



Draft Keeping of Animals Bylaw

Statement of Proposal

Introduction

Tararua District Council seeks your views on its draft Keeping of Animals Bylaw 2024.

The current Keeping of Animals, Cats, Poultry and Bees Bylaw was adopted in 2018 and is now due for review.

This statement of proposal is prepared under sections 83 and 86 of the Local Government Act 2002 (LGA) and contains:

- a copy of the draft Keeping of Animals Bylaw 2024 (the 'draft bylaw')
- information about the proposed amendments, including Council's determinations under section 155 of the LGA;
- the reasons for the proposed amendments;
- how you can have your say; and
- timetable for consultation.

In summary, Council is proposing to make changes to the current Keeping of Animals, Cats, Poultry and Bees Bylaw 2018 with changes proposed to the drafting to improve clarity, consistency, structure and readability; and to reflect that Council is likely to revoke its Administration Bylaw in the future.

Council is proposing to add additional requirements regarding the keeping of cats and bees as it is seeing increased complaints regarding these animals. The proposed additional requirements are ones which other councils of similar sizes throughout New Zealand are starting to implement. The proposed requirements to microchip and de-sex cats are in line with the New Zealand National Cat Management Strategy Report (August 2020).

Council is also proposing to introduce regulations on the control of feral animals and proposing to ban certain male animals from being kept in urban areas (both due to noise, odour and health and safety issues) and provide better explanations and detail around how to apply for and obtain permits.

Dogs are controlled under a separate bylaw made under the Dog Control Act 1996.

Proposal

This statement of proposal relates to the review of the Keeping of Animals, Cats, Poultry and Bees Bylaw and is prepared in line with sections 83, 83AA and 87 of the LGA.

The Council proposes that:

- (a) a new bylaw that regulates the keeping of animals so that they do not create a nuisance or endanger the health and safety of the public (the Keeping of Animals Bylaw 2024) should be made;
- (b) the Keeping of Animals, Cats, Poultry and Bees Bylaw 2018 be revoked once the Keeping of Animals Bylaw 2024 comes into force.

The key changes are summarised in this Statement of Proposal and are set out in the draft bylaw.

Proposed Changes

The main proposed changes are summarised below (only substantive changes are listed):

- Additional terms are added into the interpretation section, noting that many of these terms currently sit in the Administrative Bylaw, which is likely to be repealed in the future.
- Adding a requirement (clause 5.2) that animals are confined within the boundaries of the property where they are usually kept (excluding cats and bees).
- Adding hive limits based on property area for urban areas and hive set-back and location requirements.
- Amending the current limit of 3 cats per household where an officer acting on a complaint believes the number of cats is offensive to a requirement that no more than 3 cats are kept on a premises (urban or rural) except with approval from Council (with exceptions for vets, charities such as the SPCA and catteries).
- Requiring every cat aged over 6 months to be microchipped and desexed.
- Simplifying the requirements for keeping pigs in an urban area (where approval from Council continues to be required).
- Regulating (prohibiting) the keeping, in an urban area, of roosters, ganders, peacocks, stallions, bulls, rams and un-neutered male goats.
- Requiring people to refrain from taking any action towards feral animals so as to cause them to be a nuisance; and requiring abatement from the nuisance caused by feral animals.
- Ensuring persons can apply for permits/approvals from Council to keep animals and providing a mechanism for such permits to be reviewed.

Reason for Proposal

Background

Council is empowered by section 145 of the LGA and section 64 of the Health Act 1956 to make bylaws regulating, licencing or prohibiting the keeping of any animals in the district or part thereof; and preventing or abating nuisances.

The draft bylaw will give the Council the ability to investigate and act on nuisance related complaints. There are separate clauses in the proposed bylaw dealing with the keeping of stock, poultry, cats, pigs and bees together with a more general clause which requires animals to be kept in a manner which does not cause a nuisance or is offensive or injurious to human health.

Legal Framework: s 155 determinations

Council must determine, pursuant to section 155 of the LGA, whether:

- A bylaw is the most appropriate way of addressing the perceived problem;
- The draft bylaw is the most appropriate form of bylaw; and
- The draft bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Council must also comply with the general decision-making requirements in sections 76 to 82 of the LGA in that it must identify and consider all reasonably practicable options and the community's views.

Is a bylaw the appropriate means to deal with a problem?

The purpose of the Keeping of Animals Bylaw is provide for the keeping of animals (excluding dogs) so that they do not create a nuisance or endanger the health and safety of the public.

The keeping of animals, including stock, pigs, poultry, bees and cats can give rise to a number of concerns regarding health and general nuisance impacts. In an urban context, in particular, the appropriateness of keeping animals in urban or residential areas as opposed to rural areas may cause nuisance effects such as noise, smell/odours from manure and droppings, potential for animals to escape and present a danger to traffic, cause damage or harm to people and property, and give rise to increased levels of flies and vermin.

It is accepted, however, that animals provide many benefits to their human owners such as companionship and can contribute to lifestyle choices by helping people be more self-sufficient.

While existing legislation (such as the Animal Welfare Act 1999) provides the means for animal welfare issues to be regulated, the nuisance issues and health and safety issues that can be caused to people as a result of the keeping of animals (usually in urban areas) is likely not easily or satisfactorily addressed through education or private prosecution, and therefore a bylaw provides the appropriate means of regulation.

Is the bylaw in the appropriate form?

The draft bylaw is the most appropriate form of bylaw. It places clear controls and restrictions on the keeping of animals to reduce the potential for nuisance to others; allows for exceptions and special circumstances and is consistent with Council document standards and has been written in plain English so far as possible.

The final form of the bylaw will be determined after the Council has heard and considered submissions as part of a consultation process using the special consultative procedure.

Is the bylaw consistent with the New Zealand Bill of Rights Act 1990?

The draft bylaw is designed to regulate the keeping of animals only as far as necessary to ensure they do not create a nuisance or endanger the health and safety of the public, noting that persons can apply for approval to keep animals that may otherwise be in breach of the bylaw. As its purpose is to protect and promote public safety, the draft bylaw does not unreasonably interfere with any of the rights in the New Zealand Bill of Rights Act 1990.

Following the prescribed special consultative procedure set out in section 83 of the LGA Council will consider the final draft of the proposed bylaw and its New Zealand Bill of Rights Act 1990 implications, if any.

Consultation

In making, amending or revoking a bylaw, Council must use the Special Consultative Procedure set out in section 83 of the LGA. Council has prepared and adopted the draft bylaw for public consultation. Any person can make a submission on the draft bylaw and we invite you to have your say.

The following dates are relevant to the consultation process:

- (a) Council resolved to undertake public consultation regarding the Proposal at the Strategy, Growth and Planning Committee meeting on 13 February 2024
- (b) Submissions open on 1 July 2024
- (c) Submissions close on 31 July 2024

Submissions will be heard before the Strategy, Growth and Planning Committee on 7 August 2024, with Council considering the outcome of the consultation process and its decision at a Council meeting some time following the hearing date, and likely to be on 28 August 2024.

The key point to note is that consultation opens on 1 July 2024 and closes on 31 July 2024.

You are encouraged to participate in this important consultation process.

There are several ways you can have your say. A submission form is provided with this document, or you can fill in your submission online.

How to get your submission to us:

Mail to: Draft Keeping of Animals Bylaw
Taranua District Council
PO Box 115
Dannevirke 4942

Email to: submissions@tararua.govt.nz

Deliver to: Council offices in Eketahuna, Pahiatua, Woodville or Dannevirke

Online: <https://www.tararua.govt.nz/publications/consultation/current-consultation>

This Statement of Proposal is issued pursuant to section 155 of the LGA and in compliance with sections 76AA, 82, 83 and 148 of the LGA.

Bryan Nicholson
Chief Executive