u>	<u>Kaitaia</u>
<u>Ref: L01001</u>	<u>Three Kings Islands Nature Reserve</u>	<u>Kaitaia</u>
<u>Ref: O04036</u>	<u>Walker Island Nature Reserve</u>	<u>Kaitaia</u>
<u>Ref: O03007</u>	<u>Whangatupere Bay Marginal Strip</u>	<u>Kaitaia</u>
<u>Ref: O03008</u>	<u>Paeroa/Knuckle Point Scenic Reserve</u>	<u>Kaitaia</u>

The Dog Policy and Bylaw Schedule is summarised in the map below.

More detailed maps will be made available on the **DOC**Council's website.

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 A1897169

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 _____

_____ Post Code _____

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:

☐ Kaiaia (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

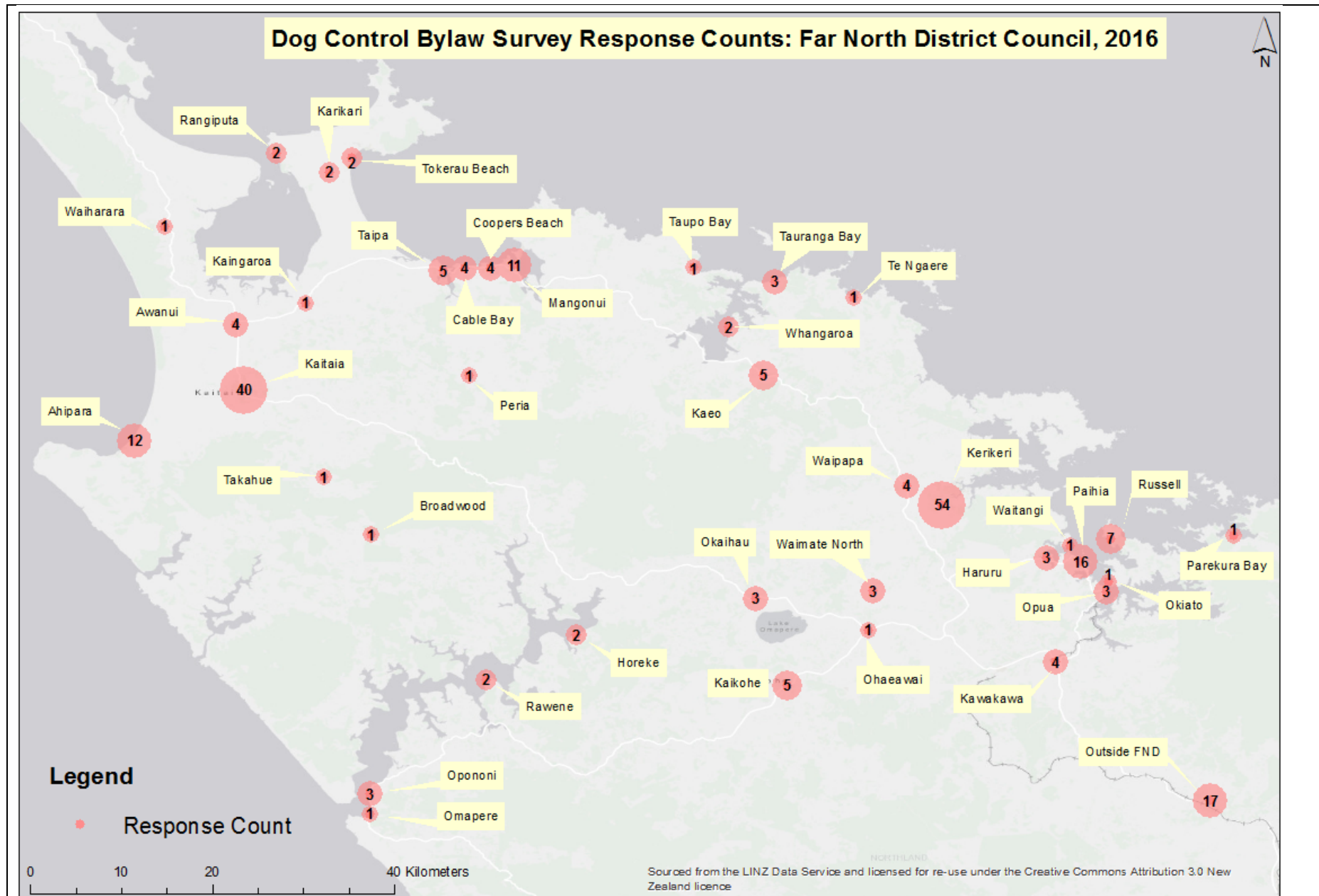
Customer enquiries: Phone 0800 920 029

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.

Figure 1.

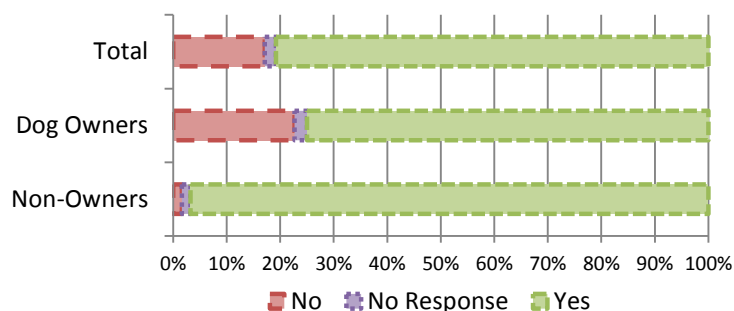


3.2.1 Impounded and Unattended Dogs

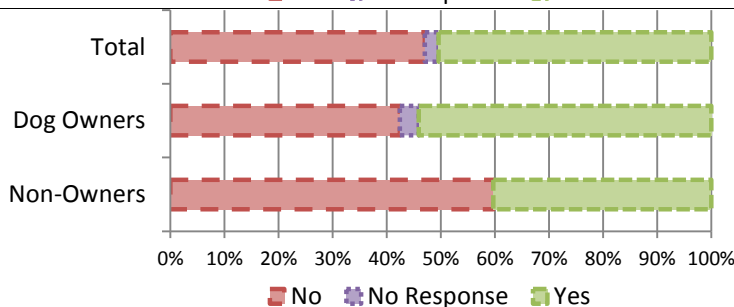
De-sexing impounded dogs was supported by 81% of the respondents, with the majority of dog owners (75%) and non-owners (97%) in support.

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)?

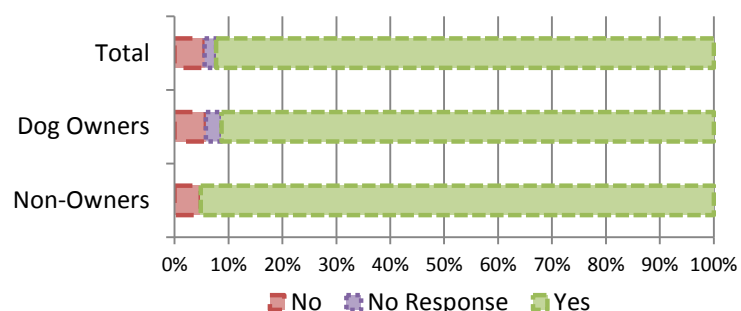


3.2.2 Responsible Dog Owners

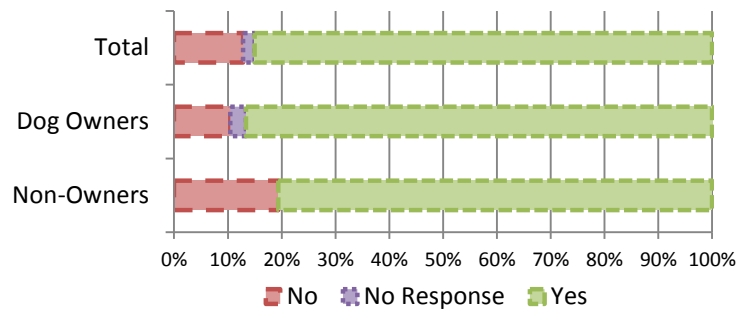
Creating a Responsible Dog Owner (RDO) Category was supported by over 92% of all respondents, with non-owners responding slightly higher (95%) than dog owners (91%).

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?

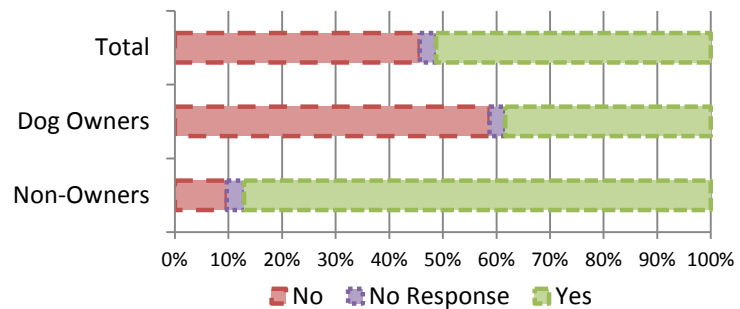


3.2.3 Dog Prohibition Times and Areas

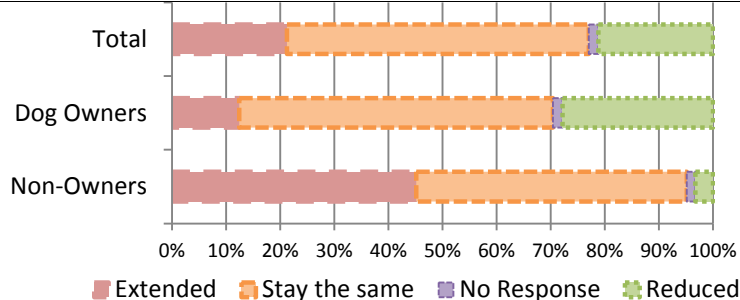
The responses to prohibiting dogs from most beaches during the daytime in summer was closely divided, with 51% of the total responding “Yes” and 46% responding “No”. The majority of dog owners were against the summer prohibition, with 59% responding “No”. Non-owners were more in favour of summer prohibitions,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

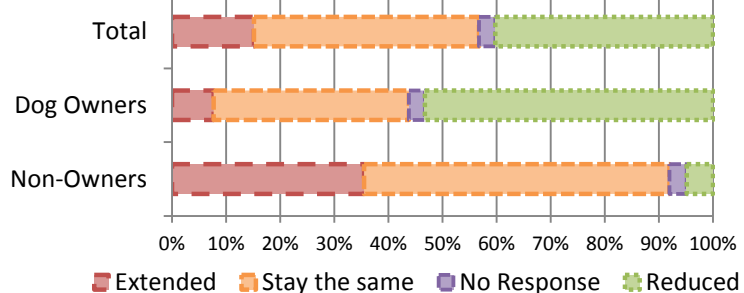
Question Five - Should dogs be prohibited from most beaches during the daytime during summer?



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



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

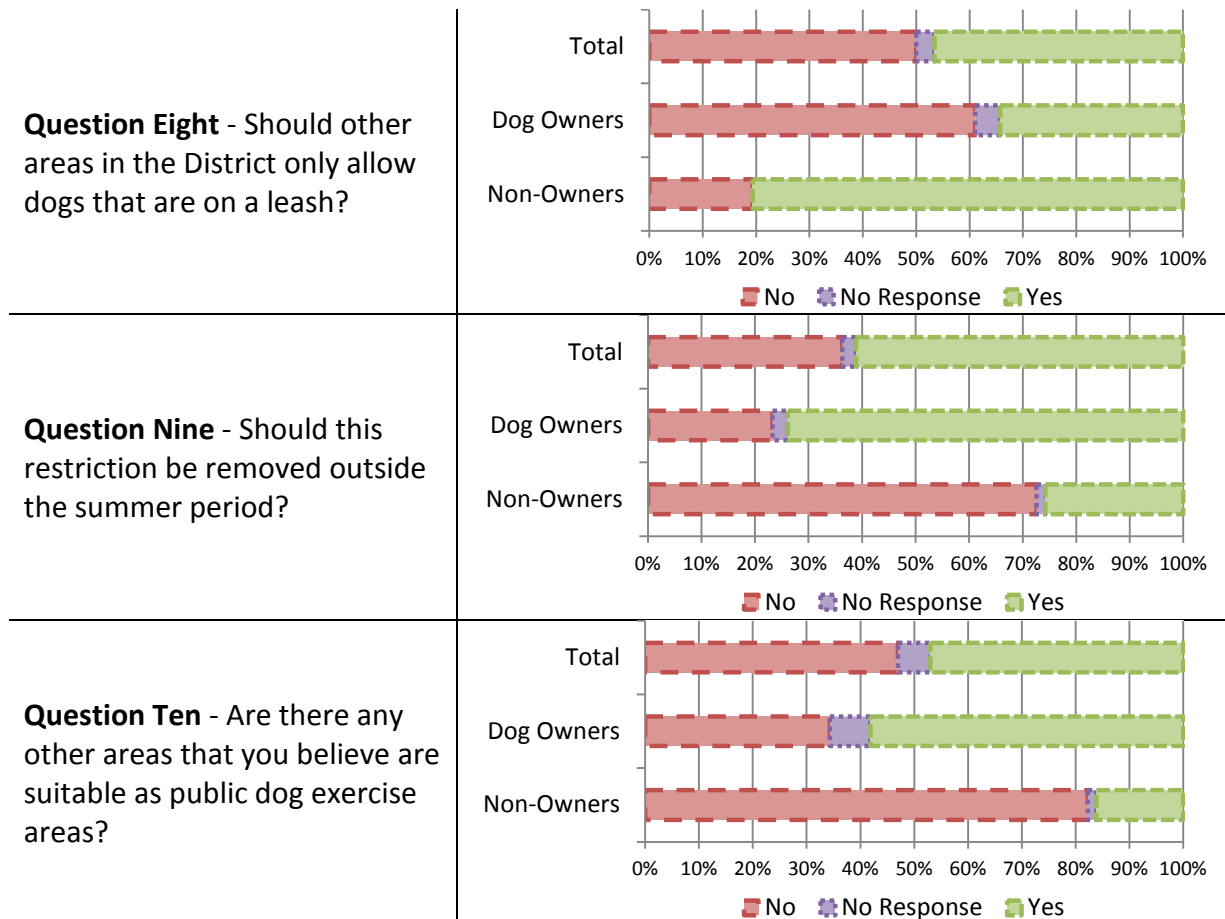


The largest total response for the times of prohibition was to keep the current times of (9am-6pm) at 42%. More respondents (40%) supported decreasing the times than extending (15%). The majority of dog owners (53%) responded that times should be reduced, while the majority of non-owners (57%) responded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



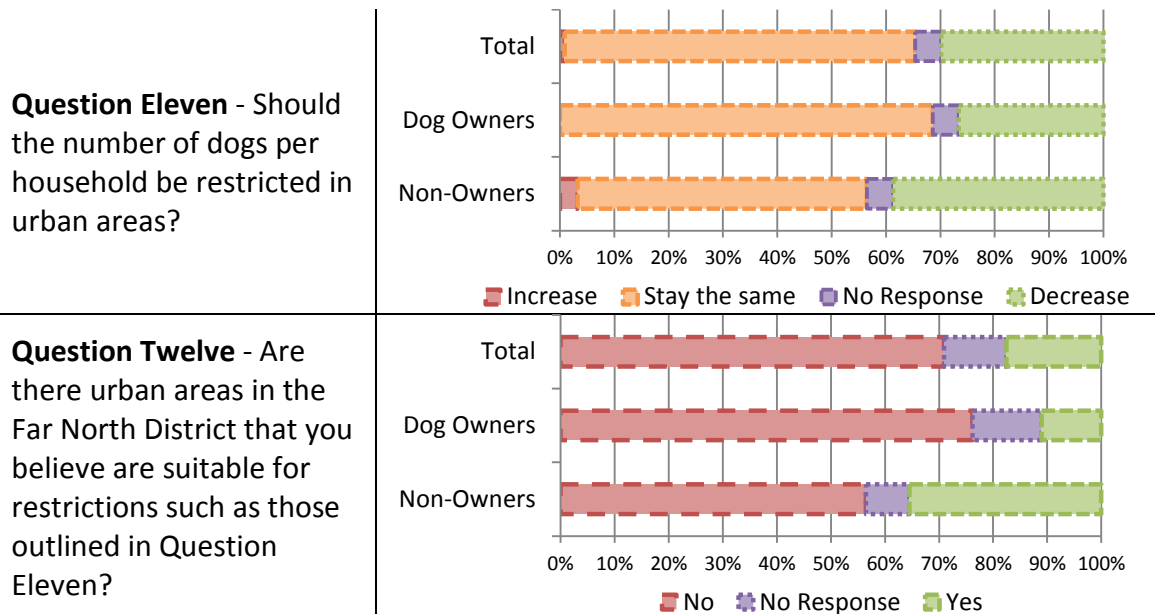
The total responses were evenly split at 47% “Yes” and “No” to the question of other suitable public places that could be used as dog exercise areas. The majority (82%) of non-owners believed there were no other suitable locations, while the majority (58%) of dog owners believed there were.

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

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.

No shooting as euthanasia method	1
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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.

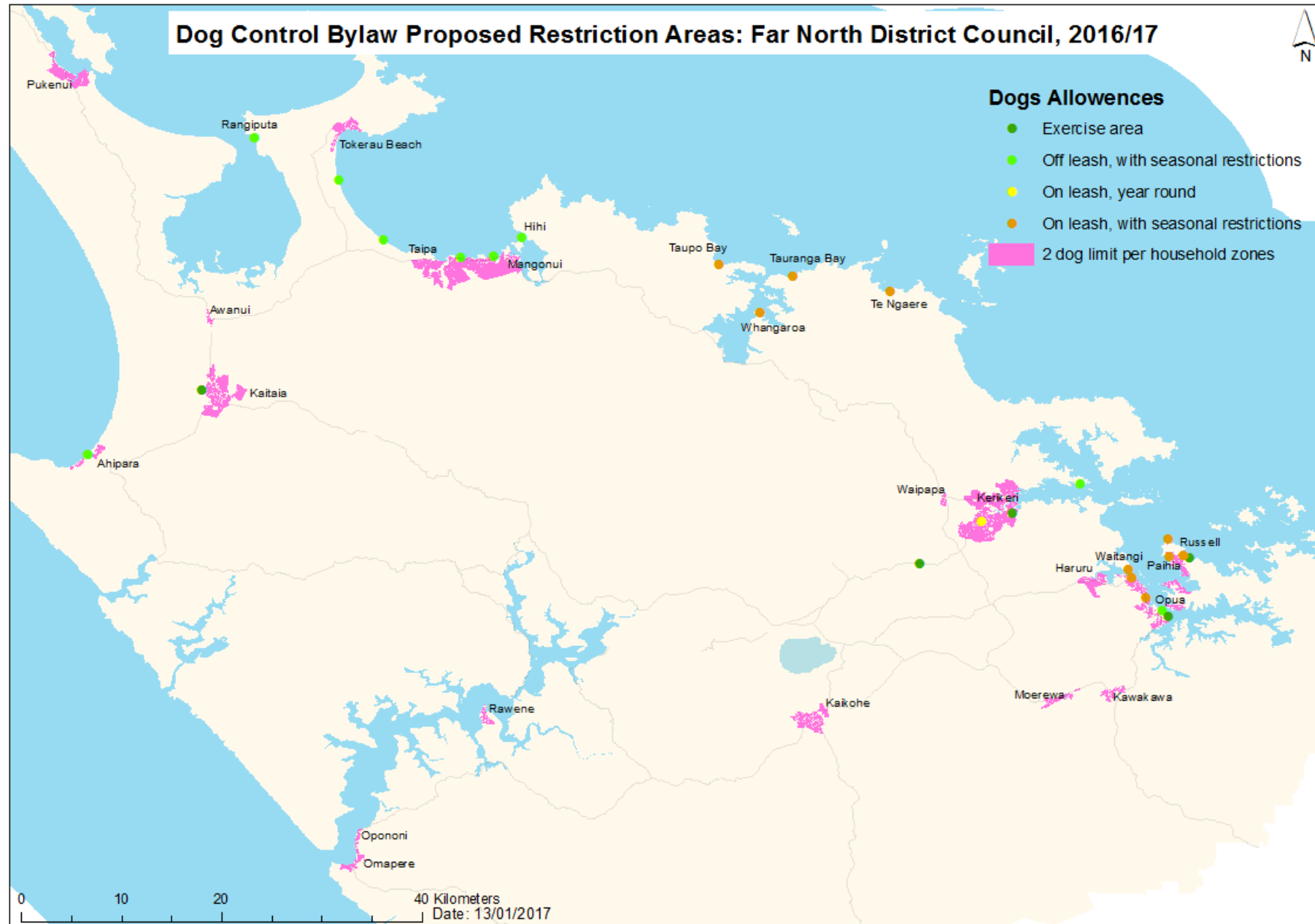
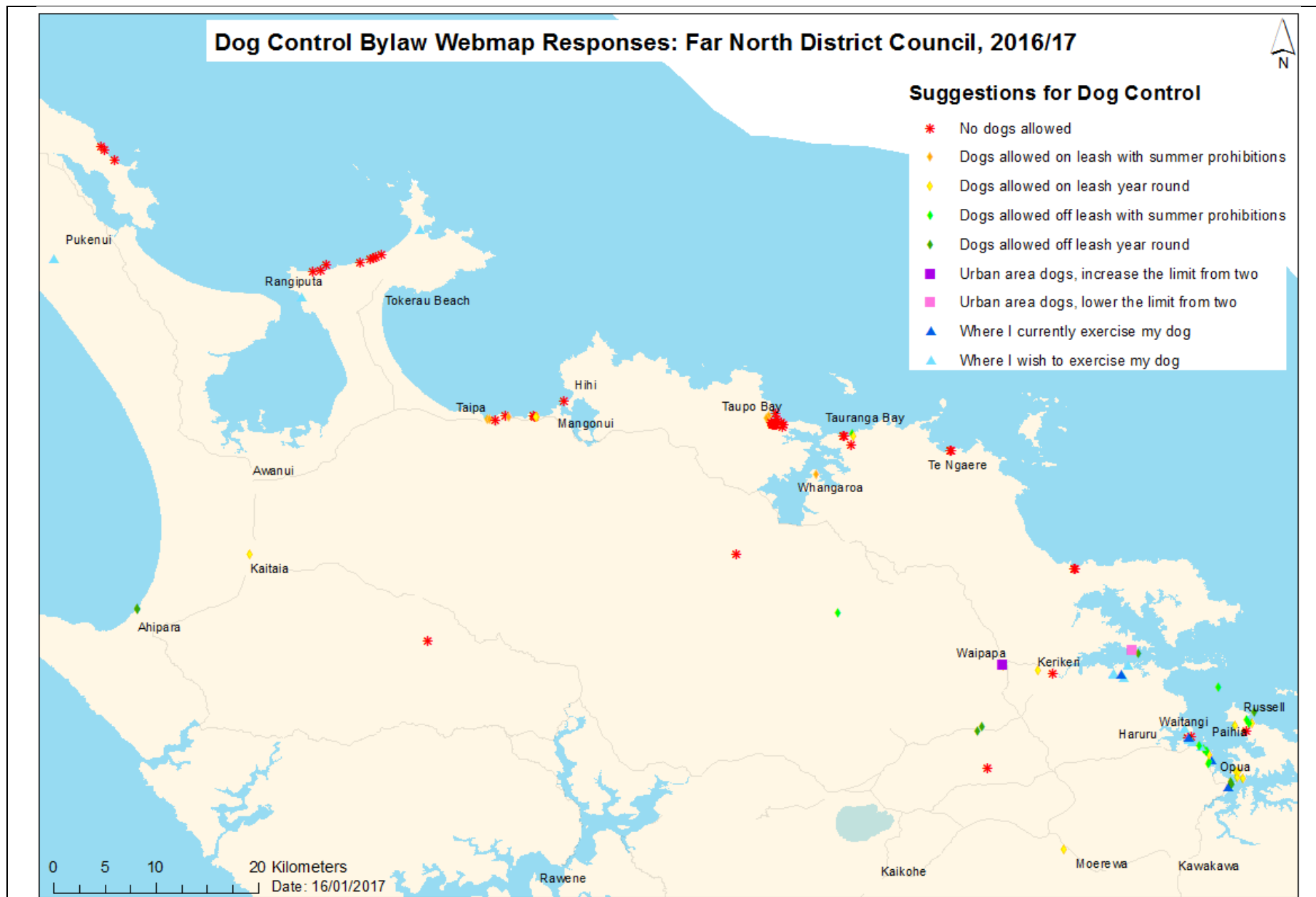


Figure 3.



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	

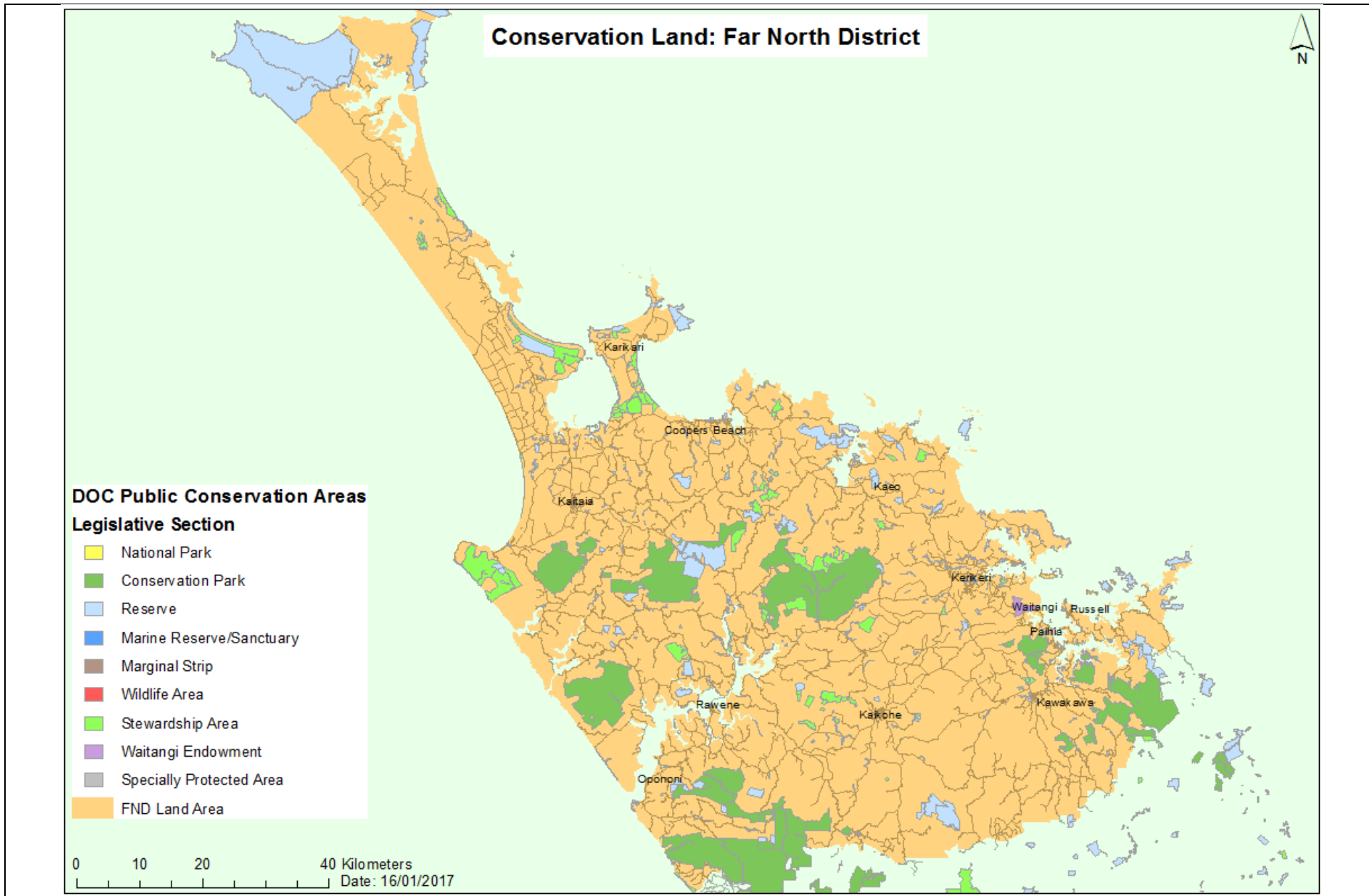
Kerikeri area				
Taronui Bay Recreation Reserve	✓		Blue penguins/likely breeding	
Taronui Bay Addition Recreation Reserve	✓			
Blacksmith Bay Conservation Area		✓		
Rangitane Scenic Reserve		✓		
Marsden Cross Historic Reserve	✓	✓	Blue penguins/likely breeding	
Whangaroa area				
Motukawanui Island Scenic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

Figure 4.



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.

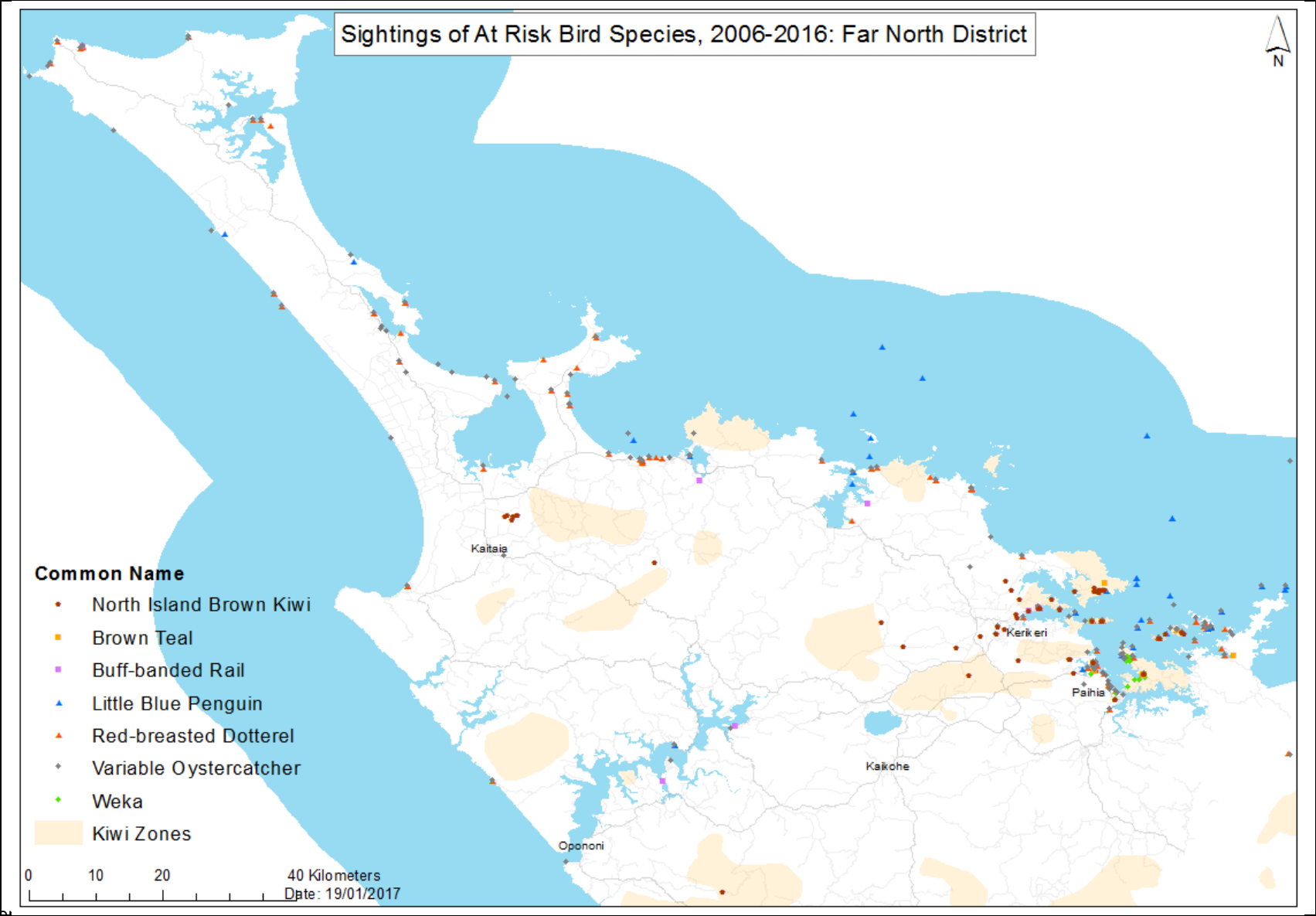
The Draft National Kiwi Recovery Plan 2017-2027 produced by the Department of Conservation states that unmanaged populations of brown kiwi are in decline in Northland due to predation of adults by dogs and ferrets (and predation of chicks by stoats). The Draft

Plan states: “It is currently thought that the rate of decline of unmanaged populations of 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.
Document number A1897169

Figure 5.



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.

Dog Policy and Bylaw Consultation Focus Group Meeting, Paihia Memorial Hall on 21 June 2017

- | | |
|---|--|
| 1. Waitangi Marae. Participant. | 7. Neil Miller, FNDC. Facilitator. |
| 2. Karetu Marae Committee. Participant. | 8. Leslie Trussler, FDDC. Note taker. |
| 3. Dog owner. Participant. | 9. Fergus Broom, Department of Internal Affairs. Observer. |
| 4. Dog owner. Participant. | |
| 5. Bush Bay Action. Participant. | 10. Dr Andy Asquith, Massey University. |
| 6. Forest and Bird. Participant. | Observer. |

- There is a lack of suitable places to exercise dogs at a time that is convenient to the owners.
- There is a need for a 24/7 convenient dog exercise area, like in Whangarei.
- If there are too few exercise areas then too many dogs in once place may create problems.
- Preferably exercise areas not to be on the beach as dogs can foul the beach and reduce water quality. Pipi beds need to be protected and benefit the wider community.
- There is a conflict between amenity for dog owners and protecting wildlife.
- Paihia dog owners' petition did not consider wildlife factors.
- People don't follow the rules. Will an on-leash when on the beach restriction may not be followed. A prohibition may be more likely to be enforceable.
- Need clarity of dogs or no dogs – keep the rules black and white. People will let their dog off leash when it is out of sight. It is easier to prove absence/presence than adequate control.
- Have a place where dogs can go, possibly an area of beach.
- Penguins can be on the beach year around so a summer restriction does not protect them.
- If a bylaw or policy specifies hunting and working dogs, then they need to be defined – are hunting dogs really working dogs, or should be they be classed as recreational?
- Hunting dogs could be required to have radio trackers.
- Working dogs could be required to have a different tag.
- If we can determine the class of dog at registration, then people will be able to pay their share associated with risks and costs.
- The Dog Control Act is being amended. Select Committee expected next year.
- Central government is considering a licence for owners, e.g. to be able to have a menacing or dangerous dog. Conditions may be similar to those for Responsible Dog Ownership.
- Rates should not subsidise responsible dog owners.
- Rates could be used to incentivise people to become responsible dog owners.
- Can dog owners from a club or group and help to manage a dog exercise area?
- A dog exercise area similar to Whangarei could be created as an alternative (though not on a beach). Dog owners may not always want to go there, as dogs can get rowdy when confined
- There could be a choice to put no dogs and cats covenants on properties by their owners.
- There could be a choice for Responsible Dog Owners to pay a full fee and donate their discount to a suitable cause (protecting wildlife or dog welfare).
- A discounted fee will not be enough of an incentive for many dog owners.
- Provide more education for the public and for dog owners.
- Build a relationship with those who offend.
- Create a community of responsible dog owners who make sure each other follow the rules.
- If you have a rule, be sure to enforce it!