

Dog Control Bylaw 2016

Explanatory Note

This Bylaw gives effect to the Dog Control Policy for the District, the objective of which is to enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners, while minimising danger, distress, and nuisance to the community generally.

This Bylaw is made in accordance with the Local Government Act 2002 and Section 20 of the Dog Control Act 1996.

The definition of words used in this Bylaw will be found either in the Dog Control Act 1996 or in the body of the Bylaw.

(NB: This Bylaw should be read in conjunction with the Dog Control Act 1996 and its subsequent amendments).





Western Bay of Plenty District Council

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Title

This Bylaw is the Dog Control Bylaw for Western Bay of Plenty District Council and shall come into force on 14 October 2016.

Bylaw Structure

This Bylaw comprises the document and attached schedules.

Repeal

At the coming into force of this Bylaw, the Western Bay of Plenty District Council Dog Control Bylaw 2011 is revoked and replaced.

Scope

This Bylaw shall apply to the whole of the district administered by Western Bay of Plenty District Council, and other locations that are controlled by Western Bay of Plenty District Council, now and in the future.

Nothing in this Bylaw shall detract from the Dog Control Act 1996 or its amendments.

Validation

The Western Bay of Plenty District Council Dog Control Bylaw 2016 was duly made at a meeting of the Western Bay of Plenty District Council held after completion of the Special Consultative Procedure and will come into force on 14 October 2016.

The Common Seal of the Western Bay of Plenty District Council was affixed pursuant to a resolution of Council on 25 August 2016 in the presence of:

Chief Executive Officer

Seal

Date

29 August 2016



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1 Interpretation

Act – means the Dog Control Act 1996

Control – has the same meaning as section 52 of the Act.

Council – means the Western Bay of Plenty District Council.

Dangerous dog – has the same meaning as section 31 of the Act.

Disability assist dog – has the same meaning as the Act.

District – means the area administered by the Western Bay of Plenty District Council.

Dog Control Officer – means a Dog Control Officer appointed by the Western Bay of Plenty District Council under Section 11 of the Act and includes a warranted officer exercising powers under Section 17 of the same Act.

Dog on Leash Area – means public places within the district, as identified in Schedule 2, where a dog must be under leash control at all times.

Dog Ranger – means a Dog Ranger appointed under Section 12 of the Act and includes a person appointed as an Honorary Dog Ranger.

Foreshore — means such parts of the bed, shore or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tide.

Impound – means to seize and impound any dog in accordance with the provisions of the Act.

Infringement Offence has the meaning given to it in Section 65(1) of the Act.

Leash – means an adequate restraint held by a responsible person physically capable of restraining the dog.

Leash Control – means a dog is attached by a leash to a person physically capable of restraining the dog.



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Menacing Dogs – has the same meaning as sections 33A and 33C of the Act.

Neutering – means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised.

Owner – has the meaning as defined under the Act including every person who owns a dog; or has a dog in his or her possession; or the parent or guardian of a person under the age of 16 years who owns a dog.

Premises – means any land, house, storehouse, shop, cellar, yard, building or part of the same, or enclosed space separately occupied; and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.

Private way — means any way of passage whatsoever over private land within the district, to which the right to use is confined or intended to be confined to certain persons or classes of persons, and which is not open or intended to be open to the public generally.

Prohibited Area — Means public places within the District, as identified in Schedule 1, where a dog is prohibited either generally or at specified times.

Public Places – 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.

Reserve – means any land under the management or control of Western Bay of Plenty District Council and set apart for any public purpose as described from time to time, in the Reserves Act 1977, including parks, gardens, recreation grounds, open spaces and foreshores.

Search and Rescue Dog – means dogs which are used in the search for and provision of aid to people who are in distress or imminent danger and who have been appropriately certified as such.

Stock – has the same meaning as in Section 2 of the Act.

Warranted Officer – means any person who is, for the time being, a warranted officer within the meaning of the Conservation Act 1987.

Working Dog – has the same meaning as defined in the Act and includes Search and Rescue Dogs being a class of dog declared by Council resolution.



2 Control of Dogs in Public Places

- 2.1 In any public place not specified in Schedule 1 or 2 the owner of any dog or person being in possession of any dog shall keep that dog under control at all times
- 2.2 Without limiting the generality of subsection 2.1, a dog shall, for the purposes of this Bylaw be deemed not under control if it is found at large in any public place or in any private way in contravention of this Bylaw.

3 Dogs on Leash Areas and Leash Control Occasions

- 3.1 Every dog shall be kept under continuous leash control while that dog is in a Dogs on Leash Area.
- 3.2 Where a dog is causing or is likely to cause danger, distress or nuisance it must be kept on a leash and under control of the owner.

4 Prohibited Areas

- 4.1. Dogs are not allowed to enter the public places specified in Schedule 1 as being prohibited areas, whether under control or not.
- 4.2. The following dogs, on active service, are exempt from the prohibitions:
 - Disability assist dogs (as defined by the Act);
 - Any dogs belonging to a "specified agency" pursuant to section 2 of the Act;
 - Search and Rescue Dogs.

5 Dog Exercise Areas

5.1 Dogs are able to be exercised off a leash in public places except in areas identified within this Bylaw as prohibited or requiring 'dogs on leash' so long as when circumstances such as those set out in section 3.2 require, the dog can be leashed and kept under the control of the owner.

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6 Prevention of Public Nuisance

- 6.1 The owner or occupier of any premises where any dog(s) are customarily kept shall:
 - (a) Take adequate precautions to prevent the keeping of such dogs from becoming a nuisance or injurious to health;
 - (b) Take such steps as are necessary to prevent the dog(s) from becoming a nuisance or annoyance by barking, howling or by obstructing members of the public going about their lawful business in public places.
- 6.2 If in the opinion of a Dog Control Officer the keeping of such dogs on such premises has become or is likely to become a nuisance or injurious to health, the Dog Control Officer may by notice require the owner or occupier of such premises to do all or any of the following:
 - (a) To reduce the number of dogs kept on the premises;
 - (b) To construct, alter, reconstruct, or otherwise improve the kennels or other buildings used to house or contain such dog or dogs
 - (c) To require such dog or dogs to be tied up or otherwise confined during specified periods;
 - (d) To take such other action as the Dog Control Officer deems necessary to minimise or remove the likelihood of nuisance or hazard or injury to health.
- 6.3 Every dog owner or person in charge of a dog must carry plastic bags or other effective means to remove and dispose of any dog faeces when in public places with their dog.
- 6.4 Every owner or person in charge of a dog must immediately remove and appropriately dispose of any dog faeces produced by their dogs in public places or land that is not their own land.
- 6.5 Every dog owner must ensure that any dog known to be infected with Parvovirus, Distemper, Hepatitis or other contagious disease, is contained on his or her land or premises in such a manner that it cannot freely leave the land or premises other than when being transported to a registered veterinary clinic for treatment.
- 6.6 Every owner of a dog or any person for the time being in possession or control of any dog shall take all reasonable steps to

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- ensure that the dog does not injure, endanger, intimidate or otherwise cause distress to any person.
- 6.7 The owner of every bitch in season must keep it confined within their own property, but adequately exercised, while in that condition.

7 Limitation on Number of Dogs

- 7.1 No more than two dogs of greater age than three months shall be kept on or within any premises, other than in areas zoned Rural in the Western Bay of Plenty District Plan, unless an application for the premises is made by the owner or occupier of the premises, and subsequently approved by a Dog Control Officer and a permit issued. The above limit of two dogs applies irrespective of the number of owners residing in, or using, the premises.
- 7.2 Council may place conditions on the permit and the holder must comply with them. If the holder fails to comply with the conditions, Council may cancel the permit. Any failure to comply shall be a breach of the Bylaw.
- 7.3 In assessing every application for a permit, Council shall have regard to:
 - (a) The adequacy of the land or premises for the keeping of additional dog(s) specified in the application, giving consideration to their size and breed;
 - (b) The likely effects which keeping the additional dog(s) would have upon the surrounding neighbourhood;
 - (c) The likelihood of the dog(s) becoming a nuisance;
 - (d) Any previous complaints made to the Council about the owner or their dog(s);
 - (e) Whether there is adequate fencing;
 - (f) Whether there is dog-free access to the property; and
 - (g) Any other matter considered relevant.
- 7.4 Every application for a permit must supply the information that Council requires to issue the permit and the applicant must pay the applicable fee prescribed by Council through the Annual Plan process.



- 7.5 The fee for such a permit shall be payable in addition to the registration fees payable under the Act.
- 7.6 Where there are more than two dogs living on any premises without a permit required by clause 7.1 of this bylaw, the Dog Control Officer will by notice require the owner or occupier of such premises to apply for a permit within seven days.
- 7.7 Where a permit application is declined, or the owner fails to lodge a permit application within seven days of being notified of the requirement to do so, the Dog Control Officer will by notice require the owner or occupier to reduce the number of dogs on the premises to no more than two dogs within 14 days. Where that owner or occupier fails to comply with this notice, Council shall seize the number of dogs required to reduce the number of dogs on the premises to two, and shall dispose of the seized dog(s) in accordance with clause 13.2 of this bylaw.

8 Welfare of Dogs

- 8.1 No person shall allow any dog to be kept in a manner that does not comply with the following minimum standards:
 - (a) When contained or tethered, dogs must have constant access to water, appropriate to their needs, that is palatable to the dog, not harmful to health, and available in quantities sufficient to maintain vital bodily functions;
 - (b) Dogs must not be contained or tethered in a way that causes them injury or distress, and any tether must be at least two metres in length;
 - (c) Collars must fit comfortably without damaging the skin or restricting breathing;
 - (d) Dogs must be provided with sheltered and dry sleeping quarters;
 - (e) Measures must be taken to enable dogs to keep warm in cold weather;
 - (f) Sleeping quarters must be large enough to allow the dog to stand up, turn around and lie down comfortably;
 - (g) Dogs must be able to urinate and defecate away from the sleeping area;

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- (h) Ventilation and shade must be provided in situations where dogs are likely to experience heat distress;
- Faeces and urine must not be permitted to accumulate to such as extent that they pose a threat to the health or welfare of the dog;
- (j) Food and water containers must be kept clean of contamination that may pose a threat to the health or welfare of the dog;
- (k) Owners, or persons in charge or dogs, who observe their dogs to be showing:
 - i. Signs of significant acute or chronic pain, suffering and distress;
 - ii. signs of rapidly deteriorating health; or
 - iii. serious injury must seek immediate attention from a veterinarian or appropriately trained animal health practitioner.
- (I) If a dog is suffering from pain and distress that is extreme or untreatable, then the animal must be euthanized;
- (m) The coats of long-haired dogs must be groomed and/or clipped at a frequency that will prevent suffering and distress due to matting or infestation by parasites; and
- (n) Claws must be clipped when necessary to avoid penetration of the skin and/or foot pads.
- 8.2 Every dog owner must provide his or her dog with suitable housing or kenneling which:
 - (a) Is situated in a position not closer than 5 metres to any adjoining land in Rural zoned areas or 3 metres from the adjoining boundary in all other zones;
 - (b) In the case of a kennel without other means of containment, be provided with a fixed chain which allows the dog free movement about the kennel; and
 - (c) Is of a floor area sufficient to allow reasonable movement and space to turn around, and of sufficient height so that the dogs may stand freely, and is generally consistent with the



recommended minimum kennel sizes set out in Table 1 below:

Table 1: Recommended minimum kennel sizes						
Size of dog	Kennel only	Kennel plus run				
Small	900mm x 700mm	500mm x 500mm plus 600mm x 1m				
(less than 7kg)						
Medium	1.2m x 800mm	600mm x 700mm plus 800mm x 1m				
(7kg-20kg)						
Large	1m x 1.5m	800mm x 800mm plus 1m x 800mm				
(21kg-40kg)						
Extra large	1m x 2m	1.2m x 1.2m plus 1.2m x 2.4m				
(40kg +)						

8.3 If Council considers that the keeping of dogs is such that clauses 8.1 or 8.2 are breached, Council may serve notice on the owner or occupier to take actions to require the conditions under which the dog is kept to be improved, so as to comply with clauses 8.1 or 8.2. The notice shall specify all corrective actions to be taken and, except in the case of ongoing actions, the time within which compliance must be achieved. Failure to comply with the notice is a breach of this bylaw and an infringement offence.

9 Menacing dogs and dangerous dogs

- 9.1 Council requires mandatory neutering of dogs classified as menacing in accordance with the provisions of the Act. Dogs must be neutered within one month of classification.
- 9.2 If a dog has been classified as a menacing dog in another district, where it was not required to be neutered, but moves to the Western Bay of Plenty District, it will be a requirement for the dog to be neutered within one month of residing in the Western Bay of Plenty District.
- 9.3 Any dog residing in the Western Bay of Plenty District that has previously been classified as menacing will be required to be neutered within 12 months of this bylaw becoming effective.
- 9.4 Council shall grant an exemption to the requirement to be neutered pursuant to clause 9.1, 9.2 or 9.3 of this bylaw where the owner provides a written declaration from a registered veterinarian that neutering the dog would be detrimental to its health.
- 9.5 Menacing dogs must wear a muzzle in public.



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Dogs classified as dangerous in accordance with the Act are also 9.6 required to be neutered, have fencing requirements applied, and must wear a muzzle in public pursuant to the requirements of the Act.

Probationary Owners 10

10.1 If any owner of a dog is classified as a probationary owner pursuant to the Act, Council will require the person to complete at his or her expense, a dog owner education programme or a dog obedience course (or both).

11 **Impounding**

- 11.1 A Dog Control Officer or Dog Ranger may impound any dog found at large or in breach of any provision of this Bylaw whether or not it is wearing a collar having the proper registration label or disc attached.
- Where a Dog Control Officer has reasonable grounds to believe an 11.2 offence under the Act has been committed, including failure to comply with registration requirements, the dog(s) may be seized and impounded, if authorised by any provision of the Dog Control Act 1996.
- The owner of any dog impounded shall pay to the Council 11.3 reasonable fees for the sustenance of the dog and any reasonable veterinary fees incurred by Council for that dog at Council's contracted veterinary provider, together with an impounding fee, seizure fee or microchipping fee as required as set through the Annual Plan process.
- 11.4 If a dog has been impounded or subject of an infringement offence three times within any 12 month period for failure to keep the dog controlled or confined, Council shall require the dog to be neutered within one month of the date of the third impoundment or infringement. Where the owner fails to neuter the dog within the one month period, a breach of this bylaw is committed and the owner shall be issued with an infringement notice. Council may also seize and impound the dog.

12 Release from Pound

- 12.1 A dog shall be released from impoundment by the Council only when:
 - proof of ownership and identity of the dog is established; and (a)

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- (b) registered dogs are microchipped (not including a registered dog impounded for the first time) as required by section 69A of the Act;
- (c) unregistered dogs are registered and microchipped, as required by section 69A of the Act;
- (d) the dog has been neutered, where it was impounded pursuant to clause 11.4 or part 9 of this bylaw; and
- (e) All fees due to Council are paid.

13 Disposal of Impounded Dogs

- 13.1 Where any dog is impounded under this Bylaw, Council will dispose of that dog where:
 - (a) It is not claimed by the dog owner and all fees are not paid to Council within seven (7) days after receipt by the dog owner of written notice of the impounding; or
 - (b) Its owner is unknown by the Council or cannot be found within seven (7) days of the impounding;
- 13.2 In the event that Council disposes of a dog, the dog may be destroyed by the Council or sold by the Council to any person who shall thereafter become the lawful owner of the dog. Such destruction or sale shall not relieve the person who was the dog owner before the dog's destruction or sale from liability for any offence or for payment of any payment of any fees under this Bylaw.

14 Offences and Penalties

- 14.1 Every person who commits a breach of any of the provisions of this Bylaw shall be liable on summary conviction to a fine not exceeding \$20,000 or be issued with an infringement notice for \$300.
- 14.2 The following infringements are set by the Dog Control Act 1996.
 The Council has no discretion to alter these fees:

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Section	Brief Description of Offence	Infringement Fee
18	Wilful obstruction of dog control officer or ranger	\$750
19 (2)	Failure or refusal to supply information or wilfully stating	\$750
101(0)	false particulars	+750
19A(2)	Failure to supply information or wilfully providing false particulars about dog	\$750
20(5)	Failure to comply with any bylaw authorised by section 20 of the Act	\$300
24	Failure to comply with obligations of probationary owner	\$750
28(5)	Failure to comply with effects of disqualification	\$750
32(2)	Failure to comply with the effects of classification of dog as a dangerous dog	\$300
32(4)	Fraudulent sale or transfer of dangerous dog	\$500
33(F)	Failure to comply with effects of classification of dog as a menacing dog	\$300
36(A)	Failure to implant microchip transponder in dog	\$300
41	False statement relating to registration	\$750
41A	Falsely notifying death of dog	\$750
42	Keeping unregistered dog	\$300
46(4)	Fraudulent attempt to procure replacement label or disc	\$500
48(3)	Failure to advise change of ownership	\$100
49(4)	Failure to advise change of address	\$100
51(1)	Removal or swapping of labels or discs	\$500
52(A)	Failure to keep dog controlled or confined	\$200
53(1)	Failure to keep dog under proper control	\$200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water and to provide adequate exercise	\$300
54A	Failure to carry leash in public	\$100
55(7)	Failure to comply with barking dog abatement notice	\$200
62(4)	Allowing dog known to be dangerous to be at large unmuzzled	\$300
72(2)	Releasing dog from custody	\$750





Schedule 1 - Prohibited Areas

The following table identifies the areas within Western Bay of Plenty District Council where dogs are prohibited. The Maps attached in Schedule 3 should be viewed in order to determine the exact location of restrictions.

Geographical Area	Timeframe
District Wide	
All children's playgrounds (soft play area)	Year round
Plummers Point	
Huharua Park (Ongarahu Pa) (see definition	Year round
below)	
Omokoroa Point	
Omokoroa Domain – the area between the	Year round
playground and toilet block	
Sandbars off Cooneys Reserve Omokoroa	Year round
Omokoroa Esplanade (see definition below)	Summer months *
The foreshore area between Cooneys Reserve	Year round
and Lynley Park, adjoining the Omokoroa to	
Bethlehem cycleway	
Omokoroa Domain Foreshore	Spring to Autumn **
Waihi Beach	
Waihi Beach except for year round dog zone	Summer months
(see definition below)	
Maketu	
Area between (and including) Park Road	Summer months
Reserve to Maketu Surf Lifesaving Club	
Maketu Historic and Local Purpose Reserve	Summer months
Maketu Spit (stretching as far as the cut)	Year round
Pukehina	
Pukehina Spit (Dotterel Point Reserve)	Year round

- * Summer months is defined as the period from the third Wednesday of December to the 7th of February (both days inclusive) between the hours of 9am and 7pm. Outside of these periods, dogs may run free provided it is under proper control at all times and owners carry a leash.
- ** Spring to Autumn restriction is defined as the period between Labour weekend and Easter Monday (inclusive).





Mixed Approach - Huharua Park

The Park comprises some areas which are prohibited to dogs and some which are dogs on leash. There is also a large area where there are no restrictions. Please refer to the map for exact locations of the boundary restrictions.

Mixed Approach - Omokoroa Esplanade

The Omokoroa Esplanade is prohibited in Summer Months (see above definition). However, dogs may pass through the area on leash, using the footpath opposite the Esplanade, as part of the Omokoroa to Bethlehem cycleway. Outside of the Summer Months restrictions, dogs may run free on the Esplanade provided it is under proper control at all times and the owners carry a leash.

Waihi Beach year round dog zone:

The area which is available to dogs year round is identified on the Waihi Beach map. It is the area formed between a line 100m south of Albacore Avenue and a line 100m north of Pio Road.



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Schedule 2 – Dogs on Leash Areas

The following table identifies the areas where dogs are required to be on a leash. The Maps attached in Schedule 3 should be viewed in order to determine the exact location of restrictions.

Geographical Area	Timeframe
TECT All Terrain Park (excluding the designated dog exercise area)	rear round
Huharua Park	Mixed approach *
Omokoroa to Bethlehem cycleway, including	Year round
associated berms and verges	1001100110
Scenic Reserves	
Kaiate Falls Scenic Reserve	Year round
Ongaonga Scenic Reserve	Year round
Puketoki Scenic Reserve	Year round
Omokoroa Point	
Omokoroa Golf Course: Walkway adjacent to sandspit	Year round
Omokoroa to Bethlehem cycleway, including the associated berms and verges, except the area at Cooney's Reserve where no restrictions apply (dog under control). For the avoidance of doubt, the area at the end of Beach Grove is a Dogs on Leash Area.	Year round
Katikati	
Uretara Walkway between the point where the Riverside Place walkway links onto the Uretara walkway and Park Road Reserve.	Year round
In the town centre area on Main Street (between the Uretara Stream and Fairview road) and Talisman Drive	Year round
Waihi Beach	
Island View Reserve	Seasonal (October to March) **
In the town centre are on Seaforth Road (between Dillon Street and Citrus Avenue)	Year round
Te Puke	
In the town centre area bounded by Queen Street, Boucher Avenue, Commerce Lane, Jocelyn Street, the railway line, King Street, Tom Blaikie Lane and Oxford Street. This includes all areas open to the public within this area.	Year round

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- * Mixed Approach Huharua Park
 The Park comprises some areas which are prohibited to dogs and some which are dogs on leash. There is also a large area where there are no restrictions. Please refer to the map for exact locations of the boundary restrictions.
- ** The Island View Reserve is restricted to dogs on a leash area between the months of October to March as a result of birds nesting within the reserve during this period.

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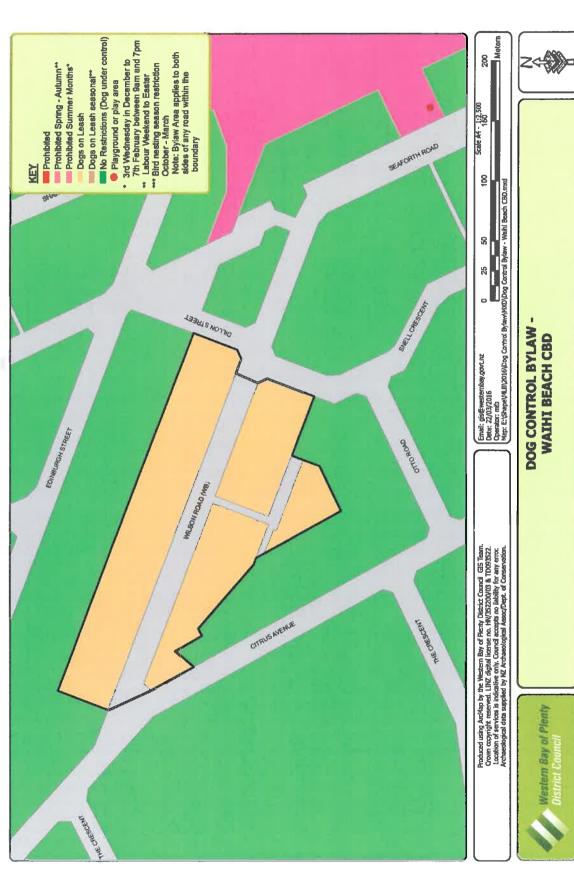


Schedule 3 — Maps showing 'prohibited' and 'dogs on leash' areas

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Waihi Beach CBD



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WAIHI BEACH CBD

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Waihi Beach



DOG CONTROL BYLAW-WAIHI BEACH

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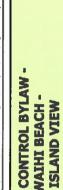
Waihi Beach - Island View



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DOG CONTROL BYLAW WAIHI BEACH -

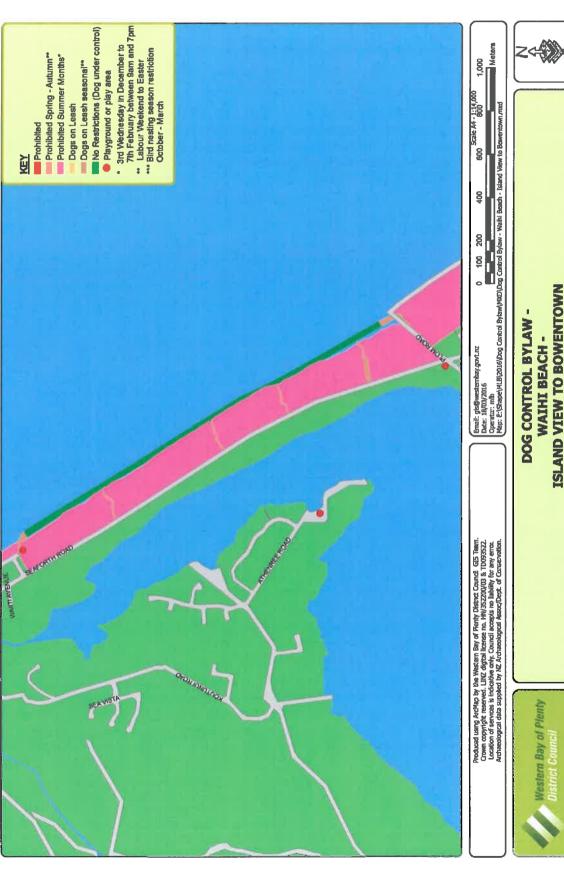




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Waihi Beach - Island View to Bowentown



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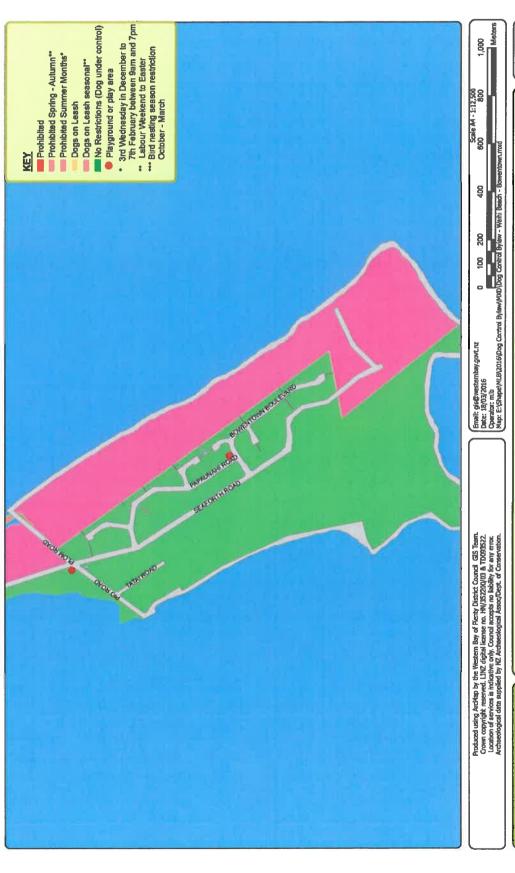
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ISLAND VIEW TO BOWENTOWN

WAIHI BEACH -



Waihi Beach - Bowentown



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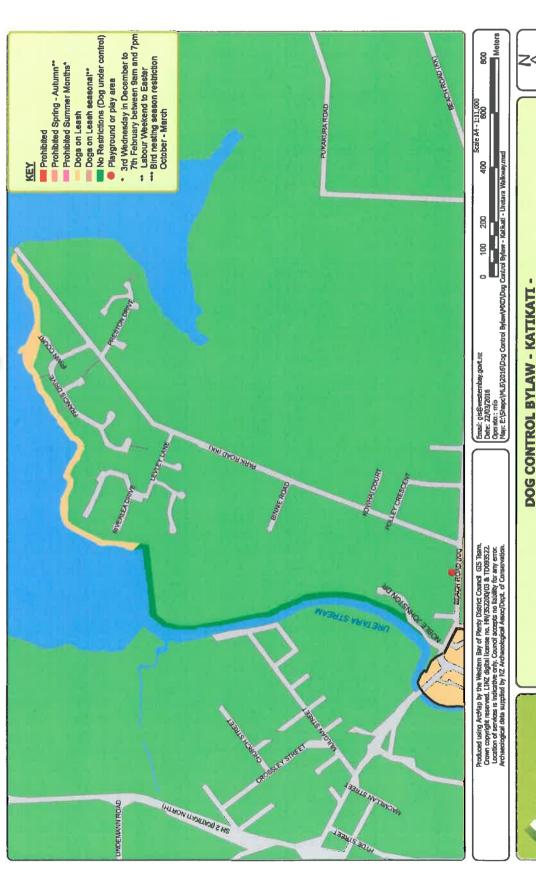




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Katikati – Uretara Walkway



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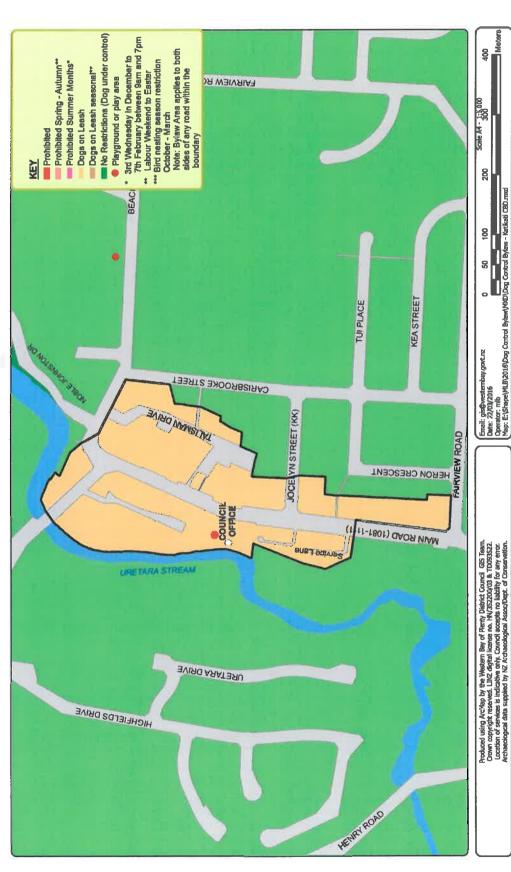
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Katikati – CBD



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DOG CONTROL BYLAW KATIKATI CBD







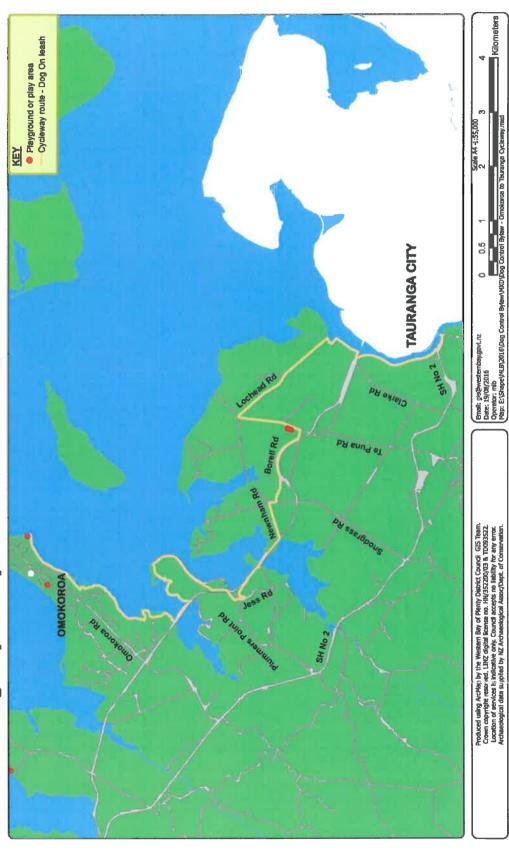


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Omokoroa to Tauranga Cycleway



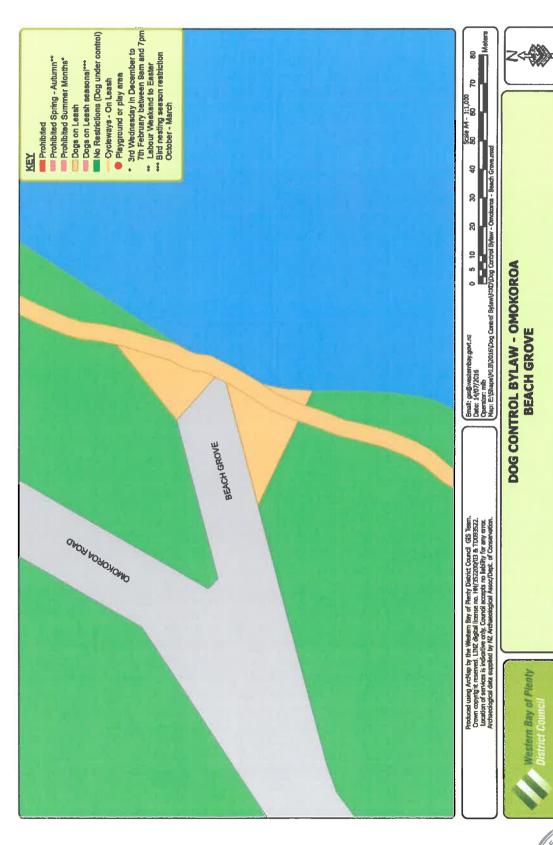
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OMOKOROA TO TAURANGA CYCLEWAY DOG CONTROL BYLAW -



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Omokoroa – Beach Grove





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BEACH GROVE



Omokoroa – Cooney's Reserve to Lynley Park



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DOG CONTROL BYLAW - OMOKOROA - COONEY'S RESERVE - LYNLEY PARK

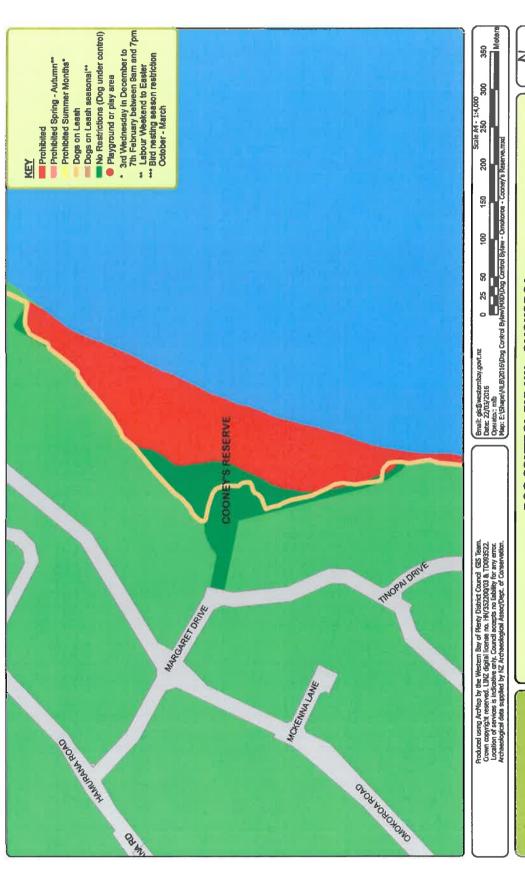
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Omokoroa – Cooney's Reserve



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DOG CONTROL BYLAW - OMOKOROA -COONEY'S RESERVE





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Omokoroa - Domain and Esplanade



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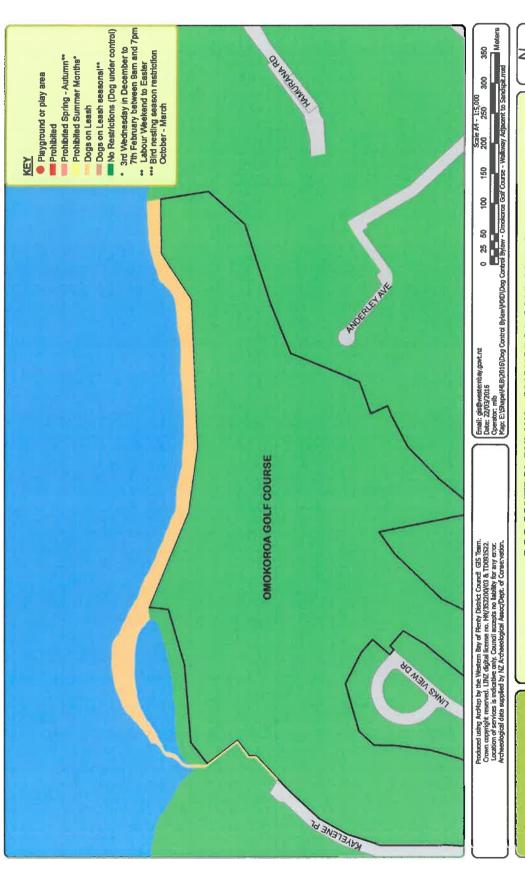
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Omokoroa Golf Course



Western Bay of Plenty District Council

DOG CONTROL BYLAW - OMOKOROA GOLF COURSE - WALKWAY ADJACENT TO SANDSPIT

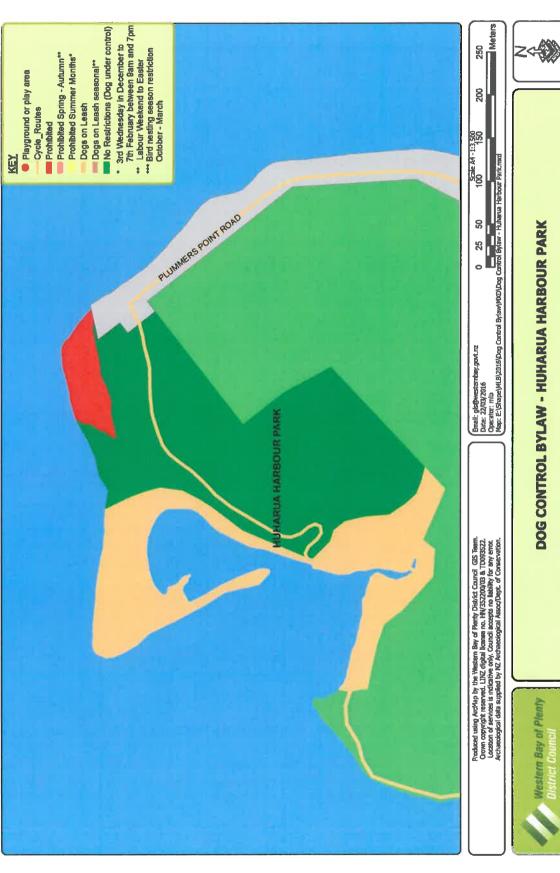


Dog Control Bylaw 2016

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Plummers Point – Huharua Harbour Park



Dog Control Bylaw 2016 The Common

Western Bay of Pfenty

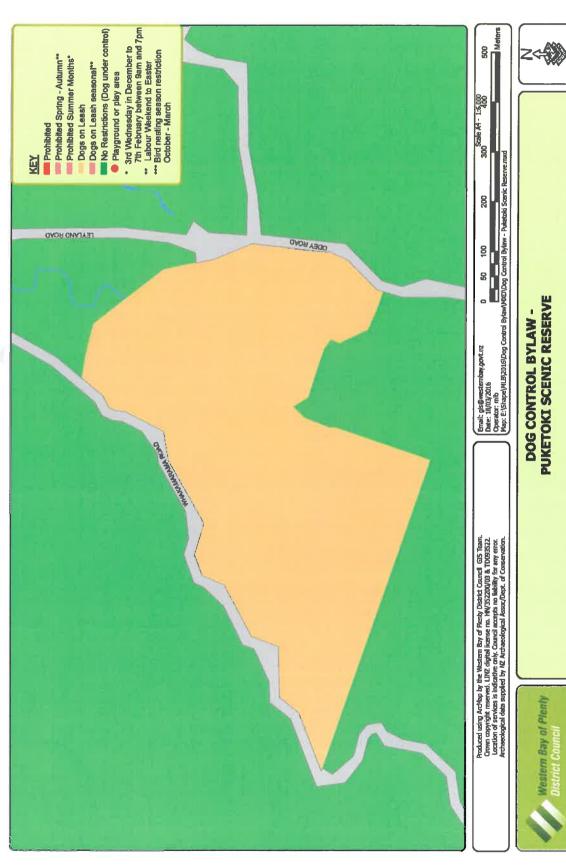
August 2016

DOG CONTROL BYLAW - HUHARUA HARBOUR PARK

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Puketoki Scenic Reserve



Dog Control Bylaw 2016

Western Bay of Plenty

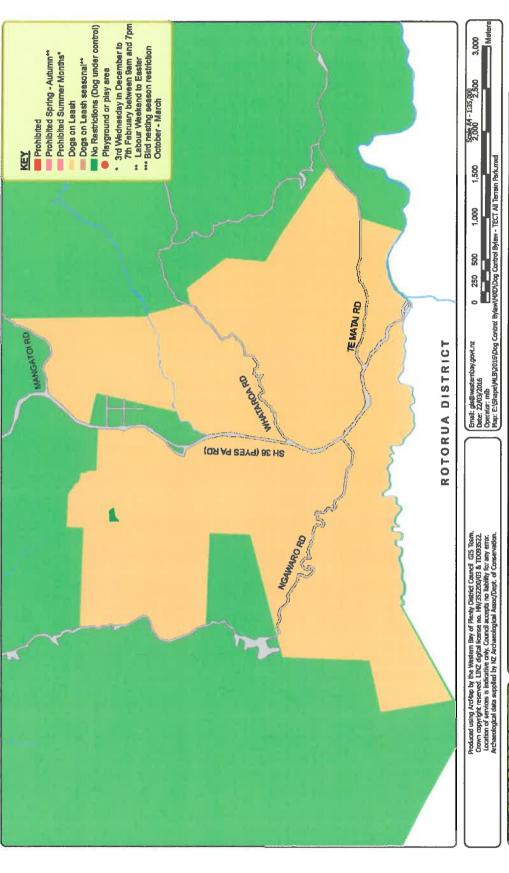
August 2016

PUKETOKI SCENIC RESERVE

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TECT All Terrain Park



Western Bay of Plenty





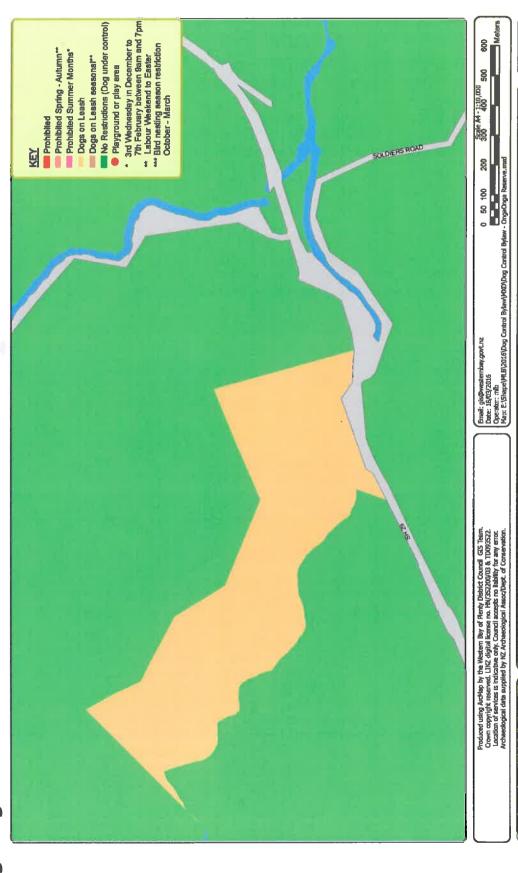




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OngaOnga Reserve



Western Bay of Plenty

ONGAONGA SCENIC RESERVE DOG CONTROL BYLAW -



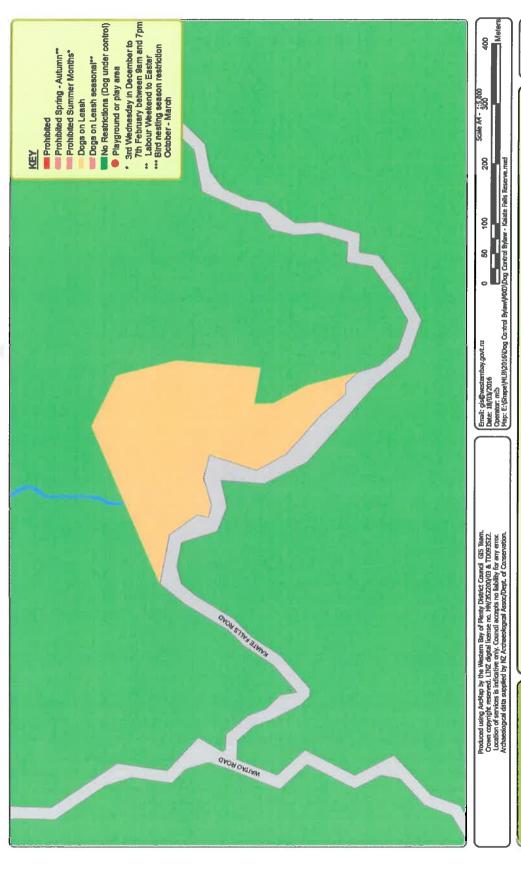


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Kaiate Falls Reserve



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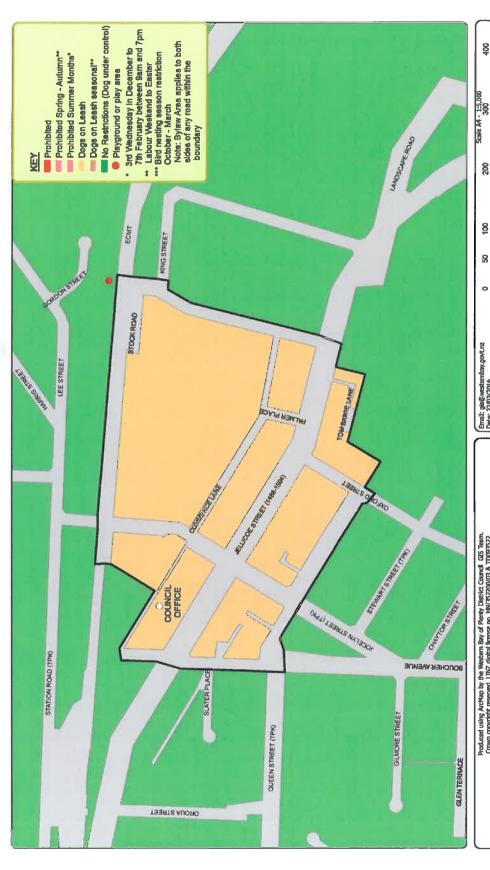
The Common

Western Bay of Plenty

DOG CONTROL BYLAW -KAIATE FALLS RESERVE



Te Puke CBD



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Email: gis@westembey.gov6.nz
Dece: 23/03/2016
Operator: mlb
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August 2016



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August 2016

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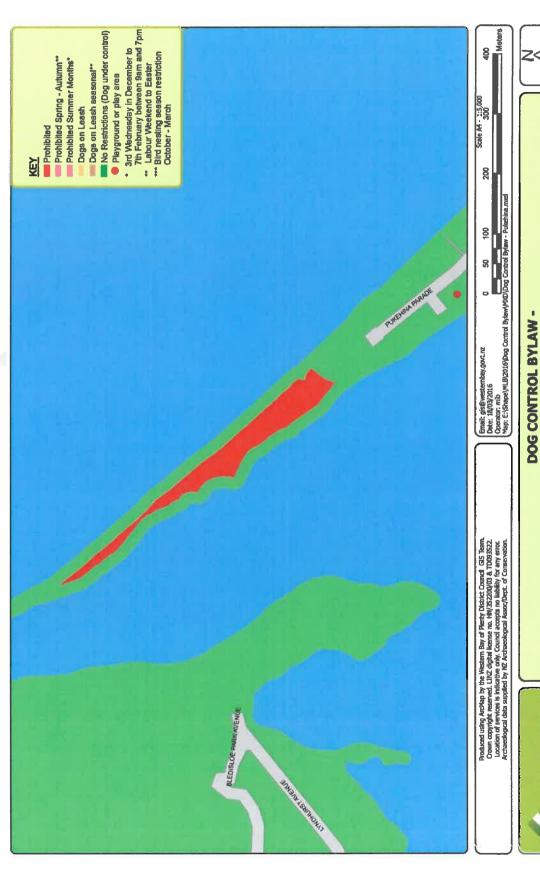
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Pukehina



PUKEHINA

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