Date: Thursday, 10 May 2018
Time: 9.30am
Meeting Room: Room 1, Level 26
Venue: 135 Albert St
Auckland

Regulatory Committee
OPEN ATTACHMENTS
ATTACHMENTS UNDER SEPARATE COVER

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<td>Regulatory Committee Summary of Information Items - 10 May 2018</td>
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<td>C. Workshop - Review on Dog Management Bylaw 2012</td>
<td>3</td>
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<td>D. Annual Review of Regulatory Committee Policy</td>
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<td>E. Update on legal challenges facing the Auckland Council Provisional Local</td>
<td>29</td>
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<td></td>
<td>Alcohol Policy</td>
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</tbody>
</table>

Note: The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Komiti Whakahaere ā-Ture /
Regulatory Committee
WORKSHOP MINUTES

Minutes of a meeting of the workshop held in Room 2, Level 26, 135 Albert Street, at 2.03pm

PRESENT

Deputy Chairperson
Members
Deputy Mayor Bill Cashmore
Cr Josephine Bartley
Cr Fa’anana Efeso Collins
Cr Daniel Newman, JP
Cr Sharon Stewart, QSM
Cr John Watson
IMSB Member Glenn Wilcox
Cr Sir John Walker, KNZM, CBE

Apologies:
Chairperson
Cr Linda Cooper, JP On council business
Cr Richard Hills On council business
Cr Dick Quax Leave of absence
IMSB Chair David Taipari
Cr Wayne Walker On council business
Ex-officio
Mayor Hon Phil Goff, JP On council business

Note: No decisions or resolutions may be made by a Workshop or Working Party, unless the Governing Body or Committee resolution establishing the working party, specifically instructs such action.

Senior Governance Advisor Maea Petherick
Contact Telephone: (09) 890 8136
Email maea.petherick@aucklandcouncil.govt.nz
Regulatory Committee
10 May 2018

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<th>Apologies</th>
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</thead>
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<td></td>
<td>Chair Cr Linda Cooper – on Council business</td>
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<tr>
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<td>IMSB Chair David Taipari</td>
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<td></td>
<td>Mayor Hon Phil Goff, JP - on Council business</td>
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</tbody>
</table>

Declarations of Interest
There were no declarations of interest.

Purpose
There are a few potentially contentious issues that are being reviewed as part of the dog management bylaw and policy review. The purpose of this workshop is to seek informal guidance on these issues, prior to the 10 May Findings Report submission.

Presentation
A presentation was given supporting the topic. A copy of the presentation is attached.

Attachments
1. Responsible dog ownership
2. Classification of dogs and their owners
3. Dog access principles

The workshop closed at 3.37pm
Dog Management Bylaw and Policy Review

Regulatory Committee Workshop

12 April 2018

Michael Sinclair, Policy Manager
Shilpa Mandoda, Principal Policy Analyst
Angela Culpin, Policy Analyst
Purpose of workshop

Provide overview of the review process

Receive feedback on four key issues:

- Multiple dog ownership
- Standard time and season rule
- Local board decision making
- Regional default rule
Regulatory context of dog control

Dog Control Act 1996

Auckland Council Policy on Dogs 2012

Dog Management Bylaw 2012
<table>
<thead>
<tr>
<th>SPECIFIC PLACES FOR DOG ACCESS RULES (PROHIBITED, ON A LEASH, DOG EXERCISE AREAS)</th>
<th>MENACING DOGS</th>
<th>FEES OR PROPOSED FEES</th>
<th>DOG OBEDIENCE COURSES</th>
<th>CLASSIFICATION OF OWNERS</th>
<th>DISQUALIFICATION OF OWNERS</th>
<th>ISSUING OF INFRINGEMENT NOTICES</th>
<th>DOG ACCESS RULES (PROHIBITING DOGS, UNDER CONTROL ON A LEASH, DOG EXERCISE AREAS)</th>
<th>STANDARDS FOR DOG ACCOMMODATION</th>
<th>NUMBER OF DOGS ON PREMISES</th>
<th>PICKING UP DOG FAECS</th>
<th>DOGS IN SEASON</th>
<th>IMPOUND DOGS IN BREACH OF BYLAW</th>
<th>REQUIRE DOGS TO BE NEUTERED</th>
<th>PRIVATE PROPERTY</th>
</tr>
</thead>
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<td>PRIVATE PROPERTY</td>
</tr>
</tbody>
</table>

**Policy**

**Bylaw**
Issues for review

Dog Access Principles
- Time and season rules
- Local board delegation
- Default rules
- Privately owned public land
- Environmental protection
- Designated dog exercise areas

Dangerous and Menacing Dogs
- Dangerous dogs
- Menacing dogs
- Owner classification

Responsible dog ownership
- Dog welfare
- Dog registration
- Responsible dog ownership
- Multiple dog ownership

Communication
- Signage
- Website

Attachments
Attachment C
Attachment D

Item 12
Multiple Dog Ownership
## Current Local Board Multiple dog license rules

<table>
<thead>
<tr>
<th>Local Board</th>
<th>Yes</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Upper Harbour</td>
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<tr>
<td>Henderson-Massey</td>
<td>✔</td>
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<td>Waitematā</td>
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<td>Great Barrier</td>
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<td>Albert-Eden</td>
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<td>Franklin</td>
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<td>Rodney</td>
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<td>Hibiscus and Bays</td>
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<td>Devonport-Tākapuna</td>
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<td>Kaipātiki</td>
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<td>Waitākere Ranges</td>
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<td>Waiheke</td>
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<td>Howick</td>
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<td>Ōtara-Papitoetoe</td>
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<tr>
<td>Manurewa</td>
<td>✔</td>
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</tbody>
</table>
What we’ve heard

Stakeholder feedback

- If there are multiple rules boundaries need to be clear
- Dog owners living in rural areas may need a different rule to urban areas
- The current multiple dog licensing focuses mainly on the suitability of the property

What do Aucklanders think?

A survey of Aucklanders indicated that Council should require dog owners to obtain a license for more than one dog and should consider:

- having the property fenced, proof of good ownership, the size of property and breed of dog (Ipsos, 2018).
Discussion

- Do we need a multiple dog ownership license?
- If so,
- Regional consistency or local variation?
- More than one dog? More than two dogs?
- Suitability based on property or owner?
- Any other considerations?
Time and season
Local Board Delegation
Default rules
## Regional Time and Season alignment

<table>
<thead>
<tr>
<th>LOCAL BOARD</th>
<th>AM Time</th>
<th>PM Time</th>
<th>Summer start</th>
<th>Summer end</th>
<th>Various Winter access rules</th>
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</thead>
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<tr>
<td>Waitematā</td>
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<tr>
<td>Hibiscus and Bays</td>
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<td>Devonport-Tākapuna</td>
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<tr>
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<td>![Green]</td>
<td>![Red]</td>
<td>![Checkmark]</td>
</tr>
</tbody>
</table>

**Colour Legend**
- **Aligns with Regional Standard**
- **Within one hour of Regional standard**
- **Different from Regional standard**
Regulatory Committee
10 May 2018

Attachment C

What we’ve heard

Stakeholder feedback
- Time and season rule is very confusing for the public
- Potential different rules for urban or rural areas
- Different for animal management officers to enforce the rules
- Many in favour of a consistent, standardised time and season rule

Public feedback
- Dog owners across all local board areas, felt that they should be able to use public places at the same time as other people
- There was no marked preference for standardizing time and season rules on beaches (Ipsos, 2018)
## Time and Season Findings

### Current Time and Season

- **10.00am to 5.00pm**
- **Saturday Labour Weekend to 1 March**

### TIME

- Majority of Local Boards have consistent AM times, but deviated from PM times

### SEASON

- Majority of Local Boards are consistent with the start date, but deviate from end date

### Alternative Time and Season

- **10.00am to 7.00pm**
- **Saturday Labour Weekend to 31 March**

- **10.00 AM ✓**
- **53% used 7.00pm**

- **Labour Weekend ✓**
- **38% used 31 March**
Proposed dog access decision making framework

<table>
<thead>
<tr>
<th>Rule</th>
<th>Local Discretion</th>
<th>Regional decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibit</td>
<td>Environmental Protection (recommend)</td>
<td>Playgrounds, surfaces, council controlled campgrounds, holiday parks. Public places (stadiums, libraries, cafes, shopping malls, non-council cemeteries, urūpa)</td>
</tr>
<tr>
<td>Time and Season</td>
<td>Where it all applies</td>
<td>Environmental protection</td>
</tr>
<tr>
<td>Dogs under control on leash</td>
<td>N/A</td>
<td>10.00am to 7.00pm for specified beaches and specified adjoining parks between Sunday of Labour Weekend and 31 March</td>
</tr>
<tr>
<td>Dogs under control off leash</td>
<td>Local parks and beaches</td>
<td>Default, applies everywhere else</td>
</tr>
<tr>
<td>Dog preference</td>
<td>Designated dog exercise areas (recommend)</td>
<td>Regional Parks, Regional Beaches</td>
</tr>
<tr>
<td></td>
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<td>Regional provisional network approach</td>
</tr>
<tr>
<td>Location</td>
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</tbody>
</table>
| Waitemātā                       | ✔  
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| Albert-Eden                     | ✔  
| Puketāpapa                      | ✔  
| Whau                            | ✔  
| Orākei                          | ✔  
| Maungakiekie-Tāmaki             | ✔  
| Māngere-Ōtāhuhu                 | ✔  
| Franklin                        | ✔  
| Rodney                          | ✔  
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| Devonport-Tākapuna              | ✔  
| Kaipātiki                       | ✔  
| Waitākere Ranges                | ✔  
| Waiheke                         | ✔  
| Howick                          | ✔  
| Ōtara-Paptoetoe                 | ✔  
| Manurewa                        | ✔  

**Default regional rule**

Regional default rule is under control on leash, unless otherwise stated.
Discussion

• What should the standard time and season rule be?
• Do we need a standard winter time rule?
• Are there any situations when low use beaches and foreshores need a time and season rule?
• Balance of Regional or local decision making?
• What should the ‘default’ rule be? (on leash / off leash)

Responsible dog ownership

This document provides information and current statistics on responsible dog ownership principles as highlighted in the policy and bylaw.

How to be a responsible dog owner

- Choose the right dog and treat them well
- Ensure your dog has adequate exercise
- Consider the health benefits for your dog of neutering at an early age
- Register and microchip your dog
- Teach your dog basic obedience (keep your dog under control at all times)
- Know the best locations where you are allowed to take (exercise) your dog
- Be particularly vigilant near children and closely supervise interaction

- Know when your dog will ignore commands: put dog on leash, shorten leash, or avoid the area
- Respect other people’s personal space. Public places are for everyone’s enjoyment and not everyone is fond of dogs
- Ensure your dog cannot leave your property by itself
- Know when your dog must be on a leash, and always carry a leash
- Pick up after your dog and carry the means (e.g. a bag) to pick-up your dog faeces.

Key facts

The reduction in dog registrations in 2018/17 is due to data migration and cleansing. Before the data migration, there were a number of duplicate dogs that were both registered and unregistered, artificially inflating the population of dogs.

The reduction in 2015/16 can be explained by an update to our records. Prior to this, our records included historic RDOL holders who might no longer own a dog.
## Relationship between dog regulations and policy and bylaw in Auckland

<table>
<thead>
<tr>
<th>Dog Control Act 1996</th>
<th>Reflected in the current policy and bylaw</th>
</tr>
</thead>
<tbody>
<tr>
<td>The council may include details on fees or proposed fees</td>
<td>Auckland Council will determine the level of funding and the structure and level of fees, as part of the long-term plan and annual plan processes. Responsible dog ownership licence (RDOL) holders receive a discount on their dog registration fee. Non-RDOL holders who would like a fee discount in the upcoming registration period need to apply for a RDOL before April.</td>
</tr>
<tr>
<td>The council may include details on owner education programmes and dog obedience courses</td>
<td>The policy includes statements on community education to increase awareness on how to be safe around dogs, responsible dog ownership to promote the responsible ownership of dogs, including care and control around people, protected wildlife, other animals, property and natural habitats.</td>
</tr>
<tr>
<td>The council may include details on issuing of infringement notices</td>
<td>The policy includes a statement on council’s approach to regulatory compliance to use encouragement, compliance and enforcement to the fullest extent necessary to ensure public safety and comfort (a graduated enforcement approach). The council issues infringements under the Dog Control Act 1996.</td>
</tr>
<tr>
<td>The council must have regard to the exercise and recreational needs of dogs and their owners</td>
<td>The current policy seeks to provide dog owners with reasonable access to public places and private ways in a way that is safe for everyone.</td>
</tr>
</tbody>
</table>
| The council may limit the number of dogs that may be kept on any land or premises | Multiple dog ownership is currently based on boundaries stated in the Auckland District Plan 2011. Legacy rules currently allow for variations:  
  - 12 local boards require a licence for more than one dog on the premises  
  - 15 local boards require a licence for more than two dogs on the premises  
*Note, there is variation within some local boards due to their boundaries spanning more than one district plan boundary. For more detail, please refer to Schedule 3 of the Dog Management Bylaw 2012.* |
| The council may prescribe minimum standards for the accommodation of dogs | There is currently no minimum standards listed in the bylaw. The Dog Control Act 1996, Animal Welfare Act 1999, code of welfare for dogs and Health Act provide specific provisions to address problems related to the welfare of dogs. |
| The council may require owners to remove faeces | The owner of any dog that defecates in any public place must immediately remove and dispose of the faeces in a way that does not cause a nuisance. |
| The council may require any female dog to be confined but adequately exercised while in season | The current bylaw prohibits the owner of any female dog in season to be taken into any public place. The dog cannot enter or remain in any public place or private way unless it is completely confined in a vehicle or cage for the purposes of transportation, or the owner of that dog has the permission of the occupier or person controlling the public place (such as a veterinary clinic) in relation to the entry or presence of the dog. |
| The council may require owners to neuter a dog that on a number of occasions has not been kept under control | The council may require the owner of a dog to be neutered if that dog has not been kept under control on more than one occasion within a 12-month period. |
| The council may require dogs to be tied up or confined at night | This is not currently required under the bylaw, however it is covered by The Dog Control Act 1996. |

Classification of dogs and their owners

In adopting a policy on dogs the council must consider:
- the need to minimise danger, distress and nuisance to the community generally
- the importance of enabling, to the extent practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs.

This document provides a summary of the classifications that the council can use to manage:
- dogs that are not sufficiently controlled
- owners that do not sufficiently control their dogs.

Dog classification

Dangerous dog

A dog is classified as dangerous if:
- the owner has been convicted of a rushing offence – when the dog rushes at any person, animal or vehicle in a manner that is likely to cause an accident, injury or death
- there is evidence the dog is a threat to the safety of any person, stock, poultry, domestic animal or wildlife
- the owner admits in writing the dog poses a threat.

Dangerous dogs must be muzzled in public and can only be off a leash in a dog exercise area.

Dangerous dogs must be securely fenced on the owner’s property without blocking access to the house.

Owners must pay 150% of registration fee and not transfer ownership of the dog without written consent from the council.

Menacing Dog

A dog is classified as menacing if the council considers the dog poses a threat to any person, stock, poultry, domestic animal or protected wildlife. This is based on either the dog’s behaviour or breed.

If the dog is predominantly one or more of a banned breed (as set out in the Dog Control Act 1996) the council must classify it as menacing.

Menacing dogs must be muzzled in public.

A dangerous dog classification is more serious than a menacing dog classification.

Uncontrolled Dog

An uncontrolled dog is not necessarily a threat to any person. It may be wandering from the owner’s property or not responding to its owner’s commands.
**Owner classification**

**Disqualified Owner**

The council must disqualify a person from owning a dog if:

- a person commits three or more infringement offences within two years

A disqualification can last up to five years.

A disqualified owner must dispose of any dogs they own and not be in possession of any other dog at any time.

**Probationary owner**

Where a person commits three or more infringement offences within two years.

The council must be satisfied that the circumstances of the offending mean that disqualification is not warranted.

A probationary owner must dispose of any unregistered dogs.

A probationary owner classification can last up to two years.

The council may require a probationary owner to undertake, at their own expense, a dog owner education programme or dog obedience course approved by the council.

**Relationship between dog regulations and policy and bylaw in Auckland**

<table>
<thead>
<tr>
<th>Dog Control Act 1996</th>
<th>Reflected in the current policy and bylaw</th>
</tr>
</thead>
<tbody>
<tr>
<td>The council must state whether dogs classified as menacing are required to be neutered. If the council does not require all menacing dogs to be neutered, then it must state the matters it will take into account in deciding whether a dog needs to be neutered or not.</td>
<td>All dogs classified as menacing must be neutered.</td>
</tr>
<tr>
<td>The council must state whether dogs classified as menacing by any other council need to be neutered if they are registered with Auckland Council.</td>
<td>The requirement to neuter a menacing dog applies to dogs classified by any other council and registered with Auckland Council.</td>
</tr>
<tr>
<td>The council may include in its policy details around owner education programmes, dog obedience courses and the classification of owners. If a person is classified as a probationary owner the council may require them to undertake, at their own expense, a dog owner education programme or a dog obedience course approved by the council.</td>
<td>The policy includes a statement on dog safe communities where encouragement, compliance and enforcement will be used to ensure public safety and change to the attitudes and behaviours of irresponsible dog owners. There are no specifics around owner education programmes or dog obedience courses. The classification of owners is not currently included in the policy but classifications are made under the Dog Control Act 1996.</td>
</tr>
<tr>
<td>The council may require the owner to neuter a dog that on a number of occasions has not been kept under control.</td>
<td>The council may require the owner to neuter their dog, if the dog has not been kept under control on more than one occasion within a 12-month period.</td>
</tr>
</tbody>
</table>

Dog access principles

There are 115,544 known dogs in Auckland. As the city’s population grows, the demand for public space will increase.

In adopting a policy on dogs the council must consider the:

- need to minimise danger, distress and nuisance to the community generally
- need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not accompanied by adults
- importance of enabling, to the extent practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs
- exercise and recreational needs of dogs and their owners.

Policy principles on dog access

- Recognise dog owners as legitimate users of public places
- Integrate (not separate) dog owners and their dogs with other users of public places
- Provide opportunities for dog owners to take their dog to public places that are accessible, desirable, and provide diversity of experience (sights, sounds, smells, texture, other dogs and humans) for both the dog and owner
- Consider access on comprehensive region-wide basis rather than a place-by-place basis
- Manage the safe interaction between dogs and people using public places and private ways, in particular with children and vulnerable adults
- Manage the conflict between dogs and protected wildlife, stock, poultry, domestic animals, and property and natural habitat.

Decision making framework

The Governing Body makes dog access rules on matters of regional significance. Local boards make dog access rules for local park and beach access rules. Local boards can request exceptions to regional rules.

**Governing Body**

- Regional Parks
- Regional beaches and foreshore areas
- Council owned: playgrounds, sports surfaces, camp grounds, holiday parks, public roads, car parks, boating areas, and cemeteries
- Default rule is on a leash, unless otherwise stated

**Beach time and season rule to manage interaction between people and dogs**

- Regional time and season standard
- Local boards decide where it applies

**Local boards**

- Local beaches
- Local parks
## Relationship between dog regulations and policy and bylaw in Auckland

<table>
<thead>
<tr>
<th>Attachment C</th>
<th>Item 12</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dog Control Act 1996</strong>&lt;br&gt;The council shall identify areas where dogs are:</td>
<td><strong>Regional rules reflected in the current policy and bylaw</strong>&lt;br&gt;(does not include local rules)</td>
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<tr>
<td><strong>Prohibited</strong></td>
<td>• The owner of any dog must ensure that the dog does not enter/remain in public spaces specified as prohibited (even if confined in a vehicle or cage). &lt;br&gt;• Dogs are prohibited from:&lt;br&gt;  - council playgrounds (and must be under control on a leash in the vicinity of playgrounds when in use)&lt;br&gt;  - council sports surfaces (and must be kept under control on a leash in the vicinity of sports surfaces when in use)&lt;br&gt;  - council-controlled camp grounds and holiday parks, unless permission is obtained from council or signage indicates dogs are allowed.&lt;br&gt;  - Dogs are prohibited in all other public places (e.g. fenced sports stadiums, libraries, cafes, shopping malls, school grounds, non-council cemeteries and urupa) unless signage indicates dogs are allowed or they have permission from:&lt;br&gt;    - the council&lt;br&gt;    - the person in charge of the place.&lt;br&gt;  <em>If dogs are allowed, the person accompanying the dog must comply with any reasonable conditions that are imposed.</em>&lt;br&gt;  - Council cemeteries: unless otherwise sign-posted, dogs are prohibited from all council cemeteries, except North Shore Memorial Park and Waikumete Cemetery.</td>
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<tr>
<td><strong>Under control on a leash</strong></td>
<td>• Dog owners must ensure their dog is on a leash in public places and private ways (private way/passage not open for public use) unless the dog is:&lt;br&gt;  - confined in a vehicle or cage&lt;br&gt;  - a working dog.&lt;br&gt;• Dogs must be on a leash on all:&lt;br&gt;  - formed public roads (including streets, highways, access ways, service lanes, footpaths, cycle tracks, bus stops and berms)&lt;br&gt;  - private ways&lt;br&gt;  - council-controlled car parks&lt;br&gt;  - council-controlled boating areas (including wharves, jetties, boat ramps, boat marshalling areas)&lt;br&gt;  - this rule does not apply to any unformed road, or any walkway, track or road within or surrounded by a park.</td>
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<tr>
<td><strong>Under control off a leash</strong></td>
<td>• The Governing Body and local boards identify park, beach and foreshore areas where dogs can share the space, as long as they are under control (e.g. respond to voice command).</td>
</tr>
<tr>
<td><strong>Designated, known as dog exercise areas</strong></td>
<td>• These are areas where dog owners are priority users. The owner of a dog (including a dangerous dog that is muzzled) may take that dog to a designated dog exercise area provided that dog is kept under control.</td>
</tr>
</tbody>
</table>

*disability assist and working dogs are exempt from dog access rules*

### Other factors impacting dog access

- Temporary changes to local dog access rules may be made in relation to:<br>  - Leisure and cultural events (including dog friendly events)<br>  - Dog training<br>  - Threatened or ‘at risk’ protected wildlife vulnerable to dogs<br>  - Pest control in any park and/or beach.<br>- Staff are working with the Department of Conservation, biodiversity and other stakeholders to ensure their perspective is considered in this review.
Memo

11 April 2018

To: Members of the Regulatory Committee
cc: Penny Pirrit – Director, Regulatory Services
From: Councillor Cooper – Chair Regulatory Committee

Subject: Annual Review of Regulatory Committee Policy

Executive Summary:

The Regulatory Committee adopted a policy at its meeting of 12 April 2018. The policy covers the Committee’s operation and sub-delegations for the decision making responsibilities within the areas of its responsibilities. The policy at Clause 11.1 states;

“The Regulatory Committee will review this policy annually, and more frequently at its discretion.”

Following a quick overview and guidance from the General Managers of the Regulatory Division, I have been advised that there would be limited value in reviewing the policy at this time, primarily due to the expected outcomes being realised and that it is a relatively new document.

The purpose of this memorandum is to seek your acceptance that the policy does not need to be reviewed or considered further by the Committee at this time.

Policy Background:

It has been a year since the Regulatory Committee adopted its policy. This primarily up-dated the Hearings Committee Policy from the previous two terms of council acknowledging the Committee’s expanded responsibilities and increased staff delegation in some areas. Otherwise for many of the responsibility areas, I have been advised that staff administration has continued with minimal change.

The Regulatory Committee’s responsibilities in brief cover regulatory hearings, regulatory policy and bylaws, which include decisions under the Resource Management Act 1991 (consents, plan changes and appeals), Dog Control Act 1996 (objections), Sale and Supply of Alcohol Act 2012, Local Government Acts 1974 (drainage works on private land), and the Reserves Act 1977 (public reserves).

The Regulatory Committee either assigns the decision maker(s) for these hearings or delegates this assignment power to staff. It can otherwise hear and determine matters itself as has occurred with dog control hearings and drainage hearings under the Local Government Act that cannot be delegated.

The policy therefore provides an efficient, open and transparent framework for the decision-making processes for which the Regulatory Committee is responsible. It further guides the practice for staff to carry out their sub-delegations, for example appointing appropriate independent commissioners for resource consent hearings and reporting back to the Committee.
Comments:

I have been advised that no known issues have arisen at a staff level in regards to the operation of the policy. The policy provides detailed staff guidance on matters such as the determination of hearing commissioners and how those commissioners shall conduct such hearings. In brief the enactment of the policy has been instrumental in the following areas.

i) The policy guidance for the appointment of commissioners to lists for the separate areas of resource management and the sale and supply of alcohol is viewed as being sound. All followed the public expression of interest process, involvement of IMSB and determination of the lists by the Committee, with these commissioners now contracted for three years.

ii) Staff systems, directly aligned to the policy, are in place for the selection of commissioners to hearings.

iii) A system as required by the policy has been established for consultation with the Independent Maori Statutory Board where a matter covers areas of significance to Māori. Additionally IMSB are copied in to all resource consent hearing commissioner assignments.

iv) Accredited Local Board members are provide opportunities, although limited, to sit as RMA hearing commissioners for particular hearings as set out in the policy.

v) The Committee has been keep actively informed with all proposed bylaw review and development.

vi) Staff are not aware of any conflicts of interest or matters arising from the commissioners conduct of hearings nor reasons to vary the policy within this area.

vii) The reporting back to the Committee on the staff assignments of hearing commissioners and the outcomes of those hearings are established on a three monthly basis. No matters have been raised from the first three of these reports. The status of consent appeals are also reported monthly.

Summary and Recommendation:

Nothing unusual or unforeseen has arisen over the first year that necessitates a review of the Regulatory Committee Policy at this time. Although the one year review period is short, I have been advised that administrative processes have been introduced quickly by staff in all areas to meet the policy’s expectations.

The enactment of the policy by staff and independent commissioners shows the in-depth understanding of the policy expectations and the means to ensure the Committee maintains its strategic overview of its responsibilities. I therefore seek your acceptance of a recommendation that no annual review for the Regulatory Committee Policy is required for the 2018 year.

Councillor Linda Cooper
Chair - Regulatory Committee

Attached: Regulatory Committee Policy
Update to Elected Members via email - 9 April 2018

Tēnā koutou

Update on the legal challenges facing the Auckland Council Provisional Local Alcohol Policy.

As noted in the previous email sent on 7 March 2018; the policy is subject to both an appeal to the Alcohol Regulatory and Licensing Authority and judicial review in the High Court.

On 5 April 2018 the High Court advised that the judicial review proceedings have been set down for a seven day hearing starting on 29 April 2019.

Judicial review appellants have also applied for a stay of proceedings of the appeals to the Alcohol Regulatory and Licensing Authority until after the judicial review proceedings have been completed. This application is to be heard by the High Court on 12 April 2018.

- If the stay of proceedings is granted, then the appeals would not be considered until after April 2019 at the earliest. The Auckland Council Local Alcohol Policy would not be brought into force for at least another 18 months.
- If the stay of proceeding is not granted, then the council will seek the earliest practical date for the appeals to the Alcohol Regulatory and Licensing Authority to be heard by the Authority.

Staff will provide a further update on the court proceedings after the outcome of the stay application is received.

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