



Kaipara District Policy on Dogs and Dog Management Bylaw

June 2019



This Policy is made pursuant to Section 10 of the
Dog Control Act 1996.

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Kaipara District Policy on Dogs

1 Background

The Dog Control Act 1996 (the Act) section 10 requires Council to adopt a policy on dogs. This Policy has been developed in accordance with the Act and, as per section 10(4) of the Act, gives regard to:

- a) the need to minimise danger, distress, and nuisance to the community generally;
- 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;
- 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 Council recognises that the majority of dog owners are responsible and that most interaction between dogs and the public is positive. This Policy aims to achieve a balance between the control of dogs and recognition of the health benefits of dog ownership. The Policy also aims to keep dogs as a positive part of Kaipara communities by maintaining opportunities for dog owners to take their dogs into public places, while adopting measures to minimise any inherent problems caused by dogs.

As well as protecting the safety of our community and recognising that dog owners are responsible for the exercise of their dogs, Council also recognises the need to protect other animals including wildlife, and significant habitats of indigenous fauna.

Council's Dog Management Bylaw 2019 gives effect to Council's Policy on Dogs 2019 and should be read in conjunction with this Policy.

2 Objectives

This 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 farmed animals, other animals and protected wildlife.
- 5 Promote responsible dog ownership.

3 Interpretation

In this Policy, unless the context requires otherwise, the following words and phrases shall have the following meanings:

'The Act' unless otherwise stated means the Dog Control Act 1996.

'Authorised Officer' means any person authorised by the Council to act on its behalf.

'The Bylaw' means the Kaipara District Dog Management Bylaw.

'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.

'Council' means the Kaipara District Council.

'Disability Assist Dog' shall have the same meaning as given to it in the Dog Control Act 1996.

Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Disability Assist Dog' means a dog certified by one of the organisations listed in Schedule 5 of the Dog Control Act 1996 as being a dog that has been trained (or is being trained) to assist a person with a disability

'District' means the district of the Kaipara District Council.

'Leash' means a restraint capable of restraining the dog and held by a person or fixed to an object physically capable of restraining the dog.

'Menacing Dog' means any dog classified as menacing under sections 33A or 33C or 33ED 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' has the same meaning as defined in section 29(k) of the Health Act 1956.

Explanatory Note: As at 30 May 2019, the definition in section 29(k) of the Health Act 1956 read: 'Nuisance' means where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health.

'Off-Leash and Under Control' means that a dog is kept under control by means of voice commands, hand signals, whistles or other effective means that results in immediate direct control of the dog. Any dog that does not immediately return to its owner when called shall be deemed not under control.

'On-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 which is tethered to an immovable object or held by a person physically capable of restraining and controlling the dog.

'Owner' in relation to any dog, shall have the same meaning as given to it in the Dog Control Act 1996.

Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Owner' in relation to any dog, means every person who:

- a) Owns the dog; or
- b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- c) The parent or guardian of a person under the age of 16 years who:
 - i) is the owner of the dog pursuant to paragraph (a) or paragraph (b); and

- ii) is a member of the parent or guardian's household living with and dependent on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Te Urewera Act 2014 or the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animal Welfare Act 1999.

'Playground' means an outdoor area developed or marked out as a playground that contains fixed children's play equipment or objects. This includes swings, slides, roundabouts etcetera but does not include outdoor exercise equipment, outdoor sports equipment such as basketball hoops or skateboard areas.

'Premises' means any land, house, storehouse, shop, cellar, yard, building or part of the same, or enclosed space separately occupied; and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.

'Public Place' shall have the same meaning as given to it in the Dog Control Act 1996.

*Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: '**Public Place**'*

- a) means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- b) includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

'Road' shall have the same meaning as in section 315 of the Local Government Act 1974.

*Explanatory Note: As at 30 May 2019, the definition in section 315 of the Local Government Act 1974 read: '**Road**' means the whole of any land which is within a district, and which:*

- a) immediately before the commencement of this Part [Part 21 of the Local Government Act 1974] was a road or street or public highway; or
- b) immediately before the inclusion of any area in the district was a public highway within that area; or
- c) is laid out by the Council as a road or street after the commencement of this Part [Part 21 of the Local Government Act 1974]; or
- d) is vested in the Council for the purpose of a road as shown on a deposited survey plan; or
- e) is vested in the Council as a road or street pursuant to any other enactment;

and includes:

- f) except where elsewhere provided in this Part [Part 21 of the Local Government Act 1974], any accessway or service lane which before the commencement of that Part was under the control of any council or is laid out or constructed by or vested in any council as an accessway or service lane or is declared by the Minister of Works and Development as an accessway or

service lane after the commencement of this Part or is declared by the Minister of Lands as an accessway or service lane on or after 01 April 1988:

- g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;

but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roding Powers Act 1989.

'Rural' means any land zoned Rural, Maori Purposes: Maori Land or Maori Purposes: Treaty Settlement Land in the Operative Kaipara District Plan.

'Under Control' in relation to a dog, means that the owner or person appearing to be 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 that results in immediate direct control of the dog. Any dog that does not immediately return to its owner when called shall be deemed not under control.

'Urban' means land zoned residential, commercial or industrial in the Operative Kaipara District Plan.

'Working Dog' shall have the same meaning as given to it in the Dog Control Act 1996.

Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Working Dog' means:

- a) any disability assist dog;
- b) any dog:
 - i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence, or any officer or employee of any such department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the department of State or that constable, officer, or employee; or
 - ii) kept solely or principally for the purposes of herding or driving stock; or
 - iii) kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
 - iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or
 - v) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or

- vi) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or
- vii) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
- viii) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or
- ix) declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

For the avoidance of doubt: Nothing in this Policy absolves any dog owner from their responsibilities as defined by the Dog Control Act 1996 or other legislation.

Enforcement: The regulatory aspects of the Kaipara District Policy on Dogs are applied through the Kaipara District Dog Management Bylaw 2019 which should be read in conjunction with this Policy.

4 Policies

- 1 Council will provide for the dog access areas which are identified in Schedule 1 and Schedule 3 of this Policy.
- 2 Council will promote the responsible ownership of dogs, including care and control around people, protected wildlife, farmed animals, other animals, property and natural habitats.

What does it mean to be a responsible dog owner?

- Register and microchip your dog.
- Teach your dog basic obedience (keep your dog under control at all times).
- Ensure your dog has adequate exercise.
- Know the best locations where you are allowed to exercise your dog.
- Be particularly vigilant near children and closely supervise interaction.
- If your dog ignores commands: put your dog on-leash, shorten the leash, or avoid the area altogether (even if in an off-leash area).
- Respect other people's personal space. Public places are for everyone's enjoyment and not everyone is fond of dogs.
- Ensure your dog cannot leave your property by itself.
- Know when your dog must be on a leash, and always carry a leash.
- Pick up after your dog and carry the means (e.g. a bag) to pick-up your dog's faeces and properly dispose of it.
- Ensure your dog does not disturb people, protected wildlife, farmed animals and other animals.

- 3 All dogs registered within the district and classified as menacing by Council or any other territorial authority must be neutered.
 - 4 Council will regulate, dog access in public places, and specific owner obligations to minimise dog aggression and nuisance not already covered in legislation in accordance with a bylaw enacted under section 20 of the Act, and which is consistent with this Policy.
 - 5 Dog registration fees will be reviewed annually. All fees relating to dogs will be set out in Council's Schedule of Fees and Charges. These include dog registration fees, surcharges as set by the Act, impounding fees and infringement fees.
 - 6 The Council will, unless satisfied that the circumstances of the events are such that disqualification is not warranted, disqualify from owning any dog any owner who:
 - a. Commits three or more infringement offences within a continuous period of 24 months;
 - b. Is convicted of any offence (not being part of an infringement offence) against the Act;
 - c. Is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, or section 26ZZP of the Conservation Act 1987 or section 56I of the National Parks Act 1980.
 - 7 The Council will, unless it has disqualified that person from being an owner of a dog under section 25(1) of the Act, classify as probationary any owner who:
 - a. Is convicted of an offence (not being an infringement offence) against the Act or Part 1 or Part 2 of the Animal Welfare Act 1999 in respect of a dog, or any offence against section 26ZZP of the Conservation Act 1987 or section 56I of the National Parks Act 1980; or
 - b. Commits three infringement offences within 24 months.
 - 8 Council will require every person it classifies as a probationary owner to undertake, at their own expense, a dog owner education programme or a dog obedience course (or both).
 - 9 Infringement notices will be issued by Council's Authorised Officers where they have reasonable cause to believe that any person has committed an infringement offence under the Act. It is not necessary for an Authorised Officer to witness the offence.
- 5 Changes to this Policy

This Policy, including its Schedules, may be amended at any time, using the "special consultative procedure" under the Local Government Act 2002 in accordance with sections 10(8) and 10(8A) of the Dog Control Act 1996.

Schedule 1: Off-leash, On-leash and Prohibited Areas

Council imposes three types of dog access rules for public spaces within the district:

- a) Off-leash area – dogs may have access to this shared space off-leash and under control.
- b) On-leash area – dogs may have access to this shared space on-leash and under control.
- c) Prohibited area – no dog access.

Restricted and Prohibited access areas – The following rules are in place to ensure the safety of the public, to reduce the risk of any dog-related harm while also providing for the well-being and recreational needs of dogs and their owners.

Refer to Clause 3 of the Dog Management Bylaw for Disability Assist Dog and Working Dog access exemptions.

Note: By default, all public places within the district (including beaches and roads) are off-leash areas unless identified as an on-leash area or a dog prohibited area.

| Area where rules apply | Map Reference | Dog access status |
|---|-----------------|---|
| District-wide | | |
| Within 10 metres of all public except where there is an approved fence separating the dog from the playground. | District-wide | Prohibited |
| All public roads in urban areas, including the footpath and berm. | District-wide | On-leash |
| All Council controlled cemeteries | District-wide | On-leash |
| Mangawhai and surrounds | | |
| Mangawhai Sand Spit Beach down to Mean Low Water Springs. | Map 1, 2 & 3 | Prohibited |
| Mangawhai Heads Reserve including the adjoining beach/foreshore (excluding Picnic Bay) down to Mean Low Water Springs and as far as the first set of rocks on the Mangawhai Surf Beach. | Map 1, 2 & 3 | On-leash |
| Picnic Bay (as mapped in Schedule 3). | Map 2, 1 & 3 | On-leash between 10am and 5pm. Off-leash outside these hours. |
| Mangawhai Harbour beaches and adjoining reserves from the Alamar Crescent boat ramp to Mangawhai Heads Reserve down to Mean Low Water Springs. | Map 1, 2, 3 & 5 | On-leash |
| The Mangawhai Estuary beach and adjoining reserves from the Alamar Crescent boat ramp to the rocks at Bullet Point down to Mean Low Water Springs. | Map 3, 1 & 5 | On-leash between 10am and 5pm. Off-leash outside these hours. |
| Mangawhai Harbour beaches and adjoining reserves from the rocks at Bullet Point to the Lincoln Street reserve down to Mean Low Water Springs. | Map 3, 1, & 4 | On-leash |
| Mangawhai Heads Holiday Park (Alamar Crescent). | Map 5, 3 & 1 | Prohibited |
| The shopping complex on the corner of Wood Street and Fagan Place, Mangawhai. | Map 6, 3 & 1 | On-leash |

| Area where rules apply | Map Reference | Dog access status |
|---|---------------|---|
| The Mangawhai Activity Zone (MAZ) | Map 4 & 1 | Prohibited |
| The MAZ car park, Mangawhai ambulance station and fire station, including the public walking track behind the ambulance station and fire station. | Map 4 & 1 | On-leash |
| Mangawhai Museum and Historic Village | Map 4 & 1 | On-leash |
| Lincoln Street reserve and adjoining beach down to Mean Low Water Springs. | Map 1 | On-leash between 10am and 5pm. Off-leash outside these hours. |
| Mangawhai Harbour beaches and reserves from the southern end of the Lincoln Street reserve to the Molesworth Drive causeway down to Mean Low Water Springs. | Map 1 & 4 | On-leash |
| Mangawhai Harbour beaches, adjoining reserves and mangrove areas around Mangawhai Village from the Molesworth Drive causeway to the Insley Street causeway down to Mean Low Water Springs – excluding the beach from the end of Pearson Street to the point at the north of the Kainui Street Reserve down to Mean Low Water Springs. | Map 7 | On-leash |
| The beach from the end of Pearson Street to the point at the north of the Kainui Street Reserve down to Mean Low Water Springs. | Map 7 | On-leash between 10am and 5pm. Off-leash outside these hours. |
| Mangawhai Harbour beaches, adjoining reserves and mangrove areas along the southern edge of the harbour from the Insley Street causeway to the Mangawhai Sand Spit down to Mean Low Water Springs. | Map 7 & 1 | On-leash |
| Whakapirau | | |
| The beach and esplanade down to Mean Low Water Springs from the wharf to Regent Street. | Map 9 | On-leash |
| Pahi | | |
| Pahi Reserve. | Map 10 | On-leash |

| Area where rules apply | Map Reference | Dog access status |
|---|---------------|-------------------|
| The beach area known as Dems Road (including the esplanade reserve at Dems Road) down to Mean Low Water Springs. | Map 10 | On-leash |
| The Beach from Fisher Street, around Fenwicks Point to the Moreton Bay Fig Tree. | Map 10 | On-leash |
| Paparoa | | |
| Paparoa – the Village Green. | Map 15 | On-leash |
| Tinopai | | |
| Tinopai – the reserves and beach down to Mean Low Water Springs from the Tinopai Hall to the Komiti Road bridge over the Komiti Creek. | Map 11 | On-leash |
| Dargaville | | |
| Dargaville waterfront from Totara Street to the Band Rotunda on Victoria Street. | Map 13 | On-leash |
| Pou Tu Te Rangi Pa. | Map 12 | Prohibited |
| Harding Park and Old Mt Wesley Cemetery. | Map 12 | On-leash |
| Sportsville – the carpark, courts, roadway and buildings as mapped in Schedule 3. | Map 14 | On-leash |
| The part of Northern Wairoa Memorial Park adjoining Logan Street as mapped in Schedule 3. | Map 14 | On-leash |
| Pouto | | |
| Ripiro Beach near Pouto Point – 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. | Map 17 | On-leash |
| The site of the Kaipara North Head Lighthouse. | Map 17 | On-leash |
| Glinks Gully | | |
| Ripiro Beach at Glinks Gully – the area extending from Marine Drive to Mean Low Water Springs. | Map 18 | On-leash |

| Area where rules apply | Map Reference | Dog access status |
|---|---------------|-------------------|
| Baylys Beach | | |
| Ripiro Beach at Baylys Beach – the area extending from the stream flowing out of Chases Gorge to the stream flowing out of Cynthia Place. | Map 19 | On-leash |
| Ocean View Terrace and the reserve on Ocean View Terrace. | Map 19 | On-leash |
| Aranga Coast Area | | |
| Manuwhetai (the area of beach south of the mouth of the Waipoua River) from the Kaipara/Far North Boundary to the Muriwai Stream. | 25 | On-leash |
| Waihaupai (the area around the first stream on Ripiro Beach south of Aranga Beach) from 300 metres north of the mouth of the Waihaupai Stream to 200 metres south of the mouth of Waihaupai Stream, extending down to Mean Low Water Springs. | 26 | On-leash |
| Kai Iwi Lakes | | |
| Kai Iwi Lakes (Taharoa Domain). | Map 20 | Prohibited |
| Northern Kaipara | | |
| Trounson Park Road between Aranga Station Road intersection and McLean Road intersection. | Map 21 & 22 | On-leash |
| Mangatu Road between McLean Road intersection and Trounson Park Road intersection. | Map 21 & 22 | On-leash |
| Marlborough Road – excluding the first 2.3 kilometres of Marlborough Road as measured from the intersection of Marlborough Road and Kaikohe Road. | 27 & 29 | On-leash |
| Waoku Road | 28 | On-leash |
| Waipoua Settlement Road | 27 | On-leash |
| Lookout Road | 27 | On-leash |

| Area where rules apply | Map Reference | Dog access status |
|--|---------------|-------------------|
| State Highway 12 from the intersection with Waipoua Settlement Road to the Kaipara/Far North boundary. | 27 & 29 | On-leash |

In addition to the above, dog access to many areas of public conservation land in the Kaipara district is controlled by the Department of Conservation (DOC). It should be noted that dog access restrictions imposed by Council do not apply on public conservation land where DOC has imposed their own restrictions under section 26ZS of the Conservation Act 1987. Dog access restrictions on DOC land as at the date of adoption of this Policy are listed in Schedule 2. Please visit <https://www.doc.govt.nz/> and put in keyword “dog” for further information.

Recommended off-leash Areas – These areas have been identified as particularly suitable for dogs being off-leash and under control; however, this is by no means an exclusive list. These shared public areas will be promoted as off leash as they are able to provide for the well-being and recreational needs of dogs and their owners, as well as providing for other recreational needs.

| Recommended Off-Leash and Under Control |
|---|
| Mangawhai – Mangawhai Community Park walking trails. |
| Mangawhai – Mangawhai Surf Beach north of the first set of rocks. |
| Kaiwaka – the reserve on the corner of Settlement Road and State Highway 1. |
| Dargaville – Northern Wairoa Memorial Park (when the fields are not being used for sports or events). |
| Te Kopuru – Te Kopuru Domain. |

Schedule 2: Department of Conservation Controlled and Open Dog Areas

In addition to those dog access restrictions imposed by Council, the Department of Conservation (DOC) is also able to impose restrictions on the land they administer under [section 26ZS](#) of the Conservation Act 1987.

This Policy shall identify any land within the Kaipara District that is included in a controlled dog area or open dog area under [section 26ZS](#) of the Conservation Act 1987.

There are four different dog access rules applicable. These are:

- a) **Controlled Dog Areas: No Access ('Controlled No Access')** – These areas are prohibited to dogs at all times.
- b) **Controlled Dog Areas: Entry by Permit for Management and/or Recreational Hunting Subject to Conditions ('Controlled Permit'):**
 - the number of hunting dogs is limited to three per hunter;
 - all farm dogs must at all times be under the supervision of their owner or other responsible person.
- c) **Open Dog Areas: Lead Subject to Conditions ('Open Lead'):**
 - all dogs shall be kept on a lead not exceeding three linear metres;
 - faeces to be removed.
- d) **Open Dog Areas: Free Subject to Condition ('Open Free'):**
 - at all times dogs must be under control by voice command.

The following table sets out the rules that apply under [section 26ZS](#) of the Conservation Act 1987 to different areas of the Conservation estate in the Kaipara district.

| Area Name | Dog Access Rule | DOC Map Reference |
|--|----------------------|-------------------|
| Waipoua Forest | Controlled Permit | O06017 |
| Taha Moana Scenic Reserve | Controlled Permit | O06018 |
| Katui Scenic Reserve | Controlled Permit | O06019 |
| Katui Cemetery Reserve | Controlled No Access | O06020 |
| Donnelleys Crossing Scenic Reserve | Controlled Permit | O06021 |
| Muriwai | Controlled Permit | O06024 |
| Waipoua River | Controlled Permit | O06026 |
| Marlborough Road Scenic Reserve | Controlled Permit | O06035 |
| Kaikohe Road Marginal Strip | Controlled Permit | O06049 |
| Trounson Kauri Park Scenic Reserve | Controlled No Access | O07001 |
| Kaihu North Railway Line | Controlled Permit | O07002 |
| Maunganui Bluff Scenic Reserve | Controlled Permit | O07003 |
| Aranga Beach | Controlled Permit | O07004 |
| Ureti Camping Reserve | Controlled Permit | O07005 |
| Ureti Marginal Strip | Controlled Permit | O07006 |
| Waihaupai Stream Marginal Strip | Controlled Permit | O07007 |
| Shag Lake Marginal Strip | Controlled Permit | O07008 |
| Donnelleys Crossing Marginal Strip | Controlled Permit | O07009 |
| Marlborough Forest | Controlled Permit | P06012 |
| Tutamoe Scenic Reserve | Controlled Permit | P06013 |
| Waiokumurau Esplanade Reserve | Controlled Permit | P06019 |
| Marlborough Forest Addn | Controlled Permit | P06021 |
| Waiokumurau Stream Marginal Strip No 1 | Controlled Permit | P06029 |
| Waiokumurau Stream Marginal Strip No 2 | Controlled Permit | P06030 |
| Mangakahia River Marginal Strip No 4 | Controlled Permit | P06031 |
| Marlborough Cemetery | Controlled No Access | P07001 |
| Marlborough School | Controlled Permit | P07002 |
| Whatoro | Controlled Permit | P07003 |
| Kaihu Forest | Controlled Permit | P07005 |
| Pakotai Scenic Reserve | Controlled Permit | P07006 |
| Houto Quarry Reserve | Controlled Permit | P07008 |
| Houto Forest | Controlled Permit | P07009 |
| Paerata Govt Purp Wildlife Reserve | Controlled Permit | P07011 |
| Kaihu Scenic Reserve | Controlled Permit | P07013 |
| Waimata Settlement Scenic Reserve | Controlled Permit | P07014 |
| Kairara | Controlled Permit | P07015 |
| Taraire Scenic Reserve | Controlled Permit | P07016 |
| Avoca | Controlled Permit | P07017 |
| Omamari Govt Purp Wildlife Mgmt Reserve | Controlled Permit | P07018 |
| Mamaranui Farm Settlement Scenic Reserve | Controlled Permit | P07019 |
| Awakino Govt Purp Wildlife Mgmt Reserve | Controlled Permit | P07020 |

| Area Name | Dog Access Rule | DOC Map Reference |
|---|----------------------|-------------------|
| Tangowahine Scenic Reserve | Controlled Permit | P07021 |
| Pukehuia | Open Free | P07022 |
| Rehutai | Controlled Permit | P07023 |
| Curnow Road Gemstone | Controlled Permit | P07024 |
| Mititai Road | Open Free | P07025 |
| Curnow Road | Open Free | P07026 |
| Waiotama Reserve | Controlled Permit | P07029 |
| Babylon Marginal Strip | Controlled Permit | P07031 |
| Rehutai Marginal Strip | Controlled Permit | P07032 |
| Kaihu River Marginal Strip No 1 | Controlled Permit | P07033 |
| Kaihu River Marginal Strip No 2 | Controlled Permit | P07034 |
| Kaihu River Marginal Strip No 3 | Controlled Permit | P07035 |
| Omamari Marginal Strip | Controlled Permit | P07036 |
| Opouteke Stream Marginal Strip No 3 | Controlled Permit | P07037 |
| Awakino Stream Marginal Strip No 1 | Controlled Permit | P07038 |
| Tangowahine Stream Marginal Strip No 1 | Controlled Permit | P07039 |
| Tangowahine Stream Marginal Strip No 2 | Controlled Permit | P07040 |
| Kaihu River Marginal Strip No 4 | Controlled Permit | P07041 |
| Kaihu River Marginal Strip No 5 | Controlled Permit | P07042 |
| Kaihu River Marginal Strip No 6 | Controlled Permit | P07043 |
| Awakino River Marginal Strip No 2 | Controlled Permit | P07044 |
| Wairoa River Marginal Strip No 1 | Controlled Permit | P07045 |
| Wairoa River Marginal Strip No 2 | Controlled Permit | P07046 |
| Wairoa River Marginal Strip No 3 | Controlled Permit | P07047 |
| Manganui River Marginal Strip No 1 | Controlled Permit | P07051 |
| Manganui River Marginal Strip No 2 | Controlled Permit | P07052 |
| Wairoa River Marginal Strip No 4 | Controlled Permit | P07053 |
| Wairoa River Marginal Strip No 5 | Controlled Permit | P07054 |
| Wainui Lake | Controlled Permit | P08002 |
| Tikinui | Controlled Permit | P08003 |
| Schick Road | Controlled Permit | P08004 |
| Matanginui | Controlled Permit | P08005 |
| Tomb Point | Controlled Permit | P08006 |
| Tangitiki | Controlled Permit | P08007 |
| Montgomeries Memorial Bush Scenic Reserve | Controlled No Access | P08008 |
| Whakahara | Controlled Permit | P08009 |
| Tokatoka | Controlled Permit | P08010 |
| Tokatoka Scenic Reserve | Controlled Permit | P08011 |
| Ruawai | Controlled Permit | P08014 |
| Awaroa | Controlled Permit | P08015 |
| Whakatu | Controlled Permit | P08016 |
| Tatarariki | Controlled Permit | P08018 |
| Black Lake | Controlled Permit | P08019 |
| Mahuta Gap Marginal Strip | Controlled Permit | P08020 |
| Wairoa River Marginal Strip No 6 | Controlled Permit | P08021 |

| Area Name | Dog Access Rule | DOC Map Reference |
|--|----------------------|-------------------|
| Wairoa River Marginal Strip No 7 | Controlled Permit | P08022 |
| Wairoa River Marginal Strip No 8 | Controlled Permit | P08023 |
| Wairoa River Marginal Strip No 9 | Controlled Permit | P08024 |
| Wairoa River Marginal Strip No 10 | Controlled Permit | P08025 |
| Koremoa Marginal Strip | Controlled Permit | P08026 |
| Tomb Point Marginal Strip | Controlled Permit | P08027 |
| Tangitiki Bay Marginal Strip No 1 | Controlled Permit | P08028 |
| Tangitiki Bay Marginal Strip No 2 | Controlled Permit | P08029 |
| Wairoa River Marginal Strip No 11 | Controlled Permit | P08030 |
| Lucich Road Marginal Strip | Controlled Permit | P08031 |
| Pouto North Marginal Strip | Controlled Permit | P08032 |
| Pouto North | Controlled Permit | P09001 |
| Rototuna Lake | Controlled Permit | P09002 |
| Punahaere Creek | Controlled Permit | P09003 |
| Rotopouua Creek | Controlled Permit | P09004 |
| Pouto | Controlled Permit | P09005 |
| Punahaere GPWM Reserve | Controlled Permit | P09006 |
| Tangihua Forest | Controlled Permit | Q07026 |
| Manganui Riv Wildlife Mgmt Reserve | Controlled Permit | Q07030 |
| Ruarangi | Open Free | Q07055 |
| Tauraroa River Marginal Strip No 2 | Controlled Permit | Q07062 |
| Manganui River Marginal Strip No 3 | Controlled Permit | Q07063 |
| Manganui River Marginal Strip No 4 | Controlled Permit | Q07064 |
| Parahi Scenic Reserve | Controlled No Access | Q08001 |
| Omaru River | Controlled No Access | Q08002 |
| Pukekohe Hill Scenic Reserve | Controlled Permit | Q08003 |
| Mareretu Forest | Controlled Permit | Q08004 |
| Waipu Gorge Forest | Controlled Permit | Q08009 |
| Waipu Gorge Scenic Reserve | Controlled Permit | Q08010 |
| Dodd Road | Open Free | Q08011 |
| Hukatere Hall Scenic Reserve | Open Lead | Q08012 |
| Hukatere Scenic Reserve | Controlled Permit | Q08013 |
| Matakohe River Scenic Reserve | Controlled No Access | Q08015 |
| Kauri Bushmans Memorial Scenic Reserve | Controlled No Access | Q08016 |
| Paparoa Creek Scenic Reserve | Controlled Permit | Q08017 |
| Pahi Domain | Open Lead | Q08018 |
| Whakapirau | Controlled Permit | Q08019 |
| Lower Pahi River Scenic Reserve | Controlled Permit | Q08020 |
| Te Opu Scenic Reserve | Controlled Permit | Q08023 |
| Whakapirau Scenic Reserve | Controlled Permit | Q08024 |
| Whakapirau Creek | Controlled Permit | Q08025 |
| Arapaoa River Scenic Reserve | Controlled Permit | Q08026 |
| Te Kowhai Creek Scenic Reserve | Controlled Permit | Q08027 |

| Area Name | Dog Access Rule | DOC Map Reference |
|---|----------------------|-------------------|
| Hokorako | Controlled Permit | Q08028 |
| Maungaturoto | Open Lead | Q08029 |
| Maungaturoto Scenic Reserve | Controlled Permit | Q08030 |
| Te - Uri - O - Hau Scenic Reserve | Controlled Permit | Q08031 |
| Cooks Stream Scenic Reserve | Controlled No Access | Q08032 |
| Pukekaroro Scenic Reserve | Controlled No Access | Q08033 |
| Kaiwaka Park Domain | Open Lead | Q08034 |
| Takahoa Govt Purp Wildlife Mgmt Reserve | Controlled Permit | Q08037 |
| Parahi | Controlled No Access | Q08038 |
| Topuni Scenic Reserve | Controlled No Access | Q08039 |
| Collins Scenic Reserve | Controlled No Access | Q08040 |
| Upper Pahi River Scenic Reserve | Controlled Permit | Q08041 |
| Pahi Cemetery Reserve | Controlled No Access | Q08042 |
| Kohatutahi | Controlled Permit | Q08043 |
| Brynderwyn Hills Scenic Reserve | Controlled Permit | Q08045 |
| Topuni | Controlled No Access | Q08046 |
| Te Awaoteaouhi | Open Free | Q08047 |
| Smoky Hill Scenic Reserve | Controlled Permit | Q08048 |
| Upper Paparoa Creek Scenic Reserve | Controlled Permit | Q08049 |
| Hukatere School Site | Controlled Permit | Q08051 |
| Manganui River Marginal Strip No 5 | Controlled Permit | Q08052 |
| Paparoa Creek Marginal Strip No 1 | Controlled Permit | Q08054 |
| Paparoa Creek Marginal Strip No 2 | Controlled Permit | Q08055 |
| Pahi Marginal Strip | Controlled Permit | Q08056 |
| Te Kiakia Bay Marginal Strip | Controlled Permit | Q08057 |
| Raepere Creek Marginal Strip | Controlled Permit | Q08058 |
| Rocky Point Marginal Strip | Controlled Permit | Q08059 |
| Hokoraka Creek Marginal Strip | Controlled Permit | Q08060 |
| Otamatea River Marginal Strip No 1 | Controlled Permit | Q08061 |
| Otamatea River Marginal Strip No 2 | Controlled Permit | Q08062 |
| Kaira Creek Marginal Strip | Controlled Permit | Q08063 |
| Hakaru River Marginal Strip No 1 | Controlled Permit | Q08064 |
| Kaiwaka Marginal Strip | Controlled Permit | Q08065 |
| Kaiwaka River Marginal Strip No 1 | Controlled Permit | Q08066 |
| Kaiwaka River Marginal Strip No 2 | Controlled Permit | Q08067 |
| Cook Creek Marginal Strip | Controlled Permit | Q08068 |
| Hakaru River Marginal Strip No 2 | Controlled Permit | Q08069 |
| Maungaturoto Marginal Strip | Controlled Permit | Q08070 |
| Wairau River Marginal Strip | Controlled Permit | Q08074 |
| Kohatutahi Marginal Strip | Controlled Permit | Q08075 |
| Mangawhai River Marginal Strip | Controlled Permit | Q08076 |
| Maxwell Creek Marginal Strip | Controlled Permit | Q08077 |

| Area Name | Dog Access Rule | DOC Map Reference |
|---------------------------------------|------------------------|--------------------------|
| Kanono | Controlled Permit | Q09001 |
| Kahuparere | Controlled Permit | Q09003 |
| Pukekura Historic Area | Controlled Permit | Q09004 |
| Signal Station Road Esplanade Reserve | Controlled Permit | Q09005 |
| Oruawharo River Marginal Strip | Controlled Permit | Q09006 |
| Lake Humuhumu Marginal Strip | Controlled Permit | Q09007 |
| Lake Rotootuauro Marginal Strip | Controlled Permit | Q09008 |
| Tauhara Marginal Strip | Controlled Permit | Q09009 |
| Tauhara Creek Marginal Strip | Controlled Permit | Q09010 |
| Lake Kanono Marginal Strip | Controlled Permit | Q09011 |
| Lake Kahuparere Marginal Strip | Controlled Permit | Q09012 |
| Lake Waingata Marginal Strip | Controlled Permit | Q09013 |
| Lake Rotokawau (Pouto) Marginal Strip | Controlled Permit | Q09014 |
| Pouto Lakes Marginal Strip | Controlled Permit | Q09015 |
| Pouto Marginal Strip | Controlled Permit | Q09016 |
| Bream Tail Scenic Reserve | Controlled Permit | R08001 |
| Robert Hastie Memorial Scenic Reserve | Controlled Permit | R08002 |
| Molesworth | Open Free | R08003 |
| Mangawhai Wildlife Refuge | Controlled No Access | R08004 |
| Mangawhai Harbour Marginal Strip No 1 | Controlled Permit | R08005 |
| Tara Creek Marginal Strip | Controlled Permit | R08007 |
| Mangawhai Harbour Marginal Strip No 3 | Controlled Permit | R08008 |
| Mataraua Forest | Controlled Permit | O06016 |
| Maitahi Wetland Scientific Reserve | Controlled Permit | P07055 |
| Tangihua Access | Controlled Permit | Q07085 |
| Kaihu Railway Line | Controlled Permit | P07004 |
| Kaihu North Railway Line | Controlled Permit | O07002 |

Schedule 3: Maps

This section includes a series of maps showing where in the district the dog access rules set out in Schedule 1 and Schedule 2 apply.



MAP 1 - MANGAWHAI SAND SPIT

◇ Playground

Kaipara District Council Dog Control Areas

- On-leash
- On-leash between 10am and 5pm
- Recommended Off-Leash Area
- Prohibited

Department of Conservation Dog Control Zones

- Prohibited
- Prohibited except by permit

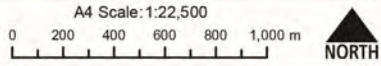


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MAP 2 - MANGAWHAI HEADS RESERVE

Kaipara District Council Dog Control Areas

-  On-leash
-  On-leash between 10am and 5pm
-  Recommended Off-Leash Area
-  Prohibited

Department of Conservation Dog Control Zones

-  Prohibited



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MAP 3 - MANGAWHAI HARBOUR

-  Playground
- Kaipara District Council Dog Control Areas**
-  On-leash
-  On-leash between 10am and 5pm
-  Recommended Off-Leash Area
-  Prohibited
- Department of Conservation Dog Control Zones**
-  Prohibited

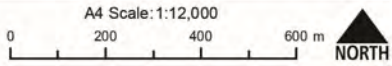


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**MAP 4 - MANGAWHAI
COMMUNITY PARK**

Kaipara District Council Dog Control Areas

- On-leash
- Recommended Off-Leash Area
- Prohibited

Department of Conservation Dog Control Zones

- Prohibited except by permit



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A4 Scale: 1:7,500








MAP 5 - MANGAWHAI CAMP GROUND

 Playground

Kaipara District Council Dog Control Areas

-  On-leash
-  On-leash between 10am and 5pm
-  Prohibited



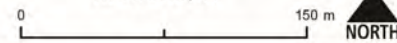
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MAP 6 - MANGWHAI HEADS SHOPPING COMPLEX

Playground

Kaipara District Council Dog Control Areas

On-leash

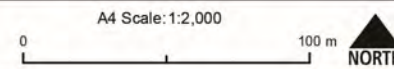


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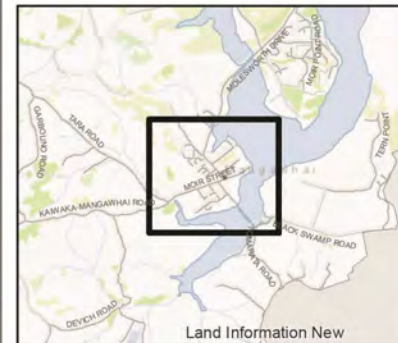
MAP 7 - MANGAWHAI VILLAGE

Kaipara District Council Dog Control Areas

-  On-leash
-  On-leash between 10am and 5pm

Department of Conservation Dog Control Zones

-  Prohibited except by permit

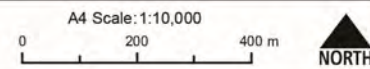


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MAP 8 - KAIWAKA

⬡ Playground

Kaipara District Council Dog Control Areas

■ On-leash

■ Recommended Off-Leash Area

Department of Conservation Dog Control Zones

■ Prohibited except by permit

■ On-Leash

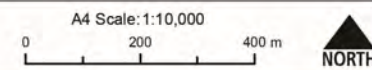


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


MAP 9 - WHAKAPIRAU

Kaipara District Council Dog Control Areas

 On-leash

Department of Conservation Dog Control Zones

 Prohibited except by permit

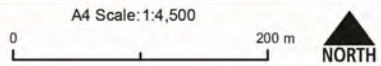


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MAP 10 - PAHI

◆ Playground

Kaipara District Council Dog Control Areas

■ On-leash

Department of Conservation Dog Control Zones

■ Prohibited except by permit

■ On-Leash

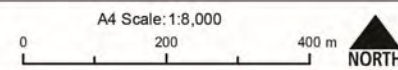


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**MAP 11 - POU TU TE RANGI PA,
HARDING PARK AND OLD MT
WESLEY CEMETERY**

**Kaipara District Council Dog
Control Areas**

- On-leash
- Prohibited

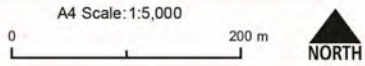


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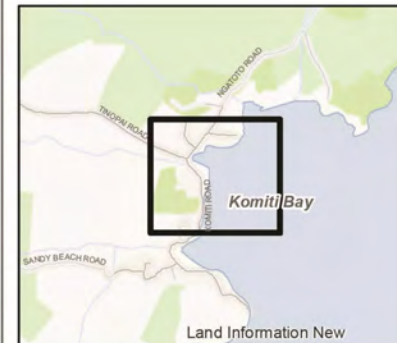


MAP 12 - TINOPAI

◊ Playground

Kaipara District Council Dog Control Areas

◻ On-leash

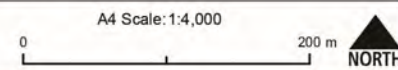


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MAP 13 - DARGAVILLE WATERFRONT

Playground

Kaipara District Council Dog Control Areas

On-leash



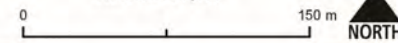
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**MAP 14 - NORTHERN WAIROA
MEMORIAL PARK**

**Kaipara District Council Dog Control
Areas**

- On-leash
- Recommended Off-Leash Area

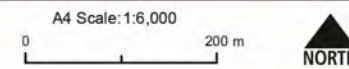


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MAP 15 - PAPAROA

 Playground

Kaipara District Council Dog Control Areas

 On-leash



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MAP 16 - TE KOPURU

 Playground

Kaipara District Council Dog Control Areas

 On-leash

 Recommended Off-Leash Area



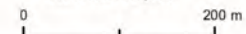
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


MAP 17 - RIPIRO BEACH - POUTO

Kaipara District Council Dog Control Areas

 On-leash

Department of Conservation Dog Control Zones

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MAP 18 - GLINKS GULLY

 Playground

Kaipara District Council Dog Control Areas

 On-leash



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A4 Scale: 1:7,500
0 200 m





MAP 19 - BAYLYS

Kaipara District Council Dog Control Areas

 On-leash



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A4 Scale: 1:7,500
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


MAP 20 - KAI IWI LAKES (TAHAROA) AREA

Kaipara District Council Dog Control Areas

 Prohibited

Department of Conservation Dog Control Zones

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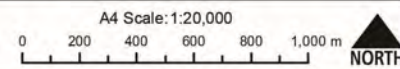


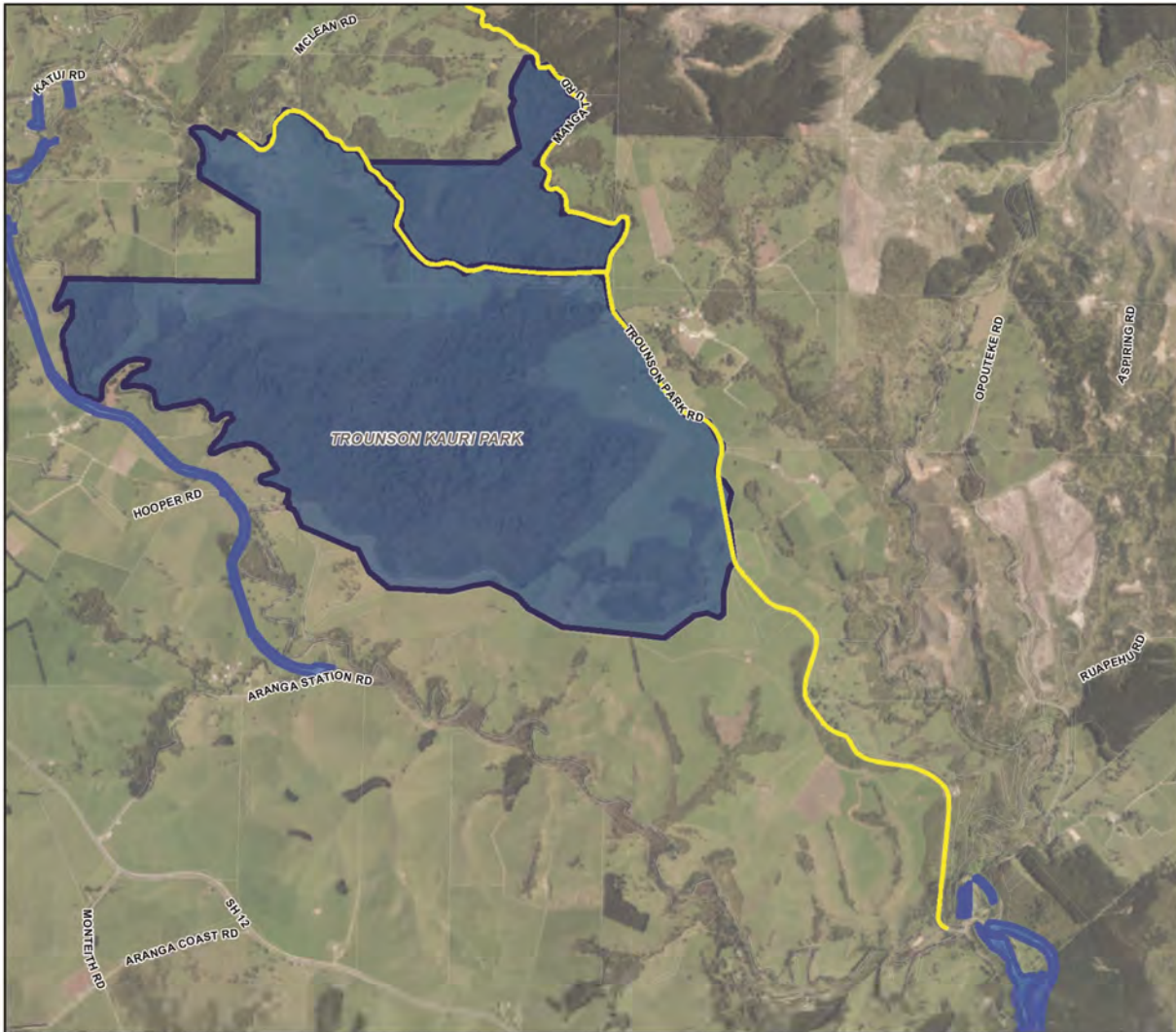
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MAP 21 - TROUNSON PARK ROAD

Kaipara District Council Dog Control Areas

 On-leash

Department of Conservation Dog Control Zones

 Prohibited

 Prohibited except by permit

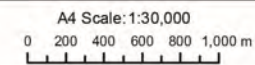


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**KAIPARA DISTRICT
 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**





MAP 22 - MANGATU ROAD

Kaipara District Council Dog Control Areas

 On-leash

Department of Conservation Dog Control Zones

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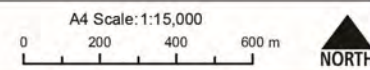


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**KAIPARA DISTRICT
 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**





MAP 23 - KELLYS BAY

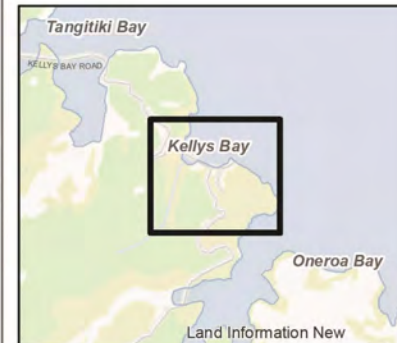
◆ Playground

Kaipara District Council Dog Control Areas

■ On-leash

Department of Conservation Dog Control Zones

■ Prohibited except by permit



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**KAIPARA DISTRICT
 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**

A4 Scale: 1:7,500
 0 200 m





MAP 24 - MAUNGATUROTO

◊ Playground

Kaipara District Council Dog Control Areas

Yellow box On-leash

Department of Conservation Dog Control Zones

Dark blue box Prohibited except by permit

Light blue box On-Leash

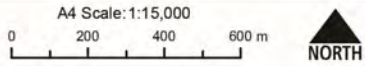


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**KAIPARA DISTRICT
 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**






MAP 25 - MANUWHETAI

Kaipara District Council Dog Control Areas

 On-leash

Department of Conservation Dog Control Zones

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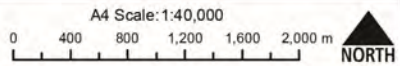


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POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**






MAP 26 - WAIHAUPAI STREAM

Kaipara District Council Dog Control Areas

 On-leash

Department of Conservation Dog Control Zones

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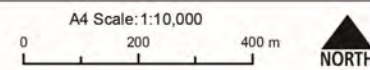


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


**MAP 27 - WAIPOUA
SETTLEMENT ROAD, LOOKOUT
ROAD, STATE HIGHWAY 12**

**Kaipara District Council Dog
Control Areas**

 On-leash

**Department of Conservation Dog
Control Zones**

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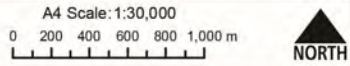


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


MAP 28 - WAOKU ROAD

Kaipara District Council Dog Control Areas

 On-leash

Department of Conservation Dog Control Zones

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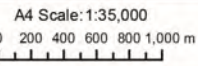


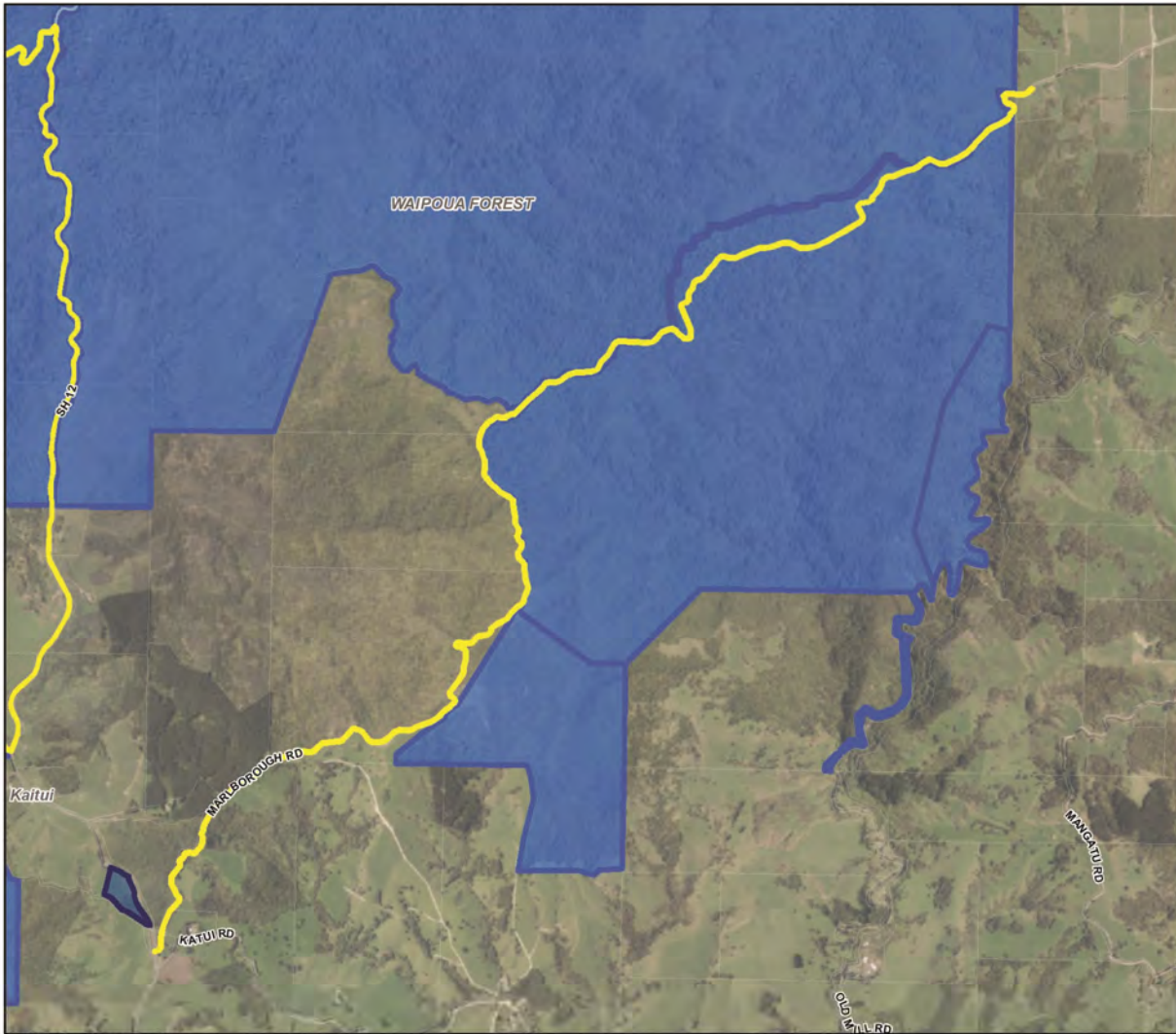
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**KAIPARA DISTRICT
 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**






MAP 29 - MARLBOROUGH ROAD

Kaipara District Council Dog Control Areas

 On-leash

Department of Conservation Dog Control Zones

 Prohibited

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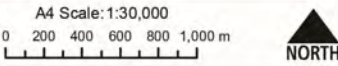


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**KAIPARA DISTRICT
 POLICY ON DOGS AND DOG MANAGEMENT BYLAW 2019**



Kaipara District Dog Management Bylaw

This Bylaw is made pursuant to Section 20 of the Dog Control Act 1996 and to the Local Government Act 2002.

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Explanatory note: The Dog Management Bylaw 2019 supplements rather than duplicates other dog owner obligations, including but not limited to, the Dog Control Act 1996, Animal Welfare Act 1999 and related codes of welfare, Reserves Act 1977, Conservation Act 1987, Wildlife Act 1953, Resource Management Act 1991 and the Operative Kaipara District Council District Plan.

Council's Policy on Dogs 2019 should be read in conjunction with this Bylaw.

1 Former Bylaw Repealed

- 1.1. At the date this Bylaw comes into force, the Kaipara District Council Dog Management Bylaw 2009 shall be repealed.
- 1.2. All approvals, permits and other acts of authority that originated under the Kaipara District Council Dog Management Bylaw 2009 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 Kaipara District Council Dog Management Bylaw 2009 shall not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw, and such proceedings may continue to be dealt with and completed.
- 1.4. The Kaipara District Dog Management Bylaw 2019 comes into force on 31 July 2019.

2 Interpretation

In this Bylaw, unless the context requires otherwise, the following words and phrases shall have the following meanings:

'The Act' unless otherwise stated means the Dog Control Act 1996.

'Authorised Officer' means any person authorised by the Council to act on its behalf.

'The Bylaw' means the Kaipara District Dog Management Bylaw.

'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.

'Council' means the Kaipara District Council.

'Disability Assist Dog' shall have the same meaning as given to it by the Dog Control Act 1996.

*Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: **'Disability Assist Dog'** means a dog certified by one of the organisations listed in Schedule 5 of the Dog Control Act 1996 as being a dog that has been trained (or is being trained) to assist a person with a disability.*

'District' means the district of the Kaipara District Council.

'Leash' means a restraint capable of restraining the dog and held by a person/fixed to an object physically capable of restraining the dog.

'Menacing Dog' means any dog classified as menacing under sections 33A or 33C or 33ED of the Dog Control Act 1996.

'Moped' shall have the same meaning as given to it by the Land Transport Act 1998.

Explanatory Note: As at 30 May 2019, the definition in the Land Transport Act 1998 read:

'Moped' means a motor vehicle (other than a power-assisted pedal cycle) that has:

- a) 2 or 3 wheels; and
- b) a maximum speed not exceeding 50 kilometres per hour; and
- c) either
 - i. an engine cylinder capacity not exceeding 50 cc; or
 - ii. a power source other than a piston engine.

'Motorcycle' shall have the same meaning as given to it by the Land Transport Act 1998.

Explanatory Note: As at 30 May 2019, the definition in the Land Transport Act 1998 read: 'Motorcycle'

- a) means a motor vehicle running on two wheels, or not more than three wheels when fitted with a sidecar; and
- b) includes a vehicle with motorcycle controls that is approved as a motorcycle by the NZ Transport Agency; but
- c) does not include a moped.

'Motor Vehicle' shall have the same meaning as given to it by the Land Transport Act 1998.

Explanatory Note: As at 30 May 2019, the definition in the Land Transport Act 1998 read:

'Motor Vehicle'

- a) means a vehicle drawn or propelled by mechanical power; and
- b) includes a trailer; but
- c) does not include:
 - i. a vehicle running on rails; or
 - ii. a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
 - iii. a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
 - iv. a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
 - v. a pedestrian-controlled machine; or
 - vi. a vehicle that the NZ Transport Agency has declared under section 168A of the Land Transport Act 1998 is not a motor vehicle; or
 - vii. a mobility device

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

'Nuisance' has the same meaning as defined in section 29(k) of the Health Act 1956.

Explanatory Note: As at 30 May 2019, the definition in section 29(k) of the Health Act 1956 read:
'Nuisance' means where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health.

'Off-Leash and Under Control' means that a dog is kept under control by means of voice commands, hand signals, whistles or other effective means that results in immediate direct control of the dog. Any dog that does not immediately return to its owner when called shall be deemed not under control.

'On-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 which is tethered to an immovable object or held by a person physically capable of restraining and controlling the dog.

'Owner' in relation to any dog, shall have the same meaning as given to it in the Dog Control Act 1996.

Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: 'Owner' in relation to any dog, means every person who:

- a) owns the dog; or
- b) has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- c) the parent or guardian of a person under the age of 16 years who:
 - i) is the owner of the dog pursuant to paragraph (a) or paragraph (b); and
 - ii) is a member of the parent or guardian's household living with and dependent on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Te Urewera Act 2014 or the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animal Welfare Act 1999.

'Premises' means any land, house, storehouse, shop, cellar, yard, building or part of the same, or enclosed space separately occupied; and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.

'Public Place' shall have the same meaning as given to it in the Dog Control Act 1996.

Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read:
'Public Place'

- a) means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and

b) includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

'Quad bike' means a vehicle that travels on low-pressure tires, with a seat that is straddled by the operator, along with handlebars for steering control.

'Road' shall have the same meaning as in section 315 of the Local Government Act 1974.

Explanatory Note: As at 30 May 2019, the definition in section 315 of the Local Government Act 1974 read: 'Road' means the whole of any land which is within a district, and which:

- a) immediately before the commencement of this Part [Part 21 of the Local Government Act 1974] was a road or street or public highway; or
- b) immediately before the inclusion of any area in the district was a public highway within that area; or
- c) is laid out by the Council as a road or street after the commencement of this Part [Part 21 of the Local Government Act 1974]; or
- d) is vested in the Council for the purpose of a road as shown on a deposited survey plan; or
- e) is vested in the Council as a road or street pursuant to any other enactment;

and includes:

- f) except where elsewhere provided in this Part [Part 21 of the Local Government Act 1974], any accessway or service lane which before the commencement of that Part was under the control of any council or is laid out or constructed by or vested in any council as an accessway or service lane or is declared by the Minister of Works and Development as an accessway or service lane after the commencement of this Part or is declared by the Minister of Lands as an accessway or service lane on or after 01 April 1988;
- g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;

but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roothing Powers Act 1989.

'Rural' means any land zoned Rural, Maori Purposes: Maori Land or Maori Purposes: Treaty Settlement Land in the Operative Kaipara District Plan.

'Under Control' in relation to a dog, means that the owner or person appearing to be 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 that results in immediate direct control of the dog. Any dog that does not immediately return to its owner when called shall be deemed not under control.

'Urban' means land zoned residential, commercial or industrial in the Operative Kaipara District Plan.

'Working Dog' shall have the same meaning as given to it in the Dog Control Act 1996.

*Explanatory Note: As at 30 May 2019, the definition in the Dog Control Act 1996 read: **'Working Dog'** means:*

- a) any disability assist dog;
- b) any dog:
 - i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence, or any officer or employee of any such department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the department of State or that constable, officer, or employee; or
 - ii) kept solely or principally for the purposes of herding or driving stock; or
 - iii) kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
 - iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or
 - v) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
 - vi) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or
 - vii) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
 - viii) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or
 - ix) declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

3 Exemptions

- 3.1 Disability Assist Dogs are exempt from prohibitions on Dog Access Areas under Clause 4.
- 3.2 Working Dogs are exempt from restrictions and prohibitions on Dog Access Areas (Clause 4) and Confinement of Dogs (Clause 7), if they are being used for the purpose for which they are kept.

4 Dog Access Areas *Dog Control Act 1996 s 20(1)(a-d)*

- 4.1 Every person in charge of a dog must ensure that the dog does not enter or remain in any place identified as a Prohibited Area in Schedule 1 and Schedule 3 of Council's Policy on Dogs.
- 4.2 Every person in charge of a dog must ensure that the dog is kept on a leash and under control in any place identified as an On-leash Area in Schedule 1 and Schedule 3 of Council's Policy on Dogs.
- 4.3 Every person in charge of a dog must ensure that the dog is kept under control in any area identified as an Off-leash Area in Schedule 1 and Schedule 3 of Council's Policy on Dogs.

5 Changes to Dog Management Bylaw *Dog Control Act 1996 s 10(7),(8),&(8A)*

- 5.1 This Bylaw may be amended at any time using the "special consultative procedure" under the Local Government Act 2002 and must be amended to be consistent with any amendment to the Council's Policy on Dogs.

6 Shelter and Housing *Dog Control Act 1996 s 20(1)(e)*

- 6.1 Dogs must have access to dry and shaded shelter. This:
 - a) applies when a dog is on land or premises owned or occupied by the dog's owner or the person in charge of the dog; but
 - b) does not apply when a dog is temporarily tethered or confined.
- 6.2 When keeping a dog in accordance with sub-clause 6.1, the owner of, and every person in charge of, the dog must:
 - a) ensure that the dog has access at all times to an area (a lying area) that:
 - i. is large enough to allow the dog to stand up, turn around, and lie down in a natural position;
 - ii. is fully shaded;
 - iii. is dry;
 - iv. is ventilated; and
 - v. provides the dog with protection from extremes of heat and cold;
 - b) ensure that the dog has access at all times to water;

- c) ensure that the dog has access at all times to an area in which to urinate and defecate away from its lying area; and
- d) ensure that faeces or urine do not accumulate in any area in which the dog is kept.

7 Confinement of Dogs *Dog Control Act 1996 s 20(1)(g)*

- 7.1 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.

8 Removal of Faeces *Dog Control Act 1996 s 20(1)(h)*

- 8.1 The person in charge of a dog that defecates in a public place or on private land or premises where the occupier does not consent, must immediately remove the faeces and hygienically dispose of it e.g. by placing it in an appropriate waste container.
- 8.2 This clause does not apply to working dogs if they are being used for the purpose for which they are kept and are not within an urban area, beach or Council administered reserve.
- 8.3 It is not a requirement that an Authorised Officer sight the offence being committed when issuing an infringement under Clause 8 of this bylaw. If there is sufficient evidence based on a member of the public witnessing the event, Council may infringe the owner of that dog under the Act.

Explanatory Note: Clause 8 does not apply to land or premises occupied by the owner of the dog and which is not a public place.

9 Bitches in Season *Dog Control Act 1996 s20(1)(i)*

- 9.1 No bitch in season is permitted in any public place, other than when being transported to a registered veterinary clinic for treatment.
- 9.2 Every person in charge of a bitch in season must ensure that the bitch is confined but adequately exercised on private land or premises.

10 Impounding *Dog Control Act 1996 s20(1)(j)*

- 10.1 An Authorised Officer may impound any dog:
- a) that is unattended in a public place and which is causing a nuisance, disturbance or distress.
 - b) straying in a public place or onto private property, whether or not it is causing a nuisance, disturbance or distress.
 - c) that is not confined and is not under the immediate control of its owner.
- 10.2 Full compliance with the Act, Council's Policy on Dogs and Council's Dog Management Bylaw is required before any dog may be released from impoundment. For avoidance of doubt, this includes the neutering of menacing dogs as required by Council's Policy on Dogs.

11 Neutering *Dog Control Act 1996 s 20(1)(k)&(l)*

- 11.1 Any dog owned by an owner classified as Probationary under the Act must be neutered.
- 11.2 Where any dog has been impounded on more than two occasions, Council will require the neutering of that dog prior to the dog's release from the pound.

12 Dogs In or On Vehicles *Dog Control Act 1996 s 20(1)(l)*

- 12.1 A person who leaves a dog in a stationary vehicle must ensure that the dog does not display signs of shade-seeking behaviour, as well as one or more of the following signs consistent with heat stress:

- a) excessive panting;
- b) excessive drooling;
- c) hyperventilation.

Shade-seeking means that the dog is compulsively seeking out and placing, or attempting to place, itself in the shadiest, coolest part of the vehicle that it can access.

- 12.2 The owner of, and every person in charge of, a dog transported on the open deck or open trailer of a moving motor vehicle (other than a moped, a motorcycle, or a quad bike) on a public road must:
- a) ensure that the dog is secured in a way that prevents it from falling off or hanging off the open deck or open trailer (for example, by using a tether or a cage); and
 - b) if the dog is secured by a tether, ensure that the tether is short enough to prevent the dog's legs from reaching over the sides of the open deck of the vehicle or open trailer, but long enough to allow the dog to stand or lie down in a natural position.
- 12.3 Clause 12.2 does not apply when working dogs are unsecured on the open deck or open trailer of a moving motor vehicle on a public road while involved in driving or managing livestock (for example, when moving livestock from one paddock to another that is down the road).

- 12.4 No person shall leave a dog in or on any unattended motor vehicle unless that person takes measures to render it impossible for the dog to leave the vehicle, or cause a nuisance to the public.

13 Diseased Dogs *Dog Control Act 1996 s 20(1)(l)*

- 13.1 No dog infected with a contagious disease may be permitted in any public place.
- 13.2 Every person in charge of a dog must ensure that any dog infected with a contagious disease is confined 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.

14 Nuisance

Dog Control Act 1996 s 20(1)(f, l)

- 14.1 No person shall cause any dog to become unmanageable or aggressive.
- 14.2 A person must not keep a dog on any land or premises if the dog causes any nuisance or disturbance, is injurious to health, or prevents lawful access to land or premises.
- 14.3 A person in charge of a dog must ensure that when the dog is accommodated and/or confined on a property the dog is prevented from entering into or onto any adjoining land.
- 14.4 If any dog causes any nuisance or disturbance or is injurious to health, an Authorised Officer may, by notice in writing, require within a specified time the owner of the dog to:
- a) reduce the number of dogs kept on the owner's premises;
 - b) construct, reconstruct, alter or otherwise improve the kennels or other accommodation used to house, contain or restrain the dog;
 - c) require the dog to be tied up or otherwise confined during specified periods;
 - d) take action to minimise or resolve the nuisance.

Explanatory note: Excessive barking or howling shall be addressed under section 55 of the Dog Control Act 1996, not this bylaw.

15 Number of Dogs

Dog Control Act 1996 s 20(1)(f)

- 15.1 No more than two dogs may be kept at an urban property, unless a permit to do so has been applied for on the prescribed form and upon payment of the prescribed fee and granted by the Council. Council may specify conditions when granting a permit allowing more than two dogs on an urban property. Approval of such permit will be at Council's discretion.
- 15.2 The Council may by resolution fix a fee for a permit issued in respect to sub-clause 15.1. Such fee shall be additional to any Registration Fees.
- 15.3 Where a dog owner is in breach of sub-clause 15.1 or a permit or condition of a permit issued in respect to sub-clause 15.1, Council may impound any additional dogs on the property. This may be extended to include a bitch in whelp where this is deemed necessary for the well-being of the puppies.

Explanatory note: Conditions of a permit issued in respect to sub-clause 15.1 may include but are not limited to:

- A limit on the period of time for which the permit is valid;
- The right to revoke or review the permit at any time; and
- Requirements to meet all of the dogs' physical needs.

16 Offences and Penalties

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