

## **Dogs, Quail Ridge, and Ngawha Enterprise and Innovation Park (NEIP)**

### **Leonie Exel representing The Bay of Islands (BOI) Watchdogs, District Plan (DP) hearing on 18.6.24**

- We are learning about DP process, first time here
- BOI Watchdogs are also speaking in relation to the DP on The Natural Environment (Aug 2024), and Subdivision (July 2025).
- In some ways, speaking on Quail Ridge and NEIP is putting the cart before the horse; these issues arise as a consequence of those more general topics.

### **Key general points**

1. The Dog Control Act (1996) and the policies and bylaws it enables is NZ's key legal instrument for the control of dogs.
2. The banning and restricting of dog ownership occurs in a number of ways at FNDC, including conservation covenants, and the subdivision consents process – that's been happening for about 25 years. These are strongly advocated for by the Department of Conservation (DOC), who have prepared a document to support their position, and who are consulted on specific sub-division applications.
3. FNDC's dog bans/restrictions on subdivisions have thus far been unsuccessfully challenged:
  - 2017 – 3 applicants to FNDC Hearings Commissioner William Smith (Ronaldson, Lineham, and Mt Pokaka case)
  - By individuals trying to argue for the right for responsible dog ownership on their own properties, and
  - 2017 onwards by The BOI Watchdogs, lobbying FNDC in various ways, and today via challenges to the District Plan
4. Dogs are intrinsic to physical and mental wellbeing – much research on this.
5. Dogs are particularly important for the elderly – also well researched.
6. Dogs are whānau – when you say 'dogs' for many of us, that is an animal which we treat as a member of our family. Read the word 'child' for 'dog', and you will understand the depth of many of our concerns.
7. Our native wildlife, including kiwi, are precious taonga and need to be protected from harm as far as is possible.
8. Irresponsible dog owners who let their dogs wander out of control, dump dogs etc are a threat to humans, other dogs, native wildlife, and stock. This is hard to police but it must be a priority in key areas of high risk.

9. There are many responsible dog owners living in areas where kiwi are high density. Those responsible dog owners and their dogs are a very minimal threat to kiwi (DOC figures – 10-12 kiwi killed by dog each year in Northland; kiwi numbers risen from 8,000 to 20,000; single figures on the whole Russell peninsula in last 30 yrs; 3 kiwi ever killed by an on-leash dog).
10. Restricting responsible dog owners in ways other than banning or restricting the number of dogs we can own can provide better protection to native wildlife, while not taking away the crucial benefits of dog ownership. Examples – require that property is fenced, that dogs are de-sexed (reduces wandering); kept inside dusk till dawn; on leash in specific areas; registered; micro-chipped.
11. The bans/restrictions are now widespread, although FNDC has thus far not advised how widespread.
12. We were told by a previous FNDC animal control manager that it is difficult to enforce dog bans and restrictions made via subdivision consents under the Resource Management Act, because dog control/enforcement is only provided under the Dog Control Act.
13. Blanket banning, or restricting of the number of dogs one is allowed on a property, is an over-regulation of responsible dog owners.
14. A consequence of this 25-year over-restriction/banning of dogs is that many responsible, ordinarily law-abiding dog owners are ignoring the restrictions and do own dogs anyway.

#### Quail Ridge – QR R9, QR-S9

15. QR R9, QR-S9 are a demonstration of the illogical and perhaps unintended consequence of the banning or restricting of dogs in kiwi zones.

<b>QR-R9</b>	<b>Domestic pets</b>
<b>Quail Ridge zone</b>	<p><b>Activity status: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b>  Prior to the occupation of any <u>residential unit</u>, a mechanism to limit the number of domestic pets within the zone shall be implemented and domestic pet control shall comply with standard <u>QR-S9 Control of domestic pets</u></p> <p><b>Matters of control are limited to:</b></p> <ol style="list-style-type: none"> <li>a. Control of domestic pets; and</li> <li>b. Bush protection, weed and pest control.</li> </ol>

QR-S9	Control of domestic pets
<p><b>Quail Ridge zone</b></p>	<p>A mechanism for effectively limiting the number of domestic pets on the <u>site</u> and their possible movement into the adjacent scenic reserve shall be provided to the <u>Council</u> before any <u>residential units</u> are occupied.</p> <p>The pets policy shall address the following matters:</p> <ol style="list-style-type: none"> <li>1. Signage to be erected at any entry / exit points to the adjacent <u>Department of Conservation</u> managed reserves advising of the prohibition on dogs entering or roaming in these reserves; and</li> <li>2. The terms and conditions of the pets policy being incorporated into a license to occupy for every resident as conditions of the license.</li> </ol>

16. QR-R9 states that Quail Ridge Retirement Village must 'limit the number of domestic pets' on the site, and place signage discouraging residents from taking dogs into adjacent DOC reserves
17. The Pet Policy which Quail Ridge Retirement Village proposed and FNDC accepted is before you (attached).
18. This Pet Policy is completely inappropriate, in that the manager can require the 'removal' of a resident's dog at their 'complete discretion', and once a person's dog passes away, they are not allowed another. This is borderline elder abuse.
19. Pets are critically important for the elderly for physical and mental health, particularly when their partners have passed away.
20. A Country Club/Retirement Village with such a stringent pet policy is not one any responsible dog owner would want to reside in.
21. **The S42a report states that the restrictions under QR R9 are "appropriate".** We do not agree with this. If you reword the clause to encourage responsible dog ownership, that achieves the aim of respecting native wildlife without having unreasonable power over any single resident, and without harming their wellbeing.

## **Analysis of Submissions on Key Issue 5**

### **Matters raised in submissions**

90. BOI Watchdogs (S354.026) request that rule QR-R9 is deleted as this rule relates to the restricting of pets. The submitter's reasons for this relief are that they have observed animal ownership and pet limits in the zone and request FNDC to review their legality and reasonableness. The submitters consider that the policy allows retirees to bring a dog into the village but does not permit them to replace it once it dies, and it grants the village manager the authority to revoke someone's right to a dog at any time.

---

### **Analysis**

91. The notified PDP rule QR-R9 is a controlled activity and relates to domestic pets within the Quail Ridge Zone. Before the occupation of a residential unit, a mechanism to control the number of domestic pets in the area must be put in place. This control must adhere to standard QR-S9 for controlling domestic pets. The standard outlines that a mechanism must be supplied to Council effectively limiting the number of domestic pets on the site and their possible movement into the adjacent scenic reserve. The "mechanism" referred to in the standard includes a "pets policy" referred to under policy QR-P6.b. Under standard QR-S9, the pets policy is required to address signage to be erected at the entry and exit of adjacent reserves advising of the prohibition of dogs in this area. The terms and conditions of the pet policy are also to be incorporated into a license to occupy for every resident as conditions of the license.
92. The pet policy was provided by the developer and approved by Council through the first stage of the Quail Ridge development. It has since been referred to in resource consent decisions for subsequent stages of the Quail Ridge development.
93. In response to this submission requesting the deletion of rules restricting pets, I do not agree that this is appropriate. I do not recommend any changes to these rules as pets are allowed within the Quail Ridge zone subject to appropriate restrictions. Although the zone is largely developed if further stages are proposed or variations to existing stages are made, it is important Council can still enforce the pet policy. No restrictions on pets would be inappropriate and could have negative outcomes on environmental values particularly given the proximity of the zone to the adjacent reserves area.

### **Recommendation**

94. For the above reasons, I recommend that submission point 354.026 is rejected and rule QR-R9 is retained as notified.

**22. Possible re-wording of QR-R9/S9: added below as per request from Cr. Foy at this hearing:**

“Council recognises the contribution that pets make to the wellbeing of many in our community.

Mechanisms for ensuring responsible pet ownership, which mitigate potential risks to humans, stock, other people’s pets, and native wildlife, shall be provided to the Council before any residential units are occupied.

These mechanisms should include that:

- Residents who wish to own a pet must commit to conditions of responsible ownership as part of their license to occupy. These conditions will align with FNDC’s bylaws and policies (as varied from time to time) relating to dogs, cats, and other animals, and legislative requirements regarding the care and welfare of animals (as per the Dog Control Act 1996 and Animal Welfare Act 1999).
- Residents who have dogs and/or cats must microchip and de-sex their pets, and keep their pets inside their residence between dusk and dawn, unless they are on a leash outside.
- Residents must register their dogs.
- Signage is erected at any entry/exit points to the adjacent DOC managed reserves advising of the prohibition on dogs entering or roaming in these reserves.
- Dogs must be kept on a leash at all times within the Quail Ridge Country Club, unless they are in a fenced yard or dog exercise area.

**Ngawha Innovation and Enterprise Park (NIEP-P3)**

23. Our concern here is just that we do not understand what FNDC is requiring at NIEP in relation to the ‘keeping of animals’; we just require clarification of the intent of point NIEP-P3 (i) which states that NIEP must avoid **the keeping of domestic animals**, including boarding and breeding kennels.

<b>NIEP-P3</b>	Avoid land use and development that would compromise the function of the NIEP zone or detract from the function and well-being of Kaikohe and Ngawha, including but not limited to avoiding: a. <u>commercial activities</u> (excluding an ancillary office); b. <u>industrial activities</u> (excluding activities which incorporate manufacturing and processes relating to <u>primary production</u> including by-product waste materials); c. <u>retail</u> (excluding small scale <u>rural produce</u> and ancillary retail related to on-site activity); d. <u>trade</u> ; e. <u>residential activities</u> (excluding temporary student and trainee accommodation as provided for in the zone); f. <u>community facilities</u> ; g. <u>education facilities</u> not directly related to <u>primary production</u> activities; h. <u>hospitality and restaurants</u> (excluding small-scale cafes and takeaway food outlets); i. <u>keeping of domestic animals</u> , including boarding and breeding kennels; and j. <u>development and buildings</u> located outside of the identified development areas (platforms 1-36).
----------------	--

24. We asked FNDC for more details and were advised: “Unfortunately I am unable to answer this question beyond the policy in the proposed district plan, i.e: NIEP-P3, which I believe is the ‘avoid’ policy you are referring to. You may wish to make a submission on this point.”



## **Appendix H**

---

**Quail Ridge Country Club Pet Policy**

**Occupation License**

Not to keep any cat,dog,bird or any other animals without the prior written consent of the Manager.Such consent shall be at the complete discretion of the Manager and may be withdrawn at any time.

**Permission Letter**

**Appurtenant to an Occupation License  
between the Quail Ridge Country Club and Mr John Smith**

The Manager hereby agrees to allow you to keep your dog Mario in the Quail Ridge Country Club on the following terms and conditions:

1. That Mario shall be kept on a lead at all times when outside your home.
2. That Mario is not allowed inside any communal area's.
3. That should Mario become a nuisance to other Residents then Mario will have to be removed from the Quail Ridge Country Club.
4. That you will at all times clean up after Mario.
5. When Mario pass's away, a none replacement policy shall apply.

Signed:.....

Signed:.....

Quail Ridge Country Club

Mr John Smith