

AGENDA/KAUPAPA



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MEMBERSHIP: Tony Robinson (Chair), Debbie Gregory, Nick Tupara

BYLAWS SUBMISSION PANEL

DATE: Tuesday 23 May 2023

TIME: 9:00AM

AT: Oneroa Room, Awarua, Fitzherbert Street, Gisborne

AGENDA – OPEN SECTION

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 - 1.2. **23-101** Keeping of Animals Bylaw 2023 - Deliberations Report124

Bylaw Submissions Hearings Panel

Reports to:	Council
Chair:	Cr Tony Robinson
Membership:	Cr Larry Foster, Cr Debbie Gregory, Cr Aubrey Ria, Cr Teddy Thompson and Cr Nick Tupara
Meeting frequency:	As required

Purpose

The purpose of the committee is:

- (1) Decide matters which Council may delegate only to a committee of Council under the Local Government Act 2002
- (2) Act as a panel of candidates that may be appointed to a Hearing Panel (for matters that are not required to be heard or decided by a committee).

Terms of Reference

Decide matters which Council may delegate only to a committee of Council under the Local Government Act 2002. This includes hearing and determining matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002.

For matters that are not required to be heard and determined by a Committee, the Chair of the Committee will establish a Hearing Panel (ideally comprising 2-3 members) as necessary on a case-by-case basis, for the purposes of conducting hearings and/or determining under delegated authority any other matters required to be determined by the Council under legislation.

Power to Act

The Committee will have the authority to exercise any powers and functions necessary to fulfil the role and purpose for which the panel is appointed.

The Chair of the Committee has the power to appoint a Hearing Panel comprising a Chair and at least one other member.

Hearing Panels

Terms of Reference

A Hearing Panel may be appointed by the Chair of the Committee to do one or more of the following:

- Conduct a hearing and make decisions of a quasi-judicial nature on behalf of the Council on regulatory matters that the Council is legally empowered or obligated to hear and determine (including those decisions where the decision is required to be made by resolution).

- To exercise this function in accordance with:
 - the applicable legislation;
 - the Council's corporate strategies, policies and plans; and
 - the principles of administrative law and natural justice.
- The functions of a Hearing Panel may include:
 - Hearing submissions on a Council proposal to make, amend, or revoke a bylaw, and making a recommendation to the Council in relation to the decision.
 - Hearing and determining objections under the Dog Control Act 1996.
 - Decision-making under the Sale and Supply of Alcohol Act 2012 other than decisions required to be made by the District Licensing Committee.
 - Hearing and determining matters arising under bylaws.
 - To conduct hearings and/or determine under delegated authority applications relating to Temporary Road Closures pursuant to section 342 of the Local Government Act 1974.

A hearing panel is not a committee or subcommittee for the purposes of Schedule 7 of the Local Government Act 2002.

Power to Act

A Hearing panel appointed by the Chair of the Committee will have the authority to exercise any powers and functions necessary to fulfil the role and purpose for which the panel is appointed.

Relevant legislation includes but is not limited to:

- All Bylaws
- Biosecurity Act 1993
- Building Act 2004
- Dog Control Act 1996
- Fencing of Swimming Pools Act 1987
- Gambling Act 2003
- Land Transport Act 1998
- Health Act 1956
- Local Government Act 1974
- Local Government Act 2002
- Sale and Supply of Alcohol Act 2012
- Waste Minimisation Act 2008
- Maritime Transport Act 1994 and Related Regulations.

A Hearings Panel does not have the authority to make, amend, or revoke a bylaw, but may recommend such a decision to Council.

Power to Recommend

To Council and/or any Council committee as it deems appropriate.

1. Reports of the Chief Executive and Staff for DECISION



23-92

Title: 23-92 Draft Dog Control Policy and Bylaw Deliberations Report
Section: Strategy
Prepared by: Makarand Rodge - Policy Advisor
Meeting Date: Tuesday 23 May 2023

Legal: No

Financial: No

Significance: **Medium**

Report to BYLAWS SUBMISSION Panel for decision

PURPOSE - TE TAKE

The purpose of this report is to:

- a) Provide information to support the Bylaw Submissions Panel's deliberations on the Draft Dog Control Bylaw 2023 and Draft Dog Control Policy; and
- b) Seek the Panel's direction on any proposed changes to the draft bylaw and policy to include in the Panel's decision report to Council.

SUMMARY – HE WHAKARĀPOPOTOTANGA

The Dog Control Policy and Bylaw 2010 (the current policy) aims to protect and regulate the health and wellbeing of dogs, dog owners and the public. The overriding objective of the current policy is to encourage responsible dog ownership and community awareness to promote an environment where dogs and people can happily co-exist. The current policy and bylaw have been attached to this report as **Attachment 1** and **Attachment 2**.

Council approved the review of the current policy at its Sustainable Tairāwhiti Committee meeting on 28 October 2021 ([Report 21-165](#)). After that, Council adopted the Statement of Proposal (SOP), the draft Dog Control Policy 2023 and the draft Dog Control Bylaw 2023 (the draft policy and bylaw) for consultation at its Council meeting on 15 December 2022 ([Report 22-205](#)). The draft Dog Control Policy 2023 and the draft Dog Control Bylaw 2023 have been attached to this report at **Attachment 3** and **Attachment 4**. Consultation on the SOP and the draft policy and bylaw commenced on 25 January 2023 and ended on 16 March 2023. During this time Council received 300 written submissions, two oral submissions through drop-in sessions, and several comments via Facebook. On 26 April 2023 the Bylaw Hearings Panel received all written submissions ([Report 23-13](#)) and heard 13 submitters who spoke to their submissions. The additional material tabled by the submitters has been attached to this report as **Attachment 5**.

The majority of concerns raised by submitters have been in relation to:

- Proposal 1 (*Requiring dogs to be on a leash in all public places unless specified otherwise in the Policy*)
- Proposal 2 (*Prohibition of dogs from Kaiti beach*)
- Proposal 5 (*Prohibition of dogs from the sports grounds at Nelson Park and Waikirikiri Reserve*)

Some notable suggestions from the feedback have been to:

- a) avoid being over-restrictive especially in terms of Kaiti beach and Nelson Park which are most popular spots frequented by dog owners
- b) allow dogs off leash at Whataupoko Reserve (Fox Street Reserve)
- c) define the exact urban boundaries to which the proposed default on-leash rule would apply
- d) provide for more signage and rubbish bins / dispensers around popular dog walk areas.

Based on the submitters feedback and the current information and rationale included in the SOP recommendations on each proposal, along with additional evidence/information is also included to inform the Panel's deliberations. Staff recommendation to the Panel for consideration in their deliberations is to proceed with the preferred options in the final draft policy and bylaw to Council with some minor edits or additions including:

- **Nelson Park and Waikirikiri Reserve:** prohibiting dogs from sports grounds only when a sporting event is taking place, instead of applying the prohibition to all sports grounds at all times.
- **Kaiti Beach:** there is additional information on the kororā population at Kaiti Beach for the Panel to consider in relation to the proposed prohibition of dogs on the beach at all times.
- **Whataupoko Reserve (Fox Street):** add to the off-leash area rather than prohibiting. A timeframe for on-leash to avoid conflict with bikers could be considered, clear signage would be needed to assist with compliance.
- Defining urban boundaries in the Draft Dog Control Bylaw 2023 to include all the areas under the Reticulated Boundary Services as well as Waihīrere Domain and Tīfīrangi Domain. This was not made clear in the current draft and was the intent in the SOP.

Implementation matters were also raised by submitters that are not addressed through the policy and bylaw. Although there have been suggestions from the public to install more rubbish bag dispensers and signage in general, there is limited budget for such activities and so any recommendations would result in additional budget being required or external funding to be sought to fund adding additional signage and rubbish bag dispensers. Additional budget for implementation could be a Panel recommendation to Council.

Following the Panel's deliberations and direction on any changes to the draft Policy and Bylaw, staff will prepare a decision report to Council on behalf of the Panel for final approval of the draft Policy and Bylaw on 28 June 2023.

The decisions or matters in this report are considered to be of **Medium** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Bylaws Submission Panel:

- 1. Provides direction on any proposed changes to the Draft Dog Control Policy 2023 and Draft Dog Control Bylaw.**

Authorised by:

Joanna Noble - Chief of Strategy & Science

Keywords: *Dogs, Dog control, Dog access areas, on-leash, off-leash.*

BACKGROUND - HE WHAKAMĀRAMA

1. The current Dog Control Bylaw and Policy aims to ensure the health and wellbeing of dogs through responsible dog ownership by requiring every dog to be registered and microchipped, ensuring there are designated areas where dogs can be exercised both on and off leash, investigating and resolving dog complaints, as well as educating owners.
2. The current policy also aims to ensure the wellbeing and safety of the general public through regulations. To achieve this the current policy sets out areas in which dogs are prohibited or need to be on a leash, enables infringement notices to be issued and further action taken when dogs are disruptive or threatening public safety.
3. Council approved the review of the current policy at its Sustainable Tairāwhiti Committee meeting on 28 October 2021 ([Report 21-165](#)). The SOP, the draft policy and bylaw were adopted for formal consultation at Council's 15 December 2022 meeting ([Report 22-205](#)).
4. The SOP included eight proposed changes to the current policy. The proposals are as follows:
 - i. Requiring that dogs are on a leash in public places unless specified otherwise in the policy.
 - ii. Prohibiting dogs from Kaiti Beach.
 - iii. Allowing dogs on-leash in some neighbourhood reserves where dogs are currently prohibited.
 - iv. Allowing dogs to be off-leash in the part of Waiteata Park north of the stream.
 - v. Prohibiting dogs from sports grounds (limited to the central sports fields at Waikirikiri and Nelson Park, surrounding areas remain on-leash) to protect children from dog faeces.
 - vi. Removing time-of-day and holiday restrictions on beaches.
 - vii. Increasing the number of dogs that can be kept on premises without a permit.
 - viii. Reducing the number of times, a dog can be found not under control before Council may require it to be neutered - from three incidents to two within a 12-month period.
5. Consultation on the SOP, the draft policy and bylaw began on 25 January 2023 and ended on 16 March 2023. The consultation period was initially planned to be concluded by 2 March 2023, however, as Cyclone Gabrielle caused region-wide disruptions in communication channels, the consultation period was extended to 16 March 2023.
6. Over the seven-week consultation period, Council sought feedback on the eight proposals detailed in the SOP asking if submitters agreed/disagreed with the proposals, and if they had any comment(s) on each of them.
7. During the consultation phase, as a requirement under Section 10(2) of the Dog Control Act 1996 (DCA), staff sent out letters to 6,089 (5,285 via post + 804 via emails) registered dog owners inviting them to participate in the consultation process. Apart from this, staff also reached out to various organisations (including tangata whenua and iwi/hapū) via email, phone call or by delivering flyers, inviting them to participate in the consultation process.

8. Radio ads, social media content, public sign boards about the bylaw consultation process were aired/published/installed by 10 February 2022 with the intention of reaching out to a wide audience. A 10@10 session sharing information about the draft policy and bylaw consultation process was held on 26 January 2023 with Council staff. Additionally, staff organised drop-in sessions for the public during the consultation period to answer any public queries around the SOP, the draft policy and bylaw.
9. Council received three hundred (300) online written submissions via Participate, two (2) oral submissions during drop-in sessions organised by staff, and several comments via Council's Facebook page dedicated for feedback on the proposed changes.
10. The Regulatory Hearings Panel received the Hearings report that included all the submissions from the consultation process ([Report 23-13](#)). Further, the Bylaw Hearings were conducted on 26 April 2023 during which the Regulatory Hearings Panel heard 13 submitters who spoke to their submissions.
11. The feedback received mainly raises concerns around:
 - the proposal to adopt a blanket on-leash rule in all urban areas (Proposal 1)
 - the proposal to prohibit Kaiti Beach to protect the Kororā population (Proposal 2)
 - the proposal to prohibit sports fields at Nelson Park and Waikirikiri Park (Proposal 5).
12. Proposal 1 is to remove confusion amongst public, improve public safety and to include areas such as Waihīre Domain and Tīrangi Reserve which were not included in the current policy; Proposal 2 to provide adequate protection to the already declining Kororā population at Kaiti Beach and Proposal 5 to mitigate health hazards and nuisance caused by dog faeces at sports grounds.

SUBMISSION ANALYSIS and STAFF RECOMMENDATIONS

13. The following charts represent an overview of the written responses received from submitters:

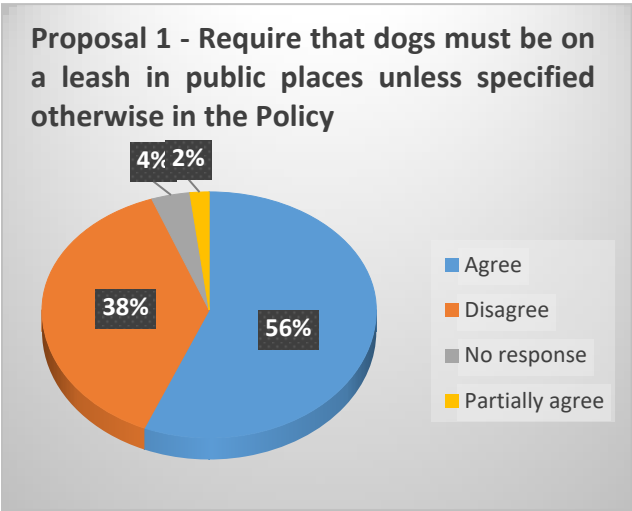


Chart 1: Showing 56% submitters agreeing, 38% disagreeing, 4% having no response and the remaining 2% partially agreeing on Proposal 1

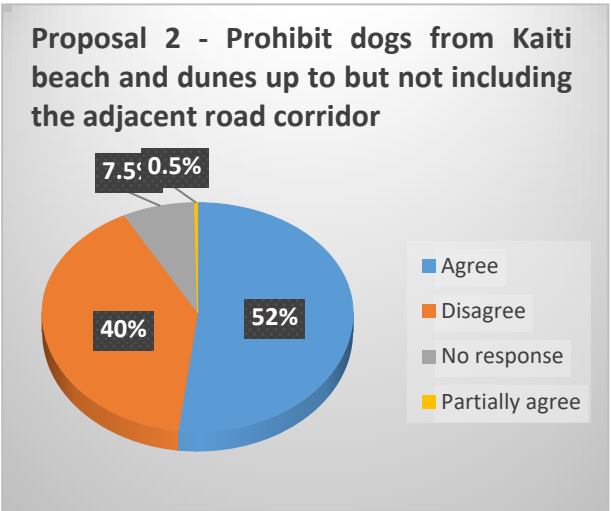


Chart 2: Showing 52% submitters agreeing, 40% disagreeing, 7.5% having no response and the remaining 0.5% partially agreeing on Proposal 2

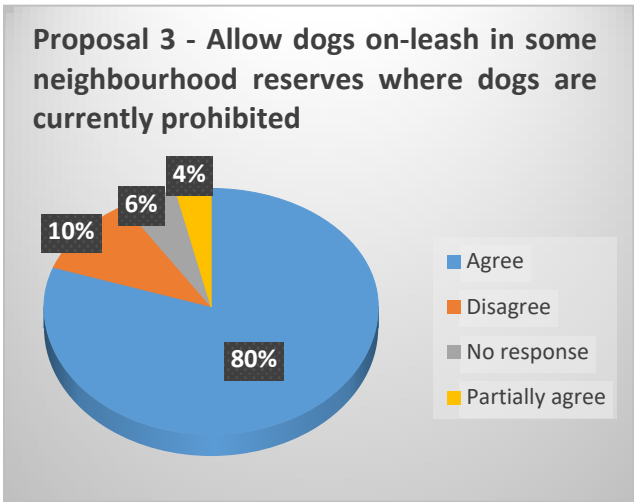


Chart 3: Showing 80% submitters agreeing, 10% disagreeing, 6% having no response and the remaining 4% partially agreeing on Proposal 3

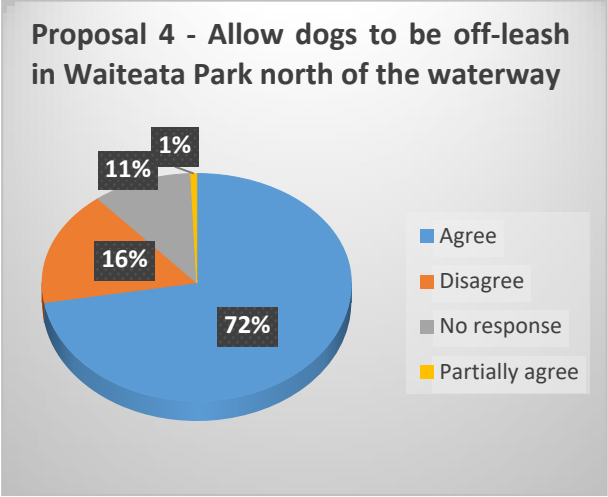


Chart 4: Showing 72% submitters agreeing, 16% disagreeing, 11% having no response and the remaining 1% partially agreeing on Proposal 4

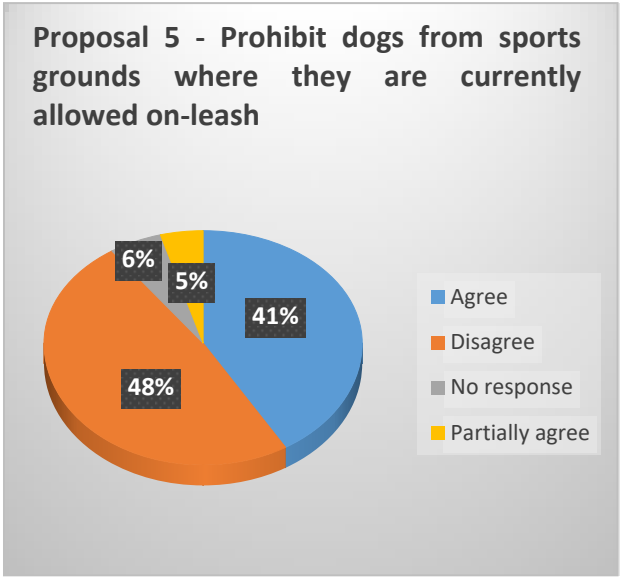


Chart 5: Showing 41% submitters agreeing, 48% disagreeing, 6% having no response and the remaining 5% partially agreeing on Proposal 5

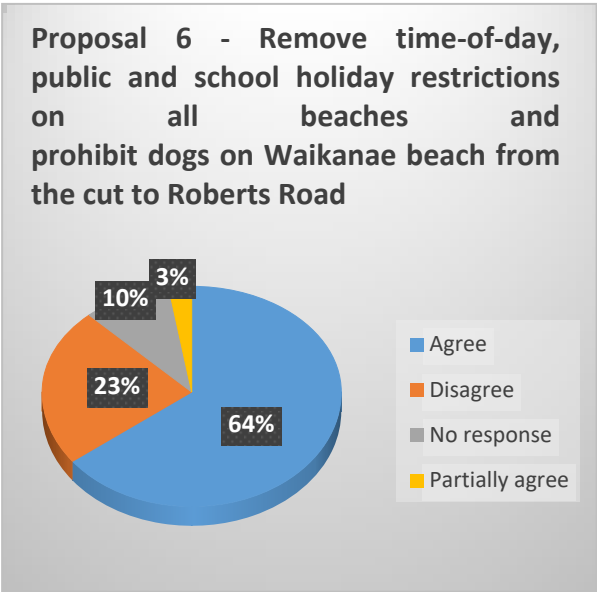


Chart 6: Showing 65% submitters agreeing, 23% disagreeing, 10% having no response and the remaining 2% partially agreeing on Proposal 6

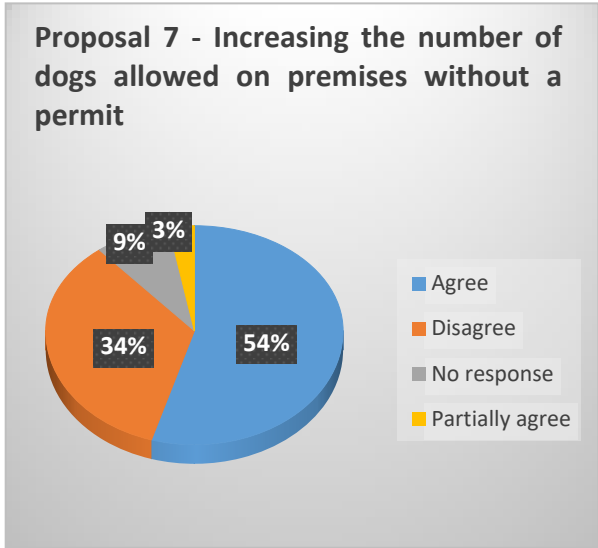


Chart 7: Showing 54% submitters agreeing, 34% disagreeing, 9% having no response and the remaining 3% partially agreeing on Proposal 7.

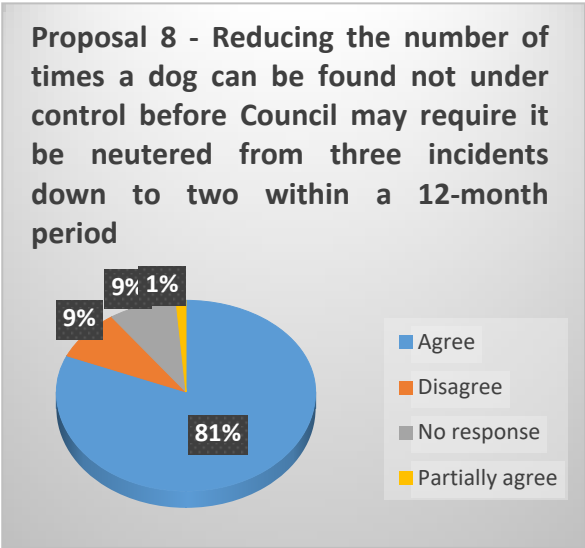


Chart 8: Showing 81% submitters agreeing, 9% disagreeing, 9% having no response and the remaining 1% partially agreeing on Proposal 8.

Proposal 1: Dogs are on a Leash in Public Places Unless Specified Otherwise in the Policy

14. The rationale for the preferred option of Proposal 1 in the SOP was:

The current Policy specifies certain areas as on-leash, off-leash or prohibited to dogs. In other areas not specified under the Bylaw, dog owners must carry a leash and ensure that the dog is kept under control at all times.

Requiring that dog owners keep the dog on-leash by default in public places (unless specified as an off-leash or prohibited area in the Policy) reduces confusion around what qualifies as "under control" and is clear for dog owners and Council to apply.

Table 1: Submission Analysis for Proposal 1

Support for the preferred option	Common themes in support of proposal	Common themes in opposition of proposal
<p>Require that dog owners ensure their dogs are on leash in all public places throughout Gisborne urban areas.</p> <p>(56% agree) (38% disagree)</p>	<p>a. Proposal would remove confusion.</p> <p>b. Other wandering dogs are known to attack dogs (of responsible owners) and/or children.</p> <p>c. Irrespective of the rules responsible dog owners will always keep their dogs on a leash in public, so why not have this as a rule.</p>	<p>a. Proposed rule would be too restrictive especially for responsible dog owners who train their dogs to behave when off-leash.</p> <p>b. Dog owners need more off-leash areas in Gisborne.</p> <p>c. Rule is too broad. Specified areas would make sense. Maybe on-leash in CBD / urban pedestrian areas. Because blanket rule would mean dog owners would have to drive out of town to get to an off-leash zone.</p> <p>Whataupoko Reserve (Fox Street Reserve):</p> <p>d. Don't require dogs to be on-leash at Fox Street reserve as this is a regular dog walking space for a lot of residents.</p> <p>e. May be add time of the day and school holidays for Fox Street Reserve - off-leash before 9am and after 5pm. Walkers and bikers could coexist happily with guidelines e.g. 9am off-leash, on-leash after 9am. No bikers pre 9am this summer.</p> <p>f. Residents have been using this area as off-leash for last 10 years. Have been walking with their dogs early in the morning and have not seen any bikers.</p> <p>g. Benefits for dogs and walkers, community lose opportunity to exercise for both people and dogs. Benefits to people are important. Walking in the reserve important to people.</p> <p>h. Loosely connected group to celebrate space, run and play with other dogs, variety of people involved. Retain opportunities for active activities rather than banning it.</p> <p>i. Not seen any accidents or aware of any incidents.</p> <p>j. Public take up BBQs for summer solstice and cook breakfast and hang out with their dogs. The area has grown as other people connect with other people in the park.</p>

Discussion

15. This proposed rule places minimal requirements on dog owners above those already imposed by section 52 (Control of dogs generally) of the Dog Control Act 1996. This approach has been used effectively by other councils such as Wairoa District Council, Napier City Council and Whanganui District Council.
16. Although the preferred option has been seen by certain number of submitters as being too restrictive, staff note that this rule would align well with the Draft Dog Control policy's objectives to:
- encourage responsible dog ownership.
 - spread awareness within the community
 - promote an environment where dogs and people can happily and peacefully co-exist.
17. Staff further note that a blanket rule would reduce confusion amongst the public about where dogs can and can't be off leash thereby easing compliance for dog owners and potentially reducing unnecessary enforcement actions for Animal Control Officers.
18. To address the issue raised around applying the blanket on-leash rule to specified areas, the urban boundaries could be defined by amending clause 6 (*Dogs must be on a leash in public places*) in Part 2 (*Regulation and Control of Dogs*) of the Draft Dog Control Bylaw 2023 to say:
- "6. *Dogs must be on a leash in public places:*
- 1) *This clause applies in the following areas:*
 - A) *any area within the Reticulated Services Boundary;*
 - B) *Waihīrere Domain; and*
 - C) *Tīfīrangī Domain.*
 - 2) *The owner of a dog must ensure..."*
19. Waihīrere Domain and Tīfīrangī Domain are not included in the Reticulated Services Boundary, we would need to explicitly state them to ensure the rule applied. Although they are not included in the current Reticulated Services Boundary, they are considered to be part of the urban area.
20. This amendment can be "future proofed" with any growth in the urban area by defining the Reticulated Services Boundary in Clause 4(1) (*Interpretation*), Part 1 (*Preliminary Provisions*) of the Draft Dog Control Bylaw 2023 as:
- "Reticulated Services Boundary: has the same meaning as in the Tairāwhiti Resource Management Plan.*
- Related Information Box*
- Link to [Reticulated Services Boundary](#) map.."*

21. Following submissions from the public, an option is to consider designating Whataupoko Reserve (Fox Street Reserve) as an off-leash area. RFS data for the Whataupoko suburb shows very low incidences of dog attacks (4) while the feedback received from submitters at the Hearings also suggest that the area has been shared by dog owners and other users without any complaints from either side.
22. Although submitters at the Hearing were in favour of having different restrictions depending on the time of day and year, these rules have been known to cause confusion for dog owners. This has been evidenced through an increasing number of dog-related callouts at beaches (where we currently have specific off-leash and on-leash timings). The Panel could consider these however, increased signage would be needed to help ensure compliance and fostering awareness with all users of the reserve.
23. There is the possibility that dogs off-leash and not under control could cause an accident with a bike. The Panel may wish to consider whether budget for specific signage or other implementation measures should be requested from Council.

Recommendations

24. Retain preferred option recommended to Council for adoption along with the minor changes in the draft policy and bylaw as listed below.
25. Amend clause 6(1) in Part 2 of the Draft Dog Control Bylaw 2023 to include Reticulated Services Boundary, Waihirere Domain and Tīrangi Domain.
26. Amend Clause 4(1), Part 1 of the Draft Dog Control Bylaw 2023 to define the Reticulated Services Boundary.
27. Add "8. Whataupoko Reserve" after "7. Ayton Park" in "Schedule 2 – Off Leash areas" in the Draft Dog Control Policy 2023 without introducing any time-related on/off leash requirements.
28. If the Panel recommended this to Council for adoption, this would:
 - a) Reduce confusion amongst the public about where dogs can and can't be off leash;
 - b) Remove any confusion around what the boundaries to which the blanket on-leash rule would apply and
 - c) Allow a suitable area (Whataupoko Reserve) to be used as an off-leash zone for dogs.
29. **Note:** The above referred changes to the draft policy and bylaw may be considered as "minor changes" as referred to under Section 156 of the Local Government Act 2002 and may not require additional consultation using the special consultative procedure under that section.

Proposal 2: Prohibit Dogs from Kaiti Beach

30. The rationale for the preferred option of proposal 2 in the SOP was:

Kaiti Beach is popular with dog walkers. However, the surrounding area is a well-established nesting site for native kororā (little penguin) to which dogs present a significant threat.

The Department of Conservation has collected several dead penguins from Kaiti Beach, whose injuries are consistent with a dog attack. At least three autopsies concluded the penguin was killed by a dog.

Additionally, the New Zealand Coastal Policy Statement 2010 directs Councils to avoid adverse effects of activities on 'at risk' indigenous species, of which kororā are one.

In discussions with Ngāti Oneone it was noted the current approach (a mix of on-leash and off-leash) has proved ineffective and they support initiatives, such as prohibiting dogs from the area, that further protect the kororā colony.

The kororā population is unknown in Midway, Wainui and Okitu Beaches, but thought to be low. Council's ability to protect kororā and other birds from dogs in these areas is also more limited due to the proximity of residential areas. Due to its layout, distance from residential development and established nesting colony, Kaiti beach presents a unique opportunity for Council and the community to protect an at-risk native species from dog attacks by prohibiting dogs from the beach.

To be effective, Council staff, DOC and Ngāti Oneone agree the prohibition should include the entire beach and dune area. Kororā nests can be found along the full length of the beach and northwards towards the rock and beyond. It is recommended dogs are still permitted on-leash within the road corridor up to the northern turnaround area.

Table 2: Submission analysis for Proposal 2

Support for the preferred option	Common themes in support of proposal	Common themes in opposition of proposal
<p>Prohibit dogs on the entirety of Kaiti Beach and the dunes up to but not including the adjacent road corridor. (52% agree) (40% disagree)</p>	<p>a. Dogs should be prohibited for penguins to be safe. d. Perhaps cats could also be included as part of the prohibition</p>	<p>a. One option would be to allow dogs off-leash at Kaiti during the day as penguins are not seen at the beach during these times. b. Having dog on-leash at the beach would suffice. No need of complete prohibition. c. Not enough off leash areas in Gisborne if Kaiti beach is taken away. d. Would be tough on older folks with mobility issues plus fuel costs. k. Around 22 (7.4%) submitters prefer Option 3 (dogs allowed beyond Yacht club) instead of complete prohibition.</p>

Discussion

31. Kororā are known to inhabit the coastal area of the Kaiti Beach shore and within the rock seawalls. Their New Zealand threat classification is At Risk-Declining, and because of this, they have a high ecological value (Roper-Lindsay et al., 2018¹ and Robertson et al., 2021)².
32. There are estimations that there are approximately 5,000 to 10,000 individuals in the north island; however, the population size in Gisborne is largely unknown (Landcare Research, 2010)³.
33. Kororā inhabit a range of habitat types including natural dug burrows in sand dunes, coastal forest, rocky coasts, in crevices of tree roots, natural rock formations or caves as well as artificial structures including on breakwaters, under buildings, culverts or in other urban structures.
34. On land, kororā are generally nocturnal and come ashore just after dusk, generally from 8:30 pm onward depending on the season. However, they can be found on land at all times of the year, often resting on land after storm events or long foraging trips when food availability is scarce (Mattern and Wilson, 2018⁴, Boffa Miskell, 2022)⁵.
35. Egg laying occurs from July through to November in Gisborne and incubation can last approximately 36 days. Chicks remain on land approximately 36 to 55 days before they fledge/exit the burrow; Individuals have high site fidelity, returning to the same colony or vicinity of their natal burrow to nest when they are adults. Breeding success can vary annually and is dependent on several environmental factors including age and experience of birds, viruses, land-based threats (human disturbance, dogs, predation by rats/stoats), as well as climate, food availability and nest factors (Mattern and Wilson, 2018). Replacement clutches can occur which means that a colony can have asynchronous breeding seasons. Breeding pairs are often faithful to their mate and nest, however divorces and change of nest site can occur (Bull, 2000)⁶.
36. Community and school projects for nest boxes, signage, and other local initiatives for advocacy of the protection of kororā demonstrates known nesting areas on Wainui and the Tatapouri coast⁷. Closer to Eastland Port, along Kaiti Beach, local kororā protection groups have erected pou (wooden posts) to signify the area where kororā were reportedly killed by dogs earlier in October 2021⁸.
37. Under the current policy, Kaiti Beach is designated as an on-leash area with an off-leash exemption between 6am to 9am (excluding school and public holidays). The beach is a popular area for dog walkers. However, the surrounding dunes area is a well-established nesting site for native kororā.

¹ <https://www.eianz.org/document/item/4447>

² <https://www.doc.govt.nz/globalassets/documents/science-and-technical/nztcs36entire.pdf>

³ <https://envirolink.govt.nz/assets/Envirolink/829-GSDC60-Coastal-dwelling-birds-on-the-East-Cape.pdf>

⁴ <https://www.birdsnz.org.nz/wp-content/uploads/2019/06/1904-NZ-Penguin-Research-Priorities-Report-Mattern-Wilson.pdf>

⁵ <https://ouraukland.aucklandcouncil.govt.nz/media/opthfype/cst60082321-c22-and-c24a-pmp-certified-sep-21.pdf>

⁶ <https://www.tandfonline.com/doi/epdf/10.1080/03014223.2000.9518237?needAccess=true&role=button>

⁷ <https://www.gisborneherald.co.nz/local-news/20210827/help-to-protect-korora/>

⁸ <https://www.gisborneherald.co.nz/frontpage-featured/20211202/rallying-for-korora/>

38. The Department of Conservation (DOC) has found a “significant number” (total figure not specified in correspondence) of deceased kororā on the beach and post-mortem analysis of at least three of those has confirmed the cause of death was by a dog.
39. Apart from this, Council also needs to consider implications under the New Zealand Coastal Policy Statement 2010. With kororā classified ‘at risk’ Council should avoid the adverse effects of activities on the population. There is an opportunity for Council to align regulatory settings to protect the colony while reducing reputational risk.
40. Although there have been suggestions from submitters to allow access for dogs during the daytime, there is no substantial evidence to suggest that kororā may not be found at the beach during the day.
41. Making Kaiti Beach on-leash or prohibiting the area between the Port and Yacht club only, may reduce the chances of any dog related incidents involving kororā. However, the success of such a rule would depend on the compliance levels of dog owners and 24/7 enforcement will not be possible given limited staff resources.
42. There are difficulties that older individuals or persons with mobility issues, may face because of adopting the preferred option. The closest off-leash area from Kaiti beach is Heath Johnstone Park which is approximately 3.9km - 4km or Midway Beach which is around 4.2km-4.5km. The accessibility from the Midway Beach carpark to the off-leash area is not as easy as it is at Kaiti Beach which poses a potential access barrier for people with mobility issues.
43. The option for cats and other pets to be kept off Kaiti Beach to protect the kororā was raised by some submitters. Animals other than dogs are beyond the scope of the Dog Control Act, 1996 and the scope of the current policy and bylaw. Additional restrictions cannot be added to the draft bylaw or policy. There is a recommendation in the Keeping of Animals Deliberation paper for Council to “*Direct staff to investigate options for the management of cats in Tairāwhiti*”, considered of how cats are managed at Kaiti Beach could be considered as part of that investigation if it goes ahead.

Recommendation

44. Retain preferred option - Prohibit dogs on the entirety of Kaiti Beach and the dunes up to but not including the adjacent road corridor. Reason being that Kaiti Beach presents a unique opportunity for Council and the community to protect an at-risk native kororā species by prohibiting dogs at the beach.

Proposal 3: Allow Dogs On-Leash in Some Neighbourhood Parks where Dogs are Currently Prohibited

45. The rationale for the preferred option of proposal 3 in the SOP was:

Council's current dog control bylaw takes a conservative approach to dog access, prohibiting dogs from all public areas with an unfenced playground.

This restricts opportunity for exercising dogs while doing little to increase public safety as dogs are currently permitted off-leash on the surrounding footpaths, often less than 10 metres from the playground.

The risk to users of amenities in these parks (children on unfenced playgrounds, users of skate ramps) are not increased and can be sufficiently managed by requiring dogs within the areas to be kept on leash. This approach is in line with more recent bylaws adopted in several regions including Wairoa and Auckland.

Table 3: Submission analysis for Proposal 3

Support for the preferred option	Common themes in support of proposal	Common themes in opposition of proposal
<p>Allow dogs on leash in 11 neighbourhood reserves where dogs are currently prohibited.</p> <p>(80% agree) (10% disagree)</p>	<p>a. Would be great use of these parks for dogs on a leash.</p> <p>e. Dog walks are great for mental health of humans and dogs.</p>	<p>a. Need signage and poo bag dispensers in or around these parks.</p> <p>b. Irresponsible dog owners may still be an issue at neighbourhood parks / need to pick up after their dogs</p> <p>l. Need more policing around irresponsible owners. Perhaps introduction of a live app which allows sharing images of non-complying owners.</p>

Discussion

46. The current policy takes a conservative approach to dog access, prohibiting dogs from almost all public areas with an unfenced playground. This restricts the areas available to exercise dogs, while doing little to increase public safety as dogs are currently permitted off-leash on the surrounding footpaths, often less than 10 meters from the playground.

47. The risk to users of amenities in these reserves (children on unfenced playgrounds, users of skate ramps) can be sufficiently managed by requiring dogs within these areas to be kept on a leash. This approach is in line with more recent bylaws adopted in several areas including Wairoa and Auckland.

48. Submitters suggested more signage and waste bins in the area to encourage dog owners to pick up after their dogs. However, there is limited budget to cover the expenses for additional signage and rubbish bins and so any recommendations for additional bins and signage if implemented would require additional budget.

49. With reference to the suggestions by submitters of having a live reporting app, the [GDC Fix it App](#) includes the option of sharing images while lodging complaints around essential services such as reporting to animal control. However, Animal Control staff note that due to technical difficulties with the App, there is a gap of minimum 24 hours until an animal control related complaint/report is received by Animal Control staff from the time of reporting. There is no budget to cover costs for introducing and further managing a new dedicated live app which allows reporting and sharing images of non-complying dog owners at such parks. So, any recommendations for investigating and implementing this would result in additional budget being required.

Recommendation

50. Retain preferred option - Allow dogs on leash in 11 neighbourhood reserves where dogs are currently prohibited to increase local on-leash areas for exercising dogs for the reasons stated in the SOP.

Proposal 4: Allow Dogs to be Off Leash in Waiteata Park North of the Waterway

51. The rationale for the preferred option of proposal 4 in the SOP was:

Waiteata park provides an opportunity for Council to provide an off-leash exercise area in an area with limited off-leash options. The waterway serves as a natural demarcation of the park allowing between the proposed offleash area and the playground area (currently prohibited, proposed on leash – see proposal 3).

Table 4: Submission analysis for Proposal 4

Support for the preferred option	Common themes in support of proposal	Common themes in opposition of proposal
<p>Allow dogs off-leash in Waiteata park north of the stream. (72% agree) (16% disagree)</p>	<ul style="list-style-type: none"> a. Gisborne needs more off-leash areas. b. The park needs proper signage and waste bins. c. Dogs need exercise and dog owners also need these areas. f. Park has been designated as a “dog exercise park” according to the Waiteata Park Management Plan. g. This park would be ideal to be a dog park, So, important work together so any issues with adjoining property owners can be resolved. a. There is a huge amount of interest from the public (as submitted by one of the submitters at the hearing) in forming a group to have some support activities to improve the park especially for dogs. 	<ul style="list-style-type: none"> a. The park is a public space and so should be on-leash. b. It is too small to accommodate both dogs and humans. c. It would be hard to monitor / enforce. d. Irresponsible dog owners will not pick up after their dogs. e. Safety of children at risk.

Discussion

52. Waiteata park provides an opportunity for Council to provide an off-leash exercise area in an area where there are limited options available. The waterway serves as a natural demarcation between the proposed off-leash area and the playground area.
53. Having dogs off-leash north of the stream would allow dog owners to have an additional space to exercise their dogs and participate in other social activities. While the natural demarcation provided by the waterway would allow the remaining space (southern end) to be used by other users including children without any risk of dog related incidents.
54. Staff have taken note of the interest from public groups (and relevant submitters) in carrying out further development work at Waiteata Park for it to turn into a dog park. In implementing an off-leash area, Council staff could work with relevant submitter/s who have shown interest in this regard to take this forward as a community led and Council supported initiative.
55. Objective 3 (Clause 4.3(e)) of the Waiteata Park Management Plan (WPMP) allows "dog owners the opportunity to exercise their pets in Waiteata Park without reducing the enjoyment of the park for other users". However, Clause 5.20 of the WPMP requires dogs to be exercised on the reserve while on-leash. Staff note that Reserve Management plans do not create any enforceable rules in relation to dog control and so, provisions of the Dog Control policy and bylaw will prevail over the WPMP.

Recommendation

56. Retain preferred option - Allow dogs off-leash in Waiteata park north of the stream for the reasons stated in the SOP.

Proposal 5: Prohibit Dogs from the Sports Grounds at Waikirikiri Reserve and Nelson Park (where they are currently allowed on leash)

57. The rationale for the preferred option of proposal 5 in the SOP was:

Dog faeces is a health hazard and a nuisance at sports grounds. This risk is not sufficiently managed by dogs being on-leash due to non-compliance with the requirement to pick up faeces. This prohibition would apply only to the sports field areas and not the surrounding environment (as shown in Schedule 1 of the Draft Dog Control Policy 2023), as these are popular areas for walking dogs.

Table 5: Submission analysis for Proposal 5

Support for the preferred option	Common themes in support of proposal	Common themes in opposition of proposal
<p>Prohibit dogs from the sports grounds in Waikirikiri Reserve and Nelson Park. (41% agree) (48% disagree)</p>	<p>a. Dog owners always have the option of walking their dogs outside the sports grounds.</p> <p>b. Dog owners don't usually pick up after their dogs so this would be good for the sports fields.</p> <p>b. Great measure for safety of dogs as they run into a sports event such as rugby, soccer and get injured in the process.</p>	<p>a. Encourage disposal of waste through positive enforcement rather than prohibition. Increase waste bins / place fence around sports fields. Have signage in the area.</p> <p>b. Initiate fines for dog owners coupled with signage and education.</p> <p>c. These are popular / suitable spaces for dog walkers. Most dog walkers use the outer edges anyways so no need of further restrictions.</p> <p>d. If owners are responsible no restrictions are necessary. Responsible owners shouldn't have to suffer.</p> <p>e. All parks must allow dogs to walk off leash as dogs are part of the family.</p> <p>m. Need more off-leash areas in Gisborne.</p>

Discussion

- 58. Currently, Waikirikiri Reserve and Nelson Park are designated on-leash areas with parts of Nelson Park designated as off-leash (adjacent to footbridge). Dog faeces is a health risk and a nuisance at the sports grounds. This risk is not sufficiently managed by dogs being on-leash due to continued non-compliance by dog owners not removing dog faeces.
- 59. Waikirikiri Reserve is more important for sporting events such as junior Rugby with around 600 young children frequenting the sports grounds at the reserve between April and July. During summer (November to March) the reserve is used mostly for sports activities such as softball and cricket. Therefore, the sports grounds at Waikirikiri Reserve are in high use throughout the year.
- 60. Nelson Park is a very popular space for dog owners; however, several upgrades have been planned for the sports fields at the park and these are expected to take effect in future.
- 61. When a sports ground is in use, depending on the respective sporting activities, it is marked by Council staff in advance. This may be a good indication for dog owners to keep away from marked fields in anticipation of any sporting events taking place. However, there may be some events, such as school events, that may not require marking of sports fields.

62. The options considered in the SOP included:
 - i. Status Quo – Allow dogs on-leash on the Waikirikiri Reserve and Nelson Park.
 - ii. Prohibit dogs from the sports grounds such as Waikirikiri Reserve and Nelson Park.
 - iii. Prohibit dogs entirely at Waikirikiri Reserve and Nelson Park including surrounding areas
63. Based on submitters feedback staff have identified a possible fourth option for the Panel to consider in their deliberations. The Panel could recommend minor amendments in Draft Dog Control Policy 2023 by adding the words “*during all sporting events*” in “*Schedule 1*”, “*Map 3*” and “*Map 4*” where there is mention Nelson Park and Waikirikiri Reserve. This minor amendment would indicate that the sports fields may be prohibited for dogs only when there are sporting events taking place on the sports fields, irrespective of whether the sports fields are marked or not. At all other times they would be an on-leash area.
64. Submitters’ suggestions for additional signage, rubbish bag dispensers and waste bins at Nelson Park and Waikirikiri Reserve to encourage dog owners to pick up after their dogs is an implementation issue not a policy issue. However, as discussed above, there is limited budget to cover these amenities and so any recommendations for additional bins and signage if implemented may lead to additional costs being incurred.

Recommendation

65. Amend the preferred option to prohibit dogs from the sports grounds during all sporting events at Waikirikiri Reserve and Nelson Park for dog owners to continue usage of the remaining areas as default on-leash or off-leash at Nelson Park (adjacent to footbridge).
66. To reflect this option the Draft Dog Control Policy 2023 could be amended to state:
 - i. “*Schedule 1 - Prohibited Areas*” to include the words “*during all sporting events*” as follows:

Replace

“27. *Nelson Park Sports Grounds (Excluding the surrounding area)*
28. *Waikirikiri Reserve Sports Grounds (Excluding the surrounding area)*”

With

“27. *Nelson Park Sports Grounds **during all sporting events** (Excluding the surrounding area)*
28. *Waikirikiri Reserve Sports Grounds **during all sporting events** (Excluding the surrounding area)*”.

AND
 - ii. The information box in “*Map 3: Gisborne Map A*” under “*Schedule 3*” to include the words “*during all sporting events*” as follows:

Replace “28. *Nelson Park Sports Ground*”

With

“28. *Nelson Park Sports Ground **during all sporting events***”

AND
 - iii. The information box in “*Map 4: Gisborne B*” under “*Schedule 3*” to include the words “*during all sporting events*” as follows:

Replace “24. *Waikirikiri Reserve Sports Ground*”

With

“24. *Waikirikiri Reserve Sports Ground **during all sporting events***”.

67. **Note:** The above referred changes to the draft policy and bylaw may be considered as “minor changes” as referred to under Section 156 of the Local Government Act 2002 and may not require additional consultation using the special consultative procedure under that section.

Proposal 6: Remove Time-of-Day, Public and School Holiday Conditions on all Beaches

68. The rationale for the preferred option of proposal 6 in the SOP was:

Different restrictions depending on the time of day and year causes confusion for dog owners. Recent “Request for Service” data shows that there has been an increasing number of dog-related callouts at our beaches due to confusion amongst dog owners.

Table 6: Submission analysis for Proposal 6

Support for the preferred option	Common themes in support of proposal	Common themes in opposition of proposal
<p>Remove time-of-day, public and school holiday restrictions on all beaches.</p> <p>(65% agree) (23% disagree)</p>	<p>a. If dogs are under control, there is no issue with this.</p> <p>b. Makes it clearer for dog owners.</p> <p>c. Families love to take their dogs to the beach.</p> <p>c. People working different hours find it difficult to accommodate this.</p>	<p>a. Prefer having a safe beach for all especially with kids around.</p> <p>n. Maintain status quo.</p>

Discussion

69. **Wainui and Okitu Beach:** Under the current policy dogs can be off leash at Wainui and Okitu Beach except on public and school holidays and are prohibited between the area demarcated by flags.

70. **Waikanae to Midway Beach:** Under the current policy dogs are required to be on a leash between Waikanae to Midway beach (Pacific Street) and may be off-leash between 6am to 9am every day (except for school and public holidays when this area is an on-leash zone). The areas demarcated by flags remain prohibited. Beyond Pacific Street on Midway beach, dogs may be off leash at all times up to the Waipaoa River mouth.

71. The preferred option to remove time-of-day, public and school holiday restrictions on all beaches would remove confusion and make it easier to comply with the bylaw for dog owners. Kaiti Beach is covered by a different proposal (Proposal 2) and is not subject to this proposal.

72. The different restrictions depending on the time of day and year have known to cause confusion for dog owners. This is reflected in an increasing number of dog-related callouts at beaches (where we currently have specific off-leash and on-leash timings) due to confusion around the rules. Further, few submitters (15) in their response to this proposal acknowledged they were either unaware of the specific timing rules or were unclear about the current rules at our beaches.

73. Any area where the time of the day and year provision is proposed would need adequate signage to ensure people are fully aware of the requirements at the time they are walking their dog/s. Some sites may be suitable for this sort of approach where there is a single entry/exit point where a prominent sign could be placed. Sites with multiple entry/exit points would require more signage and there is limited budget for new/additional dog control signage.

Recommendation

74. Retain preferred option - Remove time-of-day, public and school holiday restrictions on all beaches for the reasons stated in the SOP.

Proposal 7: Increase the Number of Dogs Allowed per Premises Without a Permit from One to Two

75. The rationale for the preferred option of proposal 7 in the SOP was:

Under the current Bylaw, dog owners need a permit to keep more than one dog on premises within the urban area (including in rural townships). This is to ensure that Council can identify the person responsible for the care and control of each dog.

There is no cost for the permit, which requires consent of the surrounding neighbours. In cases where a neighbour refuses to give consent, Council officers assess the situation and issue a decision.

Many dog owners choose to keep two dogs, and this rarely causes safety or nuisance issues. Increasing the number of dogs that can be kept on premises before a permit is required reduces the administrative burden required by dog owners and Council.

Table 7: Submission analysis for Proposal 7

Support for the preferred option	Common themes in support of proposal	Common themes in opposition of proposal
<p>Increase the number of dogs that can be kept on premises without a permit to two.</p> <p>(54% agree) (34% disagree)</p>	<p>a. Ideally, would need permission from neighbours to keep more than 2 dogs. This rule helps find homes for dogs.</p> <p>b. Provides company for dogs.</p> <p>c. Most households would have more than 2 dogs anyways would also reduce admin burden.</p>	<p>a. We have too many dogs in Gisborne anyway. Permits are easy to maintain and helps keep a tap on the number of dogs</p> <p>b. Should be dependent on the owner's circumstance - living situation etc / responsible owners who train their dogs and keep their dogs under control.</p>

Discussion:

76. The current policy sets the maximum number of dogs which may be owned per premise in Gisborne's urban area (including in rural townships) without a permit at one. A permit is required from Council for two or more dogs.
77. There is no cost for the permit, and it requires consent of the surrounding neighbours. In cases where a neighbour refuses to give consent, Council officers assess the application and issue a decision.
78. Many dog owners choose to keep two dogs, and staff consider the permit to be an unnecessary step due to the administrative burden it generates, suggesting that the number should be raised to two dogs per premises before a permit is required. This would reduce the administrative burden on dog owners and Council.
79. It would be impractical with current resourcing to conduct site visits on each of the new dog owner's property to assess individual circumstances as an alternative as suggested by submitters in opposition. However, non-compliant animals and owners will still come to the attention of Council staff via complaints and RFS callouts.

Recommendation

80. Retain preferred option - Increase the number of dogs that can be kept on premises without a permit to two for the reasons stated in the SOP.

Proposal 8: Increase the number of dogs allowed per premises without a permit from one to two

81. The rationale for the preferred option of proposal 8 in the SOP was:

The Dog Control Act 1996 enables Councils to require a dog to be neutered if found to have been not under the control of their owners. Council's current bylaw allows this action to be considered after three or more recorded incidences. This proposal would allow consideration after two or more incidences within a 12-month period. This will would better protect people from harm from aggressive dogs that can rush at, intimidate or attack people or other dogs.

This would not require automatic neutering of the dog after the second incident but makes such action an option. Officers consider a wide variety of circumstances when considering decisions such as this. There is an appeal process available for owners should they wish to contest the decision.

Table 8: Submission analysis for Proposal 8

Support for the preferred option	Common themes in support of proposal	Common themes in opposition of proposal
<p>Enable Council to require the neutering of dogs that have been found to be not under control two or more times in a 12-month period.</p> <p>(81% agree) (9% disagree)</p>	<p>a. Not much done by Council in terms of roaming dogs. Need more action against irresponsible dog owners.</p> <p>b. Dog owners should be more responsible and not let such events occur on regular basis.</p> <p>c. Too many roaming dogs. Will stop roaming dogs and prevent unwanted litters of puppies.</p>	<p>a. Should be exercised depending on circumstances. Sometimes accidents may occur which are outside the owner's control. For instance, dogs having medical conditions which doesn't allow neutering or pups neutered at an early age may not mature etc.</p>

Discussion

- 82. The current policy allows Animal Control Officers to require dog owners to neuter their dogs in the event such dogs are found to not be under the control of their owners (and have been issued an infringement notice) on more than three occasions in a 12-month period.
- 83. The current minimum of three incidents is out of line with other regions and prevents Council officers from taking appropriate action where negligence is clearly causing a nuisance.
- 84. This proposal would reduce the number to two occasions within a 12-month period. This gives Animal Control staff the option to act earlier to reduce risks.
- 85. The preferred option does not require automatic neutering of the dog after the second incident but makes such action an option. Officers consider a wide variety of circumstances when approaching decisions such as this and there is an appeal process available for owners should they wish to contest the decision.

Recommendation:

- 86. Retain preferred option - Enable Council to require the neutering of dogs that have been found to be not under control two or more times in a 12-month period for the reasons stated in the SOP.

Additional feedback on matters outside of the proposals

- 87. The following table outlines additional matters raised by submitters that do not fall under any of the SOP proposals discussed above. The Panel may wish to deliberate and make recommendations to Council based on the submissions received.
- 88. Any recommended changes to the draft policy and bylaw as a result of submitter feedback that were not addressed in the SOP, may not be considered as "minor changes" as referred to under Section 156 of the Local Government Act 2002. If they are not minor changes then they may require additional consultation using the special consultative procedure under that section.

Table 9: Additional points raised by submitters

Issues raised / Comments	Discussion
<p>Nuisance caused by barking dogs:</p> <ul style="list-style-type: none"> a. Barking dog nuisance is recorded but not reported on. b. Prefer amending Section 4 of proposed policy (Enforce dog owner obligations) and Part 2 of the proposed Bylaw by including something about nuisance of barking dogs. c. Letters handed out by Dog control officers to owners (of barking dogs) but not a lot of communication between complainants, owners, and officers. d. Survey of neighbours required. 	<p>A suburb-wise (urban areas) hotspot map of RFS data relating to barking dogs has been produced along with this report as Attachment 6.</p> <p>The data reveals that most callouts pertaining to barking dogs have been received from the urban areas - Outer Kaiti (45), Mangapapa (41) and Te Hapara (41), Whataupoko (24), Kaiti (14) and Gisborne City (12).</p> <p>An express provision has not been included in the operative sections of the proposed policy and bylaw to avoid duplication of the relevant statutory provisions referred to in the Dog Control Act 1996.</p> <p>Various dog owner obligations have been laid down under Section 52 to 64 of the Dog Control Act 1996. Section 55 and 56 of the Dog Control Act 1996, particularly deals with the procedure adopted by Dog control officers on receiving complaint/s pertaining to barking dogs.</p> <p>Within the tenure of the present Animal Control team, there has been one notice issued under Section 55 of the Dog Control Act 1996, which was later withdrawn as the barking dog had been removed from the premises.</p> <p>If Council decide to amend the proposed policy and bylaw to include an express provision covering nuisance caused by barking dogs, section 155 of the Local Government Act 2002 may be invoked, and additional consultation using the special consultative procedure under that section.</p>

Issues raised / Comments	Discussion
<p>Reducing off-leash area at Wainui Beach</p> <p>a. Several dog rushing at or out of control have been observed at Wainui beach by submitters and feel very unsafe about this.</p> <p>b. Prefer designating part of Wainui beach as off-leash rather than the whole beach.</p> <p>c. Residents of Wainui could be consulted specifically about areas they would like to designate as off-leash, on-leash or prohibited.</p>	<p>The current designation at Wainui and Okitu beach is off-leash except on public and school holidays; and prohibited between the area demarcated by flags.</p> <p>Under Proposal 6 the preferred option is to allow dogs off-leash at Wainui and Okitu beaches at all times with no changes for public or school holidays. While the area demarcated between Surf Lifesaving flags would remain prohibited. This requested change sits outside of what was consulted on as part of the proposal and the options considered.</p> <p>The RFS data for Wainui and Okitu regions show very low incidences for “animal rushed at” (Wainui: 1; Okitu: 1) and “person rushed at/intimidation (Wainui: 2; Okitu: 1).</p> <p>Given the low RFS counts, there is no evidence at this stage to show that public safety is at risk.</p> <p>If Council decide to consider changing the off-leash area at Wainui beach, section 155 of the Local Government Act 2002 would likely be invoked, and additional consultation using the special consultative procedure under that section.</p>

ADDITIONAL INFORMATION REQUESTED BY THE PANEL

89. The below additional information has been requested by the Panel post Hearings on the proposed policy and bylaw 2023.

Suburb-wise maps and table showing dog related RFS data

90. A suburb-wide map and table of RFS relating to dog incidents has been attached to this report at **Attachment 7**. The RFS data shows Outer Kaiti (301), Te Hapara (297), Mangapapa (282) and Kaiti (222) having highest dog related RFS that include “Animal attacked”, “Animal rushed at”, “Barking dog”, “lost dog”, “Person attacked”, “Person rushed at”, “roaming / wandering dogs”.

Separate hotspot map covering RFS data on dog attacks

91. A suburb-wide map of RFS relating to dog attacks has been attached to this report as **Attachment 8**.

92. The RFS data map reveals similar trends as seen in the maps relating to the overall RFS dog related data in **Attachment 7**. The urban areas such as Kaiti (32), Gisborne City area (12), Mangapapa (22), Outer Kaiti (20) and Te Hapara (17) have seen the greatest number of RFS relating to dog attacks (“Person attacked”, “Person rushed at/intimidating”, “Animal attacked” and “Animal rushed at”).

Off-leash areas North of Taruheru and West of Waimata

93. The reserves/parks/open areas in the referenced region are as follows:

Table 10: Parks/reserves under the draft policy and bylaw north of Taruheru and west of Waimata

Area / Park / Reserve	Current designation	Proposed designation
Mangapapa reserve	On-leash	On-leash
Lytton West Reserve	On-leash	On-leash
Emily Street Reserve	On-leash	On-leash
Nelson Park	On-leash	Prohibiting sports fields only
Wakirikiri Reserve	On-leash	Prohibiting sports fields only

94. Staff have developed a dog access criteria for assessing the suitability of each of these areas. The criteria has been included in Clause 3(2)C of the Draft Dog Control Policy 2023 (see page 99 of [Report 22-205](#)).

95. The above 3 areas excluding Nelson Park and Waikirikiri Reserve consist of a children's playground / open swing set which does not allow for designating these areas as off-leash. Therefore, staff have proposed to maintain the status quo on the designation of these areas as on-leash.

96. With respect to Nelson Park, dog faeces are a health risk and a nuisance at the sports grounds. This risk is not sufficiently managed by dogs being on-leash due to continued non-compliance by dog owners not removing dog faeces. Therefore, a proposal to prohibit dogs from the sports grounds in Waikirikiri Reserve and Nelson Park is included in the adopted SOP. This prohibition would apply only to the sports field area and not the surrounding environment.

Correlating the proposed prohibited and on-leash zones at Waikanae beach with incident reports

97. The current and proposed designation at Waikanae and Midway beaches are as follows:

Table 11: Current and proposed designation at Waikanae and Midway beaches

Area	Current designation	Proposed designation
Waikanae and Midway Beach	On-leash until Pacific Street including school and public holidays, but off-leash between 6am to 9am on all days except school and public holidays. Off-leash at all times beyond Pacific Street up to the Waipaoa river mouth. Prohibited in the area demarcated by Surf Lifesaving flags (no change).	Prohibited from the cut to Roberts Road (as shown on maps in the Draft Dog Control Policy 2023) On-leash at all times from Roberts Road to Pacific Street, with no exception times Off-leash beyond Pacific Street up to the Waipaoa river mouth (no change). Prohibited in the area demarcated by Surf Lifesaving flags (no change)

98. The SOP was drafted based on feedback from Animal Control staff who have observed the areas between the cut and Pacific Street to be always busy with pedestrians during the day. These areas have been designated as either prohibited or on-leash areas.
99. In terms of numbers however, the available RFS data shows 5 RFS callouts for “roaming dogs” at Midway beach and 9 RFS callouts relating to “barking / roaming dogs” at Waikanae. Although these numbers are low, the proposals in the SOP are based on the advice and guidance from the Animal Control staff.
100. Maps showing the Waikanae and Midway Beach stretch from the current policy and the draft policy and bylaw have been attached to this report as **Attachment 9**.

Information on rubbish bag stations throughout Gisborne

101. Staff have confirmed that there are 4 dog rubbish bag stations throughout Gisborne, 1 (one) at Tīfirangi Drive and 3 (three) in the Waikanae beach area (The Cut, Roberts Road and Grey Street).
102. If the proposed prohibited areas at Waikanae were adopted, then Council would relocate the 3 rubbish bag stations from Waikanae beach area to other off-lead areas.

The rationale for changes (if any) in the current on-leash and prohibited zones

103. Staff have applied the dog access criteria to all the designated areas / zones and following this assessment, proposals have been made to either retain the default, remove, or alter the designated areas.
104. The dog access criteria (mentioned in Clause 3(2)c of the Draft Dog Control Policy 2023) includes the following considerations:
 - a. **Playgrounds:** Dogs being off leash has been deemed to cause risk/nuisance to children in areas where there is an unfenced playground. However, the risk to children on an unfenced playground is deemed to be sufficiently managed by dogs being on-leash and under the ensured control of the dog owner/s when there is sufficient open space surrounding the playground. As a result, areas where there is an unfenced playground may be deemed appropriate to be an on-leash area providing there is sufficient surrounding open space for dogs and their owners.
 - b. **Risk to protected wildlife:** There may be a risk to protected wildlife including native birds when there is a water body or other feature within the area that may attract native birds.
 - c. **Sports grounds:** In the case of sports grounds, the presence of dogs – whether off or on leash – is likely to cause nuisance due to defecation on the grounds. As a result, these areas are required to be designated as prohibited.
 - d. **Feasible alternatives:** In many cases, feasible alternative solutions to address the conflict between uses of the place (for example, installing fencing around a playground or pump track) are not considered practical in terms of implementation or cost.

105. The current list of **prohibited** and **on-leash** zones along with their proposed designations have been attached and explained in **Attachment 10**. For readability, all the proposed changes in the attachment have been marked in yellow.

Information on “horse access”

106. The Panel sought more information on various policies that allow or disallow access to horses from public spaces throughout Gisborne.

107. Staff have identified the following policies / plans that include mention to horse access:

Table 12: Horse access policies or plans:

Plans / Policies covering Horse Access	Description (if any)
The Kopututea Co-Management Plan – 20 Dec 2012	Mention of horse riding being detrimental to the sand dunes at Kapututea. Other than this there is no mention of any specific access for horses.
W. D. Lysnar and Wainui Beach Reserves Management Plan – March 2008	<p>2.4 – Reserve use: Historically, horse riding was popular when the Reserve was part of the Winifred Lysnar Riding School, before the land was given to the public as a Reserve. Today, riding horses along the beach at low tide is a regular feature and horse access to the beach is recommended at Access C (on the southern side of Wainui Stream), Access P(Chalet), and Access T (Northern carpark).</p> <p>4.2.3 Policy 3 – Horse Access:</p> <p>Wainui Beach has a long history of horse riding and this should continue. Signage will advise Horse riders as to appropriate access points. Access is not permitted over the dunes. This will be enforced through the Gisborne District Reserves Bylaw (30/01/92) under 1710 Riding and Driving, which states: No person shall park, ride or drive any motor vehicle or cart, motorcycle, power cycle or bicycle, or drive, ride, or lead any horse, or other animal on any area of any reserve without the prior permission of an authorised officer of the Local Authority, except on those areas set aside for such purpose.</p>

108. There is no single source of policy on where horses may or may not be ridden in the region.

Assessment of the travel distance to proposed off-leash areas – carbon footprint and taking into account persons with physical disabilities

109. Table 13 lists the proposed off-leash areas along with the suburb where these areas are located.

Table 13: List of proposed off-leash areas along with suburb:

Suburb	Proposed off-leash areas	Current designation
Whataupoko	Waiteata Park (North/Eastern side of stream)	Prohibited
Wainui	Wainui Beach	Specific timings on-leash and off-leash timings
Awapuni	Waikanae and Midway beaches to Pacific Street and associated foredune including walkways and adjoining public places	Specific timings on-leash and off-leash timings
Kaiti	Coldstream Road Reserve	Off-leash
Tamarau	Heath Johnson Park (Paraone Road end)	Off-leash
Riverdale	Nelson Park - adjacent to footbridge	Off-leash
Te Hapara	Ayton Park	Off-leash

110. Table 14 specifies the distance between the off-leash areas and suburbs that are not assigned any off-leash areas. Further, the table discusses the effects of the travel distance on carbon footprint and individuals requiring support:

Table 14: Travel distance between other suburbs and off-leash areas:

Suburb	Closest Off-leash area	Distance (average)	Carbon footprint	For individuals requiring mobility / accessibility support
Elgin	Nelson Park or Ayton Park	About 1.5-2km (centre of Elgin as start point)	Fair - it could be said that this distance is acceptable in terms of carbon footprint.	Fair - there is a Wheelchair-accessible car park and entrance at Nelson Park However, no accessibility or mobility support is available at Ayton Park.
Gisborne CBD	Waikanae and Midway Beach	About 1.5 km (Anzac Street as start point).	Unknown - given the size of the suburb, it is not possible to make an accurate assessment.	There is no accessibility or mobility support at Midway beach. At Waikanae beach there is a wheelchair-accessible car park and rentals for wheelchairs (offered by The Waikanae Boating Club and Waikanae Surf Club) suitable to be used on the beach. However, the cut to Roberts Road is proposed to be prohibited while from Roberts Road to Pacific Street is proposed to be on-leash.
Lytton West	Nelson Park or Ayton Park	About 1.5-2km (Beetham Lifestyle Village as start point)	Fair - it could be said that this distance is acceptable in terms of carbon footprint.	Fair - there is a Wheelchair-accessible car park and entrance at Nelson Park However, no accessibility or mobility support is available at Ayton Park.
Makaraka	Ayton Park or Nelson Park	About 3.5-4km (Caltex Makaraka as start point).	The ability for people to walk or drive a very short distance to a park is not comparable to other suburbs. Makaraka is also a large suburb area meaning distances could be greater than 4km for some residents.	Fair - there is a Wheelchair-accessible car park and entrance at Nelson Park However, no accessibility or mobility support is available at Ayton Park.
Mangapapa	Nelson Park or Ayton Park	About 3.5-4km (Valley Road Cattery as start point).	The ability for people to walk or drive a very short distance to a park is not comparable to other suburbs. Suburb is quite large in size and distances could be greater than 4km for some residents.	Fair - there is a Wheelchair-accessible car park and entrance at Nelson Park However, no accessibility or mobility support is available at Ayton Park.

111. Staff note that the carbon footprint implications will be greater the larger the distance between the farther edge of the suburb and the nearest off-leash area, and under the current proposals this would mean Mangapapa and Makaraka will likely have the greatest associated carbon footprint and cost for residents to access off-leash areas.
112. A map showing a buffer of 1.5 kms around all the proposed off-leash areas has been attached to this report (**Attachment 11**).

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Medium Significance

This Report: Medium Significance

The effects on individuals or specific communities

Overall Process: High Significance

This Report: High Significance

The level or history of public interest in the matter or issue

Overall Process: High Significance

This Report: High Significance

113. The decisions or matters in this report are considered to be of **Medium** significance in accordance with Council's Significance and Engagement Policy.

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

114. Staff have reached out to tangata whenua partners (Trustees of Parihimanihi Marae, Ngāti Oneone, Tāmanuhiri Trust, Rongowhakaata Trust, Māhaki Trust, Te Whānau a Kai Trust, Nga Ariki Trust) via email inviting them to participate in the consultation process.
115. Response has been received from Ngāti Oneone expressing support for the prohibition of dogs on Kaiti Beach. However, other than that, staff have not received any response from other tangata whenua partners.
116. The Trustees of Parihimanihi Marae have been contacted specifically with regard to their preferred designation of Waihīrere Domain (currently on-leash) however no formal responses have been received so far.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

117. Over the seven-week consultation period, staff received 300 written submissions, 2 oral submissions during drop-in sessions, and several comments via Council's Facebook page dedicated for feedback on the proposed changes.
118. Further, a public hearing was organised on 26 April 2023 where 13 submitters addressed the Panel and spoke to their submissions.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

119. There are no climate change implications associated with the present report apart from those discussed in this report in Table 14.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

120. Consulting on any additional issues that have not been consulted on may have financial implication for Council in terms of the cost for adopting the special consultative procedure laid down under Section 155 of the Local Government Act 2002.
121. Implementation budget will need consideration through the Long-Term Plan process. As discussed above in relevant sections, updating signage to reflect changes adopted will have financial implication for the Council. There is limited existing budget to undertake significant additional or amended signage.
122. Any area where a change in the current designation is proposed, Council may need adequate signage to ensure the public are fully aware of the change. Some sites where there is a single entry/exit point would suffice installation of a prominent sign or multiple signs.
123. Similarly, additional budget would be required for installing rubbish-bag dispensers and waste bins at various popular dog walk locations such as Nelson Park, all beaches, and Whataupoko Reserve. The rubbish bag dispensers cost approximately \$800 per unit plus any instalment charges and then there is the ongoing maintenance and costs of providing bags and removing rubbish.

Legal

124. Section 155 of the LGA requires local authorities, when making/amending or revoking a bylaw to determine:
- i. whether a bylaw is the most appropriate way of dealing with the perceived problem or issue:

A bylaw is determined to be the most appropriate way to ensure public safety and promote responsible dog ownership in Tairāwhiti as this is the current regulatory mechanism and there are no alternatives
 - ii. whether the bylaw is in the most appropriate form:

Council considers the proposed bylaw to be in the most appropriate form of bylaw.
 - iii. whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990:
125. Council considers that the proposed bylaw is neither inconsistent with nor raises any implications with the New Zealand Bill of Rights Act 1990 as the proposed changes are reasonable, not overly restrictive, or impractical. The changes are limited to the areas that require regulatory intervention.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

126. Part of Waiteata Park has been proposed to be designated as off-leash. The Waiteata Park Management Plan - Objective 3 (Clause 4.3(e)) allows “dog owners the opportunity to exercise their pets in Waiteata Park without reducing the enjoyment of the park for other users”. However, Clause 5.20 requires dogs to be exercised on the reserve while on-leash.
127. Reserve Management plans do not create any enforceable rules in relation to dog control and so, provisions of the Dog Control bylaw will prevail over the Waiteata Park Management Plan and no amendments in this regard would be necessary to enable enforcement of the policy and bylaw.

RISKS - NGĀ TŪRARU

128. Public safety: Dogs can present a danger to the public, and while responsibility for control of a dog at all times rests with the owner, Council needs to use its powers under the Act to ensure dog access is appropriate to the area and does not present a nuisance or danger to the area’s users.
129. Process: if the Panel makes recommendations that are outside the scope of the SOP, then additional consultation will be needed before these changes could be adopted as is mentioned in relevant sections of this report.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
28 June	Panel report presented to Council with the revised draft Policy and Bylaw for approval	Subject to Panel signing off report in time to make the agenda
TBC	Public Notification of Bylaw	Subject to Council approval on 28 June
TBC	Staff report back to Council on options to manage cats	Subject to direction from Council

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - Current Policy - Dog Control Policy 2010 (A 634145) [**23-92.1** - 13 pages]
2. Attachment 2 - Current Bylaw - Dog Control Bylaw 2010 (A 634241) [**23-92.2** - 15 pages]
3. Attachment 3 - Proposed Draft Dog Control Policy [**23-92.3** - 14 pages]
4. Attachment 4 - Proposed Draft Dog Control Bylaw [**23-92.4** - 8 pages]
5. Attachment 5 - Additional material from the Hearings [**23-92.5** - 26 pages]
6. Attachment 6 - Suburb wide Map for RFS on barkings dogs [**23-92.6** - 1 page]
7. Attachment 7 - Suburb wide Map for overall RFS on all dog incidents [**23-92.7** - 1 page]
8. Attachment 8 - Dog attacks RFS - suburb wise Map [**23-92.8** - 1 page]
9. Attachment 9 - Current Proposed - Map Waikane and Midway-combined [**23-92.9** - 2 pages]
10. Attachment 10 - List of Prohibited and On-leash Areas - Current Vs Proposed [**23-92.10** - 5 pages]
11. Attachment 11 - Off-leash areas Map - 1.5 Km Buffer [**23-92.11** - 1 page]



Dog Control Policy 2010



Dog Policy 2010

Prepared pursuant to Section 10 of the Dog Control Act.

- Introduction
- Our objective
- Our policy
- Appendices

Introduction

This policy on dogs is prepared in accordance with the requirements of the Dog Control Act 1996 ('the Act') and came into force on 2010.

This policy aims to give effect to the Act by protecting the health and safety of the public whilst ensuring the well-being and welfare of dogs is protected through responsible ownership.

The community expects dog owners to act as responsible owners. It is recognised that many in the community believe dogs can play a positive role in society and provide enjoyment for individuals and families. This policy seeks to balance those two expectations.

Objective of this Policy

The overriding objective of this policy is to encourage responsible dog ownership and community awareness to promote an environment where dogs and people can happily and peacefully co-exist.

In order to meet this objective, dog owners must:

1. register their dog/s at three months of age and every year after;
2. provide for the health and well being of their dog;
3. keep their dogs under control when in a public place, particularly in and near places frequented by children;
4. ensure their dog doesn't cause a nuisance to neighbours and other people by persistent and loud barking or howling;
5. keep their dog under direct control or confined on their property so it doesn't wander or become lost;
6. pick up any faeces left by their dog in public places or on land not occupied by the dog owner;
7. take all reasonable steps to ensure their dog doesn't injure, endanger, intimidate, or otherwise cause distress to children and other people so that the public can use streets and public amenities without fear of attack or intimidation;
8. take all reasonable steps to ensure their dog doesn't injure, endanger or cause distress to any stock, poultry, domestic animal, or protected wildlife and is kept out of prohibited areas;
9. ensure their dog doesn't damage or endanger any property belonging to other people;
10. provide for the training, exercise and recreational needs of their dogs.

Our policy

- 1. REGISTER YOUR DOG/S 1
- 2. EXERCISE AREAS FOR DOGS 1
- 3. ENCOURAGE RESPONSIBLE DOG OWNERSHIP 2
- 4. ENFORCE DOG OWNER OBLIGATIONS 3
- 5. EDUCATION 3
- 6. PROVIDE ADEQUATE FUNDING FOR DOG MANAGEMENT SERVICES 3
- 7. GATHER INFORMATION TO ASSESS THE EFFECTIVENESS AND FAIRNESS OF OUR POLICY ON DOGS 4
- 8. PROVIDE FOR SPECIAL PURPOSE DOGS 4
- APPENDIX A - LEASHED AREAS 5
- OFF LEASH AREAS 5
- DESIGNATED AREAS 6
- APPENDIX B – PROHIBITED AREAS 7
- PROHIBITED AREAS 8
- APPENDIX C – INFRINGEMENT FEES 9
- APPENDIX D – DOG CONTROL BYLAW 10

1. Register your dog/s

All dog owners must register their dogs so the council can identify the person responsible for the care and control of each dog and ensure that the costs of dog control are evenly distributed. All dogs registered after 1 July 2006 must be microchipped. Also from that date, all dogs that are classified as dangerous or menacing under the Dog Control Act 1996 (including dogs classified since 1 December 2003) are required to be microchipped.

How to achieve this:

- 1.1 Keep a register of dogs, provide information to the National Dog Control Information Database, set registration fees and provide dog owners with relevant information.
- 1.2 Inform and educate dog owners of the benefits of registration and microchipping.
- 1.3 Send annual registration renewal forms to all known dog owners.
- 1.4 Offer registration fee incentives for owners who have de-sexed their dog, passed a Dog Owner Licence test or paid their registration by the date given.
- 1.5 Target unregistered dogs and take strong enforcement action against owners of unregistered dogs.
- 1.6 To require dogs leaving the pound be registered before release.

2. Exercise areas for dogs

The council provides dog owners with a reasonable level of access to public places without compromising public safety and comfort.

How to achieve this:

- 2.1 When making bylaws controlling the access of dogs to public places, the council will:
 - 2.1.1 Recognise the right of children and the general public to use public places without fear of attack or intimidation;
 - 2.1.2 Recognise the responsible dog owner as a user of public places;
 - 2.1.3 Aim for peaceful co-existence between dogs and their owners with other park users;
 - 2.1.4 Provide dog exercise areas in parks and reserves on a district wide basis;
 - 2.1.5 Provide bins for dog faeces in designated dog exercise areas;
 - 2.1.6 Ensure that designated dog exercise areas and playgrounds are well signposted and information is easily accessible for both dog owners and the general public;
 - 2.1.7 To provide suitable signage in areas where dogs are prohibited, where they are required to be on a leash and where they can be off leash;
 - 2.1.8 Protect sensitive public areas and significant ecological areas from dogs, such as areas where dogs may be a danger to children, wildlife or other animals, or where their presence may be offensive or disturbing e.g. cemeteries.

- 2.2 The Council will make bylaws that are consistent with the above principles which:
 - 2.2.1 Identify public places where dogs can either be exercised off a leash, or are required to be on a leash, or where they are prohibited;
 - 2.2.2 Recognise that dogs confined in a vehicle or cage, dogs taking part in council approved special events or working dogs carrying out work duties should not be prohibited from public places or required to be on a leash;
 - 2.2.3 Require dog owners to, on all areas other than their own property, immediately remove any faeces left by their dog.
- 2.3 Inform dog owners of land within the Gisborne District that is included in a designated exercise area or a prohibited area or a controlled or open dog exercise area under the Conservation Act 1987.
- 2.4 Take enforcement action against owners who breach the Act or the Dog Control Bylaw by failing to contain or control their dogs.

3. Encourage responsible dog ownership

Dog owners must be encouraged to meet their obligations under the Act, to protect their dog's health and well-being and to ensure that neighbourhoods remain safe and pleasant. A responsible dog owner will:

- when purchasing a dog, ensure that the dog is suitable to their needs and their ability to care for the dog;
- provide appropriate accommodation for the dog and the exercise space needed for the breed;
- when in a public place carry a bag to pick up their dog faeces;
- ensure that faeces is picked up;
- attend appropriate dog owner and training courses; and
- ensure that their dog/s don't enter private land or prohibited Department of Conservation areas.

How to achieve this:

- 3.1 Reward dog owners demonstrating a specified level of responsible dog ownership.
- 3.2 Provide educational information on council's website on the shelter and health needs of dogs.
- 3.3 Include within the Dog Control Bylaw, limitations on the number of dogs that can be kept within the urban areas and only allow exemptions where there are no adverse effects.
- 3.4 Ensure dog owners take the necessary steps to ensure their dog's health and well being.
- 3.5 Through the bylaw prescribe minimum accommodation standards for dogs.

4. Enforce dog owner obligations

Powers of enforcement under the Act should be used appropriately to ensure public safety and comfort and to penalise and deter irresponsible dog ownership.

How to achieve this:

- 4.1 Receive, investigate and resolve and respond to dog complaints from members of the public.
- 4.2 Remove dogs threatening public safety and comfort.
- 4.3 Assist dog owners and the public by:
 - giving out good dog owner information; or
 - issuing warnings; or
 - where appropriate issuing infringement notices, prosecuting owners and where required using menacing dog, dangerous dog, probationary and disqualified dog owner classifications; and
 - taking immediate enforcement action against unregistered dogs.
- 4.4 Require that all dogs classified as menacing dogs be neutered in accordance with s.33E(1)(b) of the Act within one month after receipt of notice of the classification. In the case of dogs classified as menacing by another territorial authority, the dog be neutered within one month of registration with the Council.
- 4.5 Through the Bylaw require dogs found to be not within the control of their owner by Animal Control Officers on more than three occasions within a one year period to be neutered.
- 4.6 Through the Bylaw require bitches in season to be confined.

5. Education

Dog Control Officers will work with schools, children and dog owners and the community so that the public is aware as to how to live with dogs.

How to achieve this:

- 5.1 Inform and educate dog owners and the general public through media such as brochures, the Council's website and school education programmes.
- 5.2 Promote the availability of dog obedience courses.

6. Provide adequate funding for dog management services

Adequate funding must be provided to maintain an acceptable level of dog management services.

When considering dog-related fees, the council must take into account the user-pays principle, penalty-based fees, legislative requirements; the council's funding policies, community responsibilities and recognition of responsible dog ownership.

Council's current policy is that dog registration fees pay for 100 per cent of dog management related costs.

How to achieve this:

- 6.1 Set reasonable fees for the registration and control of dogs in accordance with the information above.
- 6.2 Set lower registration fees for working dogs and for owners demonstrating a specified level of responsible dog ownership.
- 6.3 Set a higher registration fee for owners who do not meet the date given for payment of registration fees.

7. Gather information to assess the effectiveness and fairness of our policy on dogs

Information will be gathered to determine if the council's methods are working towards achieving the objectives in this policy.

How to achieve this:

- 7.1 Report annually on the council's administration of dog control methods and the dog policy. The council must give public notice of the report and send a copy of it to the Secretary for Local Government.

8. Provide for special purpose dogs

Council recognises that where a person with special needs (certified by a Medical Practitioner) requires a special purpose dog, that dog is recognised as a working dog provided that dog has had training acceptable to the Chief Animal Control Officer. This approval, where granted will allow the dog to enter public buildings and prohibited areas whilst it is working as a special purpose dog.

How to achieve this:

- 8.1 Where a dog provides for the special needs of a member of the public and this is demonstrated to the satisfaction of the Chief Animal Control Officer, council will resolve that the dog will be a working dog for the purposes of Gisborne City's Dog Control Bylaw.

Appendix A - Leashed Areas

Dogs may be exercised off leash within these areas between the hours of 6am and 9am outside school and public holidays.

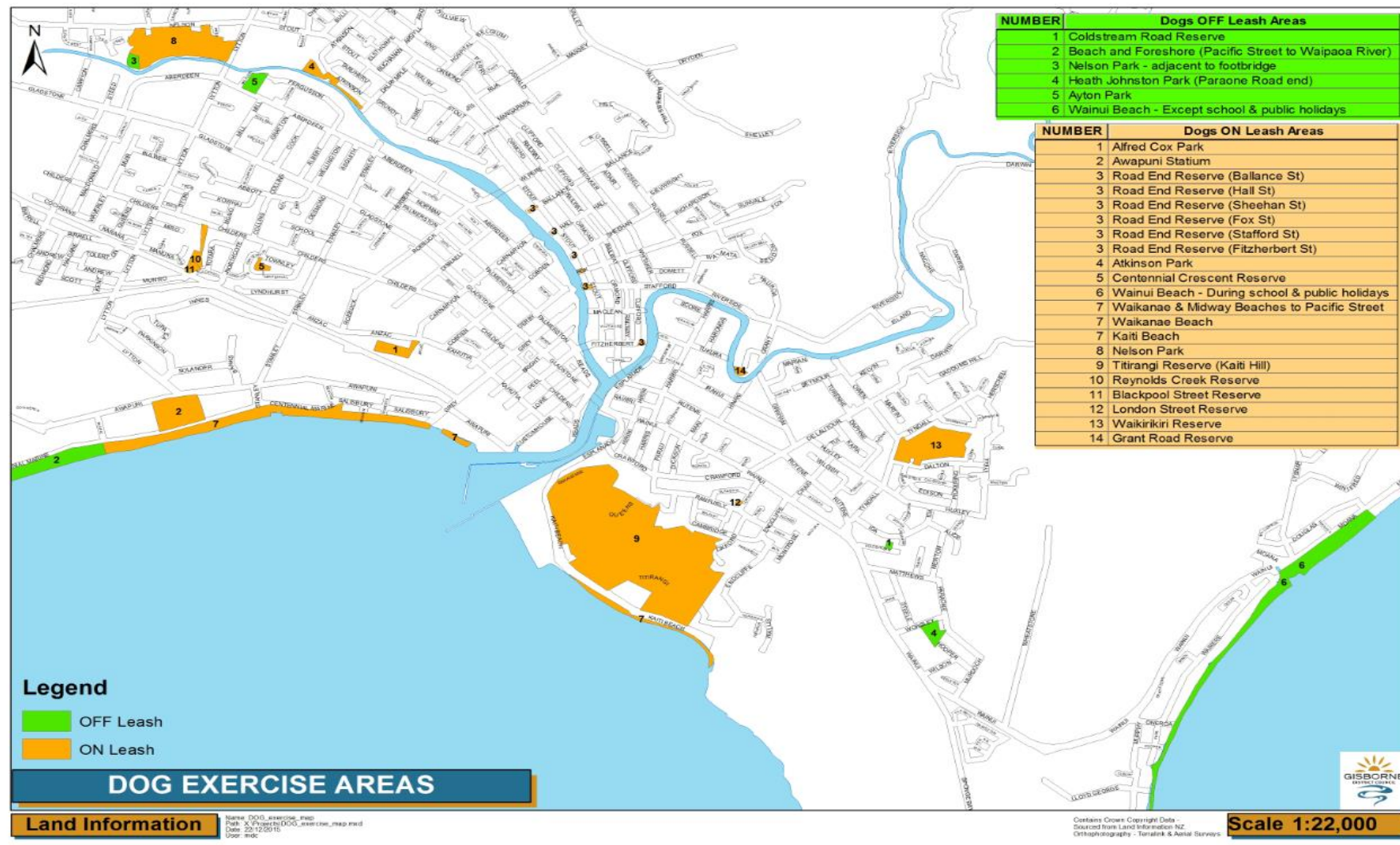
1. Alfred Cox Park
2. Awapuni Stadium
3. Road End Reserve (Ballance Street)
3. Road End Reserve (Hall Street)
3. Road End Reserve (Sheehan Street)
3. Road End Reserve (Fox Street)
3. Road End Reserve (Stafford Street)
3. Road End Reserve (Fitzherbert Street)
4. Atkinson Park
5. Centennial Crescent Reserve
6. Wainui Beach – During school & public holidays
7. Waikanae & Midway beaches to Pacific Street and associated foredune including walkways and adjoining public places
8. Waikanae Beach
9. Kaiti Beach
10. Nelson Park
11. Titirangi Reserve (Kaiti Hill)
12. Reynolds Creek Reserve
13. Blackpool Street Reserve
14. London Street Reserve
15. Waikirikiri Reserve
16. Grant Road Reserve

Off Leash Areas

Areas in which dogs may be exercised without physical constraint but under the oral command of their owners or on a lead:

1. Coldstream Road Reserve
2. Beach and Foreshore (Pacific Street to Waipaoa River)
3. Nelson Park adjacent to footbridge
4. Heath Johnson Park – (Paraone Road end)
5. Ayton Park
6. Wainui Beach – except school and public holidays

Designated areas

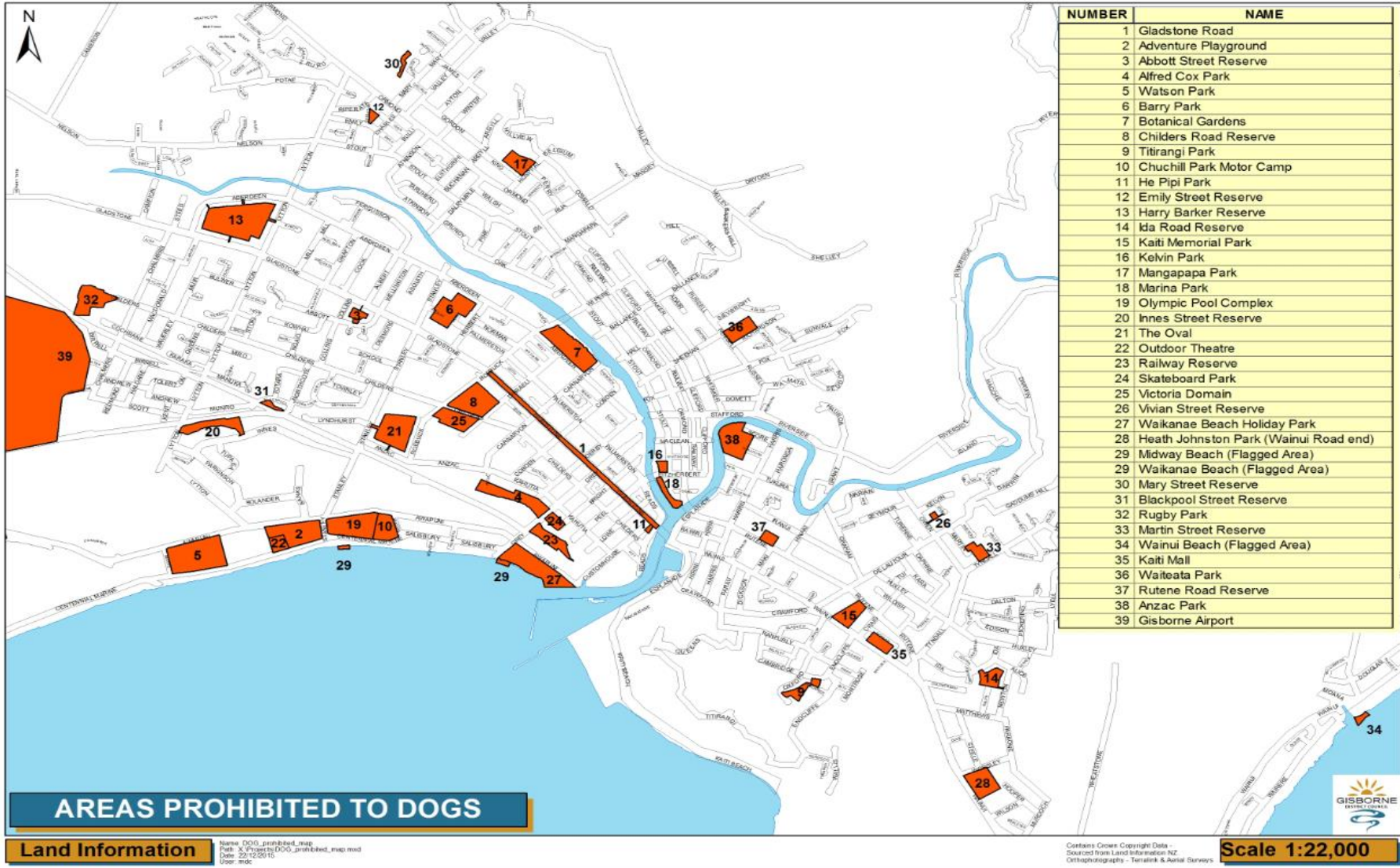


Appendix B – Prohibited Areas

Areas in which dogs are prohibited:

1. Gladstone Road between customhouse Street and Roebuck Road
2. Adventure Playground
3. Abbot Street Reserve
4. Alfred Cox Park
5. Ayton Park
6. Barry Park
7. Botanical Gardens
8. Childers Road Reserve
9. Titirangi Park
10. Churchill Park Motor Camp
11. Hei Pipi Reserve
12. Emily Street Reserve
13. Harry Barker Reserve
14. Ida Road Reserve
15. Kaiti Memorial Park
16. Kelvin Park
17. Mangapapa Park
18. Marina Park
19. Olympic Pool Complex
20. Innes Street Reserve
21. The Oval
22. Outdoor Theatre
23. Railway Reserve
24. Skateboard Park
25. Victoria Domain
26. Vivian Street Reserve
27. Waikanae Beach Motor Camp
28. Heath Johnston Park (Wainui Road end)
29. Midway Beach (Flagged area)
30. All of Gisborne Airport land
31. Mary Street Reserve
32. Blackpool Street Reserve
33. Rugby Park
34. Martin Street Reserve
35. Wainui Beach (Flagged area)
36. Kaiti Mall
37. Waiteata Park
38. Rutene Road Reserve
39. Anzac Park
40. Watson Park

Prohibited areas



Appendix C – Infringement Fees

These are a series of offences that are subject to fines or legal proceedings instituted. The Animal Control Officer can issue instant fines for the following offences:

Section	Brief Description of Offence	Infringement Fee
18	Wilful obstruction of Animal Control Officer or Ranger.	\$750.00
19(2)	Failure or refusal to supply information or wilfully providing false particulars.	\$750.00
19A(2)	Failure to supply information or wilfully providing false particulars about dog.	\$750.00
20(5)	Failure to comply with any bylaw authorised by the Section.	\$300.00
28(5)	Failure to comply with effects of disqualification.	\$750.00
32(2)	Failure to comply with effects of classification of dog as dangerous dog.	\$300.00
32(4)	Fraudulent sale or transfer of dangerous dog.	\$500.00
33E(2)	Failure to comply with effects of classification of dog as menacing dog.	\$300.00
36A(6)	Failure to implant microchip transponder in dog.	\$300.00
41	False statement relating to dog registration.	\$750.00
42	Failure to register dog.	\$300.00
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc.	\$500.00
48(3)	Failure to advise change of dog ownership.	\$100.00
49(4)	Failure to advise change of address	\$100.00
51(1)	Removal, swapping or counterfeiting of registration label or disc.	\$500.00
52(A)	Failure to keep dog controlled or confined.	\$200.00
53(1)	Failure to keep dog under control.	\$200.00
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water and shelter and to provide adequate exercise.	\$300.00
54A	Failure to carry leash in public.	\$100.00
62(A)	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	\$300.00

Appendix D – Dog Control Bylaw



Gisborne District Dog Control Bylaw 2010



Dog Control 2010

Explanatory Note

This Bylaw regulates dogs within the Gisborne District to minimise danger, distress and nuisance from dogs. It sets out the requirements for the control of dogs in public places, requirements to remove dog faeces from public places (and private land not occupied by the dog owner), and places limitations on the number of dogs that can be kept in different parts of the Gisborne District.

The Dog Control Act 1996 and Dog Control Amendment Act 2003 also place a number of other duties on dog owners. **Dog owners must:**

- register their dog every year and ensure it wears an identification/registration disc
- provide proper care and attention, supply proper and sufficient food, water and adequate shelter
- ensure that the dog receives adequate exercise
- take all reasonable steps to ensure that the dog does not cause a nuisance e.g. by persistent and loud barking or howling
- take all reasonable steps to ensure that the dog does not injure, endanger, intimidate or cause distress to any person, stock, poultry, domestic animal or protected wildlife or damage or endanger any property belonging to any other person
- ensure that the dog is kept under control at all times e.g. by confining the dog on their property when the dog is not under their direct control
- carry a leash at all times while with the dog in a public place.

Gisborne District Council can classify dogs as menacing or dangerous and require the owners of menacing or dangerous dogs to have that dog neutered and when in a public place have the dog muzzled. Dangerous dogs are also required to be on a leash when in a public place. The Traffic Regulations 1976 also require dog owners to secure their dog/s when they are carried on the open tray of a vehicle to ensure that the dog cannot fall from the vehicle.

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1. Application of Bylaw

1.1 This bylaw is the Dog Control Bylaw 2010 for Gisborne District Council and comes into force on 31 March 2011.

2. Interpretation and definitions

2.1 In this Bylaw, unless the context otherwise requires:

Act	Means the Local Government Act 2002.
Beach	Means the foreshore, being an area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation.
Control	Means that the dog is not causing a nuisance or danger and that the person in charge of the dog has the dog under continuous surveillance and is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.
Disability Assist Dog	Means the same as that specified in the Dog Control Act 1996 and includes a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability: <ul style="list-style-type: none"> a. Hearing Dog for Deaf People of New Zealand b. Mobility Assistance Dogs Trust c. New Zealand Epilepsy Assist Dogs Trust d. Royal New Zealand Foundation of the Blind e. Top Dog Companion Trust f. An organisation specified in an Order in Council made under section 78D of the Dog Control Act 1996.
Dog Owner	Means owner as defined in section 2 of the Dog Control Act 1996 and includes every person who: <ul style="list-style-type: none"> g. owns the dog; or h. has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or i. the parent or guardian of a person under the age of 16 years who: <ul style="list-style-type: none"> i. is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and ii. is a member of the parent or guardian's household living with and dependant on the parent or guardian; but does not include any person who has seized or taken custody of the dog under this Act or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under this Act or the Animal Welfare Act 1999.
Foredune	The ground between the water's edge or sandy part of the beach and cultivated land including any adjoining public places along the beach or waterfront.
On a Leash	Means that the dog is kept under control by means of a leash, lead or chain which is secured or is held by a person so that the dog cannot break loose.
Act	Means the Local Government Act 2002.

Public Place	Means public place as defined in section 2 of the Dog Control Act 1996 and includes: <ul style="list-style-type: none"> a. a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or effect any person from that place; and b. includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.
Reserve	Means: <ul style="list-style-type: none"> a. any land vested in the council and declared as a reserve by resolution of the council, under section 14 of the Reserves Act 1977; or b. any park, domain or recreation area under the control or ownership of the council; or c. any reserve, park or recreation area under the control or management of the Gisborne District Council.
Urban Area	Means the area contained within the Gisborne urban area boundary as marked on the maps of the Gisborne Combined Regional Land and District Plan plus any area zoned general residential in that Plan.
Working Dog	Means the same as that in section 2 of the Dog Control Act 1996 and includes: <ul style="list-style-type: none"> a. any guide dog, hearing ear dog, or companion dog b. any dog: <ul style="list-style-type: none"> i. kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or ii. kept solely or principally for the purposes of herding or driving stock; or iii. kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or iv. kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or <ul style="list-style-type: none"> a. kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties and powers of that Department; or b. kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of the Service solely or principally for the purpose of carrying out the functions, duties and powers of that Service; or
Act	Means the Local Government Act 2002.
Working Dog (cont)	<ul style="list-style-type: none"> c. certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties and powers conferred by the Civil Defence Emergency Management Act 2002; or

	<ul style="list-style-type: none"> v. owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or vi. declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.
--	--

3. Control of dogs in public places

Prohibited Areas

- 3.1 Every dog owner must ensure that their dog does not enter or remain in any public place designated as a prohibited area in the First Schedule.

Exercise Areas

- 3.2 Every dog owner must ensure that their dog is kept on a leash or harness and under control in any public place designated as an Exercise Area in the Second Schedule.

Off Leash Areas

- 3.3 Providing the dog is kept under control at all times, a dog owner may exercise their dog without it being on a leash in any area designated as an off leash area in the Third Schedule.

Note: The Dog Control Act requires owners to carry a leash with them when their dog is in a public place.

Exemptions

- 3.4 Clauses **3.1** and **3.2** do not apply to the owner of:
- a. a working dog while it is working; or
 - b. any dog which is confined completely within a vehicle or cage; or
 - c. any dog taking part in an organised dog event, such as a dog show or dog training seminar;
- provided the dog is under control at all times.
- 3.5 Any person who has obtained Council approval to hold a special event or temporary activity in a park, reserve or public place (or part thereof) may apply to the Council for a permit to prohibit dogs from that park, reserve or public place or require them to be on a leash for the duration of that special event or promotion.

4. Removal of faeces

- 4.1 Where any dog defecates in a public place or on land or premises other than that occupied by the dog owner, the dog owner must remove the faeces immediately and dispose of it in a way that does not cause a nuisance.

5. Minimum standards of accommodation for dogs

- 5.1 The owner of a dog shall provide accommodation for dogs kept on premises in accordance with the Council's minimum standards of accommodation for dogs outlined in the Fourth Schedule.

6. Limitation on number of dogs and provision for dispensations

- 6.1 No owner or occupier of any land or premises within the urban area shall allow more than one dog, over the age of three months, to be kept on that land or premises for more than seven days.
- 6.2 Dog owners may apply to Council for a permit to keep more than one dog on any land identified in **clause 6.1** above. If the Council considers that more than one dog can be kept on the premises without any adverse effects, a fee may be charged by the Council for the permit in accordance with s.150 of the Local Government Act 2002.
- 6.3 Any owner who immediately prior to commencement of this bylaw, lawfully kept more than one dog over the age of three months on that land with written Council consent, may continue to do so, notwithstanding **clause 6.1** subject to the conditions of any such consent being fully complied with.
- 6.4 A permit granted pursuant to clause 6.2 may be issued subject to such conditions as the Council considers appropriate to prevent adverse effects. Any breach of the conditions of any permit shall entitle the Council to withdraw the permit.
- 6.5 Clause 6.1 does not apply to working dogs.

7. Nuisance - neutering and confinement

- 7.1 Where a dog owner fails to keep their dog under control on three or more occasions within a one year period the Council may, by written notice, require the owner to cause the dog to be neutered.
- 7.2 The owner must within one month of receipt of notice pursuant to 7.1 produce to Council a certificate issued by a veterinary surgeon certifying:
- a. that the dog has been neutered, or
 - b. that for reasons that are specified in the certificate, it will not be in a fit condition to be neutered before a date specified in the certificate.
- 7.3 If a certificate under 7.2(b) is produced to the Council, the owner of the dog must produce to the Council no later than one month from the date specified in the certificate a further certificate under 7.2.
- 7.4 The owner of a bitch in season must keep her confined to the premises within a dog-proof enclosure for the duration of her oestrus cycle.

Any dog so confined shall be regularly exercised under the control of the owner.

8. Offences and penalties

- 8.1 Every person who fails to comply with the requirements of this bylaw commits an offence and may be liable to an infringement fee as set by the Dog Control Act 1996 or a penalty as set by section 242(4) of the Local Government Act 2002.
- 8.2 The Council may apply to the District Court under section 162 of the Local Government Act 2002 for an injunction restraining a person from committing a breach of this bylaw.

First Schedule – Areas prohibited to dogs – shown on Plan 1

Areas in which dogs are prohibited:

1. Gladstone Road
2. Adventure Playground
3. Abbott Street Reserve
4. Alfred Cox Park
5. Watson Park
6. Barry Park
7. Botanical Gardens
8. Childers Road Reserve
9. Titirangi Park
10. Churchill Park Motor Camp
11. He Pipi Park
12. Emily Street Reserve
13. Harry Barker Reserve
14. Ida Road Reserve
15. Kaiti Memorial Park
16. Kelvin Park
17. Mangapapa Park
18. Marina Park
19. Olympic Pool Complex
20. Innes Street Reserve
21. The Oval
22. Outdoor Theatre
23. Railway Reserve
24. Skateboard Park
25. Victoria Domain
26. Vivian Street Reserve
27. Waikanae Beach Holiday Park
28. Heath Johnston Park (Wainui Road end)
29. Midway Beach (Flagged Area)
30. Waikanae Beach (Flagged Area)
31. Mary Street Reserve
32. Blackpool Street Reserve
33. Rugby Park
34. Martin Street Reserve
35. Wainui Beach (Flagged Area)
36. Kaiti Mall
37. Waiteata Park
38. Rutene Road Reserve
39. Anzac Park
40. Gisborne Airport

Second Schedule – Leashed areas – shown on Plan 2

Areas in which dogs may be exercised only when on a lead or harness:

1. Alfred Cox Park
2. Awapuni Stadium
3. Road End Reserve (Ballance Street)
3. Road End Reserve (Hall Street)
3. Road End Reserve (Sheehan Street)
3. Road End Reserve (Fox Street)
3. Road End Reserve (Stafford Street)
3. Road End Reserve (Fitzherbert Street)
4. Atkinson Park
5. Centennial Crescent Reserve
6. Wainui Beach – During school & public holidays
7. Waikanae & Midway beaches to Pacific Street and associated foredune including walkways and adjoining public places
8. Waikanae Beach
9. Kaiti Beach
10. Nelson Park
11. Titirangi Reserve (Kaiti Hill)
12. Reynolds Creek Reserve
13. Blackpool Street Reserve
14. London Street Reserve
15. Waikirikiri Reserve
16. Grant Road Reserve

Dogs may be exercised off leash within these areas between the hours of 6am and 9am outside school and public holidays.

Third Schedule – Off leash – shown on Plan 2

Areas in which dogs may be exercised without physical constraint but under the oral command of their owners or on a lead:

1. Coldstream Road Reserve
2. Beach and Foreshore (Pacific Street to Waipaoa River)
3. Nelson Park - adjacent to footbridge
4. Heath Johnson Park (Paraone Road end)
5. Ayton Park
6. Wainui Beach – except school and public holidays.

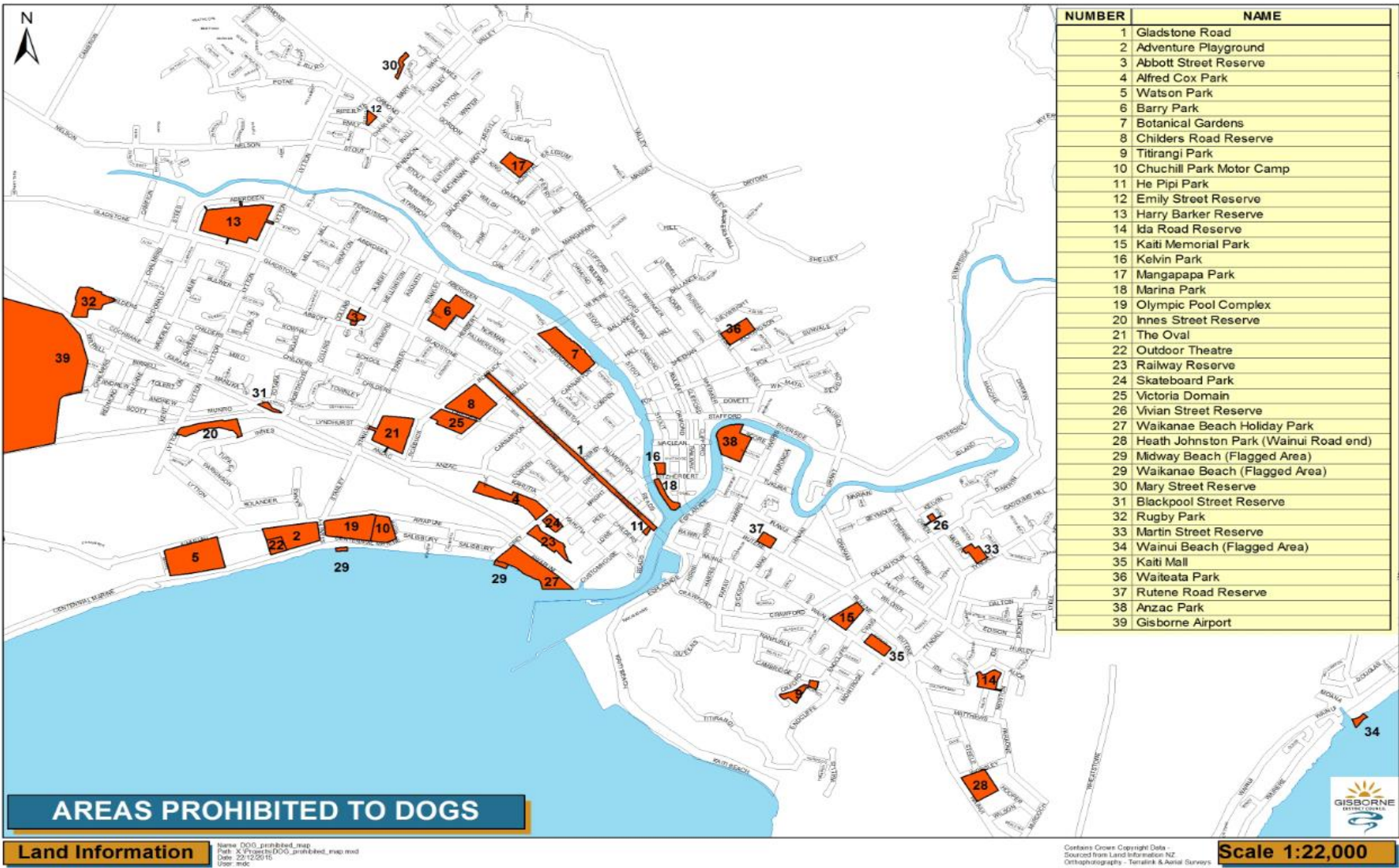
Fourth Schedule – Minimum standards for accommodation of dogs

The Council has set the following as the minimum standards for accommodation of dogs:

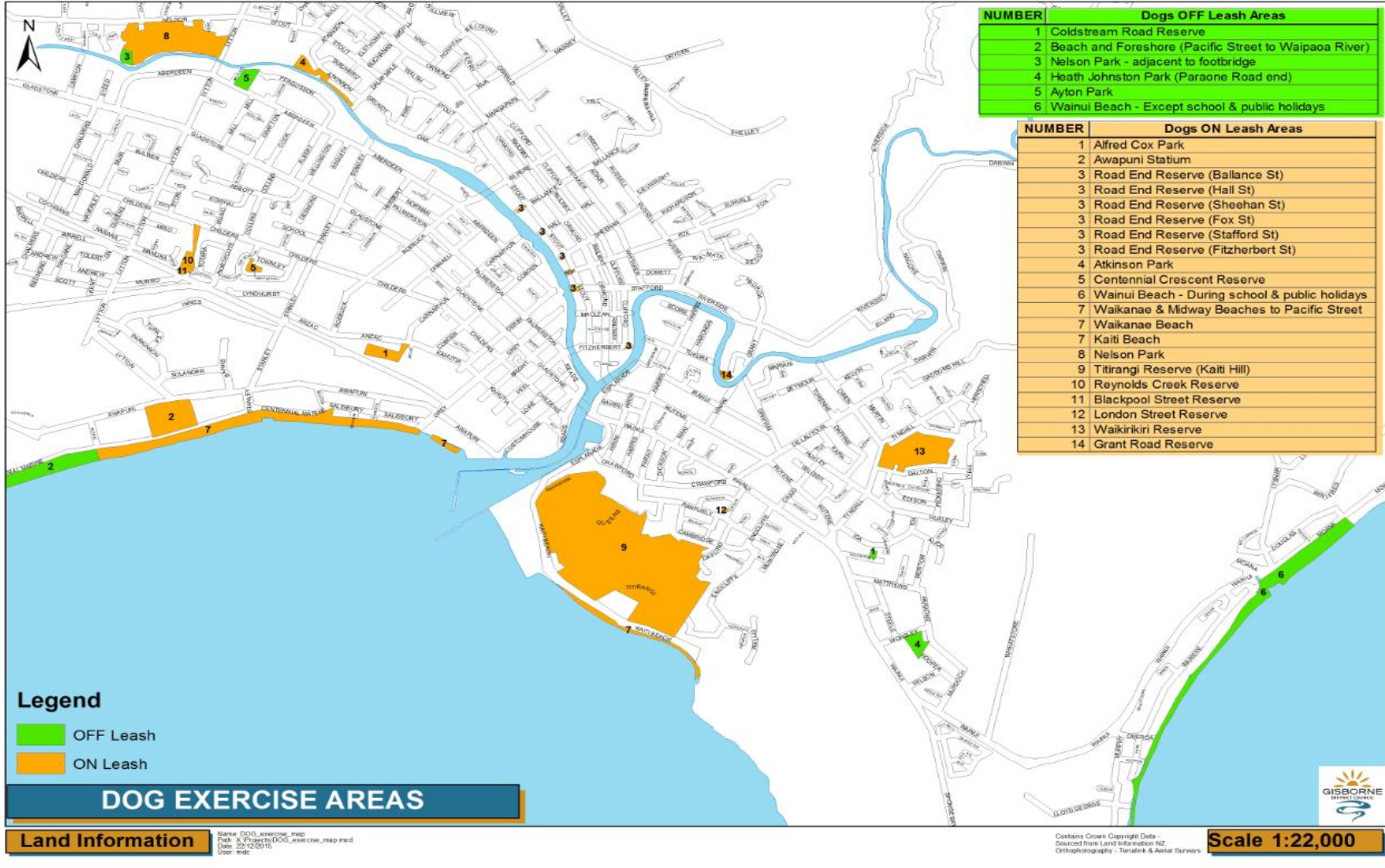
1. The owner of any dog shall provide for its use:
 - (a) a weatherproof kennel made from durable materials. Such kennel shall be of sufficient size so as to allow the dog to stand up, move freely, stretch out and recline, and in the case of a dog weighing less than 20kg shall have a floor area of not less than one square metre, and in the case of a dog weighing 20kg or more, shall have a floor area of not less than two square metres; and
 - (b) shall provide within access of a dog in a kennel, an adequate supply of clean drinking water.
2. Where a kennel does not have further means of confinement for the dog, such as a cage or enclosed run, the owner of the dog shall provide a secure means of physical attachment of the dog to the vicinity of the kennel to allow the dog to freely move about and into the kennel. Such physical attachment shall be a minimum of a running wire within the property to which the dog shall be attached by a chain.
3. The owner shall at reasonable intervals, clean any kennel and any associated area or means of confinement in the vicinity of any kennel so as to be kept free of accumulations of dog faeces, food, hair, or other organic matter. The owner shall either remove from any property all dog faeces or bury it within the property, provided that such burial is practicable and is not offensive or likely to be offensive or become a nuisance to any person.
4. No kennel shall be situated closer than two metres to the boundary of any owner's property, provided that a ranger may at his discretion permit a lesser distance for kennels existing at the date of enactment of this Bylaw.
5. No owner of any dog shall allow a dog to be kept beneath the floor of any building.
6. The Chief Animal Control Officer may approve alternative accommodation arrangements for a dog to the above standards where they are satisfied that the owner will be providing adequately for the needs of the dog and no other reasonable person is adversely affected PROVIDED THAT where any such alternative accommodation is permitted the owner shall provide a running wire within the owner's property to which the dog may be attached by a chain.
7. The Chief Animal Control Officer at their discretion may, upon application being made by any owner of a dog, grant an exemption from any requirement to provide a running wire in appropriate circumstance.

If any such application is declined the owner may apply in writing to the Manager for reconsideration of the application and on hearing that application may confirm, reverse or modify the decision made by the Chief Animal Control Officer.

Prohibited areas



Designated areas





THE COMMON SEAL OF GISBORNE DISTRICT COUNCIL WAS HERETO AFFIXED PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE GISBORNE DISTRICT COUNCIL HELD ON 30th OF NOVEMBER 2015.

_____ MAYOR

_____ CHIEF EXECUTIVE

Kaupapa Whakahaere Kuri a Tairāwhiti 2023
(Tairāwhiti Dog Control Policy 2023)

Made by Gisborne District Council

Resolution of Council dated __ of _____ 2023

Review date _____

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1. Introduction

This policy on dogs is prepared in accordance with the requirements of the Dog Control Act 1996 ('the Act') and came into force on __ of ____ 2023.

This policy aims to give effect to the Act by ensuring the health and safety of the public whilst also ensuring the well-being and welfare of dogs, through responsible ownership.

The community expects dog owners to act as responsible owners. It is recognised that many in the community believe dogs can play a positive role in society and provide enjoyment for individuals and families. This policy seeks to balance those two expectations.

2. Objective of this Policy

The objective of this policy is to encourage responsible dog ownership, spread awareness within the community and promote an environment where dogs and people can happily and peacefully co-exist.

In order to meet this objective, dog owners must:

1. Register their dog/s at three months of age and every year after;
2. Provide for the health and wellbeing of their dog;
3. Keep their dogs under control when in a public place, particularly in and near places frequented by children;
4. Ensure their dog doesn't cause a nuisance to neighbours and other people by persistent and loud barking or howling;
5. Keep their dog under direct control or confined on their property so it doesn't wander or become lost;
6. Pick up any faeces left by their dog in public places or on land not occupied by the dog owner;
7. Take all reasonable steps to ensure their dog doesn't injure, endanger, intimidate, or otherwise cause distress to children and other people so that the public can use streets and public amenities without fear of attack or intimidation;
8. Take all reasonable steps to ensure their dog doesn't injure, endanger or cause distress to any stock, poultry, domestic animal, or protected wildlife and is kept out of prohibited areas;
9. Ensure their dog doesn't damage or endanger any property belonging to other people;
10. Provide for the training, exercise and recreational needs of their dogs.

3. Our policy

(1) Register your dog/s

All dog owners must register their dogs so the council can identify the person responsible for the care and control of each dog and ensure that the costs of dog control are evenly distributed. All dogs registered after 1 July 2006 must be microchipped. Also from that date, all dogs that are classified as dangerous or menacing under the Dog Control Act 1996 (including dogs classified since 1 December 2003) are required to be microchipped.

A. How to achieve this:

- (i) Keep a register of dogs, including those classified as dangerous and menacing, and provide information to the National Dog Control Information Database.
- (ii) Maintain a record of probationary and disqualified owners.
- (iii) Set registration fees and provide dog owners with relevant information.
- (iv) Inform and educate dog owners through the registration and microchipping process.
- (v) Send annual registration renewal forms to all known dog owners.
- (vi) Offer registration fee incentives for owners who have de-sexed their dog,
- (vii) Target unregistered dogs and take strong enforcement action against owners of unregistered dogs.
- (viii) Require dogs leaving the pound be registered before release.

(2) Exercise areas for dogs

The Council provides dog owners with a reasonable level of access to public places without compromising public safety and comfort.

A. How to achieve this:

When making bylaws controlling the access of dogs to public places, Council will:

- (i) Recognise the right of children and the general public to use public places without fear of attack or intimidation.
- (ii) Recognise the responsible dog owner as a user of public places.
- (iii) Aim for peaceful co-existence between dogs and their owners with other park users.
- (iv) Provide areas where dogs may be exercised off-leash in parks and reserves on a district wide basis.
- (v) Provide suitable signage in areas where dogs are prohibited and where they can be off leash.
- (vi) Protect sensitive public areas and significant ecological areas from dogs, such as areas where dogs may be a danger to children, wildlife or other animals, or where their presence may be offensive or disturbing e.g., Cemeteries.

B. Make bylaws that are consistent with the above principles:

- (i) Require dog owners to keep their dogs on a leash at all times in public places not designated as off-leash area or prohibited area.
- (ii) Recognise that dogs confined in a vehicle or cage, dogs taking part in council approved special events or working dogs carrying out work duties should not be prohibited from public places or required to be on a leash.
- (iii) Require dog owners to immediately remove any faeces left by their dog on all areas other than their own property.
- (iv) Inform dog owners of areas in the Gisborne District that are prohibited to dogs or where dogs are allowed off leash.
- (v) Take enforcement action against owners who breach the Act or the Dog Control Bylaw by failing to contain or control their dogs.

C. Guidance for assessing suitability of areas for dogs:

Council may apply the following criteria as a guide for determining dog access areas as off-leash or prohibited. In public places not specified as off-leash or prohibited, dogs must be kept on a leash at all times.

1. Off-leash areas:

For an area to be designated as an off-leash area, Council will identify and assess the current and future use of the place and whether there may be any potential conflicts to ensure the designation would not result in any significant risk or nuisance to any:

- a. Person (in particular children or vulnerable adults). In making this assessment, Council will consider:
 - a. The presence of a playground with no effective built or natural barrier (for example, a fence or stream)
 - b. Presence of sporting activity, including mountain biking.
- b. Protected wildlife vulnerable to dogs (in particular ground nesting birds or penguins).
- c. Stock, poultry, or domestic animal.
- d. Property (in particular, natural habitat and public amenities such as sports grounds).

2. Prohibited areas:

For an area to be designated as a prohibited area, Council will determine that:

- a. The criteria for being designated an off-leash area has not been met.
- b. Any risk identified in relation to the off-leash criteria would not be sufficiently managed by dogs being on-leash.
- c. There are no practicable alternative solutions to address the conflict between uses of the place (design and management solutions include fencing, different zones in one place, time-share arrangements).
- d. Displaced dog owners and their dogs have access to other places or that such access is provided as part of the same decision.

(3) Encourage responsible dog ownership

Dog owners must be encouraged to meet their obligations under the Act, to protect their dog's health and well-being and to ensure that neighbourhoods remain safe and pleasant. A responsible dog owner will:

- Ensure that the dog they purchase or adopt is suitable to their needs and their ability to care for the dog.
- Provide appropriate accommodation for the dog and the exercise space needed for the breed.
- Carry a bag to pick up their dog's faeces when in a public place.
- Ensure that faeces are picked up.
- Attend appropriate dog owner and training courses.
- Ensure that their dog/s don't enter private land or prohibited Department of Conservation areas.

A. How to achieve this:

- (i) Reward dog owners demonstrating a specified level of responsible dog ownership.
- (ii) Provide educational information on Council's website on the shelter and health needs of dogs.
- (iii) Include in the Dog Control Bylaw, limitations on the number of dogs that can be kept within the urban areas and only allow exemptions where there are no adverse effects.

- (iv) Ensure dog owners take the necessary steps to ensure their dog's health and wellbeing.
- (v) Prescribe minimum accommodation standards for dogs in the Dog Control Bylaw.

(4) Enforce dog owner obligations

Powers of enforcement under the Act should be used appropriately to ensure public safety and comfort and to penalise and deter irresponsible dog ownership.

A. How to achieve this:

- (i) Receive, investigate and resolve, and respond to dog complaints from members of the public.
- (ii) Remove dogs threatening public safety and comfort.
- (iii) Assist dog owners and the public by:
 - (a) Giving out good dog owner information.
 - (b) Issuing warnings.
 - (c) Issuing infringement notices, prosecuting owners and where required using menacing dog, dangerous dog, probationary and disqualified dog owner classifications.
 - (d) Taking immediate enforcement action against unregistered dogs.
- (iv) Require that all dogs classified as menacing dogs be neutered in accordance with s.33E(1)(b) of the Act within one month after receipt of notice of the classification. In the case of dogs classified as menacing by another territorial authority, the dog must be neutered within one month of registration with the Council.
- (v) Include a provision in the Bylaw that allows Council to require dogs to be neutered if they are found not to be under the control of their owners by Council on two or more occasions within a one-year period.
- (vi) Ensure female dogs in season are kept confined to their premises within a dog-proof enclosure for the duration of oestrus cycle.

(5) Education

Dog Control Officers will work with schools, children and dog owners and the community so that the public is aware of how to live with dogs.

A. How to achieve this:

- (i) Inform and educate dog owners and the general public through media such as brochures, the Council's website and school education programmes.
- (ii) Promote the availability of dog obedience courses.

(6) Provide adequate funding for dog management services

Adequate funding must be provided to maintain an acceptable level of dog management services.

When considering dog-related fees, Council will take into account the user-pays principle, penalty-based fees, legislative requirements, the council's funding policies, community responsibilities and recognition of responsible dog ownership.

A. How to achieve this:

- (i) Set reasonable fees for the registration and control of dogs in accordance with the information above.
- (ii) Set lower registration fees for working dogs and for owners demonstrating a specified level of responsible dog ownership.
- (iii) Set a higher registration fee for owners who do not meet the date given for payment of registration fees.

(7) Gather information to assess the effectiveness and fairness of our policy on dogs

Information will be gathered to determine if the Council's methods are working towards achieving the objectives in this policy.

How to achieve this:

Report annually on the council's administration of dog control methods and the dog policy. The council must give public notice of the report and send a copy of it to the Secretary for Local Government.

(8) Provide for special purpose dogs

Council recognises that where a person with special needs (certified by a Medical Practitioner) requires a special purpose dog, that dog is recognised as a working dog provided that dog has had training acceptable to Council. This approval, where granted will allow the dog to enter public buildings and prohibited areas whilst it is working as a special purpose dog.

How to achieve this:

Where a dog provides for the special needs of a member of the public and this is demonstrated to the satisfaction of the Council, Council will resolve that the dog will be a working dog for the purposes of Gisborne City's Dog Control Bylaw.

Schedule 1 – Prohibited Areas

1. Gladstone Road
2. Adventure Playground
3. Alfred Cox Park - Pump Track
4. Watson Park
5. Barry Park
6. Botanical Gardens
7. Childers Road Reserve
8. Titirangi Park
9. He Pipi Park
10. Harry Barker Reserve
11. Olympic pool complex
12. The Oval
13. Innes Street Reserve
14. Railway Reserve
15. Skateboard Park
16. Victoria Domain
17. Heath Johnston Park (Wainui Road end)
18. Waikanae to Midway Beach – from cut to Roberts Road
19. Midway Beach (Flagged Area)
20. Waikanae Beach (Flagged Area)
21. Rugby Park
22. Wainui Beach (Flagged Area)
23. Kaiti Mall
24. Anzac Park
25. Gisborne Airport
26. Kaiti Beach and dunes (up to but not including adjacent road corridor)
27. Nelson Park Sports Grounds (Excluding the surrounding area)
28. Waikirikiri Reserve Sports Grounds (Excluding the surrounding area)

Schedule 2 - Off Leash Areas

Areas in which dogs may be exercised without physical constraint but under the oral command of their owners or on a leash:

1. Waiteata Park (North side of waterway – non-playground side)
2. Beach and Foreshore (Pacific Street to Waipaoa River)
3. Nelson Park - adjacent to footbridge
4. Heath Johnson Park (Paraone Road end)
5. Wainui Beach (except between the flags)
6. Coldstream Reserve
7. Ayton Park

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Schedule 3 – Mapping of Dog Access Areas

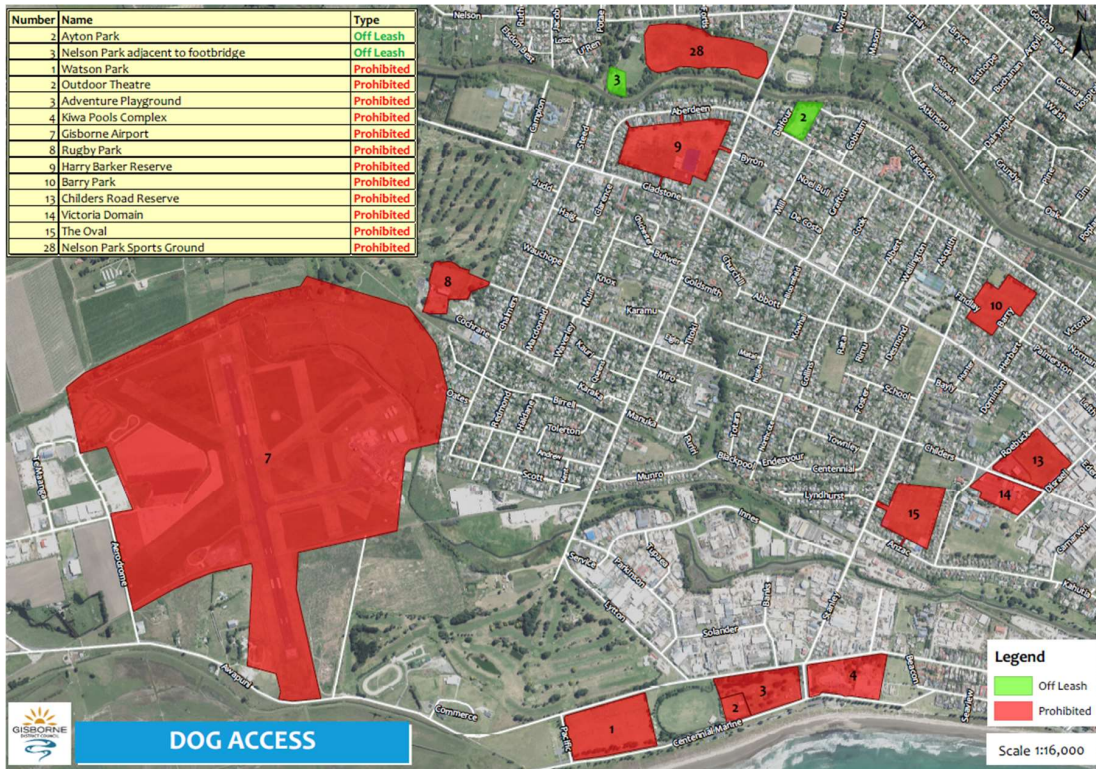
Map 1: Waikanae to Waipaoa River Mouth



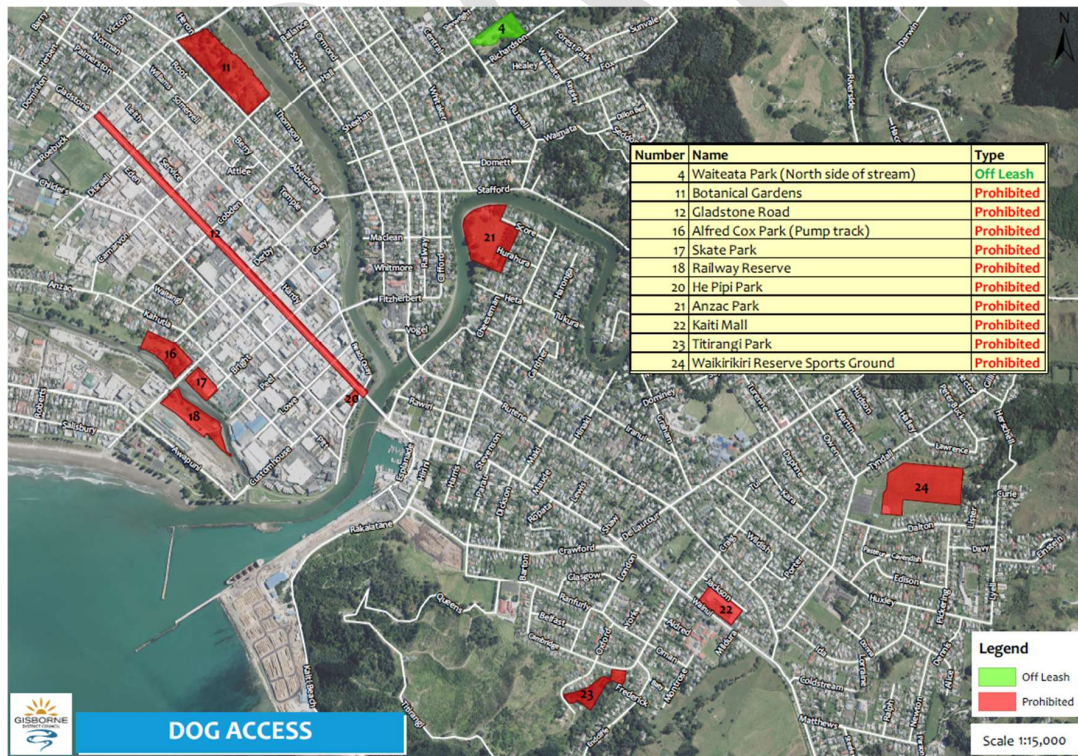
Map 2: Waikanae Prohibited Area



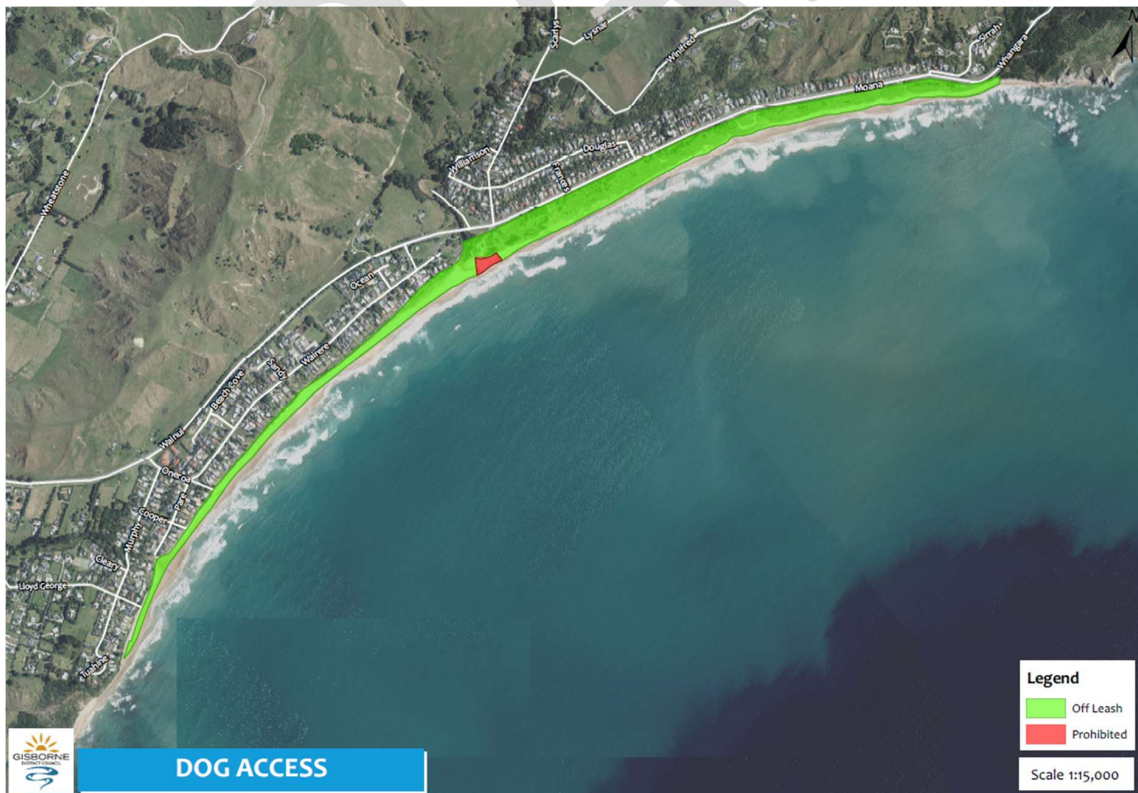
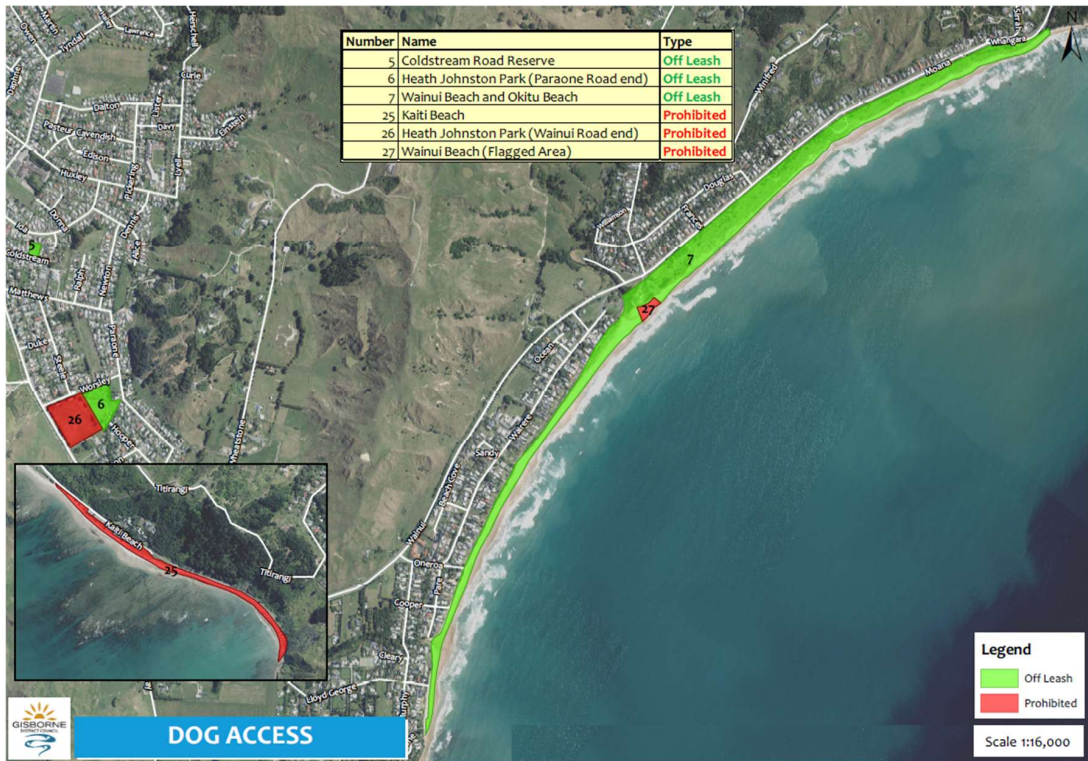
Map 3: Gisborne Map A



Map 4: Gisborne Map B



Map 4: Gisborne City C



Map 5: Kaiti Beach



Schedule 4 – Infringement Fees

These are a series of offences that are subject to fines (infringement fees). The Animal Control Officer can issue instant fines for the offences specified in schedule 1 of the Dog Control Act 1996. The infringement fee is also identified in this schedule.

<https://www.legislation.govt.nz/act/public/1996/0013/latest/DLM375486.html>

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Ture ā-rohe Tiaki Kurī o Te Tairāwhiti 2023

(Tairāwhiti Dog Control Bylaw 2023)

Made by Gisborne District Council

Resolution of Council dated __ of _____ 202_

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1. Title

This bylaw is the Tairāwhiti Dog Control Bylaw 2023.

2. Commencement

This bylaw comes into force on [insert date of Council resolution]

3. Application

This bylaw applies to the Gisborne District.

Part 1: Preliminary Provisions

4. Interpretation

(1) In this bylaw, unless the context otherwise requires —

Act means the Dog Control Act 1996

Control means that the dog is not causing a nuisance or danger and that the person in charge of the dog has the dog under continuous surveillance and is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.

Council for the purposes of this Bylaw, means the Gisborne District Council or any person or committee delegated to act on its behalf in relation to this Bylaw.

Dangerous Dog means a dog which has been classified as a dangerous dog under section 31 of the Dog Control Act 1996.

Off-leash area means an area specified as an off-leash area in in Schedule 2 of the Gisborne District Council Dog Control Policy 2023.

Owner has the same meaning as in the Act.

Park means

(a) any land vested in or administered by the Council under the provisions of the Reserves Act 1977; or

(b) any park, domain or recreational area under the control or ownership of the Council.

Premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied. All lands, buildings, and places adjoining each other and occupied together are deemed to be the same premises.

Private Way has the meaning given by section 315 of the Local Government Act 1974.

Prohibited public place means a place specified as prohibited in Schedule 1 of the Gisborne District Council Dog Control Policy 2023.

Public Place has the same meaning as in the Act.

Related information

Public Place means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or effect any person from that place; and includes:

- (a) any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.
- (b) any Council controlled public place.

Road has the meaning given by section 315 of the Local Government Act 1974 except that where a road is adjacent to a park, and the land within the road and park is developed in an integrated way, the common boundary between the road and park will be reduced or extended to:

- (a) a line parallel to the road that follows any physical separation between the road and park (e.g. fence or bollards); or
- (b) where no physical separation exists, a line parallel to the road that follows the edge of the road carriageway, footpath or cycle track that is closest to the centre of the park.

Urban area means the zones defined as Residential, Commercial or Industrial by the Tairāwhiti Resource Management Plan.

Related information

Urban area means the zones defined as Residential as well as Commercial or Industrial in the Tairāwhiti Resource Management Plan. These are:

Residential:	Commercial:	Industrial:
<ul style="list-style-type: none"> • General Residential • Inner City Residential • Residential Protection • Residential Lifestyle 	<ul style="list-style-type: none"> • Amenity Commercial • Aviation Commercial • Fringe Commercial • Inner Commercial 	<ul style="list-style-type: none"> • Outer Commercial • Rural Commercial • Suburban Commercial
		<ul style="list-style-type: none"> • Industrial • Rural Industrial A • Rural Industrial B

Note this includes residential, commercial and industrial zones in rural townships.

Working Dog has the same meaning as in the Act

Related information

Working dogs include disability assist dogs, dogs kept by state departments such as police dogs and customs dogs, pest control dogs and dogs kept solely or principally as stock or herding dogs. A full list can be found in section 2 of the Dog Control Act 1996.

- (2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- (3) The Legislation Act 2019 applies to the interpretation of this bylaw.
- (4) Related information is for information purposes only, does not form part of this bylaw, and may be inserted or changed by the Council at any time without any formality.

Part 2: Regulation and Control of Dogs

5. Prohibition of dogs in specified public places

- (1) The owner of any dog must ensure that their dog (including when confined in a vehicle or cage) does not enter or remain in any prohibited public place.
- (2) Subclause (1) does not apply to any working dog accompanying and assisting a person or accompanying a person engaged in the dog's training.

6. Dogs must be on a leash in public places

- (1) The owner of any dog must ensure that the dog is controlled on a leash in any public place or private way that is not a designated off-leash area or prohibited public place.

Related Information

Section 54A of the Dog Control Act 1996 requires that the owner of a dog must carry a leash at all times when with a dog in a public place.

Gisborne District Council requires dogs in public places to be on a leash when not in an off-leash area to ensure the dog is visibly under control.

7. Dogs in an off-leash area

- (1) The owner of any dog in an off-leash area must ensure that the dog is kept under control at all times.

8. Restrictions on dangerous dogs

- (1) The owner of a dangerous dog must ensure that the dog is muzzled at all times in any public place or private way.

9. Restrictions on female dogs in season

- (1) The owner of any female dog in season must ensure the dog does not enter or remain in any public place or private way unless:
 - (a) That dog is confined in a vehicle or cage for the purposes of transportation; or
 - (b) The owner of that dog has the permission of the occupier or person controlling the public place; and complies with any reasonable conditions imposed.
- (2) Any dog confined must be regularly exercised under the control of the owner.

10. Dog faeces

- (1) The owner of a dog in any public place or premises must ensure the immediate removal and disposal of the dog's faeces in a manner that does not cause a nuisance.
- (2) Subclause (1) does not apply to the owner of a dog that is:
 - (a) in a premise occupied by the owner;
 - (b) herding or driving stock on a road, where the dog is kept solely or principally for the purposes of herding or driving stock.

11. Keeping more than two dogs

- (1) The occupier of a premises in an urban area must not keep more than two dogs over the age of 3 months (other than a working dog) on the premises for more than 30 consecutive days.
- (2) Subclause (1) does not apply if –
 - (a) The dogs are being kept in accordance with a permit; or
 - (b) An application for a permit to keep the dogs on the premises has been submitted to the Council within 30 days of the dogs first being kept on that premises, and the application for that permit is yet to be decided.

12. Permit for keeping more than two dogs on premises

- (1) Any application for a permit must be accompanied by the relevant application fee (if any).

Related Information

Council has the power to set fees by resolution under the Dog Control Act 1996. These are contained in the Fees and Charges Policy, which is updated annually.

- (2) An application for a permit must be in writing, contain all information necessary for the Council to consider issuing a permit, and be submitted in accordance with applicable Council policy.
- (3) A permit under this bylaw may be granted by the Council in its discretion, and include any conditions the Council considers appropriate (including the payment of ongoing fees and charges).
- (4) A holder of a permit issued under this bylaw must ensure that all conditions of the permit are complied with.
- (5) In determining an application for a permit, the Council may require the applicant to provide further information.
- (6) The Council may, in its discretion, at any time, review, suspend, or revoke any permit issued under this bylaw.
- (7) Unless otherwise stated in the conditions of the permit granted under this clause, the permit will remain valid as long as the circumstances described on the permit remain unchanged.
- (8) The permit cannot be transferred to another person or another premise.

13. Requirement to neuter uncontrolled dog

- (1) The council may by written notice require the owner of a dog to have that dog neutered if:
 - (a) the owner has received an infringement notice relating to a breach of a requirement to keep the dog under control; and
 - (b) the owner has failed to keep the dog under control on more than two occasions within a 12-month period.

- (c) The owner of a dog that receives a notice issued under subclause (1) must, within one month of receipt of the notice, produce to Council a certificate issued by a veterinary surgeon certifying: that the dog has been neutered, or
 - (a) that for reasons that are specified in the certificate, it will not be in a fit condition to be neutered before a date specified in the certificate.
- (3) If a certificate clause 14(2)(b) is produced to the Council, the owner of the dog must produce to the Council no later than one month from the date specified in the certificate a further certificate under clause 14(2).

Related Information

Dog owners that do not get their dog neutered in the time specified may be subject to an infringement and will still be required to neuter their dog.

14. Owners of dogs classified as menacing due to behaviour

- (1) If a dog has been classified as menacing due to their behaviour, under section 33A of the Dog Control Act 1996, the owner may request the classification be reviewed after a 12-month period if:
 - (a) the owner provides evidence of a dog behavioural assessment report, at the owner's expense;
 - (b) the owner has not received any infringement notices in relation to the dog within the preceding 12-month period; and
- (2) The Council will provide the owner with written notice of its decision.

Part 3: Enforcement, offences, penalties

15. Enforcement

- (1) The council may use its powers under the Dog Control Act 1996 and the Local Government Act 2002 to enforce this Bylaw.

16. Offences and Penalties

- (1) Every person who breaches this Bylaw commits an offence.
- (2) Every person who commits an offence under this Bylaw is liable to a penalty under the Dog Control Act 1996 and the Local Government Act 2002.

Part 4: Saving, transitional provisions

17. Existing permits to continue in force

- (1) Every permit to keep more than two dogs that was issued under the Gisborne District Council Dog Control Bylaw 2010 is deemed to be a permit issued under this Bylaw.
- (2) However, every permit to which subclause (1) applies expires:
 - (a) if any owner to which the permit applies changes address;

- (b) if the number of dogs kept on the premises for more than 14 days exceeds the number permitted by the permit;
- (c) if the number of dogs kept on the premises for a continuous period of more than 12 months is fewer than the number permitted by the permit; or
- (d) for any reason specified in the permit.

From: Gary and Mereana Quinn
Sent: Wednesday, 15 March 2023 10:48 am
To: anne.pardoe@xtra.co.nz
Subject: Dogs Nelson Park

Hi Anne

Have just read your letter to the editor. We live on the rise above Nelson Park on Lytton Rd. The park is used extensively by dog owners all year round. Dozens every day. It makes makes no sense to prohibit dogs from the area. In fact Council need to step up and provide better facilities for walking along the riverbank. A formed path and regular placement of bins would be welcomed by park users. I would argue from my observation and use of the park that dog walkers are a major user numbers and regularity wise of Nelson Park.

I lived within this park from 1979 to 1981 as deputy Parks Superintendent. There were a couple of houses near the stream. I also drew the plans for the park development, field placement and tree planting. This park has always been used for dog walking, the area along the river intended for that activity.

As an aside the playing field area has tile drainage which council is not adequately maintaining. Mole ploughing should be carried out at least every five years. Water is not moving into drains as it should.

Good luck with your submission

Kind regards

Gary Quinn

4 NB
* Confirm date + Time for hearing.

From: B & I Maguire
Sent: Friday, 10 March 2023 2:20 pm
To: anne.pardoe@xtra.co.nz
Subject: Dogs

To follow up on my phone call today

Questions I think should be asked in submission.

- 1 I think each councillor and the mayor should be asked "Are you anti-dog?"
- 2 Should this prohibition be passed, it sets a precedent then every playground, playing area, open space or beach can totally prohibit dogs.
3. Following this analogy, you should ban anyone eating or sitting anywhere there is takeaway. There is loads of rubbish not put in the nearby bin.

Thank you,
Bruce Maguire

867.7152 027 248 4199

From: Keith Houston
Sent: Tuesday, 28 March 2023 1:27 pm
To: Anne Pardoe
Subject: RE: Dog Control Bylaws 2023

Page 1

Read to meeting.

Anne some things to bring up

1/ DOGS CAN DEVELOP BEHAVIOURAS;L PROBLEMS IF NOT EXERSIZED SUFFICIENTLY AND THIS KNOCK ON EFFECT RESULTS IN POOR SOCIALISATION WHICH AGAIN HAS A KNOCK ON EFFECT THAT THESE DOGS MAY PRESENT A DANGER TO OTHER GOOD DOGS AND TO THE PUBLIC

2/ RE USING SPORTS FIELDS
THERE IS A PERCEPTION THAT SPORTS FIELDS GET COVERED IN ANIIMAL DROPPINGS WHEREAS SURVEYS HAVE SHOWN THAT WHERE THERE IS ADEQUATE SIGNAGE THE SPOILING IS MINIMAL AND WHEN AN ADDED BAG DISPENSER AND RUBBISH BIN ARE PROVIDED THERE IS NEGLIGBLE CONTAMINATION.

→ A RESOLUTION TO THIS ISSUE COULD BE THAT DOGS ARE ALLOWED TO BE EXERSIZED ON THESE AREAS BUT ARE NOT ALLOWED TO BE WHEN SPORTS EVENTS ARE PROGRAMMED

Kind Regards

Keith R Houston

B.V.Sc.Dip.Sc(dist). M.R.C.V.S

Mobile 0274 44 31 31

keith@carevets.co.nz

kh@houstongrp.co.nz



Please donate to help prevent animals suffering. Visit the CareVets Charitable Foundation page at www.carevetscharity.co.nz. Where 100% of your donation goes to animal welfare.

From: Anne Pardoe <anne.pardoe@xtra.co.nz>
Sent: Thursday, 9 March 2023 1:53 pm

Letter to Editor

Re: DOG CONTROL BYLAW 2023

Dear Friends, Dog Lovers & Both,

I have written a submission to the GDC which I am presenting and speaking to in person on **29th March 2023** at 15 Fitzherbert St Gisborne.

I am seeking your support in an effort to influence some of the proposals I am trying to implement. In particular,

I support:

1. Dogs off leash in the part of Waiteata Park north of the stream where dogs are currently prohibited.
This area would be ideal for an off leash dog park and with local support I believe this could be implemented and prove an ideal amenity for dog owners in the city. Ideally, it should be a collaborative project with families with children who utilize the park in an effort to maximize this area for both families with children and with dogs. A subgroup/ committee should work with council to bring this project to fruition before the end of 2023.
2. To prohibit dogs from Kaiti Beach is not a fair treatment of or use of this area. The number of dogs both large and small who use this beach because it is private and does not affect the general public far outweigh the alternative. Suitable exercise areas are difficult to find and often several kilometers to travel on a daily basis. This is a matter of practical commonsense in my opinion.
3. To prohibit dogs from sports grounds at Waikirikiri Reserve and Nelson Park is again severely limiting an area from constant daily for animal owners for the benefit of a few hours per week use when being used for sports activities. I understand the reasons, with irresponsible owners not cleaning up, however, I would support a hefty fine and encourage fellow pet owners to support the requirement to clean up. Signage and provision of bins and bags assist with helping owners to be responsible! It works in other cities I see when I am away with my dogs!
I assume the areas around Nelson Park sports fields are still available for off lease dog areas? That is a must!

These 3 regulations are vital to ratepayers who happen to be dog owners also, and I am asking for your feed back so when I present my submission to the council I have information and opinion from others to refer to.

You may disagree with my comments, as long as you give your reason!!!!

Please reply and I look forward to your response.

Kind regards

Anne Pardoe

0274 435 890 " anne.pardoe@xtra.co.nz "

7

From: Paul Bengé
Sent: Friday, 10 March 2023 5:08 pm
To: Anne Pardoe
Subject: RE: Dog Control Bylaws 2023

Your letter is perfect.

Kaiti Beach should be open to dogs, they have blocked off from Midway to the big river with bollards. Now it's just a wasted dumping ground that nobody can enjoy. One of Gisborne's only assets is its beaches and the fun police now want to block Kaiti beach from dog owners.

They talk about a few irresponsible owners not cleaning up however I see horses on the roads, in parks, reserves and on the beach and apparently the bylaw says they don't have to clean up (I would like to find out if that is true).

I do think if someone wants two dogs on then a permit is required. When one dog barks it usually starts off the other dog and then it annoys the neighbourhood. A permit could be issued to responsible dog owners that want more than one dog.

My thoughts
 Paul

From: Anne Pardoe <anne.pardoe@xtra.co.nz>
Sent: Thursday, March 9, 2023 1:51 PM
To: Andrew Cribb <andrew.cribb@ecfv.co.nz>; Aroha Anderson <hekiarab@gmail.com>; Barry Atkinson <barry@electrinet.co.nz>; Paul Bengé <paul@bal.co.nz>
Cc: Barbara Berge <barbara.berge@yahoo.co.nz>; Amerillis Farmer <amerillis.farmer@anz.com>; Christine Parkin <sammat@xtra.co.nz>
Subject: Fwd: Dog Control Bylaws 2023

Sent from my iPhone

Begin forwarded message:

From: Anne Pardoe <anne.pardoe@xtra.co.nz>
Date: 9 March 2023 at 1:40:42 PM NZDT
To: Anne Pardoe <anne.pardoe@xtra.co.nz>
Subject: Dog Control Bylaws 2023

Hi Friends and Dog Owners,

I thought you may be interested in commenting!

8

Mary Dixon

From: Nutlands
Sent: Sunday, 19 March 2023 7:03 pm
To: anne.pardoe@xtra.co.nz
Subject: dog control

Anne, My name is Mary Dixon, I am glad you have a submission in for the proposed Byelaw. For various reasons I did not get a submission in and I was very pleased to see your letter to the editor. Gisborne is not a very welcoming city for dog owners. I certainly support your stance on Kaiti Beach where I take my dog for a swim after a walk up Kaiti Hill. Nelson Park is my most frequent exercise area, it is ideal for socialising young dogs, there is plenty of shade for both handler and dogs and opportunity for dogs to pick up and reply to messages around the trees! The keen learner golfers can be a challenge and I too find it very disappointing that so many owners do not pick up after their dogs. I checked out Waikirikiri and had a long walk to find any shade, although it is a lovely large area for families and dogs. I agree with your views about off leash in the shady area in Waiteata Park. The beaches are not the best from the point of view of young children as again owners are negligent about picking up and the sports fields are only in use part of the time. I hope these comments are helpful to you. It is a nuisance having to take the car to get to an exercise area, they are few and far between! Sincerely, Mary Dixon.

Gisborne Waiteata Park



(/gisborne-blog/gisborne-waiteata-park/)

Gisborne Waiteata Park (/gisborne-blog/gisborne-waiteata-park/)

Posted on 13 Apr 2020 (/gisborne-blog/archive/2020/04/13)

by Ray Sheldrake (/home/mandy-campbell-arizoto-real-estate/mandy-campbell-current-listings/author/4-ray-sheldrake)

^

Page 2

From: Keith Houston
Sent: Tuesday, 28 March 2023 4:58 pm
To: Anne Pardoe
Subject: RE: Dog Control Bylaws 2023

Dr Keith Houston
 Clinical director and owner of carevets nz

Nzva representative for animal ethics and welfare

Re dog park
 Send me more info re what would be required
 We could fund the signage and the dog pooh stands and dispensers

There you go another bid to council that you have the items already sponsored and paid for

Kind Regards

Keith R Houston

B.V.Sc.Dip.Sc(dist). M.R.C.V.S

Mobile 0274 44 31 31

keith@carevets.co.nz

kh@houstongrp.co.nz



Please donate to help prevent animals suffering. Visit the CareVets Charitable Foundation page at www.carevetscharity.co.nz. Where 100% of your donation goes to animal welfare.

From: Anne Pardoe <anne.pardoe@xtra.co.nz>
Sent: Tuesday, 28 March 2023 4:52 pm
To: Keith Houston <kh@houstongrp.co.nz>
Subject: RE: Dog Control Bylaws 2023

Thanks Keith,
 I will use your comments at the hearing which has been rescheduled for Wed 26th April 2023.
 I see you are Dr. Keith. What title do you use ?(To add weight to my argument of course!)

Presentation by
Terrence and Jean Loomis

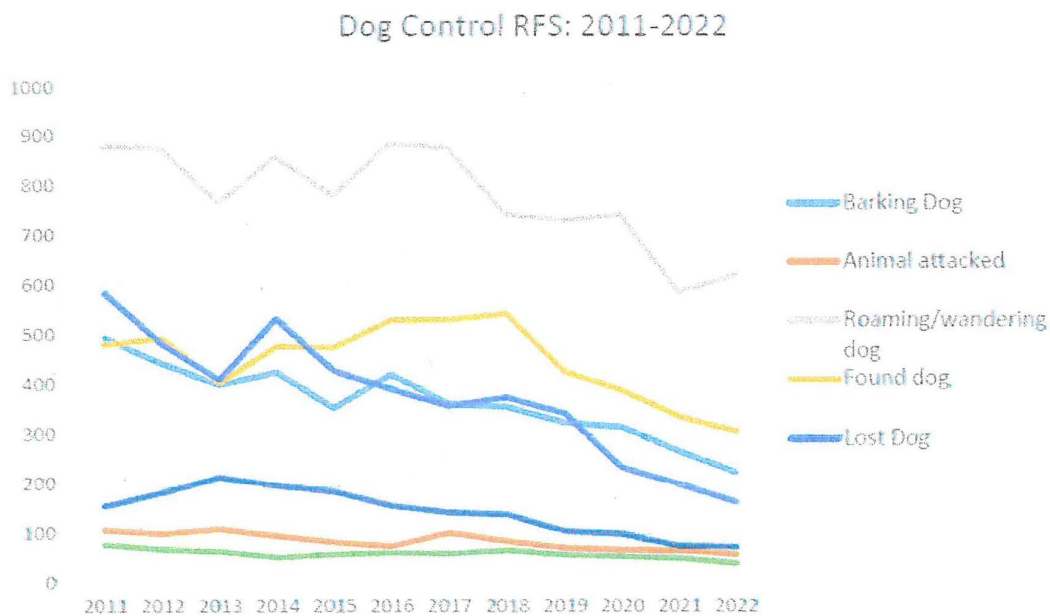
The case for including improved dog barking regulations and procedures in the Tairāwhiti Dog Control Policy 2023 and Dog Control Bylaw 2023

Anecdotal evidence suggests that dog barking nuisances may not be being fairly and speedily resolved. We don't know for sure since the case data is not reported (!). We identify problems, based on our experience, with the existing Policy, Bylaw and complaints procedure Guide¹ and make three recommendations to help address these problems.

Figure 1

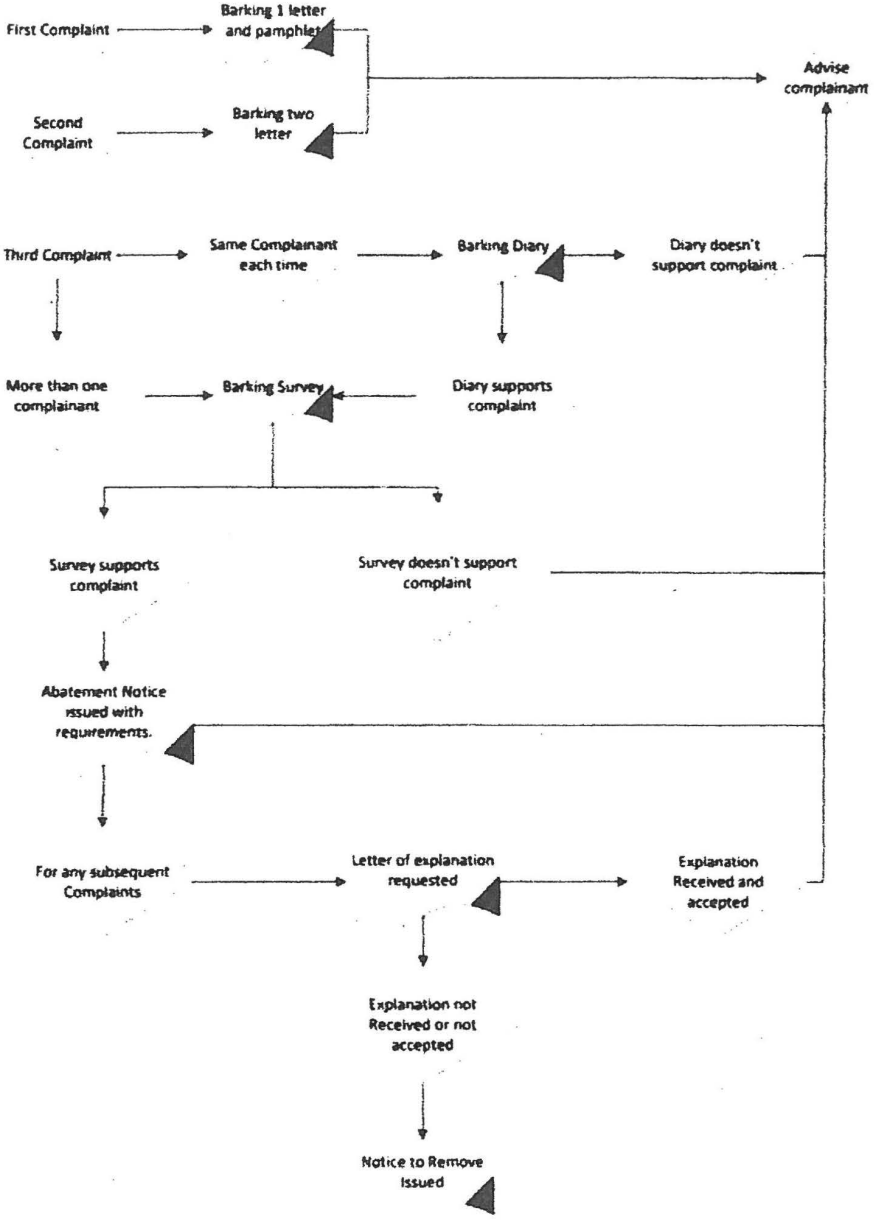
	2018-19	2019-20	2020-21	2021-22
Barking complaints	365*	282	312	208
Failure to comply with abatement notice	NA	0	0	0

Figure 4: Dog control Request for Service (RFS) data 2011-2022



¹ Provided under LGOIMA request 308835 in July 2022. The Guidelines were being 'updated' by staff at the time.

BARKING DOG COMPLAINTS



Jacky Graham
 Email: jackydgraham@gmail.com
 Ratepayer and Dog Owner

**Submission regarding the proposal to ban dogs on Kaiti Beach
 Presented to the Gisborne Council on 26th April 2023**

The Dog Control Act

Responsible dog ownership under the Dog Control Act, says that going on walks with your dog helps keep its mind and body healthy.

The Department Of Conservation advice on dog walking on beaches

Walk your dog on the wet sand to avoid any sensitive shorebird nesting areas. A lot of our coastal species rest or nest in the sand dunes or driftwood high on the beach. If you see wildlife ahead, put your lead on your dog and pass at least 20 metres away from the wildlife to keep both the wildlife and the dog safe.

The Department of Conservation fact sheet on the LittlePenguin Published March 2023

Little Penguin are approx 25 cm and weigh around 1kg
 The population has been declining and the threats to them are dogs, cats, stoats, coastal development, clearance of nest sites, crossing roads, being hit by boats and being caught in set nets.
 Through studies done DOC knows that birds do not move far from where they were raised and can settle metres from where they are raised and seldom move away.
 DOC has helped communities by fencing off areas and providing nesting boxes for penguins.
 Traditional nests are underground burrows, under vegetation, in crevices, between rocks and in caves.
 DOC recommends that penguins be left alone.
 Put dogs on a leash around penguin areas.
 Keep dogs away from nests.
 During the day Little Penguins are at sea fishing or feeding.
 They are rarely seen on land and generally only come ashore under the cover of darkness.
 From May to June when they are pairing up and sorting nests they are very noisy and can sometimes be heard around the coast just after dusk.
 Every November DOC starts to receive reports of dead penguins washing up on beaches and rescue centres get an influx of sick, injured and starving birds to care for. Many of these are younger birds that are struggling.
 Larger mortality events are more common during Autumn and Winter due to prey shortages or storm events.
 La Nina years bring increased sea surface temperatures and onshore winds which can make it more challenging for Little Penguin to nest and feed. They need to dive deeper and forage further creating a risk of starvation

Jacky Graham
 Email: jackydgraham@gmail.com
 Ratepayer and Dog Owner



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Ratepayer and Dog Owner



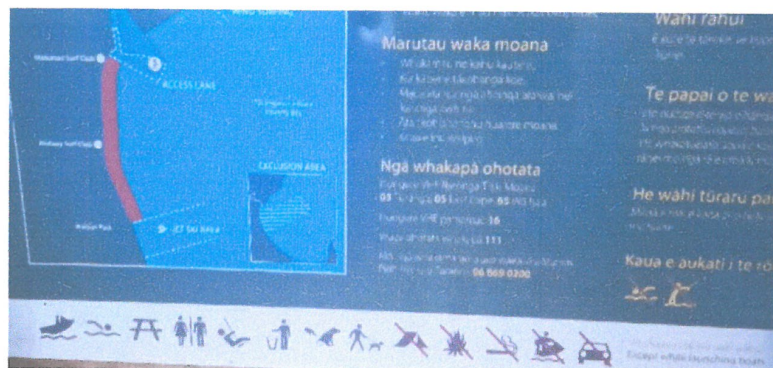
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 Ratepayer and Dog Owner

I have noted in my submission excerpts from The Dog Control Act, The Department Of Conservation advice on dog walking on beaches, and The Department of Conservation fact sheet on the LittlePenguin Published March 2023. I have based my submission on these points but do not have time to read it all but will read my summary.

The six photos included

Taken between 1.30pm and 2.15pm on Thursday 21st April 2023

1. A view of the slash and logs looking towards the south eastern end of Kaiti Beach
2. A view of the logs and slash from the sand to the grassed edging which meets Kaiti Rd
3. The area where the northern end of the beach meets the Gisborne Wharf showing how the recent concrete block wall runs from the grassed area to the natural rock area which is covered or uncovered with the tide
4. The same view from a distance showing tyre marks in the sand and a car parked on the sand
5. The opposite direction showing slash, logs and more vehicles parked on the sand
6. The sign on one of the vehicle access points to the beach displaying information on the acceptable or banned activity on the beach

Jacky Graham
 Email: jackydgraham@gmail.com
 Ratepayer and Dog Owner

From what I have researched and observed on Kaiti beach on the almost daily walks that I take with my dog I present the following thoughts on why I feel it would be erroneous to ban dogs from Kaiti Beach.

If responsible dog owners follow the DOC recommendations of walking on the wet sand and not in the dune areas where Little Penguin nest, and have their dogs on a lead as noted in the photo of the sign then it would be very unlikely that those dogs would harm any Little Penguins.

On top of that DOC has stated that Little Penguins are at sea from dawn to dusk and only come ashore at the end of the day therefore responsible dog owners with their dogs would be very unlikely to come across any Little Penguins as people usually take walks during the day.

DOC also stated that Little Penguins will return to areas very close to where they were born to nest. The northern end of the beach has had changes made to it recently in the form of the concrete block wall which has covered over any natural rock areas that Little Penguins may have nested in. There were a number of nesting boxes close to the dune areas however these disappeared several weather events ago and the slash and logs have been building up with each storm. Kaiti Beach as far as I am aware has not had the logs and slash removed as happens at Waikanae and Midway beaches. This has destroyed the Little Penguin habitat and I would think that Little Penguins that are approximately 25 cm high and weighing only 1 kg would find it impossible to

Jacky Graham
 Email: jackydgraham@gmail.com
 Ratepayer and Dog Owner

breach the slash to gain access to any dune area they may have burrows for nesting.

There were seven vehicles driving or stationary on Kaiti Beach at the time the photos were taken. I have never seen anyone monitoring or controlling the bylaw which bans vehicles from the beach unless launching a boat. None of the vehicles were launching boats that day. If this dangerous activity is not controlled how would a ban on responsible dog owners and their dogs on Kaiti Beach be controlled?

No one can control those dogs that are not with responsible owners, roaming the area at all times of the day or night except perhaps Dog Control Officers and if any penguins have been attacked then it's much more likely it would be done by roaming dogs at night.

However if this proposal goes ahead and dogs are banned from Kaiti beach the only people that will be affected are those that actually are responsible owners. It will deprive them and their dogs of mental well being and exercise as noted under The Dog Control act, walking and exercise is a necessary part of being a responsible owner.

The argument would be that this can be done elsewhere, but this could mean having to travel further to do so and parks are nothing like the pleasure of

Jacky Graham
Email: jackydgraham@gmail.com
Ratepayer and Dog Owner

being on the sand and beside the ocean. I feel that the Gisborne Council is targeting the wrong group and that this proposed by-law would do little to nothing to protect the Little Penguin. There are other hazards such as stopping moving vehicles along the beach, logs and slash removed and improvements to the nesting area that should be considered to ensure our local Little Penguin colony is able to flourish.

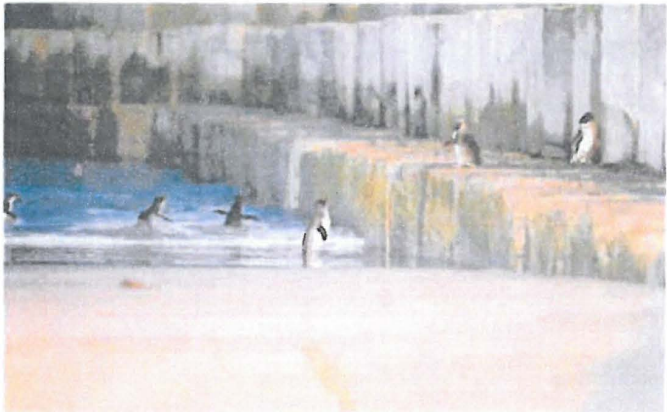


LOCAL DEMOCRACY REPORTING (/NEWS/LDR) / CONSERVATION

Gisborne council proposes beach dog ban to protect at-risk penguins

2:36 pm on 21 December 2022

Matthew Rosenberg (/authors/matthew-rosenberg), Local Democracy reporter
✉ matthew.rosenberg@gisborneherald.co.nz
(mailto:matthew.rosenberg@gisborneherald.co.nz?subject=Gisborne%20council%20proposes%20beach%20dog%20ban%20to%20protect%20)



Kororā (little blue penguins) pictured in October 2021, visibly distressed by the then recently-upgraded seawall at Eastland Port. Photo: Liam Clayton / Gisborne Herald

A popular Tairāwhiti beach will no longer be accessible to dog walkers as the district council looks to protect nesting kororā (little blue penguins).

Fact Accompli Decision made?

Gisborne district councillors last week debated a proposal in a council report that includes eight changes to the current dog control policy and bylaw, moving that the recommendations be put out for public consultation early next year.

Of the proposed changes, prohibiting dogs from Kaiti Beach garnered the most attention.

As it stands, owners can walk their dogs on a leash at the beach, with an off-leash exemption between 6am and 7am, excluding school and public holidays.

Despite the area being one of the city's most popular dog walking spots, ecological factors are at play - the surrounding dunes are well-established nesting sites for native kororā.



Gisborne's Kaiti Beach is a popular spot for locals, but walking your dog there could soon be a thing of the past. Photo: Liam Clayton / Gisborne Herald

The Department of Conservation has found a "significant number" of deceased kororā on the beach with post-mortem analyses revealing at least three were killed by dogs, the council report said.

Weighing about one kilogram and measuring just over 25 centimetres in height, the kororā are classified as the world's smallest penguin.



They are at risk and declining, particularly where the population has not been protected by predators, DoC says.

In October 2021, kororā made headlines in Gisborne after concerned residents reported seeing one of the birds crossing a busy road, potentially thrown off by a recently upgraded seawall at Eastland Port.

A June 2022 report by penguin expert Professor John Cochrane (a senior practising veterinarian at Massey University) estimated up to 70 kororā nests were lost during the construction of the Walkahua seawall and the birds' significance at the site was overlooked throughout the resource consent process.



Dogs pictured walking at Kaiti Beach off-leash. The Gisborne District Council is proposing to ban canines at the site in a bid to protect kororā. Photo: Dave Thomas / Gisborne Herald

Not all councillors were convinced the Gisborne breeding grounds needed further protection, however.

Larry Foster said although most owners didn't stick to leash requirements, he had a "real problem" with prohibiting dogs from Kaiti Beach.

"I'd say more people in Gisborne take their dogs to Kaiti Beach than any other beach in Gisborne," he said.

"Dogs with the wildlife isn't an issue. I'm walking past oyster catchers, blue herons, kingfishers ... every darn seagull in the world lives there."

Tony Robinson asked if a compromise could be reached through a leash requirement staying in place at the western end of the beach, near the penguins.

He had never seen any issues, he said.

But Aubrey Ria brought the focus back to the findings, saying although councillors may not have personally seen dogs attacking wildlife, it didn't mean that it didn't happen.

She also pointed out mana whenua, Ngāti Oneone, was in full support of the ban.

"They (kororā) are definitely there. They are at high risk in terms of our biodiversity. They are a high-risk animal close to being endangered."

Debbie Gregory said she had personally seen a dog with a penguin in its mouth at Kaiti Beach, and supported the ban.

Nick Tupara said native biodiversity needed to be of foremost concern and that the issue of finding places to run dogs was a separate conversation.

"The conversation should be how can we protect the most vulnerable in your community, both animals and human," he said.

According to the report presented to council, the existing dog control policy prohibits dogs in 39 areas across Gisborne.

Tairāwhiti has a high rate of dog ownership - 6145 dog owners and 11,402 dogs.

As of November 2022, 94 percent of those animals were registered.

Across the region, there was a ratio of about one dog for every 4.5 people. The national average was one dog for every nine people.

In the Opotiki and Wairoa districts, it was one dog for every two people.

Reports of aggressive dogs had reduced in Tairāwhiti over the last 10 years and the number of incidents of non-compliant dogs and dog owners had also declined over the decade.

Consultation is scheduled for 25 January to 1 March, 2023.

The dog control policy is a requirement of all territorial authorities under the Dog Control Act 1996.

Local Democracy Reporting is Public Interest Journalism funded through NZ On Air



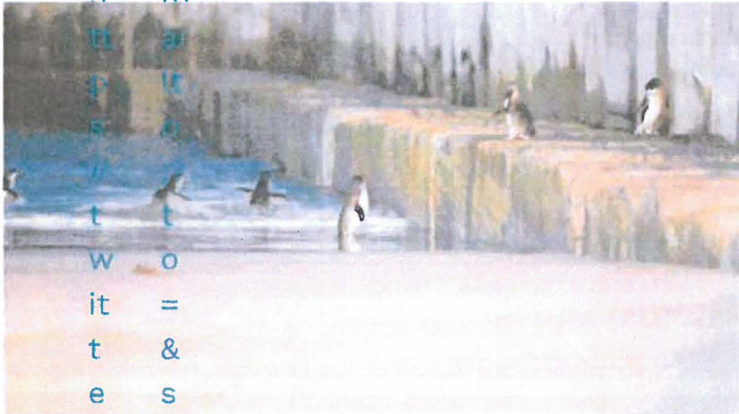
TE AO
MĀORI NEWS



Council tables kurī ban to protect at-risk Kororā on Gisborne beach

8:07am, Wednesday 28 December 2022.

By [Contributor \(/news/reporters/contributor\)](#)



Kororā (little blue penguins) pictured in October 2021, visibly distressed by the then recently-upgraded seawall at Eastland Port. Photo / Liam Clayton / Gisborne Herald

By **Matthew Rosenberg, Local Democracy reporter**

A popular Tairāwhiti beach will no longer be accessible to dog walkers as the district council

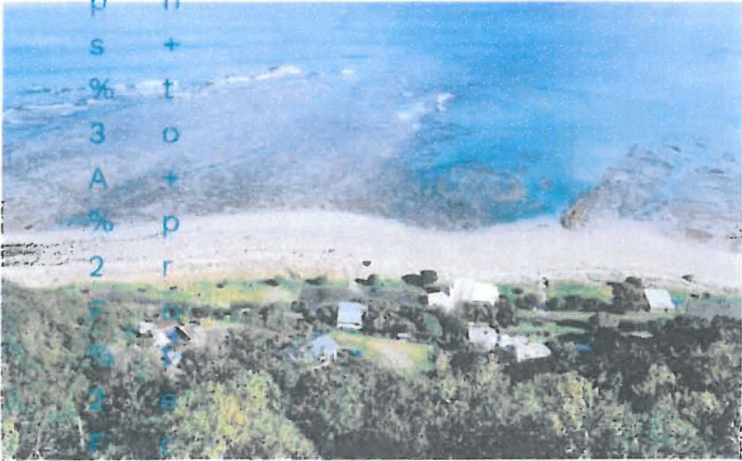
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— WHEN WHERE

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A B + b
a c h)

ALAIN JORION

3 Others ... Common sense

Re: A walk with my dog that we love, March 8 column.

Victor, it's not you that these bylaws are aimed at. I've seen dogs roaming unattended on Kaiti Beach. Perhaps if these owners kept their dogs under control, we wouldn't have this situation. Unfortunately, we are all peripheral damage due to a few recalcitrant owners.

I know this is the least of council worries but thank you Victor for expressing the feelings of dog walkers on Kaiti Beach! A brilliant poem and common sense! Keep writing. I will be at the council meeting, with many other supporters I hope.

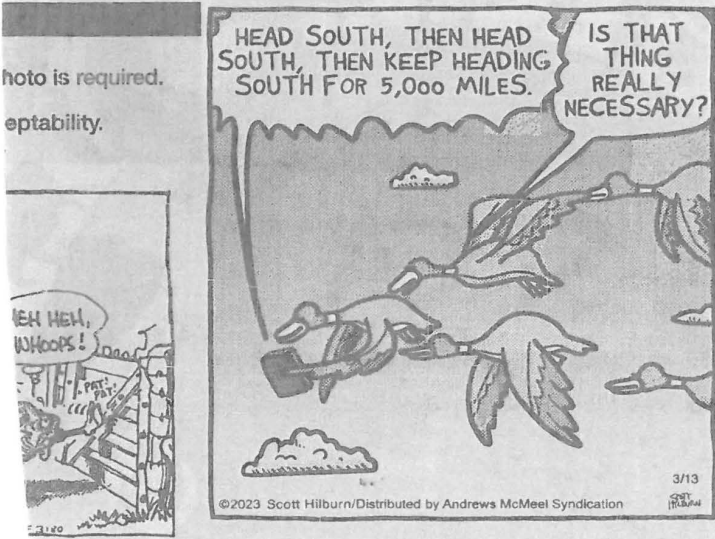
MARG BAILEY

Prepared to help

Hi, I am an experienced digger operator and fencer and am prepared to help out with the clean-up on a farm or orchard. Thanks.

MIKE (027 3477 598)

PJ REED



INION

The Gisborne Herald • Thursday, March 9, 2023

DRIAL

Amenities for dog owners and furry friends

reaction, but ing inevitable'

ly sacked Te Whatu Ora -
Z chair Rob Campbell was
gly offside with his political
who will have already
im gone before his LinkedIn
cising National's three
policy, according to health
ator Ian Powell.
health minister Andrew
ointed the health outsider
he wishes of the then
nister, Powell wrote in a
mment piece on Newsroom
g that he was surprised at
ion, but thought the free-
business director was an
e appointment.
Campbell focused blame
strict health board
that had been dismantled,
time he talked to health
imals and learned how
m worked and might be
L. "He was impressed . . . But
his evolution progressed,
he came into conflict with
ate Powell.

Re: Dog Control Bylaw 2023.
Dear friends and dog lovers,
I have written a submission to the GDC which
I am presenting in person on March 29. I am
seeking your support in an effort to influence
some of the proposals I am trying to implement.
In particular, I support:
1. Dogs off-leash in the part of Waiteata Park
north of the stream where dogs are currently
prohibited.
With local support, I believe this could be
implemented and prove an ideal amenity for
dog owners in the city. Ideally, it should be a
collaborative project with families with children
who utilise the park, in an effort to maximise
this area for both families with children and with
dogs. A committee should work with council to

bring this project to fruition before the end of
2023.
2. To prohibit dogs from Kaiti Beach is not a
fair treatment of, or use of, this area. The number
of dog owners who use this beach because it is
private, and does not affect the general public, far
outweigh the alternative. Suitable exercise areas
are difficult to find and often several kilometres to
travel on a daily basis.
This is a matter of practical commonsense in
my opinion.
3. To prohibit dogs from sports grounds at
Waikirikiri Reserve and Nelson Park is again
severely limiting an area from constant daily use
for animal owners, for the benefit of a few hours
per week use for sports activities. I understand
the reasons, with irresponsible owners not

cleaning up — however, I would support a
hefty fine and encourage fellow pet owners to
support the requirement to clean up. Signage and
provision of bins and bags assist with helping
owners to be responsible! It works in other cities.
I assume the areas around Nelson Park sports
fields are still available for off-leash dog areas?
That is a must!
These three regulations are vital to ratepayers
who happen to be dog owners also, and I am
asking for your feedback so when I present my
submission to the council I have information and
opinion from others to refer to. You may disagree,
as long as you give your reason! I look forward to
your response.
ANNE PARDOE
0274 435 890, anne.pardoe@xtra.co.nz

Poem/column 'on button'

Re: A walk with my dog
that we love, March 8.
I really enjoyed the poem.
Have you ever thought of
putting it to paper and
getting it illustrated?

GDC has a great habit of doing
something and blaming everything
around it — could name quite a
few things in this town. Anyway
Victor, keep walking that dog.

REX HOLDSWORTH
Well said, Victor.
PERRY ANDERSON

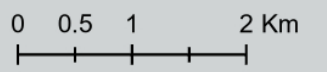
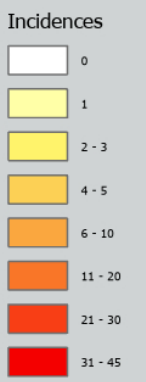
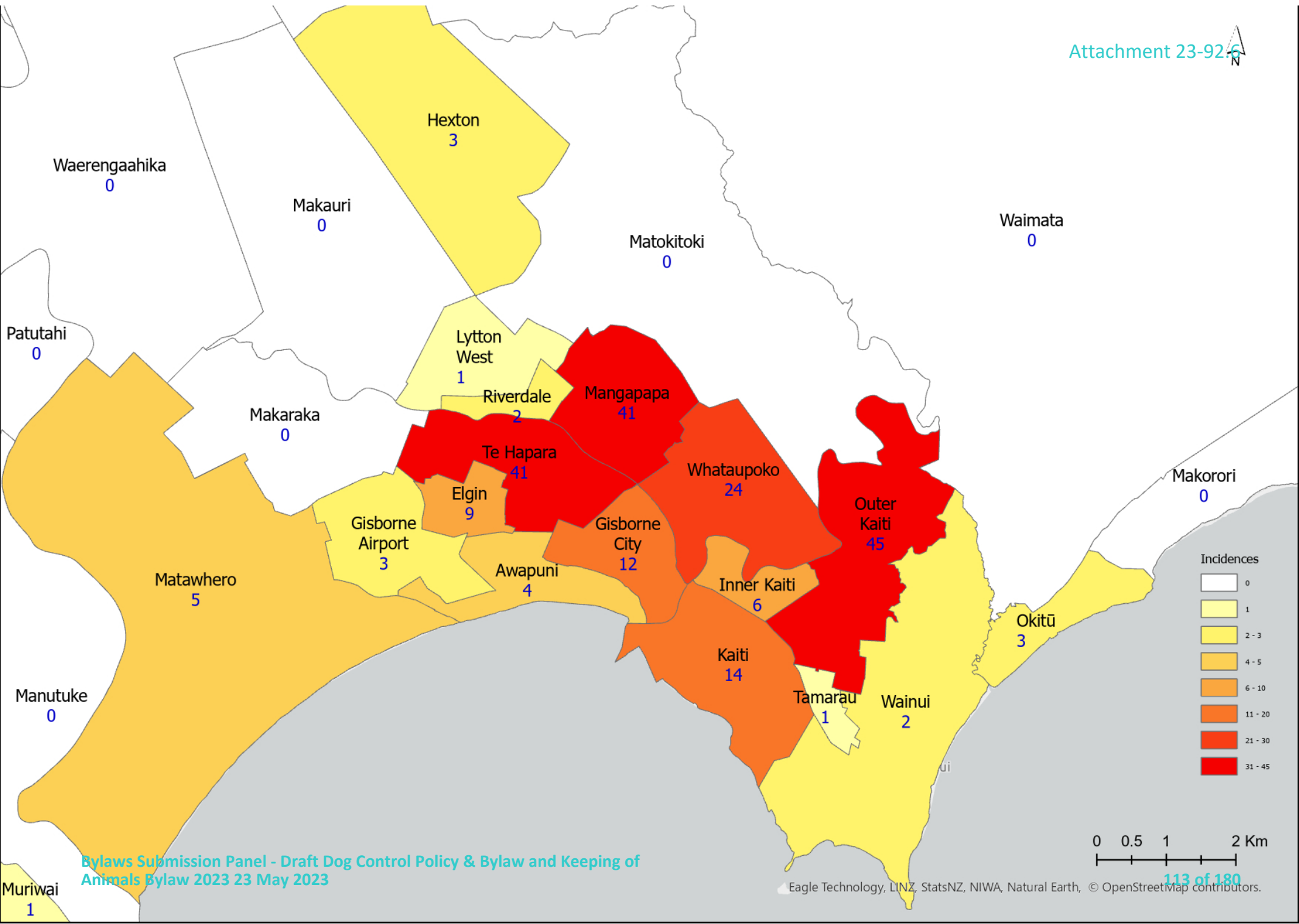
GEOFF WRIGHT
Victor is right on the button.

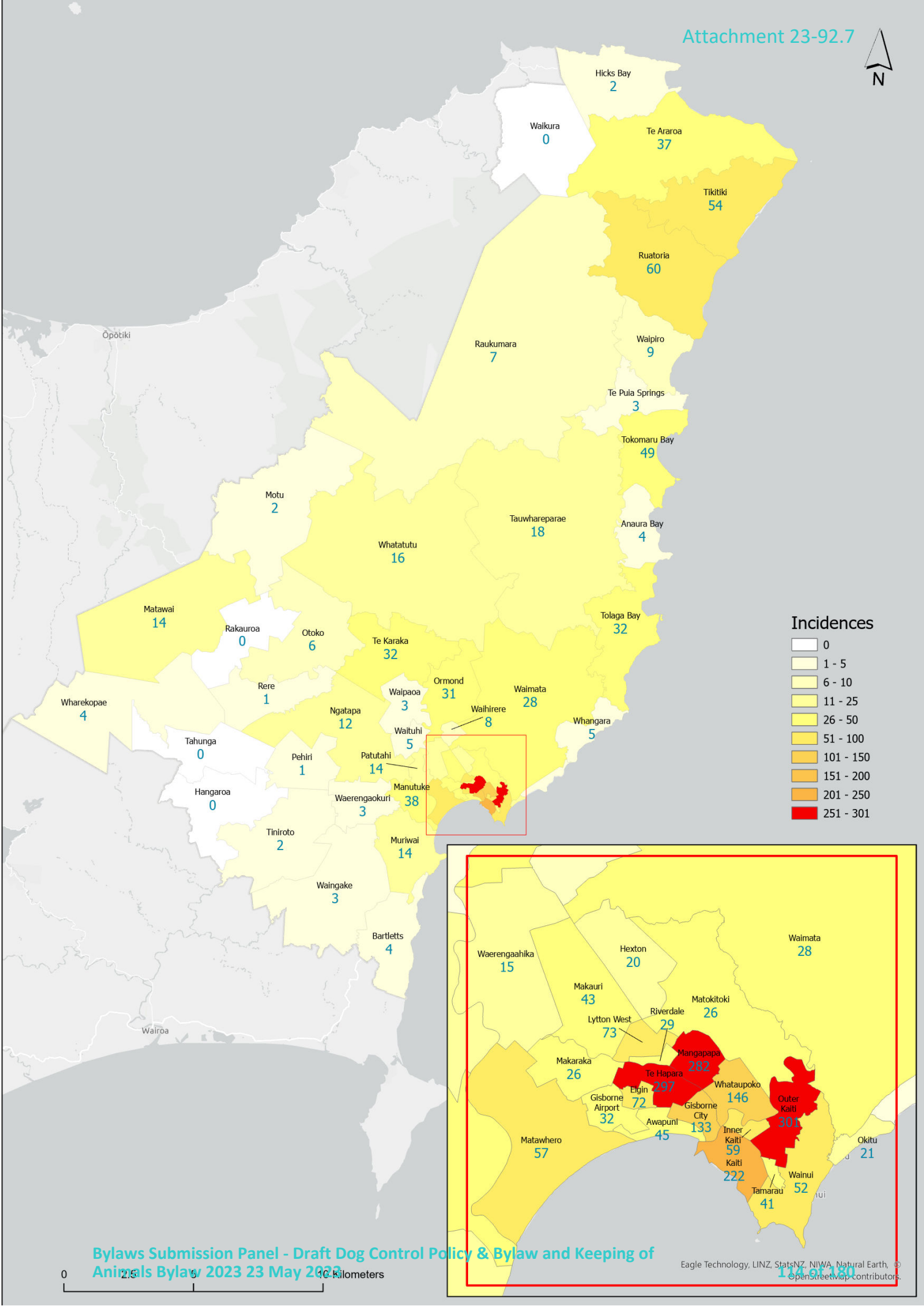
Screaming out for central govt help

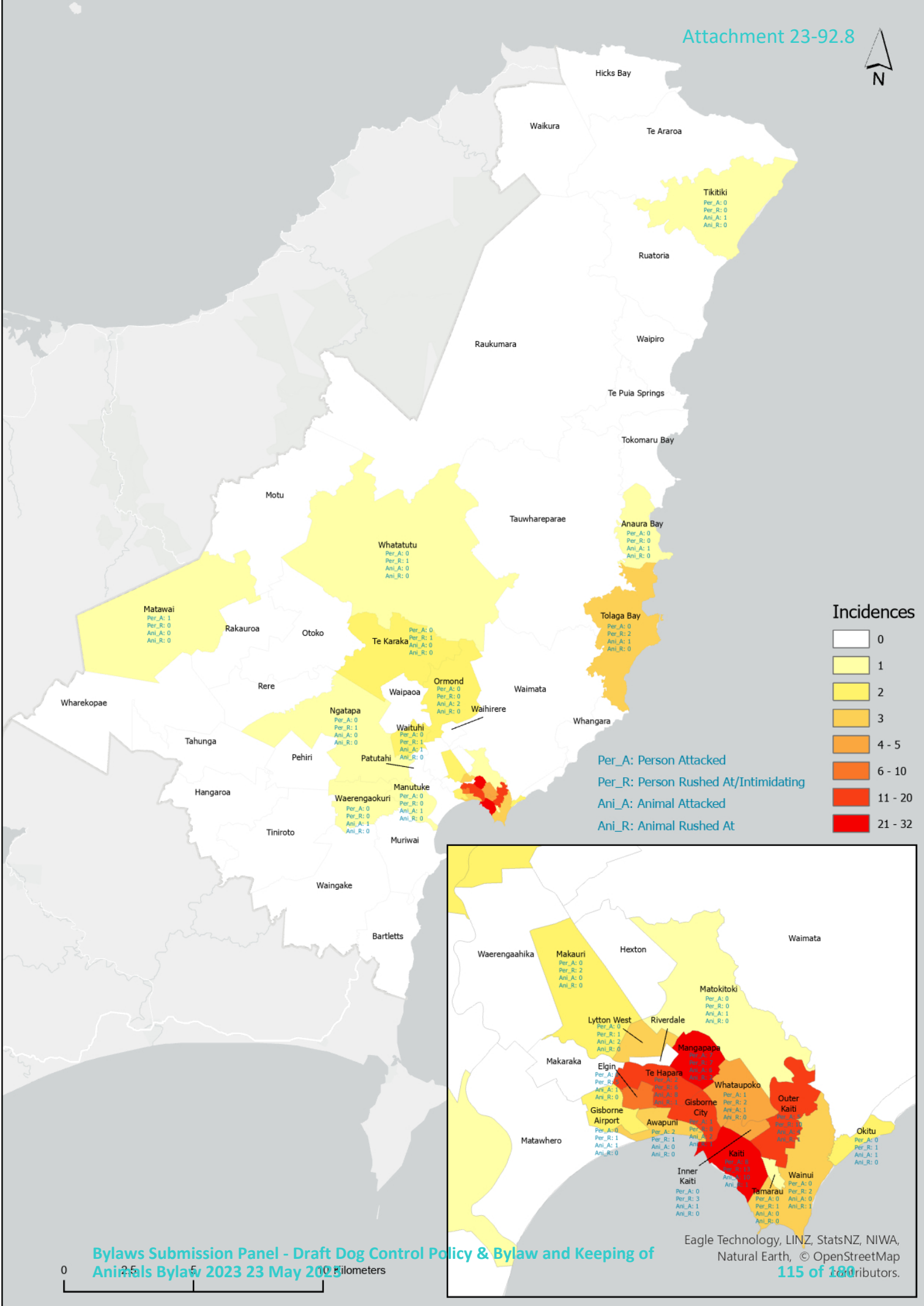
Re: Feeling forgotten, March
2 story.
I get local councils are
overwhelmed, and some
council staff are just as hard
hit as everyone else. But this
is when central government is
supposed to

It's not like the Government
doesn't have the money (ie,
\$7.2 billion in EQC reserves)
or resources (the NZ Army).
Residents in every flood-
damaged community on the
east coast

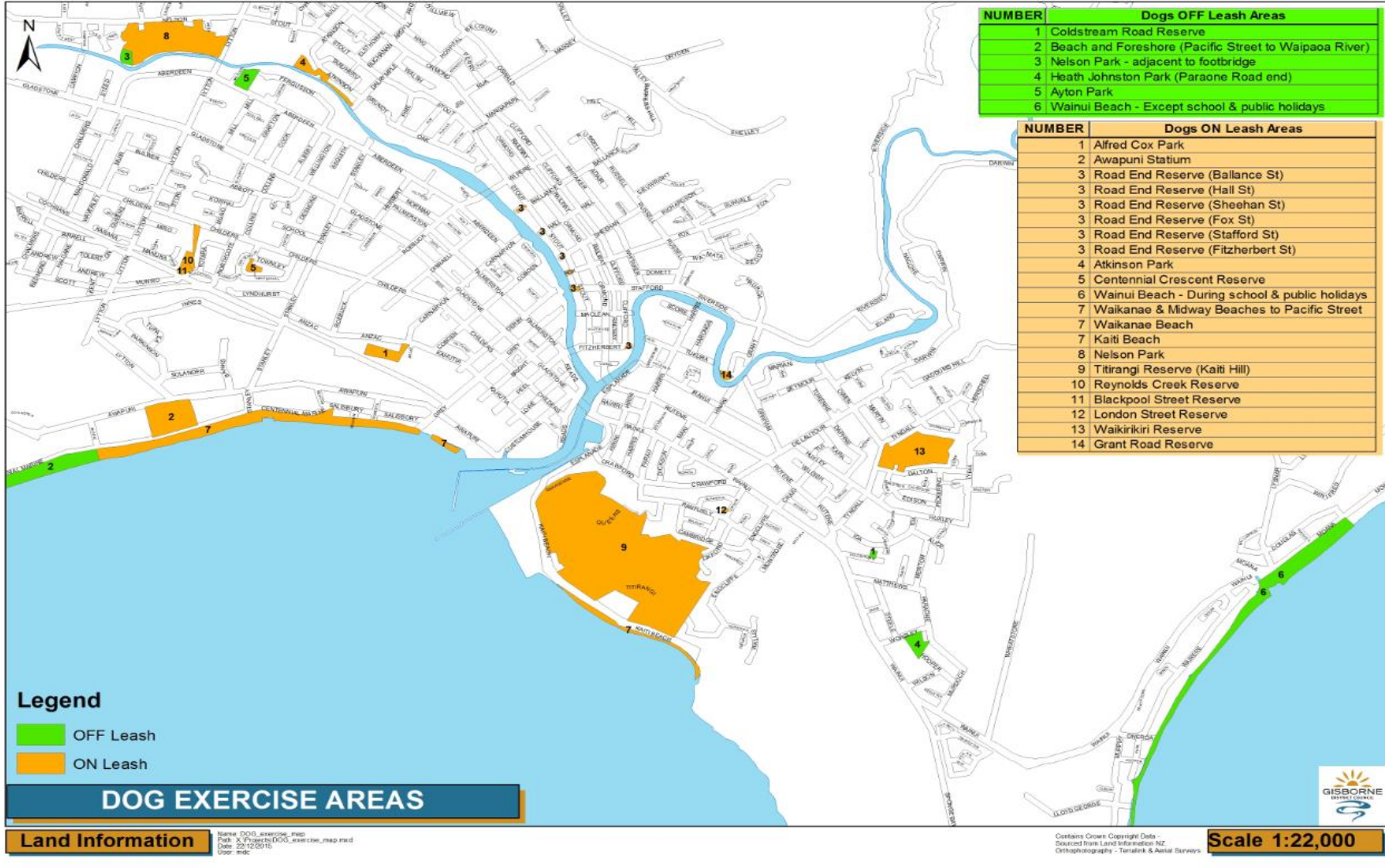
LETTERS TO THE EDITOR, ONLINE COMMENTS







Designated areas





Schedule 3 – Mapping of Dog Access Areas

Map 1: Waikanae to Waipaoa River Mouth



Map 2: Waikanae Prohibited Area



Current prohibited zones and their proposed designation

For readability, any proposed change in designation has been marked in yellow:

Sr.No.	Area	Current Designation	Proposed Designation	Rationale
1.	Gladstone Road	Prohibited	Prohibited	Busy area (pedestrians and vehicles). Risk of dogs causing nuisance by defecating on public property not sufficiently managed by dogs being on-leash and under control.
2.	Adventure Playground	Prohibited	Prohibited	Ducks and rare bird present (dabchick/weweia). Unfenced playground, large surrounding area.
3.	Abbott Street Reserve	Prohibited	On-leash	Unfenced playground, large surrounding area
4.	Alfred Cox Park - Pump Track	Prohibited	Prohibited	Risk to people using the pump track and to the amenity being damaged.
5.	Watson Park	Prohibited	Prohibited	Well-used sports ground
6.	Barry Park	Prohibited	Prohibited	Well-used sports ground
7.	Botanical Gardens	Prohibited	Prohibited	Heavy pedestrian traffic in this area
8.	Childers Road Reserve	Prohibited	Prohibited	Well-used sports ground
9.	Tifirangi Park	Prohibited	Prohibited	Busy pedestrian area
10.	Churchill Park Motor Camp	Prohibited	N/A	Private site. Remove from policy. Park best placed to handle their dog control rules and compliance.
11.	He Pipi Park	Prohibited	Prohibited	Busy pedestrian area close to main road
12.	Emily Street Reserve	Prohibited	On-leash	Unfenced playground, large surrounding area
13.	Harry Barker Reserve	Prohibited	Prohibited	Well-used sports ground
14.	Ida Road Reserve	Prohibited	On-leash	This is a neighborhood park which is a throughfare for most of the residents in

				the area especially children commuting to schools etc.
15.	Kaiti Memorial Park	Prohibited	On-leash	Skate ramp
16.	Kelvin Park	Prohibited	On-leash	Large area with sufficient space to accommodate all.
17.	Mangapapa Park	Prohibited	On-leash	Unfenced playground, large surrounding area
18.	Marina Park	Prohibited	On-leash	Risk to pedestrians and cars can be sufficiently managed by dogs being on-leash.
19.	Olympic Pool Complex	Prohibited	Prohibited	Busy area and throughfare for pool users.
20.	Innes Street Reserve	Prohibited	Prohibited	Need some discussion with DOC to confirm this.
21.	The Oval	Prohibited	Prohibited	Well-used sports ground
22.	Outdoor Theatre	Prohibited	Prohibited	Poses risk in terms of safety for dogs as there is lack of clear visibility in the area and dogs have been reported to have gone missing.
23.	Railway Reserve	Prohibited	Prohibited	
24.	Skateboard Park	Prohibited	Prohibited	Well-used skate park
25.	Victoria Domain	Prohibited	Prohibited	Well-used sports ground
26.	Vivian Street Reserve	Prohibited	On-leash	Potential for off-leash?
27.	Waikanae Beach Holiday Park	Prohibited	N/A	Private site. Remove from policy. Park best placed to handle their dog control rules and compliance.
28.	Heath Johnston Park (Wainui Road end)	Prohibited	Prohibited	This part of the area is used for sport activities
29.	Midway Beach (Flagged Area)	Prohibited	Prohibited	
30.	Waikanae Beach (Flagged Area)	Prohibited	Prohibited	
31.	Mary Street Reserve	Prohibited	On-leash	Unfenced swing set. Matokitoki Stream..
32.	Blackpool Street Reserve	Prohibited	On-leash	Unfenced swing set. Matokitoki Stream..
33.	Rugby Park	Prohibited	Prohibited	Well-used sports ground
34.	Martin Road Reserve	Prohibited	On-leash	This is one of the neighborhood parks and used frequently by residents in the

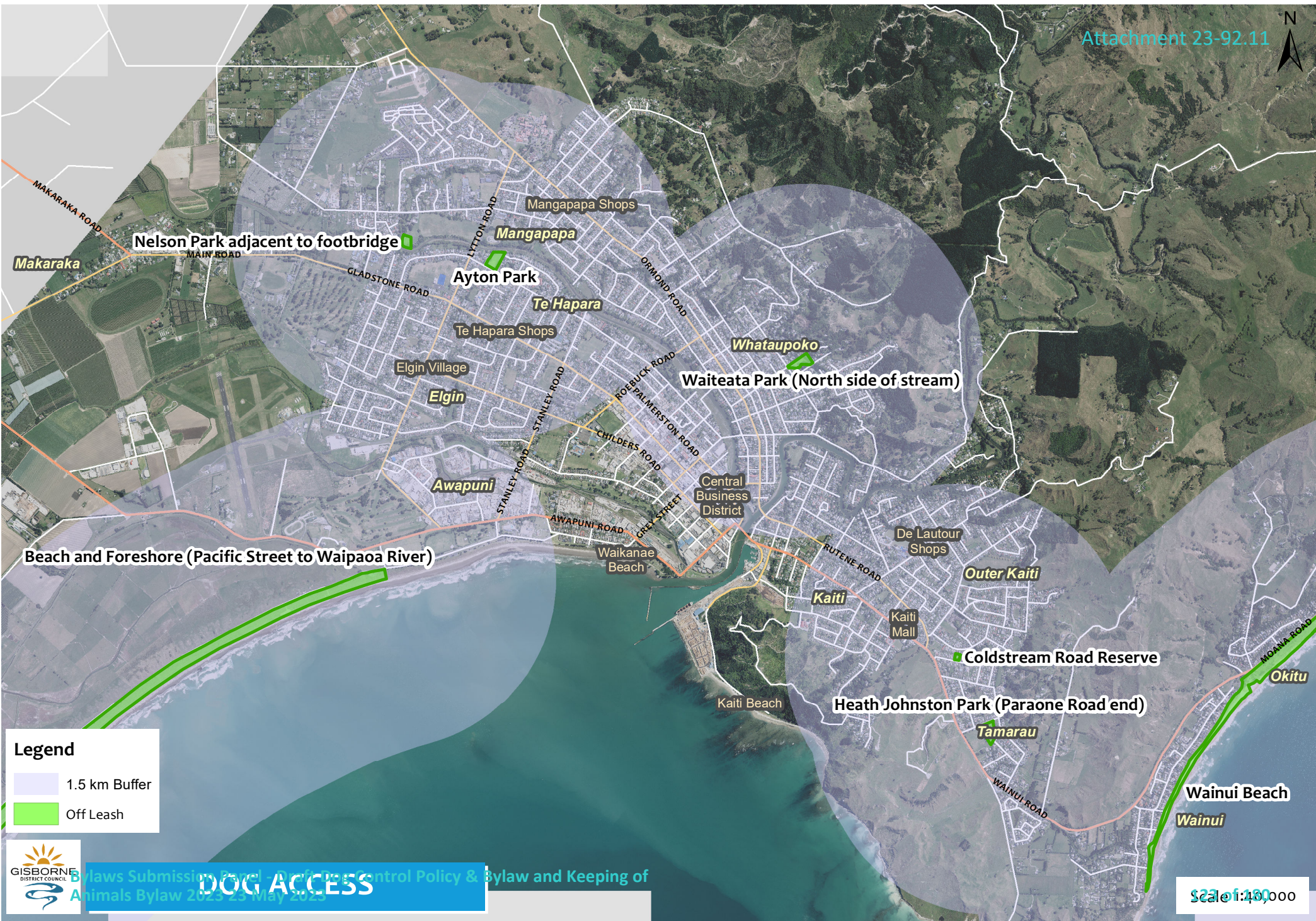
				area specifically children.
35.	Wainui Beach (Flagged Area)	Prohibited	Prohibited	[Note in vs. out of flags]
36.	Kaiti Mall	Prohibited	Prohibited	Busy built area with pedestrians and vehicles
37.	Waiteata Park (South/Western side of stream)	Prohibited	On-leash	Unfenced playground, large surrounding area? Note propose splitting area – across the stream from playground proposed to be designated off-leash
38.	Waiteata Park (North/Eastern side of stream)	Prohibited	Off-leash	Unfenced playground separated by natural barrier
39.	Rutene Road Reserve	Prohibited	Remove from policy and bylaw	This is now a car park. Can remove this from Policy /Bylaw.
40.	Anzac Park	Prohibited	Prohibited	This is an area used for casual sports.
41.	Gisborne Airport	Prohibited	Prohibited	Airport

Current on-leash zones and their proposed designation are as below

For readability, any proposed change in designation has been marked in yellow:

Sr.No.	Area	Current Designation	Proposed Designation	Rationale
1.	Alfred Cox Park – West of pump track	On-leash	On-leash (default)	Children's play area / playground
2.	Awapuni Stadium	On-leash	On-leash (default)	Children's play area / playground
3.	Road End Reserve (Ballance Street)	On-leash	On-leash (default)	Children's play area / playground
4.	Road End Reserve (Hall Street)	On-leash	On-leash (default)	Children's play area / playground
5.	Road End Reserve (Sheehan Street)	On-leash	On-leash (default)	Children's play area / playground
6.	Road End Reserve (Fox Street)	On-leash	On-leash (default)	Children's play area / playground
7.	Road End Reserve (Stafford Street)	On-leash	On-leash (default)	Children's play area / playground
8.	Road End Reserve (Fitzherbert Street)	On-leash	On-leash (default)	Children's play area / playground
9.	Atkinson Park	On-leash	On-leash (default)	Unfenced playground and skate ramps
10.	Centennial Crescent Reserve	On-leash	On-leash (default)	Unfenced playground [could it be off-leash?]
11.	Wainui Beach – During school & public holidays	On-leash	Off-leash and prohibited between flags	Removing school holiday restriction – Will remain off leash.
12.	Waikanae and Midway beaches to Pacific Street and associated foredune including walkways and adjoining public places	On-leash	On-leash (default)	Make off-leash to Roberts Rd
13.	Kaiti Beach	On-leash	Prohibited	Protecting the korora
14.	Nelson Park	On-leash	Prohibited	Proposed prohibition only at Sports ground due to dog faeces being a health hazard.
15.	Titirangi Reserve (Kaiti Hill)	On-leash	On-leash (default)	Unfenced playground, large surrounding area
16.	Reynolds Creek Reserve	On-leash	On-leash (default)	Unfenced playground, large surrounding area
17.	Blackpool Street Reserve	On-leash	On-leash (default)	Unfenced playground, large surrounding area
18.	London Street Reserve	On-leash	On-leash (default)	Unfenced playground, large surrounding area

19.	Waikirikiri Reserve	On-leash	Prohibited	Proposed prohibition only at Sports ground due to dog faeces being a health hazard
20.	Grant Road Reserve	On-leash	On-leash	This is one of the neighborhood parks and used frequently by residents in the area specifically children.



Legend

- 1.5 km Buffer
- Off Leash



DOG ACCESS

Title: 23-101 Keeping of Animals Bylaw 2023 - Deliberations Report
Section: Strategy
Prepared by: Abi Wiseman – Senior Policy Advisor
Meeting Date: Tuesday 23 May 2023

Legal: No

Financial: No

Significance: **Low**

Report to HEARINGS for decision

PURPOSE - TE TAKE

The purpose of this report is to:

- a) Provide information to support the Bylaw Submissions Panel's deliberations on the Draft Keeping of Animals Bylaw 2023, and
- b) Seek the Panel's direction on any proposed changes to the draft bylaw to include in the Panel's report to Council.

SUMMARY - HE WHAKARĀPOPOTOTANGA

The Keeping of Animals, Poultry and Bees Bylaw 2012 (the current bylaw) aims to protect the public from animal nuisance through general and species-specific regulation of animals (except dogs), bees and poultry to reduce the incidence of odour, noise and vermin. In September 2022, the Sustainable Tairāwhiti Committee (the Committee) approved the review of the current bylaw. The bylaw was due for its ten-year review. The Committee also determined that a bylaw is still the most appropriate and proportionate way of addressing the perceived problem of nuisance arising from the keeping of animals, poultry and bees in Tairāwhiti (**Report 22-173**), as is required under section 155 of the Local Government Act 2002.

Council adopted the Statement of Proposal (SOP) for public consultation at the 15 December meeting (**Report 22-246**). Consultation on the SOP and draft Keeping of Animals Bylaw 2023 (the draft Bylaw) took place from 25 January to 16 March 2023. The original consultation end date of 2 March was extended by two weeks to account for the disruption to communications channels and community capacity to engage caused by Cyclone Gabrielle. Council received 37 submissions on the SOP and draft Bylaw.

On 26 April 2023, the Bylaw Submissions Panel (the Panel) received the submissions on the Statement of Proposal (SOP) for the draft Keeping of Animals Bylaw 2023 (the draft Bylaw) (**Report 23-12**). This included hearing three submitters who wished to present to the panel in addition to their written submission.

The feedback received indicates that there are mixed views in the community regarding:

- Proposal A (reducing the poultry limit in urban areas).
- Proposal B (simplifying the beehive limit).
- Proposal D (adding provisions focused on feral and stray animals).

There was broad support for Proposal C (simplifying the pig-keeping provisions).

Council also received submissions from environmental and animal welfare organisations focused on the issue of cat management in Tairāwhiti, which was not specifically addressed in the SOP. Further analysis of the feedback and staff's response is presented in this report and the accompanying attachments.

Following the Panel's deliberations and direction on any changes to the draft Bylaw, staff will prepare a report to Council on behalf of the Panel for final approval of the draft Bylaw on 28 June 2023.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Bylaws Submission Panel:

- 1. Provides direction on any proposed changes to the Draft Keeping of Animals Bylaw 2023 to report to Council.**
- 2. Directs staff to investigate options for the management of cats in Tairāwhiti.**

Authorised by:

Joanna Noble - Chief of Strategy & Science

Keywords: Keeping of Animals Bylaw 2023; Poultry; Pigs; Bees; Cats; nuisance.

BACKGROUND - HE WHAKAMĀRAMA

1. The Keeping of Animals, Poultry and Bees Bylaw 2012 (the current Bylaw) aims to protect the public from animal nuisance through general and species-specific regulation of animals (except dogs), bees and poultry to reduce the incidence of odour, noise and vermin.
2. On 15 December 2022, Council adopted the Statement of Proposal (SOP) for public consultation (**Report 22-246**). Public consultation on the SOP and draft Keeping of Animals Bylaw 2023 (the draft Bylaw) took place from 25 January to 16 March 2023 in line with the Special Consultative Procedure as required by the Local Government Act 2002 (LGA). The original consultation end date of 2 March was extended by two weeks to account for the disruption to communications channels and community capacity to engage caused by Cyclone Gabrielle.
3. Council received 37 submissions on the SOP and draft Bylaw during the consultation period.
4. The SOP outlined key proposed changes to the current bylaw including:
 - a) Simplify poultry keeping provisions and reduce the limit on head of poultry in residential zones.
 - b) Simplify bee keeping provisions.
 - c) Simplify pig keeping provisions.
 - d) Add a feral/stray animal provision.
5. Three submitters presented their submissions to the Bylaw Submissions Panel on 26 April 2023 (**Report 23-12**). A summary of their presentation points is included in **Attachment 1** and supporting material included in **Attachment 2**
6. This report includes an analysis of submissions and information to support deliberations, including further information requested by the Bylaw Submissions Panel on 26 April (see **Attachment 3**). The current and draft Bylaws are attached to this report for reference (see **Attachments 4 and 5**).

DISCUSSION and OPTIONS - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA

7. A summary of feedback received on each proposal is included below, alongside the staff response and options. **Attachment 1** provides more detailed analysis of all feedback received, as well as a summary of verbal submissions to the Bylaw Submissions Panel on 26 April 2023.

PROPOSAL A: Simplify poultry keeping provisions and reduce the limit on head of poultry on properties in urban areas to six

Current provision	Includes setback limits for poultry houses and runs and places a limit of 12 heads of poultry and a ban on the keeping of roosters, geese, peacocks or peahens in residential zones. Provides an exception to the restrictions on residential zones for properties in areas deemed to be rural in character by Authorised Officers.
Proposed provision in SOP	Reword the poultry keeping section to be more user-friendly, remove the 'rural character' exception and reduce the number of poultry that may be kept in urban areas to six.

Summary of Feedback

- 8. Of the 33 submitters who responded to this proposal, **39 percent (13) agreed** with the proposal and **61 percent (20) disagreed**. A key theme across the range of submissions was an emphasis on the benefits of poultry keeping by providing a resilient and economical food source for whānau.
- 9. Those in agreement with the proposal cited the following reasons:
 - a. Poultry cause nuisance (5).
 - b. Six poultry is sufficient to feed a family (5).
 - c. Over-stocking is not good for the bird's welfare / it takes a lot to care for them (3).
- 10. Those who disagreed cited the following reasons:
 - a. Limit should be based on property size (5), with staff trained to assess this (2).
 - b. Six poultry is not always sufficient (4) / 8 is more appropriate (1).
 - c. Stronger guidelines to reduce nuisance (2) and stronger enforcement (1) are needed.
 - d. Rationale for change is unclear (1).
 - e. Reducing limit would not address issue of roaming poultry (1).
 - f. Unfairly impacts those following the existing rules (2).
 - g. Emotional toll of having to reduce flock (1).
- 11. Three submitters, including one who agreed with the proposed limit, also noted concern that the limit would impact on people raising chicks for other families.
- 12. The SPCA's submission did not specifically agree nor disagree with the proposed limit but advocated for any reduced limit to be 'grandfathered' in, so flock can be reduced over time, and including a provision to specify appropriate living environments for poultry.

Staff Response

13. The feedback demonstrates mixed views on this proposal. Staff acknowledge the many benefits of poultry-keeping in the community, including providing an economical, resilient food source. Staff also agree that in some instances (such as on large sections with appropriate setbacks), keeping more than six head of poultry on an urban property may be appropriate without causing nuisance. This is consistent with the proposed provisions, which allow for more than six poultry to be kept on urban properties (including raising chicks) subject to Council's approval via a written permit at no cost to the poultry-keeper. This approach provides a layer of assurance that Council can be satisfied that nuisance will be minimised in cases where more than six poultry are kept on a property in urban areas.
14. Staff also note that the reduced limit will not address the reported issue of roaming poultry. It will be important that Council continues to respond to Requests for Service promptly to address any nuisance caused by roaming poultry. Enforcement options remain limited by the lack of enabling national regulations. The draft Bylaw provides clearer guidance on poultry-keeping compared to the current Bylaw, including clear guidance on confining poultry to the property to support best-practice.
15. The draft Bylaw includes a provision allowing for a two-year grace period for those keeping more than the proposed limit to either reduce their flock or apply for a permit to retain more than six head of poultry.

Options and Recommendation

16. Staff recommend that the Panel proceed with the proposed option: *Reword the poultry keeping section to be more user-friendly, including removing the 'rural character' exception, and reduce the limit of the number of poultry that may be kept on an urban property (without a permit) to six.* This option provides a layer of assurance through the permit process that any poultry-keeper wanting to keep more than six poultry on any property in the urban area will do so in a way that minimises nuisance.
17. The Panel may also wish to consider the option of adopting two different limits depending on the size of the urban property, such as a limit of six head of poultry for properties less than 2000m² and 12 head of poultry for properties greater than 2000m², as is the rule in Auckland. This reflects feedback from submitters that it is appropriate to base the limit on property size. This option would reflect that nuisance from poultry is expected to be lower on larger sections and would allow poultry-keepers on these sections to continue to keep up to 12 head of poultry without requiring a permit.
18. Alternative options that staff have considered in light of this feedback include recommending that Council:
 - a. Retain the current limit of 12 head of poultry: This option is not recommended as the feedback reiterates that poultry-keeping does pose a nuisance risk, and that in most cases six poultry is sufficient to feed a family.
 - b. Adopt a 'middle-ground' limit of 8 head of poultry on urban properties without permit (as is the case in Wellington): This option is not recommended for the same reason as option (a) above.

PROPOSAL B: Simplify bee-keeping provisions and limit to two hives per urban property

Current provision	Imposes specific regulations on beekeeping including limits on the amount of hives on residential properties, positioning requirements, and other specific requirements to reduce nuisance. The hive limits range between zero and three hives depending on the size of the property and if there are dwellings or sensitive uses on adjoining properties.
Proposed provision in SOP	Simplify the wording of beekeeping provisions and simplify hive limits to two hives for any property in urban areas.

Summary of Feedback

- 19. Of the 28 submitters who responded to this proposal, **57 percent (16) agreed** with the proposal to reduce the limit to two hives, **32 percent (9) disagreed on the basis that the limit is too restrictive**, and **10 percent (3) disagreed on the basis that the limit is too generous**.
- 20. Those in agreement cited the following reasons:
 - a. Hives cause nuisance, particularly at certain times of the year (4).
 - b. Allowing more than two hives may enable poor practice and become dangerous (2).
 - c. Two hives provides sufficient honey (1).
- 21. One submitter who agreed with the proposal also suggested that a limit on hives per suburb be considered, to avoid food shortages for the bees.
- 22. Three submitters disagreed on the basis that the limit should be *fewer* than two hives, due to nuisance (messing washing and stinging), and/or that further work is needed to reduce nuisance.
- 23. Of the submitters who advocated for a more generous limit, a variety of reasons were given:
 - a. Limits should depend on property size (3) / consider hive limit by a neighbourhood and available food sources (2).
 - b. Bees provide benefits (i.e., pollination) and are under threat, so Council should promote beekeeping (2).
 - c. Provisions should focus instead on measures to mitigate nuisance (raising flight paths) (1).
 - d. Existing regulations for beekeeping are sufficient (1) / bees do not cause nuisance (1).
- 24. The Chair of the Tairāwhiti Hub of Apiculture NZ presented his submission on this issue to the Panel on 26 April – a summary of his presentation is included at **Attachment 1** and slides included in **Attachment 2**. The Hub Chair advocated for provisions that focus on measures to more directly reduce nuisance, such as raising the flight path of bees, rather than a limit on the number of hives. He also noted that small nucleus hives are sometimes used for the purposes of mating the queen or for convenience and this will need to be reflected in the policy design.

Staff Response

25. Staff acknowledge the benefits of beekeeping for pollination and food production and consider that two hives per property is sufficient to enable these benefits. This is consistent with the majority support for the proposed change. The draft Bylaw includes clear guidance on measures to reduce nuisance from beekeeping, which, together with the proposed simplified hive limit will help to minimise nuisance.
26. The Panel requested further information regarding the potential impact of beekeeping on native bee populations – information on this matter is included in **Attachment 3**. Staff note that while research indicates that honeybees may pose a threat to indigenous fauna in New Zealand, they also provide crucial pollination services both to native plants and food crops. As the proposed change to the beekeeping provisions is minor (transitioning from property-size based hive limits to a standardised limit), staff assess that the change will not have implications for the impact of honeybees on indigenous ecosystems.
27. Under the proposed change, small nucleus hives, sometimes used for the purposes of mating the queen or for convenience, would be included in the proposed limit of two hives. Other Councils that have set hive limits do not specify any exemption for nucleus hives. Given the dynamic and changing nature of the hives, it would not be practical to do so.

Options and Recommendation

28. Staff recommend that the Panel proceed with the proposed option: *Simplify bee-keeping provisions and limit to two hives per urban property.*
29. The Panel may also wish to consider the option of focusing the provisions on measures to directly minimise nuisance, such as the siting of hives and measures to raise flight paths, instead of a hive limit. This is consistent with the approach taken by most Councils and would provide a higher degree of flexibility when responding to issues but would likely result in more nuisance complaints and lengthier resolution processes with more limited specific regulations to guide the response.

PROPOSAL C: Simplify pig keeping provisions

Current provision	Imposes specific regulations on the keeping of pigs in rural zones. These cover setback limits for pigs, shelters or enclosures, manure, swill and feed but are communicated in a way that is unclear, overly complex and difficult to apply for pig keepers and compliance officers.
Proposed provision in SOP	Revise how the setback regulations in the pig keeping provisions are presented for consistency and simplicity of application.

Summary of Feedback

- 30. Of the 20 submitters who responded to this proposal, **80 percent (16)** agreed and **20 per cent (4)** disagreed with the proposed change. No specific reasons were provided.
- 31. The SPCA submission advocates for provisions to protect animal welfare, including conditions to specify that stock should have adequate and appropriate living environment including companionship, space, shade, and shelter and to prohibit the permanent tethering of stock.

Staff response

- 32. The feedback indicates broad support for this proposal. The proposed provisions to protect the welfare of pigs is not within scope of this Bylaw, which focuses on minimising nuisance. The Animal Welfare Act 1999 sets out owners' obligations in relation to the physical, health and behavioural needs of animals.

Options and Recommendation

- 33. Staff recommend that the Panel proceed with the proposed option: *Simplify pig-keeping provisions for consistency and simplicity of application.*

PROPOSAL D: Add feral / stray animal provisions

Current provision	No specific provisions to regulate nuisance caused by feral or stray animals.
Proposed provision in SOP	Add a new clause regulating nuisance caused by feral or stray animals being encouraged onto private property. This will make it clear that people must not encourage a feral or stray animal so as to become a nuisance, and that the owner or occupier of the property from which such animal emanates must abate the nuisance caused by the animal.

Summary of Feedback

34. Of the 29 submitters who responded to this proposal via the Participate website, **55 percent (16)** agreed with the proposal and **45 percent (13)** disagreed.
35. Those who agreed noted that this provision is necessary (1) and that feral animals are a danger to themselves and to others and people should not be harbouring them (1).
36. Those who disagreed cited the following reasons:
 - a. Council should provide resourcing to help people manage feral animals (2).
 - b. People on the property should not be assigned blame, as it may not be their fault that the animal is on their property (2).
 - c. 'Catch and neuter' protocols would be appropriate (1) / enforce de-sexing of animals (1).
 - d. Composting likely encourages feral animals, and not much can be done to address this (1).
 - e. Does not support policies that restrict people from caring for or giving shelter to stray or feral animals, unless there are clear criteria for what constitutes nuisance (1).
37. Further to the 29 Participate website submissions on this proposal, Forest and Bird, Companion Animals New Zealand (CANZ) and the SPCA made specific submissions advocating for the inclusion of provisions to manage cats. Further detail is set out in the section below.
38. The SPCA also recommends clarifying definitions, especially with respect to terms such as 'reasonably appears' when categorising animals as feral or stray, and provides proposed definitions of companion cats, stray cats and feral cats.

Staff Response

39. Staff acknowledge that there are mixed views on the proposed provisions to clarify how the Bylaw applies to feral and stray animals, and note that there may be an opportunity to clarify what is meant by the proposed provision 7(1):

A person must not provide sustenance, harbourage or comfort to a feral or stray animal so as to cause the animal to become a nuisance to other persons

40. Staff will also work with the SPCA to assess options for clearer definitions of feral or stray animals to support the application of these provisions in line with their feedback.
41. Staff note that while the owner or occupier of a property from which a feral or stray animal is emanating may not be directly encouraging that animal emanating from their property, the Bylaw clarifies Council's expectation that any nuisance caused by such an animal does become the responsibility of the owner or occupier to address. The Bylaw includes guidance on options to abate such nuisance.
42. Staff response and recommendations regarding feedback on the management of cats is set out in the following section.

Options and Recommendations

43. Staff recommend that the Panel proceed with the proposed option to add a new clause regulating nuisance caused by feral and stray animals, and direct staff to amend the proposed clause 7(1) to be easier to understand.

CAT MANAGEMENT

Summary of Feedback

44. In their submissions, the SPCA, Forest and Bird, and Companion Animals New Zealand (CANZ) strongly advocated for specific cat management provisions to be included in the Bylaw. One member of the public also noted that Council should not condone the breeding of feral cats given the threat to conservation.
45. The SPCA, Forest and Bird and CANZ all advocate for mandatory de-sexing, microchipping and registration of cats. Furthermore, Forest and Bird advocate for a limit of three cats per household. All organisations also recommend complementary non-regulatory approaches to support cat management, such as education programmes and targeted funding to reduce barriers to desexing and microchipping.
46. The key justification for these policies is to reduce the number of roaming, stray and feral cats in order to improve cat welfare and reduce the threat of cats to native wildlife. In their submissions, it was acknowledged that there are no effective enforcement options available to Council for such provisions, and the benefit would be in providing clear expectations for responsible cat management and clarifying Council's position on the issue to support central government action on this issue.
47. Further details on these submissions, including the key points raised by representatives of Forest and Bird and CANZ in their presentations to the Panel on 26 April, are included in **Attachment 1**.

Staff Response and Recommendation

48. Staff note that the reasons provided for including specific cat management provisions, such as conservation and animal welfare, do not fall within the current scope of the current nor draft Bylaw which is focused on minimising nuisance.
49. Following the presentations by Forest and Bird and CANZ to the Panel on 26 April, the Panel requested further information from staff regarding the issue of feral and stray cats in Tairāwhiti, as well as advice from staff on options to progress cat management. There is limited data on the issue of feral and stray cats and their impact on native wildlife in Tairāwhiti. A summary of relevant data and information is included in **Attachment 3**.

50. As noted in the submissions, there are currently no practicable options for Council to enforce any requirements to desex, microchip or register cats in New Zealand. Enforcement options would be driven by national legislation and regulations, which is not currently planned. The Environment Committee is currently considering a petition to Parliament proposing that legislation be passed to require microchipping, registration and desexing of cats. The Environment Committee is expected to report back to Government before the end of the current term to consider the recommendations and determine if further work is to be undertaken.
51. Staff propose that the Panel recommend that Council direct staff to investigate options for the management of cats in Tairāwhiti, including:
- a. Amending the Keeping of Animals Bylaw 2023 (once adopted) to include cat management provisions, in line with the approach taken by other Councils⁹.
 - b. Creating a non-bylaw instrument to support cat management, such as a Policy on cats or clear guidance on what is expected of cat owners.
 - c. Promoting non-regulatory approaches to cat management, including working with the SPCA and CANZ to reduce barriers to desexing and microchipping.
52. Public consultation in line with the Special Consultative Procedure would be required on the specific issue of cat management in order to include such provisions as an amendment to the Keeping of Animals Bylaw 2023.

Revised Zone Definitions

53. Staff will make a minor amendment to the definitions of rural and urban areas in the draft Bylaw prior to adoption by Council to align with permitted activities in the Tairāwhiti Resource Management Plan. The change will categorise Rural Industrial A and Rural Industrial B zones under 'rural areas' instead of as 'urban areas'.

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: **Low** Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: **Low** Significance

Inconsistency with Council's current strategy and policy

Overall Process: **Low** Significance

The effects on all or a large part of the Gisborne district

Overall Process: **Low** Significance

⁹ Cat provisions are included in the Keeping of Animals bylaws of Palmerston North City Council, New Plymouth Council, Whanganui District Council, Whangārei District Council, Ruapehu District Council, Wellington City Council and Selwyn District Council. Hutt City Council is in the process of introducing a Bylaw that would require cats to be microchipped and de-sexed.

The effects on individuals or specific communities

Overall Process: **Medium** Significance

This Report: **Medium** Significance

The level or history of public interest in the matter or issue

Overall Process: **Low** Significance

This Report: **Low** Significance

54. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.

TANGATA WHENUA/MAORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

55. Staff reached out via email to Te Runanganui o Ngāti Porou, Rongowhakaata Iwi Trust, Ngai Tāmanuhiri Trust, Te Aitanga a Māhaki Trust, Te Whanau a Kai and Nga Ariki to invite submissions on the SOP and draft Bylaw. No submissions were received from these iwi or from hapū.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

56. The consultation period was publicised broadly via the Council's website and social media channels, the Gisborne Herald, and radio ads across all major radio stations. Submitters were able to complete a survey online, or provide submissions via email, phone or in person at the drop-in sessions held at the Awarua building.
57. Targeted engagement was limited to Iwi Trusts, as detailed in paragraph 53, as well as directly emailing respondents of an earlier pre-engagement survey targeted towards beekeeping, which ran online for two weeks in May 2022.
58. The consultation period was extended from the initial end date of 2 March 2023 to account for the disruption caused by Cyclone Gabrielle, including total loss of communication channels across Tairāwhiti from 14 February, with most communication channels restored within a week, as well as an ongoing reduction in our communities' capacity to engage given the broader impacts of the national emergency.
59. Council received 33 written submissions through the online Participate portal, as well as three further written submissions received via email. One submission was made verbally during a drop-in session with Council staff. Three organisations verbally presented their submissions to the Panel on 26 April. The feedback received is summarised in the Discussion and Options section of this report and further detailed in **Attachment 1**.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

60. There are no climate change impacts or implications arising from the matters discussed in this report.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

61. There are no financial or budget implications arising from the matters discussed in this report.

Legal

62. The consultation process has followed the Special Consultative Procedure requirements under the Local Government Act 2002 (LGA).

63. Section 155 of the LGA requires that councils determine whether a bylaw is the most appropriate way of dealing with the perceived problem or issue, whether the bylaw is in the most appropriate form and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990. These determinations were made by Council in September 2022 (**Report 22-173**) and December 2022 (**Report 22-246**). Council will review these determinations when the draft Bylaw is considered for final approval if any changes are made.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

64. The Keeping of Animals Bylaw 2023 presents no ongoing policy and planning implications beyond project implementation.

RISKS - NGĀ TŪRARU

65. There are no major risks associated with the decisions sought.

NEXT STEPS - NGĀ MAHI E WHAI AKE

66. Staff will prepare a report from the Bylaw Panel to the Council to implement the Panel's directions on public feedback from its deliberations meeting. The report will be circulated to the Panel for approval and if necessary, the Panel can reconvene.

Date	Action/Milestone	Comments
28 June	Panel report presented to Council with revised draft Bylaw for approval.	Subject to Panel signing off report in time to make the agenda.
TBC	Public Notification of Bylaw.	Subject to Council approval on 28 June.
TBC	Staff report back to Council on options to manage cats.	Subject to direction from Council.

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - Analysis of Submissions [**23-101.1** - 9 pages]
2. Attachment 2 - Presentation to the Panel by Barry Foster 26 April 2023 [**23-101.2** - 11 pages]
3. Attachment 3 - Further Information Requested by the Panel [**23-101.3** - 2 pages]
4. Attachment 4 - Draft Keeping of Animals Bylaw 2023 [**23-101.4** - 10 pages]
5. Attachment 5 - Keeping of Animal, Poultry and Bees Bylaw 2012 [**23-101.5** - 10 pages]

Submissions Analysis

1. Background

Consultation on the Statement of Proposal and the draft Keeping of Animals Bylaw 2023 (the draft Bylaw) took place from 25 January to 16 March 2023. The original consultation end date of 2 March was extended by two weeks to account for the disruption to communications channels and community capacity to engage caused by Cyclone Gabrielle.

The consultation period was publicised broadly via the Council's website and social media channels, the Gisborne Herald, and radio ads across all major radio stations. Targeted engagement was limited to Iwi Trusts, as well as directly emailing respondents of an earlier pre-engagement survey targeted towards beekeeping.

Submissions could be made online via a form on Council's Participate website, by phone, by email, or in person during scheduled 'drop-in' sessions at Council.

Council received 36 written submissions and one verbal submission during a drop-in session on the SOP and draft Bylaw. Three organisations presented their submissions to the Bylaw Submissions Panel on 26 April 2023.

2. Analysis of feedback

Proposal (a) Simplify poultry keeping provisions and reduce the limit on head of poultry on properties in urban areas

Options considered

The following options were considered in the SOP:

- Option One:** Reword the poultry keeping section to be more user-friendly and retain the current rules and limit of 12 head of poultry. Remove the 'rural character' exception.
- Option Two (preferred):** Reword the poultry keeping section in line with Option One, including removing the 'rural character' exception and reduce the limit of the number of poultry that may be kept on an urban property without a permit to six.

Consultation feedback themes

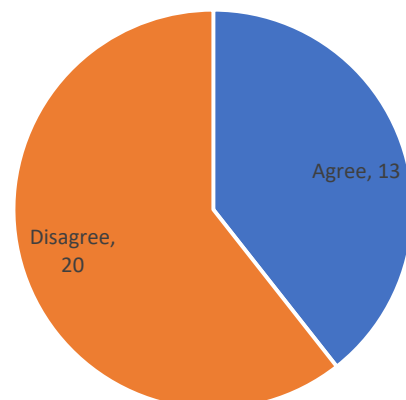
A key theme across the range of submissions was an emphasis on the benefits of poultry keeping (i.e., providing a resilient and economical food source for whanau, reducing food waste).

"Agree"

Of the 33 submitters who responded to this proposal, **39 percent (13)** agreed with the proposal to reduce the limit. Those in agreement noted the following reasons:

- Chickens cause nuisance: They are noisy and messy, attracting flies and rodents (5).
- Six head of poultry should produce sufficient eggs to feed a large family (5).
- Bird welfare: Over-stocking in small areas is not good for the birds, and it takes a lot of work to care for them (3).

Proposal (a) to simplify poultry provisions and reduce limit to 6 head of poultry on urban properties (without a permit)



“Disagree”

Of the 33 submitters who responded to this proposal, **61 per cent (20)** disagreed with the proposed change. The main reasons given include:

- **Section size matters:** Submitters noted that 12 head of poultry is an appropriate number for those with larger sections. Five submitters suggested the limit should be based on property size, and two submitters noted that staff need to be trained to assess this effectively. This is consistent with feedback from one submitter that the goal of “simplification” of the rules is not the answer – nuance is necessary.
- **Six poultry not sufficient:** Eight submitters noted that allowing more than six poultry provides the benefits of providing sufficient fresh eggs for whanau and the community, particularly in difficult economic times as well as with egg shortages. Two submitters noted the benefit of reducing food waste. Four submitters noted that 6 chickens may not be sufficient to feed a family when the chickens age, nor to cater for succession chickens, molting periods and in the cold weather when they lay less.

Other reasons provided for disagreeing include:

- Stronger guidelines (and enforcement action such as fines or confiscation) are needed around the keeping of poultry to reduce nuisance (i.e. keeping the area sanitary, and away from boundaries).
- The rationale for change is unclear, as Council does not receive a significant amount of complaints about poultry.
- Minimal additional nuisance of more than 6 poultry is outweighed by benefits to neighbours of fresh eggs.
- Reducing the limit would not address a key poultry nuisance issue of chickens escaping and roaming.
- One submitter noted they would support reducing the limit to 8.
- The exception for properties that are rural in character should stay – this could be guided by more set criteria created in consultation with the public.
- The limit unfairly impacts those following the existing rules.
- For those who already have more than 6 chickens, there is an emotional toll of having to choose between them (considered pets).

Three submitters, including one who agreed with the proposed limit, also noted concern that the limit would impact on people raising chicks for other families.

The feedback highlighted that the key issue for those who disagree with the proposal was around the limit, with no opposition specifically around the simplification of the provisions to be easier to understand. Of those who disagreed, two submitters noted that they do agree with rewording to simplify the provisions.

The SPCA focused their submission on this proposal around two points:

- people who have more than permitted number of poultry should be grandfathered into a change without having to rehome, euthanise or abandon animals.
- include a condition specifying poultry should have adequate and appropriate living environments – the submission included points to cover in such a condition.

Proposal (b) Simplify bee-keeping provisions and limit to two hives per urban property

Options considered

The following options were considered in the SOP:

- **Option One:** Remove all provisions specifically regulating bees, and instead rely wholly on the general rule(s) regulating nuisance caused by any animal in any part of the district.
- **Option Two (preferred):** Retain some bee provisions and simplify hive limits to two hives for any property in urban areas, instead of different limits depending on size of the property.
- **Option Three:** Remove the specific bee provisions and replace with a general clause regarding bees not causing a nuisance, and guidance on limits or other conditions that Council may impose if nuisance does occur.

Consultation feedback themes

“Agree”

Of the 28 submitters who responded to this proposal, **57 percent (16)** agreed. Those in agreement noted the following reasons:

- Hives cause nuisance, particularly at certain times of the year (4).
- Allowing more than two hives may enable poor practice and become dangerous (2).
- Two hives is sufficient to provide honey as a food source (1).

One submitter, who agreed with the proposal, also suggested that a limit on hives per suburb be considered, to avoid food shortages for the bees.

“Disagree”

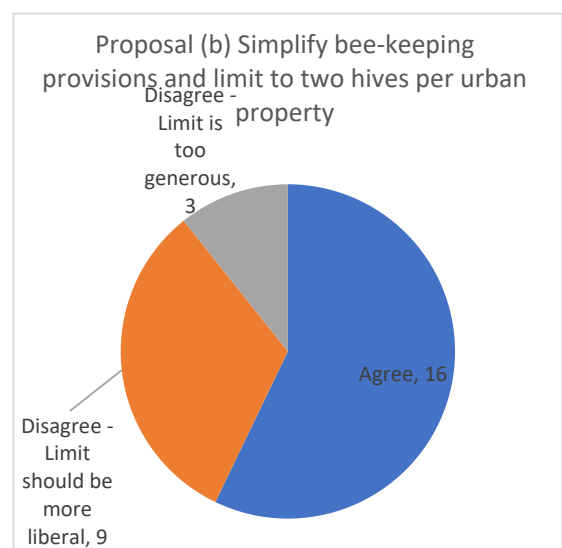
Of the 28 submitters who responded to this proposal, **32 per cent (9)** disagreed with the proposed change.

Three submitters disagreed on the basis that the limit should be fewer than two due to the nuisance caused, such as messing washing and stinging. One of these submitters also noted that nuisance from beekeeping also occurs in rural areas, where the hive limits do not apply.

Of the nine submitters who advocated for a more liberal limit on hives, a variety of reasons were given:

- Focus instead on prescribing measures to reduce nuisance (1): Examples include raising flight paths, providing adequate water supplies close to the hive.
- Bees provide benefits (i.e., pollination) and are under threat, so Council should therefore promote (rather than restrict) beekeeping. (2)
- Existing (MPI) regulations for beekeeping are sufficient. (1)
- Bees do not cause nuisance. (1)
- Different limits depending on the size of the property is a more appropriate approach (3) / consider number of hives in a neighbourhood and available food sources (2).

The Chair of the Tairāwhiti Hub Chair of Apiculture NZ presented his submission to the Panel on 26 April – a summary of his presentation is included in the ‘Summary of Presentations’ section. The Hub



Chair advocated for provisions that focus on measures to reduce nuisance, such as raising the flight path of bees, rather than a limit on the number of hives. He also noted that small nucleus hives are sometimes used for the purposes of mating the queen or for convenience, and will need to be considered in the policy design.

Proposal (c) Simplify pig keeping provisions

Options considered

The following options were considered in the SOP:

- **Option One:** Status quo. Retain the current pig keeping provisions.
- **Option Two (preferred):** Reword the setback regulations in the pig keeping provisions for consistency and simplicity of application.

Consultation feedback themes

“Agree”

Of the 20 submitters who responded to this proposal, **80 percent (16)** agreed. No specific reasons were provided.

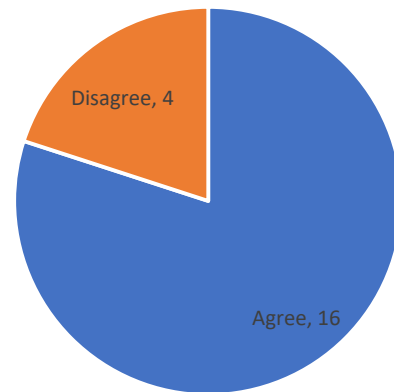
“Disagree”

Of the submitters who responded to this proposal, **20 per cent (4)** submitters disagreed with the proposed change. No specific reasons were provided.

Further feedback

The SPCA submission advocates for provisions to protect animal welfare, including conditions to specify that stock should have adequate and appropriate living environment including companionship, space, shade, and shelter and to prohibit the permanent tethering of stock.

Proposal (c) Simplify pig keeping provisions for consistency and simplicity of application



Proposal (d) Add feral/stray animal provisions*Options considered*

The following options were considered in the SOP:

- **Option One:** Status quo. Rely on general nuisance provisions when responding to nuisance issues relating to feral/stray animals.
- **Option Two (preferred):** Add new clause regulating nuisance caused by feral and stray animals being encouraged onto private property.

*Consultation feedback themes***“Agree”**

Of the 29 submitters who responded to this proposal via the Participate website, **55 percent (16)** agreed with the proposal to reduce the limit.

Those who agreed noted that this provision is necessary (1) and that feral animals are a danger to themselves and to others and people should not be harbouring them (1).

“Disagree”

Of the 29 submitters who responded to this proposal via the Participate website, **45 per cent (13)** submitters disagreed with the proposed change. The main reasons given include:

- Council should provide resourcing to help people manage feral animals (2).
- People on the property should not be assigned blame, as it may not be their fault that the animal is on their property (2).
- ‘Catch and neuter’ protocols would be appropriate (1).
- Composting likely encourages feral animals, and not much can be done to address this (1).
- Instead enforce de-sexing of animals (1).
- Does not support policies that restrict people from caring for or giving shelter to stray or feral animals, unless there is clear criteria for what constitutes nuisance.

The SPCA also recommends clarifying definitions, especially with respect to terms such as ‘reasonably appears’ when categorising animals as feral or stray, and provides proposed definitions of companion cats, stray cats and feral cats.

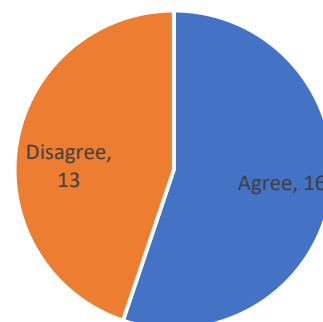
CAT MANAGEMENT

Forest and Bird, Companion Animals New Zealand (CANZ) and the SPCA made specific submissions in relation this proposal advocating for the inclusion of provisions to manage cats. One member of the public also noted that Council should not condone the breeding of feral cats given the threat to conservation.

Proposed provisions

The SPCA, Forest and Bird and CANZ all advocate for mandatory de-sexing (from 4 months / pre-pubertal), microchipping and registration of cats on the New Zealand Companion Animals Register. The CANZ submission recommends exemptions for cats owned by a registered cat breeder or if a vet determines that desexing will adversely affect the cats health and/or welfare. The Forest and Bird submission also advocate for a limit of three cats per household.

Proposal (d) Add feral/stray animal provisions



Rationale

The key rationale provided for the suggested provisions is to reduce the number of stray and feral cats, in order to improve cat welfare and reduce the threat of cats to native wildlife. Further detail on the impacts of roaming, feral and stray cats is set out in Forest and Bird's submission [Report 23-12]

Non-regulatory approaches and support

All organisations also recommend complementary non-regulatory approaches to support cat management, such as education programmes teaching responsible cat ownership and targeted funding to reduce barriers to desexing and microchipping. The SPCA indicated its support to GDC to reduce barriers to desexing and microchipping, and included with its submission their Snip 'n' Chip Council Package, which provides more detailed information for how the SPCA works with local councils to promote responsible cat ownership.

Enforcement limitations

In their submissions, it was acknowledged that there are no effective enforcement options available to Council for such provisions, and the benefit would be in providing clear expectations for responsible cat management and clarifying Council's position on the issue to support central government action on this issue.

The key points raised by representatives of Forest and Bird and CANZ in their presentations to the Panel on 26 April are set out in the 'Summary of Presentations' section.

Other feedback

One submitter noted an issue with the submission form being restricted to 500 characters – this issue has been reported to Council's Communications team for consideration in future online consultation forms.

3. Bylaw Submissions Panel – Keeping of Animals Bylaw 2023: Summary of presentations

When: 1pm, 26 April 2023

Where: Te Ruma Kaunihera (Council Chambers), 15 Fitzherbert Street, Gisborne

Bylaw Submission Panel: Councillor Tony Robinson (Chair); Councillor Nick Tupara; Councillor Debbie Gregory.

Submitter	Summary of Presentation
<p>Barry Foster</p> <p>Chair, Tairāwhiti Hub Apiculture NZ</p>	<ul style="list-style-type: none"> • Avoid prescribing specific numbers of hives in a location / boxes on hives: beekeepers will utilize different types of hives for different reasons. • There are physical limitations to the number of boxes per hive. Typically, a beekeeper might have 1-2 boxes per hive in the winter, and then 3 to collect honey. • Focus instead on mitigate nuisance: Require 1.8-2m high boundary fences or vegetation on three sides to raise the flight path of bees. • Bees defecate within 20m of the hive – communicate with neighbors to avoid nuisance. • Apiculture NZ are happy to work with GDC on specific wording for the bylaw. • All beehives must legally be registered with MPI for biosecurity purposes. • Bees are critical to our food production – a third of our diet is directly linked to pollination. Pollination from bees extends at least 4-5km from the hive. • There is generally sufficient diversity of flora around to support hives in urban areas. • Hive numbers might range from around 20,000 in the winter and expand to 60,000 in the summer.
<p>Dr. Sarah Olson</p> <p>Welfare Manager, Companion Animals NZ</p>	<ul style="list-style-type: none"> • Cat overpopulation happens very easily, cats can get pregnant from 4 months old and have many litters. • Recommend GDC introduce compulsory de-sexing (from 4 months) and micro-chipping as well as registration of cats on the CAR (GDC already has an account to access this register). • CANZ is currently advocating for national legislation to manage cats. • CANZ has worked with Wellington, Palmerston North, Whanganui, Selwyn, Whangarei and Ruapehu District Councils to implement mandatory de-sexing and micro-chipping / registration. • Benefits of cat management policies include protecting biodiversity and improving the welfare of cats. • 6 Councils have introduced microchipping requirements, 4 introduced desexing requirements. • There are no practical enforcement options / penalties, but these requirements set a standard of responsible cat ownership. • Despite no enforcement options, Wellington Council report a 100% increase in cat microchipping when introducing similar provisions in 2018 and benefits in wildlife. • CANZ can offer support to Council's adopting such requirements by investing in public awareness campaigns through local media, lowering costs at local vet clinics with microchipping and desexing promotions, and provide cat management training to animal control officers. • The cost of desexing vary by provider – around \$80-\$100 for male, \$150 - \$200 for females – but many programmes available to support this (SPCA Snip n Chip campaign, SPCA mobile desexing caravans, grants available, vet subsidies etc.).

Submitter	Summary of Presentation
<p>Amelia Geary</p> <p><i>Regional Conservation Manager, Forest and Bird</i></p>	<ul style="list-style-type: none"> • Amelia has been involved in every Animals bylaw notified in New Zealand (bar two) in the past two years. • Presented to Environment Committee in 2022 about the need for a Cat Management Act. • Notes GDC did not run any survey with the community prior to consultation – except for a specific beekeeping survey. Most Councils do survey the community for nuisance issues, and always have cats arise as issues causing nuisance. • Generic nuisance clause does not go far enough to address nuisance issues with cats. • GDC is undermining its own pest management plan by not effectively managing cats. • Return to owner rates for microchipped cats are 20x higher than for cats that are not microchipped. • Cat regulation is not a big deal – it is well supported by communities. E.g. Whangarei invited feedback on options regarding cat management – of 1412 response, 1287 supported compulsory microchipping and registration and 1318 supported mandatory desexing. Whangarei introduced these requirements. • GDC process has done a disservice to the community by not making people aware that the Keeping of Animals Bylaw would be an appropriate place to regulate cats and many Councils are already doing this. • Forest and Bird, CANZ and the SPCA are all on the same page. • GDC needs to not be falling behind leading Councils.

Gisborne District Council keeping animals and bees by- law

Oral submission by Barry Foster, beekeeper, Gisborne. 26th April 2023



Definition of the Bee hive.



- A beehive means a thing constructed for the keeping of honey bees and that is being used or has been used for that purpose; but does not include a queen introduction or mailing cage.
- Biosecurity order 1998 (National American Foul brood pest management order)
<https://afb.org.nz>
- Don't set limits on numbers of boxes per hive.
- Colonies are in different stages of development depending on management and the time of the year.

Keeping bees in residential zones including townships.

- Having two bee hives per site is good for the purposes beekeeping management but it is not necessarily to prescribe numbers of hives per sq meter or by location.
- Bee hives are dynamic by nature. Area per hive doesn't always work.
- Other urban Councils such as Hamilton City, Tauranga City Council, Wellington City Council and Hutt City do not have stipulations on hive numbers per property size.
- Many commercial beekeepers started out as hobby beekeepers.
- The benefits from pollination extend at least 4-5k from each hive.
- Biosecurity monitoring near ports, airports.

Focus on nuisance instead

- Best focus on the potential to cause nuisance on a case by case basis.
- Analyze past complaints to determine if issues were presence of hives or numbers of hives at a site.
- Complaints more likely to centered around be presence not numbers?
Washing and possible stings.
- 5m from boundary if no fence, or 3m from boundary if 1.8 m solid fence or vegetation of this height or greater on boundary.
- Best to lift bees primary flight path soon after leaving the hive to avoid nuisance. Two or more meters above ground.

Management to mitigate nuisance

- Defensive behavior – Bees respond to all threats to the hive.
- Diminish potential interaction with flight paths through barriers natural or fixed.
- Fence or planting 3-4 sides around the hives open to the north with room to work the hives.
- A 1.8m solid fence means that bees cannot see someone standing on the other side and therefore unlikely to show defensive behavior.
- Talk to your neighbors first. Particularly around harvest.
- Council to have a contact list of local beekeepers who could pick up swarms. Note swarming season generally September to November. Citizens Advice also.
- Hives should be registered with the American foul brood Pest Management Agency including MPI number. Not necessary for Council to police this.
- Apiculture NZ code of conduct see <https://apinz.org.nz/wp-content/uploads/2017/02/ApiNZ-Beekeeper-Code-of-Conduct.pdf>

Example a beehive in my own back yard





Swarms

Photo by Lyndell Panel - Draft Dog Control Policy & Bylaw and Keeping of Animals Bylaw 2023 23 May 2023



Urban Trees for Bees

URBAN TREES FOR BEES
PLANTING FOR BEES IN YOUR GARDEN

- ✓ **Plant in generous clusters of the same species for wow factor and Bee Appeal**
Large clusters of each species will attract bees into your garden
- ✓ **Plant flowers for each season**
A steady source of nectar and pollen all year round sustains bees
- ✓ **Do not plant prohibited or controlled weeds**
If in doubt check it out at the National Pest Plant Accord (NPPA) www.biosecurity.govt.nz/nppa and your Council website
For example for Auckland area contact Auckland Council
Ph: 09 366 2000 or 0800 80 60 40
enquiry@aucklandcouncil.govt.nz
www.aucklandcouncil.govt.nz

Honey bees pollinating squash flower
Photo by Remco Baars
©Landscape Research

BEE-FRIENDLY KITCHEN AND HERB PLANT SUGGESTIONS

Herbaceous

- Basil (*Ocimum basilicum*)
- Chives (*Allium schoenoprasum*)
- Cucumber, melon (*Cucumis* spp.)
- Echinacea (*Echinacea purpurea*)
- Fennel (*Foeniculum vulgare*)
- Pot marigold (*Calendula officinalis*)
- Sage (*Salvia officinalis*)
- Squash, pumpkin (*Cucurbita* spp.)
- Sunflower (*Helianthus annuus*)

Trees, shrubs and climbers

- Apple (*Malus* spp.)
- Bay laurel (*Laurus nobilis*)
- Kiwifruit (*Actinidia deliciosa*)
- Lavender (*Lavandula* spp.)
- Lemon, orange, grapefruit (*Citrus* spp.)
- Pear (*Pyrus* spp.)
- Plum, peach (*Prunus* spp.)
- Rosemary (*Rosmarinus officinalis*)

Be sure to select cultivars that attract bees:

- Select "single" flowers not "doubles" or "triples"
- Choose simple traditional flowers not highly modified flowers
- Garden catalogues often mark which cultivars attract bees

BEE-FRIENDLY ORNAMENTAL FLOWER PLANT SUGGESTIONS

Herbaceous

- Balsam (*Impatiens glandulifera*)
- Cornflower (*Centaurea* spp.)
- Hollyhock (*Alcea* spp.)
- Michaelmas daisy (*Aster novae-angliae*)
- Phacelia (*Phacelia tanacetifolia*)
- Penstemon (*Penstemon* spp.)
- Salvia (*Salvia* spp.)
- Sweet alyssum (*Lobularia maritima*)
- Zinnia (*Zinnia* spp.)

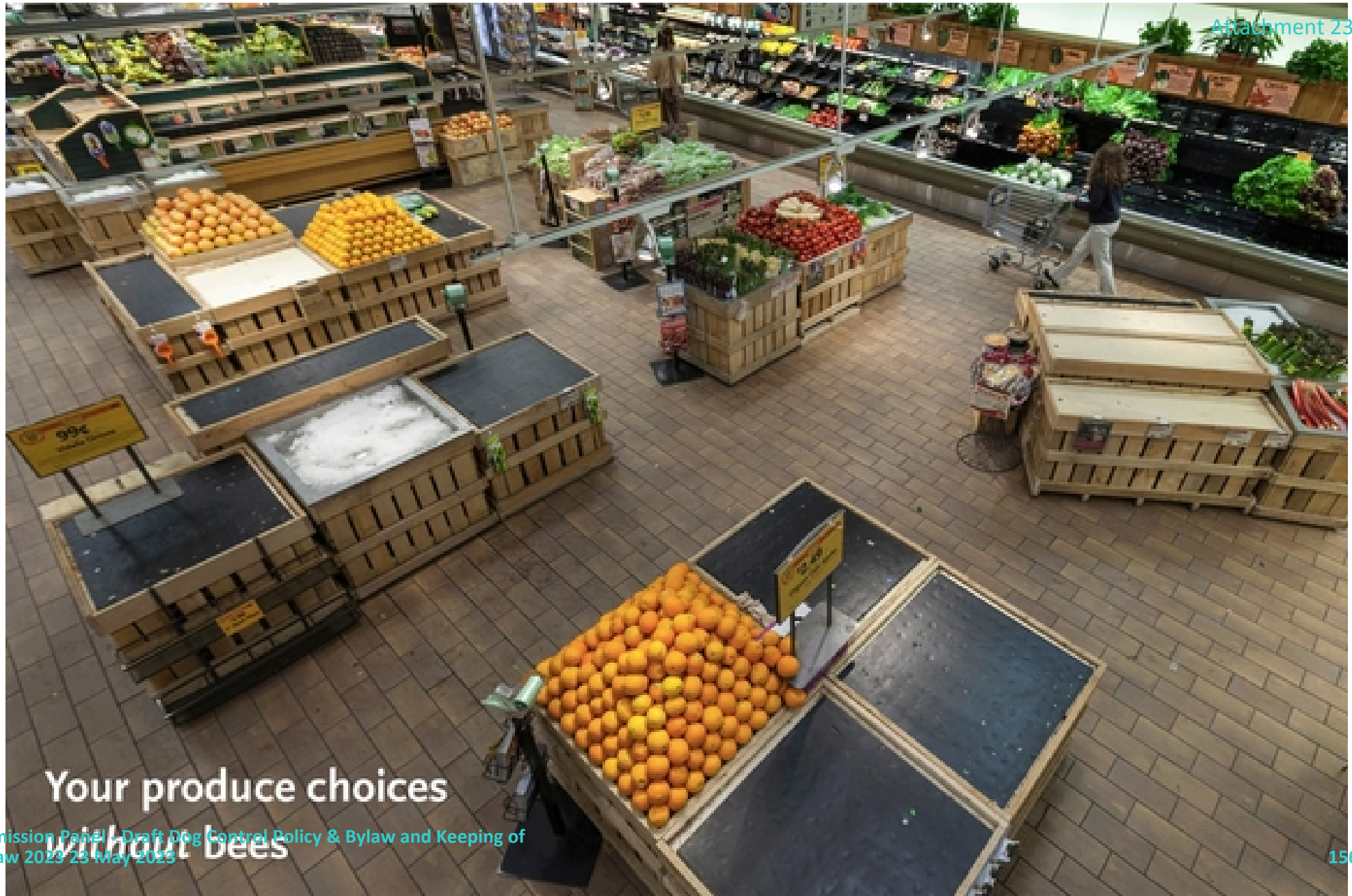
Trees, shrubs and climbers

- Australian gum (*Eucalyptus* spp.)
- Bottlebrush (*Callistemon* spp.)
- Cabbage tree (*Cordyline australis*)*
- Camellia (*Camellia japonica*)
- Harakeke, NZ Flax (*Phormium tenax*)*
- Koromiko (*Hebe* spp., e.g., *H. macrocarpa*)*
- Lemonwood, koru (*Pittosporum* spp.)*
- NZ jasmine (*Parsonsia heterophylla*)*
- NZ Lacebark (*Hoheria populnea*)*
- Pohutukawa, rata (*Metrosideros* spp.)*
- Rewarewa (*Knightia excelsa*)*
- Wisteria (*Wisteria sinensis*)

* indicates NZ native plant species; spp. = species



Your produce choices
with bees



Your produce choices

without bees

QUESTIONS?

Hives on the Grant Millennium Hotel Auckland. March 2023.



Further information requested by the Bylaw Submissions Panel to support deliberations

Cats in Tairāwhiti

The Panel requested further information regarding the issue of roaming, feral and stray cats in Tairāwhiti. The exact number of stray cats in Tairāwhiti is unknown as there is little data available.

In the year to 1 April 2023, Council received 29 Requests for Service (RFS) requesting cat traps for feral cats, or requesting assistance to remove cats that had been successfully trapped.

From 2019-2022, the SPCA Centre in Gisborne received, on average, 375 cats and kittens each year. More than 75 per cent were kittens, around half of which were stray and half were surrendered by the owner as an unwanted litter, indicating the mother cat was an un-desexed companion cat.

The CANZ submission notes that according to their data:

- 46.7% of households in Gisborne have a cat, with an average of 1.7 cats per household.
- 4.3% of these cats are not desexed.
- In 2020, 39% of cats in Gisborne were microchipped, and of these, only 33% had their microchip registered on the NZCAR – this means only 13% of cats in Gisborne would be easily identifiable should they go missing.

Impact of honeybees on indigenous ecosystems

Following a presentation by the Chair of the Tairāwhiti Hub of Apiculture New Zealand to the Panel on 26 April, the Panel requested information about complaints about bees and potential impacts of honeybees on the indigenous bee population.

In the year to 1 April 2023, Council received three RFS regarding bees. Two of these were complaints about nuisance caused by neighbouring beehives on properties in urban areas, and the third was notifying Council of a swarm of bees in an urban area.

Regarding the relationship between honeybees and indigenous bees, the information below has been extracted from a 2015 risk analysis of the impact of honeybees on indigenous ecosystems, prepared by the Department of Conservation¹:

- A growing body of international research confirms that the presence of introduced honeybees can have negative consequences for indigenous ecosystems across the globe – further research is needed to understand this threat in New Zealand.
- Introduced honeybees are known to disadvantage indigenous fauna (particularly flies) by competing for floral resource – these interactions are poorly understood in New Zealand.
- Despite the lack of conclusive scientific evidence for the impact of honeybees in the natural environments of New Zealand, they do pose a threat to indigenous biodiversity.

¹ Beard, C (2015). *Honeybees (Apis mellifera) on Public Conservation Lands: A Risk Analysis*. Department of Conservation
 Bylaws Submission Panel - Draft Dog Control Policy & Bylaw and Keeping of Animals Bylaw 2023 23 May 2023

In a blog post published by Te Papa in 2021², Invertebrates Curator Julia Kasper notes that:

- Honeybees are absolutely crucial for pollinating crop plants as well as native plants – but they are competitors of native bees.
- Honeybees can have further negative effects, such as modifying habitats due to preferences towards non-native plants.
- However, the main reasons for the population decline of the native bees are climate change and the change of land use by people – intensive farming and overpopulation have led to the loss of most of Aotearoa's native habitat, and the use of herbicides and insecticides pollute air, waterways, sediments, and food.

² Kasper, J. (2021) *New Zealand's native bees – quiet lives of desperation*. [Te Papa](#)
**Bylaws Submission Panel - Draft Dog Control Policy & Bylaw and Keeping of
Animals Bylaw 2023 23 May 2023**

Ture ā-rohe Tiaki Kararehe o Te Tairāwhiti 2023

(Tairāwhiti Keeping of Animals Bylaw 2023)

Made by Gisborne District Council

Resolution of Council dated __ of _____ 202_

Pursuant to sections 145 and 146 of the Local Government Act 2002, and sections 23 and 64 of the Health Act 1956, revokes and replaces the Keeping of Animals, Poultry and Bees Bylaw 2012 with the following bylaw.

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1. Title

This bylaw is the Tairāwhiti Keeping of Animals Bylaw 2023.

2. Commencement

This bylaw comes into force on **XX XXXX 2023**.

3. Application

This bylaw applies to the Gisborne District.

Related information:

This bylaw should be read in conjunction with other legislation that applies to the management and regulation of animals in the district, including:

- Gisborne District Stock Control Bylaw 2017
- Gisborne Dog Control Bylaw 2010 and Dog Control Policy
- Resource Management Act 1991 (and the operative district plan - Tairāwhiti Resource Management Plan)
- Animal Welfare (Care and Procedures) Regulations 2018
- Animal Welfare Act 1999

4. Interpretation

(1) In this bylaw, unless the context otherwise requires –

Animal means any member of the animal kingdom other than human beings or dogs.

Bylaw means the Ture ā-rohe Tiaki Kararehe o Te Tairāwhiti 2023 -Tairāwhiti Keeping of Animals Bylaw 2023.

Council means the Gisborne District Council, and anyone authorised to act on its behalf.

Dwelling means any building that is primarily occupied as a residence; and includes any structure or outdoor living area that is accessory to, and used wholly or principally for the purposes of, the residence; but does not include the land upon which the residence is sited.

Feral animal means a domestic animal which is not a stray animal, and which has none of its needs provided by humans, and includes an animal that reasonably appears to be a feral animal. Feral animals generally do not live around centres of human habitation.

Nuisance means any unreasonable interference with the peace, comfort or convenience of another person and includes a statutory nuisance as defined in section 29 of the Health Act 1956, and includes the following -

- (a) where any accumulation or deposit of any waste or other similar material is in such a state or so situated as to be offensive;
- (b) where any buildings used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive; and
- (c) where any noise emitted by an animal unreasonably interferes with the peace, comfort, and convenience of any person.

Occupier means the inhabitant occupier of any property, and includes any agent, employee, or other person acting or apparently acting in the general management or control of the land.

Owner, in relation to any animal, means a person who has an animal in their possession or custody, or under that person's care, control, or supervision, and includes the parent or guardian of a person under the age of 16 years who –

(a) owns the animal; and

(b) is a member of the parent's or guardian's household, living with and dependant on the parent or guardian.

Owner, in relation to land and any buildings on the land, means any person who is entitled to the rack rent from the land, or who would be so entitled if the land were let to a tenant at a rack rent; and includes the owner of the fee simple of the land.

Poultry means domestic fowls of all descriptions, age and gender and includes chickens, roosters, geese, ducks, pigeons, turkeys, and peafowl.

Prescribed form means a form prescribed by the Council (which may include a prescribed format).

Property means any parcel of land and/or building capable of being transferred, sold, rented, leased, or otherwise disposed of separately from any other parcel of land and/or building(s), whether or not the land and/or building is occupied.

Rural area means the zones defined as rural in the Tairāwhiti Resource Management Plan.

Sensitive use means any place of assembly or community facility such as a school or church, any occupied building including dwellings and workplaces, and any place where persons remain for leisure or recreation including outdoor living areas. This definition does not include roads.

Stock means any herd animal regardless of age or gender, and includes horse, cattle, goat, pig, sheep, deer, emu, donkey and alpaca.

Stray animal means a domestic animal which is lost or abandoned, and which is living as an individual or in a group, and includes an animal that reasonably appears to be a stray animal. Stray animals normally have many of their needs indirectly supplied by humans and live around centres of human habitation.

Urban area means the zones defined as Residential, Commercial or Industrial by the Tairāwhiti Resource Management Plan.

- (2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Local Government Act 2002 unless the context plainly requires a different meaning.
- (3) The Legislation Act 2019 applies to the interpretation of this bylaw.
- (4) Any Related Information is for information purposes only. It does not form part of this bylaw and may be inserted or changed by the Council at any time without any formality.

Related information

Rural area means the zones defined as rural in the Tairāwhiti Resource Management Plan, which are:

- Rural Residential;
- Rural Lifestyle;
- Rural General; and
- Rural Production.

Urban area means the zones defined as Residential as well as Commercial or Industrial in the Tairāwhiti Resource Management Plan. These are:

Residential:	Commercial:	Industrial:
<ul style="list-style-type: none"> • General Residential • Inner City Residential • Residential Protection • Residential Lifestyle 	<ul style="list-style-type: none"> • Amenity Commercial • Aviation Commercial • Fringe Commercial • Inner Commercial 	<ul style="list-style-type: none"> • Outer Commercial • Rural Commercial • Suburban Commercial • Industrial • Rural Industrial A • Rural Industrial B

Note this includes residential, commercial and industrial zones in rural townships.

5. Purpose

The purpose of this bylaw is to protect the public from nuisance and to protect, promote and maintain public health and safety, by controlling the keeping of certain animals, bees and poultry.

Part 1: General Nuisance Provisions

6. Animal owners must control animal and their effects

- (1) The owner of any animal must at all times:
 - (a) ensure that animal does not cause a nuisance to any other person;
 - (b) ensure that any building, shelter or enclosure used to house the animal is constructed, drained and maintained so as to ensure that it does not cause a nuisance to any other person;
 - (c) ensure that the animal and any activity associated with the keeping of the animal does not cause the discharge of objectionable or offensive odours having an adverse effect beyond the boundary of the property;
 - (d) provide effective fencing or other containment measures to confine and control the animals, other than bees and free-flight birds, within the site; and
 - (e) ensure parasites, flies and other pests do not reach levels that may create a nuisance to neighbours or a health risk to humans or animals.
- (2) The Council will determine whether an odour has an adverse effect for the purpose of clause 6(1)(c) after having regard to the frequency, intensity, duration and character of the odour, and the type of land use and nature of human activities in the vicinity of the odour source.
- (3) Clause 6(1) will apply regardless of whether a person has complied with other clauses of this bylaw.

7. Controls to stop feral or stray animals becoming a nuisance

- (1) A person must not provide sustenance, harbourage or comfort to a feral or stray animal so as to cause the animal to become a nuisance to other persons.
- (2) The owner or occupier of a property from which a feral or stray animal is emanating, must ensure that the animal does not cause a nuisance.

Related information:

The following steps could be taken to ensure that a feral or stray animal does not cause a nuisance:

- (a) claiming the animal as a domestic owned pet and keeping it in such a state as to abate any nuisance;
- (b) permanently removing (including disposal of) the animal so it no longer causes a nuisance to others; or
- (c) agreeing with the Council that the Council will remove the animal and the occupier will pay the Council's reasonable costs.

Where possible, Council will work proactively with the SPCA and other animal rescue organisations to ensure animal welfare requirements are met and all practicable options are explored when dealing with feral and stray animals.

Animal rescue activities in the community are allowed as long as they are not conducted in such a way as to encourage stray or feral animals to cause nuisance.

Part 2: Animal Specific Provisions

8. Poultry Keeping

- (1) The owner or occupier of a property where poultry are kept must ensure that any poultry house or run is:
 - a. at least ten metres from any dwelling unit or other sensitive use; and
 - b. at least two metres from any neighbouring property boundary.
- (2) The owner or occupier of a property in an urban area must not keep more than six head of poultry, or any roosters, geese or peafowl on the property.
- (3) The owner or occupier of a property where poultry are kept must ensure that the poultry are confined to the property.
- (4) However, clauses 8(1) and (2) do not apply if the poultry house or run, or keeping of animals is in accordance with a written permit issued by the Council.

Related information:

Poultry can be confined to the property by providing either:

- (a) an enclosed poultry house with an attached poultry run compliant with clause 8(3);
or
- (b) an enclosed poultry house compliant with clause 8(3), and adequate fencing of the property.

9. Bee Keeping

- (1) A person must not keep more than two beehives on any property in an urban area, unless it is in accordance with a written permit issued by the Council.
- (2) A person must not keep bees in a location or manner that is, or is likely to become, noxious, dangerous, injurious to health, or a nuisance to any person.
- (3) If the Council considers the keeping of bees on a property to be in breach of clause 9(2), it may, by written notice, require the beekeeper or owner or occupier of the property to take specified action to ensure compliance or mitigate the effects of the non-compliance.
- (4) Any beekeeper, owner, or occupier who receives a notice under clause 9(3) must, without delay, comply with the notice.

Related information:

To avoid breaching this bylaw, the number of beehives kept on any property must be appropriate to the section size, the proximity of neighbours and the layout of the property. This is also important to remember when undertaking work to split beehives, which may result in a property having more hives than it is able to maintain.

Placement of beehives is a critical factor for avoiding problems for neighbours in urban areas. When placing beehives, consider the following factors:

- Water sources: Providing and maintaining a water trough near beehives reduces nuisance caused by bees searching for water sources on other properties.
- Fence height: A solid, high fence encourages bees to fly over neighbouring properties, rather than through them, helping to reduce nuisance.
- Flight path: Placing obstructions in front of beehives or elevating them at least 2.5m above ground level helps ensure bees cross the site boundary at a height which reduces nuisance.

When undertaking hive work or manipulation, be considerate of neighbours or other potentially affected sensitive areas, by only working hives in the evenings, or at a time agreed upon between any potentially affected parties.

In terms of clause 8(2), noxious effects may include significant adverse effects on the environment even though the effects may not be dangerous to human health.

Examples of steps that the Council may specify under clause 9(3) are:

- Limiting the number of hives on the property.
- Requiring hives to be kept a specified minimum distance from any neighbouring property.
- Requiring hives to be removed or relocated.

10. Stock Keeping

- (1) The owner or occupier of a property in an urban area must ensure no stock is kept on the property, unless it is in accordance with a written permit issued by the Council.

11. Pig Keeping

- (1) The owner or occupier of a property in an urban area must ensure no pigs are kept on the property, unless it is in accordance with a written permit issued by the Council.
- (2) A person who keeps pigs on a property in a rural area must ensure the following set-back requirements are met:
 - (a) any pig shelter or enclosure, manure, swill or feed must be kept at least 10 metres from any dwelling unit on the same site; and
 - (b) if three or fewer pigs are kept, any pig, pig shelter or enclosure, manure, swill or feed must be kept at least 50 meters from any neighbouring dwelling unit or other sensitive use; and
 - (c) if four or more pigs are kept, any pig, pig shelter or enclosure, manure, swill or feed must be kept at least 100 meters from any neighbouring dwelling unit or other sensitive use.
- (3) However, the set-back requirements of this clause do not apply if the activity:
 - (a) is being undertaken either in accordance with a written permit issued by the Council; or
 - (b) was lawfully established and operated pursuant to the Resource Management Act 1991 prior to the Gisborne District Council Keeping of Animals, Poultry and Bees Bylaw 2012 coming into force, and has not lapsed.

Part 3: Operation and Enforcement

12. Removal of works

- (1) The Council may—
 - (a) remove or alter a work or thing that is, or has been, constructed in breach of this bylaw; and
 - (b) recover the costs of removal or alteration from the person who has committed the breach of this bylaw.

13. Council may charge fees

- (1) Council may charge fees for assessing applications, issuing permits, monitoring and enforcement in respect of this bylaw.

14. Permits under this Bylaw

- (1) The Council may set application fees for permits under this bylaw and any application for a permit must be accompanied by the relevant application fee (if any).
- (2) An application for a permit must be in writing on the prescribed form (if any), contain all information necessary for the Council to consider issuing a permit, and be submitted in accordance with any applicable Council policy.
- (3) Any permit under this bylaw may –

- (a) include any conditions the Council considers appropriate (including the payment of ongoing fees and charges), and
 - (b) be granted or refused by the Council in its discretion.
- (4) A holder of a permit issued under this bylaw must ensure that all conditions of the permit are complied with.
- (5) In determining an application for a permit, the Council may require the applicant to provide further information, such as a site location plan or management plan.
- (6) In determining an application for a permit, the Council may consider factors before making a decision such as:
- (a) Any effects on neighbours who have not given their consent to the activity;
 - (b) whether effluent might drain into any waterway;
 - (c) whether any enclosure or fencing is adequate to contain the animals;
 - (d) previous history of the applicant;
 - (e) potential noise;
 - (f) animal management and care;
 - (g) type, number and intensity of animals; or
 - (h) any other relevant factor.
- (7) A permit expires on the earliest of the following dates:
- (a) the date specified in the permit;
 - (b) the date the permit holder ceases to own or occupy the relevant property;
 - (c) the date at which the permit holder surrenders the permit by written notice to the Council; or
 - (d) the date of revocation of the permit.
- (8) The Council may at any time review, suspend, or revoke any permit issued under this bylaw.

Related information:

Permits are issued to a specified person or persons in respect to a specified property. Permits are not transferable to another person or persons when the property is sold.

15. Statutory powers may be used to enforce this bylaw

- (1) The Council may use its powers under the Local Government Act 2002 and the Health Act 1956 to enforce this Bylaw.

Related information:

Enforcement powers under the Local Government Act 2002 include court injunction (section 162), seizure and disposal of property (sections 164, 165, 168), powers of entry (sections 171, 172, 173), cost recovery for damage (sections 175, 176), and power to request name and address (section 178). Enforcement powers under the Health Act 1956 included court orders (section 33), cost recovery for council to abate nuisance (section 34), powers of entry (section 128), and power to request name and address (section 134).

16. Penalties

A person who fails to comply with this Bylaw commits a breach of this Bylaw and is liable to a penalty under the Local Government Act 2002 or the Health Act 1956.

A person who fails to comply with this bylaw commits a breach of this bylaw and is liable to a penalty under the Local Government Act 2002 or the Health Act 1956.

Related information:

Under section 242 of the Local Government Act 2002, a person who is convicted of an offence against a bylaw is liable to a fine not exceeding \$20,000.

Under section 66 of the Health Act 1956, a person who breaches a bylaw is liable to a \$500 maximum fine and where the offence is continuing, a further \$50 maximum fine for every day it continues.

Part 3: Savings and transitional provisions

17. Saving of approvals granted under previous bylaw

Any written approval or permit granted by the Council under the Gisborne District Council Keeping of Animals, Poultry and Bees Bylaw 2012 is deemed to be a permit granted under this bylaw.

18. Transition to new maximum permitted animal numbers

Clause 8(2) does not affect a person keeping poultry in accordance with clause 5.2(ii) of the Gisborne District Council Keeping of Animals, Poultry and Bees Bylaw 2012 until two years after this bylaw comes into force.

Clause 9(1) does not affect a person keeping bees in accordance with clause 6.1(iii) of the Gisborne District Council Keeping of Animals, Poultry and Bees Bylaw 2012 until two years after this bylaw comes into force.

Gisborne District Keeping of Animals, Poultry and Bees Bylaw 2012



Following the processes determined under the Local Government Act 2002, the bylaws pertaining to the keeping of animals, bees and poultry were reviewed.

The Gisborne District Keeping of Animals, Bees and Poultry Bylaw 2012 was duly made by a resolution of the Gisborne District Council at its meeting on _____ 2012, and was ordered to come into force on _____ 2013.

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1. Title and Commencement

This Bylaw is known as the “Gisborne District Keeping of Animals, Bees and Poultry Bylaw 2012” and shall come into force on 1 December 2012.

2. Repeals

The Gisborne District Keeping of Animals, Bees and Poultry Bylaw 2005 is repealed.

3. Scope

This Bylaw is made under the authority of Sections 145 and 146 of the Local Government Act 2002.

The purpose of this Bylaw is to protect the public from nuisance and protect, promote and maintain public health and safety, by providing controls over the keeping of certain animals, bees and poultry and so reduce the incidence of odour, noise, vermin and physical effects.

4. Definitions

In this Bylaw if not inconsistent with the context:

Animal	Means any stock, poultry or bees.
Authorised Officer	Means any Officer so appointed by Council to exercise powers pursuant to this Bylaw.
Council	Means the Gisborne District Council.
Deer	Means a deer of any age or gender.
Goat	Means a goat of any age or gender.
Horse	Means a horse, donkey, ass or mule of any age or gender.
Occupied dwelling unit	Means a building or part of a building that is used regularly for human habitation.
Ox	Means a cattle beast of any age or gender.
Person	Includes a corporation sole and also a body of persons whether corporate or unincorporated.
Pig	Means a pig of any age or gender.
Pig (adult)	Means any pig except those not yet weaned.
Poultry	Means and includes geese, ducks, pigeons, turkeys, peacocks and domestic fowls of all descriptions, age and gender.
Residential Zone	Means the area so defined by the Gisborne District Combined Regional Land and District Plan and does not include the Rural Residential Zone. <i>Note: This area includes rural townships.</i>

Animal	Means any stock, poultry or bees.
Rural Zone	Means the area so defined by the Gisborne District Combined Regional Land and District Plan.
Sensitive use	Means any place of assembly or community facility such as a school or church, any occupied building including dwellings and workplaces, and any place where persons remain for leisure or recreation including outdoor living areas. This definition does not include roads.
Sheep	Means a sheep of any age or gender.
Stock	Means and includes any horse, ox, goat, pig, sheep, deer, emu or any animal which is commonly farmed.

5. Poultry Keeping

5.1 Except with the written approval of an Authorised Officer:

- (i) No poultry house or poultry run must be erected so that any part of it is less than ten metres from any occupied dwelling unit or other sensitive use or within two metres of any boundary.

Note: Intensive Farming, as defined in the Combined Regional Land and District Plan, is a discretionary activity under the plan and requires resource consent.

Greater setbacks than those prescribed in this bylaw may be approved or provided through the resource consent process for intensive farming. Greater setbacks than those prescribed in clause 5.1 may need to be provided to comply with clause 9 of this bylaw.

5.2 Except with the written approval of an Authorised Officer and subject to 5.3:

- (i) All poultry in a Residential Zone must be kept at all times in a properly constructed and maintained fowl house and/or a properly enclosed poultry run;
- (ii) No more than 12 head of poultry are to be kept on any property in any Residential Zone;
- (iii) No roosters, geese, peacocks or peahens are to be kept in a Residential Zone.

5.3 Approval under clause 5.2 is not necessary so long as an Authorised Officer is of the opinion that the property on which the poultry are kept and adjoining properties are of a predominantly rural character with regard to the activities carried out, intensity of dwellings and area of properties.

6. Bee Keeping

6.1 Except with the written approval of an Authorised Officer and subject to clause 6.2:

- (i) No bees may be kept on any property with an area of 600m² or less in a Residential Zone;
- (ii) No more than 1 beehive may be kept on any property with an area of between 600m² and 900m² in a Residential Zone;

- (iii) No more than two beehives may be kept on any property with an area of 900 m² or more in a Residential Zone, provided that if there are no dwellings or sensitive uses on adjoining properties three hives may be kept;

Note: The number of beehives needs to be appropriate to the section size, the proximity of neighbours and the layout of the property.

- (iv) Beehives must be placed with an obstruction in front of them or elevated to ensure that all bees are above 2.5m above ground level prior to crossing the site boundary;
- (v) Beehives must be positioned so as to ensure that the primary flight path will not impinge on a dwelling or living area on any property;

Note: Placement of beehives is a critical factor for avoiding problems for neighbours in urban areas.

- (vi) A water trough must be provided and maintained on the property;
- (vii) Hive working and manipulation shall only occur at times either agreed with any potentially affected neighbours or as approved by an Authorised Officer.

Note: Beekeepers should be considerate of neighbours when siting beehives and when manipulating beehives so as to reduce the chance of annoyance.

6.2 Where the splitting of beehives already located on a property results in a greater number of beehives than that allowed by clause 6.1 of this bylaw or the conditions of an approval from an Authorised Officer, the beehives must be removed:

- (i) By 30 September – for beehives split during the period of March to August;
- (ii) Within six weeks – for beehives split during the period of September to February.

6.3 Authorised Officers have the power to remove or alter a hive that is or has been constructed in breach of this bylaw.

Note: If bees are being kept in a manner or position that is considered by an Environmental Health Officer to constitute a "nuisance" then action may be taken pursuant to the Health Act 1956. In the cases where immediate abatement is considered necessary this may include destruction of bees.

7. Stock Keeping

7.1 Except with the written approval of an Authorised Officer and subject to clause 5, 6 and 7.2:

- (i) No stock other than poultry or bees may be kept in a Residential Zone.

7.2 Approval under clause 7.1 is not necessary so long as an Authorised Officer is of the opinion that the property on which the stock are kept and adjoining properties are of a predominantly rural character with regard to the activities carried out, intensity of dwellings and area of properties. Clause 8 shall then apply as if the property were in a Rural zone.

8. Pig Keeping

8.1 Except with the written approval of an Authorised officer, pigs may only be kept in a Rural zone provided that the following set-back requirements are met:

- (i) Manure, swill and feed must not be stored or accumulated within:
 - (a) ten metres of any occupied dwelling unit including those on the same site;
 - (b) 50 metres of any neighbouring occupied dwelling unit or other sensitive use existing at the time this activity commenced, except in accordance with clause 8.2.
- (ii) Any pig shelter or enclosure must not be located within 10 metres of any occupied dwelling unit including those on the same site.
- (iii) Any pig shelter or enclosure which is occupied by three or less pigs (adult) at any one time must not be located within 50 metres of any neighbouring occupied dwelling unit or other sensitive use existing at the time the activity is commenced, except in accordance with clause 8.2.
- (iv) Any pig shelter or enclosure which is occupied by four or more pigs (adult) at any one time must not be located within 100 metres of any neighbouring occupied dwelling unit or other sensitive use existing at the time the activity is commenced, except in accordance with clause 8.2
- (v) Any pig must not be allowed to range within 50 metres of any neighbouring occupied dwelling unit or other sensitive use existing at the time this activity commenced, except in accordance with clause 8.2.

Note: Intensive Farming, as defined in the Combined Regional Land and District Plan, is a discretionary activity under the plan and requires resource consent. Greater setbacks than those prescribed in clause 8.1 may be approved or provided through the resource consent process for intensive farming.

Greater setbacks than those prescribed in clause 8.1 may need to be provided to comply with clause 9 of this bylaw (for example, where there are a large number of pigs kept or where a sensitive use is established adjacent to a pig keeping activity)

8.2 Set-back distances specified in clauses 8(i)(b), 8(iv) and 8(v) may be reduced if written consent of the owner and occupier of any land obtaining the benefit of these setback distances is obtained and submitted to the Council prior to commencement of the activity or when the consent is sought. Such written consent may be subject to reasonable conditions and be for a specified period of time but in no case shall affect clauses 8(i)(a) or 8(ii).

Note: If written consent has been given it shall continue regardless of change in ownership of the land unless the consent was so limited.

8.3 Set-back distances specified in clauses 8(i)(b), 8(iii) and 8(iv) do not apply where the activity was lawfully established and operated pursuant to the Resource Management Act 1991 prior to this bylaw coming into force and has not lapsed.

9. Nuisance

- 9.1 No person may keep any animal or allow any such animal to be kept or remain on any property owned or occupied by that person, unless:
- (i) Any building, shelter or enclosure used to house animals is constructed, drained and maintained so as to ensure that no nuisance occurs from its existence or use;
 - (ii) Any discharge of objectionable or offensive odours is not of an extent that it causes an adverse effect beyond the boundary of the property;
 - (iii) Effective fencing or other containment measures are provided to confine and control the animals, other than bees and free-flight birds, within the site and to prevent them from gaining access to neighbouring properties;
 - (iv) Parasites, flies and other pests do not reach levels that may create a nuisance to neighbours or a health risk to humans or animals;
 - (v) Animals are kept in such a manner that no other nuisance occurs.
- 9.2 Whether an odour causes an adverse effect for the purpose of 9.1(ii) shall be determined by an Authorised Officer with reference to the frequency, intensity, duration and offensiveness (or character) of the odour, and the type of land use and nature of human activities in the vicinity of the odour source.
- 9.3 For the avoidance of doubt, clause 9 applies to all activities associated with the keeping of animals including storage of food and waste.

10. Approvals

- 10.1 Any Authorised Officer may refuse to give approval under any of clauses 5, 6, 7 or 8 of this Bylaw or may give approval subject to such conditions as the Authorised Officer considers are necessary to avoid nuisance to any person or adverse effect to the environment.
- 10.2 When considering an application for approval an Authorised Officer shall consider the following factors before making a decision:
- (i) Whether neighbours are affected and if so whether they have given their consent;
 - (ii) Whether effluent might drain into any waterway;
 - (iii) Whether any enclosure or fencing is adequate to contain the animals;
 - (iv) Previous history of the applicant;
 - (v) Potential noise;
 - (vi) Animal management and care;
 - (vii) Type, number and intensity of animals;
 - (viii) Any other relevant factor.

- 10.3 Any approval so given may be withdrawn or amended at any time by written notice given by an Authorised Officer on any of the following grounds:
- (i) Any Animal not being kept in accordance with the application;
 - (ii) Any conditions of approval not met;
 - (iii) Non-compliance with this bylaw or any other relevant regulation or statute;
 - (iv) Adverse effects on a person, an animal or the environment are occurring or are likely to occur.
- 10.4 Approvals are issued to a person or persons in respect of a specified property. They remain in force indefinitely, unless a time period is specified as a condition of approval or the approval is withdrawn. Approvals are not transferable to another person or persons.

11. Offences

Any person who acts contrary or fails to comply with any provision of this Bylaw commits an offence and is liable upon summary conviction to a penalty not exceeding \$20,000 or on service of an infringement notice requiring payment of an infringement fee.

12. Fees

- 12.1 Council may charge fees for assessing applications, issuing approval, monitoring and enforcement in respect of this Bylaw.
- 12.2 Council may recover the costs of removal or alteration from any person who has committed a breach of this Bylaw.

THE COMMON SEAL OF GISBORNE DISTRICT COUNCIL WAS HERETO AFFIXED PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE GISBORNE DISTRICT COUNCIL HELD ON _____ (day) OF _____ (month) 2013.

_____ MAYOR

_____ CHIEF EXECUTIVE

