

MINUTES



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

MINUTES of the BYLAWS SUBMISSION PANEL

Held in Oneroa Meeting Room, Awarua, Fitzherbert Street, Gisborne on Tuesday 23 May 2023 at 9:00AM.

PRESENT:

Tony Robinson (Chair), Debbie Gregory, Nick Tupara.

IN ATTENDANCE:

Strategic Planning Manager Charlotte Knight and Committee Secretary Jill Simpson.

1. Reports of the Chief Executive and Staff for Decision

1.1 23-92 Draft Dog Control Policy and Bylaw Deliberations Report

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

Discussion points included:

- Agree with some of the proposed recommendations.
- No strong rationale to switch default to on-leash as data is not good enough. Not enough strong evidence including submissions to support on-leash.
- Dogs should not have to be on-leash everywhere.
- Enforce the 'Under Control' rules.
- Submitters agree that 56% of dogs should be on-leash in public places throughout the Gisborne Urban areas.
- The Dog Control Act defaults to 'off leash' at all times and this applies if there is no Bylaw in place that states otherwise.
- In the current adopted Bylaw, the default is 'off leash' unless it is stated 'on leash' or 'prohibited'. This seems to create confusion amongst dog owners and has come back to us through anecdotal evidence from the Animal Control team. The proposal came about to ascertain if there was a clearer way of defining the Bylaw and in particular around signage.
- Punishing good dog owners by having stricter provisions and adding new prohibited areas.
- Dog data shows decline in Request for Service.

- Could designate more off-leash areas in addition to the original Statement of Proposal and subsequent Officer recommendation post the Hearing.
- Most dog owners would have their dogs 'on leash' in public places.
- Need a balance of areas designated 'off-leash' and 'on-leash' considering public safety.
- Concern around the lack of off-leash areas.
- To amend the Bylaw would result in a cost of approximately \$5k and would need to go out for consultation for a month. The whole process could take 5 months. A letter would also need to go to all dog owners in the district.
- Should be kept in mind if the proposal is reversed other parts of the Bylaw would fundamentally have to be changed because of the way the Bylaw is structured.
- It is about how we better manage our Bylaw in public places and Proposal 1 allows this to happen.

Outcome of Panel Discussion:

- Add in 'on a leash' definition and emphasise 'control of dogs' in the Bylaw presented to Council.
- Retain preferred option from Statement of Proposal.
- Staff to look at prohibited areas and see what areas could be removed so they would be available to dogs on-lead. This will likely require additional consultation which was noted by the Panel.
- Leash length was discussed but at this point is not the recommendation of the Committee. Cr Tupara objected to not having a defined 'length of leash' included in the Panel's recommended changes to Council.

PROPOSAL 2: Prohibit Dogs from Kaiti Beach

Outcome of Panel discussion:

- Retain preferred option from Statement of Proposal.

Discussion points included:

- Ensure the maps are clearly defined regarding the alignment with the edge of the berm.

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

Outcome of Panel discussion:

- Council staff to review the remaining prohibited areas and amend to 'on leash' with the exception of sportsgrounds (playing area only unless other circumstances are relevant to continuing to be prohibited) and playground areas (playground area only unless other circumstances are relevant to continuing to be prohibited) which are 'prohibited'. This will likely require additional consultation which was noted by the Panel.

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

Outcome of Panel discussion:

- Retain preferred option from Statement of Proposal.

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

Agree without the amended preferred option ie prohibits dogs from sportsgrounds at Waikirikiri Reserve and Nelson Park.

Discussion points included:

- Sportsground is the primary function in these Reserves.
- Dogs to be prohibited on sportsgrounds.
- Ensure maps are clearly defined.
- Need better control regarding dog faeces.

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

Outcome of Panel discussion:

Amend preferred option from Statement of Proposal to:

- Dogs prohibited from The Cut to Roberts Road.
- From Roberts Road to Stanley Road dogs must be 'on a leash'.
- From Stanley Road onwards dogs can be 'off leash'.
- Dogs can be on the Boardwalk along the entire length of the beach but must be 'on a leash'.

Discussion points included:

- If a dog is off-leash it should be still under the control and respond to commands.
- Easy access for the elderly at Waikanae Beach and Roberts Road.
- Not a lot of reported incidents and town beaches are very popular.
- Rationale for prohibiting dogs from Waikanae Beach could be extended to have a part of the beach where young families can enjoy being on the beach with no dogs present.

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

Outcome of Panel discussion:

- Retain preferred option from Statement of Proposal.

PROPOSAL 8: 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

Outcome of Panel discussion:

- Retain preferred option from Statement of Proposal.

Secretarial Note: The meeting adjourned at 10.45am for morning tea and reconvened at 11.00am.

BARKING DOGS

Additional Recommendation to Council:

The Chief Executive reviews the standard operating procedures to respond to barking dog complaints including the tools available to Officers to monitor and record nuisance.

MOVED by Cr Gregory, seconded by Cr Robinson

That the Hearings Committee:

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

CARRIED

1.2 23-101 Keeping of Animals Bylaw 2023 - Deliberations Report

PROPOSAL A: Simplify Poultry Keeping Provisions and Reduce the Limit on Head of Poultry on Properties in Urban Areas to Six

Outcome of Panel discussion:

- Retain preferred option from Statement of Proposal.

It was noted that Cr Tupara disagreed with the recommendation.

PROPOSAL B: Simplify Beekeeping Provisions and Limit to Two Hives per Urban Property

Outcome of Panel discussion:

- Retain preferred option from Statement of Proposal.

Discussion points included:

- Unmanaged bees become a danger to indigenous flora and fauna.
- Bees should be kept in a managed way and beekeepers to be accountable for the dead stock.
- Bee swarming is a nuisance.
- Hive management should be a focus.
- Native bee numbers are declining.
- If too many bees in a hive a nucleus hive is provided. This would need to be better defined.

The Chair asked if the current bylaw can be extended to take in the entire region requiring all beekeepers to register their sites.

Strategic Planning Manager Charlotte Knight told the Panel that they would need to consider how that widespread rule aligned with the purpose of the proposed bylaw ie

“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”.

It would be more difficult to demonstrate nuisance in a rural setting.

Nuisance is defined in the proposed bylaw as:

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.

It was recommended that more data be collected on native bees as part of the standard operating environment. Indigenous biodiversity and urban biodiversity to be part of any biodiversity strategy and research work. This should also include the impact of bees on native species.

The name Ngāro Huruheru (native bees) to be used in the document.

PROPOSAL C: Simplify Pig Keep Provisions

Outcome of Panel discussion:

- Retain preferred option from Statement of Proposal.

PROPOSAL D: Add Feral/Stray Animal Provisions

Outcome of Panel discussion:

- Retain preferred option from Statement of Proposal with the amended definition of 'feral' to exclude wild native species.

CAT MANAGEMENT

Discussions included:

- Submissions had a lot of validity to investigate cat management in the region further.
- If including in the current Bylaw would need to amend the purpose and scope of the Bylaw. Could also look at a separate Bylaw or Policy specifically relating to cats.
- The following options to be included in the Panel's recommendation to Council for further work by staff:
 - a. Amending the Keeping of Animals Bylaw 2023 (once adopted) to include cat management provisions, in line with the approach taken by other Councils.
 - 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.

REVISED ZONE DEFINITIONS

Agree with amendment proposed by staff in the report.

MOVED by Cr Robinson, seconded by Cr Tupara

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 the Chief Executive to investigate options for the management of cats in Tairāwhiti.

CARRIED

2. Close of Meeting

There being no further business, the meeting concluded at 12.15pm.

Tony Robinson

CHAIR