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# Komiti Whakahaere ā-Ture / Regulatory Committee OPEN MINUTES

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Minutes of a meeting of the Regulatory Committee held in the Room 1, Level 26, 135 Albert St, Auckland on Thursday, 8 November 2018 at 9:31am.

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## PRESENT

<b>Chairperson</b>	Cr Linda Cooper, JP	
<b>Deputy Chairperson</b>	Deputy Mayor Bill Cashmore	Until 12.15pm, Item C1
<b>Members</b>	Cr Josephine Bartley	
	Cr Richard Hills	
	Cr Daniel Newman, JP	
	Cr Sharon Stewart, QSM	
	IMSB Chair David Taipari	From 9.48am, Item 8
	Cr Wayne Walker	
	Cr John Watson	From 9.49am, Item 8

## ABSENT

<b>Ex-officio</b>	Cr Efeso Collins
	Mayor Hon Phil Goff, CNZM, JP
	IMSB Member Glenn Wilcox

## ALSO PRESENT

Angela Fulljames – Chair, Franklin Local Board  
Beth Houlbrooke – Chair, Rodney Local Board

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## 1 Apologies

Resolution number REG/2018/75

MOVED by Chairperson L Cooper, seconded by Cr R Hills:

**That the Regulatory Committee:**

- a) **accept the apologies from IMSB Member G Wilcox for absence, Mayor P Goff and Cr E Collins for absence on council business, IMSB Chair D Taipari for lateness, and Deputy Mayor B Cashmore for early departure.**

**CARRIED**

## 2 Declaration of Interest

There were no declarations of interest.

## 3 Confirmation of Minutes

Resolution number REG/2018/76

MOVED by Deputy Chairperson BC Cashmore, seconded by Chairperson L Cooper:

**That the Regulatory Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 4 October 2018, as a true and correct record.**

**CARRIED**

## 4 Petitions

There were no petitions.

## 5 Public Input

There was no public input.

## 6 Local Board Input

There was no local board input.

## 7 Extraordinary Business

There was no extraordinary business.

## 8 Freedom Camping in Vehicles Statement of Proposal

*IMSB Chair D Taipari entered the meeting at 9.48am*

*Cr J Watson entered the meeting at 9.49am*

Resolution number REG/2018/77

MOVED by Chairperson L Cooper, seconded by IMSB Chair D Taipari:

**That the Regulatory Committee:**

- a) **recommend that the Governing Body adopt the statement of proposal in Attachment A of the agenda report for public consultation and confirm that the draft bylaw:**
  - i) **is necessary to protect the area, protect the health and safety of people who may visit the area and/or to protect access to the area**
  - ii) **is the most appropriate and proportionate way of addressing the perceived problem in relation to the area**
  - iii) **is not inconsistent with the New Zealand Bill of Rights Act 1990.**
- b) **recommend that the Governing Body forward to local boards and advisory panels:**
  - i) **the statement of proposal in Attachment A of the agenda report for their views**
  - ii) **this agenda report and attachments for their information.**
- c) **appoint a minimum of three panel members, Cr Cooper, Cr Hulse and one Independent Maori Statutory Board member to:**
  - i) **attend 'Have Your Say' events to hear from the public through spoken interaction**
  - ii) **receive and consider public feedback, deliberate and make recommendations to the Governing Body on public feedback to the statement of proposal in Attachment A of the agenda report.**
- d) **delegate authority to the chair of the Regulatory Committee to make replacement appointments to the panel if a member of the panel is unavailable.**
- e) **delegate to staff approved by a manager responsible for bylaws the responsibility to hear from the public through spoken interaction at the 'Have Your Say' events.**
- f) **delegate authority to a manager responsible for bylaws to make any amendments to the statement of proposal in Attachment A of the agenda report to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.**

**CARRIED**

Note: Pursuant to Standing Order 1.8.6, the following councillors requested that their dissenting votes be recorded:

- Cr J Bartley
- Cr D Newman
- Cr S Stewart

**9 Seeking direction on Auckland Council's Policy on Dogs 2012 and Dog Management Bylaw 2012**

Resolution number REG/2018/78

MOVED by IMSB Chair D Taipari, seconded by Deputy Chairperson BC Cashmore:

**That the Regulatory Committee:**

- a) **agree that the council has completed its statutory review of the Auckland Council Policy on Dogs 2012 and Dog Management Bylaw 2012**
- b) **agree that option two: amend the Policy and Bylaw is the preferred option to better manage dogs in Auckland**
- c) **request a statement of proposal that amends the Auckland Council Policy on Dogs 2012 and Dog Management Bylaw 2012 as detailed in Attachment A for Option two: amend the policy and bylaw.**
- d) **provide the Regulatory Committee an update of how local boards have used their delegated decision making for local dog access rules.**

**CARRIED**

Note: Pursuant to Standing Order 1.8.6 the following councillors requested that their dissenting votes be recorded:

- Cr W Walker
- Cr J Watson

**10 Review of dog access rules in Auckland's Regional Parks**

A PowerPoint presentation was provided in support of the item. A copy has been placed on the official minutes and is available on the Auckland Council website as minutes attachments.

Resolution number REG/2018/79

MOVED by IMSB Chair D Taipari, seconded by Deputy Chairperson BC Cashmore:

**That the Regulatory Committee:**

- a) **request a statement of proposal that amends the Schedule of access rules in the Auckland Council Policy on Dogs 2012 that will give effect to the following:**
  - i) **a standard time and season definition of 10am to 7pm, from the Saturday of Labour Weekend to 31 March, in the following regional parks:**
    - Shakespear Regional Park
    - Long Bay Regional Park
    - Mahurangi Regional Park
  - ii) **a standard lambing season rule to prohibit dogs from 1 July to 1 December, in the following regional parks:**
    - Hunua Ranges Regional Park
    - Ōmana Regional Park
    - Mahurangi Regional Park
    - Tāpapakanga Regional Park
    - Te Rau Puriri Regional Park
    - Waitawa Regional Park
    - Wenderholm Regional Park

iii) apply dog access rules that protect wildlife in:

- Glenfern Sanctuary Regional Park to prohibit dogs from the park.
- Long Bay Regional Park to prohibit dogs north of Vaughan Stream, and that an additional designated dog exercise area be identified in the park land behind the beach.
- Mahurangi Regional Park to allow dogs under control on leash on Mita Bay loop track and prohibited from Cudlip loop track, and that a dog friendly campground be created.
- Muriwai Regional Park to prohibit dogs south of the surf tower to protect the gannet colony and that dogs to be allowed under control off leash north of the surf tower.
- Whatipu Regional Park to prohibit dogs from Don Mclean Road onwards, for the protection of the scientific reserve.

**CARRIED**

Note: Pursuant to Standing Order 1.8.6 the following councillors requested that their dissenting votes against a)(1) be recorded:

- Cr W Walker
- Cr J Watson

**Attachments**

A 11 November 2018 Item 10: Review of dog access rules in Auckland's Regional Parks presentation

**11 Regulatory Management of Earthquake-Prone Buildings - October 2018 Operational Update**

Resolution number REG/2018/80

MOVED by IMSB Chair D Taipari, seconded by Chairperson L Cooper:

**That the Regulatory Committee:**

- a) receive the Regulatory Management of Earthquake Prone Buildings – October 2018 report.

**CARRIED**

**12 Request to Appoint Independent Hearing Commissioners for Plan Change 13 - Open Space, to the Auckland Unitary Plan (Operative in Part)**

Resolution number REG/2018/81

MOVED by IMSB Chair D Taipari, seconded by Cr R Hills:

**That the Regulatory Committee:**

- a) Appoint independent commissioners Janine Bell, William Kapea and David Mead to hear submissions on Plan Change 13 to the Auckland Unitary Plan (Operative in Part), including an independent commissioner with an understanding of tikanga Maori;
- b) Delegate to the independent commissioners appointed in a), the authority to make decisions on the Plan Change;
- c) Delegate to the chair of the Regulatory Committee the authority to make replacement appointments if necessary.

**CARRIED**

### 13 Regulatory Committee Summary of Information Items 8 November 2018

Resolution number REG/2018/82

MOVED by Cr R Hills, seconded by Deputy Chairperson BC Cashmore:

**That the Regulatory Committee:**

- a) **receive the Regulatory Committee Summary of Information Items 8 November 2018 report**

**CARRIED**

The meeting adjourned at 11.07am and reconvened at 11.14 am.

Cr R Hill and Cr J Watson were not present.

### 14 Objection Against a Menacing Dog Classification - Lukah

*Cr J Watson returned to the meeting at 11.15am*

*Cr R Hills returned to the meeting at 11.17am*

The hearing commenced at 11.14am in relation to the objection by Mr S Nahu to the menacing dog classification against his dog Lukah.

Mr Nahu tabled a photo of Lukah as a puppy and spoke in support of his objection outlining the reasons for his objection to the classification. Mr Nahu stated under Section 33D subsection 3 of the Dog Control Act 1996 that the committee could overturn the decision. He also feels the dog is too old to be neutered. Mr Nahu responded to questions from the committee.

Staff were also in attendance and addressed the committee in support of the menacing dog classification. Staff advised that the classification is by breed not deed and that Mr Nahu needs to provide evidence that the dog does not fit the menacing breed type. Staff responded to questions from the committee.

Mr S Nahu responded and spoke to the assessment process, quoting an article from the New Zealand Veterinary Association that called for a review of the classification system for assessing menacing dogs. Mr Nahu thanked the committee for hearing his objection.

The Chairperson thanked Mr Nahu and council staff for their attendance, advised that the committee would now go into confidential to deliberate their decision.

#### **Attachments**

- A 8 November 2018 - Regulatory Committee item 14 Objection Against a Menacing Dog Classification - Lukah, photo of Lukah as a puppy

### 15 Consideration of Extraordinary Items

There were no extraordinary items for consideration.

**16 Procedural motion to exclude the public**

Resolution number REG/2018/83

MOVED by Chairperson L Cooper, seconded by Deputy Chairperson BC Cashmore:

**That the Regulatory Committee:**

- a) **exclude the public from the following part(s) of the proceedings of this meeting.**
- b) **agree that Mike Moodie, Principal Solicitor Auckland Council be permitted to remain for Confidential Item 14: Objection against a menacing dog classification – Lukah, after the public has been excluded, because of his knowledge of regulatory and compliance processes, which will help the Regulatory Committee in its decision-making.**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

**C1 Deliberations on objection against a Menacing Dog Classification - Lukah**

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).  In particular, the deliberations for the decision could compromise the council in undertaking without prejudice negotiations of this objection pursuant to section 33A of the Dog Control Act 1996	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

**CARRIED**

11.52am The public was excluded.

12.17am The public was re-admitted.



**RESTATEMENTS**

It was resolved while the public was excluded:

**C1 Deliberations on objection against a Menacing Dog Classification - Lukah**

Resolution number REG/2018/84

MOVED by Chairperson L Cooper, seconded by Cr J Bartley:

**That the Regulatory Committee:**

- a) **hear and determine the objection to the menacing dog classification by Mr Nahu pursuant to section 33C of the Dog Control Act 1996**
- b) **note that the Committee has considered the information provided in the agenda item and attachments, the evidence presented by Council Staff and the evidence presented by the Objector**

**Restatement**

- d) **agree that the decision under clause c) not be restated in the open section of the minutes, but be made publicly available within 7 days.**

**CARRIED**

The Regulatory Committee outlined their reasons for upholding the menacing dog classification:

The Identification Checklist – American Pit Bull Terrier Type was used to assess Lukah. A total score of 46 to 63 points indicates that the dog substantially meets the description of an American Pit Bull Type. Three assessments were completed on Lukah with each assessment scoring between 46 to 63 points.

The committee stated they have confidence in the assessment process and support the assessments carried out by staff.

The committee felt that Mr S Nahu did not provide sufficient evidence to support rescinding the objection and evidence provided could not establish that Lukah was not a American Pit Bull Type.

Note: IMSB Chair D Taipari requested that his opposition to upholding the menacing dog classification be recorded as he believed the Identification Checklist was inconsistent and needs to be reviewed.

*Deputy Mayor B Cashmore left the meeting at 12.15pm*

12.17 pm

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF THE REGULATORY COMMITTEE  
HELD ON

**DATE:**.....

**CHAIRPERSON:**.....