



Kaipara District Council Statement of Proposal

Draft Policy on Dogs and Dog Management Bylaw 2019

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1 Introduction

[Section 10](#) of the [Dog Control Act 1996](#) (the Act) requires Council to adopt a Policy on Dogs (The Policy), while [section 20](#) requires Council to adopt a Dog Management Bylaw (The Bylaw) to give effect to the Policy. The Policy on Dogs sets out the approach Council takes to managing dogs in the district while the Dog Management Bylaw is the legal instrument which gives effect to the approach set out in the Policy (bylaws are legally enforceable, policies are not). For this reason, it is useful to develop and consult on both the Policy and Bylaw concurrently.

Under the [Local Government Act 2002](#), (LGA) the Bylaw is required to be reviewed every 10 years ([section 159](#)). As the current Bylaw was adopted in July 2009, Council is required to complete a review of this bylaw by July 2019.

When reviewing the Policy on Dogs and Dog Management Bylaw, [the Act \(Section 10\(4\)\)](#), requires Council to have regard to:

- The need to minimise danger, distress and nuisance to the community generally;
- 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;
- The importance of enabling, to the extent practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs;
- The exercise and recreational needs of dogs and their owners.

In addition, the Policy is required (under section 10 of the Act) to contain information about controlled and restricted dog access areas, state whether menacing dogs are required to be neutered and to specify the nature and application of Bylaw which gives effect to the Policy.

Council has undertaken a review of this Policy and Bylaw and has prepared a new draft version which is proposed to be adopted by Council for implementation (see the Draft Policy and Bylaw attached to this Statement of Proposal).

Before adopting the Draft Policy and Bylaw, Council is required to use the “special consultative procedure” under the Local Government Act 2002 to seek feedback from the community. This process provides for the public to be given the opportunity to review a Draft Policy and Bylaw and to make submissions, including the opportunity for hearings. This is your opportunity to tell Council which aspects of the Draft Policy and Bylaw you like and would like to see retained when a final version is adopted, and which aspects you would like changed. In particular, Council is interested to know if the community would like changes to the areas where the rules apply e.g. if dogs should be allowed off-leash in more areas.

To that end, this Statement of Proposal presents Council’s Draft Policy on Dogs and Dog Management Bylaw which are both being made available in draft for the community to review and submit their views on.

2 Contents

This Statement of Proposal has been divided into 10 sections:

- Section 1 introduces this matter.
- Section 2 defines the issues relating to dogs in Kaipara district.
- Section 3 discusses the key directions of Council's Policy on Dogs.
- Section 4 defines the objectives of the Policy on Dogs.
- Section 5 outlines requirements of the Policy on Dogs.
- Section 6 outlines the requirements for the Dog Management Bylaw.
- Section 7 has the proposed amendments.
- Section 8 gives a range of options.
- Section 9 confirms that the Policy and Bylaw are not inconsistent with the Bill of Rights.
- Section 10 informs on the process.

3 Reason for the proposal

Kaipara District Council must consult with its communities on the proposed new Policy on Dogs and Dog Management Bylaw. These documents direct how dogs will be managed in the district, including where dogs can be taken for walks with or without being on a leash, requirements to pick up after dogs and provisions for dealing with wandering dogs.

One of the key changes being proposed is to require all dogs to be walked on a leash when on urban streets and footpaths. This is an extension of the current dog control provisions which are focused on busy pedestrian areas. Council would like to hear your views on this and the other rules being proposed.

The Council considers dogs to be a fundamental part of the Kaipara community, both as working dogs and as companion animals. The community's views on how dogs are managed are therefore of great importance to the Council as it seeks to establish rules which will work for all.

4 Dog Management Issues in the Kaipara

The Kaipara District Council's Draft Policy on Dogs and Dog Management Bylaw are based on an assessment of sections 10 and 20 of the Act and current issues. These issues are as follows:

- Owner responsibility - The Act places an emphasis on the responsibilities of dog owners and their role in achieving a safer environment for the public, dogs and their owners. While the majority of dog owners are responsible, clear rules are needed to address the actions of irresponsible owners in the District.
- Dogs fouling - most complaints Council receives about dogs relate to dogs fouling (defecating) in public places. Dog excrement is disgusting and can harbour disease and flies. Responsible dog owners ensure any excrement from their dog is properly disposed of. Regrettably, the multitude of complaints Council receives suggest not all dog owners are responsible in this respect.
- Wandering dogs - Wandering dogs are not only a public nuisance and threat to public safety; they are also a threat to wildlife (e.g. kiwis and shore nesting birds) and domestic animals. There have been several reports of wandering dogs killing pet cats and getting into rubbish bags, particularly in Te Kopuru and Dargaville.

- Stock attacks - Stock attacks by wandering dogs can pose a significant threat to farming operations and to animal welfare where animals are left maimed.
- Aggressive behaviour - This includes rushing and biting. This is generally an urban problem. There have also been complaints about non-aggressive but nonetheless intimidating behaviour such as dogs rushing at people and jumping up at them. While this behaviour is in fact a friendly and excited greeting, many people, especially children and the elderly, can find it intimidating and frightening.
- Conflicts over use of space - Council has obligations to protect wildlife and amenities, and to minimise danger, nuisance and distress caused by dogs. These must be balanced against the rights of dog owners and the need for dogs to exercise. Areas where dogs may cause distress or nuisance to the wider public need to be identified and restrictions placed on the use of these areas. However, these restrictions must be fair and must still allow for the exercise and recreational needs of dogs and their owners.
- Barking – Barking is predominantly an urban issue. Dogs barking excessively can be a nuisance, especially at night when people are trying to sleep.
- Dog welfare – In addition to the need to protect people from dogs, there is also a need to protect dogs from human cruelty. While the majority of dog owners show their pets the care and kindness they deserve, effective rules are needed to allow intervention where dogs are being mistreated.
- Unregistered dogs - There continues to be a problem with the number of unregistered dogs in the Kaipara.

5 Key Directions

5.1 Continued emphasis on owner responsibility

Where possible, rules applying to dogs have been designed to reflect common sense and the practices already used by most dog owners. This responsibility places trust in the owners of dogs and recognises that most dog owners already exercise best practice even when not required to by any rules set by Council. Council will also place a focus on education, helping dog owners understand how to care for their dogs and prevent conflicts with other members of the public. This also extends to educating non-dog owners to better understand dog behaviour.

5.2 Defining areas where dogs are allowed to run off a leash but under the control of their owner, required to be kept on a leash or prohibited.

Council will continue to manage user conflicts, public safety and environmental concerns by identifying areas dogs can have access to and under what conditions e.g. on-leash. How and where will form part of this consultation.

5.3 Address issues with dogs fouling

Most dog-related complaints received by Council relate to dogs fouling (defecating). Council will continue to issue fines to dog owners who allow their dog to foul in public places and do not clean up after the dog.

5.4 Wandering dogs

Council will seek to reunite wandering dogs with their owners, including providing for the dog's care until it can be collected by its owner.

5.5 Providing for the appropriate care and housing of dogs

Council will put enforceable provisions in place through the Bylaw to ensure that dogs are properly housed and cared for. This both protects dogs from being subjected to harsh or unhygienic living conditions and protects occupiers of neighbouring properties from nuisances such as odour and flies.

5.6 Regular Monitoring of the effectiveness of the Policy and Bylaw

Council will continue to monitor the effectiveness of its Policy on Dogs and Dog Management Bylaw. This information will be used to ensure that the Policy and Bylaw are achieving the desired outcomes and enable adjustments to be made when necessary.

6 Objectives of the Policy

The Kaipara District Policy on Dogs aims to:

- 1 Prevent injury, distress and nuisance from dogs.
- 2 Identify dog access areas.
- 3 Provide for the neutering of menacing dogs.
- 4 Minimise potential danger or distress to protected wildlife.
- 5 Promote responsible dog ownership.

7 Requirements of the Policy on Dogs

In accordance with [section 10\(3\)](#) of the Act the Policy must:

- Specify the nature and application of the Dog Management Bylaw;
- Identify dog prohibited areas;
- Identify areas for which dogs are required to be on a leash;
- Identify areas which are dog off leash areas;
- Identify any areas designated as dog exercise areas (note: these are not provided for in the Policy or Bylaw, instead Council will promote some off-leash areas as being recommended for off-leash activities);
- State whether menacing dogs are required to be neutered.
- Include details in relation to Council's Policy on:
 - I. Fees;
 - II. Owner education programmes;
 - III. The classification of dog owners;
 - IV. The disqualification of dog owners;
 - V. The issuing of infringement notices.

In adopting the Policy, Council must have regard to:

- The need to minimise danger, distress and nuisance to the community generally;
- 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;

- 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
- The exercise and recreational needs of dogs and their owners.

8 Requirements of the Dog Management Bylaw

[Section 10\(6\)\(a\)](#) of the Dog Control Act 1996 (the Act) requires Council to give effect to the direction set in its Policy on Dogs through its Dog Management Bylaw. This is because Bylaws are legally enforceable (the same as regular laws) while policies just set out transparently the direction which Council will take.

[Section 20](#) of the Act allows Council to make bylaws covering any aspects of dog control as the Council considers necessary or desirable to control dogs. This includes, but is not limited to:

- Prescribing which parts of the district and which public places dogs may have access to, including where they are required to be kept on a leash;
- prescribing minimum standards for the accommodation and care of dogs;
- limiting the number of dogs that may be kept on any land or premises;
- requiring people to remove their dog's faeces from public places;
- Allowing for wandering dogs to be impounded.

[Section 10AA\(2\)](#) Act, requires that the determinations required by [section 155](#) must be made in the context of the matters listed in [section 10\(4\)](#) of the Act.

9 Proposed amendments to the Kaipara District Policy on Dogs and Dog Management Bylaw

The Draft Kaipara District Policy on Dogs and Dog Management Bylaw is substantially different to the current 2009 version. Many changes have been made to reduce duplication (the 2009 Bylaw repeats much of what is covered in the Policy) and to remove duplication of references to powers conferred on Council by legislation. These changes have made the Proposed Policy and Bylaw much more succinct.

In preparing the Draft Policy and Bylaw, consistency with the recently adopted Far North District Council Dog Management Policy 2018 and Dog Management Bylaw 2018 has been considered where possible, although not at the expense of seeking local solutions to local issues.

Other key amendments proposed include:

- ***Dogs to be kept on a leash when walked in urban streets and footpaths.*** Walking dogs on urban streets poses a danger to dogs due to the presence of traffic. In addition, walking a dog along a footpath creates the likelihood that the dog may encounter other pedestrians with little space to pass each other. In such situations, even well-behaved dogs can be perceived as intimidating by some; particularly children and the elderly. To address this, the Draft Policy proposes requiring dogs to be on a leash when walked on urban streets and footpaths. Many dog owners have already adopted this practice as it gives them greater control over their dog and occurs to them as common sense in such situations. This approach is not being applied to all roads in the district (e.g. rural roads) as some roads outside urban areas have low volumes of traffic and few other pedestrians. Council is confident in the judgment of dog owners to assess the need for a leash in such areas.

This direction builds on the approach taken by the current Policy which already identifies high foot traffic streets in urban centres as being on-leash areas. Expanding this approach to cover all streets and footpaths in urban areas is hoped to avoid confusion over which areas are in or out. That is, it is easier for dog owners to distinguish between urban and rural environments than to know which individual streets, or parts thereof, are included or excluded.

- ***A permit will be required to breed dogs on urban sections.*** Tightening of the current rules on the number of dogs that may be kept at an urban property will close a loophole that currently allows people to breed dogs on urban sections providing they pass on the puppies before they are three months old. If this change is adopted, no one may keep more than two dogs of any age on an urban property without a permit from Council. This allows Council the opportunity to ensure that the person applying for a permit has the facilities necessary to cater for the extra dogs without impacting negatively on their neighbours.
- ***Dogs prohibited on the Mangawhai Sand Spit Beach.*** The interior of Mangawhai Sand Spit is Department of Conservation (DOC) land. DOC prohibits dogs from this area because it is one of the last breeding sites of the New Zealand fairy tern/tara iti. With a population of around 45 individuals that includes approximately 12 breeding pairs, the fairy tern is probably New Zealand's most endangered indigenous breeding bird. As Council, not DOC, has jurisdiction over the beach surrounding this area, Council is supporting efforts to save this species by prohibiting dogs on this beach between the high and low water spring marks.
- ***Dogs to be kept on a leash on the beach near Pouto Point.*** Much of the land adjoining the beach at Pouto Point is administered by the Department of Conservation who has placed their own restrictions on dogs in order to protect the endangered New Zealand dotterel/tūturiwhatu. Requiring dogs to be kept on a leash on the beach adjoining the area where these birds are nesting supports the protection of this native species while still allowing dogs to be transported along or walked along the beach. The proposed on leash area is from the Kaipara North Head Lighthouse to a point 400 metres south of the end of Pouto Road and extending down to mean low water springs.
- ***The roads around Trounson Kauri Park to be made on-leash areas.*** In the interests of protecting kiwi, dogs will be required to be kept on a leash on Trounson Park Road between Aranga Station Road intersection and McLean Road intersection and on Mangatu Road from the McLean Road intersection to the Trounson Park Road intersection. Working dogs will be exempt from this requirement while being used for the purposes for which they are kept e.g. herding stock.
- ***Dogs to be kept on-leash on the Mangawhai Cliffs Track.*** This walking track is a place where dogs could potentially encounter other walkers with little room to pass each other. This experience may be intimidating to some walkers. Furthermore, the track passes through farmland where some dogs may worry stock. Keeping dogs on a leash is expected to mitigate these issues.
- ***Dogs to be kept on-leash around much of Pahi's foreshore.*** There have been a high number of ongoing complaints about dogs at Pahi for Council to propose extending the existing on-leash areas to include all of the foreshore as far as the beach area known as Dems Road (including the esplanade reserve at Dems Road). The area of beach north of Dems Road will remain an off-leash area and will be recommended for off-leash activities.

- ***Dogs to be prohibited within Mangawhai Camp Ground (Alamar Crescent).*** This follows numerous complaints about dogs in the camp ground.
- ***Dog access rules for Mangawhai Heads Reserve to be simplified.*** The current rules around when dogs can access Mangawhai Beach via the Mangawhai Heads Reserve are complex, changing with the seasons and at different times of the day, and are causing confusion. To avoid confusion, it is proposed to make the whole of the Mangawhai Heads Reserve an on-leash area, regardless of the time of day or year.
- ***Dog access rules for Dargaville Central Business District (CBD) to be simplified.*** The current rules around when dogs can access the Dargaville CBD are complex, changing at different times of the day, and are causing confusion. To avoid confusion, it is proposed to make the whole of the Dargaville CBD an on-leash area, regardless of the time of day.
- ***Extension of the on-leash area around Mangawhai Village.*** Mangawhai Harbour beaches and reserves around Mangawhai Village from Molesworth Drive to Insley Street down to Mean Low Water Springs are proposed to be made on-leash areas. This is hoped to build consistency and clarity.
- ***Dogs to be prohibited from the Pou Tu Te Rangi pa.*** The Pou Tu Te Rangi Joint Management Committee and Harding Park Committee have recommended that dogs be prohibited from the Pou Tu Te Rangi pa site and be required to be kept on a leash throughout the remainder of Harding Park and Old Mount Wesley Cemetery. This is based on cultural concerns over dogs fouling (defecating) on the Pa site. If this approach is adopted an alternative walking route around the Pa site will be built.
- ***Additions of provisions to protect dogs and address nuisances.*** Provisions will be added relating to diseased dogs, bitches in season, dogs in/on vehicles, shelter and housing of dogs, confinement of dogs and nuisance. This will ensure Council has sufficient powers to intervene where the improper care of dogs is causing a nuisance, disturbance or animal welfare issue.

10 Options

Council essentially has two options to consider:

- ***Status Quo:*** Continue the Kaipara District Policy on Dogs and Dog Management Bylaw without amendment (everything stays as it is). This acknowledges the review which has been undertaken but concludes that no change is needed to the existing Policy on Dogs and Dog Management Bylaw. Consultation will still be required under section 83 and 86 of the Local Government Act 2002.

It is believed that the current Policy and Bylaw approach is not the most appropriate form of Bylaw to address the current issues being experienced within the Kaipara district. This means that changes should be made in order to improve the structure of the Bylaw. It is already considered under the Dog Control Act that a Bylaw is the most appropriate way to address the perceived problems.

The current approach taken for urban areas is to place restrictions on dogs (e.g. leash control) only in areas of high pedestrian traffic e.g. main shopping streets and busy beaches. No restrictions

are placed on the remainder of urban areas, including the majority of urban streets and footpaths. While the majority of dog owners choose to keep their dogs on a leash when in such areas, few rules are in place to address conflicts that arise from less conscientious owners.

The status quo would not fully address the issues mentioned above in section 4.

- ii) **Preferred Option:** Comprehensively review the Kaipara District Policy on Dogs and Dog Management Bylaw: This option requires Council to conduct a full review of its Policy on Dogs and Dog Management Bylaw. This option is favoured as it has been almost 10 years since the last review. While the overall direction provided for in the Policy is considered to be working satisfactorily, the areas to which dog prohibited, dog on-leash and dog-off leash rules apply need to be reconsidered in light of complaints made to Council over the last 10 years. Also there has been considerable public feedback regarding confusion around where and when people may exercise their dogs either on or off leash. The language used in the current Policy and Bylaw are quite negative. This is unfair to dog owners, the majority of whom are responsible; therefore, a more impartial wording is required.

The reviewed Policy offers a change in approach to urban areas where all footpaths, streets and roads will be on leash areas unless specified otherwise. This recognises that these areas have the potential for pedestrians to encounter dogs with little space to pass each other (e.g. on a footpath) and having the dog controlled on a leash may help pedestrians feel safer. Public feedback on off-leash and on-leash areas will be sought through the consultation process.

These changes are proposed to address the issues mentioned above in section 4.

11 Bill of Rights

The [New Zealand Bill of Rights Act 1990](#) has been considered in the preparation of this proposed Policy and Bylaw. It is considered that the Draft Kaipara District Policy on Dogs and Dog Management Bylaw will not adversely impact on any of the civil or political rights it contains.

12 Consultation

Council is required to consult with its communities, particularly the dog owning community, to ensure that the direction captured in the Policy and subsequently given effect to by the Bylaw is that which addresses the issues being experienced by the community. This recognises that Council is making the Bylaw on behalf of its residents and ratepayers and needs to capture the community's aspirations.

Consultation needs to be undertaken as set out under sections 83, 86, 155 and 156 of the LGA. Section 155 of the LGA requires Council to determine that the Bylaw is appropriate and does not give rise to any implications under the New Zealand Bill of Rights Act 1990. Section 156 of the LGA requires Council to consult with its communities on the preparation of the Bylaw, including use of the special consultative procedure. [Section 83](#) of the LGA sets out the process that is to be followed. [Section 86](#) of the LGA sets out the information requirements when undertaking the special consultative procedure in relation to making or reviewing a Bylaw. In addition, section 10(2) of the Dog Control Act 1996 requires Council to give notice to every person who, according to Council's register, is the owner of a dog.

In particular, Council is seeking feedback on what areas dogs should be allowed to access off-leash, where dogs should be kept on a leash and where dogs should be prohibited. Feedback from the community is vital if Council is to find the correct balance between controlling dogs and providing for the needs of dogs and their owners.

13 Process

In accordance with the requirements of the LGA, Council is releasing the proposed Policy and Bylaw to the public for the special consultative procedure. This involves making these documents available for the community to view, make submission on and have their submissions heard by Council before a final decision is made. The decision on the adoption of the Proposed Kaipara District Policy on Dogs and Dog Management Bylaw and their final format will therefore follow consideration of any submissions received, including the hearing of those submitters who wish to be heard.

The following is a draft outline of the process and timeframes going forward on the Proposed Kaipara District Policy on Dogs and Dog Management Bylaw:

Task	Process	Indicative timeframes
Council resolves to release the Kaipara district Draft Policy on Dogs and Draft Dog Management Bylaw for public consultation.	Present Statement of Proposal/options to Council meeting for a decision. Release the Draft Kaipara District Policy on Dogs and Draft Dog Management Bylaw for public consultation.	28 February 2019
Consultation on Policy and Bylaw	Statement of Proposal, Draft Policy and Draft Bylaw Open for consultation. People may make written feedback to Council regarding which aspects should be retained and which should be amended before a final version is adopted.	05 March 2019 – 10 April 2019
Submissions close		10 April 2019
Hearings	Hearing of submissions by Councillors	May 2019
Policy on Dogs and Dog Management Bylaw adopted by Council		27 June 2019
Reviewed Policy and Bylaw becomes operative		July/August 2019