



PALMERSTON NORTH CITY COUNCIL

MINUTES ATTACHMENTS
PLANNING AND STRATEGY
COMMITTEE

9AM, MONDAY 7 MAY 2018
COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION BUILDING
32 THE SQUARE, PALMERSTON NORTH

PLANNING AND STRATEGY COMMITTEE MEETING

7 May 2018

8 Draft Palmerston North Animals and Bees Bylaw 2018 - Deliberations on Submissions and adoption of the Bylaw

1. Presentation Animals and Bees Bylaw

4

Draft Palmerston North Animals and Bees Bylaw 2018

Deliberations for Bylaw Adoption – May 2018



Background and timeline

- Section 155 LGA determination report – 7 June 2017
- Approval of draft bylaw for consultation - 2 Oct
- Consultation period – 11 Nov – 21 Dec 2017
(56 formal submissions + informal feedback)
- Hearing – 19 Mar 2018
(10 submitters spoke)

Council's legislative powers

- Sections 145(a) & (b) LGA – power to make bylaws to protect the public from **nuisance** and to protect, promote and maintain **public health and safety**.
- Section 146(a)(v) LGA – **regulating keeping animals, bees and poultry**
- Section 23(e) of the Health Act 1956 - provides the Council with the ability to make a bylaw and impose penalties for nuisance offences

Bylaw purpose and current approach

- Relatively permissive regulatory approach:
 - ▶ *aims to strike a balance between protecting health and safety by regulating the keeping of animals, while contributing to the city's easy lifestyle by enabling most residents to keep animals without onerous requirements.*
- Applies to animals that are 'kept' or 'owned' i.e. pets or companion animals – not wild animals or all animals kept as pets

Submission themes

- Key themes:
 - Animal welfare / animal management – role clarity (link to legislation)
 - Appropriateness of keeping stock in urban areas
 - Managing cat nuisance e.g. mandatory microchipping and de-sexing cats
- Operational aspects also raised e.g. non-regulatory approaches (education), cross-sector consensus

Deliberations focus

- Matters to be addressed:
 - ▶ Consideration of issues raised by submitters through the consultation process.
 - ▶ Consider any officer advice, which is also provided for as part of the process in section 83(3) of the Local Government Act 2002.
- Changes recommended to the draft bylaw consider if issues raised by submitters would be a significant change to the draft and require re-consultation

Context for deliberations re new cat clauses

- National Cat Management Strategy (NCMS) Discussion Paper – draft Sept 2016 (finalised late 2017)

...cats that have great value to people, the community and to New Zealand society. However, cats ...create a complex animal management problem associated with many societal issues...[page 18, NCMS]

- SPCA deputation May 2017 – concerns about local cat ‘over-population’
- LGNZ remit - lobby government to develop ‘cat control’ legislation – July 2017

Societal issues raised in NCMS

- Ethical concerns about the euthanasia of healthy domestic cats and kittens
- Financial costs to organisations that manage unwanted domestic cats and feral cats
- Environmental and biodiversity costs
- Community nuisance
- Welfare concerns

Cat clauses – Part 4

- Cats regulated within 2011 bylaw
 - ▶ Council's key 'management' tool is to restrict cats to 3 in urban area
- Draft bylaw consulted on included new clauses on mandatory microchipping and de-sexing cats as recommended by Council
- Received most submissions; general level of support but variance in views

Legal opinion on clause 8.7

- Testing lawfulness of draft provisions against LGA powers
- Reasonableness test of proposed controls in relation to 'nuisance'
- Raised concerns about lack of 'cause and link effect' (do proposed controls protect people from nuisances or health and safety?)
- Concluded that there is 'moderate legal risk' to Council to proceed with these clauses
- Noted limits in terms of 'enforceability'

Cat microchipping – 8.7(a)

- Age of cat at which microchipping should take place was not stated in draft bylaw
- Recommended to be 4 months (to tie to age of desexing)
- Registration of microchip – NZ Companion Animals Register or other Council approved microchip registry {NB: no cat registration system is intended by Council}

Clause 8.7 (b) - age of cat desexing

- Age of cat at which desexing should take place – draft bylaw stated 6 months (recommendation originally came from SPCA deputation May 2017)
- Varied views on matter highlighted in submission analysis and raised at hearing
- Noted the NZCMS – acknowledges variance in age requirement from 3-6 months where other councils (overseas examples) have introduced mandatory desexing

Positions on desexing age requirement

Organisation	Position
Animal Welfare Act 1999/ Animal Welfare (Companion Cats) Code of Welfare 2007	Recommended Best Practice: (a) Cats, other than those kept by a registered breeder for breeding purposes, should be desexed at or before puberty. General Information A cat may reach puberty any time after 4 months of age, and usually between 5 and 7 months of age. Desexing can safely be carried out before the onset of puberty.
NZ Veterinarian Association	Supports pre-pubertal desexing of dogs and cats from eight weeks of age, provided each animal is individually assessed for suitability prior to surgery. Source : Pre-pubertal desexing of dogs and cats – Policy 9b
National Cat Management Strategy Discussion Paper - 2017	Key recommendation: d) Introduction of wide-spread pre-pubertal desexing of cats. Benefit to revise current desexing recommendations so that veterinarians and other sources of information for cat carers and owners advise that companion cats are desexed at four months or earlier.

Submitter views on age requirement for desexing

Submitter	Views
NZ Companion Animals Council (#1)	All domestic cats must be desexed by a vet by 10 weeks or once they reach 1 kg in weight {exceptions related to cat condition and breeders}
SPCA (#51)	The RNZSPCA submits that the requirement that cats over six months are desexed should have a recommendation that cats are desexed at or before 4 months of age (or 16 weeks or earlier) – cite RSPCA UK report “Tackling the cat crisis” for justification
Manawatū Alley Cat Trust (#54)	Opposed to early age desexing



Officer analysis on appropriate cat age for desexing

- Wide range of views from both legislation and organisations representing animal care and welfare interests
- On balance, view is to be guided by latest advice from NCMS, Code of Welfare recommendation and SPCA's submission for 4 months of age rather than retain 6 months

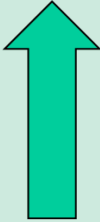
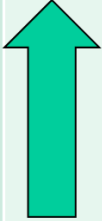
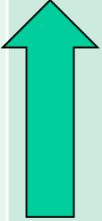
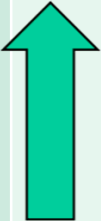
Options for clause 8.7

- Recommendation to retain clause but with amendments
- Alternatives considered:
 - ▶ Not include clause 8.7
 - ▶ Only include clause 8.7(a) - microchipping
 - ▶ Only include clause 8.7(b) - desexing

Notes on resourcing

- No 'additional' funding included in proposed 10 Year Plan for this bylaw
- Two bylaw-rated programmes put forward during 10 year plan preparation:
 - ▶ #1457 – *animal education programme*
 - ▶ #1491 – *promotion and administration of bylaw relating to microchipping and desexing cats*
- Both programmes are shown as 'actions considered but included' in Safe Community Plan

Bylaw implementation approach

Current Level of Service		Enhanced Level of Service
Bylaw provides rules for animal keeping		Bylaw rules are proactively enforced
Minimal education role		Extensive education role
Limited involvement with other agencies		High level of involvement / cross-sector collaboration
Minimal monitoring role		High level of investment in monitoring issues, trends etc.



Key bylaw changes recommended for adoption

- Amendments to bylaw purpose in clause 2.2 to align to LGA 2002
- Addition of an additional sub-clause to clause 7.1 to outline living requirements for stock
- Addition of the words 'per dwelling' to clause 8.1 to clarify the expectations of the limit in relation to cats being able to be kept on any private land in the urban area

Key changes recommended for adoption – cont.

- Amendments to clause 8.7(a) – mandatory microchipping:
 - ▶ to clarify the expectations regarding microchip registration to microchip registries
 - ▶ to make this requirement apply to cats from 4 months of age.
- Note delay in commencement



Key changes recommended for adoption

- Amendment to clause 8.7(b) – mandatory desexing:
 - ▶ to change the age by which of desexing should occur from six months to four months.
 - ▶ to clarify the cat breeders' bodies that exempt registered breeding cats from this requirement.
- Note delay in commencement

Cat management advisory group

- Establishment of advisory group from a recommendation for local government in NCMS
- Potential role:
 - ▶ Monitoring national mandate on cat management
 - ▶ Engaging with key stakeholders
 - ▶ Collecting and analysing local data and information
- Make-up of group to be determined

Conclusion

- Minor changes to the draft bylaw as a result of consultation and further officer analysis
- Key changes recommended to draft is in Parts 3 & 4 (stock and cats)
- Challenge of introducing mandatory cat controls that are reasonable, defensible while debate about need for nationally-led legislation
- Bylaw efficacy linked to many factors such as resourcing and education