

Notice of Meeting:

I hereby give notice that an ordinary meeting of the Regulatory Subcommittee will be held on:

Date: Tuesday 30 November 2021
Time: 9.30 am
Venue: Edinburgh Room, Municipal Chambers, The Octagon, Dunedin

Sandy Graham
Chief Executive Officer

Regulatory Subcommittee**Keeping of Animals (excluding Dogs) and Birds Bylaw
PUBLIC AGENDA**

MEMBERSHIP

Chairperson	Cr Andrew Whiley	
Members	Cr Sophie Barker	Cr Rachel Elder
Senior Officer	Claire Austen, General Manager Customer and Regulatory	
Governance Support Officer	Rebecca Murray	

Rebecca Murray
Governance Support Officer

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Note: Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

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1 APOLOGIES

At the close of the agenda no apologies had been received.

2 CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

DECLARATION OF INTEREST

EXECUTIVE SUMMARY

1. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.
2. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.

RECOMMENDATIONS

That the Subcommittee:

- a) **Notes/Amends** if necessary the Elected Members' Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected Members' Interests.

Attachments

	Title	Page
↓A	Regulatory Subcommittee - Keeping of Animals (Excluding Dogs) and Birds Bylaw Hearing Panel Register of Interest	7

Regulatory Subcommittee - Keeping of Animals (Excluding Dogs) and Birds Bylaw Hearing Register of Interest - Current as at 23 November 2021				
Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr Andrew Whiley	Owner/Operator	Whiley Golf Inc and New Zealand Golf Travel Ltd	No conflict identified	Withdraw from discussion and leave the table. If the meeting is in confidential leave the room. Seek advice prior to the meeting.
	Director/Shareholder 22 May 2017	Estate of Grace Limited	No conflict identified	Withdraw from discussion and leave the table. If the meeting is in confidential leave the room. Seek advice prior to the meeting.
	Trustee	Japek (Family Trust) - Property Ownership - Dunedin	Duties to Trust may conflict with duties of Council Office.	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Otago Golf Club	No conflict identified	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Dunedin South Rotary Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Board Member	New Zealand Professional Golfers Assn	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Institute of Directors	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	National Party	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairman	Volunteering Otago	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Otago Sister City Society (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Public Art Gallery Society (Council appointment)	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Grow Dunedin Partnership (Council appointment - alternate)	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	NZ Masters Games Trust Board (Council appointment)	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Acting Chair	Dunedin Community House Executive Committee	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Puketai Residential Centre Liaison Committee (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
Member	Otago Property Investors Association	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.	
Member	Chisholm Links Golf Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.	
Member	Otago Peninsula Community Board (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.	
Cr Sophie Barker	Director	Ayrmed Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Ocho Newco Limited	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Shareholder	Various publicly listed companies	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Property Owner	Residential Property Owner - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Cr Sophie Barker Cont.	Beneficiary	Sans Peur Trust (Larnach Castle)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Dunedin Heritage Fund Trust (Council appointment)	Duty to Trust may conflict with duties of Council Office	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Otago Settlers Association (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Vegetable Growers Club	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Committee Member	Otago Anniversary Day Dinner	No conflict Identified	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
	Member	Dunedin Gas Works Museum Trust (Council appointment)	Potential grants recipient	Withdraw from discussion and leave the table. If the meeting is in confidential, leave the room. Seek advice prior to the meeting.
Cr Rachel Elder	Owner	Residential Property Ownership - Dunedin	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Greater South Dunedin Action Group	Decisions may be considered on the future of South Dunedin.	Withdraw from discussion and leave the table. If in confidential leave the room. Seek advice prior to the meeting.
	Host Parent	Otago Girls High School	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Advisor/Support Capacity	Kaffelagic	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Dunedin Trails Networks Trust	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chair	Southern Urban Dunedin Community Response Group	Decisions about emergency response recovery may be conflicted	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Craigieburn Reserve Committee (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Keep Dunedin Beautiful (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Okia Reserve Management Committee (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Member	Toitu Otago Settlers Museum Board (Council appointment)	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.
	Chairperson	Disability Issues Advisory Group	No conflict identified	Seek advice prior to the meeting if actual or perceived conflict of interest arises.

- b) Protecting, promoting, and maintaining public health and safety and
 - c) Minimising the potential for offensive behaviour in public places (section 145).
- 7 The Act also allows bylaws to be made specifically to regulate the keeping of animals, bees, and poultry (section 146(a)(v)).
- 8 The Act requires new bylaws to be reviewed five years after adoption and then at ten-year intervals (with a two-year additional period to complete a review if required).

Bylaw history and purpose

- 9 The Keeping of Animals (excluding Dogs) and Birds Bylaw was made in October 2010. It does not extend to dogs which are regulated by the Dog Control Act 1996.
- 10 The bylaw's purpose is to protect the public from nuisance and to protect, promote and maintain public health and safety by controlling the keeping of animals and birds within the residential district and rural-residential district. It was last reviewed in 2016 when only minor wording changes were made.
- 11 The current bylaw regulates how animals and birds must be kept. It allows the Council to impose a limit on the number and/or species of animals or birds kept at a property and covers offences and penalties according to the Act. In practice, the bylaw has focused primarily on controlling the nuisance effects of keeping animals rather than controlling specific actions or limiting residents to a specific number of animals per property.
- 12 Another way to address issues relating to the keeping of animals is public and owner education. While this has been used for a number of years, it has not been sufficient to deal with nuisance as there is no ability to enforce non-compliant behaviour. A bylaw is considered the most appropriate way of addressing these issues.

Proposed Keeping of Animals Bylaw

- 13 On the 27 October 2020, the Council approved the early review of the bylaw with a view to include provision to address ongoing noise issues with roosters.
- 14 Following review included initial consultation, then a new Keeping of Animals Bylaw was proposed. The main proposed change is to ban the keeping of roosters in residential zone areas unless owners have written permission. This was in response to feedback and noise nuisance issues. Permission would be at the discretion of the Council and may be conditional.
- 15 It was also proposed that the bylaw allows the Council to make controls for animals between bylaw reviews. This would allow greater flexibility should the city's needs change. There would be appropriate community engagement on any proposed future amendments.
- 16 Some minor amendments are proposed to clarify some sections. Explanatory notes have been added.

DISCUSSION

Community engagement

- 17 Initial community engagement has informed the bylaw review. This included Society for the Prevention of Cruelty to Animals (SPCA), Lifestyle Block Association of New Zealand, Dunedin Poultry Club, Cat Rescue Dunedin, Dunedin Beekeepers Club and Predator Free Dunedin. Community Boards circulated information and a survey through their community networks. Community engagement also included a People’s Panel survey. Results of this consultation were reported to the Council in September 2021.
- 18 Formal consultation took place from Monday 18 October until Wednesday 17 November. Methods included information on the Dunedin City Council (DCC) website and in the Otago Daily Times noticeboard, FYI, posts on social media, and targeted emails to the stakeholders mentioned above.

Results of consultation

- 19 The majority of the 150 submissions received were from individuals. Some represented organisations such as the Dunedin Poultry, Pigeon and Cage Bird Club, Predator Free NZ Trust, NZ Forest and Bird, and Community Boards.

General support

- 20 The submission form asked: *Overall do you agree with the proposed Keeping of Animals Bylaw?*
- 21 Responses to this question were split, with 45% agreeing overall with the proposed bylaw and 45% disagreeing. The remainder did not answer this question.

Options	Number	%
Yes	67	45%
No	67	45%
Did not answer	16	10%
Total	150	100%

Table 1: Agreement with proposed bylaw by number and percentage

- 22 The submission form asked: *Why/why not?*
- 23 The main reasons given for those who **agreed** with the proposed bylaw were:
- roosters should be banned because of noise issues (21 comments)
 - roosters are not appropriate in residential areas (5 comments)
 - support for animals/birds (2 comments).
- 24 The main reasons given for those who **did not agree** with the proposed bylaw were:
- support for roosters/importance for breeding (29 comments)

- no change needed/deal with case by case (16 comments)
- other noises are worse (9 comments)
- need for sustainable food source (4 comments)
- public right to keep roosters (3 comments)
- need to address cat issues (3 comments)
- not all residential areas are equal (3 comments).

Roosters

25 The submission form asked: *Which of the following options do you support in relation to keeping roosters?*

26 Responses were split for this question with about half supporting the status quo of not specifically restricting keeping of roosters in any area and 44% supporting a ban of some sort (28% supporting a complete ban of keeping roosters in residential areas and 16% supporting the proposed option of a ban unless owners have written permission from Council).

Options	Number	%
Option 1: Ban keeping of roosters from residential areas unless written permission from Council (proposed)	24	16%
Option 2: Do not specifically restrict keeping of roosters in any area (status quo)	76	51%
Option 3: Ban keeping of roosters completely from residential areas.	41	27%
Did not answer	9	6%
Total	150	100%

Table 2: Support for options by number and percentage

27 The submission form asked: *Why?*

28 The main reasons for those who supported **Option 1** (banning from residential unless written permission) were:

- to address noise issues (5 comments)
- neighbours consent needed for permission (4 comments)
- prevent court cases (2 comments).

29 The main reasons for those who supported **Option 2** (no specific restrictions – status quo) were:

- support for poultry/importance of breeding (19 comments)

- deal with on case by case basis (13 comments)
- other noises are worse (4 comments)
- roosters should be allowed (4 comments)
- no reason to change (3 comments)
- should be different for different areas (3 comments)
- needed for food source (3 comments).

30 The main reason given for those who supported **Option 3** (banning from residential completely) was to address noise issues (32 comments).

General comments

- 31 The submission form asked: *Do you have any other comments to make about the proposed Keeping of Animals Bylaw?*
- 32 The most common topics were to address cat issues (too many cats, cat litter, wild cats, attacking wildlife, fighting) and the importance of keeping roosters for breeding purposes (maintaining breeds and genetic diversity).

Topics	Number
Importance of roosters/poultry breeding	10
Cats – include restrictions	9
Deal with rooster issues case by case	5
Roosters – noise/nuisance issues	5
Rural-residential/urban areas have different requirements	3
Include areas bordering residential	3
Other e.g. feral poultry/other animals/conditions/animal welfare	16

Table 3: Summary of other comments by number

- 33 The preferred option to address cat issues was approved by the Council on 28 September 2021. This was to work with local organisations to promote responsible animal ownership through education, information, and promotion of good practice.
- 34 Submissions received relate to the number of cats, cats wandering and cats attacking wildlife. These issues do not, in themselves, pose a nuisance to the public or impact public health and safety. Therefore, this falls outside the scope of the bylaws made under the Act which is aimed at protecting people and communities rather than wildlife.
- 35 Alternative options to address cat issues include the:

- Reserves Act 1977 allows the Council to seize and destroy, sell or otherwise dispose of an animal that is trespassing on a Council reserve and where there is no evidence of ownership.
- Health Act can be used to address a health nuisance posed by animals, including cats.
- Otago Regional Council' pest management strategy under the Biosecurity Act 1993.

Social media

36 People were invited to comment on this bylaw review via DCC Facebook and Twitter. Posts asked what people thought about roosters being kept in residential areas. Key topics commented on were:

- support for roosters (34 comments)
- ban in residential/not appropriate in residential (29 comments)
- other noises are worse (13 comments)
- dogs barking (8 comments)
- thought already banned in residential (6 comments)
- address cat issues (5 comments)
- what about hens that crow (4 comments)
- roosters support food source (3 comments)
- feral poultry issues (2 comments).

OPTIONS

37 There are no options with this report as its purpose is to present a summary of submissions.

NEXT STEPS

38 Next steps are for the Subcommittee to consider consultation results, hear the submitters and make recommendations to the Council regarding the bylaw review.

Signatories

Author:	Anne Gray - Policy Analyst
Authoriser:	Ros MacGill - Manager Compliance Solutions Claire Austin - General Manager Customer and Regulatory

Attachments

There are no attachments for this report.

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision enables democratic local decision making and action by, and on behalf of communities and promotes the social well-being of communities in the present and for the future.

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Spatial Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Integrated Transport Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks and Recreation Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This decision contributes to the healthy and safe people priority of the Social Wellbeing Strategy and the liveable city priority of the Spatial Plan.

Māori Impact Statement

There are no specific impacts for Māori.

Sustainability

There are no specific implications for sustainability.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no implications for these documents.

Financial considerations

There are no financial implications at this stage. Should the Council decide to ban roosters in residential zone areas, there may be related fees and charges which would be consulted through the Annual Plan process.

Significance

This summary report is considered low in terms of the Council's Significance and Engagement Policy.

Engagement – external

The special consultative procedure was used to consult on this bylaw review, as required by the Local Government Act. Methods included information on the Dunedin City Council (DCC) website, in the Otago Daily Times noticeboard and posts on DCC social media. A media release was circulated and there were targeted emails to stakeholders such as animal interest organisations and Community Boards asking them to circulate information through their networks. The People's Panel was also advised.

Engagement - internal

There has been internal engagement with Corporate Policy (People's Panel) and Council Communications and Marketing (community engagement) for this report.

Risks: Legal / Health and Safety etc.

There are no identified risks associated with this summary report.

Conflict of Interest

There is no known conflict of interest.

Community Boards

Community Boards are identified as key stakeholders and are being engaged with throughout this review. They were asked to circulate information on the review and the consultation through their community networks. Some Community Boards have made submissions to the review.

SPEAKING SCHEDULE

Department: Civic

EXECUTIVE SUMMARY

- 1 Please find attached the speaking schedule as at 25 November 2021.

Signatories

Author:	Rebecca Murray - Governance Support Officer
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Attachments

	Title	Page
↓A	Speaking Schedule as at 25 November 2021	17

Keeping of Animals (excluding Dogs) and Birds Bylaw 2021 Speaking Schedule (as at 25 November 2021)				
Date	Time	Name	Organisation	Submission Number
30 November 2021	9.50 am	Maureen Houstoun		846876
30 November 2021	10.00 am	Jessi Morgan	Predator Free NZ Trust	847045
30 November 2021	10.20 am	Alasdair Morrison	Waikouaiti Coast Community Board	846761
30 November 2021	10.30 am	Scott Willis		845963
30 November 2021	10.40 am	Jaydean Washington		846639
30 November 2021	10.50 am	Mark Brown		846611
30 November 2021	11.00 - 11.20 am	Morning Tea Break		
30 November 2021	11.20 am			
30 November 2021	11.30 am	Therron Tapp		845227
30 November 2021	12.00 pm	Trevor Johnson		843685
30 November 2021	12.10 pm	Tom Bliss		843659
30 November 2021	12.20 pm	Kimberley Collins	Forest and Bird, Dunedin	846950