

Buller District Council

Proposed Keeping of Animals Bylaw

AMENDED Urban Areas and Provisions for Keeping of Cats

**Statement of Proposal
May 2023**

Summary:

In September/October 2022 Council called for submissions on the Proposed Keeping of Animals Bylaw (2022). After considering submissions and holding a hearing the council proposed has some changes to the following sections of the proposed bylaw:

- Re-definition of urban areas
- Keeping of cats in urban areas

Introduction

The Council is reviewing the Buller District Council Bylaw Model General Bylaw Part 13 – The Keeping of Animals, Poultry and Bees (NZS9201: Part 13: 1999) and the accompanying local amendment Section 1306 The Keeping of Cats (the Current Bylaw) in accordance with the Local Government Act 2002 (LGA).

The Council took the review as an opportunity to revisit the previous approach adopted in 2008 by proposing a significant number of changes to better address the perceived problems that arise in relation to animals in the district. The review proposes that the Keeping of Animals Bylaw (the Proposed Bylaw) remain standalone.

The proposed bylaw along with a set of maps outlining 'Urban Areas' was approved to proceed to public consultation, as required under the Local Government Act (LGA) 2002 (Sec.156: Consultation requirements when making, amending or revoking bylaws made under this Act and Sec.83: Special Consultative Procedure) in June 2022. The Proposed Bylaw 2022 would replace the Current Bylaw.

NB: The Proposed Bylaw 2022 does not apply to dogs as this is covered separately under the Dog Control Bylaw.

Proposed Bylaw 2022

The Proposed Bylaw 2022 provides measures to regulate the keeping of animals (including pigs, poultry, bees, livestock and cats) within the district:

- to minimise the impact on animal owners' neighbours;
- to ensure they do not create a nuisance or endanger health; and
- to regulate the slaughtering of animals to avoid causing nuisance or offence.

A copy of the Proposed Bylaw 2022 and the accompanying Statement of Proposal can be found on the Council website at <https://bullerdc.govt.nz/have-your-say/proposed-keeping-of-animals-bylaw/> and at the Council office in Westport and the Service Centre in Reefton.

These documents outline the matters required to be considered in reviewing a bylaw including the assessment of the issues, determination of council that a bylaw was needed and reasons for proposing the bylaw as proposed. The three options of reviewing/amending, revoking or replacing the current bylaw were also outlined along with the key changes that were proposed.

Submissions to Proposed Bylaw (2022)

Between 13 September and 11 October 2022 Council consulted on the Proposed Keeping of Animals Bylaw 2022. Public Notices were placed in local papers and the council website had

a full page dedicated to the proposed bylaw with copies of all the relevant documents, including a submission form and link to a survey monkey submission form. There were regular reminders on the council Facebook page and copies of all the document were in libraries, Reefton Service Centre and other locations around the district.

In total, 63 submissions were received from around the district and also from national organisations (five submissions did not have any attached explanation).

The issues that were raised covered many aspects of the proposed bylaw as follows:

- Urban Area Boundaries
- Keeping of cats in an urban area
- Keeping of poultry in an urban area and poultry houses and poultry runs
- Beekeeping and keeping bees in an urban area
- Keeping of livestock in an urban area
- Pig keeping
- Slaughter of livestock (Section 13, p. 7)
- Commercial vs. Domestic animal keeping
- Existing use rights
- Clarification and further definition
- Bylaw itself

On the 14th of December 2022 the Regulatory and Hearings Committee met to hear from those submitters who had notified council that they wished to speak in support of their submissions. In total nine submitters outlined their submissions and the reasons for making their submissions.

Proposed Changes/Amendments to Proposed Keeping of Animals Bylaw 2022

The Regulatory and Hearings Committee then deliberated on all the submissions and at their meeting on 15 March 2023 resolved to make amendments to the proposed Keeping of Animals Bylaw 2022. These changes relate to:

- Definition of Urban Area
- Keeping of cats

Council has deemed that the amendments being considered are of sufficient significance that further consultation should be undertaken on these specific matters.

Changes Proposed

After considering the submissions made to the Proposed Keeping of Animals Bylaw (2022) the council proposes the following 2 changes to the Proposed Bylaw 2022

1. Definition of Urban Areas

Current Bylaw: Not defined. Refers to 'urban areas', 'predominantly urban character' and 'urban character under the District Plan' but no actual definition of the areas.

Proposed Bylaw (2022):

A total of 9 urban areas were defined in a set of maps which were attached to the proposed bylaw. The maps were intended to provide certainty around the term 'urban;' as it is used in the proposed bylaw. A number of the matters in the proposed bylaw refer to urban areas e.g., keeping of livestock. The proposed urban areas were identified by Council and defined using census data as a base.

Essentially the urban areas were the towns and the smaller communities around the District. The areas defined on the set of maps accompanying the proposed bylaw were:

- Westport
- Carters Beach
- Waimangaroa
- Granity
- Ngakawau and Hector
- Karamea and Market Cross
- Inangahua Junction
- Reefton
- Ikamatua

Proposed Changes (after consideration of submissions)

After consideration the committee determined to propose that the urban areas be limited to:

- **Westport (excluding the racecourse)**
- **Carters Beach; and**
- **Reefton**

The set of maps include as attachment 1 shows the proposed areas.

Explanation:

A number of submissions concerned the inclusion of areas outside the main towns as urban areas. They related to Snodgrass Road, Granity, McKenna Road and the Westport Racecourse in particular.

It is considered restricting urban areas to Westport, Carters Beach and Reefton would better reflect the urban areas in the district. In particular the section size and proximity of houses to one another in these areas. Residential areas outside these three areas are more semi-rural in nature and in these areas there is also an expectation from residents that animals may be kept.

It should be noted that a number of the provisions in the proposed Keeping of Animals Bylaw (2022) are to be applied district wide regardless of urban area status. There include (but are not limited to) the provisions relating to the keeping of animals:

- which cause general nuisance or in a manner which causes nuisance, offense or injury to neighbours, confining animals to a property and abandoning of domestic animals (Clause 6)
- standards for poultry houses and runs (Clause 9)
- beekeeping in general (clause 10)
- conditions for slaughtering of animals (clause 13)
- fees (clause 14), offences and penalties (clause 15) and Repair and removal of works in breach of bylaw (clause 16)

2. Keeping of Cats in urban areas

Current Bylaw: Maximum number of cats is three in non-rural areas. If more than three they must not cause any nuisance. Excludes cat breeders, boarding establishments, vets and SPCA shelters.

Proposed Bylaw:

- The maximum number of cats six months or older that may be kept in any dwelling is **four**. Existing exceptions remain in the Proposed Bylaw for catteries, animal shelters and vets.
- Cat owners who have more than four cats would be allowed to continue to own these cats until the end of the cat's natural lives.
- Exemptions can be made by Council (on a case-by-case basis) provided housing is adequate, no nuisance will result, and all other lawful requirements are met.

Proposed Changes (after consideration of submissions):

Council proposes the following changes and additions to clause 7 (highlighted in **Bold**):

7.1 No person shall keep, or allow to be kept, more than **TWO** cats over the age of six months on any property in an urban area, except with the written approval of the Council.

7.6 Any cat over six (6) months must be:

- (a) **Microchipped and the cat's microchip registered with the New Zealand Companion Animal Register and**
- (b) **Be de-sexed, unless:**
 - i. **The cat is kept for breeding purposes; and registered with a nationally recognized cat breeder's body OR**
 - ii. **The owners provide a certificate from a veterinarian stating that the de-sexing of the cat will adversely affect its health and/or welfare.**

Explanation:

In total 32 submissions related to the keeping of cats, particularly the number of cats in urban areas and the need for a requirement to desex, microchip and/or register cats. After consideration of the submissions and the discussions with submitters in the hearing the Council made the proposed decision from the evidence that submitters put forward on the harm caused by cats to native birds and wildlife, the nuisance they cause roaming in neighbours gardens and the proliferation of unwanted kittens with the accompanying issues of abandonment and the work this makes for rescue organisations.

Council acknowledges that without national legislation mandating these matters it is difficult to enforce such provisions however it is considered that it is a step in the right direction and a signal to cat owners that they need to take responsibility to minimise the nuisance cats can cause.

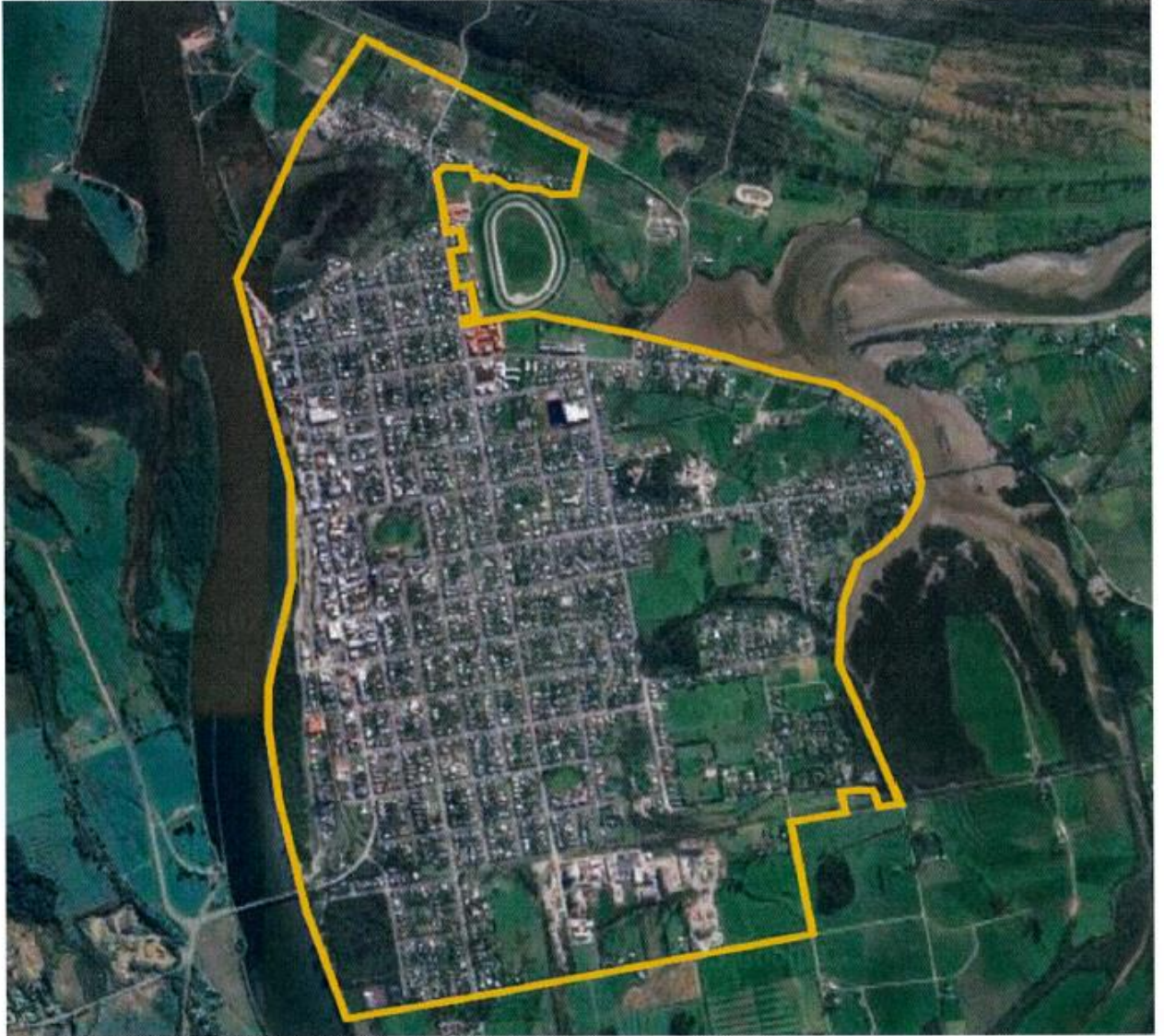
It is proposed to also produce a responsible cat owner's manual, similar to the one council has for dog owners, which will outline how to care for a cat, access cat desexing and micro chipping services and measures that owners can take to reduce the nuisance cats can cause to neighbours and wildlife.

ATTACHMENT 1 – PROPOSED URBAN AREAS MAY 2023

Carters Beach



Westport



Reefton

