



**STATEMENT OF PROPOSAL  
TO ADOPT THE  
CHATHAM ISLANDS COUNCIL  
STOCK CONTROL AND KEEPING OF POULTRY, BEES &  
PIGS, AND BOUNDARY FENCING BYLAW 2023**

**October 2023**

## **Making a submission**

Submissions can be made in writing using the submission form on the Council's website – [www.cic.govt.nz](http://www.cic.govt.nz)

Hard copies of the submission form are available from the Chatham Islands Council office, or by request at [info@chathamislands.govt.nz](mailto:info@chathamislands.govt.nz)

**The formal consultation period will last for 30 working days,  
running from 19 August 2024 and  
closing at 4.30pm on 16 September 2024**

Persons who wish to be heard by Council will be given the opportunity to do so. If you wish to make an oral submission, please indicate YES on the submission form and ensure you have included your contact details. We will contact you to arrange a time for you to speak.

**Submissions will be heard on 2 October 2024**

## Introduction

- 1 This document is the Statement of Proposal for the purposes of Section 83(1)(a) and Section 86(2) of the Local Government Act 2002.
- 1.1 This Statement of Proposal relates to the proposed adoption of the draft Chatham Islands Council Stock Control and Keeping of Poultry, Bees & Pigs, and Boundary Fencing Bylaw 2023.
- 1.2 The CIC Stock Control and Keeping of Poultry, Bees & Pigs, and Boundary Fencing Bylaw 2023 seeks to protect the public from nuisance and protect, promote and maintain public health and safety. It does this by setting controls for the keeping of animals, poultry, bees & pigs in order to reduce the incidence of odour, noise and vermin.
- 1.3 Council is required to review all its bylaws within five years of them having been made, and every 10 years thereafter. The CIC Stock Control and Keeping of Poultry, Bees & Pigs, and Boundary Fencing Bylaw was created in 2018 and is due for review.
- 1.4 When reviewing the current bylaw, Chatham Islands Council (Council) identified only one amendment to the bylaw, which was to remove 'deer' from the bylaw as deer are not permitted on the Chatham Islands.

## Legislative

- 1.5 The Local Government (Alcohol Reform) Amendment Act 2012 requires that the Chatham Islands Council Stock Control and Keeping of Poultry, Bees & Pigs, and Boundary Fencing Bylaw be reviewed every five years from the day it was adopted.
- 1.6 This section describes our legislative requirements.

### *Local Government Act 2002 (LGA)*

- 1.7 Section 155 of the Local Government Act 2002 sets out requirements for the making, amending and revoking of bylaws. In addition to the general provisions about decision making, the Council, when considering a bylaw, must:
  - a. Determine whether a bylaw continues to be the most appropriate way of dealing with the perceived problem or issue;
  - b. Determine whether the bylaw is still the most appropriate form of bylaw; and / or
  - c. Determine whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

*New Zealand Bill of Rights Act 1990 (NZBORA)*

- 1.8 Any bylaw made by Council must be consistent with all rights protected under the NZBORA.
- 1.9 The LGA 2002 requires that Council consult with the community on the bylaw review, and give public notice of when the new bylaw comes into operation. This process would involve revoking the existing CIC Stock Control and Keeping of Poultry, Bees & Pigs, and Boundary Fencing Bylaw 2018, and adopting the proposed CIC Stock Control and Keeping of Poultry, Bees & Pigs, and Boundary Fencing Bylaw 2023 in its place.
- 1.10 To enable public understanding of the bylaw review process and the proposed amendments, the LGA 2002 requires Council to present this Statement of Proposal.

### **Assessment of Appropriateness (s155 LGA)**

- 1.11 Council considers that the CIC Stock Control and Keeping of Poultry, Bees & Pigs, and Boundary Fencing Bylaw continues to be the most appropriate way to address the problems of nuisance and health concerns caused by keeping animals for domestic purposes throughout the islands. A bylaw is an effective and enforceable mechanism to:
- Allow responsible animal owners to keep animals in appropriate areas of the district
  - Protect the public from the inherent nuisance and health risks associated with keeping animals and bees
  - Provide controls over the keeping of certain animals and reduce the incidence of odour, noise and vermin.
- 1.12 Council still considers the proposed bylaw to be the most appropriate form of bylaw.
- 1.13 Council considers the bylaw to be consistent with the New Zealand Bill of Rights Act 1990 as the proposed amendment is reasonable. Public freedom to keep animals has only been restricted when necessary to achieve public protection from nuisance and health issues.

### **Proposed Amendments to the Bylaw**

Chatham Islands Council proposes to amend the CIC Stock Control and Keeping of Poultry, Bees & Pigs, and Boundary Fencing Bylaw with the following changes –

Clause	Proposed change	Reason for change or amendment
Interpretations	Additional terms are added into the interpretation section for clarity.	
5.2	Nothing in this Bylaw limits the obligation of the owner of any stock to comply with the requirements of any <del>other</del> <del>other</del> Act, <del>of any or of any</del> regulations or <del>any other</del> bylaws regulating the control, keeping, and treatment of stock.	
6.2 – Added clause	<u>A person appointed by the Council as a "ranger" under the Impounding Act 1955 is authorised to administer the provisions of this Bylaw.</u>	Council would like rangers appointed under the Impounding Act to administer this Bylaw, without also having to appoint them under clause 6.1 (i.e. Therefore the default is all rangers appointed under the Impounding Act will be authorised to administer the provisions of this Bylaw). However, any enforcement officers appointed under the LGA 2002 or warranted officers appointed under the Conservation Act will need to be appointed on a person by person basis.
7.1	The Council shall supply an Animal Control Officer, or any other person appointed <del>or</del> <u>authorised</u> to administer the provisions of this Bylaw, with a Warrant of Appointment, which shall be carried and produced as evidence of their identity.	Included to reflect wording in section 6 of the bylaw of persons "authorised" to administer the provisions of the Bylaw
8.2	In the event of stock wandering or being at large without proper control on any public place or road, the owner of such stock is responsible for all fees and costs incurred by Council, or <del>its</del> <u>the Council's</u> agents, to secure the same.	
11.2	Any <u>temporary</u> fence and edge of stock race shall be no closer than 1 metre, where appropriate, from the edge of any road <del>except at existing water tables which shall be avoided.</del>	
14.1	The Council may from time to time prohibit or restrict the use of any road for the droving of stock. Any such prohibition or restriction may from time to time in like manner be altered or revoked. <u>Where practicable</u> , Council will give public notice of any restriction put in place on the use of roads for stock droving. <u>Council will and</u>	

	advise residents in the vicinity of the road in question <del>where practicable</del> .	
18.1	The Council may from time to time by ordinary resolution, fix the fees payable for any Council permits <u>issued</u> under this Bylaw, <u>any other approval given by the Council under this Bylaw, and for inspections carried out in respect of any Council permit issued under this Bylaw</u> . Any application for a permit must be accompanied by the relevant application fee (if any).	Updated, the suggested wording allows the Council to fix fees for issuing Council permits/approvals under the bylaw and to carry out inspections of such permits.
26.1	Delete this clause – <del>Under no circumstances will Council be held responsible for claims for damages in relation to compliance with any part of this Bylaw.</del>	Legal advice did not consider this clause is lawful as there is no provision in the LGA 2002, or the Land Transport Act, under which this Bylaw is made that limits the liability of the Council to this extent, and therefore recommend deleting this.

## Consultative Procedure

- 1.14 The LGA 2002 requires that the community be consulted on the adoption, review or amendment of a bylaw. Accordingly, the Council is using the special consultative procedure, which requires the initiation of a formal submission process.
- 1.15 The Council would like to know what residents, ratepayers, and stakeholders think about the draft Chatham Islands Council CIC Stock Control and Keeping of Poultry, Bees & Pigs, and Boundary Fencing Bylaw 2023.
- 1.16 The proposed plan is as follows:

Task	Date
Council approved the draft 2023 Bylaw and a Statement of Proposal for public consultation	15 August 2024
Submissions Open	19 August 2024
Submissions Close	16 September 2024
Hearing of Submitters	2 October 2024
Council Decision	31 October 2024
Effective Date of Bylaw	1 November 2024

## Methods for Making a Submission

- 1.17 Submissions can be made in writing, by mail or by email.
- 1.18 To make a submission in writing, use the submission form attached in Appendix 2. Submissions can be dropped off at Council or can be emailed to [jo.guise@chathamislands.govt.nz](mailto:jo.guise@chathamislands.govt.nz) or posted to –

Submission  
Chatham Islands Council  
PO Box 24  
Chatham Islands

### Submission Period

- 1.19 The formal consultative period will be 30 working days from 19 August 2024 to 16 September 2024.

### Hearing of Submissions

- 1.20 Persons making written submissions who wish to be heard by Council will be given the opportunity to do so. Submissions will be heard on Wednesday 2 October 2024. Submitters wishing to speak to the Council in support of their submission must indicate YES on the official submission form.

## Appendices

Appendix 1: Draft CIC Stock Control and Keeping of Poultry, Bees & Pigs, and Boundary Fencing Bylaw 2023

Appendix 2: Official submission form