

Whangarei District Council Meeting

Supplementary Agenda

Date: Wednesday, 24 April, 2024

Time: 9:00 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.

6. Decision Reports / Whakatau Rīpoata

6.4 Dog Policy and Bylaw - Statement of Proposal

6.4.1 *Dog Management Policy and Bylaw – Statement of Proposal including PDF maps* 3

6.7 *CON21015 Port Road Bridge Widening and Kioreroa Road Intersection Upgrade Contract Variation No.2* 73

6.4.1 Dog Management Policy and Bylaw – Replacement Attachment 2 - Statement of Proposal including additional PDF maps

Meeting: Whangarei District Council
Date of meeting: 24 April 2024
Reporting officer: Shireen Munday (Consultant)
Will McNab (Strategic Planner – Bylaws)

1 Purpose / Te Kaupapa

To replace Attachment 2 - Statement of Proposal for the Dog Management Policy and Bylaw and include additional PDF maps of dog access rules to support understanding of the proposal.

2 Background / Horopaki

The attachment below replaces Attachment 2 - Statement of Proposal DPB of item 6.4 of this agenda report.

The updated Statement of Proposal (SOP) now contains the Policy and Bylaw, which were omitted from the original attachment due to an administrative error. No amendments have been made to the Policy or Bylaw since the Council Briefing on 8 February 2024.

The updated SOP now also includes PDF maps of dog access rules as related information to support understanding.

3 Attachment / Ngā Tāpiritanga

Attachment – Statement of Proposal DPB including PDF maps

Attachment 2

Statement of Proposal **Whangarei District Council**

Dog Management Policy and Dog Management Bylaw

May 2024

Attachment 2

Our proposed new Dog Management Policy and Dog Management Bylaw

Under the Dog Control Act 1996 (the Act), all councils must adopt a policy on dogs. The Act lists several requirements that the council must include in its policy. The Act also enables the council to make a bylaw to implement aspects of policy.

Whangarei District Council last adopted its Dog Management Policy (the Policy) and Dog Management Bylaw (the Bylaw) in 2013.

Council commenced the review of the Policy and Bylaw in May 2023 and has now decided that both documents should be amended.

This document highlights the proposed changes to the Policy and Bylaw to ensure they meet the current and future needs of our communities.

What the Policy and Bylaw do

Public places in our District are used for a variety of purposes, including for exercising dogs. However, not all people enjoy the company of dogs. We make rules and provide services that aim to better manage dogs in the District.

The Policy and Bylaw do this by promoting responsible dog ownership, classifying dogs as dangerous or menacing, developing access rules, and taking measures to minimise nuisance caused by dogs.

This document includes further information on the proposed amendments, including the reasons for the proposal, a draft of the proposed Policy and the proposed Bylaw and how to have your say on the proposal.

How do the Policy and Bylaw connect with the Dog Control Act?

The Act links to the Policy and Bylaw in two ways. It lists some specific matters that the Policy and Bylaw must address and also provides a range of things that Council can consider including in the Policy or Bylaw if we choose to.

One of the key things that must be included in the Policy and Bylaw are the dog access rules. That is where dogs are allowed to be on-leash and off-leash and where they are prohibited, as well as stating where, if any, designated dog exercise areas are in the District.

Neither the Policy nor Bylaw can override or be inconsistent with the Act. For example, the requirement to micro-chip a dog is included in the Act already. It is not something that the Policy or Bylaw can, or should, include.

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

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Improving dog access, while minimising the harm caused by dogs

The review process undertaken by Council looked at all aspects of the Policy and Bylaw.

The key changes being proposed are to:

- reorganise the information contained in the Policy and Bylaw to make them more user friendly and easier to read
- remove duplication between the Policy and the Bylaw, which will also simplify future amendments
- remove duplications with the Act and replace these where appropriate with related information sections
- reduce confusion about dog access rules and improve voluntary compliance by:
 - clearly stating the general and default rules separate from the location specific rules
 - presenting the rules in the schedules in a consistent manner
 - replacing vague rules that may or may not apply with more specific rules
- address emerging issues around dog management by:
 - giving Council the ability to make temporary dog access rules
 - including requirements to neuter uncontrolled dogs
 - promoting responsible dog ownership amongst owners of dogs classified as 'menacing' on the basis of their behaviour.

We want to know what you think

Between 1 May and 3 June 2024, we want you to tell us what you think about the proposed changes to Whangarei District Council's Dog Management Policy and Dog Management Bylaw.

We really want to know the things you like about the proposal and would like to see retained, as well as things you think should be changed, this helps us get a better understanding of the communities' views on all aspects of the proposal and to assist us in developing the final Policy and Bylaw.

This Statement of Proposal includes copies of the proposed Policy and the proposed Bylaw. If you want to compare them with the current Policy and Bylaw, these are available online at www.wdc.govt.nz (*hyperlink*). Call us on xxx or 0800 XXX if you would like to be sent a copy.

Please visit www.whangarei.govt.nz/have-your-say or see **page XX** of this document to find out more information and how to give us your feedback.

Key dates

Feedback period: 1 May 2024 – 3 June 2024

Hearing: XXX

Deliberations: XX

Decision of Council: XXX

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What is the Policy?

The Whangarei District Council Dog Management Policy sets out the framework for dog management in the District. The purpose of the Policy is to provide for the needs of dogs and their owners in a way that also protects the community and wildlife.

It does this by aiming to:

- minimise the problems caused by dogs
- protect dogs from harm and ensure their welfare
- provide opportunities for owners to take their dogs into public places.

Policy on Dogs requirements – Dog Control Act 1996		
Dog Access Rules	Other Elements	
Identify public places in which dogs are prohibited, in general or at specified times.	Specify the nature and application of bylaws.	<p>In adopting a policy, Council must have regard to:</p> <ul style="list-style-type: none"> • minimising danger, distress and nuisance to the community generally • avoiding the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not accompanied by adults • 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.
Identify public places or parts of the District in which dogs are required to be controlled on a leash.	State whether dogs classified as menacing are required to be neutered.	
Identify public places or parts of the District in which dogs are not prohibited or required to be controlled on a leash.	State whether dogs classified as menacing by another territorial authority and registered with Council are required to be neutered.	
Identify areas as designated dog exercise areas.	<p>May include other details as council sees fits, including but not limited to:</p> <ul style="list-style-type: none"> • fees or proposed fees • owner education programmes • dog obedience courses • classification of owners • disqualification of owners • issuing of infringement notices. 	

In addition to the above, every policy adopted:

- must identify any land within the District that is:
 - a controlled dog area or open dog area under section 26ZS of the Conservation Act 1987
 - a national park constituted under the National Parks Act 1980
 - Te Urewera, as defined in section 7 of the Te Urewera Act 2014.
- may contain other information and advice related to dogs as a council deems necessary.

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What is the Bylaw

Under the Act, Council can make a bylaw for certain aspects of dog management. The Dog Management Bylaw 2013 currently:

- regulates public places where a dog may be taken
- requires the owner of any dog that defecates in any public place immediately remove the faeces
- requires any infectious or on-heat dogs to not enter any public places
- provides controls for wandering dogs and nuisance dogs
- provides a rule about causing dogs to become unmanageable
- requires dog owners to provide adequate shelter for their dogs
- requires dogs to be under control at all times in any place.

What Council proposes to change

The review process undertaken has identified some improvements that could be made. These proposed changes are summarised below and are also reflected in the attached proposed Policy and Bylaw.

Proposed amendments

Proposed amendment	Reason for proposed change	Change in Policy	Change in Bylaw
Removal of sections and clauses that repeat legislative requirements, including the clauses on: <ul style="list-style-type: none"> • wandering and nuisance dogs • causing dogs to become unmanageable • shelter provisions • dogs to be under control. 	Both the Policy and Bylaw contain content that repeats matters that are provided for under the Act and which are not necessary to include in either document for Council to be able to act where necessary. These inclusions are confusing and make the documents more complex than they need to be. Both of the proposed documents now include 'related information' sections that provide relevant information on provisions of the Act where they have links to the Policy or Bylaw content instead.	√	√
Organisation of Policy and Bylaw content and general wording and content.	The proposed Policy has been reorganised into user friendly themes and to ensure it meets statutory content requirements. It also better highlights the relationship between the Policy and the Bylaw, and clearly states what is expected of dog owners and what activities Council will undertake to manage dogs. All content has been reviewed for wording and clarity and changes are proposed throughout to achieve this.	√	√

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Removal of duplicate information.	<p>The dog access rules are currently contained in both the Policy and the Bylaw. These have been removed from the proposed Bylaw and are now contained in the proposed Policy only.</p> <p>Additionally, both the Policy and the Bylaw include provisions on the removal of dog faeces from public places. This matter only needs to be provided for in the Bylaw for enforcement purposes and has been removed from the proposed Policy.</p>	√	√
Removal of sections on: <ul style="list-style-type: none"> • impounding • hearing procedure • issuing of infringement notices • signs. 	These current sections are largely operational in nature and/or are established or covered through other Council processes, such as annual budgets, internal processes and procedures and the Terms of Reference for the Objections and Exemptions Committee.	√	√
Fees.	The current Policy states the percentage of cost recovery by way of fees and offences. This is inconsistent with the requirement of the Local Government Act 2002 to set cost recovery matters through the Revenue and Financing Policy and in accordance with Section 37 of the Act. This section has been amended to remove this inconsistency but retain clarity on the types of fees that will attract a reduced annual registration fee.	√	
Neutering of menacing dogs.	This compulsory section has been updated and expanded to provide more clarity for dog owners.	√	
Clarifying Council's jurisdiction on privately owned public spaces.	The current Policy lacks clarity on what the dog access rules for public places that are not under the control of Council are. Schedule 1 now provides that dogs must be on a leash in such places, unless there is signage indicating that dogs are prohibited or the person in charge of the public place advises that dogs are prohibited.	√	
Classification of menacing dogs under Section 33C of the Act.	The Act requires Council to classify certain dogs as menacing due to their breed. A new clause in the Policy allows owners to provide evidence that their dog is an American Staffordshire Terrier and not a Pitbull Terrier to avoid this classification.	√	
Updates to how the dog access	The current dog access rules in the Policy and Bylaw do not provide sufficient clarity and certainty for dog owners. The Schedules	√	

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rules are presented.	in the Policy have been significantly reviewed and updated to provide comprehensive location-specific information on where dogs are allowed off and on a leash in the District and where they are prohibited.		
Temporary dog access rules.	It is proposed to include a clause to allow Council to make temporary changes to dog access rules under certain circumstances to allow for flexibility where required.		√
Requirement to neuter uncontrolled dogs.	It is proposed to include a clause in the Bylaw that requires a dog to be neutered if it has not been kept under control and to provide an associated objection process. The proposed Bylaw includes an explanatory note to clarify that owners who do not comply with the current requirement to neuter their dog, if it is not under control on more than one occasion over a 12-month period, may be subject to an infringement and would still be required to neuter their dog.		√
Encouraging responsible dog ownership for menacing dog owners.	The proposed Bylaw allows for owners of dogs classified as menacing due to behaviour, to have the opportunity to have their dog's classification reviewed if the owner provides evidence of completing a dog obedience course (at the owner's expense), and the owner has not obtained any infringements in relation to the dog within a 24-month period. The removal of the classification of the dog is at the discretion of Council. This change is intended to incentivise dog owners to modify their dog's behaviour and promote responsible dog ownership.		√

How we got here

Decisions leading to the proposed changes

Council commenced this review process in May 2023. The Local Government Act 2002 requires Council to review the Dog Management Bylaw every ten years at least to determine whether it is effective, efficient, and still required.

The Dog Control Act 1996 requires Council to adopt a policy on dogs and states that a bylaw and a policy must not be inconsistent. Therefore, this proposal is for both the Policy and the Bylaw and the changes proposed are aligned between both documents.

An initial report was provided to a [Council Briefing](#) in May 2023 to provide an overview of the statutory review requirements and a proposed high-level timeframe.

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During June and July 2023, Council asked for feedback from the community to inform the review process. This feedback further supported the research and analysis work undertaken by staff for the review.

The outcomes of the engagement, together with the research and analysis undertaken by staff, was reported back to a [Council Briefing](#) in November 2023.

Subsequently, in February 2024 drafts of a new Policy and Bylaw were presented to Council for discussion and feedback at a [Council Briefing](#).

After considering the key issues and options, Council decided to propose the changes outlined in this Statement of Proposal to the Policy and Bylaw at the **24 April Council Meeting**.

Statutory considerations

As part of the review process, Council must also consider whether our bylaws are effective, efficient, and still necessary. This also includes making sure each bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

At the April Council Meeting, Council considered the research and analysis undertaken by staff and feedback from stakeholders, and decided that a bylaw is still the most appropriate way of addressing the perceived problem meeting.

After this determination was made and at the same meeting, Council determined that the proposed amended Bylaw is the most appropriate form of bylaw; and that it does not give rise to any implications under the New Zealand Bills of Rights Act 1990.

Due to the statutory review requirements for bylaws under the LGA, Council is proposing to make a new Dog Management Bylaw. While the current Bylaw will automatically be revoked in March 2025, under the Dog Control Act 1996, Council is required to revoke a bylaw that is inconsistent with the Policy.

To meet these requirements, Council is also proposing to revoke the Dog Management Bylaw 2013 as part of this review process.

To access copies of the above reports which discuss these statutory matters in more detail, and the associated decisions of Council, click on the above links or go to: **insert haveyoursay page here (links to copies of reports in escribe to be linked in this location)**. Alternatively emails us at bylawsconsult@wdc.govt.nz call us on **XX** or **0800 XXXXXX** if you would like to be sent hardcopies of the agenda reports.

Whangarei District Council

Dog Management Policy 2024

draft

***Proposed amendments to the Dog
Management Policy 2013***

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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; and
 - b. protect dogs from harm and ensure their welfare; and
 - c. provide 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"> d. the foreshore as defined by section 2 of the Resource Management Act 1991 e. the inter-tidal zone above mean low water springs f. 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.

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Neutered dog

has the meaning given by section 2 of the Act.

Owner

has the meaning given by section 2 of the Act.

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.

Policy

means the Whangarei District Council Dog Management Policy 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 Act.

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:

- g. a line parallel to the road that follows any physical separation between the road and park (e.g. fence or bollards); or
- h. 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.

Skatepark

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

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 Act.

3. Related information

- 3.1. Related information and links to webpages do not form part of this Policy and may be inserted, changed or removed without any formality.

4. Relationship between the Policy and the Bylaw

- 4.1. 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 the Policy. The Bylaw cannot be

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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:

- a. provide for the care and control of dogs;
- b. address 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
Dog Management Policy	<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 • 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	<p>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.</p>	<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.

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Related information about the Dog Management Policy

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.

5. Fees and charges relating to dogs

- 5.1. 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.
- 5.2. 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.

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Registration and enforcement

6. What will Whangarei District Council do?

- 6.1. 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.
- 6.2. 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—

- a. the owner of the dog has been convicted of an offence because 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; or
- b. 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; or
- c. 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—

- a. ownership of the dog cannot change without consent from Council;
- b. the dog maintains its classification no matter where it lives in New Zealand;
- c. the dog must be:
 - i. neutered within one month of receipt of the classification; and
 - ii. microchipped within two months of the date of classification; and
 - iii. muzzled in any public place or private way except when confined in a vehicle or cage; and
 - iv. 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; and
 - v. 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 Act.

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.

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

- 7.1. Dog owners are expected to—
- register their dog(s); and
 - microchip their dog(s); and
 - neuter their dog(s) if required; and
 - meet the requirements of dogs classified as dangerous or menacing under the Act ([section 32](#) and [section 33E](#)); and
 - meet the requirements of a classified, probationary or disqualified owner under the Act ([section 21](#) and [section 25](#)).

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

- 8.1. Due to the visual similarities between American Staffordshire Terriers and Pitbull Terriers, Council will classify all American Staffordshire Terriers as menacing, unless—
- 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
 - 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.

9. Neutering of Menacing Dogs

- 9.1. Council requires all dogs that have been classified as menacing to be neutered within one month of receipt of the classification.
- 9.2. 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.
- 9.3. Council may defer the requirement to meet clause 8.1 above—
- in accordance with section [33E\(1\)\(b\)\(ii\)](#) of the Act;
 - 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;
 - 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.

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Related information on menacing dogs

Council must classify a dog as menacing where—

- a. it has not been classified as dangerous; and
- b. the dog may pose a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife, because of—
 - i. any observed or reported behaviour of the dog;
 - ii. any characteristics typically associated with the dog's breed or type;
 - iii. 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—

- a. neutered within one month of receipt of the classification; and
- b. microchipped within two months of the date of the classification; and
- c. 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.

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

- 10.1. 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.

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Responsible dog ownership

11. What will Whangarei District Council do?

- 11.1. Provide services that support the promotion of responsible dog management, including—
- a. encouraging educational opportunities to promote the purposes of the Policy and Bylaw from time to time;
 - c. 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;
 - d. providing services that promote responsible dog management, including investigating and resolving complaints and other dog-related issues;
 - e. 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.

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

- 12.1. Dog owners are expected to—
- a. know and comply with the rules concerning the management of their dog(s); and
 - b. be responsible for their dog's behaviour; and
 - c. provide proper care and attention to their dog(s), including providing sufficient food, water, shelter and adequate exercise, as defined by the [Animal Welfare Act 1999](#) and Act; and
 - d. consider neutering their dog(s) at an early age; and
 - e. ensure their dog does not leave their property by itself; and
 - f. take all reasonable steps to ensure their dog does not cause a nuisance to any other person. Be particularly vigilant near children and closely supervise interaction; and
 - g. appropriately remove and dispose of their dog's faeces; and
 - h. always keep their dog under control.

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

- 13.1. 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.
- 13.2. 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

Attachment 2

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

Dog access rules

14. What will Whangarei District Council do?

- 14.1. 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.
- 14.2. 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.
- 14.3. Provide information to dog owners via signage and Council's website that is comprehensive, easy to understand, and up to date.
- 14.4. 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.
- 14.5. 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:
 - e. other circumstances of a similar nature.

Attachment 2

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

15.1. Dog owners are expected to—

- a. respect other people's personal space and be aware that public places are for everyone's enjoyment and not everyone is fond of dogs; and
- b. know when their dog must be on a leash and always carry a leash in public; and
- c. keep their dog under control at all times in public places, including putting their dog on a shortened leash, even in off-leash areas if their dog is likely to ignore their commands; and
- d. 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; and
- e. ensure any female dog in season or dog with a contagious disease 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; or
 - 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.

16. What is covered by the Dog Control Bylaw?

- 16.1. 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.
- 16.2. Dog owners must ensure that their dog is kept under control in public places and private ways.
- 16.3. The ability to make temporary changes to dog access rules.
- 16.4. 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.

Attachment 2

Schedule 1

1. General dog access rules

The general dog access rules listed in Schedule 1 always apply, regardless of any rule stated in Schedule 2.

For example, if a park is listed as an off-leash area in Schedule 2 but the park has a playground, dogs are still prohibited on the playground.

Playgrounds and skateparks under the control of Council

Dogs are prohibited on all playgrounds and skateparks at all times and must be under control on a leash in the vicinity of all playgrounds and skateparks.

Sports fields under the control of Council

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.

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 place states that dogs are prohibited and requests the dog to be removed.
- 2.5 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.

Attachment 2

Schedule 2

Location specific dog access rules

Related information about Schedule 2

To assist in understanding, maps have been provided as [related information](#) for some of the areas listed in the following sections. In each case a map reference number is provided. The maps can be found at the end of Schedule 2.

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 The default rule on-leash rule in Schedule 1 applies to all parks and reserves in the District unless a different rule, either for the entire park or a section of the park, is provided for in Schedule 2.

However, to assist in understanding, the list below of key parks and reserves in the District is provided as [related information](#), but does not constitute the complete list of parks and reserves where dogs must be on a leash. This list may be updated at any time without formality.

Related information			
Location	Appendix 1 Map #	Location	Appendix 1 Map #
Abbey Caves	NA	<i>Mair Park - all areas not listed elsewhere in Schedule 2</i>	tbc
Albany Road Reserve	NA	Marina Reserve Tutukaka	NA
<i>Barge Showgrounds – all areas not listed elsewhere in Schedule 2</i>	tbc	Nixon Street Park	NA
Biller Road Walkway	NA	Otangarei Central Reserve	NA
Cafler Park	NA	Panorama Drive Reserve	NA
Cookson Park	NA	Potter Park	NA
Fishbone Park	NA	Puriri Park Reserve	NA
Fitzpatrick Reserve	NA	<i>Raumanga Valley Scenic Reserve - all areas not listed elsewhere in Schedule 2</i>	tbc
Headland Park	NA	Resolution Place/Endeavour Place Reserve	NA
King Street Park, Hikurangi	NA	Sherwood Park	NA
Kitemaunga Avenue Reserve	NA	<i>Tarewa Park - all areas not listed elsewhere in Schedule 2</i>	tbc

Attachment 2

<i>Related information</i>			
Location	Appendix 1 Map #	Location	Appendix 1 Map #
<i>Korau Road Reserve - all areas not listed elsewhere in Schedule 2</i>	tbc	Tikipunga Library Reserve	NA
Lake Waro	NA	<i>Totara Parklands - all areas not listed elsewhere in Schedule 2</i>	tbc
Laurie Hall Park	NA	Waipu Caves Reserve	NA
Lockheed Place Reserve	NA	Wairau Drive Reserve	NA
<i>Limeburners Creek Walkway - all areas not listed elsewhere in Schedule 2</i>	tbc	<i>William Fraser Memorial Park on Pohe Island - all areas not listed elsewhere in Schedule 1 or 2</i>	tbc

2.2 Dogs are allowed under control on a leash on the following beach and foreshore areas:

Area	Location	Appendix 1 Map #
Bland Bay/Whangaruru	Tuparehuia Bay Beach	tbc
Whananaki North	Rockell Bay - <i>rocky outcrop to rocky outcrop</i>	tbc
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>	tbc
Tutukaka Coast	Matapouri Estuary Reserve - boat launching area	tbc
One Tree Point/Marsden Bay	Beach and foreshore from Northport at Ralph Trimmer Drive to Mair Road	tbc
Tutukaka Coast	Ngunguru - Kauakarangi Bay sandspit (opposite Ngunguru School)	tbc

3. Dogs are allowed under control off a leash

3.1 On the following reserves/parks:

Location	Attachment 1 Map #
Anzac Park	NA
Barge Showgrounds - <i>main fields from road boundary to wetlands</i>	tbc
Beazley Park	NA
Blacksmith's Creek Walkway - <i>open grass area from beginning of walkway eastward to second bridge</i>	tbc
Cairnfield House parklet	NA
Cairnfield Reserve	NA
Cobham Place Reserve	NA
Corks Road/Amber Drive reserve	NA
Deveron Reserve	NA
Elgin Place Reserve	NA
Gillingham Road - Waitaua Stream Reserve	NA
Hodges Park	NA
Korau Road Reserve - grass area beyond low fence	NA

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Lower Panorama Drive Reserve	NA
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	NA
Moody Ave Reserve	NA
Nottingham Road Reserve	NA
Okara – Former Old Boys rugby grounds playing fields	NA
Pah Road Reserve	NA
Raumanga Valley Scenic Reserve - <i>grass area west of playground</i>	<i>tbc</i>
Raurimu Avenue Park	NA
Riverside Reserve	NA
Ross Street Park	NA
Shearwater Reserve	NA
Station Road Reserve	NA
Tamingi Street Reserve	NA
Tarewa Park - <i>grass area at southwestern end of park beyond footpath</i>	<i>tbc</i>
Tauroa Reserve	NA
Te Paka Reserve	NA
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>	NA
Waiarohia Reserve	NA
Waikaraka Beach Road grass area (road reserve)	<i>tbc</i>
Whale Tail Park/Kopipi Reserve	NA

3.2 On the following beach and foreshore areas:

Area	Location	Attachment 1 Map #
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>
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	Ngunguru - beach and foreshore area from south-eastern end of Kauakarangi Bay sandspit southeastward to the beginning of the Whangaumu lookout walkway	<i>tbc</i>
Tutukaka Coast	Ngunguru Estuary - Village side - foreshore area from opposite public toilets northward to opposite shops	<i>tbc</i>
Tutukaka Coast	Tutukaka Marina Beach	<i>tbc</i>
Whananaki North	Foreshore area between boat ramps	<i>tbc</i>
Whangarei Heads	Waikaraka Beach Road foreshore area	<i>tbc</i>

Attachment 2

4. Dogs are prohibited

4.1 On the following reserves/parks:

Location	Attachment 1 Map #
AH Reed Park - <i>excluding Hatea River Walkway - Elizabeth Track</i>	NA
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	NA
Dip Road Reserve (Kamo)	NA
Elgin Place Bush Reserve (Kamo)	NA
Granfield Place Reserve (Kamo)	NA
Kauri Mountain Reserve	NA
Kauri Mountain Trail	NA
Kukupu Road Reserve (Matapouri)	NA
Magnolia Avenue Bush Reserve (Kamo)	NA
Matakohe/Limestone Island	NA
Maungatapere Bush Reserve	NA
McLeod Bay Reserve (opposite Fire Station)	NA
Mt Aubrey - Reotahi Walkway & Mt Aubrey Walkway	NA
Neptune Drive Reserve (McLeod Bay)	NA
Parihaka Mountain Bike Park - <i>all mountain bike trails</i>	<i>tbc</i>
Parihaka Reserve	NA
Pukenui Forest	NA
Tutukaka Lighthouse Walk - Kukutauwhao Island	NA
Whale Bay/Matapouri Reserve	NA
Whananaki Coastal Walkway	NA
Whananaki Sandspit	NA
Whangārei Quarry Gardens	NA

4.2 On the following beach and foreshore areas and wetlands:

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>





Attachment 2

Kauri Mountain	Kauri Mountain Beach, from Awarua Rock southward to rocky outcrop at northern end of Ocean Beach	<i>tbc</i>
Port Whangarei	Kioreroroa Road Wetlands/Limeburners Creek Walkway – <i>all wetland areas not part of the walkway</i>	<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>

Attachment 2





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)
- 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		

Attachment 2

Related Information – Maps

DRAFT

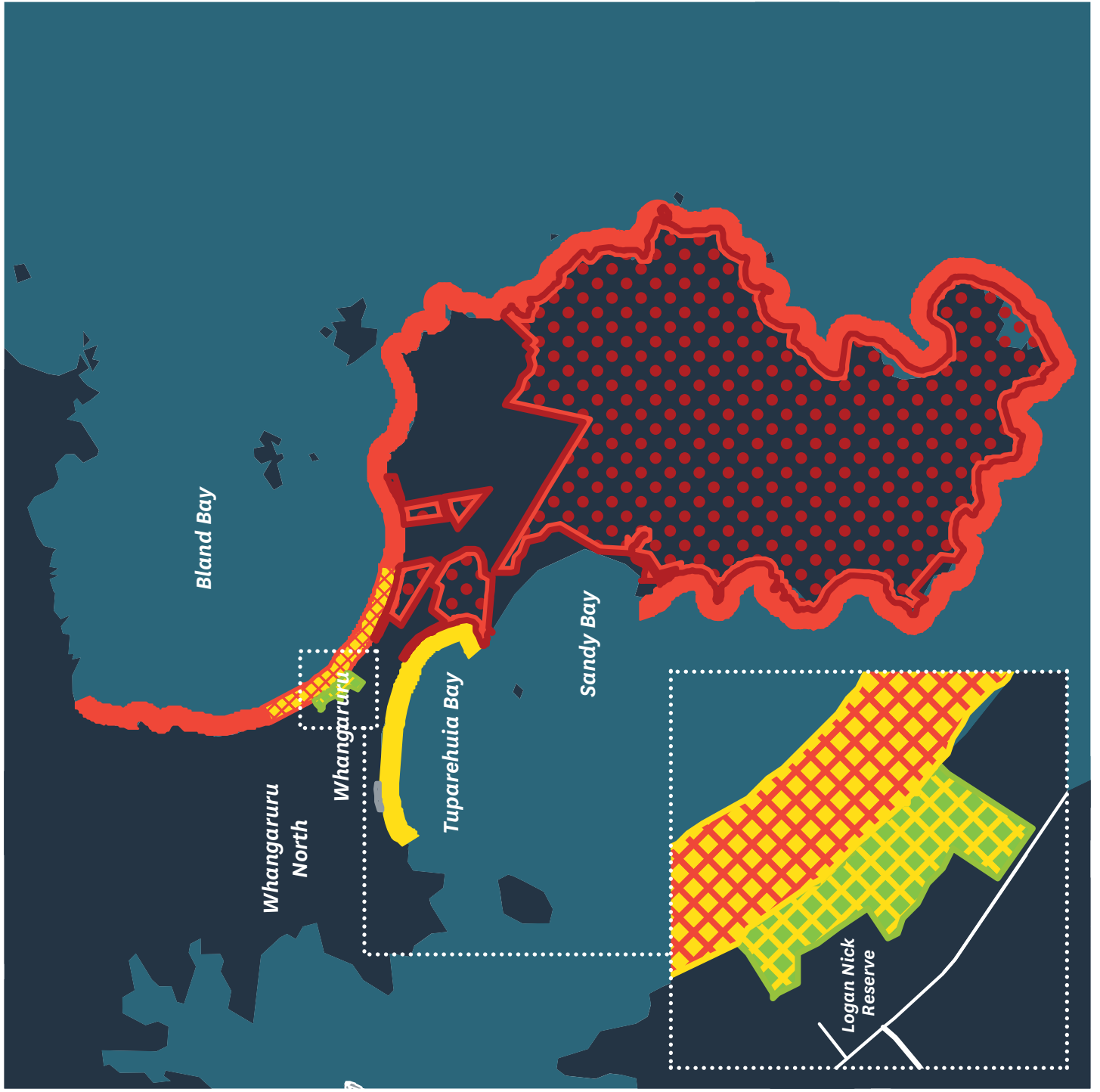
KEY

On-leash

Off-leash

Prohibited





KEY



On-leash



Prohibited



On-leash, except prohibited
9am-5pm 20 Dec to 31 Jan



Off-leash, except on-leash
9am-5pm 20 Dec to 31 Jan

DOC Public Conservation Land



Controlled dog area - permit



Controlled dog area - no access



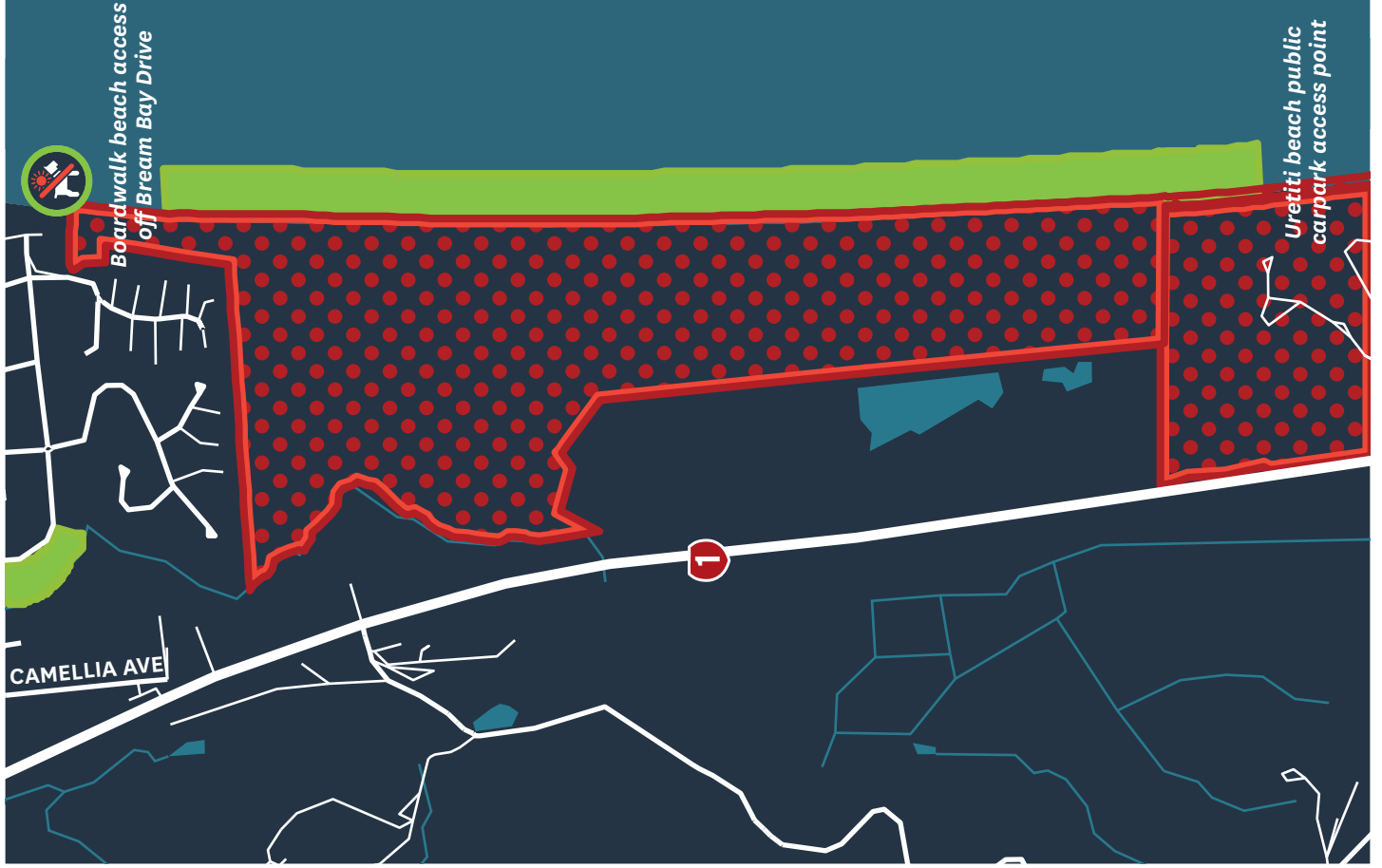
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DOC Public Conservation Land



- On-leash
- Off-leash
- Off-leash, except prohibited
9am-5pm 20 Dec to 31 Jan
- DOC Public Conservation Land**
- Controlled dog area - no access



KEY



Off-leash



Prohibited



Off-leash, except prohibited
9am-5pm 20 Dec to 31 Jan

DOC Public Conservation Land



Controlled dog area - no access



KEY



Off-leash



Prohibited



Off-leash, except prohibited
9am-5pm 20 Dec to 31 Jan



Controlled dog area - no access



KEY

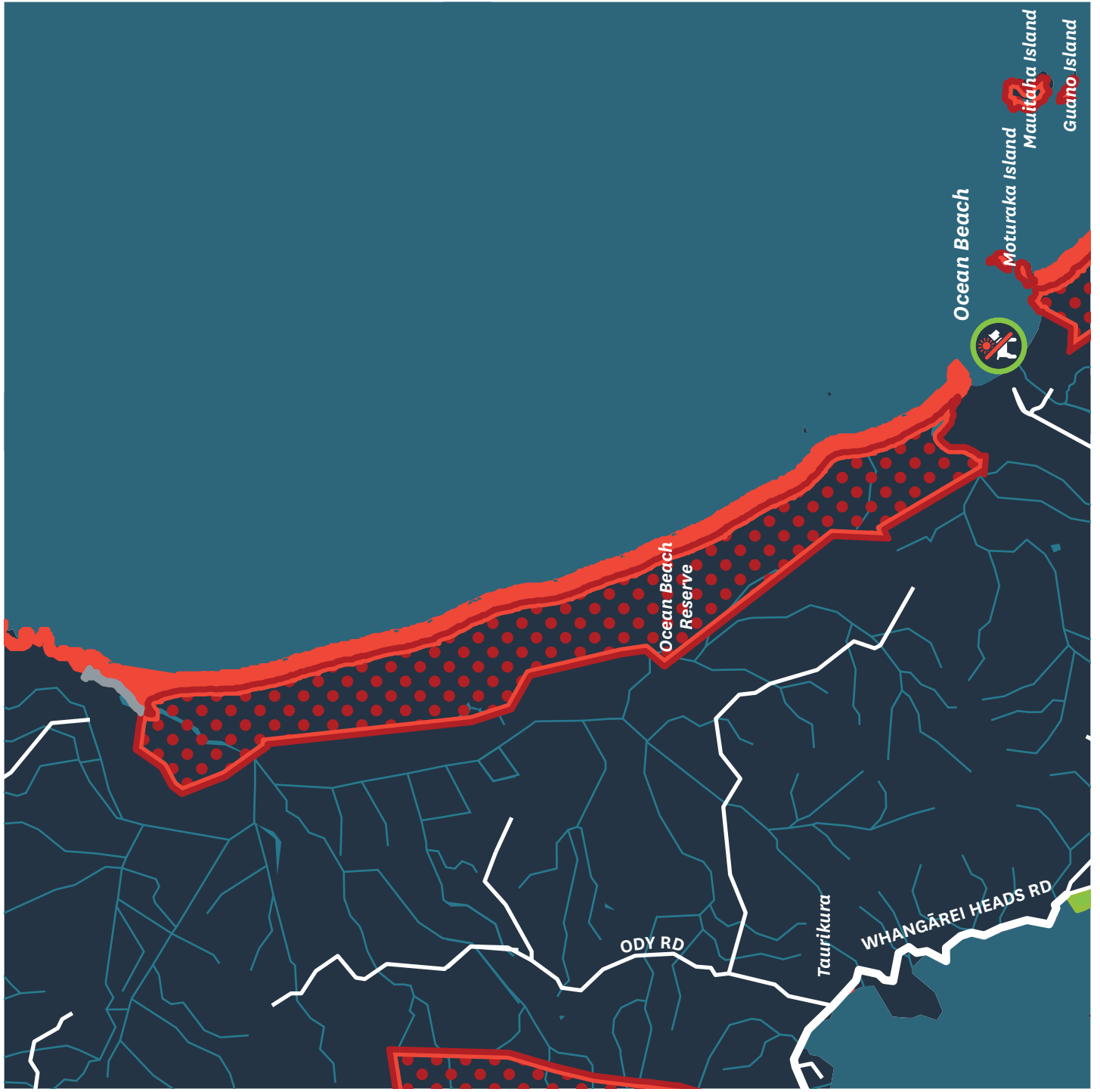
Off-leash

Prohibited

Off-leash, except prohibited
9am-5pm 20 Dec to 31 Jan

DOC Public Conservation Land

Controlled dog area - no access



KEY



Off-leash



Prohibited



Off-leash, except prohibited
9am-5pm 20 Dec to 31 Jan

DOC Public Conservation Land



Controlled dog area - permit



Controlled dog area - no access



KEY

On-leash

Off-leash

Prohibited



KEY



On-leash



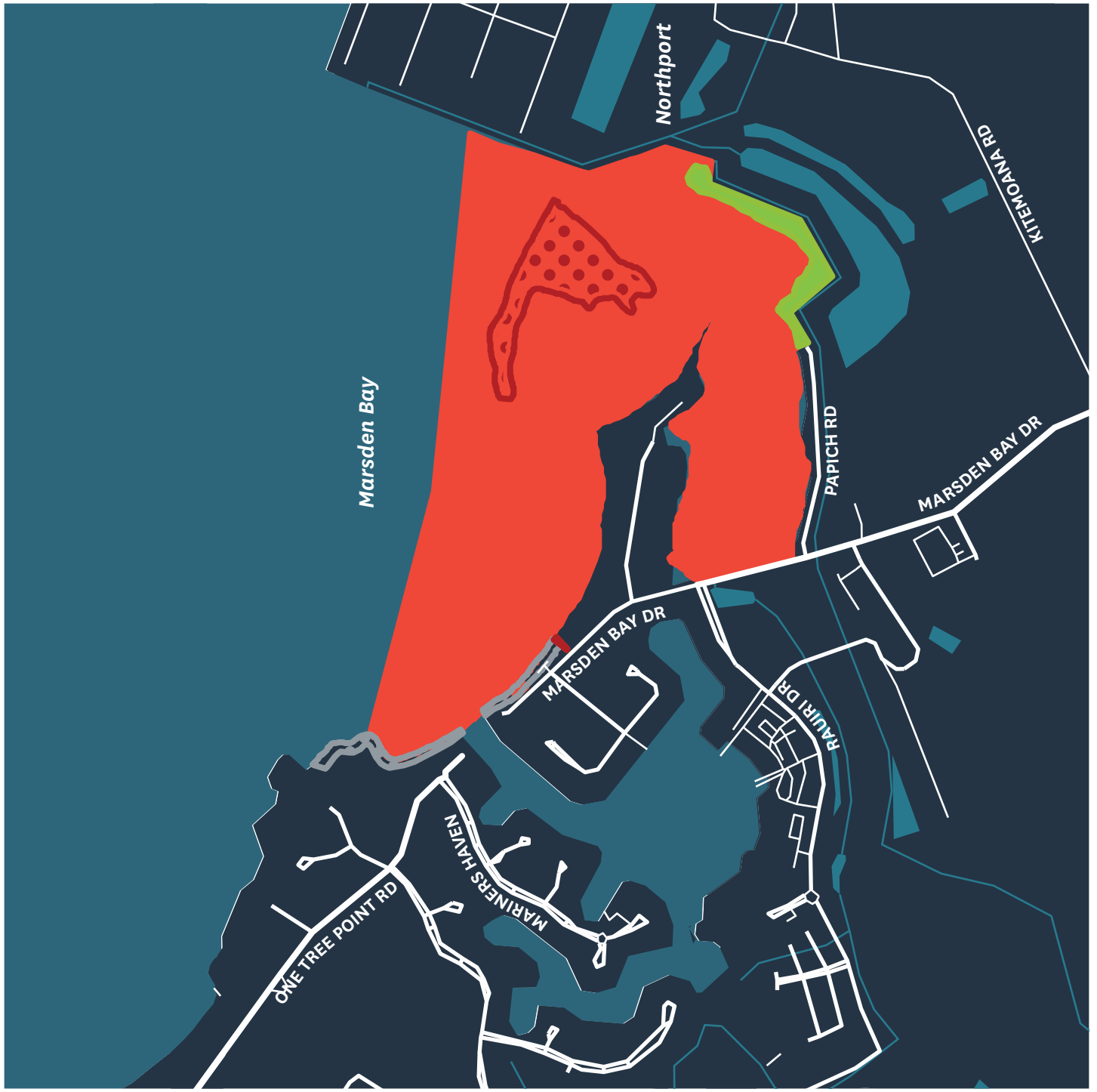
Prohibited

DOC Public Conservation Land



Controlled dog area - no access





KEY



Off-leash



Prohibited

DOC Public Conservation Land



Controlled dog area - no access



KEY



On-leash



Prohibited



Off-leash, except prohibited
9am-5pm 20 Dec to 31 Jan

DOC Public Conservation Land



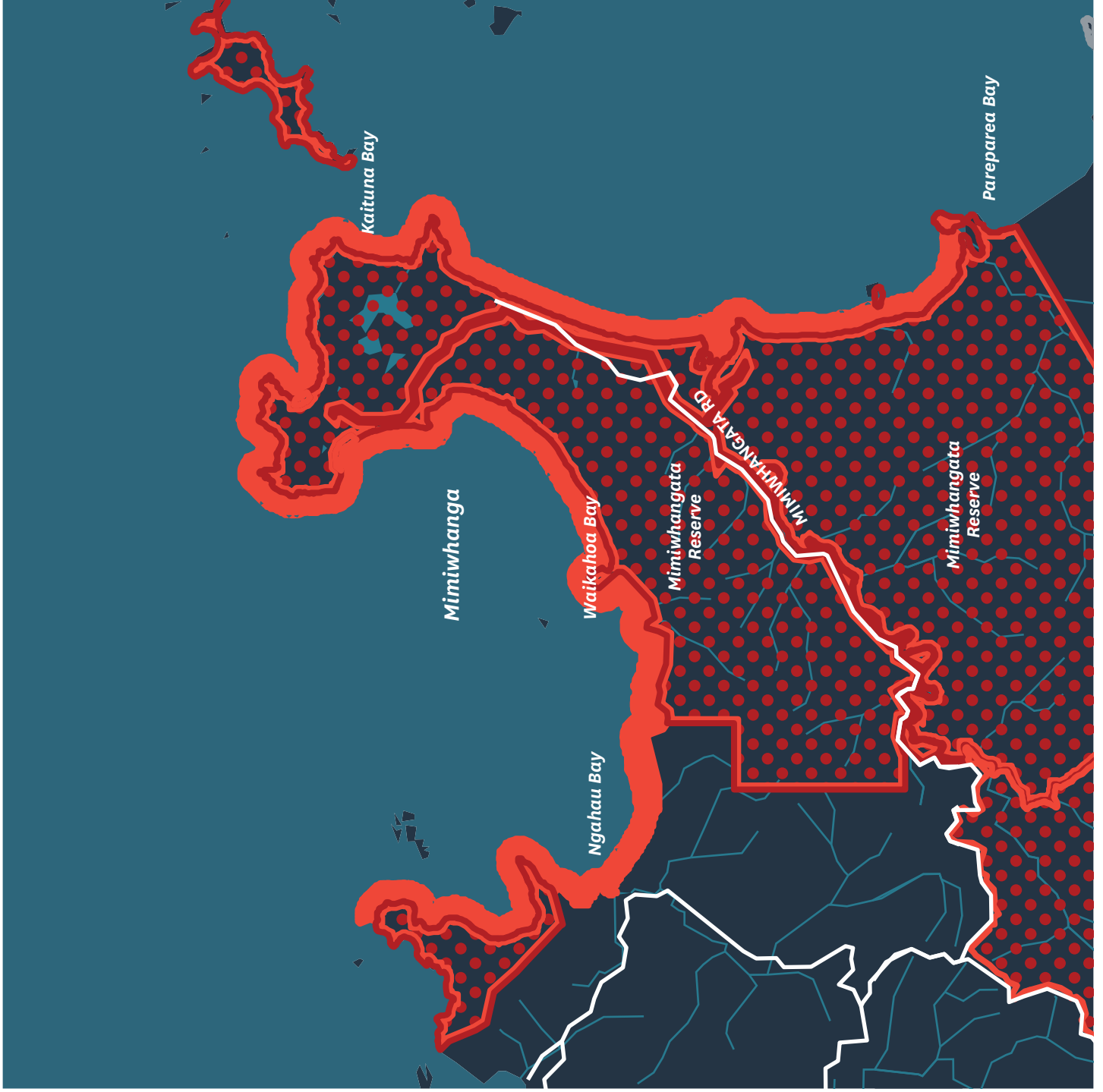
Controlled dog area - no access

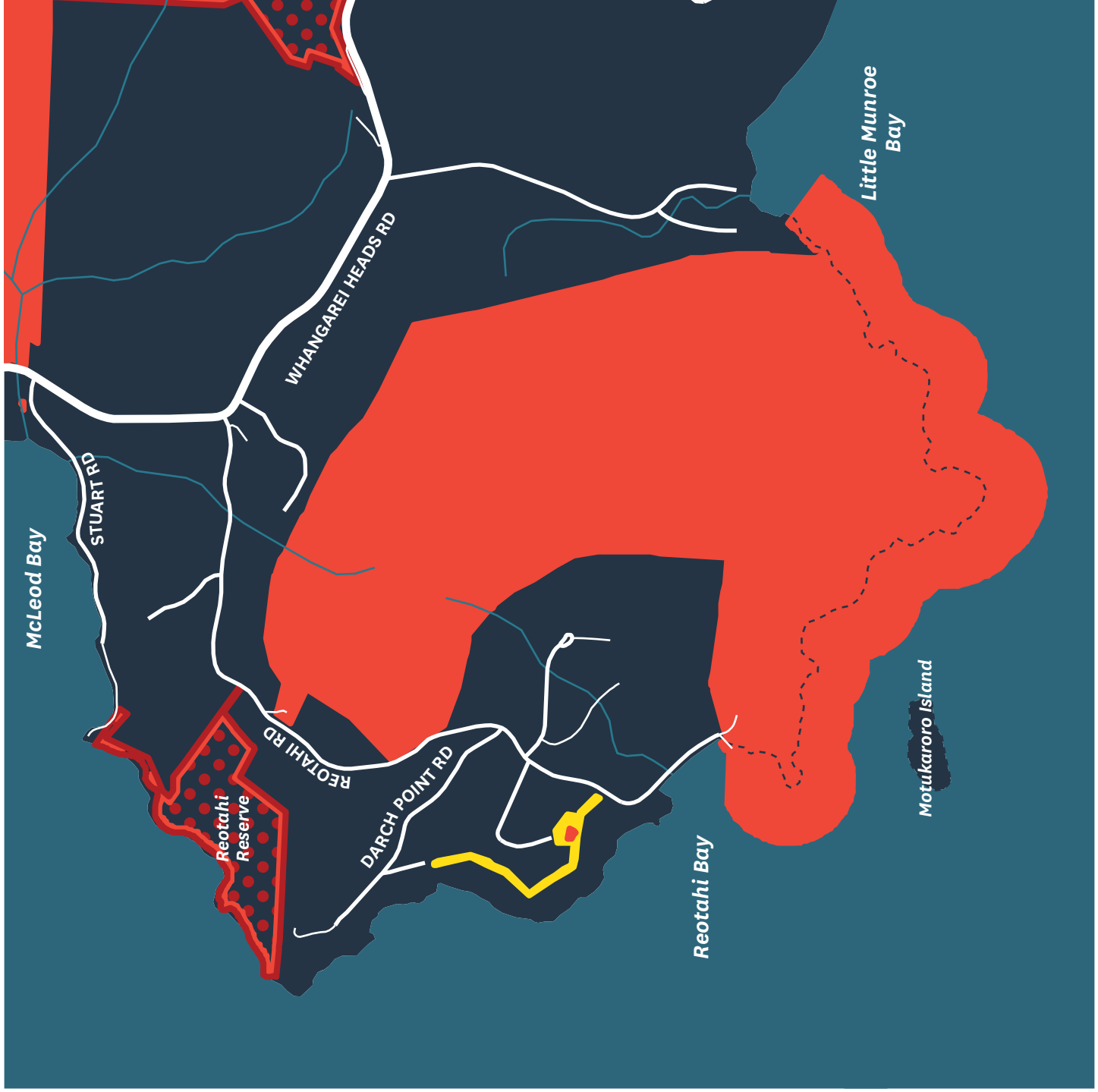
KEY

Prohibited

DOC Public Conservation Land

Controlled dog area - no access





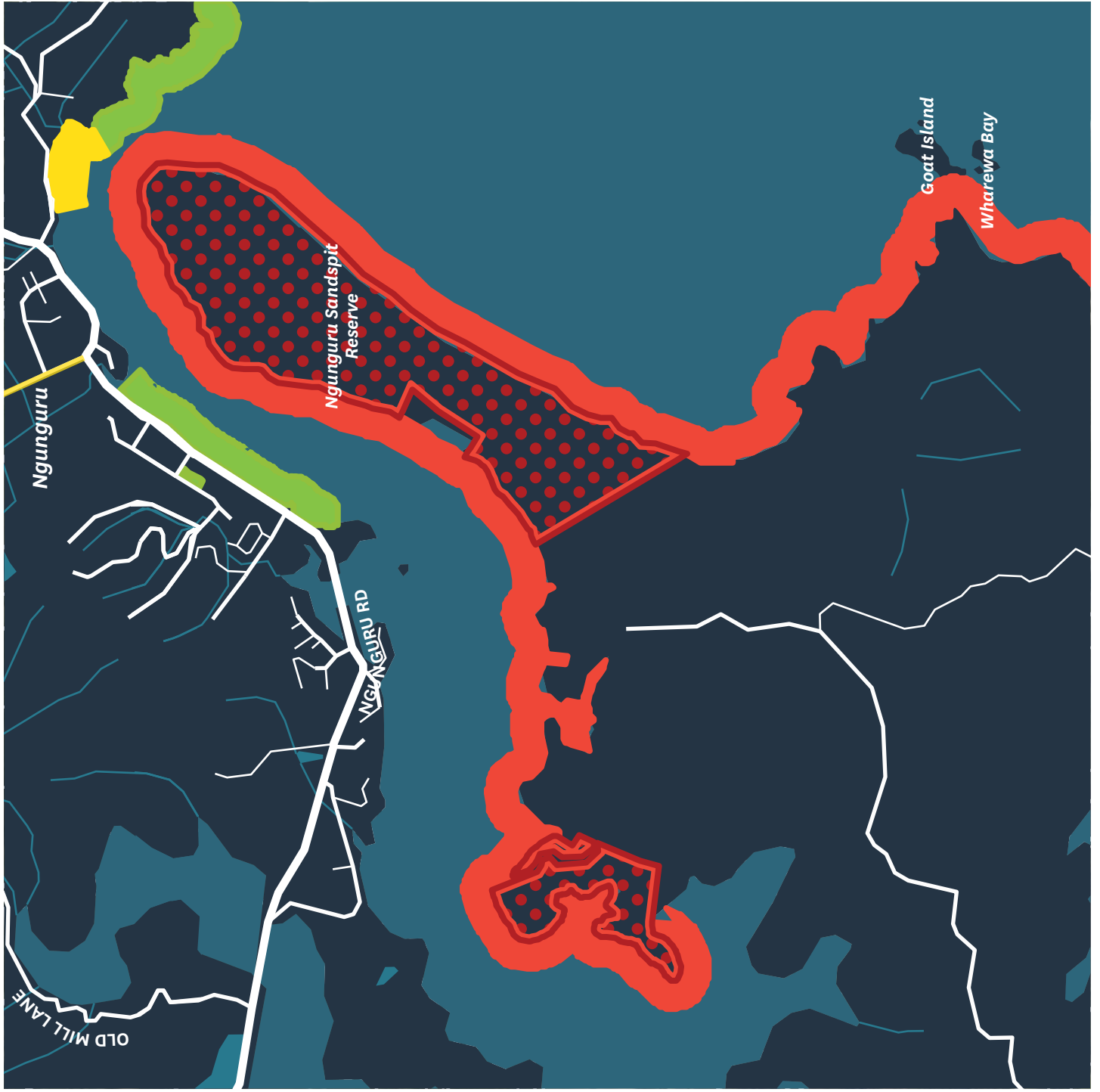
KEY

On-leash

Prohibited

DOC Public Conservation Land

Controlled dog area - no access



KEY



On-leash



Off-leash



Prohibited

DOC Public Conservation Land



Controlled dog area - no access



KEY



On-leash



Off-leash



Prohibited

DOC Public Conservation Land



Controlled dog area - no access







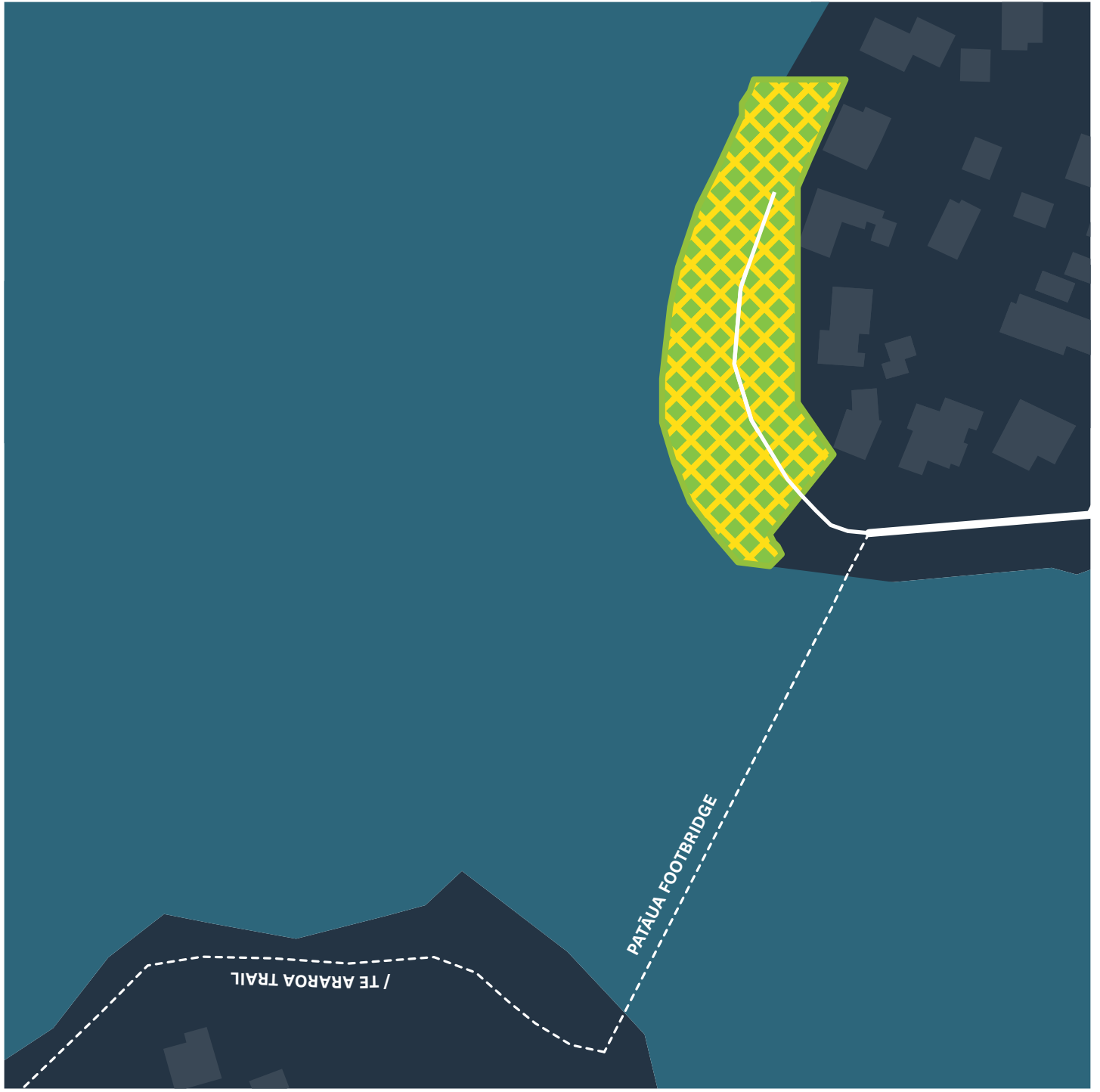
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On-leash

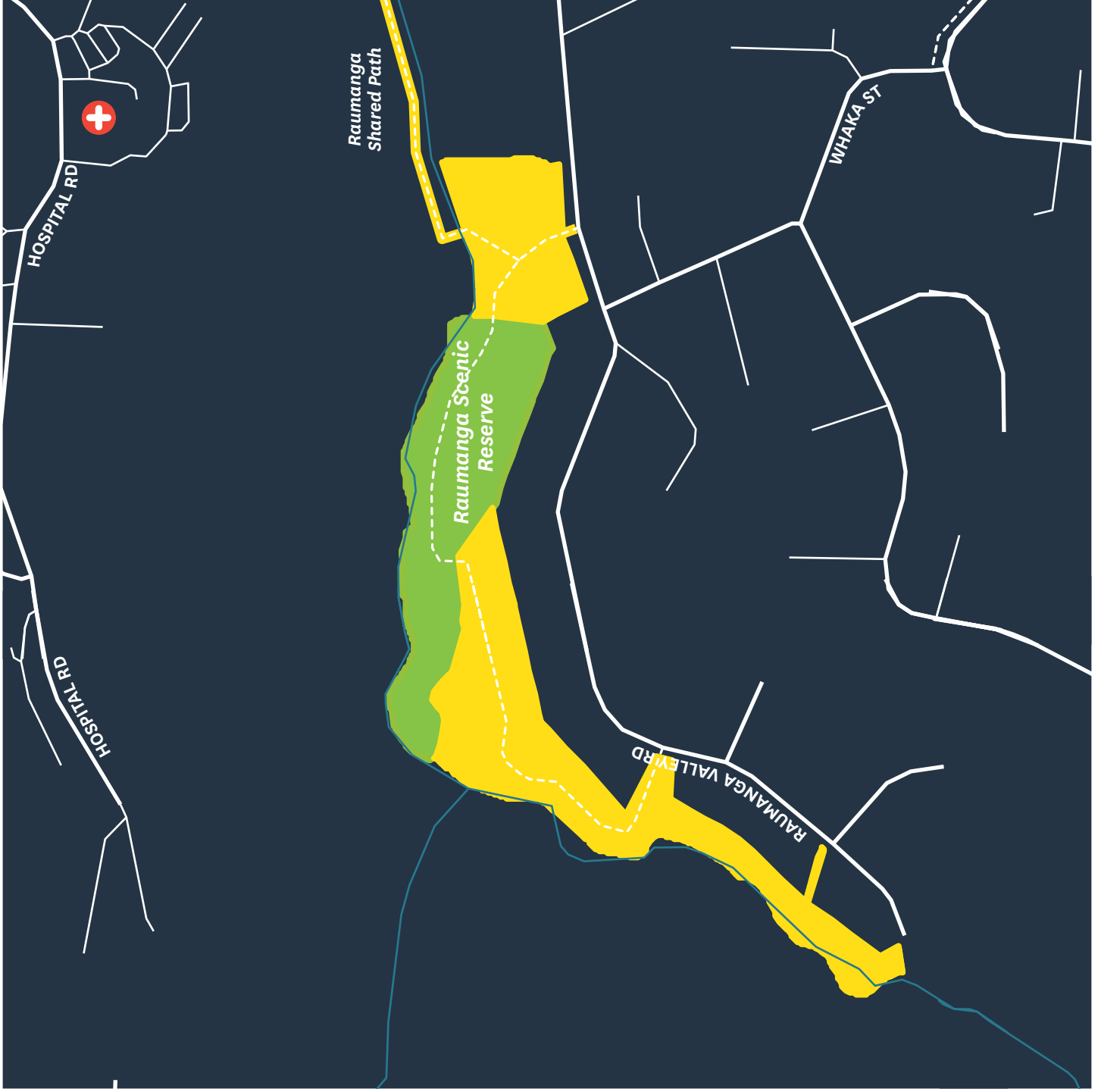


Off-leash, except on-leash
9am-5pm 20 Dec to 31 Jan



KEY

- On-leash
- Off-leash
- Prohibited



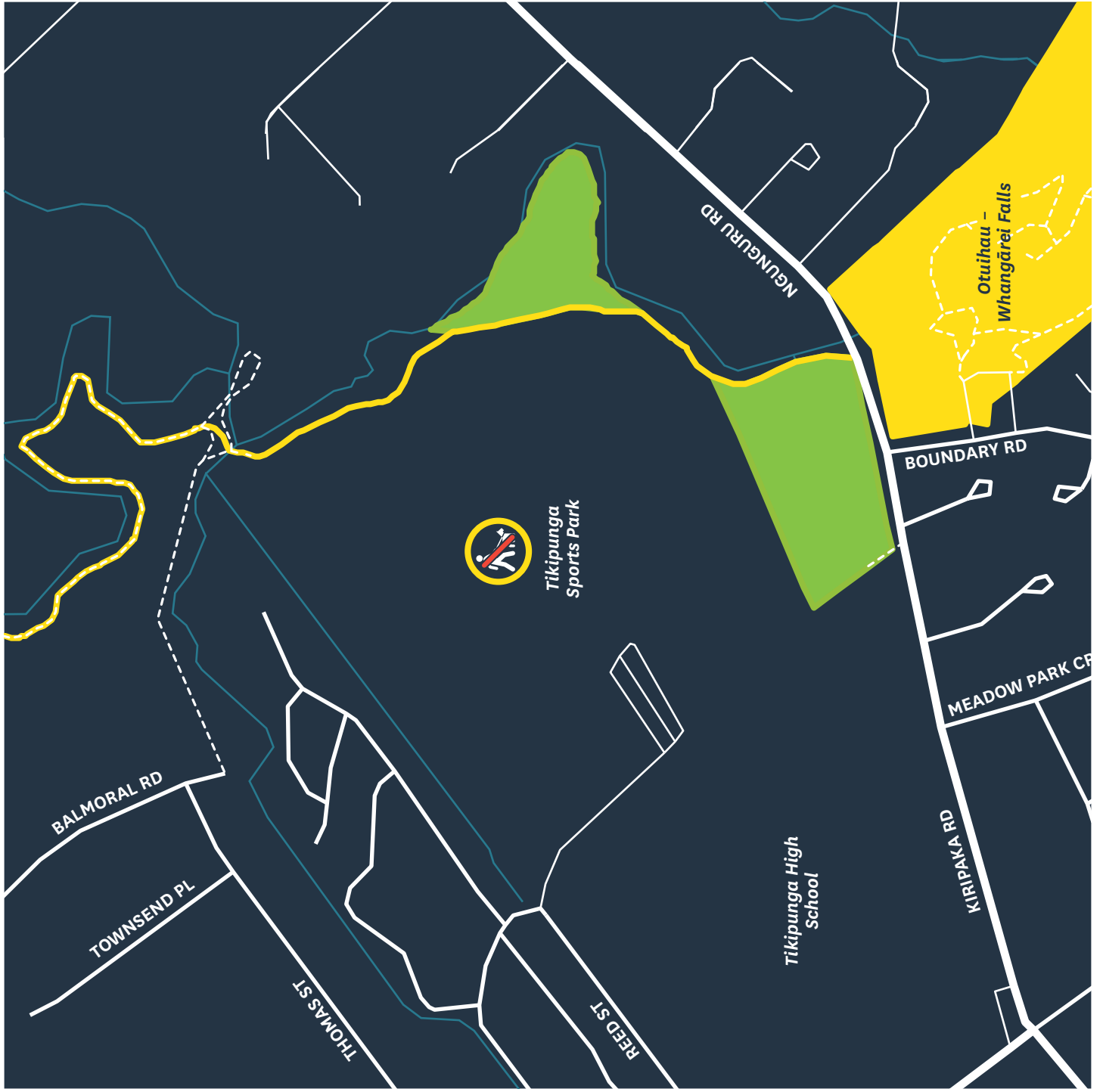


KEY

 On-leash

 Off-leash

 Prohibited



KEY



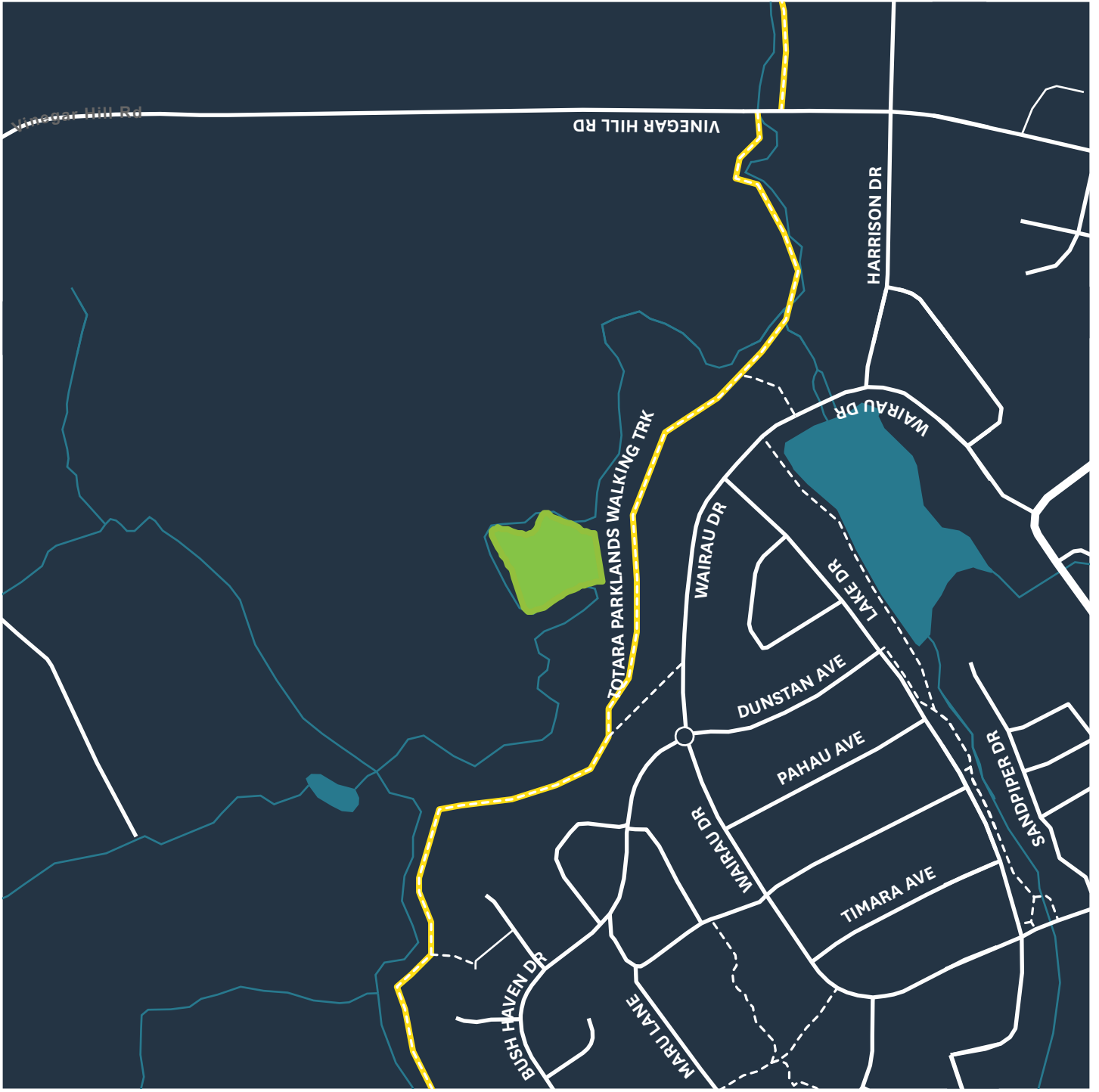
On-leash



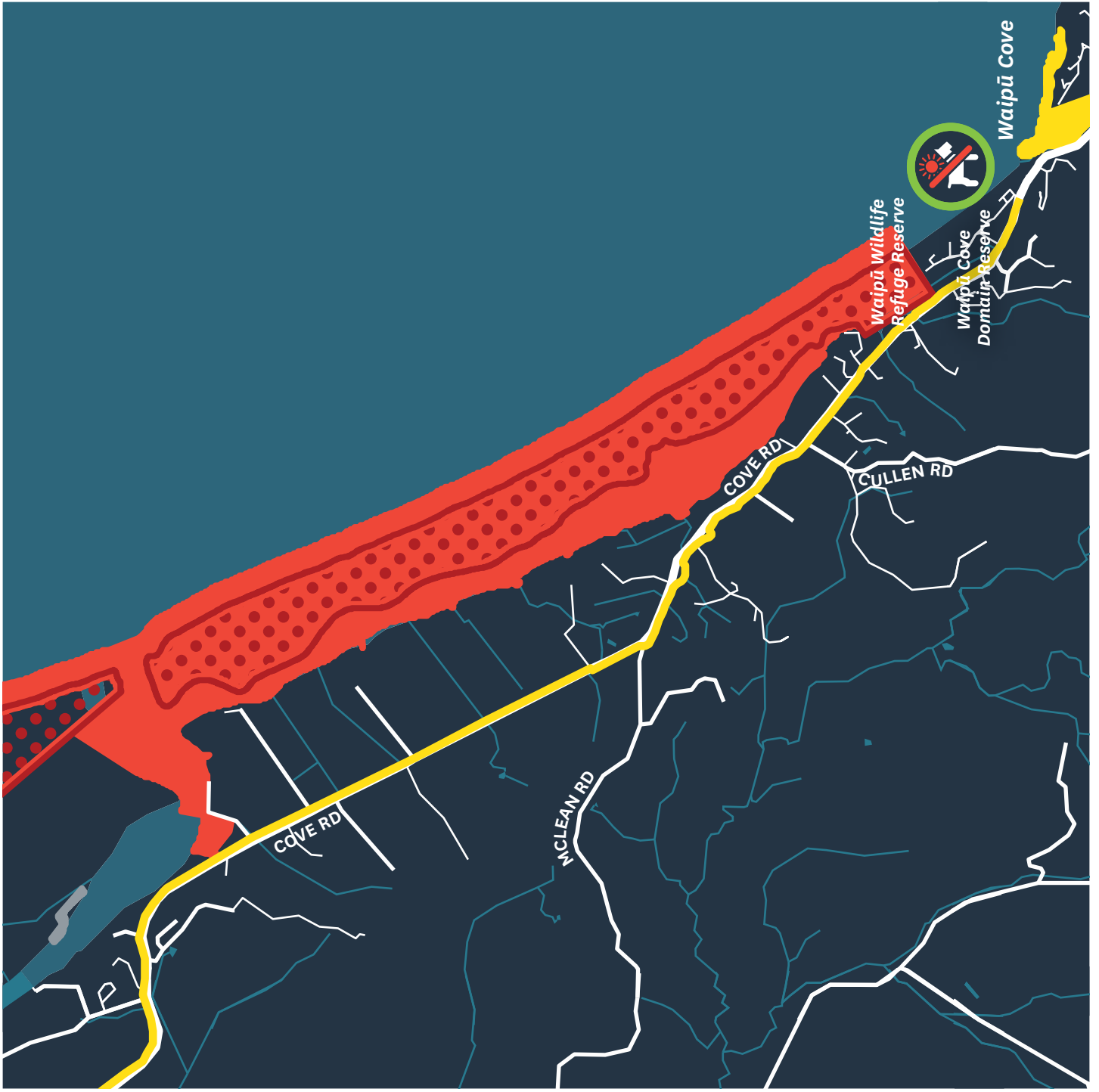
Off-leash



Prohibited on marked
sportsfields, otherwise on-leash







KEY



On-leash



Prohibited



Off-leash, except prohibited
9am-5pm 20 Dec to 31 Jan

DOC Public Conservation Land



Controlled dog area - no access



KEY



DOC Public Conservation Land





KEY



DOC Public Conservation Land



Whangarei District Council

Dog Management Bylaw 2024

draft

Appendix 2

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Appendix 2

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 Dog Management Policy 2024 by:
- a. prohibiting dogs, whether under control or not, from specified public places;
 - b. requiring dogs to be controlled and on a leash in specified public places;
 - c. regulating and controlling dogs in any other public place;
 - d. 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;
 - e. requiring any female dog in season or dog with an infectious disease to be excluded from public places;
 - f. requiring the owner of any dog which has not been kept under control on more than one occasion to be neutered; and
 - g. 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 not included in clause 5.2 below, has, for the purposes of this Bylaw, the same meaning as in [section 2](#) of the Dog Control Act 1996.
- 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:

- 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,

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	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 Bylaw.
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 Act.
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 Dog Management Policy 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 of the Act.
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: <ol style="list-style-type: none"> a line parallel to the road that follows any physical separation between the road and park (e.g. fence or bollards); or

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- 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 Act.

- 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.

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.

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- 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 [section 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;
 - publicise the temporary change in a manner that Council considers appropriate in the circumstances; and
 - clearly indicate the area subject to the temporary change by 1 or more clearly legible signs affixed in 1 or more conspicuous places on, or adjacent to, the place to which the temporary change relates, unless it is impracticable or unreasonable to do so.

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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:
 - a. the dog has not been kept under control on more than one occasion within a 24-month period; and
 - b. an infringement notice has been issued at least twice for a matter relating to subclause 12.1(a); or
 - c. 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:
 - a. may, within 14 days of receiving the notice, object to the requirement by writing to Council; and
 - b. 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:
 - a. the evidence which formed the basis for the requirement;
 - b. the matters relied upon in support of the objection; and
 - c. 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:
 - a. its determination on the objection; and
 - b. the reasons for its determination.

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.

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- 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 Act, the owner may request the classification be reviewed after a 24-month period if:
- the owner provides evidence of a dog behavioural assessment report, at the owner's expense; and
 - 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.

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.

6.7 CON21015 Port Road Bridge Widening & Kioreroa Road Intersection Upgrade - Contract Variation No.2

Meeting: Whangarei District Council
Date of meeting: 28 March 2024
Reporting officer: Jim Sephton, GM Infrastructure
 Mark Seakins, Project Manager, NTA

1 Purpose / Te Kaupapa

To approve a variation to CON21015 Port Road Bridge Widening and Kioreroa Road Intersection Upgrade to increase the contract value by \$501,000.00 to \$14,820,053.22 exclusive of GST and seek retrospective approval of proactive Out of Scope work as part of Contract21015.

2 Recommendation/s / Whakataunga

That the Council

1. Note that the Port Road Bridge Widening and Kioreroa Road Intersection Upgrade Projects have been substantially completed on time and \$575,000 under approved Contract Value for in scope work.
2. Note that as part of the project, additional out-of-scope urgent work has been proactively undertaken to renew other Council Assets whilst the site is available which minimises future disruption, delivers needed renewals and efficiently deliver the programme.
3. Note that there was no budget in the current year for this out-of-scope work and therefore it is to be treated as Unbudgeted Capex. Projects signalled in the Draft 2024 LTP can now be removed as they have already been constructed.
4. Agree to retrospectively approve the out-of-scope urgent work as part of Contract 21015 and recognise that this will be unbudgeted capex.
5. Agree to retrospectively approve unbudgeted spend for Urban Intersection Upgrades of \$1,848,287, acknowledging that \$5m of the budget was deferred in the preparation of the 2023/24 Annual Plan under the premise these funds could be 'brought forward' if required.
6. Agree to increase the contract value for the Port Road Bridge Widening and Kioreroa Road Intersection Upgrade (CON21015) by \$501,000.00 to \$14,820,053.22 (Fourteen Million, Eight Hundred and Twenty Thousand, and Fifty Three Dollars and Twenty Two Cents) excluding GST.

3 Background / Horopaki

Contract 21015 for the Port Road Bridge Widening and Kioreroa Road Intersection Upgrade was tendered in 2021 and the preferred tenderer was United Civil Construction Ltd. The contract was broken into three Separable Portions as described in the table below:

Separable Portion	Description	Funded by
1	Bridge construction	MBIE (funding approved)
2	Approaches to the new bridge	MBIE (funding approved)
3	Port Road / Kioreroa Road Intersection upgrade	WDC/Waka Kotahi (funding approved)

Separable Portions 1 and 2 for the Port Road Bridge Widening component of the works were awarded to United Civil Construction Ltd on 23 July 2021 for \$7,319,053.22 excluding GST. This work was completed successfully and officially opened on 29 November 2022

Separable Portion 3 for the Port Road / Kioreroa Road Intersection Upgrade was approved by Council on 9 February 2023 with a Contract Value of \$7,000,000 excluding GST based on the Engineers Estimate. The budget for the project was available through Urban Intersection Upgrades LTP Indicator line.

The final value of the construction of the 3 phases is likely to be \$13,744,053.22 which is \$575,000 less than the approved contract budget.

In preparation of the 2023/24 Annual Plan, there were concerns about the deliverability of the Annual Plan and some budgets were deferred into Year 4 of the 2021 Long Term Plan. This includes \$5m of Urban Intersection Budgets.

LTP 21 Activity Description	Project Description	Sum of Deferred to Future Years
Community Facilities and Services	Abbey Caves Walkway	258,456
	FN Theatre Carpet Renewal	107,690
	Groyne/Breakwater One Tree Point Boat Ramp	94,614
	Marine Hub & Carpark	64,068
	NEC Roof Canopy Replacement	10,000,000
	Pensioner Housing New	1,500,000
	whananaki Wharf	605,285
Community Facilities and Services Total		12,630,113
Governance and Strategy	Commercial Property Purchases	4,307,600
	New Airport Evaluation Project	900,000
Governance and Strategy Total		5,207,600
Support Services	Application and System Upgrades	14,800
	Council Vehicle Replacements	325,000
	Office Furniture - Health & Safety	55,225
Support Services Total		395,025
Transportation	Cameron St to Waiarohia/Okara Connection*	390,000
	Cycleways/Shared Paths	3,000,000
	LCLR - PT Infrastructure	1,600,000
	Lower James St Upgrade - BUDGET	402,207
	Parking Meters New & Renewals	500,000
	Re-surfacing Off Street Carparks	323,070
	Seal Extension - Unsubsidised	1,534,582
	Springs Flat Roundabout	2,000,000
	Urban Intersection Upgrades	5,000,000
	Waterfront to City Centre Connection - John St Package	2,129,647
Transportation Total		16,879,506
Grand Total		35,112,244

Following Council approval to award Separable Portion 3 negotiations were finalised with the contractor and being within the approved Contract Value, the work was undertaken. This was in line with the Council Paper - *“Engineer to Contract will award Separable Portion 3 of the Port Road / Kioreroa Road Intersection Upgrade in two phases: Separable Portion 3A for*

the completion of drainage and earthworks elements and Separable Portion 3B for the remaining works”.

Additional Out-Of-Scope work was subsequently confirmed and following evaluation by the Project team it was varied into the contract through the Engineer to Contract. This was to allow essential work to be completed and avoid construction in future years once the roundabout is complete.

Out of scope work in the construction area should have been identified in the Business Case and included in the original scope. Some of the out of scope work was included as asset condition (including leakage) became known. It was agreed to include these urgent works whilst the roundabout was being constructed.

The project is now substantially complete with the roundabout completed and operational, with only the pedestrian crossings and Kiwirail railway crossing still to be completed.

The approved Contract Value for CON21015 to date is \$14,319,053.22 excluding GST. Total claims to date are \$14,317,766. **No further payments can be made until the Contract Value is increased.** The final value of works is expected to be \$14,820,053.22 requiring an increase of \$501,000.00.

This recognises that the construction of the roundabout scope was circa \$500k below the Contract Value which partly offsets the increase to accommodate urgent out-of scope work.

4 Discussion / Whakawhiti kōrero

4.1 Out-of-scope work

The original tender included rates for other activities including utility work. To make most effective use of the traffic management in place and to avoid digging up the road in the future, works for other assets have been undertaken as part of this Contract.

This is a change in scope and Council approval should have been sought to increase the Contract Value before the works were undertaken. However due to the pace of the project (completion before Christmas 2023) this did not occur and therefore retrospective approval is being sought.

Value for money was demonstrated by utilising rates established within the contract and also making use of existing traffic management and overhead costs funded through the transport project. The approval of the variation was through NZS3910 Contract process and approved by the Engineer to Contract.

Out-Of-Scope items not approved by Council in the Contract Value

Description	Value	Council Department
Onerahi to Kioreroa sewer main future proofing	\$433,000	Waste & Drainage
Kioreroa Road Watermain Upgrade	\$285,000	Water
Kioreroa Road Pavement Rehabilitation	\$257,000	Roading
Flood gates on Port Road Outfalls	\$101,000	Waste & Drainage's share
TOTAL	\$1,076,000	

Overall, there has been an extra \$1,076,000 spent on work that was not part of the original scope of the project but has been undertaken to upgrade or future-proof other assets that are not part of the roundabout project. By undertaking these works as part of the project, costs have been saved (by maximising traffic management) and we will not have to disturb the roundabout in the future to carry out these works.

4.2 Contract Value

The Contract Value needs to be increased by approximately \$501,000.00 which recognises:

- Coming in \$575,000 under contract value on the Roundabout Project
- Using the Contract to undertake additional works of \$1.076m as detailed above.

Overall this is a good news story. We have managed to complete the roundabout on time and without the additional scope items, \$575,000 below the Contract Value. We have been able to proactively undertake upgrading and future proofing for Council Assets as part of the project.

Council approval should have been sought to increase the Contract Value and approve the additional unbudgeted scope before undertaking the works. System improvements are being investigated to reduce the risk of this happening again.

We are seeking approval to increase the value of Separable Portion 3 by \$501k to \$7,501,000 excluding GST which enables these additional works to be executed through the contract.

Contract Breakdown

Existing Contract value	\$14,319,053.22
Variation Value	\$501,000.00
New Contract value	\$14,820,053.22

4.3 Financial/budget considerations

Out-Of-Scope work will be shown as un budgeted Capex

- The cost of the Onerahi sewer line work has already been transferred to the Wastewater Activity and is recorded as an overspend in the Sewer Network Upgrades LTP Indicator
- The Kioreroa Road pavement rehabilitation has been transferred to the Roding rehabilitation budget.
- The Port Rd floodgate works will be transferred to the Stormwater Activity and recorded as an over-spend in the Stormwater Renewals line.
- The Kioreroa Road Watermain Upgrade will be transferred to the Water Activity and will be recorded as an over-spend against the Reticulation – Programmed works.

It is noted that the Draft LTP 2024-34 includes the Kioreroa Road Watermain Upgrade. This project will be removed from the Final LTP.

\$5m of Urban Intersection Improvement budget was deferred as part of the 2023-24 Annual Plan budgeting process. Due to the timing of the LTP cycle, the standard approach to bring

funding forward is not achievable. As a result a recommendation is included within this agenda to approve \$1,848,287 as unbudgeted spend.

4.4 Policy & Planning Implications

No implications

4.5 Risks

There is a process risk in that approval to increase the scope of the project and increase the Contract Value should have been undertaken prior to the works happening.

There is a risk that the water and wastewater budgets do not have sufficient funds for these works. It is noted that there are sufficient funds in the reserves to cover these projects.

The risk of not increasing the Contract Value is that we will not be able to pay for completed work.

5 Significance and engagement / Te Hira me te Arawhiti

5.1 Significance

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via the publication of this Agenda on the Council website.

As mentioned above, the Port Road / Kioreroa Road Intersection Upgrade is part of a package of work that has already been consulted on through the Council's Long Term Plan for 2021/31.

5.2 Engagement

Consultation with Te Parawhau (mana whenua of the area) has been undertaken for the Port Road project as part of the resource consent application, and they have carried out a cultural impact assessment for the project. The agreed recommendations from the cultural impact assessment have been implemented through the construction of the project.

RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
1.1	Confidential Minutes Whangarei District Council 28 March 2024	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	2023-24 Bad Debt to Write Off		
1.3	Contract Award – Three Mile Bush Reservoir Physical Works		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

Item	Grounds	Section
1.1	For the reasons as stated in the open minutes	
1.2	To protect the privacy of natural persons	Section 7(2)(a)
1.3	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

“That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item_____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because_____.

Note: Every resolution to exclude the public shall be put at a time when the meeting is open to the public.