



**NAPIER**  
CITY COUNCIL  
*Te Kaunihera o Ahuriri*

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# ORDINARY MEETING OF COUNCIL

## Open Agenda

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Meeting Date: Tuesday 12 July 2022

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Time: 9.00am - Dog Control Bylaw Hearings

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Venue: Large Exhibition Hall  
Napier War Memorial Centre  
Marine Parade  
Napier

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*Livestreamed via Council's Facebook site*

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Council Members **Chair:** Mayor Wise

**Members:** Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Price, Simpson, Tapine, Taylor and Wright

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Officer Responsible Chief Executive

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Administrator Governance Team

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**Next Council Meeting**  
**Thursday 14 July 2022**

# ORDER OF BUSINESS

## Karakia

## Apologies

Councillor Browne

## Conflicts of interest

## Public forum

## Announcements by the Mayor including notification of minor matters not on the agenda

*Note: re minor matters only - refer LGOIMA s46A(7A) and Standing Orders s9.13*

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

## Announcements by the management

## Agenda items

1 Proposed Dog Control Bylaw and Policy 2022 - Hearing Report .....3

## Minor matters not on the agenda – discussion (if any)



# AGENDA ITEMS

## 1. PROPOSED DOG CONTROL BYLAW AND POLICY 2022 - HEARING REPORT

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Dog Control Act 1996
<i>Document ID:</i>	1476807
<i>Reporting Officer/s &amp; Unit:</i>	Paulina Wilhelm, Manager City Development

### 1.1 Purpose of Report

The purpose of this report is for Council to hear, consider and make decisions on the adoption of the proposed Napier City Council Dog Control Policy 2022 and Dog Control Bylaw 2022. The report provides an analysis of submissions received on the proposed policy/bylaw, including background information, to inform Council in its decision making on this matter. The report also includes a proposed change as a response from further information received by submitters.

### Officer's Recommendation

That Council:

- a. **Note** the contents of this report including a minor amendment to the Estuary Map.
- b. **Consider** the proposed reinstatement of Lagoon Farm cycle path as a prohibited area.
- c. **Hear** the submissions on the proposed Dog Control Policy 2022 and Dog Control Bylaw 2022; and determine whether any changes are required to the proposed policy and bylaw.
- d. **Agree** that, in terms of Section 82(3) of the Local Government Act 2002, the principles set out in that section have been observed in such a manner that the Napier City Council considers, in its discretion, it is appropriate to make decisions on the recommendation.
- e. **Determine** that the proposed policy and bylaw are:
  - i. the most appropriate and proportionate way of addressing the issues relating to dogs in terms of sections 155(2)(b) and 155(3) of the LGA; and
  - ii. the Dog Control Bylaw 2022 is not inconsistent with the Bill of Rights Act 1990.
- f. **Endorse** the Dog Control Policy 2022 with a commencement date of 1 October 2022.
- g. **Endorse** the Dog Control Bylaw 2022 with a commencement date of 1 October 2022.
- h. **Authorise** Officers to notify submitters and the public that the policy and bylaw have been adopted and will commence on 1 October 2022.

## 1.2 Background Summary

Council is required to adopt a policy on dogs and must make a bylaw to give effect to the policy. Council's current Dog Control Policy and Bylaw were last reviewed and amended in 2014 and statutorily were due for review.

In making or amending a policy on dogs Council must have regard to the matters within s10(4)(a) of Dog Control Act 1996 which can be summarised as the need to provide for public safety and the comfort and needs of dog owners.

Council initiated a review of its dog control policy and bylaw, seeking initial feedback on the current policy/bylaw from key stakeholders i.e. Department of Conservation (DoC), Hastings District Council Animal Control Unit, Napier Port, NCC Parks and Reserves, NCC Animal Control, The Ahuriri Estuary Protection Society, Napier SPCA, Hawkes Bay Regional Council, Save the Dotterels, The Dogman and the Napier Dog Training Club. Council also sought feedback on dog control issues from participants on Council's 'People Panel' by way of survey and considered statistics and trends from its Animal Control activity. The people panel survey report is in **Attachment 9**.

At the Council Future Napier Committee meeting on 24 March 2022, Council resolved to consult on a revised and proposed Dog Control Policy and Bylaw 2022 using the Special Consultative Procedure set out in section 83 of the Local Government Act 2002. At that meeting, Council resolved to make a decision of Council under delegated authority to:

- a. Confirm that pursuant to sections 155(2)(b) and 155(3) of the Local Government Act 2002 (LGA), the proposed bylaw and policy are not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA).
- b. Adopt the Statement of Proposal and Proposed Dog Control Bylaw and Policy for the purposes of public consultation.
- c. Authorise public consultation in respect of the proposal in accordance with sections 83 and 156(1)(b) of the LGA.
- d. Note the timeframe for consultation release to be in the next twelve months at the discretion of the Chief Executive Officer to allow flexibility in working with the existing consultation schedule.

The statement of proposal and proposed Dog Control Policy/Bylaw 2022 were made available for public submissions from 25 May to 24 June 2022. The proposals were formally notified through the following mechanisms:

- Council Facebook
- Council website – "*Say It Napier*"
- Hawkes Bay today
- Proudly Napier
- Radio adverts NZME
- Dog registration mail out
- Several organisation newsletters including Napier City Council Pānui newsletter

The Proposed Policy/Bylaw and supporting documents were made available on the Council's website, and at the Council offices at:

- Customer Services Centre, 215 Hastings Street, Napier, Napier Library, 1 Tennyson Street, Napier; and
- Taradale Library, 24 White Street, Taradale.

The High Level Engagement Plan is in **Attachment 5**.

During the submissions period, Council officers undertook the following public consultation, with further details contained in the Community Engagement Report (**Attachment 4**):

- Targeted consultation with dog owners via the dog registration campaign.
- Targeted consultation with mana whenua through Te Waka Rangapū.
- Public meeting at the Rugby Club in Park Island 14 June.
- Open days at Park Island 29 May, Dolbel Reserve 15 June and Anderson Park 16 June.
- Advertising across digital, social and print media to ensure public awareness and participation in the review.

The key changes that were proposed that Council sought feedback on are as follows:

- Retaining the current two dog per property limit for urban areas (without a permit).
- All public places other than designated prohibited areas and dog exercise areas to be classified as 'on-lead' areas.
- Extending the dog prohibited area around Te Whanganui-a-Orotū (Ahuriri Estuary) to protect endangered bird life.
- Including Watchman Road Reserve and the Council owned area at Port Beach West as dog prohibited areas.
- Introducing a seasonal restriction to the existing dog exercise area between Bay View and Westshore to better protect nesting birds.
- Adding a dog exercise area within Dolbel Reserve

### 1.3 Statutory Implications

The focus of reviewing and implementing this policy and bylaw is to prioritise safe interactions between dogs, people and their environment; reduce nuisance situations, minimise the possibility of dog attacks and promote the welfare of dogs generally.

Council has taken care to ensure the revised documents are consistent with each other, as far as practicable in unison with Hastings District Council's Policy/Bylaw, easy to read and understand, and balance the needs of dog owners with non-dog owners.

The dog control policy, enforced through the dog control bylaw, is considered to be the most efficient and effective method of managing the issues related to dogs.

The proposed Dog Control Bylaw 2022 is considered the most appropriate and proportionate way to address the issues and for the purpose of public consultation.

The Local Government Act requires the Council to determine whether there are any implications for the proposed bylaw under the New Zealand Bill of Rights Act 1990 i.e. no bylaw may be made that is inconsistent with that Act. In Council's opinion the proposed

bylaw does not contain any provision that is in conflict with the New Zealand Bill of Rights Act 1990.

#### 1.4 Consultation Summary

This section summarises consultation undertaken and submissions received. While community feedback is received, Council's decision-making needs to also consider the wider context including impacts on those who did not submit, along with the wider public good and purpose of the policy/regulatory interventions.

As stated above, the consultation document asked submitters six questions covering the key proposed changes. A summary of the feedback received in each question and the officer's recommendation follows below.

SIL Research have analysed all the submissions and have provided a comprehensive report which is attached as **Attachment 7**. The key points from the report are as follows:

*A total of n=500 unique responses were received; n=12 (2%) submission were made on behalf of specific groups and organisations; 35 respondents expressed their willingness to speak in person in support of their feedback (7%).*

- 1. Overall, respondents most strongly supported the addition of an exercise area at Dolbel Reserve (87%) and retaining the current limit of two dogs in urban areas (85%). These two proposed changes yielded, on average, the highest agreement across the Napier Community. The key themes supporting retention of the two-dog limit focused on urban environment limitations, consideration for neighbours and improving conditions for dogs.*
- 2. Relatively fewer (but still the majority) of respondents supported seasonal on-lead requirements along the beach between Westshore and Bay View (73%) and the proposed prohibited area around Ahuriri Estuary to better protect bird life (63%). The main cited reason for supporting both of these proposals was perceived importance of protecting wildlife and environment.*
- 3. Respondents were more evenly divided about prohibiting dogs at Watchman Road Reserve and Port Beach West (51% opposed and 49% supported this proposal) and introducing an on-lead area designation (55% opposed and 45% supported this proposal). Many respondents opposing these policies expressed concerns about changes being too restrictive, or punitive towards responsible owners with well-controlled dogs.*
- 4. General feedback expressed the desire for retention or increase of dog exercise areas across the city (especially off-lead, within walking distance), concerns about responsible owners being penalised, and the perceived need for more enforcement of existing dog control policies (targeting the minority of irresponsible owners and unregistered dogs rather than the majority of responsible owners).*

A copy of the full submissions is available as **Attachment 6**.

#### 1.5 Options

Officers provide the following list of options for Council to considering when determining the key matters contained within the proposed Dog Control Bylaw/Policy as per questions asked. The options take into consideration feedback from the consultation/submission process.

### 1.5.1 Limitation on the number of dogs (Bylaw)

The proposal within the consultation document was to retain the current limitation on the number of dogs allowed to be kept on any urban property to 'no more than two (2)', unless a permission permit has been granted by Council.

The consultation document asked the specific question in relation to this i.e. *"Do you support retaining the current limit of two dogs in urban areas?"*

In response to the question, 85% of respondents agreed with the limit of two dogs in urban areas with 14% against.

Generally speaking the more dogs kept on residential properties the more likelihood nuisance type situations develop such as barking/whining noises, unpleasant odours etc.

#### **Option A – Retain the existing 'Limitation on the number of dogs' requirement (Status Quo and preferred).**

Under this option Council would retain the existing limitation on the number of dogs allowed to be kept on any urban property to 'no more than two (2)'.

##### Comments

- Existing provision that Animal Control advises works well and is well understood;
- Has an associated Council permit option for good dog owners to keep more than two dogs should circumstances allow;
- Is a useful regulatory 'tool' to control a number of nuisance situations caused by too many dogs contained within residential properties. Simple to understand and relatively easy to enforce.
- Forces a number of good dog owners with more than two dogs to go through a Council permit system.
- Is the same as Hastings DC's Bylaw and assists with consistency in the region.
- 85% of the feedback received was in support of this option for noise reasons, and avoiding other nuisance issues such as barking and odour.

#### **Option B – Amend the 'Limitation on the number of dogs' requirements from two (2) to three (3).**

Under this option Council would retain a limitation on the number of dogs allowed to be kept on any urban property and increase it from two (2) to three (3).

##### Comments

- The limit of three (3) dogs is favoured by some Council's although for the majority favour two (2).
- Changing from a limit of two to three dogs would capture less dog owners and result in less enforcement and permits being issued.
- Would result in inconsistency with Hastings DC's bylaw limit set at two (2).
- 14% of submitters, were in general in support of having more than 2 dogs, 58% of this group want to be allowed to have more than 2 dogs.

### **Option C – Remove the requirement from the bylaw.**

#### Comments

- Would result in owners being allowed to keep as many dogs on an urban property as they like. Council would no longer need to manage a permit system.
- Would result in more nuisance type situation and complaints.
- Would require Council to use their 'nuisance' abatement rules within the Bylaw to enforce situations where the number of dogs cause adverse effects.
- Results in inconsistencies with Hastings DC's bylaw limit of two (2).

**Officer Recommendation:** That the current limitation on the number of dogs allowed to be kept on any urban property be set at 'no more than two (2)', unless a permission permit has been granted by Council.

### **1.5.2 Dog Access Areas- On-Lead Area Designation**

The activity of exercising a dog provides an important means of exercise for many owners and their dogs and therefore contributes to health and wellbeing generally. However, dogs need to be socialised into public places in a way that minimises nuisance and allows the community (including vulnerable persons) and wildlife to use our public spaces. In considering vulnerable persons, it is also important to note that a number of people actively avoid places where they are likely to encounter dogs.

In rationalising rules around dog access areas and where they might be best located, Council has considered dog access rules in a comprehensive manner with an emphasis on consistent and easy to understand rules that comply with the following objectives:

- Promote safe interaction between dogs and people using public places and private ways to ensure that dogs do not injure, endanger, intimidate or otherwise cause distress to any person, in particular, children and vulnerable adults but also to other dogs;
- Integrate, where practicable, owners and their dogs with other users of public places;
- Manage the conflict between dogs and protected wildlife, stock, poultry, domestic animals, property and natural habitat;
- Recognise owners as legitimate users of public places and dog access as desirable for dog welfare;
- Ensure that areas with different dog access rules have clearly visible boundaries, which may be achieved through transition zones, vegetation, topography and fencing.

#### **Dog Access Areas definition amendments (Bylaw and Policy)**

The previous Policy had four 'dogs access definitions' – 'Prohibited Areas', 'Controlled Areas', 'Off-lead Areas' and 'Exercise Areas'. This has led to confusion around where dogs can be exercised in public areas 'off-lead' in Napier, resulting in a public understanding that dogs can be exercised generally in Napier 'off the lead'.

During consultation, it was proposed that the 'Controlled Areas' in public places be now referred to as an 'On Leash Area' with 'Controlled - Off-lead areas' being removed. Previously it was ambiguous between the Bylaw/Policy whether owners could walk dogs 'off-lead' in this area or not.

The consultation document asked the specific question in relation to this i.e. *“Do you support all areas, other than those specified in the Policy or Bylaw, being on-lead areas?”*

In response to the question, 44% of respondents supported the proposal and 56% opposed. Many respondents opposing these policies expressed concerns about changes being too restrictive, or punitive towards responsible owners with well-controlled dogs.

**Option A – Retain the existing Dog Exercise Areas definitions - ‘Prohibited Areas’, ‘Controlled Areas’, ‘Off-lead Areas’ and ‘Exercise Areas’.**

Comments

- Having ‘Controlled Areas’ and ‘Off-lead Areas’ creates confusion for dog owners and Council officers alike;
- Whilst its admirable to create greater areas for dogs to be exercised, it’s preferable that these areas are defined as ‘Dog Exercise Areas’ rather than ‘Off-lead Areas’;
- The general public perception that dogs can be exercised in public areas of Napier whilst ‘off-lead’ is dangerous with the preferable option being dogs can be exercised ‘on-lead’ unless within a defined dog exercise area.
- Some Councils have included a number of variable dog access areas, including seasons and times of day, which often has the effect of confusing all concerned leading to inadvertent non-compliance.

**Option B – Change the Dog Exercise Areas definitions to - ‘Prohibited Areas’, ‘On-leash Areas’ and ‘Exercise Areas’ (Preferred Option).**

Comments

- Simplifies Dog Access Areas from four to three to promote consistent and easy to understand rules and compliance
- Allows for general exercise of dogs in public places as ‘on-lead’ rather than ‘off-lead’ to promote safe interaction between dogs and people.
- Assists with surveillance and enforcement.
- Acknowledges that for most owners and their dogs, these public areas are not suitable for walking your dog ‘off-lead’.
- Whilst just over half of the respondents to the proposal did not support this proposal, the additional comments from these respondents suggests some may have interpreted the question/suggestions as being more punitive than it actually is. As an example, some submitters thought the dog exercise areas were the designated dog agility areas or the fully fenced area currently available in Napier rather than the proposed designated exercise areas in the bylaw.
- Most Councils advocate, within their dog control policies/bylaws, for areas outside of ‘Prohibited’ or ‘Exercise’ areas, to be ‘on-lead’.
- Officers have identified that within 10 minutes’ walk from most neighbourhoods there is a dog exercise off-lead area available to walk your dog. Refer to accessibility map in **Attachment 8**.

- Some other comments made at the public meetings were that while responsible dog owners value having the opportunity to walk their dogs off the lead, many times they encounter issues with non-responsible dog owners who walk their dog off-lead and this causes issues such as dogs rushing or dog attacks. This issue will be minimised by requiring all dogs to be on the lead on non-designated exercise areas.

**Officer Recommendation:** That all public places that are not either 'Prohibited' or 'Exercise' areas, are designated 'on leash' areas.

### 1.5.3 Dog Access Areas – proposed area amendments (Bylaw and Policy)

Council had a critical look at its dog access areas as listed in the current Dog Control Bylaw/Policy and was of the view that some of these dog exercise areas are either no longer suitable or need amending, including new areas incorporated to better meet community needs and recent urban developments. For this reason, Council proposed the following main amendments to the Dog Access Area lists within the consultation document:

- A. Extending the dog prohibited area around Te Whanganui-a-Orotū (Ahuriri Estuary) to protect endangered bird life.
- B. Including Watchman Road Reserve and the Council owned area at Port Beach West as dog prohibited areas.
- C. Introducing a seasonal restriction to the existing dog exercise area between Bay View and Westshore to better protect nesting birds.
- D. Adding a dog exercise area within Dolbel Reserve

**Proposal A** – Extending the dog prohibited area around Te Whanganui-a-Orotū (Ahuriri Estuary) to protect endangered bird life.

#### Comments

Just under two-thirds of respondents (63%) supported extending the prohibited area around Ahuriri Estuary. The main cited reason for supporting these changes was perceived importance of protecting wildlife (especially endangered birds) and the environment. Of the respondents (37%) that didn't support the proposal, around two-thirds believed no changes were required, and dogs should remain on-lead – as on-lead dogs present no threat. While dogs on the lead are considered "under control" and it is arguable they will attack a bird, some feedback mentioned it is the presence of dogs in the estuary which is disturbing for the birds.

During consultation with DoC and a bird expert, officers were made aware that birds get distressed in the presence of dogs even when they are on a lead. Many submitters would like to continue to walk around the Estuary with their dog on-lead but this is not advisable if birds are a concern.

Also, during the meeting with DoC, NCC officers were made aware that the vicinity of Lagoon Farm cycle path bordering the Taipo Stream and the Estuary has very high ecological value, hosting many endangered bird species. In light of this new knowledge, officers recommend reverting this area from proposed 'on lead' to Prohibited Area, which is the status of the current dog control bylaw. This change is included in Map 6 in **Appendix 11** and it will require the following addition to the Bylaw under Schedule 1- Prohibited Areas:



### Lagoon Farm cycle path

**Note:** See Map 6 attached to this bylaw for further clarification

A minor amendment is proposed to Map 1, the Estuary Map, to reflect the text in the Bylaw (under Schedule 1) and include the extent of the Ahuriri Estuary Wildlife Refuge and Westshore Wildlife Reserve. This Map is provided in **Attachment 12** and will replace Map 1 in the proposed bylaw.

Under the proposed dog bylaw, dogs on-lead can continue to walk on the old bridge road to be able to traverse the Estuary and connect to the cycle path going around Pandora Industrial Area.

A Statement from Tony Billing on the potential disturbance of dogs around the estuary is attached as **Attachment 10**.

**Officer Recommendation:** That the dog prohibited area around Te Whanganui-a-Orotū (Ahuriri Estuary) be extended as per the proposal to protect endangered bird life. That the Lagoon Farm cycle path bordering the Taipo Stream and Estuary stays as a prohibited area as per the current dog control bylaw in order to protect endangered bird species who nest and feed nearby.

**Proposal B –** Including Watchman Road Reserve and the Council owned land area at Port Beach West as dog prohibited areas (refer to Map 2 in the Proposed Bylaw).

### Comments

The issue which triggered the proposed change to the Port Beach was raised by Council's dog control unit. They highlighted that the beaches adjacent to the Port are well used during warm months, sometimes triggering issues with dogs running around amongst little kids and therefore raising safety concerns.

Around half of respondents (51%) disagreed with the proposed amendments, expressing concerns that the proposed changes were too restrictive, and dogs on-lead should still be allowed. 18% suggested dogs should be allowed access to the beach specifically. 8% believed irresponsible dog owners breaching current rules should be policed instead.

The key themes behind the 49% who supported the changes at Watchman Road Reserve and Port Beach West were to improve public safety and environmental outcomes. Respondents from Ahuriri were most opposed to the proposed changes.

During the open days officers talked specifically about the proposed change to the Port Beach West. Feedback from dog owners and non-dog owners were generally supportive of this proposal as they were aware of the different needs from the members of the public, those who have dogs and those who don't. By allowing dogs in one beach and not in the other, Council is catering for both segments of the community.

In relation to the comment about allowing dogs at the beach, Council has engaged with the Port who has agreed to continue allowing access for dogs on lead at the Port Beach (land owned by the Port), this beach is directly adjacent to the Port. This will stay the same as the current Dog Control Bylaw.

The objective with the proposed changes to the bylaw is to allow families with children to enjoy the Port Beach West without any safety concerns around dogs. This provides a balance for dog owners and non-dog owners who want to enjoy the beach.

**Officer Recommendation:** That the Watchman Road Reserve and the Council owned area at Port Beach West, be included as dog prohibited areas.

**Proposal C** – Introducing a seasonal restriction to the existing dog exercise area between Bay View and Westshore to better protect nesting birds.

#### Comments

73% of respondents supported seasonal on-lead requirements along the beach between Westshore and Bay View to better protect nesting birds. The community feedback expressed general support of the proposed changes, enhancing environmental safety and wildlife protection

Some residents from around Bay View feel very strongly about restricting dogs 'off lead' in this area as they have experienced the damage dogs cause to the birds while nesting.

**Officer Recommendation:** To introduce a seasonal restriction to the existing dog exercise area between Bay View and Westshore to better protect nesting birds. The seasonal restriction will allow dogs to be exercised off-lead at the time when the dotterels are not nesting in the area. During nesting time, dogs will still be allowed in the area on-lead. This will give the chicks a better chance of survival.

**Proposal D** – Adding a dog exercise area within Dolbel Reserve

#### Comments

87% of respondents supported the addition of an exercise area at Dolbel Reserve. The main cited reasons supporting this proposal were the addition of an off-lead area (especially in light of other proposed restrictions), and this location being a good place to exercise dogs.

13% disagreed with an exercise area at Dolbel Reserve.

**Officer Recommendation:** That a dog exercise area within Dolbel Reserve be added.

## 1.5 Attachments

- 1 Statement of Proposal (Doc Id 1476961) [↓](#)
- 2 Proposed Dog Control Bylaw 2022 (Doc Id 1476965) [↓](#)
- 3 Proposed Dog Control Policy 2022 (Doc 1476960) [↓](#)
- 4 Community Engagement Report (Doc Id 1476963) [↓](#)
- 5 High Level Engagement Plan (Doc Id 1476959) [↓](#)
- 6 Full list of submissions to the proposal (Doc Id 1477700) (Under separate cover 1) [⇒](#)
- 7 Report from SIL Research on submissions received (Doc Id 1476964) (Under separate cover 1) [⇒](#)
- 8 Accessibility Map dog exercise areas (Doc Id 1476967) [↓](#)
- 9 People's Panel Survey Report (Doc Id 1476962) [↓](#)
- 10 Statement from Wildlife Expert (Doc Id 1476958) [↓](#)
- 11 Lagoon Farm cycle path (Doc Id 1477100) [↓](#)
- 12 Estuary Map 1 minor amendment proposed (Doc Id 1477117) [↓](#)
- 13 Speaker Submission Attachment - #219 P Cooper (Doc Id 1477706) (Under separate cover 1) [⇒](#)
- 14 Speaker Submission Attachment - #253 E Barrett (Doc Id 1477705) (Under separate cover 1) [⇒](#)
- 15 Speaker Submission Attachment - #321 S Jacobsen (Doc Id 1477710) (Under separate cover 1) [⇒](#)

- 16 Speaker Submission Attachment - #378 J Ferguson (Doc Id 1477707) (Under separate cover 1) ➡
- 17 Speaker Submission Attachment - #396 L Anderson (Doc Id 1477708) (Under separate cover 1) ➡
- 18 Speaker Submission Attachment - #398 L Anderson for Forest and Bird (Doc Id 1477709) (Under separate cover 1) ➡

**Submitters Speaking**

- 19 Submission No. 28 - Rachael Rogge (Doc Id 1478283) (Under separate cover 2)
- 20 Submission No. 260 - Paddy Cooper (Doc Id 1478284) (Under separate cover 2)
- 21 Submission No. 274 - Tony Oliver (Doc Id 1478285) (Under separate cover 2)
- 22 Submission No. 298 - Paul Bailey (Doc Id 1478286) (Under separate cover 2)
- 23 Submission No. 333 - Brad Friis (Doc Id 1478287) (Under separate cover 2)
- 24 Submission No. 372 - Christina Scott (Doc Id 1478288) (Under separate cover 2)
- 25 Submission No. 386 - Angela Cave (Doc Id 1478289) (Under separate cover 2)
- 26 Submission No. 401 - Richard Lepper (Doc Id 1478290) (Under separate cover 2)
- 27 Submission No. 434 - Wendy Austin (Doc Id 1478303) (Under separate cover 2)
- 28 Submission No. 476 - Lynn Anderson (Doc Id 1478291) (Under separate cover 2)
- 29 Submission No. 495 - Angie Denby (Doc Id 1478292) (Under separate cover 2)
- 30 Submission No. 500 - Miriam Hollands (Doc Id 1478293) (Under separate cover 2)
- 31 Submission No. 576 - Alisha McGilvary-Howard (Doc Id 1478294) (Under separate cover 2)
- 32 Submission No. 603 - Sandra Dunseath (Doc Id 1478295) (Under separate cover 2)
- 33 Submission No. 604 - Maria Barbarich (Doc Id 1478296) (Under separate cover 2)
- 34 Submission No. 606 - Gavin Ide (Doc Id 1478297) (Under separate cover 2)



# STATEMENT OF PROPOSAL

## *Draft Dog Control Policy and Bylaw 2022*

***For Public Consultation***

## Draft Dog Control Policy and Bylaw 2022 - SOP

### 1. PROPOSAL

Napier City Council proposes to revoke its existing Dog Control Policy and Bylaw (2014) and adopt a new Dog Control Policy and Dog Control Bylaw 2022. This follows a thorough review process.

This statement of proposal is prepared under Sections 83, 83AA and 86 of the Local Government Act 2002. This document contains:

- A summary of the information contained in the statement of proposal;
- A copy of the draft policy and bylaw

### 2. SUMMARY OF INFORMATION

Napier City Council ("the Council") is seeking feedback on its revised Dog Control Policy and Dog Control Bylaw 2022. The proposed amendments to the revised Dog Control Policy and Bylaw are not considered major policy/regulatory changes but rather necessary amendments to further enhance dog ownership, management and enforcement in Napier.

Key changes within the proposed Dog Control Policy and Bylaw 2022 are:

- Redrafting of the Policy and Bylaw to improve clarity and to ensure the Policy and Bylaw are consistent with and give effect to each other;
- To ensure as far as practicable Napier's Dog Control Policy and Bylaw are consistent with Hastings' Bylaw/Policy;
- To retain the current limitation on the number of dogs allowed to be kept on any urban property to 'no more than two'.
- To amend the dog access descriptions to make them simpler to understand, comply with and enforce. The previous Policy had four 'dogs access definitions' – 'Prohibited Areas', 'Controlled Areas', 'Off-lead Areas' and 'Exercise Areas' with the revised Policy/Bylaw proposing three areas i.e. 'Prohibited Areas', 'On Leash Areas' and 'Dog Exercise Areas'.
- The 'Controlled Areas' in public places will now be 'On Leash Areas' with 'Off-lead Areas' being removed. Previously it was ambiguous between the Bylaw/Policy whether owners could walk dogs 'off lead' in the 'Controlled' area or not.
- Council has rationalised and amended the various public dog access areas to include new suitable areas to exercise dogs, better define access areas within certain public spaces (such as parks) to ensure compatibility of uses and to protect children play areas, and to redefine current access areas where other users or wildlife are better protected.
- To enhance the 'nuisances' section of the bylaw to increase Council's ability to control 'nuisance' situations caused by dogs in public areas, as well as where the dogs are kept.

## Draft Dog Control Policy and Bylaw 2022 - SOP

- To delete a number of sections from the Dog Control Policy and, to a lesser degree, the Dog Control Bylaw, which are either unnecessary or already adequately covered under the Dog Control Act 1996.

Council considers that the revised Policy and Bylaw is the most appropriate way to address the issues related to dog control within the Napier City; and the Bylaw is the most appropriate form of bylaw, and does not give rise to implications under the New Zealand Bill of Rights Act 1990.

The Council wants to hear what the community thinks of the proposed changes before making any final decisions on the proposed Policy/Bylaw. You can make a submission by going online at [www.sayitnapier.nz](http://www.sayitnapier.nz) or visiting the Napier City Council Customer Service Centre.

### 3. BACKGROUND AND REASONS FOR PROPOSAL

Council is required to adopt a policy on dogs and must make a bylaw to give effect to the policy.

Council's current Dog Control Policy and Bylaw were last reviewed and amended in 2014 and are due for further review and amendment.

In making or amending a policy on dogs, Council must have regard to the matters within s10(4)(a) of the Dog Control Act 1996, which can be summarised as the need to provide for public safety and comfort, and the needs of dog owners.

In reviewing the dog control Policy and Bylaw, feedback was sought from key stakeholders i.e. the Department of Conservation, Hastings District Council Animal Control, Napier Port, and Council's own Parks and Reserves and Animal Control teams. Council also sought feedback on dog control issues from participants on Council's 'People Panel' by way of a survey. Council also considered statistics and trends from its Animal Control activity, including complaints and enforcement statistics.

### 4. OPTIONS FOR CONSIDERATION

#### 4.1 Limitation on the number of dogs (Bylaw)

The proposal is to retain the current limitation on the number of dogs allowed to be kept on any urban property to 'no more than two (2)', unless a permit has been granted by Council.

Generally speaking the more dogs kept on residential properties the more likelihood nuisance type situations develop such as barking/whining noises, unpleasant odours etc.

**Option A1 – Retain the existing 'Limitation on the number of dogs' requirement (Status Quo and preferred).**

Under this option Council would retain the existing limitation on the number of dogs allowed to be kept on any urban property to 'no more than two (2)'.

#### Comments

- Existing provision that Animal Control advises works well and is well understood;
- Has an associated Council permit option for good dog owners to keep more than two dogs should circumstances allow;

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- Is a useful regulatory 'tool' to control a number of nuisance situations caused by too many dogs contained within residential properties. Simple to understand and relatively easy to enforce.
- Forces a number of good dog owners with more than two dogs to go through a Council permit system.
- Is the same as Hastings District Council's Bylaw and assists with consistency in the region.

#### **Option A2 – Amend the 'Limitation on the number of dogs' requirements from two (2) to three (3).**

Under this option Council would retain a limitation on the number of dogs allowed to be kept on any urban property and increase it from two (2) to three (3).

##### Comments

- The limit of three (3) dogs is favoured by some Councils, although the majority favour two (2).
- Changing from a limit of two to three dogs would mean fewer dog owners are captured by the need to seek an exemption to keep more than two dogs, and result in less enforcement and permits being issued.
- Would result in inconsistency with Hastings District Council's Bylaw limit of two (2).

#### **Option A3 – Remove the requirement from the Bylaw.**

##### Comments

- Would result in owners being allowed to keep as many dogs on an urban property as they like. Council would no longer need to manage a permit system.
- Would result in more nuisance type situation and complaints.
- Would require Council to use its 'nuisance' abatement rules within the Bylaw to enforce situations where the number of dogs cause adverse effects.
- Results in inconsistencies with Hastings District Council's Bylaw limit of two (2).

### **4.2 Dog Access Areas**

Dog walking provides an important means of exercise for many owners and their dogs and therefore contributes to health and wellbeing generally. However, dogs need to be socialised into public places in a way that minimises nuisance and allows the community (including vulnerable persons and wildlife) to use Napier's public spaces. In considering vulnerable persons, it is also important to note that a number of people actively avoid places where they are likely to encounter dogs.

In rationalising rules around dog access areas and where they might be best located, Council has considered dog access rules in a comprehensive manner, with an emphasis on consistent and easy to understand rules that comply with the following objectives:

## Draft Dog Control Policy and Bylaw 2022 - SOP

- Promote safe interaction between dogs and people using public places and private ways to ensure that dogs do not injure, endanger, intimidate or otherwise cause distress to any person, in particular, children and vulnerable adults;
- Integrate, where practicable, owners and their dogs with other users of public places;
- Manage the conflict between dogs and protected wildlife, stock, poultry, domestic animals, property and natural habitat;
- Recognise owners as legitimate users of public places and dog access as desirable for dog welfare;
- Ensure that areas with different dog access rules have clearly visible boundaries, which may be achieved through transition zones, vegetation, topography and fencing.

### 4.2.1 Dog Access Areas definition amendments (Bylaw and Policy)

The previous Policy had four 'dogs access definitions' – 'Prohibited Areas', 'Controlled Areas', 'Off-lead Areas' and 'Exercise Areas'. This has led to confusion around where dogs can be exercised in public areas 'off-lead' in Napier, resulting in a public understanding that dogs can be exercised generally in Napier 'off lead'.

It's now proposed that the 'Controlled Areas' in public places will now be 'On Leash Area' with 'Controlled Areas' and 'Off-lead Areas' being removed. Previously it was ambiguous between the Bylaw/Policy whether owners could walk dogs 'off lead' in this area or not.

**Option B1 – Retain the existing Dog Exercise Areas definitions - 'Prohibited Areas', 'Controlled Areas', 'Off-lead Areas' and 'Exercise Areas'.**

#### Comments

- Having 'Controlled Areas' and 'Off-lead Areas' creates confusion for dog owners and Council officers alike;
- Whilst its admirable to provide greater areas for dogs to be exercised, it's preferable that these areas are defined as 'Exercise Areas' rather than 'Off-lead Areas';
- The general public perception that dogs can be exercised in public areas of Napier whilst 'off lead' is dangerous, with the preferable option being dogs can be exercised 'on-lead' unless within a defined exercise area.

**Option B2 – Change the Dog Exercise Areas definitions to - 'Prohibited Areas', 'On-leash Areas' and 'Exercise Areas' (Preferred Option).**

#### Comments

- Simplifies classifications from four to three to promote consistent and easy to understand rules and compliance
- Allows for general exercise of dogs in public places as 'on-lead' rather than 'off-lead' to promote safe interaction between dogs and people.
- Assists with surveillance and enforcement.



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### 4.2.2 Dog Access Areas – proposed area amendments (Bylaw and Policy)

Council has conducted a critical review of its dog access areas as listed in the current Dog Control Bylaw/Policy and is proposing the following main amendments to the lists.

- Adding sports playing areas at Taraha Park, Park Island North, Tremain field, Bluewater Stadium, Hawkes Bay Hockey as defined Prohibited Areas. (new)
- Extending the prohibited area around the Ahuiriri Estuary to protect the endangered bird life and its habitat. This includes the Humber Street Reserve in Pandora Pond.
- Changing the Lagoon Farm area (controlled by Napier City Council) and the estuary stop banks from Prohibited Areas to On-leash Areas.
- Including Watchman Road Reserve and Port Beach West public spaces as Prohibited Areas.
- The Taradale/Kennedy Road greenbelt area better defined and classified an Exercise Area to improve connectivity between Exercise Areas.
- Widening the Exercise Area in Alexander Park to extend from Taradale Road to Te Awa Park.
- Introducing a seasonal restriction to the existing Esplanade foreshore Exercise Area to better protect nesting birds.
- Increasing the Exercise Area within the Taipo Stream Reserve.
- Introducing part of Dolbel Reserve as a new Exercise Area.

In reviewing these areas and making the proposed amendments, Council has consulted with various affected parties and stakeholders, looked at its activity statistics, and considered existing access areas to define clear boundaries based on use, vegetation, topography and fencing.

Council also looked at areas of new development where it will be advantageous to provide for new dog access areas.

#### **Option C1 – Status Quo - Retain the existing Dog Access Areas**

##### Comments

Having gone through an initial review process, including talking to key stakeholders, Council considers that some of these dog exercise areas are either no longer suitable or need amending, including new areas incorporated to better meet community needs, recent urban developments and better protect existing wildlife. For these reasons, to retain the status quo would be a missed opportunity to continuously improve and add dog exercise areas for dog and owner welfare.

#### **Option C2 – Amended Dog Access Areas (Preferred)**

##### Comments

It makes sense to continually review and upgrade Dog Access Areas to make them relevant for all.

The suggested amendments follow an extensive review involving stakeholder feedback and data analysis.

## Draft Dog Control Policy and Bylaw 2022 - SOP

### 4.2.3 Enhance the 'nuisance' section of the Bylaw

#### **Option D1 - Status Quo**

##### Comments

The current Bylaw contains generic 'nuisance' provisions relating to where dogs are kept (private property), including remedies Council officers can take to require dog owners to remedy those nuisance situations. This works well for nuisance situations on private properties however is silent on nuisance situations in public places.

#### **Option D2 Enhanced amendment of 'nuisance' section of Bylaw (Preferred)**

##### Comments

The proposed Bylaw retains the existing Bylaw's private property nuisance provisions as well as introducing clauses defining nuisance situations that dog owners must not create in a public place or on private property. This allows for a wider control of nuisance situations in public places.

The proposed new nuisance clauses includes the following situations –

- Obstructing lawful passage,
- Rushing, chasing, frightening and intimidating behaviour causing injury or distress,
- Destroying, tearing or interfering with refuse containers,
- Interfering with property,
- Rushing at, chasing, frightening, obstructing or causing injury or distress to stock, domestic animals, etc
- Barking, howling or whining,
- Rushing at vehicles.

## 5. DETERMINATION OF APPROPRIATENESS

In reviewing the Dog Control Policy and Bylaw, Council intends to provide a safe and healthy environment for citizens and visitors in Napier. The focus of implementing this Policy and Bylaw is to prioritise safe interactions between dogs, people and their environment; reduce nuisance situations, minimise the possibility of dog attacks and promote the welfare of dogs generally.

Council has taken care to ensure the revised documents are consistent with each other, as far as practicable in unison with Hastings District Council's Policy/Bylaw, easy to read and understand, and balance the needs of dog owners with non-dog owners.

The Dog Control Policy, enforced through the Dog Control Bylaw, is considered to be the most efficient and effective method of managing the issues related to dogs.

## 6. FORM OF BYLAW

The proposed Dog Control Bylaw 2022 is considered the most appropriate form of bylaw to address the issues and for the purpose of public consultation.

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### 7. NEW ZEALAND BILL OF RIGHTS ACT 1990

The Local Government Act requires the Council to determine whether there are any implications for the proposed bylaw under the New Zealand Bill of Rights Act 1990 i.e. no bylaw may be made that is inconsistent with that Act. In Council's opinion the proposed bylaw does not contain any provision that is in conflict with the New Zealand Bill of Rights Act 1990.

Following the prescribed special consultative procedure set out in section 83 of the Local Government Act 2002 (the LGA 2002), the Council will consider the final draft of the proposed bylaw and its New Zealand Bill of Rights Act 1990 implications, if any.

### 8. CONSULTATION AND SUBMISSION

In making, amending, or revoking the Policy and Bylaw, Council must use the Special Consultative Procedure set out in section 83 of the LGA 2002. Council has prepared and adopted the proposed Policy and Bylaw for public consultation. Any person can make a submission on the proposed Policy and Bylaw.

A copy of the Statement of Proposal, including the proposed Policy/Bylaw and information about making a submission can be obtained from the Council website

You can make a submission online at [www.sayitnapier.nz](http://www.sayitnapier.nz) or visiting the Napier City Council Customer Service Centre. Please indicate whether you would like to speak to your submission and include contact details. People who wish to be heard by Council will be given the opportunity to do so. The hearing of submissions is scheduled for July 2022.

For any queries please contact Paulina Wilhelm, Manager City Development on [paulinaw@napier.govt.nz](mailto:paulinaw@napier.govt.nz).

The period for making submissions is from 23 May 2022 to 22 June 2022.

### 9. ATTACHMENTS

**Attachment 1 – Proposed Dog Control Policy 2022**

**Attachment 2 – Proposed Dog Control Bylaw 2022**

**Attachment 3 – High Level Engagement Plan**



# *Proposed* **DOG CONTROL** *Bylaw*

**2022**



**NAPIER**  
CITY COUNCIL  
*Te Kaunihera o Ahuriri*

[www.napier.govt.nz](http://www.napier.govt.nz)

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### 1. Title

- 1.1** This Bylaw is the Napier City Council Dog Control Bylaw 2022.

### 2. Commencement

- 2.1** This Bylaw comes into force on 1st of July 2022.

### 3. Repeal

- 3.1** The Napier City Dog Control Bylaw 2004 is repealed on the commencement date of the Napier Council Dog Control Bylaw 2022.

### 4. Introduction

- 4.1** The Napier City Council, under section 20 of the Dog Control Act 1996, makes this Bylaw for the control of dogs in the Napier City.

### 5. Purpose

- 5.1** The purpose of this Bylaw is to give effect to the **Dog Control Policy** by:
- a) Regulating dogs to prevent nuisance;
  - b) Prohibiting dogs, whether under control or not, from specified public places;
  - c) Requiring dogs to be controlled on-leash in any specified public place;
  - d) Regulating and controlling dogs in any other public place;
  - e) Ensuring the number of dogs kept on a premise is suitable; and
  - f) Requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces.

### 6. Interpretation

- 6.1** In this bylaw, unless the context otherwise requires:

**ACT** means the Dog Control Act 1996.

**ANIMAL CONTROL OFFICER** includes a Dog Control Officer appointed under section 11 of the Act and a Dog Ranger appointed under section 12 of the Act.

**AT LARGE** means that the dog is off leash and kept under control at all times.

**AUTHORISED OFFICER** means a warranted Dog Control Officer or Dog Ranger or a person so warranted pursuant to the Local Government Act 2002.

**BYLAW** means the Napier City Council Dog Control Bylaw 2022.

**CHILDREN'S PLAYING AREA** means any public place or play area designed and equipped with facilities for recreational use by children, including and not limited to playgrounds, bike parks, skate parks and sport parks.

**CITY** means the area designated as the Napier City.

**COUNCIL** means the Napier City Council.

**DOG EXERCISE AREA** means a public place identified in the Bylaw as an area, including all walkways and tracks within the exercise area, where dogs may be exercised providing the dog is kept under control at all times.

**DOG ON LEASH** means that the dog must be on a leash and kept under control at all times by the owner or person in charge of the dog.

**DOG ON LEASH AREA** means an area identified in this Bylaw where dogs must be on a leash and kept under control at all times.

**KEPT UNDER CONTROL** means 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 the desired response from the dog by use of a leash and, when not on a leash, the dog is obedient and responsive to the dog owner's commands without hesitation.

**LEASH** means a lead which is capable of restraining the dog.

**NEUTERED DOG** means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised.

**OWNER**, in relation to any dog, means every person who:

- a) Owns the dog; or
- b) 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

c) the parent or guardian of a person under the age of 16 years who:

- i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b); and
- ii) Is a member of the parent or guardian's household living with and dependent 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 Te Urewera Act 2014 or the Conservation Act 1987 or any order made under this Act or the Animal Welfare Act 1999.

**POLICY** means the Napier City Council Dog Control Policy 2022.

**PROHIBITED PUBLIC PLACE** means a public place identified in this Bylaw as a place where dogs are prohibited, except as provided for in this Bylaw or the Act.

#### **PUBLIC PLACE**

- a) 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 eject 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.

**WORKING DOG** has the same meaning as that provided in section 2 of the Act.

**6.2** 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.

**6.3** Any ambiguity in the wording of this Bylaw should be, as far as practicable, interpreted accordance with the intent and provisions of the Interpretation Act 2019.



## 7. Nuisances

- 7.1** The owner or occupier of any premises where any dog or dogs are customarily kept shall take all necessary steps to prevent the keeping of the dogs from becoming a nuisance or injurious to health.
- 7.2** If in the opinion of an authorized officer the keeping of dogs referred to in clause 7.1 become or are likely to become a nuisance or injurious to health, the authorized officer may, by notice, require the owner or occupier of the premises to do all or any of the following:
- To reduce the number of dogs kept on the premises;
  - To take such action as stipulated in the notice so as to remove and mitigate the nuisance or injury to health, or likelihood of nuisance or injury that exists;
- Any person who fails to comply with a notice under this clause within the time specified commits an offence against the Act.
- 7.3** The owner of every dog shall ensure that the dog does not create a nuisance including, without limitation, by:
- Obstructing the lawful passage of any person in a public place or on private property.
  - Rushing at, chasing, frightening, intimidating or causing any person in a public place or lawfully on private property to suffer injury or distress.
  - Destroying, tearing or otherwise interfering with any refuse container, whether the container is on private property or in a public place.
  - Interfering with any person's property, whether on private property (other than the owners) or in a public place.
  - Rushing at, chasing, frightening, obstructing or causing injury or distress to any stock, poultry, domestic animal or protected wildlife, whether on private property (other than the owners) or in a public place.
  - Barking, howling and/or whining in a persistent and loud manner.
  - Rushing at any vehicle.

## 8. Dog Faeces

- 8.1** When in a public place dog owners must ensure the immediate removal and disposal of their dog's faeces. This must be done in a way that does not cause a nuisance.
- 8.2** Clause 8.1 does not apply to any dog herding or driving stock on a road where the dog is kept solely or principally for the purposes of herding or driving stock.

## 9. Limitation on Number of Dogs

- 9.1** No occupier of any property in an urban area may allow or cause to remain or keep on the property, more than two (2) dogs, over the age of three months (whether or not such dogs are registered) unless the occupier has obtained a permit from Council.
- 9.2** A permit may be issued upon or subject to such terms, conditions or restrictions as Council may consider necessary and any breach of such terms, conditions or restrictions shall result in revocation of the licence.

## 10. Prohibition of Dogs in Public Places

- 10.1** The owner of any dog must ensure their dog does not enter or remain in any public place specified as a '**prohibited**' area as set out in the First Schedule of this Bylaw.
- 10.2** Clause 10.1 does not apply in the following cases:
- Any working dog accompanying and assisting a person or accompanying a person engaged in the dog's training; or
  - Where the only pedestrian access to either the owners residence or a veterinary surgery is through a prohibited public place provided that:
    - The owner takes the most direct route through the prohibited public place; and
    - The dog is under control on a leash.
  - where a dog is:
    - Wholly contained within a vehicle; or
    - In the case of a ute or truck, securely tethered to the flat deck so that the dog is unable to reach the side or rear of the flat deck and a person in a public place is able to walk past a vehicle without fear of attack or intimidation.

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## **11. Dogs in designated Dog Exercise Area**

- 11.1** The owner of any dog may cause, permit or allow the dog to enter or remain, off leashed, in a designated dog exercise area, as provided for in the Second Schedule of this Bylaw, provided the dog is kept under control at all times.

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## **12. Control of Dogs on a Leash in Public Places**

- 12.1** The owner of any dog must ensure that the dog is under control on a leash in any public place specified in the Third Schedule of this Bylaw.
- 12.2** Clause 12.1 does not apply to:
- a) Any dog confined in a vehicle or cage; or
  - b) Any working dog accompanying and assisting a person or accompanying a person engaged in the dog's training.

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## **13. Non-Compliance with this Bylaw**

- 13.1** The Council may use its powers under the Act and the Local Government Act 2002 to enforce this Bylaw.
- 13.2** A person who fails to comply with any control, restriction, limitation or prohibitions contained within or made pursuant to this Bylaw commits an offence under the Act and/or the Local Government Act 2002 and is liable to the penalties under the Act and/or the Local Government Act 2002.
-



### Schedule 1 - Prohibited Areas (Clause 10)

- a) City of Napier Civic Building  
Public Libraries  
Public Swimming Pools  
Kennedy Park Resort  
McLean Park  
Nelson Park.
- b) Children's playing areas under the control of the Council.
- c) Within the boundaries of all playing areas under the control of the Council set aside and patently prepared for organised games or sports and all other areas zoned as Sports Parks in the City of Napier District Plan including:
  - McLean Park
  - Nelson Park
  - Whitmore Park
  - Marewa Park
  - Taradale Park
  - Bledisloe Park
  - Maraenui Park
  - Park Island
  - Onekawa Park
  - Petane Domain
  - Taraha Recreation Reserve
  - Taraha Park
  - Park Island North
  - Tremain field
  - Bluewater Stadium
  - Hawke's Bay Hockey.
- d) Te Whanganui a Orotu (The Ahuriri Estuary) including the whole of the Westshore Wildlife Reserve, the Ahuriri Estuary Wildlife Refuge Park area below the MHWS (Mean High Water Springs) mark and Department of Conservation land area. This includes from the boundary of the mowed grass area to the MHWS mark and all of the boardwalk and all formed tracks within, and, all of the Humber Street City Council reserve and associated beach area to the MHWS.

**Note:** See Map 1 attached to this bylaw for further clarification.

- e) Watchman Road Reserve.
- f) Port Beach West

**Note:** See Map 2 attached to this bylaw for further clarification.

### Schedule 2 - Dog Exercise Areas (Clause 11)

- a) The Reserve running between Taradale and Kennedy Roads (beside Riverbend Road).
- b) The continuation of the Taradale/Kennedy Road greenbelt between Latham Street, Nash Street and Willowbank Avenue, and the continuation of this greenbelt to and including Te Awa Park, Nash Street Reserve, Latham Street Reserve and Riverbend Road Reserve.
- c) The Plantation Reserve running from Henry Hill School to Taradale Road.
- d) The Drainage Reserve running around Westminster Avenue.
- e) Riverside Park behind the Pettigrew-Green Arena.
- f) Sturms Gully Reserve.
- g) The area in Anderson Park on the northern side of the ponds and waterways bounded by York Avenue and Freyberg Avenue, including the strip of green belt from Taradale Road alongside Islington Place to Freyberg Avenue.
- h) Alexander Park from Taradale Road to Te Awa Park.
- i) All that area of beach and foreshore, known as Beach Domain on the seaward side of State Highway 2 from the Aquarium southward to the City boundary.
- j) All that area of beach and foreshore on the seaward side of the Esplanade and the Napier/Gisborne railway line from the public toilets on The Esplanade foreshore northward to the City boundary during April to September only. During October to March, dogs must be exercised on leash.

**Note:** See Map 3 attached to this bylaw for further clarification.

- k) The land around the base of Western Hills and Park Island cemeteries bounded by the northern-most boundary of the soccer and cricket grounds, Clyde Jeffrey Drive and the waterways, including all the walkways therein.

- l) The reserve between the south side of Atherfold Crescent, Spriggs Crescent and Perry Crescent and north of the motorway culvert.

- m) Ahuriri Reserve

**Note:** See Map 4 attached to this bylaw for further clarification.

- n) All of the Taipo Stream Reserve from Willow Drive through to Balmoral Street, Osier Road and Church Road.

- o) Dolbel Reserve

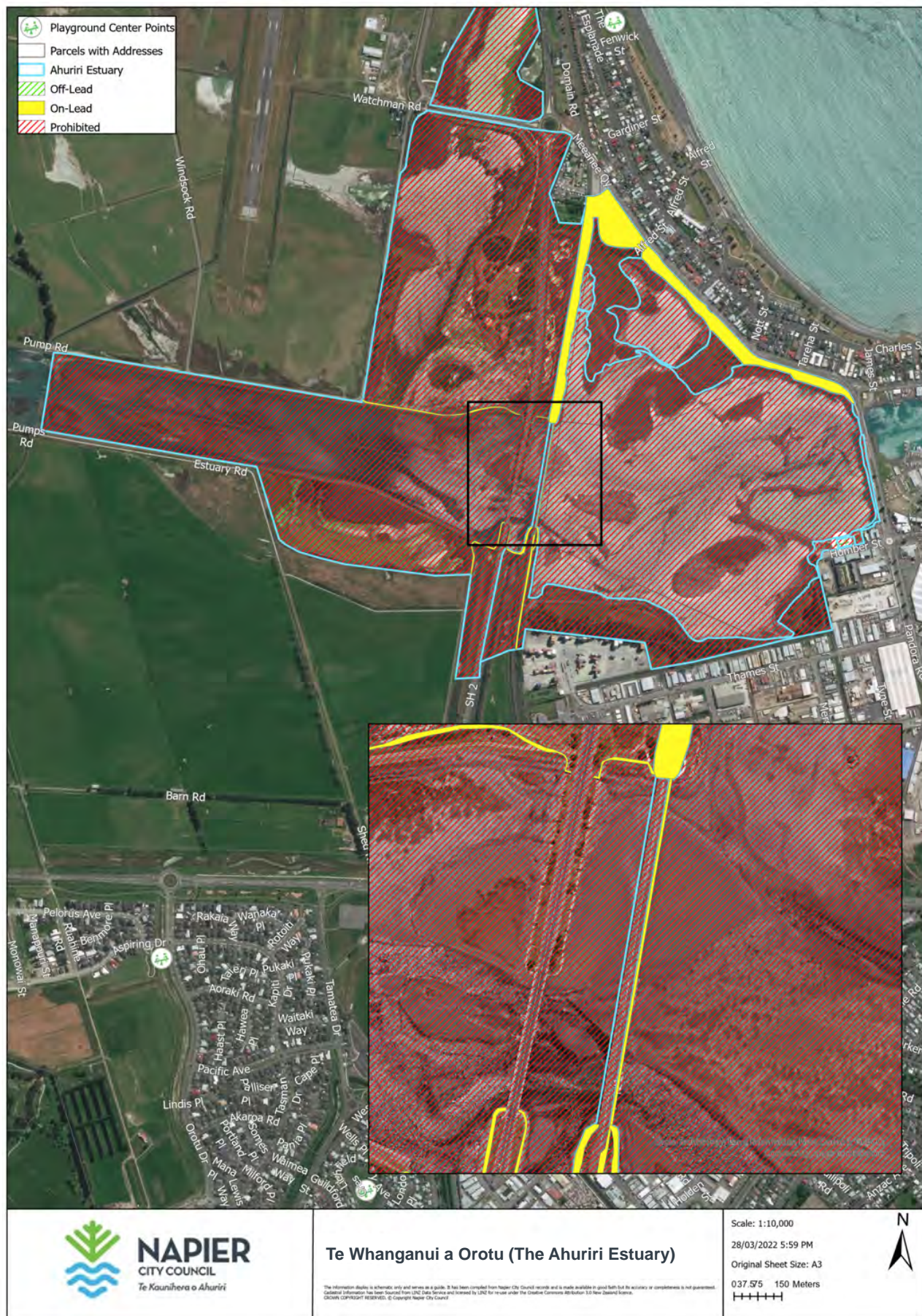
**Note:** See Map 5 attached to this bylaw for further clarification.

### Schedule 3 - On-Lead Areas (Clause 12)

All those public places that are not designated either a Prohibited Area (First Schedule) or Exercise Area (Second Schedule) are considered On-lead Areas for the purposes of clause 12 of this Bylaw.



Map 1: Te Whanganui a Orotu (The Ahuriri Estuary) Prohibited Area (First Schedule (d))





Map 2: Port Beach West Prohibited Area (First Schedule (f))





Map 3: Westshore (Second Schedule (j))





Map 4: Ahuriri Reserve Dog Exercise Area (Second Schedule (m))





Map 5: Dolbel Reserve Dog Exercise Area (Second Schedule (o))



## PUBLIC POLICY



Proposed Dog Control Policy 2022			
Adopted By	TBA		
Department	City Strategy and City Services		
Original Adoption Date	1 May 2014	Review Adoption Date	
Next Review Deadline		Document ID	
Relevant Legislation	Dog Control Act 1996		
NCC Docs Referenced			
NCC Docs Referenced			

## Strategic Context and Background

- 1.1. This Policy is adopted under section 10 of the Dog Control Act 1996 (the Act), which requires the Council to adopt a policy in respect of dogs in the Napier City.
- 1.2. The Act requires this Policy to be made having regard to:
  - a) The need to minimise danger, distress, or nuisance to the community;
  - b) The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
  - c) The importance of enabling, as far as practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
  - d) The exercise and recreational needs of dogs and owners.
- 1.3. Council has adopted this Policy and associated Bylaw with the intended outcome of providing a safe and healthy environment for citizens and visitors in Napier. The focus of implementing this policy is to prioritise safe interactions between dogs, people and their environment; reduce nuisance situations, minimise the possibility of dog attacks and promote the welfare of dogs generally.
- 1.4. Council has concurrently reviewed and adopted this Policy and its Dog Control Bylaw ("Bylaw") to ensure the Bylaw gives effect to and reflects the Policy.

## Purpose

- 2.1. The purpose of this Policy is to outline how Council will administer the requirements of the Act, and to facilitate good dog behaviour and good dog ownership, including annual registration.
- 2.2. The Policy objectives are to:
  - a) fulfil the requirements of the Act;
  - b) adopt measures to minimise the problems caused by dogs;



- c) provide a safe environment for the community through active enforcement and the education of owners on appropriate dog ownership and care; and
- d) acknowledge and encourage good dog ownership and care.

## Application and Scope

- 3.1. This Policy is made under section 10 of the Dog Control Act 1996; and
- 3.2. Applies to the Napier City.

## How the Policy will be Implemented

- 4.1. Council will implement this Policy through:
  - a) the Bylaw;
  - b) enforcement of the Bylaw and Act; and
  - c) non-regulatory methods including education and a structured fee schedule that rewards and promotes good dog ownership and behaviour.

## Fees

- 5.1. In prescribing fees the Council shall have regard to the relative cost of the registration and control of dogs in the various categories described in section 37 of the Act.
- 5.2. A reduced registration fee applies to owners of working dogs. Council may require an inspection to confirm working dog status.
- 5.3. A reduced registration fee applies to owners with the 'Responsible Dog Owner' classification.
- 5.4. All money received from registration fees or other charges (including infringement fines) under the Act is to be applied for dog control purposes in the city. Good care and management of dogs in the district provides a public benefit. However, the Council also seeks to achieve a high level of cost recovery from infringement offences so that the cost to ratepayers in dealing with dogs which are irresponsibly cared for is minimised. In addition, the Council will manage the pound as far as possible on a user pays basis.

## Dog Faeces

- 6.1. Dog faeces can harbour bacterial disease and parasitic infection, which can cause illness particularly in young children who play on the ground in our parks and playgrounds or even around homes.
- 6.2. It is an owner's responsibility to remove dog faeces from a public place immediately.  
*[Ref. NCC Proposed Dog Control Bylaw 2022 Clause 8]*
- 6.3. Private land owners are also encouraged to collect and dispose of dog waste daily so that nuisance conditions such as odour and breeding of flies do not develop.  
*[Ref. NCC Proposed Dog Control Bylaw 2022 Clause 7]*
- 6.4. Where possible (having regard to, among other things, budgetary constraints) the Council will provide bag dispensers and disposal containers in high use sites for dog faeces. The main focus will however continue to be the owner's personal responsibility to pick up after their dog by taking an appropriate bag with them.

## Barking

- 7.1. Barking, or vocalisation, is a natural behaviour of every dog. It is not unlawful for an owner to allow his or her dog to bark. A dog barks for a variety of reasons such as:
- a) If there is an intruder in its territory;
  - b) When it is distressed; and
  - c) As a reaction to environmental sounds.
- 7.2. A dog is permitted to display natural patterns of behaviour, including barking as a vocal expression and its owner is obliged to ensure that such needs are met.
- 7.3. However, when the barking or howling becomes a nuisance, Council may intervene under section 55 of the Dog Control Act or its Bylaw.  
*[Ref. NCC Proposed Dog Control Bylaw 2022 Clause 7]*
- 7.4. There are three elements to section 55 of the Act:
- a) A complaint has been made;
  - b) A nuisance is being created; and
  - c) The barking or howling is persistent and loud.
- 7.5. Council is likely to have reasonable grounds for believing that a nuisance is being created by the persistent and loud barking or howling of the dog; both of those elements must be present before the Council will take action.
- a) Persistent means:
    - i. Refusing to give up or let go;
    - ii. Insistently repetitive, continuous, constantly repeated;
    - iii. Existing or remaining in the same state for an indefinitely long time; and/or
    - iv. Enduring
  - b) Loud means:
    - i. Strongly audible;
    - ii. Striking forcibly on the sense of hearing.
- 7.6. In the event that the owner does not take all reasonable steps to prevent the dog from causing a nuisance by barking, enforcement action pursuant to the Act or Bylaw may be taken.  
*[Ref. NCC Proposed Dog Control Bylaw 2022 Clause 7]*

## Number of Dogs

- 8.1. Within an urban area, having multiple dogs on premise increases the likelihood of creating a nuisance to surrounding properties.
- 8.2. In order to limit the likelihood of nuisance, no more than two (2) dogs over the age of 3 months will be allowed to be kept on a premises within the urban area at any one time.  
*[Ref. NCC Proposed Dog Control Bylaw Clause 9]*
- 8.3. Council may give approval for a person to keep three (3) or more dogs on a premises within the urban area where it is satisfied that any potential impacts on surrounding neighbours and activities can suitably be managed.  
*[Ref. NCC Proposed Dog Control Bylaw Clause 9 (2)]*

## Dog Access Areas

- 9.1. Dogs can form an integral part of family life and offer companionship to their owners, particularly to the elderly. The activity of exercising a dog also provides an important means of exercise for many owners and therefore contributes to health and wellbeing generally.
- 9.2. Council seeks to support the integration of properly socialised dogs into public places in a way that minimises nuisance and allows the community (including vulnerable persons) to use our public spaces.
- 9.3. This policy identifies the following types of dog access rules:
- a) **Prohibited area** – a public place where dogs are not permitted to be, and other users have absolute priority. Council's Bylaw prohibits dogs entering and remaining in defined prohibited areas listed in its first schedule.  
*[Ref. NCC Proposed Dog Control Bylaw Clause 10 and First Schedule]*
  - b) **Exercise Area (Off-leash)** – a public place shared with other users, where dogs (excluding dangerous dogs) may be off a leash but must still be under control at all times. Council's Bylaw allows dogs to enter and remain in specified public places that are designated Dog Exercise Areas.  
*[Ref. NCC Proposed Dog Control Bylaw Clause 11 and Second Schedule]*
  - c) **Dog on Lead area** – a public place shared with other users, where dogs must be on a leash and under control at all times. Any public place that is not classified as a Prohibited area (First Schedule) or a Designated Exercise (Off-leash) area (Second Schedule) are default on-leash areas.  
*[Ref. NCC Proposed Dog Control Bylaw Clause 12]*
- 9.4. Owners must carry a leash at all times in any public place as required by the Act. Owners must also carry a dog waste bag at all times in any public place to collect and properly dispose of dog faeces.

## Release from the Pound

- 10.1. Dogs in breach of the Bylaw and Act that are impounded incur a cost to Council in catching, collecting, housing and feeding. The pound also creates opportunities for the public to adopt dogs which are suitable for re-homing. It is important that impounded dogs are returned to their owners as soon as possible, and that costs are recovered as far as practicable. Section 36A of the Dog Control Act requires that all unregistered, menacing and dangerous dogs, as well as dogs impounded for a second time, be microchipped (at the owner's expense) before release from the shelter.
- 10.2. Impounded dogs should only be released when proof of ownership has been established and upon payment of all fees including registration where applicable. In the case of a dog classified as a menacing dog, release to the owner shall only occur when the dog is provided with a suitable muzzle which must be worn in public areas. It shall be unlawful to remove any dog from the shelter or from a Council vehicle without the approval of a Council officer.
- 10.3. The adoption of any dog from the pound will be subject to:
- a) the dog remaining unclaimed more than seven days after impounding;
  - b) the dog having a suitable temperament/potential for adoption and being healthy, neutered, vaccinated, wormed, flea treated, registered and micro-chipped;
  - c) approval of the new owner by Council;
  - d) payment of an adoption fee.

## Classification of Menacing Dogs

- 11.1. The Council will require that all dogs classified by it as menacing under sections 33A or 33C of the Dog Control Act 1996 be neutered under section 33E(1)(b) of the Dog Control Act 1996.
- 11.2. The Council will require that dogs classified as menacing under section 33A or 33C of the Dog Control Act 1996 by any other territorial authority are required to be neutered under section 33EB(2) of the Dog Control Act 1996 if the dog registration is transferred to the Napier City.

**Explanation** Section 33A(1)(b) of the Dog Control Act 1996 allows Council to classify dogs as menacing if it considers the dog “may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:

- i. Any observed or reported behaviour of the dog.
- ii. Characteristics typically associated with the dog’s breed or type.”

Section 33C of the Dog Control Act 1996 requires that Council must classify the breeds or types of dogs listed in Schedule 4 of the Dog Control Act 1996 as menacing. Currently those breeds or types are:

**Breeds:**

- Brazilian Fila
- Dogo Argentino
- Japanese Tosa
- Perro de Presa Canario

**Type:**

- American Pit Bull Terrier

Council believes it is appropriate that dogs classified as menacing be required to be neutered. Neutered dogs appear to feature less in reported dog bite statistics.

## Working Dogs

- 12.1. It is generally recognised that working dogs pose few problems to the animal control unit. The animals’ general demeanour, their housing, location and their use as working animals ensure owner responsibility. It is also acknowledged that working dogs used for public duties and for assisting people with disabilities are unlikely to pose problems.
- 12.2. The registration fees for working dogs will generally be set to recover as near as practicable only the cost of the registration process. In recognition of the value of dogs trained for the public good or used by people with disabilities, the registration fee should be of a peppercorn nature. This includes registration for:
  - guide dogs;
  - hearing ear dogs;
  - companion dogs;
  - dogs kept by:
    - the Police;
    - the Customs Department;
    - the Ministry of Primary Industries
    - the Ministry of Defence;

- the Department of Conservation;
- the Department of Corrections;
- the Aviation Security Service;
- and dogs certified by the Director General of Civil Defence Emergency Management
- the Council may seek written statements or certificates of authority in relation to working dogs, which are used solely or principally for the purposes of herding or driving stock.

## Infringement Notices

- 13.1. An infringement notice like a parking ticket is an instant fine and, if paid within a certain period of time, avoids court procedures.
- 13.2. An infringement notice is only able to be issued for an infringement offence. The offences and fixed fines are specified in the First Schedule of the Dog Control Act 1996.
- 13.3. Failure to comply with an infringement notice can lead to court proceedings.
- 13.4. The advantages of the infringement notice system is fixed fines, with the cost, time and uncertainty involved in seeking a judges' decisions removed. It also allows for the withdrawal of the notice at the discretion of the officer. Direct action with an offender cuts down on the use of legal advisors and all the infringement fees are retained by Council as opposed to only 90% of any fine issued by a court.
- 13.5. Council endorses the use of infringement notices as provided in the Dog Control Act 1996.

Wilful obstruction of dog control officer or dog ranger	\$750.00
Failure or refusal to supply correct information about a dog or wilfully providing false particulars	\$750.00
Failure to comply with any bylaw authorised by Section 20 of the Dog Control Act	\$300.00
Failure to undertake dog owner education programme or dog obedience course (or both)	\$300.00
Failure to comply with obligations of probationary owner	\$750.00
Failure to comply with effects of disqualification	\$750.00
Failure to comply with effects of classification of dangerous dog	\$300.00
Fraudulent sale or transfer of dangerous dog	\$500.00
Failure to comply with effects of classification of menacing dog	\$300.00
Failure to advise person of muzzle and leashing requirements	\$100.00
Failure to implant microchip transponder in dog	\$300.00
False statement relating to registration	\$750.00
Falsely notifying death of dog	\$750.00
Failure to register dog	\$300.00

Fraudulent attempt to procure replacement label or disc	\$500.00
Failure to advise change of ownership	\$100.00
Failure to advise change of address	\$100.00
Removal or swapping of labels or discs	\$500.00
Failure to keep dog under control or confined	\$200.00
Failure to provide proper care/food/water/shelter/exercise	\$300.00
Failure to use or carry leash in public place	\$100.00
Failure to comply with barking dog abatement notice	\$200.00
Allowing dogs known to be dangerous to be at large unmuzzled	\$300.00
Failure to advise of muzzle and leashing requirements	\$100.00
Releasing dog from custody	\$750.00

## Policy Review

## Document History

Version	Reviewer	Change Detail	Date



# **Dog Control Policy and Bylaw**

## **Community Engagement Report**

June 2022

## 1. Background

Napier City Council is reviewing its Dog Control Policy and Bylaw. The Policy and Bylaw were last reviewed in 2014. The review presents an opportunity to simplify several rules, update dog exercise areas, and better balance the need to protect public safety and endangered wildlife, with the rights of dogs and their owners to live a good life in Napier. This review used multiple methods of community engagement to understand the perspectives from both dog-owners and non-dog owners as well several groups with a particular interest in this topic.

This report describes the engagement undertaken between November 2021 and June 2022.

## 2. Overall approach and purpose

A high-level engagement plan following sections 82 and 83 of the Local Government Act 2002 was developed for this project and presented to Councillors. This plan reflected the need for engagement to occur at multiple stages of the project to both shape the proposals and test them with the wider public. A detailed stakeholder analysis supported this plan to map out the relevant partners and interested parties.

Pre-engagement for this project took place between November 2021 and April 2022. The focus of activity during this time was to gather views on dogs in Napier, understand any perceived issues with dog control regulations, and assess the most appropriate off-lead areas. Pre-engagement involved a number of stakeholder meetings, a Council workshop, and a survey of Council's People's Panel.

Community engagement took place during May and June 2022 with submissions due to be heard on 12 July 2022. The purpose of this stage of engagement was to raise awareness on the proposed changes to dog control rules and to gather submissions. A range of activities was undertaken during this time including a comprehensive communications and marketing campaign, community meetings, and public pop-ups. All dog owners in Napier were sent information about the review in conjunction with their annual dog registration notice. Submissions were open from 25 May to 24 June 2022.

A comprehensive analysis of the 500 submissions has been prepared by SIL Research Ltd. Of these, 35 expressed a desire to speak to their submission at the hearing. A discussion of the engagement activities is presented below.



### 3. Engagement activities

#### 3.1. Pre-engagement (Nov 2021 – Apr 2022)

##### Stakeholder meetings

Meetings were held with a number of stakeholders and partner agencies. The purpose of these was to understand perspectives on how dog control in Napier was presently working, hear about any issues, and test Council's ideas for proposed change. Engagement in these meetings was high with groups interested in a range of topics both in and out of scope of the review (eg, enforcement issues and registration). Meetings were held with the following:

- Ahuriri Estuary Protection Society
- Department of Conservation
- Napier SPCA
- Napier Port
- Hastings District Council
- Hawke's Bay Regional Council
- Save the Dotterels
- Napier Dog Training Club
- The Dogman (a local dog trainer).

##### Local newsletters

To raise awareness of the upcoming consultation, several groups with existing databases were contacted and asked to include a short notice about the consultation in their next newsletter to members. The notice advised that the consultation was coming soon and provided information about what Council would be seeking feedback on. This notice was distributed in the following newsletters:

- Biodiversity Hawke's Bay
- Forest and Bird Hawke's Bay
- Ahuriri Estuary Protection Society
- Napier City Council Pānui (Monthly newsletter to Mana Whenua, PSGEs and Marae).

##### People's Panel survey

A survey was distributed to Napier Council's People's Panel and was open from 10-18 November 2021. The People's Panel is a database of Napier residents who have registered their interest in engaging more regularly with Council. This database is mainly used for pre-engagement or to test emerging ideas. The purpose of the survey was to understand what the public view as important to consider in reviewing the Dog Control Policy and Bylaw.

A total of 780 invitations to complete the survey were sent via email and 340 complete responses were received, representing a response rate of 44%. Survey respondents generally wanted Napier to be a

more dog-friendly city but were of the view that the Council currently provides a sufficient number of dog exercise areas. A summary of results is appended to this report.

### Council workshop

A workshop with Councillors was held by the Review Team on 2 December 2021. The purpose of this workshop was to present relevant data to Councillors and engage in a discussion about the issues that had been identified. Draft proposals were also discussed which provided the Team with direction for preparing the public report, which was endorsed by Councillors in March 2022.

## 3.2. Public consultation (May 2022 – Jun 2022)

### Print media

Council issued two media releases to promote public engagement.

Media releases	10 May	Combined release with Dog Registrations
	9 June	Key message to advise of public meeting and main changes to Bylaw

### Radio advertising

Council ran a radio campaign with NZME to promote submissions.

Radio advertising with NZME	25 May – 22 June	60 x 30 second commercials - The Hits, Newstalk ZB, Coast, ZM, Hauraki, Gold
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### Pop-ups

Three ‘pop-up’ events were held during the consultation period. The purpose of these was to meet both dog-walkers and greenspace users where they come to exercise and raise awareness about the opportunity to make submissions. The quality of interactions at these pop-ups was high. Most people had an opinion about the review and were keen to make submission once they learnt a little more about the proposed changes.

Conversations were had with approximately 20 people at each pop-up event, held at these locations:

- Park Island – Sunday 29 May, 10:30-11:30am
- Dolbel Reserve – Wednesday 15 June, 3-4pm
- Anderson Park – Thursday 16 June, 3-4pm.

## Public meeting

A public meeting was held as an opportunity for people interested in the review to hear about the proposed changes and have their questions answered. The meeting consisted of a brief presentation with some background to the dog control review and an outline of the proposed changes and the rationale behind them. Those who attended were very engaged and asked questions on a range of topics. Most questions focused on enforcement issues and the perception that good dog owners may be punished as a result of the proposals.

A total of 17 members of the public attended the meeting, held at:

- Napier Old Boys Marist Rugby Club – Tuesday 14 June 6-7pm.



## Registration notices to dog owners

Direct contact was made to Napier dog owners to advise them of the review and encourage feedback. This was done by providing information to accompany the annual dog registration notices which were sent out in the seven days following 25 May 2022. A deliberate decision was made to time the launch of the consultation with the beginning of dog registration to ensure maximum exposure.

The total notices sent were:

- Post – 4,483
- Email – 2,553.

## Social media

A variety of social media posts were made on Council's social media pages during the engagement. The primary purpose of these was to inform the public of the proposals and encourage them to provide feedback. These posts were shared widely to local community pages and were used to promote events. A map of dog exercise areas was created due to some confusion indicated by the social media comments, and this was also shared on Council's Facebook page.

Digital advertising with NZME	25 May – 22 June	<ul style="list-style-type: none"> <li>100,000 impressions</li> <li>Google Display targeting Napier all people 18+ with a skew to interested in dogs</li> </ul>
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Facebook	Date	Reach	Engagement
Consultation open post	25/05/22	29,907	4,019 Reactions: 147 Comments: 275 Link Clicks: 796 Shares: 46
Community meeting post	10/6/22	10,905	1,034 Reactions: 36 Comments: 23 Link Clicks: 298 Shares: 19
Have your say & community meeting reminder post	13/6/22	11,621	700 Reactions: 32 Comments: 42 Link Clicks: 65 Shares: 11
Community meeting feedback post	15/6/22	8,545	485 Reactions: 21 Comments: 21 Link Clicks: 161 Shares: 8
Consultation closing post	22/6/22	9,120	191 Reactions: 4 Comments: 13 Link Clicks: 33 Shares: 2

### Flyers, billboards and digital screens

Flyers, billboards, and digital screen graphics were designed and utilised to raise awareness of the consultation. Flyers were printed and distributed to pet stores in Napier and accompanied the posted dog registration notices. These were also distributed at pop-up events. Billboards were installed at parks affected by proposed changes as well as at prominent locations around Napier. Digital screens in Council facilities were also used or promote the consultation.



## 4. Next steps

Once the Dog Control Policy and Bylaw are adopted, an education programme will be developed to ensure the public are aware of the final changes. This campaign will also focus on improving responsible dog ownership practices in Napier and will look to work with a number of partner agencies such as the Department of Conservation and Napier SPCA.





## High Level Engagement Plan – Dog Control Policy and Bylaw

### Background

The Dog Control Policy and Bylaw provides clear guidance to the public and Council staff on the rules and expectations around the keeping of dogs in Napier. These two documents set the regulatory framework through which the Council applies the Dog Control Act 1996. The current regime seeks to balance the need to provide a safe and healthy environment for residents and visitors to Napier with the general welfare of dogs and the companionship and enjoyment they provide to many residents.

The Napier City Council are embarking on a review of our Dog Control Policy and Bylaw framework. This review seeks to respond to some of the public inquiries and complaints we have received since the last review in 2014. The key changes being proposed at this stage involve amending the definitions around control of dogs and reviewing some of our dog exercise areas. The review will also test whether the balance the current policy strikes in terms of restrictions on dog owners remains correct and continues to achieve the aims of the policy and bylaw.

### Significance and Engagement Policy

This matter is likely to be of interest to a large number of Napier residents who own dogs. Dog control is thought to be of moderate significance to the wider community and the approach to engagement will recognise that both non-dog owners and dog owners are affected by the review.

It is acknowledged that there are specific groups (such as dog walking groups, conservation groups and mana whenua) that will have an extra level of interest in these review and particular effort will be made to engage with these key stakeholders.

Amendments to bylaws require the Special Consultative Procedure set out in section 83 of the Local Government Act 2002 to be followed. As such, a Statement of Proposal will be prepared. This and the draft bylaw will be made publicly available for feedback during May and June 2022 with hearings to take place in July 2022.

### Approach

A two stage approach to engagement will be used for this project. This will involve a pre-engagement period which will socialize the issues and gather ideas for the content of the policy and bylaw. This will be followed by a formal consultation period where a statement of proposal will be published and feedback on the draft bylaw and policy collected. There will also be an opportunity for hearings at this stage.

The two-stage approach will be undertaken as follows:

- **Early engagement** (November to March) – To educate the community on the current regime and gather their input on how Napier should balance public safety concerns with rights of responsible dog owners. This process will be underpinned by initiatives that focus on raising interest in the community and provide chances for people to say what is important for the policy/bylaw to pay attention to. It will offer an opportunity for

interested people to contribute ideas into the development of the revised policy and bylaw.

- **Consultation** (Late May - Late June) – To provide an opportunity for the community to identify their preferred options and give feedback to Council prior to it making a decision. The campaign will change to focus on specific initiatives being proposed under the policy and bylaw. People will also be encourage to voice their opinion and speak to their submission at the hearings in June.

Online submissions will be strongly encouraged, but hard copy documents of the statement of proposal and submission form will be available at Napier City Council Customer Services and Libraries and will be sent out by request.

### Communication & Engagement Tools

Phase one – Early engagement (Nov 2021 – Mar 2022)

Focus: Knowledge building and policy shaping

- People's Panel Survey
- Advertising (digital)
- Exercise area mapping survey
- Dog park walk-alongs
- Stakeholder and interest group discussions

Phase two – Consultation (Late May 2022 - Late June 2022)

Focus: Call to action (SayIt / Kōrero Mai)

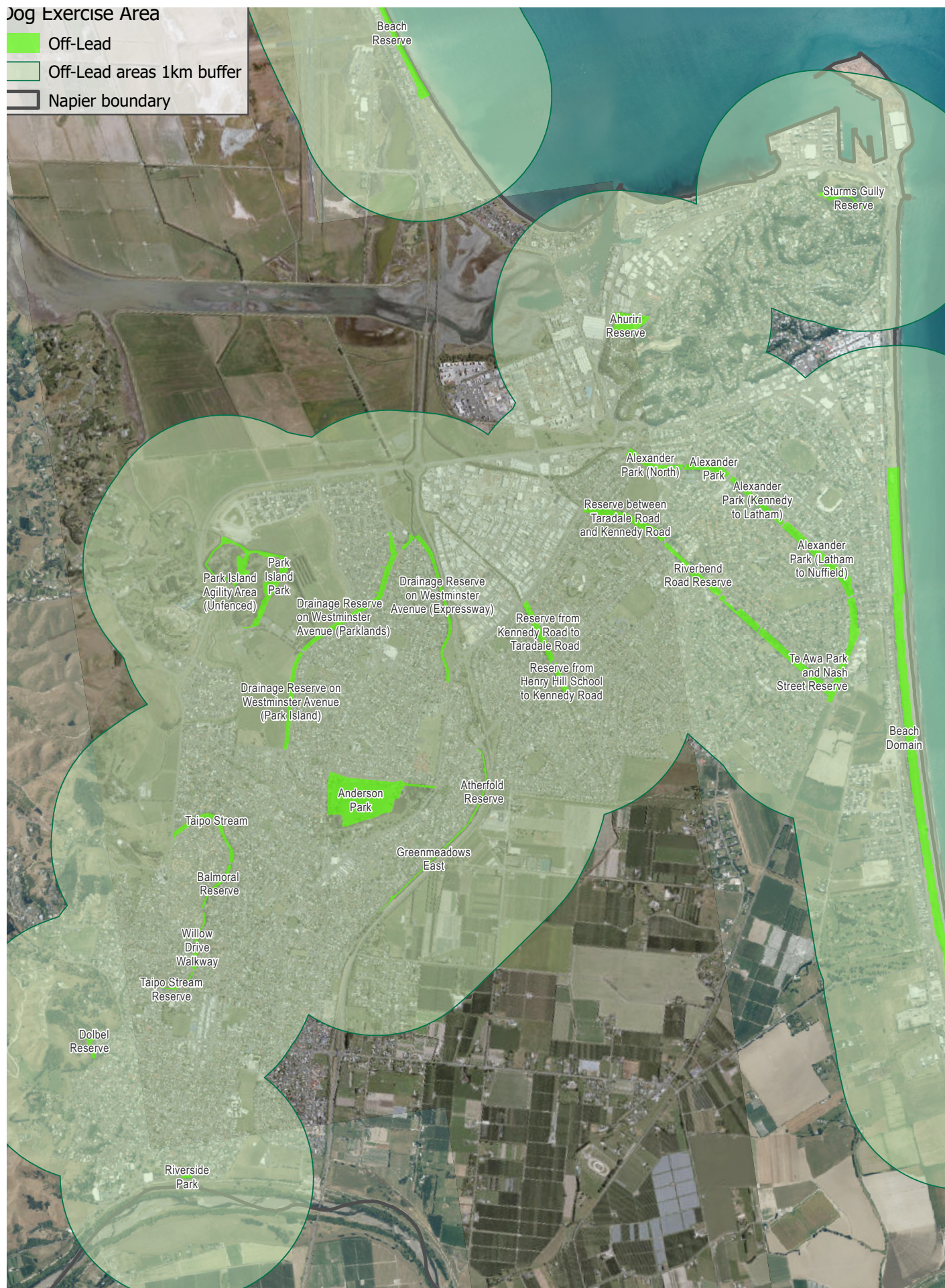
- Bark Island event
- Advertising (print/radio/digital)
- Media releases
- Direct emails to registered dog owners
- Community drop-ins
- Online and hard copy consultation

A detailed project plan will be implemented across the two phases.



## Dog Exercise Area

- Off-Lead
- Off-Lead areas 1km buffer
- Napier boundary



### Napier City Off-Lead Dog Exercise Areas 1km Buffer

The information displayed is schematic only and serves as a guide. It has been compiled from Napier City Council records and is made available in good faith but its accuracy or completeness is not guaranteed. Cadastral Information has been Sourced from LINZ Data Service and licensed by LINZ for re-use under the Creative Commons Attribution 4.0 New Zealand license.



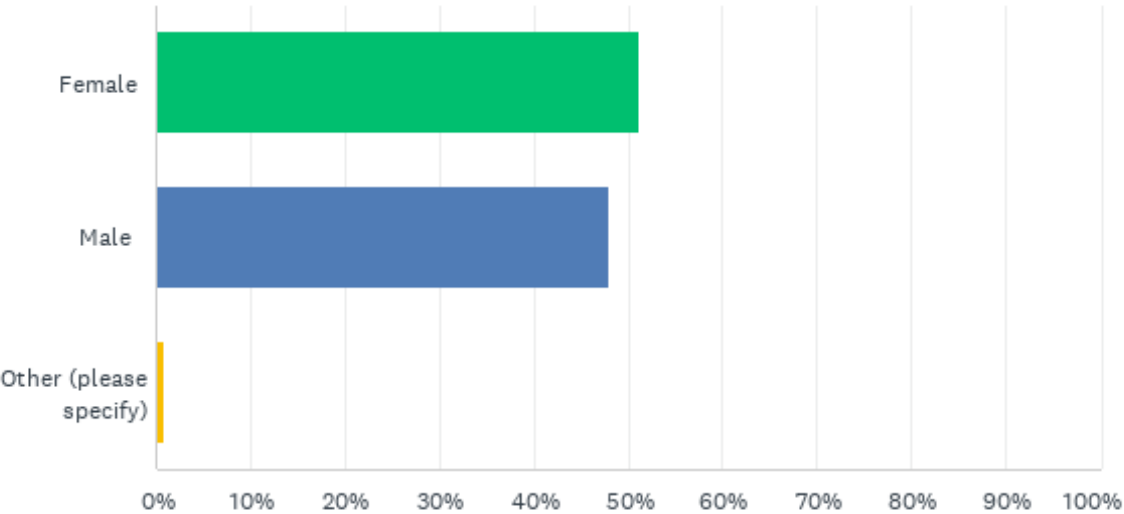
# Dog Control Review

## *People's Panel Survey Results*

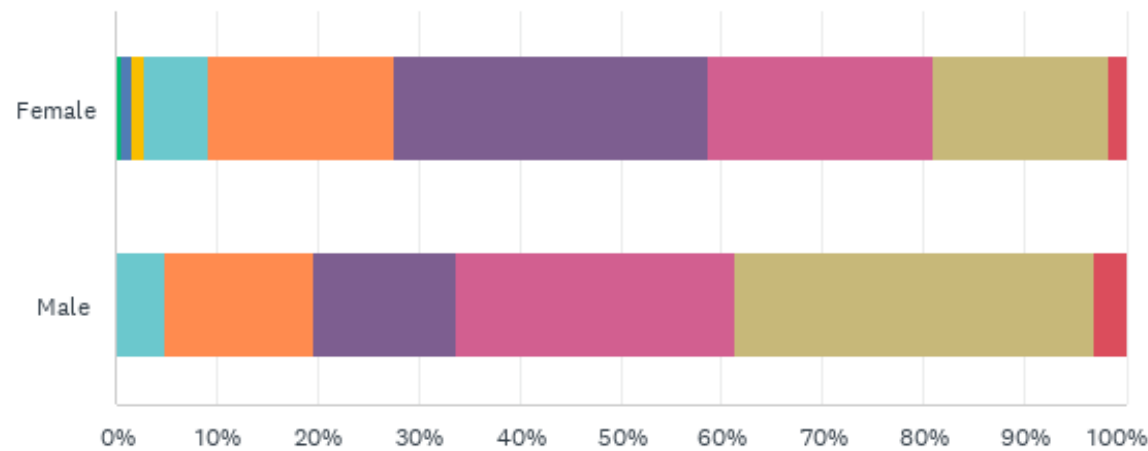
# Survey Info

- Survey open from 10 – 18 November
- 780 total invitations sent to the Peoples Panel
- 340 total responses received
- Survey goal:
  - To understand what the public view as important to consider in reviewing the Dog Control Policy and Bylaw

# Gender Distribution

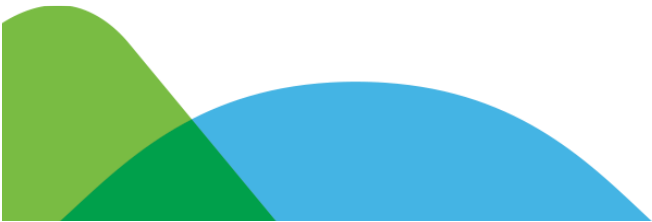
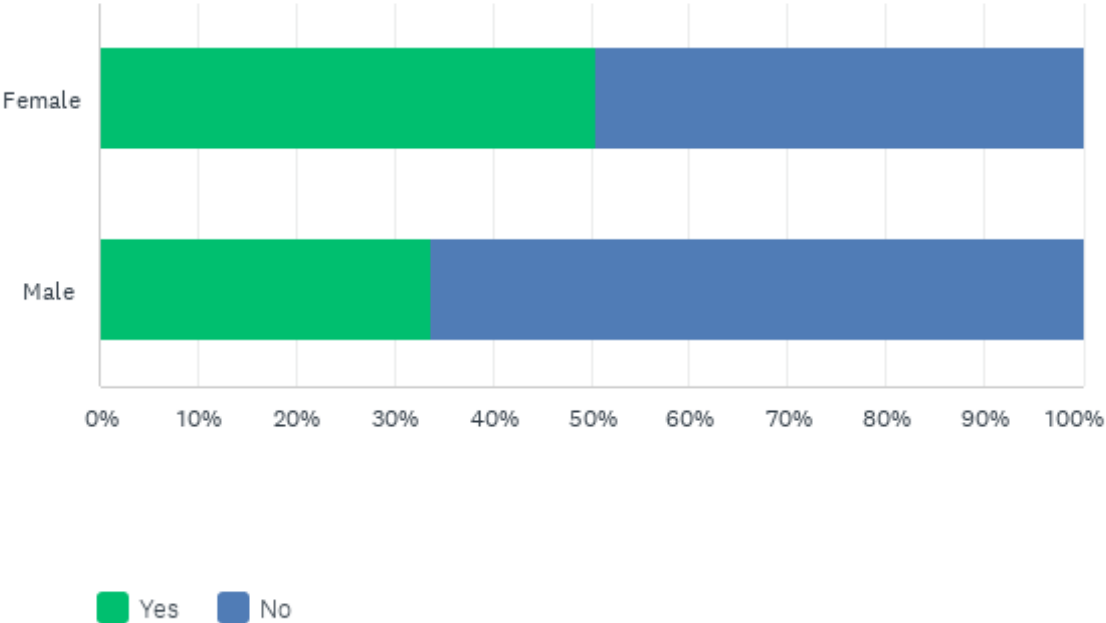


# Age Distribution

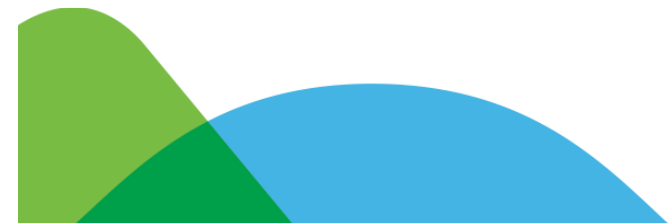
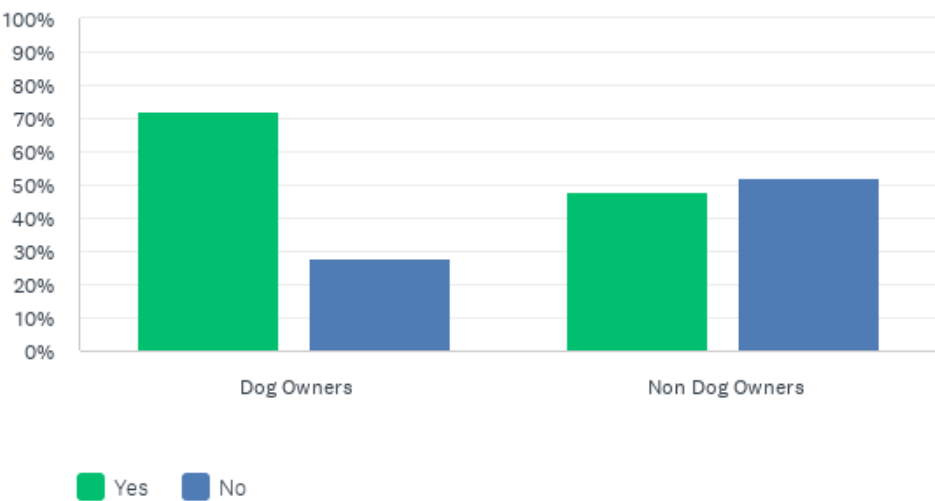
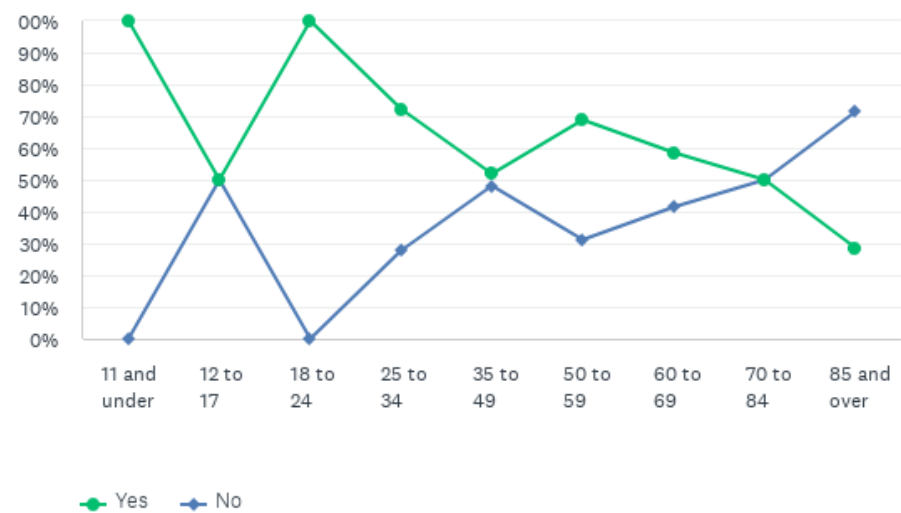


# Dog Owners

Q3 Are you a dog owner?



# Should Napier Be A More Dog Friendly City?



# Reasons Why/Why Not

## Reasons for

- Dogs provide great companionship for families
- Dogs encourage people to get out and about exercising
- Too many restrictions currently
- Animals deserve kindness and exercise opportunities
- Responsible dog ownership should be rewarded
- Napier should have good facilities for dogs

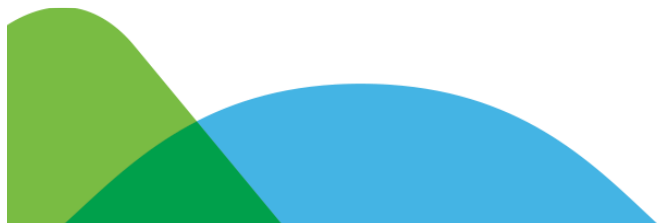
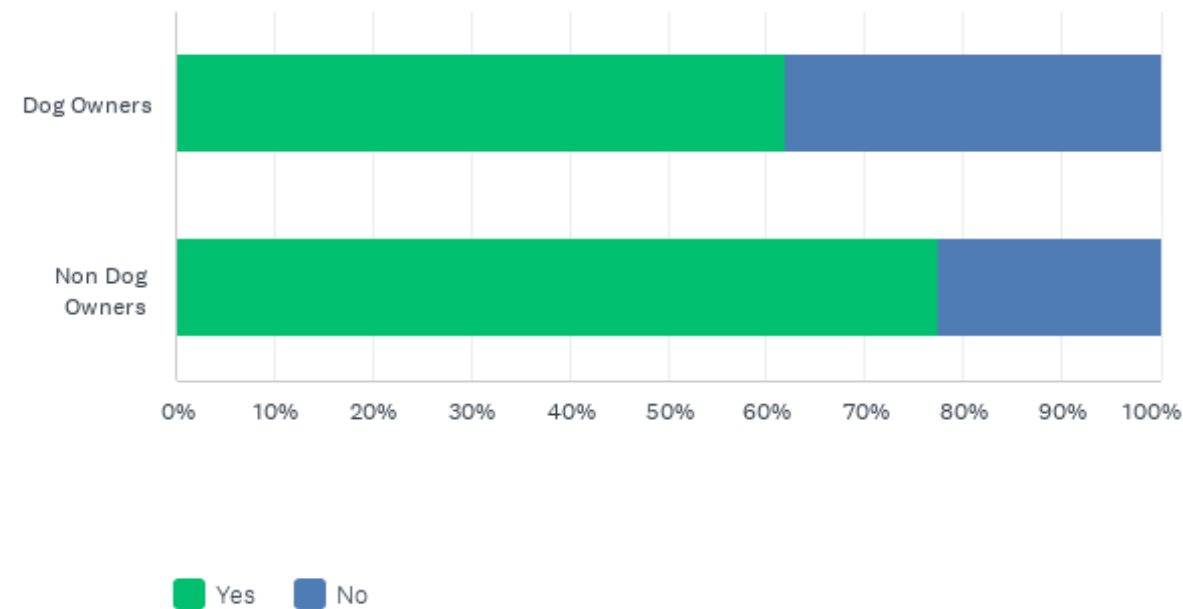
## Reasons against

- Current rules are fine
- Uncontrolled dogs are a serious problem
- Too many problem dog owners
- Dogs should not be in the CBD
- Barking dogs and dog poo are already issues
- Issues with certain dog breeds



# Views on Exercise Areas

Q6 Do you think Napier provides enough dog exercise areas?





# Exercise Areas - Top Suggestions

- Marine Parade
- Ahuriri/Westshore Beaches
- Less privileged suburbs
- Onekawa
- Taradale
- Old hospital site (Mataruahou)
- All beaches
- Pandora Pond
- End of Guppy Road (river margins)
- Te Awa
- Whitmore Park
- Incorporate in new subdivisions



# Important Considerations For Review

- Consider limiting the number of dogs per household
- Adequate bins for dog waste
- Restrict dogs from conservation areas – protected endangered flora and fauna
- Harsher penalties for animal cruelty, unregistered dogs and not picking up poo
- Restrictions on certain breeds
- Public safety
- Don't add restrictions unless they will be enforced
- Animal welfare
- Stricter enforcement of on-lead requirements
- Responsible dog ownership should be rewarded
- Fencing requirements
- Greater monitoring of barking dogs and the nuisance they cause
- Provide more obedience classes and offer discounted registration to graduates
- Fees need to be kept affordable
- Public health and keeping popular areas clean
- Better signage and education



### Proposed amendments to the NCC Dog Control Bylaw

The Ahuriri Estuary catchment, including all adjoining wetlands areas (such as the Westshore Wildlife Reserve, Watchman Road Reserve and Southern Marsh) and its associated tributaries (such as the Taipo Stream) are recognised as an environment of national significance, especially for the huge and diverse range of bird species which inhabit these areas. The whole estuary environment contains ecosystems which constantly change, which may be either daily (tidal on-flow and out-flow) or seasonally (non-tidal wetlands such as the scrape lakes and lagoon on the Westshore Wildlife Reserve).

All these environments provide birdlife with feeding, roosting and breeding opportunities, and use of these areas for those purposes is both valuable and extremely sensitive. An example of just how valuable an area is can be demonstrated by the astounding number of bird species which utilise the Westshore Wildlife Reserve. Over a 35-year period in which I was resident on this reserve I personally recorded 97 different species of birds, some of which are rare or vulnerable species.

Disturbance factors greatly affect a bird's ability to safely and securely utilise an area for their selected purposes. Some species of birds can be tolerant of mild disturbance, however the great majority of bird species using the Ahuriri Estuary complex are not. Such species include many of the native or endemic waders, waterfowl and the large number of migratory species which annually visit the area. Disturbance can be attributed to a number of factors but within sensitive wildlife environments disturbance by dogs, especially uncontrolled dogs, can be one of the most detrimental.

Dog disturbance factors attributable to dogs are threefold;

1. Uncontrolled behaviour by dogs which have either been let off their leash by their owners or have wandered into an area from a neighbouring location. These animals can cause major disturbance as they invariably run amok through an environment scattering birds in their path and damaging a sensitive environment.
2. Through barking in an excitable manner. Although a dog may be on a leash, some dog breeds, by their very nature, are excitable and will bark at anything that takes their fancy. Research into the effects of dog barking has identified that most bird species can be detrimentally affected up to a range of 250 metres away. Given the size of the Ahuriri Estuary this encapsulates a large area of bird habitat.
3. The visual effects of birds sighting a dog. Although this is not as detrimental as the previous two mentioned above it is a contributing factor. There are a number of highly sensitive bird species inhabiting the Ahuriri Estuary catchment which are intolerant of visual disturbance.

I have witnessed on numerous occasions all three of these disturbance factors in the Ahuriri Estuary and adjoining wetland environs. During the 35 years I spent at the Westshore Wildlife Reserve I observed, on almost a monthly basis, uncontrolled dog activities on this sensitive Reserve, and also in the lower and main tidal areas of the estuary. When the dog owners were approached on such occasions the response was generally one of ambivalence or ignorance of the potential damage their dog was causing.

Given the global threats facing biodiversity and their associated ecosystems, Councils should be encouraged to take a more pro-active stance toward preserving and protecting valuable and sensitive areas. In this instance it would include the Ahuriri Estuary and its surrounding wetland environs.

Given the information presented above, and irrespective of the underlying land ownership of each parcel of land, I would strongly recommend that all land adjoining the tidal portion of the Ahuriri Estuary (including the narrow strip of land directly adjoining Meeanee Quay), all adjoining wetland environments, and the pathway/cycleway adjoining the Taipo Stream be classified as a 'Prohibited Area' for dogs.

However, in doing so I would also recommend the need to allocate resources to this potential change. In this instance resourcing could either be additional resources for enforcement purposes or for public education.

**Tony Billing**

**Wildlife Consultant**







Lagoon Farm Cycle Path

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Scale: 1:10,000

30/06/2022 11:38 AM

Original Sheet Size: A3

0 50 100 200 Meters











Te Whanganui ā Orotu (Ahuriri Estuary)

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Original Sheet Size: A3  
0 50 100 200 Meters

