

**Notice of Meeting:**

I hereby give notice that an ordinary Meeting of the Community Committee will be held on:

**Date:** Tuesday 18 February 2025  
**Time:** 9:30 am  
**Meeting Room:** Council Chamber and Audio-visual link  
**Venue:** Municipal Building, Garden Place,  
Hamilton

Lance Vervoort  
Chief Executive

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**Community and Natural Environment Committee**  
***Te Roopuu Haapori me te oranga o te Taiao***  
**OPEN AGENDA**

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**Membership**

**Chairperson** Cr Kesh Naidoo-Rauf  
***Heamana***

**Deputy Chairperson** Cr Anna Casey-Cox  
***Heamana Tuarua***

**Members**

Mayor Paula Southgate	Cr Louise Hutt
Deputy Mayor Angela O’Leary	Cr Andrew Bydder
Cr Maxine van Oosten	Cr Geoff Taylor
Cr Moko Tauariki	Cr Sarah Thomson
Cr Ewan Wilson	Cr Emma Pike
Cr Mark Donovan	Cr Maria Huata
Maangai Olly Te Ua	Cr Tim Macindoe

**Quorum:** Two monthly

**Meeting Frequency:** Six weekly

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Amy Viggers  
*Mana Whakahaere*  
Governance Lead

**10 February 2025**

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## Purpose

The Community and Natural Environment Committee is responsible for:

1. Guiding and monitoring the provision of strategic community infrastructure and services to meet the current and future needs of the city and the enhanced wellbeing of its communities.
2. Governance of recreational, community facilities, amenities, and events.
3. Facilitating community and stakeholder involvement and discussion on community infrastructure, community safety, and community wellbeing matters.
4. Ensuring Hamilton is performing to the highest standard in the area of civil defence and emergency management.
5. The execution of Council's infrastructure and operational plans and strategies across Community asset classes.
6. Funding to benefit the social, cultural, physical, and arts wellbeing of communities in Hamilton.
7. Governance of strategies, policies and plans relating to the wellbeing, protection, enhancement, and sustainability of Hamilton's natural environment as identified in this terms of reference.

***In addition to the common delegations on page 10, the Community and Natural Environment Committee is delegated the following Terms of Reference and powers:***

### Terms of Reference:

8. To provide direction on strategic priorities and resourcing for community infrastructure aligned to city's overall development and oversight of strategic projects associated with those activities.
9. To develop policy, approve community-related strategies and plans, and monitor their implementation.
10. To receive and consider presentations and reports from stakeholders, government departments, organisations, and interest groups on community development and wellbeing issues and opportunities.
11. To monitor Hamilton's social demographics and social climate to assess current and future impacts on the Council and Hamilton communities.
12. To monitor the performance of Hamilton's civil defence and emergency management response against Council's requirements under the Civil Defence Emergency Management Act including:
  - a) implementation of Government requirements;
  - b) contractual service delivery arrangements with the Waikato Regional Group Emergency Management Office
13. To determine the funding priorities for the Community Grants Allocation Committees, in line with the Community Assistance Policy, Long Term Plan and Annual Plan.
14. To determine the priority of Council projects suitable for contestable and philanthropic funding, excluding NZTA funding.
15. To coordinate and make decisions on proposals, applications for external funding, and the distribution of Council funding and funding provided to Council for public art, recreational and community facilities, and amenity.



16. To develop policy, approve, and monitor implementation of plans and strategies in relation to the performance of Council's investments in the Domain Endowment Fund and strategic property.
17. To develop policy, approve strategies and plans for the sustainable use of Hamilton's natural resources, and to monitor their implementation as identified in this terms of reference.
18. To develop policy, approve strategies and plans for Council's corporate environmental sustainability, and to monitor their implementation.
19. To develop policy, approve strategies and plans for Council's biodiversity, and to monitor their implementation.

**Special Notes:**

- The Committee may request expert external advice through the Chief Executive as necessary.

**The Committee is delegated the following powers to act:**

- Approval of Reserve Management Plans.
- Performing the Council's functions, powers, and duties (excluding those matters reserved to the Council by law, by resolution of the Council or as otherwise delegated by Council) under the Burial and Cremation Act 1964 and the Reserves Act 1977.
- Approval of purchase or disposal of land for parks and reserves required for designated works or other purposes within the Committee's area of responsibility which exceeds the Chief Executive's delegations and is in accordance with the Annual Plan or Long Term Plan.
- Approval of applications for Council projects suitable for contestable and philanthropic funding.
- Approval of funding for recreational and community facilities and amenities in accordance with the Long Term Plan.
- Approval of public art proposals put forward by the community and/or Council in accordance with the Public Art Development Process and approved budget.
- Approval of the Heritage Fund grant allocation in line with the Heritage Plan.
- Approval of matters determined by the Committee within its Terms of Reference.
- Approval of acquisition or sale or lease of properties owned by the Domain Endowment Fund consistent with the Domain Endowment Fund Investment Policy, for any endowment properties. Note that if the Mayor and Chair consider that a final decision is more appropriately made by Council due to its significance, they may direct that and decision remains recommendatory, requiring ratification by Council.

**The Committee is delegated the following recommendatory powers:**

- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

**Recommendatory Oversight of Strategies:**

- Nature in the City
- Open Spaces Strategy
- Play Strategy
- Arts and Culture Strategy
- Age Friendly Plan
- He Rautaki Whakawhanake Hapori - Community & Social Development



**Recommendatory Oversight of Policies and Bylaws:**

- *Alcohol Control Bylaw*
- *Animal Nuisance Bylaw*
- *Citizens Initiated Referenda Policy*
- *City Honours Policy*
- *Class 4 Gambling Venue Policy*
- *Community Assistance Policy*
- *Community Occupancy Policy*
- *Cemeteries and Crematorium Bylaw*
- *Cultural and Recreational Facilities Bylaw*
- *Disability Policy*
- *Dog Control Bylaw*
- *Dog Control Policy*
- *Domain Endowment Fund Policy*
- *External Funding Applications Policy*
- *Monuments and Memorials Policy*
- *Naming of Roads, Open Spaces and Council Facilities Policy*
- *Open Space Provision Policy*
- *Parks, Domains and Reserves Bylaw*
- *Permanent Public Art Policy*
- *Provisional Local Alcohol Policy (if developed)*
- *Psychoactive Substances (Local Approved Products) Policy*
- *Prostitution Bylaw*
- *Public Places Bylaw*
- *Trading in Public Places Policy*
- *Safety in Public Places Bylaw*
- *Smokefree and Vapefree Outdoor Areas Policy*
- *TAB Board Venue Policy*



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**1 Apologies – *Tono aroha***

**2 Confirmation of Agenda – *Whakatau raarangi take***

The Committee to confirm the agenda.

**3 Declaration of Interest – *Tauaakii whaipaaanga***

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

**4 Public Forum – *Aatea koorero***

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for five minutes or longer at the discretion of the Chair.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Council Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6699.



# Council Report

Item 5

**Committee:** Community and Natural Environment Committee

**Date:** 18 February 2025

**Author:** Ash Rawiri

**Authoriser:** Amy Viggers

**Position:** Governance Advisor

**Position:** Governance Lead

**Report Name:** Confirmation of the Community and Natural Environment Committee Open Minutes 12 November 2024

<b>Report Status</b>	<i>Open</i>
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## Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Community and Natural Environment Committee confirm the Open Minutes of the Community and Natural Environment Meeting held on 12 November 2024 as a true and correct record.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Community and Natural Environment Committee Open Minutes 12 November 2024





**Community and Natural Environment Committee**  
***Te Komiti Haapori me te oranga o te Taiao***  
**OPEN MINUTES**

Minutes of a meeting of the Community and Natural Environment Committee held in Council Chamber and Audio-Visual Link, Municipal Building, Garden Place, Hamilton on Tuesday 12 November 2024 at 9:30am.

**PRESENT**

<b>Chairperson</b>	Cr Kesh Naidoo-Rauf
<b><i>Heamana</i></b>	
<b>Deputy Chairperson</b>	Cr Anna Casey-Cox
<b><i>Heamana Tuarua</i></b>	
<b>Members</b>	Deputy Mayor Angela O’Leary Cr Maxine van Oosten Cr Ewan Wilson Cr Mark Donovan (via Audio-Visual) Cr Louise Hutt Cr Andrew Bydder (via Audio-Visual) Cr Geoff Taylor (via Audio-Visual) Cr Sarah Thomson (via Audio-Visual) Cr Emma Pike Cr Maria Huata Cr Tim Macindoe Maangai Olly Te Ua

*Brother Rev Andrew McKean from the Anglican Church opened the meeting with a prayer.*

- 1. Apologies – *Tono aroha***  
**Resolved:** (Cr Naidoo-Rauf/Cr Casey-Cox)  
That the Community and Natural Environment Committee accepts the apologies for Mayor Southgate for (Council business) and for Cr Tauariki from full absence and from Cr Donovan from lateness.
- 2. Confirmation of Agenda – *Whakatau raarangi take***  
**Resolved:** (Cr Naidoo-Rauf/Cr Casey-Cox)  
That the Community and Natural Environment Committee confirms the agenda.
- 3. Declarations of Interest – *Tauaakii whaipanga***  
No members of the Committee declared a Conflict of Interest.
- 4. Public Forum – *Aatea koorero***  
**Neil Tolan** (Western Community Centre) spoke to Item 7 (Community Occupancy Applications) in support of the staff recommendation, in particular use of an unused sports changing room to create a new youth hub.



**Jackie Hart** (Progress to Health) spoke to Item 7 (Community Occupancy Applications) in support of the Staff recommendations and outlined the benefits of Karo Gardens, particularly for those with mental health challenges and disabilities.

**Emma Brookes** (Turn & Gymnastics Circle) spoke to Item 7 (Community Occupancy Applications) and noting the club's intention to join the proposed Eastlink Community Hub.

**Rena Schuster** spoke to Item 7 (Community Occupancy Applications) in support for Turn & Gymnastics Circle lease application.

*Cr Donovan joined the meeting (9.49am) during the discussion of the above item.*

**5. Confirmation of the Community and Natural Environment Committee Minutes 10 September 2025**

**Resolved:** (Cr Naidoo-Rauf/Cr Casey-Cox)

That the Community and Natural Environment Committee confirms the Open Minutes of the Community and Natural Environment Committee Meeting held on 10 September 2024 as a true and correct record.

**6. Chair's report**

The Chair spoke to her report and provided an overview of achievements in the Community and Natural Areas space over the last year.

**Resolved:** (Cr Naidoo-Rauf/Cr Casey-Cox)

That the Community and Natural Environment Committee receives the report.

**7. Community occupancy applications - Hamilton Cricket Association, Hamilton Radio Control Car Club, Progress to Health, Turn and Gymnastics Circle, Western Community Centre.**

The Team Leader - Sports & Community Facilities took the report as read.

**Resolved:** (Cr Wilson/Maangai Te Ua)

That the Community and Natural Environment Committee:

a) receives the report;

b) approves a new community group lease, under s54(1)(b) of the Reserves Act 1977, to **Hamilton Cricket Association Incorporated** for land area of 57m<sup>2</sup> at Galloway Park, as shown in Attachment 1, being Pt Allot 158 Town of Hamilton East, subject to the following terms and conditions:

i. Term – 15 years;

ii. Rent – \$48.09 plus GST per annum, in accordance with the Community Occupancy Policy; and

iii. All other terms and conditions in accordance with the Community Occupancy Policy and Guidelines.

c) approves a new community Licence to Occupy, under s54(1)(b) of the Reserves Act 1977, to **Hamilton Radio Control Car Club Incorporated** for land area of 3,000m<sup>2</sup> at Bristol Park, as shown on Attachment 2, being part of Lot 43 DPS 15960, subject to the following terms and conditions:



- i. Term – 5 years;
- ii. Rent – \$978.13 GST per annum
- iii. All other terms and conditions in accordance with the Community Occupancy Policy and Community Occupancy Guidelines; and
- d) approves a new community group lease, under s54(1)(b) of the Reserves Act 1977, to **New Progress Enterprises Charitable Trust** for land area of 2,958m<sup>2</sup> and clubhouse building area of 114m<sup>2</sup>, shed area of 54m<sup>2</sup> at Caro Park, as shown in Attachment 3, being Allot 429, Parish of Kirikiriroa, subject to the following terms and conditions:
  - i. Term – 10 years;
  - ii. Rent - \$1,642.55 plus GST per annum, in accordance with the Community Occupancy Policy; and
  - iii. All other terms and conditions in accordance with the Community Occupancy Policy and Guidelines.
- e) approves the transfer of ownership of the disused Council owned changing rooms and public toilets building at Elliott Park to **Western Community Association Incorporated** *as is and where is, without liability to Council*; noting that the asset and any improvements would revert to Council upon termination of the lease as per Reserves Act 1977 provisions.
- f) Subject to approval of d), approves grant a new community group lease, under s54(1)(b) of the Reserves Act 1977, to **Western Community Association Incorporated** for land area of 1,224m<sup>2</sup> at Elliot Park, as shown in Attachment 4, being Lot 2 DPS 330953, subject to the following terms and conditions:
  - i. Term – 15 years; and
  - ii. Rent – \$689.53 plus GST per annum, in accordance with the Community Occupancy Policy; and
  - iii. Special condition – licence area for storage container used as outdoor gym; and
  - iv. All other terms and conditions in accordance with the Community Occupancy Policy and Guidelines.
- g) notes that Western Community Association plan to redevelop the changing rooms and public toilet building into a bookable community space and youth hub.
- h) approves in principle support for **Turn and Gymnastics Circle Incorporated** to develop a gymsports facility at Lugton Park, noting that Eastlink Community Hub lease application including any sub-lease arrangements and the full gymsport facility development proposal will be reported back to the Committee.

*Deputy Mayor O’Leary left the meeting (10.04am) during the discussion of the above item. She was not present when the matter was voted on.*

#### 8. Civil Defence Emergency Management (CDEM) Quarterly Report

The Safety & Resilience Unit Director introduced the Response & Resilience Manager Robbie Hermann and he responded to questions from Members concerning the findings of recent National Emergency Management Agency review, Hikurangi Faultline data training, community resilience, and partnership opportunities with mana whenua.

**Staff Action:** *Staff undertook to facilitate Civil Defence and Emergency Management Foundation training for current Members and as part of future Member induction programmes.*



**Resolved:** (Cr Pike/Cr Hutt)

That the Community and Natural Environment Committee receives the report.

*Deputy Mayor O'Leary re-joined the meeting (10.16am) during the above item. She was present when the matter was voted on.*

**9. Destinations Group Update**

The General Manager Destinations spoke to the report and on the number of provided an update on visitors recorded for the month of October , success of charging at the Hamilton Gardens. Staff responded to questions from Members concerning Hamilton Gardens Café, accommodation at the Zoo, facilities hire for community groups, guided tour parties and donations in the Hamilton Gardens, restoration work on Claudelands grandstand, and delivery of the Waiwhakareke project.

**Staff Action:** *Staff undertook to provide Members with further information regarding community groups utilisation of discounts and H3 venues.*

**Resolved:** (Cr Naidoo-Rauf/Cr Casey-Cox)

That the Community and Natural Environment Committee receives the report.

**The meeting was declared closed at 11.19am.**

**Item 5**

**Attachment 1**



# Council Report

**Committee:** Community and Natural Environment Committee

**Date:** 18 February 2025

**Author:** Ash Rawiri

**Authoriser:** Amy Viggers

**Position:** Governance Advisor

**Position:** Governance Lead

**Report Name:** Chair's Report

<b>Report Status</b>	<i>Open</i>
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## Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Community and Natural Environment Committee receives the report.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Chair's Report





# Chair's Report

Teena koutou katoa,

Our teams within the Community and Natural Environment Committee have had a busy summer, supporting the community in staying cool, active, and connected. Councillor Kesh and I have also enjoyed spending time with our families and friends, visiting our amazing playgrounds, pools, libraries, and visitor destinations.



Here are some of highlights from our team, along with some very positive feedback and ongoing opportunities

## Destinations Group

Council's Destinations Group (H3 Venues, Hamilton Gardens, Te Whare Taonga o Waikato Museum & Gallery and Te Kaaroro Nature Precinct) have all reported strong summer visitation and activity on sites.



A special highlight was the marking of Waitangi Day at the newly refurbished Te Whare Taonga o Waikato. It was a wonderful, whaanau-friendly event, beginning with mihi and speeches from Kaumaatua Tame Pokaia, Mayor Paula, Te Haa o te Whenua, and Councillor Maria. All speakers emphasised the importance of unity and understanding our past to guide our future. A special highlight was the diverse range of performances, including Councillor Maria and her whanau as Te Haona Kaha. The upgraded museum entry and the new amphitheater provided a perfect gathering space, with the whare buzzing with community activity from 10 am to 5 pm.



Photo 1:  
Councillor Maria and her whaanau - Te Haona Kaha



Photo 2: Councillor Anna and Councillor Maria enjoy the sounds of Rākai Whauwhau (Councillor Maria's son-in-law)



### 10 out 10 for Cricket

Our Council Parks team has been given a 10 out 10 for their work to improve our Cricket grounds and provision this Summer. Our facilities have been described by users as outstanding. The pitch blocks are noted to be well-maintained, and the outfield, which were a point of concern in previous years, are now in excellent condition. Weekly training wickets have been provided and managed in a way that minimises wear on the facilities. Additionally, the new boundary markings are greatly appreciated.

Our team has also been commended for being super responsive. A few weeks ago, after some facilities were vandalised, HCC's parks on-call team responded within 30 minutes. They cleaned up and had everything in perfect condition before the visiting cricket team arrived. Well done to our Parks team on this excellent work and feedback.



Photo 1 and 2: Cricket pitches.

### Urban Jungles Visit

Councillor Sarah and I, along with members of the Resource Recovery team (Nicole Bradbury and Kate Leach) and the Parks team (Adrienne Walker and Leanne Tahu), visited Urban Jungles in Tamaki Makaurau. Local gardener Mark van Kaathoven has transformed the berms on his street and a nearby park into an urban jungle. He has now been asked by the council to replicate this in another nearby park to help reduce flooding risks.

Mark collaborates with local contractors, who drop off their green waste at the park rather than paying to dispose of it elsewhere. He uses layers of this green waste to create mulch, enrich the soil, and improve moisture retention. The result is stunning - everything looks much more lush and healthy, creating a beautiful space for the community to enjoy.





Photo: Listening to Mark explain the 1.5 metre mulch we are standing on and how this retains water and builds soil carbon.



Photos 2: Councillor Sarah and Anna standing alongside Mark's flourishing berm garden.

## Enviroschools

In January, we received the latest six-monthly report from Enviroschools. The Council funds Enviroschools in Kirikiriroa with \$50,000 per year, enabling facilitators to engage with over 20,000 students across 35 schools. With the rising cost of living, teaching our tamariki and rangatahi how to grow their own food and share it with the wider community remains a key focus.

Highlights from 2024 include upskilling teachers to grow kumara, enabling them to teach their students, working with Nawton Primary to grow vegetables for sharing with whaanau and the community, and supporting Te Tōtara Primary to expand their composting programme. Currently, Te Tōtara composts food waste from the school, a local preschool, a café, and a retirement village. It's inspiring to see the positive impact of this programme, which extends beyond the school grounds into our Council parks, shared spaces, and even the students' own backyards.



### Partner Pools

Our Partner Pools have continued to be popular this Summer, with many people flocking to the pools to beat the heat. These pools include those at Hillcrest Normal School, Fairfield College, Te Rapa Primary School, and Hamilton Boys' High School.

Our staff team is working hard to ensure the success of our Partner Pools. The Council is collaborating with Sport Waikato and Swim Waikato to explore ways to provide greater and more sustainable community pool access. This work will be reported back to the Council before the next Long-Term Plan (LTP). Ultimately, we aim for everyone in Kirikiriroa to have access to a nearby, affordable, and accessible place to cool down in summer.



Fairfield College Partner Pool - Summer 2024/25

**Recommendation:** That the Community and Natural Environment Committee receives the report

**Cr Kesh Naidoo-Rauf**, Chair, Community and Natural Environment

**Cr Anna Casey-Cox**, Deputy Chair, Community and Natural Environment



# Council Report

**Committee:** Community and Natural Environment Committee

**Date:** 18 February 2025

**Author:** Jude Addenbrooke

**Authoriser:** Helen Paki

**Position:** Parks & Recreation Manager

**Position:** General Manager Customer and Community

**Report Name:** Nature in the City Progress Update

<b>Report Status</b>	<i>Open</i>
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## Purpose - *Take*

1. To inform the Community and Natural Environment Committee on progress of the Nature in the City programme.

## Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Community and Natural Environment Committee receives the report.

## Executive Summary - *Whakaraapopototanga matua*

3. Over the last 18 months, the Nature in the City programme has focused on community engagement, planting projects and the developing systems. This has led to the planting of approximately 67,000 plants, engagement of 239 residents in gully restoration, completion of a baseline ecological inventory, fauna data collection and deployment of a site prioritisation tool.
4. The Hamilton Lake Water Quality Improvements project is underway. In January, new water quality monitoring equipment was installed to establish a baseline for future evaluations. Filters were also fitted to the 22 most critical catchpits.
5. The Waikato Biodiversity Accord, which is designed to bring multiple agencies together to develop a strategy to address biodiversity loss, has been drafted and Hamilton City Council has been invited to join as a signatory.
6. Staff consider the matters have a low significance and that the recommendations comply with the Council's legal requirements.

## Discussion - *Matapaki*

7. Nature in the City updates were provided to the Committee in [November 2021](#), [August 2022](#) and [August 2023](#). Initial efforts focused on programme set-up, capacity building and planning priority projects. The [August 23](#) update highlighted early restoration at priority sites, resident and community planting support, engagement and the development of programme systems, processes and tools.



### Programme Changes

8. During the 2024-2034 Long Term Plan, operating funding for Nature in the City was maintained. However, the funding for capital projects was reduced from the \$5.6M allocated in the previous LTP for the three years from 2024/25 to 2026/27 to a total of \$1.8M over those three years.
9. If funding continues at 2024-34 levels, it is anticipated 5% of the city will be planted by 2050. If funding is reduced for the first 3 years only then returns to the 2021-31 LTP allocation, 7.9% will be planted by 2050. New plantings will take at least 10 years to provide canopy cover.
10. Since the Long Term Plan decisions, Nature in the City staff have focused on completing capital projects at Donny Park - Kukutaaruhe gully and the separately funded Lake Water Quality Improvements. There has also been a focus on community engagement, data collection and maintenance of existing natural areas.

### Programme achievements over the last 18 months

#### *Community engagement and planting in partnership*

11. Nature in the City Natural Areas Rangers: Previous pest plant clearing enabled underplanting at existing natural areas sites. Staff rangers planted approximately 50,000 plants in 2023 season and 15,000 in the next. Rangers transported over 25,000 plants for community.
12. Site Management Plans: 64 site plans developed, providing a targeted approach to operational maintenance and restoration works.
13. Engagement with residents: 239 residents actively engaged in the gully restoration programme with strong connections made through provision of advice and plants. The total area under resident restoration increased from 24.2 hectares in 2022/23 to 28.4 hectares by December 2024. Over 6,000 plants are expected to be provided to participating landowners this financial year.
14. Volunteering: Volunteers contributed approximately 20,500 hours and planted approximately 67,000 plants in 18 months. Community events included Arbor Day at Waiwhakareke and NITC Plant-a-thon events at Hillcrest, Minogue and Sandford parks. Refer to Attachment 1 for map of areas planted by rangers, community and residents over the three seasons 2022-24.
15. Kids in Nature: Supported by funding from Ebbett Toyota, offering 14 educational modules about conservation and restoration, with over 100 educational opportunities were provided in 2024, resulting in over 5,000 volunteer hours.
16. Your Neighbourhood: Nature in the City is promoted at various events across the city, including Your Neighbourhood, Fairfield BioBlitz, Hillcrest Library school holiday event and Fairfield Skatepark opening.
17. NITC App: Launched in September 2023, featuring walking opportunities and resources to enjoy nature at 11 sites across the city. Over 4,000 downloads by December 2024, and the app is thought to have contributed to the 67% increase in visitor numbers to those sites (from 248,000 in the year before the app launched, to 414,000 in its first year). Site-specific results highlighted that Sandford Park, Donny Park and Mangaiti Gully had higher visitor numbers due to NITC-related activities and new pathways.
18. Predator Control: Standards for predator control finalised. Predator control undertaken in Jubilee Bush to protect ornate skinks, and in Sandford Park/Mangakotukutuku Gully to protect bat and bird populations. NITC predator control complements community efforts in Hammond Park (Riverlea Environmental Society) and in Mangaiti, Kukutaarahu and Mangaonua gullies.



**Priority site restoration and associated works**

19. Kukutaaruhe - Donny Park: Restoration and community access works completed in 2023/24, and an interpretive featuring a Paataka established. An opening ceremony was held in November 2024.



*Paataka blessing, new pathway and boardwalk opening ceremony, November 2024*

20. Mangaiti Gully and Mangaonua Gully: Collaboration across development projects to support the long-term maintenance and ecological sustainability of native plantings, including Ngati Haua Mahi Trust planting and maintenance within Mangaonua Gully.

**Programme systems, processes and tools**

21. Ecological Inventory: City-wide ecological inventory in 2023/24. Native vegetation concentrated in gullies, river slopes and in Waiwhakareke Natural Heritage Park. Attachment 1 of this report includes a map of the dominant vegetation. A large proportion of native canopy contains pioneer exotic species. Without intervention, these areas may quickly transition to exotic canopies.
22. A vegetation plot network to track biodiversity progress is being established across the main vegetation types.
23. Site Prioritisation Tool: The tool uses ecological data to create indicators for prioritising sites, ensuring effective resource allocation and maximising ecological and community benefits. It has also enabled the inclusion of cultural criteria based on Maatauranga Maaori principles. Mana whenua may choose to engage independently using a Maatauranga Maaori framework. Discussions on options are in early stages.
24. Fauna Surveys: The Hamilton City Bird Counts survey (Maanaki Whenua, part-funded by Nature in the City) is complete, with reporting due in early 2025. eDNA surveys found Giant Kokopu in 14 of 16 gully stream samples, traces of mudfish in Mangakotukutuku Gully, and 15 native and 9 exotic fish species citywide. The 2024 Hamilton City Wide Bat Survey (Project



Echo, part-funded by Nature in the City) showed the southern city has a strong bat presence. See **Attachment 2** presence map.

25. *Gully Restoration Guide*: The guide, produced 20 years ago, was reviewed and updated for 2024 release in hardcopy and online. However, release hasn't occurred due to loss of community engagement funding.

#### **Hamilton Lake Water Quality Improvements project**

26. Lake Rotoroa (Hamilton Lake) is the largest of three city lakes, impacted by its urban catchment. The lake is used for recreation activities and provides a high amenity value to the community who along with other stakeholders have aspirational goals for continued enhancement of the lake water quality.
27. A report previously commissioned to assess mitigation approaches, identified from a long list of options two capital-funded actions that could be confidently progressed based on feasibility and potential effectiveness:
  - i. Install new monitoring equipment in January 2025 to gather technical data, establishing a baseline to understand seasonal trends and factors that influence the lake's water quality and evaluate future initiatives and improvements. It will also support a public dashboard on lake health due to go live in late February 2025.
  - ii. Reduce phosphorus from leaf debris in stormwater by fitting filters to 22 critical catchpits, with quotes for installing filters to additional catchpits and filter maintenance being sought.

#### **Waikato Biodiversity Accord**

28. The Waikato Biodiversity Accord is a collective agreement to develop a regional biodiversity strategy, led by Waikato Regional Council. Hamilton City Council has been invited to join, along with iwi, territorial authorities, Department of Conservation, Ministry for Primary Industries, and QEII National Trust.
29. Joining has no direct cost but requires staff time for collaboration, providing access to key partners for advancing the Nature in the City Strategy. The Accord aligns with Hamilton City Council's strategies and does not restrict statutory powers.

#### **Options**

30. There are no options available for Committee to consider as this report is for information purposes.

#### **Financial Considerations - *Whaiwhakaaro Puutea***

31. This is a regular operating activity funded through the Long-Term Plan.

#### **Legal and Policy Considerations - *Whaiwhakaaro-aa-ture***

32. Staff confirm that the Nature in the City strategy and this report complies with the Council's legal and policy requirements.

#### **Climate Change Impact Statement**

33. Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation. Staff have determined no adaptation assessment is required. Staff have determined no emissions assessment is required.



34. The increase in native vegetation cover under the Nature in the City Strategy will help to improve air quality, reduce impacts of climate change (in particular, the temperature increases associated with an inland urban environment), and mitigate extreme events such as droughts and floods. Specific projects within the programme will complete assessments to ensure they adequately respond to any climate change risk.

### **Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga***

35. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
36. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
37. The recommendations set out in this report are consistent with that purpose.

#### **Social**

38. Nature in the City Strategy contributes to social wellbeing of Hamiltonians by enhancing the environment that Hamiltonians live, work and play within.
39. Research indicates that spending time in nature, particularly through recreation, increases physical and mental wellbeing. Areas of native forest and vegetation within an urban environment provide opportunities for respite and reduce stress levels for those who spend time in nature.
40. Restoration of natural areas creates more opportunities to connect with nature. When people connect with nature, they are more likely to take action to protect nature, which in turn results in more people undertaking ecological restoration.

#### **Economic**

41. Nature in the City Strategy works contribute to increasing the natural capital of Hamilton city. Natural capital, which includes renewal and non-renewable natural resources, provides the city with a range of ecosystem services or goods that support our economy. Research has quantified the economic value of such services, but this has not yet been applied specifically to Hamilton.
42. Economic benefits also ensue from the delivery of native restoration activities: staff undertaking work; contractors engaged for planting and maintenance; and volunteers participating. Programme funding is injected into the local economy through wages, the cost of services and purchase of plants, equipment, and other supplies.

#### **Environmental**

43. A key focus of the strategy is the environmental wellbeing of Hamilton. Restoring Hamilton's gully systems will provide greater ecological resilience for the city through the improvement of green infrastructure.
44. Nature in the City contributes to other organisational objectives by using ecological processes to mitigate and adapt to the impacts of climate change and reduce pollutants being discharged to air and water.

#### **Cultural**

45. The strategy contributes to cultural wellbeing of Hamiltonians through the principle of "ko au te whenua, te whenua ko au", where human interconnection with the land is recognised. A healthy environment contributes to the physical, mental and emotional health of people.



46. The programme aims to develop a holistic approach to urban native restoration that includes both western science and Maatauranga Maaori. This provides mana whenua with avenues for cultural reconnection and contributes to them being able to uphold their responsibilities for ensuring the cultural safety and well-being of the people who choose to live within their rohe.
47. Mana whenua are now represented on the Technical Advisory Group for Nature in the City, and early discussions on ways to involve mana whenua in the prioritisation of sites for restoration are underway.

### **Risks - *Tuuraru***

48. Previous risk workshops identified known risks to the NITC programme. These used to be reviewed by the NITC Programme Board for mitigation and management, and the Board would escalate risks to senior leaders or elected members should the likelihood and criticality exceed set tolerances.
49. Given the current deferral of capital, the capital works programme and Programme Board are in abeyance. A review of the previous programme management plan and the associated governance structures is being undertaken with the intention of re-instating appropriate structures and processes prior to the recommencement of capital projects.

### **Significance & Engagement Policy - *Kaupapa here whakahira/anganui***

50. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.
51. Community views and preferences are already known to the Council through engagement undertaken with the development of the Nature in the City strategy.

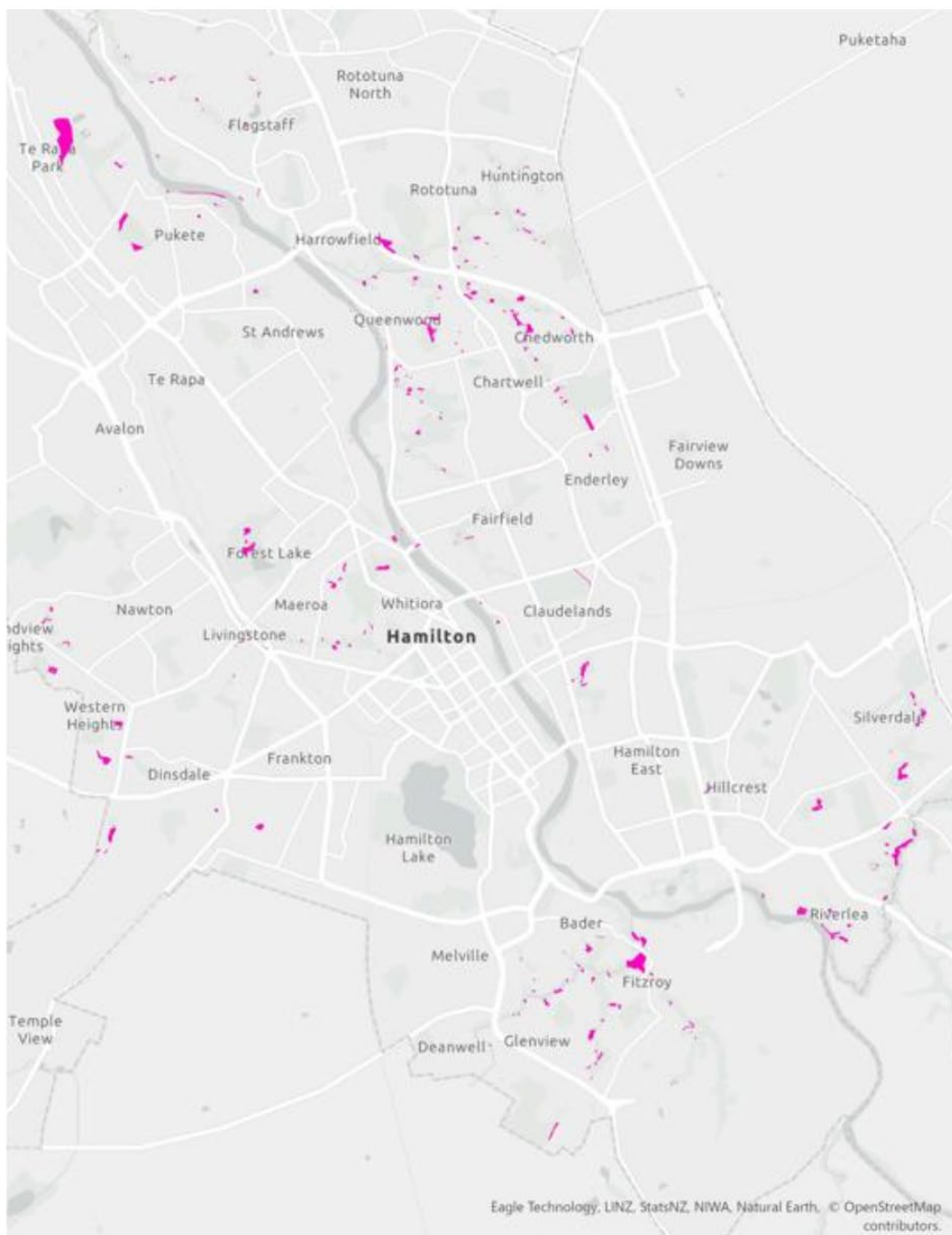
### **Attachments - *Ngaa taapirihanga***

Attachment 1 - Community Engagement and Planting in Partnership

Attachment 2 - Programme systems, processes and tools

Attachment 3 - Waikato Biodiversity Accord



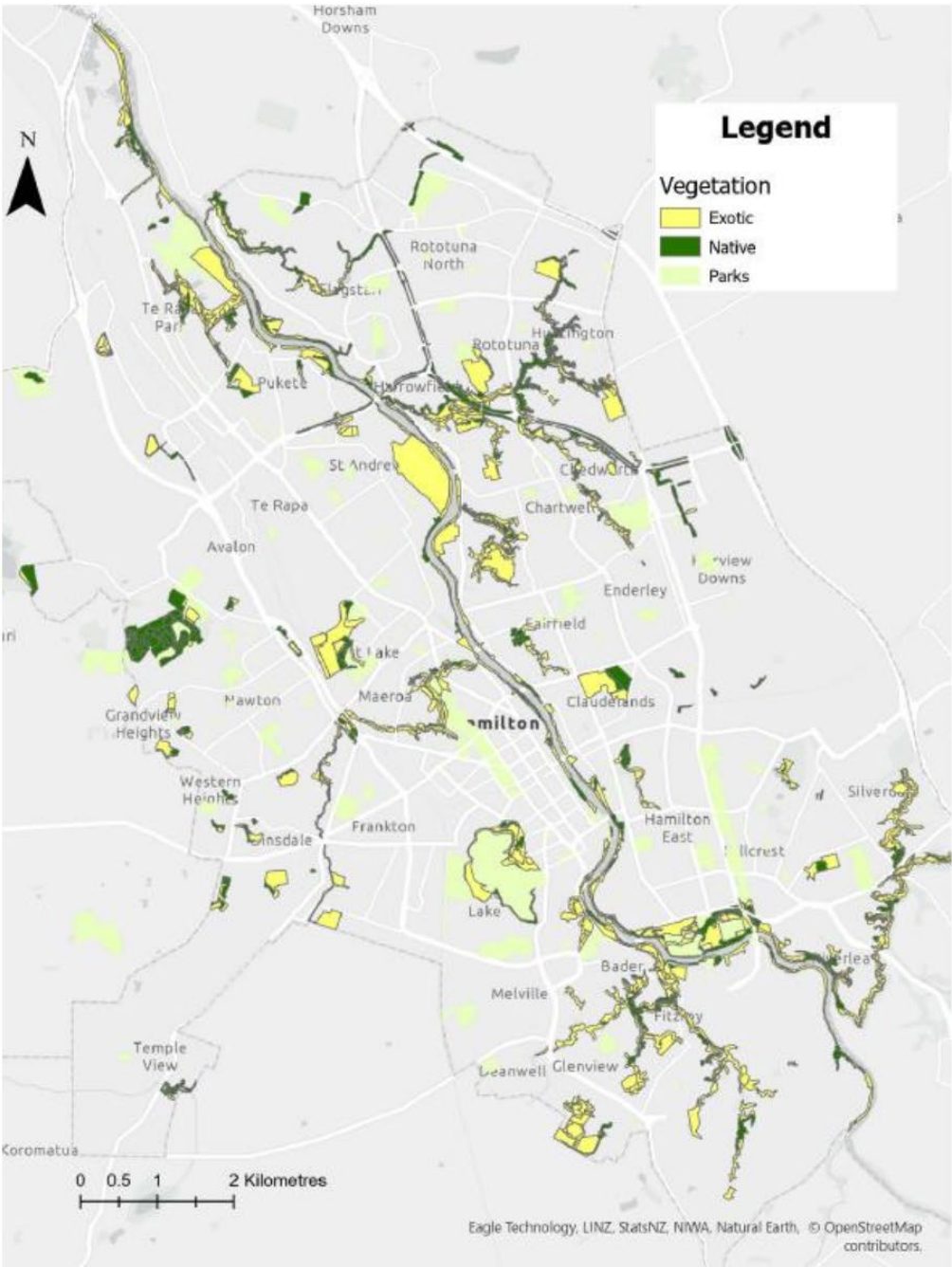
**Attachment 1 - Community engagement and planting in partnership**Natural Areas planting

*Map of planted areas 2022-2024 by rangers, community and residents*



Attachment 2 - Programme Achievements - systems, processes and tools

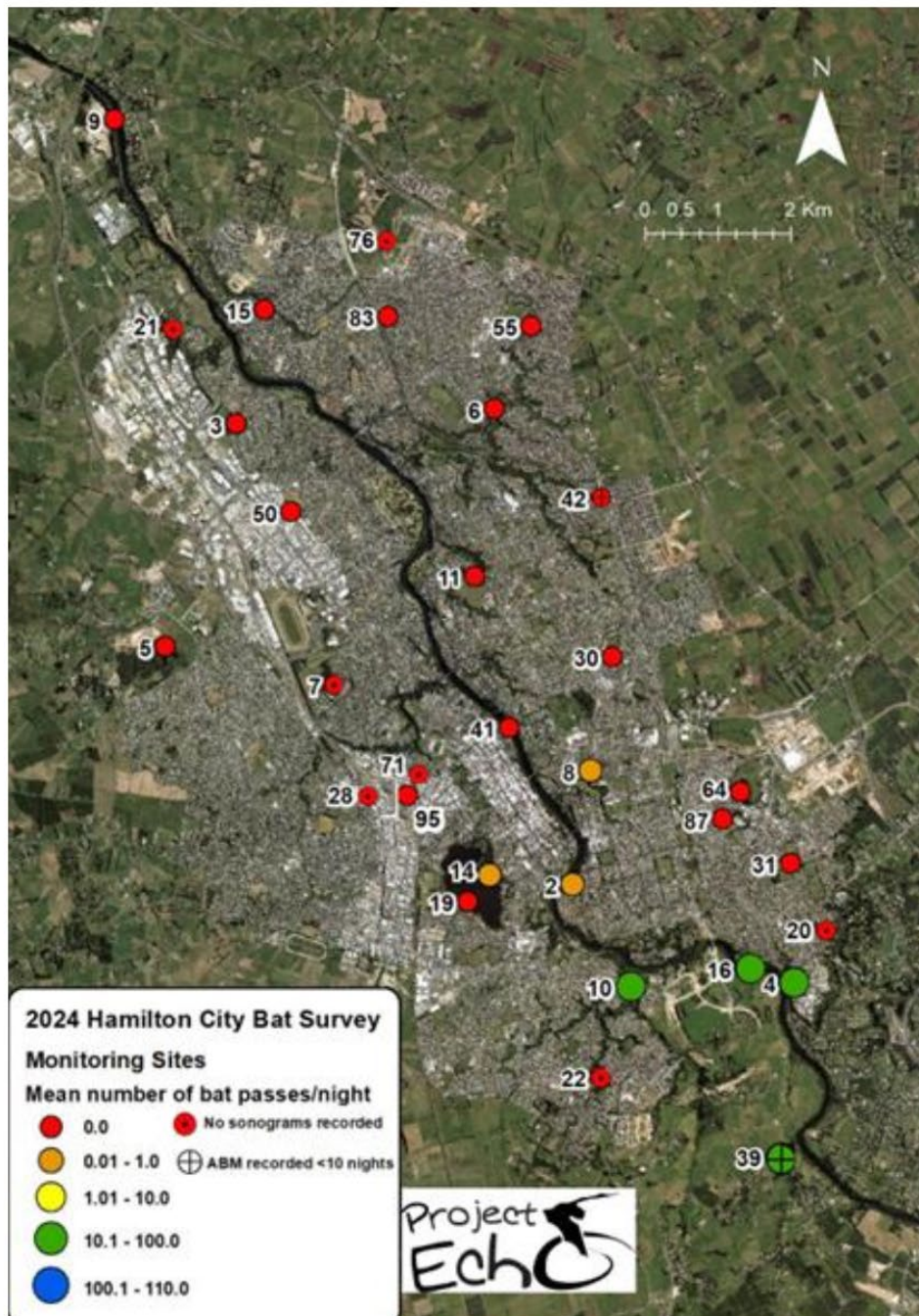
Ecological Inventory – dominant vegetation



Hamilton City dominant vegetation map, identifying the 2.5% native vegetation cover



Fauna Surveys – Bat survey:



2024 Bat Survey results showing bat presence concentrated in the Southern area of the city.





# Kawenata Rerenga Rauropi ā-Rohe o Waikato **Waikato Biodiversity Accord**

*Ehara taku toa i te toa takitahi, engari he toa takitini*  
*My strength is not as an individual but as a collective*







## Te aronga Purpose

The Waikato Biodiversity Accord brings together organisations with the common goal of creating and putting into action a regional biodiversity strategy. The Accord signatories share a commitment towards maintaining and restoring the full range of ecosystem types to ensure healthy, functioning indigenous biodiversity in the Waikato region.

The Accord is a voluntary agreement and is not legally binding. It does not restrict any person in the exercise of any power or discretion under any statute.

The Accord and the regional biodiversity strategy will be reviewed every five years.

## Tangata whenua me te Kawenata Tangata whenua and the Accord

The principal iwi groups in the Waikato region are Waikato, Ngāti Maniapoto, Raukawa, Hauraki, Te Arawa, and Ngāti Tūwharetoa. These groups include many related iwi and hapū.

The Māori worldview recognises that all parts of te taiao (the environment), both living and non-living, possess spiritual qualities. These qualities are known as tapu, mauri, mana, and wairua. Whakapapa (genealogy) connects and binds tangata whenua to the environment. The Accord recognises the mana of tangata whenua and their role as kaitiaki to safeguard indigenous biodiversity. Kaitiakitanga, inherited through whakapapa, ensures tangata whenua maintain this intergenerational guardianship over their rohe.

The care and protection of te taiao inherent in kaitiakitanga does not preclude using resources in a sustainable way. This traditional resource management knowledge (a component of mātauranga Māori) and responsibilities passed down through generations are all part of this inter-connected relationship.

The environmental management plans of various iwi within the Waikato region highlight a commitment to restoring and protecting natural and cultural heritage through traditional knowledge and modern scientific methods.

The Accord signatories acknowledge that local iwi and hapū have a strong cultural interest in protecting and sustainably managing biodiversity in the Waikato region. While these interests may differ by iwi, hapū and rohe (tribal area), the partners seek to reflect these interests in both the principles of this Accord and in the regional biodiversity strategy framework.



## Ngā mātāpono Principles

The following principles will guide the actions of signatories to this Accord:

### Te Tiriti o Waitangi and treaty settlements as a foundation

We acknowledge that tangata whenua are kaitiaki at place and that they wish to exercise their tino rangatiratanga (authority and self-determination) over their land. We respect their mana, kawa, tikanga, mātauranga and whakapapa.

The Accord honours the deep connection between tangata whenua and the natural world through whakapapa. It will ensure that mātauranga Māori informs our biodiversity vision while upholding tikanga (protocols) and addressing historical breaches of Māori land rights. We are guided by the principles of partnership, protection, participation and shared decision-making.



Hāpaitia te ara tika e pūmau ai te rangatiratanga  
mō ngā uri whakatipu  
**Foster the pathway of knowledge to strength,  
independence and growth for future generations**

### Collaboration and partnership

Shared responsibility, working together, and forming partnerships are essential for maintaining, restoring and enhancing indigenous biodiversity.

Nā tō rourou, nā taku rourou ka ora ai te iwi  
**With your food basket and my food basket,  
the people will thrive**

### Integrated and coordinated approach

We will achieve a greater positive impact on habitat connectivity and ecological integrity by coordinating our collective efforts, resources, expertise, funding and actions (including working within resource and financial constraints) beyond administrative boundaries.

Mā te rongo ka mōhio; mā te mōhio ka mārāma; mā te  
mārāma ka mātau; mā te mātau ka ora  
**Through resonance comes cognisance; through  
cognisance comes understanding; through  
understanding comes knowledge; through  
knowledge comes life and wellbeing**

### Honesty, trust and accountability

Transparency, honesty, and accountability will be maintained in all biodiversity management actions and decisions. This includes respecting the interests and mandates of all signatories.

Tā te tika ka hua, tā te pono ka toha  
**From truth comes growth, from honesty  
comes generosity**

### Inclusiveness and participation

All signatories will be involved in and participate in delivering actions to foster a sense of collective responsibility for managing indigenous biodiversity.

Ehara taku toa i te toa takitahi, engari he toa takitini  
**My success is not the work of one, but the work  
of many**

### Long-term commitment and adaptability

We need a long-term, inter-generational and adaptable strategy that is regularly reviewed to acknowledge the need for sustained effort and flexibility when circumstances change.

Ko te pae tawhiti, whāia kia tata; ko te pae tata,  
whakamaia kia tina  
**Seek out distant horizons and cherish  
those you attain**



## Anga a te Rautaki Rerenga Rauropi ā-Rohe Regional Biodiversity Strategy Framework

The Accord signatories will develop a collaborative regional biodiversity strategy. This strategy will have community buy-in and meet the statutory requirements under the National Policy Statement for Indigenous Biodiversity and the Waikato Regional Policy Statement. The strategy will:

- Set out a landscape-scale vision and holistic approach to the restoration<sup>1</sup> of indigenous biodiversity. This will provide the overarching direction for local indigenous biodiversity strategies and other relevant plans, policies and strategies required or provided for in legislation.
- Be achievable in practice across the region for the benefit of the full range of regional ecosystems.
- Record the actions intended to promote the maintenance and restoration of the full range of regional ecosystems<sup>2</sup> for current and future generations, including the prioritisation of areas of high biodiversity value while considering all biodiversity values and ecosystem services.
- Recognise the interactions between people and species, the connections between rural and urban environments, and the connections across ecological districts.
- Recognise biological and physical connections within, and between the terrestrial environment, fresh water and the coastal marine area (a “ki uta ki tai – mountains to the sea” approach).
- Consider and promote the wider benefits of protecting biodiversity, such as protecting taonga and wāhi tapu, improved water quality, healthier freshwater habitats, carbon sequestration, hazard mitigation, biosecurity and amenity values.
- Recognise and involve treaty partners, whānau, hapū, iwi and Māori organisations as central leaders in the biodiversity system.
- Acknowledge the historical barriers faced by tangata whenua and respect their right to prioritise development over indigenous biodiversity protection in certain situations, as per their exercise of kaitiakitanga and rangatiratanga.
- Explore incentives for private landowners and Māori landowners as kaitiaki of indigenous biodiversity.
- Include effective community actions to build knowledge, skills and capability, empowering people to be active guardians of biodiversity.
- Provide for actions that increase resilience to the biological and environmental changes associated with climate change.
- Follow an efficient and effective strategy development and implementation process that recognises the varying capacity and resource constraints of the Accord signatories and wider community to participate and enables sharing of costs and leveraging of resources across partner organisations.



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<sup>1</sup> As defined in Section 1.6 Ministry for the Environment (2023) *National Policy Statement for Indigenous Biodiversity*

<sup>2</sup> As defined in Section 1.6 Waikato Regional Council (2016) *Waikato Regional Policy Statement: Te Tauāki Kaupapahere Te-Rohe O Waikato*



Te oati  
Commitment

We, the undersigned, commit to actioning the Accord’s principles and regional biodiversity framework to strengthen our collaboration and build a strategy to improve the indigenous biodiversity of the Waikato region.

Ngā kīwai  
Accord partners

Iwi partners



Pare Hauraki



RAUKAWA



TE ARAWA RIVER  
IWI TRUST



TE KOTAHITANGA  
o Ngāti Tūwharetoa



Te Kaitiaki



TŪWHARETOA  
MAORI TRUST BOARD



WAIKATO  
TAINUI

Local and regional authorities



Hamilton  
City Council  
Te kaunihera o Kirikiriroa



HAURAKI  
DISTRICT COUNCIL



Te kaunihera ā-rohe o  
matamata-piako  
district council



Ōtorohanga  
District Council



ROTORUA  
LAKES COUNCIL  
Te Kaunihera o ngā Roro o Rotorua



South  
Waikato  
District  
Council



GREAT LAKE TAUPŌ  
Taupō District Council



THAMES  
COROMANDEL  
DISTRICT COUNCIL



Waikato  
District Council  
Te Kaunihera āi Takiwā o Waikato



Waikato  
REGIONAL COUNCIL  
Te Kaunihera ā Rohe o Waikato



Waipā  
DISTRICT COUNCIL



Waitomo  
District Council

Agencies



Department of  
Conservation  
Te Papa Atawhai



Ministry for Primary Industries  
Manatū Ahu Matua



QE II National Trust  
For open space in New Zealand  
Ngā Kaitiaki Pūkeko

The Waikato Biodiversity Accord is a living document – anyone who is passionate about biodiversity and wants to commit to maintaining and restoring indigenous biodiversity in the Waikato region can join at any time.



## Ngā mahere taiao a ngā iwi – ngā whāinga Iwi environmental management plans – ambitions and goals

The iwi environmental management plans within the Waikato region aim to achieve a healthy and sustainable environment for all by combining traditional knowledge with contemporary practice and working together. The key focus areas include:

- Biodiversity and Habitat Restoration: All plans address the protection of native plants and animals, restoring and reconnecting habitats, and managing threats like habitat loss, invasive species, and land degradation.
- Freshwater Management: Protecting and restoring rivers, streams and wetlands is a common goal, as clean water is vital for a healthy environment.
- Collaboration: All plans emphasise the importance of working together with government agencies and communities to achieve sustainable environmental outcomes.

### Hauraki iwi

Mauri Hauraki Whānui is about protecting and improving the mauri (life force) of ecosystems, habitats, species, and natural resources in the Hauraki region. Their goals include:

- Protecting historical sites, places, landscapes, and traditional knowledge.
- Supporting the kaitiaki role of Hauraki Whānui.
- Making informed decisions about the environment and heritage based on tikanga.
- Building partnerships that uphold the Treaty of Waitangi.
- Raising community awareness about the contributions of Hauraki Whānui to environmental management and heritage protection.

#### Whāia te Mahere Taiao o Hauraki – Hauraki Iwi Environmental Management Plan

- Aims to protect the natural and cultural heritage of the Hauraki rohe over 50 years.
- Focuses on restoring wetlands and forests which are crucial habitats for native species and “in a way that reconnects the ngahere so that the food supply, habitat and ecosystems of Tāne Mahuta are increased and plentiful” (p.17).
- Recognises the need to work alongside government and the community for effective environmental stewardship.

### Ngāti Maniapoto

Ngāti Maniapoto have always maintained their mana whakahaere (authority) to manage their rohe according to their kawa and tikanga. Their rohe includes their land, mountains, rivers, water (especially the Waipā River), flora and fauna and other taonga (treasures). These resources have their own mauri, which reflects the spiritual and physical wellbeing of Maniapoto.

For biodiversity, “the protection and enhancement of indigenous species and their genetic diversity, and the habitats and ecosystems that support them are essential to the health and wellbeing of Maniapoto and the exercise of rangatiratanga and kaitiakitanga” (p.89).

#### Ko Tā Maniapoto Mahere Taiao - Maniapoto Environmental Management Plan

- Focuses on maintaining, enhancing, restoring and protecting native species and ecosystems.
- Promotes the development of inter-connected networks of indigenous habitats and ecosystems, regional biodiversity conservation initiatives and monitoring frameworks.
- Sets clear goals to protect biodiversity and recognises the importance of working with national and local government in a way that recognises the relationship that Maniapoto have with natural heritage and biodiversity including traditional uses.







## Ngāti Tūwharetoa

Ngāti Tūwharetoa are descendants of ancestors who have lived in the Taupō region since arriving on the Te Arawa waka. Their whakapapa connection to their land and taonga gives them mana whenua (authority over the land), kaitiakitanga, and rangatiratanga, including the right to manage their relationship with their land and taonga.

Ngāti Tūwharetoa are represented by two governance entities that work as kaitiaki to protect and improve the mauri and physical and spiritual health of their environment, including Taupō Waters and the Waikato River.

### Ngāti Tūwharetoa Environmental Iwi Management Plan

- Integrates traditional values with modern practices to protect the mauri (life force) of tribal taonga.
- Focuses on protecting biodiversity and habitats, addressing land degradation and invasive species
- Aims to “assert and exercise tino rangatiratanga and kaitiakitanga of ngā hapu o Ngāti Tūwharetoa over ngā otaota me ngā aitanga kararehe within the Ngāti Tūwharetoa rohe” (p.38).
- Encourages creating connections between ecosystems and ensuring “that the views of ngā hapu o Ngāti Tūwharetoa are an integral part of all initiatives that seek to maintain and enhance biodiversity” (p.38).

### Te Kaupapa Kaitiaki - Taupō Catchment Plan

- Highlights Ngāti Tūwharetoa’s commitment to protecting biodiversity in their rohe.
- Focuses on sustainable land and water management practices that recognise the interrelationship between land, water and biodiversity.
- Aims to reverse biodiversity decline through restoration, protection, and addressing climate change impacts whilst recognising the need for landowners to use their land.
- Emphasises collaboration and partnerships to achieve these goals.

## Raukawa

Over many generations, Raukawa developed tikanga that show deep respect for their land, plants, animals, and all living things within it. Their tikanga says that if people take care of the environment, the environment will take care of them in return.

As kaitiaki in their rohe, Raukawa has a special responsibility under tikanga to protect, preserve, and sustainably manage their natural and cultural resources. Their goal is a future where cultural, social, environmental, and economic wellbeing are balanced for everyone in their tribal area.

### Te Rautaki Taiao a Raukawa - Raukawa Environmental Management Plan

- Combines traditional knowledge and modern science to care for the environment.
- Aims to create, restore, enhance and protect native plants and animals and their habitats, including addressing issues like habitat fragmentation and invasive species.
- Emphasises collaboration with local authorities and other stakeholders to share resources and knowledge.





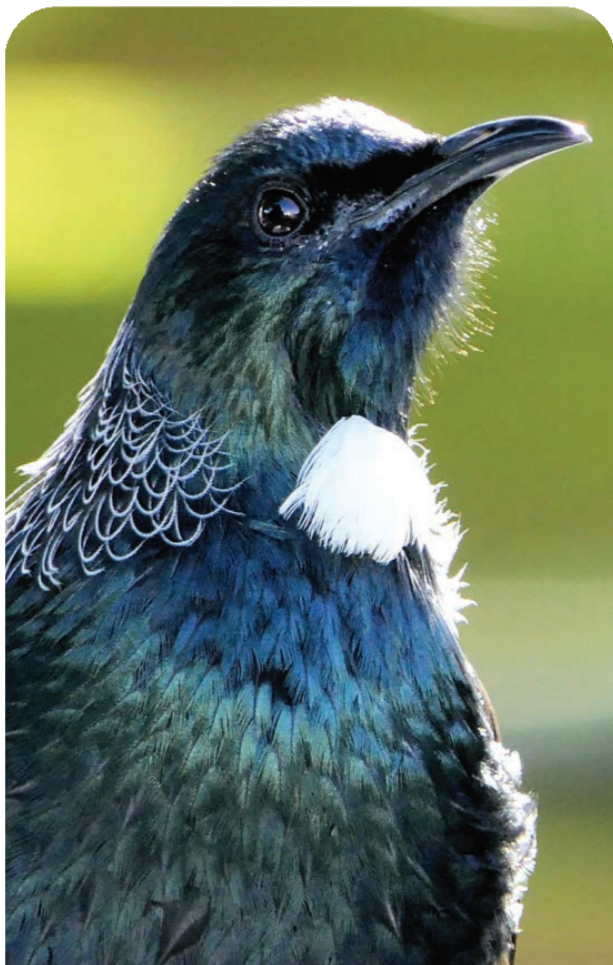
## Te Arawa River Iwi

The Waikato River, from its source to its mouth, is a taonga of great significance to Te Arawa River Iwi: Ngāti Tahu-Ngāti Whaoa, Ngāti Kearoa Ngāti Tuarā and Tūhourangi Ngāti Wāhiao. It includes the water, banks, beds, streams, tributaries, lakes, fisheries, vegetation, wetlands, floodplains, islands, springs, geothermal areas and mauri.

Te Arawa River Iwi has a cultural, historical, traditional, and spiritual connection to the Waikato River. This connection gives them a responsibility to protect the river and its mauri, following tikanga to ensure its wellbeing. They continue to exercise their mana whakahaere and customary rights as kaitiaki of the Waikato River within their rohe.

### Te Arawa River Iwi Trust (TARIT) Environmental Plan

- Prioritises restoring and protecting the Waikato River's health and wellbeing, particularly the upper river catchment.
- Advocates for no further degradation and protection of native plants and animals, lakes, wetlands, riparian river margins, geothermal taonga, mahinga kai and the connections between them.
- Emphasises working with agencies and landowners to lead or be involved in mana taiao projects and incorporate customary knowledge to achieve environmental goals and balance development needs with protection.



## Waikato-Tainui

For Waikato-Tainui, mana whakahaere has long been exercised under the mana (prestige) of the Kiingitanga. Mana whakahaere embodies the authority that Waikato-Tainui have established in respect to the environment and they view the holistic integrated management of all elements such as flora and fauna, land, air and water as of utmost importance. Management of resources, including the fisheries and lands, is done in a sustainable manner guided by mātauranga, tikanga and kawa.

To Waikato-Tainui, the Waikato River is a tupuna (ancestor) which has mana, and in turn represents the mana and mauri (life force) of the tribe. The river has its own mauri, its own spiritual energy and its own powerful identity. It is a single indivisible being. The health and wellbeing of Waikato-Tainui and its special relationship with the Waikato River is inherently connected with the health and wellbeing of the Waikato River. To this end, Te Ture Whaimana o te Awa o Waikato – the Vision and Strategy for the Waikato River is of paramount importance as it identifies abundant life and prosperous communities as the positive consequence of a healthy river. It is intended to be the primary direction-setting document for the Waikato River and activities within its catchment that may affect the river, including effects on water quality and indigenous flora and fauna.

The principle of co-management, as set out in Waikato River Settlement Act 2010 and the Kiingitanga Accord, includes the highest level of good faith engagement and consensus decision-making. This includes maintaining positive, co-operative and enduring relationships with other agencies, and early and effective engagement when developing strategies and other instruments that may potentially impact on the health and wellbeing of the Waikato River.

### Tai Timu Tai Pari Tai Ao – Waikato-Tainui Environmental Plan

- Takes a holistic approach, aiming to restore the environment to its former healthy state as observed by King Taawhaio.
- Seeks to ensure that the full range of Waikato ecosystem types found throughout the Waikato-Tainui rohe are robust and support representative native flora and fauna.
- Addresses key threats to biodiversity, such as habitat loss and pests and the impacts on the ability of Waikato-Tainui to provide for their environmental, social, cultural, spiritual and economic aspirations.
- Emphasises using traditional knowledge alongside modern methods for pest management and biosecurity.
- Recognises the importance of collaboration with others to achieve environmental goals, including the involvement of Waikato-Tainui in local indigenous biodiversity strategies.



# Council Report

Item 8

**Committee:** Community and Natural Environment Committee

**Date:** 18 February 2025

**Author:** Paul Blewman

**Authoriser:** Kelvin Powell

**Position:** City Safe Operations Manager

**Position:** Safety and Resilience Unit Director

**Report Name:** Outdoor Dining and Public Places

<b>Report Status</b>	Open
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## Purpose - *Take*

1. To seek approval from the Community and Natural Environment Committee to continue the application of the current fees for outdoor dining activity.

## Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Community and Natural Environment Committee:
  - a) receives the report; and
  - b) approves the continued application of the current fees and charges for Outdoor Dining and Public Places.

## Executive Summary - *Whakaraapopototanga matua*

3. The Public Places Bylaw 2016 was created to regulate trading activity in public places, promote public health and safety and minimise potential for offensive behaviour in public spaces. The bylaw also sets the permitting regime for a range of trading activities including outdoor dining.
4. Outdoor dining contributes to a vibrant city and revitalisation of urban spaces, while also allowing cafes and restaurants to utilise public spaces and expand their capacity for revenue generation.
5. The bylaw permits Council to charge fees for permits, including fees to process an application, to review an existing approval, and to inspect activities and charges for the period of that approval.
6. Hamilton City Council collected revenue of \$9,630 from 109 permits for Outdoor dining that were issued during the 2023/24 year.
7. Tables and Chairs can pose a Health and Safety risk on footpaths particularly for those with disabilities.
8. Staff recommend that the current permitting and fee arrangement continues.
9. Staff consider the matters have a low significance and that the recommendations comply with the Council's legal requirements.



## Background - *Koorero whaimaarama*

10. A mechanism to regulate trading activity in public spaces across the city is an essential tool to encourage vibrant urban spaces alongside prevention of nuisance and to ensure equitable and safe use of these spaces for all members of the community. The Public Places Bylaw 2016, and it's associated Trading in Public Places Policy, is one of these tools.
11. The Public Places Bylaw has been in existence since 2009 and covers a range of trading activities in our public spaces and ranging from outdoor dining and footpath signs, through to mobile food trucks and e-scooter operations.
12. Council has previously temporarily removed fees for outdoor dining for a fixed period in the aftermath of Covid 19 to support and encourage business growth and activity for a sector who was heavily impacted by the pandemic.
13. The current Bylaw is on the legislative review programme and is scheduled to be reviewed in February 2026.
14. Public Paces Bylaw, Section 7, states a permit must be held to undertake trading in a public place or collect donations for charity or erect a sign in, on or over a public place. Fees for trading activities are set by Elected Members as part of the annual fees and charges review. Fees have always been charged for trading activity in our public places.

## Discussion - *Matapaki*

15. Members have requested a report to the Community and Natural Environments Committee to give consideration to stop charging for outdoor dining permitting with a view to encouraging a more vibrant city with activated street hospitality.
16. The rationale for charging a fee for outdoor dining permits include:
  - i. To recoup some of the cost to council to process, issue and manage permits required under the Bylaw.
  - ii. To provide for monitoring and compliance of the use of Tables and Chairs within the public space. This can and does produce hazards for others using those spaces. Some examples are those with disabilities, sight impairment being one or using mobility devices or prams.
  - i. To recognise there is a value to the public space used.
17. The Trading in Public Places Policy, Section 3, states that in applying the purposes of the Bylaw, Council decisions will take into account the following principles. Public spaces should:
  - i. Provide culinary, entertainment and art experiences that generate activity and vibrancy.
  - ii. Be attractive, clean and safe.
  - iii. Promote a welcoming image of Hamilton to residents and to visitors.
  - iv. Facilitate easy access for pedestrians and cyclists.
  - v. Provide spaces for people to gather for activities or social engagement and interaction; and
  - vi. Strengthen the existing function of public space locations.
18. Council has previously offered a 'fee holiday' to hospitality businesses post Covid to help businesses recover. At the Council meeting on 2 December 2021 Council resolved to:
  - i. refund all fees that had been paid for outdoor dining permits for the 2021/22 year; and



- ii. issue all new outdoor dining permit applications or extensions, without fees and charges, through to 30 June 2022
  - iii. Fees and Charges were reintroduced from 1 July 2022
19. Hamilton City Council currently has 109 permits issued for outdoor dining activity with a projected fee income of \$9,630 for this year (\$31pa per table and chairs and a one off \$96 administration fee).
  20. Hamilton City Council also issued 220 Footpath Sign Permits which generated fee income of \$24,708.
  21. The fee charged for a footpath sign is \$123 per sign plus a one-off administration fee of \$96. Vendors seeking permits for both outdoor dining and footpath signs only pay a single administration fee. The fees charged for footpath signs in Hamilton are mid table when compared against other metropolitan cities.
  22. Hamilton fees for outdoor dining are some of the lowest when reviewed against other metropolitan cities in the country. While Hamilton applies outdoor dining fees based on a flat rate per table, most other metropolitan Councils apply their fee schedule based on a per square metre rate with 1 table and four chairs equating to 2 square metres.
  23. Staff have compared our fees with Tauranga City Council who have recently reviewed their fees and charges for these services:
    - i. After consultation last year, Tauranga City Council resolved to introduce a new set of outdoor dining rules intended to create a fairer and more consistent approach and protect footpaths for pedestrians. This came into effect on 1 July, 2024 and resolved an inequity where some Tauranga businesses were subject to the fees and permits while Mount Maunganui businesses were not.
    - ii. Tauranga Council waived charges for the latter half of 2024 and offered an 80% rebate with no administration fee for the first half of 2025 to reflect “difficult trading conditions” in the city and cost-of-living issues impacts on hospitality. A comparison with how that compares with Hamilton has been included in the financial section below.

## Options

24. Staff have assessed that there are three reasonable and viable options for the Community and Natural Environment Committee to consider. This assessment reflects the level of significance (see paragraph 12) and although the revenue is not significant it does contribute to the overall revenue. The options are set out in the options table below.

<b>Option 1</b>	Retain the fees currently charged
<b>Option 2</b>	Amend the fees charged
<b>Option 3</b>	Remove the fees

25. Staff recommend option 1 because it removes the need to cover costs from other sources of revenue.

## Financial Considerations - *Whaiwhakaaro Puutea*

26. While it is understood that some businesses would prefer to not pay for the use of public space, no business has withdrawn their application for an Outdoor Dining Permit stating the fee charged as a reason. It is not known if more businesses would utilise urban spaces if there was no charge. If there were to be an increase in the uptake of urban space as a result of not charging, it is important to note there would also be an increase in compliance monitoring with no financial offset. There was no noticeable uptake in applications for Outdoor dining permits during the 2021/22 year when permit fees were waived for a period of time.



27. If the fees for outdoor dining are removed or discounted, this would have an impact on the user pays model that the fees have been established on and increase the rate payer contribution to fund the administration and monitoring of this service.
28. It is staff's view that the low annual fee of \$31 per table (plus a fixed admin fee of \$96) strikes a fair balance between encouraging use of public space and partially offsetting the cost of compliance to ensure safety and accessibility. We currently recover approximately 100% of the administrative costs involved in administering and processing applications.
29. If the recommendation is not approved the \$10k the council currently receives from issuing the permits for Dining in Public Spaces will be lost. While this is not a significant revenue amount, it does contribute to overall revenue. Revoking these fees would make it difficult for any future Council to reintroduce or increase charges in a more economically viable environment.
30. This is a regular operating activity funded through the Long-Term Plan.
31. The below table provides a comparison of Hamilton City Councils fees and charges relating to outdoor dining compared to other Metro Councils. Noting an assumption that 1 table equals 2 square meters has been used as an approximate for comparison purposes only.
32. Our fees cover the administration of the annual application, and the monitoring required to support the application and ensure businesses are complying with the relevant bylaws.
33. Other Metro Councils who have split their fees into zones and may have different rates depending on location across the city. Hamilton has one set fee for all applications and the fees comparison has been calculated based on the Metro's City rates due to the majority of our applications being in the Central City or Hamilton East.
34. The permit business activity, which includes outdoor dining, has a funding source of 80-100% cost recovery model based on the LTP funding and revenue policy, this includes all permitting activities and applications such as outdoor dining, signs, merchandise, mobile shops, personal hire devices and busking. The fees have been set and calculated based on the cost of these activities for processing applications and the inspection and compliance requirements required to monitor them.
35. Revenue from outdoor dining fees generates approximately \$9,630, based on 109 permits issued, and any changes to the fees for this activity will have an impact on the funding model and may require other activities, or the general rate, to recover this cost.

<b>Hamilton City Council – Fees and Charges 2024/25</b>	
Admin Fee	\$96
2 x tables and chairs	\$62
Total fee for outdoor dining permit	\$158

<b>Tauranga – Fees and Charges 2024/25</b>	
Admin Fee*	\$0
Inner City [based on 2 square meters]	\$160
Total fee for outdoor dining permit	\$160
<i>*Noting from 2025/26 an administration fee of \$500 will apply and currently all fees have been discounted in 2024/25 so this amount will be much higher</i>	

<b>Auckland Council – Fees and Charges 2024/25</b>	
Rental Fee	\$339
City Centre [based on 2 square meters]	\$446
Total fee for outdoor dining permit	\$785

<b>Wellington City Council – Fees and Charges 2024/25</b>	
Application Fee [existing lease]	\$119



Lease fees [based on 2 square meters]	\$226
Total fee for outdoor dining permit	\$345
<b>Christchurch City Council – Fees and Charges 2024/25</b>	
Charging regime is based on the leased area and a percentage of the prime rental rate	
30% of prime rental rate	0m <sup>2</sup> to 30m <sup>2</sup>
A minimum annual charge will apply	\$600

### Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

36. Staff confirm that this decision complies with the Council's legal and policy requirements.

### Climate Change Impact Statement

37. Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation. Staff have determined no adaptation assessment or emissions assessment is required.

### Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

38. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
39. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
40. The recommendations set out in this report are consistent with that purpose.

### Social

41. Outdoor dining provides the opportunity for individuals, their families, whaanau, iwi, hapuu to enjoy their dining experience outdoors. It provides the opportunity to interact with those passing by.

### Economic

42. Providing use of the public space allows businesses to expand their operational footprint. This provides the opportunity to produce further revenue than the indoor component of their business.

### Environmental

43. There is limited environmental impact from the businesses that use the public space with additional tables and chairs.

### Cultural

44. No cultural impact report has been produced on this report as it is focused on the fees charged. There is no change to the permit conditions.

### Risks - *Tuuraru*

45. There are no known risks associated with the decisions required for this matter. There is risk of not choosing a staff recommendation of been considered in the financial section



**Significance & Engagement Policy - *Kaupapa here whakahira/anganui***

46. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.
47. Given the low level of significance determined, the engagement level is low. No engagement is required.

**Attachments - *Ngaa taapirihanga***

There are no attachments for this report.



# Council Report

Item 9

**Committee:** Community and Natural Environment Committee

**Date:** 18 February 2025

**Author:** Narelle Waite

**Authoriser:** Helen Paki

**Position:** Strategy and Policy Advisor

**Position:** General Manager Customer and Community

**Report Name:** Animal and Dog Control review programme - Deliberations and request for approval

**Report Status**

*Open*

## Purpose - *Take*

1. To inform the Community and Natural Environment Committee on the outcomes of the Animal Nuisance Bylaw, Dog Control Bylaw and Dog Control Policy reviews.
2. To seek a recommendation from the Community and Natural Environment Committee that the Council adopts the Draft Animal Nuisance Bylaw 2013 (amended 2025), Draft Dog Control Bylaw 2015 (amended 2025), and Draft Dog Control Policy.

## Staff Recommendation - *Tuutohu-aa-kaimahi (Recommendation to Council)*

3. That the Community and Natural Environment Committee:
  - a) receives the report; and
  - b) recommends the Council adopts:
    - i. the Hamilton City Animal Nuisance Bylaw 2013 (amended 2025) (**Attachment 1**) in force from 31 March 2025;
    - ii. the Hamilton City Dog Control Bylaw 2015 (amended 2025) (Attachment 2) in force from 1 July 2025; and
    - iii. (iii) the Dog Control Policy (Attachment 3) effective from 1 July 2025;

## Executive Summary - *Whakaraapopototanga matua*

4. Staff have reviewed the Animal Nuisance Bylaw 2013, Dog Control Bylaw 2015, and Dog Control Policy. The three documents are the regulatory functions that support operational practice and enforcement for Council's Animal Education and Control unit.
5. The review identified opportunities for minor amendments to the Animal Nuisance Bylaw and moderate amendments to the Dog Control Policy and Dog Control Bylaw. The proposed amendments reflected feedback from staff, key Council and community stakeholders and Council's Maaori partners.
6. Consultation with the community was undertaken in late 2024, of the 308 Submitters, most agreed with Council's key proposed amendments. Taking this feedback into consideration, these amendments are included in the final drafts.



7. At the Regulatory and Hearings Committee meeting on [4 December 2024](#), Members requested education, fees, enforcement, parks infrastructure, and cat management information.
8. Staff recommend **Option 2** - adopt the Draft Animal Nuisance Bylaw, Draft Dog Control Bylaw, and Draft Dog Control Policy as discussed in the Options section below.
9. Staff consider the decisions in this report have low/medium significance and that the recommendations comply with Council's legal requirements.

### **Background - *Koorero whaimaarama***

10. Council has undertaken a review of the Animal Nuisance Bylaw 2013, Dog Control Bylaw 2015 and Dog Control Policy in accordance with legislation (s159 Local Government Act 2002, s10 Dog Control Act 1996 (the Act)).
11. Background information about the Bylaws and Policy, and the review process is available to read in the [determination report](#) and [request for consultation report](#).
12. Public consultation was undertaken from 18 September - 18 October 2024 to hear feedback on the proposed drafts and verbal submissions were heard at the 4 December 2024 Regulatory and Hearings Committee.

### **Discussion - *Matapaki***

13. Council received 292 submissions for the Dog Control Bylaw and Dog Control Policy, and 172 submissions relating to the Animal Nuisance Bylaw. Seven people provided verbal submissions at the hearing.
14. A full discussion and analysis of feedback received can be read in the [4 December 2024 Regulatory and Hearings Committee](#) report, and a full list of responses to key themes heard through the consultation process is available as **Attachment 4** of this report.
15. The following addresses the matters raised by members at the hearing.

### **Part 1: Dog Control Bylaw and Policy Deliberations**

16. Review of the Dog Control Bylaw 2015 and Dog Control Policy found they were meeting the needs for effective dog control in Hamilton City. However, opportunities identified for improvements were:
  - i. removing the annual renewal requirement for multiple dog permits,
  - ii. increasing the overall provision of off lead dog exercise areas, and
  - iii. adding a minimum standard for the housing of dogs.
17. Submitters largely supported these proposals with all four questions gaining majority support from submitters.

#### ***Education***

18. Education was a key theme from submitters, who noted the importance of dog owners and non-dog owners alike improving their understanding of dog behaviour, owner obligations, and Council's policies.
19. The policy states Council will *take an education first approach with dog owners to enhance the knowledge and skill of dog owners...* This approach to education is currently fulfilled as a regular operating activity undertaken by staff as a portion of their roles.
20. Council delivers education through a range of mechanisms, including newsletters and web content, attendance at community events (e.g., Your Neighbourhood), day-to-day interactions with staff and members of the community, and providing dog safety education to businesses/organisations when staff availability allows.



21. The specifics of how education is delivered sits outside the scope of the Dog Control Policy and Bylaw. However, consultation provided an opportunity for the community to share their preference for a stronger focus on education, and Members requested feedback on what education delivery may look like with a dedicated educational officer.
22. A dedicated education officer could add offerings including dog safety education for school and community groups, developing dog safety materials, developing a programme to deliver educational messaging across a range of platforms, liaising with vets, doctors, dog walkers, etc. to improve reporting of dog control incidents to Council, and increase community outreach on all animal control matters.
23. This would require an additional FTE (approx. \$81k) and materials which is not budgeted (noting this could also be a part-time function dependent on scope of role). There is no opportunity to extend the education focus within the current Animal Control FTE without seeing a negative impact on other services which are high priority. Staff will continue to deliver education services through existing opportunities and availability.
24. Obedience training of dogs falls outside of scope for what Council delivers. Dog training is a service provided by many local businesses.

***Fees and funding for dog-related community amenities (fenced off lead areas)***

25. The option to discount registration fees for neutered dogs was raised during consultation. There is currently no discount for neutering. Current discounts are for early payment and good behaviour (e.g., [no impounding or infringements required during the year](#)).
26. Fees are evaluated and set annually to ensure the fees respond to Council's policy statement to use fee categories to *incentivise responsible dog ownership*, which could include neutering if deemed appropriate during fee review.
27. Members further queried what services dog owners are provided for their contributions. Dog owners pay annual registration fees. These fees partially cover the costs to operate Animal Education and Control (40-60% as set out in Council's Revenue and Financing Policy). General rates paid by the community (including dog owners) also pay into these operational costs in recognition of the benefit provided to the wider community (e.g., managing nuisance complaints, improving public safety, and services concerning all other animals).
28. Fencing off lead exercise areas was a regular topic in the submissions. Fees and charges paid by dog owners do not pay for these park features. However, feedback heard from both dog owners, and non-dog owners expressed a desire for more fenced dog parks in the city. This may indicate an interest from the wider community for parks projects that improve dog access areas.

***Enforcement***

29. The SPCA submission advocated Council consider developing a process for Menacing dog classification to be revoked (if appropriate).
30. Legal advice received on this matter is that the Act does not allow for revocation/review of dog classifications. The Act does allow a person to object annually to a dog owner Disqualification, and therefore appears to be intentional in not extending the ability to object to dog classifications.
31. Members also queried the discretion of the Dog Control Panel to classify a dog as menacing. Breed classification is required by the Act, but behavioural classifications are discretionary. The Draft Dog Control Policy states this discretion is to be based on *the circumstances of the event, any injury or damage related to the event, the history and behaviour of the dog, the history and behaviour of the owner, and any steps taken to prevent the event happening again*.



### ***Disability assist dogs***

32. Members requested clarity on Council's responsibility concerning disability assist dogs and issues of access.
33. The extended access rights of disability assist dogs is protected by the Act. Council complies with these requirements and the Policy and Bylaw state that prohibited areas exclude working dogs (which includes disability assist dogs).
34. Animal Education and Control have received no complaints relating to disability assist dogs. However, a speaker at the hearing, a user of an assistance dog, noted the discrimination he and others have faced. Staff have reached out to the speaker and are working with them to develop some educational messaging for business owners and members of the public.

### **Part 2: Animal Nuisance Bylaw Deliberations**

35. Review of the Animal Nuisance Bylaw 2013 found that the Bylaw was meeting the needs for effectively managing nuisance caused by the keeping of animals. Therefore, only minor amendments were proposed to improve clarity and to be clear that animal cages or buildings must be kept on the owner's private property.
36. Submissions received largely supported this proposal with 81% in support, 8% opposed, and 11% did not have a view.
37. One addition to the Bylaw preamble states that Council encourages *people to follow the best practice standards of caring for animals, including the microchipping and/or neutering of companion animals*. This statement does not form part of the actual Bylaw itself.
38. Five submitters including the SPCA and Companion Animals NZ (CANZ) requested Council consider developing a Cat Management Bylaw to require the microchipping and desexing of companion cats.

### ***Cat management***

39. Members requested more information on what effect a cat management bylaw may have in Hamilton.
40. Cat nuisance in Hamilton was considered early in the review, however Hamilton City Council has few cat-related complaints (more than 99% of all nuisance complaints are related to dogs).
41. Some Councils (8) have opted to respond to cat management issues with bylaws. Cat management bylaws set rules requiring cats to be desexed, microchipped and registered on the New Zealand Companion Animal Register, which is operated by Companion Animals New Zealand (CANZ). The intent of these bylaws is to reduce unwanted domestic cat litters to help reduce the stray cat population, and to easily reunite companion cats with their owners if lost.
42. An analysis of the potential impacts of a bylaw is available in **Attachment 5**. Due to the current legislative limitations, Staff consider that a cat management bylaw would have limited effectiveness.
43. National cat legislation would be needed for Council to receive registration fees to support compliance and enforcement, and to give Council the mandate to manage stray cats.
44. There is currently little data about the cat population in Hamilton. Unwanted domestic cat litters do increase the stray cat population, but whether this impact is significant compared to stray cat litters is also not well studied.
45. Members also asked if a cat management bylaw would affect the need for a cat desexing grant, Staff consider a bylaw would not reduce the need for a local cat desexing grant.
46. Council's cat desexing grant funds local charities' cat desexing projects. The current grant is \$50,000 available annually and is budgeted in the LTP until 2026/27.



47. CANZ give out a desexing grant through the CATNZ trust. This grant is \$100k annually, awarded in \$10k amounts across New Zealand. No priority appears to be given to applicants in regions with bylaws.

## Options

48. Final drafts of the documents (Animal Nuisance Bylaw 2013, Dog Control Bylaw 2015 and Dog Control Policy) are provided with this report as attachments. The final drafts maintain all key changes proposed during consultation, as each proposal received majority support. However, the final drafts include minor changes to respond to feedback concerning clarity.
49. Staff have assessed that there are three reasonable options for the Community and Natural Environment Committee to consider. These options are set out in the table below.

<b>Option 1 (status quo) – maintain the existing Bylaws and Policy</b>	<p><b>This option would propose to maintain the current Animal Nuisance Bylaw, Dog Control Policy and Dog Control Bylaw without any amendments.</b></p> <p><b>Not making the proposed amendments would mean that opportunities for improvement identified through the review (including the community input heard through consultation) would not occur.</b></p>
<b>Option 2 (recommended) – adopt the Draft Bylaws and Policy</b>	<p>The Draft Animal Nuisance Bylaw 2013 (amended 2025), Draft Dog Control Bylaw 2015 (amended 2025), and Draft Dog Control Policy will be recommended to the Council for adoption.</p> <p>The proposed changes to the Animal Nuisance Bylaw will be in force from 31 March 2025.</p> <p>The proposed changes to the Dog Control Bylaw and Dog Control Policy will be in force from 1 July 2025 to align with the schedule of fees.</p> <p>Opportunities for improvement identified through the review will be incorporated into the Policy and Bylaws.</p>
<b>Option 3 – do nothing and cause the Bylaws to be revoked</b>	<p>The review would cease, the Draft Animal Nuisance Bylaw, Draft Dog Control Bylaw and Draft Dog Control Policy would not be adopted.</p> <p>This would cause the Animal Nuisance Bylaw to be revoked in May 2025. The Dog Control Bylaw would also risk revocation May 2027.</p> <p>This option would leave Council with no bylaws to set rules to support manage animal nuisance.</p> <p>In the case of Dog Control, Council would breach the Dog Control Act 1996, risk enforcement action taken against Council, and no longer be able to enforce dog control non-compliance.</p>

50. Staff recommend **Option 2** because it responds to the opportunities found for improvement during the review programme and each proposed key change received majority support during community consultation.



51. Considering the impact on fees categories, staff recommend the Dog Control Bylaw 2015 (amended 2025) come into force on 1 July 2025. It is also recommended that the effective adoption date for the Dog Control Policy be set as 1 July 2025; noting that the Dog Control Bylaw *must come into force no later than the 60th day after the adoption of the policy* (section 10(6)(a) DCA 1996).

## **Financial Considerations - *Whaiwhakaaro Puutea***

### ***Animal and dog control review programme***

52. The reviews are regular operating activities funded through the 2024-34 Long-Term Plan.
53. The costs incurred to date, including consultation, and finalising the review, are within the estimated costings of \$45k. These costings include staff hours to progress review (200-250 hours), engagement and consultation costs (\$8k), which include contractor costs, design, public notice and media placements, mailout, and printing.

### ***Information only financial considerations concerning community feedback***

54. Submissions heard from the public included feedback out of scope of the proposals in the Draft Policy and Bylaws. The below provides further detail to help provide a broader understanding of the financial implications of the activities discussed during consultation and hearings.
55. This is for information only and does not relate to or impact the decisions in this report.
56. If Council were to respond to requests for a larger focus on education, it is likely to require an increase in personnel (approx. \$81k). Members requested detail on the work deliverable by a dedicated animal education officer which is provided in paragraph 22. This may be the appropriate response to increasing education, but this has not been evaluated formally.
57. Council currently has one fenced dog park developed in 2020/21. The anticipated cost to develop another fenced area in an off-lead dog exercise area would be anticipated to cost approximately \$400k, dependant on ground quality, size, and amenity offerings.
58. The cost to develop a Cat Management Bylaw would be approximately 100 staff hours and \$3k-\$5k in direct costs. However, the cost to implement and enforce a bylaw is more difficult to calculate as it has the potential to increase resourcing needs as well as a possible capital project to renovate a cattery to hold seized cats for a possible maximum of six months.

## **Legal and Policy Considerations - *Whaiwhakaaro-aa-ture***

59. Staff confirm that the staff recommendation complies with Council's legal and policy requirements.

## **Climate Change Impact Statement**

60. Staff have assessed this option against the Climate Change Policy for both emissions and climate change adaptation. Staff have determined no adaptation assessment or emissions assessment is required.

## **Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga***

61. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
62. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.



63. The recommendations set out in this report are consistent with that purpose.

### **Social**

64. This programme of review is an opportunity to ensure Council best supports the social wellbeing of Hamiltonians by ensuring individuals, family, and whaanau can safely care for animals including dogs.
65. The Dog Control review assessed equitable access to public spaces for dogs and their owners to provide for a sense of belonging and social inclusion that builds strength within community networks. Feedback indicated the proposed inclusion of new off lead areas would meet this expectation. Submitters also requested investment in fenced dog parks to support the principle of equitable access for parks users.
66. The review also accounts for the rights of the Community to feel safe in public spaces without fear of attack, intimidation or nuisance caused by animals.

### **Economic**

67. Review of the Bylaws provides opportunity for the community to provide feedback on fees and other costs that can be taken into consideration. Feedback received indicated some interest in extended discounts for additional responsible dog ownership behaviours, like neutering.

### **Environmental**

68. Safe keeping of Animals contributes to environmental wellbeing by ensuring that animals are not causing nuisance or disruption to Hamilton's natural environment.
69. Adjacent to the Dog Control policy and bylaw review, staff have identified updates to the Off Lead Dog Exercise and Prohibited Areas Register, these areas, having considered the appropriateness of the environment and alignment with our existing reserve plans and strategies.

### **Cultural**

70. Differing customs, values and beliefs will determine varied perceptions of animals within Hamilton's communities. The animal and dog review programme of work sought to recognise the value of animals within the community with an appreciation for the inherent differences in cultural significance of animals.
71. Review of the Bylaws provided an opportunity for alignment with He Pou Manawa Ora, and staff have sought input from Council's Maaori partners through the drafting process and the consultation.

### **Risks - *Tuuraru***

72. If the staff recommendation is not approved and the review is not completed, the Animal Control Bylaw risks being revoked in May 2025, as per legislative requirements (s160A, LGA).
73. Without the Bylaws it will be more difficult to effectively manage processes and protocols of our Animal Control unit. In continuing to have the Bylaw, Council will minimise non-compliance risk and reputational risk.
74. Unmanaged risk can lead to non-compliance with relevant legislation and may result in enforcement action on Council (including prosecution).



## **Significance & Engagement Policy - *Kaupapa here whakahira/anganui***

### **Item 9**

- 75. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of the matter(s) in this report.
- 76. There is a statutory requirement to consult as per legislation outlined below.
- 77. Sections 156 of the Local Government Act 2002 and Section 10 of the Dog Control Act 1996 provides direction on the level of public engagement required throughout the review process. Having assessed the requirements under the acts, staff consulted in line with section 83, 83A, and 86 of the LGA 2002.
- 78. Community feedback heard during the consultation period was reported to the 4 December 2024 Regulatory and Hearings Committee meeting.

## **Attachments - *Ngaa taapirihanga***

Attachment 1 - Animal Nuisance Bylaw 2013 (amended 2025) Final Draft.

Attachment 2 - Animal Nuisance Bylaw 2013 (amended 2025) Final Draft - track changed.

Attachment 3 - Dog Control Bylaw 2015 reviewed 2025 Final Draft.

Attachment 4 - Dog Control Bylaw 2015 (amended 2025) Final Draft - track changed.

Attachment 5 - Dog Control Policy Final Draft.

Attachment 6 - Dog Control Policy Final Draft - track changed.

Attachment 7 - Consultation feedback and responses for the Animal and Dog Control review programme.

Attachment 8 - Potential impacts of developing a cat management bylaw.



Hamilton City Council

BYLAWS



Approved By: Council	Date Adopted: 23 May 2013
Date In Force: 1 July 2013	Reviewed: 20 March 2025
<b>Version history:</b> Section 6.3 amended 1 November 2013 Amendments adopted by resolution of Council on 20 March 2035 and come in force 31 March 2025.	Next review date: 20 March 2035

Hamilton City Animal Nuisance Bylaw 2013

(amended 2025)

*Ture-aa-rohe Kararehe Poorearea*

This bylaw is made by Hamilton City Council pursuant to the Health Act 1956 and the Local Government Act 2002 and any amendments to those acts.

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1. Preamble

- 1.1. Hamilton City Council recognises the wellbeing benefits of keeping animals. People who keep animals must comply with animal welfare regulations and Council encourages people to follow the best practice standards of caring for animals, including the microchipping and/or neutering of companion animals.

Keeping animals has the potential to cause problems. This bylaw has been developed to protect the community from nuisance and support the maintenance of public health and safety.

*(Note: the above preamble does not form part of this bylaw and is intended to be read as an introductory note)*

2. Short title, commencement and application

- 2.1. This bylaw may be cited as the Hamilton City Animal Nuisance Bylaw 2013 (amended 20XX).  
2.2. This bylaw shall apply to the keeping of animals in the district of Hamilton City.  
2.3. The bylaw comes into force on 1 July 2013.  
2.4. Amendments to this bylaw come into force on XX XXX XXXX.

3. Purpose

- 3.1. The purposes of this bylaw are:
- a) protecting the public from nuisance,
  - b) protecting, promoting, and maintaining public health and safety; and
  - c) regulating the keeping of animals.

4. Compliance with other acts

- 4.1. This bylaw is in addition to, and should be read in conjunction with, relevant legislation, regulations and guidelines for maintaining public health, keeping animals, animal welfare and agricultural practices. Persons who keep animals must comply with the requirements of the National Animal Welfare Advisory Committee (NAWAC) of the Ministry for Primary Industries Manatū Aha Matua for animal welfare issued under the Animal Welfare Act 1999 (Act), and any other applicable legislation, regulations or bylaws.

5. Definitions

- 5.1. In this bylaw except where inconsistent with the context:

<b>Animals</b>	Means any live member of the animal kingdom that is: <ul style="list-style-type: none"><li>a) a mammal; or</li><li>b) a bird; or</li><li>c) a reptile; or</li><li>d) an amphibian; or</li><li>e) a fish (bony or cartilaginous); or</li><li>f) any octopus, squid, crab, lobster, or crayfish (including freshwater crayfish); or</li><li>g) any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order in Council, to be an animal for the purposes of the Act; and includes<ul style="list-style-type: none"><li>a) any mammalian foetus, or any avian or reptilian pre hatched young, that is in the last half of its period of gestation or development; and</li><li>b) any marsupial pouch young;</li><li>c) bees; but</li></ul></li></ul> Does not include: <ul style="list-style-type: none"><li>a) A human being; or</li><li>b) Except as provided in (b) or (c) of this definition, any animal in the pre-</li></ul>
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## Hamilton City Council BYLAWS



Item 9

Attachment 1

	natal, pre-hatched, larval, or other such development stage; c) A dog.
<b>Authorised officer</b>	Means an employee or contractor of the Hamilton City Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this bylaw, and includes a Police Officer and any enforcement officers appointed and warranted by Council under the Local Government Act 2002.
<b>Council</b>	Means Hamilton City Council.

**Nuisance** Without limiting the meaning of the term nuisance, a nuisance shall be created by an animal causing unreasonable trouble or annoyance, or unreasonable interference with the peace, comfort or convenience of any person or persons.

Without limiting the meaning of the term “nuisance”, the following situations shall be deemed a nuisance:

- a) Where any accumulation or deposit is in such a state or so situated as to be offensive.
- b) Where any cages, buildings or premises used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive.
- c) Where any noise emitted by an Animal that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person.

### 6. Keeping of animals

- 6.1. Every person who owns or keeps any animal on private property must ensure that the animal:
  - a) Does not create a nuisance to any person; and
  - b) Is kept in conditions that do not create a nuisance to any person.
- 6.2. Cages, buildings, or premises used for the keeping of animals must be within the boundaries of the owner’s private property.
- 6.3. No person shall keep a rooster in any part of the district of Hamilton without the prior written approval of an authorised officer. Approval if given may be subject to conditions.
- 6.4. Without limiting clause 6.1, no person may keep any animal on the premises, if in the opinion of the authorised officer, the keeping of such animals is causing a nuisance.

### 7. Enforcement

- 7.1. Where an authorised officer has reasonable grounds for suspecting that a nuisance exists, an authorised officer may, by written notice, require the owner or person keeping the animal to take such action as the authorised officer considers necessary to mitigate or eliminate the nuisance within a timeframe specified in the notice.
- 7.2. An authorised officer may seize or impound any animal causing a nuisance if the owner or person keeping the animal has not adequately mitigated or eliminated the nuisance within the timeframe specified in the written notice issued by the authorised officer under clause 7.1 above.

### 8. Penalties and offences



## Hamilton City Council BYLAWS



- 8.1. A person commits a breach of this bylaw who:
  - a) Permits or allows any condition to exist or continue to exist contrary to this bylaw;
  - b) Fails to comply with any lawful notice of direction given under this bylaw.
  - c) Where required, fails to obtain written approval or having obtained written approval fails to abide by the conditions (if any).
- 8.2. Obstructs or hinders any authorised officer from performing any duty or exercising any power conferred by this bylaw.
- 8.3. Pursuant to section 242 of the Local Government Act 2002, any person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.
- 8.4. Under section 163 of the Local Government Act 2002 the Council or an authorised officer may remove or alter any work or thing that is in breach of this Bylaw.
- 8.5. The Council may recover the costs of removing or altering the work or thing that is in breach of this Bylaw from the person who committed the breach. This does not relieve that person of liability for the breach.
- 8.6. Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this Bylaw.
- 8.7. The Council may seize and impound property materially involved in the commission of an offence, under and in accordance with sections 164 and 165 of the Local Government Act 2002.
- 8.8. The council will return and may dispose of property seized and impounded in accordance with sections 167 and 168 of the Local Government Act 2002.



## Hamilton City Council BYLAWS



<b>Approved By:</b> Council	<b>Date Adopted:</b> 23 May 2013
<b>Date In Force:</b> 1 July 2013	<b>Reviewed:</b> <u>20 March 2025</u>
<b>Version history:</b> Section <u>6.3 8-2-amended</u> 1 November 2013 <u>Amendments adopted by resolution of Council on 20 March 2035 and come in force 31 March 2025.</u>	<b>Next review date:</b> <u>20 March 2035</u>

### Hamilton City Animal Nuisance Bylaw 2013 (amended 2025)

#### *Ture-aa-rohe Kararehe Poorearea*

This bylaw is made by ~~the~~ Hamilton City Council ~~under the powers given to it by~~ pursuant to the Health Act 1956 and the Local Government Act 2002 and any amendments to ~~those that~~ acts.

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## Hamilton City Council BYLAWS



### 1. Preamble

1.1. Hamilton City Council recognises the wellbeing benefits of keeping animals. People who keep animals must comply with animal welfare regulations and Council encourages people to follow the best practice standards of caring for animals, including the microchipping and/or neutering of companion animals.

Keeping animals has the potential to cause problems. This bylaw has been developed to protect the community from nuisance and support the maintenance of public health and safety.

(Note: the above preamble does not form part of this bylaw and is intended to be read as an introductory note)

1.1. The purpose of this bylaw is to ensure that the keeping of animals, birds and bees within the Council's boundaries does not create a nuisance and if a nuisance does arise then the Council has appropriate regulatory powers to take relevant action.

### 2. Short title, commencement and application

2.1. This bylaw may be cited as the Hamilton City Animal Nuisance Bylaw 2013 (amended 20XX).

2.2. This bylaw shall apply to the keeping of animals on private property in the district of Hamilton City Council.

2.3. The bylaw comes into force on 1 July 2013.

2.4. Amendments to this bylaw come into force on XX XXX XXXX.

### 3. Revocation of existing bylaws

3.1. The Hamilton Animal Nuisance Bylaw 2008 is hereby revoked.

3.2. All matters and proceedings commenced under the bylaw listed in section 3.1 and pending or in progress on the coming into operation of this bylaw may be continued, completed and enforced under this bylaw.

### 4.3. Purpose

4.1.3.1. The purposes of this bylaw are:

- a) protecting the public from nuisance,
- b) protecting, promoting, and maintaining public health and safety; and
- c) regulating the keeping of animals.

### 5. Scope

5.1.1.1. This bylaw shall apply to the keeping of animals on private property in the district of Hamilton City Council.

### 6.4. Compliance with other acts

6.1.4.1. This bylaw is in addition to, and should be read in conjunction with, relevant legislation, regulations and guidelines for maintaining public health, keeping animals, animal welfare and agricultural practices. Persons who keep animals must comply with the requirements of the National Animal Welfare Advisory Committee (NAWAC) of the Ministry of Agriculture and Forestry Ministry for Primary Industries Manatū Aha Matua for animal welfare issued under the Animal Welfare Act 1999 (Act), and any other applicable legislation, regulations or bylaws.

### 7.5. Definitions

7.1.5.1. In this bylaw except where inconsistent with the context:

**Animals**     a) Means any live member of the animal kingdom that is:  
                  b) a mammal; or



## Hamilton City Council BYLAWS



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- e)b) a bird; or
- d)c) a reptile; or
- e)d) an amphibian; or
- f)e) a fish (bony or cartilaginous); or
- g)f) any octopus, squid, crab, lobster, or crayfish (including freshwater crayfish); or
- h)g) any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order in Council, to be an animal for the purposes of the Act; and includes
- a) ~~Includes~~ any mammalian foetus, or any avian or reptilian pre hatched young, that is in the last half of its period of gestation or development; and
- a) ~~Includes~~ any marsupial pouch young;
- b) ~~Includes~~ bees; but

Does not include:

- ~~I.a)~~ A human being; or
- ~~II.b)~~ Except as provided in (b) or (c) of this definition, any animal in the pre-natal, pre-hatched, larval, or other such development stage;
- ~~III.c)~~ A dog.

### **Authorised Officer**

Means an employee or contractor of the Hamilton City Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this bylaw, and includes a Police Officer and any enforcement officers appointed and warranted by Council under the Local Government Act 2002.

### **Council**

Means Hamilton City Council.

### **Enforcement Officer**

~~Means the same as Authorised Officer.~~

### **Nuisance**

Without limiting the meaning of the term nuisance, a nuisance shall be created by an animal causing unreasonable trouble or annoyance, or unreasonable interference with the peace, comfort or convenience of any person or persons.

Without limiting the meaning of the term "nuisance", ~~a nuisance shall be deemed to be created in any of the following~~ situations shall be deemed a nuisance cases, that is to say:

- a) Where any accumulation or deposit is in such a state or so situated as to be offensive.
- b) Where any cages, buildings or premises used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive.
- c) ~~The term "nuisance" means~~ Where any noise emitted by an Animal that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person.

### **8.6. Keeping of animals**

8.1.6.1. Every person who owns or keeps any animal on private property must ensure that the animal:

- a) Does not create a nuisance to any person; and
- b) Is kept in conditions that do not create a nuisance to any person.



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6.2. Cages, buildings, or premises used for the keeping of animals must be within the boundaries of the owner's private property.

8.2.6.3. No person shall keep a rooster in any part of the district of Hamilton without the prior written approval of an authorised officer. Approval if given may be subject to conditions.

8.3.6.4. Without limiting clause ~~86~~.1, no person may keep any animal on the premises, if in the opinion of the authorised officer, the keeping of such animals is causing a nuisance.

### 9.7. Enforcement

7.1. Where an authorised officer has reasonable grounds for suspecting that a nuisance exists, an authorised officer may, by written notice, require the owner or person keeping the animal to take such action as the authorised officer considers necessary to mitigate or eliminate the nuisance within a timeframe specified in the notice.

9.1.7.2. An authorised officer may seize or impound any animal causing a nuisance if the owner or person keeping the animal has not adequately mitigated or eliminated the nuisance within the timeframe specified in the written notice issued by the authorised officer under clause ~~97~~.1 above.

### 10.8. Penalties and offences

10.1.8.1. A person commits a breach of this bylaw who:

- a) Permits or allows any condition to exist or continue to exist contrary to this bylaw;
- b) Fails to comply with any lawful notice of direction given under this bylaw.
- c) Where required, fails to obtain written approval or having obtained written approval fails to abide by the conditions (if any).

10.2.8.2. Obstructs or hinders any authorised officer ~~from in the performance of any duty to be discharged by that officer under or in exercising~~ any power conferred by this bylaw.

10.3.8.3. Pursuant to section 242 of the Local Government Act 2002, any person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.

10.4.8.4. Under section 163 of the Local Government Act 2002 the Council or an authorised officer may remove or alter any work or thing that is ~~or has been constructed~~ in breach of this Bylaw.

10.5.8.5. The Council may recover the costs of removing or altering the work or ~~thing~~ this that is in breach of this Bylaw from the person who committed the breach. This does not relieve that person of liability for the breach.

10.6.8.6. Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this Bylaw.

10.7.8.7. The Council may seize and impound property materially involved in the commission of an offence, under and in accordance with sections 164 and 165 of the Local Government Act 2002.

10.8.8.8. The council will return and may dispose of property seized and impounded in accordance with sections 167 and 168 of the Local Government Act 2002.



The ~~COMMON SEAL~~ of the ~~HAMILTON CITY COUNCIL~~  
was hereunto affixed in the presence of:

Councillor: \_\_\_\_\_

Councillor: \_\_\_\_\_

~~Chief Executive:~~ \_\_\_\_\_

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Hamilton City Council

BYLAWS



Hamilton City Council

Te Kaunihera o Kōwhiri

<b>Approved by:</b>	Hamilton City Council	<b>Date adopted:</b>	28 May 2015
<b>Date In Force:</b>	1 July 2015	<b>Reviewed:</b>	20 March 2025
<b>Version history:</b> Amendments adopted by resolution of Council on 20 March 2025 come into force 1 July 2025	<b>Next review date:</b> 20 March 2035		

HAMILTON DOG CONTROL BYLAW 2015

(amended 2025)

*Ture-aa-Rohe Whakataki Kurii*

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### 1. Short title, commencement, and application

- 1.1. This bylaw may be cited as the Hamilton Dog Control Bylaw 2015 (amended 20XX).
- 1.2. This bylaw shall apply to the district of Hamilton City.
- 1.3. The bylaw comes into force on 1 July 2015.
- 1.4. Amendments to this bylaw come into force on XX XXX 20XX.

### 2. Purpose

- 2.1. The purpose of the bylaw is:
  - 2.1.1. To give effect to council's dog control policy.
  - 2.1.2. To protect and maintain public safety.
  - 2.1.3. To address how council will fulfil its functions and duties pursuant to the dog control act 1996.

### 3. Definitions

- 3.1. In this bylaw except where inconsistent with the context:

<b>Control or Controlled</b>	In relation to a dog, means that the owner is able to obtain an immediate desired response from the dog by use of a lead and, when not on a lead, by using direct commands.
<b>Council</b>	Means Hamilton City Council.
<b>Dog control officer</b>	Has the same meaning as defined in the Dog Control Act 1996.
<b>Owner</b>	Has the same meaning as defined in section 2 of the Dog Control Act 1996.
<b>Neuter or neutered</b>	Has the same meaning as defined in the Dog Control Act 1996
<b>Private way</b>	Has the same meaning as defined in section 315(1) of the Local Government Act 1974.
<b>Public place</b>	Has the same meaning as defined in the Dog Control Act 1996.
<b>Registered address</b>	Means the address listed in the dog's registration, or another address which the council has agreed to in writing for the purpose of clause 8.
<b>Working dog</b>	Has the same meaning as defined in section 2 of the dog control act 1996.

### 4. Control of dogs in public places

- 4.1. Every owner of a dog must exercise control over it and must prevent it from being or remaining at large in any public place or private way.
- 4.2. Except as provided in clauses 4.3 and 5.1, every owner of a dog must ensure the dog is under control on a lead in any public place or private way.
- 4.3. Dogs in the process of immediately accessing game hunting areas are exempt from the lead requirements outlined in clause 4.2 above, however the dog must be kept under control of the owner at all times.



- 5. Dog exercise areas**

5.1. Dogs may be exercised free of restraint in the locations specified in the Off Lead Dog Exercise and Prohibited Areas Register (Schedule 1) as designated dog exercise areas. The owner must have continuous control of the dog and remain within the dog exercise area while the dog is off lead.

5.2. The owner of a dog must carry a lead when in a designated dog exercise area with their dog.

5.3. Council may amend a designated dog exercise area, following a period of appropriate public consultation.
- 6. Prohibited areas**

6.1. Dogs are prohibited from the public places specified in the Dog Control Off Lead Exercise and Prohibited Areas Register as prohibited areas.

6.2. Clause 6.1 does not apply to any working dog entering or remaining in a prohibited area for the purpose of working.

6.3. Council may amend a prohibited area following a period of appropriate consultation.
- 7. Minimum standards for accommodation**

7.1. The owner of a dog must:

7.1.1.ensure that the dog has access at all times to:

7.1.1.1. a kennel or place of confinement that:

7.1.1.1.1. is large enough to allow the dog to stand up, turn around, and lie down in a natural position;

7.1.1.1.2. is fully shaded, dry, and ventilated; and

7.1.1.1.3. provides the dog protection from extremes of heat and cold;

7.1.1.2. clean water;

7.1.1.3. an area in which to urinate and defecate away from its lying area; and

7.1.1.4. ensure that faeces or urine do not accumulate in any area in which the dog is kept.

7.2. Dogs must not be tethered adjacent to a fence or other structure, or otherwise confined, in a manner that may become injurious to the health of the dog.

7.3. If accommodations have become or are likely to become a nuisance or injurious to health, the Dog Control Officer may, by written notice, require the owner to take action to minimise or remove the nuisance.
- 8. Prevention of public nuisance**

8.1. The owner or any person in possession of any dog that defecates in a public place, or on land or premises occupied by anyone other than the owner, must immediately remove the faeces and dispose of them in a hygienic manner.

8.2. Every owner of a dog that has a contagious disease must ensure that it is confined at all times within its registered address, or when not at this address fully contained and secured within a cage or vehicle that prevents contact with other animals, domestic or otherwise.

8.3. Every owner of a dog must prevent the dog from attacking any person or any other animal, and must take all reasonable steps to ensure the dog does not injure, endanger or intimidate any person by aggressive behaviour including, but not limited to, aggressive barking or aggressive rushing.



## Hamilton City Council BYLAWS



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- 8.4. The owner or any person in possession of any dog in a public place must prevent the dog from interfering with the use or enjoyment of other persons in that public place.
- 8.5. A female dog in season may only be allowed outside the registered address when under the direct control of the dog owner or a person over the age of 16 and must be on lead at all times.
- 8.6. Despite clause 5.1 a female dog in season must not be exercised off lead in any area of Hamilton including the dog exercise areas specified Off Lead Dog Exercise and Prohibited Areas Register, and game hunting areas. This clause does not relieve the dog owner of responsibility to provide adequate exercise as required by section [54\(1\)\(b\)](#) of the Dog Control Act 1996.
- 8.7. No person may intentionally cause a dog distress nor provoke, tease or annoy any dog in any manner that may cause the dog to become a nuisance, aggressive or unmanageable.

### 9. Limitation on number of dogs

- 9.1. No person shall keep, or permit to be kept, on or within any premises more than two dogs of greater age than three months, unless the premises have been approved by a dog control officer and a permit issued. Such permit will be subject to a fee approved and set by council.
- 9.2. Approval by a dog control officer of the above permit will only be given subject to compliance by the owner with any reasonable requirements imposed by the dog control officer.
- 9.3. Any approval given in clause 9.1 may be reviewed by a dog control officer. The approval may be modified or revoked in the event of non-compliance with any condition of approval over the period of the permit under review.
- 9.4. Variations to a permit, required for additional dogs, will be subject to a fee set by Council.
- 9.5. Permits are specific to the approved premises, if the owner moves premises a new permit must be applied for.

### 10. Menacing dogs

- 10.1. Any dog that council classifies as menacing pursuant to the Dog Control Act 1996 must be neutered within one month after the receipt of the notice of classification. If the dog is not in a fit condition to be neutered within the specified time, the owner must produce a certificate from a registered veterinarian certifying that the dog is not in a fit condition to be neutered, and if the condition continues, produce a new certificate as specified within section [33E](#) of the Dog Control Act 1996.

### 11. Probationary owners

- 11.1. If any owner of a dog is classified as a probationary owner pursuant to the Dog Control Act 1996, Council may require at its discretion the person to complete at his or her expense, a dog owner education and/or dog obedience programme.

### 12. Impoundment of dogs

- 12.1. Any dog found at large in any public place or private way, whether or not the dog is wearing a collar with the proper registration label or disc attached, may be impounded by a dog control officer.
- 12.2. The owner of any impounded dog shall pay to the Council the reasonable impoundment, sustenance and administration fees set by Council.



## Hamilton City Council BYLAWS



### 13. Requirement to neuter an uncontrolled dog

- 13.1. The council may require the owner of a dog to cause that dog to be neutered if that owner has breached, on more than one occasion within a 12-month period, any of the sub-clauses 4.1, 4.2, 5.1 or 6.1 in respect of that dog. It is sufficient if the same sub-clause is breached twice or if two different sub-clauses are breached.

### 14. Objection to requirement to neuter uncontrolled dog

- 14.1. If Council requires a dog be neutered under clause 13.1, the owner of that dog may, within 14 days of receiving the notice, object in writing to the Council and has the right to be heard in support of the objection.
- 14.2. When considering an objection under clause 14.1 Council must have regard to:
- 14.2.1. the evidence which formed the basis for the requirement; and
  - 14.2.2. the matters relied upon in support of the objection; and
  - 14.2.3. any other relevant matters.
- 14.3. The Council will, as soon as practicable, give written notice to the owner of the decision and the reasons for its decision.

### 15. Effect of requirement to neuter an uncontrolled dog

- 15.1. If a dog is required to be neutered, the owner of that dog must, within 1 month after receipt of the notice produce to the Council a certificate issued by a veterinarian certifying:
- 15.1.1. that the dog is or has been neutered; or
  - 15.1.2. that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
  - 15.1.3. must, if a certificate under clause 15.1.2 is produced, within 1 month after the date specified in that certificate, cause the dog to be neutered and produce a further certificate under clause 15.1.1.

### 16. Penalties

- 16.1. Any person who acts in breach of this bylaw commits an offence and is liable upon conviction to a penalty, as provided for under the local government act 2002.
- 16.2. Additionally, any person who acts in beach of this Bylaw may be served with an infringement fee in accordance with the Dog Control Act, and as set out in Schedule 1 of that Act.



## Hamilton City Council BYLAWS



### Schedule 1 – Off lead dog exercise and prohibited areas register


This schedule details all parks identified as off lead dog exercise areas, including those that are designated off lead dog exercise only at certain times (Off lead exercise area (specified times)), and prohibited areas within the district of Hamilton City.

Schedule 2 provides detailed maps of the specific areas within the locations listed below where the access areas rules apply.

Designation	Access Rules
Off lead dog exercise area	Are designated dog exercise areas and are priority areas for dogs and their owners. Dogs (excluding female dogs in season) can be off lead but must remain under control.
Off lead dog exercise area (specified times)	Are designated dog exercise areas and are shared spaces for all users. Dogs (excluding female dogs in season) can be off lead at certain times but must remain under control.
Prohibited area	Dogs are not permitted in these areas. Working dogs are exempt only when working.

Location	Designation
Aberfoyle Park	Off lead dog exercise area All times
Beetham Park	Off lead dog exercise area All times
Braithwaite Park	Off lead dog exercise area All times
Bristol Park	Off lead dog exercise area All times
Chelmsford Park	Off lead dog exercise area All times
Claudlands Park	Off lead dog exercise area All times
Crawshaw Park	Off lead dog exercise area All times
Days Park	Off lead dog exercise area All times
Derby Park	Off lead dog exercise area All times
Derek Heather Park	Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
Eden Park Reserve	Off lead dog exercise area All times
Greensboro Park	Off lead dog exercise area All times



<b>Hamilton City Council</b> <b>BYLAWS</b> 	
Location	Designation
Hamilton East Cemetery	Prohibited area All times
Hamilton Gardens	<b>Area north of Hungerford Crescent:</b> Off lead dog exercise area All times
	<b>Hillside Lawn (including southern river area):</b> Off lead dog exercise area (specified times) On lead between 10am-6pm Off lead all other times
	<b>Coxhead Flat (western river area):</b> Off lead dog exercise area All times
	<b>Enclosed Gardens:</b> Prohibited area All times
Hamilton Lake Domain	<b>Greenspace at reservoir:</b> Off lead dog exercise area All times
	<b>Playground and picnic area:</b> Prohibited area All times
Hamilton West Cemetery	Prohibited area All times
Hare Puke Park	Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
Hillcrest Park	Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
Innes Common	<b>Area east of Lake Domain Drive</b> Off lead dog exercise area Off lead at all times
	<b>Area west of lake Domain Drive</b> Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
Mangaiti Park*	Off lead dog exercise area Off lead at all times  *Three sections of the park are designated as temporary off lead areas. The areas will no longer be off lead once sports field are developed.
Melville Park	Off lead dog exercise area All times




## Hamilton City Council BYLAWS



Location	Designation
<b>Minogue Park*</b>	Off lead dog exercise area All times * The southern area is designated as a temporary off lead area. The temporary area will no longer be off lead once tree planting has begun.
<b>Miropiko Reserve</b>	Prohibited area All times
<b>Moonlight Drive Reserve</b>	Off lead dog exercise area All times
<b>Porritt Stadium</b>	<b>Park surrounding</b> Off lead dog exercise area All times
	<b>Stadium</b> Prohibited area All times
<b>Pukete Farm Park</b>	Off lead dog exercise area All times
<b>Rakautahi Park</b>	Off lead dog exercise area All times
<b>Raymond Park</b>	Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
<b>Resthills Park</b>	<b>Northern area</b> Off lead dog exercise area All times
	<b>Eastern area</b> Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
<b>Tauhara Park</b>	Off lead dog exercise area All times
<b>Te Kootii Park</b>	Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
<b>Te Manatu Park*</b>	Off lead dog exercise area All times * Centre of the park is designated as a temporary off lead area. The areas will no longer be off lead once sports field are developed. It is proposed the surrounding off lead area will become an off lead dog exercise area (specified times) once the sports fields are developed.
<b>Temple View Reserve</b>	Off lead dog exercise area All times
<b>Till's Lookout</b>	Off lead dog exercise area All times

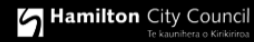


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Location	Designation
Waiwhakareke Natural Heritage Park	Prohibited area All times
Waiwherowhero Park	Off lead dog exercise area All times

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## Hamilton City Council BYLAWS



### Schedule 2 – Off lead dog exercise and prohibited area maps

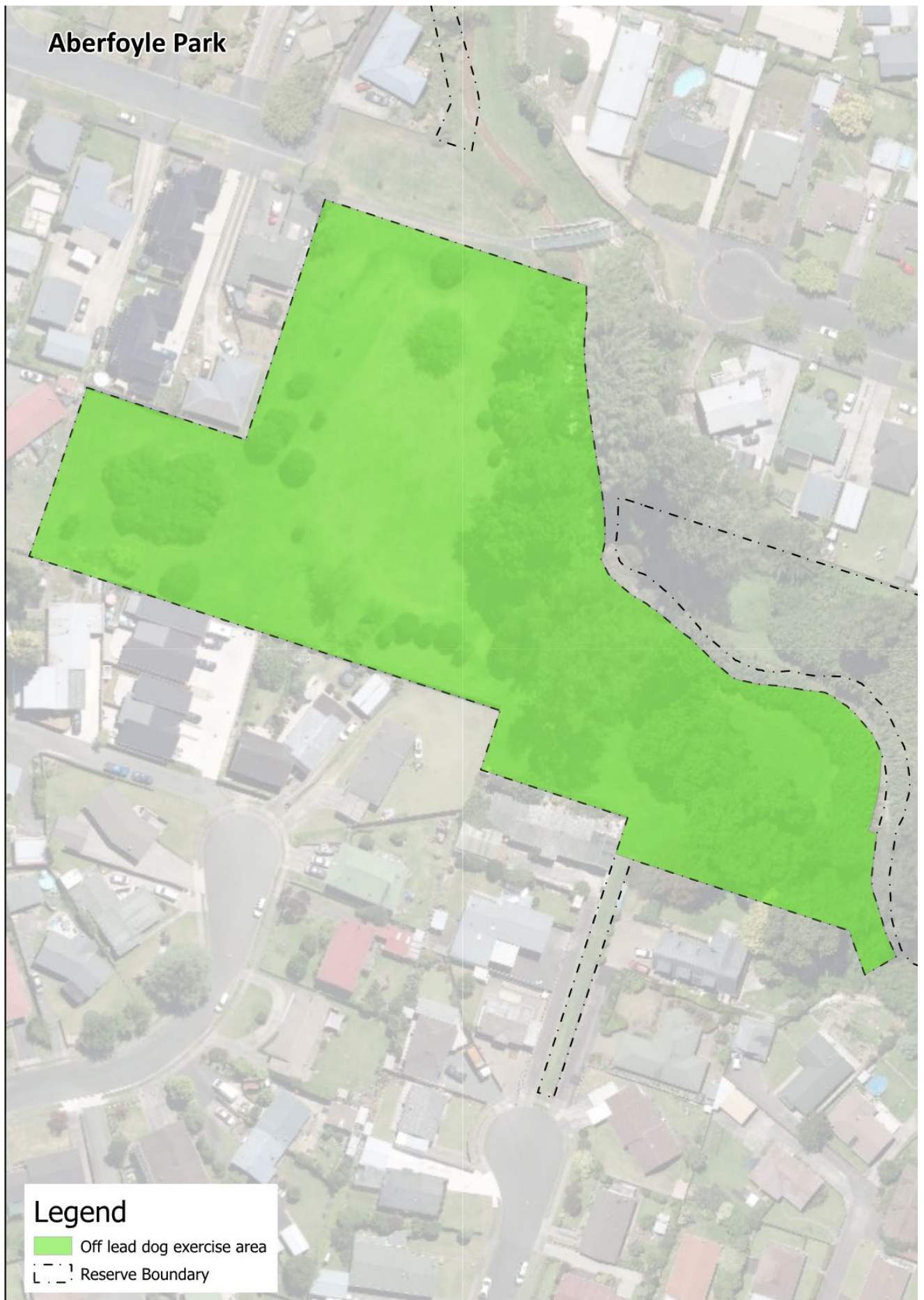
This schedule provides maps to identify the specific areas within the locations listed in schedule 1 where the Off lead dog exercise areas and prohibition rules apply.

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Bristol Park

### Legend

- Off lead dog exercise area
- Reserve Boundary

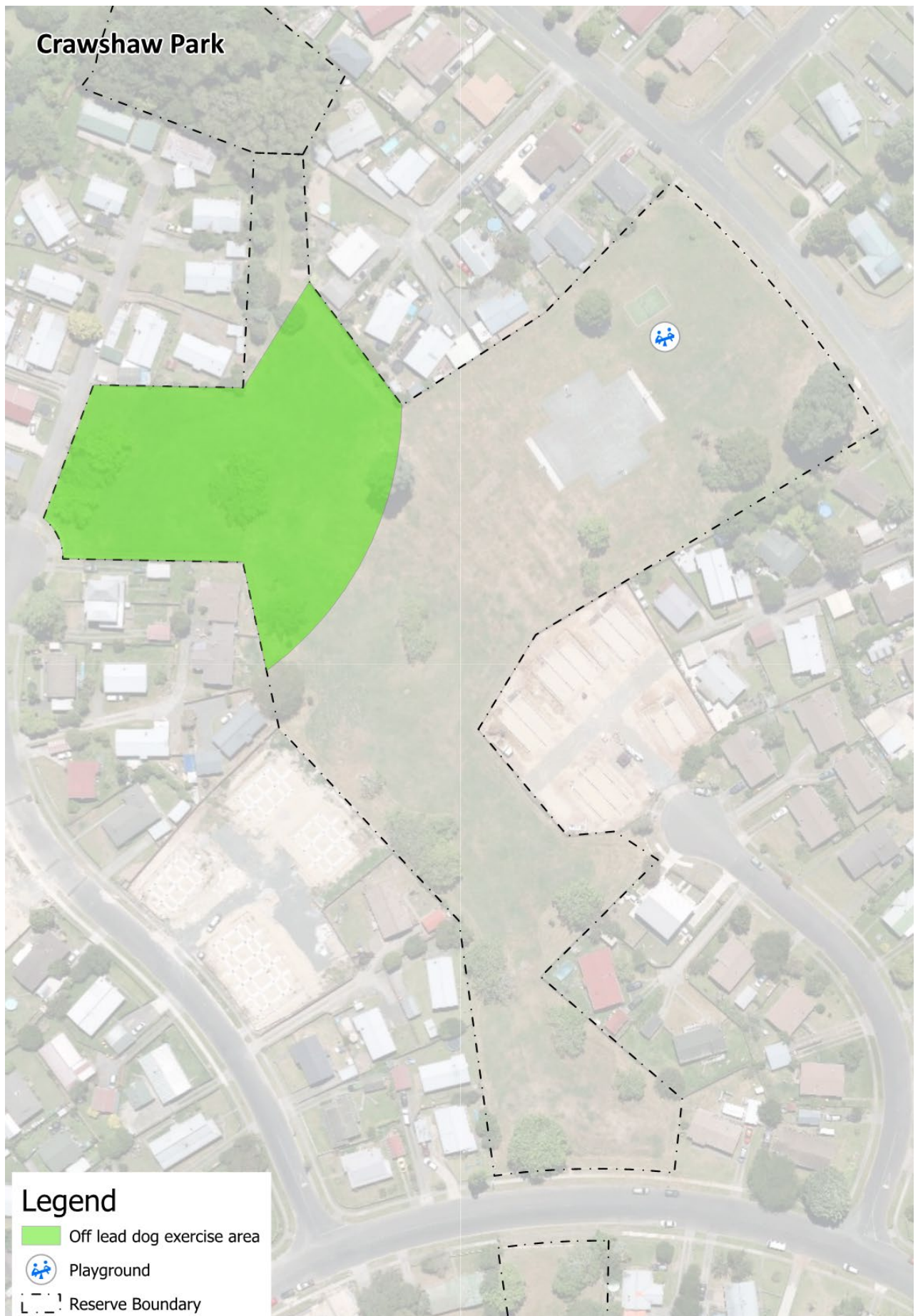












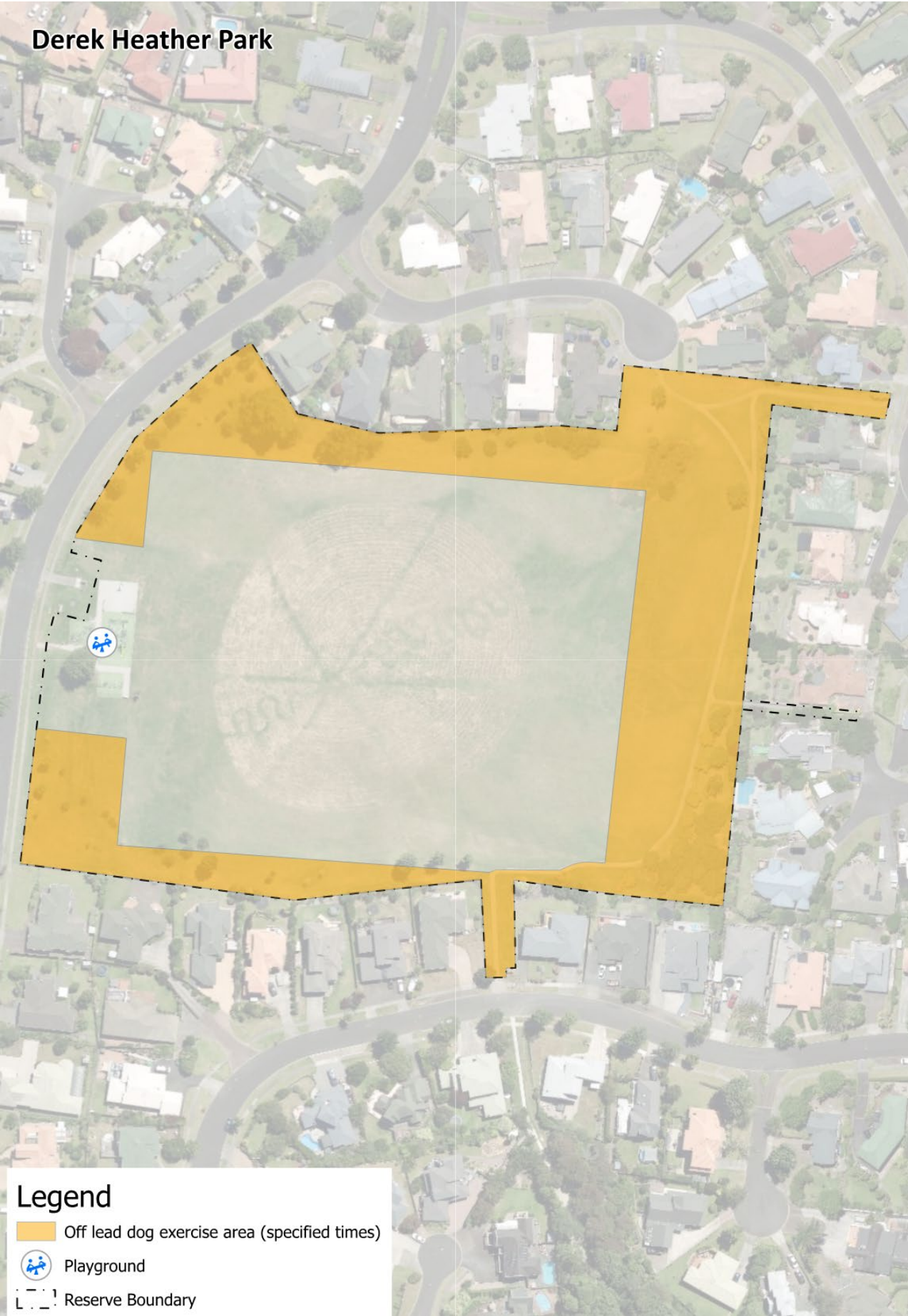


















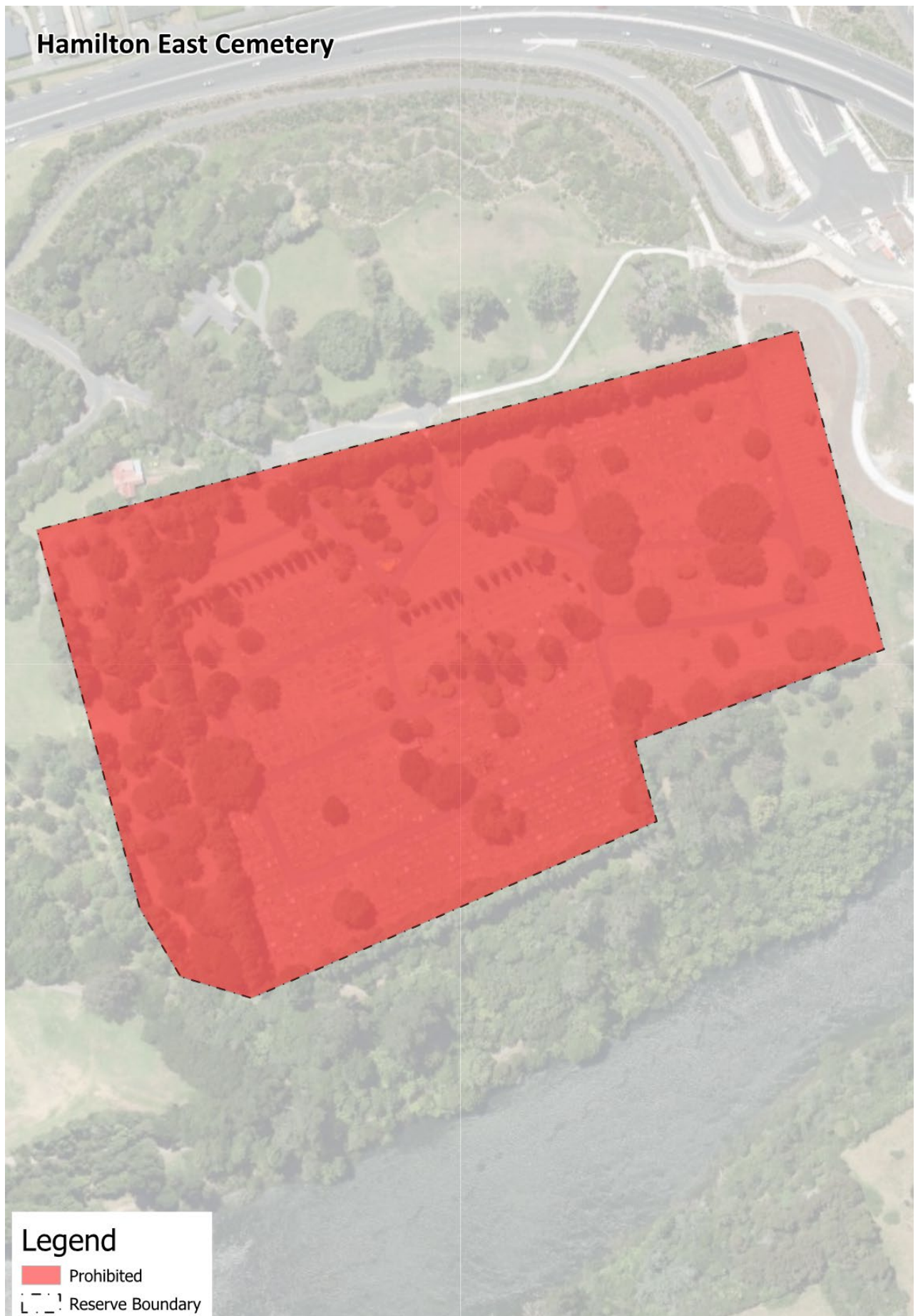


**Greensboro Park**

**Legend**

- Off lead dog exercise area
- Reserve Boundary















































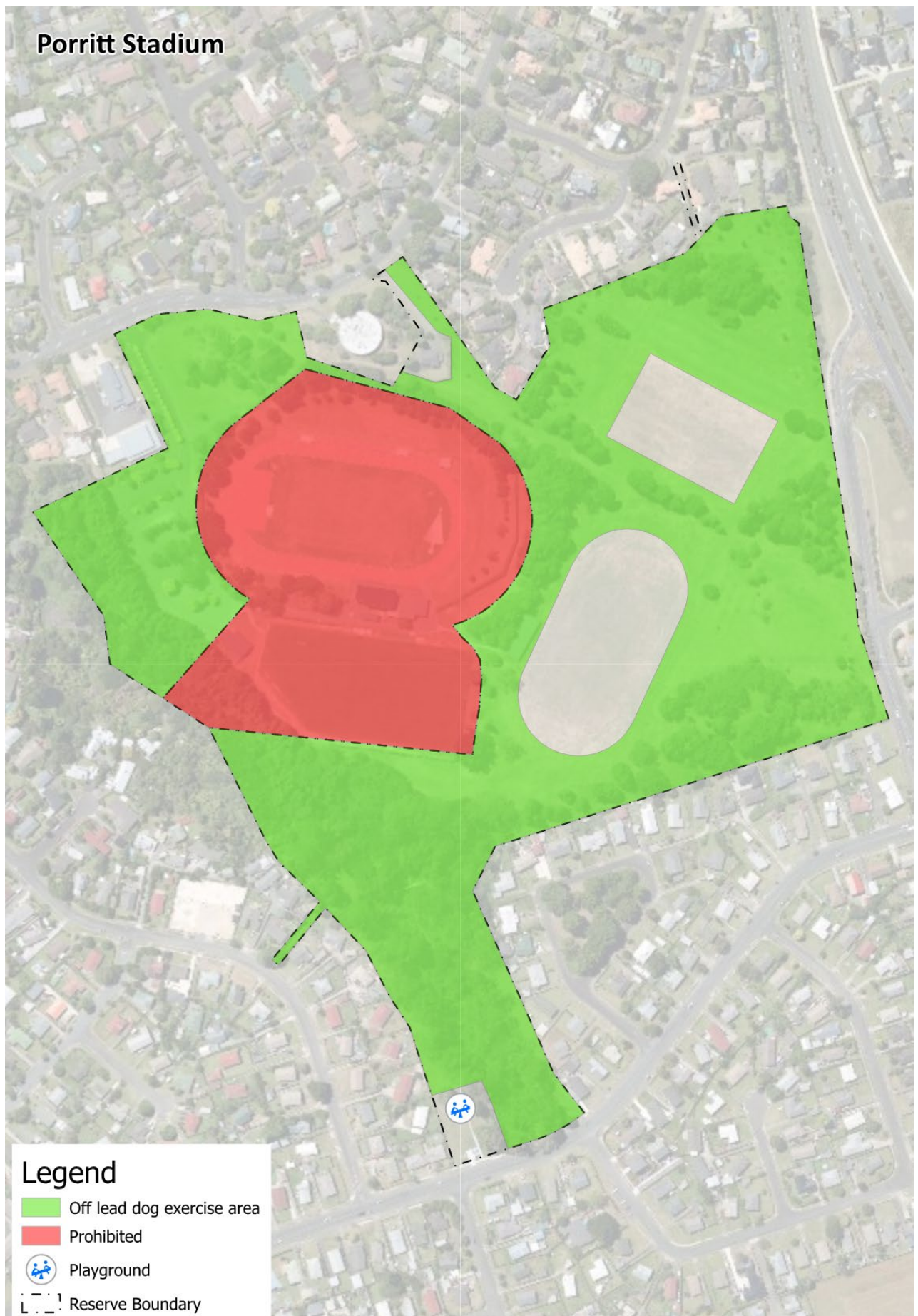
## Moonlight Drive Reserve

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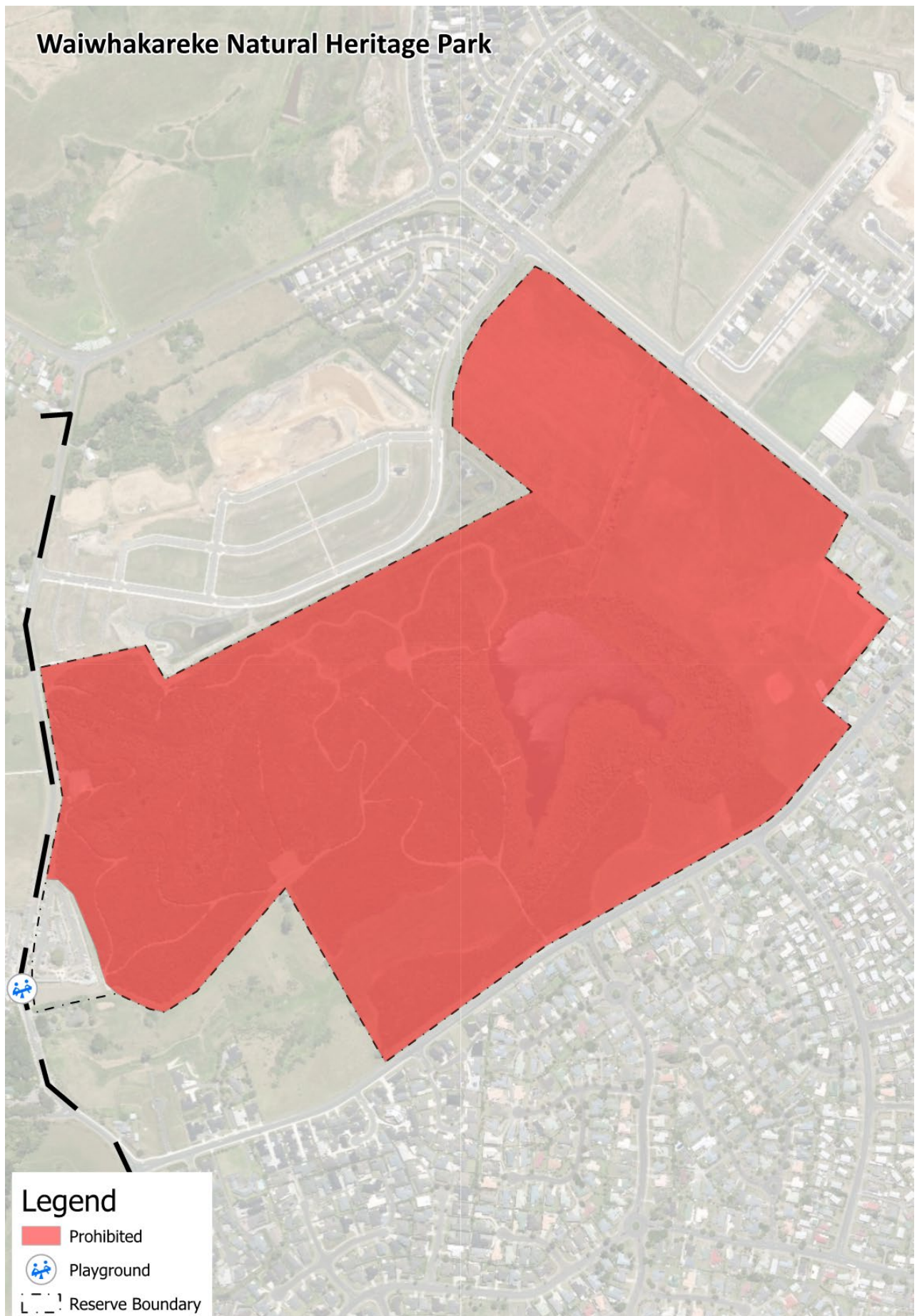


















Hamilton City Council  
BYLAWS

 Hamilton City Council  
Te Kaitiaki o Kaitiaki

Approved by: Hamilton City Council	Date adopted: 28 May 2015
Date In Force: 1 July 2015	Reviewed: 20 March 2025
Version history: Amendments adopted by resolution of Council on 20 March 2025 come into force 1 July 2025	Next review date: <del>To be reviewed by 28 May 2020</del> 20 March 2035

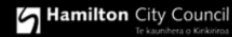
HAMILTON DOG CONTROL BYLAW 2015  
(amended 2025)  
*Ture-aa-Rohe Whakataki Kurii*

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## Hamilton City Council BYLAWS



Item 9

Attachment 4

### 1. Short title, commencement, and application

- 1.1. This bylaw may be cited as the **Hamilton** Dog Control Bylaw 2015 **(amended 20XX)**.
- 1.2. This bylaw shall apply to the ~~whole of the district of administered by Hamilton City council,~~  
~~and other locations that are controlled by hamilton city council, now and in the future.~~
- 1.3. The bylaw comes into force on 1 July 2015.
- 1.4. Amendments to this bylaw come into force on XX XXX 20XX.

### 2. Purpose

- 2.1. The purpose of the bylaw is:
- 2.1.1. To give effect to council's dog control policy.
- 2.1.2. To protect and maintain public safety.
- 2.1.3. To address how council will fulfil its functions and duties pursuant to the dog control act 1996.

~~This bylaw gives effect to the dog control policy for the city, the objective of which is to enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners, whilst minimising danger, distress, and nuisance to the community generally.~~

~~This bylaw shall apply to the whole of the district administered by Hamilton City council, and other locations that are controlled by hamilton city council, now and in the future.~~

### 3. Definitions

- 3.1. In this bylaw except where inconsistent with the context:

<u><b>Control or Controlled</b></u>	<u>In relation to a dog, means that the owner is able to obtain an immediate desired response from the dog by use of a lead and, when not on a lead, by using direct commands.</u>
<b>Council</b>	Means Hamilton City Council.
<b>Dog control officer</b>	Has the same meaning as defined in the Dog Control Act 1996.
<b>Owner</b>	Has the same meaning as defined in <u>section 2 of</u> the Dog Control Act 1996.
<u><b>Neuter or neutered</b></u>	Has the same meaning as defined in the Dog Control Act 1996
<b>Private way</b>	Has the same meaning as defined in section 315(1) of the Local Government Act 1974.
<b>Public place</b>	Has the same meaning as defined in the Dog Control Act 1996.
<b>Registered address</b>	Means <del>the dog owner's property,</del> the address listed in the dog's registration, or another address which the council has agreed to in writing for the purpose of clause <u>87.</u>
<b>Working dog</b>	Has the same meaning as defined in section 2 of the dog control act 1996, <del>but excluding (b)(ii) — 'kept solely or principally for the purposes of herding or driving stock', (b)(v) — 'owned by a property guard as defined in section 9 of the private security personnel and private investigators act 2010 or a property guard employee as defined in section 17 of that act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that act', and (b)(vi) — declared</del>



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~~by resolution of the territorial authority to be a working dog for the purposes of this act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.~~

### 4. Control of dogs in public places

- 4.1. Every owner of a dog must exercise control over it and must prevent it from ~~wandering being~~ or remaining at large ~~or free~~ in any public place or private way.
- 4.2. Except as provided in clauses 4.3 and ~~4.45.1~~, every owner of a dog must ensure the dog is under control on a lead in any public place or private way. ~~must secure the dog by an effective lead or similar contrivance which keeps the dog under continuous control.~~
- ~~4.3. Dogs may be exercised free of restraint in those locations specified in the dog control off lead exercise and prohibited areas register, part 1 as designated off lead dog exercise areas. The owner must maintain continuous control over the dog and remain within the dog exercise area while the dog is off its lead.~~
- 4.3. Dogs in the process of immediately accessing game hunting areas are exempt from the lead requirements outlined in clause 4.2 above, however the dog must be kept under ~~the direct~~ control of the owner at all times.



## 5. Dog exercise areas

5.1. Dogs may be exercised free of restraint in ~~the these~~ locations specified in the ~~Off Lead Dog Exercise and Prohibited Areas Register (Schedule 1) dog control register~~ as being designated ~~off lead~~ dog exercise areas. The owner must have continuous control of the dog and remain within the dog exercise area while the dog is off ~~its~~ lead.

~~5.1.5.2. The owner of a dog must carry a lead when in a designated dog exercise area with their dog.~~

~~5.2. The dog control off lead exercise and prohibited areas register, part 1, lists each off lead dog exercise area with the date from which each area is available to be used and any rules that apply to its use as such.~~

~~5.3. Council may, by resolution, amend the commencement date of a designated off lead dog exercise area, following a period of appropriate public consultation. within the dog control register.~~

## 6. Prohibited areas

~~6.1. Dogs are prohibited from not allowed to enter the public places specified in part 2 of the Dog Control Off Lead Exercise and Prohibited Areas Register as being prohibited areas, whether under control or not.~~

~~6.2. Clause 6.1 does not apply to any working dog entering or remaining in a prohibited area for the purpose of working.~~

~~6.3. Council may amend a prohibited area following a period of appropriate consultation. However, the owner of a working dog may enter with that dog into any prohibited area.~~

## 7. Minimum standards for accommodation

7.1. The owner of a dog must:

7.1.1. ensure that the dog has access at all times to:

7.1.1.1. a kennel or place of confinement that:

7.1.1.1.1. is large enough to allow the dog to stand up, turn around, and lie down in a natural position;

7.1.1.1.2. is fully shaded, dry, and ventilated; and

7.1.1.1.3. provides the dog protection from extremes of heat and cold;

7.1.1.2. clean water;

7.1.1.3. an area in which to urinate and defecate away from its lying area; and

7.1.1.4. ensure that faeces or urine do not accumulate in any area in which the dog is kept.

7.2. Dogs must not be tethered adjacent to a fence or other structure, or otherwise confined, in a manner that may become injurious to the health of the dog.

~~6.1.7.3. If accommodations have become or are likely to become a nuisance or injurious to health, the Dog Control Officer may, by written notice, require the owner to take action to minimise or remove the nuisance.~~

## 7.8. Prevention of public nuisance

~~7.1.8.1. The owner or any person in possession or control of any dog that defecates in a public place, or on land or premises occupied by anyone other than the owner, of the dog must immediately remove the faeces and dispose of them in a hygienic legal manner.~~



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~~7.2.8.2.~~ Every owner of a dog that has a contagious disease must ensure that it is confined at all times within its registered address, or when not at this address fully contained and secured within a cage or vehicle that prevents contact with other animals, domestic or otherwise. ~~or fully enclosed and secured within a vehicle.~~

~~7.3.8.3.~~ Every owner of a dog must prevent ~~it~~ the dog from attacking any person or any other animal, and must take all reasonable steps to ensure the dog does not injure, endanger or intimidate any person by aggressive behaviour including, but not limited to, aggressive barking or aggressive rushing.

~~8.4.~~ The owner or any ~~Every~~ person in possession of ~~must prevent any dog in a public place must prevent the dog within their care and/or control from interfering with the use or enjoyment of any park by other persons in that public place~~ park.

~~7.4.8.5.~~ A ~~bitch female dog~~ in season may only be allowed outside the registered address when under the direct control of the dog owner or a person over the age of 16, and must be on ~~a~~ lead at all times.

~~7.5.8.6.~~ Despite clause ~~5.14.3~~ a ~~bitch female dog~~ in season must not be exercised off lead in any area of Hamilton including ~~the off lead dog exercise areas specified in part 1 of the dog control~~ Off Lead Dog Exercise and Prohibited Areas Register, and game hunting areas. This clause does not relieve the dog owner of responsibility to provide adequate exercise as required by section 54(1)(b) of the Dog Control Act 1996.

~~7.6.8.7.~~ No person may intentionally cause a dog distress nor provoke, tease or annoy any dog in any manner that may cause the dog to become a nuisance, aggressive or unmanageable.

### **8.9. Limitation on number of dogs**

~~8.1.9.1.~~ No person shall keep, or permit to be kept, on or within any premises ~~within the city,~~ more than two ~~(2)~~ dogs of greater age than three months, unless ~~such the~~ premises have been approved by a dog control officer and a permit issued. Such permit will be subject to a fee approved and set by council, ~~through the annual plan process and will be subject to renewal annually.~~

~~8.2.9.2.~~ Approval by a dog control officer of the above permit will only be given subject to compliance by the owner with any reasonable requirements imposed by the dog control officer ~~for the purpose of ensuring proper care and control of the dogs and the prevention of any nuisance.~~

~~9.3.~~ ~~On the expiry of any permit or at any other time, a~~ Any approval given ~~during that year in clause 9.1 for any person to keep more than two (2) dogs on their premises~~ may be reviewed by a dog control officer. ~~On review, t~~ The approval may be modified or revoked in the event of non-compliance with any condition of approval over the period of the permit under review.

~~9.4.~~ ~~Variations to Renewal of a permit, required for additional dogs,~~ will be subject to a fee set by Council ~~through the annual plan process.~~

~~8.3.9.5.~~ Permits are specific to the approved premises, if the owner moves premises a new permit must be applied for.

### **9.10. Menacing dogs**

~~9.1.10.1.~~ Any dog that council classifies as menacing pursuant to the Dog Control Act 1996 must be neutered within one month after the receipt of the notice of classification. If the dog is not in a fit condition to be neutered within the specified time, the owner must produce a certificate from a registered veterinarian certifying that the dog is not in a fit condition to be neutered, and if the condition continues, produce a new certificate as specified within section 33E of the Dog Control Act 1996.



**10.11. Probationary owners**

~~10.1.11.1.~~ If any owner of a dog is classified as a probationary owner pursuant to the Dog Control Act 1996, Council may require at its discretion the person to complete at his or her expense, a dog owner education and/or dog obedience programme ~~and/or dog obedience course~~.

**~~11. Dogs within parks~~**

~~11.1. Every person must prevent any dog within their care and/or control from interfering with the use or enjoyment of any park by other persons in that park.~~

~~11.2. An owner of a dog that is not a working dog as defined in this bylaw, must prevent his or her dog from entering any place specified in part 2 of the dog control register~~

**12. Impoundment of dogs**

12.1. Any dog found at large in any public place or private way, whether or not the dog is wearing a collar with having the proper registration label or disc attached; ~~or found at large in any public or private way in breach of this bylaw~~, may be impounded by a dog control officer.

~~12.2.~~ The owner of any impounded dog ~~impounded~~ shall pay to the Council the reasonable impoundment, sustenance and administration fees set by Council.



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~~12.2. for the sustenance of the dog and for the giving of notice to the owner, together with a poundage fee as set through the annual plan process.~~

### 13. Requirement to neuter an uncontrolled dog

- 13.1. The council may require the owner of a dog to cause that dog to be neutered if that owner has breached, on more than one occasion within a 12-month period, any of the sub-clauses 4.1, ~~4.2, or~~ 5.1 or 6.1 in respect of that dog. It is sufficient if the same sub-clause is breached twice or if two ~~different of the~~ sub-clauses are breached.

### 14. Objection to requirement to neuter uncontrolled dog

~~14.1. If a dog is~~Council requires ~~a dog to~~ be neutered under clause 13.1, the owner of that dog ~~may~~, within 14 days of receiving the notice, object in writing to the ~~Council-council~~ in regard to the requirement; and

~~14.1.2, 14.1.~~ ~~He~~ has the right to be heard in support of the objection.

14.2. ~~When The Council when~~ considering an objection under sub-clause ~~(1)14.1 Council may uphold or rescind the requirement, and in making its determination must have regard to~~;

14.2.1. the evidence which formed the basis for the requirement; and

14.2.2. the matters relied upon in support of the objection; and

~~14.2.3.~~ any other relevant matters.

~~14.2.3.~~

~~14.3.~~ The Council ~~will~~must, as soon as practicable, give written notice to the owner of ~~its~~

~~14.3.1. Its determination of the objection, decision and t~~

~~14.3.2-14.3.~~ The reasons for its ~~decision~~determination.

### 15. Effect of requirement to neuter an uncontrolled dog

15.1. If a dog is required to be neutered, the owner of that dog must, within 1 month after receipt of the notice ~~of the requirement~~, produce to the Council a certificate issued by a veterinarian certifying ~~the~~:

15.1.1. that the dog is or has been neutered; or

15.1.2. that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and

15.1.3. must, if a certificate under clause 15.1.2 is produced, within 1 month after the date specified in that certificate, cause the dog to be neutered and produce a further certificate under clause 15.1.1.

### 16. Penalties

16.1. Any person who acts in breach of this bylaw commits an offence and is liable upon conviction to a penalty, as provided for under the local government act 2002.

16.2. Additionally, any person who acts in beach of this Bylaw may be served with an infringement fee in accordance with the Dog Control Act, and as set out in Schedule 1 of that Act.



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The foregoing bylaw was duly made by the hamilton city council by a resolution passed on the 28 of may 2015 following consideration of submissions received during the special consultative procedure. This bylaw repeals and replaces the hamilton city dog control bylaw 2009. The hamilton dog control bylaw 2015 was ordered to come into force on the 1 july 2015.

The common seal of the hamilton city council

Was hereunto affixed in the presence of:

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Chief executive \_\_\_\_\_

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### Schedule 1 – Off lead dog exercise and prohibited areas register

This schedule details all parks identified as off lead dog exercise areas, including those that are designated off lead dog exercise only at certain times (Off lead exercise area (specified times)), and prohibited areas within the district of Hamilton City.

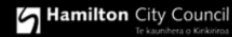
Schedule 2 provides detailed maps of the specific areas within the locations listed below where the access areas rules apply.

<u>Designation</u>	<u>Access Rules</u>
<u>Off lead dog exercise area</u>	<u>Are designated dog exercise areas and are priority areas for dogs and their owners. Dogs (excluding female dogs in season) can be off lead but must remain under control.</u>
<u>Off lead dog exercise area (specified times)</u>	<u>Are designated dog exercise areas and are shared spaces for all users. Dogs (excluding female dogs in season) can be off lead at certain times but must remain under control.</u>
<u>Prohibited area</u>	<u>Dogs are not permitted in these areas. Working dogs are exempt only when working.</u>

<u>Location</u>	<u>Designation</u>
<u>Aberfoyle Park</u>	<u>Off lead dog exercise area</u> <u>All times</u>
<u>Beetham Park</u>	<u>Off lead dog exercise area</u> <u>All times</u>
<u>Braithwaite Park</u>	<u>Off lead dog exercise area</u> <u>All times</u>
<u>Bristol Park</u>	<u>Off lead dog exercise area</u> <u>All times</u>
<u>Chelmsford Park</u>	<u>Off lead dog exercise area</u> <u>All times</u>
<u>Claudlands Park</u>	<u>Off lead dog exercise area</u> <u>All times</u>
<u>Crawshaw Park</u>	<u>Off lead dog exercise area</u> <u>All times</u>
<u>Days Park</u>	<u>Off lead dog exercise area</u> <u>All times</u>
<u>Derby Park</u>	<u>Off lead dog exercise area</u> <u>All times</u>



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Location	Designation
<u>Derek Heather Park</u>	<u>Off lead dog exercise area (specified times)</u> <u>Weekdays</u> <u>dogs must be on lead between 4pm-10pm</u> <u>Weekends</u> <u>dogs must be on lead between 8am-5pm</u> <u>Off lead at all other times</u>
<u>Eden Park Reserve</u>	<u>Off lead dog exercise area</u> <u>All times</u>
<u>Greensboro Park</u>	<u>Off lead dog exercise area</u> <u>All times</u>
<u>Hamilton East Cemetery</u>	<u>Prohibited area</u> <u>All times</u>
<u>Hamilton Gardens</u>	<u>Area north of Hungerford Crescent:</u> <u>Off lead dog exercise area</u> <u>All times</u>
	<u>Hillside Lawn (including southern river area):</u> <u>Off lead dog exercise area (specified times)</u> <u>On lead between 10am-6pm</u> <u>Off lead all other times</u>
	<u>Coxhead Flat (western river area):</u> <u>Off lead dog exercise area</u> <u>All times</u>



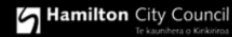
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Location	Designation
	<u>Enclosed Gardens:</u> <u>Prohibited area</u> <u>All times</u>
<u>Hamilton Lake Domain</u>	<u>Greenspace at reservoir:</u> <u>Off lead dog exercise area</u> <u>All times</u>
	<u>Playground and picnic area:</u> <u>Prohibited area</u> <u>All times</u>
<u>Hamilton West Cemetery</u>	<u>Prohibited area</u> <u>All times</u>
<u>Hare Puke Park</u>	<u>Off lead dog exercise area (specified times)</u> <u>Weekdays</u> <u>dogs must be on lead between 4pm-10pm</u> <u>Weekends</u> <u>dogs must be on lead between 8am-5pm</u> <u>Off lead at all other times</u>
<u>Hillcrest Park</u>	<u>Off lead dog exercise area (specified times)</u> <u>Weekdays</u> <u>dogs must be on lead between 4pm-10pm</u> <u>Weekends</u> <u>dogs must be on lead between 8am-5pm</u> <u>Off lead at all other times</u>
<u>Innes Common</u>	<u>Area east of Lake Domain Drive</u> <u>Off lead dog exercise area</u> <u>Off lead at all times</u>



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Location	Designation
	<u>Area west of lake</u> <u>Domain Drive</u> <u>Off lead dog</u> <u>exercise area</u> <u>(specified times)</u> <u>Weekdays</u> <u>dogs must be on</u> <u>lead between</u> <u>4pm-10pm</u> <u>Weekends</u> <u>dogs must be on</u> <u>lead between</u> <u>8am-5pm</u> <u>Off lead at</u> <u>all other times</u>
<u>Mangaiti Park*</u>	<u>Off lead dog</u> <u>exercise area</u> <u>Off lead at</u> <u>all times</u> <u>*Three sections of</u> <u>the park are</u> <u>designated as</u> <u>temporary off</u> <u>lead areas. The</u> <u>areas will no</u> <u>longer be off lead</u> <u>once sports field</u> <u>are developed.</u>
<u>Melville Park</u>	<u>Off lead dog</u> <u>exercise area</u> <u>All times</u>
<u>Minogue Park*</u>	<u>Off lead dog</u> <u>exercise area</u> <u>All times</u> <u>* The southern</u> <u>area is designated</u> <u>as a temporary off</u> <u>lead area. The</u> <u>temporary area</u> <u>will no longer be</u> <u>off lead once tree</u> <u>planting has</u> <u>begun.</u>
<u>Miropiko Reserve</u>	<u>Prohibited area</u> <u>All times</u>
<u>Moonlight Drive Reserve</u>	<u>Off lead dog</u> <u>exercise area</u> <u>All times</u>



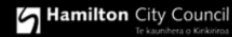
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Location	Designation
<u>Porritt Stadium</u>	<u>Park surrounding</u> <u>Off lead dog</u> <u>exercise area</u> <u>All times</u>
	<u>Stadium</u> <u>Prohibited area</u> <u>All times</u>
<u>Pukete Farm Park</u>	<u>Off lead dog</u> <u>exercise area</u> <u>All times</u>
<u>Rakautahi Park</u>	<u>Off lead dog</u> <u>exercise area</u> <u>All times</u>
<u>Raymond Park</u>	<u>Off lead dog</u> <u>exercise area</u> <u>(specified times)</u> <u>Weekdays</u> <u>dogs must be on</u> <u>lead between</u> <u>4pm-10pm</u> <u>Weekends</u> <u>dogs must be on</u> <u>lead between</u> <u>8am-5pm</u> <u>Off lead at</u> <u>all other times</u>
	<u>Northern area</u> <u>Off lead dog</u> <u>exercise area</u> <u>All times</u>
<u>Resthills Park</u>	<u>Eastern area</u> <u>Off lead dog</u> <u>exercise area</u> <u>(specified times)</u> <u>Weekdays</u> <u>dogs must be on</u> <u>lead between</u> <u>4pm-10pm</u> <u>Weekends</u> <u>dogs must be on</u> <u>lead between</u> <u>8am-5pm</u> <u>Off lead at</u> <u>all other times</u>
	<u>Tauhara Park</u> <u>Off lead dog</u> <u>exercise area</u> <u>All times</u>



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Location	Designation
<u>Te Kootii Park</u>	<u>Off lead dog exercise area (specified times)</u> <u>Weekdays</u> <u>dogs must be on lead between 4pm-10pm</u> <u>Weekends</u> <u>dogs must be on lead between 8am-5pm</u> <u>Off lead at all other times</u>
<u>Te Manatu Park*</u>	<u>Off lead dog exercise area</u> <u>All times</u> <u>* Centre of the park is designated as a temporary off lead area. The areas will no longer be off lead once sports field are developed. It is proposed the surrounding off lead area will become an off lead dog exercise area (specified times) once the sports fields are developed.</u>
<u>Temple View Reserve</u>	<u>Off lead dog exercise area</u> <u>All times</u>
<u>Till's Lookout</u>	<u>Off lead dog exercise area</u> <u>All times</u>
<u>Waiwhakareke Natural Heritage Park</u>	<u>Prohibited area</u> <u>All times</u>
<u>Waiwherowhero Park</u>	<u>Off lead dog exercise area</u> <u>All times</u>



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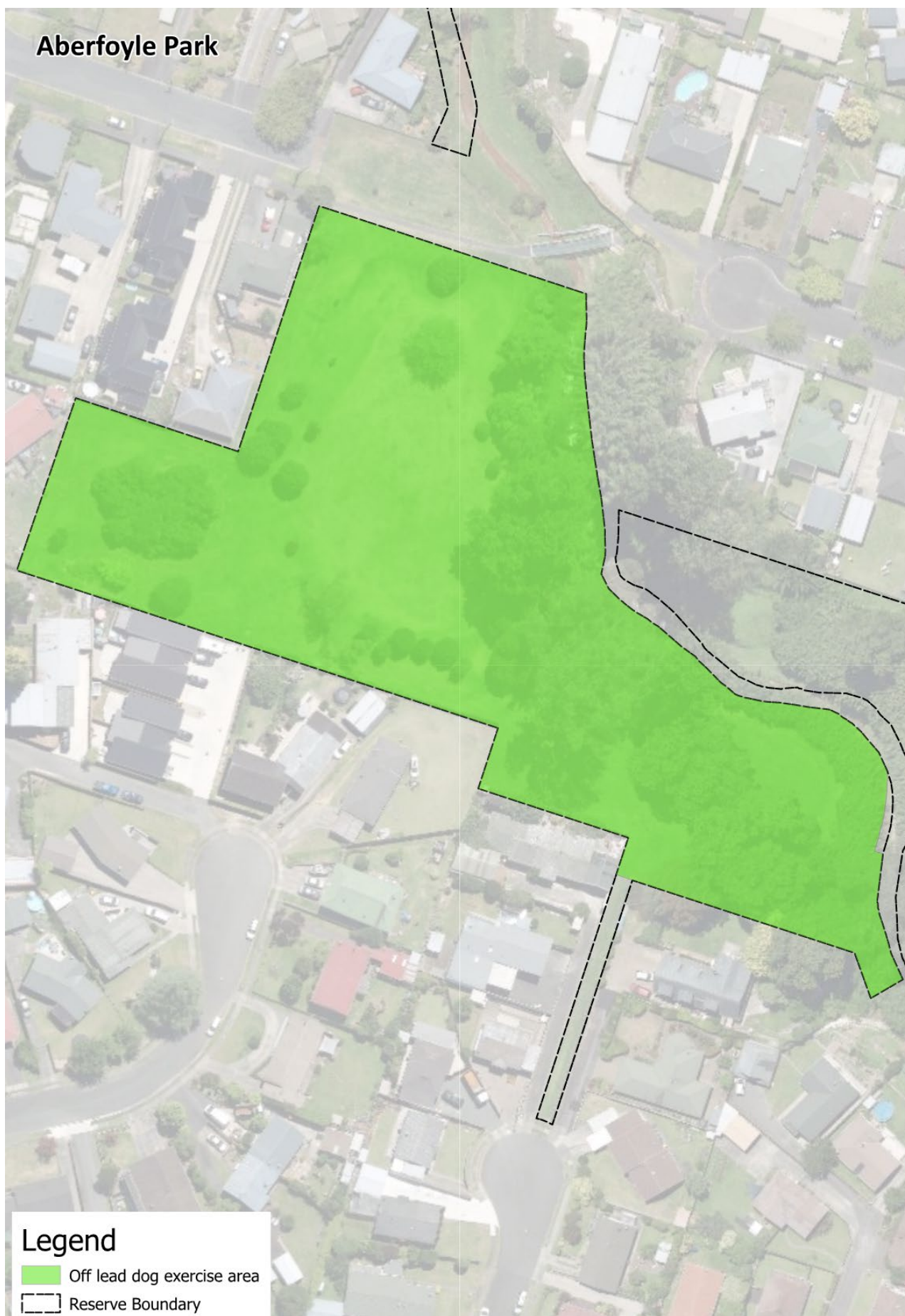


Schedule 2 – Off lead dog exercise and prohibited area maps

This schedule provides maps to identify the specific areas within the locations listed in schedule 1 where the Off lead dog exercise areas and prohibition rules apply.

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Aberfoyle Park

### Legend

- Off lead dog exercise area
- Reserve Boundary





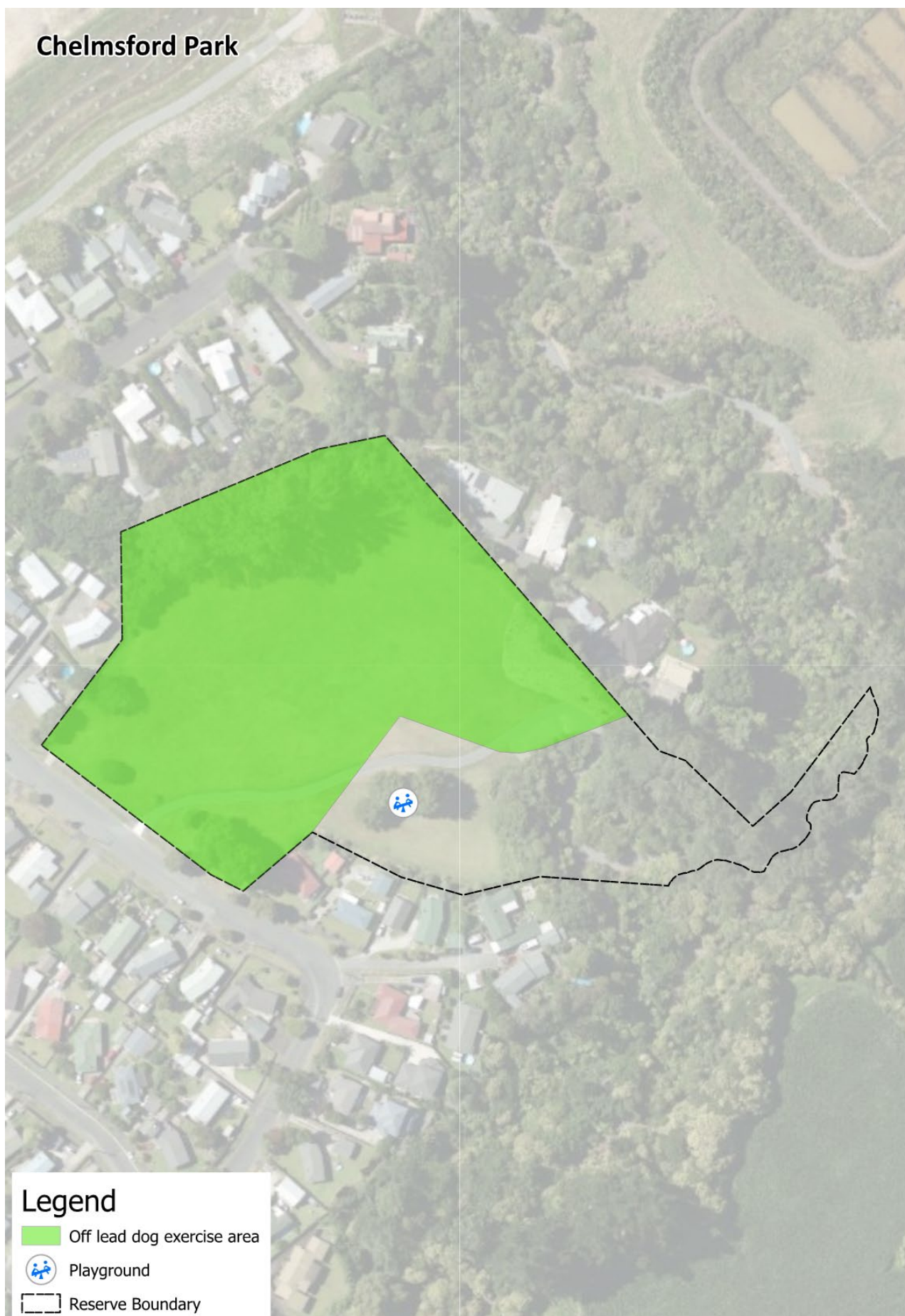








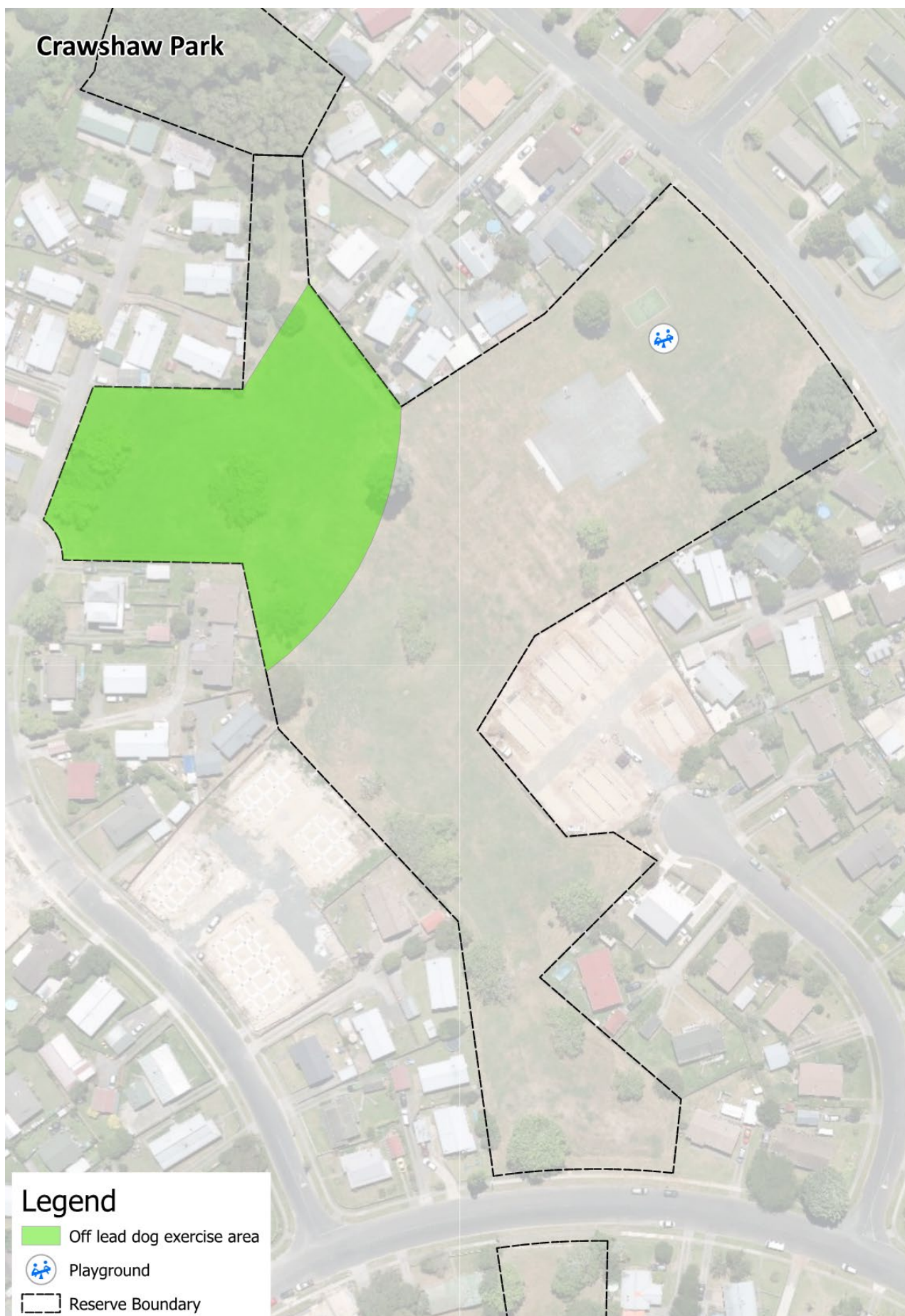








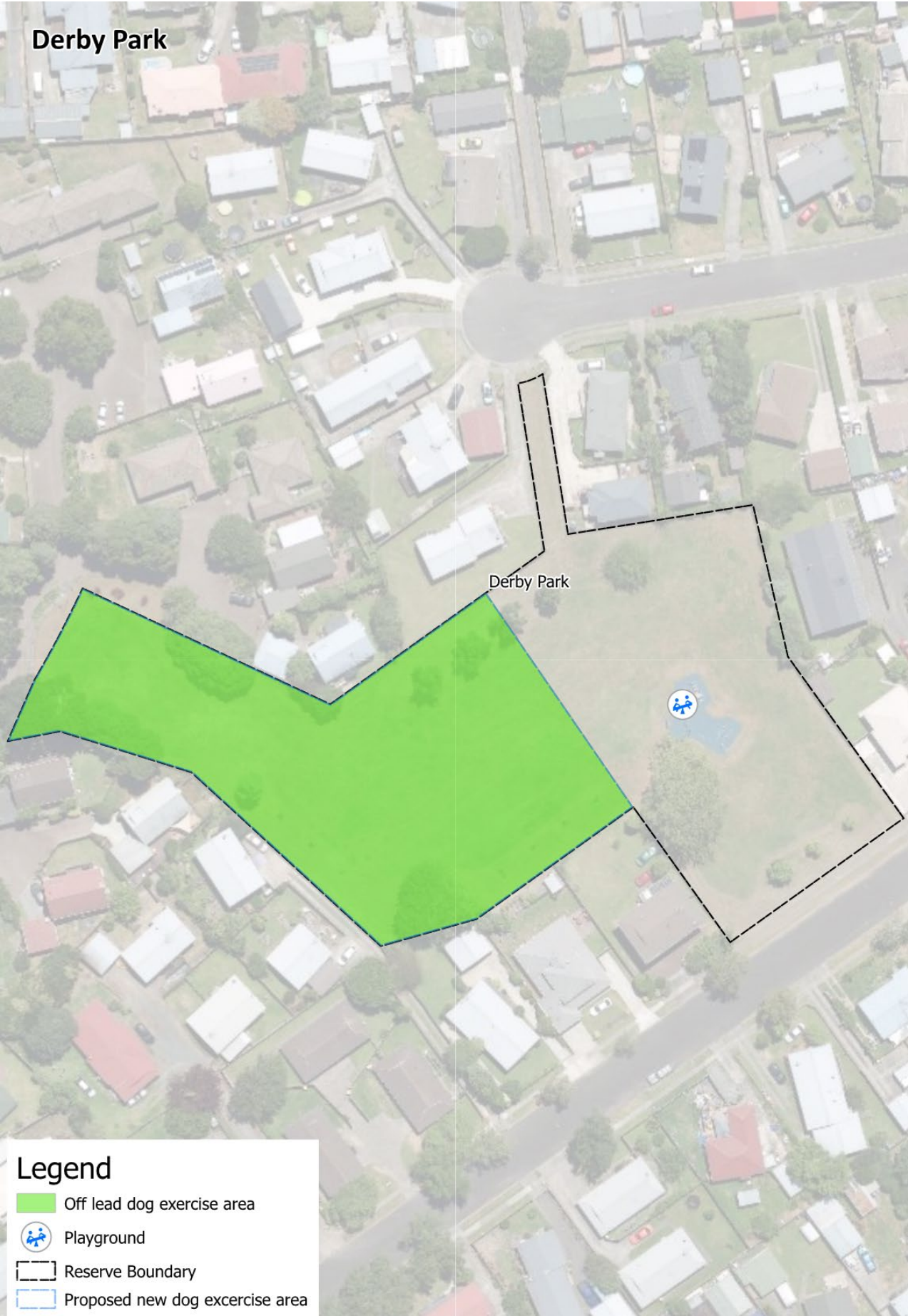




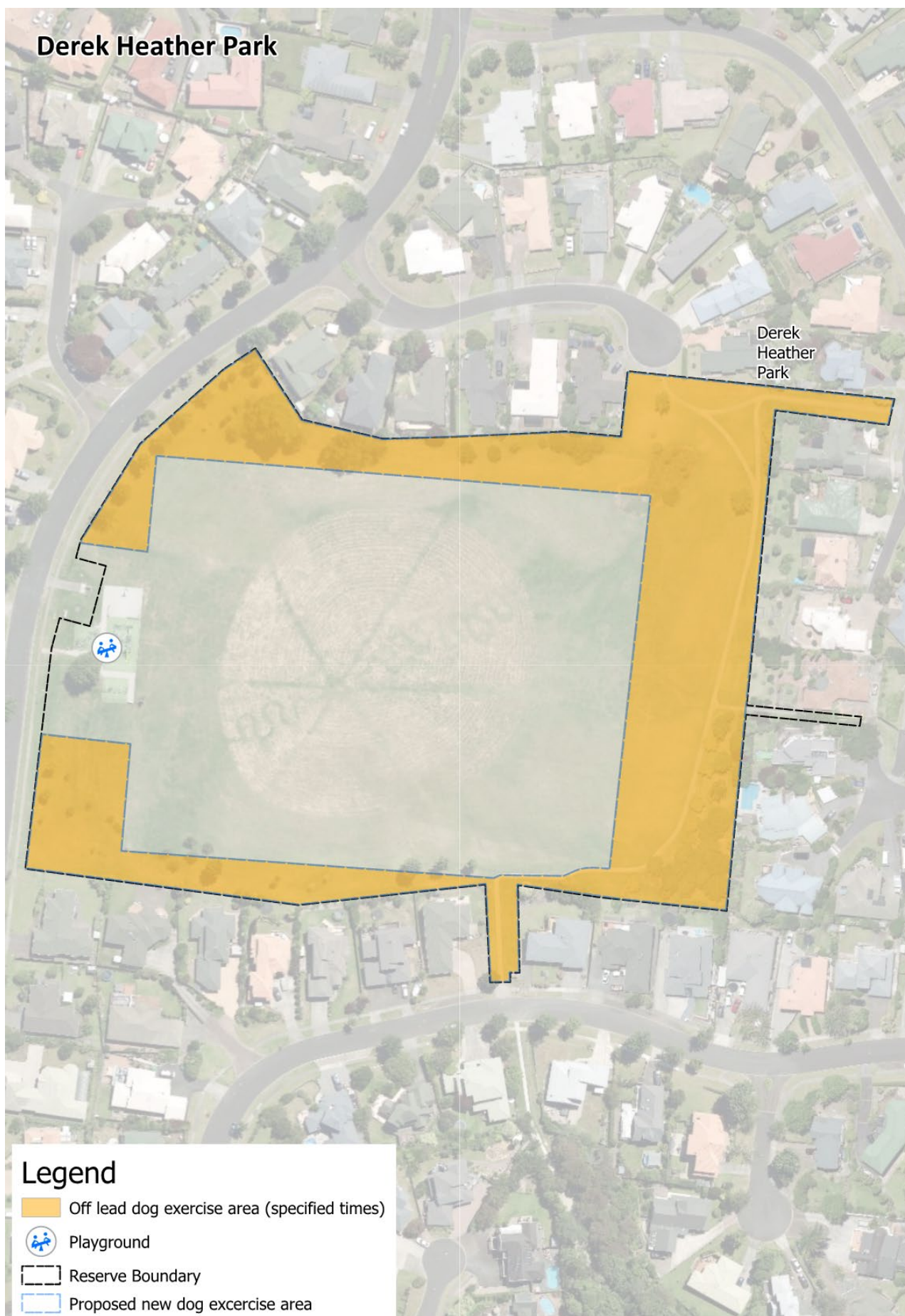




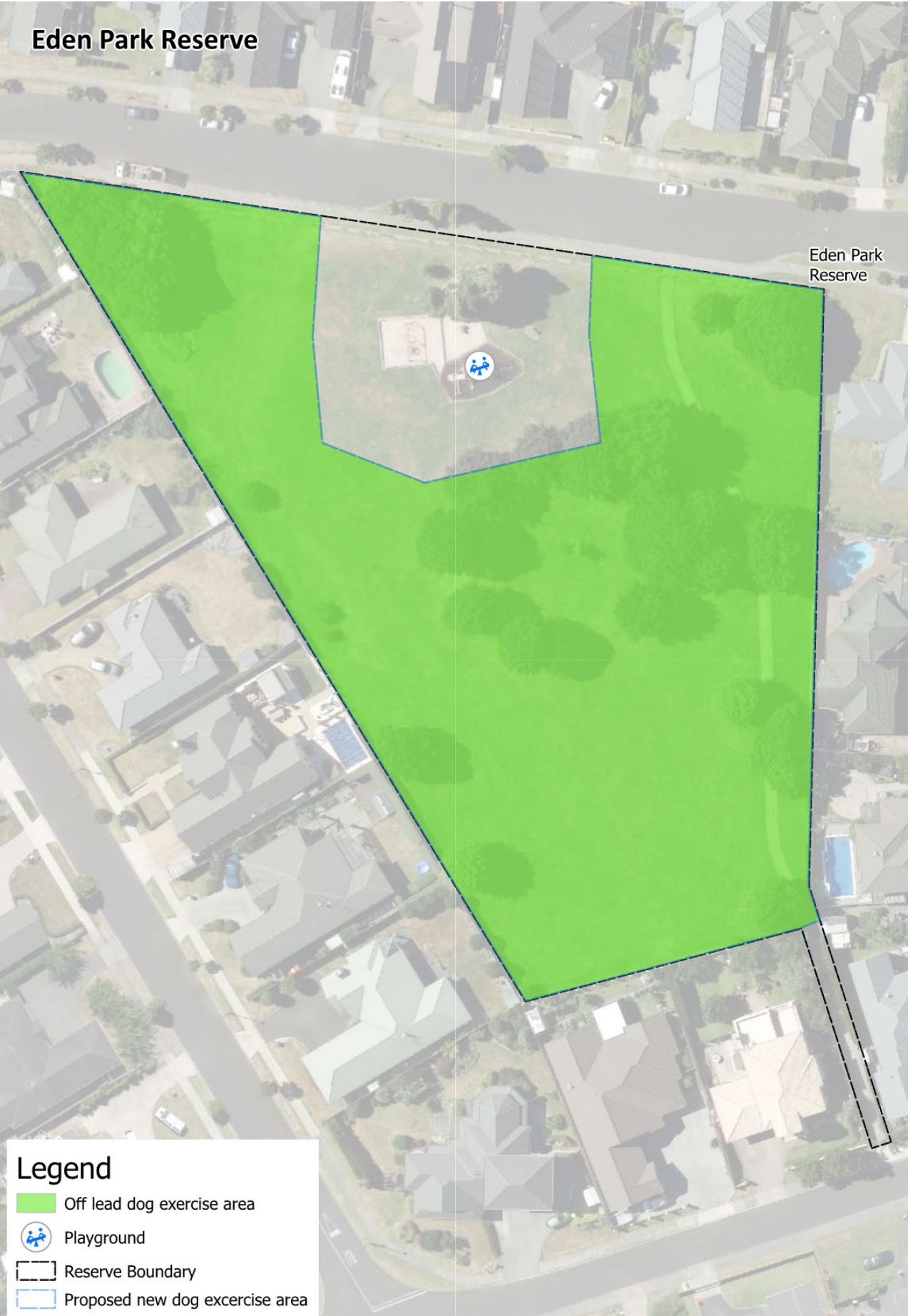








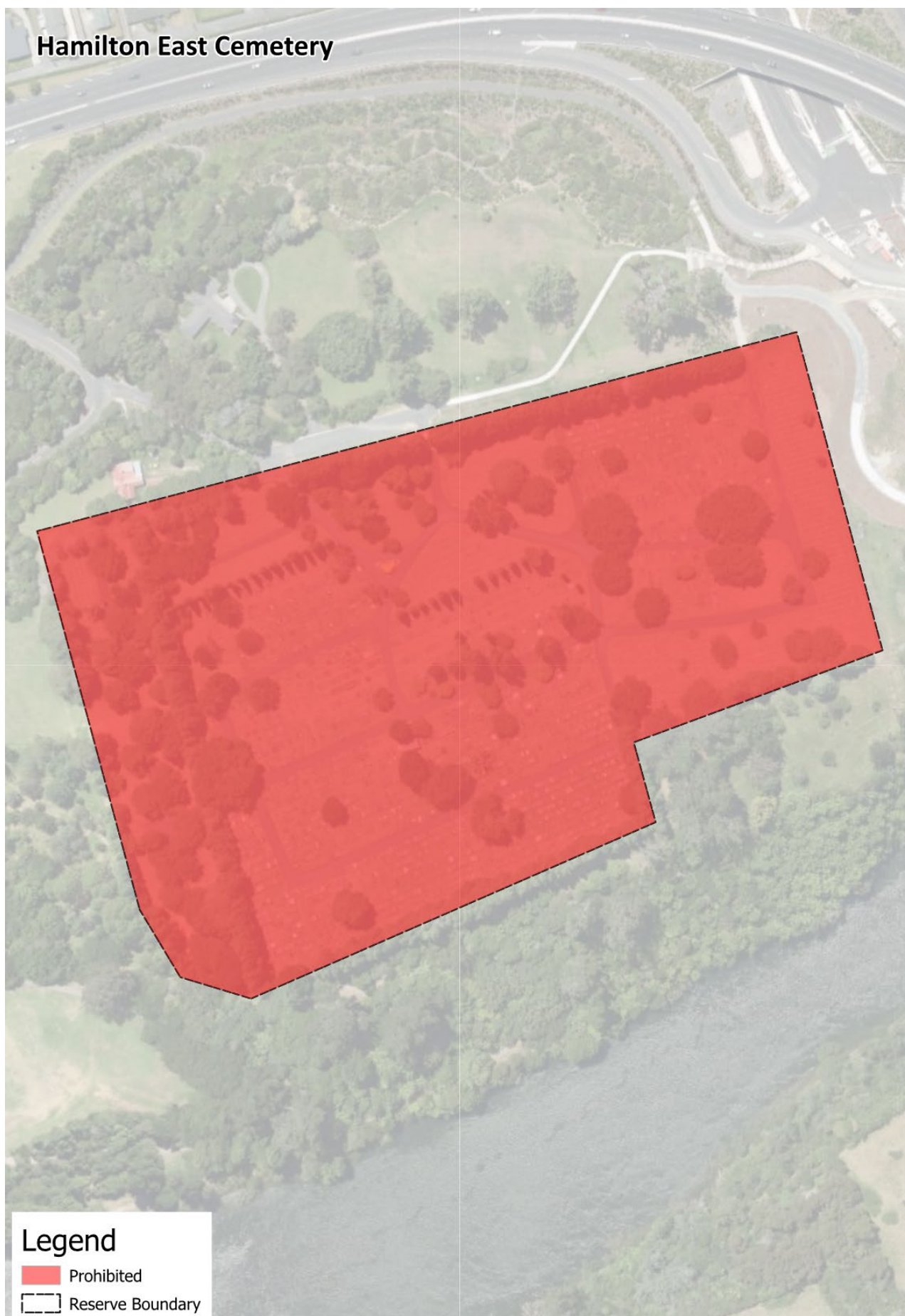












































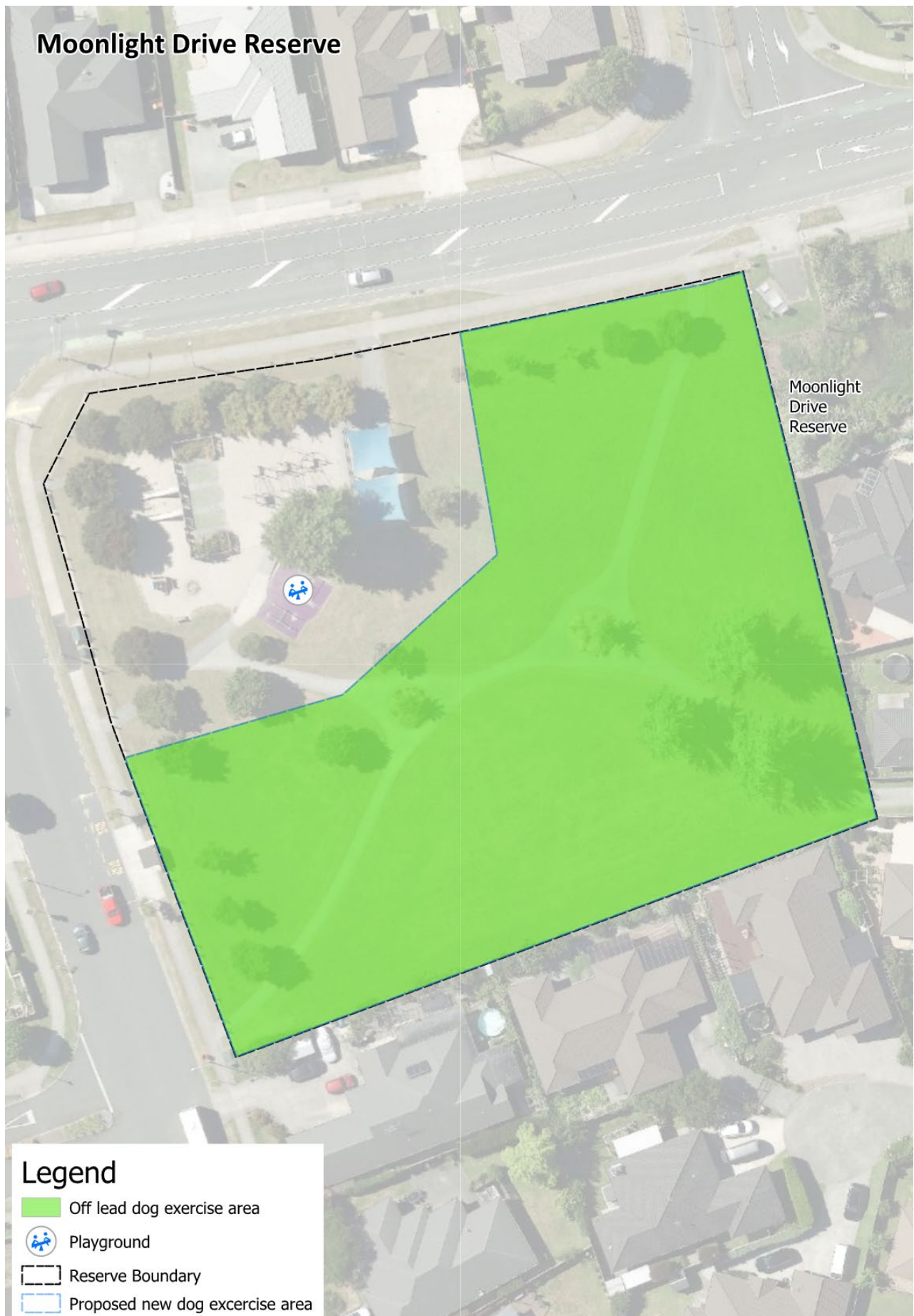




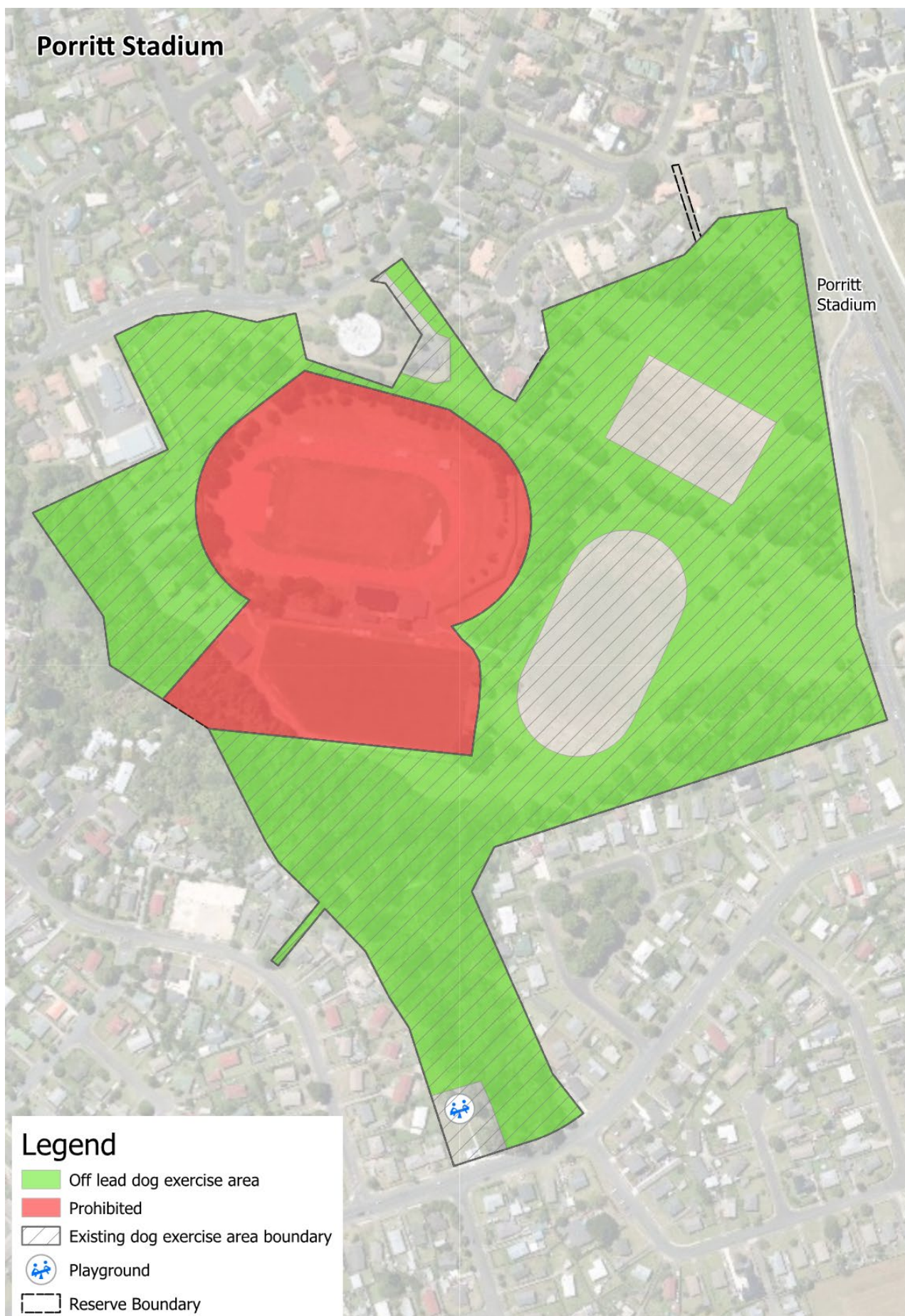












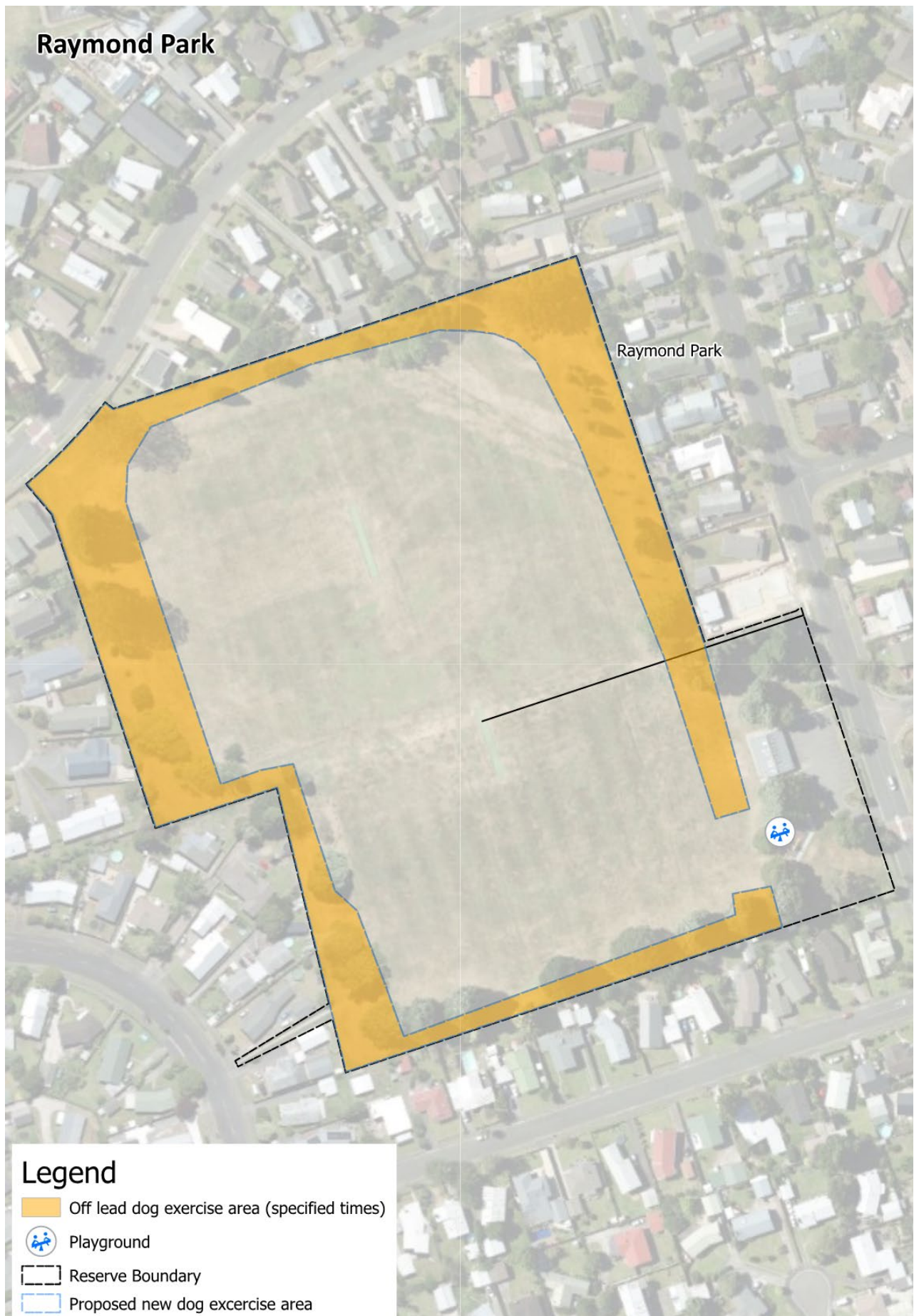








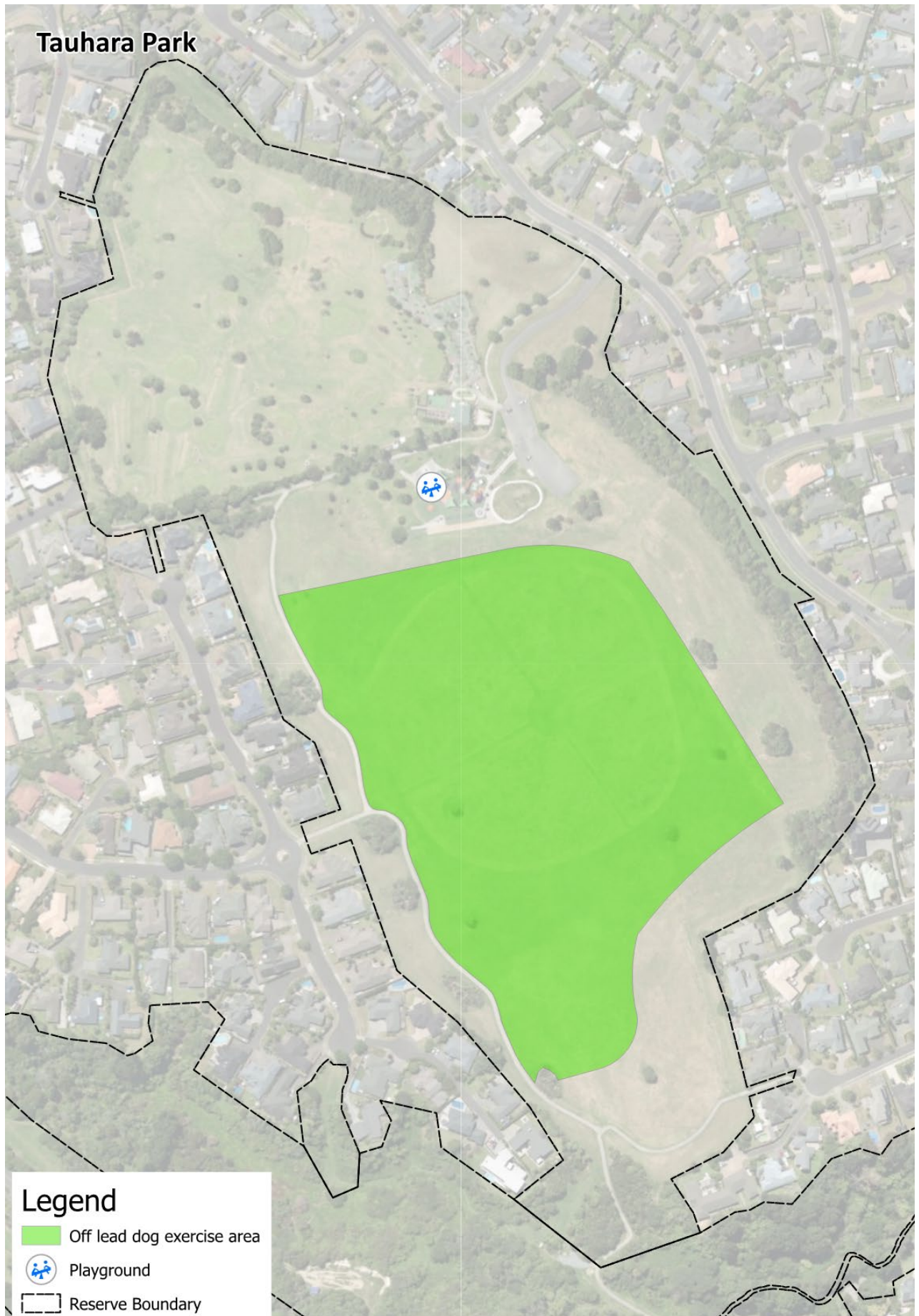




















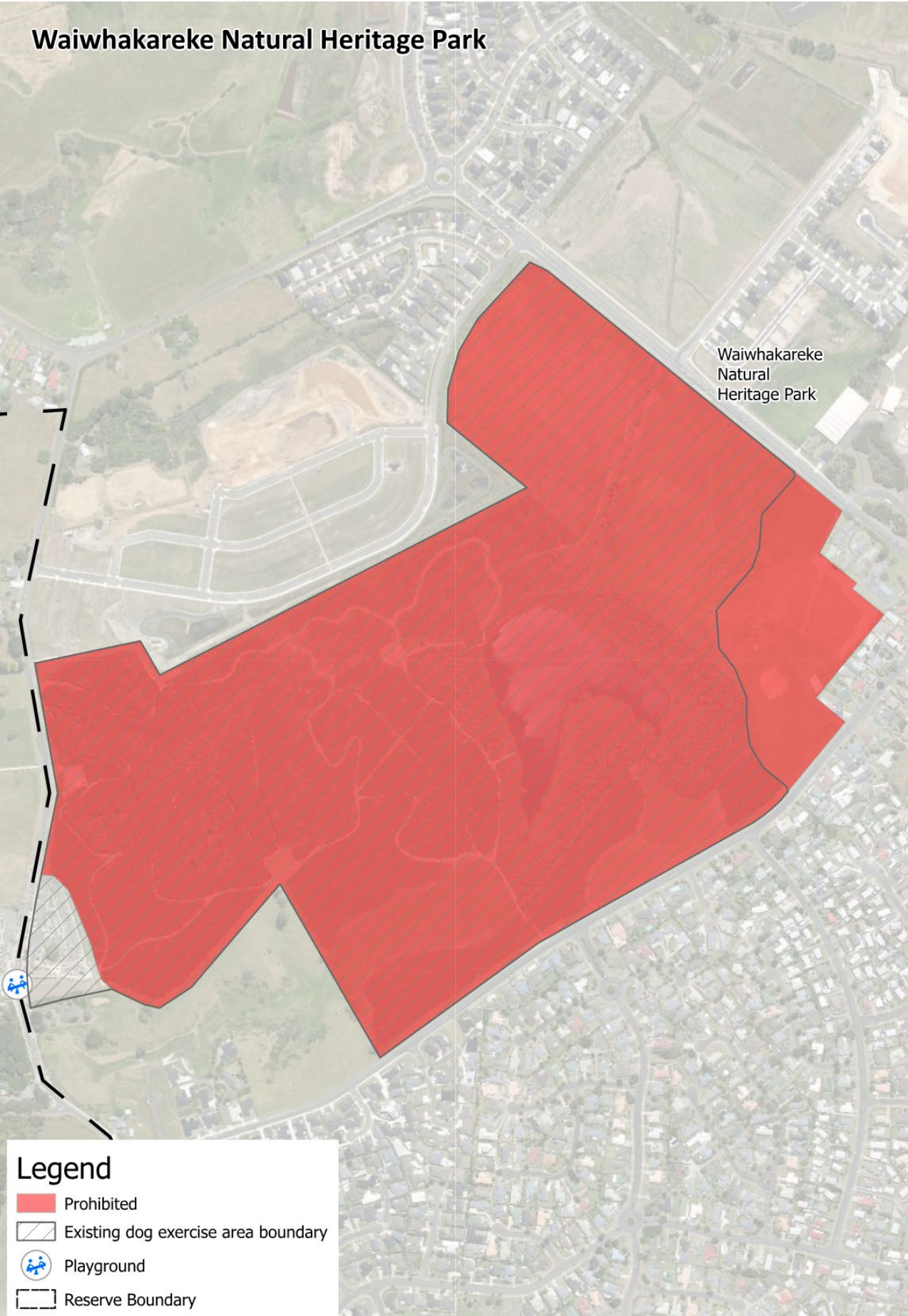


















First adopted:	May 2015
Revision dates/version:	July 2025
Next review date:	2030
Engagement required:	Special Consultative Procedure (s83, LGA) required by Dog Control Act
Document number:	
Associated documents:	Hamilton City Dog Control Bylaw 2015 (amended 2025)
Sponsor/Group:	Customer and Community Group

## ***Kaupapahere Whakataki Kurii***

## **Dog Control Policy**

### ***Ko te Puutaketanga***

### **Purpose**

1. The purpose of this Policy is to:
  - a. facilitate responsible dog ownership within the community and respond when dog owners do not meet their responsibilities, and
  - b. state how Council will fulfil its legislative responsibilities in accordance with the Dog Control Act 1996 (Act) and the Dog Control Bylaw 2015 (Bylaw).

### ***Ko te Whaanuitanga***

### **Scope**

2. This Policy applies to the district of Hamilton City Council.

### ***Ko ngaa Tikanga Whakahaere Kaupapahere***

### **Principles of Policy**

3. The principles of this policy are:
  - a. To enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners, and
  - b. Dogs need to be trained and socialised so that they learn how to behave in a public environment. Involvement in education, and liaison with the community is valuable to achieving these outcomes.
4. This Policy is made under the provisions of [section 10](#) of the Act and takes into account:
  - a. the need to minimise danger, distress, and nuisance to the community generally; and
  - b. the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
  - c. the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
  - d. the exercise and recreational needs of dogs and their owners.

### ***Ko ngaa Tikanga***

### **Policy**

#### **Education**

5. Council will take an education first approach with dog owners to enhance the knowledge and skill of dog owners on the care and control of dogs, with a particular focus on the owners of dogs with behavioural issues.
6. Council will seek opportunities to educate the general public, particularly children, about safety around dogs and other dog-related issues.
7. Council will work with the clubs and service providers to achieve the objective of this Policy.



### Regulation and enforcement

8. Council will use enforcement mechanisms, including infringements and fines, of the Bylaw and the Act to fulfill the principles of this policy.
9. When considering enforcement action, Council will take into consideration; the circumstances of the event, any injury or damage related to the event, the history and behaviour of the dog, the history and behaviour of the owner, and any steps taken to prevent the event happening again.

### Dogs in public places

10. Dogs must always be under control and must not roam outside the property they live in.
11. Dogs may only be let off lead in designated off lead areas (Off Lead Dog Exercise and Prohibited Areas Register, Schedule 1).
12. Any person walking or exercising a dog in public must carry a lead, and an appropriate receptacle for collecting and disposing of faeces.
13. Any person walking or exercising a dog in public must prevent the dog from interfering with the use or enjoyment of any other person sharing the space.

### On lead areas

14. Dogs must be kept on lead in road corridors (including footpaths and berms), river pathways (unless within a designated dog exercise area), and any other public place not otherwise classified.

### Off lead dog exercise areas

15. Council will provide appropriately for the exercise and recreational needs of dogs and their owners by designating Off lead dog exercise areas, including Off lead dog exercise areas (specified times).
16. When selecting an Off lead dog exercise areas Council will consider the following: strategic location with vehicular and pedestrian access, clearly visible boundaries and sufficient sightlines, size, existing usage, and potential impact to flora and fauna.

### Prohibited areas

17. Dogs are prohibited in the following locations:
  - All children's playgrounds and within 10 metres of unfenced children's playgrounds,
  - Skate parks,
  - All cemeteries under control of Hamilton City Council,
  - Miropiko Reserve,
  - Waiwhakareke Natural Heritage Park,
  - Identified areas in:
    - Hamilton Gardens,
    - Hamilton Lake Domain, and
    - Porritt Stadium.



**Access rules**

Access Area Type	Access Rules
Off lead dog exercise area	Are designated dog exercise areas and are shared spaces for all users. Dogs (excluding female dogs in season) can be off lead but must remain under control. NB: if an Off lead dog exercise area is fenced, the enclosed area is a priority area for dogs and their owners.
Off lead dog exercise area (specified times)	Are designated dog exercise areas and are shared spaces for all users. Dogs (excluding female dogs in season) can be off lead at certain times but must remain under control. Off lead and on lead times are identified in Schedule 1.
On lead area	Are shared spaces for all users. Dogs must be always on lead and must remain under control. Working dogs are exempt only when working.
Prohibited area	Dogs are not permitted in these areas. Working dogs are exempt only when working.

18. Non-compliance with the Access Rules is in breach of the Bylaw.
19. Dog exercise areas and prohibited areas, including any variation on access are identified in the Dog Control Off Lead Exercise and Prohibited Areas Register (Schedule 1).
20. Council will effectively communicate the dog access areas with on-site signage and Council's communication platforms.

**Owner obligations and nuisance**

21. Dog owners support the reduction of dog nuisance by meeting their obligations in section 5 of the Act and the Bylaw. Owner obligations include:
  - a) registering their dogs and updating information with Council when needed
  - b) providing proper housing, care, and exercise.
  - c) controlling their dog/s in public places.
  - d) taking all actions to reduce roaming, howling, or barking.
  - e) taking all actions to ensure dogs do not injure or attack any person, stock, poultry, domestic animal, protected wildlife, nor damage property.
  - f) holding multiple dog permits for more than 2 dogs older than three months
22. Council will respond to all dog nuisance complaints and use enforce mechanisms where nuisance continues.

**Dog classifications – Menacing and Dangerous**

23. Council may classify a dog as Menacing if the dog's observed and/or reported behaviour is considered a threat to the safety of people, stock, poultry, domestic animal, or protected wildlife.
24. Council will classify a dog as Menacing if the dog belongs wholly or predominantly to a breed or type identified in Schedule 4 of the Act.
25. Dogs classified as Menacing:
  - a) must be neutered.
  - b) must be muzzled in all public places
  - c) must be on lead in all public places and private ways, unless confined in a vehicle or cage.
  - d) can be off lead in specified off lead dog exercise areas but must remain muzzled.



26. Council will classify a dog as Dangerous if the dog owner has been convicted of an offence under section 57A(2) of the Act, or there is sworn evidence that the dog is aggressive and constitutes a threat to the safety of people, stock, poultry, domestic animals or protected wildlife.
27. Dogs classified as Dangerous:
- a) must be neutered.
  - b) must be muzzled in all public places
  - c) must be on lead in all public places and private ways, unless confined in a vehicle or cage, or in a designated dog exercise area.
  - d) must be kept within a securely fenced section of the owner's property (dog-free access to the house must be available).
  - e) will incur a registration fee 50% more than the standard registration fee.
  - f) can be off lead in specified off lead dog exercise areas but must remain muzzled.
  - g) must get the written consent from Council to change owners.
28. Sections 31, 33B and 33D of the Act set out the process for objecting to a dog classification.
29. Dog classifications apply nationwide. Owners moving into the district of Hamilton City with dogs classified by another territorial authority will be subject to Council's requirements for that classification.
30. Regardless of classification status, Council expects any dog known by the owner to have attacked any person, stock, or property must be muzzled in a public place as required by section 62(2) of the Act.

#### **Dog owner classifications – Probationary and Disqualified**

31. Council may classify a dog owner as probationary or disqualified if the owner has committed three or more separate infringement offences under the Act in a 24-month period.
32. Council will classify a dog owner as disqualified if the owner has been convicted of an offence against the Act.
33. Council may require a person classified as a probationary owner to undertake, at their own expense, a dog owner education programme and/or dog obedience course approved by Council.
34. Sections 21-28 of the Act set out matters relating to the classification of dog owners as probationary or disqualified owners, including the process for objecting to the classification.

#### **Neutering**

35. Council encourages neutering of dogs to support responsible dog ownership, reduce the number of roaming dogs, unwanted litters of puppies, and the number of impounded dogs.
36. Any dog classified as menacing by another territorial authority is required to be neutered if relocating to Hamilton City.
37. Council may require a dog to be neutered if the dog has not been kept under control more than once in a 12-month period,.

#### **Fees and charges**

38. Council will incentivise responsible dog ownership and the prompt payment of registration fees with the use of fee categories and discounts .
39. The fees and charges will be prescribed each year on the Schedule of Fees and Charges through the Annual Plan or Long Term Plan process.



## ***Ko te Aroturukitanga me te Whakatinanatanga*** **Implementation**

## **Monitoring and**

40. The Policy will be implemented using a combination of enforcement action, public education, and liaison with other service providers.
41. Implementation of the Policy will be monitored by the General Manager, Customer and Community.
42. Council will report transparently on the administration of this Policy and its dog control practices.
43. The Policy will be reviewed in response to any issues that may arise, every five years, at the request of the Council, or in response to changed legislative and statutory requirements (whichever occurs first).

## ***Ko ngaa Whakamaaramatanga***

## **Definitions**

<b>Term</b>	<b>Definition in this Policy</b>
<b>Control</b> or <b>Controlled</b>	In relation to a dog, means that the owner is able to obtain an immediate desired response from the dog by use of a lead and, when not on a lead, by using direct commands.
<b>Dangerous</b>	means any dog classified as dangerous under section 31 or 33ED of the Act.
<b>Disqualified owner</b>	means a person prohibited from owning a dog for up to 5 years under section 25 of the Dog Control Act 1996.
<b>In season</b>	means the oestrus or heat cycle for any female dog.
<b>Menacing</b>	Means any dog classified as menacing under section 33A or 33C the Dog Control Act 1996.
<b>Muzzled</b>	In relation to a dog, means the dog is wearing a basket type or similar muzzle (that allows panting and drinking).
<b>Neuter</b> or <b>neutered</b>	means a dog that has been spayed or castrated; and does not include a dog that has been vasectomized.
<b>Owner</b>	has the same meaning as defined in section 2 of the Dog Control Act 1996. As an example, it generally refers to the registered owner of the dog or any person in possession of the dog.
<b>Probationary owner</b>	Means a person who is prohibited from owning and/or registering any new dogs, for a period of up to 2 years, under section 21 of the Dog Control Act 1996.
<b>Public place</b>	Has the same meaning as section 2 of the Dog Control Act, it generally means any place that is open to use by the public, whether free or upon payment of an entry fee. For clarity, Public place includes all areas designated as off lead exercise areas.
<b>Private way</b>	has the same meaning as defined in Section 315(1) of the Local Government Act 1974, and in relation to dogs is most commonly referring to shared driveways.
<b>Roaming</b>	means any dog that is found at large in any public place or any land or premises other than that occupied by the owner.
<b>Working dog</b>	has the same meaning as defined in section 2 of the Dog Control Act 1996, it generally refers to a dog kept by a specified agency and includes disability assist dogs.

## ***Ko ngaa Tohutoro***

## **References**

44. The Policy is enforced through the Hamilton City Dog Control Bylaw 2015 (amended 2025).
45. The Policy is made under [Section 10](#) of the Dog Control Act 1996.



### Schedule 1 – Off lead dog exercise and prohibited areas register

This schedule details all parks identified as off lead dog exercise areas, including those that are designated off lead dog exercise only at certain times (Off lead exercise area (specified times)), and prohibited areas within the district of Hamilton City and other locations controlled by Hamilton City Council.

Schedule 2 provides detailed maps of the specific areas within the locations listed below where the access areas rules apply.

Location	Designation
Aberfoyle Park	Off lead dog exercise area All times
Beetham Park	Off lead dog exercise area All times
Braithwaite Park	Off lead dog exercise area All times
Bristol Park	Off lead dog exercise area All times
Chelmsford Park	Off lead dog exercise area All times
Claudlands Park	Off lead dog exercise area All times
Crawshaw Park	Off lead dog exercise area All times
Days Park	Off lead dog exercise area All times
Derby Park	Off lead dog exercise area All times
Derek Heather Park	Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
Eden Park Reserve	Off lead dog exercise area All times
Greensboro Park	Off lead dog exercise area All times
Hamilton East Cemetery	Prohibited area All times
Hamilton Gardens	<b>Area north of Hungerford Crescent:</b> Off lead dog exercise area All times
	<b>Hillside Lawn (including southern river area):</b> Off lead dog exercise area (specified times) On lead between 10am-6pm Off lead all other times
	<b>Coxhead Flat (western river area):</b> Off lead dog exercise area All times
	<b>Enclosed Gardens:</b> Prohibited area All times
Hamilton Lake Domain	<b>Greenspace at reservoir:</b> Off lead dog exercise area All times



Location	Designation
	<b>Playground and picnic area:</b> Prohibited area All times
<b>Hamilton Park Cemetery*</b>	Prohibited area All times *The Hamilton Park Cemetery is prohibited in accordance with the Hamilton City Cemeteries and Crematorium Bylaw 2012 (amended 2024).
<b>Hamilton West Cemetery</b>	Prohibited area All times
<b>Hare Puke Park</b>	Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
<b>Hillcrest Park</b>	Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
<b>Innes Common</b>	<b>Area east of Lake Domain Drive</b> Off lead dog exercise area Off lead at all times
	<b>Area west of lake Domain Drive</b> Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
<b>Mangaiti Park*</b>	Off lead dog exercise area Off lead at all times *Three sections of the park are designated as temporary off lead areas. The areas will no longer be off lead once sports field are developed.
<b>Melville Park</b>	Off lead dog exercise area All times
<b>Minogue Park*</b>	Off lead dog exercise area All times * The southern area is designated as a temporary off lead area. The temporary area will no longer be off lead once tree planting has begun.
<b>Miropiko Reserve</b>	Prohibited area All times
<b>Moonlight Drive Reserve</b>	Off lead dog exercise area All times
<b>Porritt Stadium</b>	<b>Park surrounding</b> Off lead dog exercise area All times
	<b>Stadium</b> Prohibited area All times
<b>Pukete Farm Park</b>	Off lead dog exercise area All times
<b>Rakautahi Park</b>	Off lead dog exercise area All times



Location	Designation
Raymond Park	Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
Resthills Park	<b>Northern area</b> Off lead dog exercise area All times
	<b>Eastern area</b> Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
Tauhara Park	Off lead dog exercise area All times
Te Kootii Park	Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
Te Manatu Park*	Off lead dog exercise area All times * Centre of the park is designated as a temporary off lead area. The areas will no longer be off lead once sports field are developed. It is proposed the surrounding off lead area will become an off lead dog exercise area (specified times) once the sports fields are developed.
Temple View Reserve	Off lead dog exercise area All times
Till's Lookout	Off lead dog exercise area All times
Waiwhakareke Natural Heritage Park	Prohibited area All times
Waiwherowhero Park	Off lead dog exercise area All times



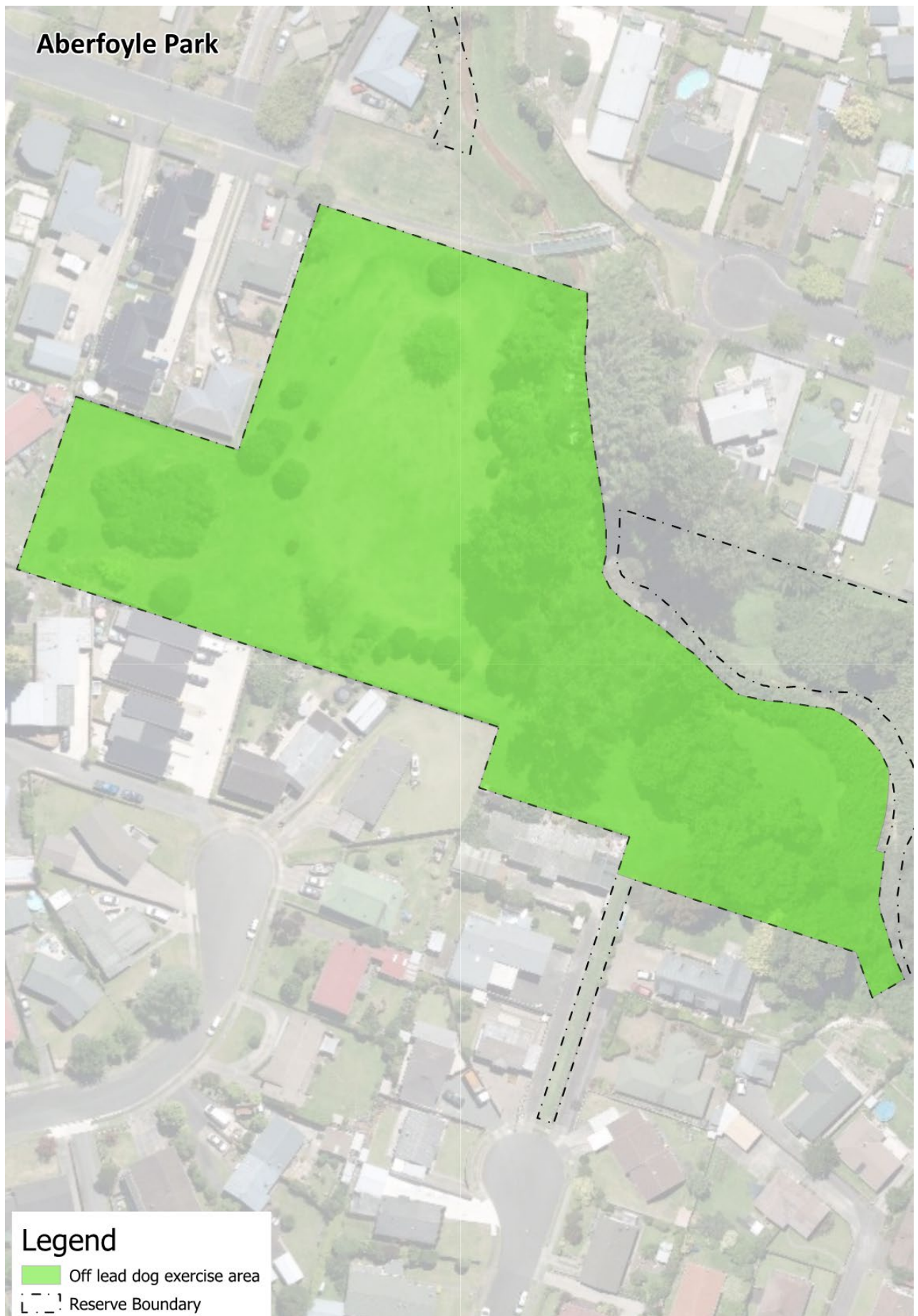
## Schedule 2 – Off lead dog exercise and prohibited area maps

This schedule provides maps to identify the specific areas within the locations listed in schedule 1 where the Off lead dog exercise areas and prohibition rules apply.

Item 9

Attachment 5

















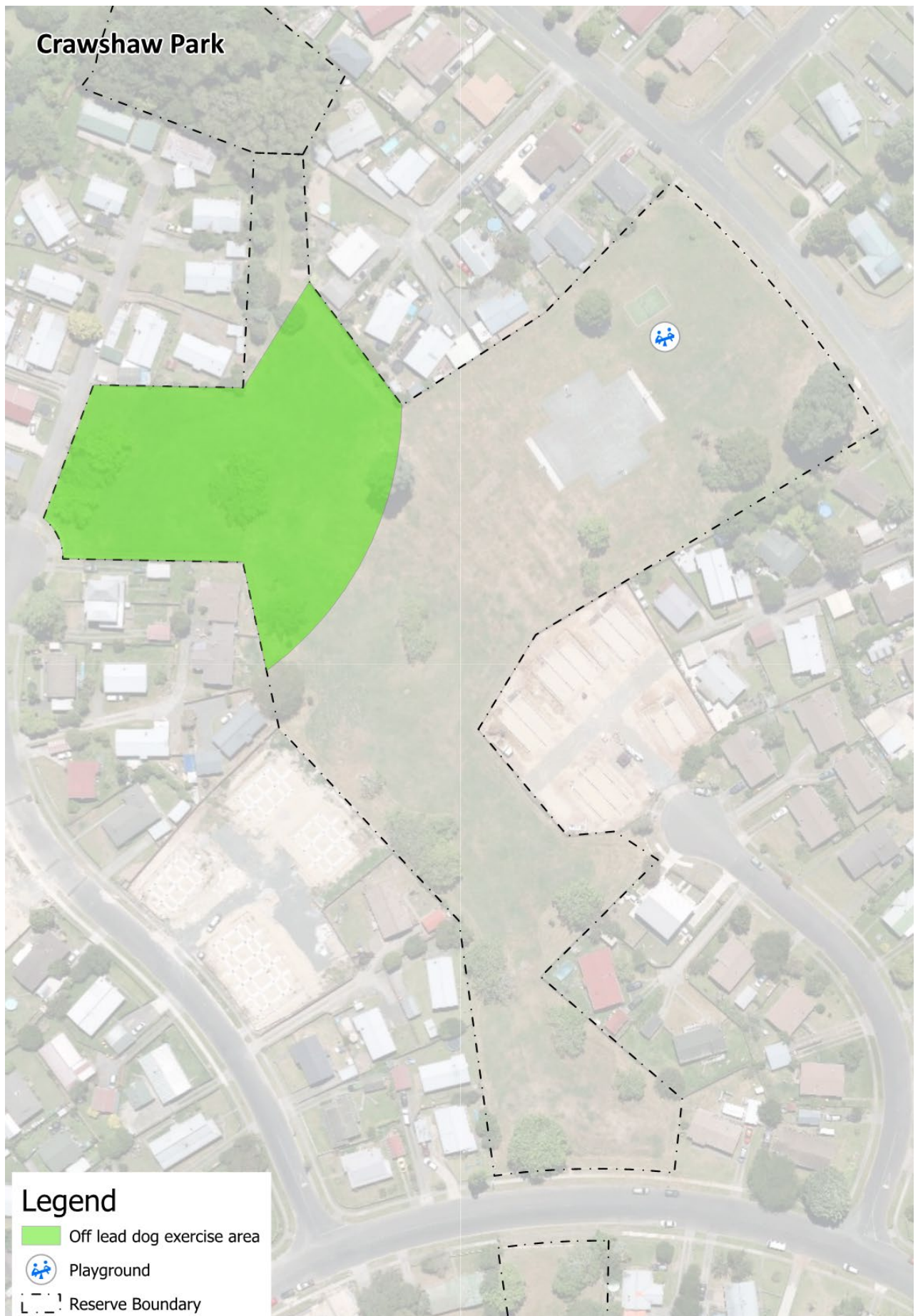












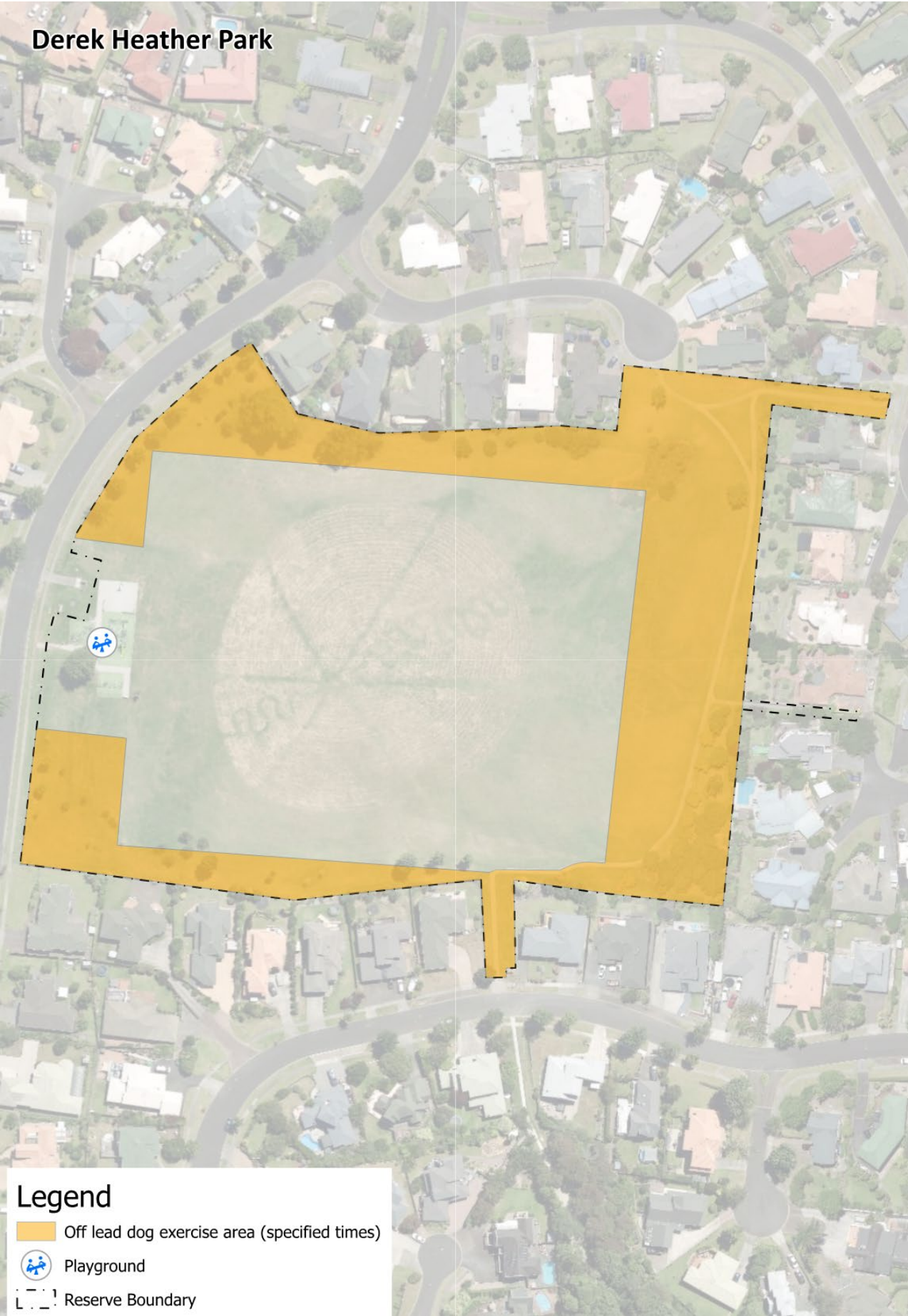












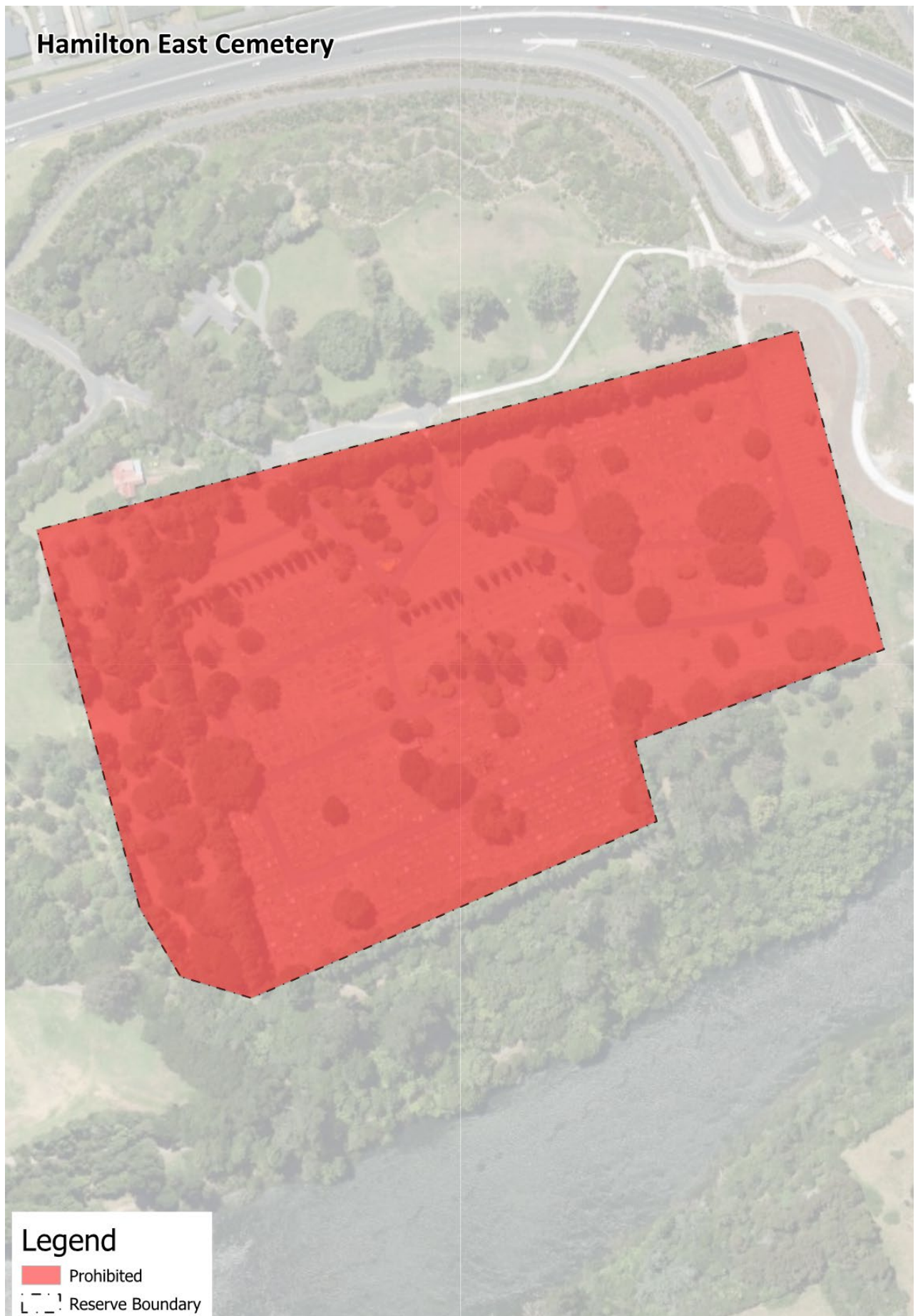












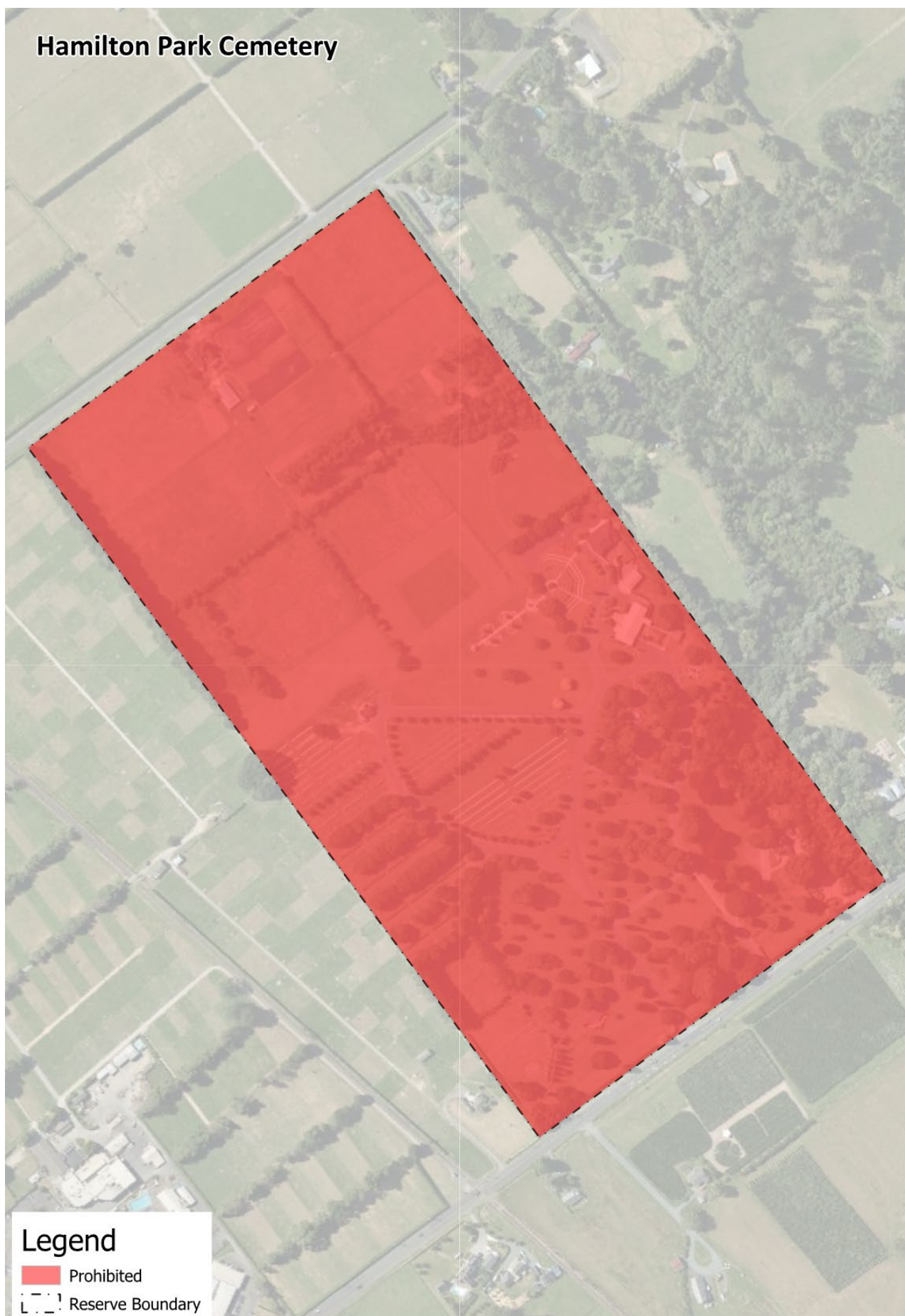













































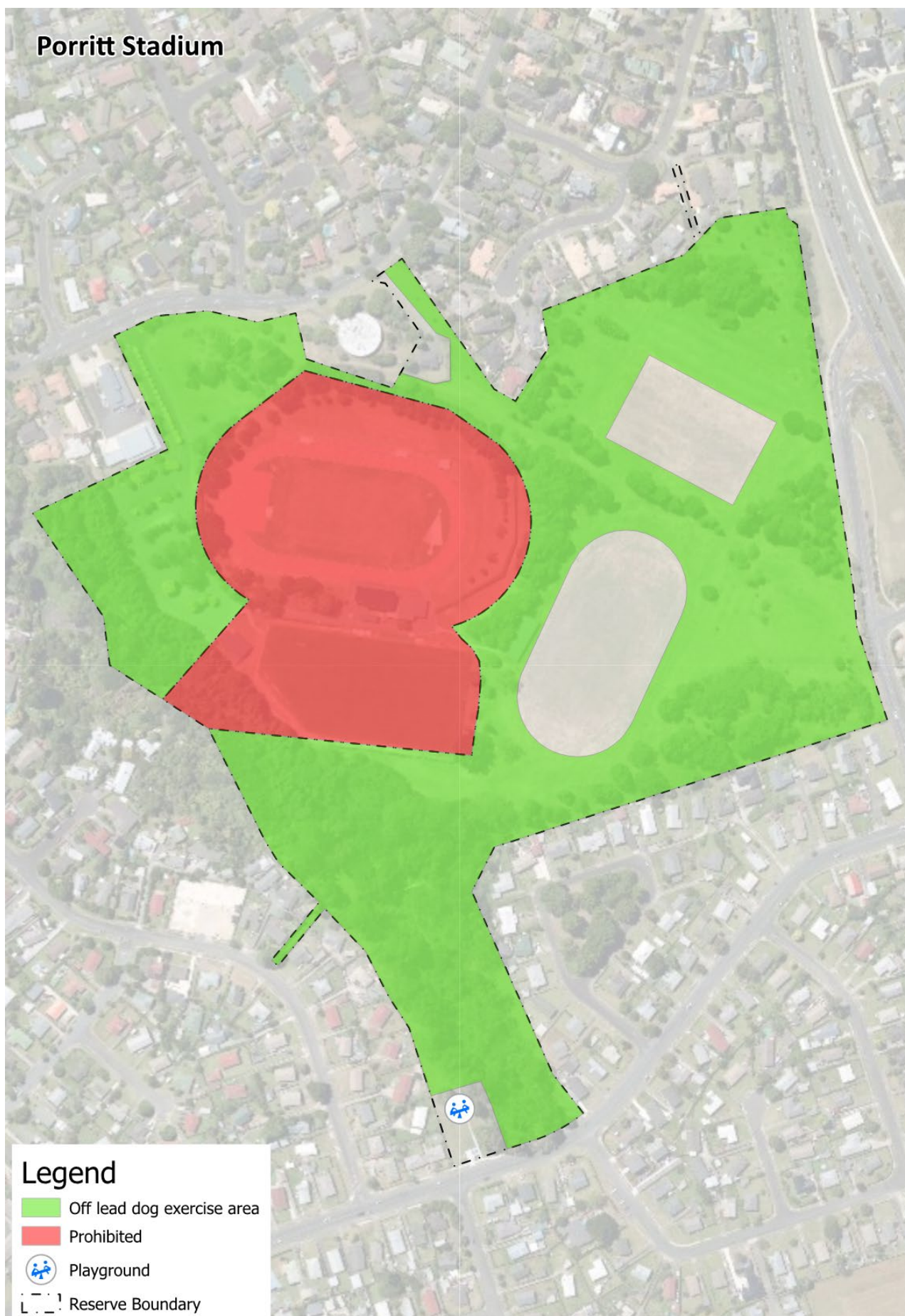




### Legend

- Off lead dog exercise area
-  Playground
- Reserve Boundary

































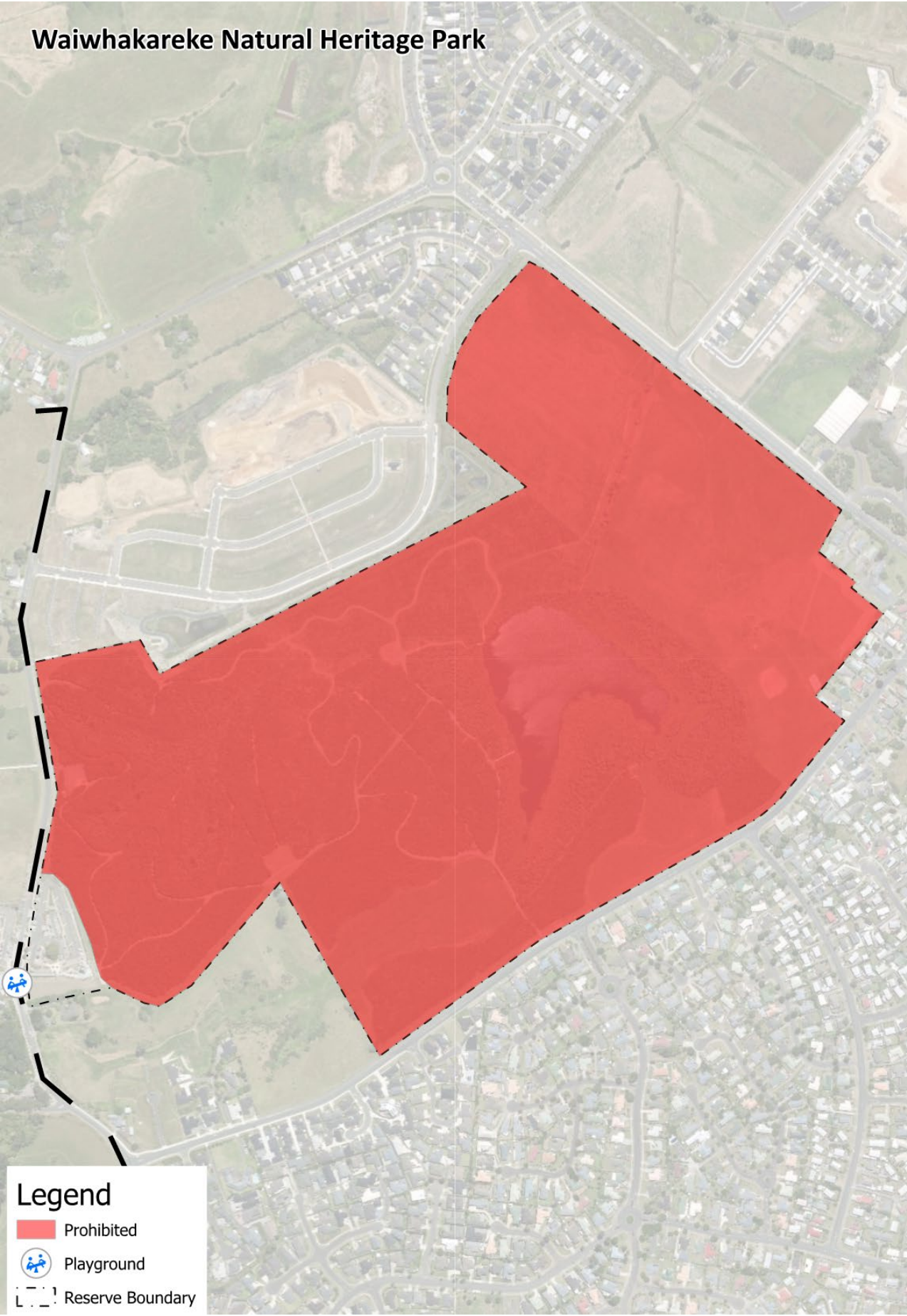


















First adopted:	May 2015
Revision dates/version:	<u>July 2025</u>
Next review date:	<u>2030</u>
Engagement required:	Special Consultative Procedure (s83, LGA) required by Dog Control Act
Document number:	
Associated documents:	Hamilton City Dog Control Bylaw 2015 ( <u>amended 2025</u> )
Sponsor/Group:	Customer and Community Group

## Kaupapahere Whakataki Kurii

## Dog Control Policy

### Ko te Puutaketanga

### Purpose

1. The purpose of this Policy is to:
  - a. facilitate responsible dog ownership within the community and respond when dog owners do not meet their responsibilities, and
  - ~~1.b. state how Council will fulfil its legislative responsibilities pursuant in accordance with to the Dog Control Act 1996 (Act) and the Dog Control Bylaw 2015 (Bylaw).~~
2. ~~This Policy has been adopted pursuant to the functions, duties and powers conferred on Hamilton City Council ('Council') by the Dog Control Act 1996 (www.legislation.govt.nz) and takes into account:~~
  - a. ~~the need to minimise danger, distress, and nuisance to the community generally; and~~
  - b. ~~the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and~~
  - c. ~~the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and~~
  - d. ~~the exercise and recreational needs of dogs and their owners.~~
3. ~~To enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners.~~
4. ~~This Policy applies to the whole of the district administered by Hamilton City Council, and other locations that are controlled by Hamilton City Council, now and in the future.~~

### Ko te Whaanuitanga

### Scope

2. ~~This Policy applies to the whole of the district administered by of Hamilton City Council, and other locations that are controlled by Hamilton City Council, now and in the future.:~~

### Ko ngaa Tikanga Whakahaere Kaupapahere Principles of Policy

3. The principles of this policy are:
  - a. To enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners, and
  - ~~2~~
  - b. Dogs need to be trained and socialised so that they learn how to behave in a public environment. Involvement in education, and liaison with the community is valuable to achieving these outcomes.
4. ~~This Policy is made under the provisions of section 10 of the Act has been adopted pursuant to~~



the functions, duties and powers conferred on Hamilton City Council ('Council') by the Dog Control Act 1996 ([www.legislation.govt.nz](http://www.legislation.govt.nz)) and takes into account:

- a. the need to minimise danger, distress, and nuisance to the community generally; and
- b. the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
- c. the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- d. the exercise and recreational needs of dogs and their owners.

## **Ko ngaa Tikanga Policy**

### **Education**

5. Council considers that involvement in education, and liaison with dog clubs and other service providers, is an appropriate and valuable role. Dogs need to be trained and socialised so that they learn how to behave in a public environment. Council staff will undertake an education first approach initiatives with dog owners to enhance the knowledge and skill of dog owners on the care and control of dogs, with a particular focus on the owners of dogs with behavioural issues.
6. Council will also seek to opportunities to educate enhance the knowledge of the general public generally, particularly children, about on safety around dogs and other dog-related issues. Liaison with dog obedience clubs and other dog-related service providers in the city is considered an important role for Council.
- 6.7. Council will work seek to develop a partnership with the clubs and service providers to achieve the objective of this Policy.

### **Regulation and enforcement**

7. Council has developed a Dog Control Bylaw that is the primary enforcement mechanism of this Policy. The prohibited areas and exercise areas, including maps, are set out in the Dog Control Off Lead Exercise and Prohibited Areas Register referred to in the Dog Control Bylaw 2015.
8. Whilst Council will use pursue education of dog owners and the public generally to avoid and minimise dog related issues in the city, enforcement mechanisms, including infringements and fines, of the provisions of the Dog Control Bylaw and the Act to fulfill the principles of this policy, is critical to maintain public safety and to minimise danger, distress, and nuisance to the community from dogs.
- 8.9. When considering enforcement action, Council will take into consideration; the circumstances of the event, any injury or damage related to the event, the history and behaviour of the dog, the history and behaviour of the owner, and any steps taken to prevent the event happening again.

### **Dogs in public places**

10. Dogs must always be under control and must not roam outside the property they live in.
11. Dogs may only be let off lead in designated off lead areas (Off Lead Dog Exercise and Prohibited Areas Register, Schedule 1).
12. Any person walking or exercising a dog in public must carry a lead, and an appropriate receptacle for collecting and disposing of faeces.
13. Any person walking or exercising a dog in public must prevent the dog from interfering with the use or enjoyment of any other person sharing the space.



### On lead areas

14. Dogs must be kept on lead in road corridors (including footpaths and berms), river pathways (unless within a designated dog exercise area), and any other public place not otherwise classified.

### Off lead dog Exercise areas, ~~restricted areas and prohibited areas~~

15. Council ~~will aim to~~ provide appropriately for the exercise and recreational needs of dogs and their owners by ~~Council has~~ designating ~~Off lead dog exercise areas, including Off lead dog exercise areas (specified times).~~ a number of areas within the city where dogs may exercise without being on a lead or similar device (see clause 10), and areas where dogs are prohibited (see clause 11).

16. When selecting an Off lead dog exercise areas Council will consider the following: strategic location with vehicular and pedestrian access, clearly visible boundaries and sufficient sightlines, size, existing usage, and potential impact to flora and fauna.

### 9. ~~Prohibited areas~~

#### 10. Off lead dog exercise areas

a. ~~Below is a list of parks within Hamilton City designated as off lead dog exercise areas:~~

- ~~• Aberfoyle Park~~
- ~~• Beetham Park~~
- ~~• Braithwaite Park\*~~
- ~~• Bristol Park~~
- ~~• Chelmsford~~
- ~~• Claudelands Park\*~~
- ~~• Crawshaw Park~~
- ~~• Days' Park~~
- ~~• Hamilton Gardens\*~~
- ~~• Innes Common\*~~
- ~~• Lake Domain Reserve \*~~
- ~~• Melville Park~~
- ~~• Minogue Park\*~~
- ~~• Porritt Stadium\*~~
- ~~• Pukete Farm Park~~
- ~~• Resthills Park\*~~
- ~~• Tauhara Park\*~~
- ~~• Te Kooti\*~~
- ~~• Te Manatu\*~~
- ~~• Temple View Reserve\*~~
- ~~• Till's Lookout~~
- ~~• Waiwherowhero Park\*~~

b. ~~Maps of the of the off lead dog exercise areas for each park can be found in the Dog Control Off Lead Exercise and Prohibited Areas Register.~~

~~\* The specific commencement dates and any details on rules for each of these off lead dog exercise areas can be found in the Dog Control Off Lead Exercise and Prohibited Areas Register.~~

11.17. Below are a list of areas in Hamilton where ~~d~~Dogs are prohibited in the following locations:

- All children's playgrounds and ~~W~~within 10 metres of ~~all areas of unfenced~~ children's playgrounds.



- Skate parks,
  - All cemeteries under control of Hamilton City Council, Hamilton West Cemetery
  - Hamilton Gardens Cemetery
  - Hamilton Gardens, Themed Gardens,
  - Miropiko Reserve,
  - Waiwhakareke Natural Heritage Park,
  - Identified areas in:
    - Hamilton Gardens,
    - Hamiton Lake Domain, and
    - Porritt Stadium.
-



12. Council's intention is to progressively upgrade the designated dog exercise areas within the city, to enhance provision for the exercise and recreational needs of dogs and their owners.

#### Access rules

<u>Access Area Type</u>	<u>Access Rules</u>
<u>Off lead dog exercise area</u>	<u>Are designated dog exercise areas and are shared spaces for all users. Dogs (excluding female dogs in season) can be off lead but must remain under control. NB: if an Off lead dog exercise area is fenced, the enclosed area is a priority area for dogs and their owners.</u>
<u>Off lead dog exercise area (specified times)</u>	<u>Are designated dog exercise areas and are shared spaces for all users. Dogs (excluding female dogs in season) can be off lead at certain times but must remain under control. Off lead and on lead times are identified in Schedule 1.</u>
<u>On lead area</u>	<u>Are shared spaces for all users. Dogs must be always on lead and must remain under control. Working dogs are exempt only when working.</u>
<u>Prohibited area</u>	<u>Dogs are not permitted in these areas. Working dogs are exempt only when working.</u>

18. Non-compliance with the Access Rules is in breach of the Bylaw.
19. Dog exercise areas and prohibited areas, including any variation on access are identified in the Dog Control Off Lead Exercise and Prohibited Areas Register (Schedule 1).
20. Council will effectively communicate the dog access areas with on-site signage and Council's communication platforms.

#### Owner obligations and nuisance

21. Dog owners support the reduction of dog nuisance by meeting their obligations in section 5 of the Act and the Bylaw. Owner obligations include:
- a) registering their dogs and updating information with Council when needed
  - b) providing proper housing, care, and exercise.
  - c) controlling their dog/s in public places.
  - d) taking all actions to reduce roaming, howling, or barking.
  - e) taking all actions to ensure dogs do not injure or attack any person, stock, poultry, domestic animal, protected wildlife, nor damage property.
  - f) holding multiple dog permits for more than 2 dogs older than three months
22. Council will respond to all dog nuisance complaints and use enforce mechanisms where nuisance continues.

#### Dog classifications – Menacing and Dangerous

23. Council may classify a dog as Menacing if the dog's observed and/or reported behaviour is considered a threat to the safety of people, stock, poultry, domestic animal, or protected wildlife.
24. Council will classify a dog as Menacing if the dog belongs wholly or predominantly to a breed or type identified in Schedule 4 of the Act.
25. Dogs classified as Menacing:
- a) must be neutered.
  - b) must be muzzled in all public places



- c) must be on lead in all public places and private ways, unless confined in a vehicle or cage.
- d) can be off lead in specified off lead dog exercise areas but must remain muzzled.

26. Council will classify a dog as Dangerous if the dog owner has been convicted of an offence under section 57A(2) of the Act, or there is sworn evidence that the dog is aggressive and constitutes a threat to the safety of people, stock, poultry, domestic animals or protected wildlife.

27. Dogs classified as Dangerous:

- a) must be neutered.
- b) must be muzzled in all public places
- c) must be on lead in all public places and private ways, unless confined in a vehicle or cage, or in a designated dog exercise area.
- d) must be kept within a securely fenced section of the owner's property (dog-free access to the house must be available).
- e) will incur a registration fee 50% more than the standard registration fee.
- f) can be off lead in specified off lead dog exercise areas but must remain muzzled.
- g) must get the written consent from Council to change owners.

28. Sections 31, 33B and 33D of the Act set out the process for objecting to a dog classification.

29. Dog classifications apply nationwide. Owners moving into the district of Hamilton City with dogs classified by another territorial authority will be subject to Council's requirements for that classification.

30. Regardless of classification status, Council expects any dog known by the owner to have attacked any person, stock, or property must be muzzled in a public place as required by section 62(2) of the Act.

#### **Dog owner classifications – Probationary and Disqualified**

31. Council may classify a dog owner as probationary or disqualified if the owner has committed three or more separate infringement offences under the Act in a 24-month period.

32. Council will classify a dog owner as disqualified if the owner has been convicted of an offence against the Act.

33. Council may require a person that is classified as a probationary owner in accordance with the provisions of the Dog Control Act 1996 to undertake, at his or her their own expense, a dog owner education programme and/or a dog obedience course approved by Council.

34. Sections 21-28 of the Act set out matters relating to the classification of dog owners as probationary or disqualified owners, including the process for objecting to the classification.

#### **Neutering**

~~13.~~ Council ~~will encourage~~ neutering of dogs to support ~~the overall aims of~~ responsible dog ownership, ~~by reduce ing~~ the number of roaming dogs, unwanted litters of puppies, and the number of impounded dogs.

~~35.~~

~~1.36.~~ Council will require mandatory neutering of dogs classified as menacing in accordance with the provisions of the Dog Control Act 1996. Mandatory neutering also includes Any dogs classified as menacing by another territorial authority ies is required to be neutered if relocating to where that dog is in the jurisdiction of Hamilton City. ~~Council.~~



~~14-37.~~ Council may require ~~the owner of a dog to cause that a~~ dog to be neutered if the dog has, ~~on more than one occasion in a 12-month period,~~ not been kept under control more than once in a 12-month period.

#### **Probationary owners**

~~2. Council may require a person that is classified as a probationary owner in accordance with the provisions of the Dog Control Act 1996 to undertake, at his or her own expense, a dog owner education programme and/or a dog obedience course approved by Council.~~

#### **Fees and charges**

~~38. The Dog Control Act 1996 empowers Council to impose reasonable fees and charges for the registration and control of dogs. Council will~~ The fees and charges aim to incentivise through the use of fee categories and discounts, responsible dog ownership, and the prompt payment of registration fees with the use of fee categories and discounts.

~~15-39.~~ The fees and charges will be prescribed each year on the Schedule of Fees and Charges through the Annual Plan or Long Term Plan process.

### **Ko te Aroturukitanga me te Whakatinanatanga**

### **Monitoring and**

### **Implementation**

~~16-40.~~ The Policy will be implemented using a combination of enforcement action, public education, and liaison with other service providers. ~~and where necessary, enforcement action.~~

~~41. Implementation of the Policy will be monitored by the General Manager, Customer and Community.~~

~~42. Council will report transparently on the administration of this Policy and its dog control practices.~~

~~43. The Policy will be reviewed in response to any issues that may arise, every five years, at the request of the Council, or in response to changed legislative and statutory requirements (whichever occurs first).~~

### **Ko ngaa Whakamaaramatanga**

### **Definitions**

<b>Term</b>	<b>Definition in this Policy</b>
<u>Control</u> or <u>Controlled</u>	In relation to a dog, means that the owner is able to obtain an immediate desired response from the dog by use of a lead and, when not on a lead, by using direct commands.
<u>Dangerous</u>	means any dog classified as dangerous under section 31 or 33ED of the Act.
<u>Disqualified owner</u>	means a person prohibited from owning a dog for up to 5 years under section 25 of the Dog Control Act 1996.
<u>In season</u>	means the oestrus or heat cycle for any female dog.
<u>Menacing</u>	Means any dog classified as menacing under section 33A or 33C the Dog Control Act 1996.
<u>Muzzled</u>	In relation to a dog, means the dog is wearing a basket type or similar muzzle (that allows panting and drinking).
<u>Neuter</u> or <u>neutered</u>	means a dog that has been spayed or castrated; and does not include a dog that has been vasectomized.
<u>Owner</u>	has the same meaning as defined in section 2 of the Dog Control Act 1996. As an example, it generally refers to the registered owner of the dog or any person in possession of the dog.
<u>Probationary owner</u>	Means a person who is prohibited from owning and/or registering any new dogs, for a period of up to 2 years, under section 21 of the Dog Control Act 1996.
<u>Public place</u>	Has the same meaning as section 2 of the Dog Control Act, it generally means any place that is open to use by the public, whether free or upon payment of an entry fee. For clarity, Public



	<u>place includes all areas designated as off lead exercise areas.</u>
<b>Private way</b>	<u>has the same meaning as defined in Section 315(1) of the Local Government Act 1974, and in relation to dogs is most commonly referring to shared driveways.</u>
<b>Roaming</b>	<u>means any dog that is found at large in any public place or any land or premises other than that occupied by the owner.</u>
<b>Working dog</b>	<u>has the same meaning as defined in section 2 of the Dog Control Act 1996, it generally refers to a dog kept by a specified agency and includes disability assist dogs.</u>

#### **Ko ngaa Tohutoro      References**

44. The Policy is enforced through the Hamilton City Dog Control Bylaw 2015 (amended 2025).

45. The Policy is made under Section 10 of the Dog Control Act 1996.

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### **Schedule 1 – Off lead dog exercise and prohibited areas register**

This schedule details all parks identified as off lead dog exercise areas, including those that are designated off lead dog exercise only at certain times (Off lead exercise area (specified times)), and prohibited areas within the district of Hamilton City and other locations controlled by Hamilton City Council.

Schedule 2 provides detailed maps of the specific areas within the locations listed below where the access areas rules apply.

<b>Location</b>	<b>Designation</b>
<b><u>Aberfoyle Park</u></b>	Off lead dog exercise area All times
<b><u>Beetham Park</u></b>	Off lead dog exercise area All times
<b><u>Braithwaite Park</u></b>	Off lead dog exercise area All times
<b><u>Bristol Park</u></b>	Off lead dog exercise area All times
<b><u>Chelmsford Park</u></b>	Off lead dog exercise area All times
<b><u>Claudlands Park</u></b>	Off lead dog exercise area All times
<b><u>Crawshaw Park</u></b>	Off lead dog exercise area All times
<b><u>Days Park</u></b>	Off lead dog exercise area All times
<b><u>Derby Park</u></b>	Off lead dog exercise area All times
<b><u>Derek Heather Park</u></b>	Off lead dog exercise area (specified times) Weekdays dogs must be on lead between 4pm-10pm Weekends dogs must be on lead between 8am-5pm Off lead at all other times
<b><u>Eden Park Reserve</u></b>	Off lead dog exercise area All times



Location	Designation
<u>Greensboro Park</u>	<u>Off lead dog exercise area</u> <u>All times</u>
<u>Hamilton East Cemetery</u>	<u>Prohibited area</u> <u>All times</u>
<u>Hamilton Gardens</u>	<u>Area north of Hungerford Crescent:</u> <u>Off lead dog exercise area</u> <u>All times</u>
	<u>Hillside Lawn (including southern river area):</u> <u>Off lead dog exercise area (specified times)</u> <u>On lead between 10am-6pm</u> <u>Off lead all other times</u>
	<u>Coxhead Flat (western river area):</u> <u>Off lead dog exercise area</u> <u>All times</u>
	<u>Enclosed Gardens:</u> <u>Prohibited area</u> <u>All times</u>
<u>Hamilton Lake Domain</u>	<u>Greenspace at reservoir:</u> <u>Off lead dog exercise area</u> <u>All times</u>
	<u>Playground and picnic area:</u> <u>Prohibited area</u> <u>All times</u>
<u>Hamilton Park Cemetery*</u>	<u>Prohibited area</u> <u>All times</u> <u>*The Hamilton Park Cemetery is prohibited in accordance with the Hamilton City Cemeteries and Crematorium Bylaw 2012 (amended 2024).</u>



Location	Designation
<u>Hamilton West Cemetery</u>	<u>Prohibited area</u> <u>_____ All times</u>
<u>Hare Puke Park</u>	<u>Off lead dog</u> <u>exercise area</u> <u>(specified times)</u> <u>_____ Weekdays</u> <u>dogs must be on</u> <u>lead between</u> <u>4pm-10pm</u> <u>_____ Weekends</u> <u>dogs must be on</u> <u>lead between</u> <u>8am-5pm</u> <u>_____ Off lead at</u> <u>all other times</u>
<u>Hillcrest Park</u>	<u>Off lead dog</u> <u>exercise area</u> <u>(specified times)</u> <u>_____ Weekdays</u> <u>dogs must be on</u> <u>lead between</u> <u>4pm-10pm</u> <u>_____ Weekends</u> <u>dogs must be on</u> <u>lead between</u> <u>8am-5pm</u> <u>_____ Off lead at</u> <u>all other times</u>
<u>Innes Common</u>	<u>Area east of Lake</u> <u>Domain Drive</u> <u>Off lead dog</u> <u>exercise area</u> <u>_____ Off lead at</u> <u>all times</u>
	<u>Area west of lake</u> <u>Domain Drive</u> <u>Off lead dog</u> <u>exercise area</u> <u>(specified times)</u> <u>_____ Weekdays</u> <u>dogs must be on</u> <u>lead between</u> <u>4pm-10pm</u> <u>_____ Weekends</u> <u>dogs must be on</u> <u>lead between</u> <u>8am-5pm</u> <u>_____ Off lead at</u> <u>all other times</u>



Location	Designation
<u>Mangaiti Park*</u>	Off lead dog exercise area Off lead at all times *Three sections of the park are designated as temporary off lead areas. The areas will no longer be off lead once sports field are developed.
<u>Melville Park</u>	Off lead dog exercise area All times
<u>Minogue Park*</u>	Off lead dog exercise area All times * The southern area is designated as a temporary off lead area. The temporary area will no longer be off lead once tree planting has begun.
<u>Miropiko Reserve</u>	Prohibited area All times
<u>Moonlight Drive Reserve</u>	Off lead dog exercise area All times
<u>Porritt Stadium</u>	<b>Park surrounding</b> Off lead dog exercise area All times
	<b>Stadium</b> Prohibited area All times
<u>Pukete Farm Park</u>	Off lead dog exercise area All times
<u>Rakautahi Park</u>	Off lead dog exercise area All times



Location	Designation
<u>Raymond Park</u>	<u>Off lead dog exercise area (specified times)</u> <u>Weekdays</u> <u>dogs must be on lead between 4pm-10pm</u> <u>Weekends</u> <u>dogs must be on lead between 8am-5pm</u> <u>Off lead at all other times</u>
<u>Resthills Park</u>	<u>Northern area</u> <u>Off lead dog exercise area</u> <u>All times</u> <u>Eastern area</u> <u>Off lead dog exercise area (specified times)</u> <u>Weekdays</u> <u>dogs must be on lead between 4pm-10pm</u> <u>Weekends</u> <u>dogs must be on lead between 8am-5pm</u> <u>Off lead at all other times</u>
<u>Tauhara Park</u>	<u>Off lead dog exercise area</u> <u>All times</u>
<u>Te Kootii Park</u>	<u>Off lead dog exercise area (specified times)</u> <u>Weekdays</u> <u>dogs must be on lead between 4pm-10pm</u> <u>Weekends</u> <u>dogs must be on lead between 8am-5pm</u> <u>Off lead at all other times</u>



Location	Designation
<u>Te Manatu Park*</u>	Off lead dog exercise area All times * Centre of the park is designated as a temporary off lead area. The areas will no longer be off lead once sports field are developed. It is proposed the surrounding off lead area will become an off lead dog exercise area (specified times) once the sports fields are developed.
<u>Temple View Reserve</u>	Off lead dog exercise area All times
<u>Till's Lookout</u>	Off lead dog exercise area All times
<u>Waiwhakareke Natural Heritage Park</u>	Prohibited area All times
<u>Waiwherowhero Park</u>	Off lead dog exercise area All times



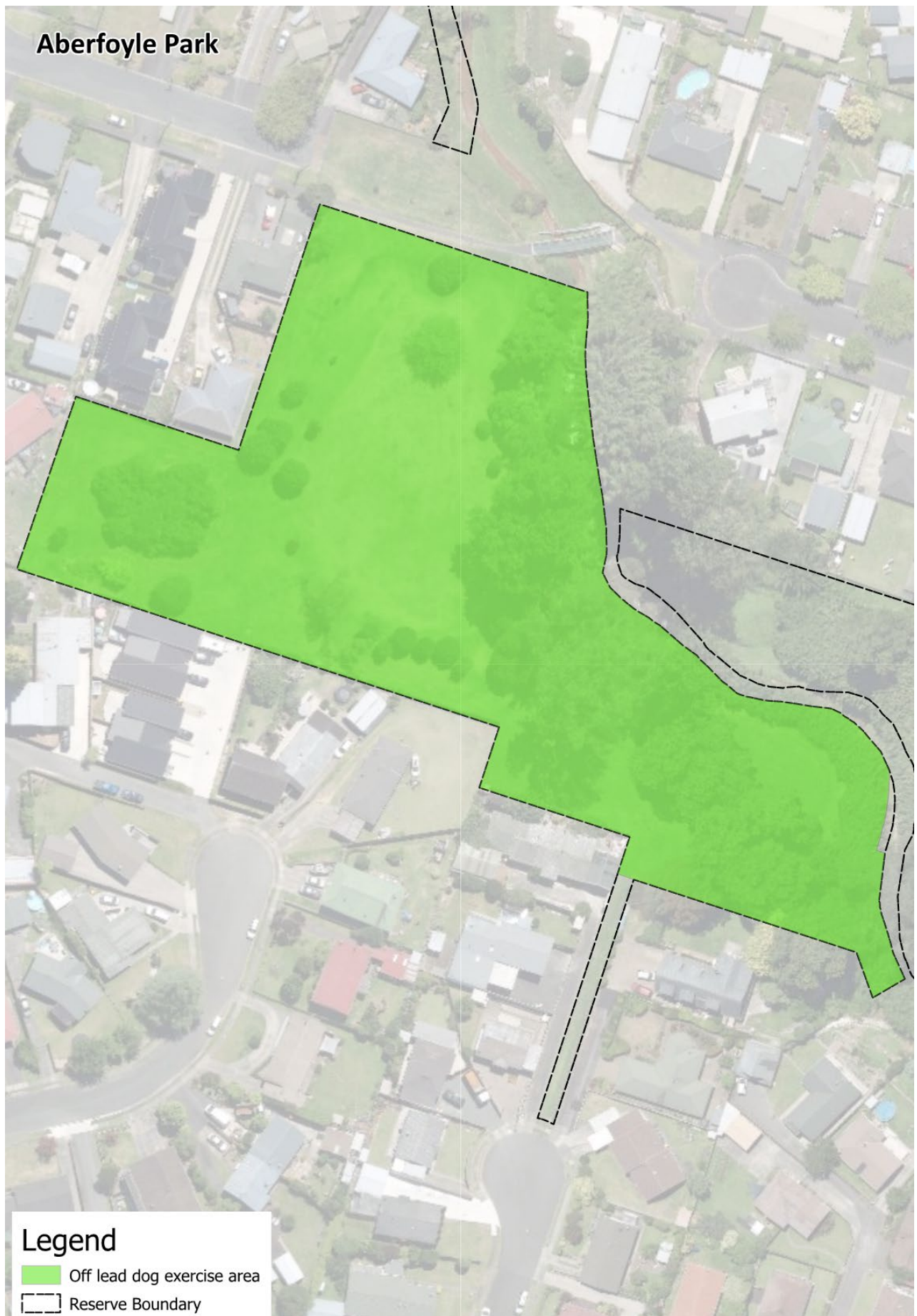
## **Schedule 2 – Off lead dog exercise and prohibited area maps**

17. This schedule provides maps to identify the specific areas within the locations listed in schedule 1 where the Off lead dog exercise areas and prohibition rules apply.

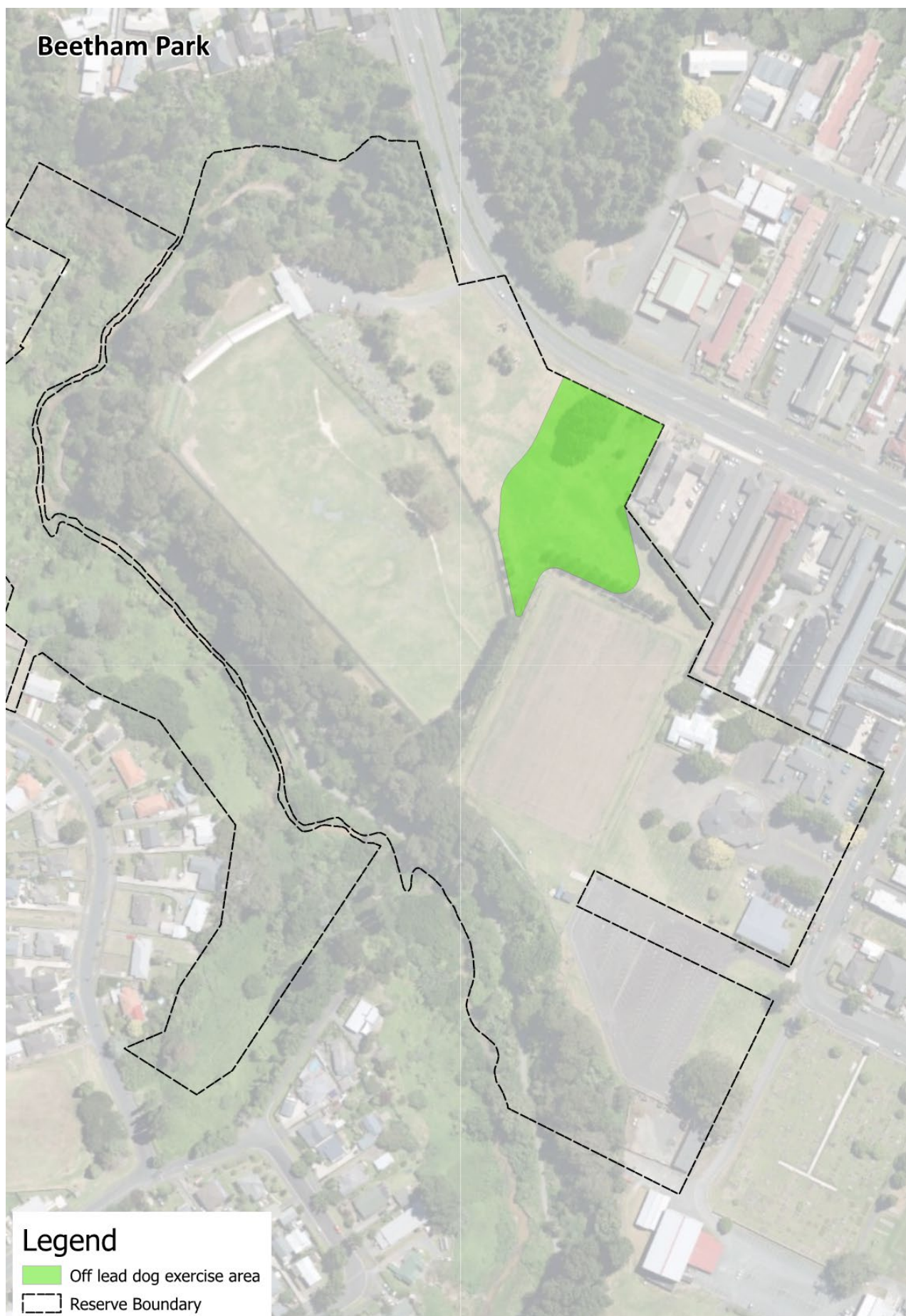
**Item 9**

**Attachment 6**

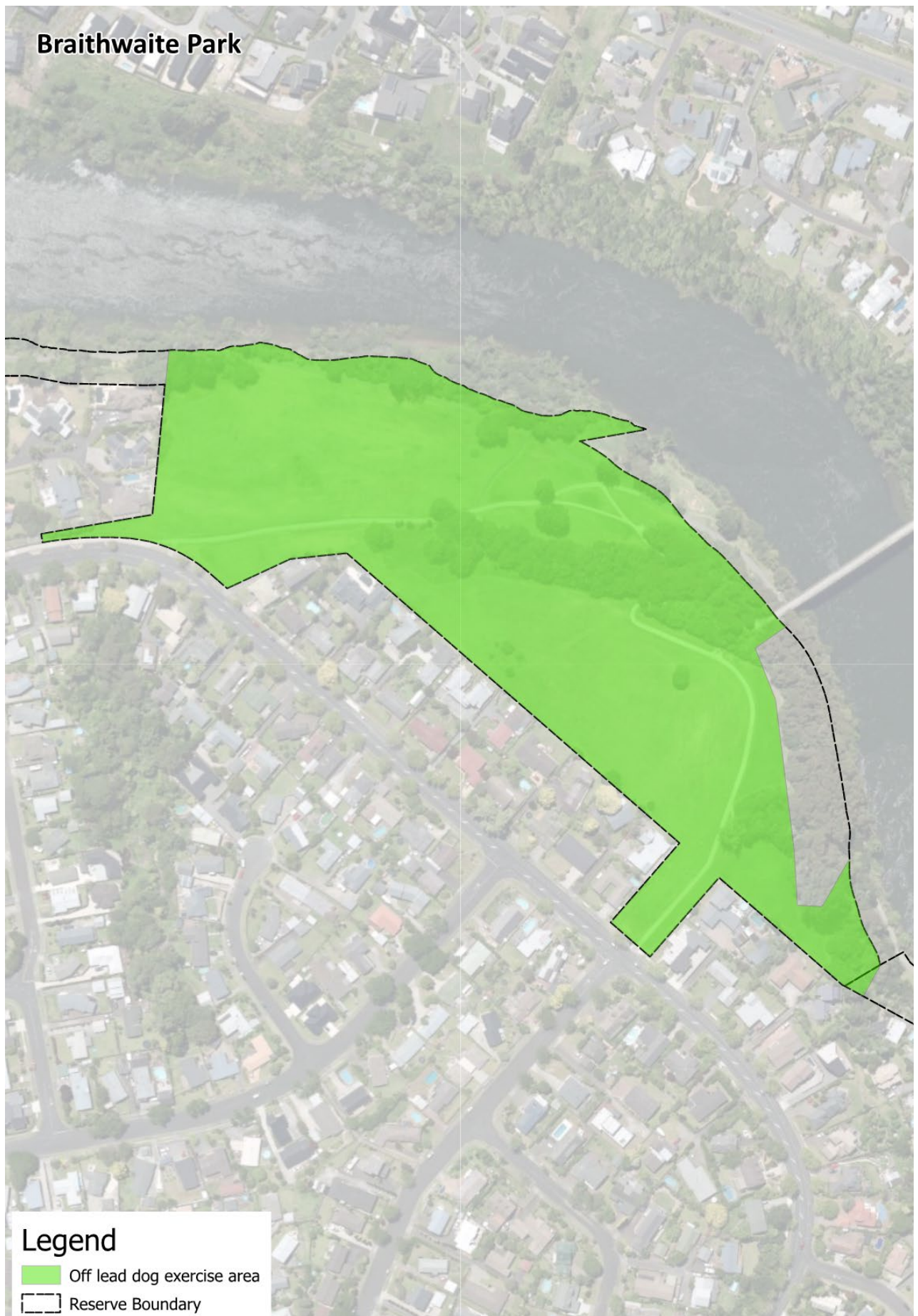




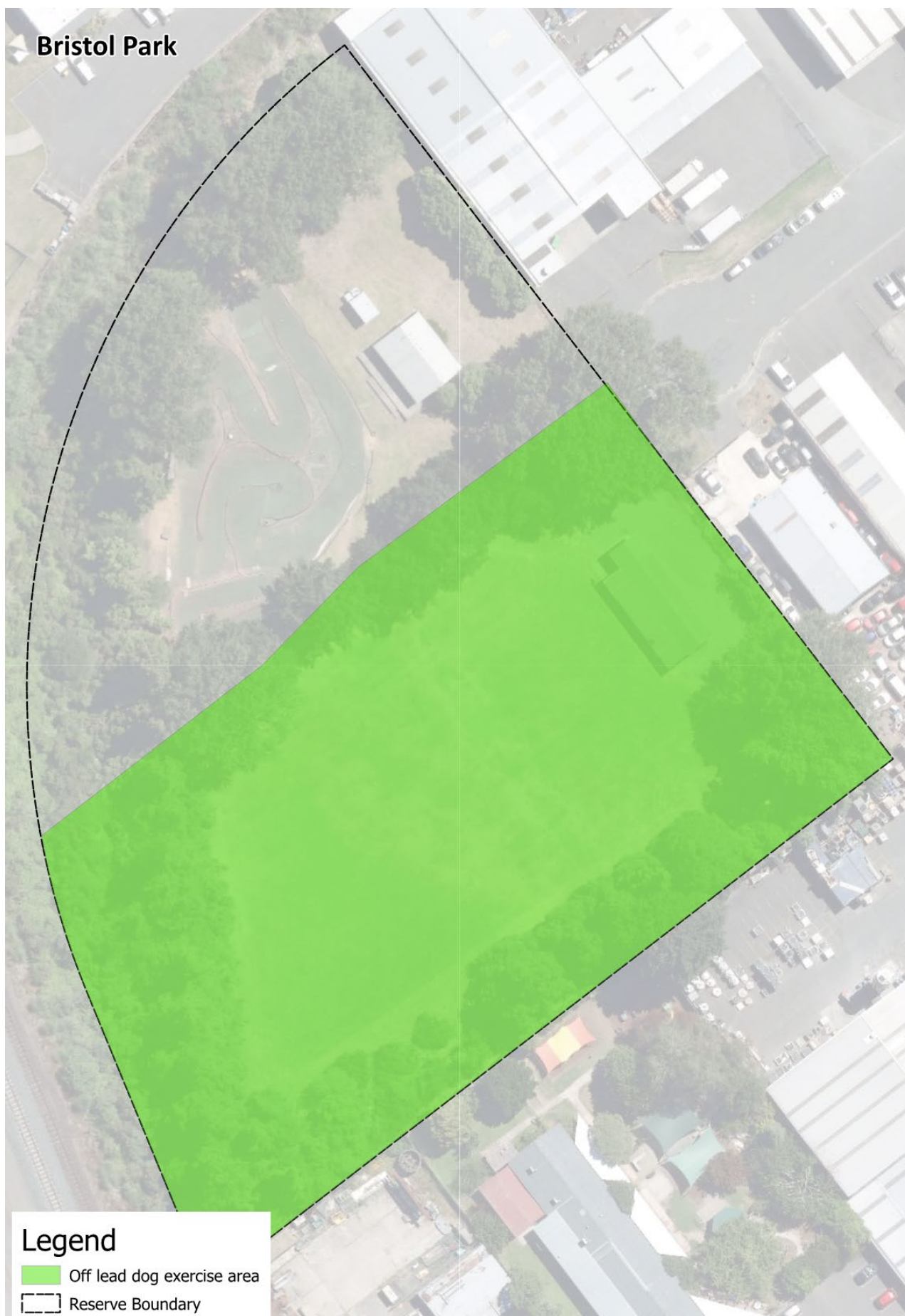










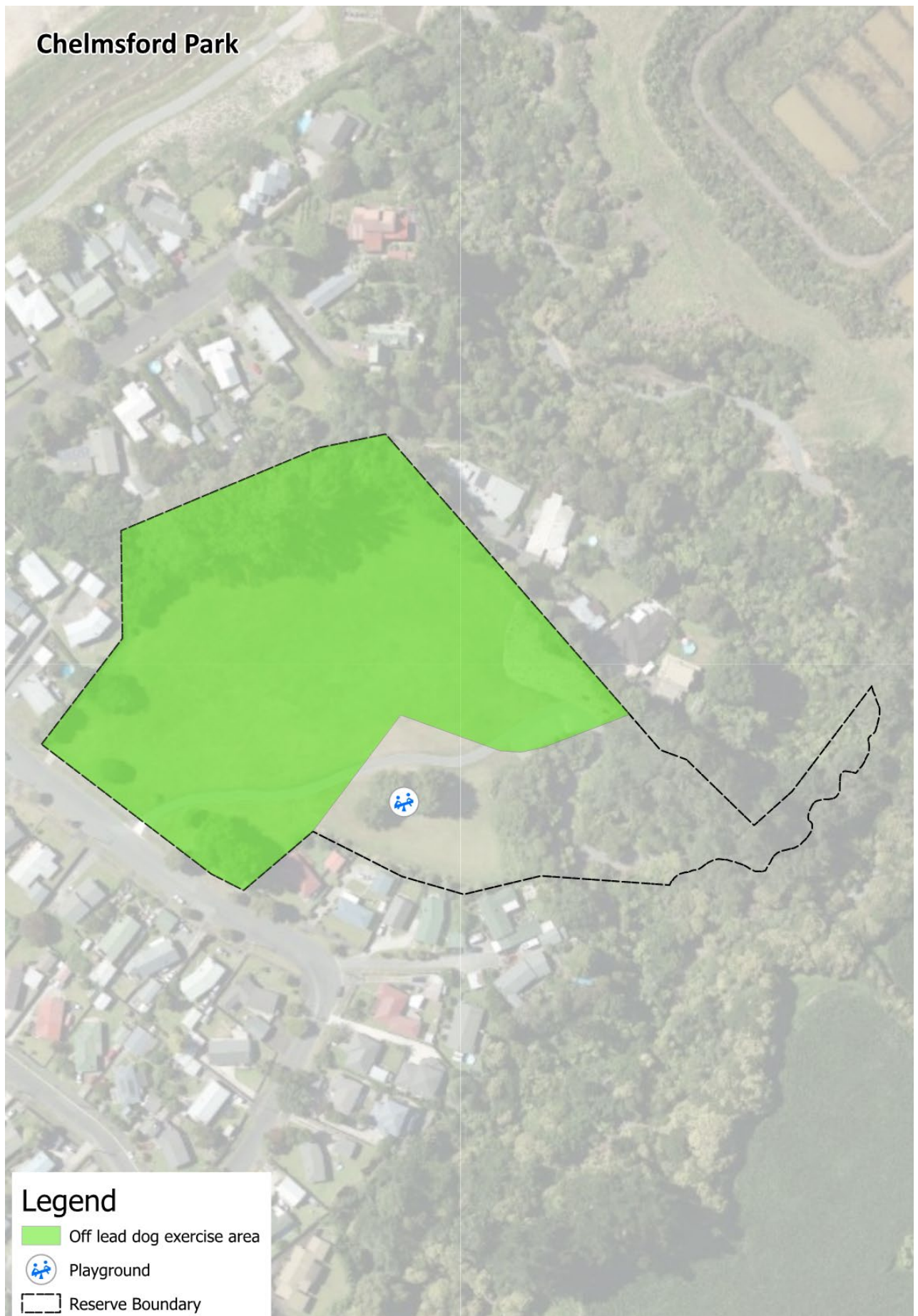


Bristol Park

### Legend

- Off lead dog exercise area
- Reserve Boundary

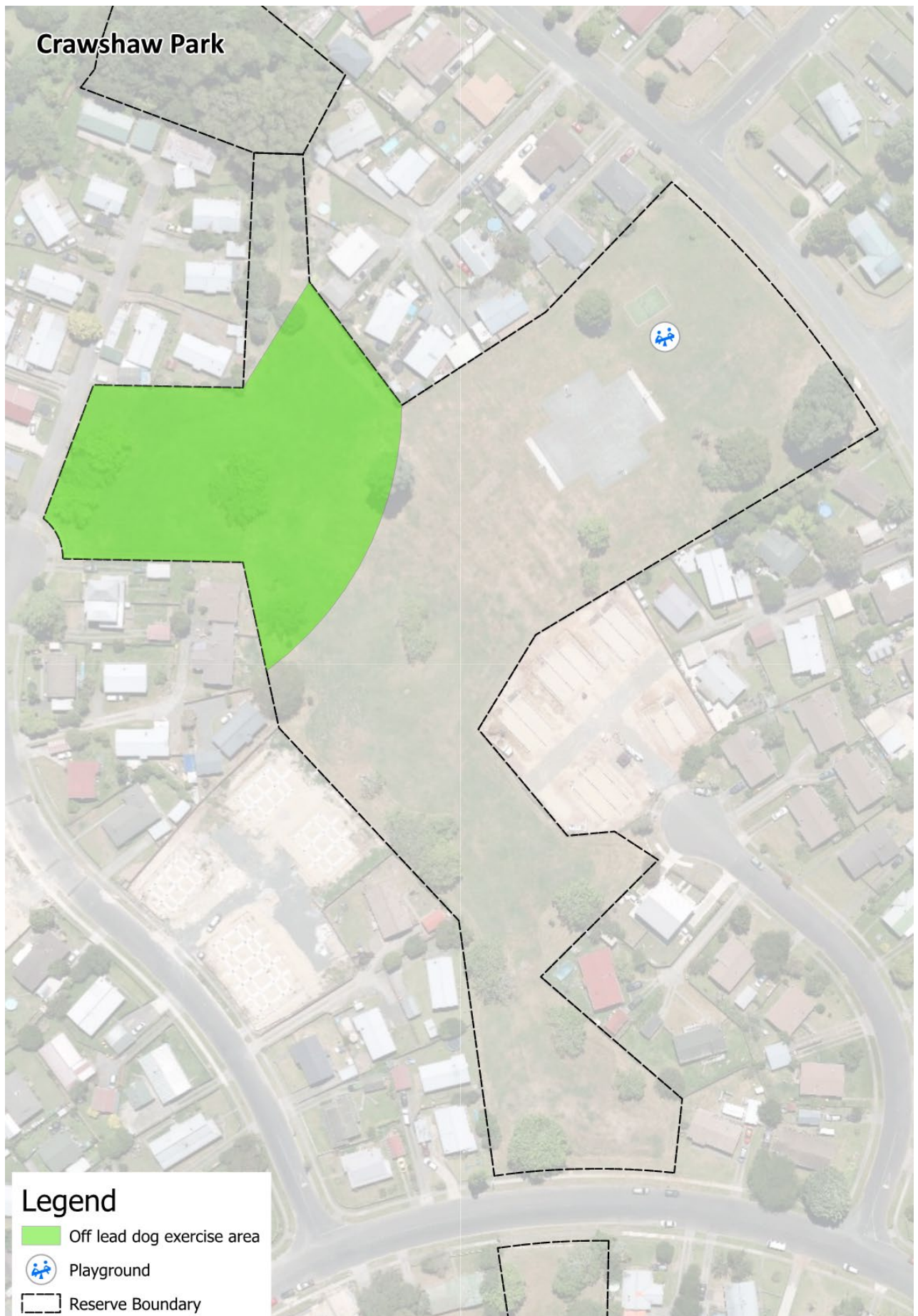








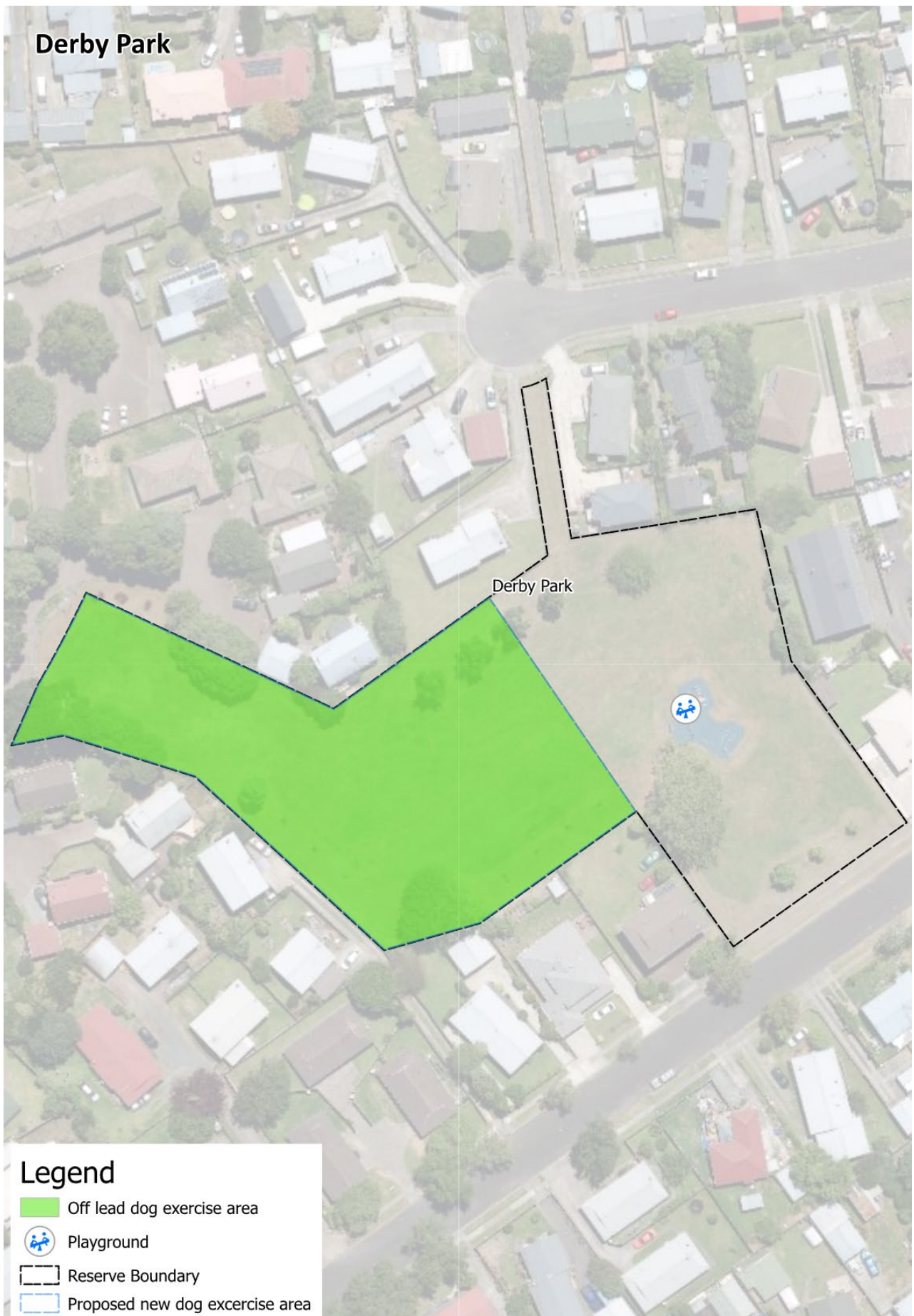




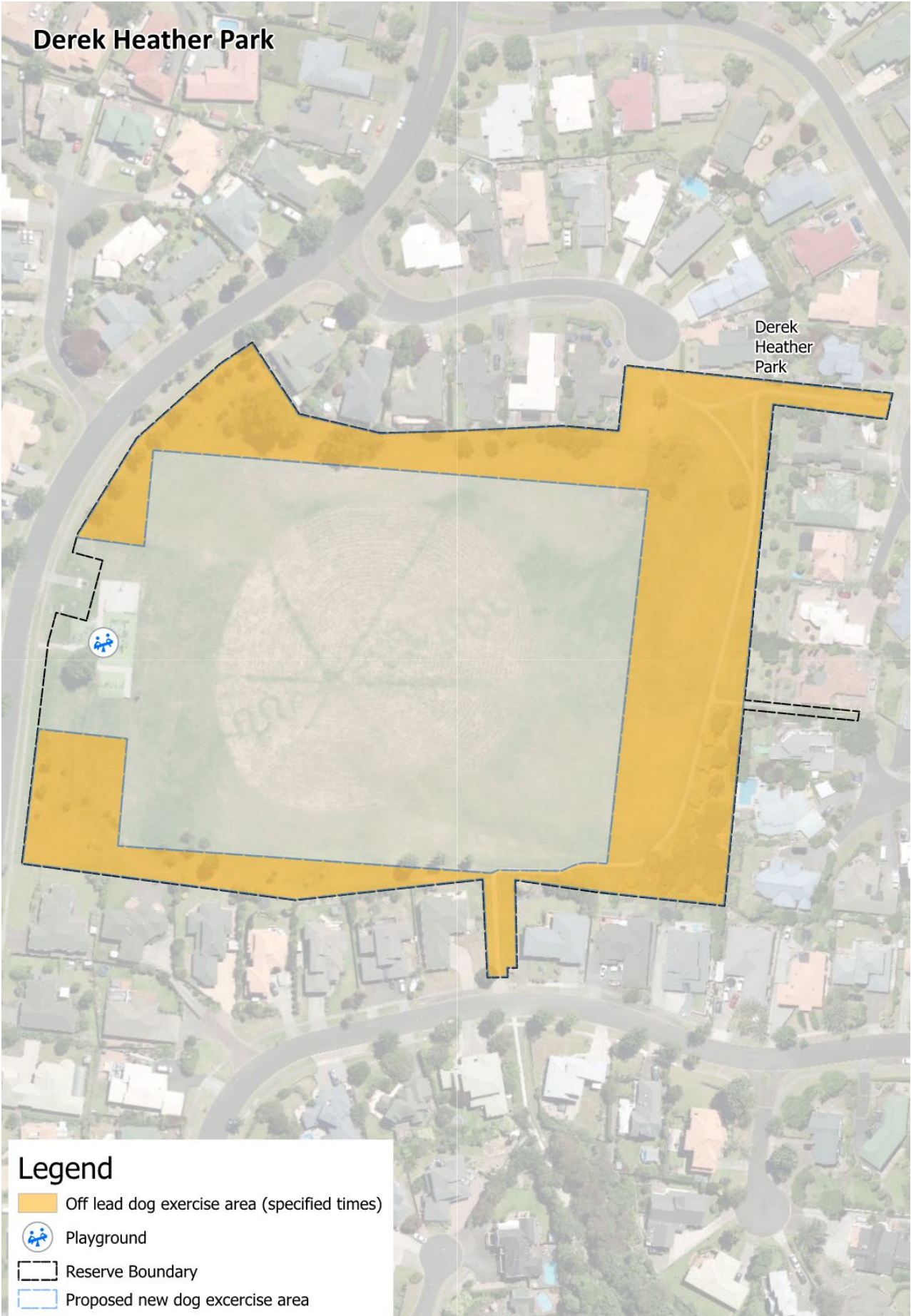




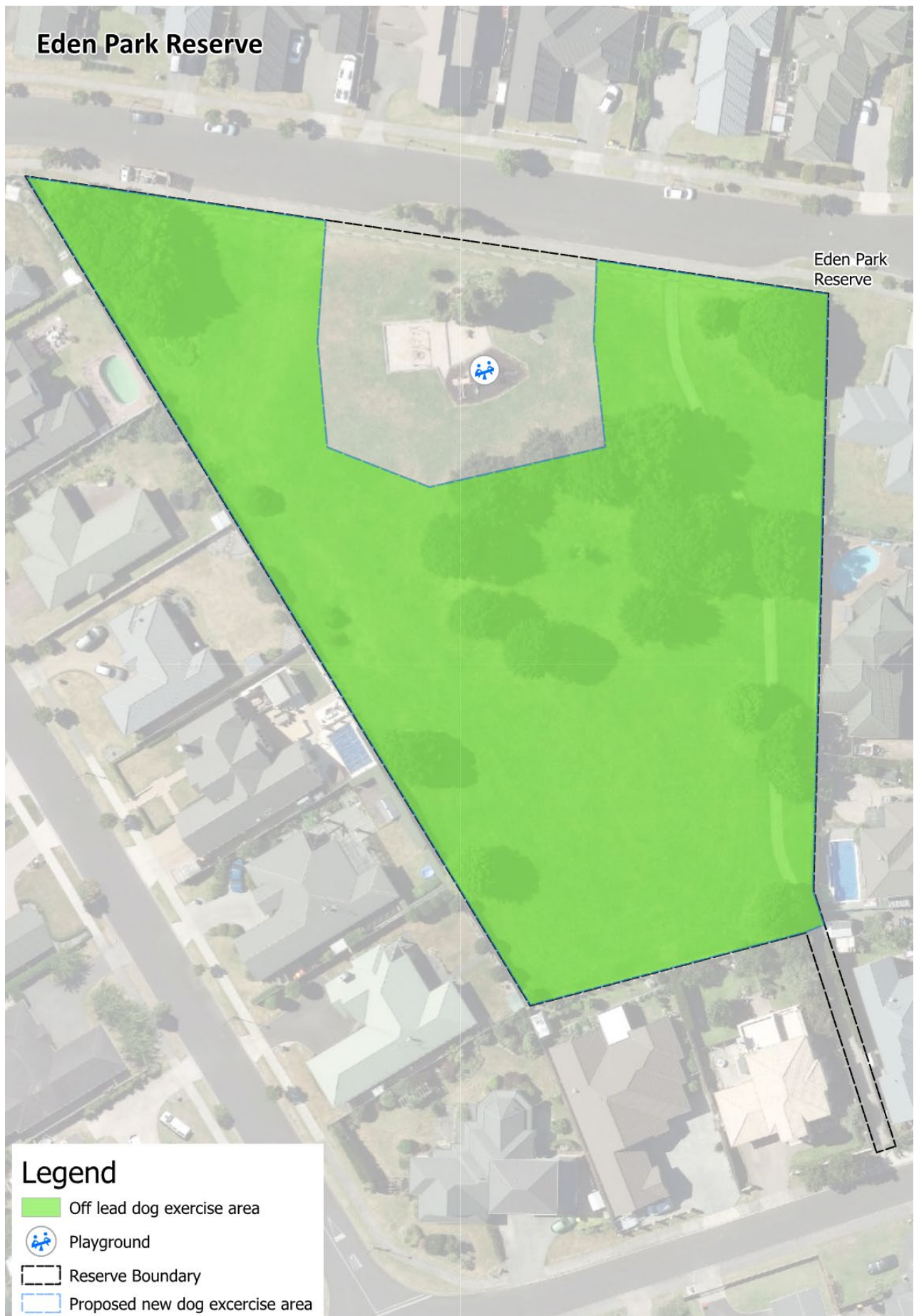








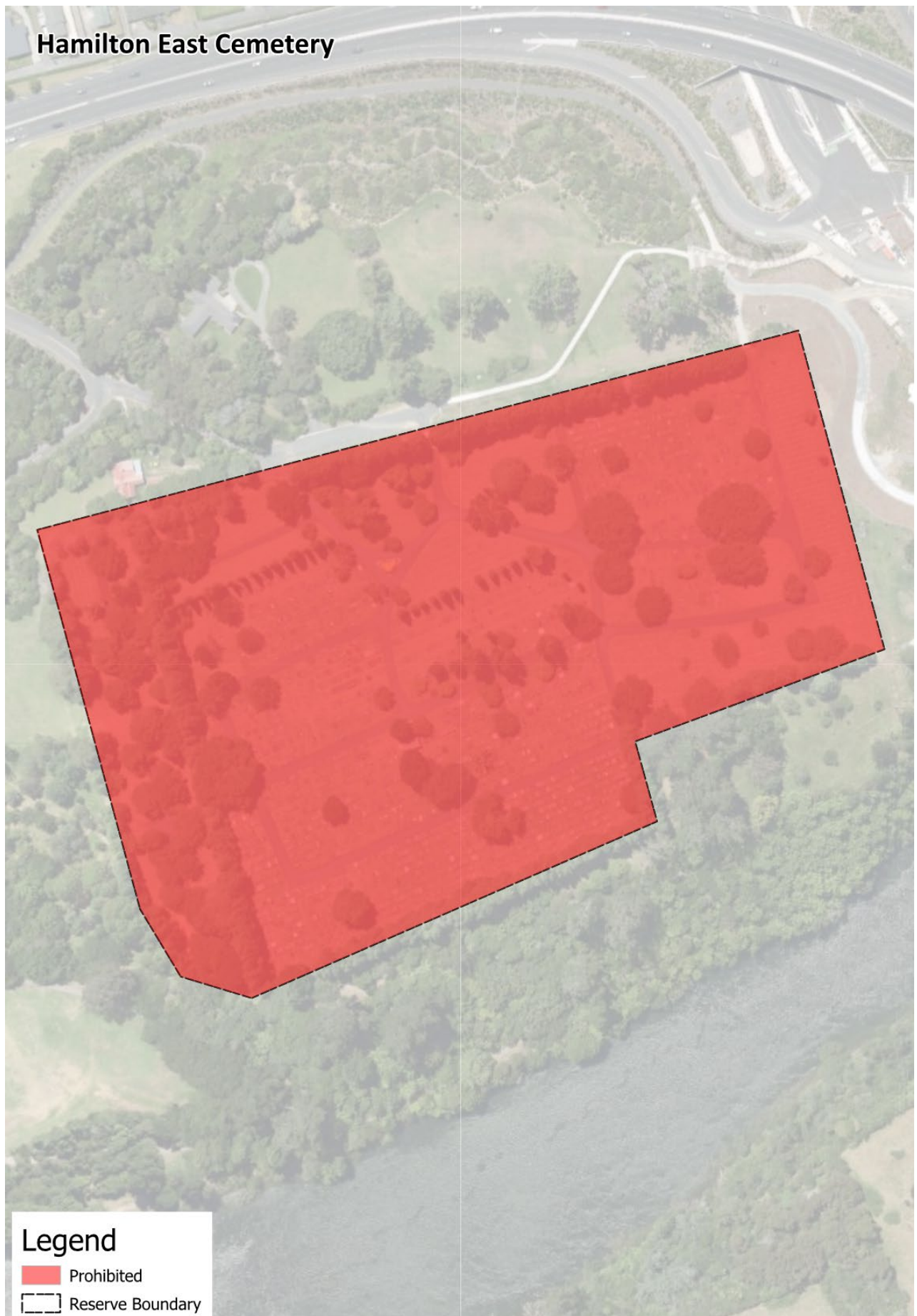












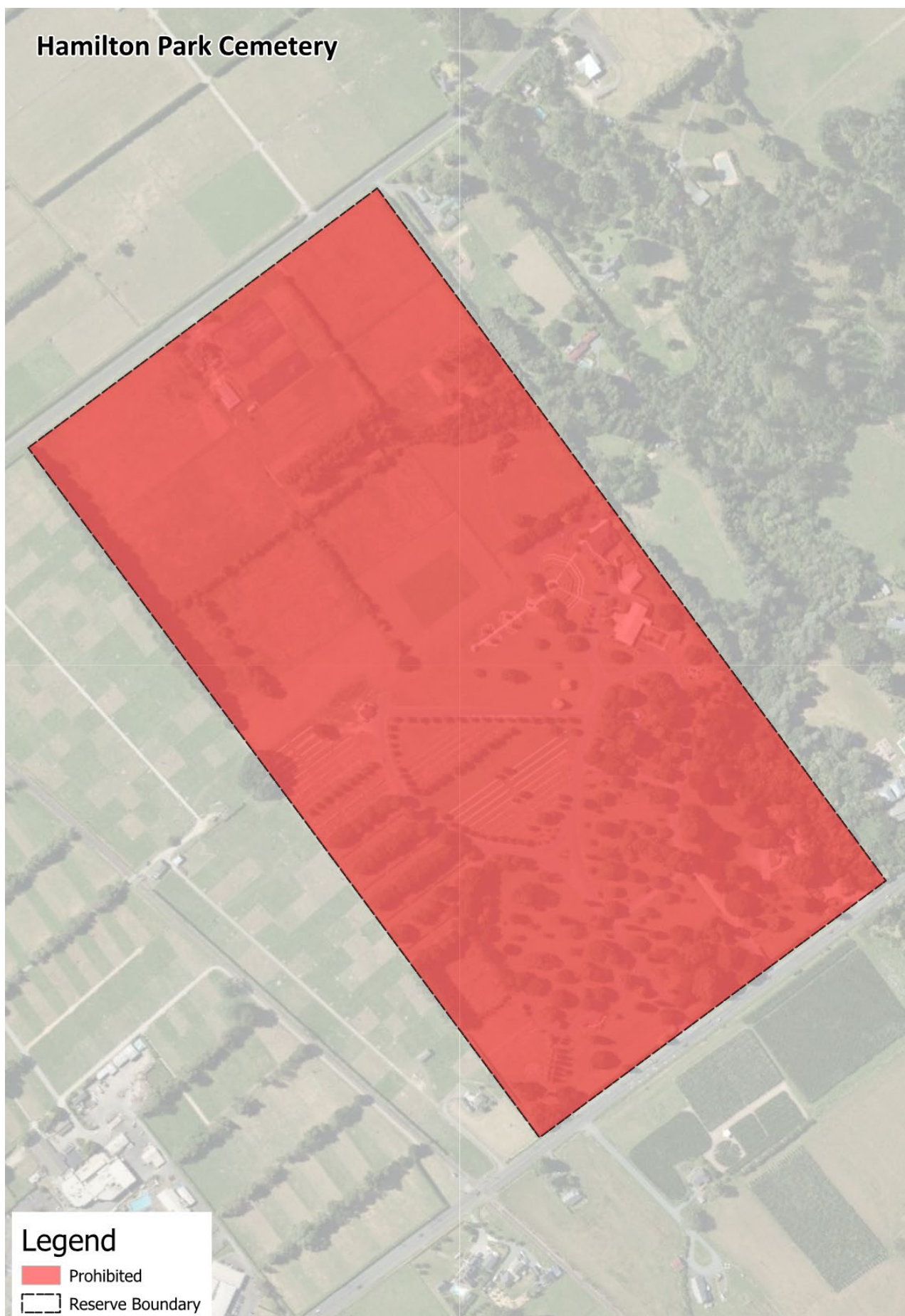








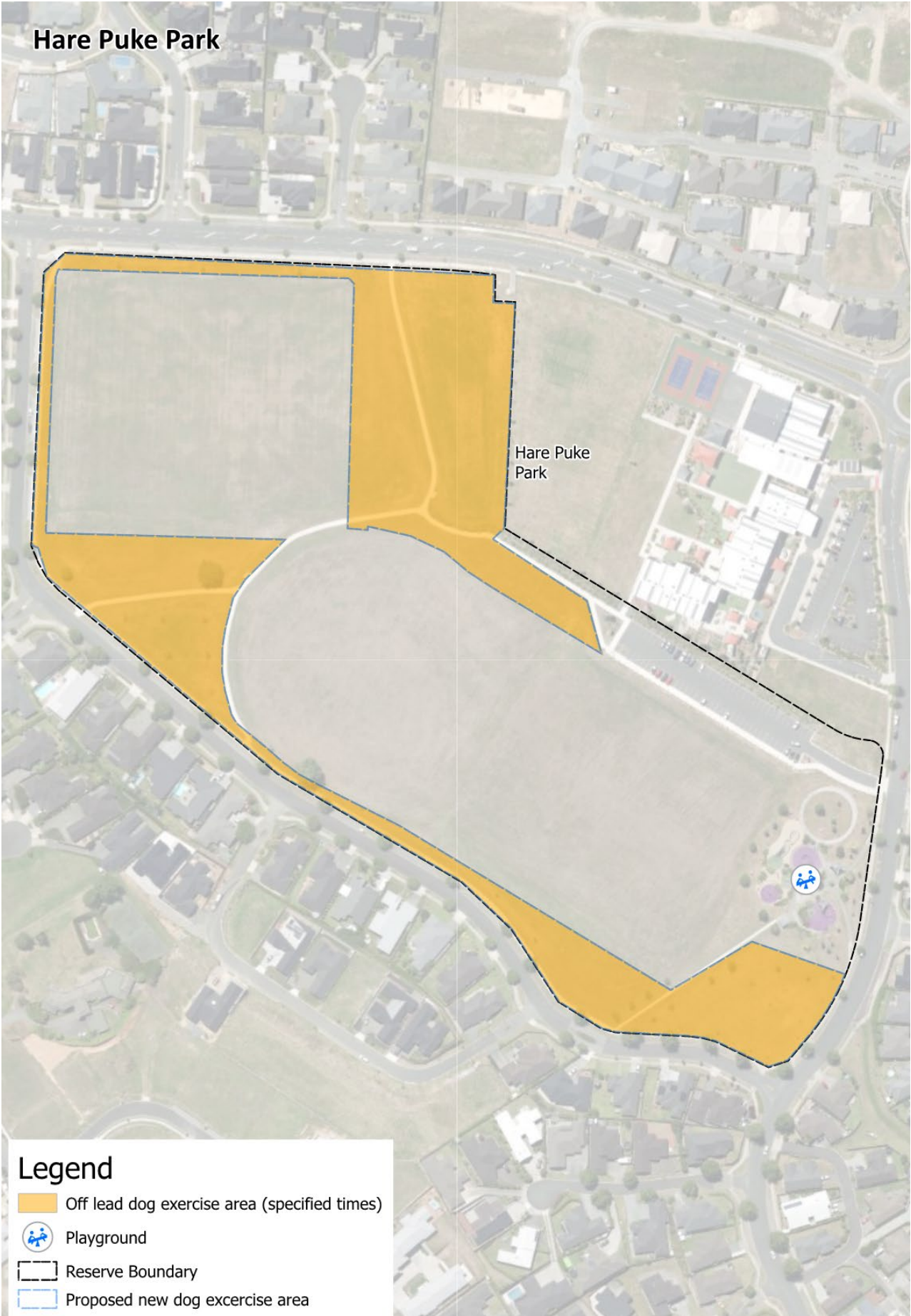




























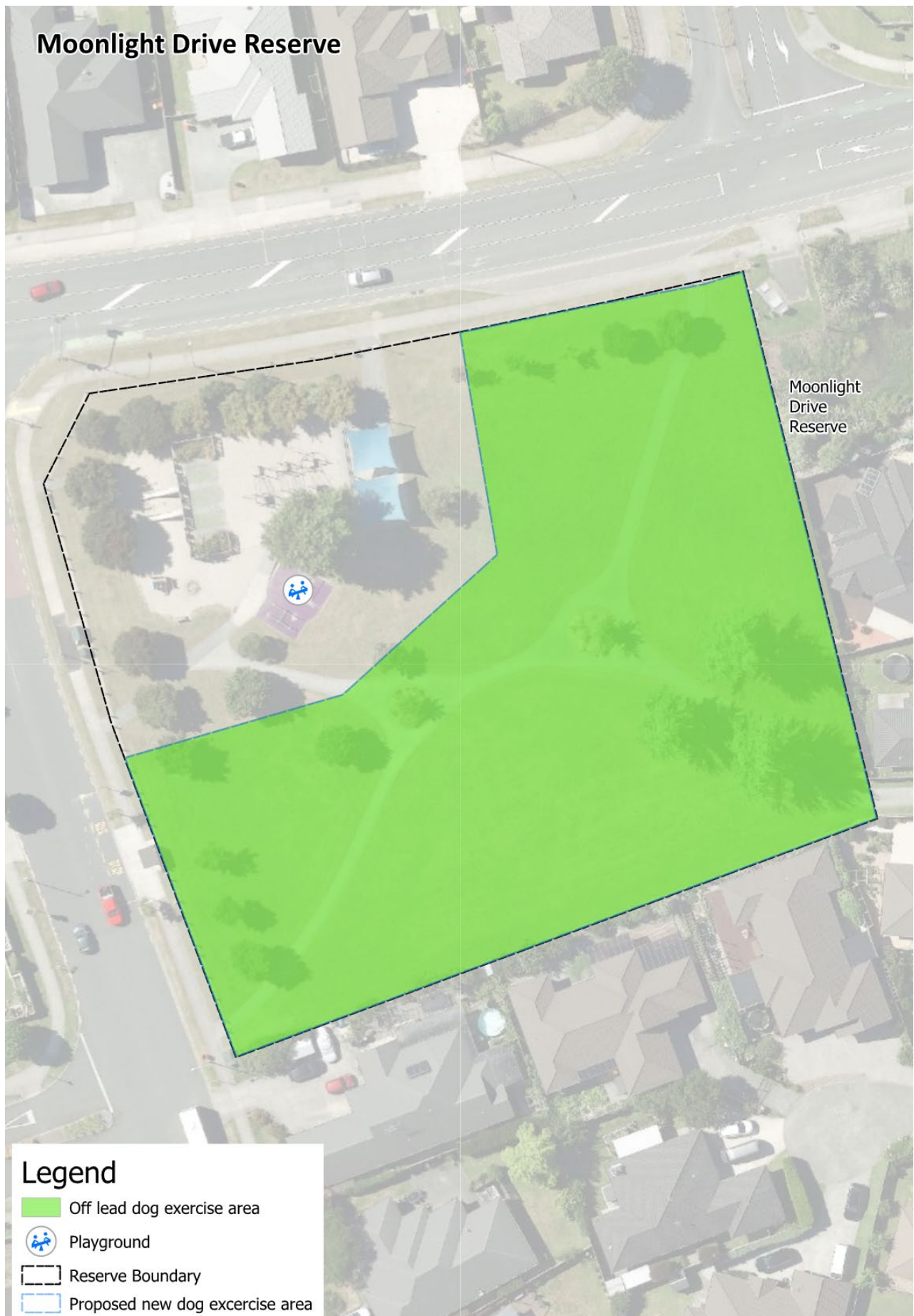




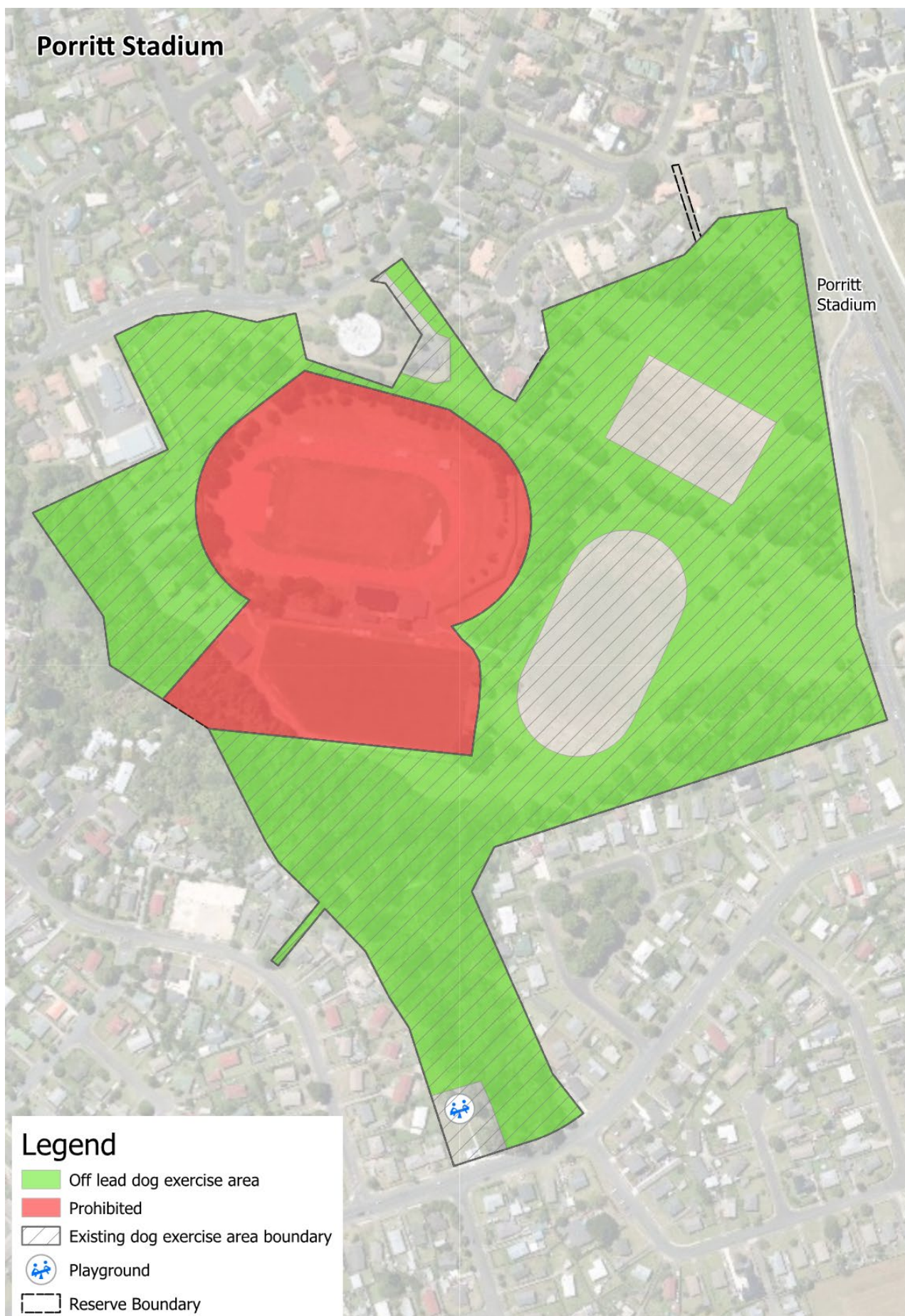












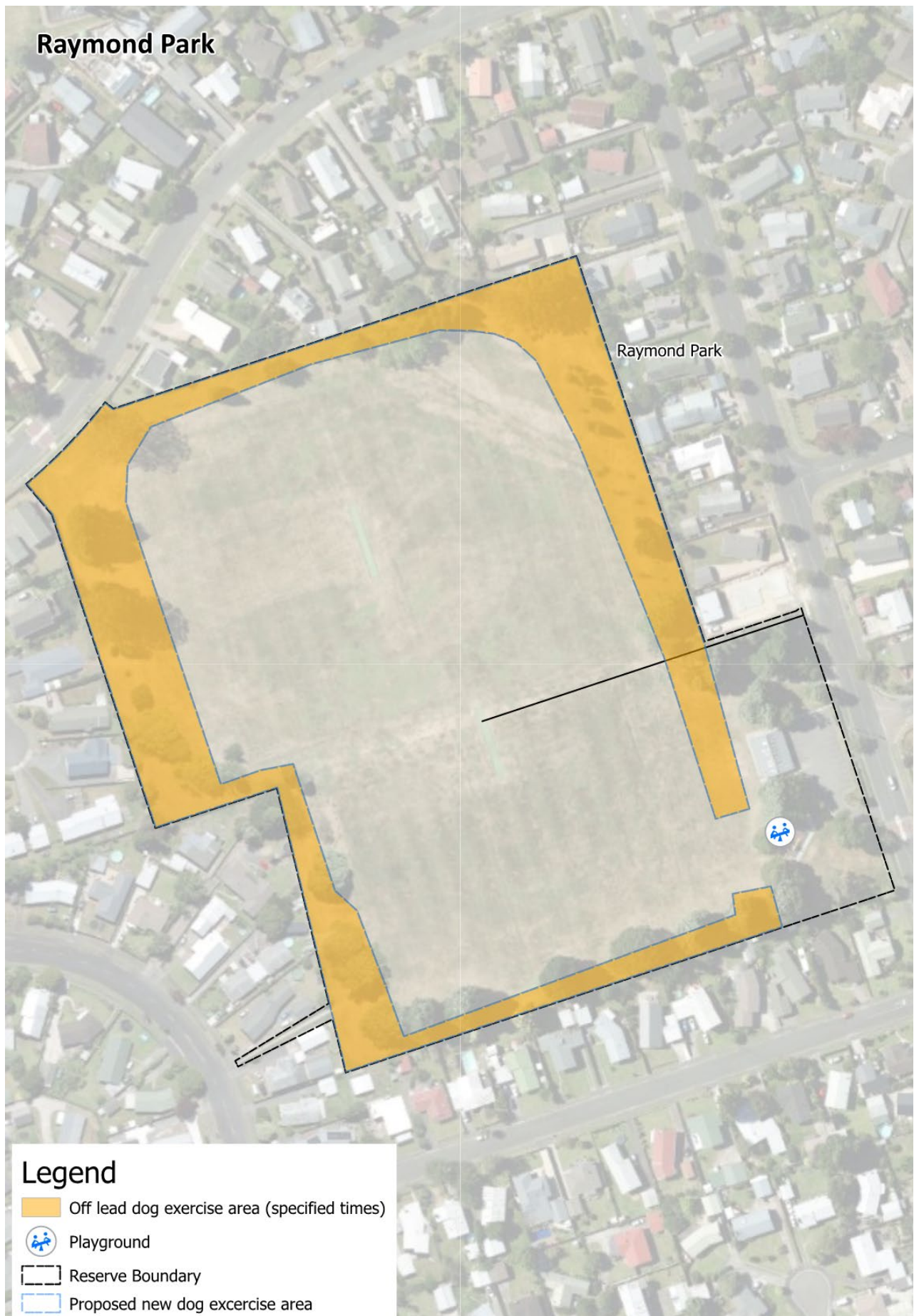




























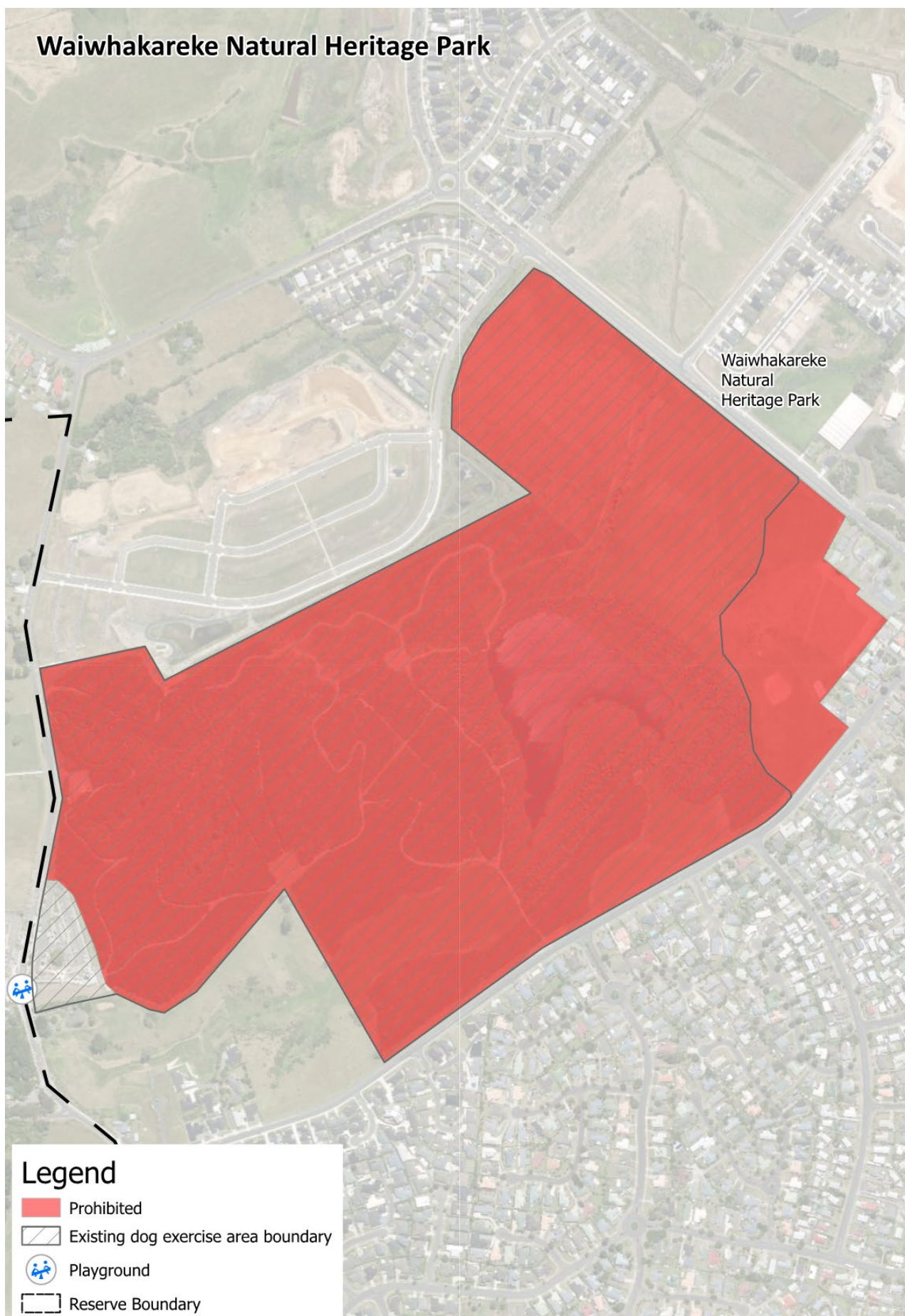


















Key feedback themes	Response	Action
<b>Animal Nuisance</b>		
Suggestions to restrict the movement of cats, require neutering and microchipping of cats.	Some submitters indicated an interest in managing cats in the same way dogs are managed. However, there is no legislation for cats that would give Council the same powers to enforce cat management like the Dog Control Act does for dogs. This matter is discussed further in the staff report.	No changes proposed in response.
Comment concerning requirements for housing of dogs.	Dogs are not included in the Animal Nuisance Bylaw. This feedback has been considered as part of the Dog Control Bylaw review.	No changes proposed in response.
<b>Dog Control</b>		
Assumptions that the addition of minimum accommodation standards requires kennels. Often noting their dog lives and/or sleeps indoors.	The newly proposed Minimum Accommodation Standards do not require kennels. The Bylaw requires ' <i>a kennel or place of confinement</i> ' that meets certain accommodation requirements. The dog owners' homes would meet the identified accommodation requirements.	No further changes proposed.
Concern for the removal of the annual renewal requirement for Multiple Dog Permits, stating difficulty to track compliance.	Existing staff processes currently manage the requirements for new permits, renewals (including variations). These processes would continue to identify needed variations under the current proposal.	No change proposed in response.
Request for more fenced off lead dog exercise areas.	The fencing of off lead dog exercise areas is out of scope of the review, fenced areas may be developed at any time so long as they are built within a designated off lead exercise area.  The bylaw and policy must identify off lead exercise areas but are not required to identify assets and amenity at those areas.	No further changes proposed.
Increasing access to waste bins.	Waste bins are out of scope of the bylaw and policy review.	No changes proposed in response.
Proximity of off lead dog exercise areas to playgrounds.	Dogs are always prohibited within 10 metres of a playground.  Several existing off lead exercise areas are already in public places with playgrounds. These off lead areas have not created an identifiable increase in uncontrolled dogs. It is therefore not expected that the new proposed areas will increase risk of uncontrolled dogs.	No changes proposed in response.



Key feedback themes	Response	Action
Recommendation that the definition for Public Place expressly state that off lead exercise areas are included.	Public places include all parks, whether these have been designated as off lead dog exercise areas or not.	Update the definition in the Dog Control Policy.
Recommendation to increase fines and penalties.	Fines are set in legislation and Council cannot amend these.	No changes proposed in response.
Suggestion to change the time windows for designated Off Lead dog Exercise Areas (specified times), noting these are too restrictive for dog owners.	<p>The Off Lead Dog Exercise Areas (specified times) are in public places with a mix of park users. Some parks have previously been off lead dog exercise areas available at all times, but are now increasingly used for other purposes (e.g., sports).</p> <p>Off Lead Dog Exercise Areas (specified times) will add provision nearer to the homes of dogs and their owners, however, at some times (e.g., sport field bookable times) dogs will need to be on lead or can visit another off lead exercise areas.</p>	No further changes are proposed in response.
Concern about the off lead dog exercise areas around formed sports fields.	<p>Council agrees with the concerns about off lead dogs on sports fields, which is the basis for proposing the exclusion of formed sports fields.</p> <p>The proposed changes remove off lead access to sports fields which were previously included in the 2015 Bylaw.</p> <p>To limit the provision loss caused by removing formed sports fields from the register, some parks were identified to retain off lead use around the perimeter of the park.</p> <p>The proposal was based on known dog population in each neighbourhood and depended on the type of parks/reserves available in that area as to whether perimeter off lead exercise areas were proposed.</p>	No further changes are proposed in response.



Key feedback themes	Response	Action
Requests for clear signage at off lead exercise areas.	<p>The Draft Dog Control Policy includes a new statement that Council will <i>effectively communicate the dog access areas with on-site signage and Council's communication platforms</i></p> <p>Signage at amenity parks show additional information about usage (including parks where dogs may be off lead). These signs inform users of the access rules and expectations for dog owners.</p> <p>One submitter made specific reference to changes at Raymond Park. This park is a newly proposed off lead dog exercise area that has been used by locals as an off lead area and does currently have incorrect signage. The new proposed area would allow residents to keep using the park, by formally confirming the off lead area, but requires a peripheral off lead area to accommodate all park users (which will align with current on-site signage).</p>	<p>No further changes are proposed in response.</p> <p>Signage will be updated through parks renewals projects.</p> <p>Staff are also working to improve access to information about off lead dog exercise areas on Council's website.</p>
Feedback about dogs not under control in public places.	<p>Dogs must always be under control in public places. This is an offence under both the current and Draft Bylaw, and the Dog Control Act. This behaviour should be reported to Council if witnessed.</p> <p>The Draft Bylaw and Policy newly define control to help clarify these requirements to dog owners.</p>	No further changes are proposed in response.
Feedback about difficulty when contacting Animal Education and Control.	Calls to Animal Education and Control go to the main Council, phone-line. The feedback concerning wait times can help identify possible busy periods for dog matters and seek improvements to call centre processes.	This is an operational matter, no changes to the Policy or Bylaw to be made.
Feedback requesting Council increase efforts to educate the community about companion animal ownership.	<p>The Dog Control Policy is enforced, in part, by public education. The feedback received indicates a public interest to prioritise education.</p> <p>The staff report discusses the options to increase education efforts further.</p>	This is an operational matter. No changes are proposed in response.
Submitters requested off lead exercise areas to be designated by size of dog.	<p>Legislation does not support the differentiation of dogs by size therefore such rules would be difficult to enforce in the Bylaw.</p> <p>Additionally, this proposal does not align with the shared spaces principle for all users. However, this feedback can be considered when designing potential future parks projects at off lead dog exercise areas.</p>	No changes proposed in response.



Key feedback themes	Response	Action
Recommendations sometimes contravened the Dog Control Act and other legislation.	Suggestions such as, banning dogs from private businesses or not requiring dog registrations would contravene legislation. Hamilton City Council must not make Bylaws that contravene the Dog Control Act, Bill of Rights Act, or any other New Zealand Legislation.	No changes to the Bylaw or Policy are proposed where these would contravene legislation.
Opposition to the future tree planting at Minogue Park in a section of Off Lead Dog Exercise Area.	This proposal for future tree planting is not new and is consistent with the current Dog Control Bylaw and other Council policies, plans and strategies.	No further changes are proposed in response.
Comment on nuisance barking.	Nuisance barking is already an offence under the Dog Control Act, and the amended Policy has included further comment on the requirement of owners to prevent nuisance behaviour of their dog.	No further changes are proposed in response.
Advocacy for the banning of permanent tethering of dogs.	Council has added accommodation requirements including ensuring <i>if</i> a dog is tethered that the tethering is not injurious to the dog's health. Any permanent ban on the long-term tethering of dogs is a decision for Central Government.	No further changes proposed in response.
Request for more dog control officer patrolling, particularly at off lead exercise areas and after-hours.	Animal Education and Control does regular patrols when not on call-outs. Council can consider this feedback as part of operational decision-making.	This is an operational matter. No changes are proposed in response.



### Potential impact of developing a Cat Management Bylaw for adoption

<b>Key consideration</b>	<b>Analysis</b>	<b>Comparison to status quo</b>
<b>Microchipping and desexing</b>	<p>Clearly state Councils position on responsible cat ownership.</p> <p>Companion Animals NZ believe adopting a bylaw corresponds to increased registrations.</p> <p>Estimates indicate that 49-55% of cat owners in New Zealand microchip their cats. The same data estimates indicate 70-77%* of Hamiltonians microchip their cats.</p> <p>Would require desexing of domestic cats but would not affect stray cats.</p>	<p>Minor positive impact on cat registrations. Estimates indicate Hamiltonians may already microchip and register their cats at higher rates than the national average.</p> <p>Minor positive impact on unwanted domestic cat litters.</p> <p>Neutral impact on desexing stray cats and unwanted stray cat litters.</p>
<b>Education and Compliance</b>	<p>Provides an opportunity to educate the community on best practice cat ownership.</p> <p>Education could be achieved instead with a communication campaign.</p> <p>Registrations would not be held by Council, making compliance difficult to monitor.</p>	<p>Neutral impact on educating the public.</p> <p>Negative impact on resourcing to develop and monitor the bylaw.</p>
<b>Enforcement and community expectations</b>	<p>Creates community expectation that Council will take enforcement action.</p> <p>A cat management bylaw can only be made under the Local Government Act 2002 which means enforcement options are limited and expensive (e.g., seeking a conviction or seizing a cat) which would require additional administration and cattery improvements.</p>	<p>Negative impact on Council's reputation and relationship with the Community, as we are unable to effectively enforce these rules.</p> <p>Negative impact on resourcing to implement and enforce.</p>

*\*These are estimates only; based on the assumption that nationally 41% of households own on average 1.7 cats, and the known number of cats on the NZ Companion Animals Register (29,433 in Hamilton).*



## Resolution to Exclude the Public

### Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Pukete Neighbourhood House Construction Contract Award	) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Artificial Turf Funding Applications	) Official Information and Meetings Act 1987 )	

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
Item C2.	to enable Council to carry out negotiations to enable Council to carry out commercial activities without disadvantage to enable Council to carry out negotiations	Section 7 (2) (h) Section 7 (2) (i)