

Council Briefing Agenda

Date: Thursday, 8 February, 2024

Time: 11:00 am

Location: Civic Centre, Te Iwitahi, 9 Rust Avenue

Elected Members: His Worship the Mayor Vince Cocurullo
Cr Gavin Benney
Cr Nicholas Connop
Cr Ken Couper
Cr Jayne Golightly
Cr Phil Halse
Cr Deborah Harding
Cr Patrick Holmes
Cr Scott McKenzie
Cr Marie Olsen
Cr Carol Peters
Cr Simon Reid
Cr Phoenix Ruka
Cr Paul Yovich

For any queries regarding this meeting please contact the Whangarei District Council on (09) 430-4200.

1. **Apologies / Kore Tae Mai**
2. **Reports / Ngā Ripōata**
 - 2.1 Dog Management Policy and Bylaw review – draft Policy and Bylaw 3
3. **Closure of Meeting / Te katinga o te Hui**

2.1 Dog Management Policy and Bylaw review – draft Policy and Bylaw

Meeting: Council Briefing
Date of meeting: 8 February 2024
Reporting officer: Shireen Munday (Consultant)

1 Purpose / Te Kaupapa

To provide Council with drafts of a new Policy on Dogs and a Dog Management Bylaw for discussion and direction.

The report will be supported by a presentation and GIS mapping tools to aid the discussion.

2 Background / Horopaki

Council was provided with initial reports on the outcomes of the review of the Dog Management Bylaw 2013 (the Bylaw) and the Dog Policy 2013 (the Policy) at a Briefing on 29 November 2023. Based on the findings and options detailed in those reports and the feedback received at the Briefing, staff have now finalised drafts of the Policy and the Bylaw for discussion and direction.

3 Discussion / Whakawhiti kōrero

The [Briefing on 29 November 2023](#) was provided in 2 parts: the ‘dog access rules’ and the remaining findings and options relating to both the Policy and Bylaw.

3.1 Dog access rules

Based on further analysis and engagement with stakeholders, as well as the direction received, staff have made some further revisions to the proposals contained in the November 2023 Briefing items.

The changes proposed are as follows:

Location	Change	Outcome/rationale
Sports fields (all Council controlled fields)	Dogs are prohibited on all sports fields at all times and must be kept under control on a leash in the vicinity of any sports field when in use, unless the area is specified in Schedule 2.	Retains the current prohibition on marked sports fields but removes the proposed prohibition on the remaining area of the relevant sports field. This reflects the feedback provided at the Briefing and is supported by Parks staff.
Munro Beach	Removal of proposal for dogs to be on-leash only on this beach. The beach will be subject to the summer season restrictions only.	Stakeholder discussions indicated that this restriction is not necessary at this location.
Mair Park and Deveron Reserve	Clarification of proposed off- and on-leash areas. Off-leash	Discussions held with Parks staff regarding concerns raised at the

	area is now more clearly defined. Retains Deveron Reserve as an off-leash reserve.	November Briefing about Kauri Dieback; areas in question can be fenced in the future if required, no current concerns.
Urquharts Bay	The proposed off-leash foreshore area has been extended to the end of Urquharts Bay Road (Smugglers Bay carpark).	The extension of the off-leash area makes it an approximately 2km return walk and sufficiently long to allow for appropriate dog exercise access without impacting significantly on the adjacent prohibition due to the terrain.
Bream Bay	The proposed prohibition between the access point at the Uretiti carpark and the Tip Road access point has been changed to a default summer season restriction only beach.	This change retains the proposed relocation of the year-round off-leash beach but provides dog access to the existing area outside of the summer season. The summer restriction helps to avoid conflict between dogs and beach users in the vicinity of the Uretiti campground.
Tarewa Park	Currently the entire Park is an off-leash area. The initial proposal was to remove the off-leash provisions from the front half of the park (bordered by the stream). It is now proposed to reduce the off-leash area to the former sports field area only.	The planned relocation of the playground at Tarewa Park is no longer a priority and therefore the off-leash area has been reduced to avoid conflict with the current playground location. Reported dog attacks and rushing dogs for the 26 months to December 2023 indicate 1 of 23 rushing dogs reported in Raumanga took place in Tarewa Park.

A range of other potential changes were raised during the November Briefing. Further research and analysis has been undertaken for these areas and staff are proposing that no changes are made.

The reasons are summarised as follows:

Location	Comment	Staff response
Ngunguru Estuary	A suggestion was made to extend the proposed year-round off-leash area.	The area includes a very busy boat ramp area in summer and allows access to the sandspit area proposed to be on-leash at all times. It is proposed to retain the existing rule (summer season restrictions only) for this foreshore area.
Raumanga Valley Scenic Reserve	Currently the entire park is off-leash and the proposal is to reduce this area to the grass area west of the playground only. Concerns were raised about this proposal in the light of the volume of dog issues in the wider Raumanga area.	A site visit was undertaken with a Parks staff member, who confirmed the suitability of the open grass area within the reserve as an off-leash area. Reported dog attacks and rushing dogs for the 26 months to December 2023 indicate 2 of 63 dog attacks/rushing dogs in Raumanga took place in the reserve.
Otaika – ‘Old Boys’	Feedback was provided that this location is still used as a sports park from time to time.	Parks staff have confirmed that this area is used for short periods during winter for training purposes and that the temporary change provisions in the draft Bylaw can be used to accommodate any such short-term usage.

Two other issues were discussed that were somewhat outside the scope of the dog access rule provisions.

A potential new designated dog exercise area at Hikurangi was discussed at the November 2023 Briefing. Due to the complexities present at this location, this specific location has been removed as a possible inclusion in the proposed Policy. However, at the time of drafting this report, the Parks Manager has confirmed the funding required is included in the current iteration of the Long Term Plan department budgets to support the development of an additional dog exercise area in the District at a suitable location.

A question was also raised about extending the existing designated dog exercise area at Pohe Island. The Parks Manager has confirmed this is a possibility within existing budgets and can be incorporated into a future work programme.

These matters would likely proceed after the Policy and the Bylaw have been finalised and would therefore require an amendment to the Policy after consultation. The scope of the consultation would however be confined to these matters and would present an achievable project for staff within existing work programmes.

The above proposals, together with the remaining proposed dog access rules as per the November 2023 Briefing, have been incorporated into Schedules 1 and 2 of the draft Policy on Dogs as provided in **Attachment 1**. The maps to be incorporated into Appendix 1 of the final draft Policy for consultation will be completed after any further feedback or direction at this meeting.

3.2 Policy and Bylaw

Based on the discussion and direction at the Briefing on 29 November 2023, staff have now finalised a draft of the Policy on Dogs 2024 (**Attachment 1**) and the Dog Management Bylaw 2024 (**Attachment 2**).

As outlined in the November 2023 Briefing, substantial changes to both the Policy and Bylaw are proposed to improve both the content and form of each document. This includes removing content that is operational or unnecessarily duplicates or references the Dog Control Act or other Council processes. The format and language of the documents has been changed to meet best practice 'plain English' approaches. The dog access rules have been more clearly articulated to remove existing ambiguities.

Council will be asked to approve delegations for both the Policy and Bylaw on adoption. This will include proposed delegations to the Exemptions and Objections Sub Committee for the two proposed new elements of the Bylaw, which are objections to being required to neuter uncontrolled dogs (clause 13), and reviews of menacing dog classifications (clause 15).

4 Next steps

Based on the direction provided at this Briefing and avoiding clashes with Long Term Plan consultation timeframes, once confirmed, staff will prepare a draft Statement of Proposal for consultation to be presented to a future Council meeting for adoption.

5 Attachments / Ngā Tāpiritanga

Attachment 1 – Draft Policy on Dogs 2024

Attachment 2 – Draft Dog Management Bylaw 2024

Whangarei District Council

Policy on Dogs 2024

draft

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Introduction

1. Purpose

- 1.1. To provide for the needs of dogs and their owners in a way that also protects the community and wildlife.
- 1.2. To achieve this purpose, the Policy aims to:
 - a. minimise the problems caused by dogs;
 - b. protect dogs from harm and ensure their welfare; and
 - c. maintain opportunities for owners to take their dogs into public places.

2. Interpretation

- 2.1. Any word used in this Policy that is not included in clause 2.2 below and which is defined in section 2 of the Dog Control Act 1996, has for the purposes of this Policy, the same meaning as in section 2 of the Act.

- 2.2. In this Policy, unless the context otherwise requires —

Access way	has the meaning given by section 315 of the Local Government Act 1974 .
Act	means the Dog Control Act 1996 .
Authorised Officer	means a Whangarei District Council staff member or contractor in charge of a public place.
Beach	means and includes the following: <ol style="list-style-type: none"> a. the foreshore as defined by section 2 of the Resource Management Act 1991 b. the inter-tidal zone above mean low water springs c. any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation and includes the adjacent coastal marine.
Cemetery	means any land or premises for the burial and/or cremation of the dead and includes a closed cemetery and urupā.
Control	in relation to a dog, means that the owner is able to obtain an immediate and desired response from the dog.
Council	means Whangarei District Council, including any person or committee delegated to act on its behalf in relation to this Policy.
Council-controlled public place	means all public places owned or managed by Whangarei District Council.
Dangerous dog	means a dog that has been classified as a dangerous dog under section 31 of the Act.
Footpath	has the meaning given by section 315 of the Local Government Act 1974 .
Foreshore	has the meaning given by section 2 of the Resource Management Act 1991.
Menacing dog	means a dog that has been classified as a menacing dog under section 33A of the Act.
Neutered dog	has the meaning given by section 2 of the Act.

Owner	has the meaning given by section 2 of the Dog Control Act 1996.
Park/Reserve	means any land vested in or administered by Council under the provisions of the Reserves Act 1977; and any park, domain or recreational area under the control or ownership of Council.
Playground	means a developed outdoor area that contains children's play equipment or objects, and includes a skatepark. Use of a playground means that the playground is currently being used or occupied by one or more persons.
Policy	means the Whangarei District Council Policy on Dogs 2024.
Premise	means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied. All lands, buildings and places adjoining each other and occupied together are deemed to be the same premises.
Private way	has the meaning given by section 315 of the Local Government Act 1974.
Public place	has the meaning given by section 2 the Dog Control Act 1996.
Road	has the meaning given by section 315 of the Local Government Act 1974 except that where a road is adjacent to a park, and the land within the road and park is developed in an integrated way, the common boundary between the road and park will be reduced or extended to: <ul style="list-style-type: none"> a. a line parallel to the road that follows any physical separation between the road and park (e.g. fence or bollards); or b. where no physical separation exists, a line parallel to the road that follows the edge of the road carriageway, footpath or cycle track that is closest to the centre of the park.
Sports field	means any area developed or marked out, for example those used for soccer, rugby, or rugby league, artificial turf, sports range, sports park or velodrome. Use of a sports field means that the area is being used for sports events or training for sports events by one or more persons.
Skatepark	means a purpose-built recreational environment made for skateboarding, BMXing, rollerblading, roller skating or scootering, and includes pumptracks.
Service lane	has the meaning given by section 315 of the Local Government Act 1974.
Working dog	has the meaning given by section 2 of the Dog Control Act 1996.

3. Relationship between the Policy and the Bylaw

- 3.1. Under the Dog Control Act 1996 (the Act), Council is required to develop a Policy on Dogs (the Policy) and make a bylaw (the Bylaw) to implement its Policy on Dogs. The Bylaw cannot be inconsistent with the Policy. Dog owners who do not comply with the Act or the Bylaw may be subject to enforcement action.

The broad purpose of the Act is to provide for:

- a. the care and control of dogs;
- b. issues relating to damage caused by dogs.

The purpose of the Policy and Bylaw is to provide for matters specified in the Act that must be included, as well as a range of additional matters that Council may include if deemed necessary or appropriate.

The Policy and Bylaw do not duplicate any provisions of the Act, but align with it to provide a comprehensive framework of rules for the District.

However, to assist in understanding, this Policy contains related information and links to webpages regarding relevant provisions of the Act or to assist in other ways. This information does not form part of this Policy and may be inserted, changed or removed without any formality.

The approaches and requirements of the Policy and Bylaw can be summarised as follows:

Document	Purpose	What the document covers
Policy on Dogs	<p>Required to have regard to:</p> <ul style="list-style-type: none"> • minimising danger, distress and nuisance; • restricting uncontrolled access to public places that are frequented by children; • the use of streets and public amenities without fear of attack or intimidation by dogs; and • the exercise and recreational needs of dogs and their owners. 	<ul style="list-style-type: none"> • Nature and application of the Bylaw. • Fees and charges relating to dogs. • General dog access rules, including default dog access rules. • Specific areas where dogs are prohibited, either at all times or during specific dates and times. • Specific areas where dogs must be on-leash, either at all times or during specific dates and times. • Specific areas where dogs are allowed off-leash. • Specific designated dog exercise areas. • Requirements for menacing dogs. • Council's and dog owners' obligations.
Dog Management Bylaw	<ul style="list-style-type: none"> • To provide adequate opportunities to fulfil the exercise, recreational and socialisation needs of dogs and their owners while minimising any danger, distress or nuisance caused by dogs. 	<ul style="list-style-type: none"> • Clauses to give effect to the dog access rules contained in the Policy for enforcement purposes. • Temporary changes to the dog access rules. • Requirements to pick up dog faeces. • Rules for dogs on heat and dogs with infectious diseases. • Requirements to neuter uncontrolled dogs. • Requests to review a menacing dog classification. • Enforcement, offences and penalties.

Related information about the Policy on Dogs

Section 10(5)(a) of the Act requires Council to identify any land within the District that is included in a controlled dog area or open dog area under section 26SZ of the Conservation Act.

This relates to land that is under the control of the Department of Conservation and where the Department has by gazette notice declared the land to be a controlled dog area or an open dog area. This information is provided in Appendix 2 of this Policy.

4. Fees and charges relating to dogs

- 4.1. Section 37 of the Act sets out what matters Council may set fees for in relation to its dog control activities. Council's fees and charges are reviewed through the Long Term Plan and Annual Plan processes under the Local Government Act 2002.
- 4.2. Dog registration fees will be set through the processes outlined in clause 4.1 and in accordance with the following provisions:
 - a. fees for neutered dogs will be set at a lower rate than the standard registration fee;
 - b. fees for working dogs (excluding disability assist dogs) will be set at a lower rate than the standard registration fee;
 - c. fees for disability assist dogs as defined in Schedule 5 of the Act will not be charged;
 - d. fees for the first registration of puppies will be charged on a pro-rata monthly rate.

Related information about fees and charges for dogs

Section 32 of the Act requires fees for dangerous dogs to be set at 150% of the standard dog registration fee.

Registration and enforcement

5. What will Whangarei District Council do?

- 5.1. Provide registration administration services including:
 - a. maintaining a record of all dogs registered in the District, including those classified as dangerous or menacing;
 - b. maintaining a record of probationary and disqualified owners;
 - c. informing and educating dog owners through the registration process;
 - d. following up on non-registered dogs and non-compliance with the Bylaw or the Act.
- 5.2. Provide dog compliance and enforcement activities to proactively use Council's powers under the Act to:
 - a. seize and hold dogs that are a threat to public safety or where concerns regarding a dog's welfare are identified;
 - b. classify dogs identified as menacing or dangerous as defined in the Act;
 - c. classify and disqualify owners as necessary as per sections [21](#) and [25](#) of the Act;
 - d. provide services that promote responsible dog management, including but not limited to investigating and resolving dog-related issues.

Related information on dangerous dogs

Council must classify a dog as dangerous where:

- the owner of the dog has been convicted of an offence because:
 - a. the dog has attacked a person, stock, poultry, domestic animal or protected wildlife, and the court has not made a destruction order on the dog;
 - b. the dog rushed at any person, animal or vehicle in a manner that was likely to cause a vehicle accident or to endanger, injure or kill a person;
- the dog is considered a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife, based on sworn evidence of aggressive behaviour;
- the owner admits in writing that the dog poses a threat to any person, stock, poultry, domestic animal or protected wildlife.

When a dog is classified as dangerous:

- ownership of the dog cannot change without consent from Council;
- the dog maintains its classification no matter where it lives in New Zealand;
- the dog must be:
 - a. neutered within one month of receipt of the classification;
 - b. microchipped within two months of the date of classification;
 - c. muzzled in any public place or private way except when confined in a vehicle or cage;
 - d. kept within a securely fenced portion of the owner's property that provides dog-free access to at least one door of all dwellings on the property;
 - e. controlled on a leash in any public place or private way (except when in a designated dog exercise area).

Dog owners that fail to comply with the above requirements may be subject to a fine under the Dog Control Act 1996.

Regulation 12 of the [Animal Welfare \(Care and Procedures\) Regulations 2018](#) includes provisions for the safe use of muzzles. Failure to comply with the regulation is an offence.

6. What does Whangarei District Council expect of dog owners?

- a. Register your dog(s).
- b. Microchip your dog(s).
- c. Owners of dogs classified as dangerous or menacing must meet the requirements under the Dog Control Act 1996 ([section 32](#) and [section 33E](#)).
- d. Owners classified as probationary or disqualified must meet the requirements under the Dog Control Act 1996 ([section 21](#) and [section 25](#)).
- e. Neuter your dog(s) if required.

7. Classification of menacing dogs under Section 33C of the Act

- 7.1. Due to the visual similarities between American Staffordshire Terriers and Pitbull Terriers, Council will classify all American Staffordshire Terriers as menacing, unless one of the following instances applies:
 - a. the owner provides a certificate of ownership issued by Dogs New Zealand which indicates the dog's pedigree and has the dog's microchip number recorded on the certificate; or
 - b. the owner provides a DNA certificate indicating that American Staffordshire Terrier is the predominant or largest percentage of the breed makeup.

Related information about American Staffordshire Terriers

The Act requires all dogs of the breeds or types listed in Schedule 4 of the Act to be classified as menacing. Schedule 4, Part 2 lists the American Pitbull Terrier as a type of dog. It is generally accepted that the visual characteristics of an American Staffordshire Terrier are very similar to that of an American Pitbull Terrier.

8. Neutering of Menacing Dogs

- 8.1. Council requires all dogs that have been classified as menacing to be neutered within one month of receipt of the classification.
- 8.2. A dog classified as menacing maintains its classification no matter where it lives in New Zealand. The requirements of clause 8 apply to dogs classified by any other council and registered with Whangarei District Council.
- 8.3. Council may defer the requirement to meet clause 8.1 above—
 - a. in accordance with section 33E(1)(b)(ii) of the Act;
 - b. where the owner of the dog classified as menacing lodges an objection in accordance with the requirements of the Act. If Council decides to retain the menacing classification, the dog must be neutered within one month of receipt of this decision.
 - c. where additional enforcement actions or proceedings are being taken by Council against the owner of the dog because of the actions that resulted in the classification being made under section 33A(1) of the Act. Council reserves the right to request a menacing dog to be neutered on the completion of any such proceedings and within one month of Council notifying the dog owner of this request.

Related information on menacing dogs

Council must classify a dog as menacing where:

- it has not been classified as dangerous; and
- the dog may pose a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife, because of—
 - a. any observed or reported behaviour of the dog;
 - b. any characteristics typically associated with the dog's breed or type;
 - c. if the dog belongs wholly or predominantly to one or more of the breeds or types listed in [Schedule 4](#) of the Dog Control Act 1996.

The owner of a dog classified as menacing must ensure the dog is:

- neutered within one month of receipt of the classification;
- microchipped within two months of the date of the classification;
- muzzled in any public place or private way except when confined in a vehicle or cage.

Dog owners that fail to comply with the above classification requirements may be subject to a fine under the Dog Control Act 1996.

Regulation 12 of the [Animal Welfare \(Care and Procedures\) Regulations 2018](#) includes provisions for the safe use of muzzles. Failure to comply with the regulation is an offence.

9. What is covered by the Dog Control Bylaw 2023?

- 9.1. Owners of dogs classified as menacing due to the behaviour of the dog are encouraged to undertake steps to improve the behaviour of the dog to be eligible to have the classification of the dog reviewed.

Responsible dog ownership

10. What will Whangarei District Council do?

- 10.1. Provide services that support the promotion of responsible dog management, including:
- encouraging educational opportunities to promote the purposes of the Policy and Bylaw from time to time;
 - promoting the welfare of dogs, as stated in the [Code of Welfare for Dogs, the Animal Welfare \(Care and Procedures\) Regulations 2018](#) and [Animal Welfare Act 1999](#). This includes, but is not limited to, providing sufficient food, water, shelter and care;
 - providing services that promote responsible dog management, including investigating and resolving complaints and other dog-related issues;
 - working to change attitudes and behaviours of irresponsible dog owners and, where appropriate, penalising irresponsible dog owners.

Related information about the Code of Welfare for Dogs, the Animal Welfare (Care and Procedures) Regulations 2018 and the Animal Welfare Act 1999

The Ministry of Primary Industries is responsible for administering the Animal Welfare Act 1999 and the associated Regulations and Codes.

The Code of Welfare: Dogs establishes minimum standards for the care and management of dogs. There are also housing requirements under the Regulations specific to dogs.

While not directly enforceable, failure to meet a relevant minimum standard in the Code of Welfare: Dogs may be used as evidence to support prosecution under the Animal Welfare Act.

11. What does Whangarei District Council expect of dog owners?

- Know and comply with the rules concerning the management of your dog.
- Be responsible for your dog's behaviour.
- Provide proper care and attention to your dog, including providing sufficient food, water, shelter and adequate exercise, as defined by the [Animal Welfare Act 1999](#) and Dog Control Act 1996.
- Consider neutering your dog at an early age.
- Ensure your dog does not leave your property by itself.
- Take all reasonable steps to ensure your dog does not cause a nuisance to any other person. Be particularly vigilant near children and closely supervise interaction.
- Appropriately remove and dispose of your dog's faeces.
- Always keep your dog under control.

12. What is covered by the Dog Control Bylaw 2023?

- 12.1. When in a public place or premises, dog owners must ensure the immediate removal and disposal of their dog's faeces in a way that does not cause nuisance.
- 12.2. Dog owners may be required to neuter their dog, if the dog has been found to be uncontrolled more than once in a 12-month period.

Related information about Bylaw breaches

Owners who do not comply with the above are in breach of the Bylaw and may be subject to enforcement action.

Dog access rules

13. What will Whangarei District Council do?

- 13.1. Provide dog access rules in the Bylaw that are comprehensive, consistent, easy to understand and comply with the following dog access principles:
- a. recognise dog owners as legitimate users of public places and that dog access to these places is essential for dog welfare;
 - b. integrate, where practicable, dog owners and their dogs with other users of public places;
 - c. provide opportunities for dog owners to take their dog(s) to public places that are accessible, desirable, and provide diversity of experience for both the dog and owner;
 - d. promote safe interaction between dogs and people using public places to ensure that dogs do not injure, endanger, intimidate or otherwise cause distress to any person, in particular children and vulnerable adults;
 - e. manage conflict between dogs and protected wildlife, native flora, livestock, poultry, domestic animals and property.
- 13.2. When making decisions regarding any changes to a dog access rule on parks or beaches, Council will consider the matters provided in 13.1 above.
- 13.3. Provide information to dog owners via signage and Council's website that is comprehensive, easy to understand, and up to date.
- 13.4. Maintain rules on dog access in public places and private ways as per Schedules 1 and 2 of this Policy.

The types of dog access rules provided in Schedules 1 and 2 are:

- a. default dog access rules, to ensure there is a rule applied to all public places in the Whangarei District where the rules provided in (b) to (f) below, and as detailed in Schedule 2, do not apply;
 - b. on-leash: a place shared with other users, where dogs must be on a leash and under control at all times;
 - c. prohibited: a place where dogs are not permitted to be, and other users have priority;
 - d. off-leash: a place shared with other users, where dogs may be off a leash but must still be under control at all times;
 - e. designated dog exercise area: a place where dog owners are the priority user. Dog owners may take their dogs off a leash, including dangerous dogs, but they must be under control at all times;
 - f. summer season rules: a place shared with other users where the dog access rules will be different depending on the time of day during the summer season. This is to minimise the conflict between dogs and other users of the space during peak hours.
- 13.5. Make temporary changes to dog access rules.

From time to time, Council may make temporary changes to the dog access rules in Schedules 1 and 2 in relation to:

- a. leisure and cultural events (including dog friendly events);
- b. the protection of wildlife vulnerable to dogs;
- c. the protection of flora vulnerable to dogs;
- d. pest control in any park and/or beach; or
- e. other circumstances of a similar nature.

14. What does Whangarei District Council expect of dog owners?

- a. Respect other people's personal space. Public places are for everyone's enjoyment and not everyone is fond of dogs.
- b. Know when your dog must be on a leash and always carry a leash in public.
- c. Keep your dog under control at all times in public places, including putting your dog on a shortened leash, even in off-leash areas if your dog is likely to ignore your commands.
- d. That dog owners make reasonable efforts to determine and comply with the dog access rule that applies at a park or on a beach before taking their dog(s) into the area.
- e. The owner of any female dog in season or dog with a contagious disease must ensure the dog does not enter or remain in any public place unless:
 - i. the dog is confined in a vehicle or cage for the purposes of transportation:
 - ii. the owner of the dog has the permission of the occupier or person controlling the public place and complies with any reasonable conditions imposed.

15. What is covered by the Dog Control Bylaw?

- a. Owners must exercise their dog(s) in locations and/or ways that are consistent with the dog access rules. This includes ensuring their dog is under control on-leash, off-leash or in a designated dog exercise area as specified.
- b. Dog owners must ensure that their dog is kept under control in public places and private ways.
- c. The ability to make temporary changes to dog access rules.
- d. Exemptions for working dogs from being prohibited in any areas.

Related information about Bylaw breaches

Owners who do not comply with the above are in breach of the Bylaw and may be subject to enforcement action.

Schedule 1

1. General dog access rules

The general dog access rules apply and take precedence over an access rule applied under Schedule 2. For example, if a park that contains a playground allows dogs to be under control on-leash, dogs are prohibited from the playground.

Playgrounds and skateparks under the control of Council

Dogs are prohibited on any playground or skatepark at all times and must be under control on a leash in the vicinity of any playground or skatepark when in use.

Sports fields under the control of Council

Dogs are prohibited on any sports fields at all times and must be kept under control on a leash in the vicinity of any sports field when in use, unless the area is specified in Schedule 2.

Council cemeteries

Dogs are **prohibited** from all Council-controlled cemeteries, unless:

- a. permission is obtained from an Authorised Officer; or
- b. signage indicates dogs are allowed, provided that the person who is accompanying the dog complies with any reasonable conditions imposed by Council in relation to the dog.

2. Default dog access rules

Unless otherwise stated in Schedule 2, the following default rules apply:

- 2.1 Dogs must be **under control on a leash** in all Council-controlled public places where there are no physical restrictions to access (such as fences or other indoor facilities). This includes:
 - a. all formed public roads (including any street, highway, access way, service lane, and any footpath, cycle track, shared path, bus stop and berm within the boundaries of the road):
 - b. private ways:
 - c. Council-controlled car parks:
 - d. Council-controlled boating areas (including any wharf, jetty, boat ramp or boat marshalling area).
- 2.2 Dogs are **prohibited** in all Council-controlled public places with restricted access (such as fenced sports stadiums and libraries), unless:
 - a. permission is obtained from an Authorised Officer; or
 - b. there is official Council signage which indicates dogs are permitted.

Where dog access is permitted under 2.2 above, dog owners must comply with any reasonable conditions imposed in relation to their dog(s).
- 2.3 Dogs are prohibited in all Council-controlled water supply or stormwater treatment areas that are generally accessible to the public unless:
 - a. there is official Council signage which indicates dogs are permitted.
- 2.4 Dogs must be under control on a leash in all other public places not under the control of Council (such as cafes, shopping malls, school grounds, non-Council cemeteries and urupā), unless:
 - a. there is signage indicating that dogs are prohibited; or
 - b. the person in charge of the of the place states that dogs are prohibited and requests the dog to be removed.

The summer season rule that applies to any area specified in Schedule 2 is:

- a. Time: 9am to 5pm;
- b. Season: 20 December to 31 January.

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Schedule 2

Location specific dog access rules

1. Dogs are allowed under control off a leash in designated dog exercise areas

The following areas are designated dog exercise areas:

Area	Location
William Fraser Memorial Park on Pohe Island	Fenced area southeast of David Culham Drive
William Fraser Memorial Park on Pohe Island	Fenced area opposite carpark off Pohe Island Road

2. Dogs are allowed under control on a leash

2.1 On all local parks and reserves not specifically listed elsewhere in Schedule 2, including, but not limited to:

Abbey Caves	Mair Park - <i>all areas not listed elsewhere in Schedule 2</i>
Albany Road Reserve	Marina Reserve Tutukaka
Barge Showgrounds – <i>all area not listed elsewhere in Schedule 2</i>	Nixon Street Park
Biller Road Walkway	Otangarei Central Reserve
Cafler Park	Panorama Drive Reserve
Cookson Park	Potter Park
Fishbone Park	Puriri Park Reserve
Fitzpatrick Reserve	Raumanga Valley Scenic Reserve - <i>all areas not listed elsewhere in Schedule 2</i>
Headland Park	Resolution Place/Endeavour Place Reserve
King Street Park, Hikurangi	Sherwood Park
Kitemaunga Avenue Reserve	Tarewa Park - <i>all areas not listed elsewhere in Schedule 2</i>
Korau Road Reserve - <i>all areas not listed elsewhere in Schedule 2</i>	Tikipunga Library Reserve
Lake Waro	Totara Parklands - <i>all areas not listed elsewhere in Schedule 2</i>
Laurie Hall Park	Waipu Caves Reserve
Lockheed Place Reserve	Wairau Drive Reserve
Limeburners Creek Walkway – <i>all area not listed elsewhere in Schedule 2</i>	William Fraser Memorial Park on Pohe Island - <i>All areas not listed elsewhere in Schedule 1 or 2</i>

2.2 On the following beach and foreshore areas and as indicated on any maps provided in **Attachment 1**.

Area	Location	Attachment 1 Map #
Bland Bay/Whangaruru	Tuparehuia Bay Beach	<i>tbc</i>
Whananaki North	Rockell Bay - <i>rocky outcrop to rocky outcrop</i>	<i>tbc</i>
Whananaki North	Brookers Bay/Woolshed Bay - <i>from the rocky outcrop at the northern end of Moureeses Bay northward to the northern outcrop at the northern end of Brookers Bay</i>	<i>tbc</i>
Tutukaka Coast	Matapouri Estuary Reserve - boat launching area	<i>tbc</i>

One Tree Point/Marsden Bay	Beach and foreshore from Northport - Ralph Trimmer Drive to Mair Road	<i>tbc</i>
Tutukaka Coast	Ngunguru - Small sandspit opposite Ngunguru School	<i>tbc</i>

3. Dogs are allowed under control off a leash

3.1 On the following reserves/parks and as indicated on any maps provided in **Attachment 1**.

Location	Attachment 1 Map #
Anzac Park	<i>tbc</i>
Barge Showgrounds - <i>main fields from road boundary to wetlands</i>	<i>tbc</i>
Beazley Park	<i>tbc</i>
Blacksmith's Creek Walkway - <i>open grass area from beginning of walkway eastward to second bridge</i>	<i>tbc</i>
Cairfield House parklet	<i>tbc</i>
Cairfield Reserve	<i>tbc</i>
Cobham Place Reserve	<i>tbc</i>
Corks Road/Amber Drive reserve	<i>tbc</i>
Deveron Reserve	<i>tbc</i>
Elgin Place Reserve	<i>tbc</i>
Gillingham Road - Waitaua Stream Reserve	<i>tbc</i>
Hodges Park	<i>tbc</i>
Korau Road Reserve - <i>grass area beyond low fence</i>	<i>tbc</i>
Lower Panorama Drive Reserve	<i>tbc</i>
Mair Park - <i>on the grass area on the western side of the river north of the footbridge and on connecting walkway to Deveron Reserve</i>	<i>tbc</i>
Mander Park	<i>tbc</i>
Moody Ave Reserve	<i>tbc</i>
Nottingham Road Reserve	<i>tbc</i>
Okara - Former Old Boys rugby grounds	<i>tbc</i>
Pah Road Reserve	<i>tbc</i>
Raumanga Valley Scenic Reserve - <i>grass area west of playground</i>	<i>tbc</i>
Raurimu Avenue Park	<i>tbc</i>
Riverside Reserve	<i>tbc</i>
Ross Street Park	<i>tbc</i>
Shearwater Reserve	<i>tbc</i>
Station Road Reserve	<i>tbc</i>
Tamingi Street Reserve	<i>tbc</i>
Tarewa Park - <i>grass area at southwestern end of park beyond footpath</i>	<i>tbc</i>
Tauroa Reserve	<i>tbc</i>
Te Paka Reserve	<i>tbc</i>
Tikipunga Sports Park - <i>grass area off Ngunguru Road and grass area bordered by walkway and Hatea River</i>	<i>tbc</i>
Totara Parklands - Wairau Drive/Harrison Drive - <i>large grass area north of shared path</i>	<i>tbc</i>
Waiarohia Reserve	<i>tbc</i>
Waikaraka Beach Road grass area (road reserve)	<i>tbc</i>
Whale Tail Park/Kopipi Reserve	<i>tbc</i>

- 3.2 On the following beach and foreshore areas and as indicated on any maps provided in **Attachment 1**.

Area	Location	Attachment 1 Map #
Tutukaka Coast	Beach and foreshore area from south-eastern end of Kauakarangi Bay sandspit southeastward to the beginning of the Whangaumu lookout walkway	<i>tbc</i>
Bream Bay	From Mair Road beach access southward to beach access gate at carpark at intersection of Te Kamo St and Ruakanohi St	<i>tbc</i>
Bream Bay	From boardwalk beach access point between 117 and 119 Bream Bay Dr southward to pedestrian access point at Uretiti campground	<i>tbc</i>
Bream Head	Urquharts Bay foreshore from beginning to end of Urquhart Bay Road (Smugglers Bay carpark)	<i>tbc</i>
Tutukaka Coast	Ngunguru Estuary - Village side - foreshore area from opposite public toilets northward to opposite shops	<i>tbc</i>
One Tree Point	Foreshore from Marsden Yacht Club southeastward to carpark area and foreshore access opposite 189 One Tree Point Road	<i>tbc</i>
Tutukaka Coast	Tutukaka Marina Beach	<i>tbc</i>
Whangarei Heads	Waikaraka Beach Road	<i>tbc</i>
Whananaki North	Foreshore area between boat ramps	<i>tbc</i>

4. Dogs are prohibited

- 4.1 On the following reserves/parks and as indicated on any maps provided in **Attachment 1**.

Location	Attachment 1 Map #
AH Reed Park - <i>excluding Hatea River Walkway - Elizabeth Track</i>	<i>tbc</i>
Barge Showgrounds - <i>all wetland areas</i>	<i>tbc</i>
Blacksmith's Creek Walkway - <i>all wetland areas and walkway beyond second bridge</i>	<i>tbc</i>
Coronation Scenic Reserve	<i>tbc</i>
Dip Road Reserve (Kamo)	<i>tbc</i>
Elgin Place Bush Reserve (Kamo)	<i>tbc</i>
Granfield Place Reserve (Kamo)	<i>tbc</i>
Kauri Mountain Reserve	<i>tbc</i>
Kauri Mountain Trail	<i>tbc</i>
Kioreroa Road Wetlands	<i>tbc</i>
Kukupu Road Reserve (Matapouri)	<i>tbc</i>
Magnolia Avenue Bush Reserve (Kamo)	<i>tbc</i>
Matakohe/Limestone Island	<i>tbc</i>
Maungatapere Bush Reserve	<i>tbc</i>
McLeod Bay Reserve - <i>opposite Fire Station</i>	<i>tbc</i>
Mt Aubrey - Reotahi Walkway & Mt Aubrey Walkway	<i>tbc</i>
Neptune Drive Reserve (McLeod Bay)	<i>tbc</i>
Parihaka Mountain Bike Park - <i>all mountain bike trails</i>	<i>tbc</i>
Parihaka Reserve	<i>tbc</i>
Pukenui Forest - <i>including Western Hills</i>	<i>tbc</i>

Tutukaka Lighthouse Walk - Kukutauwhao Island	<i>tbc</i>
Whale Bay/Matapouri Reserve	<i>tbc</i>
Whananaki Coastal Walkway	<i>tbc</i>
Whananaki Sandspit	<i>tbc</i>
Whangārei Quarry Gardens	<i>tbc</i>

4.2 On the following beach and foreshore areas and wetlands and as indicated on any maps provided in **Attachment 1**.





Area	Location	Attachment 1 Map #
Bland Bay/Whangaruru	Bland Bay Beach - northern end of beach southward to Whakaturia Ave access point	<i>tbc</i>
Bland Bay/Whangaruru	From Waitapu Rock eastward to northern end of Te Parapara Bay	<i>tbc</i>
Bream Bay	Princes Road foreshore area from one-way bridge on Ruakaka Beach Road northward to northern end of Princes Road boat ramp reserve	<i>tbc</i>
Bream Bay	Ruakaka Racecourse access point southward to end of accessible beach/foreshore at Ruakaka River	<i>tbc</i>
Bream Bay	Ruakaka River from one-way bridge on Ruakaka Beach Road northward along the foreshore around campground to northern pedestrian access point at Ruakaka Beach Reserve	<i>tbc</i>
Bream Bay	From Tip Road southward to Waipu River mouth.	<i>tbc</i>
Bream Head	From Urquhart Bay Road carpark southward around headland to southern end of Ocean Beach west of Moturaka and Tarakanahi Islands	<i>tbc</i>
Kauri Mountain	Kauri Mountain Beach, from Awarua Rock southward to rocky outcrop at northern end of Ocean Beach	<i>tbc</i>
Marsden Bay	Beach and foreshore area including wetlands from the groyne at Marsden Bay Beach eastward to Northport and southward to Papich Road	<i>tbc</i>
Marsden Bay	Beach northwest of channel and beach and foreshore from channel southeastward to groyne	<i>tbc</i>
Mimiwhangata	From Parapahi Point southward to southern end of Ruatahi Islet	<i>tbc</i>
Tutukaka Coast	From the eastern end of Ngunguru River Reserve (DOC Reserve) eastward then northward around the sandspit and southward to southern side of Horahora River mouth	<i>tbc</i>
Tutukaka Coast	Beach and foreshore area between DOC reserve and Kukutauwhao Island (Tutukaka Lighthouse walkway)	<i>tbc</i>
Waipu	From accessible beach/foreshore area at Waipu River mouth southward to access track at northern end of campground	<i>tbc</i>
Whananaki	Whananaki Inlet	<i>tbc</i>
Whananaki	Whananaki Sandspit foreshore	<i>tbc</i>
Whananaki North	From the northwestern end of Motutara Beach southeastward around the headland to the boat ramp on Whananaki Wharf Road	<i>tbc</i>
Whananaki North	Otamure Bay - from rocky outcrop at western end of Otamure Bay eastward to Andesite Point	<i>tbc</i>

Whangarei Heads	Beach and foreshore from end of Reotahi Road southward and eastward to the western end (but not including) little Munro Bay	<i>tbc</i>
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5. A summer season rule applies

- 5.1 Dogs are allowed on all beach and foreshore areas in the Whangarei District, except for those areas provided for under sections 2.2, 3.2 and 4.2 of Schedule 2, subject to the following summer season rule:

Summer (20 December to 31 January)	Outside summer season
 Morning (before 9am) - Under control off a leash	All times Under control off a leash 
 Daytime (9am to 5pm) - Prohibited	
 Evening (after 5pm) - Under control off a leash	





- 5.2 Dogs are allowed in the areas below, subject to the following summer season rule:

- Pataua South at bridge/toilets - grass area from footbridge eastward to end of accessible grass area
- Whananaki North Boatramp Reserve (reserve next to boat ramp and foreshore area between boat ramps)
- Logan Nick Reserve (Bland Bay/Whangaruru)
- Matapouri Estuary Reserve - fenced reserve area southeast of gate
- Parua Bay Reserve /Boatramp - grass area within bollards

Summer (20 December to 31 January)	Outside summer season
 Morning (before 9am) - Under control off a leash	All times Under control off a leash 
 Daytime (9am to 5pm) - Under control on a leash	
 Evening (after 5pm) - Under control off a leash	

- 5.3 Dogs are allowed in the areas below, subject to the following summer season rule:

- Bland Bay Beach - From access point at end of Whakaturia Avenue southeastward to Waitapu Rock

Summer (20 December to 31 January)	Outside summer season
 Morning (before 9am) - Under control on a leash	All times Under control on a leash 
 Daytime (9am to 5pm) - Prohibited	
 Evening (after 5pm) - Under control on a leash	

Whangarei District Council

Dog Management Bylaw 2024

draft

Dog Management Bylaw			
Audience (Primary)	External	Business Owner (Dept)	Strategic Planning
Policy Author	Strategic Planner - Bylaws	Review Date	Tbc

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Dog Management Bylaw			
Audience (Primary)	External	Business Owner (Dept)	Strategic Planning
Policy Author	Strategic Planner - Bylaws	Review Date	Tbc

1. Title

- 1.1. This Bylaw is the Dog Management Bylaw 2024.

2. Commencement

- 2.1. This Bylaw comes into force on XX XXX 2024.

3. Application

- 3.1. This Bylaw applies to the Whangarei District.

Part 1 – Preliminary provisions

4. Purpose

- 4.1. The purpose of this Bylaw is to give effect to Whangarei District Council's Policy on Dogs 2024 by:
- prohibiting dogs, whether under control or not, from specified public places;
 - requiring dogs to be controlled and on a leash in specified public places;
 - regulating and controlling dogs in any other public place;
 - requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces;
 - requiring any female dog in season or dog with an infectious disease to be excluded from public places;
 - requiring the owner of any dog which has not been kept under control on more than one occasion to be neutered; and
 - providing a review process for owners of dogs classified as menacing by behaviour.

5. Interpretation

- 5.1 Any word used in this Bylaw that is defined in section 2 of the Dog Control Act 1996, and is not included in clause 5.2 below, has, for the purposes of this Bylaw, the same meaning as in section 2 of the Act.
- 5.2. In this Bylaw, unless the context otherwise requires:

Access way has the meaning given by [section 315](#) of the [Local Government Act 1974](#).

Act means the [Dog Control Act 1996](#).

Authorised Officer means the Whangarei District Council staff member or contractor in charge of the public place.

Beach means and includes the following:

- the foreshore as defined by [section 2](#) of the [Resource Management Act 1991](#)
- the inter-tidal zone above mean low water springs

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- c. any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation and includes the adjacent coastal marine.

Cemetery

means any land or premises for the burial and/or cremation of the dead and includes a closed cemetery and urupā.

Control

in relation to a dog, means that the owner is able to obtain an immediate and desired response from the dog.

Council

means Whangarei District Council, including any person or committee delegated to act on its behalf in relation to this Policy.

Council-controlled public place

means all public places owned or managed by Whangarei District Council.

Dangerous dog

means a dog that has been classified as a dangerous dog under section 31 of the Act.

Footpath

has the meaning given by [section 315](#) of the [Local Government Act 1974](#).

Foreshore

has the meaning given by [section 2](#) of the Resource Management Act 1991.

Menacing dog

means a dog that has been classified as a menacing dog under section 33A of the Act.

Neutered dog

has the meaning given by section 2 of the Act.

Owner

has the meaning given by section 2 of the Dog Control Act 1996.

Park/Reserve

means any land vested in or administered by Council under the provisions of the [Reserves Act 1977](#); and any park, domain or recreational area under the control or ownership of Council.

Playground

means a developed outdoor area that contains children's play equipment or objects, and includes a skatepark. Use of a playground means that the playground is currently being used or occupied by one or more persons.

Policy

means the Whangarei District Council Policy on Dogs 2024.

Premise

means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied. All lands, buildings and places adjoining each other and occupied together are deemed to be the same premises.

Private way

has the meaning given by [section 315](#) of the [Local Government Act 1974](#).

Public place

has the meaning given by [section 2](#) the Dog Control Act 1996.

Road

has the meaning given by section 315 of the Local Government Act 1974 except that where a road is adjacent to a park, and the land within the road and park is developed in an integrated way, the common boundary between the road and park will be reduced or extended to:

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- a. a line parallel to the road that follows any physical separation between the road and park (e.g. fence or bollards); or
- b. where no physical separation exists, a line parallel to the road that follows the edge of the road carriageway, footpath or cycle track that is closest to the centre of the park.

Sports field

means any area developed or marked out, for example those used for soccer, rugby, or rugby league, artificial turf, sports range, sports park or velodrome. Use of a sports field means that the area is being used for sports events or training for sports events by one or more persons.

Skatepark

means a purpose-built recreational environment made for skateboarding, BMXing, rollerblading, roller skating or scootering, and includes pumptracks.

Service lane

has the meaning given by [section 315](#) of the Local Government Act 1974.

Working dog

has the meaning given by [section 2](#) of the Dog Control Act 1996.

- 5.3. Related information and links to webpages do not form part of this Bylaw and may be inserted, changed or removed without any formality.
- 5.4. The Legislation Act 2019 applies to this Bylaw.
- 5.5. To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, regional or district plans, or reserve or park management plans.

Part 2 – Regulation and control of dogs

6. Prohibition of dogs in public places

- 6.1. The owner of any dog must ensure that their dog (including when confined in a vehicle or cage) does not enter or remain in any public place specified as prohibited in Schedule 1 or 2 of the Policy.
- 6.2. Clause 6.1 does not apply to any working dog accompanying and assisting a person or accompanying a person engaged in the dog's training; or if the working dog is present in the prohibited area in accordance with its functions as provided for in section 2 of the Act.
- 6.3. The owner of any female dog in season must ensure the dog does not enter or remain in any public place or private way unless—
 - a. that dog is confined in a vehicle or cage for the purposes of transportation; or
 - b. the owner of that dog has the permission of the occupier or person controlling the public place and complies with any reasonable conditions imposed.
- 6.4. The owner of any dog infected with a contagious disease must ensure the dog does not enter or remain in any public place or private way unless—
 - a. that dog is confined in a vehicle or cage for the purposes of transportation to a veterinary clinic for treatment.

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7. Dogs on a leash in public places and private ways

- 7.1. The owner of any dog must ensure that the dog is controlled on a leash in the public places and private ways as specified in Schedule 1 or 2 of the Policy.
- 7.2. Clause 7.1 does not apply to any dog confined in a vehicle or cage.

Related information

Working dogs include disability assist dogs, dogs kept by state departments such as police dogs and customs dogs, pest control dogs and dogs kept solely or principally as stock or herding dogs. A full list can be found in section 2 of the Act.

Working dogs are excluded from the requirement to comply with clause 7 of this Bylaw under section 10(3(ii) of the Act.

Disability assist dogs are those dogs certified as disability assist dogs by the organisations listed in Schedule 5 of the Act. Disability assist dogs are not required to comply with clauses 6 or 7 of this Bylaw under sections 54 and section 75 of the Act.

Section 54A of the Act requires all dog owners to carry a leash at all times regardless of the provisions of this Bylaw. This section does not apply to the owner of a working dog in relation to the working dog.

8. Dogs off a leash in public places

- 8.1. The owner of any dog (other than a dangerous dog) may take that dog off a leash in the public places as specified in Schedule 2 of the Policy, provided that dog is kept under control.

9. Dogs in designated dog exercise areas

- 9.1. The owner of any dog (including a dangerous dog that is muzzled) may take that dog off a leash in a designated dog exercise area as specified in Schedule 2 of the Policy, provided that dog is kept under control.

10. Temporary changes to dog access rules

- 10.1. Council may make temporary changes to Schedules 1 and 2 of the Policy in relation to:
- leisure and cultural events (including dog friendly events);
 - dog training;
 - the protection of wildlife vulnerable to dogs;
 - the protection of flora vulnerable to dogs;
 - pest control in any park and/or beach (as defined in the Policy); or
 - other circumstances of a similar nature to subclauses (1)(a) to (e) inclusive.
- 10.2. In making or removing a temporary change to Schedules 1 and 2 of the Policy under Clause 10.1, Council must:
- have regard to the dog access principles in the Policy;
 - specify in writing the reasons, location and timeframe the temporary change is to apply;
 - give public notice of the temporary change in a manner that Council considers appropriate in the circumstances; and

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- d. clearly indicate the area subject to the temporary change by 1 or more clearly legible notices affixed in 1 or more conspicuous places on, or adjacent to, the place to which the notice relates, unless it is impracticable or unreasonable to do so.

11. Dog faeces

- 11.1. When in a public place or premise, dog owners must ensure the immediate removal and disposal of their dog's faeces. This must be done in a way that does not cause a nuisance.
- 11.2. Clause 11.1 does not apply to a premise occupied by the owner.
- 11.3. Clause 11.1 does not apply to any working dog herding or driving stock on a road where the dog is kept solely or principally for the purposes of herding or driving stock.

12. Requirement to neuter uncontrolled dog

- 12.1. Council may require the owner of a dog to have that dog neutered if:
- the dog has not been kept under control on more than one occasion within a 24-month period; and
 - an infringement notice has been issued at least twice for a matter relating to subclause 12.1(a); or
 - the dog has been impounded at least twice as a result of not being kept under control.

Related information

Dog owners who do not get their dog neutered in the time specified may be subject to enforcement action and will still be required to neuter their dog.

13. Objection to requirement to neuter uncontrolled dog

- 13.1. If a dog is required to be neutered under clause 12, the owner of that dog:
- may, within 14 days of receiving the notice, object to the requirement by writing to Council; and
 - has the right to be heard in support of their objection under clause 13.1.a.
- 13.2. Council may, when considering an objection under clause 13, uphold or rescind the requirement. In making its determination, Council must have regard to:
- the evidence which formed the basis for the requirement;
 - the matters relied upon in support of the objection; and
 - any other relevant matters.
- 13.3. Following its consideration of an objection under clause 13.2, Council must, as soon as practicable, give written notice to the dog owner of:
- its determination on the objection; and:
 - the reasons for its determination.

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14. Effect of requirement to neuter uncontrolled dog

- 14.1. If a dog is required to be neutered under clause 13, the owner of that dog must, within 1 month of receiving the notice of the requirement, provide to Council a certificate issued by a veterinarian certifying that:
- a. the dog is or has been neutered; or
 - b. for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate.
- 14.2. If a certificate under subclause (1)(b) is provided to Council, the owner must provide to Council, within 1 month after the date specified in that certificate, a further certificate under subclause (1)(a).

15. Request for review of a menacing dog classification

- 15.1. If a dog has been classified as menacing due to its behaviour under section 33A of the Dog Control Act 1996, the owner may request the classification be reviewed after a 24-month period if:
- a. the owner provides evidence of a dog behavioural assessment report, at the owner's expense; and
 - b. the owner has not been issued any infringement notices in relation to the dog within the preceding 24-month period.
- 15.2. Removing the classification of the dog is at Council's discretion.

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Part 3 – Enforcement, offence, penalties

16. Enforcement

- 16.1. Council may use its powers under the Dog Control Act 1996 and the [Local Government Act 2002](#) to enforce this Bylaw.

17. Offences and penalties

- 17.1. Every person who breaches this Bylaw commits an offence.
- 17.2. Every person who commits an offence under this Bylaw is liable to a penalty under the Dog Control Act 1996 and the Local Government Act 2002.

Part 4 – Savings, transitional provisions

18. Requests for removal of menacing classification

- 18.1. Requests for the removal of a menacing classification due to behaviour may be made for classifications made within the 12-month period prior to this Bylaw coming into force.