

Council Briefing

Date: Monday 04 February 2019

Time: 9.30 am

Venue: Mangawhai Club – 219 Molesworth Drive, Mangawhai

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St John Ambulance

Meeting: Council Briefing
Date of meeting: 04 February 2019
Reporting officer: Jason Marris, General Manager Governance, Strategy and Democracy

1 Purpose/Ngā hāinga

Representatives of St John Ambulance will attend and present to Council on their delivery model for the southern area of the Kaipara District.

Jason Marris

24 January 2019

Provincial Growth Fund Update

Meeting: Council Briefing
Date of meeting: 04 February 2019
Reporting officer: Louise Miller, Chief Executive

1 Purpose/Ngā hāinga

To provide a verbal update on Council's Provincial Growth Fund (PGF) applications.

Louise Miller

29 January 2019

Customer Perceptions Survey Results

Meeting: Council Briefing
Date of meeting: 04 February 2019
Reporting officer: Linda Osborne, Administration Manager

1 Purpose/Ngā hāinga

To provide elected members with the first quarter results of the Customer Perceptions Survey.

2 Context/Horopaki

Council engages Key Research to undertake this telephone survey. Every three months 100 households are contacted, totalling 400 over the year. A cross-section of ethnicity, age, gender and ward are used and around 60 questions are asked. The questions focus on Council's services and facilities, and the customer's satisfaction with each. **Attachment A** provides a high level overview of the results, and **Attachment B** provides the themes from the commentary received.

A portion of the results relate to customer satisfaction measures within the Quarterly and Annual Reports, while the balance are designed to gain satisfaction of customers in core deliverables such as roading, footpaths, and libraries.

The questions are reviewed annually with relevant managers to ensure they are fit for purpose, while maintaining the ability to continue historical trend comparisons.

3 Next steps/Whai muri ake

The results have been made available to all staff. While some of the results show a significant improvement from last year, other areas indicate that there are opportunities to improve public perception. Staff are completing a more in depth analysis of the results and activity managers are now investigating ways to address these perceptions.

An overview of the results and themes will also be placed on Council's website.

Attachments/Ngā tapiritanga

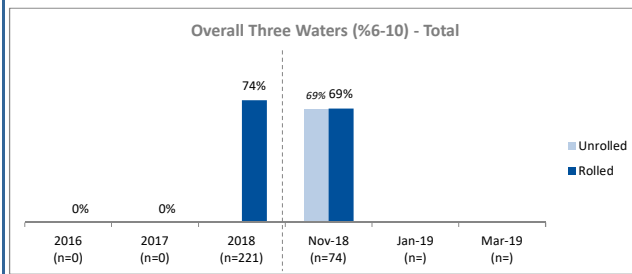
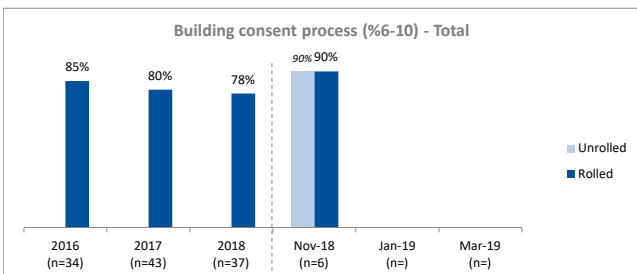
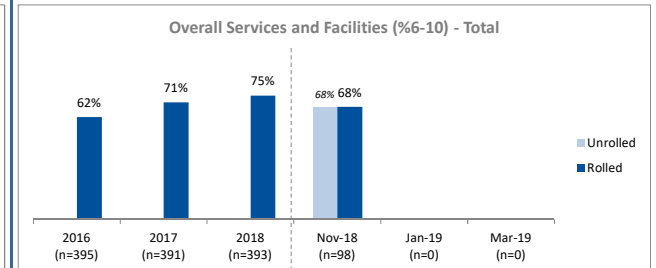
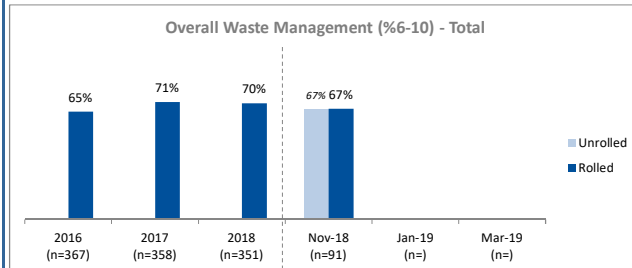
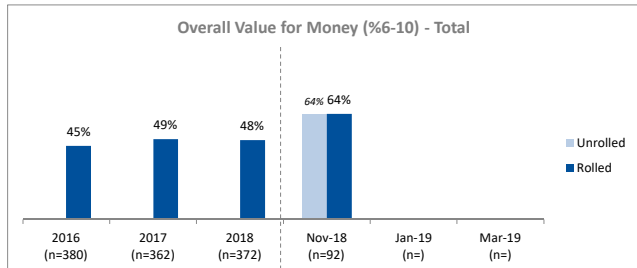
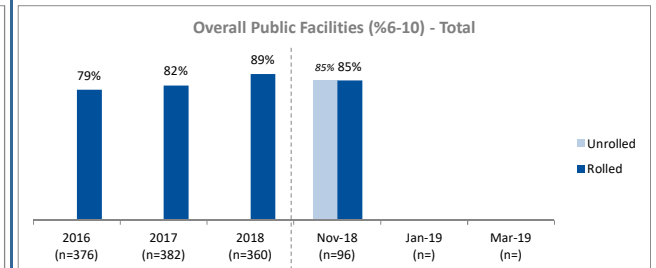
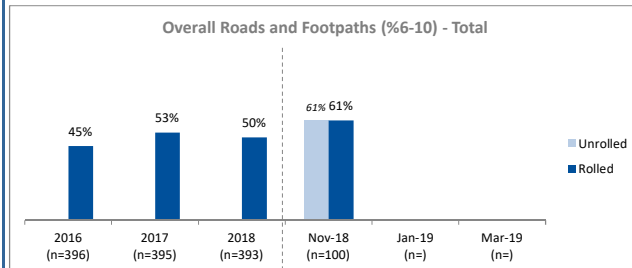
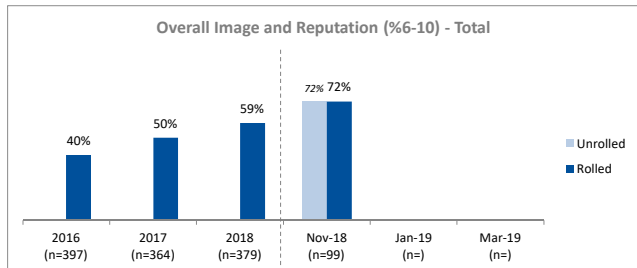
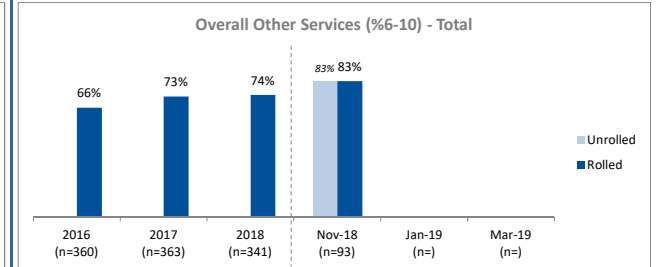
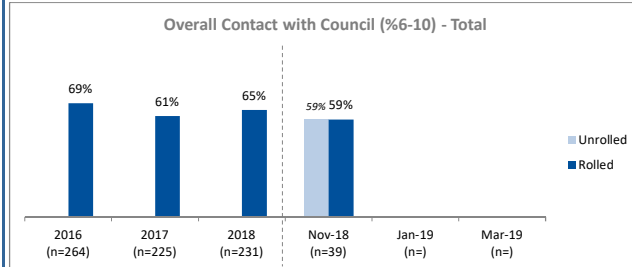
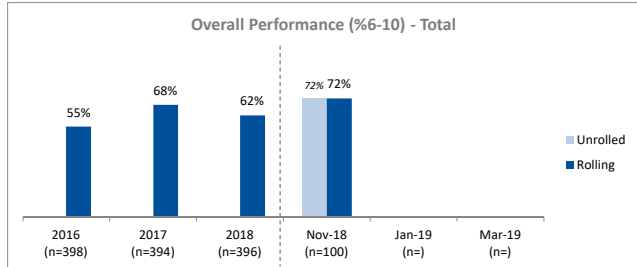
Number	Title
A	Customer Perceptions Survey Results
B	Customer Perceptions Survey Themes

Linda Osborne
 18 January 2019

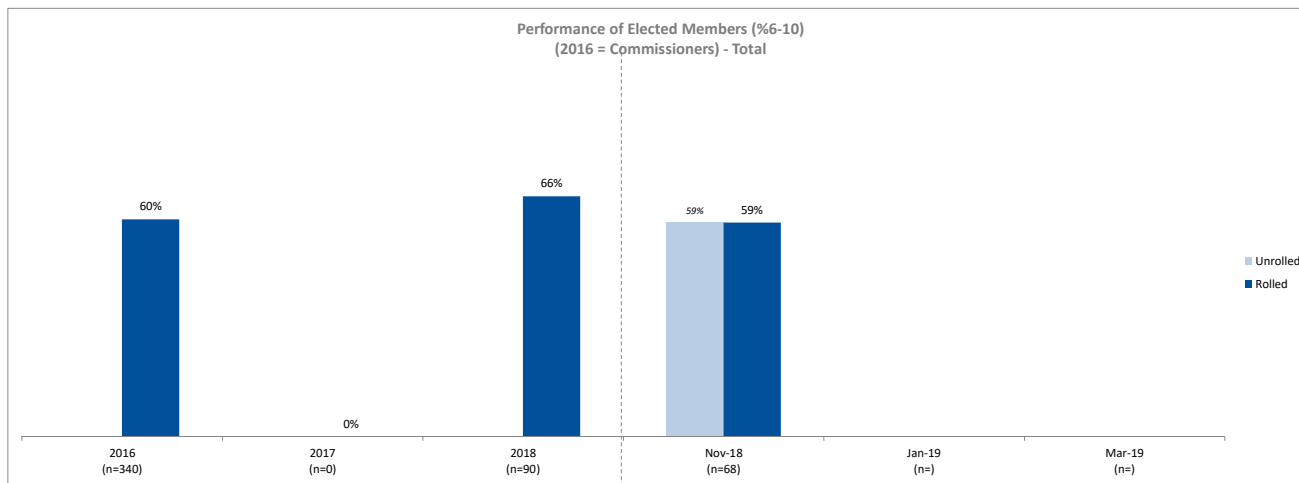
Key Performance Measures

Infrastructure and Waste Management

Services and Facilities



Performance of Elected Members



Customer Perceptions Survey Themes

Overall there has been an improvement with the first quarter results from 62% in 2018 to 72%. There was improvement with the image, reputation of Council, value for money, footpaths and roading, animal management, litter and graffiti sections.

There was positive commentary around Council getting its finances in order, reducing debt, beautification work in the community, creation of walkways and elected members doing a good job. In the roading area, some appreciated the drainage improvements, the footpath repairs and work on the unsealed network.

There were a few positive comments around contact with Council, particularly in the customer services area however not being able to provide a result, slow or no response and being transferred to someone who was unhelpful were reasons for dissatisfaction.

The common reasons for dissatisfaction with roading was potholes, grading more frequently, poor quality of metal used, erosion of the road edging, time taken for work to finish and slips.

Those living in rural areas often felt they are not getting value for money with no wastewater, water, stormwater, footpaths or roadside refuse and recycling collection. The Mangawhai Wastewater mis-management gets particular mention, with misconceptions still being noted and rates being generally too high. Continuing prudent spending is a theme coming through.

There was a reduction in waste management results and many would like to see the roadside refuse and recycling area extended.

Dissatisfaction with dog and stock control was because of slow response times.

While satisfaction with the building consent process shows a significant jump from 78% in 2018 to 90% in the first quarter, satisfaction with the resource consent process has dropped. The main reason being rules and bureaucracy making it hard for those wanting to develop properties. It needs to be noted here that only a very small number of customers had used the building and resource consent process therefore the results are not statistically robust. A separate survey is being investigated in this area.

Many customers would like to see more digital services at the libraries. Extending opening hours in the district libraries and the desire to increase space at the Dargaville Library was mentioned regularly. Although a slight drop from 2018, overall, users of the libraries are generally very satisfied.

Annual Plan 2019/2020 – Communication

Meeting: Council Briefing
Date of meeting: 04 February 2019
Reporting officer: Ben Hope, External Public Affairs Officer

1 Purpose/Ngā hāinga

To seek feedback on the planned communication activity for the Annual Plan 2019/2020.

2 Context/Horopaki

Under the Local Government Act 2002, s95 consultation is not required if the proposed Annual Plan does not include significant or material difference from the content of the Long Term Plan for the financial year.

At the 20 December 2018 Council meeting, it was decided to retain the rates increase for the Annual Plan 2019/2020 that was consulted on and approved in the Long Term Plan (LTP) 2018/2028. It was also decided not to consult the public on the Annual Plan 2019/2020 as there were no significant or material differences from the LTP 2018/2028.

It is important that Council communicates with the public on this decision as well as the content of the Annual Plan 2019/2020. **Attachment A** is a draft Communications Plan which describes how we are planning to do this.

3 Discussion/Ngā kōrerorero

Principles

The key principles of the communication plan are set out below. As this is an informative programme we want to use a variety of channels to reach a wider audience, and we want to focus on going where people will be for any face to face activity.

1. Council is getting on with doing things,
2. We are going to where people will be,
3. We will be showcasing our plan for 2019/2020, along with other project updates.

Key Messages

Key messages for the programme will be:

1. What we have done so far (efficiency gains, budget alterations),
2. Rates changes for 2019 and their drivers,
3. Debt levels,
4. Projects being undertaken in 2019/2020.

4 Next steps/Whai muri ake

Once the Communications Plan is confirmed, the programme will be delivered.

5 Attachments/Ngā tapiritanga

Number	Title
A	Communications Plan Annual Plan 2019/2020

Ben Hope

18 January 2019

Annual Plan 2019/2020 – Communication

Principles

1. Council is getting on with doing things,
2. We are going to where people will be,
3. We will be showcasing our plan for 2019/2020, along with current project updates.

Key Messages

The key messages for conversation will be:

1. What we have done so far (efficiency gains, budget alterations),
2. Rates changes for 2019 and their drivers,
3. Debt levels,
4. Projects being undertaken in 2019/2020.

Timeframe and events

The communication timeframe is separated into three periods:

December 2018 – February 2019

Making the community aware we are not consulting on our Annual Plan 2019/2020 this year via:

- Media Release post Council decision (Dec 2018);
- Mayoral column (Jan 2019);
- Posts on Facebook highlighting the Annual Plan process (Feb 2019);
- Newspaper editorial content (Jan - Feb 2019);
- On all below mentioned collateral.

April – May 2019

The focus of this period is to reinforce the previous messages and inform our community on the draft Annual Plan 2019/2020. This period is closer to the time that it will be adopted, so that it is more current.

Key events and collateral:

- Dedicated website page;
- Double-sided information sheet, showcasing the key takeaway information (displayed at public events, libraries, Council offices, handed out at community events, circulated through community networks);
- Full page newspaper advertorial content;
- Rates Newsletter (May 2019);
- Posts on Facebook highlighting the Annual Plan process;
- Feature articles in the local papers, informing communities of the draft Annual Plan 2019/2020, and effects (led by CE/Mayor);
- 2 x Mangawhai weekend market day;

- 1 x Paparua weekend market day;
- 1 x Dargaville public meeting.

July 2019

The focus during this period is to reinforce the previous messages and advise the community on the approved Annual Plan 2019/2020.

Key events and collateral:

- An updated information sheet for the 2019/2020 year ('Annual Plan summary') to be included with Rates Instalment one for all ratepayers, full page paper advertisements;
- Dedicated website page;
- Full page newspaper advertorial content;
- Posts on Facebook highlighting the final Annual Plan;
- Feature articles in the local papers, informing communities of decision, and effects (led by CE/Mayor).

Other Points

These public events also provide an opportunity to discuss other things happening outside the Annual Plan. These will be confirmed closer to the time, however, some ideas include:

- Mangawhai Community Plan Project Updates;
- Local Government Elections 2019;
- Provincial Growth Fund.

Kaipara District Policy on Dogs and Dog Management

Bylaw

Meeting: Council Briefing
Date of meeting: 04 February 2019
Reporting officer: Mark Schreurs, Policy Analyst

1 Purpose/Ngā hāinga

The purpose of this report is to present elected members with a draft Policy on Dogs and Dog Management Bylaw (**Attachment 1**) and draft Statement of Proposal (**Attachment 2**). The briefing will be an opportunity for the elected members to discuss the provisions in these documents and request changes before they are presented to the 28 February 2019 Council meeting for adoption for public consultation. These draft documents have been prepared to give effect to the input previously received from elected members at the 06 December 2018 Council Briefing.

2 Context/Horopaki

Council's current Policy on Dogs and Dog Management Bylaw was adopted in July 2009. There is a legislative requirement to review this Policy and Bylaw every 10 years. If not reviewed in this timeframe, the Bylaw will expire and cease to be enforceable two years after.

3 Discussion/Ngā kōrerorero

The Draft Policy on Dogs (the Policy) and Dog Management Bylaw (the Bylaw) (**Attachment 1**) and accompanying draft Statement of Proposal (**Attachment 2**) have been prepared in accordance with the input received from elected members at the 06 December 2018 Council Briefing.

The Draft Policy and Bylaw is substantially different to the current 2009 version. Many changes have been made to reduce duplication between the Policy and Bylaw (the 2009 Bylaw repeats much of what is covered in the Policy) and duplication of powers already conferred on Council by legislation. These changes have made the draft 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, though not at the expense of seeking local solutions to local issues.

Key changes to Council's policy direction proposed in the draft are:

- a) ***Dogs to be kept on a leash when walked in urban streets and footpaths.*** This direction builds on the approach taken by the current Policy which already identifies key streets in urban centres as being on-leash areas. Expanding this approach to cover all streets and footpaths in urban areas, aims 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.
- b) ***Dogs prohibited on the Mangawhai Sand Spit Beach.*** The interior of Mangawhai Sand Spit is Department of Conservation (DOC) land. DOC forbids dogs from accessing 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. Council is supporting efforts to save this species by prohibiting dogs on the beach surrounding this area.
- c) ***The roads around Trounson Kauri Park to be made on-leash areas.*** This was a request from Te Roroa. In the interests of protecting kiwi, it is proposed dogs be kept on a leash on Trounson Park Road 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.
- d) ***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 intended to mitigate these issues.
- e) ***Dogs to be kept on-leash around much of Pahi's foreshore.*** There have been sufficient complaints about dogs at Pahi to propose extending the existing on-leash areas to include all of the foreshore from Fisher Street to the beach area known as Dems Road (including the esplanade reserve at Dems Road). The area of beach north of Dems Road is proposed to remain an off-leash area and will be recommended for off-leash activities.
- f) ***Dogs to be prohibited within Mangawhai Camp Ground (Alamar Crescent).*** This follows numerous complaints about dogs in the camp ground.
- g) ***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 leading to 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.

- h) ***Dogs to be prohibited from the Pou Tu Te Rangi pa.*** In accordance with a recommendation from the Pou Tu Te Rangi Joint Management Committee and Harding Park Committee at their Tuesday 23 October 2018 Extraordinary meeting, the draft Policy and Bylaw will include the direction 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. If this approach is ultimately adopted an alternative walking route around the pa site will be built.
- i) ***Addition 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.
- j) ***A permit will be required to breed dogs on residential sections.*** Tightening of the current rules on the number of dogs that may be kept at a residential address will close a loophole that currently allows people to breed dogs on a residential section without a permit. This loophole is currently resulting in problems for Council's enforcement officers.

4 Next steps/E whaiake nei

Staff will amend the Draft Policy on Dogs and Dog Management Bylaw together with the Statement of Proposal to give effect to any feedback received from the elected members at this briefing. The Draft Policy and Bylaw will then be presented to the February 2019 Council meeting so that it may be adopted for public consultation.

Public consultation will run from 05 March 2019 until 10 April 2019. This will allow the public to make submissions and will be followed by the opportunity for Hearings. Following Deliberations in May/June 2019, the final Policy and Bylaw can be adopted at the 27 June 2019 Council meeting.

Attachments/Ngā tapiritanga

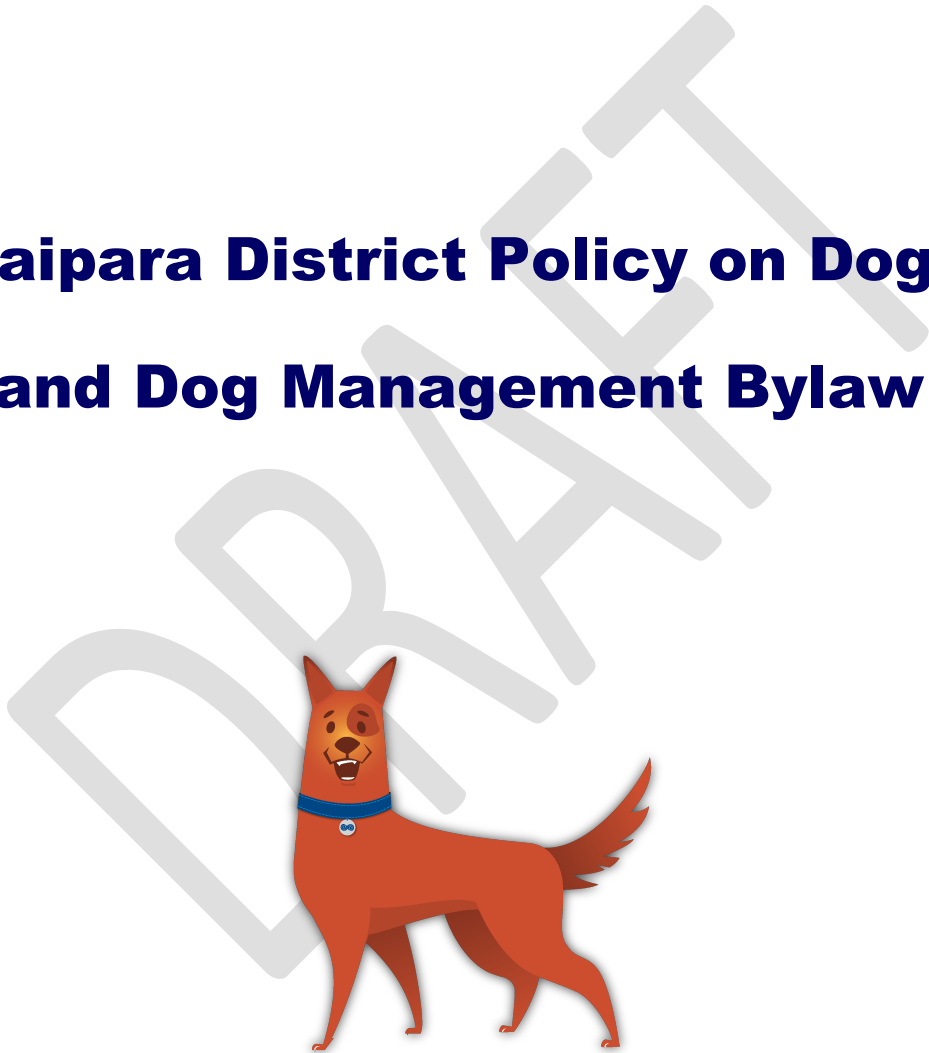
Number	Title
1	Draft Kaipara District Policy on Dogs and Dog Management Bylaw 2019
2	Draft Statement of Proposal

Mark Schreurs

21 January 2019



Kaipara District Policy on Dogs and Dog Management Bylaw



July 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 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.

'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.

'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.

'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.

'Playground' means an outdoor area developed or marked out as a playground that contains children's play equipment or objects.

'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.

'Reserve' shall have the same meaning as given to it in the Reserves Act 1977.

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

'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.

'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.

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, 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.

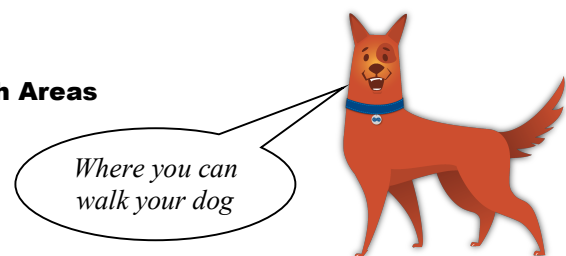
3. All dogs registered within the district and classified as menacing by Council or any other territorial authority must be neutered.
4. Council will regulate, dog access in public places, and specific owner obligations to minimise dog aggression and nuisance not already covered in legislation in accordance 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 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 56l of the National Parks Act 1980; or
 - b. Commits three infringement offences within 24 months.
7. 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 56l of the National Parks Act 1980.
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: Prohibited, On-leash and Off-leash Areas



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

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

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 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 playgrounds except where there is an approved fence separating the dog from the playground.	District-wide	Prohibited
All public footpaths and roads in urban areas.	District-wide	On-leash
Mangawhai and surrounds		
Mangawhai cliffs track.	Map #	On-leash
Mangawhai Sand Spit Beach down to Mean Low Water Springs.	Map #	Prohibited
Mangawhai Heads Reserve including the adjoining beach/foreshore down to Mean Low Water Springs.	Map #	On-leash
Mangawhai Harbour beaches and adjoining reserves from Findlay Street to Mangawhai Heads Reserve down to Mean Low Water Springs.	Map #	On-leash
Mangawhai Camp Ground (Alamar Crescent).	Map #	Prohibited
The shopping complex on the corner of Wood Street and Fagan Place, Mangawhai.	Map #	Prohibited
Mangawhai Harbour beaches and reserves around Mangawhai Village from Molesworth Drive to Insley Street down to Mean Low Water Springs.	Map #	On-leash
Whakapirau		
Whakapirau – the beach and esplanade above Mean Low Water Springs from the wharf to the south end of the Strand.	Map #	On-leash
Pahi		
Pahi Reserve.	Map #	On-leash

Area where rules apply	Map Reference	Dog access status
Pahi – the area of beach above Mean Low Water Springs in front of Bonham Street and including Fisher Street Reserve.	Map #	On-leash
Pahi – the beach above Mean Low Water Springs from Fisher Street to the beach area known as Dems Road (including the esplanade reserve at Dems Road).	Map #	On-leash
Paparoa		
Paparoa – the Village Green.	Map #	Prohibited
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 #	On-leash
Dargaville and surrounds		
Dargaville waterfront from Totara Street to the Band Rotunda on Victoria Street.	Map #	On-leash
Pou Tu Te Rangi Pa.	Map #	Prohibited
Harding Park and Old Mt Wesley Cemetery.	Map #	On-leash
Glinks Gully		
Ripiro Beach at Glinks Gully – the area extending from Marine Drive to Mean Low Water Springs.	Map #	On-leash
Baylys		
Ripiro Beach at Baylys – the area extending from the Baylys urban area to Mean Low Water Springs.	Map #	On-leash
Kai Iwi Lakes		
Kai Iwi Lakes (Taharoa Domain).	Map #	Prohibited
Kaihu Area		
Trounson Park Road between Aranga Station Road intersection and McLean Road intersection.	Map #	On-leash

Area where rules apply	Map Reference	Dog access status
Mangatu Road between McLean Road intersection and Trounson Park Road intersection.	Map #	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.

Off-Leash and Under Control
Mangawhai – Mangawhai Community Park.
Mangawhai – the beach south of Findlay Street including Lincoln Street Reserve.
Kaiwaka – the reserve on the corner of Settlement Road and State Highway 1.
Pahi – the area of beach north of the area known as Dems Road.
Dargaville – Northern Wairoa Memorial Park (when the fields are not being used for sports).
Ripiro Beach – anywhere other than the on-leash areas adjoining Glinks Gully and Baylys.
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, DOC are 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** – 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:**
- 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:**
- 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:**
- 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 Sce. Res.	Controlled Permit	O06018
Katui Sce. Res.	Controlled Permit	O06019
Katui Cemetery Res.	Controlled No Access	O06020
Donnelleys Crossing Sce. Res.	Controlled Permit	O06021
Muriwai	Controlled Permit	O06024
Waipoua River	Controlled Permit	O06026
Marlborough Road Sce Res	Controlled Permit	O06035
Kaikohe Road Marginal Strip	Controlled Permit	O06049
Trounson Kauri Park Sce. Res.	Controlled No Access	O07001
Kaihu North Railway Line	Controlled Permit	O07002
Maunganui Bluff Sce. Res.	Controlled Permit	O07003
Aranga Beach	Controlled Permit	O07004
Ureti Camping Res.	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 Sce Res	Controlled Permit	P06013
Waiokumurau Esp Res	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

Area Name	Dog Access Rule	DOC Map Reference
Marlborough Cemetery'	Controlled No Access	P07001
Marlborough School'	Controlled Permit	P07002
Whatoro	Controlled Permit	P07003
Kaihu Forest	Controlled Permit	P07005
Pakotai Sce Res	Controlled Permit	P07006
Houto Quarry Res	Controlled Permit	P07008
Houto Forest	Controlled Permit	P07009
Paerata Govt Purp Wildlife Res	Controlled Permit	P07011
Kaihu Sce Res	Controlled Permit	P07013
Waimata Settlement Sce Res	Controlled Permit	P07014
Kairara	Controlled Permit	P07015
Taraire Sce Res	Controlled Permit	P07016
Avoca	Controlled Permit	P07017
Omamari Govt Purp Wildlife Mgmt Res	Controlled Permit	P07018
Mamaranui Farm Settlement Sce Res	Controlled Permit	P07019
Awakino Govt Purp Wildlife Mgmt Res	Controlled Permit	P07020
Tangowahine Sce Res	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 Res'''	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

Area Name	Dog Access Rule	DOC Map Reference
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 Sce Res	Controlled No Access	P08008
Whakahara	Controlled Permit	P08009
Tokatoka'	Controlled Permit	P08010
Tokatoka Sce Res	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
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 Res	Controlled Permit	P09006
Tangihua Forest	Controlled Permit	Q07026
Manganui Riv Wildlife Mgmt Res	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 Sce Res	Controlled No Access	Q08001
Omaru River	Controlled No Access	Q08002
Pukekohe Hill Sce Res	Controlled Permit	Q08003
Mareretu Forest	Controlled Permit	Q08004
Waipu Gorge Forest	Controlled Permit	Q08009
Waipu Gorge Sce Res	Controlled Permit	Q08010

Area Name	Dog Access Rule	DOC Map Reference
Dodd Road	Open Free	Q08011
Hukatere Hall Rec Res	Open Lead	Q08012
Hukatere Sce Res	Controlled Permit	Q08013
Matakohe River Sce Res	Controlled No Access	Q08015
Kauri Bushmans Memorial Sce Res	Controlled No Access	Q08016
Paparoa Creek Sce Res	Controlled Permit	Q08017
Pahi Dom	Open Lead	Q08018
Whakapirau	Controlled Permit	Q08019
Lower Pahi River Sce Res	Controlled Permit	Q08020
Te Opu Sce Res	Controlled Permit	Q08023
Whakapirau Sce Res	Controlled Permit	Q08024
Whakapirau Creek	Controlled Permit	Q08025
Arapaoa River Sce Res	Controlled Permit	Q08026
Te Kowhai Creek Sce Res	Controlled Permit	Q08027
Hokorako	Controlled Permit	Q08028
Maungaturoto	Open Lead	Q08029
Maungaturoto Sce Res	Controlled Permit	Q08030
Te - Uri - O - Hau Sce Res	Controlled Permit	Q08031
Cooks Stream Sce Res	Controlled No Access	Q08032
Pukekaroro Sce Res	Controlled No Access	Q08033
Kaiwaka Park Dom	Open Lead	Q08034
Takahoa Govt Purp Wildlife Mgmt Res	Controlled Permit	Q08037
Parahi	Controlled No Access	Q08038
Topuni Sce Res	Controlled No Access	Q08039
Collins Sce Res	Controlled No Access	Q08040
Upper Pahi River Sce Res	Controlled Permit	Q08041
Pahi Cemetery Reserve	Controlled No Access	Q08042
Kohatutahi	Controlled Permit	Q08043
Brynderwyn Hills Sce Res	Controlled Permit	Q08045
Topuni	Controlled No Access	Q08046
Te Awaoteaouhi	Open Free	Q08047
Smoky Hill Sce Res	Controlled Permit	Q08048
Upper Paparoa Creek Sce Res	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

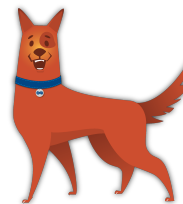
Area Name	Dog Access Rule	DOC Map Reference
Hakaru River Marginal Strip No 1	Controlled Permit	Q08064
Kaiwaka Marginal Strip	Controlled Permit	Q08065
Kaiwaka River Marginal Strip No 1	Controlled Permit	Q08066
Kaiwaka River Marginal Strip No 2	Controlled Permit	Q08067
Cook Creek Marginal Strip	Controlled 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
Kanono	Controlled Permit	Q09001
Kahuparere	Controlled Permit	Q09003
Pukekura Historic Area	Controlled Permit	Q09004
Signal Station Road Esp Res	Controlled Permit	Q09005
Oruawharo River Marginal Strip	Controlled Permit	Q09006
Lake Humuhumu Marginal Strip	Controlled Permit	Q09007
Lake Rotootuauru 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 Sce Res	Controlled Permit	R08001
Robert Hastie Memorial Sce Res	Controlled Permit	R08002
Molesworth	Open Free	R08003
Mangawhai Wildlife Ref	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.

Insert Maps here

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 Act.

'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.

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

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

'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.

'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.

'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 by the Act.

'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 by the Act.

'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.

'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.

'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 by the Act.

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 A person in charge of a dog may exercise the dog off-leash and 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 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 farm 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).

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.

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.

DRAFT



Kaipara District Council Statement of Proposal

Draft Policy on Dogs and Dog Management Bylaw 2019

DRAFT

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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 thirteen sections:

- Section One introduces this matter.
- Section Two defines the issues relating to dogs in Kaipara District.
- Section Three discusses the key directions of Council's Policy on Dogs.
- Section Four defines the objectives of the Policy on Dogs.
- Section Five outlines requirements of the Policy on Dogs.
- Section Six Outlines the requirements for the Dog Management Bylaw.
- Section Seven has the proposed amendments.
- Section Eight gives a range of options.
- Section Nine confirms that the Policy and Bylaw are not inconsistent with the Bill of Rights.
- Section Ten informs on the process.
- Section Eleven contains the Draft Policy on Dogs and Dog Management Bylaw.

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 prohibited, required to be kept on a leash or allowed to run off a leash but under the control of their owner.

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.
- ***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 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.
- **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.

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 Draft Kaipara District 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.	1 – 31 March 2019
Submissions close		31 March 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

14 Attach Policy and Bylaw

Proceeds from sale of Forestry

Meeting: Council Briefing
Date of meeting: 04 February 2018
Reporting officer: Sue Davidson, GM Risk, IT and Finance

1 Purpose/ Ngā whāinga

Council wanted further information on possibilities for utilisation of Forestry land sales proceeds for the land sold in 2017, including the quantum and options for its use e.g. creating a fund or simply increasing a community fund, including the financial impacts of the options

2 Context/ Horopaki

Council acquired the Hobson County Council forestry lands as a consequence of the 1989 local government amalgamation. Forestry Encouragement loans were provided by the government for approximately 30 years for the purchase of the forestry planting with the general rate contributing to these.

The operational costs of forestry have been borne by the district since 1989. The last seven years have been easy to get the records for and are detailed below.

Forestry income and expenditure

(\$000s)	2012	2013	2014	2015	2016	2017	2018	Total 7 years
Harvest Revenue	1270	1145		829				3244
General rates			51		63	66	123	303
Costs	(1465)	(916)	(191)	(702)	(138)	(157)	(63)	(3632)
Net costs	(195)	229	(140)	127	(75)	(91)	60	(85)

From the forestry profit and loss in these years it can be seen that there has been no great cost or profit to Council. The key legal entity that has met the costs and revenue of maintaining the forestry has been the Kaipara District Council since the 1989 amalgamations.

Costs included

- Harvesting costs
- Contracting costs
- Insurance
- Loan interest and principal for the tree planting
- Management fees, internal services
- Rates.

The key component of the sale in 2017 has been the “biological asset “which is the forestry itself”.

Land sold in 2017 was as follows:

Name of Forestry Block	Cost Price (\$000s)	Year of Purchase	2017 Sales Price (\$000s)	Forestry Valuation	Land Valuation (\$000s) 2014
Hills and Monteiths	82.5	1984			470
Maropiu	12	1975 planted 1979			
Whatoro	37.4	1976 planted 1984			259
Windust	4	1971 planted 1976			285
	70	1980 planted 1985			159
Total	\$205.9		\$4,715*	\$3,542*	\$1,173

*Breakdown is currently unavailable.

As part of the Council resolution approving sale of the land Council also instructed the Chief Executive to have a briefing on all options on the use of proceeds from this specific asset sale.

Council still has retained the following land from the previous Dargaville Council with the properties available for sale in the future.

Name	Hectares	Forestry Valuation (\$000s)	Land Valuation (\$000s) 2014
Catchment	110.9	677	242
Te Kopuru	11	38.5	158
Total	121.9	\$715.5	\$400

Taharoa does have forestry on part of its land but this is co-governed with iwi and has been excluded from this discussion.

3 Discussion/ Ngā kōrerorero

When forestry land was sold in 2017, Council raised the question as to whether these proceeds should go against general debt?

Options are the following:

- a) Option A - Repay general debt (specifically Mangawhai Wastewater allocated to the rest of the district)
 - This follows the current policy of Council and has been budgeted for. The Mangawhai Wastewater General Debt has been reduced by this amount of \$4,715,000. This balance was originally 18.4m and has been reduced by payments from the Auditor-General, GST, other Property sales, and the recent forestry sale proceeds. There is now only \$2.9m outstanding on this specific debt;
 - This amount reduces debt of the district which has been Council’s key priority and reduces costs to ratepayers.

- b) Option B – Start-up Fund for Dargaville area improvement projects
- A fund of \$1,173,000 would be established for the benefit of the Dargaville area. This would generate interest at 3.5% each year of \$41,000 which could go to an improvement in Dargaville;
 - The assumption made is that only the land value proceeds can correctly be applied to a Dargaville fund as the forestry costs (loans and other expenditure net of revenue) were paid by the general rate;
 - This \$41,000 would be an additional cost to the rates. (0.15% increase) for costs going forward to each Annual Plan.
- c) Option C – Expenditure on One-off Capital project for the Dargaville area
- These funds of \$1,173,000 could be put to a large project which the community wants and where there are no reserves to fund the project from in the near future;
 - This would also mean an increase to rates going forward.

3.1 Financial implications/ Ngā ahumoni hīraunga

Option 1 - There are no financial implications as this has been allocated as per policy.

Option 2 - This would increase the rates by 0.15% each year going forward.

Option 3 - This would increase the rates by 0.15% each year going forward.

3.2 Policy and planning implications/ Kaupapa here me hoahoa hīraunga

December 2015 policy

In December 2015 the Commissioners reaffirmed their policy for 'The application of sale proceeds to debt'. The policy states that *in accordance with the Treasury Management Policy, Council has commenced a programme of selling surplus property. The proceeds of these sales are to be applied to debt.*

Part 4 of the policy states:

“Proceeds will be applied:

First to any debt that proceeds are attached to

Second to rate funded general rate in the area in which the proceeds are realised. In the case of Mangawhai, if there is no general rate funded debt then proceeds should be applied to the future community tranche of the debt to reduce financial risk to the district

Third to general debt

Fourth to all other debt (on a pro rata basis)

Any exceptions to the policy need to be explicitly authorised by Council.”

This policy was re-affirmed by the new Council in December 2016.

At the end of June 2018 internal debt was \$61 million with the Mangawhai general ratepayer debt at \$2.9million.

Treasury Policy adopted as part of the Long Term Plan 2018/2028

Clause 4.5 states “*The funds from all asset sales, operating surpluses, grants and subsidies will be applied to the reduction of debt and /or a reduction in borrowing requirements once any direct debt obligations are repaid, unless Council specifically directs that the funds will be put to another use*”.

The redirection of funds would normally be done as part of an Annual Plan process.

3.3 Risks and mitigation/ Ngā tūraru me ngā whakatika

The amount of \$1.1m for creation of a fund is under the \$3m threshold for significance and consultation and Council can make one-off changes to policy. One risk is the community may wish to see the general portion of the Mangawhai debt repaid as soon as possible.

4 Next steps/ E whaiake nei

A paper to Council would be necessary if Council indicates that using the funds for an alternative use rather than the repayment of debt is an option they may wish to pursue.

Otherwise the status quo requires the Policy “Application of Sales Proceeds to Debt” to be put up to Council as it is due for review.

Sue Davidson

23 January 2019