

---

Thursday, 20 May 2021

---

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*  
**Hastings District Council**  
**Council Meeting**

## *Kaupapataka*

# Agenda

---

*Te Rā Hui:*  
Meeting date: **Thursday, 20 May 2021**

---

*Te Wā:*  
Time: **9.00am**

---

*Te Wāhi:*  
Venue: **Council Chamber  
Ground Floor  
Civic Administration Building  
Lyndon Road East  
Hastings**

---

*Te Hoapā:*  
Contact: **Democracy and Governance Services  
P: 06 871 5000 | E: [democracy@hdc.govt.nz](mailto:democracy@hdc.govt.nz)**

---

*Te Āpiha Matua:*  
Responsible  
Officer: **Chief Executive - Nigel Bickle**

---

**Watch Council meetings  
streamed live on our website  
[www.hastingsdc.govt.nz](http://www.hastingsdc.govt.nz)**



---

Thursday, 20 May 2021

---

*Te Hui o Te Kaunihara ā-Rohe o Heretaunga*

**Hastings District Council**

**Council Meeting**

*Kaupapataka*

# Agenda

---

*Tiamana*

**Chair:** Mayor Sandra Hazlehurst

*Mematanga:*

**Membership:**

*Ngā KaiKaunihera*

**Councillors:** Bayden Barber, Alwyn Corban, Malcolm Dixon, Damon Harvey, Tania Kerr (Deputy Chair), Eileen Lawson, Simon Nixon, Henare O’Keefe, Peleti Oli, Ann Redstone, Wendy Schollum, Sophie Siers, Geraldine Travers and Kevin Watkins

---

*Tokamatua:*

**Quorum:**

8 members

---

*Apiha Matua*

**Officer Responsible:**

Chief Executive – Nigel Bickle

---

*Te Rōpū Manapori me te  
Kāwanatanga*

**Democracy and**

**Governance Services:**

Jackie Evans (Extn 5018)



## *Te Rārangi Take*

# Order of Business

---

### 1.0 Opening Prayer – *Karaki a Whakatūwheratanga*

---

### 2.0 Apologies & Leave of Absence – *Ngā Whakapāhatanga me te Wehenga ā-Hui*

An apology from Councillor O'Keefe has been received.

At the close of the agenda no requests for leave of absence had been received.

---

### 3.0 Conflict of Interest – *He Ngākau Kōnatunatu*

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the General Counsel or the Manager: Democracy and Governance (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member.

---

### 4.0 Confirmation of Minutes – *Te Whakamana i Ngā Miniti*

Minutes of the Council Meeting held Thursday 6 May 2021.

*(Previously circulated)*

Minutes of the Extraordinary Council Meeting held Tuesday 18 May 2021.

*(Previously circulated)*

---

### 5.0 Submissions on Consolidated Bylaw and Dog Policy Five Year Review

7

---

### 6.0 Minor Items – *Ngā Take Iti*

---

---

**7.0 Urgent Items – *Ngā Take Whakahihi***

---

**8.0 Recommendation to Exclude the Public from Item 9 17**

---

**9.0 Urban Development Area - Land Acquisition**

---

---

Thursday, 20 May 2021

---

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*  
**Hastings District Council: Council Meeting**

**Item 5**

*Te Rārangi Take*

# Report to Council

---

**Nā:**  
**From: John Payne, Regulatory Solutions Manager**

---

**Te Take:**  
**Subject: Submissions on Consolidated Bylaw and Dog Policy Five Year Review**

---

## **1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopototanga**

- 1.1 The purpose of this report is to inform Council on submissions received in relation to the Hastings District Council bylaw and dog policy review and to obtain decisions for incorporation into the draft Consolidated Bylaw and Dogs Policy for Council for adoption 13 July 2021.
- 1.2 This issue arises from legislative provisions within the Local Government Act 2002 requiring Council to review existing bylaws after five years.
- 1.3 This report concludes by making six recommendations to enable the proposed Consolidated Bylaw and Dog Policy to be completed for final adoption by Council 13 July 2021.
- 1.4 Two submissions were received after the closing date of 19 March 2021, and it is recommended that Council accept the late submission 030 from Joy Percy and an internal submission from the Public Spaces and Building Assets Team.

## **2.0 Recommendations – Ngā Tūtohunga**

- A) That the Council receive the report Submissions on Consolidated Bylaw and Dog Policy Five Year Review dated 20 May 2021.
- B) That the Council receive the written submissions attached to this report.
- C) That the late submissions from Joy Percy (Sub 030) and the internal submission from the Public Spaces and Building Assets Team be accepted.
- D) That the decisions and amendments made at this Council meeting be incorporated into the draft Consolidated Bylaw and/or Dog Policy.

- E) That Council is satisfied that the consultation principles of the Local Government Act 2002 have been met in relation to the proposed bylaw and that no further consultation is necessary, other than required by the Health Act 1954 and the Burial and Cremation Act 1964.
- F) That draft Consolidated Bylaw and Dog Policy (subject to the amendments proposed above and the outcome of final consultation under the Health Act 1954 and the Burial and Cremation Act 1964) be submitted to the Council meeting 14 July 2021 for adoption.

### 3.0 Background – *Te Horopaki*

- 3.1 At a meeting held on 11 February 2021, Council resolved to approve the draft Consolidated Bylaw and Dog Policy. Council also directed staff to commence the special consultative procedure.
- 3.2 Public notification of the submission process occurred on 17 and 20 February 2021 and a myvoicemychoice submission process was set up on Council's website. Submission forms were available at Flaxmere, Hastings and Havelock North Libraries, and as required under section 10[(2) of the Dog Control Act 1996, all dog owners were sent written notification.

### 4.0 Discussion – *Te Matapakitanga*

- 4.1 A total of 31 submissions were received in relation to the draft Consolidated Bylaw and Dog Policy.
- 4.2 The submissions covered Dog Control bylaw/Policy x 27, general support for the bylaws x 2, support for the proposed Te Mata Peak liquor ban x 1 and an amendment to the Cycles & Skateboards clause x 1.
- 4.3 A late submission from the Public Spaces and Building Assets Team recommends an amendment to clause 2.7 Cycles and Skateboards and recommends deleting all references to cycles. The reason for the submission is, Council has been encouraging and making provision for cycling across our parks and road reserves, therefore as the current Bylaw does not allow such activities, it is in direct conflict with current Council strategies and policies. In addition, the control of such activities on parks and reserves is already included in the District wide Reserve Management Plan. Accordingly, a separate Bylaw is not needed as there are other enforcement options available.

Officers also advise that the Land Transport (Road User) Rule covers the use of footpaths and berms forming part of a road. Consequently, the Bylaw as it stands is largely a duplication of this. The Road User Rule is in the final stages of review with the intention of amending the Rule to allow cyclists on all footpaths. This would potentially result in the Bylaw being in direct conflict with national Law.

The clause would then only cover skateboards as follows:

#### SKATEBOARDS

- 2.7.1 A person must not use a skateboard on a footpath without exercising due care and with regard to the convenience and safety of pedestrians.
- 2.7.2 Notwithstanding clause 2.7.1, a person must not use a skateboard in a public place within the skateboard ban areas specified in Schedules A, B and C to this part of the Bylaw, or in any other part of the district designated by Council by publically notified resolution as a skateboard free area.



4.4 Two submitters have requested to be heard:

- Bonnie Burch – Submission 21 - Supports the bylaw but also noted that more enforcement is required. The submitter has indicated she may not be able to attend the meeting and has submitted a more detailed submission (attached).
- Eric Scott – Submission 28 - Does not support the requirement for dogs to be leashed. Would rather see dogs are required to be kept under control.

4.5 A summary of the submissions and the Officers comments are provided in Section 5.0

## 5.0 Officers Comments –*Āpiha Kōrero*

5.1 Submissions 3, 4, 5, 8, 12, 15, 26: A number of submitters in support of the proposed bylaw/policy.

5.2 Submission 1, and 13: The submitters believe dogs should be controlled on a leash and not be banned from children's play grounds or sports fields, in particular when not in use.

### Officer Comments

**There are limited areas where dogs are prohibited. For safety and hygiene reasons dogs are prohibited from children's playgrounds and sports fields.**

5.3 Submission 2: Barking dog processes should be included in the Dog Policy.

### Officer Comments

**Barking dog processes are covered under the Dog Control Act and are therefore not in the policy.**

5.4 Submission 6: The submitter would like to extend the off leash times in Ebbett Park from the proposed 5:00pm to 8:00am to 2:00pm to 10:00am to allow elderly people more practical use of the park.

### Officer Comments

**The reason the suggested exercise time was extended in Ebbett Park was to provide more off lead exercise time but without impacting on other users of the park, in particular school children.**

5.5 Submission 7: The submitter would like the policy to show that service dogs are exempt from complying with the provisions of the dog prohibited areas.

### Officer Comments

**Disability Assist dogs have been granted special legal rights under the Human Rights Act 1993 and the Dog Control Act 1996 and are legally entitled to public access. For the avoidance of doubt a statement could be added to the Policy & bylaw (i.e. Prohibited Areas: Excludes disability assist dogs).**

5.6 Submission 9: Would like to see a national microchip database linked to Council's dog registration.

### Officer Comments

**The national dog database (NDD) is currently linked to dog registration. Every time Council updates its records the NDD is updated. This is currently covered under section 35A of the Dog Control Act 1996.**

5.7 Submissions 10 and 21: Support the bylaw but also noted that more enforcement is required.

### Officer Comments

**As resources permit, areas of enforcement and general ranging are determined by complaint volumes. The community are encouraged to report incidents.**

5.8 Submission 11 and 28: Dogs should be permitted off leash provided the owner has them under proper control. Submitter 11 would like to see caged off-lead exercise areas.

Officer Comments

**Owners are expected to have their dogs under adequate control when off leash. Caged areas are very expensive. Sometimes bringing 'problem dogs' to a confined area can also have disadvantages.**

- 5.9 Submission 14: Supports the proposed liquor ban Te Mata Peak
- 5.10 Submission 16: Pound fees should be flexible and determined on a case by case basis, as sometimes the circumstances are beyond the owner's control.

Officer Comments

**Policy statement 7.4 states that pound fees will be set to recover costs and encourage retrieval of impounded dogs. Operational procedure is to return dogs to the owner during working hours free of charge, where the dog is not classified dangerous or menacing, the dog is currently registered and displaying a registration tag, microchipped, and there is no record of the dog being previously impounded in the past 12 months. Pound fees are set by Council resolution.**

- 5.11 Submission 17: Submitter requests an amendment and significant reduction to the working dog fees.

Officer Comments

**Policy 7.2 states that fees for urban dogs will be higher than fees for rural dogs. Currently the urban dog fee is 106 percent higher than the rural dog fee. Dog registration fees were set by Council Resolution 18 March 2021.**

- 5.12 Submission 18: Should not fine people who have a leash with them or their dog is under control. Should penalise irresponsible dog owners only. Also there should be more 'off-leash' exercise areas. Would like the word 'uncontrolled' added to Dog Control Policy 3.1, second bullet point.

Officer Comments

**Normal practise is to only target irresponsible owners. Unsure if any value is gained by adding the word 'uncontrolled' to clause 3.1.**

- 5.13 Submission 19: The submitter would like to see two Dog Poo Bag Stations at Waimārama.

Officer Comments

**This submission does not relate to the consolidated bylaw or the dog control policy.**

- 5.14 Submission 20: The submitter opposes dogs prohibited from sports parks and opposes dogs on leash on cycle ways.

Officer Comments

**Dogs are permitted on sports parks under leash control. The bylaw prohibits dogs from sports 'fields'. Dogs are required to be leashed on cycle ways mainly for safety reasons.**

- 5.15 Submission 22: Would like to see a limit on the number of dogs kept on a rural property. The submitter believes, in order to complain about barking dogs, support from other neighbours is required.

Officer Comments

**The effects of multiple dog ownership are generally less because of the less intensification of neighbouring properties than in the urban environment, however it is appreciated that problems do still arise. Complaints are not required from surrounding neighbours when reporting barking dog issues, however staff may survey the surrounding neighbours to help to validate and determine the level of barking.**

- 5.16 Submission 23: Dogs should have to reside at their "registered address"

Officer Comments

**Dogs are required to be registered in the district they are ordinarily kept, however they are not required to reside at their registered address. Section 34 of the Dog Control Act 1996 allows the dog owner to nominate an address the dog may be ordinarily kept.**

- 5.17 Submission 24: The Submitter would like dogs banned from the Equestrian Park. Would like a rule that dogs which attack animals grazing at the park be destroyed.

Officer Comments

**Both requests are outside Council's bylaw making powers. 1. Council may prohibit dogs from specified public places. Equestrian Park is private property. 2. Only a District Court can order the destruction of a dog.**

- 5.18 Submission 25: The Submitter disagrees with Policy 5.2 and states breed-specific legislation does not work.

Policy 8. The Submitter would like to see this expanded to include education regarding dogs and children and adopting the "Traffic Light" approach with different coloured collars, leashes, harnesses and bandanas.

The Submitter would like an amendment to Policy 10 - improve temperament testing and screen owners more thoroughly, general improvement need for the adoption process.

Policy 13. Submitter would like prolonged tethering banned outright.

Officer Comments

**Policy 5.2 simply requires that those dogs classified as menacing (as required under the Dog Control Act) must be neutered. The breed specific legislation aspect is set by central government.**

**Policy 8 - Staff undertake education and bite prevention addresses covering how children should approach dogs. These addresses are particularly aimed at children. Staff are unfamiliar with the "Traffic light" approach.**

**Policy 10 - We have a very robust 'temperament' and 'potential behaviour' evaluation. 100% of suitable dogs are adopted and none have featured in complaints of aggression within 3 months.**

**Policy 13 - This would be a breach of the Bill of Rights and therefore ultra vires.**

- 5.19 Submission 27: The Submitter does not support time restrictions on the beaches.

Officer Comments

**The time restrictions on the beaches are in place to ensure all users get a fair go.**

- 5.20 Submission 29: HDC should have an animal disaster plan and work with Animal Evac NZ.

Officer Comments

**Agree, however disagree that a bylaw is necessary.**

- 5.21 Submission 30: There are no dog-free reserves in Havelock North.

Officer Comments

**Council tries to balance public places where dogs and people can function compatibly. There are mechanisms for addressing non-compliance provided sufficient information (evidence) is provided.**

## 6.0 Next steps – *Te Anga Whakamua*

6.1 The Health Act 1956 (Section 67) and the Burial and Cremation Act 1964 (Section 17) require that copies of any proposed bylaws must be sent to the Director General (not less than 28 days for the Health Act) and the Minister (not less than 21 days for the Burial and Cremation Act) before a bylaw is made under these Acts. This means that Council cannot adopt the draft Consolidated Bylaw until these time periods have elapsed. Accordingly it is recommended that the draft Consolidated Bylaw be brought before Council 13 July 2021 for adoption.

### Attachments:

1⇒	Sub 001 Elizabeth Ritchie - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-462	Under Separate Cover
2⇒	Sub 002 Pete Patterson - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-463	Under Separate Cover
3⇒	Sub 003 Glynis Gillman - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-464	Under Separate Cover
4⇒	Sub 004 Phyllis Te Runa - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-465	Under Separate Cover
5⇒	Sub 005 Kelly Field - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-466	Under Separate Cover
6⇒	Sub 006 Tony Harting - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-467	Under Separate Cover
7⇒	Sub 007 Michelle Smith - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-468	Under Separate Cover
8⇒	Sub 008 Pauline Harbers - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-469	Under Separate Cover
9⇒	Sub 009 Chris Thorman - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-470	Under Separate Cover
10⇒	Sub 010 Kathy Romanes - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-471	Under Separate Cover
11⇒	Sub 011 Glenn Jennings - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-472	Under Separate Cover
12⇒	Sub 012 Barbara Smith - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-473	Under Separate Cover
13⇒	Sub 013 Lisa Walker - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-474	Under Separate Cover
14⇒	Sub 014 Susan Forde - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-475	Under Separate Cover

15	⇒ Sub 015 Lychelle Priest - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-476	Under Separate Cover
16	⇒ Sub 016 Genevieve Allan - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-477	Under Separate Cover
17	⇒ Sub 017 Megan Truebridge - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-478	Under Separate Cover
18	⇒ Sub 018 Erena Fussell - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-479	Under Separate Cover
19	⇒ Sub 019 Shona Denna - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-480	Under Separate Cover
20	⇒ Sub 020 Gary Speers - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-481	Under Separate Cover
21	⇒ Sub 021 Bonnie Burch - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-482	Under Separate Cover
22	⇒ Sub 021 Bonnie Burch Detailed Submission	CG-16-2-00613	Under Separate Cover
23	⇒ Sub 022 Julie Rodgers - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-483	Under Separate Cover
24	⇒ Sub 023 Julie Rodgers - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-484	Under Separate Cover
25	⇒ Sub 024 Gill Chambers - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-485	Under Separate Cover
26	⇒ Sub 025 Eva Fraser - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-486	Under Separate Cover
27	⇒ Sub 026 Jennifer Finlayson (Waimarama Surf Lifesaving Board) - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-487	Under Separate Cover
28	⇒ Sub 027 Andre Wessels - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-488	Under Separate Cover
29	⇒ Sub 028 Eric Scott - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-489	Under Separate Cover
30	⇒ Sub 029 Megan Young - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-490	Under Separate Cover
31	⇒ Sub 030 Joy Percy - Proposed Bylaws/Control of Dogs Policy 2021	LEG-02-3-21-491	Under Separate Cover

---

## Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

---

### **Fit with purpose of Local Government** - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002.

### **Link to the Council's Community Outcomes** – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.

---

### **Māori Impact Statement** - *Te Tauākī Kaupapa Māori*

No known impacts for mana whenua / iwi / tangata whenua above and beyond the general community population.

---

### **Sustainability** - *Te Toitūtanga*

The bylaw is being reviewed after the initial five years. It is not required to be reviewed again until after 10 years (2031):

---

### **Financial considerations** - *Ngā Whakaarohanga Ahumoni*

The bylaw review process has required legal reviews. The costs are being sourced from existing Planning and Regulatory budgets in both the 2021/2022 years:

---

### **Significance and Engagement** - *Te Hiranga me te Tūhonotanga*

The LGA requires consultation using the special consultative procedure for any proposal to review, amend or revoke a bylaw or to amend the Dog Control policy. Some preliminary consultation was undertaken in the course of formulating the proposal. In addition to giving public notice calling for submissions required by the LGA 2002 under the special consultative procedure a web page was developed myvoicemychoice and submission boxes were placed at Hastings, Flaxmere and Havelock North Libraries. All registered dog owners (section 10(2) of the Dog Control Act 1996) were written to.

---

### **Consultation – internal and/or external** - *Whakawhiti Whakaaro-ā-roto / ā-waho*

The bylaw process must follow the Special Consultative Procedure required under section 83 of the Local Government Act 2002:

---

---

## Risks

The bylaws and dog policy are required to undergo a five year review under section 158 of the Local Government Act 2002. Council risks the existing bylaw being unenforceable if it fails to go through this process.

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
Improved environment and public amenity founded upon transparent rules and regulations supported and upheld by the community	Unenforceable bylaws not supported by the wider community. Loss of confidence in local government.

---

## Rural Community Board – *Te Poari Tuawhenua-ā-Hapori*

The Rural Community Board were informed about the consultation process:

---





# HASTINGS DISTRICT COUNCIL

## COUNCIL MEETING

THURSDAY, 20 MAY 2021

---

### RECOMMENDATION TO EXCLUDE THE PUBLIC

#### SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

THAT the public now be excluded from the following part of the meeting, namely:

#### 9 Urban Development Area - Land Acquisition

The general subject of the matter to be considered while the public is excluded, the reason for passing this Resolution in relation to the matter and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this Resolution is as follows:

Item 8

---

<i>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</i>	<i>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED</i>	<i>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION</i>
9 Urban Development Area - Land Acquisition	<b>Section 7 (2) (i)</b> The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). Future negotiations with interested parties concerning the acquisition of land within an Urban Development Area.	<b>Section 48(1)(a)(i)</b> Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.