

	<b>Dog Control Bylaw 2023</b> <b>Te Ture ā-Rōhe mō ngā Kaupapa Kuri</b>	
	Date made:	16 May 2023
	Operative date:	18 May 2023
	Next review date:	By or before 16 May 2028 (within 5 years of adoption date)
Under section 20 of the Dog Control Act 1996 and the Local Government Act 2002, the governing body of Thames-Coromandel District Council makes the following bylaw to implement the Policy on Dogs Kaupapa mō ngā Kuri.		

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## 1 Title

This bylaw is the Dog Control Bylaw 2023 Te Ture ā-Rōhe mō ngā Kaupapa Kurī.

## 2 Explanatory notes boxes

Text in boxes headed 'Explanatory notes' in this bylaw is included for information purposes only, and –

- (a) does not form part of this bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
- (c) may be inserted, amended or removed without any formality.

## 3 Commencement

This bylaw comes into force on 18 May 2023.

## 4 Application

This bylaw applies to the district of the Thames-Coromandel District Council as defined in the Local Government (Waikato Region) Reorganisation Order 1989, Gazette 1989, p 2460.

# Part 1: Preliminary provisions

## 5 Purpose

- (1) The purpose of this bylaw is 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.
- (2) This bylaw gives Council legal powers to implement the Thames-Coromandel District Council Policy on Dogs Kaupapa mō ngā Kurī.

## 6 Interpretation

In this bylaw, unless the context requires otherwise:

**Beach** means the foreshore and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation, but not including reserves or parks that are adjacent to the beach. For clarification, estuary areas that fit this definition are considered a beach under this bylaw.

**Control** in relation to a dog, means that the Owner is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means so that no dog can cause nuisance or danger to any person or other animal and cannot enter or interfere with private property and includes the physical ability to restrain all dogs in a person's possession.

**Council** means the governing body of the Thames-Coromandel District Council, or any person delegated to act on its behalf.

**Holiday Weekend** means any weekend which immediately precedes or follows a public holiday, and includes any public holiday as defined in the Holidays Act 2003 excluding weekends adjoining King's Birthday and Matariki.

**King's Birthday** means the birthday of the reigning Sovereign, observed on the first Monday in June, as defined in the Holidays Act 2003.

**Matariki** means the day on which a public holiday is observed to acknowledge Matariki (Te Rā Aro ki a Matariki/Matariki Observance Day) as defined in the Holidays Act 2003.

**Owner** has the same meaning as defined in section 2 of the Dog Control Act 1996.

### Explanatory notes

As at 28 October 2021, the Dog Control Act 1996 defines 'Owner' as:  
in relation to any dog, means every person who—

- a) owns the dog; or
- b) has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the

purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its Owner; or

c) the parent or guardian of a person under the age of 16 years who—

- i. is the Owner of the dog pursuant to paragraph (a) or paragraph (b); and
- ii. is a member of the parent or guardian's household living with and dependent on the parent or guardian;—

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

**Premises** 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.

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

**Public Place** has the same meaning as defined in section 2 of the Dog Control Act 1996.

**Explanatory notes**

As at 28 October 2021, the Dog Control Act 1996 defines 'Public Place' as:

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

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

**Sports Surface** includes any area developed or marked out as a sports field (including those used for soccer or rugby for example), artificial turf (including those used for hockey for example), court (including those used for netball or tennis for example), archery range or skateboard park.

**Working Dog** has the same meaning as defined in section 2 of the Dog Control Act 1996.

**Explanatory notes**

As at 28 October 2021, the Dog Control Act 1996 defines 'Working Dog' as:

(a) any disability assist dog:

(b) any dog—

(i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence, or any officer or employee of any such department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the department of State or that constable, officer, or employee; or

(ii) kept solely or principally for the purposes of herding or driving stock; or

(iii) kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or

(iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or

(iva) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or

(ivb) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or

(ivc) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or

(v) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as

defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or  
(vi) declared by resolution of the territorial authority to be a Working Dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution

(2) The Legislation Act 2019 applies to this bylaw.

**Explanatory notes**

This means that words or phrases used in this bylaw that are defined in the Legislation Act 2019 have the meanings given in that Act. For example, section 13 of that Act defines "person" as "includes a corporation sole, a body corporate, and an unincorporated body".

## **Part 2: Dogs in Public Places**

### **7 Exemption**

The restrictions provided for in clauses 8(2) and 9 of this bylaw do not apply in respect of Working Dogs when working, or any registered dogs taking part in a dog obedience class, exercise or a competition organised by a club or association that has obtained the prior written consent of Council.

### **8 Control of dogs in Public Places (on and off leash)**

- (1) The Owner of any dog must ensure that the dog is under Control at all times and must prevent the dog from wandering or remaining free in any Public Place.
- (2) Except as provided in Schedule 1 of this bylaw, the Owner of any dog in any Public Place must secure the dog by an effective leash or similar which keeps the dog under continuous Control.

**Explanatory notes**

As per section 54A of the Dog Control Act 1996, all dog Owners are required 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.

### **9 Prohibited areas**

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.

### **10 Temporary area restrictions**

- (1) The Council may, in its discretion and at any time, make temporary changes to Schedule 1 of this Bylaw to provide for—
  - (a) leisure and cultural events (including dog friendly events);
  - (b) protected wildlife that are vulnerable to dogs;
  - (c) flora that are vulnerable to dogs;
  - (d) pest control in any Public Place; and
  - (e) other circumstances of a comparative nature to subclause (1)(a) to (d) inclusive.
- (2) Any temporary change made under subclause (1) may be subject to conditions determined appropriate by Council and specified in the temporary change approval.
- (3) An Owner of a dog must adhere to all conditions of temporary area restrictions made under subclauses (1) and (2).

## **Part 3: Dog Owner responsibilities**

### **11 Minimum standards for accommodation**

Every Owner of a dog must, in respect of every dog in their care provide:

- (a) Adequate kennelling or other housing, ensure that it is located to provide adequate shade, warmth and dry conditions, and is of a sufficient size to allow the dog to move freely, stretch out, stand up or recline.
- (b) Proper care and attention, sufficient food and water, adequate exercise and ensure the provision of veterinary care when required.

### **12 Dog faeces**

An Owner of a dog that defecates in a Public Place or on land or Premises other than that occupied by the Owner must immediately remove all faeces deposited by that dog and dispose of them in an appropriate manner that does not cause a nuisance.

### **13 Dogs in or on vehicles**

- (1) An Owner who leaves a dog in a stationary vehicle must ensure that the dog does not display signs of shade-seeking behaviour, as well as one or more of the following signs consistent with heat stress -
  - (a) excessive panting;
  - (b) excessive drooling; or
  - (c) hyperventilation.
- (2) The Owner of a dog transported on the open deck or open trailer of a moving motor vehicle (other than a moped, a motorcycle, or an all-terrain vehicle) on a public road must -
  - (a) ensure that the dog is secured in a way that prevents it from falling off or hanging off the open deck or open trailer (for example, by using a tether or a cage); and
  - (b) if the dog is secured by a tether, ensure that the tether is short enough to prevent the dog's legs from reaching over the sides of the open deck of the vehicle or open trailer, but long enough to allow the dog to stand or lie down in a natural position.
- (3) Subclause (2) does not apply when Working Dogs are unsecured on the open deck or open trailer of a moving motor vehicle on a public road while involved in driving or managing livestock (for example, when moving livestock from one paddock to another that is down the road).

### **14 Diseased dogs**

- (1) No dog infected with a contagious disease may be exercised in any Public Place.
- (2) Every person in charge of a dog must ensure that any dog infected with a contagious disease is confined on their Premises in such a manner that it cannot leave the Premises, other than when being transported to a registered veterinary clinic for treatment.

### **15 Female dogs in season**

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.

### **16 Nuisances**

The Owner of any dog or the owner or occupier of any Premises where any dog is kept shall:

- (a) take adequate precautions to prevent any dogs from becoming a nuisance or injurious to health;
- (b) take such steps as are necessary to prevent any dog from being a nuisance to residents or livestock by barking, howling, obstructing, rushing or frightening people or livestock.

## Part 4: Enforcement, offences and penalties

### 17 Offence and penalty

- (1) Every person who fails to comply with this bylaw commits an offence under section 20(5) of the Dog Control Act 1996 and is liable on conviction to a fine not exceeding \$20,000 as set out by section 242(4) of the Local Government Act 2002.
- (2) A person who intentionally obstructs or impedes the Council in the exercise of its functions, powers or duties under this bylaw commits an offence under section 229 of the Local Government Act 2002.
- (3) This clause does not prevent the Council from having recourse to other legal remedies, as it sees fit, to enforce the provisions of this bylaw.
- (4) Every person commits an offence under this part of the bylaw who fails, refuses or neglects to do anything required to be done, or does anything prohibited by this bylaw, is liable to be served with an infringement notice pursuant to section 66 of the Dog Control Act 1996.

#### Explanatory notes

1. Council may also exercise functions, powers and duties directly under the Dog Control Act 1996.
2. Council can apply for an injunction under section 162 of the Local Government Act 2002 to prevent a person from committing a breach of this bylaw.

- (5) Any dog found at large in any place in breach of this bylaw whether or not the dog is wearing a collar having the proper label or disc attached, may be impounded.

## Part 5: Savings and transitional provisions

### 18 Review

Review of this bylaw will be undertaken in accordance with section 159 of the Local Government Act 2002.

## Schedules

### 19 Area rules

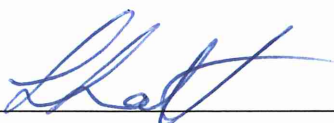
Schedule 1 lists the area rules for the purposes of this bylaw.

### 20 Amendment of Schedules


The Council may, by resolution:

- (a) add, amend or remove any Public Place from Schedule 1 and this bylaw shall apply to any Public Place amended or added to Schedule 1; and
- (b) add, amend or remove any restriction on dogs and their Owners accessing the Public Place in Schedule 1 and a breach of any restriction made or amended by Council is a breach of this bylaw.

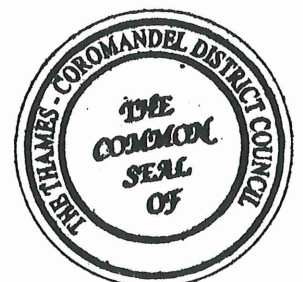
**Signed on Behalf of Thames-Coromandel District Council by;**

  
District Mayor

17/05/2023  
Date

  
Chief Executive

17/05/2023  
Date



# SCHEDULE 1: AREA RULES

Refer to the interpretation section for definitions including for Beach, Playground, Public Place, and Sports Surface.

AREA AND DESCRIPTION	Rules at all dates and times			Rules at certain dates and/or certain times	
	On leash and under control at all dates and times	Prohibited at all dates and times	Off leash but under control at all dates and times	From Labour weekend to 1 March at all times (inclusive) and ANZAC and Easter and holiday weekends-	From 20 December to 31 January and holiday weekends, between 9am and 6pm (inclusive)
DISTRICT WIDE					
All Beaches and parts of Beaches, excluding areas described elsewhere in this schedule			Off leash		
All Public Places excluding Beaches and excluding other Public Places described elsewhere in this schedule	On leash				
Roads including pedestrian areas, margins and car parks	On leash				
Within children's Playgrounds		Prohibited			
Within Sports Surfaces including skateparks		Prohibited			
Defined areas as identified from time to time with temporary area restrictions and/or signs	Prohibited or on leash for the duration the temporary restriction and/or signs are in place				
COROMANDEL-COLVILLE COMMUNITY BOARD AREA					
Big Sandy Bay - entire Beach					On leash. Off leash at all other dates and times
Carey Road Beach - entire Beach	On leash				
Hannafords Bay - entire Beach					On leash. Off leash at all other dates and times
Hauraki Road – WW1 Memorial Forest 520 Hauraki Road			Off leash		
Herds Bay - entire Beach					On leash. Off leash at all other dates and times
Little Bay - entire Beach					On leash. Off leash at all other dates and times
Little Sandy Bay - entire Beach					On leash. Off leash at all other dates and times

AREA AND DESCRIPTION	Rules at all dates and times			Rules at certain dates and/or certain times	
	On leash and under control at all dates and times	Prohibited at all dates and times	Off leash but under control at all dates and times	From Labour weekend to 1 March at all times (inclusive) and Easter and ANZAC holiday weekends-	From 20 December to 31 January and holiday weekends, between 9am and 6pm (inclusive)
Long Bay - entire Beach					On leash. Off leash at all other dates and times
Ōāmaru Bay - entire Beach					On leash Off leash at all other dates and times
Ōtautū Bay - entire Beach					On leash. Off leash at all other dates and times
Patukirikiri Reserve - grassed area west of courts and skate bowl			Off leash		
Port Jackson Beach - the northern half of the Beach from DOC campground, (rest of Beach off leash at all dates and times)				Prohibited. On leash at all other dates and times	
Tucks Bay - entire Beach					On leash. Off leash at all other dates and times
Tuataewa Beach – entire Beach including walkway off Waihirere Drive		Prohibited			
Waikawau Bay (east coast) - entire Beach		Prohibited			
Wyuna Bay - entire Beach					On leash. Off leash at all other dates and times
<b>MERCURY BAY COMMUNITY BOARD AREA</b>					
Brophys/ Ōhuka Beach - entire Beach					Prohibited. Off leash at all other dates and times
Buffalo Beach - area south of Taputapuatea Stream/Mother Browns Stream					Prohibited. Off leash at all other dates and times
Buffalo Beach - Taputapuatea, Whitianga - area from Taputapuatea Stream/Mother Browns Stream north to the Mercury Bay Boating Club, excluding walkway				Prohibited. Off leash at all other dates and times	

AREA AND DESCRIPTION	Rules at all dates and times			Rules at certain dates and/or certain times	
	On leash and under control at all dates and times	Prohibited at all dates and times	Off leash but under control at all dates and times	From Labour weekend to 1 March at all times (inclusive) and Easter and ANZAC holiday weekends-	From 20 December to 31 January and holiday weekends, between 9am and 6pm (inclusive)
Cooks Beach - entire Beach excluding the Pūrangi river flats from east side of playground to south side of boat ramp (river flats area off leash at all dates and times)					Prohibited. Off leash at all other dates and times
Cooks Beach, Pūrangi Reserve			Off leash		
Flaxmill Bay and Front Beach - entire Beaches					Prohibited. Off leash at all other dates and times
Hāhei Beach - entire Beach					Prohibited. Off leash at all other dates and times
Hot Water Beach north - area from the Domain Road car park (middle car park) to the most northern end of the Beach				On leash. Off leash at all other dates and times	
Hot Water Beach south - area from the Domain Road car park (middle car park) to the most southern end of the Beach				Prohibited. Exception: on leash for the sole purpose of access to the north end of the Beach.  On leash at all other dates and times.	
Hot Water Beach - Old Campground - the western point of Pye Place Reserve bordering Taiwawe Stream			Off leash		
Kūaotunu - Rings Beach - entire Beach excluding western end from west side of car park (excluded area off leash at all dates and times)					Prohibited. Off leash at all other dates and times
Kūaotunu Beach east and west (including Grays Beach) excluding the area 400 metres on each side of Quarry Point (excluded area off leash at all dates and times)					Prohibited. Off leash at all other dates and times
Matapaua Beach - entire Beach					Prohibited. Off leash at all other dates and times

AREA AND DESCRIPTION	Rules at all dates and times			Rules at certain dates and/or certain times	
	On leash and under control at all dates and times	Prohibited at all dates and times	Off leash but under control at all dates and times	From Labour weekend to 1 March at all times (inclusive) and Easter and ANZAC holiday weekends-	From 20 December to 31 January and holiday weekends, between 9am and 6pm (inclusive)
Matarangi Beach - entire Beach excluding northern spit area					Prohibited. Off leash at all other dates and times
Matarangi Beach - northern spit adjacent to the golf course excluding walkway (walkway on leash at all dates and times)		Prohibited			
Matarangi - Omara Boat Ramp Reserve			Off leash		
Ōpito Bay Beach - entire Beach					Prohibited. Off leash at all other dates and times
Ōtama Beach - entire Beach excluding east of the stream opposite the Black Jack Road and Ōtama Beach Road intersection (excluded area off leash at all dates and times)				Prohibited. Off leash at all other dates and times	
Robinson Road Reserve, Whitianga - part of the reserve west of the Robinson Road and Arthur Street intersection			Off leash		
Wainui-o-Toto/New Chums Beach - entire Beach		Prohibited			
Whangapoua Beach - entire Beach excluding northern end from north-facing side of Mangakahia car park (near lagoon)					Prohibited. Off leash at all other dates and times
Whangapoua Beach north - the north side of Mangakahia car park (near lagoon) to the northern end of Whangapoua Beach		Prohibited			
Whangapoua - Opera Point southern spit - area including carpark and Beach area	On leash				
Wharekaho Beach - entire Beach					Prohibited. Off leash at all other dates and times
<b>TAIRUA-PĀUANUI COMMUNITY BOARD AREA</b>					
Pāuanui Ocean Beach south and associated reserve - area south of Pāuanui Surf Club					Prohibited. Off leash at all other dates and times
Pāuanui - Pleasant Point Reserve - area south of the bollards to Ajax Head			Off leash		
Pāuanui - South End Reserve - western side of South End Reserve			Off leash		

AREA AND DESCRIPTION	Rules at all dates and times			Rules at certain dates and/or certain times	
	On leash and under control at all dates and times	Prohibited at all dates and times	Off leash but under control at all dates and times	From Labour weekend to 1 March at all times (inclusive) and Easter and ANZAC holiday weekends-	From 20 December to 31 January and holiday weekends, between 9am and 6pm (inclusive)
Pāuanui Ocean Beach north - area north of Pāuanui Surf Club around the point to the north-east side of the boat ramp at Royal Billy Point (boat ramp on leash at all dates and times)				Prohibited. Off leash at all other dates and times	
Pāuanui - Tairua Harbour Estuary from the south-east side of the boat ramp at Royal Billy Point to the north-east side of the boat ramp at Pleasant Point (boat ramps at Royal Billy Point and Pleasant Point on leash at all dates and times)					Prohibited. Off leash at all other dates and times
Slipper Island – Whakahau all Council reserves		Prohibited			
Tairua - Boat Harbour Beach - entire Beach		Prohibited			
Tairua Estuary - Estuary east of Pepe Bridge					Prohibited. Off leash at all other dates and times
Tairua - Ocean Beach - entire main Beach					Prohibited. Off leash at all other dates and times
Tairua - Otara Bay - entire Beach and accessway		Prohibited			
<b>THAMES COMMUNITY BOARD AREA</b>					
Burke Street Beach - entire Beach	On leash				
Burke Street Reserve - the reserve area inland of the Beach and directly south of Burke Street			Off leash		
Hauraki Rail Trail - South of Kōpū Bridge to Ferry Road Hikutaia		Prohibited			
Kuranui Bay - entire Beach and reserve					Prohibited. Off leash at all other dates and times
Little Waikawau (west coast) - entire Beach				Prohibited. On leash at all other dates and times	
Ngārimu Bay Beach - entire Beach					On leash. Off leash at all other dates and times
Ruamāhunga Bay Beach - entire Beach					On leash. Off leash at all other dates and times

AREA AND DESCRIPTION	Rules at all dates and times			Rules at certain dates and/or certain times	
	On leash and under control at all dates and times	Prohibited at all dates and times	Off leash but under control at all dates and times	From Labour weekend to 1 March at all times (inclusive) and Easter and ANZAC holiday weekends-	From 20 December to 31 January and holiday weekends, between 9am and 6pm (inclusive)
Tapu Beach - entire Beach and spit				On leash. Off leash at all other dates and times	
Tararū Beach - entire Beach					On leash. Off leash at all other dates and times
Te Mātā Beach, Little Te Mātā and Te Mātā Point - entire Beaches				On leash. Off leash at all other dates and times	
Te Puru Beach - entire Beach					On leash. Off leash at all other dates and times
Thornton Bay Beach - entire Beach					On leash. Off leash at all other dates and times
Waiomu Bay Beach - entire Beach					On leash. Off leash at all other dates and times
Whakatete Bay Beach - entire Beach					On leash. Off leash at all other dates and times
<b>WHANGAMATĀ COMMUNITY BOARD AREA</b>					
Onemana Beach - south of Castle Rock				Prohibited. On leash at all other dates and times	
Ōpoutere Beach - entire Beach excluding southern end	On leash				
Ōpoutere Beach south - Sandspit and Wharekawa Estuary and south end bush, south from the point at which the car park bridge crosses the stream and the southernmost Beach access but excluding the loop track (loop track on leash)		Prohibited			
Whangamatā - Hetherington Road Reserve			Off leash		
Whangamatā - Park Avenue Reserve			Off leash		

AREA AND DESCRIPTION	Rules at all dates and times			Rules at certain dates and/or certain times	
	On leash and under control at all dates and times	Prohibited at all dates and times	Off leash but under control at all dates and times	From Labour weekend to 1 March at all times (inclusive) and Easter and ANZAC holiday weekends-	From 20 December to 31 January and holiday weekends, between 9am and 6pm (inclusive)
Whangamatā - Patiki Bay Reserve - the area of the reserve located at the end of Durrant Drive, north-west of the properties at the end of Durrant Drive and Everitt Crescent			Off leash		
Whangamatā Beach - from Beach access 18 north to 100 metres north of the wharf					Prohibited. Off leash at all other dates and times
Whangamatā Beach - Ōtahu Estuary from Beach access 18 to Beach access 20				Prohibited. Off leash at all other dates and times	