

Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009

Submitter details (please print clearly):

Your name: MICHAEL JOHN PARFITT (MIKE)

Your postal address: 17A MOTUEKA QUAYS

MOTUEKA 7120

Your daytime phone number: 03-545 9850 (W) 03-5286671 (H)

Your email address: the.parfitts@tasman.net

Would you like to speak to your submission at a Council meeting held for this purpose?

YES NO


Are you writing this submission as:

an individual or on behalf of an organisation

If an organisation, please name the organisation: _____

Your comment (please continue overleaf if you require more space):

SUBMISSION AMOUNTS - FOUR (4) PAGES.

Signed:  Date: 18.6.09.

Please note: All written submissions will be made available to Councillors and the public.

Please write clearly, as all submissions are photocopied.

Please send your submission to:

Tasman District Council
Private Bag 4
Richmond
Nelson 7050

Alternatively email your submission to:
dogcontrol@tasman.govt.nz or fax to 03 543 9524.

We need to receive your submission by
Tuesday 30 June 2009.

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Draft Dog Control Bylaw 2009 are available at
Council offices/Service Centres, Libraries and
on the Council website www.tasman.govt.nz.

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Queen Street, Richmond, or your local library
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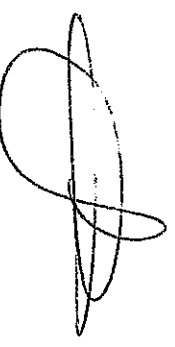
Michael John Parfitt states:

I am a Tasman District Council ratepayer and a registered dog owner and I wish to lodge an objection to part of the proposed 'Draft Policy on Dogs 2009' currently under review.

My objection is to the proposal to make the Raumanuka Scenic Reserve and the adjacent sand spit - known locally as 'The Kumeras', a 'Dog Prohibited Area' or a 'Leash Control Area' based on the fact that this area is occupied either permanently or seasonally by 'Protected Coastal Birds' as defined the Interpretations of the proposed Draft Policy.

It appears that the major thrust of the attempt to control or ban dogs from this area, the protection of coastal birds, is based around the misconception that many of the birds found in the reserve and adjacent estuary are migratory, that they travel long distances to the estuary to breed and therefore need to be protected from harassment by dogs whilst at their most vulnerable. This is factually incorrect as no species of bird 'migrates' to this area to breed and the informational signage at the reserve car park is misleading in this respect.

The most well known of the migrants to this area, the Bartailed Godwit, actually returns to Alaska, north of the arctic circle to breed in the northern summer. There it successfully breeds in areas occupied by every type of predator imaginable, from mustelids (weasels, stoats, Wolverines etc) to foxes, bears and all manner of birds of prey. A well-fed domestic dog running on the beach pales into insignificance when compared to a hungry polar bear working its way through a colony of godwit, hoovering up eggs and chicks!

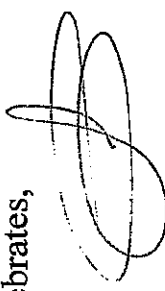
A handwritten signature in black ink, consisting of a stylized, overlapping looped shape.

The fact that these birds may have to put up with an unleashed dog whilst preparing themselves for their epic journey north is neither here nor there. They have adequate defence mechanisms to cope i.e. they fly off a couple of hundred metres, land and resume feeding. The biggest threat to these migrants is beyond the control of the TDC and relates to the drainage of coastal estuaries in South East Asia where these birds briefly stop to rest and refuel on their migration.

The gulls, terns and oystercatchers that do nest around the estuary and on the sand spit are the most at risk from dogs, but again these birds have mechanisms to minimise harm. The gulls and terns nest successfully in colonies on the inner estuary islands and are capable to driving off trespassers both canine and otherwise. Oystercatchers adopt ploys, which will divert a dog away from a nest or chicks. It is in fact predation by Black Backed Gulls, which pose the greatest threat to the eggs and chicks of terns, and oystercatchers.

However the biggest threat to all these birds is feral cats, weasels, stoats and rats – all of which I have seen along the section of estuary between the car park and the golf course. I have found cat paw prints many hundreds of metres out on the sand spit and have no doubt nocturnal cats will be predated any birds attempting to nest or ground roost in this area.

The Pukeko is also a major threat to any bird nesting or ground roosting on or near the adjacent pastureland i.e. the Banded Dotterel, larks etc. The cute colourful Pukeko made iconic by garden art and TV commercials is actually a savage predator which will eat the eggs and chicks of any bird it can find, not to mention a multitude of invertebrates,

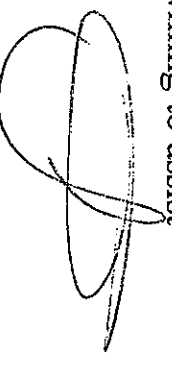


amphibians and lizards both native and otherwise. The burgeoning population of Pukeko in the adjacent pastureland is a far greater threat bird life in the reserve than the domesticated dog.

I have been exercising a dog in this area for 10 years or more and have noticed no reduction in bird numbers over that time. In fact the only change in bird numbers is the increase in Pukeko.

This area is a wonderful area to let dogs exercise 'off leash'. Being so close to Motueka Township it is accessible by hundreds of dog owners. I walk my dog in this area up to 3 times a week, and on these occasions I will meet half a dozen or more dog owners exercising their pets. Occasionally I have seen an out of control dog (usually young and in training) charge up the beach after birds, however I have yet to see a bird caught as it is always the dog, which tires first. Owners who cannot break their dog of this habit invariably stop bringing their dogs to the area as they quickly tire of chasing their dogs!

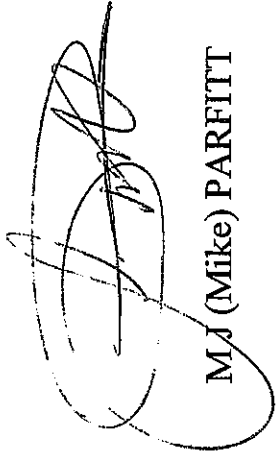
In conclusion I feel that any perceived threat from domestic dogs, being responsibly exercised, is minimal compared with the real threat from introduced and 'natural' predators alike. To take away the right of dog owners to access and use this area, and to permit their pets to exercise off-leash is an overreaction to a non-existent threat. If the Tasman District Council and other parties with the interests of birds at heart were sincere in their desire to see the bird life protected they will undertake a program to eliminate pest predators and seriously reduce the number of Pukeko around the fringes of the reserve. I would be more than willing to assist any such programs for the benefit of bird life.

A handwritten signature consisting of several overlapping loops and a long horizontal stroke at the bottom.

However in the event that the Council feel the necessity to impose any restrictions on the area I suggest the following compromise solution.

- A total Dog Prohibited area north of Moon Creek to the oxidation ponds, with the exception of hunting dogs during the game bird season.
- A seasonal Leash Control area for the southern 1/3rd of the sand spit (a line starting level with the inner estuary islands to the tip of the spit) for the duration of the bird-nesting season i.e. October to December.

Thank you for your consideration of my submission.



MJ (Mike) PARFITT

Reference:

Marshall, Kisky and Robinson – Common Birds in New Zealand (1 and 2) and Uncommon birds in New Zealand (3) - AH and AW Reed 1975

Williams, Gummer, Powlesland, Robertson and Taylor – Migration and movement of Birds to NZ and surrounding areas.

<http://www.doc.govt.nz/upload/documents/science-and-technical/sap232.pdf>

Dotterel:

<http://www.teara.govt.nz/EarthSeaAndSky/BirdsOfSeaAndShore/WadingBirds/4/EN-Z-Resources/Standard/5/en>

Bartailed Godwit:

<http://news.nationalgeographic.com/news/2007/09/070913-longest-flight.html>

Tasman District Council.
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009
Submitter details (please print clearly):

Your name: JUNGAN HARRIS MURRAY

Your postal address:

4 EGINTON STREET
MOTUEKA 7120

Your daytime phone number:

03 5280081

Your email address:

Would you like to speak to your submission at a Council meeting held for this purpose?

YES NO

Are you writing this submission as:

An individual or On behalf of an organisation
If an organisation, please name the organisation:

Your comment (please continue overleaf if you require more space):

I oppose clause 3.4.2 of TDC's draft new Dog Control Bylaw because it constitutes (inter-alia) a thinly disguised attempt by TDC to introduce a ban on dogs in many unidentified places in the district including the Motueka Sandspit.

This draft Bylaw is unreasonable, ultra vires TDC's powers and uncertain in its effect.

I submit that clause 3.4.2 should be deleted from the draft and the status quo maintained in respect of the Motueka Sandspit area.

Signed: 

Date: 15/06/09

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Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009
Submitter details (please print clearly):
Your name: Terence Harry Sargent

Your postal address: 3 Kanuka Place, Motueka, 7120.

Your daytime phone 03-5288280
number:

Your email address: blackie@ts.co.nz

Would you like to speak to your submission at a Council meeting held for this purpose?
YES Are you writing this submission as:
an individual - Yes

Your comment (please continue overleaf if you require more space): I support the new by law in so far as it replicates the existing provisions which I consider to fairly provide for the various interests involved. The current rules have worked well – there have been no substantiated complaints or prosecutions in relation to interference with other wildlife and there is accordingly no need to impose further limitations on the rights of dog owners. I would ask Council, though, to provide more areas where dogs can be exercised "off leash".

I oppose clause 3.4.2 of TDC's draft new Dog Control Bylaw because it constitutes (inter-alia) a thinly disguised attempt by TDC to introduce a ban on dogs in many unidentified places in the district including the Motueka Sandspit.

This part of the draft Bylaw is unreasonable, ultra vires TDC's powers and uncertain in its effect.

I submit that clause 3.4.2 should be deleted from the draft and the status quo maintained.

Signed: 
2009 Date: 11th June

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Administration Advisor
Tasman District Council
Private Bag 4
Richmond

cc. Department of Conservation
Nelson/Marlborough Conservancy
Monro Building
Nelson
Attn. Katherine Hughes

cc. Department of Conservation
Motueka Area Office
Motueka
Attn. Martin Rodd

12 June 2009

Dear Sir,

Draft Policy on dogs 2009

and

Draft Dog Control Bylaw 2009

Motueka Sandspit is an internationally important site for shorebirds

I am writing on behalf of the Nelson/Golden Bay Branch of the **Ornithological Society of New Zealand (OSNZ)** with regard to the above. The Society is an organization dedicated to the study of birdlife and the dissemination of this knowledge. The Objectives of the Society include, *inter alia*, 'To assist the conservation and management of birds by providing information, from which sound management decisions can be derived'.

THE IMPORTANCE OF MOTUEKA SANDSPIT

In our submission on the 2004 Draft Policy and Bylaw we highlighted the *international importance* of Motueka Sandspit for shorebirds. Since that time, there has been a change in the condition and availability of high tide roost sites around Tasman Bay such that Motueka Sandspit is now of even greater importance than in 2004.

Our current submission is based on surveys conducted by OSNZ since 1983^{1, 2, 3, 4}. We have undertaken a new analysis of OSNZ data from counts made at high tide to include the period up to February 2009. Our submission is also based on results from a study of individually marked shorebirds⁵.

The importance of Motueka Sandspit as a shorebird roosting site has been recognised by the Department of Conservation since at least 1993⁶.

OSNZ count data allow an objective assessment of the site against the criteria set down under the Ramsar *Convention on Wetlands of International Importance Especially as Waterfowl Habitat*⁷ – to which New Zealand became a Party in 1976. OSNZ count data have been assessed against population estimates for the East Asian-Australasian Flyway⁸. For those species where Motueka Sandspit regularly supports 1% or more of the flyway population the site is identified as being internationally important⁹. The 1% criterion has been applied to the New Zealand populations to identify sites of national importance¹⁰.

Motueka Sandspit is of

- International importance for:
 - Pied Oystercatcher [scientific names and conservation status are given in Appendix 1]
 - Variable Oystercatcher
 - Bar-tailed Godwit
- National importance for:
 - Banded Dotterel
 - Turnstone
 - Red Knot

Motueka Sandspit supports:

- ~40% of all northern hemisphere migratory shorebirds in Tasman Bay during the summer
- ~40% of all New Zealand breeding waders in Tasman Bay during the winter

Furthermore, it should be noted that Tasman Bay is the most important site in New Zealand (and the world since this is an endemic species) for Variable Oystercatcher and the fifth most important site in New Zealand (and the world) for Pied Oystercatcher during the non-breeding season¹¹.

Motueka Sandspit as a roosting site

Most shorebird species feed in the intertidal zone and then collect at particular sites to roost at high tide. Birds may start to gather at a roost site up to 2 hours before high tide and usually depart from the roost some 2.5 hours after high tide. If left undisturbed, most birds usually spend time at the roost preening and sleeping, thereby conserving energy. Motueka Sandspit is one of a number of roosts around Tasman Bay, and in recent years has become of increasing significance due to changes at some other roost sites.

Observations of colour-banded Bar-tailed Godwits have shown considerable mixing of birds between Waimea Inlet and Motueka¹², with an average of 18% of banded birds at Motueka coming from Waimea. However, erosion at the east end of Rabbit Island means that on high spring tides, an increasing number of birds which formerly roosted there (coming from Nelson Haven and Waimea Inlet), now roost at Motueka – up to 29% of

banded birds during extreme high tides¹³. This demonstrates that **Motueka Sandspit is now the roost of last resort for shorebirds in Tasman Bay during high spring tides – the birds have nowhere else to go.**

A schematic representation of where birds roost at Motueka Sandspit is given in Figure 1-6. It should be noted that the exact position of roosts may vary depending on factors such as weather and disturbance – it was notable that during the poisoning of rabbits on the Spit by DOC in 2003, when dog owners were advised not to enter the area and there was a reduction in disturbance, there was a general increase in numbers of shorebirds roosting on the northern half of the Spit¹⁴.

Seasonal occurrence of birds at Motueka Sandspit.

Populations of shorebirds are present at Motueka Sandspit (Table 1) throughout the year. Data for the first, second and fourth quarter are sufficient to be assessed for their international or national conservation importance. Only for the third quarter of the year (July, August and September), numbers were not sufficient to make that same assessment.

Table 1. Seasonal occurrence of roosting shorebirds at Motueka Sandspit

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Pied	I	P	?	P
Oystercatcher				
Variable	I	I	?	I
Oystercatcher				
Banded Dotterel	N	P	?	P
Bar-tailed	I	P	?	I
Godwit				
Red Knot	N	-	?	N
Ruddy	N	P	?	N
Turnstone				

I = International importance

N = National importance

P = Present

? = Information Insufficient.

Motueka Sandspit as a breeding area

Motueka Sandspit is an important breeding site for Banded Dotterel and Variable Oystercatcher. Both species can be found nesting along the length of the Spit (Table 2 and Figure 7).

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Currently (2008/2009) there is a large colony of White-fronted Terns, together with small numbers of Red-billed and Black-billed Gulls at the southern point of the Sandspit. The number of terns probably accounts for about 3% of the New Zealand breeding population¹⁵.

Table 2. Occurrence of breeding shorebirds at Motueka Sandspit

Variable	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Oystercatcher	P	-	-	P
Banded Dotterel	P	-	P	P

POTENTIAL IMPACTS OF DISTURBANCE

A pedestrian walking with a dog has a greater disturbing effect than a lone pedestrian on many species of waterbirds¹⁶. Dogs running free have an even greater disturbing effect¹⁷.

Council's Statement of Proposal (Report EP09/04/04) states with respect to Motueka Sandspit that 'Council has received comments on observations of bird disturbances but not of any actual injury caused by dogs. Staff are not recommending any changes to the current designation'. This gives the impression, rightly or wrongly, that in Council's view disturbance is a minor matter and only the injury of birds would be regarded as being of consequence. This would appear to be at odds with the objects of the Dog Control Act, which are *inter alia*: **to make better provision for the care and control of dogs - by imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger or cause distress to any...protected wildlife** [emphasis added].

Disturbance of roosting birds can have detrimental effects. Experimental studies¹⁸, field studies¹⁹ and ecological modelling²⁰ indicate that numerous small disturbances (at roosts or feeding grounds) can be more damaging than fewer larger disturbances - the energetic cost of taking off may be 3 times the cost of level flight. One study found that half an hour of alarm flight consumed almost as much energy per day as that required for normal pre-migratory fattening²¹. Thus disturbance of shorebirds at Motueka Sandspit during times of pre-migratory fattening could impact on the timing of departure and/or ability of the birds to migrate. Bar-tailed Godwits need to double their weight before migrating to the Yellow Sea – a non-stop flight of some 10,000km, taking some 7 days (Appendix 2).

Bar-tailed Godwits and Red Knots have been found to be particularly susceptible to disturbance²².

POLICY and LEGAL MATTERS RELEVANT TO THE MANAGEMENT OF MOTUEKA SANDSPIT

Motueka Sandspit is a site of international importance for shore birds based on the Ramsar Convention criteria.

The New Zealand Coastal Policy Statement highlights (Policy 1.1.2) that it is a 'national priority' to preserve the natural character of the coastal environment by avoiding or remedying actual or potential adverse effects on areas containing vulnerable species or areas important to migratory species.

Motueka Sandspit is a Scenic Reserve²³, thus it is an offence to take a dog on to the Sandspit without authorisation [s94(1)(b)]. Even if access is authorised, s94(1)(i) makes it an offence to in any manner disturb any bird or the nest or egg of any bird in the reserve.

As a Scenic Reserve the Sandspit cannot be declared an 'open dog area' under the Conservation Act (s26zt(b)(ii)).

Recognition of the potentially adverse effects of dogs on protected wildlife is recognised in the objects of the Dog Control Act, and s59 makes provision for the seizure or destruction of a dog at large in the vicinity of protected wildlife.

All waterbirds at Motueka Sandspit, with the exception of the Black-backed Gull are 'absolutely protected' under the Wildlife Act.

CONCLUSION

Motueka Sandspit is of international importance for shorebirds. Disturbance of roosting birds may adversely affect the birds, in particular during pre-migratory fattening. Breeding birds may be adversely affected by disturbance.

We wish our submission to be heard by Council.

Yours faithfully

R. Schuckard

Nelson/Golden Bay Region
The Ornithological Society of New Zealand

¹ Sagar, P.M., Shankar, U., & Brown, S. 1999. Distribution and numbers of waders in New Zealand, 1983-1994. *Notornis* 46: 1-43.

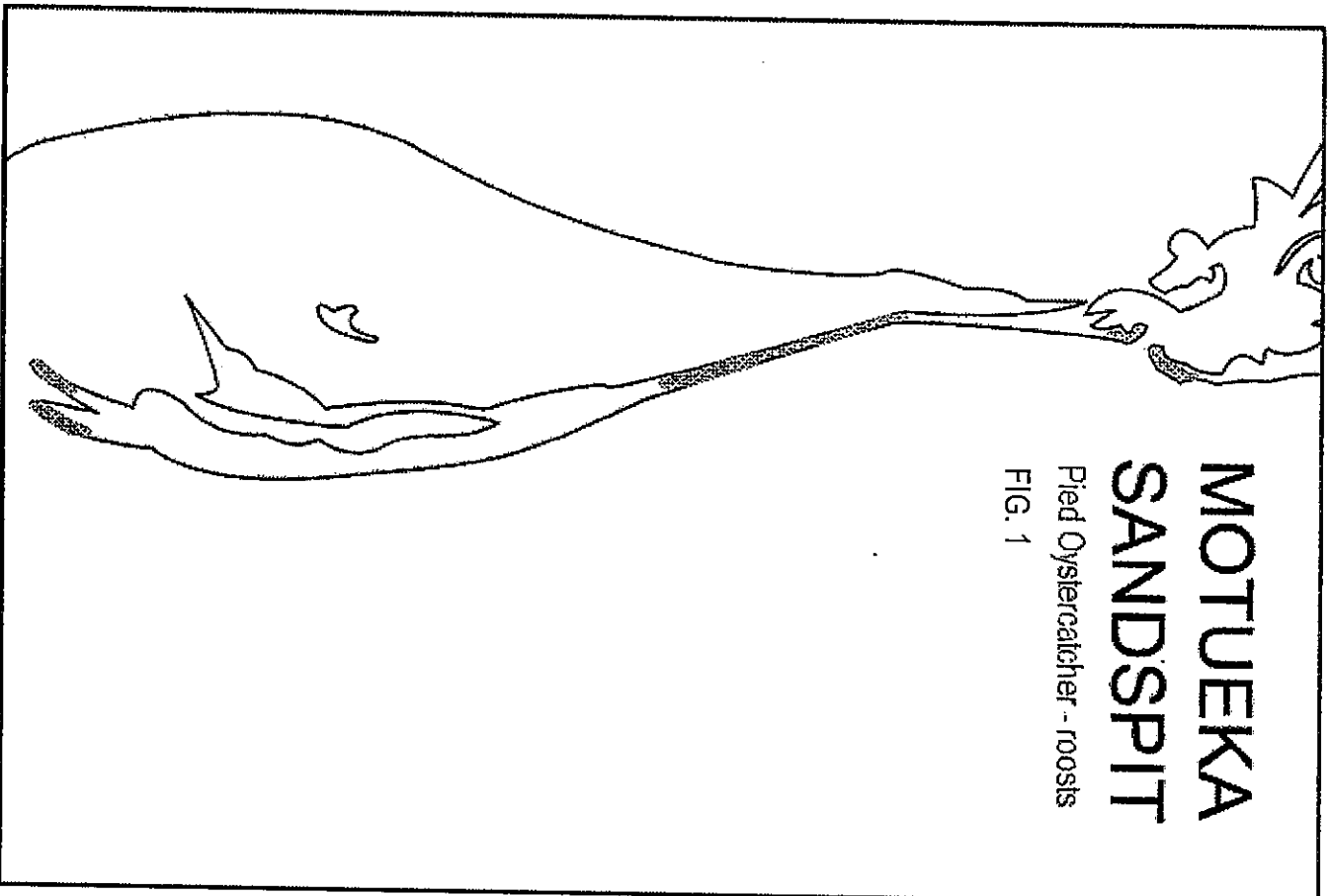
² Schuckard, R. 2002. *Wader distribution at Farewell Spit, Golden Bay and Tasman Bay*. Department of Conservation, Nelson/Marlborough Conservancy

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- ³ Dowding, J.E. & Moore, S.J. 2006. *Habitat networks of indigenous shorebirds in New Zealand*. Science for Conservation 261. Department of Conservation, Wellington.
- ⁴ Southey, I. 2009. *Numbers of waters in New Zealand 1994-2003*. DOC Research & Development Series 308.
- ⁵ Battley, P.F., Schuckard, R. & Melville, D.S. in press. *Movements of bar-tailed godwits and red knots within New Zealand*. Science for Conservation.
- ⁶ Davidson, R.J., Stark, K.E., Preece, J.R., Lawless, P.F. & Clarke, I.E. 1993. Internationally and nationally important coastal areas from Kahurangi Point to Waimea Inlet, Nelson, New Zealand: recommendations for protection. Nelson/Marlborough Conservancy Occasional Publication 14.
- ⁷ Ramsar Convention Secretariat. 2007. *Designating Ramsar sites: the Strategic Framework and guidelines for the future development of the List of Wetlands of International Importance*. Ramsar handbooks for the wise use of wetlands. 3rd ed. Vol. 14. Ramsar Convention Secretariat, Gland, Switzerland.
- ⁸ Delany, S. & Scott, D. 2006. *Waterbird population estimates*. 4th Ed. Wetlands International, Wageningen, the Netherlands.
- ⁹ Ramsar Convention Secretariat. 2007. *Designating Ramsar sites: the Strategic Framework and guidelines for the future development of the List of Wetlands of International Importance*. Ramsar handbooks for the wise use of wetlands. 3rd ed. Vol. 14. Ramsar Convention Secretariat, Gland, Switzerland.
- ¹⁰ Watkins, D. 1993. *A national plan for shorebird conservation in Australia*. RAOU Report 90. Australasian Wader Studies Group, Royal Australasian Ornithologists Union, World Wide Fund for Nature.
- ¹¹ Dowding, J.E. & Moore, S.J. 2006. *Habitat networks of indigenous shorebirds in New Zealand*. Science for Conservation 261.
- ¹² Battley, P.F., Schuckard, R. & Melville, D.S. in press. *Movements of bar-tailed godwits and red knots within New Zealand*. Science for Conservation.
- ¹³ OSNZ unpublished.
- ¹⁴ P. Samways unpublished.
- ¹⁵ Taylor, G.A. 2000. *Action plan for seabird conservation in New Zealand. Part 4. Threatened seabirds*. Threatened Species Occasional Publication No.
- ¹⁶ Paton, D.C., Ziemnicki, M., Owen, P. & Heddl, C. 2000. *Disturbance distances for water birds and the management of human recreation with special reference to the Coorong Region of South Australia*. The University of Adelaide, Adelaide.
- ¹⁷ Lafferty, K.D. 2001. Birds at a Southern California beach: seasonality, habitat use and disturbance by human activity. *Biodiversity and Conservation* 10: 1949-1962.
- ¹⁸ Nudds, R.L. & Bryant, D.M. 2000. The energetic cost of short flights in birds. *Journal of Experimental Biology* 203: 1561-1572.
- ¹⁹ Rogers, D.L., Piersma, T. & Hassell, C.J. 2006. Roost availability may constrain shorebird distribution: exploring the energetic costs of roosting and disturbance around a tropical bay. *Biological Conservation* 133: 225-235.

4

- ²⁰ West, A.D., Goss-Custard, J.D., Stillman, R.A., Caldwell, R.W.G., Durrell, S.E.A. le V.dit & McGroarty, S. 2002. Predicting the impacts of disturbance on shorebird mortality using a behaviour-based model. *Biological Conservation* 106: 319-328.
- ²¹ Rogers, D.L., Piersma, T. & Hassell, C.J. 2006. Roost availability may constrain shorebird distribution: exploring the energetic costs of roosting and disturbance around a tropical bay. *Biological Conservation* 133: 225-235.
- ²² Kirby, J.S., Clee, S., & Seager, V. 1993. Impact and extent of recreational disturbance to wader roosts on the Dee estuary: some preliminary results. *Wader Study Group Bulletin* 68: 53-58.
- ²³ New Zealand Gazette 1993. 95: 2186.

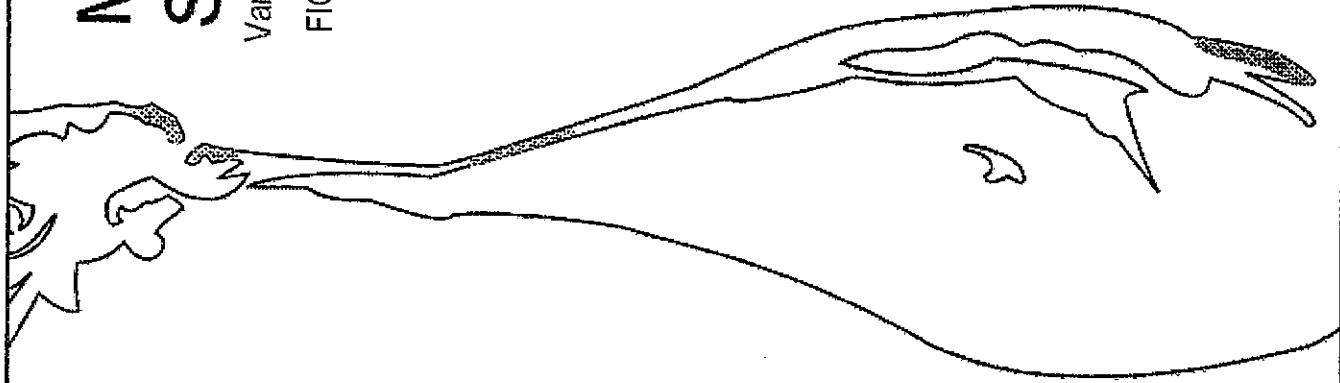


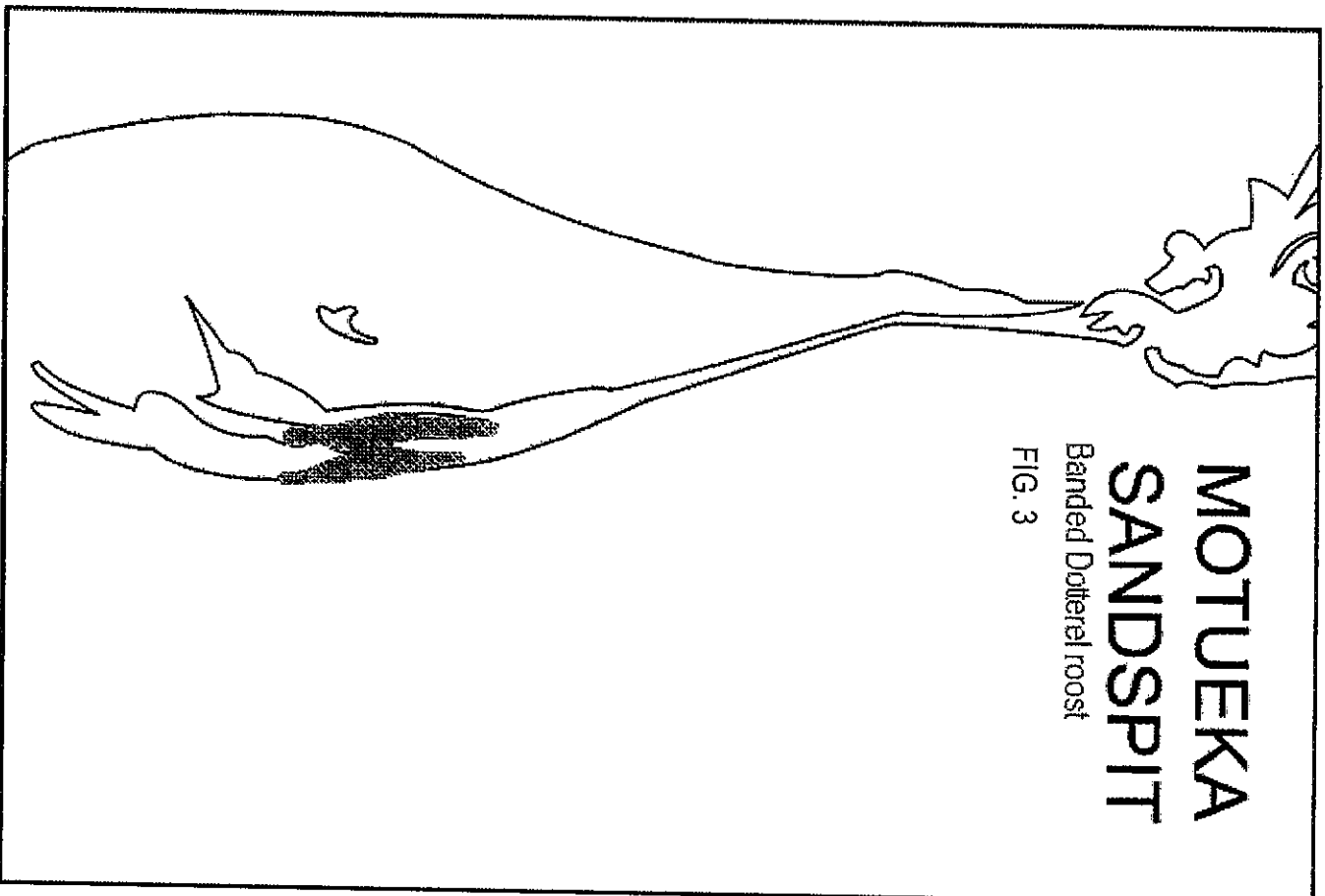
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**MOTUEKA
SANDSPIT**

Variable Oystercatcher roost

FIG. 2





**MOTUEKA
SANDSPIT**

Banded Doterel roost

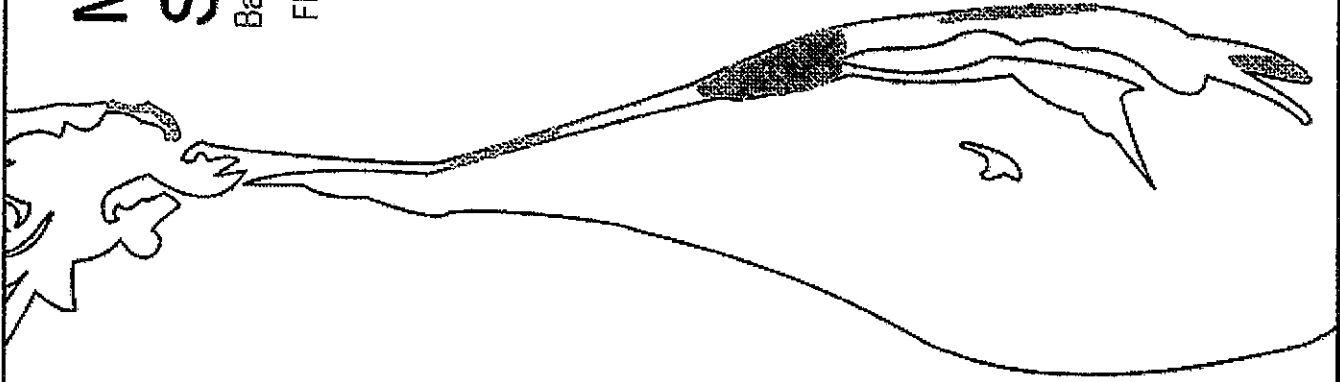
FIG. 3

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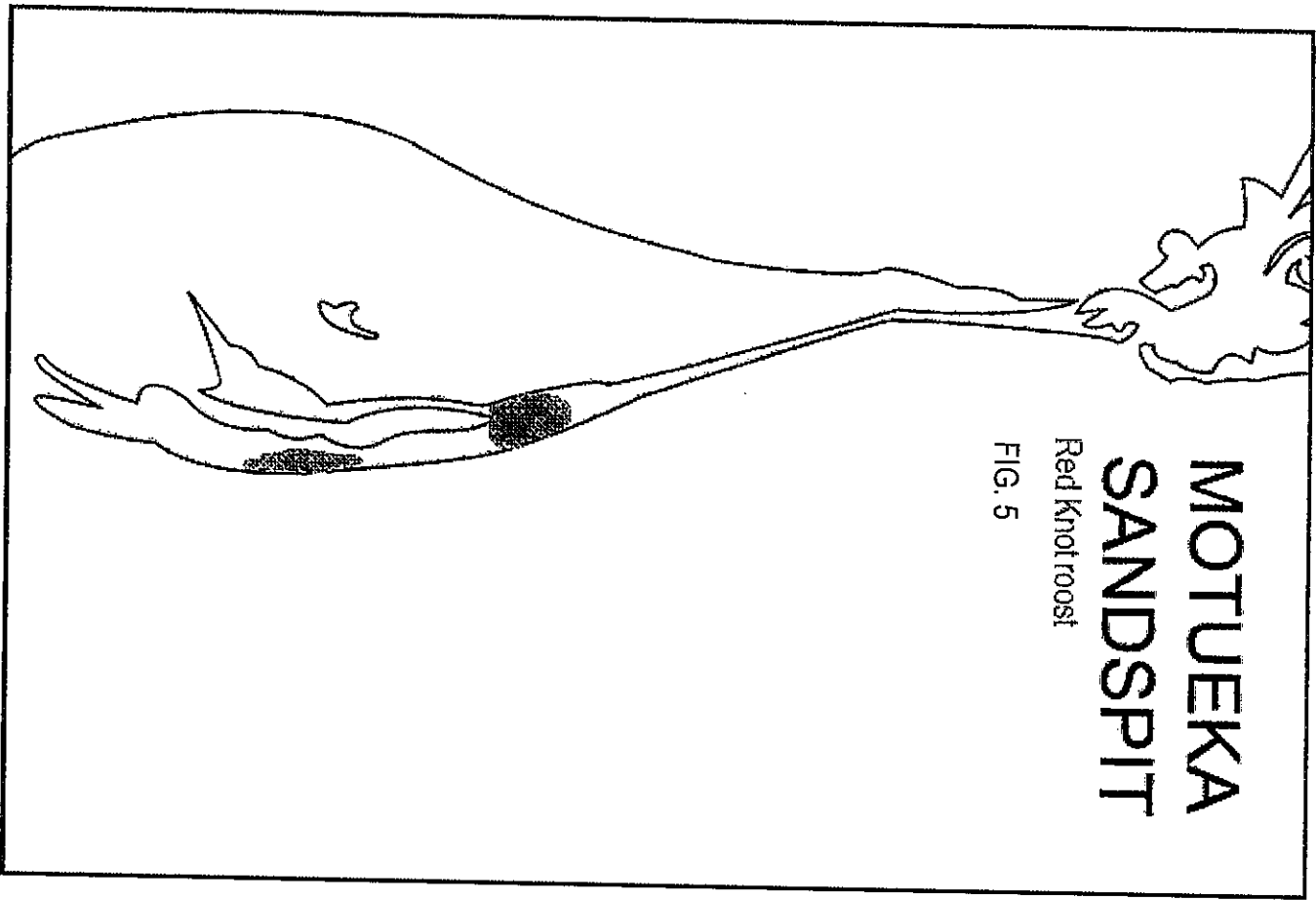
**MOTUEKA
SANDSPIT**

Bar-tailed Godwit roost

FIG. 4



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**MOTUEKA
SANDSPIT**

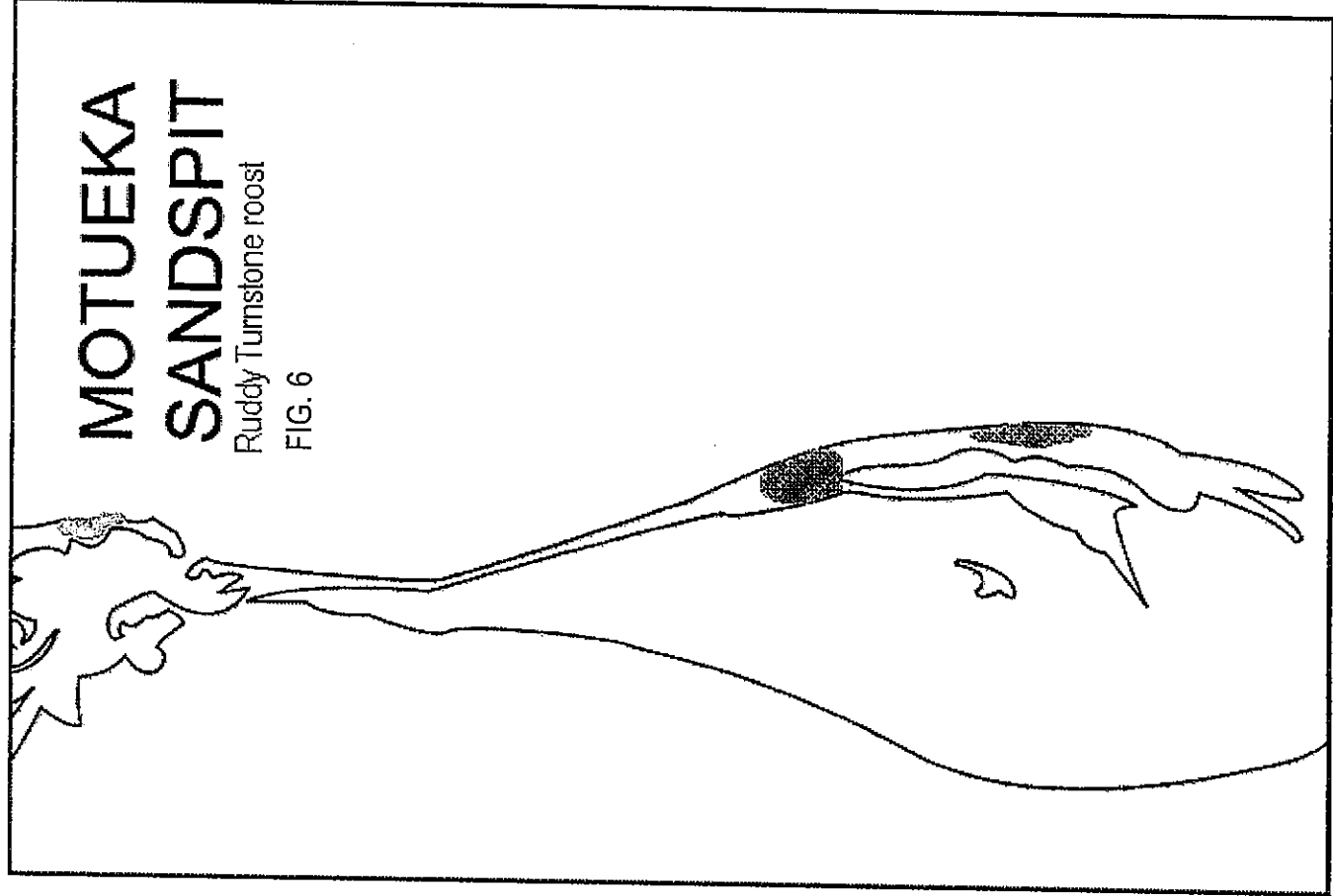
Red Knot roost
FIG. 5

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**MOTUEKA
SANDSPIT**

Ruddy Turnstone roost

FIG. 6

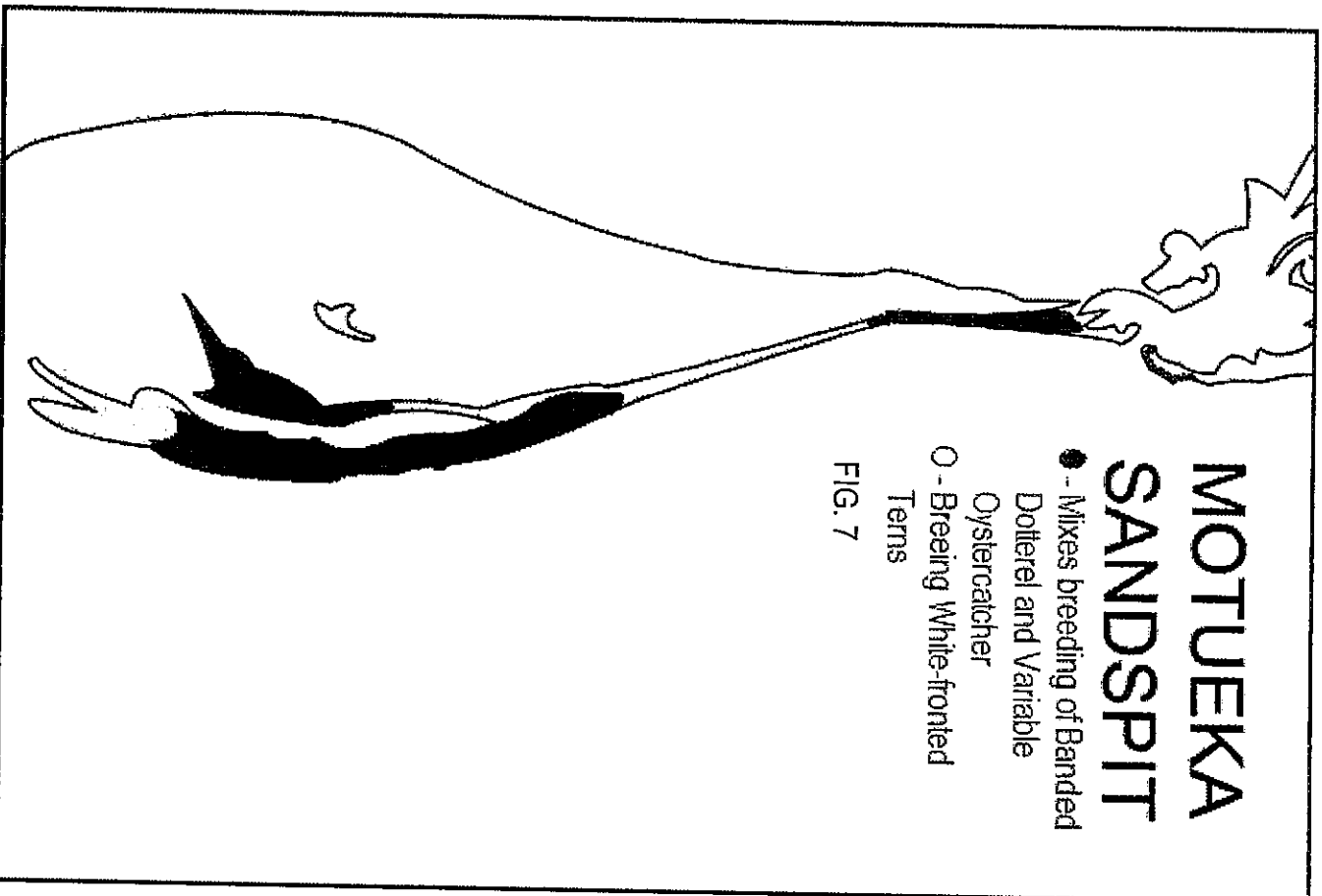


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MOTUEKA SANDSPIT

- - Mixes breeding of Banded
Dotterel and Variable
Oystercatcher
- - Breeding White-fronted
Terns

FIG. 7



APPENDIX 1.

Birds of conservation importance occurring at Motueka Sandspit*

Species breeding on Motueka Sandspit

Black-billed Gull	Nationally endangered
Banded Dotterel	Nationally vulnerable
Red-billed Gull	Nationally vulnerable
White-fronted Tern	At risk - declining
Variable Oystercatcher	At risk - recovering

Species occurring on migration/non-breeding

Wrybill	Nationally vulnerable
Pied Oystercatcher	At risk - declining
Bar-tailed Godwit	(Arctic breeding migrant - not assessed)
Red Knot	(Arctic breeding migrant - not assessed)
Turnstone	(Arctic breeding migrant - not assessed)

* Threat status after: Miskelly, C.M., Dowding, J.E., Elliott, G.P., Hitchmough, R.A., Powlesland, R.G., Robertson, H.A., Sagar, P.M., Scofield, R.P. & Taylor, G.A. 2008. Conservation status of New Zealand birds, 2008. *Notornis* 55: 117-135.

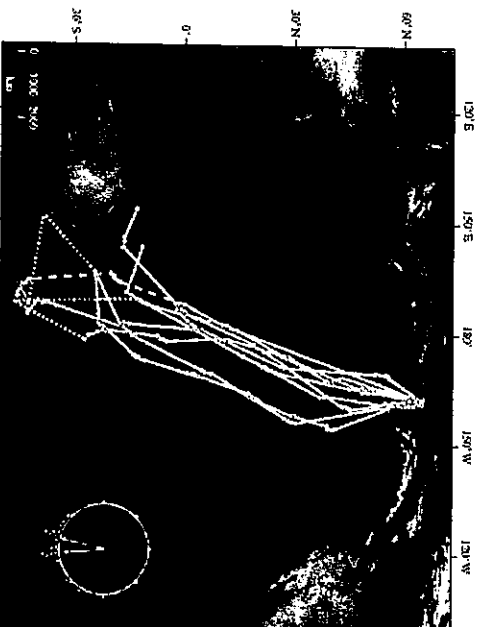
APPENDIX 2.

BAR-TAILED GODWITS AT MOTUEKA SANDSPIT

The annual cycle

Bar-tailed Godwits breed in western Alaska and spend the non-breeding season in New Zealand, arriving here in September/October and departing in March/April. .

They migrate from Alaska to New Zealand nonstop -- a journey of some 11,000km which they complete in about 8 days¹.



Tracks of satellite-tagged Bar-tailed Godwits migrating from Alaska to New Zealand (from Gill *et al.*, 2009)

On arrival in New Zealand they are exhausted and emaciated. The first thing they have to do is 'rebuild' their digestive organs². They then moult, replacing all of their plumage (flight feathers, body feathers). Once this moult is completed (late December-early January) the birds start to lay down fat stores ready for northward migration and also start a second moult of the body feathers to acquire breeding plumage.



Recently arrived Bar-tailed Godwit, 2 October, Thin and emaciated.

[Photos: Jesse Conklin]

The same Bar-tailed Godwit prior to northward migration, 19 March

Moult (flight and body feathers)	*	***	***	***	*				
Fattening				***	***	***	***	***	**
Moult (body feathers)					*	***	***	***	***
	S	O	N	D	J	F	M	A	

Male and female godwits more-or-less double their weight before departing on northward migration³. They fly non-stop from New Zealand to the Yellow Sea, in northeast Asia – a journey of some 10,000km which is completed in about 7 days⁴.

Moult and depositing fat stores for migration are energetically demanding processes. Birds feed on the ebb and flow tides, maximising food (energy) intake and at high tide roost, spending most of the time preening or sleeping, which keeps energy costs to a minimum. Roost sites are generally close to feeding areas reducing the energy cost of moving between the two.

¹ Gill, R.E., Tibbits, T.L., Douglas, D.C., Handel, C.M., Mulcahy, D.M., Gottschalk, J.C., Warnock, N., McCaffery, B.J., Battley, P.F. & Piersma, T. 2008. Extreme endurance flights by landbirds crossing the Pacific Ocean: ecological corridor rather than barrier. *Proceedings of the Royal Society B*. 276: 447-457.
² Piersma, T. & Gill, R.E. 1998. Guts don't fly: small digestive organs in obese Bar-tailed Godwits. *Auk* 115: 196-203.

³ OSNZ unpublished

⁴ USGS unpublished.

Valerie Gribble

From: Apache [apache@isrvweb.dnz.tdc.govt.nz]
Sent: Thursday, 11 June 2009 11:03 a.m.
To: Valerie Gribble
Subject: TDC Form submission > Submission Form

Name: Juliet Thomas

Address: 17 Inglis Street
Motueka

Telephone Contact Number: 03 526 6246

Email Address (optional): castlerock@ts.co.nz

Are_you_submitting_as_an_individual_or_on_behalf_of_an_organisation?: Organisation

If_an_organisation,_please_name_the_organisation: Motueka branch of RNZSPCA

Your_comment: Submission to TDC on Dog Bylaws Motueka SPCA feels the bylaw currently in force has worked well to reconcile the various needs of the different interest groups in the community.

So far as we are aware there have been no substantiated instances since the bylaw was last reviewed of dogs causing problems for wildlife: there have certainly been no prosecutions under the bylaw or the Wildlife Act. Accordingly we would urge Council to maintain the dog control bylaw as it is.

We are concerned to note the inclusion in the new draft bylaw of clause 3.4.2. which, on the face of it, appears to be a means of enabling the introduction of a ban on dogs in many unidentified places in the district including the Motueka sandspit. We believe such a clause to be unreasonable, uncertain and of questionable legality. Accordingly we would ask Council not to proceed with it.
Generally this branch is of the view that Council should make greater provision than at present for areas where dogs can run freely (though under control). This is particularly desirable in the vicinity of the principal population centres where exercise areas are limited.

Please note:

All_written_submissions_will_be_made_available_to_Councillors_and_the_public_Would_you_like_to_voice_your_submission_at_a_Council_meeting_held_for_this_purpose?: Yes

where_would_you_like_your_submission_to_be_heard?: Richmond

security1: mapua

code: mapua

storykey: 3qgakyvav4gamc58k2mstrkkfw6jftw66ypp

5

Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009
Submitter details (please print clearly):

Your name: Silvina Griffin

Your postal address: 43 Peede St
Motueka

Your daytime phone number: 03 5289039

Your email address: smgkwi@xtra.co.nz

Would you like to speak to your submission at a Council meeting held for this purpose?

YES NO if I can back in NZ by then

Are you writing this submission as:
 an individual or on behalf of an organisation

If an organisation, please name the organisation:

Your comment (please continue overleaf if you require more space):

I oppose clause 3.4.2 of TDC's draft new Dog Control Bylaw because it constitutes (inter-alia) a thinly disguised attempt by TDC to introduce a ban on dogs in many unidentified places in the district including the Motueka Sandspit.

This draft Bylaw is unreasonable, ultra vires TDC's powers and uncertain in its effect.

I submit that clause 3.4.2 should be deleted from the draft and the status quo maintained in respect of the Motueka Sandspit area.

Signed: [Signature] Date: 3/6/09

Please note: All written submissions will be made available to Councillors and the public. Please write clearly, as all submissions are photocopied. Please send your submission to:

Tasman District Council
Private Bag 4
Richmond
Nelson 7050

Or drop your submission into Council at 189 Queen Street, Richmond, or your local library or service centre. Alternatively email your submission to: dogcontrol@tasman.govt.nz or fax to 03 543 9524. We need to receive your submission by Tuesday 30 June 2009. Copies of the Draft Policy on Dogs 2009 and Draft Dog Control Bylaw 2009 are available at Council offices/Service Centres, Libraries and on the Council website www.tasman.govt.nz

6

Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009
Submitter details (please print clearly):
Your name: Time Vantstot

Your postal address: 71 Tudor St Motueka

Your daytime phone number: 03 5287487
Your email address: arjantina@xtra.co.nz

Would you like to speak to your submission at a Council meeting held for this purpose?
 YES NO
Are you writing this submission as:
 An individual or On behalf of an organisation
If an organisation, please name the organisation:

*I would be absolutely gutted if we were banned.
(My family) We only walk our Dog at the Kumerus - He's large
Your comment (please continue overleaf if you require more space): and needs to run.*

Time Vantstot I oppose clause 3.4.2 of TDC's draft new Dog Control Bylaw because it constitutes (inter-alia) a thinly disguised attempt by TDC to introduce a ban on dogs in many unidentified places in the district including the Motueka Sandspit.

This draft Bylaw is unreasonable, ultra vires TDC's powers and uncertain in its effect.

I submit that clause 3.4.2 should be deleted from the draft and the status quo maintained in respect of the Motueka Sandspit area.

Signed:  Date: 04.06.09

Please note: All written submissions will be made available to Councillors and the public.
Please write clearly, as all submissions are photocopied.
Please send your submission to:
Tasman District Council
Private Bag 4
Richmond
Nelson 7050

Or drop your submission into Council at 189 Queen Street, Richmond, or your local library/ or service centre.
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Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009

25 JUN 2009

Submitter details (please print clearly):

Your name: WILLIAM ALEXANDER COOK

Your postal address: EPENEWS RD HOPE, R.D.I. RICHMOND
NELSON.

Your daytime phone number: 03 5447189

Your email address: NIL

Would you like to speak to your submission at a Council meeting held for this purpose?

YES NO

Are you writing this submission as:

an individual or on behalf of an organisation

If an organisation, please name the organisation:

Your comment (please continue overleaf if you require more space):

MOTUGKA SANS SPIT!

This sand spit is of major importance to shore birds
40% of all the shore birds in Tasman Bay use this spit
as a highwater roost. It really comes under the "RAMSAR"
designation for at least 2 species. 1) Bar Tailed Godwit 2) Red
Kest. It also is important for Unassailable Oystercatchers, Ruddy Turnstones
Red Oystercatchers and Banded Dotterell.

This is why dogs should be banned from the area.

Signed: William A Cook

Date: 20/6/09

Please note: All written submissions will be made available to Councillors and the public.
Please write clearly, as all submissions are photocopied.

Please send your submission to:

Tasman District Council
Private Bag 4
Richmond
Nelson 7050

Alternatively email your submission to:
dogcontrol@tasman.govt.nz or fax to 03 543
9524.

We need to receive your submission by
Tuesday 30 June 2009.

Copies of the Draft Policy on Dogs 2009 and
Draft Dog Control Bylaw 2009 are available at
Council offices/Service Centres, Libraries and
on the Council website www.tasman.govt.nz.

Or drop your submission into Council at 189
Queen Street, Richmond, or your local library
or service centre.

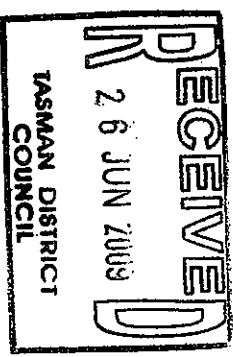
S

Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009

Name: Pauline Samways

Postal address: 63 Pah Street
Motueka 7120

Email address: psamways@clear.net.nz



Would you like to speak to your submission at a Council meeting held for this purpose?

YES this includes a 5 minute PowerPoint presentation – will there be data projector and computer available?

Are you writing this submission as: an individual or on behalf of an organisation

Your comment:

I wish to comment on Section 4, Leash Control Areas; Section 5, Controlled Dog Exercise Areas and Section 6, Dog Prohibited Areas in relation to the Motueka Sandspit as a special habitat for birds.

No where in the Policy is the Motueka Sandspit mentioned.

This makes it very confusing for dog owners to know whether they are allowed on the Sandspit or not. As it is not a Leash Control Area, or a Controlled Dog Exercise Area, or a Dog Prohibited Area, then Section 3, Control of Dogs in Public Places will apply. However, traditionally the sandspit has been used as a dog exercise area and people may assume that as it hasn't been made a prohibited area, then they are allowed to take their dogs off the lease there. To add to the confusion, there are a number of large information boards telling of the presence of nesting and protected birds and urging owners to keep their dogs on a leash.

I would like to see a restriction of dogs on the sandspit.

The Motueka Sandspit is not a suitable area for dogs to roam for the following reasons:

- Two birds, the Banded Dotterel (Threatened*) and the Variable Oystercatcher (At Risk*) nest all the way along the Sandspit between August and February. Their eggs and young are camouflaged and difficult to see so dog walkers would not know if they were in the presence of these protected birds.
- Other birds nest towards the end of the Sandspit including the White-fronted Tern (At Risk*), the Red-billed Gull (Threatened*), the Black-billed Gull (Threatened*) and the Black-backed Gull (not Threatened*)
- Every summer, hundreds of migrant birds from the Northern Hemisphere (Godwit, Turnstone and Knot) arrive on the Sandspit to recuperate, moult and fatten up for their return journey. They feed in the estuary and roost along the top at high tide. Up to 150 juvenile Godwit remain on the Sandspit over winter.
- During the winter the Sandspit is home for other internal migrants and resident birds such as: Wrybill (threatened*), Black-fronted Tern (threatened*), Caspian Tern (threatened*), White Heron (threatened*), Pied Oystercatcher (At Risk*), Pied Stilt (At Risk*), Little Shag (At Risk*), Black Shag (At Risk*) and Royal Spoonbill (At Risk*).
- Motueka Sandspit meets the criteria of the Ramsar Convention to be considered a site International Importance due to the numbers of Pied Oystercatcher, Variable Oystercatcher,

and Godwit. New Zealand has been a signatory to this convention since 1976. The Sandspit is also a site of National Importance for the Turnstone, Knot and Banded Dotterel.

- The Sandspit was made a Scenic Reserve by the Department of Conservation in 1992 because it was recognized as an area of importance for birds.
- Research has shown that dogs do disturb birds *"In conclusionthe evidence that is available (both anecdotal and from controlled experiments) shows that dogs do disturb ground nesting birds in particular and that this disturbance can lead to adverse effects on individuals, and in some cases on populations."***
- Under s63 of the Wildlife Act it is an offence to 'disturb' any species of protected wildlife, whether or not it is in a protected area. Whilst this provision protects birds from deliberate interference, it does not protect them from being incidentally disturbed by otherwise lawful activities.

If the Sandspit is not classified as either a Leash Control Area or Dog Prohibited Area, then people will enter the beach from the walkway and continue along Sandspit. As there are nearly always protected birds present, these dog walkers will be breaking the law without knowing it. Birds will be disturbed even if the dogs are not actually chasing them. It is in a dog's nature to roam and it is this action that disturbs the birds. It will be difficult to police the remote areas of the sandspit thus making a mockery of the Wildlife Act.

In an ideal world, dogs should be banned from all of the Motueka Sandspit – however I would like to propose a compromise whereby the majority of birds will be protected while allowing dog walkers to have access to parts of the beach.

Many walkers get on to the Sandspit from the walkway near the golf course via an old pipe line that crosses the estuary. They then walk along the beach to rejoin the walkway nearer to the Staples St car park, or the other way round, starting at Staples St. I suggest that dogs be allowed in this area north of the pipe line and be prohibited from the sandspit south of the pipe line. (see map on next page)

The pipe line can be used as a dividing land mark as it is immovable and visible whether entering the Sandspit from either Staples St or the walkway near the golf course.

This solution would mean

- Dog walkers could use some of the beach front including the vegetated Kumaras area by the car park.
- The majority of birds would be safe from disturbance while nesting, roosting and feeding.
- There will be less confusion among people as to where they are allowed to take their dogs.

Signed:

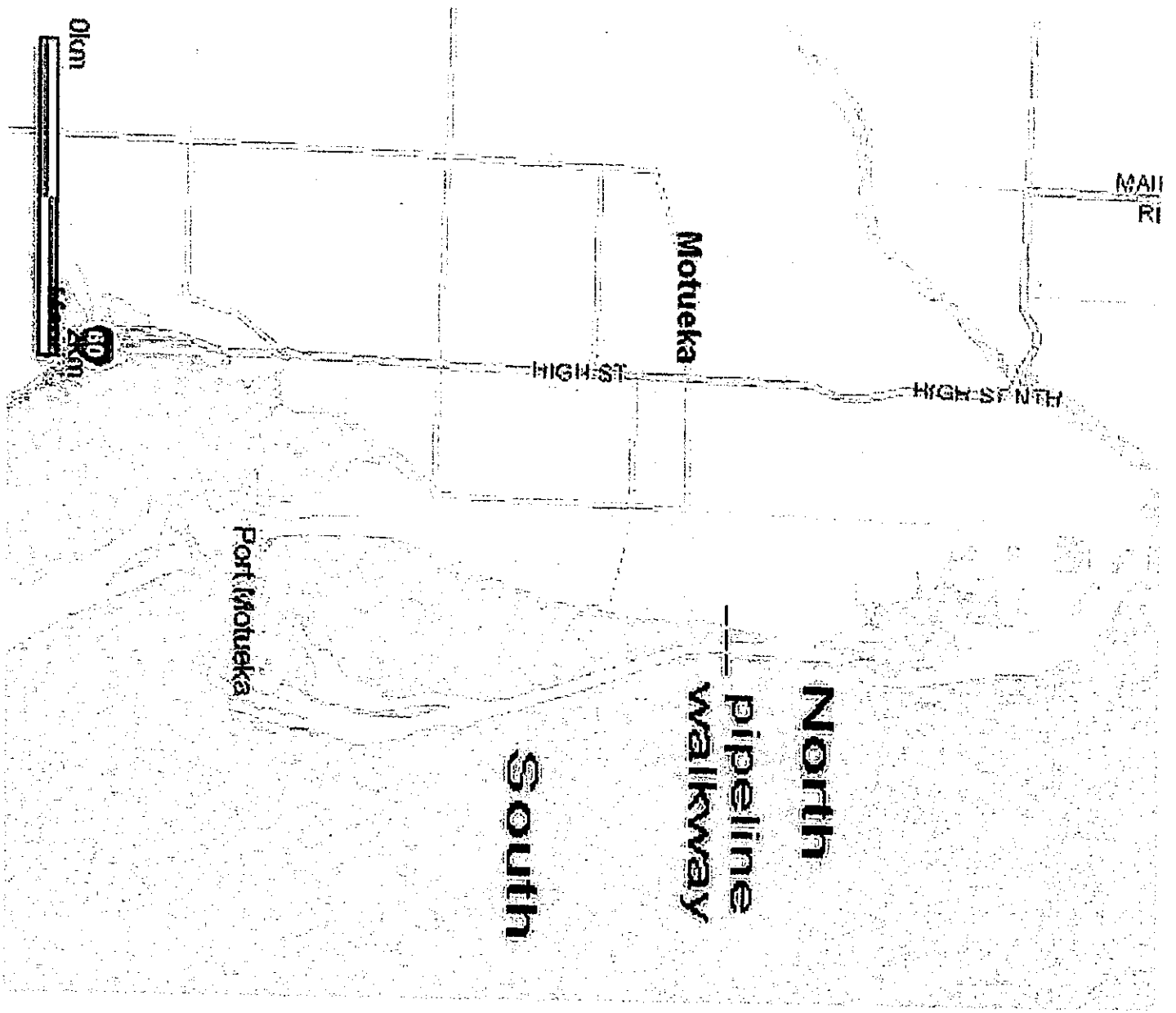
P. McSamways

Date:

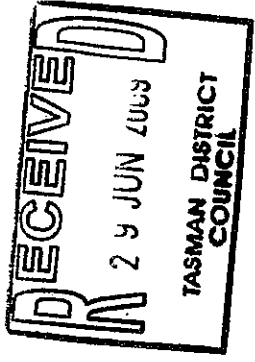
26/6/09.

References

- * MISKELLY, COLIN M. et al. 2008. Conservation Status of New Zealand Birds, 2008. *Notornis* 55:117-135
- ** KEN TAYLOR, et al. 2005. Dogs, Access and Nature Conservation. English Nature Research Reports 649:1



9



Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009

Your Name Geoffrey A. Milnes

Your postal address: Titoki Place, Motueka

Your daytime phone number: (03) 5288760

Your email address: geoff@mba.net.nz

Would you like to speak to your submission at a Council meeting held for this purpose?

YES NO

Are you writing this submission as:

an individual or on behalf of an organisation
if an organisation, please name the organisation:

Your comment (please continue overleaf if you require more space):

I live close to the Motueka Sandspit area & like many other Motueka residents, use & enjoy it every day of the year. It is essential that people in their animals can continue to exercise in this magnificent area in the responsible way it is now being used, and therefore

I oppose clause 3.4.2 of TDC's draft new Dog Control Bylaw because it constitutes (inter-alia) a thinly disguised attempt by TDC to introduce a ban on dogs in many unidentified places in the district including the Motueka Sandspit.

This draft Bylaw is unreasonable, ultra vires TDC's powers and uncertain in its effect.

I submit that clause 3.4.2 should be deleted from the draft and the status quo maintained in respect of the Motueka Sandspit area.

Signed: Date: 26/6/2009

Please note: All written submissions will be made available to Councillors and the public.

Please write clearly, as all submissions are photocopied.

Please send your submission to:
Tasman District Council
Private Bag 4
Richmond
Nelson 7050

Or drop your submission into Council at 189 Queen Street, Richmond, or your local library or service centre.

Alternatively email your submission to: dogcontrol@tasman.govt.nz or fax to 03 543 9524.

We need to receive your submission by Tuesday 30 June 2009.

Copies of the Draft Policy on Dogs 2009 and

Draft Dog Control Bylaw 2009 are available at

Council offices/Service Centres, Libraries and

on the Council website www.tasman.govt.nz



Te Rūmanga Whakauka o Kahurangi ki Kaikōura

NELSON/MARLBOROUGH CONSERVATION BOARD



Herea kia Kōtahi - Working Together

29 June 2009

The Administration Advisor
Tasman District Council
Private Bag 4
RICHMOND 7031

Submission on review of Tasman District Council Policy on Dogs and Tasman District Council Consolidated Bylaw No 2 – Dog Control

Introduction

The Nelson/Marlborough Conservation Board is an advisory board appointed by the Minister of Conservation under Section 6 (P) of the Conservation Act 1987. Its area of jurisdiction covers from Farewell Spit in the north to just below Kaikōura in the south. Included in that area are several national parks, nature reserves, wetlands, iconic animal species, many major rivers, streams and springs including Te Waikoropupu Springs.

Board members have expertise drawn from their varied backgrounds in recreation, ecology, land and water management, tourism, viticulture, and community and iwi involvement. One current member has internationally-recognised expertise in ornithology.

Specific issue of concern

This submission relates specifically to the Motueka Sandspit area, a site of significance for shorebirds, and the need for additional restrictions in that area to protect the birds from disturbance.

The Board's concern is to protect the conservation values of the Motueka Sandspit.

We consider that the Section 4.3.1 of the Report to the Environment and Planning Committee (D402-1) which recommends no change to the present situation but some increased education is inadequate to protect wildlife. It seems to us that the Council and the community may not be fully aware of the significance of the Sandspit area. The following information is provided to assist the Council in its consideration of policy.

International importance of the Sandspit for Birds

In its submission to the Council the Nelson/Golden Bay Region of the Ornithological Society of New Zealand states that:

“ Motueka Sandspit is of international importance for Pied Oystercatcher, Variable Oystercatcher and Bar-tailed Godwit. It is of national importance for Banded Dotterel, Turnstone, and Red Knot.

Motueka Sandspit supports:

- *40% of all northern hemisphere migratory shorebirds in Tasman Bay during the summer*
- *40% of all New Zealand breeding waders in Tasman Bay during the winter.*

450337

11

...Motueka Sandspit is of international importance for shorebirds. Disturbance of roosting birds may adversely affect the birds, in particular during pre-migratory fattening. Breeding birds may be adversely affected by disturbance..."

Board Comments on Section 4.3.1 of the Report to the Environment and Planning Committee (D402-1):

Section 4.3.1 of the Council's staff report states that the Spit is a very valuable habitat for birds and notes that there have been observations of bird disturbances but *not of actual injury* caused by dogs. In our view this is a misunderstanding of the situation. A dog does not have to injure a bird to discourage it and its flock from nesting or returning. The important factor that policy should be based upon is disturbance rather than physical injury. Indeed this would be in line with the objectives of the Dog Control Act which include actions "...designed to ensure that dogs do not injure, endanger or cause distress to any.... protected wildlife..." and section 59 of the Dog Control Act which makes provision for the seizure or destruction of a dog at large in the vicinity of protected wildlife. It is surprising that there is no reference to this objective of the Act in the Draft Policy as the prevention of disturbance to wildlife must surely be a community expectation.

School / 1 of Policy / least to be / Area.

Section 4.3.1 also refers to the need for more education to be carried out amongst visitors to the Sandspit. Unless the Council is able to fund additional education and signage we consider that this is unlikely to happen and birds will remain under threat.

Board comment on general provisions on the protection of wildlife:

Schedule 1 of the proposed Council bylaw contains the provision that dogs shall be leashed while in the presence of protected birds or wildlife. Schedule 2 which covers controlled dog exercise areas raises the possibility of protected birds or wildlife being present and requires dogs to be leashed on these occasions.

In our view this is insufficient control for areas where protected or rare birds roost or nest such as the Sandspit. Allowing dogs on leashes is a problem as nesting birds may be in depressions in the sand and are not easily seen by walkers with dogs before they are virtually on top of the nesting areas and eggs. In addition we have observed that as long as an area is open for dog walking, many people will let dogs off the leash. The Council's proposed policy appears to allow dogs off-leash where there may be protected birds or wildlife. In our view this is totally unacceptable where there is a known roosting or nesting area.

Balance between conservation and recreational use

The Board's role is to advocate for conservation. However it is aware that the Council must balance the needs of the community for recreation alongside those of conservation. In the Board's view the best way to do that is to identify areas where dogs pose no threat and allow dog walking on these and declare other areas completely off limits for dog walking of any kind. Dog walkers can be directed to the many other areas in the Tasman District for dog walking.

The Board's preference is to prohibit roaming dogs from all of the Motueka Sandspit. However if the Council is unable or unwilling to do that, we consider that efforts should still be made to protect the majority of birds from disturbance. To provide clarity for users of the Sandspit it would be desirable to have a permanent and visible boundary beyond which dogs are not allowed. Pauline Samways in her submission has proposed the concrete culvert which goes under the northern end of the Sandspit as a suitable demarcation line with dogs banned from the Sandspit south of the pipeline. This is a possible compromise.

Recommendations for changes to the proposed dog bylaw

- 1 The Motueka Sandspit either totally or in part should be included in Schedule 3: Dog Prohibited areas.

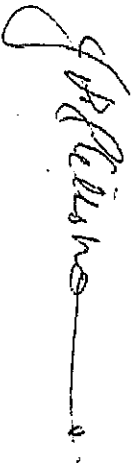
11

2 If the Council is unwilling or unable to ban dogs from all of the Sandspit, then banning dogs from the area south of the pipeline while allowing them in the area north of the pipeline would be a reasonable compromise. This would protect the majority of birds while allowing dog walkers access to parts of the beach.

Hearing

We do not seek to speak in support of our submission but the Board's expert ornithologist, David Melville would be happy to answer questions from staff or councillors if required, and will attend the hearing if available.

Signed



Judy Hellstrom
Chair
Nelson/Marlborough Conservation Board

Address for service:

C/- Department of Conservation
Private Bag 5,
Nelson 7010

Phone: 03 546 9335
E-mail: Nelsonmarlboroughboard@doc.govt.nz

Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009

Submission Form 1

Your name: Sue Walker

Your postal address: 36 Trenwar St Motueka

Your daytime phone number: 03 528 7499

Your email address: Suejain@deer.net.nz

Would you like to speak to your submission at a Council meeting held for this purpose?

YES NO

Are you writing this submission as:

an individual or on behalf of an organisation
If an organisation, please name the organisation:

I am a dog owner who regularly walks my dog on the spit. We always stay way clear of any birds and try to keep well below the hide hide mark - we always pick up any rubbish

Your comment (please continue overleaf if you require more space):

I oppose clause 3.4.2 of TDC's draft new Dog Control Bylaw because it constitutes (inter-alia) a thinly disguised attempt by TDC to introduce a ban on dogs in many unidentified places in the district including the Motueka Sandspit.

This draft Bylaw is unreasonable, ultra vires TDC's powers and uncertain in its effect.

I submit that clause 3.4.2 should be deleted from the draft and the status quo maintained in respect of the Motueka Sandspit area.

Signed: Sue Walker Date: 30/6/09

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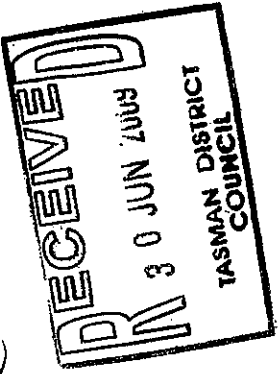
Please send your submission to:
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Nelson 7050

Or drop your submission into Council at
189 Queen Street, Richmond, or your local library or service centre.
Alternatively email your submission to: dogcontrol@tasman.govt.nz or fax to 03 543 9524.
We need to receive your submission by Tuesday 30 June 2009.
Copies of the Draft Policy on Dogs 2009 and Draft Dog Control Bylaw 2009 are available at Council offices/Service Centres, Libraries and on the Council website

12

500012

TPC service Centre



we find and look out for any dead birds etc which we report to DOC.
~~I am happy to be excluded from the spot~~
~~Sept - Dec when the birds nest but~~
feel it would be a real shame to be excluded from the spot during the winter months. I have seen raying during disturbing the pod with on more than one occasion. What can be done about them?
...

FRIENDS OF NELSON HAVEN AND TASMAN BAY (INC)
P O Box 365, Nelson M C. www.nelsonhaven.org.nz Email: info@nelsonhaven.org.nz

To: Policy Planner,
Tasman District Council,
Private Bag 4,
Richmond.

SUBMISSION ON THE DRAFT TASMAN DISTRICT COUNCIL POLICY ON DOGS
and DOG CONTROL BYLAW – CHAPTER 2

Friends of Nelson Haven and Tasman Bay formed 36 years ago in response to developmental threats to the Nelson coastline, since then the Society has worked for the environmental protection of natural ecology and landscape along the coastline and coastal waters of the northern South Island.

STUDY

A recent study by Peter Banks and Jessica Bryant at the School of Biological, Earth and Environmental Sciences, University of New South Wales, showed that dog-walking in woodland resulted in a 35% reduction in bird diversity and a 41% reduction in abundance. People walking alone still had an impact of about half that caused by a person with a dog.

"Ground dwelling birds appeared most affected with 50% of the species recorded in control sites absent from dog-walked sites".

They conclude – "These results argue against access by dog walkers to sensitive conservation areas".

And in this experiment all dogs were walked on a lead.

What applies to woodland undoubtedly applies to open beach and sand hills.

When the Sandspit was closed in 2003 for rabbit control work the numbers of birds occupying the Sandspit increased.

The evolutionary path has caused birds to regard dogs as predators and people as threats if not predators.

Birds show signs of anxiety and stress when people and dogs are within their vicinity.

POLICY

The 2004 Draft Dog Policy the Council issued stated: -

3.1.1 b - Dog Prohibited Areas

Dogs are not permitted in these areas, either at any time or at specific named times.

Schedule 3, Dog Prohibited Areas - (the list includes)

Motueka Sandspit

So at that point the Council agreed with the many people who had submitted about the importance of the Motueka Sandspit for bird life.

But then inexplicably the Council changed its mind and rescinded this recognition.

New Zealand Coastal Policy Statement 1.1.2 states -

"It is a national priority to preserve the natural character of the coastal environment by avoiding or remedying actual or potential adverse effects on areas containing vulnerable species or areas important to migratory species".

Policy 43 requires restriction of public access to protect threatened and indigenous species.

Surely this is mandatory for the Council.

PROTECTION

- In recent decades there has been a concerted change from abuse of natural places to protection of them. There is greatly increased knowledge about birds and their needs, as a result of scientific research and we congratulate members of the Ornithological Society for the painstaking research they have carried out at the Motueka Sandspit.
- So how could the Council have retracted from the positive position of banning dogs from the Sandspit when we now know that 40% of both New Zealand coastal birds and migratory waders reside there? This Spit is second only to Farewell Spit in its importance for coastal and migratory bird habitat in the northern areas of the South Island. It provides the right combination of shelter and food.
- We ask the Council to reverse this apparent misunderstanding and to accord better protection to the birds which live on the Motueka Sandspit. A recent observation noted 10 dogs on the Motueka walkway but only 2 were restrained as requested on the notice.
- This is not the right place for a plethora of dogs, horses, vehicles and people all of which cause bird life considerable distress. The mere presence of dogs, whether or not they are controlled, causes stress.
- We recognise that many dog owners walk the length of Motueka Quay and continue along the Motueka walkway and comparatively few carry on to the Spit. We ask the Council to find land beyond the walkway and away from the Spit so that dog owners can extend their walk beyond Staple Street if they wish.
- In the Draft Dog Policy, Schedule 1, b. The Council is asking the impossible as protected coastal birds are present along the entire Sandspit and they will be disturbed simply by the presence of a dog and its owner who are inevitably "In the presence of".
- These coastal birds have a right to peace and protection and it is our responsibility to give them this.

REVISED POLICY

We ask:-

1. That the Motueka Sandspit be given full recognition as a national and international bird sanctuary and that the Council draws up a bylaw acknowledging this.
2. That Motueka Sandspit shall be listed in Schedule 3.

3. For legislation which the Council can use to control effects of disturbance and nuisance to wild life similar to rules for disturbance to people.
4. That the Council find an additional place where dogs and their owners can exercise.
5. That dog owners are given an information sheet when registering their dogs explaining the importance of the natural character of the coastal environment and the adverse effects of disturbance on vulnerable species, both native and migratory

PROTECTED COASTAL BIRDS

This list is incomplete, please add to the list:

Black shag, spotted shag, white-fronted tern, black-fronted dotterel, white heron, reef heron, white-faced heron, red and black-billed seagulls, and all rare or unusual migratory vagrants.

WE WOULD LIKE TO BE HEARD

Signed: Gillian Pollock, on behalf of Friends' committee

G. Pollock

16 June 2009

26 JUN 2009
TASMAN DISTRICT COUNCIL

Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009
Submitter details (please print clearly):
Your name:

JOHN MESSALL

Your postal address:

18 CLAY ST MOQUEKA
7120

Your daytime phone

number: 03 528 9909

Your email address:

PAULMESSALL@TDC.NZ

Would you like to speak to your submission at a Council meeting held for this purpose?

YES NO

Are you writing this submission as:

an individual or on behalf of an organisation

If an organisation, please name the organisation:

RE ATTACHED

Your comment (please continue overleaf if you require more space):

I oppose clause 3.4.2 of TDC's draft new Dog Control Bylaw because it constitutes (inter-alia) a thinly disguised attempt by TDC to introduce a ban on dogs in many unidentified places in the district including the Motueka Sandspit.

This draft Bylaw is unreasonable, ultra vires TDC's powers and uncertain in its effect.

I submit that clause 3.4.2 should be deleted from the draft and the status quo maintained in respect of the Motueka Sandspit area.

Signed: JOHN MESSALL

Date: 25/6/09

Please note: All written submissions will be made available to Councilors and the public. Please write clearly, as all submissions are photocopied. Please send your submission to:
Tasman District Council
Private Bag 4
Richmond
Nelson 7050

Or drop your submission into Council at 189 Queen Street, Richmond, or your local library or service centre.
Alternatively email your submission to: dogcontrol@tasman.govt.nz or fax to 03 543 9524.
We need to receive your submission by Tuesday 30 June 2009.
Copies of the Draft Policy on Dogs 2009 and Draft Dog Control Bylaw 2009 are available at Council offices/Service Centres, Libraries and on the Council website www.tasman.govt.nz

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Submission on Draft Policy of Dogs 2009 and Dog Control Bylaw 2009


Having read the précised draft dog control bylaw 2009 I can smell a very large rat therein, in the form of a hidden agenda by two groups of people who wish to restrict access to the Motueka sand spit on the flimsy excuse that the bird life will be disturbed.

Well for a start, humans, dogs and horses have been using the spit for recreational purposes for many years with no detrimental effects to the bird life. The migrant birds still arrive every spring, the oyster catchers still nest there every year and there is not shortage of them.

More damage is done by feral cats, rats, stoats and black backed gulls (and probably quite a few amateur bird watchers bumbling around in big boots) than by dogs.

Also I have never seen a bird killed by a dog or horse in the 12 years that I have been living in Motueka and using the spit.

Finally, in the précised pamphlet, I notice that any reference to Clause 3.4.2 is conspicuous by its absence - is this because Council has no authority to enforce a bylaw on land it does not administer?



25/6/09

Amie

Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009
Submitter details (please print clearly):

Your name: NICHOLAS D DAVIDSON

Your postal address: Mytton Heights, RD1 Motueka 7196

Your daytime phone 03 528 8733 ; 021 0277 3553
number:

Your email address: nick.davidson@xtra.co.nz

Would you like to speak to your submission at a Council meeting held for this purpose?

YES

I am writing this submission as:
an individual

Your comment (please continue overleaf if you require more space):

I oppose clause 3.4.2 of TDC's draft new Dog Control Bylaw because it constitutes (inter-alia) a thinly disguised attempt by TDC to introduce a ban on dogs in many unidentified places in the district, including the Motueka Sandspit.

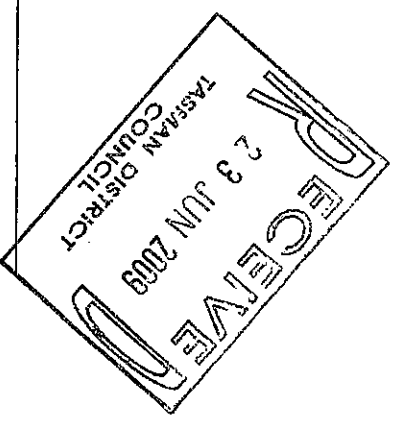
This draft Bylaw is unreasonable, ultra vires TDC's powers and uncertain in its effect.

I submit that clause 3.4.2 should be deleted from the draft and the status quo maintained in respect of the DoC estate and the Motueka Sandspit area.

REASONS FOR OBJECTION TO PARAGRAPH 3.4.2 OF THE DRAFT DOG CONTROL BYLAW 2009 AND DRAFT POLICY ON DOGS 2009

1. Failure to comply with certain of the principles of consultation contained in section 82 of the Local Government Act 2002:

s. 82(1)(a) states " that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with *reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:*" [emphasis added]



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s 82(1)(c) states "that persons who are invited or encouraged to present their views to the local authority should be given *clear information by the local authority concerning the purpose of consultation and the scope of the decisions to be taken following the consideration of views presented:*" [emphasis added]

Paragraph 3.4.2 of the Draft Dog Control Bylaw 2009 is extremely vaguely worded. On its face it purports to create Dog Prohibited Areas over the entirety of the land managed by the Department of Conservation in the TDC region. The DoC estate in the region is a vast area, which includes 2 national parks and numerous reserves.

There is nothing in the Draft Policy on Dogs 2009 which refers to paragraph 3.4.2.

On 26 May, 2009 I had 2 separate phone conversations with TDC employees, Annie Brown and Graeme 'Caradus'. I sought clarification of the meaning, scope and intent of paragraph 3.4.2. Both refused to give me any assistance whatsoever, Miss Brown informing me that she had been instructed not to discuss the draft documents with any member of the public during the consultation period.

The vague wording of paragraph 3.4.2, the absence of any reference to it in the Draft Policy on Dogs and the refusal of TDC staff to provide any assistance constitute breaches of s82(1)(a) and (c).

The significant level of non-compliance and the deliberate policy of NOT giving assistance in clarifying the resultant ambiguities raise serious questions about the integrity of the process run by TDC. These give rise to consideration under **subsection 16(1)(d) of the Public Audit Act 2001**, which empowers the Auditor-General, who "*...may at any time examine.....any act or omission showing or appearing to show a lack of probity.....by a public entity or 1 or more of its members, office holders, and employees.*"

2. Failure to comply with s.10(1)(b) of the Dog Control Act 1996.

S10(3)(b) requires that "Every policy adopted under this section.... shall identify any public places in which dogs are to be prohibited, either generally or at specified times, pursuant to a bylaw made under section 20(1)(a) of this Act"

Paragraph 3.4.2 of the Draft Dog Control Bylaw 2009 contains the words " dogs are prohibited from being on any public conservation land". That language can only be construed as an attempt to establish "dog prohibited" areas. However, nowhere in either the draft Bylaw or Policy is any attempt made to

identify those places. Other places which are designated "dog prohibited" are identified. That omission constitutes non-compliance with s10(3)(b). S20(1)(a) of the Dog Control Act 1996 permits the making of bylaws "Prohibiting dogs, whether under control or not, from *specified* public places." [emphasis added]

It follows that the Council should specify the prohibited areas covered by the words "The operative words "dogs are prohibited from being on any public conservation land administered by the Department of Conservation" clearly constitute the type of prohibition which requires those public places to be specified. The absence of specificity constitutes non-compliance with the Dog Control Act.

3. Breach of section 161(4) of the Local Government Act 2002.

S161(4) states "A local authority must not transfer or delegate the power to make bylaws, except as provided for in this section."

The prohibition on dogs contained in paragraph 3.4.2 of the draft Bylaw is qualified by the wording "... unless the owner has authorisation (via a permit or official signage) from the Department of Conservation to take a dog onto a particular area of conservation land". Those words hand the operation and implementation of the bylaw to the Department of Conservation. DoC will effectivly be "making" bylaws on an ad hoc basis on land which has not been identified to the public. As such, 3.4.2 constitutes a *transfer or delegation* in contravention of the section. Paragraph 3.4.2 is therefore unlawful.

4. Potential confusion and unenforceability

The Department of Conservation has been provided by Parliament with a comprehensive suite of legislation which includes dog control powers in the conservation estate. The statutory regime relating to the prohibition of dogs in a Scenic Reserve, such as the Raumanuka Reserve, is stringent. Not surprisingly, in all the decades since the Reserve was gazetted, DoC has never sought to impose such a ban on the Motuoka Sandspit.

Any proposition (especially if supported by DoC) that TDC should promulgate dog control bylaws over the conservation estate is highly questionable. It will inevitably raise issues of supervening legislation, confuse the public and run the risk of un-enforceability. It would be open to challenge in the Courts and impose quite unnecessary financial burdens on TDC/ratepayers. For those reason, let alone its own inherent vagueness and other non-compliance, paragraph 3.4.2 should be deleted,

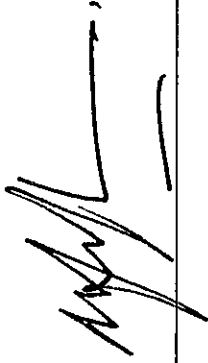
If, as they have indicated, DoC and the Nelson /Marlborough Conservation Board (in conjunction with various self-appointed activists) propose that TDC impose

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dog prohibitions on any part of the DoC estate, such submissions should be assessed with the greatest caution by TDC.

The absence of any prosecutions under the current Bylaws and the lack of any evidence to support the call for prohibitions must be taken into account TDC.

The current Dog Control Bylaws status quo in relation the DoC estate avoids (quite properly) any confusion and the risk of legal review.



Signed: _____

Date: _____

23.6.2009

Please note: All written submissions will be made available to Councillors and the public. Please write clearly, as all submissions are photocopied.

Please send your submission to:

Tasman District Council

Private Bag 4

Richmond

Nelson 7050

Or drop your submission into Council at 189 Queen Street, Richmond, or your local library or service centre.

Alternatively email your submission to: dogcontrol@tasman.govt.nz or fax to 03 543 9524.

We need to receive your submission by Tuesday 30 June 2009.

Copies of the Draft Policy on Dogs 2009 and Draft Dog Control Bylaw 2009 are available at Council offices/Service Centres, Libraries and on the Council website www.tasman.govt.nz.

Submission to Draft Policy and Bylaw on Dogs

I would like to speak to this submission

1 a; I struggle with land area alone as the determinate for dog fees. This could be combined with type – working or pet for instance.

b; A reduction in pound fees is an ineffective incentive on its own for desexing, but could be used in conjunction with a reduction in registration fee for neutered dogs.

c; Registered breeders with three or more dogs should get a discount on registration fees as they rarely cause problems.

d; The punitive penalties for late dog registration do nothing to encourage compliance, which is the aim of the policy.

e; Any shortfall caused by reducing fees to create incentives could be reduced by reducing the scope of the dog control unit.

2 The poos bags are an excellent idea, especially those placed at beaches etc.

3 There should be general rates input into the dog control unit as not all dogs are registered and the vast majority of registered dogs are of no bother to the general public. Also there is a large measure of public good in general dog control and education. This council has set several precedents' in subsidising targeted activities from general rates.

Alan Blackie
1 Tasman St
P O Box 12
Collingwood
Ph03 5248499

To: Dog Control Policy Planner,
Tasman District Council,
Private Bag 4,
Richmond.

From: Forest and Bird, Golden Bay Branch,
C/- J. Vaughan,
Puponga Rd,
R.D.1,
Collingwood 7073.
Ph. (03) 524 8072

SUBMISSION ON DRAFT POLICY ON DOGS 2009 -FOR TASMAN DISTRICT COUNCIL

The beaches in Golden Bay are particularly important places for wading bird habitat, some of them being of international importance, most playing important roles. Many of these beaches are ancillary feeding areas supporting Farewell Spit. The birds do not acknowledge the Spit as being an especially selected place for their feeding ground, they go wherever the food is. Golden Bay is highly ranked internationally as a significant shellfish bay, and for being a rich feeding area for wading birds. Wading birds are disturbance intolerant – see attached graph.

With the proximity of Farewell Spit, which is a wader reserve of international importance, there are many migratory waders to be seen on all Golden Bay beaches. The seasonal importance of their needs has not been fully enough taken into account in this draft. i.e. In spring when they arrive after flying huge distances from Alaska, Siberia or other northern breeding areas, they are exhausted and undernourished and need time to rest and feed. The last thing they need is to be chased by dogs, and yet this is still being observed happening, and people walking uncaringly through their congregation. In late summer as they are preparing for the long return flight, they also need undisturbed feeding time on the beaches, and they need their flight feathers to be in top condition.

We know of the pleasure people and dogs enjoy walking the beach, throwing and retrieving sticks and swimming. Whilst we fully endorse Council's aim to make provision for dog owners to have reasonable access to public places to walk their dogs, Council also has to make bylaw provisions for wildlife which are dependent upon the beach areas of Golden Bay for feeding grounds. There is more wildlife upon our Golden Bay beaches than is present on similar sized conservation land. Dogs, unless especially permitted, are forbidden from conservation land for the very purpose of preventing disturbance to wildlife.

In August 2003 we sent to T.D.C. the results of a public survey in Golden Bay of the 'dogs on beaches' issues. We were assured that those results would be taken into account when the draft policy was drawn up, but there was almost no mention of protecting wildlife in the draft policy and we were very disappointed by the final document 'Policy on Dogs 2004', despite the persuasive submissions from Forest and Bird and the Ornithological Society. We were also disappointed with the absence of reference to 'dog and people behaviour on beaches' in the Dog Care Manual, in the

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short version of the Bylaw, and in the pamphlet 'How the new rules apply to you' which does acknowledge infringements under sections of the Conservation Act and the National Parks Act but nowhere states what would constitute an infringement. Golden Bay is surrounded by conservation land and coastline. They both define the area.

In our submission to the 2004 by-law draft we submitted that there were three main reasons why that draft policy was unworkable in respect to protecting wildlife. This new draft is a considerable improvement upon the 2004 Policy on Dogs but we feel there are good reasons to reiterate these. They were:

1. The rules are too complicated and ambiguous; e.g. People give different meanings to the words "dog exercise areas", and the rules change at different times of the day. Also boundaries are unclear.
2. Education of the public about native wildlife is almost non-existent, and signage needs to be greatly improved and made vandal-proof.
3. Enforcement of dog control on beaches in Golden Bay, in most people's minds, is non-existent. There needs to be an awareness that letting your dog run wild on the beach will result in getting caught. A handful of prosecutions a year is not enough.

The 2009 draft policy is a considerable improvement upon the 2004 policy but we still have issues. In your **chapter one** part of the draft, on the third page under **Protected Coastal Birds** please add white heron, spotted shags, reef heron, white-faced heron, red and black-billed seagulls, and more. Only the black-backed gull does not have protection. Since however, the 2009 draft exclusively uses beaches to be the dog exercise areas in Golden Bay, consideration of the protected coastal birds which will be present on beaches in Golden Bay, needs to be much more strongly stated and clear to everyone who doesn't have ready access the by-laws, including visitors to Golden Bay.

Please clearly insert the fine for disturbing wildlife in all of the 2009 Dog Policy publications where fines are stated, and please include the fine for disturbing wildlife as a deterrent on beach entry signage. Wildlife Act provision for fines is relevant to dog control policy.

LEGISLATION WHICH COUNCIL CAN USE TO DRAFT EFFECTS OF DISTURBANCE AND NUISANCE TO WILDLIFE BESIDE THAT OF HUMANS - AND TO SET FINES IN REGARD TO DISTURBING WILDLIFE.

Council's Resource Management Plan acknowledges in Chapter 25 under Disturbances to the Foreshore that the effects of activities which may adversely affect animal, plant habitats and communities must be regulated.

Under other legislation that the Council is obliged as a Unitary Council to recognise is the Wildlife Act 1953, and both the present Coastal Policy Statement and the proposed Coastal Policy Statement. Provisions for protection of wildlife include:

Disturbing wildlife covered in Section 63 of the Wildlife Act.

Section 63. Taking Protected Wildlife or Game. - (1) Every person commits an offence against this Act who without lawful authority (the proof of which shall be on the person charged)-

(a) Hunts or kills any absolutely protected or partially protected wildlife or any game.

The definition of "hunt and kill" includes pursuing, disturbing or molesting any wildlife, taking or using a firearm, dog or like method to hunt or kill wildlife, whether this results in killing or capturing or not....

The penalty under Section 67 (f) is a fine not exceeding \$1500 and to a further fine not exceeding \$100 for each head of absolutely protected wildlife in respect of which the offence was committed.

The NZ Coastal Policy Statement - makes it a national priority to preserve the natural character of coastal environment and protect its integrity and function of the natural biotic patterns and movements and to preserve and protect areas containing taxa that are listed as threatened under both the NZ Threat Classification System and the International Union for Conservation of Nature and Natural Resources.

Policy 31 (x) states that habitats include areas and routes important to migratory species and in (xi) requires providing for buffer zones that are important for linking and maintaining these areas.

Policy 43 requires restriction of public access to protect threatened and indigenous species.

SUGGESTED CHANGES TO DRAFT POLICY 2009

1. Under 'Objectives' add an 8th objective 'To avoid disturbance to wildlife'.
Or add under objective 2. To minimise any danger, distress and nuisance to the community generally and to wildlife.

2. Under Policies and Methods add to 2 '**Make Provision for Dog Access to Public Places**' 'Dog owners must be provided with a reasonable level of access to public places without compromising the safety and comfort of members of the community generally, or wildlife'.

3. Under methods for 2 – for the making of a bylaw controlling the access of dogs to public places
1.1.2 – **we strongly endorse the provision** 'that areas are clearly defined and informed by signage and map. But this needs to be done, not just provided for in words without action.

3. Schedule 2 – We strongly endorse the provision for dogs to be leashed in presence of wildlife in a dog exercise area. Some suggested behaviour of dog owner with leashed dog should be added such as 'taking care not to disturb' in presence of wildlife.

4. Schedule 3 Dog Prohibited Areas-

- **Include the prohibition for the beach area around the Collingwood Camping Ground if this is not covered by the definition and extend the prohibited area to the entrance to the beach via the carpark at the end of Elizabeth Street.** Wading birds congregate at the mouth of the Aorere River and almost as far along the beach as the carpark. Banded dotterel attempt to breed in this area. If dog walkers enter the beach at the carpark entrance, (and they do) it works best if a sign directs dog walkers to the right and clearly defines the left as a prohibited area. Dogs are not permitted at the camp and therefore the beach area around the

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- camp at the mouth of the Aorere is workable as a dog prohibited area. Part of it is probably covered by the prohibition for the Ruataniwha Inlet, but there is ambiguity here.
- **Include the beach area from Tomatea Reserve to the Pakawan Hall.** This whole area is an important wading bird feeding area. The Pakawan Inlet draws its fresh water from a number of river catchment systems and the feeding ground at its mouth is very rich. This stretch of beach is also an area where banded dotterels, a native bird in decline, nest.
 - **Include the Pakawan Inlet.** This estuary is rated as nationally important. It is a small estuary (approximately 40ha) with relatively intact estuarine habitats, including relatively large areas of saltmarsh. It is habitat for some very vulnerable native bird species which are in rapid decline in New Zealand, and include the spotless crane, the banded rail and the South Island Fernbird.
 - **Patons Rock Dog Exercise Area.** Please redesignate the area west of the settlement to leash control at all times. Currently there are little blue penguins nesting, and over the summer months variable oystercatchers nest. This is an important wildlife area and highly inappropriate to be utilised as a dog exercise area. Residents say Patons Rock is crying out for better education and the appointment of an honorary ranger, particularly as people are not aware of the rule to use the leash in the presence of wildlife, or don't notice wildlife nesting.
 - **Motupipi Estuary Dog Exercise Area.** Suggest this wording is ambiguous as it suggests it is ok to exercise your dog on the estuary, whereas the area designated is actually the grassy reserve area. There are no signs here to interpret this and dogs are being exercised in the estuary where variable oystercatchers attempt to nest. Suggest calling it the 'Cliffon Cemetery Reserve' or 'Golf Course Road Reserve' Controlled Dog Exercise Area.
 - **Pohara Beach Exercise Area**— ongoing and frequent complaints are received about dogs chasing birds here. Much better signage, education and honorary dog ranger support needed.
 - **Ligar Bay Lagoon.** This is an area crying out for better signage, education and an honorary ranger appointment. Locals are not adverse to leash control outside of the summer prohibition, but both these conditions need to be spelled out clearly in signage as well as the description of leash control. The tidal mudflats are delicate and used by wader birds for feeding at low tide. Rare banded rail are commonly seen here, little blue penguins are nesting right now. The wildlife values of the lagoon also need to be interpreted on separate signage. There are some very caring locals in this vicinity and the appointment of an honorary ranger here would be very feasible.
 - **Tata Beach.** The most important time of the day year round when dogs must be prohibited from being exercised on Tata Beach is 7am to 9am. This is within the very time that hundreds of spotted shags congregate at the tidal edge on Tata Beach. It is one of the most magical experiences of nature to hide behind trees and watch them and this phenomenon is so special it is currently the object of an ongoing scientific study. We were gutted when our request on the 2004 draft for prohibition of dog walking during this time was ignored. One of the things the study is highlighting is the bird's negative response to disturbance. It is so important that this time round the by-law both acknowledges the protected status of the spotted shag which is also an endemic New Zealand specie of shag, found nowhere else in the world, and protects this unique tradition of congregating in the same spot early in the morning before dispersing to feeding areas.

Finally we want to say that stricter controls will have to be better enforced than they are at present, and the education should extend to a dog owner's understanding of the natural character of

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the coastal environment, the effects of disturbance on vulnerable species and the importance of areas frequented by migratory species. There has been so much new information since 2004 to highlight the international importance of Golden Bay beaches to migratory species. Any disturbance sends them off, and it has been shown that disturbances to birds can result in reduced productivity and resultant population drops. For godwits which fly in a single flight to arrive on these beaches they are beyond exhaustion. Their single flight encompasses 11,000km, the longest single flight of any migratory bird in the world. (Please refer to Ornithological Society of N.Z. information attached). Please, we beg of you to be serious this time around regarding wildlife in the coastal zone and your responsibilities as a Unitary Council to inform and monitor dog and people behaviour on the beaches of Golden Bay. Our understanding is that the Wildlife Act takes precedence over the Dog Control Act and that Council is required to take cognisance of it when drafting Dog Control Policy. We cannot express how disappointed we were with the 2004 Policy on Dogs and how difficult it is for us to observe ongoing disregard and ignorance about the wildlife component on our coastline by people using the beaches. Please be serious about education on this aspect and don't just say honorary rangers will be appointed. Make an effort to create a structure where honorary rangers are part of every coastal community, especially those areas where vulnerable wildlife is present. Make a structure where honorary rangers are given status in their community and command respect for the duties they undertake, and are well supported by Council.

I would like to be HEARD, preferably in Golden Bay.

Jo-Anne Vaughan,
Secretary,
Golden Bay Branch,
Royal Forest and Bird Protection Society Inc.
11th June, 2009.

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9 June 2009

To:

Administration Advisor
Tasman District Council
Private Bag
Richmond

From:

Jenny Treloar
Bay Vista Drive
RD 1
Takaka 7183

DRAFT POLICY ON DOGS, 2009

Dear Sir,

Your draft policy on Dogs 2009 is sub-titled "T.D.C. in Partnership with its Residents and Dog Owners" I find it hard to believe that you are in partnership with your residents when for years many of us have been asking for a change to the dog exercise policy on Tata beach to take into account the daily arrival there of Spotted Shags, and again there is no change proposed.

At present there is a year-long study being under-taken, of the behaviour of these protected native birds, which arrive on the beach every morning at dawn and stay for about an hour. Part of the study involves counting the total arrivals on the beach. The last count was 2672, on the 31st May 2009, - an awesome sight.

The 2009 draft policy Schedule 3 states that dogs are prohibited on Tata Beach in the summer months except from 7am-9am. At present the Spotted Shags are arriving at precisely 7am. Although it is not summer, dog owners have that 7-9am, time as an habitual beach exercise time so we have encountered dogs on the beach disturbing the shags many times since the 1st March.

The Spotted Shags are at present in their "breeding dress" and are pair-bonding and gathering nesting material off the beach. As well, they use the hour they are on Tata Beach, to regurgitate or pick up stones and the reason for this is also part of our study. It is obviously important for feeding, and therefore for their general health, so they should not be disturbed whilst engaged in this activity, either.

Please designate Tata Beach as a "dog prohibited area" at any time of the year, from dawn until an hour after dawn. Disturbance of the birds at this time also applies to people.

Please also erect an interpretive sign-perhaps similar to the one about Blue penguins at Pohara beach-about Spotted Shags. This could go up near the boat ramp, where most people approach the beach. (The study group also noted that little Blue Penguins are present in the area of Tata Beach.)

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Our study group, together with the Department of Conservation and Golden Bay Forest and Bird, would be very happy to supply information for an interpretive sign at Tata Beach. The phenomenon of the "Spotted Shag Dawn Parade" is becoming quite a tourist attraction, but care will have to be taken so as not to influence their behaviour by disturbances.

I would like to speak to the Council; on this submission.

J. G. Treloar

To: Policy Planner,
Tasman District Council,
Private Bag 4,
Richmond.

From: Forest and Bird, Nelson/Tasman Branch,
c/o The Secretary
P O Box 7126
Nelson Mail Centre
NELSON 7042

**SUBMISSION ON THE DRAFT TASMAN DISTRICT COUNCIL POLICY ON DOGS and
DOG CONTROL BYLAW – CHAPTER 2**

The Nelson/Tasman branch of the Royal Forest and Bird Protection Society of NZ Inc is one of 50 branches throughout New Zealand that has a mandate to seek protection for native plant and animal life and their habitats. It is one of two branches operating within the Tasman District. Our constitutional purpose is:

“To take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and natural features of New Zealand, for the benefit of the public including future generations.”

[Note: As Golden Bay branch are making their own submission, except in the instance of general recommendations, the comments from Nelson Tasman branch of Forest & Bird refer ONLY to the policy as it applies to Tasman District, exclusive of Golden Bay.]

BACKGROUND

1. LEGISLATION

1.1. Resource Management Act 1991 The purpose of this Act is to achieve the sustainable management of natural and physical resources in a way that enables people and communities' wellbeing while sustaining the life-supporting capacity of ecosystems for future generations.

1.2. New Zealand Coastal Policy Statement 1995 1.2.2 requires, as a **Matter of National Priority** that the preservation of natural character of the coastal environment be achieved by (inter alia) avoiding or remedying actual or potential adverse effects on areas containing vulnerable species or areas important to migratory species.

Policy 3.5.1 public access to and along the coastal marine area, the maintenance and enhancement of which is also a Matter of National Importance, is to be **restricted where significant habitats of indigenous fauna require protection.**

1.3. Dog Control Act 1996 requires Council to promulgate a policy on dogs to, amongst other things, enable dog owners to ensure that their dogs do not injure, endanger, or cause distress to protected wildlife (section 5(g)).

1.4. Wildlife Act 1953 outlines measures to be taken to ensure listed species are protected. These are explicitly stated within the Dog Control Act.

As Council have responsibilities under all of these Acts, it is important that they are complementary and do not derogate from any of Council's responsibilities.

2. INFORMATION

2.1 In recent decades there has been an increase in community awareness of the fragility of habitats, the species that inhabit them, and the effects of human activities on these natural places. As a consequence there has been widespread implementation of measures to protect them from disturbance. Scientific research has also given decision-makers useful information on which to base sound and robust policies and bylaws.

Within Tasman District is an abundance of information on protected wildlife, their habitats, and ways in which the situation can be improved for many of these species. A number of these species are in decline, with some highly threatened. Useful information is readily available from the Department of Conservation. Over the years, the Ornithological Society has conducted indepth research throughout the District including Farewell Spit Nature Reserve, Waimea Inlet and Motueka Sandspit Scenic Reserve, providing the Council with useful scientific information on the habitats, requirements of, and potential threats to bird species, particularly coastal.

2.2 A recent study by Peter B. Banks and Jessica V. Bryant, School of Biological, Earth and Environmental Sciences, University of New South Wales (attached), as reported in The Royal Society Journal 2007, showed that dog-walking in woodland resulted in:

- a 35% reduction in bird diversity and
- a 41% reduction in abundance, compared with control areas.

In this study all dogs were walked on a lead.

The study cited research showing that:

- a. human walkers (without dogs) can induce anti-predator responses in birds including increased vigilance and early flight with other responses increasing birds being negatively affected; and
- b. that off-lead dog walking can disturb some species of breeding shorebirds from their nests.

The study found that:

- People walking alone had an impact of about half that caused by a person with a dog
- Ground dwelling birds appeared most affected with 50% of the species recorded in control sites absent from dog-walked sites
- There were 76% fewer individuals recorded in areas within 10 metres of trails where dogs were walked (ie density of birds that did not seek refuge by fleeing)
- Even dogs restrained on leads can disturb birds sufficient to induce displacement and cause a reduction in local bird fauna
- Local wildlife does not become habituated to continual disturbance (whereas urban birds appear to).

Conclusions: a 35% reduction in bird diversity and a 41% reduction in abundance where dogs were walked compared with control areas. **The study recommended support for long-term prohibition of dog-walking in sensitive conservation areas.**

The study also noted the immediate implications that dog walking has on other popular recreational activities including bird watching and ecotourism where visitor satisfaction shows a strong relationship to numbers of birds seen.

Comment: While this study focussed on "woodland", the outcomes on open beach, sand dunes, wetlands, and rivers are likely to be similar and perhaps even more marked given that ground-dwelling birds are the predominant species.

2.3 Tasman District is an important area for national ecology. This is recognised by the large proportion of land area protected within the public conservation estate. However, significant habitats for protected wildlife exist outside National Parks and on other public lands. Estuaries are a focus area where the mix of dogs and birds are often incompatible. As well as estuaries, other sensitive habitats include river margins, freshwater wetlands, and other relatively unmodified habitats, e.g. shrublands and forests. Within these areas are other protected wildlife, such as skinks, lizards, bats, powelliphanta snails, birds, and little blue penguins.

2.4 Tasman Bay is shallow and sheltered with large intertidal areas and many estuaries. These areas create habitats suitable for wading birds and excellent estuarine margin ecosystems.

Some of the bird species present include:

- threatened banded rail on the estuarine margins of Marahau, Otuwhero, Motueka Delta, Moutere Inlet and Waimea Inlet;
- bittern (a freshwater species) recorded from Otuwhero, the Raumanuka/Kumera Scenic Reserve and in the Waimea Inlet in Niemans and Pearl Creeks;
- the regionally threatened South Island fernbird at Otuwhero and Waimea Inlet;
- the endangered white heron and threatened Royal spoonbill have over-wintering populations at the Motueka Delta, Moutere Inlet, and Waimea Inlet;
- threatened little egret at Waimea Inlet and Moutere Inlet;
- both the rare variable oystercatcher and the threatened banded dotterel breed on Motueka Sandspit
- the threatened caspian tern and black-fronted tern are found on the Motueka Delta
- the river-dwelling wrybill stops off occasionally during its internal migrations at the Motueka Delta and the Waimea Inlet;
- a number of internationally migratory waders, especially the western bar-tailed godwit, with knots and turnstones are present at Marahau and Otuwhero, Motueka Delta, Moutere and Waimea Inlets; and
- little blue penguins are known to inhabit the coastline around Tasman and Golden Bays.

2.5 Motueka Sandspit. Outside Farewell Spit in Golden Bay, the largest roost site within the Tasman District is the Motueka Sandspit. Other sites mentioned above have a number of smaller roost sites.

Supporting a population of around 6000+ birds, this Sandspit is second only to Farewell Spit in its importance for coastal and migratory (international and national) bird habitat in the northern area of the South Island. Evidence shows that the Motueka Sandspit is habitat for 40% of all northern migratory shorebirds in Tasman Bay during the summer, and 40% of all New Zealand breeding waders in Tasman Bay during the winter.

It is the most important site in New Zealand for both pied and variable oystercatchers (endemic only to New Zealand).

Over the years the habitat available for roosting sites at high spring tides has incrementally disappeared due to a combination of hard development (e.g. roads, buildings and other infrastructure) at the estuarine edges, habitat loss, and human disturbance. Following erosion at the eastern end of Rabbit Island, the Motueka Sandspit is now the *only option remaining* for shorebirds in Tasman Bay during high spring tides.

3. CURRENT SITUATION

3.1 The 2004 TDC Policy on Dogs included, amongst other things, a list of issues addressed by the policy under section 2. A significant portion of the policy was allocated to the discussion of the disturbance to protected birds and wildlife, and gave context to the policies and schedules that followed. It is unfortunate that in the designating of the existing bylaws, the intention of the policy to protect areas, especially Motueka Sandspit, was overridden.

In view of sound scientific information, the current bylaws are failing to provide the necessary protection to these places of national and international importance for protected wildlife, as well as other sites where protected wildlife may exist.

3.2 The Draft Policy on Dogs 2009 does not give the same consideration to the issue of protected wildlife as was evidenced in the 2004 policy. The Objectives fail to identify protected wildlife outcomes as a community expectation. We recognise that the objectives and other matters may be seen to be lifted 'directly' from section 10 of the legislation. However, the policy also needs to provide clear direction to dog owners in terms of outlining their obligations (section 5). In our detailed submissions below, we make suggestions for changes to the policy to incorporate these concerns.

3.3 Draft Dog Control Bylaw 2009. Bylaws are the means by which Council can implement the policy and provide certainty to the community, including dog owners and other members of the community, about how dogs are to be controlled within public places, accommodated, and provided for (section 20).

This certainty is essential to ensure the public have an awareness of and capacity to respond to inappropriate behaviour, e.g. those that may cause 'nuisance' as defined in the Act.

It also gives certainty if, following an undesirable event, prosecution needs to take place.

The current bylaws as written provide such a high level of uncertainty within Schedule 1, that their effectiveness and intent is curtailed.

The core issue is with the wording of the statement 'in the presence of' (as provided for in Schedule 1). This statement is open to vague interpretations, is not defined in law or within the policy and/or bylaws. In seeking clarification about the meaning of this statement, various interpretations have been offered from Council staff, lawyers, dog owners, and laypeople.

One suggestion has been that 'in the presence of' means that the wildlife is visible. Another interpretation is that a sign indicating the presence of wildlife is sufficient.

We seek that this ambiguous phrase is removed from the bylaws and make an alternative suggestion in our detailed recommendations below.

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Furthermore, the notion of visibility is inappropriate when the protected wildlife in question are secretive, nesting birds known to inhabit particular sites. Whilst tucked away on their roost or nest they can easily be disturbed by a dog, and remain entirely invisible to the dog owner until it is too late. We also believe that visibility is an inappropriate response in any situation where there are vegetative or other forms of cover. It only provides a degree of certainty in wide open spaces.

We seek that visibility is not the sole criteria to be used for assessing 'presence' – although it is one useful indicator.

3.4 Motueka Sandspit Scenic Reserve and Foreshore and Raumanukas Scenic Reserve and Foreshore¹. Significant controversy has been attached to this area over recent years. The conflict between the requirements of a threatened bird population for peace and quiet to rehabilitate, roost, feed, nest and breed; is contrasted against a community of dog owners who enjoy this area for walking and exercising their dogs (amongst other disturbances outside the scope of this hearing).

The Dog Control Act 1996 clearly requires that protected wildlife be spared from injury, endangerment, or distress from dogs (section 5 – obligations of dog owners). The policy needs to reflect this, and the resulting bylaws should ensure this is upheld.

OSNZ have provided you with clear information about the requirements of birds on this particular site. This is one of the most comprehensive and informed works you have received with regards to the values of protected wildlife on Motueka Sandspit. This factual information must inform your decision making.

The draft policy and bylaws fail to address this by being silent on the Sandspit, assuming that it is adequately covered under Schedule 1. Our submission has already outlined the uncertainty created by Schedule 1, and the resulting misinterpretations that will arise.

As a result of the controversy we have been involved in discussion with other parties, principally with the Department of Conservation acting as a motivated mediator. Forest and Bird have been prepared to work towards a compromise situation in an effort to at least 'move forward' in providing some respite for these protected species. Details of a compromise mooted by the Department of Conservation and discussed with our Society are as follows:

- Prohibition of dogs (ie listing on the Dog Control Bylaw Schedule 3) in the southern end of the Motueka Sandspit (circa 2.25 km from the Staples/Raumanukas carpark and as outlined in a map provided by the Department of Conservation) to mean low water springs (MLWS) with appropriate signs erected.
- Establishment of a reference group to deal with any issues that arise (including DoC, TDC, dog owner representative, Forest & Bird, Ornithological Society of NZ, iwi). Terms of reference for this group have obviously not been established, but would be needed. Details such as timing of meetings, objectives, and capacity would need to be explored.
- Education will continue to play a role.
- Breaches will result in a change to TDC's Dog Policy and DoC will use powers under the Conservation Act (section 26ZS) to exclude dogs from the entire area.

¹ A combined Department of Conservation and Tasman District Council Management Plan was prepared for this area in 1995. Some of the policies within this plan relating to dog control were superseded by the 2004 policy and subsequent bylaws. This plan addresses other areas of concern, and is overdue for review. We urge this to be undertaken.

Within our membership, we have discussed this compromise, and find it unacceptable in terms of what is necessary under the law to protect the wildlife present. A significant proportion of roosting, nesting and feeding sites are insufficiently protected and dog disturbance has shown to cause distress to birds. Contrary to what many people express, birds do not 'enjoy' having to take flight off their roost or from their feeding grounds when disturbed. Evidence from OSNZ supports this. Council is required by the legislation it is acting under (RMA/NZCPS and the Dog Control Act) to ensure that distress of protected birds does not occur.

It is our submission that the Motueka Sandspit and the area down to MLWS should be a zone where dogs are prohibited (under Schedule 3) because of the known and well-researched populations of threatened – and protected – wildlife.

Forest and Bird would be willing to consider a compromise provided all parties agree, and that the outcomes have significant gains for the protected wildlife on the Motueka Sandspit.

It is our submission that the potential compromise should at minimum mean that dogs can be present on the area of the Motueka Sandspit (down to MLWS), under Schedule 1 (NOT Schedule 2), south of the pipeline and north of a line directly out from Harbour Road. The remainder of the Motueka Sandspit Scenic Reserve and adjoining land to MLWS should be included in Schedule 3. Note our recommendations for improving the wording of Schedule 1 with regards to protected wildlife.

We stress that we are unhappy with any dogs on the Motueka Sandspit given the evidence; and that this compromise would only be acceptable provided other parties were to agree. We would then suggest utilising the reference group that has arisen out of the discussions with the Department of Conservation to deal with any matters of conflict that may arise.

The Raumanukas Scenic Reserve would be covered by 3.4.2 of the bylaw or Policy Section 2; 1.2.2 and 1.2.5 as appropriate.

4. DRAFT POLICY ON DOGS 2009 AND DRAFT CONSOLIDATED DOG CONTROL BYLAW

We have a number of specific comments to make in relation to the draft Policy and Bylaw. The Policy and Bylaw need to be clear and unequivocal, consistent and enforceable. Currently these characteristics have not been achieved.

#	<i>Policy point</i>	<i>Relevant bylaw section</i>	<i>Issue</i>	<i>Change sought</i>
1	Introduction para. 1	Section 10 & 10.2	Bylaw needs to cover the full range described by Act, i.e. effects of dog on stock, poultry, domestic animal or protected wildlife.	ADD "or Disturbing Protected Wildlife" to heading of Bylaw 10 ADD in 10.2 "or disturbing protected wildlife" after " health " "

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#	<i>Policy point</i>	<i>Relevant bylaw section</i>	<i>Issue</i>	<i>Change sought</i>
2	<p>Interpretation: Protected Coastal Birds</p>	<p>Interpretation section Protected Coastal Birds</p>	<p>This lists some protected coastal birds and none of the protected freshwater or land birds, or other protected wildlife that is required under the Act.</p> <p>The full range of birds needs to be covered, including estuarine margin birds such as bittern and marsh crake, freshwater wetland birds such as fernbirds; riverine birds such as blue duck/whio, and forest birds such as Great Spotted Kiwi. Other protected wildlife species include bats, frogs and lizards which are also vulnerable to predation/disturbance by dogs.</p>	<p>Either:</p> <p>a. list all protected wildlife OR</p> <p>b. Use definition in the Dog Control Act 1996 viz: Protected wildlife means—</p> <p>(a) Any animal for the time being absolutely protected pursuant to section 3 of the <u>Wildlife Act 1953</u>; and</p> <p>(b) Any animal for the time being partially protected pursuant to section 5 of the <u>Wildlife Act 1953</u>, other than an animal in such circumstances that it may be hunted or killed under the authority of subsection (2) of that section; and</p> <p>(c) Any animal that is a marine mammal within the meaning of the <u>Marine Mammals Protection Act 1978</u>; in both Policy & Bylaw</p>
3.	<p>Objectives</p>		<p>These does not fully incorporate the requirements of the Act, and appears to be focused on communities of people rather than the full range of what must be protected.</p>	<p>Point 2. Change "minimise" to avoid and Add "stock, poultry, domestic pets and protected wildlife" after "community" and Delete "generally"</p>
4.	<p>Policies and Methods 2. Make provision for Dog Access to Public Places para 1</p>		<p>This needs to fulfill the requirements of Act</p>	<p>Add "or causing disturbance or injury to protected wildlife" after "generally"</p>
5.	<p>Methods:</p>		<p>Does not recognise rights of</p>	<p>Change 1.1.1</p>

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#	<i>Policy point</i>	<i>Relevant bylaw section</i>	<i>Issue</i>	<i>Change sought</i>
1.1.1			others (walkers, bird-watchers, ecotourists, etc) in public places and protective rights of wildlife	Recognising dog owners and others as users of public places which may also be habitats for protected wildlife.
6. 1.2.3 1.2.5	Section 5 and 5.1		The distinction between the requirements to be listed in Schedule 2 Controlled Dog Exercise Areas (policy 1.2.3) does not provide clarity as to the difference in the control required under policy 1.2.5. This lack of clarity relates to the provisions of the Act (section 10(3)(e)). Therefore there is a lack of clarity between the 'exercise areas' and 'public places' outside Schedules 1, 2, and 3.	Make clear that Schedule 2 is the opportunity to provide for the exercising of dogs (at large). In any other public areas the dog must remain under closer control – NOT at large.
7. 1.2			No reference for need for bylaw that covers other aspects required by the Act.	Add new Method in section 1.2 before current 1.2.6 new: Requires the owner of any dog to make him/herself aware of the areas where protected wildlife may be before walking his/her dog and taking appropriate action to ensure that the wildlife is not disturbed.
8. 1.2.8			No identification of National Park land is included in the bylaws. Notwithstanding this, National Parks are controlled by their own management plans and bylaws. Note: Current general policy prohibits the use of dogs in National Parks, unless specific exclusions are granted by the Department of Conservation.	Identify National Parks and refer to need to contact the Department of Conservation.
9. 3. Educate Dog Owners and the Community about Dog			Does not meet the requirements of the Act.	ADD after "....etc" and how to minimise impacts of dogs on wildlife."

#	Policy point	Relevant bylaw section	Issue	Change sought
	Management 1.1			
10.	3. Educate Dog Owners and the Community about Dog Management 1.5		The role of Honorary Dog Ranger needs to include the ability to enforce as well as educate.	ADD "Honorary Dog Rangers may be required to undertake bylaw enforcement training".
11.	5. Enforce Dog Owner Obligations 1.3		Does not meet requirements of the Act	CHANGE "threatening public safety and comfort" to "causing a nuisance, damage to property, or injuring, endangering or causing distress to any person, stock, poultry or domestic animal or protected wildlife".
12.	Schedule 1 Leash Control Areas 2.	Schedule 1 Leash Control Areas 2.	As in our discussion, the phrase "in the presence of" for birds and other protected wildlife is an unachievable/unenforceable standard and creates uncertainty for all parties. Wildlife by its very nature is often discreet, camouflaging with its environment. Council should consider the preparation of an overlay (as part of the RMA processes) that shows actual and potential habitats for protected wildlife as has occurred elsewhere in NZ for example Rodney District Council.	CHANGE 2. to "In an area where protected wildlife, including birds, are likely to be present. AND include: In areas where signs indicate the possible presence of protected wildlife, dog owners should ensure the following: * dogs must remain in the immediate proximity of the owner (within 10 metres); * dogs must not be allowed to enter into any vegetation, including tall indigenous grasses; * dogs must be placed on a leash at any stage where wildlife is visibly present within 20 metres; * in coastal areas, dogs must remain below

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#	Policy point	Relevant bylaw section	Issue	Change sought
				MHWS whilst off the leash; * dogs may be walked above MHWS on tracks explicitly provided for such purpose whilst on a leash
13.	Schedule 1 Leash Control Areas 4.	Schedule 1 Leash Control Areas 4.	a. The map showing Faulkner Bush picnic area is lacking in precise definition. b. Faulkner Bush needs to be included in the catchall prohibition of dogs within 10 metres of playground equipment and picnic tables within Schedule 3.	Delete Map and include the picnic area etc with the other areas in Schedule 3.
14.	Schedule 2 Controlled Dog Exercise Areas	Schedule 2 Controlled Dog Exercise Areas	see 6. above	see 6. above
15	current Schedule 3 Dog Prohibited Areas Golden Bay	current Schedule 3 Dog Prohibited Areas Golden Bay	Otuwhero Inlet is in Tasman Bay not Golden Bay	change Motueka/Kina heading to Marahau/Motueka/Kina and ADD Otuwhero Inlet
16.	current Schedule 3 Dog Prohibited Areas Motueka/Kina	current Schedule 3 Dog Prohibited Areas Motueka/Kina	As in above discussion, Motueka Sandspit needs to be included in Schedule 3	Motueka Sandspit to Mean Low Water Springs
17.	current Schedule 3 Dog Prohibited Areas Richmond/Ma pua	current Schedule 3 Dog Prohibited Areas Richmond/Ma pua	a. Heading needs to include Waimea Inlet area b. Pearl and Niemann Creeks have some of the highest wildlife values in the Top of the South Island for protected freshwater birds c. shorebirds and wading birds are dependent on the ecosystems provided by many parts of Waimea Inlet; of special mention are the shell banks of eastern Waimea Inlet.	a. Change heading to Waimea Inlet/Richmond/Mapua b. ADD Pearl and Niemann Creeks c. ADD the shell banks of eastern Waimea Inlet. d. DELETE "(including the beach" and REPLACE with "(to Mean Low Water Springs)"

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#	Policy point	Relevant bylaw section	Issue	Change sought
18.	current Schedule 3 Dog Prohibited Areas ALL AREAS	3.4.2 & current Schedule 3 Dog Prohibited Areas ALL AREAS	d. Rabbit Island needs a better definition: rather than the human-focussed "including the beach" the definition needs to be changed to "(to Mean Low Water Springs)."	Include the National Parks and Department of Conservation land as prohibited areas (with the proviso of the Department having authority to mandate otherwise via signs and/or permits).
19.	current Schedule 3 Dog Prohibited Areas Exception (last para)	3.4.2 & current Schedule 3 Dog Prohibited Areas Exception (last para)	Reference needs to be made for dog owners requiring permits for access to land managed by the Department of Conservation (and also TDC?)	ADD: Appropriate permits are required for hunters and dogs on land managed by the Department of Conservation AFTER "...season".
		3. Control of Dogs in Public Places 3.4.2	SUPPORT - this covers the issues of protection of native wildlife (as required by the Dog Control Act and the Wildlife Act 1953.)	RETAIN

We also support the provision of information sheets to dog owners when registering their dogs explaining the importance of protection of habitats of vulnerable wildlife including birds, both native and migratory. This will ensure dog owners are conscious of the obligations upon them, and provide clarity to their responsibilities.

Forest and Bird thanks Tasman District Council for the opportunity to submit on this very important issue.

WE WISH TO BE HEARD

Helen Campbell
 Chair, Nelson Tasman branch
 Royal Forest & Bird Protection Society Inc.
 29 June 2009

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Four-legged friend or foe? Dog walking displaces native birds from natural areas

Peter B. Banks* and Jessica V. Bryant

School of Biological, Earth and Environmental Sciences,
University of New South Wales, Kensington,
New South Wales 2052, Australia

*Author for correspondence (p.banks@unsw.edu.au).

Dog walking is among the world's most popular recreational activities, attracting millions of people to natural areas each year with diverse benefits to human and canine health. But conservation managers often ban dog walking from natural areas fearing that wildlife will see dogs as potential predators and abandon their natural habitats, resulting in outcry at the restricted access to public land. Arguments are passionate on both sides and debate has remained subjective and unresolved because experimental evidence of the ecological impacts of dog walking has been lacking. Here we show that dog walking in woodland leads to a 35% reduction in bird diversity and 41% reduction in abundance, both in areas where dog walking is common and where dogs are prohibited. These results argue against access by dog walkers to sensitive conservation areas.

Keywords: habituation; human disturbance; ecotourism; predation risks; domestic dog

1. INTRODUCTION

For thousands of years, dogs (*Canis lupus familiaris*) have been a favoured pet of human societies around the world (Serpell 1996). In the twenty-first century, dog ownership is as popular as ever, and dog walking is a major motivator for outdoor recreational activity (Wood *et al.* 2005) with diverse benefits to human and canine health (Bauman *et al.* 2001): it is even a legal requirement for animal welfare in some European cities. Dogs, or their close ancestors, have also evolved as top predators in many ecosystems and hunt a wide range of fauna (Macdonald & Sillero-Zubiri 2004). It is poorly known whether wildlife perceives domestic dogs as a predation risk and they may even habituate to such risk if threats are frequent and not realized (Lima & Bednekoff 1999). Recent extensive research has shown that human walkers (without dogs) can induce anti-predator responses in birds including vigilance and early flight, which may lead to a cascade of related responses that negatively affect birds (Blumstein & Daniel 2005). Off-lead dog walking can also disturb some species of breeding shorebirds from their nests (Lord *et al.* 2001). Cautious conservation managers and government legislation therefore typically ban domestic dogs from sensitive areas such as

national parks and reserves. However, these bans induce strong protest from dog-walking lobbyists who cite a lack of evidence because multispecies responses of wildlife to dog walking are unknown.

In this study we experimentally manipulated dog walking at 90 sites in woodland on the urban fringe of Sydney, Australia and monitored the responses of multispecies bird assemblages, one of the key fauna groups at risk from disturbance (Hill *et al.* 1997). We used three treatments; walkers with dogs, walkers without dogs and a control (no walkers or dogs), and then counted birds seen and heard along 250 m transects for 10 min after treatments were applied. To test whether habituation to dog walking may occur, we surveyed in sites where dog walking was permitted and frequent, and in national park sites where dog walking was prohibited. To control for variation in dog behaviour, we also used a range of dog sizes and breeds and a range of different walkers, and dogs were kept on leads.

2. MATERIAL AND METHODS

The study was conducted at 90 sites located on urban fringe woodland of the Hornsby-Berowra-Cowan region, approximately 35 km north of Sydney. The vegetation is classified broadly as (Hawkesbury) sandstone woodland with Sydney sandstone gully and Sydney sandstone ridge top. In these types of habitat in eastern Australia, birds occur in 9.5% of sites of wild dogs, which include hybrids of domestic dogs and dingoes (*Canis lupus dingo*), Australia's native dog (Mitchell & Banks 2005). This area was chosen because it contains large remnants of woodland with trails that are either frequently dog walked or where dog walking is prohibited, and the use of the area is coming under increased pressure from residents of neighbouring suburbs. Frequently dog-walked sites ($n=45$) occurred on Crown land, council land and regional parkland around three suburbs where off-the-lead dog walking was prohibited. Infrequently dog-walked sites ($n=45$) occurred in two national parks. Dog-walking activity at frequented sites was on average 10 dog walkers and 12 walkers per hour in the morning (07.30–09.30 hours) and 6 dog walkers and 7 walkers in the afternoon (14.30–16.30 hours). Only two walkers in total were seen during all surveys of unfrequented sites and no dog walking was observed.

Native birds were surveyed along 250 m transects along well-established fire trails (width 3–5 m) randomly chosen from 1:25 000 maps of the area, allowing at least 150 m from forest edge to prevent edge effects. Each site received only one of the three treatments randomly allocated and no sites within 1 km of another were surveyed on any one day.

The dog-walking treatment involved a person walking a domestic dog on lead along the trail; the human-walking treatment was a procedural control in which a person alone walked along the trail; and the control treatment was where no treatment was imposed upon the site. The dogs were from a variety of breeds (and therefore temperaments, sizes and shapes) and ages, and each dog was used only a maximum of four times randomly allocated to treatments. A variety of walkers of various heights were also used, allocated at random to replicate surveys.

Dog walker and walker subjects walked at the pace at which they would normally walk a dog and moved beyond the transect end to prevent concentration of the treatment effect. Immediately following the 'treatment' (commencing 20 s after the walker/dog walker had set off), the transect was surveyed for birds over 10 min by a single observer (JB). All birds seen or heard within 50 m of the trail were included as the maximum likely zone of influence of a dog; birds flying overhead were excluded. We recorded the position in the strata (canopy, understorey or ground) and distance from trail (0–10, 10–20 and 20–50 m) ensuring that double counts were minimized. Surveying was confined to fine weather (no rain and wind less than 10 km h^{-1}), and we also recorded temperature ($^{\circ}\text{C}$) and wind speed (km h^{-1}) and scored cloud cover on a 1–10 scale. Surveys were conducted in the periods around dawn and dusk, between 07.30 and 10.00 hours, and then 14.00 and 16.30 hours when birds are generally most active.

A priori power analysis from pilot study samples indicated that at least 13 replicates would be required to detect an effect size of 20% between treatment and control, deemed a reasonably subtle effect of dog walking likely to be of concern to land managers. This sample size was increased to 15 replicate surveys of each treatment.

Because walkers alone induced an effect on birds intermediate to that caused by the addition of dogs, we then tested whether two persons walking would also cause a greater response in birds compared with one person walking alone (Beale & Monaghan 2004). This experiment used identical protocols to those described above using only two treatments; one walker or two walkers, of a range of sizes and body shapes and randomly allocated to surveys. We surveyed 30 sites in frequently dog-walked areas and 30 sites in infrequently dog-walked areas; 15 sites for each treatment.

In the tests for dog-walking effects, neither temperature nor cloud cover showed a relationship to the number of bird species (diversity) or individuals (abundance) observed ($p > 0.25$) and so were excluded from analyses. As expected, diversity and abundance showed a negative relationship with wind speed (km h^{-1}), and wind speed was included as a covariate in an ANCOVA for treatment and history effects. Normality was confirmed by visual analysis of distributions and normal quantile plots and homogeneity of variances confirmed using Levene's test in JMP (v. 6; SAS Institute, Inc., Cary, NC, 1989–2005). Homogeneity of slopes was confirmed by initially running models with all possible interactions between the covariate and main effects, and any terms with $p > 0.25$ were dropped from the model.

Changes in the distribution of birds in the forest due to treatment effects were examined in two ways: first, using the proportion of the total number of bird individuals observed (seen and heard), detected at a distance of 0–10 m from the trail, and second, by the proportion of the total number of bird individuals detected in the canopy layer. This approach was used to avoid problems of independence associated with multiple categories in proportional data, but targeted the key predictions of a response to dog threat. Single linear regressions confirmed that the distribution variable was not related to any of the weather covariates. The test for multiple walker effects followed the same protocols except that no weather covariates were associated with bird diversity or abundance, so ANOVA's were used.

3. RESULTS

Dog walking caused a 41% reduction in the numbers of bird individuals detected ($F_{2,83} = 14.73$, $p < 0.001$) and a 35% reduction in species richness ($F_{2,83} = 10.76$, $p < 0.001$) compared with untreated controls (figure 1). Humans walking alone also induced some disturbance but typically less than half that induced by dogs (Tukey's *post hoc* test: dog walking < walking < control for diversity and abundance). Notably, there was no interaction between dog-walking treatments and prior access by dog walkers. Ground dwelling birds appeared most affected; 50% of the species recorded in control sites were absent from dog-walked sites. For birds which did not flee the site, there were 76% fewer individuals within 10 m of the trail ($F_{2,83} = 13.72$, $p < 0.001$) when dog walking occurred compared with control sites, suggesting that birds were seeking refuge away from the immediate vicinity of the threat. In the experiment testing bird responses to single and multiple walkers without dogs, bird abundance ($F_{1,56} = 0.04$, $p = 0.83$) and diversity ($F_{1,56} = 0.14$, $p = 0.70$) did not change with the addition of another human. This confirms that birds responded uniquely and additively when dogs accompany walkers.

4. DISCUSSION

These results reveal that even dogs restrained on leads can disturb birds sufficiently to induce displacement and cause a depauperate local bird fauna. These effects were in excess of significant impacts caused by human disturbance, which also caused to decline in diversity and abundance. Responses to transient human disturbance are well known

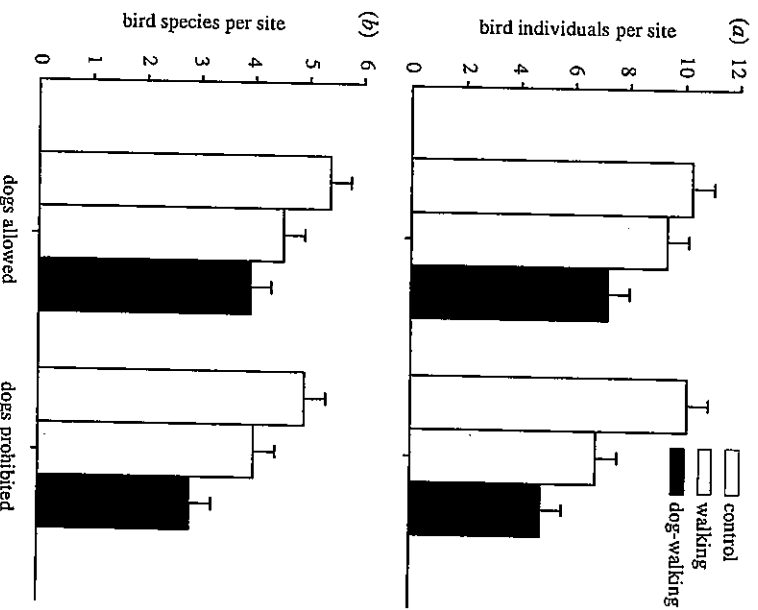


Figure 1. Dog walking in natural areas reduces (a) bird abundance and (b) bird diversity. Ninety sites were treated with either walkers with dogs on leads (black bars), walkers alone (grey bars) or no treatment (white bars). Half the sites were in areas where dog walking was permitted and the other where dogs were prohibited. Values represent least-squared means \pm s.e. from an ANCOVA which included significant wind effects.

(Blumstein *et al.* 2005) and predicted to lead to population-level impacts on some birds species (Hill *et al.* 1997). We found no net difference in bird diversity or abundance between areas with and without regular dog walking receiving the same treatment, suggesting that long-term impacts in this area may be small.

That the effects of dogs occurred even where dog walking was frequent suggests further that local wildlife does not become habituated to continued disturbance. Foraging theory predicts that risk-averse behaviour will be lost if cues to predation risk are not spatially or temporally variable, or if they are not reinforced (Blumstein & Daniel 2005; but see Blumstein 2006; Blumstein *et al.* 2006). Factors inducing habituation to predation risk in wild animals are relatively understudied, but there is evidence that some birds in urban areas habituate to disturbance by humans when risk is not realized (Keller 1989). In our study areas, it is unlikely that predation risk from dog walking is frequently realized because off-the-lead dog walking is not allowed, although it did occur occasionally. It is probable that roaming domestic dogs maintain predation pressure on birds, even though their numbers would be very low compared with the intensity of use by dog walkers.

The dramatic reduction in bird diversity and abundance in response to dog walking has immediate implications for other popular recreational activities

- pursued by humans. This includes bird watching and ecotourism where visitor satisfaction shows a strong relationship to numbers of species seen (Naidoo & Adamowicz 2005). Wildlife surveys, which are used throughout the world to map bird distributions and factors affecting spatial patterns (e.g. Blackburn *et al.* 1999), could also be compromised if conducted when and where dog walking had recently occurred. It is also possible that the particular sensitivity of ground dwelling birds to dog walking (Blumstein *et al.* 2005) may lead to a cascade of potential behavioural changes in birds with implications for their local conservation (Hill *et al.* 1997). Our results therefore support the long-term prohibition of dog walking from sensitive conservation areas.
- Surveys were conducted with approval from the UNSW Animal Care and Ethics Committee.
- We thank NSW NPWS and Ken Blade for access to conservation areas and the many volunteer dogs and walkers, particularly Glenice and Robert Bryant.
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Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009
Submitter details (please print clearly):

Your name: Julie Hunter

Your postal address: 155 Kaiteriteri/Sandy Bay Road
R-102 Motueka

Your daytime phone number: 03 5278274
Your email address: allanh@fsa.co.nz

Would you like to speak to your submission at a Council meeting held for this purpose?
 YES NO

Are you writing this submission as:
 an individual or on behalf of an organisation
If an organisation, please name the organisation:

See attached
Your comment (please continue overleaf if you require more space):

I oppose clause 3.4.2 of TDC's draft new Dog Control Bylaw because it constitutes (inter-alia) a thinly disguised attempt by TDC to introduce a ban on dogs in many unidentified places in the district including the Motueka Sandspit. a Maharaui Beach

This draft Bylaw is unreasonable, ultra vires TDC's powers and uncertain in its effect.

I submit that clause 3.4.2 should be deleted from the draft and the status quo maintained in respect of the Motueka Sandspit area

Signed: Julie Hunter Date: 28/06/09

Please note: All written submissions will be made available to Councillors and the public. Please write clearly, as all submissions are photocopied. Please send your submission to:
Tasman District Council
Private Bag 4
Richmond
Nelson 7050

Or drop your submission into Council at 189 Queen Street, Richmond, or your local library or service centre.
Alternatively email your submission to: dogcontrol@tasman.govt.nz or fax to 03 543 9524.
We need to receive your submission by Tuesday 30 June 2009.
Copies of the Draft Policy on Dogs 2009 and Draft Dog Control Bylaw 2009 are available at Council offices/Service Centres, Libraries and on the Council website www.tasman.govt.nz

I oppose clause 3.4.2 of TDC's draft new Dog Control Bylaws for the following reasons:-

- 1 It gives TDC the right to prohibit dogs from being on any public conservation land administered by DOC with little or no notice.
- 2 With reduced areas to exercise dogs there will be more dogs roaming the streets.

I oppose Schedule 1, Dog Prohibited Areas for the following reasons:-

1 Council sports fields and complexes

For the last couple of seasons we have gone to watch our grandchildren play rugby. We take our small spoodle dog with us always on a lead and in control. We have with us a plastic container with plastic "poo bags".

On many Saturdays children come up to ask if they can pat and play with our gentle and friendly pet. We have had parents ask if she is friendly as their child is always wary of any dogs. Always after sometime these children pat Tess before they leave.

I think it is totally wrong to prohibit dogs from sports fields. We see many dogs at the games and always in control and well behaved.

Why should we and other responsible owners be punished because of the behaviour of neglectful owners?

2 Within 10 metres of playground

This is quite impractical and unreasonable as in many cases the public foot path is just 2 metres of play equipment which demonstrates how silly the requirement is requiring a dog and its owner to give a wide berth off the prepared footpath so as to be 10 metres away.

Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009

RECEIVED
2009 JUN 21
11.00 AM
MAYOR'S OFFICE

Submitter details (please print clearly):

Your name: JEN CALDER

Your postal address: 467 HARLEY RD, RD2
UPPER MOUTERE 475

Your daytime phone number: 03-5432011

Your email address: aware2@paradise.net.nz

Would you like to speak to your submission at a Council meeting held for this purpose?

YES NO


Are you writing this submission as:

an individual or on behalf of an organisation

If an organisation, please name the organisation: _____

Your comment (please continue overleaf if you require more space):

PLEASE SEE ATTACHED SINGLE SHEET

Signed:  Date: 21-06-2009

Please note: All written submissions will be made available to Councilors and the public.

Please write clearly as all submissions are photocopied.
Please send your submission to:
Tasman District Council
Private Bag 4
Richmond
Nelson 7050

Or drop your submission into Council at 189
Queen Street, Richmond, or your local library
or service centre.

Alternatively email your submission to:
dogcontrol@tdc.govt.nz or fax to 03 543 9524.
We need to receive your submission by
Tuesday 30 June 2009.
Copies of the Draft Policy on Dogs 2009 and
Draft Dog Control Bylaw 2009 are available at
Council offices/Service Centres, Libraries and
on the Council website www.tasman.govt.nz.

I have concerns about, and question the inclusion of, clause 3.4.2 prohibiting dog owning members of the public on **any public conservation land** as proposed in section 3 of the Draft Dog Control Bylaw 2009.

It seems a very draconian clause which has the potential to be used to ban the public from **public places** for no other apparent reason than it is administered by the Department of Conservation.

Surely if the introduction of this clause into this bylaw is out of concern for wildlife, then schedule 2 Controlled Dog Exercise Areas in this Draft Dog Control Bylaw 2009 is sufficient. It states:

NOTE: IF PROTECTED BIRDS OR WILDLIFE ARE PRESENT, DOGS MUST BE KEPT UNDER CONTINUOUS CONTROL BY MEANS OF A LEASH AND MUST NOT CAUSE ANY DISTURBANCE TO THE BIRDS OR WILDLIFE EVEN IN A CONTROLLED DOG EXERCISE AREA.

With correct signage at appropriate times any responsible member of the public, dog owner or not, will follow these rules. Blanket banning of all members of the public on **public conservation land** surely goes beyond the legal power and authority of the Tasman District Council.

Therefore I recommend that clause 3.4.2 be deleted from this Draft Dog Control Bylaw 2009.

Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009

RECEIVED

76 JUN 2009

Submitter details (please print clearly):

T.P.O. MOTUTU

Your name: JEN CALDER

Your postal address: 467 HARLEY RD RD2
UPPER MOTUTU 7145

Your daytime phone number: 03-574-32011

Your email address: awarere2@paradise.net.nz

Would you like to speak to your submission at a Council meeting held for this purpose?

YES

NO

Are you writing this submission as:

an individual or

on behalf of an organisation

If an organisation, please name the organisation: Nelson Dog Training Club Inc.

Your comment (please continue overleaf if you require more space):

Please see attached 4 sheets.

Signed: 

Date: 28-06-2009

Please note: ~~All written submissions will be made available to Councillors and the public.~~

Please write clearly, as all submissions are photocopied.

Please send your submission to:

Tasman District Council
Private Bag 4
Richmond
Nelson 7050

Alternatively email your submission to:

dogcontrol@tdc.govt.nz or fax to 03 543 9524.

We need to receive your submission by

Tuesday 30 June 2009.

Copies of the Draft Policy on Dogs 2009 and
Draft Dog Control Bylaw 2009 are available at
Council offices/Service Centres, Libraries and
on the Council website www.tasman.govt.nz.

Or drop your submission into Council at 189
Queen Street, Richmond, or your local library
or service centre.

NELSON DOG TRAINING CLUB INC.

This club has been active in the Nelson district helping people train their dogs for domestic obedience as well as for competition for over 40 years. Over these years classes have been held in places such as Takaka, Murchison, Tapawera, Motueka, Hope and various locations around Nelson city. Although the emphasis of this club is on encouraging competition training, in the main classes for puppy domestic training is hugely important. Large numbers of people participate in the domestic, introductory and puppy classes and do not go on to competition. These people have left the club once they have graduated, because there has been nothing more for them with which to follow on.

In the hope of keeping these people involved with dog training and good dog ownership the club has now Registered with the New Zealand Kennel Club as a **Canine Good Citizen Registered Club** and is beginning the Foundation Course training schedule this coming month.

With regard to this I, as a Life Member of the Nelson Dog Training Club, am making this submission in the hope that the Tasman District Council will support this initiative by the club and recognise the **National Canine Good Citizen Scheme** in the Policy and Dog Control Bylaw 2009. Particularly section 4 – 1.4 of the Policy, where fees can be reduced or waived for Disability Assist, Police and Search & Rescue dogs.

If people get a **Canine Good Citizen Gold qualification** it means they are proven to be good dog owners, have excellent knowledge of the local bylaws, know how to care for dogs and are generally not going to be a cost on the council with regard to dog control. Therefore I would like to suggest that they get a graded reduction in their registration fees according to the level of achievement they have attained in the **Canine Good Citizen National scheme**.

WHAT IS CANINE GOOD CITIZEN

This New Zealand Kennel Club endorsed Scheme, launched at the National Dog Show on Thursday 25th September 2003, is a **National Certification** program that tests dogs and handlers in simulated everyday situations in a relaxed atmosphere. It identifies and rewards dogs that have the training and demeanour to be reliable family members as well as good-standing community members because the dog is trained and conditioned to act with good manners in the home, in public, and in the presence of other dogs. It is open to all purebred and crossbred dogs aged 12months or over with the exception of the currently classified as menacing breeds under Schedule 4 of the Dog Control Act 1996 which are: American Pit Bull Terrier; Dogo Argentino; Brazilian Fila; Japanese Tosa.

To obtain Canine Good Citizen Certificates, dogs are assessed by a qualified assessor and must pass all tests set in each grade before attempting the next level. It is divided into four levels: Foundation; Bronze; Silver; Gold. Certificates are issued by the New Zealand Kennel Club where the dogs will be registered onto a database.

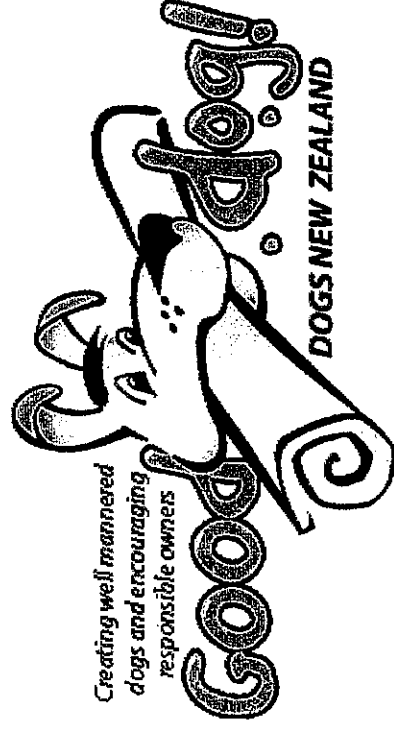
See attached copy of Test levels and topics covered.

In the Responsibility and Care section of each level of Canine Good Citizen a knowledge of such things as dog weight guidelines; legal obligations of Dog Owners (section 5, Dog Control Act 1996) ; health issues ; dogs in vehicles ; training equipment and where to use leads etc; dogs with children / babies; Nuisance dogs and barking; Off lead controls; socialisation and dog behaviour ie territorial / play / aggression ; dogs learning and behaviour retraining; and lastly legislation and Local authority regulations and By-Laws are covered in some depth.

Any dog found to subsequently breach the standards, will be removed from the list and advertised that it has been.

SOME FREQUENTLY ASKED QUESTIONS

- **Who conducts CGC?**
Registered CGC Clubs and authorized providers throughout NZ.
- **What do I get if I attend a CGC course?**
The understanding of how to train your dog to deal with every day situations and the opportunity to sit a test if you wish that if you pass will give you a CGC title, depending on what level you sit.



Canine Good Citizen – Exercise Headings

(For a full explanation, please contact your nearest CGC registered club)

Canine Good Citizen Foundation

1. Appearance, handling and responsibility
 - a. Responsibility and care
 - b. Public cleanliness and identification
 - c. Examination of the dog by handler
 - d. Grooming and inspection of the dog by the assessor
2. Food manners
 - a. Person eating
 - b. Dog eating
3. Accepting a friendly stranger
4. Accepting being patted by a friendly stranger
5. Walk on lead through a door/gate in a controlled manner
6. Return to handler
7. Walk on lead
8. Controlled walk through people and distractions
 - a. Pedestrian traffic
 - b. Distractions
9. Stay tied on lead
10. Controlled walk past another dog
11. Supervised separation
12. Playing with the dog

Canine Good Citizen – Bronze

13. Responsibility and care
14. Food manners
15. Stay in one place (untied, handler in sight)
16. Stay tied on lead (handler out of sight)
17. Staying still and return to handler
18. Stationary vehicle control
 - a. Into a vehicle

- b. Out of a vehicle
- 19. Control at steps
- 20. Walk on lead and reaction to distractions in a public area
 - a. Walk on lead
 - b. Distractions

Canine Good Citizen -- Silver

- 21. Responsibility and care
- 22. Examination of the dog by a stranger (handler at a distance)
- 23. Stay in a down position (untied, handler out of sight)
- 24. Return to handler (with distractions)
- 25. Stop the dog
- 26. Advanced vehicle control
 - a. Into a vehicle
 - b. Vehicle is moving
 - c. Out of a vehicle
- 27. Staying still and return to handler in a public area
- 28. Calm and controlled behaviour whilst in a busy public area
 - a. Walking
 - b. Staying in one area
 - c. Accept being touched by a stranger

Canine Good Citizen -- Gold

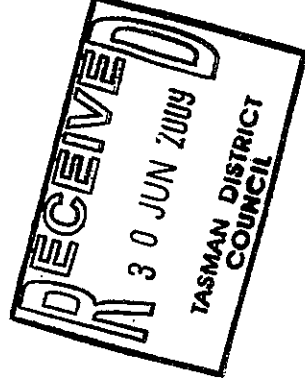
- 29. Responsibility and care
- 30. Walking beside the handler without a lead
- 31. Bringing the dog to a known article and staying
- 32. Parked vehicle control
 - a. Into a vehicle and leaving dog
 - b. Distractions outside the vehicle whilst parked
 - c. Out of a vehicle
- 33. Delivering a dropped article to hand
- 34. Another person (other than handler) walking the dog in a public area with distractions
 - a. Handing the dog over to the unattended person
 - b. Person walking the dog in a public area
 - c. Distractions whilst person walking the dog in a public area
- 35. Stay in a down position untied, handler out of sight in a public area
- 36. Stop the dog and recall in a public area
- 37. Stay tied on lead, relaxed position in a medium-busy public area
- 38. Walking with distractions in a busy urban area
 - a. Walking
 - b. Distractions

The Policy Planner,
Tasman District Council,
Private Bag 4,
Richmond 7050.

E.A. Bryant
49 Motueka Quay
Motueka 7120
ph 03 528 5212
tonyandbeth@tuhug.co.nz

**Re: Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009**
Individual submission

I wish to speak to my submission



Wildlife is important to this district. It is crucial that Protection for wildlife is included in these policies..

The present Draft Policy on Dogs 2009 and Dog Control Bylaw 2009 put forward does not give sufficient protection in respect to the wildlife of the district. In addition it appears that a number of dog-owners presently regard it as their right to walk their dogs among resting/roosting, nesting, and feeding birds of national and international importance.

- The policy needs to provide *clear* direction to dog owners in terms of outlining their obligations. Dog owner's responsibilities in respect to Wildlife *must to be included.*
- The Council has been supplied with in depth research by the Ornithological Society including information on the habitats, requirements of and potential threats to bird species, particularly coastal. This factual information on the requirement of birds needs to inform your decision making.
- Suitable dog exercise areas need to be established - away from sensitive estuarine areas which hold protected wildlife.

Dog walking areas:

To ensure protection of wildlife consideration needs to be given to alternative off-lease areas for dog exercising - away from estuarine and wildlife areas. Estuaries are a focus area where the mix of dogs and birds are often incompatible this especially so as more areas are being opened up for walking where previously wildlife was undisturbed.

Exercise areas need to be within walking distance of towns. The use of sports fields for dog exercising- when they are not in use for sport- is being trialed in some NZ places where land is in short supply. Innovative roundtable discussion envisaging alternative dog- walking spaces needs to take place. This must include interested parties- one to one discussion does not connect people into the process.

Motueka Sandspit

Motueka Sandspit has 40% of international migratory birds and 40 % of endemic oystercatchers which are of national & international importance. Birds rest/roost, nest on the spit and feed in the adjacent estuaries. The value of the spit as a roosting site and feeding area for wading birds has become even more important recently with the very high spring tides causing the Waimea estuary roosting sites to become flooded so that more birds flock to the Sandspit. They have nowhere else to go.

The surrounding estuarine tidal area is a great deal larger than the spit itself.

The dry area- above mean high water springs is a DOC Scenic Reserve.

Below mean high water springs is under TDC control.

This is proving problematic because the feeding birds move gradually up into the DoC Scenic Reserve as the tide rises and here roost (i.e. rest) as they wait for the tide to fall. This process is reversed on the outgoing tide.

The resting time is normally around a couple of hours either side of high tide. Around high tide - this bird-resting time- is often the time when people like to walk their dogs onto the spit because of landscape values. This causes disturbance to the roosting birds, and puts nesting birds in crisis.

This has been shown in a recent study on dogs near birds. In this study all dogs were walked on a lead. It was shown that dog-walking in woodland resulted in: a 35% reduction in bird diversity and a 41% reduction in abundance, compared with control areas. *The study recommended support for long-term prohibition of dog-walking in sensitive conservation areas.*

(Peter B. Banks and Jessica V. Bryant, School of Biological, Earth and Environmental Sciences, University of New South Wales as reported in The Royal Society Journal 2007).

I submit-

1. The policies have need of clear direction to be provided to dog owners in terms of outlining their obligations. This entails *including* responsibilities in respect to wildlife.
2. The Motueka Sandspit and the area down to MLWS be required to be a zone where dogs are prohibited (under Schedule 3) because of the known and well-researched populations of threatened -- and protected -- wildlife
3. A compromise *provided all parties agree*, and that the outcomes have significant gains for the protected wildlife on the Motueka Sandspit:-

The potential compromise should at minimum mean that dogs can be present, under Schedule 1 (NOT Schedule 2), south of the pipeline and north of Harbour Road. The remainder of the Motueka Sandspit Scenic Reserve and adjoining land to MLWS should be included in Schedule 3

4. I am unhappy that any dogs are on the Motueka Sandspit given the evidence of abundant threatened, protected wild- life present; and this compromise would only be acceptable provided all other parties were to agree, and a committee of

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these interested parties is set up to negotiate solutions; dog owners ensure compliance is maintained, and consequences for breaches of this compromise to result in exclusion (by TDC & DoC) of all dogs from the area.

5. Alternative off-lease areas for dog exercising, away from sensitive estuarine and wildlife areas to be established in order to ensure protection of wildlife.
6. The list of protected wildlife would better include the full list-as contained and amended in the wildlife act. The short list included does not cover all the birds present.
7. 3. Control of Dogs in Public Places 3.4.2. *SUPPORT* - this covers the issues of protection of native wildlife (as required by the Dog Control Act and the Wildlife Act 1953. **RETAIN**
8. As Council have responsibilities under all of the (shown below), Legislative Acts it is important that they are complementary and do not derogate from any of Council's responsibilities:

1. LEGISLATION

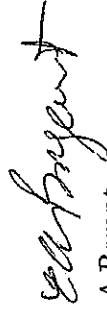
1.1. Resource Management Act 1991 The purpose of this Act is to achieve the sustainable management of natural and physical resources in a way that people and communities' wellbeing while sustaining the life-supporting capacity of ecosystems for future generations.

1.2 New Zealand Coastal Policy Statement 1995 1.2.2 requires, as a Matter of National Priority that the preservation of natural character of the coastal environment be achieved by (inter alia) avoiding or remedying actual or potential adverse effects on areas containing vulnerable species or areas important to migratory species.
Policy 3.5.1 public access to and along the coastal marine area, the maintenance and enhancement of which is also a Matter of National Importance, is to be restricted where significant habitats of indigenous fauna require protection.

1.3 Wildlife Act 1953 outlines measures to be taken to ensure listed species are protected. These are explicitly stated within the Dog Control Act.

1.4 Dog Control Act 1996 requires Council to promulgate a policy on dogs to, amongst other things, enable dog owners to ensure that their dogs do not injure, endanger, or cause distress to protected wildlife (section 5(g)).

Thank you for providing the opportunity to voice my concerns.



E. A Bryant
Tuesday, June 30, 2009

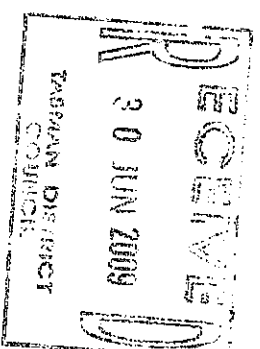
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Department of Conservation
Te Papa Atawhai

FILE: ICA-41-62
(DOCDM-440458)

30 June 2009



Tasman District Council
Administration Officer - Regulatory
Private Bag 4
RICHMOND 7050

Dear Sir/Madam

SUBMISSION – DRAFT POLICY ON DOGS 2009 & DOG CONTROL BYLAW 2009

Please find enclosed a submission by the Director-General of Conservation in respect of the publicly notified Tasman District Council draft Policy on Dogs 2009 and draft Dog Control Bylaw 2009.

The Nelson/Marlborough Conservancy of the Department of Conservation would like to be heard when the Council considers submissions. Please notify the undersigned (ph 546 3164, khughes@doc.govt.nz) of the date and time of any hearing, or if you wish to discuss any of the matters raised prior to the hearing.

The following information is intended to clarify the role that the Department has in relation to dog control on public conservation land within the Nelson/Marlborough Conservancy; which includes most of the Tasman District (the area to the west of the Marua River is within the West Coast Conservancy).

National Parks

Dogs are not allowed in a national park unless they are authorised. For the national parks within Tasman District Council's boundary (Abel Tasman, Kahurangi, and Nelson Lakes) a dog control permit is required from the Department in accordance with section 56B of the National Parks Act 1980. Exceptions are provided where the dog is a guide or companion dog; or the person taking the dog into the park is a member of the Police, a ranger, an officer or employee of the Department, a Customs Officer, or a search and rescue person.

Reserves

Dogs are not allowed on reserves administered by the Department under the Reserves Act 1977 unless they are authorised. This authorisation may be in the form of a dog control permit or Department of Conservation signage that clearly identifies where a dog may be taken without a permit (ref. section 94 of the Reserves Act 1977).

Nelson/Marlborough Conservancy Office
First Floor, Monro Building, 186 Bridge Street, Nelson,
Private Bag 5, Nelson, 7010, New Zealand
Telephone 03-546 9335, Fax 03-548 2805

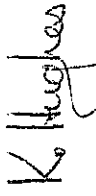
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Conservation Land

Dogs are not allowed on other conservation land administered by the Department under section 39(1)(ca) of the Conservation Act 1987 unless they are authorised. This authorisation may be in the form of a dog control permit or Department of Conservation signage that clearly identifies where a dog may be taken without a permit. Note that there are currently no controlled dog areas or open dog areas on conservation land within Tasman District, so the relevant provisions of Part 5C of the Conservation Act 1987 have little effect.

Generally, for most of the land status' listed above, dog control permits may be issued for hunting purposes, subject to a number of conditions.

Yours sincerely



Katherine Hughes
Management Planner
For Conservator

cc. John Mason, Golden Bay Area Manager
Martin Rodd, Motueka Area Manager
Alison Rothschild, Nelson Lakes Area Manager

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Dog Control Act 1996

To: Tasman District Council

Submission on: Draft Policy on Dogs 2009; Draft Dog Control Bylaw 2009

Name: Alstair Morrison, Director-General

Statement of Submission by the Director-General of Conservation

Pursuant to section 83(1)(g) of the Local Government Act 2002 and section 10(1) of the Dog Control Act 1996, I, Alstair Morrison, Director-General of Conservation, make the following submission on the Draft Policy on Dogs 2009 and the Draft Dog Control Bylaw 2009.

My submission is structured as follows:

- (i) The specific provisions of the draft policy and draft bylaw that my submission relates to are set out below using the same system of identifying numbers as that contained in the draft policy and bylaw;
- (ii) My submissions are set out immediately following these headings, together with the decisions I seek from the Council. These decisions may suggest new or revised wording for identified sections of the draft policy or bylaw. This wording is intended to be helpful. Relief with alternative wording of like effect to the submission made may be equally acceptable; and
- (iii) The wording of relief sought shows new text as underlined and original text to be deleted as ~~strikethrough~~.

Three abbreviations are used throughout the submission, as follows:

TDC	Tasman District Council
DCA	Dog Control Act 1996
Department	Department of Conservation (on behalf of the Director-General)

GENERAL SUBMISSION

SUBMISSION

The provisions of the draft policy and draft bylaw are generally supported, unless specific submissions (as set out below) state otherwise. The implementation of these documents is considered necessary to achieve TDC's responsibilities set by the DCA and the Local Government Act 2002.

DECISION SOUGHT

Retain the policy and bylaw in their present forms, subject to the decisions sought through the submissions that follow.

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DRAFT POLICY ON DOGS

Interpretation

SUBMISSION

- (i) The definition of 'Dog Ranger' should be listed after 'Dog Prohibited Area' to retain alphabetical order.
- (ii) The final paragraph of the definition of 'Owner' incorrectly refers to the Dog Control Act 2003 (rather than the Dog Control Act 1996) the second time this act is mentioned.
- (iii) The definition of 'Public Place' is not the full definition from the DCA, as referred to in brackets.
- (iv) The definition of 'Reserve' does not encompass all reserves classified under the Reserves Act 1977 that are covered by the Policy (and the Bylaw).
- (v) There are four definitions that are not found elsewhere in the policy – 'Animal Welfare Inspector', 'Private Way', 'Probationary Owner' and 'Protected Coastal Birds'. This appears to be because the interpretation section has come from the Dog Control Bylaw.
- (vi) Also, refer to submission points (vi) and (vii) on the Interpretation section of the bylaw.

DECISION SOUGHT

- (i) Move the definition of 'Dog Ranger' after 'Dog Prohibited Area'.
- (ii) Amend the last sentence of the definition of 'Owner' as follows:
“ ... any order made under the Dog Control Act 2003~~1996~~ or the Animal Welfare Act 1999.”
- (iii) Either include the full definition from the DCA or delete the wording in brackets.
- (iv) Amend part a) of the definition of 'Reserve' as follows:
“~~Any land vested in~~classified as a reserve and administered ~~the council and declared as a~~
~~reserve by resolution of the Council, under Section 14~~in accordance with the provisions
of the Reserves Act 1977, or”
- (v) Delete the identified definitions from the interpretation section (refer to submissions on Schedules 1 and 2 of the bylaw in respect of 'Protected Coastal Birds' and the use of the term 'Protected Wildlife' instead).
- (vi) Refer to (vi) and (vii) of the decisions sought for the Interpretation section of the bylaw.

Objectives

SUBMISSION

Objective 2 needs to give more explicit effect to section 4(a)(iv) of the DCA.

DECISION SOUGHT

Amend objective 2 as follows:

“To minimise any injury, danger, distress, annoyance ~~and~~ nuisance to the community generally or protected wildlife.”

Policies and Methods

Policy 2. Make Provision for Dog Access to Public Places

SUBMISSION

The safety of protected wildlife on public places is also an issue that should be addressed by this policy (and it is covered in the bylaws).

DECISION SOUGHT

Amend the policy as follows:

“Dog owners must be provided with a reasonable level of access to public places without compromising the safety and comfort of members of the community generally or protected wildlife.”

Method 1.2.8

SUBMISSION

There is no year given for the reference to the Conservation Act.

DECISION SOUGHT

Add “1987” after “Conservation Act”.

Policy 5. Enforce Dog Owner Obligations

SUBMISSION

The policy should also address enforcement action with respect to protected wildlife.

DECISION SOUGHT

Amend the policy as follows:

“Utilise the powers of enforcement under the Dog Control Act 1996 so as to ensure the safety of the community generally and protected wildlife, and to penalise and deter irresponsible dog ownership.”

Method 1.3

SUBMISSION

This method needs to be expanded to include reference to protected wildlife.

DECISION SOUGHT

Amend the method as follows:

“Use powers to remove dogs threatening public safety and comfort; or injuring, endangering or causing annoyance, distress or a nuisance to any protected wildlife.”

Methods (general)

SUBMISSION

All Methods use the same numbering, which is confusing.

DECISION SOUGHT

Number the Methods for Policy 2 starting with “2.1”, number the Methods for Policy 3 starting with “3.1” and so on.

Schedule 1 – Leash Control Areas

SUBMISSION

As Schedule 1 is essentially copied from the bylaw, please refer to the submission on Schedule 1 of the bylaw below.

DECISION SOUGHT

Refer to the decision sought on Schedule 1 of the bylaw below.

Schedule 2 – Controlled Dog Exercise Areas

SUBMISSION

As Schedule 2 is essentially copied from the bylaw, please refer to the submission on Schedule 2 of the bylaw below.

DECISION SOUGHT

Refer to the decision sought on Schedule 2 of the bylaw below.

Schedule 3 – Dog Prohibited Areas

SUBMISSION

As Schedule 3 is essentially copied from the bylaw, please refer to the submission on Schedule 3 of the bylaw below.

DECISION SOUGHT

Refer to the decision sought on Schedule 3 of the bylaw below.

DRAFT DOG CONTROL BYLAW

2. Interpretation

SUBMISSION

- (i)-(iv) Refer to submission on the Policy above.
- (v) There are three definitions that are not found elsewhere in the bylaw – ‘Animal Welfare Inspector’, ‘Probationary Owner’ and ‘Protected Coastal Birds’.
- (vi) The two definitions ‘Continuous Control’ and ‘Leash Control’ are not necessary, and as ‘Leash’ is defined reference to a chain or lead is not required.
- (vii) The definitions of ‘Controlled Dog Exercise Area’, ‘Dog Prohibited Area’ and ‘Leash Control Area’ can be refined.

DECISION SOUGHT

- (i)-(v) Refer to decision sought on the Policy above.
 - (vi) Amend the definition of ‘Continuous Control’ as follows:

“Continuous Leash Control means that the dog is kept under control by means of a leash-chain-or-lead which is secured or held by a person capable of restraining the dog so that the dog cannot break loose.”
 - (vii) Subsequently amend further references to ‘Continuous Control’ or ‘Leash Control’.
- (vii) Amend the definitions of ‘Controlled Dog Exercise Area’, ‘Dog Prohibited Area’ and ‘Leash Control Area’ as follows:
- “Controlled Dog Exercise Area means any public place ~~so defined~~ within the District, as identified in Schedule 2, where a dog may be exercised off the leash but must still be under effective control ~~responding to the commands of the person accompanying the dog.~~ (See Schedule 2)”
- “Dog Prohibited Area means any public place ~~so defined~~ within the District, as identified in Schedule 3, where a dog is prohibited either generally or at specified times. (See Schedule 3)”
- “Leash Control Area means any public place ~~so defined~~ within the District, as identified in Schedule 1, where a dog is required to be kept under continuous ~~leash control by means of a leash.~~ (see Schedule 1)”

3. Control of Dogs in Public Places

SUBMISSION

Clause 3.4.2 is better placed in Schedule 3.

DECISION SOUGHT

Delete clause 3.4.2 and amend Schedule 3 (please refer to the submission below on Schedule 3).

4. Leash Control Areas

SUBMISSION

Clause 4.1 should be amended in accordance with the submission above on the Interpretation section, and it can be simplified.

DECISION SOUGHT

Amend clause 4.1 as follows:

“Every dog shall be kept under continuous leash control ~~by means of a leash by its owner while that dog is in a Leash Control Area public place as described in Schedule 1 or shown in maps.”~~

5. Controlled Dog Exercise Areas

SUBMISSION

Given the definitions in the interpretation section and the submissions above, clause 5.1 can be simplified for clarity, and consistency with clause 4.1.

DECISION SOUGHT

Amend by law 5.1 as follows:

“Every dog shall be under effective control while that dog is in a Controlled Dog Exercise Area. ~~Those places described in Schedule 2 or shown in maps. will be designated as controlled dog exercise areas where dogs may be exercised off the leash (however, the owner must carry a leash at all times) but must still be responding to the commands of the person accompanying the dog.”~~

6. Dog Prohibited Areas

SUBMISSION

Clause 6 can be simplified for clarity.

DECISION SOUGHT

Amend clause 6 as follows:

“The owner of any dog shall not allow it to enter or remain in a Dog Prohibited Area ~~of the places described in Schedule 3 or shown in maps.”~~

10. Dogs Becoming a Nuisance or Injurious to Health

SUBMISSION

Clauses 10.2 and 10.3 use the term ‘authorised officer’, which is not defined.

DECISION SOUGHT

Provide a definition for ‘authorised officer’, or replace with ‘dog control officer’ and/or ‘dog ranger’.

14. Seizure of Roaming Dogs

SUBMISSION

Clause 14.1 uses the term 'authorised officer'.

DECISION SOUGHT

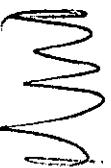
See submission above.

Schedule 1 – Leash Control Areas

SUBMISSION

- (i) Schedule 1 only needs to identify the areas that are Leash Control Areas for the purposes of clause 4.1 (as re-written above).
- (ii) The second area identified does not need to differentiate between protected birds and protected wildlife, as the former is encompassed by the latter in accordance with the definition of 'protected wildlife' in the DCA. Also, the term 'in the presence of' is ambiguous, both from the perspective of a dog owner as well as a dog control officer or dog ranger. The DCA provides further guidance on this issue.

DECISION SOUGHT

- (i) Reference clause 4.1 following the titles "Schedule 1" "Leash Control Areas" and delete the wording in bold "Every dog ... while that dog is:"
- (ii) Amend the description of the second area as follows:

"~~In the presence of protected birds or~~ Where a dog is likely to cause injury, endangerment, distress, annoyance, disturbance or threat to any protected wildlife; and/or where signage indicates that protected wildlife is likely to be present"

Include a definition of protected wildlife in the Interpretation section. A suggested definition is as follows:

"**Protected Wildlife** means any animal that is absolutely or partially protected in accordance with the Wildlife Act 1953 and any marine mammal within the meaning of the Marine Mammals Protection Act 1978. This includes all indigenous and migratory birds (including those listed in Appendix A)."

Add a new Appendix as follows:

"Appendix A (refer definition of Protected Wildlife)

Australasian Bittern, Banded Dotterel, Banded Rail, Bar-tailed Godwit, Black Shag, Black-billed Gull, Black-fronted Tern, Blue Duck, Caspian Tern, Crakes, Fernbird, Flutering Shearwater, Grey Duck, Kingfisher, Kiwi, Little Black Shag, Little Shag, New Zealand Pipit, Penguins, Pied Oystercatcher, Pied Shag, Pied Stilt, Red-billed Gull, Red Knot, Reef Heron, Royal Spoonbill, Sooty Shearwater, Spotted Shag, Turnstone, Variable Oystercatcher, Weka, White Heron, White-faced Heron, White-fronted Tern, Wrybill"

Note: many of the above birds are classified as threatened or at risk. Further information can be provided if required.

In addition, the Department can work with TDC to identify areas where protected wildlife is likely to be present. TDC can erect signage to inform dog owners of such areas and advise that dogs should remain on a leash (if it is not already off-limits to dogs).

Schedule 2 – Controlled Dog Exercise Areas

SUBMISSION

- (i) Schedule 2 only needs to identify the areas that are Controlled Dog Exercise Areas for the purposes of clause 5.1 (as re-written above).
- (ii) The note is also unnecessary because if the dog is in the presence of protected wildlife it is then within a Leash Control Area in accordance with Schedule 1 (as identified above).
- (iii) Motupipi Estuary is not an appropriate area to allow dogs to be exercised. This is an intertidal area that is indistinguishable from the rest of the estuary (which is in Schedule 3 – Dog Prohibited Areas) making it difficult for dog owners and enforcement officers to know which area they are in. Also, this estuary is good habitat for birds such as crane, bittern, banded rail and herons. It is understood that TDC have recently carried out a study of this area and will have further detailed information on other values such as vegetation.
- (iv) Many of the maps used to identify the Controlled Dog Exercise Areas along the coastline may be difficult for dog owners to interpret on the ground due to the dynamic changes that naturally occur to beaches, estuaries and sandspits.
- (v) There is no map provided for the Motueka River Reserve.

DECISION SOUGHT

- (i) Reference clause 5.1 following the titles “Schedule 2” “Controlled Dog Exercise Areas” and delete the wording in bold “**Every dog ... at all times.**”
- (ii) Delete the note.
- (iii) Remove Motupipi Estuary from Schedule 2 and add it to Schedule 3. Map 1 (appended) identifies this area in full. Please note that this map incorporates the Motupipi Dog Prohibited Area and the Pohara Beach to Motupipi Estuary mouth Dog Prohibited Area, as well as the (current) Motupipi Estuary Controlled Dog Exercise Area. In addition, the western boundary of the Dog Prohibited Area will continue in accordance with the Rototai to Waitapu Estuary Dog Prohibited Area.
- (iv) Use the recent aerial photographs that TDC has acquired as the basis for the maps. Generally, people are better able to identify features that they know from photographs.
- (v) Provide a map for the Motueka River Reserve.

Schedule 3 – Dog Prohibited Areas

SUBMISSION

- (i) The first sentence is describing a series of general areas that are Dog Prohibited Areas in addition to the specific reserves and other sites listed. In addition, dogs are not permitted on any public conservation land, not just national parks, without proper authorisation.
- (ii) Otuwhero Estuary and Sandspit are within the Motueka/Kina area.
- (iii) Pohara Beach Top 10 Holiday Park’ and Pohara Beach from eastern camp boundary to Selwyn Street Reserve’ seem to be identified on the same map. This is not appropriate

given that the holiday park has a year round prohibition while the beach is only for the summer months.

(iv) The Department seeks an extension to the period of time that Tata Beach is closed to dogs outside of the summer months. This is based on the year-round use of Tata Beach by a significant number of spotted shags (500 – 2500). The shags visit the beach most mornings at dawn for about an hour and are vulnerable to disturbance by dogs. The current summer closure period is appropriate.

(v) The exception to dog prohibited areas for game hunting dogs should be a specific clause under clause 6 and clear definitions provided for what is considered to be a 'game hunting dog' and what is 'the recognised hunting season'. In addition, this provision would still be subject to other legislative requirements in respect of land managed by the Department.

(vi) Many of the maps used to identify the Prohibited Dog Areas along the coastline may be difficult for dog owners to interpret on the ground due to the dynamic changes that naturally occur to beaches, estuaries and sandspits.

(vii) The Department seeks the addition of a number of other estuaries within the Golden Bay area to protect their high natural values, including being habitat to threatened and at risk birds. These estuaries are: Pungonga estuary; Pakawan estuary; Onahau estuary; Ligar Bay estuary; and Wainui estuary

(viii) The Department seeks the addition of the foreshore of the islands of Abel Tasman National Park to Schedule 3. These areas are within the Abel Tasman Foreshore Scenic Reserve (ATFSR) jointly administered by TDC and the Department (through an Administration Committee). The Administration Committee is in the process of preparing a management plan for the ATFSR, which will address the issue of where dogs can and cannot go on the reserve, but currently dogs are allowed on all parts of the reserve (subject to existing bylaws). The reason for seeking prohibited dog area status over the foreshore of the islands is that these islands possess significant biodiversity values including a number of nationally endangered species (including kwi) that are vulnerable to dogs. In addition, it will help to remove any enforcement ambiguity surrounding dogs being on the islands as to where the boundary of the national park is (dogs not permitted), and it will provide for a holistic and simple message to the public i.e. no dogs on the islands.

(ix) The Department seeks the addition of part of Motueka Sandspit Scenic Reserve and the adjoining foreshore to Schedule 3. Motueka Sandspit Scenic Reserve was set apart and classified as a scenic reserve (subject to section 19(1)(b) of the Reserves Act 1977) in June 1992, and is administered by the Department. The seaward boundary of the reserve is the Mean High Water Mark. This boundary is ambulatory, which means that it moves as the sandspit naturally erodes and accretes. Consequently, the cadastral boundary, which was surveyed in 1990, is misleading when used in maps as it does not equate to the sandspit on the ground today.

Section 19(3) of the Reserves Act requires the reserve to be administered and maintained such that: the flora and fauna, ecological associations, and natural environment and beauty are preserved; the public have freedom of entry and access unless conditions and beauty restrictions are necessary for the protection and well-being of the reserve; and, in all instances, nothing can be authorised with respect to fauna that would contravene any provision of the Wildlife Act 1953.

Scenic reserves are areas where dogs are prohibited unless otherwise authorised. However, Motueka Sandspit Scenic Reserve has historically been part of a wider area (that includes Raumanuka Scenic Reserve at the northern end of the spit) where dogs have been allowed to be taken, on and off a leash and the Department would like to see this opportunity continue where impacts on roosting and/or nesting birds can be avoided. Signage, which is

deemed to provide the necessary authorisation, near the entrances to the reserve currently identifies where dogs can be taken and under what conditions.

Motuēka sandspit and its associated tidal flats is an important site for both indigenous and migratory wader birds; for roosting, feeding and nesting purposes. The sandspit and tidal flats are part of nationally significant area no. 20 (Motuēka Delta), as listed Schedule 25.1F of the Tasman Resource Management Plan, which identifies areas with nationally or internationally important natural ecosystem values. This recognises that: the tidal flats are important wader feeding areas; there are several high tide roosts; and, Motuēka sandspit attracts over 10,000 birds in late summer.

It is understood that TDC has received a submission from the Ornithological Society of New Zealand (OSNZ) setting out information on these birds and their activities, so there is no need to repeat it in this submission. Disturbance to these birds needs to be minimised. After talking to local Motuēka residents, members of Forest and Bird and individuals from the OSNZ, the Department believes that (through careful management of where dogs are allowed) a beneficial outcome for all can be achieved.

DECISION SOUGHT

- (i) Remove the bolding from the first sentence and amend as follows:

~~“Dogs are prohibited on 1. All Council sports fields and complexes; and~~

~~2. Within 10 metres of playground equipment and picnic tables in any reserve; and~~

~~3. All public conservation land administered by the Department of Conservation, unless the owner has authorisation (via a permit or official signage) from the Department of Conservation to take a dog onto a particular area of conservation land, the Kahurangi National Park, Abel Tasman National Park and Nelson Lakes National Park; and in the following areas:”~~

Note: while section 20(3)(b) of the DCA means that the bylaw provisions in relation to Prohibited Dog Areas do not apply to national parks, it is not considered necessary to specify this exception, otherwise it would give the impression that dogs are allowed in national parks. Regardless, the provisions of the DCA take precedence over the bylaw.

(ii) Move Otuwhero Estuary and Sandspit under ‘Motuēka/Kina’.

(iii) Provide separate maps for ‘Pohara Beach Top 10 Holiday Park’ and ‘Pohara Beach from eastern camp boundary to Selwyn Street Reserve’.

(iv) Amend the Tata Beach closure period as follows:

“Tata Beach – summer months except from 7am to 9am, and remainder of year from 5am to 8am”

(v) Delete the exception for game hunting dogs from Schedule 3 and add new clauses 6.2 and 6.3 as follows:

“6.2 Clause 6.1 shall not apply to any game hunting dog during the hunting season.”

“6.3 Clause 6.2 does not apply to public conservation land administered by the Department of Conservation unless the appropriate written authorisation has been given.”

Add the following definitions to the Interpretation section:

“Game means all animals and game birds listed in Schedule 1 of the Wildlife Act 1953.”

“Game Hunting Dog means a dog used to hunt and retrieve game.”

"Hunting Season means an open season for game as declared by the Nelson/Marlborough Fish and Game Council in accordance with sections 15 and 16 of the Wildlife Act 1953."

Note: anyone taking a dog onto conservation land for hunting purposes needs a hunting permit and a dog permit from the Department. These permits may be for specific areas, depending on where some one wishes to hunt. In the case of marginal strips, a person may get a permit that allows them to hunt in such areas generally but the permit may identify specific sites where hunting cannot occur.

- (vi) Use the recent aerial photographs that TDC has acquired as the basis for the maps. Generally, people are better able to identify features that they know from photographs.
- (vii) Add the estuaries (Puponga estuary; Pakawan estuary; Onahan estuary; Ligar Bay estuary; and Wainui estuary) to Schedule 3. Maps 2 - 6 identifying these areas are appended.
- (viii) Add the foreshore of the islands of Abel Tasman National Park to Schedule 3. For clarity, these islands are: the Tata Islands; Tonga Island; Pinnacle Island; Totara Rocks; Six Foot Rock; Adele Island; Fisherman Island; and Ngairo Island.
- (ix) Add part of the Motueka Sandspit to Schedule 3, as identified on Map 7 (Dog Prohibited Area, south of the red line). The remainder of area will remain subject to the provisions (whichever may apply in the circumstances) of the Reserves Act 1977, the Dog Control Act 1996 and TDC's Dog Control Bylaw 2009. The existing signage will need to be amended in accordance with this, and a new sign will need to be erected on the sandspit indicating where the Dog Prohibited Area starts. The suggested wording for this area is as follows:
"Motueka Sandspit (including the foreshore) from the sign southwards"



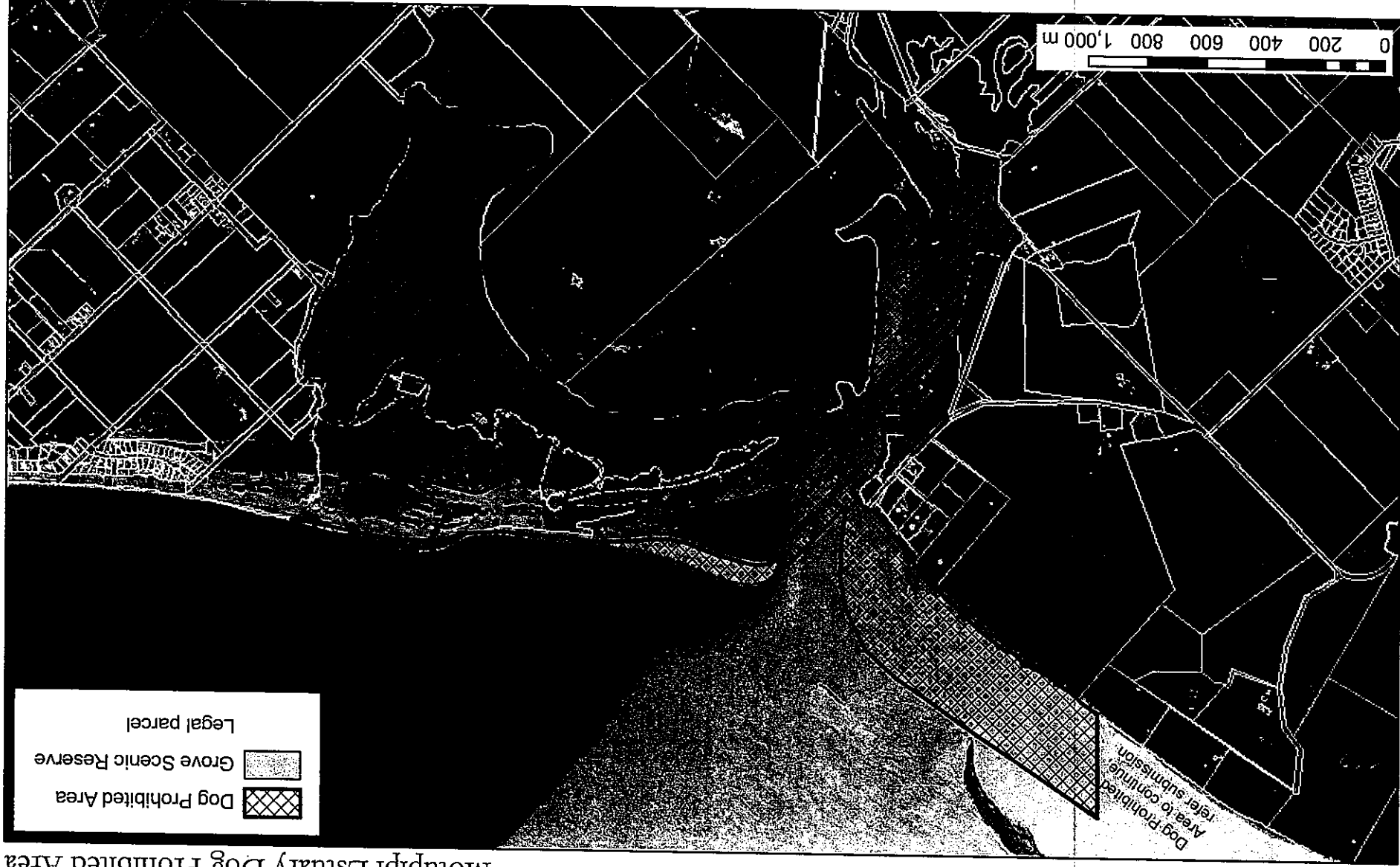
.....
Rodney David White
Acting Community Relations Manager
Nelson/Marlborough Conservancy
Department of Conservation
Acting pursuant to delegated authority on behalf of the Director-General of Conservation

Date 30 June 2009

Address for service of submitter: Department of Conservation
Nelson/Marlborough Conservancy
Private Bag 5
Nelson 7040

Telephone: 03 546 9335
Fax: 03 548 2805

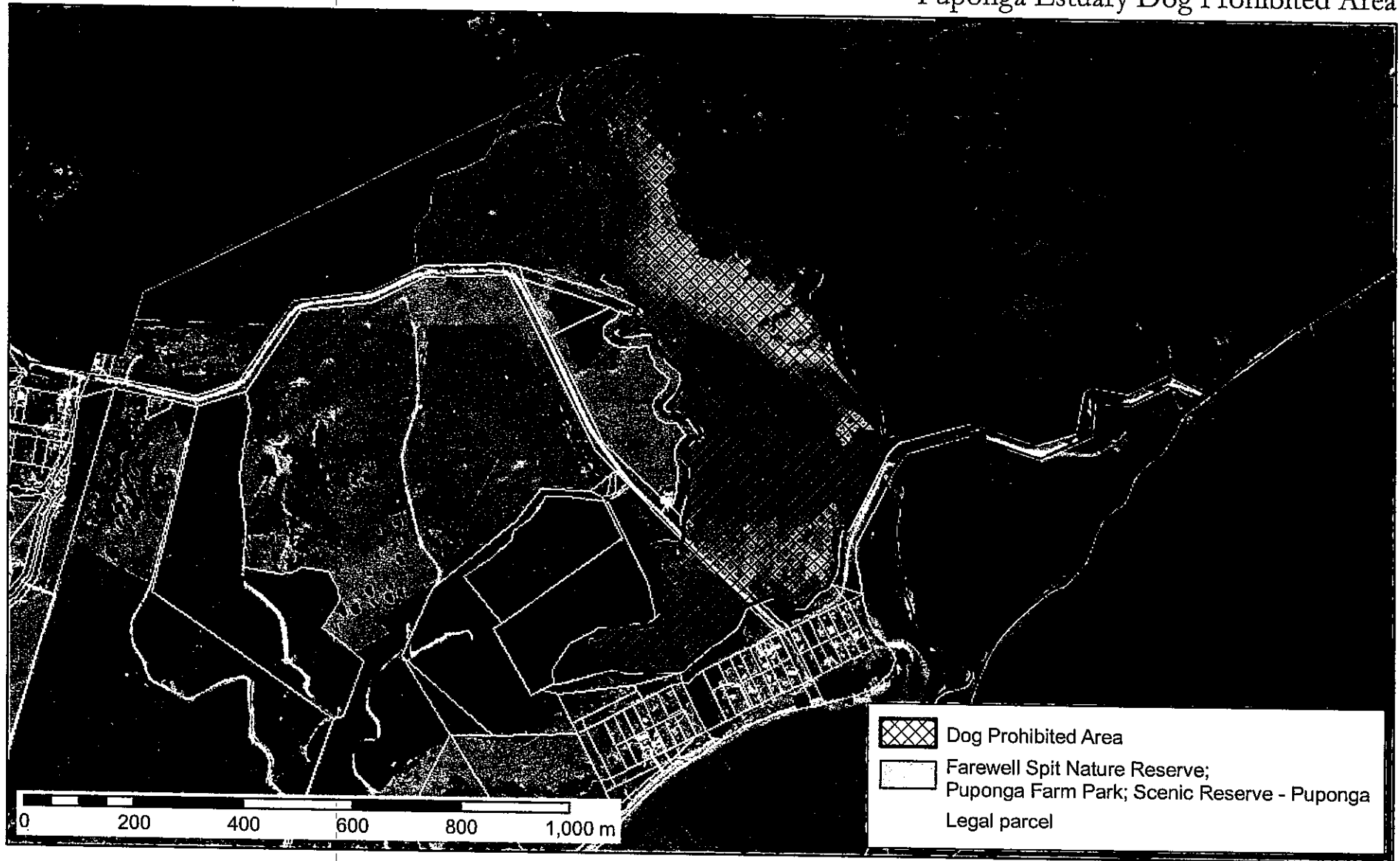
Map 1
Motupipi Estuary Dog Prohibited Area



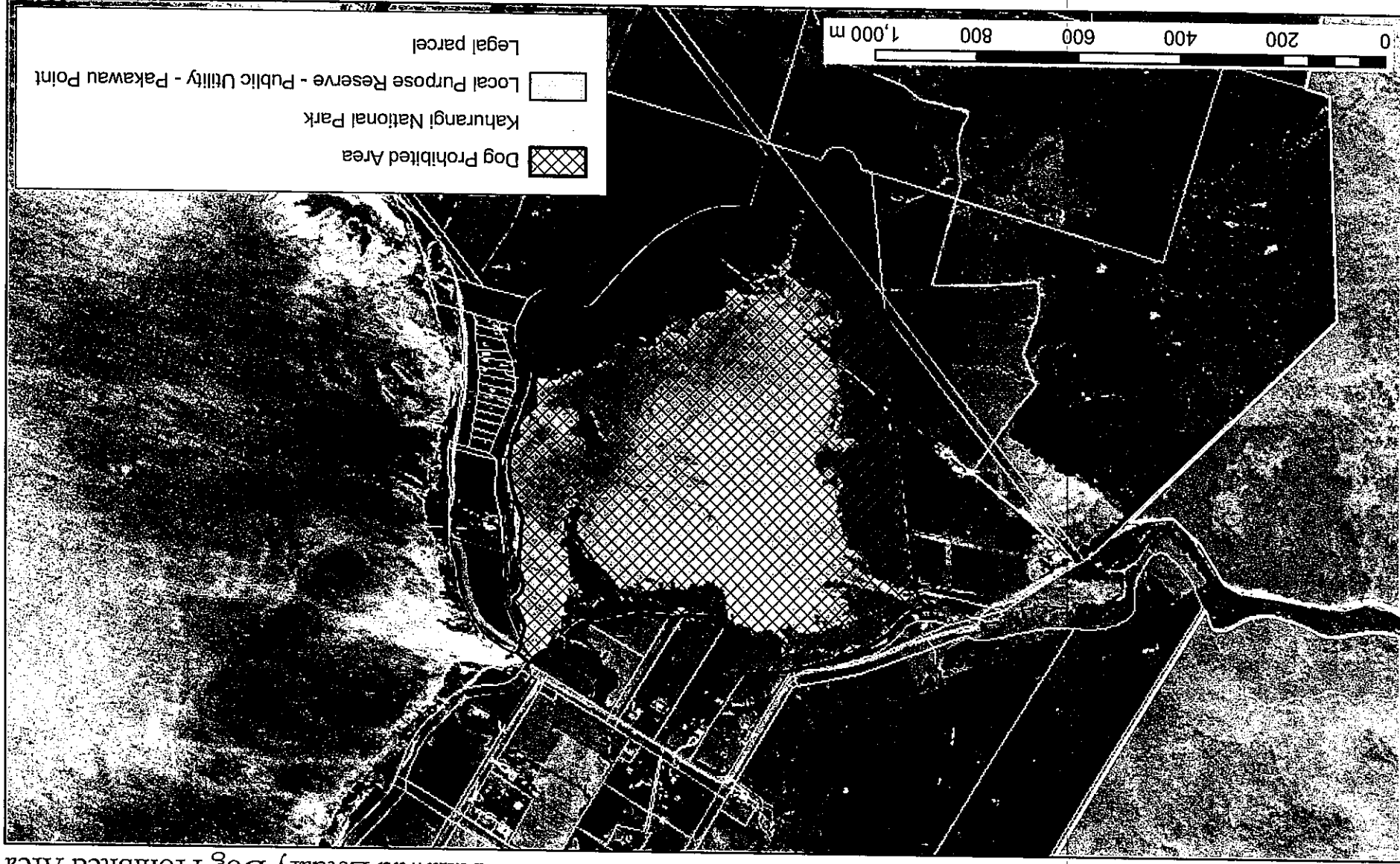
Map 2

Puponga Estuary Dog Prohibited Area

24



Map 3
Pakawan Estuary Dog Prohibited Area



2A

Map 4

Onahau Estuary Dog Prohibited Area

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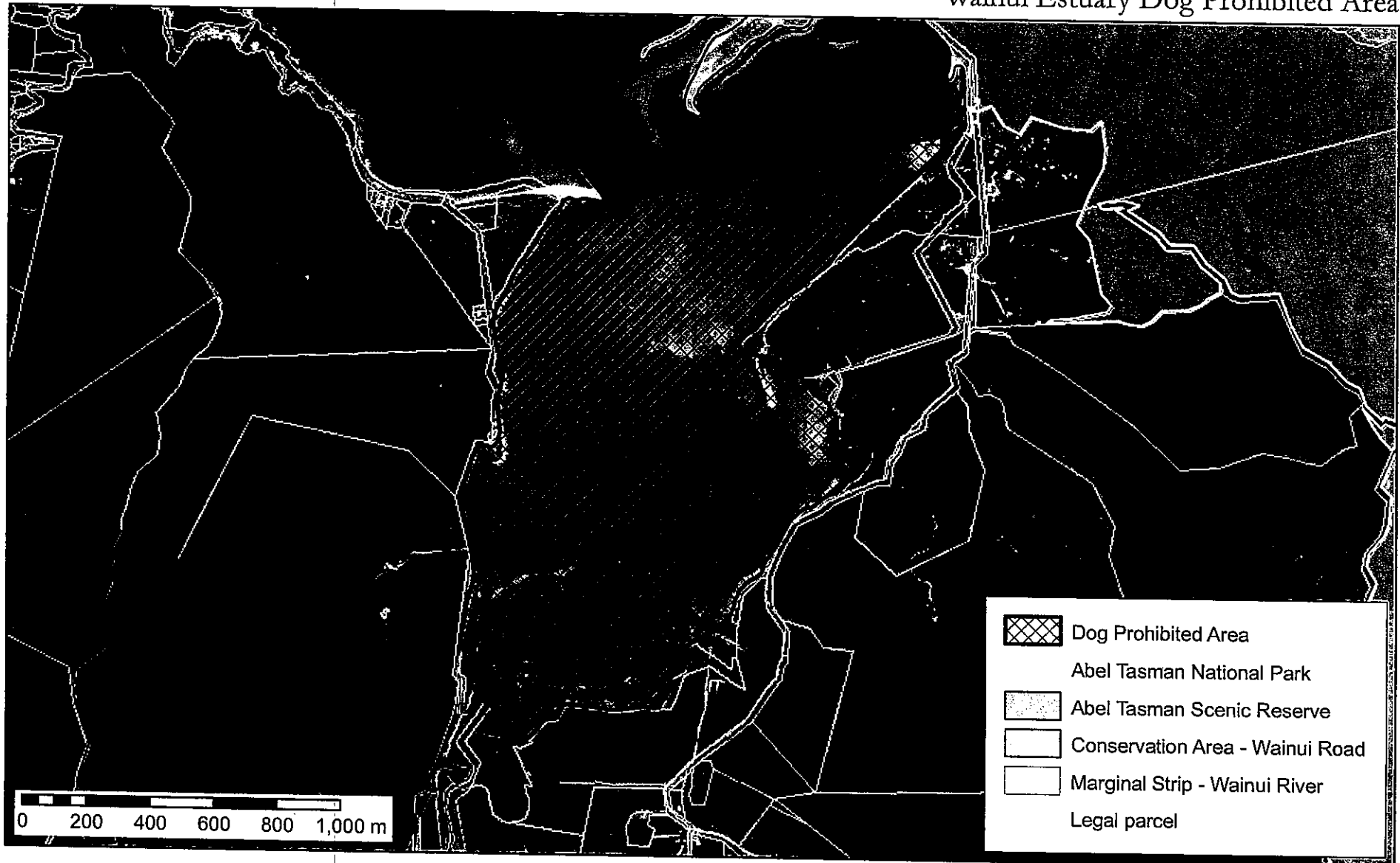
Map 5
Ligar Bay Dog Prohibited Area



Map 6

Wainui Estuary Dog Prohibited Area

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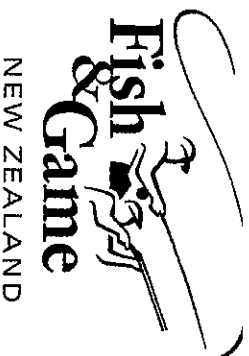
Map 7

Motueka Sandspit



24

3 0 JUN 2009



25 June 2009

Annie Brown
Tasman District Council
189 Queen Street
Richmond

Dear Sir/Madam,

RE: DRAFT DOG CONTROL BYLAW 2009

Please find enclosed a submission on behalf of Fish & Game in relation to Tasman District Council's Draft Dog Control Bylaw 2009.

Fish & Game wish to be heard in support of their submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lawson Davey'.

Lawson Davey
Fish & Game Officer
Nelson/Marlborough Fish and Game

25

Statutory managers of freshwater sports fish, game birds and their habitats

Nelson/Marlborough Region

PO Box 2173, Stoke, Nelson 7041, New Zealand. Telephone (03) 544 6382 Facsimile (03) 544 4058 Email: admin@nmfgc.co.nz
www.fishandgame.org.nz

TO: TASMAN DISTRICT COUNCIL

SUBMISSION: DRAFT POLICY ON DOGS

FROM: FISH AND GAME NEW ZEALAND
NELSON-MARLBOROUGH REGION

ADDRESS 66-74 CHAMPION RD, RICHMOND
P O BOX 2173
STOKE 7030

I, Lawson Neil Davey, Fish & Game Officer, hereby make the following submission on behalf of Fish & Game New Zealand, Nelson-Marlborough Region in relation to the Tasman District Council's Draft Dog Control Bylaw 2009.

Fish and Game Status

- Fish and Game New Zealand, Nelson-Marlborough Region is the statutory manager of sports fish and game birds throughout the region under the Conservation Act 1987 and Wildlife Act 1953. The Fish and Game Council is responsible for protection and management of populations of game birds and sports fish in the recreational interests of hunters and anglers.

- This includes, pursuant to Section 26Q of the Conservation Act 1987,
 - “(e) *In relation to planning, -*
 - (i) *to represent the interests and aspirations of anglers and hunters in the*
 - (ii) *statutory planning process....”*

- Fish & Game New Zealand has a statutory responsibility to promote game bird hunting
- Recreational hunting of certain game bird species is an important component of population management.
- Fish & Game promote and encourage the use of trained gundogs to assist with finding and retrieving game

Submission

1. Fish & Game are generally supportive of the Draft Dog Control Bylaw 2009 and the principle of enabling the general public to use public areas without fear of attack or intimidation by dogs. Fish and Game also agree that dog owners have an obligation and responsibility to properly care for their dog(s) and their behaviour. We also recognised the need for dog owners to carry a leash when in public places and for dogs not to disturb or molest protected wildlife or stock.
2. Fish and Game is however concerned over some of the proposed wording of the Draft Dog Control Bylaw 2009 and its implications, in particular Clauses 3.4.2, 4.1 and Schedule 1, clauses 2 & 3.

Clause 3.4.2

3. The current wording of Clause 3.2.4 *“To protect native wildlife, dogs are prohibited from being on any public conservation land administered by the Department of Conservation unless the owner has authorisation (via a permit or official signage) from the Department of Conservation to take a dog onto a particular area of conservation land”* has several of implications the Council may not be aware of.
4. While the best of intentions no doubt are intended, Fish and Game submits that the above wording would require all dog owners to get authorisation from the Department of Conservation if crossing/utilising marginal strips or other “unmarked” Department of Conservation administered lands.
5. Information isn’t readily accessible to the public regarding the location of marginal strips or other unmarked land administered by DoC and nor is it “marked on the ground” in most cases. It could also be argued that many of these areas support limited protected wildlife values and therefore there is very little reason to restrict dogs from them. Fish and Game therefore submits the proposed wording is impractical, unwarranted and unenforceable. One such example is the Waimea River and berrnland. How many people know that its underlying status is a Local Purpose Reserve for soil conservation and river control purposes and is technically under DoC Administration?
6. As an aside, the Wildlife Act 1953 provides absolute protection to all wildlife (not just native species) unless otherwise specified in one of the Schedules. The land designation itself does not provide protection to

wildlife, apart from restricting activities that may take place on it. In other words the protection of wildlife species can be and is undertaken irrespective of land tenure. Where wildlife needs protection from dogs or from other threats that protection should be applied irrespective of land tenure.

Clause 4.1 and Schedule 1

7. Section 4.1

“Every dog shall be kept under continuous control by means of a leash by its owner while that dog is in a public place as described in Schedule 1 or shown in maps”

Schedule 1

“Every dog shall be kept under continuous control by means of a leash, lead or chain which is secured or held by a person capable of restraining the dog so that the dog cannot break loose, while that dog is: ...

- 2. In the presence of protected birds or wildlife*
- 3. In the presence of stock, unless that dog is being used solely or principally for the herding or driving of stock.”*

8. As alluded to above, the Wildlife Act 1953 provides absolute protection to all wildlife unless otherwise stated in one of the Schedules. The requirement that “every dog shall be kept under continuous control by means of a leash...” while “in the presence” of “protected birds, protected wildlife or stock” has a number of implications and needs to be better defined, as the current wording is open to interpretation and in my opinion not enforceable.

9. Protect birds or protected wildlife cover are wide range of species, both native and introduced and include game bird species (ducks, geese, pukeko, swans, quail, pheasants) out of season, as well as species such as gulls, pied stilts, oyster catchers, herons, shags and spur-winged plovers to name a few.

10. Depending on the definition of “in the presence of”, the requirement to have the dog under “continuous control” and on a leash could be overly onerous, as there are very few places that don’t have either “protected birds, wildlife or stock” present. Fish and Game submits that it would be more appropriate that there is a requirement for dogs to be under “Effective Control” (whether by means of a leash, commands or other means) so that they do not disturb or molest stock or protected wildlife, rather than the requirement to have dogs under continuous control and on a leash when in the presence of protected wildlife or stock. This should also apply to Schedule 2.

11. Fish and Game supports the requirement to have dogs under continuous control in an urban area, cemetery or other areas deemed necessary such as Faulkner Bush Reserve.

Schedule 3

12. As outlined in previous hearings, many of the locations listed in Schedule 3, particularly the estuaries, are important game bird hunting areas. Fish & Game promotes and encourages the use of trained gundogs to assist with finding and retrieving game and as such supports the clause in Schedule 3 permitting the continued use of game hunting dogs in "Dog prohibited Areas" during the game season (May-July inclusive in most areas). Fish and Game is however aware the Department of Conservation proposes a wording change. It is my understanding that DoC would prefer to see the exception to game hunting dogs in dog prohibited areas being a specific clause under clause 6 and clear definitions provided for what is considered to be a 'game hunting dog' and what is 'the recognised hunting season'.
13. Fish and Game would support the addition of the definitions proposed by the Department of Conservation to the Interpretation section and the Departments proposed Clause 6.2.

14. Fish and Game however are aware DoC also is proposing a Clause 6.3:
6.3 Clause 6.2 does not apply to public conservation land administered by the Department of Conservation unless the appropriate written authorisation has been given

15. As outlined in the submission above, in regards to Clause 3.4.2, and DoC's proposed clause 6.3, Fish and Game believes requiring written approval for all public conservation land administered by the Department of Conservation, which includes marginal strips and unmarked reserves, is impractical.

16. In relation to Schedule 3, Fish & Game notes dogs are to be prohibited in Abel Tasman and Kahurangi National Parks. It is my understanding that currently the Department of Conservation allows dogs on a restricted basis to be used for pig hunting in some areas of the Abel Tasman and Kahurangi National Parks by permit. The wording proposed will limit DoC's ability to continue issuing permits for pig hunting in these areas. I also do not believe the reference to specific National Parks is necessary, as not only would it potentially limit the Department of Conservation being able to issue permits

for areas they deem appropriate but there is already a requirement to get authorisation from the Department.

Summary and Relief Sought

17. Fish and Game submits that in regards to DoC administered land, the Conservation Act already provides sufficient protection and as such there is no need to make additional reference in TDC's Dog Control Bylaw. Fish and Game does not support the Department of Conservation's proposed Clause 6.3 "Clause 6.2 does not apply to public conservation land administered by the Department of Conservation unless the appropriate written authorisation has been given". The reason for this is that Fish and Game believes requiring written approval for all public conservation land administered by the Department of Conservation, which includes marginal strips and unmarked reserves, is impractical.
18. If reference to dogs on Department of Conservation Administered land is to be made, F&G submits that restrictions on dogs should only apply to areas specifically identified and notified by official signs at public entry points stating that either a permit is required or dogs are not permitted, as this would be both practical and enforceable. Alternatively DoC & TDC would need to make publicly available information relating to all DoC administered land, so dog owners at least have the ability to identify areas where they would be required to obtain a permit. Another option would be for DoC to define "Open Dog Areas" on all marginal strips/ DoC administered lands where it would be appropriate for dogs to utilise, this removing the necessity of requiring a permit or signage.
19. In relation to clause 4.1 (& Schedule 1, clause 2 & 3), Fish and Game submit that when in the presence of protected birds, wildlife or stock, rather than having to have dogs under continuous control and on a lease, it would be more appropriate that there is a requirement for dogs to be under "Effective Control" (weather by means of a leash, commands or other means) so that they do not disturb or molest stock or protected wildlife. This should also apply to Schedule 2.
20. Should the Council decide to retain the proposed wording in clause 4.1 (Schedule 1, clause 2 & 3) Fish & Game submit that "*in the presence of*" needs to be clearly defined. Fish and Game also requests that dogs being used for game bird hunting be included in clause 4.2, exempting them from clause 4.1 in relation to Schedule 1, clauses 2 and 3. The reasoning for this is that it is not uncommon for game bird hunting to occur in the presence of

protected species such as grey teal, oystercatchers, stilts, terns etc and also other game bird species that may not be in season or near stock. For example when hunting the Pakawau/Puponga beach for mallards, paradise ducks or black swan, a number of wading species are often also present. Also when hunting for quail on the Waima bermlands outside of the three pheasant hunting weekends, technically dogs would have to be on a lead as both quail and pheasants inhabit the same habitat and can be found in the presence of one another. It is also not uncommon to encounter stock and provided they are under effective control and do not disturb or molest stock or protected wildlife they should not have to be under continuous control and on a leash. This would be neither necessary nor practical.

21. Fish and Game supports the clause in Schedule 3 permitting the continued use of game hunting dogs in Dog prohibited Areas during the game season, although would support the Department of Conservation's proposed new clause 6.2: "Clause 6.1 shall not apply to any game hunting dog during the hunting season."

22. Fish and Game would support the addition of the following definitions proposed by the Department of Conservation to the Interpretation section:
"Game means all species listed in Schedule 1 of the Wildlife Act 1953."
"Game Hunting Dog means a dog used to hunt and retrieve game."
"Hunting Season means an open season for game as declared by the Nelson/Marlborough Fish and Game Council in accordance with sections 15 and 16 of the Wildlife Act 1953."

Fish and Game wish to be heard in support of its submission, if a hearing is to be held.

Yours sincerely



Lawson Dayey
Fish & Game Officer
Nelson/Marlborough Fish & Game

Signed: _____ Helen _____ Date: _____ 30
Kingston _____
June 2009 _____

Please note: All written submissions will be made available to Councillors and the public.

Please write clearly, as all submissions are photocopied.

Please send your submission to:

Tasman District Council
Private Bag 4
Richmond
Nelson 7050

Or drop your submission into Council at 189
Queen Street, Richmond, or your local library
or service centre.

Alternatively email your submission to:

dogcontrol@tdc.govt.nz or fax to 03 543 9524.

We need to receive your submission by

Tuesday 30 June 2009.

Copies of the Draft Policy on Dogs 2009 and
Draft Dog Control Bylaw 2009 are available at
Council offices/Service Centres, Libraries and
on the Council website www.tasman.govt.nz.

Submission:

Ligar Bay: I have lived opposite the Ligar Bay Lagoon (or Inlet) for the last 9 years. I am in support of the submission by Forest and Bird, Golden Bay Branch and I would like to add some of my own observations and suggestions.

Birds I have observed breeding in the Ligar Bay Lagoon: Banded rail

Birds I have observed breeding around the spit enclosing Ligar Bay Lagoon, or on the rocks beside the boat moorings: Variable oystercatcher, Little Blue penguin.

Birds I have regularly observed roosting/feeding in and around the Ligar Bay Lagoon, the sandspit and rock areas as above: Fernbird, Reef heron, S Island pied oystercatcher, Variable oystercatcher, Caspian tern, White-fronted tern. The fernbirds, while presumably classified as bush birds, I have observed very close to the shoreline. Also I have been told by a longstanding resident that they have

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been there for many years. So we can assume that they nest there. The banded rails forage in the reed beds around the lagoon, and I have observed them in many different areas including very close to the road. I have observed dogs being walked along Abel Tasman Drive, and in the Lagoon itself when the tide is out. On occasion they have not been under good voice control and have roamed close to the reed beds.

Therefore I am asking what is the status the Ligar Bay Lagoon (or Inlet) and the shoreline both outer and inner of the sandspit, and of the rocky shore opposite, below the hill at the end of the peninsula? These areas are not included in the map of Ligar Bay Beach in the Draft Dog Control policy.

The note regarding wildlife protection in Schedule 2 would apply on behalf of the Banded rail and the Little Blue penguins, but it would be helpful to have the Lagoon declared a leash control area and Abel Tasman Drive alongside the Lagoon as a Controlled Dog Exercise area.

Tata Beach: I am in support of Forest and Bird Golden Bay's statements about dog control times and the spotted shags. We are currently watching four or five thousand shags on Tata Beach in the early morning, in what is obviously an important part of their daily routine. They arrive before dawn and stay until well after sunrise. Would it be feasible to completely prohibit dogs on Tata Beach from one hour before to one hour after sunrise? This could then apply for the whole year.

Volunteering: If I felt at ease with the final policy, I would be willing to be a voluntary Dog Ranger in the Ligar Bay area.

Helen Kingston

Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009

Submitter details (please print clearly):

Your name:

BRYAN JAMES CRASHMAN

Your postal address:

P.O. Box 98 TASMANIA.

Your daytime phone number:

0274 513 503

Your email address:

bjash@clear.net.nz

Would you like to speak to your submission at a Council meeting held for this purpose?

YES

NO

Are you writing this submission as:

an individual or

on behalf of an organisation

If an organisation, please name the organisation: _____

Your comment (please continue overleaf if you require more space):

I would like training provided every day, the township has no dog policy which is why I have not noticed and most officers is, the number of dogs in the township has increased and continues to do so, many people are on the streets with their dogs, dogs are wandering through the estate areas, which dogs are seen with their heads buried in trees. This concern is shared by ourselves in this regard.

Signed: _____

Date: 21-6-09

Please note: All written submissions will be made available to Councilors and the public. Please write clearly, as all submissions are photocopied.

Please send your submission to:

Tasman District Council
Private Bag 4
Richmond
Nelson 7050

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dogcontrol@tdc.govt.nz or fax to 03 543 9524.
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Tuesday 30 June 2009.

Or drop your submission into Council at 189
Queen Street, Richmond, or your local library
or service centre.

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Draft Dog Control Bylaw 2009 are available at
Council offices/Service Centres, Libraries and
on the Council website www.tasman.govt.nz.

Valerie Gribble

From: Apache [apache@tsrvweb.dmz.tdc.govt.nz]
Sent: Wednesday, 10 June 2009 1:32 p.m.
To: Valerie Gribble
Subject: TDC Form submission > Submission Form

Name: pamela nelson

Address: 73 rototai rd takaka

Telephone_Contact_Number: 5258633

Email_Address_(optional):

Are_you_submitted_as_an_individual_or_on_behalf_of_an_organisation?: Individual

If_an_organisation,please_name_the_organisation:

Your_comment: I was just reading in our gb weekly in regards to dog control in commercial st in Takaka, currently no dogs are allowed on commercial. Well being a dog owner myself and having my own business on commercial st I am all for dogs allowed in town on a leash what is the problem in that. So I hope you are seriously considering reviewing this dog bylaw to allow dogs in town on commercial st as I would love to bring my dog to work. thanks

Please_note:

All_written_submissions_will_be_made_available_to_Councillors_and_the_public_Would_you_like_to_voice_your_submission_at_a_Council_meeting_held_for_this_purpose?: Yes

Where_would_you_like_your_submission_to_be_heard?: Takaka

security1: mapua

code: mapua

storykey: 3ggakyav4gamc58k2mstrkkfw6jftw66ypp

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Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009

Submitter details (please print clearly):

Your name: LAURIE HEALY
Your postal address: 59A SELWYN ST
RD1 TAKAKA
Your daytime phone number: 525 8896
Your email address: laurie.healy@tra.co.nz

Would you like to speak to your submission at a Council meeting held for this purpose?

YES NO

Are you writing this submission as:

an individual or on behalf of an organisation

If an organisation, please name the organisation: _____

Your comment (please continue overleaf if you require more space):

I SUPPORT THE PROPOSED CHANGE OF THE BYLAW TO ALLOW DOGS ON LEADS TO BE ABLE TO BE WALKED AT IN THE TAKAKA COMMERCIAL AREA

REASONS: 1. TO REMOVE THE AMBIGUITY CAUSED BY THE TDC PUBLICATION "WALKTASMAN" WHICH STATES (AND PROMOTES) DOGS ON LEADS IN THIS AREA, IN DIRECT CONTRADICTION OF ITS OWN BYLAW; AND 2. ENLIGHTENED, MODERN SOCIETIES ALLOW PETS UNDER CONTROL INTO ALL FACETS OF THE COMMUNITY, INCLUDING COMMERCIAL AREAS

Signed: [Signature] Date: 3/10/09

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Private Bag 4
Richmond
Nelson 7050

Alternatively email your submission to:
dogcontrol@tasman.govt.nz or fax to 03 543 9524.

We need to receive your submission by
Tuesday 30 June 2009.

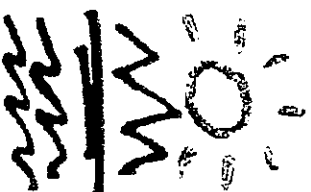
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Or drop your submission into Council at 189
Queen Street, Richmond, or your local library
or service centre.

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Golden Bay Community Board

C/- Tasman District Council
Golden Bay Service Centre
78 Commercial Street
P.O. Box 74
Takaka 7142
Phone 03 525 0020



E855

30th June 2009

Dog Control Policy Planner
Tasman District Council
Private Bag 4
Richmond 7050

**Golden Bay Community Board Submission to 2009 Tasman District Council
By-Law Review.**

Introduction

The Golden Bay Community Board frequently receives comments/complaints during Public forums and by telephone about the need for the control of dogs within the Ward.

It is clear that some amendment to the By-law and more monitoring and enforcement is needed to address these concerns, particularly where birds and wildlife are being harassed.

Complaints also need to be responded to in a timely way. To this end, suitable locals who are either employed as rangers or empowered as volunteers would be very helpful.

Commercial Street, Takaka

In response to the proposal change for the business area of Commercial St Takaka between Rellly St and the Top of the Town Dairy to become a 'leashed dog'-area-from-the-current-'no-dog'-one-the-Board-conducted-a-survey-of business premises.

The survey form was also made available to the general public with an interest in this issue.



Golden Bay Community Board....."Advocates for Your Place in Paradise"

30

Survey responses recorded are:

- 59 forms returned.
- 31 against the proposed change.
- 26 for the proposed change.
- 1 not stated.
- 1 unsure.

Comments recorded are:

- "Opposed to dogs in towns" (visitor).
- "Support outside business hours for morning and evening walks" (2).
- "Support if dogs under control at all times" (2).
- "Support and live in town".
- "Support only if walked through town not spending time there".
- "Support if dogs are well socialized and the owners clean up".
- "Dogs are not allowed within 10m of picnic tables. There are outside eating areas in Takaka Township".
- "Unable to scoop up urine".
- "Clothing displays outside shops are a temptation for dogs to urinate on".
- "Richmond, Motueka and Murchison have dogs on leashes, however I've never seen a dog in any of those places; if we must be the same it would be simpler to ban them in all towns".
- "I don't want to shop in a town where I have to watch where I step or worry about whether a dog has urinated on items of clothing that have been outside shops".

Taking into account survey responses and comments the Board recommends that the 'no dogs' provision in the current by law be retained.

Reasons include the need to acknowledge the presence of street-side eating places and shop displays together with public grassed areas such as the Village Green and Pioneer Park.

It is recommended that the Walk Tasman booklet be amended with correction slips available for earlier printings rather than amend the By-law.

It was pointed out that 'No Dog' notices need to be maintained and kept clear of vegetation.

Schedule 2: Controlled Dog Exercise Area comments:

- The Bold type note regarding protected birds and wild life is fully supported.
- Unfortunately its provisions are frequently not observed.

- There needs to be an intensive education programme and the installation of informative notices at problem areas. These include Pakawau, Collingwood, Parapara, Rototai, Motupipi, Pohara, Ligar Bay and Tata Beaches.
- Additional species need to be named including white heron, spotted shag, reef heron, white-faced heron, red and black-billed seagulls.
- The possible fines for disturbing wildlife need to be publicised in order to raise awareness.
- The engagement of suitable local dog rangers is also supported together with a 'dob in a dog' hot line.
- A colour-coded map showing 'leash control', 'controlled dog exercise' and 'prohibited dog' areas needs to be included in the Dog Control Pamphlet.

We **DO** wish to be heard in support of our submission preferably in Golden Bay.

Yours sincerely



Joe Bell
Chairperson
Golden Bay Community Board

Nancy Heyes

From: BN & PA Jones [jonestakaka@clear.net.nz]
Sent: Monday, 29 June 2009 12:03 p.m.
To: Nancy Heyes
Subject: Fw: TASMAN DISTRICT COUNCIL.doc

Thanks Nancy - closing date Tues 30/6

----- Original Message -----

From: BN & PA Jones
To: lynley.mcconnon@tdc.govt.nz
Sent: Sunday, June 28, 2009 12:50 PM
Subject: TASMAN DISTRICT COUNCIL.doc

**TASMAN DISTRICT COUNCIL
PRIVATE BAG 4
RICHMOND 7050**

**SUBMISSION ON DRAFT POLICY 7 BYLAW ON DOGS
2009-06-28**

REFERENCE - ROTOTAI to WAITAPU ESTUARY

We strongly disagree with the areas drafted to be designated as Prohibited in the above area.

We do agree with the protection rights given to the Bird Nesting area To the west of the stone area protruding into the estuary – this area Has always been a prohibited area but the area to the East of this And the estuary adjacent to the Motupipi River mouth is an area Much used by families and walkers with controlled dogs – it was! Previously designated as the closest exercise area for humans and Dogs, to the town area!

This area is a popular recreation area which has enabled families, walkers, dogs and birds to cohabitate harmoniously for all of the 45 years + that our family have used it. Living adjacent has enabled us to take custodial rights and a watchful eye on a regular basis – daily, and we urge reconsideration of this area.

Of more concern to us is the use of motorbikes etc on the mudflats And the damage done to the estuary.

We reiterate the need for this area to be reconsidered and stress the Importance of community consultation.

**Ann & Brian Jones
On behalf of users of Rototai Beach and its adjacent estuary**

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29/06/2009

Tasman District Council
Draft Policy on Dogs 2009 and Dog Control Bylaw 2009

Submitter details (please print clearly):

Your name: ALEXANDER PURUCKERE

Your postal address: 6 PAGE RD

TAUAKA

Your daytime phone number: 03-525 8686

Your email address:

Would you like to speak to your submission at a Council meeting held for this purpose?

YES

NO

Are you writing this submission as:

an individual or

on behalf of an organisation

If an organisation, please name the organisation: _____

Your comment (please continue overleaf if you require more space):

THE POTOM RESTRICTION IS A VERY PROPER -
I AM DOG EXERCISE AREA, IT IS VERY
DIFFICULT TO EXERCISE DOGS SPECIALLY
DURING THE SUMMER MONTH. IT IS IMPOR-
TANT FOR THE DOGS HEALTH AND HEALTH
TO GET EXERCISE HAVE PEOPLE CAN IT
AFFORD TO LEAVE AS FAR AS PANGORHENA
ON A NEARLY BASIS, LEAVE DRIVING
INJUSTICE POTOM TO GET BECAUSE EARLY
PRACTICE AREA IS ACCURATED HOW IS IT
POSSIBLE THAT THE POLICE RESERVE
RESPONSIBILITY FOR STOP CAN 8147

Signed: A Alexander Date: 26.6.09

Please note: All written submissions will be made available to Councillors and the public.

Please write clearly, as all submissions are photocopied.

Please send your submission to:

Tasman District Council
Private Bag 4
Richmond
Nelson 7050

Alternatively email your submission to:
dogcontrol@tasman.govt.nz or fax to 03 543
9524.

We need to receive your submission by
Tuesday 30 June 2009.

Copies of the Draft Policy on Dogs 2009 and
Draft Dog Control Bylaw 2009 are available at
Council offices/Service Centres, Libraries and
on the Council website www.tasman.govt.nz.

Or drop your submission into Council at 189
Queen Street, Richmond, or your local library
or service centre.

IN 10 THE NEIGHBORHOODS, BUT CERTAINLY -
RES LIKE DOGS ARE PROHIBITED?
THERE IS NO SWIMMING / HOLIDAY /
TOURISM HAPPENING, AS THE SEASON
IS TOO LOW ANYWAY.
I ALSO THINK WE SHOULD BE ABLE
TO BRING OUR DOGS ON A LEASH
TO TAKAKA TOWNSHIP.

SUBMISSION

TASMAN DISTRICT COUNCIL DRAFT POLICY ON DOGS AND DOG BYLAW 2009

SUBMITTER (AS AN INDIVIDUAL): Paul Dixon-Didier

POSTAL ADDRESS: 3 Wilkinson Street, Motueka

DAYTIME PHONE: 03 9896022

EMAIL: pauljenddd@xtra.co.nz

SUBMISSION

The draft Policy as circulated to dog owners with the 2009/2010 Application for Dog Registration is misleading as regards to the following Dog Prohibited Areas:

- ◆ Kahurangi National Park
- ◆ Abel Tasman National Park
- ◆ Nelson Lakes National Park
- ◆ All other lands administered by the Department of Conservation

Reason: A duly authorized issuing officer of the Department of Conservation may issue a Dog Access Permit for recreational purposes (hunting) under relevant sections of the Conservation Act 1987, National Parks Act 1980 and Reserves Act 1977 for the above areas.

Accordingly, TDC should amend its Policy on Dogs as follows:

Exception to Dog Prohibited Area:

The prohibition of dogs from specified areas does not apply to game hunting dogs during the recognized hunting season *and to dogs described in any Dog Access Permit issued by the Department of Conservation for land under its administration.*

I attach a copy of such a Dog Access Permit for your information.

I would like to speak to this submission at a Council meeting held for this purpose.



Paul Dixon-Didier

28 June 2009



Department of Conservation
Te Papa Atawhai

Dog Access Permit

This permit, issued under relevant sections of the Conservation Act 1987, National Parks Act 1980, and/or Reserves Act 1977, authorises:

Paul Dixon - Dixer
of (address):
3 Wilkinson Street
Motueka

Permit number:

Phone:
Home: 52 85181
Work:
Mobile:

to enter with a dog upon land administered by the Department of Conservation named on this permit for recreational purposes, subject to the Conditions printed on this permit and all relevant Acts and Regulations.

Name of Issuing Officer
E. Thomas
Date: 31/03/08

Permit valid from: 31/03/08 to: 30/09/08

Permit area: Nelson ATOP
~~Metrekia-controlled area of Mt Richmond E.P. (as per attached map)~~
~~Esprit-ecountry area of Kahurangi N.P. highlighted on map~~
~~Front-country area of Abel Tasman N.P. highlighted on map~~

Dog description(s) e.g. sex/breed/colour/name/tattoo?	Reg. no.
<u>1. Male, Labrador, Black & Brown</u>	<u>1170</u>
<u>2. Male, Labrador / Huntaway "Bentie"</u>	<u>1171</u>
3.	
4.	

Signature of Issuing Officer
E. Thomas
Signature of Permittee:

General Conditions

1. This permit is not valid unless signed by the Permittee and must be carried while within the permit area and produced on demand. The permit may be amended or revoked at any time.
2. This permit does not cover the activity of hunting. A separate permit will be required.
3. The dog(s) must be under control at all times and must not disturb humans, wildlife or livestock. A means of restraining the dog(s), such as a leash or rope, must be carried.
4. Dogs are not permitted in huts.
5. The Permittee must ensure that dogs have a current registration.
6. A maximum of four dogs are permitted per hunting party (a party consists of one or more hunters).
7. Missing dogs must be reported to the permit issuing office as soon as possible.
8. It is an offence to fail to comply with the conditions of this permit.

Warning; "Traps for pest control may be present on any public conservation land. The traps may pose a risk to dogs. Keep your dog under control at all times".

Special Conditions: Be aware of 'No Dog Zones'. Dogs are not allowed in marked
Dogs are not allowed in Nelson Lakes National Park and day access only is permitted for pig
hunting dogs in the areas highlighted on the maps for Abel Tasman and Kahurangi
National Parks.
Parts
overnight

SUBMISSION

TASMAN DISTRICT COUNCIL DRAFT POLICY ON DOGS AND DOG BYLAW 2009

SUBMITTER (AS AN INDIVIDUAL): Paul Dixon-Didier

POSTAL ADDRESS: 3 Wilkinson Street, Motueka

DAYTIME PHONE: 03 9896022

EMAIL: pauljenddd@xtra.co.nz

SUBMISSION

Under Council's present policy the only dogs which qualify as working dogs ("W" displayed in the "Class" column on the Application for Dog Registration form) are farm working dogs. I believe this is too restrictive and the definition of working dog should be expanded to include:

1. Seeing eye dogs.
2. Dogs specifically trained to detect bio hazards, illegal substances, specific flora and fauna – both in law enforcement and conservation work applications.
3. Hunting dogs.

I seek to include hunting dogs in recognition of the widespread use of dogs (kept in both urban and rural areas) for the control of wild animals including feral pigs, deer and goats. Recreational hunters incur significant personal and financial costs to train and maintain their dogs and their hunting activities make a major contribution to the control of wild animals - particularly feral pigs – the control costs for which would otherwise fall directly or indirectly on the general ratepayers as TDC would need to incur major costs manage these species under its regional pest management responsibilities. There can be no argument that feral pigs and goats cause significant environmental damage through the destruction of vegetation and by soil disturbance leading to erosion. Dogs used for the hunting of these species (especially as they now have effectively no commercial value as wild game meat) should therefore be classified as working dogs (as opposed to domestic pets) and be exempt from registration fees, or subject to an appropriately reduced registration fee.

I would like to speak to this submission at a Council meeting held for this purpose. ^ ^


Paul Dixon-Didier

29 June 2009

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