

Response to S42a report on Ecosystems and Indigenous Biodiversity

The BOI Watchdogs 6.8.24

Tena kotou Tena kotou Tena kotou katoa. I'm Leonie Exel, voluntary co-ordinator of The BOI Watchdogs, a group of around 1,800 residents lobbying for dog welfare, and a fair go for responsible dog owners. Many of our members are also involved in conservation efforts, and care deeply for native wildlife.

Our members have been objecting for around 7 years to FNDC either banning dogs, or restricting the number of dogs allowable, on sub-divisions in areas where wild kiwi live. We do not object to various restrictions being placed on dog owners in those areas (for example, requiring that a property be dog-proof fenced).

The wording in this chapter of the District Plan opens the door for the FNDC dog and cat bans to occur in the sub-division chapter. It is thus critical for us that door finally be closed.

In summary:

- Given their implications for responsible dog owners, we have some concerns about:
 - a. **the definition of 'pests'** being tied to Northland Regional Council (NRC) definitions in IB-P7 and IB-P10, and
 - b. **the choice to expand wildlife protections** to include both Threatened and At-Risk fauna in IB-P2 and IB-P3.
- Agree with the "social, economic and cultural wellbeing of people and communities" in IB-P10.
- **We very strongly disagree with the wording of IB-P9. We recommend that IB-P9 either**
 - a. **be deleted**, as the Dog Control Act (1996) is the appropriate legal mechanism for the control of dogs, and there is no evidence that limiting responsible dog ownership via the RMA actually reduces predation on kiwi, or
 - b. **be amended as below**, to clarify that animals acting as 'pests' are the only ones which are relevant to any sub-division restrictions, or
 - c. **be left to lie on the table until the sub-division section** is reviewed in mid-2025, providing time for the full review and further consideration of this FNDC policy as per s32AA of the RMA.

Proposed IB-P9, if it is not deleted:

~~Require landowners to manage ~~pets and~~ pests within their property through consent conditions, where necessary, to avoid risks to Threatened and At-Risk indigenous fauna including avoiding the introduction of ~~pets and pests~~ into kiwi present or high-density kiwi areas where appropriate.~~

Definition of a 'pest' (IB-P7 and IBP-10)

1. **There is inconsistency of definitions of 'pests' within the Ecosystems and Indigenous Biodiversity Chapter as proposed.** 'Pests' are mentioned in IB-P7 and IB-P10, but in IB-P9 'pests and pets' are both mentioned. **Recommend** – delete the word 'pets' in IB-P9 or delete whole clause.
2. If FNDC wishes to link the definition of a pest to that of NRC, **the implications of NRC making changes which might impact on our District Plan need to be considered.**
3. We responsible dog owners are **wary of links to NRC documents as**, while as stated in the s42a report they do not currently include dogs in their definition of a pest in the current Northland Pest Management Plan, **NRC has some policies which are very anti-responsible dog owner.** For example:
 - NRC recommends to landlords that they exclude pets from leases, and asks locals to stop workers from bringing their dogs onto building sites.¹
 - NRC defines dogs and cats as pests in their Regional Policy Statement: "Pest species, including terrestrial, aquatic and marine pest plants, animals and organisms, and some domestic cats and dogs."²
4. **Pet dogs are not a pest if they have a responsible dog owner**, who has them under their control at all times as per our legal requirements. The owner of a dog which is allowed to run free can be fined and prosecuted under the Dog Control Act (1996).
5. Feral cats and feral dogs are pests. Feral animals do not have an owner, and survive in the wild without any human contact. **If FNDC wishes to define pets that are pests as 'feral dogs and feral cats', that is acceptable. FNDC could do this via their bylaws, and regulate/control feral animals accordingly.** This could be done within the next 18 months, as
 - a. the Animal Nuisance Bylaw (including cats) is due to return to council in draft in September 2024³, and
 - b. the Dog Management Bylaw, which was 'made' at end 2018 after the prior bylaw expired, will expire at end 2025 if it is not reviewed by that date.

¹https://www.nrc.govt.nz/resource-library-archive/environmental-monitoring-archive2/state-of-the-environment-report-archive/2007/state-of-the-environment-monitoring/indigenous-biodiversity/157-case-study-1kiwi-protection-in-northland?fbclid=IwY2xjawEdl41leHRuA2FlbQlxMAABHXD-QSMQ3n7b49WNDiDBJasvMfEt0T6VxHPB_zQQdJY4EQZezNdBYvJbGQ_aem_I8q5wmRVCVWmB3MFVwH7ng

² NRC Regional Policy Statement for Northland, P16, section 2.2

³ RFS 4213986, LGOIMA to FNDC, 4 August 2024

Kiwi are thriving, yet FNDC's planned area of dog bans is expanding (IB-P2 and IB-P3)?

7. DOC and others wish to expand the definitions of which wildlife needs protection in our District Plan, from **'Threatened' to 'At Risk', and from 'Kiwi High Density' to 'Kiwi Present'**. If this did not have implications for the pet dogs of responsible dog owners, we would not be objecting to it.
8. **The North Island Brown Kiwi is thriving in Aotearoa.** Its status was downgraded from 'At Risk-Declining' to 'No Longer Threatened' in 2021.⁴ There are now over 25,000 North Island Brown Kiwi, and their population is predicted to increase by more than 10% over the next three generations.⁵
9. **The North Island Brown Kiwi is also thriving in Northland.** In 2018 there were around 8,600 birds in our district, and it is predicted that the number will rise to 12,300 by 2030.⁶
10. DOC maps show that these precious birds are living right throughout our district. **According to their maps, almost all of our land is either defined as being 'kiwi present' or 'high density kiwi'** (see Appendix 1). When these two terms are used in the District Plan, it is almost the entire district which is implicated.
11. **The definition of a kiwi high density area was expanded in the last few years**, from 7 calls an hour heard from a 'listening station', to 5 calls per hour. This increased the number of locations defined as 'high density' in Northland, and thus expanded the areas where FNDC wants to ban our dogs.⁷
12. Also in the last few years, **the definition relating to locations where NO kiwi were heard at listening stations changed from being classified as no kiwi, to 'data deficient'**.⁸

⁴<https://www.stuff.co.nz/environment/127469374/north-island-brown-kiwi-no-longer-threatened-as-population-swells-to-20000>

⁵ Robertson et al. 2021 – Conservation status of birds in Aotearoa New Zealand, P12-13

⁶ Germano et al. — Kiwi Recovery Plan 2018–2028 Pg 10

⁷ DOC, Bay of Islands Kiwi Distribution Map - Support Document, Dec 2018, P3, s3.1

⁸ Ibid, P4, s3.1

Delete IB-P9: use the Dog Control Act (1996) to control dogs, not the Resource Management Act (1991)

13. FNDC and some other local councils, under pressure from DOC and various environmental groups, have chosen to try to limit responsible dog owners from living with their pets via sub-division consents. This does not occur in many other councils, despite kiwi being present in their districts and released into local communities.⁹
14. **There is nothing in the higher order documents mentioned in the s42a report which demands that FNDC ban dogs, or restrict the number of dogs per household, in kiwi zones.** The S42a report (point 215) states that “the RPS direction is clear that the PDP is required to include controls on pest species... my understanding through discussions with Council is that this ‘control’ is primarily at the time of sub-division and IB-P9 provides the policy basis to impose consent conditions when necessary to control pets and pests to protect indigenous biodiversity.” However there is no proof that this policy actually does protect indigenous biodiversity, with no studies having been undertaken to assess its effectiveness.
15. **The Objects of the Dog Control Act (1996) are very clear, as below.** Dog owners are obliged to ensure that their dogs do not “injure, endanger or cause distress to any stock, poultry, domestic animals or protected wildlife.” This is the legislation which should be used to control dogs.¹⁰

By sections | View whole (556KB) | Versions and amendments | Secondary legislation

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Objects

4 Objects

The objects of this Act are—

- (a) to make better provision for the care and control of dogs—
 - (i) by requiring the registration of dogs; and
 - (ii) by making special provision in relation to dangerous dogs and menacing dogs; and
 - (iii) by imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person; and
 - (iv) by imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife; and
- (b) to make provision in relation to damage caused by dogs.

Section 4(a)(ii): amended, on 1 December 2003, by section 4 of the Dog Control Amendment Act 2003 (2003 No 119).

⁹ For example, Waikato District Council (from LGOIMA ADM0021/25, 26.7.24)

¹⁰ S4 Objects of Dog Control Act (1996)

<https://www.legislation.govt.nz/act/public/1996/0013/latest/DLM374484.html>

16. **The Dog Control Act (1996) gives much power to councils to control dogs.** Animal management staff who are warranted under the Act can warn dog owners, fine them, and prosecute them for various infringements. They can also disqualify a person from owning a dog for up to 5 years, or classify a dog owner as ‘probationary’. Probationary dog owners can be required to attend a dog owner education programme. Under the Act, animal management staff can apply additional rules if a dog is considered menacing or dangerous, requiring the owner to make the dog always wear a muzzle when in public, and/or be on a leash at all times when in public. If a dog owner persistently avoids their obligations under this Act, FNDC can seize the dog from them, impound it, prosecute the owner, and euthanise the dog. Behaviour which can lead to such penalties, and are relevant to wildlife, include when a dog does the following:

- a. Wandering out of the control of the owner (s53, fine up to \$3,000).¹¹
- b. ‘Rushing’ at another dog, person, animal or vehicle (s57a, fine up to \$3,000).¹²
- c. ‘Attacking’ another dog, person, stock or wildlife (s57, fine up to \$3,000).¹³
- d. Causing serious injury to a person or protected wildlife (s58, fine up to \$20,000 and up to 3 years imprisonment).
- e. In an area of protected wildlife and being an immediate threat to wildlife (s59, land owners, police and animal management officers can kill or seize the dog).¹⁴

17. **The Dog Control Act (1996) also requires councils to create bylaws and policies relating to dog control (s10, s20).** These powers are substantial. Councils can require that dogs be inside/tied up between just after sunset and just before sunrise, ban dogs from various places for various reasons, demand that a persistently wandering dog be neutered, and limiting the number of dogs allowed on individual properties.

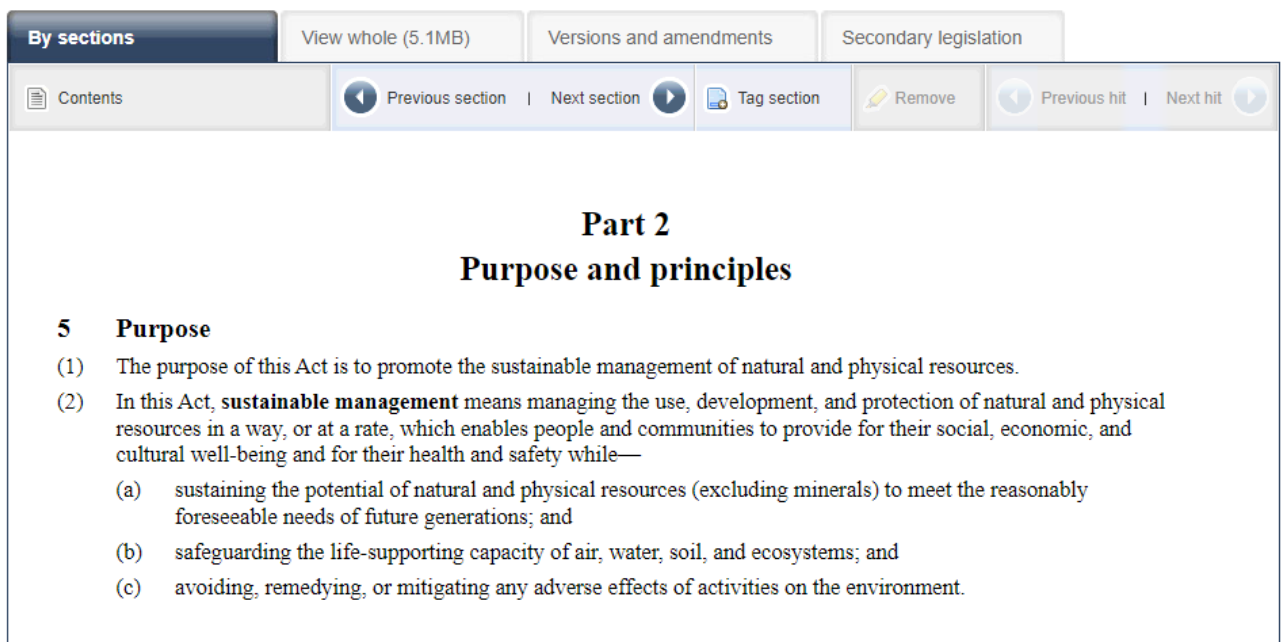
¹¹https://www.legislation.govt.nz/act/public/1996/0013/latest/DLM375400.html?search=sw_096be8ed81cdc1d5_disqualify_25_se&p=1#DLM375400

¹²https://www.legislation.govt.nz/act/public/1996/0013/latest/DLM375413.html?search=sw_096be8ed81cdc1d5_disqualify_25_se&p=1

¹³https://www.legislation.govt.nz/act/public/1996/0013/latest/DLM375410.html?search=sw_096be8ed81cdc1d5_disqualify_25_se&p=1

¹⁴https://www.legislation.govt.nz/act/public/1996/0013/latest/DLM375417.html?search=sw_096be8ed81cdc1d5_disqualify_25_se&p=1

18. The purpose and principles of the Resource Management Act (1991) are also very clear – “to promote the sustainable management of natural and physical resources.”¹⁵ This is not legislation intended to control dogs:



The screenshot shows a web interface for the Resource Management Act (1991). At the top, there are navigation tabs: "By sections" (selected), "View whole (5.1MB)", "Versions and amendments", and "Secondary legislation". Below these are more navigation options: "Contents", "Previous section", "Next section", "Tag section", "Remove", "Previous hit", and "Next hit". The main content area displays the following text:

Part 2 Purpose and principles

5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

¹⁵ <https://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231905.html>

Delete/amend clause IB-P9: there is no clear demonstrated need for it, and no assessment of effectiveness

19. In s32, the RMA spells out how proposals should be assessed via evaluation report, and the components of those reports. It provides a good guideline on how thoughtful, evidence-based proposals should be evaluated.

32 Requirements for preparing and publishing evaluation reports

- (1) An evaluation report required under this Act must—
 - (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
 - (i) identifying other reasonably practicable options for achieving the objectives; and
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - (iii) summarising the reasons for deciding on the provisions; and
 - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection (1)(b)(ii) must—
 - (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - (i) economic growth that are anticipated to be provided or reduced; and
 - (ii) employment that are anticipated to be provided or reduced; and
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
 - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

20. **FNDC has been banning and restricting dogs and cats via sub-division consents for over two decades, without (to our knowledge) any such basic assessment of their necessity, or efficacy, or any assessment of whether other policies or legislation more appropriately meets the objectives of those policies** (that is, the protection of wildlife from dogs and cats). For example:

- FNDC has consulted generally with DOC and others on risks to wildlife from dogs and cats, but to our knowledge, **has never consulted any dog groups/behavioural experts/trainers.**
- **DOC itself does not consult with dog groups/behavioural experts/trainers** in the development of the policies relating to protection of wildlife from dogs.¹⁶
- When a specific application is made to allow pets on a sub-division, FNDC may forward the application to DOC for further comment. **They do not forward the application to dog groups/behavioural experts/trainers** for their views on the application.

¹⁶ OIA to DOC from The BOI Watchdogs, 20 April, 2021

- **FNDC has unquestioningly accepted DOCs statements regarding the risk to kiwi of predation by cats and dogs.** They cite the DOC ‘Support Document’ which is attached to the DOC map showing kiwi prevalence as evidence for their own ‘Practice Note for Significant Indigenous Flora and Fauna 2018’ (formerly and perhaps more accurately entitled ‘Practice Note for Applying No Dog/Cat Conditions to Subdivision Consents 2017’).
- **In 2018, FNDC advised under LGOIMA, and in person at a meeting, that the District Plan Department was on track to provide details of how much land has thus far been banned to dogs and cats through their policies on sub-divisions. This has not occurred.** It was stated:
 - a. “[FNDC] ... had initiated work to evaluate the spatial distribution of the various forms of protection for indigenous vegetation and habitat protection as well as kiwi protection via consent notice conditions requiring imposition of restrictive covenants on titles. Raw data has been received late in 2017 and requires further investigation to identify the nature of the easements/covenants followed by mapping and analysis. **This work will inform the spatial elements of the new Plan and is expected to be available within the next 6-8 months...** Currently our system does not allow an automatic search of the information requested [coverage of dog bans/restrictions]. This area of information extraction is work in progress.”¹⁷
 - b. Despite this advice that the information would be collected, and despite a request from the elected Council in August 2023 to collect and map this data in future, FNDC has since advised on several occasions that they have not, and now will not, gather this data nor provide the community with it, because it will take too much time and effort. The most recent refusal was in June, 2024.¹⁸

21. **The s42a report inaccurately states that “I do not consider that this policy direction unduly limits dog ownership and certainly will not result in the banning of cats and dogs in the Far North District.”** (Point 91). **In addition, in point 220 it is argued that the suggested wording of IB-P9 will not lead to a blanket banning of pets, and in point 237 it states that IB-P10 will “not result in undue restriction or banning of dogs and cats”.** However FNDC’s current policy has literally already resulted in the banning of cats and dogs in our district in huge areas. For example, in mid-2021 we obtained information from DOC around how much land was banned to dogs and cats in the first quarter that year.¹⁹ There were 19 applications sent to DOC by FNDC in that quarter. Just one of these represented a ban on dogs and cats over sections which cover 168 acres in Kerikeri,

¹⁷ First LGOIMA to FNDC on dog bans and coverage from The BOI Watchdogs, #3875365, 4 April 2018

¹⁸ Latest LGOIMA to FNDC on dog bans and coverage from The BOI Watchdogs is 4205407, 19 June 2024

¹⁹ OIA to DOC from The BOI Watchdogs, OIAD-846, 28 May, 2021

on the basis that the land simply BORDERS a high-density kiwi zone that is within 1km of the land, and is a kiwi PRESENT area.

22. Please note that when The BOI Watchdogs has reviewed DOC and other environmental organisations' 'evidence' and claims around kiwi and dogs, it has been found wanting. For example:

- In the document which supports FNDC's banning of dogs and cats, although DOC states that dogs are peculiarly attracted to the smell of a kiwi,²⁰ they do so without any scholarly research supporting that claim.²¹
- Also in the document which supports FNDC's banning of dogs and cats, DOC claims that "The most dramatic example of the potential scale of destruction by dogs comes from Waitangi Forest in the Bay of Islands, where a single dog is believed to have killed about 500 kiwi over a six-week period in 1988."²² This is false. When the original research is reviewed, 13 of 26 kiwi with transmitters were killed, and the author extrapolated wildly from this to suggest that this one dog may have killed up to 500 kiwi that were not discovered by researchers.²³
- DOC claims that dogs are the greatest risk to adult kiwi, and particularly in Russell and surrounds where dogs have been banned on subdivisions for decades. However data requested under OIA from DOC showed that there were only 9 recorded kiwi deaths on the Russell Peninsula (includes Rawhiti) attributed to dogs in the 28 years between 1990 – 2018.²⁴
- DOC in the Bay of Islands falsely claimed that a photograph of a dead kiwi which it sent to the print media in 2018 had a large laceration from that dog attack. It did not.²⁵
- Of a total population of 25,000 North Island Brown Kiwi, the average number of deaths per year in the North Island by dog, from 1990 to 2018, was been between 12.1 (confirmed) and 15.1 (including suspected deaths).²⁶
- Of the total population of 8,600 kiwi in Northland, the average number of deaths per year by dog in Northland between 1990 -2018 has been between 10 (confirmed) and 12 (if 'suspected death by dog' is included).²⁷

²⁰ DOC, Bay of Islands Kiwi Distribution Map - Support Document, Dec 2018, P2, s2.1, "Dogs of all sizes, breeds and training are attracted to the smell of kiwi"

²¹ DOC OIA to BOI Watchdogs requesting evidence for claims re dogs and smell of kiwi, July 2018

²² DOC, Bay of Islands Kiwi Distribution Map - Support Document, Dec 2018, P2, s2.1

²³ Michael Taborsky 1988, Kiwis [sic] and Dog Predation: Observations in Waitangi State Forest

²⁴ DOC OIA 2018: on Russell peninsula there were 3 kiwi known to have been killed by dogs, 3 kiwi suspected to have been killed by dogs, and one kiwi which was attacked by a dog but survived.

²⁵ DOC OIA 5724746, 6 March 2019

²⁶ DOC OIA 18E 0516 Jerome Appendix 1, 2018

²⁷ Ibid

- FNDC, with DOC support, claims that its policy banning or restricting dogs on subdivisions is necessary to reduce predation on kiwi by dogs. However DOCs own data has consistently shows that cars are the biggest known danger to kiwi and confirmed cat predation is inconsequential.²⁸ For example, DOC figures for the five years between 2017 – early 2021 showed that in the Bay of Islands and **Kaitaia** areas, DOC recorded **64 kiwi deaths by car/suspected car, 42 kiwi deaths by dogs/suspected dogs, and 2 kiwi deaths by cat or stoat:**

Year	Vehicle	Suspected Vehicle	Dog	Suspected Dog	Cat or Stoat
2021 (partial only)	7	1	3		1
2020	16	1 + 1	9	2 + 1	
2019	20	1	15	1	1
2018	7	1	7		
2017	8	1	4		
Totals	58	6	38	4	2

23. Alternatives to FNDC’s policy of banning dogs and cats to reduce predation on kiwi have not been assessed, either, even though many of these initiatives DO have sound evidence supporting them. For example the following options could be considered:

- Microchipping (to get wandering/lost/stolen dogs back home quicker).²⁹
- De-sexing (to reduce wandering/escaping in dogs).³⁰
- De-sexing (to reduce unwanted litters of puppies/kittens, which in turn reduces the number of ‘dumped’ dogs/cats who are at risk of becoming feral).³¹
- Community education programmes have been shown to increase the likelihood of responsible dog ownership.³²
- Effective animal control is very strongly linked to more responsible dog ownership.³³

²⁸ DOC OIAD 846, 2021

²⁹ Jiri Zak, Eva Voslarova, Vladimir Vecerek & Iveta Bedanova (2018) Impact of mandatory microchipping on traceability of sheltered dogs in the Czech Republic, *Journal of Applied Animal Welfare Science*, 21:2, 108-119

³⁰ “...the literature consistently shows that desexing reduces libido and its associated behaviors such as conspecific mounting and roaming in the majority of desexed male companion dogs.” P14/28, Urfer, Silvan R., and Matt Kaerberlein. "Desexing dogs: a review of the current literature." *Animals* 9.12 (2019): 1086.

³¹ Taylor, Louise H., et al. "The role of dog population management in rabies elimination—a review of current approaches and future opportunities." *Frontiers in veterinary science* 4 (2017): 109, P4.

³² Ibid, P6

³³ World Animal Net. Report on the OIE’s International Standard on Stray Dog Population Control. (2015). Available from: http://worldanimal.net/images/stories/documents/Stray_control_report_FINAL.pdf

- Houses which have dog-proof fences reduce wandering and thus predation.
- Discounts on dog registration for those completing online ‘responsible dog owner’ courses may increase positive outcomes. Auckland Council provides one such example.³⁴
- Kiwi specialists recommend that pet dogs be kept indoors between dusk and dawn, and this has been recommended for pet cats also.³⁵
- Cats living indoors (with catios/caged areas where they can explore outdoors, and/or being walked on a leash) are less likely to kill wildlife.³⁶
- Recent research on cats suggests that playing ‘hunting’ games for a minimum of 10 minutes per day with your cat, and keeping it well fed, reduces predation on birds.³⁷
- Attendance at kiwi awareness for dog owner courses (not Kiwi Aversion Training with electric shock collars).
- Banning dog/cat breeders from operating in specific areas, unless they are registered pedigree breeders.³⁸

24. FNDC has not assessed the economic impact of its policy of banning and restricting dogs and cats via subdivision consents. This is critical as:

- Dog owners currently comprise around 50% of the households in Northland.³⁹ Property developers/landlords wishing to find buyers for their sections/homes thus have a dramatically reduced market for any properties which deny those households the right to live on that land.
- In some towns, such as Kororareka/Russell, there are now very few properties available for renters or buyers where they can live with their pets.^{40,41,42} This exacerbates the Aotearoa-wide housing shortage, and creates problems for employers wanting to hire seasonal and other workers in the hospitality industry. Anti-cat policies in Paihia mean that even nearby ‘overseas’ locations do not provide for people who own cats.

³⁴ <https://www.aucklandcouncil.govt.nz/dogs-animals/responsible-dog-owner-licence/Pages/apply-responsible-dog-owner-licence.aspx>

³⁵ <https://www.doc.govt.nz/news/media-releases/2024-media-releases/wheres-your-dog-at-call-to-keep-dogs-safe-by-not-letting-them-roam/>

³⁶ Baker, Philip J., et al. "Impact of predation by domestic cats *Felis catus* in an urban area." *Mammal Review* 35 (2005).

³⁷ https://news-archive.exeter.ac.uk/homepage/title_841913_en.html

³⁸ Op. Cit., Report on the OIE’s International Standard on Stray Dog Population Control, P10, Point 4.

³⁹ Companion Animals in NZ, 2020. 44% of households in rural areas have dogs (P16) and 46% of Maori households have dogs (P20)

<https://static1.squarespace.com/static/5d1bf13a3f8e880001289eeb/t/5f768e8a17377653bd1eebef/1601605338749/Companion+Animals+in+NZ+2020+%281%29.pdf>

⁴⁰ <https://www.nzherald.co.nz/northern-advocate/news/northland-renter-shares-struggle-to-find-rental-home-where-pets-are-allowed/ECTM4OABMNGSNBKMSOMSGZDITU/>

⁴¹ <https://thespinoff.co.nz/society/28-09-2022/the-absence-of-rights-for-renters-with-pets-is-just-cruel>

⁴² <https://www.nzherald.co.nz/nz/rental-bans-frustrate-pet-lovers/JBVWWRX7GO4PLKR7Q2V3FDZKOL/>

- Property developers have advised us that, if they request that pets be allowed in a development, it will slow down the resource consent process considerably. This pushes them to accept FNDC's 'evidence-lite' policy of banning cats and dogs on sub-divisions.

25. **FNDC has not, to our knowledge, assessed the social impact of its policy of banning and restricting dogs and cats via subdivision consents.** This is one factor which drives our group, The BOI Watchdogs, to advocate for change. Our members, who are responsible dog owners:

- Consider their dogs to be family members.
- Are distressed at the possibility that they may not be able to keep their dogs if they have to move when they retire/become unwell and have to move into a retirement area/home.
- See pet ownership as positive, and want their children and grandchildren to be able to live on their land with pets in the future.
- Would move district rather than give up their pets to satisfy FNDC's sub-division policies.
- Believe that they and their pets are being unfairly demonised by FNDC and its policies.
- Mistrust FNDC as a result of these policies.

26. **FNDC has not, to our knowledge, assessed the cultural impact of its policy of banning and restricting dogs and cats via subdivision consents.** This opens the door to systemic racism, even if it is inadvertent, because:

- The ethnic group most likely to own dogs are Māori, and rural households are more likely to own dogs than urban households.⁴³
- Māori form a significant proportion of Northland's residents⁴⁴, and much of our district is rural.
- There are many Māori pig hunters in Northland (and some Pakeha), and wild pig is a bonus in many family freezers, particularly in times of economic stress.

27. **FNDC has not, to our knowledge, assessed the efficiency and effectiveness of its policy of banning and restricting dogs and cats via subdivision consents.** If they did, they would likely find that:

- Normally law-abiding residents are refusing to obey FNDC's 'no dog and cat' policies and are owning pets in defiance of the resource consent.
- Dog owners who are disobeying the terms of their resource consent tend not to argue with FNDC; they stay under the radar to reduce the chance of their dog being impounded.

⁴³ Companion Animals in NZ, 2020. 44% of households in rural areas have dogs (P16) and 46% of Maori households have dogs (P20)
<https://static1.squarespace.com/static/5d1bf13a3f8e880001289eeb/t/5f768e8a17377653bd1eebef/1601605338749/Companion+Animals+in+NZ+2020+%281%29.pdf>

⁴⁴ Māori comprise around 41% as per <https://figure.nz/chart/tfnUzXxHrylqyDHZ>

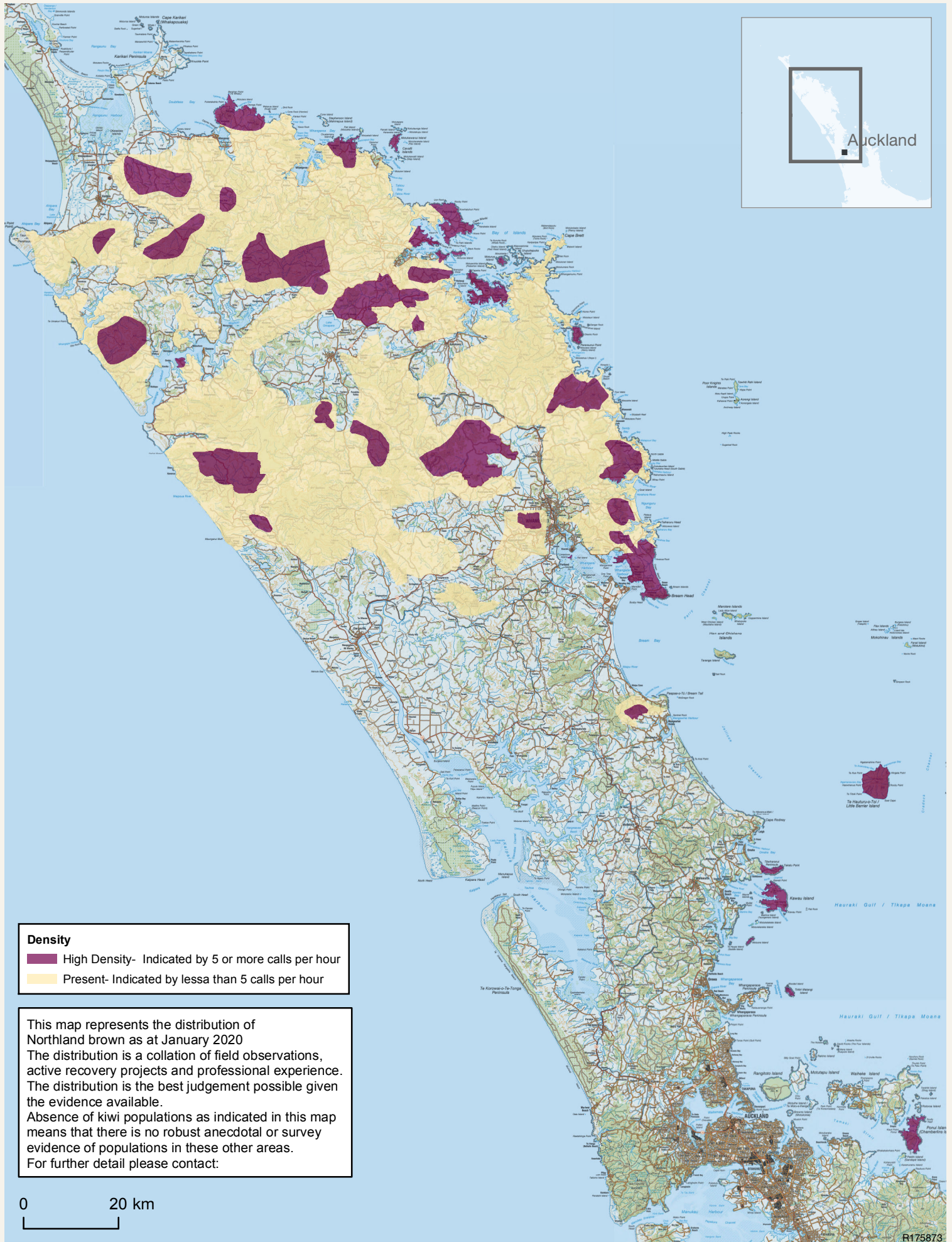
- FNDC's then Environmental Services manager, Darren Edwards, advised us verbally in 2019⁴⁵ that it was nearly impossible for FNDC to enforce dog bans and restrictions that they have applied under the District Plan and the RMA. This contradicts the point in the s42a report (point 219) that the author agrees with the submission from Forest and Bird and others that this clause is enforceable. The Dog Control Act (1996) does however allow for enforcement action to be taken.
- Responsible dog owners are not a serious issue for kiwi protection. The dogs which pose a greatest risk for kiwi are those who are lost, wandering out of the control of their owner, or dumped in the bush.

In summary:

- **Over two decades ago, in an attempt to reduce predation by dogs on kiwi, FNDC established a policy of banning dogs, or restricting the number of dogs a resident can own, via subdivision consents.**
- **This policy is a gross over-reach into the lives of dog owners - half the households in Northland. It is over-regulation of responsible dog owners, to try to reduce the number of wandering dogs.**
- **FNDC's policy was not and is not based on balanced evidence, with only DOCs claims being considered.**
- **DOC's claims around kiwi and dogs have at times been exaggerated and/or anecdotal and/or unsupported by evidence.**
- **The need for this policy is not borne out by statistics which show that the greatest threat to kiwi comes from cars, rather than dogs or cats.**
- **No assessment has been made within FNDC of the impact of this policy.**
- **There has been no assessment of the economic, cultural, and social impacts of this policy. We consider those impacts to be significant and negative.**
- **FNDC has advised us that this policy is near unenforceable. The RMA is not the legislation to use for dog control, the Dog Control Act is.**
- **Evidence-based alternatives to the banning of dogs, or restricting the number of dogs a resident can own, have not been properly considered.**

Please delete IB-P9, or amend it as drafted, or put it on hold until review of the sub-division chapter in mid-2025.

⁴⁵ Personal communication with Leonie Exel and Victor Bokulic, The BOI Watchdogs



Density

- High Density- Indicated by 5 or more calls per hour
- Present- Indicated by less than 5 calls per hour

This map represents the distribution of Northland brown as at January 2020. The distribution is a collation of field observations, active recovery projects and professional experience. The distribution is the best judgement possible given the evidence available. Absence of kiwi populations as indicated in this map means that there is no robust anecdotal or survey evidence of populations in these other areas. For further detail please contact: