

From: LGOIMA
To: [REDACTED]
Subject: RE: LGOIMA Request - Plans, Policies and Bylaws for Penguin Protection - Reference 2487
Date: Tuesday, 19 November 2024 9:22:40 am
Attachments: [Service request 2119362_Redacted.pdf](#)
[Service request 2119373_Redacted.pdf](#)
[Service request 2120721_Redacted.pdf](#)
[Service request 2304066.pdf](#)
[Service request 2320296_Redacted.pdf](#)
[Service request 2414545_Redacted.pdf](#)
[Service request 2415102_Redacted.pdf](#)
[Services request 2408011_Redacted.pdf](#)
[Service request 2100040_Redacted.pdf](#)

Kia ora [REDACTED],

We refer to your official information request dated 7 November 2024. Our response is below:

1. **Can you provide the following information?**
 - a. **Details of rules/policies/objectives in your district plan designed to avoid adverse effects of dog attacks and vehicle strike on penguins (specifically hoiho and kororā).**

Vehicles on beaches are regulated through a rule in the [Tasman Resource Management Plan](#) (TRMP). Rule 25.2.2.1 permits vehicles on beaches subject to a number of conditions that must be met:

25.2.2 Passage on Foreshore

25.2.2.1 Permitted Activities (Passage on Foreshore)

The passage of craft or vehicles across or along the foreshore is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity does not contravene any other applicable rule of Chapter 25 of this Plan.
- (b) In relation to the launching and retrieval of any craft, the most direct route is taken between any launching ramp and water.
- (c) In relation to any craft or vehicle, including any motorcycle, land yacht, or hovercraft:
 - (i) there is no damage to the foreshore or seabed or to animal or plant habitats;
 - (ii) there is no mooring, beaching, or other continued occupation of the foreshore or seabed by the craft or vehicle.
- (d) There is no vehicle or craft passage across any foreshore within any estuary at all times that that foreshore is exposed to the air, except where the passage is for or in connection with:
 - (i) any lawful structure, occupation or disturbance; or
 - (ii) any scientific research or coastal management activity.

This includes a condition (condition (c)(i)) that there is no damage to animals.

- b. **Decision making materials that underpin the making of the district plan (including any plan changes) where the need to give effect to the New Zealand Coastal Policy Statement (NZCPS) was considered.**

We have commenced a review of the [Tasman Resource Management Plan](#) (TRMP), and as part of that review, we will give effect to the [New Zealand](#)

[Coastal Policy Statement 2010](#) (NZCPS).

Currently, the drafting of the new plan has been paused until the current legislative uncertainty is resolved; however, in the background, work continues in identifying species and mapping areas within the district needing protection under policy 11 of the [New Zealand Coastal Policy Statement](#) . It is anticipated that it will be a few years before this project is completed and decisions made. We have commissioned two other major projects under the NZCPS, which will give effect to Policies 1,13, and 15 (Coastal Environment line, natural character and landscape). These reports are still drafts but can be found [here](#). It is anticipated that the new provisions for this work will be approved by the Council and publicly notified next year.

c. Details of any bylaws or other local measures that protect penguins from dog attacks or vehicle strike.

Please find **a link to** the current [Dog control Bylaw 2014](#). This bylaw provides for protection of local Penguins at Little Kaiteriteri. We also publish information on our website informing the public on permitted and prohibited dog exercise areas - [Exercising your dog | Tasman District Council](#)

Council are deliberating on the new Dog Control bylaw this week, and then a decision will be made around the adoption of the new bylaw, more information can be found via the following links:
<https://shape.tasman.govt.nz/dog-bylaw-review>
[Agenda of Submissions Hearing - Wednesday, 20 November 2024](#)

Council is also installing signage around Kaiteriteri roads advising of penguins.

d. Details of council monitoring of penguin populations and documents that contain monitoring results (including published reports under s35(2A) RMA).

We are not aware of any little penguin/kororā monitoring projects having been commissioned by Council. Surveys of the bird values of Tasman are publicly available for viewing on our website - [Environmental monitoring reports | Tasman District Council](#).

These surveys typically focus on 'shorebirds' and so penguins are only recorded from consultation with local experts

We are aware of a number of surveys that have been conducted by external parties. Key contacts for these are [Little penguins in Golden Bay](#), and the Tasman Bay Little Blue Penguins [Love our Little Blues](#)

e. Reports received by the Council on dog attacks and vehicle strikes on penguins in the last 3 years.

Please find a copy of service requests received over the last three years reporting on dog attacks and vehicle strikes on penguins **attached**:

Service request 2119362_Redacted.pdf
Service request 2119373_Redacted.pdf
Service request 2120721_Redacted.pdf
Service request 2304066.pdf
Service request 2320296_Redacted.pdf
Service request 2414545_Redacted.pdf

Service request 2415102_Redacted.pdf
Services request 2408011_Redacted.pdf
Service request 2100640_Redacted.pdf

Please note, redactions have been applied under the following sections of the Local Government Official Information and Meetings Act (LGOIMA):

Section 7(2)(a) - protect the privacy of natural persons, including that of deceased natural persons

You may be interested in the Dog Control Activity Report 2023-2024 which is publicly available on our website - [Dog Control Activity Report 2023 - 2024 | Tasman District Council](#). However, the reports don't explicitly speak to dog attacks on penguins as this is not a field required by DIA so wasn't reported on.

f. Details of any other actions taken by the Council to protect penguins.

We have in recent months had Permanent Warning Signs of Penguins installed on roads around the Kaiteriteri area to inform motorists. The planning work for these signs was undertaken in the last financial year however, due to funding constraints, the work was deferred until the current financial year.

This work was initiated from Penguin kills that were recorded by Linda Jenkins the local coordinator for Tasman Bay Blue Penguin Trust.

If you are unsatisfied with the Council's response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely,
Legal Services Officer

Request: 2119362
To: Animal Control
Attn: Ross Connochie

Closed: 28/10/21 - 15.55

District: Motueka
Received by: Ross Connochie
Date & time received: 28/10/21 - 15.47
How received: E-mail
Date & time of incident: 28/07/21 -
Action required: Note for Records

Caller Information

Name Section 7(2)(a) - Protection of Privacy

Address Section 7(2)(a) - Protection of Privacy

Phone (Mob) Section 7(2)(a) - Protection of Privacy

Email

Request

Type Dog Attack - Wildlife

Details Report attack dog Little Blue Penguin July 2021

Contract details

Resolution Noted for records

Actions

Opened By Ross Connachi - 28/10/21, 15.53

Assigned to Ross Connochie

Status Note for Records - Arrived: 28/10/21 - 15.55 - Completed: 28/10/21 - 15.55

Completed By Ross Connachi - 28/10/21, 15.56

Request: 2119373
To: Animal Control
Attn: Ross Connochie

District: Motueka

Received by: Ross Connochie

Date & time received: 29/10/21 - 08.26

How received: E-mail

Date & time of incident: 20/10/21 -

Action required: Note for Records

Closed: 29/10/21 - 08.29

Caller Information

Name Section 7(2)(a) - Protection of Privacy

Address Section 7(2)(a) - Protection of Privacy

Phone (Mob) Section 7(2)(a) - 92

Email

Request

Type Dog Attack - Wildlife

Details Dog killed Penguin Chick Breaker Bay. Autopsy by vet

Contract details

Resolution Noted for records

Actions

Opened By Ross Connachi - 29/10/21, 08.29

Assigned to Ross Connochie

Status Note for Records - Arrived: 29/10/21 - 08.29 - Completed: 29/10/21 - 08.29

Completed By Ross Connachi - 29/10/21, 08.30

Request: 2120721
To: Regulatory
Attn: Ross Connochie

District: Motueka

Received by: Ross Connochie

Date & time received: 17/11/21 - 09.49

How received: E-mail

Date & time of incident: 15/11/21 -

Action required: Note for Records

Closed: 31/10/22 - 15.53

Caller Information

Name Section 7(2)(a) - Protection of Privacy

Address Section 7(2)(a) - Protection of Privacy

Phone (Mob) Section 7(2)(a) - Protection of Privacy

Email

Request

Type Dog Attack - Wildlife

Details There has been a penguin killed by a dog at Dummy Bay. Wildlife vet [redacted] confirmed dog attack

Actions

Opened By Ross Connachi - 18/11/21, 09.58

Assigned to Ross Connochie

Status Note for Records - Arrived: 18/11/21 - 10.08 - Completed: 18/11/21 - 10.08

Details Reassigned

Completed By Control 3 - 18/11/21, 10.08

Opened By Control 3 - 18/11/21, 10.08

Assigned to Ross Connochie

Status Note for Records - Completed: 31/10/22 - 15.53

Completed By Lol Illing - 31/10/22, 15.51

Request: 2304066 (Internal)
To: Animal Control
Attn: Tabatha Kingi

Requested by: Tabatha Kingi
Date & time received: 03/03/23 - 08.30
Date & time of incident: -
Action required: Note for Records

Closed: 03/03/23 - 08.36

Requester Details

Name Tabatha Kingi
Department Animal Control
Division
Email tabathi.kingi@tasman.govt.nz

Request

Type Dog Attack - Wildlife
Details Reported dead penguins being found at Tapu Bay as per.

Contract details

Resolution Noted for records

Actions

Opened By Tabatha Kingi - 03/03/23, 08.31
Assigned to Tabatha Kingi
Status Note for Records - Completed: 03/03/23 - 08.36
Details noted for reporting records
Completed By Tabatha Kingi - 03/03/23, 08.34

Request: 2320296
To: Animal Control
Attn: Shannon Gourley

Closed: 09/11/23 - 15.58

District: Motueka
Received by: Emma Gee
Date & time received: 08/11/23 - 15.56
How received: E-mail
Date & time of incident: -
Action required: Investigate

Caller Information

Name [REDACTED]
Address [REDACTED]
Phone
Email [REDACTED]

Request

Type Customer Enquiry
Details Email received regarding a dead Penguin at Alex Ryder Reserve, see attached. Noticed the dead penguin whilst out walking today and thinks it has been attacked by a dog. Also mentioned that dogs are often not under control in Kaiteriteri, noted.

Actions

Opened By Emma Gee - 08/11/23, 15.58
Assigned to Shannon Gourley
Status Investigate - Completed: 09/11/23 - 15.58
Details Spoke to [REDACTED] have asked if I could give DOC [REDACTED] contract details and will get a closer photo of head. Will await DOC contact. Photos sent to info@doc.govt.nz
Completed By Shannon Gouri - 09/11/23, 16.06

Request: 2414545	District: Motueka
To: Regulatory	Received by: John Griffiths
Attn: Shannon Green	Date & time received: 25/07/24 - 09.07
	How received: E-mail
	Date & time of incident: -
Closed: 16/08/24 - 14.19	Action required: Investigate

Caller Information

Name	Section 7(2)(a) - Protection of Privacy
Address	Section 7(2)(a) - Protection of Privacy
Phone	(Mob) Section 7(2)(a) - Privacy
Email	Section 7(2)(a) - Protection of Privacy

Request

Type	Dog not on Leash
Details	<p>***JG***Please find attached a report about a dog vs penguin incident on Little Kaiteri beach this afternoon, including car reg details so the dog owners can be contacted and infringed/fined.</p> <p>This is completely unacceptable that irresponsible dog owners continue to put our native wildlife at risk by not having their dog under control. Dog owners need to be held accountable.</p> <p>The incident could easily have resulted in yet another dead penguin caused by an uncontrolled dog. As it is the penguin could well be injured. I've cc'd this into Leon Everett at DOC Motueka so he's in the loop and to Shannon and Shane in Regulatory.</p>

Dog Details

Owner	28499 : Section 7(2)(a) - Protection of Privacy : Section 7(2)(a) - Protection of Privacy
	Safety Risk: No
	Safety-Note:
Dog	Section 7(2)(a) : Darcy : Terrier, Jack Russell/Terrier, Australian : 4 yrs 02 mnths : Female : Brindle
	Dangerous Dog: No

Actions

Opened By	csn03 - 25/07/24, 09.10
Assigned to	Control Services Officer
Status	Investigate - Arrived: 25/07/24 - 09.11 - Completed: 25/07/24 - 09.11
Details	<p>Section 7(2)(a) - Protection of Privacy</p> <p>Section 7(2)(a) - Protection of Privacy</p> <p>Section 7(2)(a) - Protection of Privacy</p> <p>Section 7(2)(a) - Protection of Privacy</p>
Completed By	csn03 - 25/07/24, 09.13

Actions cont..

Opened By csn03 - 25/07/24, 09.13
Assigned to Control Services Officer
Status Investigate - Arrived: 25/07/24 - 09.35 - Completed: 25/07/24 - 09.35
Details Statement template emailed to dog owner
Completed By csn03 - 25/07/24, 09.35

Opened By csn03 - 25/07/24, 09.35
Assigned to Control Services Officer
Status Investigate - Arrived: 26/07/24 - 10.50 - Completed: 26/07/24 - 10.50
Details File emailed to Shannon Green for decision
Completed By csn03 - 26/07/24, 10.51

Opened By csn03 - 26/07/24, 10.51
Assigned to Shannon Green
Status Investigate - Completed: 16/08/24 - 14.19
Details warning letter
Completed By shannongr - 16/08/24, 14.19

Request: 2415102
To: Animal Control
Attn: Control Services Officer

District: Golden Bay
Received by: Anita Hoffman
Date & time received: 31/07/24 - 09.51
How received: Phone
Date & time of incident: -
Action required: Investigate

Closed: 31/07/24 - 14.55

Caller Information

Name [REDACTED]
Address Section 7(2)(a) - Protection of Privacy
Phone (Mob) [REDACTED]
Email

Request

Type Dog Attack - Wildlife
Details ***JG***Found a dead penguin on Onekaka Beach near a small cottage called Pooh corner this has dog teeth puncher wounds and appears to have been a dog attack. This has been an on-going issues. [REDACTED] is going to advise DOC as well. Photos to come. Per email "Autopsy by [REDACTED] shows clear puncture wound, presumed dog kill."

Actions

Opened By anitah - 31/07/24, 09.56
Assigned to Control Services Officer
Status Investigate - Arrived: 31/07/24 - 14.15 - Completed: 31/07/24 - 14.15
Details Left TXT message on callers phone to contact CS.
Completed By csn02 - 31/07/24, 14.15

Opened By csn02 - 31/07/24, 14.15
Assigned to Control Services Officer
Status Investigate - Arrived: 31/07/24 - 14.55 - Completed: 31/07/24 - 14.55
Details Spoke to [REDACTED] and informed her that without ID of the offending animal, there is not much more we can do. [REDACTED] realises this and spoke about DNA testing in future. Noted for records and advised more patrols.
Completed By csn02 - 31/07/24, 14.57

Request: 2408011
To: Regulatory
Attn: Shannon Green

District: Motueka

Received by: Shannon Green

Date & time received: 06/05/24 - 13.21

How received: E-mail

Date & time of incident: 05/05/24 -

Action required: Investigate

Closed: 04/07/24 - 09.51

Caller Information

Name [Redacted]

Address Section 7(2)(a) - Protection of Privacy
[Redacted]
[Redacted]

Request

Type Dog Attack - Wildlife

Details **DL** A fatal dog attack on a penguin occurred yesterday mo (Sun 05 May) at Tapu Bay.

It was called in to the DOC duty ranger in Picton (Colin) at the time by [Redacted] whose terrier attacked the little penguin. The dog was being exercised off leash and, as I understand it, pulled the penguin out of a small cave at the western end of the beach.

I was contacted by a [Redacted] resident, who had been on the beach and who provided a box for the penguin to be kept safe. I uplifted from Tapu Bay around 1030 and transferred to wildlife vet [Redacted] however it died of its injuries mid afternoon. While I was on the beach the DOC duty ranger phoned [Redacted] back so I was able to advise him of the proposed course of action which he agreed with.

It was a low grade white flippered penguin. Conservation status: at risk/declining.

The dog owner, who lives in [Redacted] accepted full responsibility for the incident.

Dog Details

Owner 16797 : [Redacted] : [Redacted] : [Redacted]

Safety Risk: No

Safety-Note:

Dog [Redacted] : Timothy : Terrier, Welsh : Male : Black/Tan

Dangerous Dog: No

Actions

Actions cont..

Opened By Shannon Green - 06/05/24, 13.24
Assigned to Control Services Officer
Status Investigate - Arrived: 07/05/24 - 11.51 - Completed: 07/05/24 - 11.51
Details DL spoke with [REDACTED] [REDACTED] has taken full responsibility and very remorseful of what has happened. Statement template has been sent.
Completed By C Services - 07/05/24, 11.52

Opened By C Services - 07/05/24, 11.52
Assigned to Control Services Officer
Status Investigate - Arrived: 13/05/24 - 14.19 - Completed: 13/05/24 - 14.19
Details File for SG decision
Completed By Control 3 - 13/05/24, 14.21

Opened By Control 3 - 13/05/24, 14.21
Assigned to Shannon Green
Status Investigate - Completed: 04/07/24 - 09.51
Details infringement and letter sent
Completed By shannongr - 04/07/24, 09.51

Request: 2100640
To: Animal Control
Attn: Control Services Officer

District: Golden Bay
Received by: CALL CARE
Date & time received: 12/01/21 - 11.13
How received: E-mail
Date & time of incident: -
Action required: Investigate

Closed: 12/01/21 -

Caller Information

Name [REDACTED]
Address [REDACTED]
Phone (Mob) [REDACTED]
Email

Request

Type Dog Attack - Human
Details On Sunday at 7pm they were at Stevens bay and a dog was there off lead, started barking at a little girl and they told him to put the dog on the lead and the owner just laughed then dog came back and stood there and growled at the little girl. [REDACTED] told the dog to get away and if [REDACTED] didn't do that [REDACTED] thinks the dog would of attacked the girl and owner wasn't doing nothing but laughing.
Dog was fully black, female either just had pups or was pregnant. Lab looking dog but smaller.
Dog belonged to car rego [REDACTED]
Also dead penguin nearby

Actions

Opened By Holly Irvine - 12/01/21, 11.52
Assigned to Control Services Officer
Status Investigate - Completed: 12/01/21
Details Closed on submission.
Completed By Holly Irvine - 12/01/21, 11.52