Far North District Council

Te Kaunihera o Tai Tokerau ki te Raki

OUR DISTRICT

Topics, Options and Recommendations – Dog Management Policy and Bylaw Deliberations

2018

HE WHENUA RANGATIRA

A DISTRICT OF SUSTAINABLE PROSPERITY & WELL-BEING

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Introduction

The purpose of this document is to assist Councillors to consider the results of the consultation and to make decisions that will inform amendments to the Dog Management Policy and Bylaw 2018 and enable adoption on 13 December 2018.

To support the decision-making process, the attached report considers matters in seven deliberations topics. Each topic is accompanied by officer comment and recommendations for Council's consideration.

Deliberations will occur in three Council meetings:

15 November 2018. Debate and agree proposed rules for on-leash, off-leash and prohibited areas within the context of feedback received from the general public. These principles relate to seven topics:

- Off-leash and exercise areas
- District-wide access to public places (excluding beaches)
- Dog access on beaches
- Summer date and time rule for dog access on beaches
- Limitations on the number of dogs
- Responsible dog ownership
- Budget provisions

27 November 2018. Debate the changes made as a result of the 6 November decisions. A new draft of the policy and bylaw will be considered for refinement ahead of adoption on 13 December.

13 December 2018. Elected Members will formally adopt the Dog Management Policy and Bylaw 2018. This meeting represents the final opportunity to make changes but it is expected that any changes made at this point will be minor only.

This document relates to the first deliberations meeting, and is therefore not a detailed account of all relevant matters. The intention at the first meeting is to debate and agree the principles upon which further refinements will be made to the proposed policy and bylaw.

Prior to the 27 November deliberations meeting a new report will be circulated that will incorporate the decisions made on 15 November, presenting a new version of the policy and bylaw for further refinement.

The decisions made in these deliberations meetings will be captured in minutes and will inform the final draft of the policy and bylaw scheduled to be submitted to Council for adoption on 13 December 2018.

Background

On 17 May 2018 officers held a workshop with Councillors and Community Board Chairs on three key issues to confirm potential approaches for the Proposed Dog Management Policy and Bylaw 2018. These issues were:

- Limits on the number of dogs kept on private property
- Dog access to public places
- Designated dog exercise areas.

In considering these issues, officers had regard for the following:

- Protecting community safety

- The exercise and recreational needs of dogs and their owners
- Minimising the risk of injury or distress to stock, poultry, domestic animals and protected wildlife
- Clear and consistent approach for enforcement
- Easy to understand rules.

Officers consolidated the outcomes from this workshop in the development of the proposed Dog Management Policy and Bylaw 2018.

On 28 June 2018 the proposed Dog Management Policy and Bylaw was unanimously adopted for consultation. The proposed Dog Management Policy focuses on Council's obligations under the Dog Control Act 1996 (the Act). These obligations are to:

- Identify public places where dogs are to be prohibited
- Identify public places where dogs are to be on-leash
- Identify any areas that are to be designated as dog exercise areas where dogs may be exercised at large
- State whether dogs classified as menacing are required to be neutered
- Identify any land within the district that is a controlled dog area or open dog area under the Conservation Act 1987.

A special consultative procedure ran from 30 July until 24 September 2018. 1285 submissions were received. These submissions were analysed by an independent consultant. The consultant's report is in Attachment 1 of the Council report.

Statutory Context

Under section 10 of the Dog Control Act 1996, Council must adopt a policy in respect of dogs in the district. The adopted policy in respect of dogs is given effect through a bylaw under section 20 of the Dog Control Act 1996.

In adopting a policy in respect of dogs in the district under section 10(4) of the Dog Control Act 1996 Council must have regard to:

a) *the need to minimise danger, distress, and nuisance to the community generally; and*
b) *the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and*
c) *the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and*
d) *the exercise and recreational needs of dogs and their owners.*

The Dog Control Act 1996 imposes obligations on dog owners to ensure dogs do not injure, endanger or cause distress to any protected wildlife. The Council also has wildlife protection responsibilities under the Resource Management Act 1991 to protect significant habitats of indigenous fauna and maintain indigenous biological diversity.

The Dog Control Act 1996 is the primary regulatory tool for dog control. Outside of what the Dog Control Act prescribes and allows as controls under a policy and bylaw in respect to Dogs in the District, The Dog Control Act contains harsher generic penalties and greater enforcement powers. Although a bylaw does not have the 'teeth' that the Act does, the Council can still regulate where dogs can and can't go.

Considerations to support decision making on each deliberation topic

The same set of key considerations that informed the development of the Proposed Dog Management Policy and Bylaw has been used to assess options for deliberation topics. The set of key considerations are:

- Protect community safety
- Have regard to the exercise and recreational needs of dogs and their owners
- Minimise the risk of injury or distress to stock, poultry, domestic animals and protected wildlife
- A clear and consistent approach for enforcement
- Easy to understand rules.

Deliberation Topic 1: Off-leash and exercise areas

Proposal

At the 17 May 2018 workshop with Councillors and Community Board Chairs, the preferred approach for designated dog exercise areas was that areas could not be designated until they had fencing as a minimum, and that areas should remain as off-leash areas until they can be operationalised as a designated dog exercise area. The policy proposed the following five off-leash areas:

Kaikohe – Next to Kaikohe Cemetery (eastern side), 5414 State Highway 12

Kaikohe – Old Rugby League Field, Lindvart Park, Recreation Road

Kaitaia – 38 Empire Street, (at the end of Empire Street next to Awanui River)

Kerikeri – 391 Wiroa Road (behind crematorium), and

Kerikeri – Roland's Wood, 240 Kerikeri Inlet Road.

Community views

Community feedback can be seen in Attachment 1 (section 2.5 on pages 6-7 and Appendix 1: Detailed Analysis on pages 36-42).

A majority of submitters (77%) agree with the proposed off-leash areas. Many commented that it was too far to travel to the proposed off-leash areas and that more were needed in their communities, particularly given the restricted access to beaches. Many commented that off leash beach coastal areas were preferred and that off-leash areas should be fenced. Some commented to develop a reserve/park/vacant council land as an off-leash area and allowing off-leash access in parks, sports fields, school grounds when not being used.

Some commented that many of the proposed areas are unsuitable to be used by dogs and their owners. 38 additional locations were proposed by submitters (see Tables 1.2, 1.3 and 1.4 of the analysis).

Officer comment and recommendations

Off-leash areas are shared spaces considered suitable for dogs to be exercised off-leash and under control. Designated dog exercise areas are areas where space has been prioritised for the exercise of dogs.

After considering all community submissions, an exercise area should have facilities available for dogs and their owners and would need to be fenced at a minimum as a community safety precaution.

As workshopped with Councillors and Community Board Chairs on 17 May 2018, designated dog exercise areas were omitted from the proposed policy because the Council did not consider any areas as suitable. Officers consider that suitable off-leash areas may transition to a designated dog exercise area after they have been operationalised, i.e. at a minimum fencing is required.

Council will need to consider what facilities would be required to enable an area to become a designated dog exercise area. On balance, some areas in the District may have a higher need to

have a designated dog exercise area than others, e.g. a highly populated area, or an area in a kiwi concentration zone. Some areas in the District may be reasonably suited to off-leash areas only.

Officer comment and recommendations can be found below in Table 1.1: Proposed off-leash areas and Tables 1.2, 1.3, 1.4: Additional off-leash and exercise areas per ward, as identified through submissions.

Table 1.1: Proposed Off-Leash Areas

Location	Proposal	Officer comment	Recommendation
Kaikohe – Next to Kaikohe Cemetery (eastern side), 5414 State Highway 12	Off-Leash and Under Control	Officers consider land inappropriate to be designated as an off-leash or exercise area due to the close proximity to Kaikohe Cemetery and SH12.	Change to on-leash.
Kaikohe – Old Rugby League Field, Lindvart Park, Recreation Road	Off-Leash and Under Control	This area is suitable as an off-leash area as the field is clearly defined and nearly fully fenced. Officers understand from Sport Northland that this area is no longer used for rugby.	Retain as an off-leash area and set funds aside for the transition into a dog exercise area.
Kaitaia – 38 Empire Street, (at the end of Empire Street next to Awanui River)	Off-Leash and Under Control	Officers identified this area as not suitable for an off-leash area. The terrain is uneven, visibility low and many children use the area to play.	Change to on-leash (subject to the suitability of an alternative off-leash area established in Kaitaia (see Table 1.2)).
Kerikeri – 391 Wiroa Road (behind crematorium)	Off-Leash and Under Control	Officers consider this piece of Council land as inappropriate to be designated as an off-leash or exercise area because of the close proximity to the cemetery, Wiroa Road and stock are grazed on the land.	Change to on-leash.
Kerikeri – Roland's Wood, 240 Kerikeri Inlet Road	Off-Leash and Under Control	The Trust Deed for this land states that it is a "shared public space" and therefore is inappropriate to be designated as a dog exercise area.	Retain as an off-leash area

Additional off-leash and exercise areas were identified through submissions. Tables 1.2, 1.3 and 1.4 provide preliminary officer comment and recommendations for each area suggested by submitters. Officers have made a preliminary assessment of these areas in light of land ownership, other uses of the area, parking availability and kiwi zone status. Overall, officers

consider that many of the additional areas identified by the community may be suitable as off-leash or designated dog exercise areas.

Submitters also suggested that the Council investigate public / private partnerships for the funding or land availability for dog exercise areas, such as the A&P showgrounds in Kaitaia, Kaikohe and Waimate North. This was the approach taken by the Whangarei District Council with the Whangarei dog park.

Table 1.2: Additional Off-leash and Exercise Areas - Te Hiku Ward

Area	Officer comment	Recommendation
Taumaruru Reserve, Coopers Beach	Department of Conservation land, DOC dog access rules apply.	FNDC has no jurisdiction to designate any specific activity on this land.
Rangikapiti Pa Reserve, Mangonui	Department of Conservation land, DOC dog access rules apply.	FNDC has no jurisdiction to designate any specific activity on this land.
A&P Showgrounds in Kaitaia, Kaikohe, Waimate North	The A&P showgrounds in these areas are not owned or controlled by FNDC.	FNDC has no jurisdiction to designate any specific activity on this land.
Section of playground off Matthews Ave, Kaitaia	This submitter may have been referring to Jaycee Park, Matthews Ave or the children's play area off Davis Cres. Both areas are unsuitable as an off-leash area as they are shared spaces within close proximity to children's play areas. If operationalised either area could be suitable as a designated dog exercise area.	Apply default district-wide rules (deliberation topic 2). If one area is considered suitable as an off-leash area, allocate funds to operationalise part of the land into a designated dog exercise area.
Matthews Park by Matilda Place, Kaitaia	This area is unsuitable as an off-leash area for dogs as it is a shared space within close proximity to children's play areas and residential properties. If operationalised this area could be suitable as a designated dog exercise area.	Apply default district-wide rules (deliberation topic 2). If considered suitable as an off-leash area, allocate funds to operationalise this area into a designated dog exercise area.
Coopers Beach Domain	The Coopers Beach Domain Management Plan was adopted by Council on 3 September 2014 and this stated dogs were to be under the owners control at all times. It is noted that dogs and their owners shall comply with the relevant Council bylaws. The development of a designated dog exercise area in the Domain may be appropriate.	Apply default district-wide rules (deliberation topic 2). If considered suitable as an off-leash area, allocate funds to operationalise this area into a designated dog exercise area.
North End of Ahipara	This area may be suitable as an off-leash area for dogs, but not as a designated exercise area. This area is a shared public space.	This area is unsuitable as an off-leash area. Dog access to Ahipara can be considered at the 27 November Council meeting.

Table 1.3: Additional Off-leash and Exercise Areas – Kaikohe-Hokianga Ward

Area	Officer comment	Recommendation
A&P Showgrounds in Kaitaia, Kaikohe, Waimate North	The A&P showgrounds in these areas are not owned or controlled by FNDC.	FNDC has no jurisdiction to designate any specific activity on this land.
Land near Opononi Refuse Centre /	This land is adjacent and behind the Opononi Bowling Club on Baker Road. If	Apply default district-wide rules (deliberation topic

Opononi Bowling Club	operationalised, this area would be suitable for use as a designated dog exercise area.	2). If considered suitable as an off-leash area, allocate funds to operationalise this area into a designated dog exercise area.

Table 1.4: Additional Off-leash and Exercise Areas – Bay of Islands-Whangaroa Ward

Area	Officer comment	Recommendation
Waitotara Reserve, Kerikeri	This reserve is frequented by dogs and their owners. The area is almost fully fenced. Parking is limited, which may be an issue as the reserve borders Waipapa Road. This land is in a kiwi present zone.	Include the reserve as an off-leash area. The reserve could transition into a designated dog exercise area if funding is allocated and facilities operationalised.
Stone Store Pa Reserve, Kerikeri	Department of Conservation land, DOC dog access rules apply.	FNDC has no jurisdiction to designate any specific activity on this land.
Sammaree Place, Kerikeri	This reserve area is currently a designated dog exercise area. This reserve is used as a shared space with a public walkway. Officers identify that there may be outstanding interests on this reserve regarding the Kerikeri Menz Shed. Officers note that the Reserves Act 1977 may need to be considered if the area was to be designated as a dog exercise area.	Include as an off-leash area. If considered suitable as a designated dog exercise area, part of this land could be operationalised.
Old Carters site, Opua	This property is on SH11, Opua. This property is privately owned.	FNDC has no jurisdiction to designate any specific activity on this land.
Opua-Paihia coast walk	Not suitable as an off-leash area as this walk is a popular shared space, close to conservation land, culturally sensitive areas and private property.	Apply default district-wide rules (deliberation topic 2).
Donated land at Davis Crescent, Paihia	A reserve management plan for Lucy Elizabeth Williams Scenic Reserve was adopted on 3 September 2014 and this stated dogs were not to be permitted on the reserve. This land is in a kiwi present zone.	Prohibit dogs from the Lucy Elizabeth Williams Scenic Reserve, as per the reserve management plan.
Kerikeri Domain	Popular shared public space used for sports, adjacent to a school and used as a thoroughfare. Officers consider that at present, this area may not be suitable as an off-leash area. If it was considered that an area of the domain was suitable, an off-leash area could transition into a designated dog exercise area.	Apply default district-wide rules (deliberation topic 2). If an area of the domain was considered suitable as an off-leash area, allocate funds to operationalise part of this area into a designated dog exercise area.
Cycle track, Moerewa	The cycle trail is a popular shared space that crosses private and significant land. Pou Herenga Tai – Twin Coast Cycle Trail Bylaw 2016 advises dogs are allowed on-leash at all times. This is noted in the district-wide rules section of the Policy.	Dog access on the Pou Herenga Tai – Twin Coast Cycle Trail remains on-leash at all times.
Fairy Springs, Kerikeri	This area is a popular shared walkway and picnic area that leads to Fairy Pools,	Apply default district-wide rules (deliberation topic

	adjacent to Kerikeri River. This area may not be suitable as an off-leash or exercise area because it is a popular shared space with limited clearing. This land is in a kiwi present zone.	2). If this area was considered suitable as an off-leash area, the Council should consider fencing off the area to minimise risk of dog-related harm.
Kawakawa Domain Recreation Reserve	This area is owned by DOC and is an open dog access area under the Conservation Act.	Any further considerations regarding this reserve should be discussed with DOC.
Undeveloped land behind netball courts, Kerikeri	This area is unsuitable as an off-leash area for dogs as it is a shared space within close proximity to the sports grounds. Officers understand that the Kerikeri Sports Complex Management Plan 2011 identifies this area as a site for future development of squash courts. If this area was considered to be suitable, it could be developed into a designated dog exercise area. This land is in a kiwi present zone.	Apply default district-wide rules (deliberation topic 2). If considered suitable as an off-leash area, allocate funds to operationalise this area into a designated dog exercise area.
Playing grounds at Kerikeri Rugby Club, Kerikeri	This area is unsuitable as an off-leash area for dogs as it is a shared space and primarily used for sporting activities. If an area on the grounds was identified and operationalised, this area could be suitable as a designated dog exercise area. This land is in a kiwi present zone.	Apply default district-wide rules (deliberation topic 2). If considered suitable as an off-leash area, allocate funds to operationalise this area into a designated dog exercise area.
Corner of Pipiroa Road and James Clendon Place, Okiato	This area is unsuitable as an off-leash area for dogs as it is a shared space within close proximity to native bush and protected wildlife and residential properties. If operationalised this area could be suitable as a designated dog exercise area. This land is in a kiwi concentration zone.	Apply default district-wide rules (deliberation topic 2). If considered suitable as an off-leash area, allocate funds to operationalise this area into a designated dog exercise area.
Reserve between Hope and Florence Avenues, Russell	This area is unsuitable as a dog off-leash as this is a shared space with a notable tree on site. The site is probably too small, and too close to residential properties to become a dog exercise area. This land is in a kiwi concentration zone.	Apply default district-wide rules (deliberation topic 2).
Fenced area on Council land near sportsgrounds, Russell	This area is currently unsuitable as an off-leash area for dogs as it is a shared space and primarily used for sporting activities. If an area on the grounds was identified and operationalised, this area could be suitable as a designated dog exercise area. This land is in a kiwi concentration zone.	Apply default district-wide rules (deliberation topic 2). If considered suitable as an off-leash area, allocate funds to operationalise part of this land into a designated dog exercise area.
Land near wastewater treatment plant, Russell	There are various vacant lots near the WWTM off Russell-Whakapara Road. An identified area may be suitable a designated exercise area. This land is in a kiwi concentration zone.	Apply default district-wide rules (deliberation topic 2). If considered suitable as an off-leash area, allocate funds to operationalise this area into a designated dog exercise area.
Taupo Bay – area between boat ramp	This area is considered unsuitable as an off-leash area. Rules for beaches will be	This area is unsuitable as an off-leash area. Dog

and northern end of beach	considered as part of Deliberation Topic 3, and at the 15 November Council meeting for specific beaches.	access on Taupo Bay can be considered at the 27 November Council meeting.
Taupo Bay – reserve near the cul-de-sac at the end of Marlin Drive	This area is between 57 and 59 Marlin Drive. The area is unsuitable as an off-leash area for dogs as it is a shared space within close proximity to sensitive coastal and estuarine areas. This area would be suitable for a designated dog exercise area and would require full fencing at a minimum. This area is within a kiwi present zone.	Apply default district-wide rules (deliberation topic 2). If considered suitable as an off-leash area, allocate funds to operationalise this area into a designated dog exercise area.
Totara North recycling centre, Totara North	This land is on Totara North Road, 500m from State Highway 1. If operationalised, this area would be suitable for use as a designated dog exercise area.	Apply default district-wide rules (deliberation topic 2). If considered suitable as an off-leash area, allocate funds to operationalise this area into a designated dog exercise area.
Land surrounding Kerikeri Airport	This land surrounding Kerikeri Airport is owned by different entities. It would not be suitable to have an off-leash or designated exercise area so close to an airport. This land is likely unavailable for the public to access.	Apply default district-wide rules (deliberation topic 2).
Part of forest between Kerikeri and Kaeo.	Department of Conservation land, DOC dog access rules apply.	FNDC has no jurisdiction to designate any specific activity on this land.
Haruru Sports fields, Haruru	This area is also known as Bledisloe Domain and Pavilion. This land is owned by the Waitangi National Trust and leased to FNDC for recreational purposes only. This area is unsuitable as an off-leash or designated exercise area as it is a shared space and primarily used for sporting activities. This land is in a kiwi present zone and adjacent to the Waitangi Forest.	Prohibit dogs at all times. This is for consistency with the existing Waitangi National Trust access rules.
Cycle trail between Opua and Kawakawa	Not suitable as an off-leash or exercise area the entire cycle trail is a popular shared space that can cross private and significant land. Pou Herenga Tai – Twin Coast Cycle Trail Bylaw 2016 advises dogs are allowed on-leash at all times. This is noted in the district-wide Rules section of the Policy.	Dog access on the Pou Herenga Tai – Twin Coast Cycle Trail to remain on-leash at all times.
Pipiroa Bay, Okiato	This area may be suitable as an off-leash area for dogs, but not as a designated exercise area. This area is a shared public space.	Apply default district-wide rules for beaches (deliberation topic 2).
Te Haumi toilets to Sullivans Beach	This area is not suitable as an off-leash or designated exercise area for dogs, as requested by tangata whenua (Ngati Manu). Part of Sullivan's Beach is privately owned therefore private property rights apply.	Prohibit dogs from Te Haumi Beach (public toilets to the bridge). Default district-wide rules should apply outside this.
United Rugby Club, Kawakawa	This land is not owned or controlled by FNDC.	FNDC has no jurisdiction to designate any specific activity on this land.
Lake Manuwai, Waipapa	This area is jointly managed by FNDC and Kerikeri Irrigation Company. As the	Apply default district-wide rules.

	recreation space off Sandys Road and the walkway off Onekura Road are shared spaces adjacent to a reservoir, an off-leash or exercise area may not be suitable.	
Peacock Gardens reserve, Kerikeri	This area is at the end of Peacock Gardens Drive and is adjacent to Kerikeri River. This area would not be suitable for a off-leash or designated exercise area because it is a popular shared space with limited clearing and visibility.	Apply default district-wide rules (deliberation topic 2).
Reserves at Watea in Haruru Falls	There are three sections in the Watea subdivision that could be suitable for a designated dog exercise area. They are not suitable as off-leash areas as they are in very close proximity to residential properties. All properties are in a kiwi present zone.	Apply default district-wide rules (deliberation topic 2). If one section is considered suitable as an off-leash area, operationalise this area into a designated dog exercise area.
Grassy area, west side of road at Te Haumi	This land is off Te Haumi Drive, between Taumata Close and Hihitahi Drive. This area would not be suitable as off-leash or designated dog exercise area as it is in close proximity to residential properties. The land has limited clearing and visibility. This land is in a kiwi present zone.	Apply default district-wide rules (deliberation topic 2).

Officer recommendations

Retain as off-leash areas:

- Kaikohe – Old Rugby League Field, Lindvart Park, Recreation Road
- Kerikeri – Roland's Wood, 240 Kerikeri Inlet Road

Remove from off-leash areas:

- Kaikohe – Next to Kaikohe Cemetery (eastern side), 5414 State Highway 12
- Kaitaia – 38 Empire Street, (at the end of Empire Street next to Awanui River)
- Kerikeri – 391 Wiroa Road (behind crematorium)

Include as off-leash areas:

- Waitotara Reserve, Kerikeri
- Sammaree Place, Kerikeri

Investigate potential for future off-leash or designated dog exercise areas

Officers recommend that Council invest in fencing the following areas to provide access to varied off-leash areas around the district. Providing fenced areas for dogs to be exercised around the district is of significance in order to make sure community safety is protected and that dog owners have a range of areas to take their dog to be exercised if they live in an area where restrictions on beaches are higher to protect wildlife.

- Section of playground off Matthews Ave, Kaitaia
- Undeveloped land behind netball courts, Kerikeri
- Fenced area on Council land near sportsgrounds, Russell
- Taupo Bay – reserve area near the cul-de-sac at the end of Marlin Drive
- Land near Opononi Refuse Centre / Opononi Bowling Club
- Reserves at Watea in Haruru Falls

Deliberation Topic 2: District-wide access to public places (excludes beaches)

Proposal

The proposed district-wide access rules are the dog access rules for most public places in the Far North District. If increased or decreased restrictions on dog access at specific public places is suitable, these rules will be identified elsewhere in the Policy. The district-wide rules are often referred to as default rules. The purpose of the proposed district-wide access rules is to ensure the safety of the public and to reduce the risk of any dog-related harm, while also providing for the wellbeing and recreational needs of dogs and their owners.

Community views

Submitters were almost evenly split in their views with 51% agreeing with the proposed district-wide access rules and 49% disagreeing.

A number of submitters commented that the restrictions should be reduced, with the main comments that dog owners should be trusted, and that dogs should be allowed off-leash in parks and reserves if they are under control. A smaller number of submitters commented that the restrictions should be increased, with a requirement that all dogs be on the leash when out in public. Their concerns related to the impact on threatened bird species and the nuisance caused by dogs to other people.

Community feedback can be seen in Attachment 1 (section 2.6 on pages 7-8 and Appendix 1: Detailed Analysis on pages 43-47).

Officer comment and recommendations

Table 2.1 below provides officer comment and recommendations for the proposed district-wide rules, except beaches. Options for beach access will be considered in Deliberation Topics 3 and 4.

Table 2.1: Proposed District-wide rules (except beaches)

Area and Description	Proposal	Officer comment	Recommendation
All children's playgrounds	Prohibited	Officers recognise that a frequent comment of submitters was that restrictions should be reduced. However in consideration of Council's obligations under the Dog Control Act 1996, Council must avoid inherent danger associated with uncontrolled dog access to public places that are frequented by children. Officers have identified that many children's playgrounds are within public parks or reserves and are not fully fenced.	Retain the proposal
All public swimming pool areas	Prohibited	Council must give regard to minimise danger, distress and nuisance to the community generally. Public swimming pool areas should be used without fear of attack or intimidation by dogs. While a range of views were expressed, officers recommend that it is not appropriate for dogs to have access to public swimming	Retain the proposal

		pools to protect public health and safety.	
All parks, sportsgrounds and reserves, unless specified elsewhere in this schedule	On-leash	Council must have regard to enabling use of public amenities without fear of attack or intimidation by dogs. While a number of submitters commented that dogs should be allowed off-leash in parks and reserves, submitter views were polarised and officers recommend the default on-leash rule for parks, sportsgrounds and reserves to protect community safety in shared spaces to minimise dog related harm. Where specific parks, sportsgrounds and reserves are suitable for dogs off-leash, officers recommend that these areas be identified in 'Off-leash Areas'.	Retain the proposal
All public footpaths, roads and other public spaces	On-leash	Officers recognise that a frequent comment of submitters was that restrictions should be reduced. However in consideration of Council's obligations under the Dog Control Act 1996, Council must have regard to enabling public use of streets and public amenities without fear of attack or intimidation by dogs.	Retain the proposal
Pou Herenga Tai – Twin Coast Cycle Trail	On-leash	Officers note that some submitters commented that the Cycle Trail should of off-leash, but the Pou Herenga Tai – Twin Coast Cycle Trail Bylaw 2016 currently provides for on-leash access at all times. The cycle trail is a popular shared space that can cross private and significant land, officers recognise that a special consultative procedure would need to be undertaken to amend the Bylaw.	Retain the proposal
NEW: Reserves	As specified in reserve management plans	Officers have taken into account a common desire in submissions to have more off-leash and under control opportunities. A new district-wide rule relating to reserves with reserve management plans would provide for the merits and risks of off-leash dog access to specific reserves to be considered through the reserve management plan process, and support community outcomes. It would enable new off-leash opportunities without having to amend the policy schedule as new reserve management plans are developed.	New
All other public places not specified	On-leash	Council must have regard to enabling public use of streets and public amenities without fear of attack or intimidation by	Retain the proposal

		dogs.	

Officer recommendations:

Retain as prohibited:
- All children's playgrounds
- All public swimming pool areas

Retain as on-leash:
- All parks, sportsgrounds and reserves, unless specified elsewhere in this schedule
- All public footpaths, roads and other public spaces
- Pou Herenga Tai – Twin Coast Cycle Trail
- All other public places not specified.

Include a new district-wide access rule that gives effect to dog access specified in future reserve management plans

Deliberation Topic 3: Dog access on beaches

Proposal

The proposed default district-wide rule for beaches was off-leash on most beaches at all times, except from 1 December to 31 March, including public holidays, from 9am to 6pm when dogs would need to be on-leash. The seasonal restrictions to protect people in the summer will be considered as part of 'Deliberation Topic 4 Summer Date and Time Rule for Dog Access on Beaches'. Some areas in our District were also identified as needing restricted dog access because of high conservation and/or cultural value. Many beaches in our District are also popular with visitors and holiday-makers, and restricted dog access was proposed for specific beaches to protect people from dog-related harm.

Community views

Submissions were very mixed in their views, with some commenting:

- Dogs should be on-leash at all times (or prohibited) as the default position, to protect people and wildlife
- Dogs should be allowed off-leash as the default position, as the beach is integral to the exercising of dogs.

A significant number of submitters commented that the restrictions should be decreased, to generally permit dogs on beaches on-leash (or under control), (rather than completely prohibited). A smaller number of submitters commented that the restrictions should be increased due to concerns about wildlife, while others maintained that the restrictions should be decreased to allow dogs on-leash at all times and off-leash outside of the peak times.

Community feedback can be seen in Attachment 1 (sections 2.1, 2.2 and 2.3 on pages 2-5, section 2.6 on pages 7-8 and Appendix 1: Detailed Analysis on pages 9-30 and 43-47).

Officer comment and recommendations

On-balance, officers acknowledge that community views regarding dogs on beaches were very polarised with strong views expressed for different approaches. Given the extent of polarisation, officers have prepared the following framework to assist Council deliberations regarding dog access on beaches. Following decisions made on the rules that should apply to beaches, officers will assess each beach raised in the consultation and provide Councillors with a proposed policy schedule for deliberations on the 27th of November. Framework rules and officer recommendations are set out in Table 3.1 below. Framework rules and recommendations have been based on community submissions alongside the following criteria:

- Protect community safety
- Have regard to the exercise and recreational needs of dogs and their owners
- Minimise the risk of injury or distress to stock, poultry, domestic animals and protected wildlife
- A clear and consistent approach for enforcement
- Easy to understand rules.

Table 3.1: Decision-making framework for dog access on beaches

Rule	Options	Officer comment and recommendation
1- District-wide default rule for beaches Will apply to all beaches that do not have specific rules in the policy	Prohibited On-leash and under control Off-leash and under control	Recommend Off-leash and under control all year, unless otherwise specified in the policy. The rationale is because officers consider that it is reasonable allow off-leash access to beaches for the exercise and recreational needs of dogs and their owners, unless there is protected wildlife present or the beach is popular with visitors, and there is a need to minimise risk of dog-related harm.
2a- Special Character - Cultural Value	Prohibited On-leash and under control Off-leash and under control	Recommend Prohibited all year. The rationale is because these are beaches that have been identified as having cultural value to iwi and or hapu.
2b- Special Character – High Conservation Value	Prohibited On-leash and under control Off-leash and under control	Recommend Prohibited all year. These are beaches that have been identified by DOC as having high conservation value.
3- New: Shorebird nesting season 1 October to 31 March	Prohibited On-leash and under control Off-leash and under control	Recommended On-leash during the shorebird nesting season. The rationale is because officers recognise that there are areas identified as nesting or breeding sites for protected or vulnerable shorebirds. DOC's preference is for dogs to be prohibited from these areas for the nesting season. On-balance, officer's acknowledge that it would be unreasonable to prohibit dogs altogether from these areas for a significant part of the year, which would not provide for the exercise and recreational needs of dogs and their owners. A significant number of submitters commented that dogs should be permitted on beaches on-leash (or under control), (rather than completely prohibited). For these reasons, officers recommend on-leash.
4- Popular beaches summer day-time including all public holidays	Prohibited On-leash Off-leash	Recommended Prohibited during the summer date and time period including all public holidays. The rationale is because that while officers acknowledge a significant number of submitters commented that restrictions should be decreased so that dogs are allowed on-leash at beaches at all times, or that there should be no restrictions, overall, officers recommend dogs should be prohibited during the

		summer day-time hours on beaches identified as being popular in the summer day-time to provide the public with the highest level of protection from dog-related harm, particularly children during the summer school holidays.

Officer recommendations:

District-wide default rule for beaches

Recommend off-leash all year, unless otherwise specified in the policy.

Special Character – Cultural Value
Recommend prohibited all year.

Special Character – High Conservation Value
Recommend prohibited all year.

New: Shorebird nesting season 1 October to 31 March
Recommended On-leash during the shorebird nesting season.

Beaches identified as popular destinations
Recommended prohibited during the summer date and time range including all public holidays

Officers recommend that these rules be supported by non-regulatory initiatives such as education and awareness campaigns on responsible dog ownership, sensitive wildlife areas.

Deliberation Topic 4: Summer date and time rule for dog access on beaches

Proposal

Some periods of the year can be busier for our District, especially on some of our beaches. During the peak holiday season and public holidays, increased restrictions on dogs are proposed to protect community safety. The proposed dates are from 1 December – 31 March and include all public holidays. The proposed times are between 9am and 6pm. Summer date and time rules set the parameters for the busiest period of the year for our beaches.

Community views

Community feedback can be seen in Attachment 1 (sections 2.1, 2.2 and 2.3 on pages 2-5 and pages 9-30 in Appendix 1: Detailed Analysis).

Submission results show that a significant number of submitters commented that the seasonal period of heavy use is shorter than proposed and preferred restrictions to be reduced. The date restrictions were preferred to be linked either to the school or Christmas holidays and the time restrictions should better match the time of day when the beach is busiest.

Detailed submissions from groups and organisations were mixed in their views, with some commenting that dogs should be on leash (or prohibited) at all times as the default position to protect people and wildlife. Some commented that dogs should be allowed off-leash as the default as the beach is integral to the exercising of dogs.

Officer comment and recommendations

Table 4.2 below provides four options for the summer date range, officer comment and recommendations for Council's consideration. Officers have taken all community submissions into account and options have been based on the wide range of community views expressed.

Table 4.2: Summer date rule for dog access on beaches

	Date range	Officer comment	Recommendation
Option 1	1 December to 31 March, including all public holidays (proposal)	Officers have considered community feedback that this date range is widely seen as longer than the peak holiday season in the Far North.	Not recommended
Option 2	15 December to 28 February, including all public holidays	This option would include the peak summer school holiday period and also the month of February. Officers identify that our coastal areas can still be busier than normal, due to warmer weather, in the month of February. This includes the Waitangi Day period.	Recommended
Option 3	15 December to 31 January, including all public holidays	This option aligns with the summer school holiday period. A significant number of submitters commented that the seasonal period of heavy use is shorter than proposed, and that the date restrictions should be linked to either the school or Christmas holidays. Officers have identified that many of our public areas, especially our beaches, can be busier than normal after the end of January.	Not recommended
Option 4	No date restriction	This option would involve all rules for all areas to be the same year round. Officers consider this option would not fulfil Council obligations under the Dog Control Act 1996.	Not recommended

Table 4.3 below provides five options for the summer time range, officer comment and recommendations for Council's consideration. Options have been based on the range of community views expressed in submissions.

Table 4.3: Summer time rule for dog access on beaches

	Time range	Officer comment	Recommendation
Option 1	9am to 6pm (proposal)	Officers identified that this time period may be longer than what is required for public safety in terms of the busyness of a public place.	Not recommended
Option 2	10am to 5pm	This option aligns with a significant number of submitters who commented that the restricted times should be shorter than proposed to better match the times of day when the beach is busiest.	Recommended
Option 3	9am to 9pm	This option reflects the average summer daylight hours in our District. This time period assumes people may use public places more frequently in warmer months and during daylight hours. This option is potentially too restrictive for the needs of dogs and their owners.	Not recommended
Option 4	No time restriction	This option would involve all rules for all areas to be the same all year round. Officers consider this option would not fulfil Council obligations under the Dog Control Act 1996.	Not recommended

Officer recommendations:

Date range
Option 2: 15 December to 28 February (including all public holidays), from 10am to 5pm.

Officers recommend that popular beaches have restricted dog access between 15 December to 28 February, including all public holidays, to protect community safety.

The recommended date range includes the summer school holiday period and the month of February, recognising that the weather is still warm and beach use is high.

Deliberation Topic 5: Limitations on number of dogs

Proposal

Many areas in our District already have a limit on the number of dogs that can be kept at a property. The proposal was to retain the requirement to dog owners to obtain Council permission to keep more than two dogs in these areas. The proposal increased the areas that this rule would apply to properties that are identified as coastal residential, residential, commercial and industrial in our District Plan, as well as properties with similar characteristics. These areas are listed below.

Ahipara	Awanui	Cable Bay	Coopers Beach
Haruru Falls	Hihi	Horeke	Houhora
Kaeo	Kaikohe	Kaimaumau	Kaitaia
Kawakawa	Kerikeri	Kohukohu	Manawaora
Mangonui	Matauri Bay	Mitimiti	Moerewa
Ngawha	Ninety Mile Beach (Waipapakauri Ramp)	Ohaeawai	Okaihau
Okiato	Omapere	Opito Bay	Opononi
Opua	Orongo	Paihia	Parekura Bay
Point Veronica	Pukenui	Rangiputa	Rangitane
Rawene	Russell	Taipa	Tapeka Point
Taronui	Taupo Bay	Tauranga Bay	Te Hapua
Te Haumi	Te Ngaere	Tokerau Beach	Totara North
Waimamaku	Waipapa	Whangaroa	Whatuwhiwhi

Community views

Community feedback can be seen in Attachment 1 (sections 2.4 on pages 5-6 and pages 31-35 in Appendix 1: Detailed Analysis).

Submission analysis results show that there were mixed and polarised community views on the two dog limit in the identified areas. 56% of submitters agreed with a two dog limit in the proposed areas. The top 10 areas submitters believed the two dog limit should apply were: Kaitaia, Kerikeri, Coopers Beach, Cable Bay, Kaikohe, Ahipara, Mangonui, Russell, Kawakawa and Taupo Bay.

A significant number of submitters commented that the number limit should either increase or that there should be no limit. Other key comments included that there should be an exemption for working dogs and that the limit should not apply to visiting dogs.

Frequent comments included that the limit is not necessary / too restrictive, need to allow exceptions (eg for farmers, hunters, breeders, service dogs, rescue dogs), that Council do not punish responsible dog owners and that visitors should be able to bring their dogs to number limited areas.

A much smaller number submitted that the limit should be extended to other areas or that the limit should be decreased.

Officer comment and recommendations

Officers recgonise that a set limit on dog numbers has the potential to minimise risk of harm to the community and protected wildlife, and minimise nuisance. However, officers note that any dog can cause nuisance, injure a person or protected wildlife, despite any set number limit.

It is uncommon for complaints to be received with regard to multiple dog ownership with the common complaint being about barking dogs. When Council receives a request for permission, an Animal Management Officer inspects the property. There is currently no fee system for cost recovery of administrating this rule. If the Council was to retain a limitation on the number of dogs, the Council should consider a fee system for cost recovery of administering this rule.

Council currently has an ability to apply restrictions and solutions through the Dog Control Act to manage barking dogs. This includes the ability to issue infringement notices if required.

With all community comments considered, Table 5.1 below provides three options, officer comment and recommendations for Council's consideration.

Table 5.1: Limitations on the number of dogs

Option	Officer Comment	Recommendation
Option 1 Retain a Limitation on the Number of Dogs per Property in the bylaw	This option would involve retaining the two dog limit unless written permission is obtained from the Council, or increasing the number limit. The 52 mapped areas would be retained. Exemptions could also be applied such as exempting working dogs and visiting dogs. Where new owners with more than the allowed number of dogs would be captured, they could apply for a permit based on "existing user rights" for the dogs they currently have.	Do not recommend. The rationale is because any dog can cause nuisance, injure a person or protected wildlife, despite any set number limit.
Option 2 Reduce the number of areas where the limit applies to towns where the population is estimated to be over 500 in the next ten years (this has been provided as an option to exclude rural areas, as the intention of the number limit is for public safety and nuisance)	This option would involve retaining the two dog limit unless written permission is obtained, but reducing the areas that the two dog limit applies to the following areas: • Ahipara • East Coast Areas – Coopers Beach, Cable Bay, Mangonui, Taipa • Haruru Falls • Kaikohe • Kaitaia • Kawakawa • Kerikeri & Waipapa • Moerewa • Opua & Point Veronica • Paihia & Te Haumi • Rawene • Russell Area & Surrounds – Russell Township, Okiato, Tapeka Point, Manawaora, Parekura Bay, Orongo Bay • Whatuwhiwhi Exemptions could also be applied such as exempting working dogs and visiting dogs. Where	Do not recommend. The rationale is because any dog can cause nuisance, injure a person or protected wildlife, despite any set number limit.

	new owners with more than the allowed number of dogs would be captured, they could apply for a permit based on "existing user rights" for the dogs they currently have.	
Option 3 - Remove the set number limit and rely on the Dog Control Act and the other Bylaw provisions	This option would involve removing the two dog number limit and relying on the provisions of the Dog Control Act 1996 and Clause 14 of the proposed bylaw, which gives the council powers to request the number of dogs on a premises be reduced if the dogs are causing a nuisance, disturbance or injury to health. This option would mean that Council would not need to consider: • setting a fee for the administration of a limitation • the areas to which a number limit should apply (identifying areas a number limit should apply to has been challenging) • Exemptions as requested by submitters, including holiday-makers	Recommendation Clause 14 of the proposed bylaw already provides the Council with powers to reduce the number of dogs on a property if they are causing a nuisance, disturbance or injury to health. The Dog Control Act already regulates the confinement of dogs on private property, barking and rushing at wildlife.

Officer recommendations

Option 3- Remove the set number limit and rely on the Dog Control Act and the other Bylaw provisions to achieve the objectives of the Dog Management Policy and Bylaw as outlined.

Enforcing the Dog Control Act 1996 and nuisance provisions of the bylaw should be supported by non-regulatory initiatives such as education and awareness campaigns on responsible dog ownership, sensitive wildlife areas and a clear process for making noise complaints.

Deliberation Topic 6: Responsible dog ownership

Proposal

Policies on responsible dog ownership had been omitted from the Proposed Dog Management Policy because the proposal focussed on Council's obligations under the Dog Control Act 1996.

Community views

Responsible dog ownership has been a common topic in both written and oral submissions. A range of non-regulatory initiatives have been suggested that would be beneficial for promoting responsible dog ownership. These include dog owner education programmes and community conservation initiatives such as wildlife aversion training. Community views can be seen in Attachment 1, section 2.7 Other issues and general comments on page 8, and Appendix 1 Detailed Analysis on pages 48-52.

Officer comment and recommendations

Officers have considered the initiatives suggested by the community and recommend that the policy be amended to include a policy statement that Council will promote responsible dog ownership as part of the implementation of the Dog Management Policy and Bylaw. Such initiatives would include education and awareness campaign and incentivising responsible dog ownership through granting a Responsible Dog Owner Status. For example, where owners can show they are good at dog handling and have a fenced property, they would receive a discounted registration fee. This would involve consequential changes to the fees and charges regime.

Officer recommendations

Amend the policy to include a policy statement that Council will promote responsible dog ownership as part of the implementation of the Dog Management Policy and Bylaw.

Deliberation Topic 7: Resourcing implementation

Community views

Submission feedback revealed a desire for a more comprehensive approach to dog management that went beyond the imposition of regulations. These aspirations included:

- more community-based programming such as Snip and Chip;
- support for self-regulation by dog owners;
- a forum for ongoing engagement between dog owners, the Council, and the community;
- more consistent and comprehensive enforcement;
- meaningful recognition of responsible dog ownership;
- the provision of additional off-leash areas and dog exercise areas; and
- more clear, vibrant, and consistent signage.

Pursuing these initiatives will require additional operational and capital funding.

Officer comment and recommendations

Officers recognise that consideration needs to be given to the funding of some elements of the policy and bylaw. For instance, for the fencing of off-leash areas, signage and the implementation of responsible dog ownership programmes. Elected Members will have the opportunity to understand and prioritise the implementation of the Policy and Bylaw at the meeting on 15 November. Officers will provide the indicative costs for a suite of non-regulatory initiatives and outline the opportunities to incentivise responsible dog ownership.

Officer recommendations

That Council consider the allocation of budget and the setting of fees to support the implementation of the Policy and Bylaw as part of the annual planning process for 2019/20 and following years.