

New Plymouth District Council

Proposed Dog Control Policy and Dog Control Bylaw 2021

Statement of Proposal

November 2021



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

Introduction

The Council is reviewing the Dog Control Policy (the current Policy) and the New Plymouth District Council Bylaw 2010: Part 2 Dog Control (the current Bylaw) in accordance with the Dog Control Act 1996 (DCA) and the Local Government Act 2002 (LGA).

The Council is required by the DCA to have a policy on dogs and to have a bylaw that gives effect to the policy. The bylaw is able to regulate and control dogs in public places and to regulate the keeping of dogs as well as for other purposes relating to the welfare and control of dogs. The policy must cover whether menacing dogs are required to be neutered and shall cover various aspects of dog control including identify those areas of the district where dogs are prohibited, required to be controlled on a leash, and areas where there are no restrictions.

When reviewing the policy the Council has had to have regard to:

- The need to minimise danger, distress, and nuisance to the community generally.
- The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not they are accompanied by adults.
- The importance of enabling, to the extent that is 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.

The current Policy and current Bylaw were last reviewed in 2010. The Council has taken the review as an opportunity to revisit the previous approach adopted in 2010 by proposing changes to better address the perceived problems that arise in relation to dogs within the district.

To inform the review of the current Policy and current Bylaw, the Council carried out a pre-consultation survey with the community, receiving 930 responses in relation to dogs at popular beaches and other areas within the district. In addition, the Council had discussions with some key stakeholders in relation to wildlife preservation and other key aspects of the current Policy and current Bylaw. The information gained from these consultations, as well as Council service request and dog control data, has helped to inform the development of the Proposed Dog Control Policy (the proposed Policy) and the Proposed Dog Control Bylaw (the proposed Bylaw).

The proposed Policy and proposed Bylaw regulates the keeping of dogs for the protection of the health and safety of the public. Many of the current regulations controlling dogs are retained with additional regulations proposed to better address the perceived problems that arise in relation to dogs within the district.

The proposed Policy and proposed Bylaw would replace the current Policy and current Bylaw. A copy of the proposed Policy and proposed Bylaw are included in this Statement of Proposal.



Where can I get more information?

For more information about this consultation visit the Council's website: npdc.govt.nz/HaveYourSay or phone us on 06-759 6060.

A copy of this document is available for viewing at the Civic Centre, Liardet Street, New Plymouth or library and service centres at Bell Block, Inglewood and Waitara.

Determinations

To aid the Council in determining whether to review the bylaw a Regulatory Impact Assessment (RIA) was undertaken. The assessment sets out the authority to make a bylaw, the perceived problems or nuisances the bylaw addresses, and the options available to the Council to deal with these problems.

The RIA was informed by:

- Council service request data;
- Animal Control Team dog control data;
- Engagement with key stakeholders including the Taranaki Regional Council (TRC) and the Department of Conservation (DoC);
- Information from the Council's satisfaction survey; and
- A pre-consultation survey carried out over three weeks from July to August 2021.

The RIA shows that there are ongoing problems with dogs roaming/wandering, dogs fouling, aggressive behaviour from dogs and other issues. This is highlighted by the 4,151 service requests received in the 2020/21 year, indicating that the bylaw still has an important regulatory role to play in controlling dogs in the district.

Reasons for reviewing the current Policy and current Bylaw

The current Bylaw is due for review by 9 April 2022. Without a review it will be revoked under section 160A of the LGA on 9 April 2022. Under Section 10AA of the DCA a local authority's dog control policy must be reviewed if the bylaw implementing the policy requires review.



Options

Two options were considered during the review of the current Policy and current Bylaw:

Option 1: Review and amend the current Policy and current Bylaw (preferred option).

Option 2: Retain the status quo and make no changes to the current Policy and current Bylaw.

When determining the best approach, reviewing and amending the current Policy and current Bylaw was considered the most appropriate.

A summary of the options analysis is shown below.

1

Review and amend the current Policy and current Bylaw (preferred option)

This option involves reviewing the current Policy and current Bylaw in light of learnings from the operation of the Bylaw since it was last reviewed, and in response to pre-consultation that has taken place. This is the preferred option. It is recommended that the review should also remove the current Bylaw from the Consolidated NPDC Bylaw and create a standalone bylaw, consistent with the Council's current approach to bylaw reviews.

Advantages

- Provides the Council with a tool to control dogs within the district, to ensure they do not create a nuisance or endanger public health and safety.
- Allows the Council to take into consideration any new information in the sector since the last review, and to address any matters within the current Bylaw.
- A bylaw review taking into account public feedback from a consultation process can address some of the perceived community concerns regarding the regulation of dogs in the district, and create an updated and fit for purpose regulatory instrument.
- Consistent with the Council's previous approach.
- Rules will be in one place, clear and known to key stakeholders and the public.
- Proactive approach to regulation.
- Community views and preferences will be collected.

Disadvantages

- Council resources required to undertake review.
- There are costs and issues associated with monitoring and enforcing a bylaw.
- There is a risk of over regulation, as there is a limit to how far a bylaw can go to regulate dogs before it becomes an overly restrictive restraint.
- Regulation of the proposed Bylaw, with some changes to regulated areas, would require increased resource for the Animal Control Team.

2

Retain the status quo and make no changes to the current Policy and current Bylaw

This option reflects the status quo and would involve the Council retaining the current Policy and current Bylaw in their current form with no amendments.

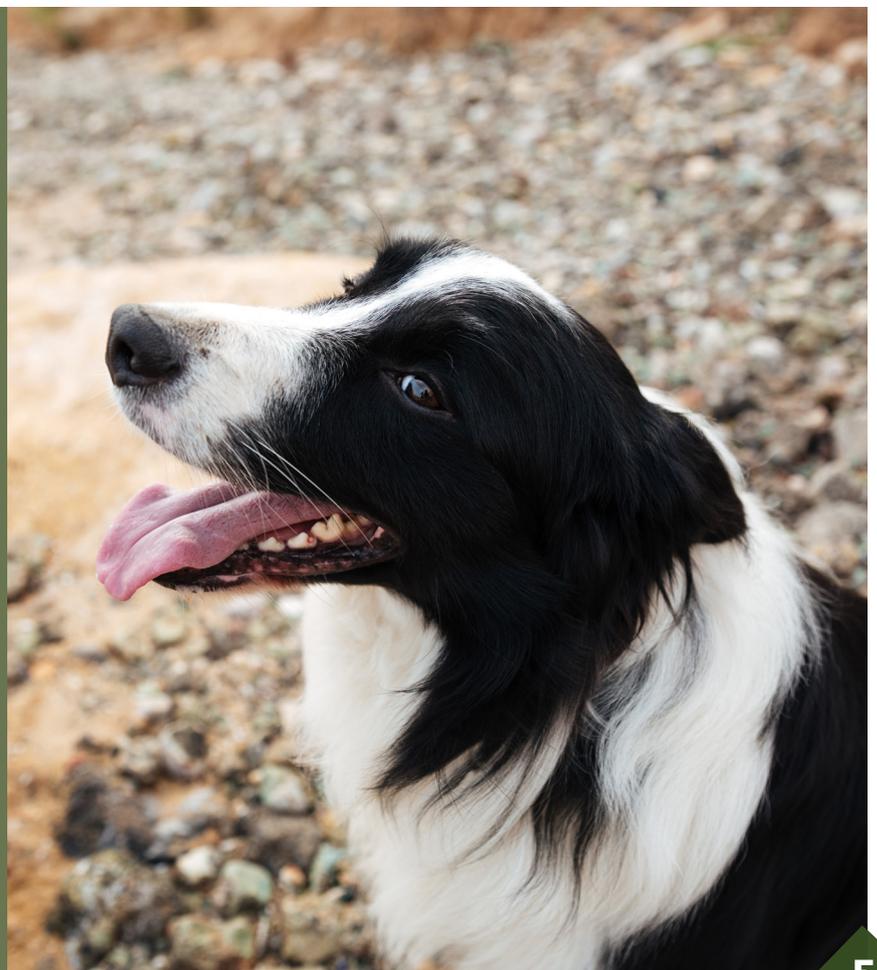
Advantages

- Retain consistency in approach to regulation.
- The public and key stakeholders have certainty in what the regulations are.
- A bylaw clearly articulates the Council's position which gives regulatory certainty to dog owners.
- This approach would not require any change to the current regulatory approach. Any increase in resource would be in response to an increasing number of registered dogs, or a change in regulatory approach.

Disadvantages

- The Council's dog control regulation approach may be outdated in terms of area controls and focus of the current Bylaw.
- Feedback from pre-consultation indicates there is desire for some change to the regulation approach from within the community.
- The bylaw will remain part of the consolidated bylaw.
- Approach not consistent with findings of the options analysis and the RIA.

Option 1 is the preferred option. Under this option it is proposed to amend the current Policy and create a standalone Bylaw to provide the Council with a tool to control dogs in the district to ensure they do not create a nuisance or endanger public health and safety.



5

Key proposals in the proposed Policy and proposed Bylaw

The main changes to the proposed Policy and proposed Bylaw are outlined below.

Removing the current prohibition and replacing it with leashed control in the New Plymouth Central Business Area (CBA)

Dogs are currently prohibited from the CBA. The proposed Bylaw proposes to remove this prohibition and allow dogs (excluding dangerous and menacing dogs) in the CBA under leashed control. Dogs classified as menacing or dangerous would remain prohibited from the CBA.

This proposal has been the subject of public requests for dogs to be permitted in the CBA and was supported by the results of the pre-consultation (72 per cent support for leashed control dogs in the CBA, with 23 per cent supporting the current prohibition of all dogs).

A trial allowing dogs under leashed control in the CBA will be carried out for four weeks from 13 November in conjunction with the consultation period on the proposed Policy and proposed Bylaw. This approach would allow submitters on the proposed Policy and proposed Bylaw review to include feedback on the trial in their submissions. The trial will also provide the Council with important operational information in terms of issues that arise, the regulatory approach required and subsequent staffing needs. It is considered that the trial will therefore provide for a more informed decision on the final policy and bylaw

Protection of wildlife (and dogs)

The current Policy and current Bylaw have leashed control restrictions in place to protect wildlife (and dogs) on the coast during the breeding season from August to April in the following four locations – Bell Block Beach, Waiiti Beach, Tapuae Marine Reserve, and Parininihi Marine Reserve. The proposed Policy and proposed Bylaw proposes to further enhance the protection of wildlife (and dogs) in two locations in addition to retaining these current restrictions. It is important to note that the protection of wildlife also partially assists with the protection of dogs given that both the DCA and the Conservation Act 1987 provide for the destruction of a dog found to have caused death or serious injury to protected wildlife.

Informal discussions with DoC and TRC during the review of the current Policy and current Bylaw has highlighted the increasing awareness and focus on biodiversity within the New Plymouth District. The discussions have raised the potential to consider a need for greater protection of wildlife (and dogs) in particular areas across the district. Many of these areas require further investigative work to better determine the need and type of potential regulatory control required if any. Pre-engagement with communities would also help improve educational understanding of the risk to wildlife from dogs and requirements for potential regulatory controls. It is however proposed to initially test in formal consultation the inclusion of dog controls at specific areas at Back Beach and Fitzroy and East End beaches in the proposed Policy and proposed Bylaw. It is also proposed to include a new provision in the proposed Policy and proposed Bylaw to provide for the temporary urgent safeguarding of protected wildlife. These are further described below.

Waiwhakaiho Groyne to Te Henui Stream - sand dunes and rock wall area

Under the current Bylaw there are no regulations regarding the protection of wildlife for this area.

A new prohibited area is proposed comprising of the rockwall between the Te Henui Stream and East End Beach, and the sand dune area between East End Beach and the Waiwhakaiho Groyne bordered on the landward side by the Coastal Walkway. The rationale for this prohibition is to protect blue penguins that nest in this area year round. In 2020 a Penguin survey was undertaken by TRC which identified evidence of penguins nesting within the rockwall and sand dunes.

Refer Map 3 of the proposed Bylaw.

Protection of wildlife (and dogs)

Back Beach

Under the current Bylaw, dogs must be leashed controlled between Tapuae Stream to the Herekawe Stream (Tapuae Marine Reserve) between August and April (breeding season).

Two additional leashed control areas are proposed:

1. Proposed leashed control area. Back Beach lower car park and the adjoining reserve and stream area. The rationale for this leashed control area is to protect blue penguins and other wildlife in response to previous dog attacks on blue penguins, a grey faced petrel and a shag in this area.
2. Proposed leashed control area. Back Beach northern end car park and adjoining reserve and beach area between the bottom of the access steps, Round Rock and Paritutu. The rationale for this leashed control area is to protect seals in this area as it is an important seal haul out area. The Sugar Loaf Islands are a known breeding location for seals and they are often present on the rocky outcrops surrounding Paritutu Rock and the islands which are accessible from the beach. This is in response to dog attacks on seals including two recent attacks.

Refer to Map 4 of the proposed Bylaw.

The Council will continue to investigate, in consultation with key stakeholders, the potential requirements for the protection of wildlife (and dogs) in the district that may require subsequent future additional bylaw amendments to be considered at a later time.

Policy and Bylaw updates to provide for the urgent safeguarding of protected wildlife

The proposed Policy and proposed Bylaw include new clauses to recognise the importance of, and provide for, the urgent temporary safeguarding of protected wildlife. These clauses enable Council to temporarily identify an area as prohibited (for up to 60 days) in order to protect wildlife in the area. It will enable the Council to act quickly when there is an urgent need to protect wildlife. The provision provides the ability to erect signage and fencing at these areas that will help to inform dog owners and other beach users of the wildlife present in these areas and will reduce the potential for disturbance or destruction of the wildlife or habitat. This provision is particularly beneficial to the protection of oyster catchers and dotterels who nest on beaches.

Refer to statement 7.4.1 of the proposed Policy and clause 12 of the proposed Bylaw.



Prohibition with leashed control walk through for the beach area immediately adjacent to the Back Beach lower car park

Other than seasonal leashed control related to the Tapuae Marine Reserve the current Policy and current Bylaw has no dog control restrictions for Back Beach. The proposed Policy and proposed Bylaw proposes a new prohibited area with leashed control walk through on the beach area immediately adjacent to the Back Beach lower car park. The prohibition is proposed from 10am to 6pm from Labour Weekend (commencing Saturday) to Easter Monday. Dogs would be permitted to be led on a leash through the prohibited area to access the rest of Back Beach, which would remain as an off-leash area for dogs (with seasonal leashed control related to Tapuae Marine Reserve) and their owners to enjoy.

The rationale for this proposal is that the beach area immediately adjacent to the Back Beach lower car park is seasonally a very high congestion point for people and dogs with a significantly increased potential for dog control issues. Back Beach is a very popular beach with families and other recreational users including walkers, dog walkers and surfers and the proposed prohibited area is often crowded in the peak summer months. The proposal also recognises that the majority of the greater Back Beach area is suitable for dogs without the need for regulatory control with the exception of the seasonal leashed control related to Tapuae Marine Reserve.

Refer to Map 4 of the proposed Bylaw.

Reducing the daylight saving prohibitions at popular beaches

Under the current Bylaw dogs are prohibited from specific areas at East End/Fitzroy beaches, Ōākura Beach, Corbett Park/Ōākura River area and Onaero Beach between 9am and 6pm during daylight saving (last weekend of September to first weekend of April).

The proposed Policy and proposed Bylaw proposes to reduce the time of the prohibition to 10am to 6pm and the duration of the prohibition to occur from Labour Weekend (commencing Saturday) to Easter Monday. These proposals would allow dog walkers an extra hour in the morning before the prohibition begins and also provide an approximate four week reduction in the duration of the seasonal prohibition in spring when sea water temperatures are cooler (reducing the potential for bathing) and the weather is typically more unsettled. It is also recognised that changing the autumn ending will have some years with a longer prohibition where Easter falls after the first weekend in April.

The proposed changes seek to find a balance between providing for the exercise and recreational needs of dogs and their owners whilst maintaining dog free areas for the use of the public. Its supported by a large amount of feedback received during the pre-consultation survey noting that the current prohibition is too long and that these beach areas are not highly used before November/December and that the daily hours are too long.



Improving dog walking opportunities at Lake Mangamahoe

Under the current Bylaw dogs are prohibited in the lake and the land within 200 metres of the lake. This prohibition was established to protect the water and the wildlife that are present in and around the water.

The proposed Bylaw proposes a change to the current prohibition to enhance the dog walking opportunities at Lake Mangamahoe whilst maintaining the protection of the water and wildlife. The proposal will provide a lake circuit route for dog walkers consisting of a mix of leashed control and off-leash areas. The proposal also prohibits dogs from the lake and the land lake ward of the access road and the lower walking tracks around the lake. This approach ensures that wildlife using the grassed areas adjacent to the lake continue to be protected from the impacts of dogs.

Refer to Map 2 of the proposed Bylaw.

Leashed control for Council cemeteries

Under the current Bylaw all Council cemeteries are off-leash and under control. Both the Parks and Open Spaces Team and Animal Control Team receive dog nuisance complaints relating to cemeteries.

The proposed Bylaw proposes a change for cemeteries from off-leash and under control to leashed control. The proposal will continue to allow people to visit cemeteries with their dogs while also respecting the use of the cemeteries by other members of the community.

Other changes to the proposed Policy and proposed Bylaw

In addition to the above proposed changes to the proposed Policy and proposed Bylaw, the following changes are also proposed:

- Creating a standalone bylaw which is a consistent approach to other recent Council bylaw reviews. The proposed Bylaw has new definitions and general clauses to clarify obligations and offences to assist in the interpretation of the bylaw provisions and to enable the bylaw to be separated from the Council's Consolidated Bylaw.
- Clarifying that off-leash is the default rule in public areas unless otherwise specified.
- New requirement to prohibit the ability to exercise dogs with motor vehicles. This is a new rule added in response to issues and complaints regarding uncontrolled dogs running next to moving motor vehicles.
- Clarifying the Council's position on neutering menacing dogs.
- Simplifying the area controls (including prohibited and leashed control areas) by moving them into a schedule for ease of reference. The proposed schedule replaces the area maps in the current Bylaw, except for a select few that were deemed necessary to help clarify complex area rules. This helps to improve the readability and accessibility of the bylaw.
- Controls for playgrounds. Dogs must now be led around, not through playgrounds.
- Controls for sports fields. Dogs must now be set back from pitches and immediate areas being used by spectators during organised events (including training).
- Controls for Bell Block, Westown and Moturoa shopping areas: Clarification of leashed control description to improve interpretation and understanding in these areas.
- Refinement and clarification of the demarcation points for the East End and Fitzroy seasonal prohibitions to align with pedestrian beach access points.



Have your say!

The proposed Dog Control Policy and Proposed Dog Control Bylaw 2021 is now open for public consultation. This is your chance to let the Council hear your views and preferences about the proposals, so please take the time to get involved and have your say.

There are several ways you can have your say. A submission form is provided with this document or you can fill in your submission online.

To get your submission to us, either:

Do it online: npdc.govt.nz/HaveYourSay

Email it to: submissions@npdc.govt.nz

Post it to: NPDC Dog Control Submissions, Reply Paid DX, DX Box NX10026,
New Plymouth 4342

Deliver it to: Civic Centre, Liardet Street, New Plymouth or to a library and service centre
in Bell Block, Inglewood or Waitara

**Be sure to get your submission to the Council by 5pm on
Tuesday 14 December 2021**

Late submissions will not be accepted

Proposed Dog Control Policy and Dog Control Bylaw 2021

Submission Form

Save time by filling in your submission online at npdc.govt.nz/HaveYourSay

Full Name: _____

Organisation: _____

Address: _____

Email: _____

Phone (Day): _____

Do you want to speak to the Council in support of your submission? Yes No

If one of the boxes is not ticked, we'll assume you don't want to be heard.

1. New Plymouth Central Business Area (CBA)

Do you support the proposal of changing the current prohibition of dogs in the CBA to leashed control, but retaining the prohibition for menacing and dangerous dogs? (please tick one)

- Yes
- Yes, but also allow leashed control for dangerous and menacing dogs
- No, retain current ban of dogs in the CBA

Comments:

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2. Protecting wildlife (and dogs)

a) Do you support the proposed leashed control area at the northern end of Back Beach (car park, adjoining reserve and beach area)? (please tick one)

- Yes
- No

Comments:

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All submissions (including your name, address and contact details) are provided to Council officers and elected members for the purpose of analysing feedback. Your personal information will also be used for the administration of the engagement and decision-making process. Submissions (with individuals names only) will be available online. If requested, submitter details may be released under the Local Government Official Information and Meetings Act 1987. If there are good reasons why your details and/or submission should be kept confidential please contact our Privacy Officer on 06-759 5688 or through enquiries@npdc.govt.nz



b) Do you support the proposed leashed control area at the southern end of Back Beach (car park, adjoining reserve and stream area)? (please tick one)

Yes

No

Comments:
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c) Do you support the proposed prohibition for the sand dunes and rock wall area from the Waiwhakaiho Groyne to the Te Henui Stream? (please tick one)

Yes

No

Comments:
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3. Back Beach

Do you support the proposed seasonal* prohibition (with leashed control walk through) for the beach area immediately adjacent to the lower car park? (please tick one)

*10am to 6pm from Labour Weekend (commencing Saturday) to Easter Monday

Yes

No

Comments:
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4. Reducing the daylight saving prohibitions at popular beaches

Do you support the proposed seasonal* prohibitions at East End/Fitzroy beaches, Ōākura Beach, Corbett Park/Ōākura River area and Onaero Beach? (please tick one)

*10am to 6pm from Labour Weekend (commencing Saturday) to Easter Monday

Yes

No, retain current daylight saving ban (9am to 6pm)

Comments:
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New Plymouth District Council

Proposed Dog Control Policy 2021

1. Purpose

- 1.1. The purpose of this policy is to outline how the Council will regulate the keeping of dogs for the protection of the health and safety of the public.
- 1.2. This policy meets the requirements of the Dog Control Act 1996 ('the Act'). The Council is required to adopt a Dog Control Policy under section 10 of the Act.
- 1.3. The Council's obligations in relation to dog control are set out in the Act, and this policy should be read in conjunction with the Act.

Note: This Policy will be supplied to the owner of every registered dog.

2. Scope

- 2.1. The policy applies to all dogs within the district, including those not registered by the New Plymouth District Council.
- 2.2. The policy should be read and implemented concurrently with the Dog Control Bylaw 2021.

3. Application of the Bylaw

- 3.1. The Council gives effect to this policy by adopting the New Plymouth District Council Dog Control Bylaw 2021 ('the Bylaw').
- 3.2. The Bylaw includes the following provisions:
 - a) Keeping of dogs.
 - b) Off-leash areas.
 - c) Leashed control areas.
 - d) Prohibited areas.
 - e) No exercising dogs with vehicles.
 - f) Menacing dogs.
 - g) Urgent safeguarding of protected wildlife.
 - h) Temporary exemptions from dog controls.
 - i) Nuisances.
 - j) Fouling in public places.
 - k) Offences and penalties.

Note: The Council will report on the administration of this Policy annually and will make this report publicly available.

4. Definitions

4.1. In this Policy, unless the context otherwise requires:

Act means the Dog Control Act 1996.

Animal means any member of the animal kingdom, including birds, reptiles, livestock and poultry, but it does not include human beings.

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 any grassed areas or other green spaces that are adjacent to the beach. For clarification, estuary areas that fit this definition are considered a beach under this policy.

Bylaw means the New Plymouth District Council Dog Control Bylaw 2021.

Council means the New Plymouth District Council.

Dog Control Officer has the meaning given to that term by section 2 of the Act.

Dog Ranger has the meaning given to that term by section 2 of the Act.

Owner – in relation to any dog, has the same meaning given to that term in section 2 of the Act.

Policy means the New Plymouth District Council Dog Control Policy 2021.

Protected wildlife includes the definition of 'protected wildlife vulnerable to dogs' in the Conservation Act 1987.

Public place has the meaning given to that term by section 2 of the Act and, to provide certainty, includes any road under the control of the Council.

Reserve has the meaning given to that term by section 2 of the Reserves Act 1977.

Under control means having a dog off leash under command control of a person (for example, by voice, signal, whistle or other similar means) who is in fact controlling the dog so as to prevent it being an annoyance or a nuisance.

5. Fees and Infringement Notices

5.1. Fees for the registration of dogs are set by the New Plymouth District Council from time to time, pursuant to sections 37 and 38 of the Dog Control Act 1996. When setting fees, the Council may take into consideration the following outcomes:

a) Promoting responsible ownership by all dog owners.

- b) Recognising and rewarding good behaviour in dogs.
 - c) Recognising that working dogs are an integral and necessary part of the rural community and setting the fees accordingly.
 - d) Encouraging owners to de-sex their animals to reduce the incidence of roaming, aggressive behaviour and abandoned dogs.
 - e) Supporting the funding of the animal control activities of the Council primarily from the registration fee for dogs, while recognising that rates funding is appropriate for those costs which should not be borne by registered dog owners or where there is a direct community benefit from the activities.
- 5.2. Pound fees are set by the New Plymouth District Council from time to time, pursuant to section 68 of the Dog Control Act 1996. These fees can include:
- a) The seizure of dogs by dog control officers or dog rangers.
 - b) The sustenance of any dog impounded under this Act.
 - c) The destruction of any dog impounded under this Act.
- 5.3. In setting pound fees the New Plymouth District Council may:
- a) Set different fees for registered and unregistered dogs;
 - b) Set a graduated scale of fees for the repeated impounding of the same dog;
 - c) Require the fee to be paid before the dog is released from the pound.
- 5.4. The New Plymouth District Council considers the issuing of infringement notices to be a valuable tool toward encouraging responsible ownership and control of dogs. The use of infringement notices is to be used additional to or in place of Court action alternatives. Infringement fees are set out in Schedule 1 of the Dog Control Act 1996.

6. Objectives

Objective 1

- 6.1. Encourage responsible dog ownership.

Objective 2

- 6.2. Minimise danger, distress and nuisance to the community generally.

Objective 3

- 6.3. Avoid the inherent danger in allowing dogs uncontrolled access to public places that are frequented by children.

Objective 4

- 6.4. Enable as far as is practicable the public to use the streets and public amenities without fear of attack or intimidation by dogs.

Objective 5

- 6.5. Minimise the negative impact of dogs on protected wildlife and their habitats, including in coastal areas.

Objective 6

- 6.6. Recognise the exercise and recreational needs of dogs and their owners.

7. Policy Statements

7.1. Welfare of Dogs

- 7.1.1 The New Plymouth District Council recognises the benefits of good and proper dog care. Owners have an obligation to ensure their dog is kept within the minimum standards as described in the Bylaw. This includes a requirement of dog owners to provide a dog with:

- a) Adequate housing;
- b) Access to sufficient food and clean water at all times; and
- c) Regular and adequate exercise.

- 7.1.2 Where vehicles are driven into or through dog prohibited areas, and dogs are therefore not allowed out of vehicles, consideration should be given to the welfare of dogs left in vehicles and whether it would be more appropriate to leave the dog(s) at home.

- 7.1.3 All dog owners are expected to plan and prepare for the care and welfare of their dog(s) in anticipation of an emergency. While a state of emergency is in place dog owners must keep their dog under effective control at all times and ensure that their dog(s) does not injure, endanger or cause distress to any person.

7.2. Responsible dog ownership

- 7.2.1 The Council will encourage responsible dog ownership within the New Plymouth District through public education and enforcement of the Council's Bylaw, and other relevant legislation.

- 7.2.2 Responsible ownership requires owners to have an understanding of how to appropriately care for their dogs and how to control their dogs in public places as to not cause a nuisance or risk to the safety of other animals, or members of the public.

- 7.2.3 The Council encourages dog obedience courses to dog owners.

- 7.2.4 New Plymouth District is a carry leash community. This means every dog owner in a public place with a dog must carry a leash with them at all times. This includes in off-leash areas.

- 7.2.5 The Act sets out specific obligations of all dog owners. These are also enforced through the Bylaw. In summary, every dog owner is obligated to ensure the dog:

- a) is registered;
- b) is under control at all times;

- c) has proper care, attention, food, water, and shelter;
- d) has adequate exercise
- e) does not cause a nuisance;
- f) does not injure, endanger, intimidate or distress any person; and
- g) does not injure, endanger or distress animals.

7.3. Areas of dog control in public places

7.3.1 The New Plymouth District Council may designate dog exercise areas (off-leash areas) for the adequate recreational and exercise needs of dogs and their owners. Dogs in exercise areas must at all times be kept under control of a person responsible for the dog.

Note: At the time of writing there are no designated dog exercise areas.

7.3.2 All public places are designated as off-leash exercise areas, unless they are specified as leashed control or prohibited areas in Schedule 1 of the Bylaw.

7.3.3 The Council designates specific public places within the District where dogs must be kept on a leash at all times (leashed control areas). This is for the safety of the public and protected wildlife, and to ensure dogs do not cause an unnecessary nuisance. Dogs in leashed control areas must at all times be kept under control of a person responsible for the dog.

7.3.4 The Council designates specific areas within the district where dogs are prohibited (prohibited areas) This is for the protection of public safety, to ensure dogs do not cause a public nuisance in areas of high community use, and to safeguard protected wildlife. Dogs must not be allowed within prohibited areas.

7.3.5 General areas where dogs are prohibited, where dogs must be on leash, or are designated as off leash dog exercise areas are listed in the table at Appendix 1.

7.3.6 The Bylaw gives effect to these controls stipulated for each of the areas.

7.4. Temporary changes to dog controls

7.4.1 The Council recognises that protected wildlife may not always be in the areas we expect them to be. As a result, the Council may need to temporarily alter the dog control areas to ensure adequate protection of protected wildlife. The Council may, in accordance with clause 12 of the Bylaw, install temporary dog restrictions in areas for the urgent safeguarding of protected wildlife.

7.4.2 From time to time, it may be desirable to make temporary changes to dog control rules in specific areas to hold specific events. The Council may, in accordance with clause 13 of the Bylaw, lift certain dog controls, or introduce new dog controls, for a limited period of time.

7.4.3 Any person is able to apply to the Council for a temporary change to dog control area rules. The process for doing this is outlined in the Dog Control Bylaw clause 13.

Identification of 'Controlled' and 'Open' dog areas

7.4.4 The Council recognises the need to inform all dog owners of lands administered by the Department of Conservation which may be declared as:

- a) A controlled dog area, where dogs are banned unless provided with a permit from the Department of Conservation. National Parks are controlled dog areas.
- b) An open dog area, where permits are not required, but conditions may be imposed.

7.4.5 For clarity, Te Papakura o Taranaki (Egmont National Park) is a National Park and is a controlled dog area.

7.5. Control of menacing dogs

Note: Problems exist with a small section of the dog population, which pose a significant threat to the community through aggressive behaviour. These are dogs that attack or threaten people, animals, or protected wildlife. It is important to the Council that where dogs are identified as menacing, the appropriate actions are taken to control them.

7.5.1 The Council must classify those dogs listed in Schedule 4 of the Act as menacing.

7.5.2 Dogs that are identified and classified as menacing by the New Plymouth District Council may be required to be neutered.

7.5.3 Dogs that are identified and classified as menacing by another territorial authority may be required to be neutered once they become registered within the New Plymouth District boundary, or are found to be residing within the boundary without being registered.

7.5.4 When deciding whether or not to require a menacing dog to be neutered, the Council will take into account the following matters:

- a) Whether the Council considers that the dog may pose a threat to any person animal, or protected wildlife because of:
 - i) Any observed or reported behaviour of the dog; or
 - ii) Any characteristics typically associated with the dog's breed or type.
- b) the history of the owner of the dog, including (but not limited to) any relevant history about the behaviour of dogs kept by the owner, any impounding records, and any previous offences under the Dog Control Bylaw;
- c) any safety risk posed to the public by the dog; and
- d) anything else the Council considers relevant.

8. Review of Policy

8.1. This policy shall be reviewed from time to time in accordance with the Act, including any time that the Bylaw is reviewed.

Appendix 1: Area Rules

The table below lists general areas of dog control in the District. The Bylaw gives effect to these controls for each of the areas.

Note: Refer to Dog Control Policy clause 4 for relevant definitions including beach, public place, and reserve.

Area and description	Rules
District wide	
All public places not described elsewhere in this table	Off leash and under control
Playgrounds – as defined in the Bylaw	Prohibited
Sports parks – the area defined in the Bylaw	Leashed control
Cemeteries and Crematorium – as defined in the Bylaw	Leashed control
New Plymouth	
New Plymouth Central Business Area – as defined in the Bylaw – dangerous and menacing dogs	Prohibited
New Plymouth Central Business Area – as defined in the Bylaw – all other dogs, excluding dangerous and menacing dogs	Leashed control
Coastal Walkway areas - as defined in the Bylaw	Leashed control
Lake Rotomanu - the island in the middle of Lake Rotomanu	Prohibited
Peringa Park/Lake Rotomanu wetlands – the area defined in the Bylaw	Leashed control
Lake Mangamahoe – lake waters and grassland as defined in the Bylaw	Prohibited
Lake Mangamahoe - Lake Mangamahoe Road (the access road near the lake)	Leashed control
Te Henui Walkway – the area defined in the Bylaw	Leashed control
Fitzroy shopping area - as defined in the Bylaw	Leashed control
Moturoa shopping area - as defined in the Bylaw	Leashed control
Westown shopping area - as defined in the Bylaw	Leashed control
Pukekura Park/Brooklands Park – playgrounds and event areas - as defined in the Bylaw	Prohibited
Pukekura Park/Brooklands Park – all other areas as defined in the Bylaw	Leashed control
Rotokare (Barrett) Domain – pond and wetland areas as defined in the Bylaw	Prohibited
Rotokare (Barrett) Domain – access road as defined in the Bylaw	Leashed control

Area and description	Rules
Fitzroy	
Fitzroy Seaside Park swimming pool and adjacent playground – the area defined in the Bylaw	Prohibited
Fitzroy and East End beaches – foreshore and beach area defined in the Bylaw	Prohibited at certain dates and times as specified in the Bylaw
Fitzroy and East End beaches – dune area as defined in the Bylaw	Prohibited
Back Beach/Centennial Park	
Back Beach - the beach area as defined in the Bylaw	Prohibited at certain dates and times as specified in the Bylaw
Back Beach – the area defined in the Bylaw	Leashed control
Back Beach/Centennial Park to Tapuae Stream	
Tapuae Marine Reserve – the area defined in the Bylaw	Leashed control at certain dates and times as specified in the Bylaw
Port Taranaki	
Ngāmotu Beach and Reserve – the area defined in the Bylaw	Prohibited
Lee Breakwater/Port area – as defined in the Bylaw	Leashed control
Bell Block	
Hickford Park cycling facilities – area as defined in the Bylaw	Prohibited
Bell Block shopping area - as defined in the Bylaw	Leashed control
Bell Block Beach – the area defined in the Bylaw	Leashed control at certain dates and times as specified in the Bylaw
Waitara	
Waitara main shopping area - as defined in the Bylaw	Leashed control
Inglewood	
Inglewood shopping area - as defined in the Bylaw	Leashed control
Ōākura	
Ōākura Beach – foreshore and beach area as defined in the Bylaw	Prohibited at certain dates and times as specified in the Bylaw
Ōākura River/Corbett Park – the area defined in the Bylaw	Prohibited at certain dates and times as specified in the Bylaw
Ōākura shopping area as defined in the Bylaw	Leashed control
Ōkato	
Ōkato shopping area - as defined in the Bylaw	Leashed control

Area and description	Rules
Onaero	
Onaero Domain and adjoining beach – the area defined in the Bylaw	Prohibited at certain dates and times as specified in the Bylaw
Pukearuhe	
Parininihi Marine Reserve – the area defined in the Bylaw	Leashed control at certain dates and times as specified in the Bylaw
Urenui	
Urenui Domain and beach – the area defined in the Bylaw	Prohibited
Waiiti	
Waiiti Beach – the area defined in the Bylaw	Leashed control at certain dates and times as specified in the Bylaw
Tongapōrutu	
Tongapōrutu Domain – the area defined in the Bylaw	Leashed control
Te Papakura o Taranaki (Egmont National Park)	
Te Papakura o Taranaki (Egmont National Park) – the area defined in the Bylaw <i>Note: Dogs are banned from Te Papakura o Taranaki (Egmont National Park) under the National Parks Act 1980, administered by the Department of Conservation</i>	Prohibited

New Plymouth District Council

Proposed Dog Control Bylaw 2021



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

New Plymouth District Council
Proposed Dog Control Bylaw 2021

The purpose of this bylaw is to give effect to the Council's Dog Control Policy by regulating the keeping of dogs for the protection of the health and safety of the public.

1. Title and commencement

- 1.1. This bylaw is the New Plymouth District Council Dog Control Bylaw 2021.
- 1.2. This bylaw comes into force on [date].
- 1.3. This bylaw is due to be reviewed in accordance with section 158 of the Local Government Act 2002 by [date].

2. Authority

- 2.1. This bylaw is made under:
 - a) Section 20 of the Dog Control Act 1996; and
 - b) Section 145 of the Local Government Act 2002.
- 2.2. This bylaw should be read in conjunction with the Act and all other relevant bylaws of the Council. It is not intended to restrict, limit, or constrain any obligations and responsibilities under the Act.
- 2.3. Consistent with section 20(2) of the Act, this bylaw does not confer any power of entry onto any land or premises without the occupier's consent to any dog control officer, dog ranger or other person.

3. Purpose

The purpose of this bylaw is to give effect to the Policy by regulating the keeping of dogs for the protection of the health and safety of the public.

- 3.1. More specifically, this bylaw also has the following purposes:
 - a) conserve public health and prevent or abate nuisances;
 - b) regulate and control dogs in public places;
 - c) prescribe minimum standards for the accommodation of dogs;
 - d) require the owner of any dog that defecates in a public place to immediately remove the faeces;
 - e) provide for the impounding of dogs; and
 - f) provide for any other purpose necessary or desirable to further the control of dogs.

4. Application of this bylaw

- 4.1. This bylaw applies to the Council's entire District.
- 4.2. Despite clause 4.1, this bylaw does not apply to reserves that are administered, managed and controlled, and maintained by the Department of Conservation.

5. Interpretation

Definitions

- 5.1. In this part unless the context otherwise requires:

Act means the Dog Control Act 1996.

Animal means any member of the animal kingdom, including birds, reptiles, livestock and poultry, but does not include human beings.

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 any grassed areas or other green spaces that are adjacent to the beach. For clarification, estuary areas that fit this definition are considered a beach under this bylaw.

Building has the meaning given to that term by sections 8 and 9 of the Building Act 2004.

Bylaw means the New Plymouth District Council Dog Control Bylaw 2021.

Car park means the off street area set aside to park vehicles and all buildings, equipment, signs, access ways, land, fences, chattels and structures used or connected in any way with the area.

Council means the New Plymouth District Council.

Disability assist dog means a dog trained, or in training, to assist a person with a disability, as certified by one of the following organisations:

- a) Assistance Dogs New Zealand;
- b) Hearing Dogs for Deaf People New Zealand;
- c) K9 Medical Detection New Zealand;
- d) K9 Search Medical Detection;
- e) Mobility Assistance Dogs Trust;
- f) Royal New Zealand Foundation of the Blind Incorporated;
- g) New Zealand Epilepsy Assist Dogs Trust;
- h) Perfect Partners Assistance Dogs Trust; or
- i) an organisation specified in an Order in Council made under section 78D of the Act.

District means the district of the Council.

Dog control officer has the meaning given to that term by section 2 of the Act.

Dog ranger has the meaning given to that term by section 2 of the Act.

Dwelling means any separately occupied household unit used in whole or in part for human habitation, and includes:

- a) any building, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the soil or not; and
- b) any land associated with the dwelling.

Footpath means as much of any street or public place that is laid out or constructed by authority of the Council for pedestrian use.

Leashed control means that the dog is kept on a secure leash held by a person who is in total control of the dog at all times so as to prevent it being a nuisance or annoyance.

Month means a calendar month.

Motor vehicle has the meaning given to that term in section 2(1) of the Land Transport Act 1998.

Nuisance means any unreasonable interference with a person or property, and includes a statutory nuisance as defined in section 29 of the Health Act 1956.

Occupier means the inhabitant of any premises or, in any case where any premises are uninhabited, the owner of those premises.

Owner

- a) in relation to any dog, has the meaning given to that term by section 2 of the Act; and
- b) in relation to any land or premises, means any person who would be entitled to receive the rack rent of the property, if the property was let to a tenant at a rack rent, and where any person is absent from New Zealand, includes that person's attorney or agent, or any other person acting on their behalf.

Policy means the New Plymouth District Council Dog Control Policy.

Premises means all or part of:

- a) a property or allotment which is held under a separate record of title or for which a separate record of title may be issued and in respect to which a building consent has been or may be issued; or
- b) a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a record of title is available; or
- c) land held in public ownership (reserve) for a particular purpose; or
- d) individual units in buildings which are separately leased.

Public notice has the meaning given to that term by section 13 of the Legislation Act 2019.

Public place has the meaning given to that term by section 2 of the Act and, to provide certainty, includes any road under the control of the Council.

Reserve has the meaning given to that term by section 2 of the Reserves Act 1977.

Road has the meaning given to that term in section 315 of the Local Government Act 1974.

Temporary dog prohibited area means a public place that is subject to a current designation under clause 12.1 of this bylaw and for which public notice has been given under clause 12.3(a) of this bylaw.

Under control means having a dog off leash under command control of a person (for example, by voice, signal, whistle or other similar means) who is in fact controlling the dog so as to prevent it being an annoyance or a nuisance.

Urban means any land contained within New Plymouth, Bell Block, Waitara, Inglewood, Ōākura, Ōkato, Lepperton, Egmont Village, Onaero and Urenui, and that has reticulation services for water supply, sewage, or stormwater disposal available to it (even if the services are not currently connected or used).

Working dog has the meaning given to that term in section 2 of the Act, which includes a disability assist dog.

- 5.2. Any undefined words, phrases or expressions in this bylaw have the same meaning as in the Act or the Local Government Act 2002, unless the context plainly requires a different meaning.
- 5.3. Part 2 of the Legislation Act 2019 applies to the interpretation of this bylaw.
- 5.4. Every schedule to this bylaw forms part of this bylaw.
- 5.5. Every appendix to this bylaw does not form part of this bylaw, and may be inserted, amended, or removed at any time without any formal process. Appendices are provided for information purposes only, and may include a copy of statutory definitions referenced in clause 5.1.

6. Keeping of dogs

Minimum Standards

- 6.1. The owner of any dog must provide a kennel or place of shelter that, at a minimum, is:
 - a) of sufficient height and size to allow the dog to freely stand, move, stretch out, recline and lie down in a natural position;
 - b) fully shaded, dry and ventilated;
 - c) able to protect the dog from extreme heat and cold;
 - d) built on dry ground;
 - e) provided with a floor at or above ground level;
 - f) built so that surfaces can be easily cleaned;

- g) kept in a clean, dry and sanitary condition, including not allowing accumulation of faeces and urine;
- h) kept supplied with clean water at all times; and
- i) situated no closer than one metre from the boundary and in such a position that when the dog is confined, it cannot get closer than one metre to the boundary of any adjoining property.

Bitch in season

- 6.2. The owner of every bitch shall, whilst the bitch is in season, ensure that:
- a) the bitch is adequately confined on the owner's premises; and
 - b) when taken from the premises for any reason, the bitch is kept under leashed control at all times.

Limit on dogs in urban area

- 6.3. No person may keep a dog that is over the age of three months at a dwelling in an urban area so as to exceed the maximum number of dogs permitted under clause 6.4 or a consent granted under clause 6.7, whichever is the greater.
- 6.4. Except as authorised under clause 6.7, no more than two dogs may be kept at a dwelling at any one time.
- 6.5. Any person may apply to the Council for its consent to keep more than two dogs at a dwelling.
- 6.6. The application under clause 6.5 must be in writing, accompanied by any prescribed fee, and include:
- a) information about how the dogs will be housed or sheltered, exercised, and confined to the dwelling;
 - b) information about other control measures to ensure the prevention of a nuisance;
 - c) identification of neighbouring owners and occupiers who could be affected by the proposal, and the results of any consultation or discussion that has taken place with those persons;
 - d) information about the owner's history with dogs, including any previous welfare or nuisance issues, which may have occurred in the Council's District or elsewhere;
 - e) information about any particular needs of any of the dogs to be kept at the dwelling; and
 - f) any other information that the Council considers relevant.
- 6.7. Within 20 working days of receiving an application (with complete supporting information), the Council may grant, in writing, a consent to keep more than two dogs at a dwelling and impose any conditions on the consent that it considers appropriate.

- 6.8. In considering whether to grant a consent under clause 6.7, the Council must have regard to:
- a) the adequacy of the kennel or place of shelter that will be provided, provision for exercise, and measures for confining the dogs at the dwelling;
 - b) the likelihood of noise, waste or other nuisance being created by keeping of more than two dogs;
 - c) the views and preferences of neighbouring owners and occupiers;
 - d) the history of the owner of the dog, including (but not limited to) any relevant history about the welfare of other dogs kept by the owner, and any nuisance created by dogs kept by the owner (for example, noise, faecal deposits, wandering or threatening behaviour of dogs), and any impounding records;
 - e) any particular needs of any of the dogs to be kept at the dwelling; and
 - f) anything else the Council considers relevant.

7. Off-leash areas

- 7.1. An off-leash area is any public place (or part) that is not a leashed control area under clause 8.1, a prohibited area under clause 9.1, or a temporary dog prohibited area under clause 12.1.
- 7.2. No owner of a dog may allow the dog to be in an off-leash area unless:
- a) the dog is kept under control by the owner;
 - b) the owner carries a leash (if the dog is not under leashed control); and
 - c) all other lawful requirements are met (including, but not limited to, relevant requirements in the Act, the Conservation Act 1987, and the Wildlife Act 1953).
- 7.3. Clause 7.2 does not apply to:
- a) any dog contained or securely confined within or on any motor vehicle so as to not constitute a nuisance or endanger any person; or
 - b) any event for which an exemption has been granted under clause 13.
- 7.4. Clause 7.2(b) does not apply to any working dog carrying out its duties.

8. Leashed control areas

- 8.1. A leashed control area is any public place (or part) identified as a leashed control area in the Schedule during the dates and times set out in the Schedule, but does not include a temporary dog prohibited area under clause 12.1.
- 8.2. No owner of a dog may allow the dog to be in a leashed control area unless:
- a) the dog is kept under leashed control; and
 - b) all other lawful requirements are met (including, but not limited to, relevant requirements in the Act, the Conservation Act 1987, and the Wildlife Act 1953).

- 8.3. Clause 8.2 does not apply to:
- a) any dog contained or securely confined within or on any motor vehicle so as to not constitute a nuisance or endanger any person;
 - b) any event for which an exemption has been granted under clause 13.
- 8.4. Clause 8.2(a) does not apply to any working dog carrying out its duties.

9. Prohibited areas

- 9.1. A prohibited area is any public place (or part) identified as a prohibited area in the Schedule during the dates and times set out in the Schedule.
- 9.2. No owner of a dog may allow the dog to be in a prohibited area.
- 9.3. Clause 9.2 does not apply to:
- a) any dog contained or securely confined within or on any vehicle so as to not constitute a nuisance or endanger any person;
 - b) any disability assist dog carrying out its duties;
 - c) any event for which an exemption has been granted under clause 13.

10. No exercising dogs with motor vehicles

- 10.1. No owner of a dog may travel in a motor vehicle in a public place and allow the dog to run or walk behind, beside or in front of that motor vehicle.

11. Menacing dogs

- 11.1. If the Council or another territorial authority has classified a dog as menacing under section 33C of the Act (due to the dog belonging wholly or predominantly to one or more breed or type of dog listed in Schedule 4 of the Act), the Council must, in a written notice, require the owner of the dog to have the dog neutered.
- 11.2. If the Council or another territorial authority has classified a dog as menacing under section 33A of the Act (due to the actions of the dog), the Council may, in a written notice, require the owner of the dog to have the dog neutered.
- 11.3. Any owner who receives a written notice from the Council under clause 11.1 or 11.2 must, by the date specified in the Council's notice:
- a) comply with the notice and provide to the Council a certificate issued by a veterinarian certifying that the dog has been neutered; or
 - b) provide the Council with a certificate issued by a veterinarian certifying that, for the reasons specified in that certificate, the dog will not be in a fit condition to be neutered before a date specified in that certificate.

12. Urgent safeguarding of protected wildlife

- 12.1. The Council may, from time to time, designate a public place to be a temporary dog prohibited area for the urgent safeguarding of protected wildlife for a period of up to 60 days from the date that public notice is given under clause 12.3(a).
- 12.2. The Council may designate a public place to be a temporary dog prohibited area under clause 12.1 only where:
 - a) the public place is either an off-leash area or leashed control area (not a prohibited area);
 - b) protected wildlife is present in the public place (for example, nesting in the public place);
 - c) the presence of dogs in the public place would pose a serious risk to the welfare of the protected wildlife; and
 - d) the risk is urgent and cannot reasonably wait to be addressed through the establishment of a new prohibited area.
- 12.3. Where it designates a public place to be a temporary dog prohibited area under clause 12.1, the Council:
 - a) must give public notice of the temporary dog prohibited area, and the length of time the prohibition will remain in place; and
 - b) may, where practicable, install temporary signage, barriers or fencing around some or all of the public place.
- 12.4. No owner of a dog may permit the dog to be present in a temporary dog prohibited area.
- 12.5. A dog control officer or dog ranger may direct the owner of a dog to immediately remove the dog from a temporary dog prohibited area.
- 12.6. An owner of a dog who receives a direction from a dog control officer or dog ranger under clause 12.5 must immediately comply with that direction.

13. Temporary exemptions from dog controls

- 13.1. Any person may apply to the Council for an exemption from clauses 7.2, 8.2 or 9.2 for the purposes of holding an event.
- 13.2. The application under clause 13.1 must:
 - a) be in writing;
 - b) be made at least 21 working days before the proposed event;
 - c) be accompanied by any prescribed fee;
 - d) include details of the proposed event, including its dates and times; and
 - e) provide any other information that the Council considers relevant.
- 13.3. Within 20 working days of receiving an application (with complete supporting information), the Council may grant, in writing, an exemption to clauses 7.2, 8.2 or 9.2 and impose any conditions on the exemption that it considers appropriate.

- 13.4. In considering whether to grant an exemption under clause 13.3, the Council must have regard to:
- a) whether the application is consistent with and gives effect to the Policy, placing particular weight on:
 - i) Objective 2 (minimising danger, distress and nuisance to the community generally);
 - ii) Objective 5 (minimising the negative impact of dogs on protected wildlife and their habitats); and
 - iii) Objective 6 (recognising the exercise and recreational needs of dogs and their owners);
 - b) the views of any owners or occupiers of the land on which the event will be held or of any neighbouring land;
 - c) how the applicant proposes to manage any effects arising from the event; and
 - d) any other relevant information.

14. Nuisances

- 14.1. Every owner of a dog must ensure that the dog does not create a nuisance, including, without limitation, by:
- a) **Roaming**
roaming or otherwise being at large, including on any private property, without the consent of the occupier or person in charge of the land or premises concerned;
 - b) **Obstructing people**
obstructing the lawful passage of any person in a public place or on private property;
 - c) **Distress to people**
rushing at, chasing, frightening, intimidating or causing any person in a public place or lawfully on private property to suffer injury or distress;
 - d) **Refuse**
destroying, tearing or otherwise interfering with any refuse container, whether the container is on private property or in a public place;
 - e) **Property**
interfering with any other person's property, whether on private property or in a public place;
 - f) **Nuisance to animals**
rushing at, chasing, frightening, obstructing or causing injury or distress to any animal, including protected wildlife, whether on private property or in a public place;
 - g) **Noise**
barking, howling and/or whining in a persistent and loud manner; or
 - h) **Vehicles**
rushing at any vehicle.

15. Fouling in public places

- 15.1. The owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner must immediately remove the faeces from that place and dispose of it in a sanitary manner into a suitable receptacle.

16. Offences and penalties

- 16.1. A failure to comply with any prohibition, obligation, or other requirement in this bylaw constitutes a breach.
- 16.2. Any person who breaches this bylaw commits an offence under section 20(5) of the Act, and at the Council's discretion may be:
 - a) proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011 and be liable for a fine not exceeding \$20,000; or
 - b) served with an infringement notice providing for a \$300 infringement fee.
- 16.3. A dog control officer or dog ranger may impound a dog, if the dog is found at large in breach of this bylaw, whether or not they are wearing a collar with the proper label or disc attached.
- 16.4. Taking action under clause 16.2 or 16.3 will not necessarily prevent further action being undertaken by a dog control officer or dog ranger in accordance with the provisions of the Act. These actions may include, but are not limited to, issuing an abatement notice, seizing and impounding the dog, and, in some cases, destroying the dog.

Schedule 1: Area Rules

Area and description	At all dates and times	At specific dates and times
District wide		
All public places not described elsewhere in this schedule	Off leash and under control	
Playgrounds , including: <ul style="list-style-type: none"> Any area set aside as a children’s play area by the Council, for the recreation of children. Play equipment for this purpose. 	Prohibited	
Sports parks <ul style="list-style-type: none"> That part of a sports park being used during an organised event by players, spectators, and other associated activities (including training) undertaken by a recognised club, school, or organisation. <i>Note: When there are no organised events dogs are permitted to be off leash and under control.</i>	Leashed control	
Cemeteries and Crematorium <ul style="list-style-type: none"> Cemeteries controlled by the Council. The area of land defined as the Taranaki Crematorium. <i>Note: Dogs may be permitted inside the Taranaki Crematorium building subject to Council approval.</i>	Leashed control	
New Plymouth		
New Plymouth Central Business Area , all public places within the area bounded by and including: <ul style="list-style-type: none"> Ariki Street and Gill Street between Egmont Street and Gover Street. Devon Street between Robe Street and Gover Street. Egmont Street from Ariki Street to Devon Street. Liardet Street from Leach Street to Molesworth Street/St Aubyn Street. Puke Ariki Landing. Dangerous and menacing dogs.	Prohibited	

Area and description	At all dates and times	At specific dates and times
<p>New Plymouth Central Business Area, all public places within the area bounded by and including:</p> <ul style="list-style-type: none"> • Ariki Street and Gill Street between Egmont Street and Gover Street. • Devon Street between Robe Street and Gover Street. • Egmont Street from Ariki Street to Devon Street. • Liardet Street from Leach Street to Molesworth Street/St Aubyn Street. • Puke Ariki Landing. <p>All other dogs, excluding dangerous and menacing dogs.</p>	Leashed control	
<p>Coastal Walkway and areas, including:</p> <ul style="list-style-type: none"> • Formed walkway areas. • Rock embankment and grassed area adjoining the walkway from the western end of the formed car park in Kawaroa Park to the eastern end start of the walkway at Lee Breakwater car park. • Port Taranaki to the eastern end of the formed walkway at Tiromoana Crescent. • Bell Block, including the Hickford Park car park. • Waiwhakaiho River Mouth car park. • Fitzroy camping site. • Buller Street car park. • Molesworth Street car park. • Wind Wand car park at the seaward end of Egmont Street. • All of that part of Kawaroa Park seaward of the access road, including the road and car park. 	Leashed control	
<p>Lake Rotomanu</p> <ul style="list-style-type: none"> • The island in the middle of Lake Rotomanu. 	Prohibited	
<p>Peringa Park/Lake Rotomanu wetlands area</p> <ul style="list-style-type: none"> • Within the boundaries of the fenced wetland area located on the western side of Lake Rotomanu, • The walkway linking with Weka Street. <p><i>Note: Refer to Map 1 for clarity of the above description.</i></p>	Leashed control	

Area and description	At all dates and times	At specific dates and times
<p>Lake Mangamahoe</p> <ul style="list-style-type: none"> Lake Mangamahoe waters. The grassland between Lake Mangamahoe Road (the access road) and the lake, with the exception of dogs being allowed to be led on leash along the gravel path through the grassed area between the first swing bridge and the main car park. The grassland area between the lake and the lower walking tracks on the northern and eastern side of the lake. <p><i>Note: Refer to Map 2 for clarity of the above description.</i></p>	Prohibited	
<p>Lake Mangamahoe</p> <ul style="list-style-type: none"> Lake Mangamahoe Road (the access road) near the lake. <p><i>Note: Refer to Map 2 for clarity of the above description.</i></p>	Leashed control	
<p>Te Henui Walkway</p> <ul style="list-style-type: none"> That part of Te Henui Walkway, including the formed walkway, adjoining grassed areas and the Te Henui Stream itself, located between the lower foot bridge (nearest to the mouth of Te Henui Stream) and the overhead motor vehicle bridge on Devon Street East, New Plymouth, as indicated by signs. 	Leashed control	
<p>Fitzroy shopping area</p> <ul style="list-style-type: none"> The road and formed footpath on both sides of Devon Street East from its intersection with Beach Street through to its intersection with Darnell Street. 	Leashed control	
<p>Moturoa shopping area</p> <ul style="list-style-type: none"> The road and formed footpath on both sides of Breakwater Road and St Aubyn Street between Whitely Street and Rainsford Street. 	Leashed control	
<p>Westown shopping area</p> <ul style="list-style-type: none"> The road and formed footpath on the southern side of Tukapa Street in front of the commercial premises from the intersection of Dartmoor Avenue to approximately 100 metres north-east of Sanders Avenue (i.e. 37 Tukapa Street). 	Leashed control	
<p>Pukekura Park/Brooklands Park</p> <ul style="list-style-type: none"> Pukekura Park playgrounds near Rogan Street and Gilbert Street intersecting Victoria Road, the Fernery and Brooklands Zoological enclosure. 	Prohibited	

Area and description	At all dates and times	At specific dates and times
<p>Pukekura Park/Brooklands Park</p> <ul style="list-style-type: none"> Pukekura Park in the areas used for the Festival of Lights lighting display and its associated events, or other organised event programmes. 		<p>Prohibited for the duration of the lighting display and/or event between the hours of 7pm and midnight.</p> <p>At all other times leashed control.</p>
<p>Pukekura Park/Brooklands Park</p> <ul style="list-style-type: none"> All other areas within the boundaries of Pukekura Park, Brooklands Park and gardens. 	Leashed control	
<p>Rotokare (Barrett) Domain</p> <ul style="list-style-type: none"> The pond water and wetland areas. Wetland areas around the lagoon. 	Prohibited	
<p>Rotokare (Barrett) Domain</p> <ul style="list-style-type: none"> Access route from Rotokare Crescent/Kororako Grove. 	Leashed control	
Fitzroy		
<p>Fitzroy Seaside Park, swimming pool enclosure and adjacent playground</p>	Prohibited	
<p>Fitzroy and East End beaches, foreshore and beach area between:</p> <ul style="list-style-type: none"> The first pedestrian access to the west of the East End Surf Life Saving Club. The pedestrian beach access nearest to the Surfing Taranaki building adjacent to the entrance to the Fitzroy Campground. 		<p>Prohibited 10am to 6pm from Labour Weekend (commencing Saturday) to the end of Easter Monday.</p>
<p>Fitzroy and East End beaches, dune and rock wall, including:</p> <ul style="list-style-type: none"> Te Henui Stream mouth to the eastern boundary of the Fitzroy Beach Holiday Park. Dune and wetland area seaward of the Coastal Walkway between the eastern side of the Fitzroy Beach Holiday Park to the Waiwhakaiho Groyne. <p><i>Exception: Dogs may be led on leash along access ways to the unrestricted areas of the beach.</i></p> <p><i>Note: Refer to Map 3 for clarity of the above description.</i></p>	Prohibited	

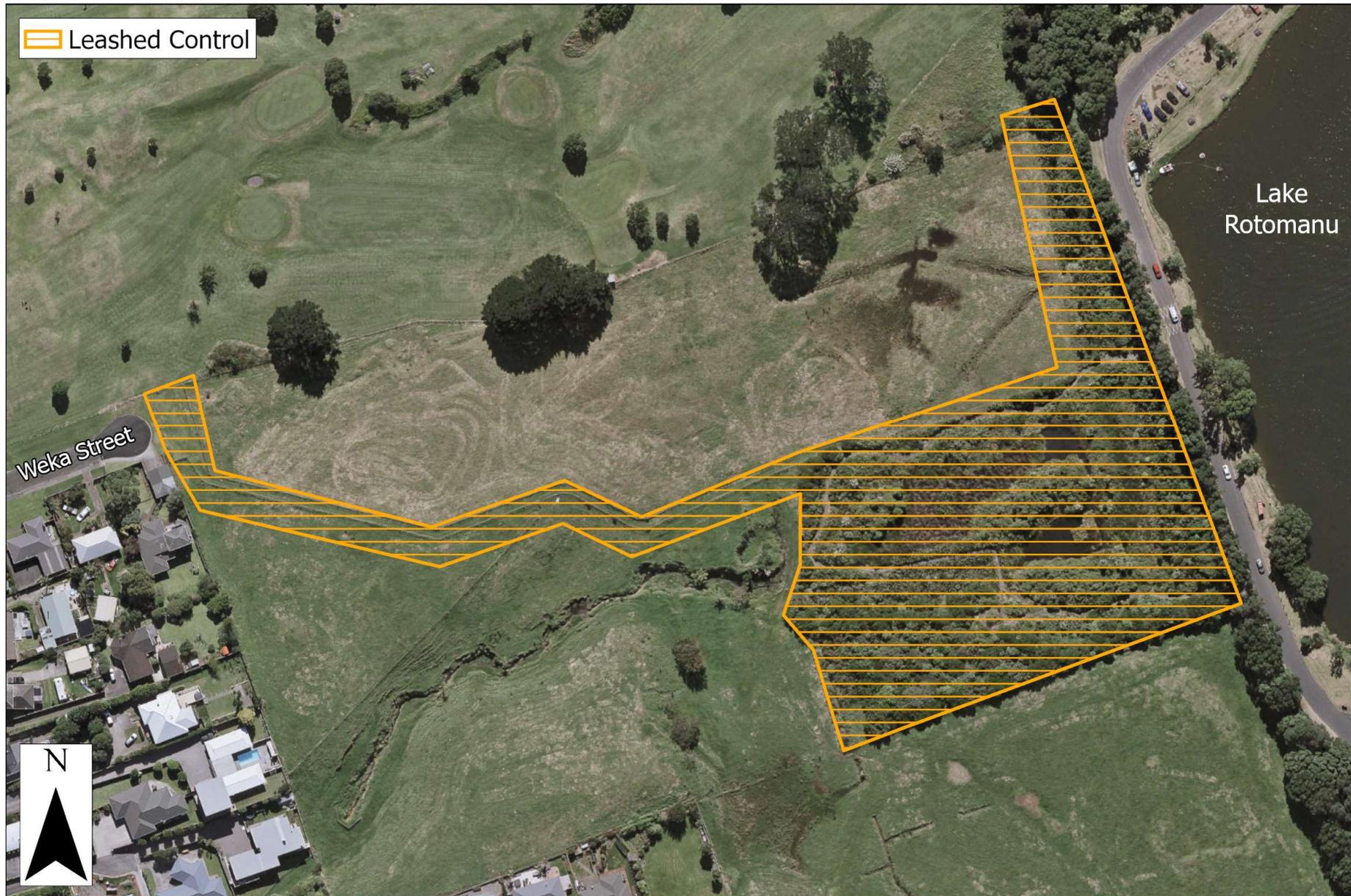
Area and description	At all dates and times	At specific dates and times
Back Beach/Centennial Park		
<p>Back Beach southern end, the beach area adjoining the lower car park, bounded by:</p> <ul style="list-style-type: none"> • The lower car park. • The northern headland. • The southern headland. <p><i>Note: Dogs may pass quickly through this prohibited area under leashed control to access the adjacent leashed control and/or off leash area.</i></p> <p><i>Note: Refer to Map 4 for clarity of the above description.</i></p>		Prohibited 10am to 6pm from Labour Weekend (commencing Saturday) to the end of Easter Monday.
<p>Back Beach southern end, stream, beach, foreshore and adjoining reserve area bounded by and including:</p> <ul style="list-style-type: none"> • The lower car park and access road. • The adjoining grass area up to the underpass tunnel and across to the grassed river bank on the true left side of the Herekawe Stream. <p><i>Note: Refer to Map 4 for clarity of the above description.</i></p>	Leashed control	
<p>Back Beach northern end, the foreshore, beach, dunes and adjoining reserve areas bounded by and including:</p> <ul style="list-style-type: none"> • The sand dune beach access from Centennial/Paritutu Park. • The southern side of Mataora/Round Rock. • The southern side of Paritutu Rock. <p><i>Note: Refer to Map 4 for clarity of the above description.</i></p>	Leashed control	
Back Beach/Centennial Park to Tapuae Stream		
<p>Tapuae Marine Reserve</p> <ul style="list-style-type: none"> • The area between the Tapuae Stream boundary to the Herekawe Stream boundary. 		Leashed control during breeding season 1 August to 30 April.
Port Taranaki		
<p>Ngāmotu Beach and Reserve, foreshore, beach, reserve and playground area, bounded by and including:</p> <ul style="list-style-type: none"> • Eastern side of the Blyde Wharf reclamation area. • Western side of the industrial reclamation area. • All land on the seaward side of Ocean View Parade. 	Prohibited	

Area and description	At all dates and times	At specific dates and times
<p>Lee Breakwater/Port area</p> <ul style="list-style-type: none"> From the edge of the carpark leaving the formed area of the walkway for the entire length of the breakwater of the Port area, as indicated by signs. 	Leashed control	
Bell Block		
<p>Hickford Park cycling facilities, all areas bounded by and including:</p> <ul style="list-style-type: none"> Taranaki Cycle Park. New Plymouth BMX track at Hickford Park. The areas of the velodrome. Children’s cycle park. 1.2km cycle track. BMX track. 	Prohibited	
<p>Bell Block Court shopping area, bounded by and including:</p> <ul style="list-style-type: none"> That area of formed footpath in front of the commercial premises on the northern side of Bell Block Court. East side of Nugent Street from Bell Block Court to Jeffery Lane. The formed car park and footpaths adjoining the commercial area on Bell Block Court. 	Leashed control	
<p>Bell Block Beach, bounded by and including:</p> <ul style="list-style-type: none"> The Bell Block foreshore, beach and reserve at the end of Mangati Road. Toilet block and picnic area to the west. Beach access ramp to the east. 		Leashed control during breeding season 1 August to 30 April.
Waitara		
<p>Waitara main shopping area, bounded by and including:</p> <ul style="list-style-type: none"> The road, verge and formed footpath on both sides of McLean Street from Browne Street to West Quay. Queen Street from Whitaker Street to the south side of the Waitara Library and Service Centre. 	Leashed control	

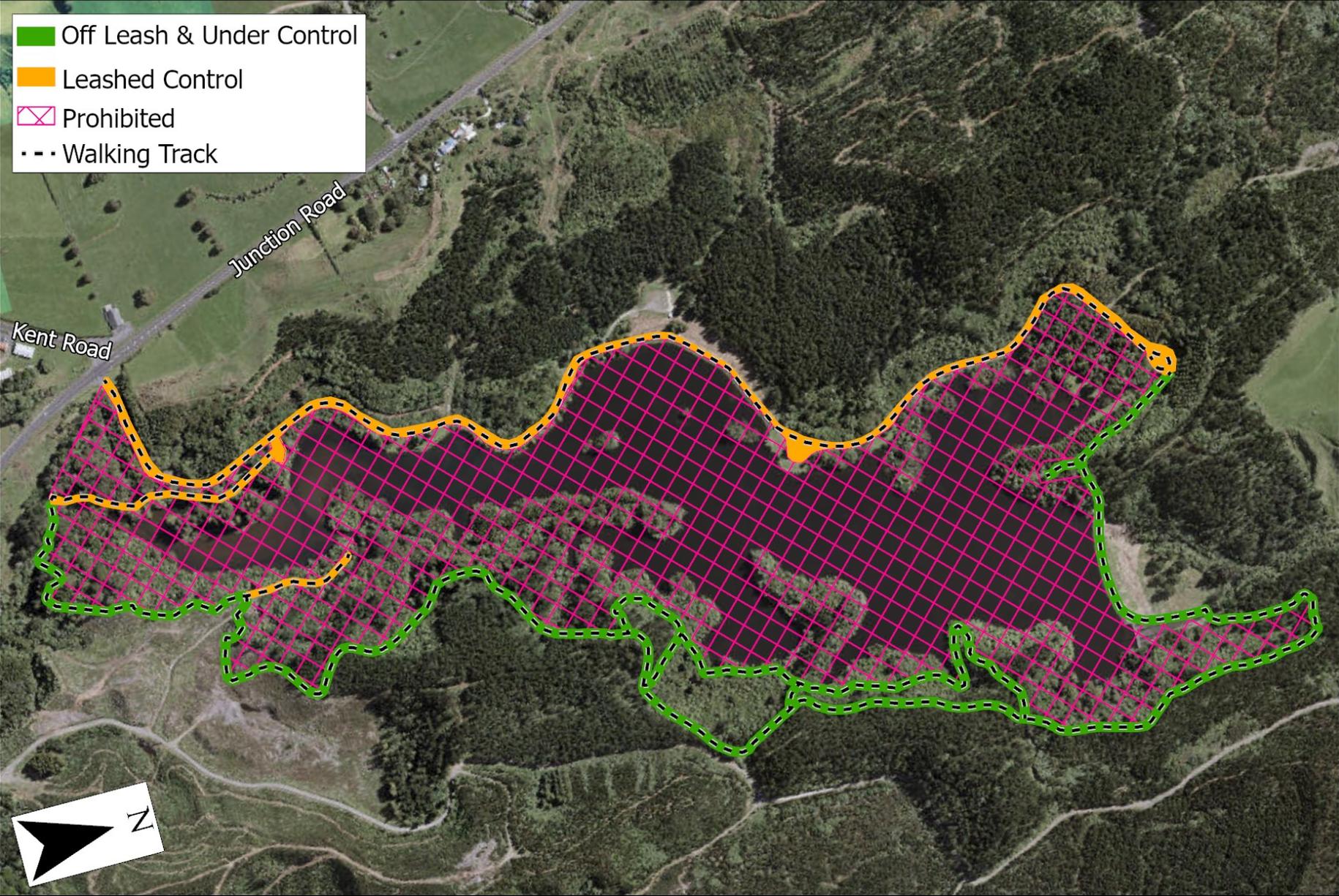
Area and description	At all dates and times	At specific dates and times
Inglewood		
<p>Inglewood shopping area, bounded by and including:</p> <ul style="list-style-type: none"> The road, verge and formed footpath on both sides of Rata Street from its intersection with Standish Street to its intersection with Brown Street. Matai Street from its intersection with Brookes Street to its intersection with Rata Street. 	Leashed control	
Ōākura		
<p>Ōākura Beach, the foreshore and beach area between:</p> <ul style="list-style-type: none"> The intersection between Tasman Parade and the road access leading to the Ōākura Camp to the intersection between Tasman Parade and Wairau Road. 		Prohibited 10am to 6pm from Labour Weekend (commencing Saturday) to the end of Easter Monday
<p>Ōākura River/Corbett Park, river, beach, foreshore and adjoining land bounded by:</p> <ul style="list-style-type: none"> State Highway 45 road bridge. True left bank of the river (Ōākura village side). Eastern edge of the formed vehicle access Corbett Park on the east side of the river (New Plymouth side). Across the river, and the area contiguous with and parallel to the seaward side of the building housing the changing rooms/public toilets. 		Prohibited 10am to 6pm from Labour Weekend (commencing Saturday) to the end of Easter Monday
<p>Ōākura shopping area</p> <ul style="list-style-type: none"> The road, verge and formed footpath on both sides of State Highway 45 from its intersection with Dixon Street to its intersection with The Outlook. 	Leashed control	
Ōkato		
<p>Ōkato shopping area</p> <ul style="list-style-type: none"> The road, verge and formed footpaths from the roundabout on the corner of South Road and Carthew Street through to the corner of Gossling Street and Carthew Street. 	Leashed control	

Area and description	At all dates and times	At specific dates and times
Onaero		
<p>Onaero Domain and adjoining beach, including, as indicated by signs:</p> <ul style="list-style-type: none"> • Campgrounds on both sides of the Onaero River adjoining the beach and foreshore <i>Excluding the area occupied by the baches.</i> 		Prohibited 10am to 6pm Labour Weekend (commencing Saturday) to the end of Easter Monday.
Pukearuhe		
<p>Parininihi Marine Reserve</p> <ul style="list-style-type: none"> • The area between the Waipingau Stream to the Clifton Road boundary. 		Leashed control during breeding season 1 August to 30 April.
Urenui		
<p>Urenui Domain and beach, including:</p> <ul style="list-style-type: none"> • All the domain area on the northern side of the Urenui River. • Adjoining foreshore and beach extending to the eastern headland in front of the area leased by the Golf Club and including the estuary area adjacent to the Urenui Domain. <i>Excluding the areas leased by the Golf Club.</i> 	Prohibited	
Waiiti		
<p>Waiiti Beach, the area known as Waiiti Beach</p>		Leashed control during breeding season 1 August to 30 April.
Tongapōrutu		
<p>Tongapōrutu Domain</p> <ul style="list-style-type: none"> • All the Tongapōrutu Domain area seaward of the State Highway 3 bridge. 	Leashed control	
Te Papakura o Taranaki (Egmont National Park)		
<p>Te Papakura o Taranaki (Egmont National Park)</p> <ul style="list-style-type: none"> • All areas of road reserve within the boundaries of Te Papakura o Taranaki (Egmont National Park). • Area between Egmont Road (Rahiri Cottage) to Egmont Camp House. <p><i>Note: Dogs are banned from Te Papakura o Taranaki (Egmont National Park) under the National Parks Act 1980, administered by the Department of Conservation.</i></p>	Prohibited	

Map 1 Peringa Park / Lake Rotomanu wetlands area



Map 2 Lake Mangamahoe



Map 3 Fitzroy / East End dune area



Map 4 Back Beach

