



Our reference: RFS 3927480

Te Kaunihera o Tai Tokerau Ki Te Raki

Frontier of opportunity

Monday 21 January 2019

To Leonie Exel

By email only to: fyi-request-9260-8932c63f@requests.fyi.org.nz

Dear Ms Exel,

Official information request - RFS 3927480

Further to our email of 20 December, information provided by Far North District Council staff in response to your requests appear below; viz:

1. *Please provide a complete list of all Council reserves so that we know where our dogs must be leashed, after February 4th 2019.*

As stated in your request, in mid-December 2018 the Council resolved that all dogs in the district must be on-leash in reserves, and also chose to differentiate between a reserve, a park, and a sports ground. As a result, staff are currently working collaboratively to compile the information and devise the best way in which to make it publicly available and easily comprehensible. Due to the closure of Council offices over the statutory Christmas period shortly after the December Council meeting and staff absences into January, it is currently anticipated that this information will be made publically available on/around 15 March 2019.

Although section 17(d) of the LGOIMA provides that a request may be refused if *'the information requested is or will soon be publicly available'*, Ombudsman guidance states that *'There is an alternative to refusing a request on the basis that the information will soon be publicly available. That is to make the decision the grant the request, and release the information later. The decision on a request must be conveyed as soon as reasonably practicable and within 20 working days (subject to extension)...'*

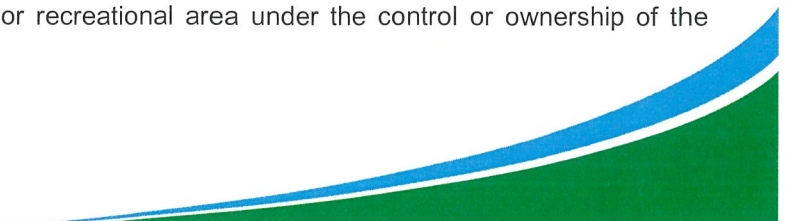
Accordingly, a decision has been made to grant your request and the information will be supplied to you when it becomes publically available (estimated release date of 15th March).

2. *Please advise what definitions Council intends to use of 'reserve', 'park' and 'sports ground' in the dog control policy and bylaw.*

These definitions are publicly available and can be viewed in the policy and bylaw on Council's website:

<https://www.fndc.govt.nz/communication/consultation/dog-management-policy-and-bylaw-2018>

PARK means any park, domain or recreational area under the control or ownership of the Council.



RESERVE means any land set apart by the Council for any public purpose under the Reserves Act 1977.

SPORTSGROUND includes any area developed as a marked field (for example, those used for soccer, rugby, or rugby league, artificial turf, courts, an archery range or a skateboard park) under the control or ownership of the Council.

3. *Please advise, as per the unanswered question from Mike Edmonds, Chair of Hokianga/Kaikohe Community Board, whether Lindvaart Park is a reserve, a sports ground, or a park, and hence what rules should apply there for dogs.*

As Lindvaart Park has a reserve management plan, the on-leash rule would apply, with the exception of the Old Landfill, which has been specifically identified as an off-leash area in the policy.

4. *Please advise why the definitions, and this change, occurred at the last Council meeting on 12 November, 2018 rather than at any other time in the two year consultation period.*

The development of the policy and bylaw followed a consultation, deliberations and decision-making process.

5. *Council has resolved that 11 beaches, would go back out to the community for consultation as per the Local Government Act 2002. We have assumed, with each of those beaches, that the beach default rule of "off leash and under control" applies until the consultation is completed. Please advise : (i) whether that is the case between now and February 4th, or whether Council believes that any of the rules for those beaches are now "on leash" as per the definition of reserve which it intends to put in the dog control bylaw; (ii) whether once the new dog control bylaw and policy is enacted on Feb 4th, the rules for those 11 beaches will be as per the default rule (off leash and under control) until the full community consultation is completed.*

In response to (i) and (ii), Council's current policy and bylaw are in effect until 4th February 2019, when the new policy and bylaw will come into effect. From 4th February, the district-wide rule for all beaches, unless specified elsewhere in the schedule would apply. The definition for beach in the new Dog Management Policy 2018 is:

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.

6. *The FNDC sign on Long Beach, Russell, states that this area is a 'reserve'. What are the current rules for Long Beach? What will the rules be after Feb 4th?*

The current rules for Long Beach can be found in the current Policy on Dogs 2006, publicly available on Council's website at:

<https://www.fndc.govt.nz/your-council/councils-policies/Policy-3120-Dogs.pdf>

From the beach to mean high water for the length of the beach up to the area of beach opposite the vehicle turn around zone at the end of the adjoining roadway, the rules are:

- On-leash, except prohibited from and including 1st December to 28th February and all other statutory holidays of every year between the hours of 9:00am and 6:00pm.

From 4th February, the district-wide rules will apply. This includes:

- Dogs will be allowed off-leash and under control within the areas defined as beach - *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.*
- For any area that is not included in the beach, the district-wide rule for reserves would apply – on-leash and under control.
- The policy also states that "There are existing private property rights that extend onto beaches in our District such as Sullivans Beach, Paihia and Long Beach, Russell. Dog owners should respect the rights of the property owner".

7. *Why has FNDC chosen to implement the new dog bylaw and policy on February 4th, rather than immediately?*

The Dog Control Act 1996 requires the policy to come into effect no more than 60 days after the adoption date.

As required by the LGOIMA, your request has been processed as soon as reasonably practicable and within the statutory timeframe of 5th February. Although the LGOIMA permits agencies to make reasonable charges for the supply of official information, in this instance your request has been processed without charge and we trust the information supplied to you proves of interest.

Thank you for your enquiry.

Legal Services