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| To | Council |
| From | Hannah Beaven, Principal Corporate Planner  Tanya O’Shannessey, Monitoring Team Leader  Melissa Ward, Corporate Planner |
| Subject | Keeping of Animals: Early engagement feedback |
| Date | 7 May 2024 |

**Purpose of the workshop**

The purpose of this workshop is:

1. to inform Council of the feedback received during early engagement on a new Keeping of Animals Bylaw, and
2. for Council to decide on the form of the proposed Bylaw for consultation purposes.

**Executive Summary**

Council’s Keeping of Animals 2015 Bylaw (amended in 2021) (2015 Bylaw) included rules for managing nuisance-related complaints around animals, other than dogs. The 2015 Bylaw is now invalid. Staff are seeking to rectify this issue by drafting and adopting a new Keeping of Animals Bylaw (proposed Bylaw). Early engagement with the community, on potential provisions for inclusion in the proposed Bylaw was undertaken from 19 February to 31 March 2024. 306 responses were received (see Attachment 3).

Key feedback received through early engagement includes:

* Strong feedback requesting Council to consider additional controls for cats, noting the nuisance from both feral and domesticated cats.
* A varied range of opinions on the proposed approach of using both property zoning and property size to identify our urban, lifestyle, and rural areas, with most comments expressing negative views on this approach.
* Support for allowing roosters to be kept in lifestyle areas.
* General alignment with current beehive and poultry limits.
* General support to retain the current definition of poultry.

As a result of early engagement feedback, staff recommend the following:

1. No further controls for cats, due to costly implementation and difficulties with enforcement.
2. Reducing the property size from 2,500m2 to 1,500m2, as part of the definition of urban area.
3. Permitting roosters in lifestyle areas.
4. Maintaining the current limits to beehives listed in Clause 8.5 but reducing beehives setbacks within rural and urban areas.
5. No change to the definition of poultry or poultry number restrictions in urban areas.
6. Amending clause 9.1(b) to clarify that horses in urban areas are not required to always be kept in a stable.

Proposed changes are shown in Attachment 1. Following direction from Council, staff will bring a proposed Bylaw and Statement of Proposal to the Policy and Regulatory Committee in June 2024.

**Background**

Council’s Keeping of Animals 2015 Bylaw (amended in 2021) (2015 Bylaw) included rules for managing nuisance-related complaints around animals, other than dogs. Controls around responsible dog ownership are covered under the Dog Control Bylaw and Policy 2022. Staff have become aware that, due to the timing of Council's review of the 2015 Bylaw in 2021, the 2015 Bylaw is now invalid. Staff are seeking to rectify this issue by drafting and adopting a new Keeping of Animals Bylaw (proposed Bylaw).

Council workshops were held in November 2023 and February 2024. As part of these workshops, a number of minor changes to the proposed Bylaw were directed by Council (included in track changes in Attachment 1):

1. Inclusion of Clause 1.4 explaining other legislation that applies to the management and regulation of animals.
2. Pigeon and quail were re-inserted into the definition of poultry. Breeding was also included as part of the definition of poultry.
3. A definition of property included.
4. Clause 5.6 specifies that animals must be confined to the boundaries of the premises. An additional clause has been included explaining that this rule does not apply to cats.
5. Remove the following set-back requirement for poultry houses, listed as Clause 7.5(a) ‘No poultry house (whether mobile or immobile), shall be located: a) within 10m from any dwelling, factory, or other building’.
6. Clause 8.5 amended to clarify that the limit to the number of beehives does not apply to properties located within the General Rural Zone or Rural Zone.

Early engagement with the community was undertaken from 19 February to 31 March 2024. Early engagement included an online survey and online information.

The following stakeholders were contacted and invited to provide feedback through the online survey:

* Groups and businesses involved with animals.
* Community boards and committees.
* Mana whenua.
* Previous submitters from the 2015 (amended in 2015) Bylaw.

External communications included a media release, social media posts, and Council’s newsletter, posters were displayed in offices, libraries, and vet clinics. Information was also provided at the Turangawaewae Regatta.

**Information requests from workshop in February 2024**

At the Council workshop on 13 February 2024, further information was requested in relation to the following areas. Staff responses are outlined in Table 1.

Table 1: Information requests and queries from Council at workshop on 13 February.

| **Request** | **Staff response** |
| --- | --- |
| How does Council’s proposed Bylaw compare with other animal nuisance bylaws? | Staff reviewed 11 council animal nuisance bylaws and found the proposed Bylaw aligns broadly with other bylaws.  Areas of *similarity*:   * The purpose of the bylaw, definition of “nuisance” and the general nuisance clauses. * The approach to managing poultry, including the definition of “poultry”, limits on the number of poultry, requiring poultry houses, and setbacks. * Prohibiting roosters and pigs within urban areas.     Areas of *difference:*   * Most other bylaws use District Plan Zones only to define where animals can be located, while the proposed Bylaw considers both property size and District Plan Zones. * Other bylaws classified areas as urban and rural, with no specific category for lifestyle type properties. This resulted in rules primarily focused on urban areas, with rural and lifestyle type properties exempt from most regulations. For example, roosters were only prohibited in urban areas and not lifestyle areas in other council bylaws. The proposed Bylaw prohibits roosters in both urban areas and parts of lifestyle areas.   Areas where there is a *mixed approach*:   * Some councils have specific rules for cats (for example, requiring cats to be microchipped or desexed), while other bylaws include cats in general nuisance clauses only. * The approach to beehives differs, with some councils setting specific limits, or requiring licenses to keep bees in urban areas, while other councils have no specific rules. |
| What is the smallest section size in our district to receive Council services? | The size of a property does not determine if a property receives Council services (such as water, wastewater treatment, and rubbish collection). This is based on a number of factors including the location of the property, ground conditions, and distances to water courses, streams, rivers, lakes, and bores. |
| Should the proposed Bylaw refer to land covenants, since these also include rules for the keeping of animals? For example, in Tamahere or Raglan. | Staff recommend that the proposed Bylaw should include a reference to covenants in Clause 1.4. This is so readers of the proposed Bylaw are aware of other rules, outside of the proposed Bylaw, that need to be followed. |

**Feedback received from early engagement**

Council received 306 responses (Attachment 3) to the Keeping of Animals Early Engagement Survey (survey) between 19 February and 31 March 2024. Findings from this survey are below. For further analysis, please refer to Attachment 2.

***Experiencing nuisance***

**Q1. Have you, or your organisation, experienced any problems relating to animals (excluding dogs) in the Waikato district? (Figure 1)**

Figure 1: Responses to Q1

**Q2. If yes, please share details about the type of problem you experienced.**

* Cats cause the most nuisance in the Waikato district at 37 from 116 comments. This was due to cats defecating/spraying and roaming outside of owner’s properties, fighting, feral or stray cats, killing native birds, or damaging property (such as gardens, chickens, fences).
* This was followed by roosters (25 from 116 comments), chickens (23 from 116 comments), cows (11 from 116 comments), and pigs (8 from 116 comments).

**Staff comments**

Early engagement findings suggest that the Council’s 2015 Bylaw addressed the main animal nuisance issues experienced by the community. The 2015 Bylaw included specific controls to manage nuisance caused from roosters, chickens, and pigs.

However, a relatively large number of respondents (37) have indicated that they perceive cats as a nuisance. 26 comments were also provided in Q11 ‘Is there anything else you’d like us to consider?’, suggesting further controls for cats. This is despite only four cat-related complaints lodged with Council between 1 July 2018 and 30 June 2023.

Respondents requested new controls, including limits on the number of cats per household, mandates for microchipping, cat registration, de-sexing of cats over a certain age, requiring cat owner licensing, and implementation of night curfews for cats.

A comparative analysis of 15 Keeping of Animal bylaws across New Zealand shows that the majority (67%) of bylaws reviewed do not have specific clauses for cats.

If Council wishes for the proposed Bylaw to include further controls relating to cats, internal infrastructure would be needed to support this. This would require a significant project to consider implementation, including a facility of where captured cats would be housed, additional staff to monitor and enforce the clauses, registration and administration processing staff, and additional vehicles.

The Monitoring team would require further resources and budget to enforce an expansion of the proposed Bylaw. Staff also anticipate challenges in catching and trapping cats when enforcing the proposed Bylaw.

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| **Staff recommendation 1:**  No further change to proposed Bylaw because of the early engagement feedback. Specifically, no further new rules for cats and maintain rules for cats from the 2015 Bylaw (listed below)  *‘10.1 No person shall provide sustenance, harbourage or comfort to an animal that reasonably appears to be a feral or stray animal so as to cause the animal to become a nuisance to other persons.*  *10.2 Where an animal that is causing a nuisance reasonably appears to be a feral or stray animal, the owner or occupier of the property from which such animals emanate must take all reasonable steps to abate the nuisance caused by the animal(s). Abatement may include but is not limited to:*   1. *Claiming the animal(s) as a domestic owned pet and keeping it in such a state as to abate any nuisance; or* 2. *Permanently removing (including disposal of) the animal so it no longer causes a nuisance to others; or* 3. *Agreeing with the Council that the Council will remove the animal and the occupier will pay the Council’s reasonable costs.’* |

***Property sizes and zones***

**Q3. We are considering using both property size and zones from the Proposed District Plan (PDP) to help define the terms “urban”, “lifestyle” and “rural”, for the purposes of this Bylaw. To understand what your property would be identified as, the following process would be followed. Do you support this approach?**



Figure 2: Proposed approach to identifying urban, lifestyle and rural properties.

Figure 3: Responses to Q3

**Q4. Please tell us why:**

98 comments were made *in opposition* to the proposal, for the following main reasons:

* Respondents find the current district plan zone approach simpler and satisfactory.
* A 2,500m2 property is too large to be considered urban and should be considered lifestyle.
* Respondents oppose a new bylaw, arguing that existing laws are sufficient. They oppose more limitations, Council overreach, or express concerns that Council will profit from a new Bylaw.

63 comments were made *in support* of the proposal, for the following main reasons:

* The proposed approach is reasonable and clear, and 2,500m2 is a reasonable cut off point.
* Respondents support the proposed approach, noting it differentiates between urban and rural areas and the application of varying rules accordingly. They believe stricter controls are appropriate in areas where properties are closer together, such an in urban and lifestyle areas.

**Staff comment:**

Feedback suggests a varied range of opinions on the proposed approach, with most comments expressing negative views, as shown by the 99 comments in opposition.

Overall, there are both advantages and disadvantages to the proposed approach. Using only district plan zones is simpler and ensures the proposed Bylaw aligns with the Proposed District plan. However, Council has identified that district plan zones do not always effectively capture properties which are ‘urban’ in practice. In addition, smaller village properties within the Waikato are not captured as urban under the PDP and therefore would not have rules in place to manage nuisance. This should be balanced against feedback from 11 respondents who believe that the proposed approach is unfair for rural isolated properties smaller than 2,500m2, located far from neighbouring properties. The keeping of animals is less likely to cause nuisance in sparsely populated areas of the district.

Staff recommend that Council continues with the proposed approach of defining urban, lifestyle, and rural for formal consultation purposes. However, staff recommend reducing the property size component of urban areas from 2,500m2 to 1,500m2. This adjustment addresses feedback from submitters who argue that that a 2,500m2 property is too large to be considered urban, with associated urban rules.

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| **Staff recommendation 2:**  Council to consider amending the definition of urban from 2,500m2 to 1,500m2, as noted below.   1. *Properties designated under the following zones as outlined in the Proposed District Plan; and* 2. *General residential zone* 3. *Medium density residential zone* 4. *Medium density residential zone* 5. *Local centre zone* 6. *Commercial zone* 7. *Town centre zone* 8. *General industrial zone* 9. *Heavy industrial zone* 10. *Business Tamahere zone* 11. *Matangi zone* 12. *Rangitahi peninsula zone* 13. *In addition to the listed zones, properties with a land area of up to and including ~~2,500~~ 1,500 square meters, irrespective of the designated zone.* |

***Roosters in lifestyle areas***

**Q5. Do you believe roosters should be allowed to be kept in lifestyle areas in the Waikato district?**

Figure 4: Response to Q5

**Q6. Please tell us why:**

155 comments were made *in support* of roosters in lifestyle areas, for the following main reasons:

* Respondents support allowing roosters in lifestyle areas due to the rural nature of these zones, expecting farm animal noises and smells.
* Support for allowing roosters on larger properties if proper management is in place (e.g. keeping them in a coop overnight), including distance from dwellings and limits on the number of roosters.
* Respondents highlight the protective and calming role of roosters for hens, promoting self-sufficiency, and emphasizing their importance for breeding.
* Support is grounded in ethical concerns about culling healthy animals, the necessity of roosters for breeding (including special breed chickens) and the practicality of living in rural areas.

77 comments *opposed* roosters in lifestyle areas, for the following main reasons:

* Respondents express concerns about the noise generated by roosters, especially during early morning hours, disrupting the peace and affecting neighbouring properties.
* Respondents believe that the relative close proximity of lifestyle blocks exacerbates the noise issue, making the noise audible to multiple residents.

**Staff comment:**

Feedback generally supports allowing roosters in lifestyle areas. Staff recommend this allowance because the keeping of roosters aligns with the rural characteristics of these properties. In addition, the PDP permits farming activity in these areas, and the keeping of roosters is part of farming activity, which is required for breeding chickens.

Furthermore, prohibiting roosters in lifestyle areas would be more restrictive compared to other bylaws. A review of 11 bylaws shows that most only prohibit roosters in urban areas. An exception to this is Tauranga City Council, which includes the following general nuisance clause: ‘No person shall keep any rooster in the rural zone if, in the opinion of the authorised officer, the keeping of such rooster is causing a nuisance to any other person.’

Additionally, Council received only 27 complaints about roosters in lifestyle areas between July 1, 2018, and June 30, 2023. Comparatively, Council received 89 complaints regarding roosters in urban areas during the same period.

However, it is worth noting that feedback indicates that some members of the community who reside in lifestyle areas oppose permitting roosters in these areas. For example, the Tamahere Community Committee (7574) notes that they agree with a restriction on roosters for both urban and lifestyle areas.

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| **Staff recommendation 3:**  Council to consider permitting roosters in lifestyle areas, as proposed below:  *7.3 No person shall keep a rooster on any property which is within an urban area. ~~or which is zoned country living under the Waikato District Plan.~~* |

***Beehives***

**Q7. What is your preferred limit for the number of beehives on a property that you would be comfortable allowing in our district?**

Figure 5: Number of responses to Q7.

**Q8. Please tell us why:**

138 comments were made *in support* of more beehives, for the following main reasons:

* Respondents emphasise the crucial role of bees in pollination and ecosystem health, advocating against limiting hives due to potential damage to the ecosystem.
* Respondents stress the importance of responsible beekeeping practices to mitigate any nuisance caused by bees.
* Respondents argue against proposed limits, with suggestions ranging from unlimited hives to restrictions based on factors like forage availability and setbacks, rather than property size.

25 comments were made in *opposition* to more beehives, for the following main reasons:

* Fear of bee stings and allergic reactions, and bees defecating on belongings (such as washing, house, car).
* Spatial requirements of beekeeping, with respondents arguing against clustering hives closely together due to competition for food sources and the necessity of adequate space for bee activity.

**Staff comment:**

Respondents generally express a positive sentiment regarding bees and their crucial role within the ecosystem. This is demonstrated by 138 comments in support of more beehives, compared to 25 comments in opposition to more beehives.

Regarding the permitted number of beehives, most respondents align with Clause 8.5. of the 2015 Bylaw, which sets limits based on property size. The exception to this is most respondents selected 7+ as the number of hives that should be permitted for properties 4001 square metres +, rather than 6 hives as per the 2015 Bylaw.

* 1. *Except by prior written approval, the number of hives in all zones (excluding the General Rural Zone or Rural Zone as defined in Proposed and Operative Waikato District Plan) does not exceed that which is allowed for the area of the premises as indicated in the following table:*

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| *Property Area* | *Number of hives* |
| *500-2000 square metres* | *2* |
| *2001-4000 square metres* | *4* |
| *4001 square metres +* | *6* |

Staff do not recommend increasing the number of beehives permitted for 4001 square metre+ properties. Bees rank as Council’s fifth most complained about animal, at 27 complaints between July 1, 2018, and June 30, 2023. In addition, the 2015 Bylaw allows unlimited number of beehives in the General Rural Zone, which is the appropriate zone for keeping commercial or large numbers of beehives.

Feedback was received on the nature of beehive setbacks in rural and lifestyle areas. In some cases, respondents opposed the use of setbacks for beehives, particularly in rural and lifestyle areas. Staff believe that the 2015 Bylaw’s setbacks of 25m in rural areas and 10m in lifestyle areas may not help mitigate bee-related nuisance and could unnecessarily limit how land can be utilised. As a result, a reduction in these setbacks is recommended.

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| **Staff recommendation 4:**   * + 1. Council to consider no change to Clause 8.5:   1. *Except by prior written approval, the number of hives in all zones (excluding the General Rural Zone or Rural Zone as defined in Proposed and Operative Waikato District Plan) does not exceed that which is allowed for the area of the premises as indicated in the following table:*  |  |  | | --- | --- | | *Property Area* | *Number of hives* | | *500-2000 square metres* | *2* | | *2001-4000 square metres* | *4* | | *4001 square metres +* | *6* |  * + 1. Council to consider amending Clause 8.3 (b) and (c), as below:     2. *In properties which are within a lifestyle area, hives are placed no closer than ~~12m~~ 5m to any adjoining boundary to a residential dwelling;*     3. *In properties which are within a rural area, hives are placed no closer than ~~25m~~ 10m metres to any adjoining boundary to a residential dwelling; and* |

***Poultry***

**Q9. What type of bird/s do you believe should be included in the definition of poultry, and why? Examples include ducks, chickens, geese, pigeons, turkeys, pheasants, quail, and peacocks. The previous version of the Bylaw included limits for number of poultry allowed in urban areas.**

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| Top five birds to include in definition | Top five birds not to include in definition |
| * chickens (60 respondents) * ducks (52 respondents) * turkeys (39 respondents) * geese (38 respondents) * peacocks (35 respondents). | * peacocks (21 respondents) * pigeons (15 respondents) * quail (7 respondents) * turkeys (5 respondents) * roosters (3 respondents). |

**Q10. What is your preferred limit for the number of poultry (including chickens) you would be comfortable allowing in our urban areas?**

Figure 6: Number of Responses to Q10.

**Staff comment:**

Overall, feedback indicates support for keeping the current definition of poultry. 78 comments suggested maintaining the current definition. This includes birds like chickens, ducks, peacocks, and geese, all of which are already included. Feedback on some birds was mixed, for example, 39 respondents suggesting including turkeys, compared to five respondents suggesting turkeys should be excluded within the definition.

However, some respondents proposed removing certain birds like pigeon and quail from the definition. Pigeons are often kept as pets or for racing, and pigeons and quail also require different levels of space compared to larger birds. Council discussed removing pigeon and quail from the definition at the Council workshop in November 2023 but decided against removing them, as keeping pigeon and quail in the definition allows Council to address issues with these birds if they arise.

Staff generally agree that the current definition effectively captures birds that have been the subject of complaints, like chickens, ducks, peacocks, and geese, and allows Council to enforce issues regarding other poultry, if these arise. The current definition also aligns with other council bylaws. Therefore, staff propose no further changes to the definition of poultry.

Regarding the number of poultry allowed, responses vary, but there's a leaning towards maintaining the rules set in the 2015 Bylaw. Staff suggest that the Council could potentially reduce the limit of poultry on properties smaller than 550m² to three birds, based on feedback received.

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| **Staff recommendation 5:**   1. No further change to the definition of poultry, below:   *Any live bird that is kept or raised for the purpose of breeding, producing eggs or meat for human consumption, and includes ducks, and chickens, geese, pigeons, turkeys, pheasants, game birds including quail and peacocks, and domestic fowls of all descriptions.*   1. No change to poultry restrictions in urban areas:   *7.1 No person shall keep more than six head of poultry, pet or otherwise, on premises less than 550m2 in an urban area.*  *7.2 No person may keep more than 12 head of poultry, pet or otherwise, in an urban area on premises greater than 550m2.* |

**Q11. Is there anything else you’d like us to consider?**

Other themes that respondents wanted Council to consider were:

* Feedback on Council’s role (37 comments) – Respondents felt that Council should relax the proposed Bylaw rules further, or not have a bylaw at all. Complaints should be dealt with on a case-by-case basis through a clear process. Other feedback included Council should be focusing on crucial issues and that this is not Council’s role to manage animal nuisance.
* Poultry (17 comments) – Respondents felt that poultry numbers should be based on welfare standards and suggested that current limits do not reflect research recommendations. It was also mentioned that everyone should be allowed poultry for eggs and that the proposed Bylaw shouldn’t make it harder for people on lifestyle properties to have chickens.
* Horses (7 comments) – Respondents requested that Council define what a stable is, and that the proposed Bylaw should clarify that horses should not always be required to housed within a stable, as this goes against welfare standards.

**Staff comments:**

Staff are of the view that a bylaw is the most appropriate mechanism to manage animal nuisance issues within the Waikato district. Bylaws can be made under the Health Act 1956 for the purpose of regulating, licensing, or prohibiting the keeping of any animals. No other regulatory tools are available to Council to address issues around animal nuisance behaviour, and a bylaw enables Council to undertake enforcement action when necessary.

Staff have reviewed poultry guidelines from the Ministry of Primary Industries to ensure poultry limits align with welfare standards. The 2015 Bylaw is relatively relaxed regarding poultry numbers (with the exception of roosters) as six chickens or 12 chickens are allowed in urban areas, depending on the size of the property.

It is recommended to clarify that horses in urban areas are not required to always be kept in a stable.

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| **Staff recommendation 6:**  To amend Clause 9.1(b) to read as below:  *9.1. A person shall not keep any horse on premises smaller than 1200m2 in an urban area, except where the horses are kept:*  *a) By a registered breeder or trainer; or*  *b) On a property that has available ~~In~~a stable or other building premises constructed specifically for the keeping of horses.* |

**Options**

Staff have identified two viable options for elected members to consider.

*Option 1.* Council decides on the form of the proposed Bylaw for formal consultation purposes. Please note that consultation is scheduled for June/July 2024, and a proposed Bylaw is scheduled to be adopted by the end of 2024.

*Option 2.* Council undertakes further review, research, and internal consultation regarding the Keeping of Animals Bylaw.

Staff recommend Option 1 as Council does not currently have a Keeping of Animals Bylaw and therefore has no regulatory tools to manage any animal nuisance complaints. If the Policy and Regulatory Committee request significant changes to the proposed Bylaw, staff can investigate and make the necessary amendments as directed. However, please note this will likely result in revised timeframes.

**Next steps**

Following direction from Council, staff will bring a proposed Bylaw and Statement of Proposal to the Policy and Regulatory Committee in June 2024.

| **Date** | **Action** |
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| 21 November 2023 | First workshop with Council. |
| 13 February 2024 | Second workshop with Council. |
| 19 February to 31 March 2024 | Six-week pre-engagement period with community and stakeholders. |
| 7 May 2024 | Third workshop with Council. |
| 18 June 2024 | Policy and Regulatory Committee, to seek approval to consult. |
| June / July 2024 | Formal consultation. |
| September 2024 | Hearings and deliberations. |
| December 2024 | Adoption of the Keeping of Animals Bylaw 2024. |

**Assumptions**

Please note the following assumptions when considering feedback numbers:

* Feedback received for open questions often covers more than one animal or issue, resulting in multiple counts being made across a question, or the topics related to the question. This means that the data under an open question may not align with the totals showing in the closed question that relates to the open question. For example, Q1 is a yes/no question, Q2 asks for more information.
* Duplicate respondents have been removed from the dataset.

**Attachments**

1. Proposed Keeping of Animals Bylaw 2024 (track changes).
2. Results from Early Engagement.
3. Early Engagement Responses.