

**HUTT CITY COUNCIL****HEARINGS SUBCOMMITTEE**

Minutes of a Meeting held in the Council Chambers, 2nd Floor, 30 Laings Road,  
Lower Hutt on

**Thursday 15 November 2018 commencing at 4:00 pm**

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**PRESENT:** Cr MJ Cousins (Chair)  
Cr S Edwards (Deputy Chair)  
Cr L Bridson

**APOLOGIES:** There were no apologies.

**IN ATTENDANCE:** Mr G Sewell, Principal Policy Advisor  
Mr L Dalton, Regional Manager Animal Services  
Mr A Pope, Environmental Investigations Officer  
Mr G Stuart, Divisional Manager Regulatory Services and  
Emergency Management  
Mr B Cato, General Counsel  
Ms H Clegg, Minute Taker

**PUBLIC BUSINESS****1. APOLOGIES**

There were no apologies.

**2. CONFLICT OF INTEREST DECLARATIONS**

There were no conflict of interest declarations.

**RECOMMENDATIONS TO COUNCIL - 11 December 2018**

3. **CONTROL OF ANIMALS BYLAW: HEARING** (18/1774)

Report No. HSC2018/5/143 by the Principal Policy Advisor

The Principal Policy Advisor elaborated on the report. He stressed that there was not enough evidence identified to show a perceived problem with cats.

In response to a question from a member, the Principal Policy Advisor recommended the proposed bylaw be approved with a possible amendment to be drafted in 2019 specifically addressing cats.

In response to a question from a member concerning the bylaws in existence throughout New Zealand controlling cats, the Principal Policy Advisor advised the Palmerston North City Council's (PNCC) bylaw encouraged cats to be microchipped. He noted that mandatory microchipping would require enforcement and increased staffing costs. The Environmental Investigations Officer advised the PNCC's bylaw related to cats born after 1 July 2018, it had not been tested and enforcement powers were believed to be limited. The Regional Manager Animal Services added that Wellington City Council's (WCC) bylaw emphasised education, microchipping and encouragement.

In response to a question from a member, the Regional Manager Animal Services advised that currently officers had powers to deal with the control of cats if there were complaints received. He explained that although Council was not an authorised agent, officers worked closely with SPCA which was an authorised agent. He added current legislation prevented local authorities from becoming authorised agents. He agreed that it would be advantageous for national legislative change.

In response to a question from a member, the Regional Manager Animal Services explained that currently Greater Wellington Regional Council (GWRC) dealt with feral cats, whilst the SPCA dealt with. He added Lower Hutt's Kitten Inn dealt with hundreds of cats a year. He further added that there were smaller independent welfare organisations within the City who also dealt with cats.

In response to a question from a member, the Regional Manager Animal Services advised officers worked with SPCA to educate cats owners regarding de-sexing cats. He further advised that Council was not involved in day-to-day cat management. He considered that if Council introduced a similar bylaw to WCC's bylaw, an Animal Welfare Officer would need to be employed (full or part time).

In response to a question from a member, the Environmental Investigations Officer advised officers could not currently deal with complaints received concerning bees. He added most bee hives were owned by professional bee keepers, and many were amendable to moving their hives if a complaint was received. He further advised complaints concerning bees were rising. These complaints included bees bothering people in urban areas, bees stinging and

bee excrement nuisance.

In response to a question from a member, the Environmental Investigations Officer advised adding the word “*nuisance*” into the bylaw would greatly aid in enforcement. He added the bylaw in Palmerston North City was very restrictive, specifying (amongst other items) the number of hives and hive distance to boundary. He further added that currently if a bee keeper refused to adhere to Council’s requests, there was no way to enforce the request.

The General Counsel advised additional rules concerning bees could be added to the proposed bylaw without further public consultation, as the purpose was trying to prevent bees from creating a nuisance. The Principal Policy Advisor added a bylaw could be reviewed at any time, without the need to wait for the 10 year lifespan to be completed. The Environmental Investigations Officer suggested guidelines for the keeping of bees would be advantageous including the requirement to supply a close water source.

**Mr Tom Kay, representing Forest and Bird Inc**, spoke to his submission. He believed the proposed bylaw had emerged as a result of nuisances being caused and he highlighted actions which could cause a justified nuisance. He added that not having a bylaw to control an animal usually resulted in few complaints being received, as the public knew there was no way to enforce a complaint. He further added that having rules concerning cats would aid the control work Council officers already undertook. He noted that WCC was approaching central government with regard to changing the law to give local authorities more powers concerning cat control. He added the SPCA was favouring having only two cat definitions – feral and domestic.

Mr Kay summarised his submission, emphasising points 4, 6 (explaining that cats do travel great distances at night), 10 (requesting Council back up the Environmental Sustainability Policy with cat control rules), 16 (stating it was important to support the predator free work currently being undertaken in the city), 24 and 26 (adding that education concerning the keeping of cats would be advantageous). Mr Kay recommended Council follow PNCC’s lead in microchipping and de-sexing of cats. He requested clarification as to the definition of trapping devices. He concluded that cats had a significant negative impact on ecosystems, and that promoting responsible cat ownership in partnership with a rules based approach would be best.

In response to a question from a member, Mr Kay advised that he was unaware of public backlash once cat control rules were put in place, adding that he was involved in drafting the WCC bylaw. He further advised that if bylaws were drafted and introduced correctly then they should work.

In response to a question from a member, Mr Kay advised the grey area in the legislation indicated what could be enforced once a domestic cat was microchipped. He agreed higher level conversations were required with central government.

In response to a question regarding the trapping definition, Mr Kay asked for clarification of exactly which type of traps were included, and whether

possum traps, which did not have an unshielded trapping mechanism, were included.

**Mr Andy Mitchell**, a trap expert, advised that the National Animal Welfare Advisory Committee (NAWAC) had a list of humane killing traps.

The Regional Manager Animal Services advised the definition included “*or other predator devices as approved by NAWAC*”.

With regard to whether cats were included in the proposed bylaw, the General Counsel advised the proposed bylaw did not specify cats, but did apply to all animals.

The Principal Policy Advisor advised there had to be a demonstrated reason for a bylaw. He noted that local authorities could not simply impose a bylaw. He added that bylaws were one means of control that a local authority had at its disposal. He further added the trapping device definition wording was historical, resulting from incidences with gin traps. He concluded that if Council was of a mind to propose further controls specifically for cats, full public consultation would be required. He considered that any such new proposals could not be included with the proposed bylaw at this stage.

RESOLVED: (Cr Cousins/Cr Bridson)

**Minute No. HSC 18501**

*“That the Hearings Subcommittee be adjourned to allow members to deliberate in private.”*

RESOLVED: (Cr Cousins/Cr Edwards)

**Minute No. HSC 18502**

*“That the report be received.”*

Members discussed the proposed bylaw. Members agreed that the definition of ‘trapping device’ required alteration.

With regard to the balance of the proposed bylaw, members assessed each section.

Section 2. General Conditions of Keeping Animals – members agreed that this section was sufficient to include cats.

Section 3. Keeping of Goats – Members had no issue with the section.

Section 4. Keeping poultry – Members had no issue with the section..

Section 5. Noise From Animals – Members had no issue with the section..

Section 6. Health and Safety Issues from Beekeeping – members noted the word “*nuisance*” was to be included.

Section 7. Trapping Devices – Members had no issue with the section.

**RECOMMENDED:** (Cr Cousins/Cr Edwards) **Minute No. HSC 18503**

*"That the Hearings Subcommittee recommends that Council*

- (i) endorses Section 1 of the Control of Animals Bylaw with the following alteration: That the definition of Trapping Device be altered to add the following at the end of the proposed wording: "or other predator free devices (as approved by NAWAC)"; and*
- (ii) endorses Sections 3 through to 8 inclusive, of the Control of Animals Bylaw."*

Members agreed that the matter of bees was an emerging issue. Whilst members were satisfied the proposed bylaw would help to control bees, members asked that officers monitor and report back to the appropriate committee after one year.

**RECOMMENDED:** (Cr Cousins/Cr Edwards) **Minute No. HSC 18504**

*"That the Hearings Subcommittee recommends that Council*

- (i) requests officers to monitor the Control of Animals Bylaw in relation to its efficiency in dealing with bees, and provide a report after one year to assess if further controls are required; and*
- (ii) requests officers to consider producing Guidelines for Keeping Bees in Urban Areas for inclusion on Council's website."*

**RECOMMENDED:** (Cr Cousins/Cr Edwards) **Minute No. HSC 18505**

*"That the Hearings Subcommittee recommends that Council*

- (i) endorses Section 2 of the Control of Animals Bylaw;*
- (ii) acknowledges that cats are an issue in the city, and requests officers to provide a report to the Policy and Regulatory Committee concerning options available to Council in relation to the control of cats, including whether a specific bylaw relating to the control of cats in the city is required, given there is an existing issue; and*
- (iii) requests officers to advise whether Council needs to ask the Local Government Commission to take action in relation to obtaining a change in the law to give Councils more accountability around cats in the city including feral cats."*

4. **PREVENTION ON NUISANCE FROM FIRES AND SMOKE BYLAW:  
HEARING** (18/1775)

Report No. HSC2018/5/144 by the Principal Policy Advisor

The General Counsel advised central government had legislated these requirements and given local authorities a set amount of time to amend its own bylaws accordingly. He further advised the proposed wording was in accordance with the legislature.

In response to a question from a member, the Environmental Investigations Officer advised there was nothing specifically relating to fireworks in the proposed bylaw. He noted that the use of fireworks in public reserves was regulated under the Parks and Reserves Bylaw.

The General Counsel added that Auckland City Council was investigating banning the sale of fireworks to private individuals.

**RESOLVED:** (Cr Cousins/Cr Bridson) **Minute No. HSC 18506**

*"That the Hearings Subcommittee be adjourned to allow members to deliberate in private."*

**RESOLVED:** (Cr Cousins/Cr Edwards) **Minute No. HSC 18507**

*"That the Hearings Subcommittee notes and receives the report."*

**RECOMMENDED:** (Cr Cousins/Cr Edwards) **Minute No. HSC 18508**

*"That the Hearings Subcommittee recommends that Council endorses the Prevention of Nuisance from Fires and Smoke Bylaw attached as Appendix 1 to the report."*

There being no further business the Chair declared the meeting closed at 5.20 pm.

Cr MJ Cousins  
**CHAIR**

**CONFIRMED as a true and correct record  
Dated this 11<sup>th</sup> day of December 2018**