



Statement of Proposal for: New draft Dog Control Bylaw Te Ture a-Rohe mō ngā Kaupapa Kurī

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Context

Council is undertaking a joint consultation, hearing and deliberations on a revised Dog Control Policy and new Dog Control Bylaw, as required under the Dog Control Act 1996 (DCA). The current Bylaw will be revoked automatically as at 18 May 2023 under section 160A of the Local Government Act 2002 (LGA).

On 28 June 2022, Council completed a review of the current [Policy](#) and [Bylaw](#), as it was required to by the DCA and the LGA. Council resolved at the 28 June Council meeting to create a new Bylaw to give effect to the Policy.

As part of the review the Council decided that the Policy should be updated to reflect new drafting practices and should be revised at the same time that the new Bylaw is drafted in order to be able to consider all public feedback. The revised Policy is the subject of a separate statement of proposal.

The proposal to create a new draft bylaw and the reasons for the proposal

The Council is required to have a Bylaw to implement the Dog Control Policy. The Dog Control Bylaw:

- o provides adequate opportunities to fulfil the exercise, recreational and socialisation needs of dogs and their owners
- o minimises the potential for any danger, distress, or nuisance caused by dogs; and
- o promotes the responsible management of dogs.

The Bylaw does this by:

- o regulating public places where an owner can take their dog
- o requiring dog owners to take responsibility for their dog's actions
- o requiring dog owners to look after their dogs; and
- o offences and penalties.

The Bylaw applies across the District to all dog owners residing or visiting the District.

When it reviewed the current Bylaw on 28 June 2022, the Council decided that a new Bylaw was required for the following reasons:

- To achieve compliance with the Dog Control Act 1996
- To reflect the changing needs of the community and surrounding wildlife
- To update the current form of the Bylaw.

This proposal encompasses the changes identified, as well as some additional changes that have been identified by staff following the 28 June 2022 Council review. It should be read in conjunction with the statement of proposal for the revised Dog Control Policy.

The proposed amendments are shown in:

- Attachment 1, which is a clean version of the new draft Bylaw, and
- Attachment 2, which is a table comparison of the current and draft Bylaw.

The following paragraphs summarise the clauses of the draft Bylaw and the changes proposed.

General formatting, standard definitions and clauses, and drafting changes

The Council proposes a number of changes to the formatting, standard definitions (for example, use of the term 'Council'), standard clauses (for example, clauses on enforcement, offences and penalties) and drafting language.

Title/Commencement/Application (clauses 1, 3 and 4)

These clauses follow standard drafting practices, specifying the title of the Bylaw, the date on which it will commence and the geographical area the Bylaw applies to.

Explanatory notes boxes (clause 2)

This clause explains the purpose of 'explanatory notes' in the Bylaw and makes it clear they are not part of the Bylaw, i.e., they are not legislation, and can be amended at any time without any formal decision of the Council needing to be made.

Part 1 Preliminary provisions (clause 5: Purpose and clause 6: Interpretation)

In accordance with standard legislation format, the Bylaw is separated into "Parts" that deal with separate aspects or topics. Part 1 contains standard preliminary clauses that state the purpose of the Bylaw – which reflects the purposes of the Bylaw and definitions of some of the words or phrases used in the Bylaw that need to have a specific meaning.

Part 2 Dogs in Public Places (clauses 7 to 10)

This Part of the Bylaw contains the provisions that outline the restrictions/prohibitions on dogs within public places within the district. Clause 7 outlines the exemption for working dogs. Clause 8 states that the owner of a dog must have their dog under control at all times and have a leash. Clauses 9 and 10 require owners to restrict their dog's access to public sites identified as 'prohibited' or temporarily restricted.

Part 3 Dog Owner responsibilities (clauses 11 to 16)

This Part of the Bylaw contains amended and new provisions which set out Council's expectations about how owners care for their dogs. These include:

- Minimum standards for accommodation
- Dog faeces
- Dogs In or On Vehicles
- Diseased Dogs
- Female Dogs in Season
- Nuisances.

These provisions do not place any new responsibilities on dog owners as these clauses are similar to the provisions in the DCA, [Code of Welfare for Dogs](#) and [Animal Welfare Act 1999](#).

Part 4 Enforcement, offences and penalties (clause 17)

This Part of the Bylaw outlines the tools available to Council to enforce the Bylaw through the Local Government Act 2002 or the DCA.

Part 5 Savings and transitional provisions (clause 18)

This Part of the Bylaw outlines the review of the Bylaw will follow the process in the Local Government Act 2002.

Schedules (clauses 19 to 20)

This Part of the Bylaw states that amendments to schedule 1 by restriction type or location are considered part of the Bylaw.

Schedule 1: Area rules

The schedule outlines the level of restriction on dogs for particular public locations, which is the responsibility of the dog owner to comply with.

District Wide changes:

- Improve clarity and enforcement around sports fields and playgrounds by implementing a 5 metre setback from the edge of the surface of the area.
- Specify that dogs to be on leash and under control when on roads, pedestrian areas, margins and car parking areas.
- Remove Kings Birthday and Matariki from the holiday weekend restrictions. The holiday weekend restrictions are due to the higher number of visitors creating a potential risk for dog related issues. In winter (which is when Kings Birthday and Matariki occur) there is not as high a number of visitors and less sunlight hours, meaning that the restrictions are not necessary and unduly impact the exercise of dogs and their owners.
- Add Easter and ANZAC holiday weekends to the Labour weekend to 1 March restriction that is used to reduce the stress on dotterel and other wildlife breeding areas. These two holiday weekends result in significant numbers of visitors to beaches and other areas that can reduce the chances of a successful breeding season.

Coromandel-Colville Community Board area changes:

- Hauraki Road – WW1 Memorial Forest 520 Hauraki Road (*Off leash*).
- Tuatēawa Walkway, Waihirere Drive and entire beach (*Prohibited*).

Mercury Bay Community Board area changes:

- Kūaotunu Beach west from Kawhero Street Beach access (*Prohibited from 20 December to 31 January and all holiday weekends between 9am and 6pm*).
- Kūaotunu Beach east from Kawhero Street Beach access (*Prohibited from Labour weekend to 1 March at all times and Easter and ANZAC holiday weekends*).
- Kūaotunu Grays Beach entire Beach (*Prohibited from 20 December to 31 January and all holiday weekends between 9am and 6pm*).

Tairua- Pāuanui Community Board area changes:

- Slipper Island – Whakahau all Council reserves (*Prohibited*).
- Otara Bay - entire beach and accessway (*Prohibited*).

Thames Community Board area changes:

- Hauraki Rail Trail from south of the Kōpū Bridge to Hikutaia (*Prohibited*).

The areas and types of restrictions on dogs in the draft Bylaw are taken from the revised Policy as the Bylaw cannot be inconsistent with the Policy.

Relevant determinations under section 155 Local Government Act 2002

On 13 September 2022, the Council made a review decision under section 155 of the LGA. The review decision was made up of the following determinations:

- the Council determined that a Bylaw is the most appropriate way of addressing the perceived problems relating to control of dogs.

New Zealand Bill of Rights Act 1990

This is an interim assessment of the draft Bylaw amendments against the New Zealand Bill of Rights Act 1990 ('NZBORA'). The Council will fully assess any NZBORA implications before it makes any amendments to the Bylaw.

The draft new Bylaw could possibly be inconsistent with the following rights (section numbers are references to the sections in the New Zealand Bill of Rights Act 1990):

- Section 16 – right to freedom of peaceful assembly
- Section 18 – right to freedom of movement
- Section 21 – right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence
- Section 26 – right to not be tried or punished for an offence again, if finally acquitted or convicted of, or pardoned for, that offence.

Council staff have assessed the possible inconsistencies as follows:

- Section 16 and 18 rights – the draft Bylaw's provisions are justified because they only limit the rights of individuals when they have a dog with them that is not under control or if they allow a dog to be in an area where dogs are not allowed. The limitation of dogs to the extent identified by the draft Bylaw is reasonable in order for other people's rights and freedoms to use the public space to be maintained. The draft Bylaw's restrictions relating to protection of flora and fauna are also limited in order to not unduly restrict a dog owner's ability to move and assemble in a public space with their dogs.
- Section 21 rights – the draft Bylaw does not contain any new powers for search or seizure, the applicable powers are in statutes.

- Section 26 right – breaching the Bylaw’s provisions for prohibited areas could be an offence under both the Bylaw and potentially the Conservation Act 1987 ([part 5C Control of dogs](#)), however the right is only impacted if a person is prosecuted for the same act under more than one provision or enactment.

The Council considers that the draft Bylaw amendments are not inconsistent with NZBORA and do not give rise to any implications under the NZBORA.

How to give your views on the proposal

The Council encourages any person or organisation affected by or having an interest in the revised Dog Control Policy |Te Kaupapa Here mō ngā Kurī and/or the new draft Dog Control Bylaw |Te Ture a-Rohe mō ngā Kaupapa Kurī to present their views to the Council by making a submission on this Statement of Proposal. Submissions can be made in any of the following manners or formats:

- Online at the Council’s website: www.tcdc.govt.nz/dogsreview
- Email your submission to consultation@tcdc.govt.nz
- Post your submission to Thames-Coromandel District Council, Private Bag 1001, Thames 3540
- Drop-off your submission at any Council office in Thames, Coromandel, Whitianga or Whangamatā, you can get information about addresses and opening hours by phoning the Council on 07 868 0200 or emailing customer.services@tcdc.govt.nz, or
- Make an oral presentation of your submission at a meeting of the Council’s governing body. If you wish to make an oral presentation and you have not already informed us via a written or online submission that you wish to be heard, please contact the Council during the public consultation period to inform us that you wish to be heard.

Please include your full name and email address or postal address in your submission if you want:

- the Council to acknowledge receipt of your submission, or
- to make an oral presentation – you will be contacted about when and where the meetings for these are taking place.

The period within which views on the proposal may be provided to the Council is from **Friday 28 October to Friday 2 December 2022**. An opportunity for oral presentation of views will be provided after that period.

Appendix 1: draft Dog Control Bylaw | Te Ture a-Rohe mō ngā Kaupapa Kuri


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

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1 Title

This bylaw is the Dog Control Bylaw.

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 [insert date].

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 Dog Control Policy 2023.

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 Kings Birthday and Matariki.

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), or 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

- (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.

10 Temporary Area Restrictions

- (1) The Council may, in its discretion and at any time, make temporary changes to Schedule 1 of the Dog Control 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 (e) 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 subclause (1).

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.
- 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 the 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;

_____ Date _____
 District Mayor

_____ Date _____
 Chief Executive

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 Easter and ANZAC 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 5m of the edge of a children's playground		Prohibited			
Within 5m of the edge of a 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
Tuateawa Walkway, Waihiere Drive and entire beach		Prohibited			
Waikawau Bay (east coast) - entire beach		Prohibited			
Wyuna Bay - entire beach					On leash. Off leash at all other dates and times
MERCURY BAY COMMUNITY BOARD AREA					
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. 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 from Kawhero Street Beach access.				Prohibited. Off leash at all other dates and times	
Kūaotunu Beach west from Kawhero Street Beach access					Prohibited. Off leash at all other dates and times
Kūaotunu Grays 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)
Matapaua Beach - entire beach					Prohibited. Off leash at all other dates and times
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
TAIRUA-PĀUANUI COMMUNITY BOARD AREA					
Pāuanui Ocean Beach south and associated reserve - area south of Pāuanui Surf Club					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)
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		
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			
THAMES COMMUNITY BOARD AREA					
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

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)
Ruamāhunga Bay Beach - entire beach					On leash. Off leash at all other dates and times
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
WHANGAMATĀ COMMUNITY BOARD AREA					
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			

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)
Ōpoutere bush north - the area north from the point at which the car park bridge crosses the stream and the southernmost beach access			Off leash		
Whangamatā - Hetherington Road Reserve			Off leash		
Whangamatā - Park Avenue Reserve			Off leash		
Whangamatā - Patiki Bay Reserve area located at the end of Durrant Drive and the adjoining reserve			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	

Appendix 2: comparison of the current and draft Dog Control Bylaws | Te Ture a-Rohe mō ngā Kaupapa Kuri

The table below shows a comparison of the current and draft bylaws by topic.

In general, the draft bylaw uses a different structure and different words. The reason for this change to is make the bylaw easier to understand and to comply with the best practice bylaw drafting standards.

The differences between the structure and wording make a direct comparison difficult and the size of the table long. To mitigate this the table:

- does not show administrative clauses (for example title, commencement and revocations)
- follows the order of the current Dog Control Bylaw
- equivalent clauses from the draft Bylaw will often appear out of sequence and may appear more than once

Differences between the current Bylaw and the draft Dog Control Bylaw

Topic	Current (2016) Bylaw	Summary of changes in the draft Bylaw	Reasons for change
Formatting /layout	<i>Numbering: 1. 1.</i>	Contents Numbering: 1(1)(a)	Contents added for ease of use. Numbering changed to be consistent with national legalisation: 1.1.a to 1(1)(a).
Purpose	<p>2. PURPOSE</p> <p>2.1. This bylaw gives effect to the Council's Dog Control Policy, the objective of which is to enable people to enjoy the benefits of responsible dog ownership and provide for the exercise and recreational needs of dogs and their owners, whilst minimising danger, distress, and nuisance to the community generally and native wildlife.</p> <p>2.2. This bylaw shall apply to the entire Thames-Coromandel district unless specified otherwise in this bylaw.</p> <p>2.3. As from the day on which this bylaw comes into force, Part 10 Control of Dogs of the Thames-Coromandel District Council Consolidated Bylaw 2004 shall be revoked.</p>	<p>5 Purpose</p> <p>(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.</p> <p>(2) This bylaw gives council legal powers to implement the Dog Control Policy 2023.</p>	Clarifies the objective and the activities regulated.
Review	<p>5. REVIEW</p> <p>5.1. Review of this bylaw will be undertaken in accordance with section 159 of the Local Government Act 2002.</p>	<p>18 Review</p> <p>Review of this bylaw will be undertaken in accordance with section 159 of the Local Government Act 2002.</p>	New location within the bylaw

Topic	Current (2016) Bylaw	Summary of changes in the draft Bylaw	Reasons for change
Interpretation	6. DEFINITIONS 6.1. In this bylaw, unless the context requires otherwise -	6 Interpretation (1) In this bylaw, unless the context otherwise requires, –	Staff have removed definitions that are no longer used in the bylaw. Where possible, the bylaw refers to definitions defined in legislation or an English Dictionary.
	Chief Executive means the person employed by Council as the Chief Executive of the Council for the time being.		Removed - not used in the draft 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.	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.	Altered – to clarify that a loss of control or inability to physically restrain the dog is considered a loss of control.
	Council refers to the Thames-Coromandel District Council.	Council means the governing body of the Thames-Coromandel District Council, or any person delegated to act on its behalf.	Altered – standardised across Council bylaws.
	District means the Thames-Coromandel District. Foreshore has the meaning as defined in section 2 of the Resource Management Act 1991.		Removed - not used in the draft bylaw.
	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.	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 Kings Birthday and Matariki.	Altered – The bylaws have additional restrictions on dogs for holiday weekends. The purpose of the restrictions is to provide ample public space for the public to enjoy without distress or nuisance from dogs. The winter holiday weekends (Kings Birthday and Matariki) result in less visitors to the district than the other holidays, meaning that the restrictions are not necessary and unreasonably restrict dog owners from exercising their dogs when there is less daylight. The draft bylaw excludes the winter holiday weekends.

Topic	Current (2016) Bylaw	Summary of changes in the draft Bylaw	Reasons for change
	Neuter means to spay or castrate a dog, but does not include vasectomising a dog.		Removed - not used in the draft bylaw.
	Park means – a) any land vested in or administered by the Council, or the Department of Conservation, under the provisions of the Reserves Act 1977; or b) any park, domain or recreational area under the control or ownership of the Council. Reserve has the same meaning as Park.		Removed – covered by the definition of ‘public place’ which is defined by the Dog Control Act 1996 and is therefore the preferred definition for this bylaw.
	The Act refers to the Dog Control Act 1996.		Removed - not used in the draft bylaw.
		Part 2: Dogs in Public Places	
Exemptions	7.3. Working dogs are exempt from clause 7.2 pursuant to the Dog Control Act 1996.	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.	Altered – the exemption is given its own clause to clarify which rules it applies to. It is also expanded to provide for one-off events that include dogs.
Control of Dogs	7. CONTROL OF DOGS IN PUBLIC PLACES 7.1. 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. 7.2. 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. 8. DOG EXERCISE AREAS 8.1. Dogs may be off a leash and free of restraint in areas described in Schedule 1 of this bylaw as off leash areas. 8.2. The owner of any dog off a leash and free of restraint must have continuous control of the dog and remain within the off leash dog area while the dog is off a leash and free of restraint.	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	Altered: - Explanatory note added identifying that the need to carry a leash comes direct from the Dog Control Act 1996. - Removal of clause 8 ‘Dog Exercise Areas’ as it repeats the requirements of clause 7 (current bylaw) and clause 8 (draft bylaw) to comply with schedule 1 and carry a leash.

Topic	Current (2016) Bylaw	Summary of changes in the draft Bylaw	Reasons for change
		does not apply to the owner of a working dog in relation to the working dog.	
Prohibited Areas	<p>9. PROHIBITED AREAS</p> <p>9.1. Dogs are not allowed to enter any public place described in Schedule 1 of this bylaw as a prohibited area, whether under control or not.</p>	<p>9 Prohibited Areas</p> <p>(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.</p>	Amended – The responsibility for compliance is now on the dog Owner.
Temporary Area Restrictions	<p>10. TEMPORARY AREA RESTRICTIONS</p> <p>10.1. The Chief Executive may establish temporary area restrictions from time to time, as considered necessary for the protection of wildlife.</p> <p>10.2. A temporary area restriction may prohibit dogs from the described area or require dogs to be on a leash in the described area for the duration that the temporary area restriction is in place.</p> <p>The Council will work with the Department of Conservation to identify areas for temporary restriction, and establish such restrictions.</p> <p>Temporary area restrictions will be identified by signs, provision of information, and any other means the Council considers appropriate.</p> <p>11. EXEMPTIONS</p> <p>11.1. A person may apply to the Chief Executive for a permit of exemption from requirements of clauses 7.2, 8.2, 9.1 and 10.2 for a period of time and subject to any conditions determined appropriate by the Chief Executive and specified on the permit.</p>	<p>10 Temporary Area Restrictions</p> <p>(1) The Council may, in its discretion and at any time, make temporary changes to Schedule 1 of the Dog Control Bylaw to provide for–</p> <ul style="list-style-type: none"> (f) leisure and cultural events (including dog friendly events); (g) protected wildlife that are vulnerable to dogs; (h) flora that are vulnerable to dogs; (i) pest control in any public place; and (j) other circumstances of a comparative nature to subclause (1)(a) to (e) inclusive. <p>(2) Any temporary change made under subclause (1) may be subject to conditions determined appropriate by Council and specified in the temporary change approval.</p> <p>(3) An Owner of a dog must adhere to all conditions of temporary area restrictions made under subclause (1).</p>	Expanded – The current bylaw limits changes to the schedule for wildlife. The draft bylaw also includes events, flora, pest control and other circumstances.
Neutering Menacing Dogs	<p>12. REQUIREMENT TO NEUTER DOGS CLASSIFIED AS MENACING</p> <p>12.1. Dogs registered within the district and classified as menacing by the Council must be neutered.</p> <p>12.2. Dogs registered within the district and classified as menacing by deed by another territorial authority must be neutered.</p>		Removed – covered directly by the Dog Control Act 1996 and the Dog Control Policy.

Topic	Current (2016) Bylaw	Summary of changes in the draft Bylaw	Reasons for change
	12.3. Dogs registered within the district and classified as menacing by breed or type by another territorial authority must be neutered if the dog belongs wholly or predominantly to one or more breed or type of dog listed in schedule 4 of the Act.		
		Part 3: Dog owner responsibilities	
Accommodation		11 Minimum standards for accommodation Every Owner of a dog must, in respect of every dog in their care provide: <ul style="list-style-type: none"> (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. 	New – The Code of Welfare does cover this issue but is not enforced by Council. The addition in the bylaw allows for greater dog safety.
Dog faeces	13. DOGS FOULING PUBLIC PLACES 13.1. The owner or person in possession or control 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.	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.	Amended – Minor change as the definition of owner includes the person in possession of a dog. It is also clarified that disposal must not cause a nuisance.
Dogs In or On Vehicles		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: <ul style="list-style-type: none"> (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	New – The Code of Welfare does cover this issue but is not enforced by Council. The addition in the bylaw allows for greater dog safety.

Topic	Current (2016) Bylaw	Summary of changes in the draft Bylaw	Reasons for change
		<p>(other than a moped, a motorcycle, or an all-terrain vehicle) on a public road must:</p> <p>(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</p> <p>(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.</p> <p>(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).</p>	
Diseased dogs		<p>14 Diseased Dogs</p> <p>(1) No dog infected with a contagious disease may be exercised in any public place.</p> <p>(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.</p>	New – Added for safety and education purposes.
Female dogs in season		<p>15 Female Dogs in Season</p> <p>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 –</p> <p>(a) that dog is confined in a vehicle or cage for the purposes of transportation; or</p> <p>(b) the Owner of that dog has the permission of the occupier or person</p>	New – Added for safety and education purposes.

Topic	Current (2016) Bylaw	Summary of changes in the draft Bylaw	Reasons for change
		controlling the public place; and complies with any reasonable conditions imposed.	
Nuisances		<p>16 Nuisances</p> <p>The Owner of any dog or the Owner or occupier of any Premises where any dog is kept shall:</p> <ul style="list-style-type: none"> (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. 	New – This is a requirement of the Dog Control Act 1996 (the Act) for owners to prevent their dogs causing a nuisance. Nuisance is also something to have regard to under the Act when adopting the policy that this bylaw enforces. The new provision ensures compliance with the policy and the Act.
		Part 4: Enforcement, offences and penalties	
Offences	<p>14. IMPOUNDMENT OF DOGS</p> <p>14.1. 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.</p> <p>15. ENFORCEMENT, OFFENCES AND PENALTIES</p> <p>15.1. The Council may use its powers under the Dog Control Act 1996 and the Local Government Act 2002 to enforce this bylaw.</p> <p>15.2. Every person who breaches this bylaw commits an offence.</p> <p>15.3. Every person who commits an offence under this bylaw is liable to a penalty under the prevailing legislation.</p>	<p>17 Offence and penalty</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>Explanatory notes</p> <p>1. Council may also exercise functions, powers and duties directly under the Dog Control Act.</p>	Expanded – Provides more information to the public on enforcement options available under the Dog Control Act 1996 and the Local Government Act 2002.

Topic	Current (2016) Bylaw	Summary of changes in the draft Bylaw	Reasons for change
		<p>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 the bylaw</p> <p>(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.</p>	
Fees	<p>16. FEES AND CHARGES 16.1. The Council may, in accordance with the Local Government Act 2002 and Dog Control Act 1996, prescribe fees or charges payable for any certificate, licence, approval, permit or consent form or inspection made by the Council under this bylaw. 16.2. The Council may prescribe fees or charges by resolution.</p>		Removed - The draft bylaw does not have a 'fees' part of the bylaw as the amount and method of collecting any fees associated with Dog Control is considered a separate issue managed under the Annual Plan.
		Schedule	
Area rules		<p>19 Area rules Schedule 1 lists the area rules for the purposes of this bylaw.</p>	New – provides clarification on the status of the location specific rules in schedule 1.
Amendments		<p>20 Amendment of Schedules The Council may, by resolution:</p> <ul style="list-style-type: none"> (c) 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 (d) 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. 	New – provides clarification on how location specific rules within the bylaw can be changed.

Differences between the current bylaw schedule 1: area rules and the draft bylaw schedule 1: area rules

Current (2016) Bylaw	Summary of changes in the draft Bylaw	Reasons for change
District wide restrictions		
Children's Playground	Within 5 meters of the edge of a children's playground	Amended - to ensure there is a sufficient buffer to protect users especially children while they are using the playground.
Sport surface	Within 5m of the edge of a sports surfaces including skateparks	Amended – to ensure health and safety of those using the sports surface.
	Roads including footpaths, pedestrian areas, margins and car parks	New – provides clarification that roads are a public place that requires dogs to be on leash.
Coromandel-Colville Community Board Area		
	WW1 Memorial Forest - Hauraki Road; <i>Off leash at all dates and times</i>	New – Off-leash area for people to exercise dogs. This area has been identified as suitable and can accommodate off lead.
	Tuateawa walkway and entire beach; <i>Prohibited at all dates and times</i>	New – Prohibited area for wildlife protection as this is an important habitat for Kiwi and multiple bird species all year round.
Mercury Bay Community Board Area		
Kuaotunu Beach east and west (including Grays Beach) excluding the area 400 metres on each side of Quarry Point as indicated by signs <i>Prohibited. From 20 December to 31 January and all holiday weekends, between 9am and 6pm (inclusive)</i>	Kūaotunu Beach east from Kawhero Street Beach access; <i>Prohibited from Labour weekend to 1 March at all times (inclusive) and including Easter and ANZAC holiday weekends</i>	Amended – Clarified the restrictions to make it clear which parts of the beach the different restrictions apply to.
	Kūaotunu Beach west from Kawhero Street Beach access; <i>Prohibited. From 20 December to 31 January and all holiday weekends, between 9am and 6pm (inclusive)</i>	Kūaotunu Beach east from Kawhero Street Beach access. DOC have advised there are several breeding dotterel pairs in this area that are disturbed by off lead dogs. This reason for the proposed restriction is to protect the wildlife in this area during the breeding season.
	Kūaotunu Grays Beach entire beach; <i>Prohibited From 20 December to 31 January and all holiday weekends, between 9am and 6pm (inclusive)</i>	Kūaotunu Beach west from Kawhero Street Beach access and Kūaotunu Grays Beach entire beach. The proposal to prohibit for the summer period is for health and safety as these beaches are a popular location for people during this time.
Tairua- Pāuanui Community Board Area		
	Slipper Island Whakahau – all council reserves; <i>Prohibited at all dates and times</i>	New - The wildlife in this area requires protection.
Thames Community Board Area		

Current (2016) Bylaw	Summary of changes in the draft Bylaw	Reasons for change
	Hauraki Rail Trail south of Kōpū Bridge to Ferry Road Hikutaia; <i>Prohibited at all dates and times</i>	New – The rail trail crosses the district boundary and goes through rural land with stock. The restriction is consistent with other parts of the trial and will protect stock.
Whangamatā Community Board Area		
		No location specific changes identified.