



Draft Dog Control Policy & Bylaw 2014

STATEMENT OF PROPOSAL



www.tcdc.govt.nz/dogcontrolreview

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1. Introduction

The Thames-Coromandel District Council is reviewing its Dog Control Policy and Bylaw (currently Part 10 of the Council's Consolidated Bylaw 2004) and is seeking your views on a proposed draft Dog Control Policy and Bylaw 2014.

The principal amendments to the Dog Control Policy and Bylaw relate to:

- prohibitions on dogs in certain places (Schedule One)
- dog exercise areas (Schedule Two)

This Statement of Proposal has been prepared in accordance with the Dog Control Act 1996 and the Local Government Act 2002, and includes:

- the reasons for the proposal
- the proposed draft Dog Control Policy and Bylaw 2014.

2. Reasons for the proposal and determinations

The Council's current Dog Control Policy and Bylaw is due for review. Informal community consultation and internal review suggest that some amendments should be made.

The Council considers that the proposed draft Dog Control Policy and Bylaw is necessary and appropriate in order to provide for the needs of dogs and their owners in the District, while minimising any adverse effects of dogs on the community generally.

3. Background

Dog control is regulated by the Dog Control Act 1996. The intention of the Act is to enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners, whilst minimising potential danger, distress and nuisance to the community.

The Act requires Council to have a dog control policy that may be enforced by a dog control bylaw. The bylaw can cover matters such as areas where dogs are prohibited, areas where dogs can be exercised off a lead, or where they are required to be on a lead all or some of the time.

Council's approach to local dog control services are also set out in the policy and bylaw including dog registration, education about dog ownership and safety around dogs, response to complaints and pick up straying and aggressive dogs, fees and other charges such as for impounding.

It is a requirement that Council's Dog Control Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

Process to date

We have been working through a process to review the Council's current Dog Control Policy and Bylaw, in line with requirements of the Dog Control Act 1996 and the Local Government Act 2002. This process has included:

- internal review of the current Dog Control Policy and Bylaw
- informal community consultation from mid-December 2013 to mid-February 2014
- internal staff consultation
- consideration to the New Zealand Bill of Rights Act 1990
- consultation with the Council's Community Boards.

Taking the above into account, the Council has prepared a draft Dog Control Policy and Bylaw 2014 and is now seeking your feedback on what is proposed. You can tell us what you think by making a submission - please see below for information on how to do this.

4. How to provide your feedback

Submission forms are available at the end of this document and online at the Council's website:
www.tcdc.govt.nz/dogcontrolreview

The submission period opens at 4pm on 30 June 2014 and closes at 4pm on 01 August 2014.

The submission form is a guide so that you can tell us:

- what area of the proposed Dog Control Policy and Bylaw you would like to comment on
- what decision you would like made
- the reasons for your submission, and
- whether you wish to be heard by Council.

You can make a submission by:

- entering it online at: www.tcdc.govt.nz/dogcontrolreview
- posting it to: Thames-Coromandel District Council, Private Bag, Thames
- emailing it to: customer.services@tcdc.govt.nz
- faxing it to: (07) 868 0234
- delivering it to one of the Council Offices in Thames, Coromandel, Whitianga or Whangamata.

If you have any queries regarding this proposal or about how to make a submission, please contact Customer Services on 07 868 0200 or email customer.services@tcdc.govt.nz.

Please note that only those who make a submission and request the opportunity to be heard by Council will have the opportunity to present a summary of their submission. If you wish to be heard, please make sure that you state this in your submission and include a daytime phone number and email address to ensure that you can be contacted easily.

Remember that submissions must be received by 4pm on Friday, 01 August 2014.

5. Proposed Draft Dog Control Policy and Bylaw 2014

Further below is a full copy of the Council's proposed draft Dog Control Policy and Bylaw 2014.

Main proposed changes

The main proposed changes from the current Dog Control Policy and Bylaw are in regards to areas where dogs are prohibited (set out in Schedule One) and dog exercise areas (set out in Schedule Two). The prohibited areas and dog exercise areas are set out in the proposed draft bylaw by Community Board area, and what is proposed is based on recent community feedback and the views of the current elected Community Boards.

A summary of the proposed changes is set out below. A proposed change regarding restrictions on dogs in some areas during bird breeding season is also explained.

Coromandel-Colville Community Board area

- We propose that the Long Bay Reserve and Tucks Bay Reserve are 'on lead' exercise areas at all times as these areas are close to campgrounds (currently dogs can be exercised off lead at these locations).

Mercury Bay Community Board area

- We propose reducing the hours that dogs are prohibited on beaches, from 9:00am - 7:00pm (currently) to 10:00 - 4:00pm.
- We propose lessening the restrictions for dog exercise areas, by enabling dogs to be exercised off lead but still under control at more beaches and reserves and for longer hours (currently more restrictive date and time conditions in place).

Tairua-Pauanui Community Board area

- We propose lessening the restrictions for dog exercise areas, by enabling dogs to be exercised off lead but still under control at more beaches and reserves and for longer hours (currently more restrictive date and time conditions in place).
- We propose no change to the ban of dogs in the main street of Tairua, but we particularly want feedback on whether this is still appropriate. The ban covers the area in Tairua from Daphne Road to the public toilets on the edge of Cory Park (both sides of the State Highway).

Thames Community Board area

- We propose removing the ban on dogs in Pollen Street, Thames.
- We propose including Burke Street Reserve as a dog exercise area.
- We propose no change to including Hauraki Terrace Reserve as a dog exercise area, but we particularly want feedback on whether this is still appropriate given that a new playground has been installed at this location and the current and proposed bylaw states that dogs are prohibited within five metres of any children's play equipment.

Whangamata Community Board area

- We propose lessening the restrictions for dog exercise areas, by enabling dogs to be exercised off lead but still under control at more beaches and reserves and for longer hours (currently more restrictive date and time conditions in place).

Restrictions on dogs in some areas during bird breeding seasons

We have received feedback in relation to appropriate restrictions and signage being in place for control of dogs in some areas during bird breeding seasons (such as for dotterels and godwits).

We propose that in consultation with the Department of Conservation, the Council or designated officer will determine protected bird habitat areas where dogs are to be prohibited for a period of time, and that information on these areas will be provided to the public. (We've heard from feedback received that communications (including signage) delivered from the Council and the Department of Conservation need to be more clear and consistent regarding control of dogs in areas during bird breeding season).



Dog Control Policy and Bylaw 2014

Governance Policy

| | | | |
|------------------------------|---|---------------------------|------|
| Policy Owner | Community Environment Group Manager | | |
| Endorsed for consultation by | Thames-Coromandel District Council | | |
| Description of policy | <p>This policy sets out Council's approach to supporting responsible dog ownership and its approach to dealing with the effects of irresponsible dog ownership to ensure wider public safety.</p> <p>For a full understanding of Council's obligations with respect to dogs, this Policy and Bylaw should be read in conjunction with the Dog Control Act 1996.</p> | | |
| Keywords | Dog, dogs, menacing dog, pound | | |
| Policy Number | TBC | Doc Set No. | TBC |
| Supersedes policy no. | TBC | Superseded by | TBC |
| Date policy first adopted | 2004 | Date this version adopted | TBC |
| This version effective from: | TBC | Date of next review: | 2024 |

EXPLANATORY NOTE

Under Section 10(1) of the Dog Control Act 1996, Council must adopt a policy in respect of dogs in the Thames Coromandel District. Under Section 10(6) Council must give effect to such a policy through the provision of bylaws. Bylaws made under the Dog Control Act 1996 must be made in accordance with the Local Government Act 2002 (LGA 2002) and are deemed to have been made under this Act.

REVOCATION This bylaw revokes and replaces the Thames-Coromandel District Council Dog Control Policy and Bylaw of 2004.

POLICY STATEMENT

1. Objectives

On behalf of the communities of the Thames-Coromandel District, the Council endeavour to:

- enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners
- encourage and support responsible dog ownership
- minimise potential danger, distress and nuisance to the community and native wildlife and enable, to the extent that it is practicable, the public to use streets and public amenities without fear of attack or intimidation by dogs.

2. Encouraging Responsible Dog Ownership

- i. Council will designate in its bylaw a number of prohibitions and restrictions so as to minimise potential danger, distress and nuisance to others.
- ii. Council will provide a range of appropriate areas for the exercise of dogs and will designate exercise areas in its bylaw.
- iii. Council will provide suitable receptacles for the disposal of faeces at dog exercise areas.

3. Regulatory and Enforcement

- i. The Council will administer a clear and easy to understand bylaw in accordance with the Dog Control Act 1996.
- ii. The Act empowers Council to impose reasonable fees and charges associated with its dog control activity. Fees will be set out in Council's Long Term Plan or Annual Plan annually, and will be prepared in accordance with s.37 of the Act.
- iii. The Council will conduct its activities, in particular patrols, in a visible manner to provide assurance to the community that Council is pro-actively policing its dog control programme.

4. Education

- i. Council will make information available for dog owners that are provided by other parties.
- ii. Council will make information available for dog owners concerning dog obedience courses that are provided by other parties.

5. Provision of Pound Facilities

- i. Council will from time to time make provision for pound facilities in Thames, Whangamata and Mercury Bay. Pound facilities may be Council owned or provided through third parties under contractual arrangements.

6. Impounding and Subsequent Disposal of Dogs

- i. Impounding and subsequent disposal of dogs will be conducted in accordance with the Act.
- ii. The Council will ensure that systems are in place for the exercise, provisioning and sheltering of impounded dogs.
- iii. Registered dogs found wandering a first time are returned to the registered owner with a formal warning except where other dogs owned by the same person are found subsequently wandering a first time will be handled under clause (v) hereunder.
- iv. Un-registered dogs found wandering are impounded and a search made through the Council's database and community members to identify the owner and if identified the Council shall ensure the owner can provide proof of registration and then proceed in terms of clause (iii) above or (v) below.
- v. Registered dogs found wandering a second or subsequent time are to be impounded and released only on payment of prescribed impounding and sustenance fees unless other arrangements are made beforehand with the Community Environment Group Manager. An infringement notice is to be issued in every case of second and subsequent impounding.
- vi. Dogs seized and impounded for ill-treatment or other offences are to be treated in accordance with clauses (iv) or (v) and in respect of dogs ill-treated full details of costs are to be kept and referred within eight (8) days to the Community Environment Group Manager for cost recovery through debtors' action.
- vii. The Council liaise with the SPCA and other animal welfare agencies to maximise opportunities for re-homing of unclaimed dogs.
- viii. Dogs that the Dog Control Officer or Dog Ranger does not consider suitable for re-homing will be destroyed immediately following the expiration of the seven clear day period.
- ix. For clarity, Council will keep unclaimed impounded dogs for as short as time as possible after the expiry of the seven clear days from the date of impounding.
- x. Council will ensure that systems are in place to destroy dogs in a humane manner using veterinary services.

DOG CONTROL BYLAW

1. Application

The bylaw will have application throughout the entire Thames-Coromandel District.

2. Definitions and Interpretation

For clarity, in this bylaw, the following definitions apply:

| | |
|-------------------------|--|
| The Act | Means the Dog Control Act 1996 |
| Holiday Weekends | Any weekend which immediately precedes or follows a public holiday. |
| Sports Field | Sports grounds or any part of recreational grounds associated with sports and associated facilities that primarily provide for formally organised sporting activities. |

Other definitions are set out in the Act.

3. Classification of Menacing Dogs

- i. Dogs classified as menacing by action may be required to be neutered. An appeal may be made on the requirement to neuter.
- ii. Dogs classified as menacing by breed shall be neutered. An appeal may be made on the requirement to neuter.

4. Prohibition of Dogs in Certain Places

With the exemption of disability assist dogs, all dogs are prohibited from the places described in Schedule One.

5. Dogs will be Required to be Controlled on a Leash

All dogs in any public place must be controlled on a leash except:

- i. For a working dog as defined in the Act under the control of a competent person and engaged in purposes for which the working dog classification is granted; or
- ii. Where the dog is under the control of a competent person in an area defined as a Dog Exercise Area in Schedule Two subject to such conditions as are set out in that schedule.
- iii. For a dog being used specifically for the purposes of hunting while under the control of a competent person.

6. Areas or Parts of the District or Public Places in Respect of which Dogs are Neither Prohibited or Required to be Controlled on a Leash

For the avoidance of doubt, dogs must be on a leash in all areas of the Thames-Coromandel District except as provided for in designated Dog Exercise Areas in Schedule Two.

7. Dog Exercise Areas

Dog exercise areas are described in Schedule Two.

8. Limitation on the Number of Dogs Housed on a Property

A maximum of two dogs over the age of three months regardless of ownership will be permitted on any property except where:

- i. The dogs are registered as working dogs, or
- ii. The dogs are registered and used for the purposes of hunting, or
- iii. The property is a boarding or breeding kennel or an animal welfare centre that meets the requirements of the Resource Management Act 1991 and the District Plan.
- iv. Approval in writing has been obtained from the Council. In this case, the Council will consider amongst other things whether the increased number of dogs may result in nuisance to people. Approval may be granted subject to conditions considered appropriate

9. Fouling by Dogs in Public Places

Any person in control of a dog in any public place will be required to immediately remove all faeces deposited by that dog in a public place.

10. Amendments to Schedules

The Council may, by resolution, make minor amendments to Schedules 1 and 2.

11. Offences

Every person breaches this Bylaw and commits an offence who:

- i. Does, or allows anything to be done, which is contrary to this Bylaw or any part of it; or
- ii. Fails to do, or allows anything to remain undone, which ought to be done by him or her within the time and in the manner required by this Bylaw or any part of it; or
- iii. Does anything which this Bylaw prohibits; or
- iv. Fails to comply with any notice given to him or her under this Bylaw or any part of it or any condition of a licence granted by the Council; or
- v. Obstructs or hinders any Council officer or other Council appointed person in performing any duty or in exercising any power under this Bylaw.

Every person who breaches this bylaw commits an offence and is liable to:

- 1. the penalty provisions of the Local Government Act 2002; and/or
- 2. the infringement penalty provisions of the Dog Control Act 1996; and/or
- 3. any other penalty pursuant to the Dog Control legislation.

12. Fees

The Council may in accordance with section 150 of the Local Government Act 2002 prescribe fees or charges payable for any certificate, licence, approval, permit or consent form or inspection made by the Council under this Bylaw. Please refer to Council's most recent Annual Plan or Long Term Plan for fees and charges.

13. Notices

The Council may give notice to any person in breach of this Bylaw to carry out any remedial action in order to comply with the Bylaw and every such notice shall state the time within which the remedial action is to be carried out, and may be extended from time to time.

14. Penalties

- i. Subject to anything to the contrary, every person who commits an offence against this Bylaw shall be subject to the penalties set out in section 242(4) of the Local Government Act 2002 and Section 65 of the Dog Control Act 1996.
- ii. Under section 163 of the Local Government Act 2002 the Council or an authorised agent appointed by it, may remove or alter any work or thing that is or has been constructed in breach of this Bylaw.
- iii. The Council may recover the costs of removing or altering the work or thing that is in breach of this Bylaw from the person who committed the breach. This does not relieve that person of liability for the breach.
- iv. Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this Bylaw.
- v. The Council may seize and impound property materially involved in the commission of an offence, under and in accordance with sections 164 and 165 of the Local Government Act 2002.
- vi. The Council will return and may dispose of property seized and impounded in accordance with sections 167 and 168 of the Local Government Act 2002.

EFFECTIVE DATE

This Bylaw will come into effect on [date].

The COMMON SEAL of the)
THAMES-COROMANDEL)
DISTRICT COUNCIL was hereto)
Affixed in the presence of:)

_____ Mayor

_____ Chief Executive

Schedule One

District-Wide Prohibitions

Dogs are prohibited at all times in the following public places, in all areas of the Thames-Coromandel District:

- All cemeteries and burial grounds in the Thames-Coromandel District.
- Within 5 metres of any children’s play equipment.
- On sports fields.

Dogs are Prohibited from Protected Bird Habitat

In consultation with the Department of Conservation, the Council will determine protected bird habitat areas where dogs are to be prohibited for a period of time, and will inform the public via signage as determined appropriate by the Council and the Department of Conservation.

Mercury Bay

Dogs are prohibited from the following public places and beaches in the Mercury Bay area at the dates and times specified.

- Buffalo Beach
- Cooks Beach
- Flaxmill Bay
- Front Beach
- Hahei Beach
- Hot Water Beach
- Kuaotunu Beach
- Matapaua Beach
- Matarangi Beach
- Opito Bay
- Otama
- Rings Beach
- Whangapoua
- Wharekaho

Conditions of prohibition are:

| | |
|--------------------------------|---|
| From 26 December to 31 January | Dogs are banned between 10:00 am and 4.00pm |
| Holiday Weekends | Dogs are banned between 10:00 am and 4.00pm |

Tairua

Dogs are prohibited from the following public places and beaches in the Tairua area at the dates and times specified.

- Within the Town Centre – from Daphne Road to the public toilets on the edge of Cory Park on both sides of the State Highway
- Ocean Beach
- Estuary reserve east of bridge

Conditions of prohibition are:

| | |
|--------------------------------|--|
| From 26 December to 31 January | Dogs are banned between 9:00 am and 7.00pm |
| Holiday Weekends | Dogs are banned between 9:00 am and 4.00pm |

Pauanui

Dogs are prohibited from the following public places and beaches in the Pauanui area at the dates and times specified.

- Ocean Beach from Holland Stream to Royal Billy Point
- Tairua Harbour Estuary from Royal Billy Point to Pleasant Point Boat Ramp and associated reserves

Conditions of prohibition are:

| | |
|--------------------------------|--|
| From 26 December to 31 January | Dogs are banned between 9:00 am and 7.00pm |
| Holiday Weekends | Dogs are banned between 9:00 am and 4.00pm |

Whangamata

Dogs are prohibited from the following public places and beaches in the Whangamata area at the dates and times specified.

- Onemana Beach
- Whangamata Beach
- Opoutere

Conditions of prohibition are:

| | |
|--------------------------------|---|
| From 26 December to 31 January | Dogs are banned between 10:00 am and 4.00pm |
| Holiday Weekends | Dogs are banned between 10:00 am and 4.00pm |

Schedule Two

Dog Exercise Areas

The person in control of the dog in any designated exercise area must be able to control the dog and carry a leash at all times and restrain the dog with that leash at any time that any confrontation or nuisance occurs or at the direction of a dog control officer or dog ranger.

Beaches and Associated Areas

Except for the areas and times when dogs are prohibited in Schedule One, dogs may be exercised off leash but under control on all beaches.

In addition to the above provision dogs may be exercised in the following areas:

Thames

Dogs may be exercised with restriction at the following locations within the Thames Community Board area:

Beaches

- Ngarimu Bay
- Ruamahunga Bay
- Tapu
- Te Puru
- Thornton Bay
- Waiomu Bay
- Whakatete Bay

Reserves

- Hauraki Terrace Reserve
- Tararu Creek Foreshore
- Kuranui Bay Reserve
- Burke Street Reserve

Conditions of restriction are:

| | |
|--------------------------------|--|
| From 26 December to 31 January | Dogs must be exercised on lead between 9:00 am and 7.00pm |
| Holiday Weekends | Dogs must be exercised on lead between 9:00 am and 4.00pm |

For the avoidance of doubt, dogs may be exercised **off lead but under control** at these locations on all other dates and times.

Coromandel/Colville

Dogs may be exercised with restriction in the following areas within the Coromandel/Colville Community Board area:

- Big Sandy Bay
- Golden Bay
- Hannafords Bay
- Heards Bay
- Little Bay
- Little Sandy Bay
- Oamaru Bay
- Otautu Bay
- Wyuna Bay

Conditions of restriction are:

| | |
|-----------------------------------|--|
| Between 15 December to 8 February | Dogs must be exercised on lead between 9:00 am and 7.00pm |
| Holiday Weekends | Dogs must be exercised on lead between 9:00 am and 4.00pm |

For the avoidance of doubt, dogs may be exercised **off lead, but under control**, at these locations on all other dates and times.

Dogs maybe exercised **off lead** but still under control at Patukirikiri Reserve at all times.

Dogs may **only be exercised on lead**, at all times at Long Bay and Tucks Bay.

Mercury Bay

Dogs maybe exercised **off lead but still under control** at the following locations within the Mercury Bay Community Board area at all times:

- Cooks Beach - Purangi Inlet and inland from the boat ramp
- Kuaotunu Beach -Between beach opposite 110 SH25 Kuaotunu - Wharekaho and the Kuaotunu Boat Ramp
- Matarangi - Boat ramp reserve
- Opito Beach - East end past the boat launching area
- Otama Beach - Western end of beach accessed from parking area
- Whitianga - Brophys Beach, Robinson Road Reserve and river flats

Tairua

Dogs maybe exercised **off lead but still under control** at the following locations within Tairua at all times:

- Memorial Reserve - Top of Paku Hill
- Pepe River Tidal Estuary inland from Pepe Bridge to Alsa Place accessed from Pepe Road
- Mary Beach tidal estuary from Pepe Bridge to Wairua Wharf

Pauanui

Dogs maybe exercised **off lead but still under control** at the following locations within Pauanui at all times:

- Tairua Harbour Estuary from Pleasant Point Boat Ramp to the fence at Ajax Head Playground
- The reserve area in between Holland Stream to Pauanui Beach Road from the public toilets to the Mt Avenue intersection including the flat land below Broken Hills Lane

Whangamata

Dogs maybe exercised **off lead but still under control** at the following locations within Whangamata Community Board area:

- Onemana Beach
- Opoutere Beach
- Whangamata Beach
- Durrant Drive Reserve
- Hetherington Road Reserve
- Island View Reserve (Rangi Avenue side only)

6. Submission Form - Proposed Draft Dog Control Policy and Bylaw 2014

Submissions must be received by 4:00pm on Friday, 01 August 2014

(Please print clearly in dark pen)

| | |
|------------------------------------|--|
| First name: | |
| Surname: | |
| Organisation (if applicable): | |
| Phone: | |
| Email: | |
| Postal address: | |
| Postcode: | |
| Date: | |
| Area of residence in the District: | |

Ratepayer

Non-residential ratepayer

Usual resident

Other

Please indicate (tick) if you DO want to speak in support of your submission and ask that the following written submission be fully considered. NB: the hearing will occur in Thames.

1. Do you agree with removing the ban on dogs in Pollen Street, Thames?

Yes No Neutral

2. Please explain why:

3. Do you agree with adding Burke Street Reserve in Thames as a dog exercise area?

Yes No Neutral

4. Please explain why:

5. Do you agree that Hauraki Terrace Reserve in Thames should remain as a dog exercise area? NB: a new playground has recently been installed in this location and the current and proposed Dog Control Bylaw prohibits dogs within five metres of any children's play equipment.

Yes No Neutral

6. Comment:

7. Do you agree with maintaining the current ban on dogs in the main street of Tairua?

Yes

No

Neutral

8. Please explain why:

9. Do you agree with lessening restrictions (regarding dates and times) for dog exercise areas in Tairua, Mercury Bay and Whangamata areas?

Yes

No

Neutral

10. Please explain why:

11. Do you agree that Long Bay Reserve and Tucks Bay Reserve (Coromandel-Colville area) should be 'on lead' dog exercise areas at all times given that they are near to campgrounds?

Yes

No

Neutral

12. Comment:

13. Please make any further comment below, and attach additional pages if required

Thank you for taking the time to provide your feedback.

Please note that all submissions will be made available to the public for viewing.