

---

## Kōmiti Whakahaere ā-Ture/ Regulatory Committee

### OPEN MINUTES

---

Minutes of a meeting of the Regulatory Committee held in the Room 1, Level 26, 135 Albert St, Auckland on 16 March 2021 at 10.00am.

---

#### PRESENT

<b>Chairperson</b>	Cr Linda Cooper, JP	
<b>Deputy Chairperson</b>	Cr Josephine Bartley	From 10.09am, Item 8
<b>Members</b>	Cr Dr Cathy Casey	
	Cr Fa'anana Efeso Collins	
	Cr Shane Henderson	From 10.07am, Item 8
	Cr Sharon Stewart, QSM	
	IMSB Chair David Taipari	
	IMSB Member Glenn Wilcox	
	Cr Paul Young	

#### ABSENT

Deputy Mayor Cr Bill Cashmore  
Mayor Phil Goff  
Cr Daniel Newman

---



## 1 Apologies

Resolution number REG/2021/10

MOVED by Cr C Casey, seconded by Cr E Collins:

**That the Regulatory Committee:**

- a) **accept the apologies from Deputy Mayor B Cashmore, Mayor P Goff and Cr D Newman for absence and Cr J Bartley and Cr S Henderson for lateness.**

**CARRIED**

## 2 Declaration of Interest

There were no declarations of interest.

## 3 Confirmation of Minutes

Resolution number REG/2021/11

MOVED by Cr L Cooper, seconded by Cr P Young:

**That the Regulatory Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 16 February 2021, including the confidential section, 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 Stormwater Bylaw 2015 Review - Options Report**

*Cr S Henderson entered the meeting at 10.07 am.*

*Cr J Bartley entered the meeting at 10.09 am.*

Resolution number REG/2021/12

MOVED by Cr L Cooper, seconded by Cr C Casey:

**That the Regulatory Committee:**

- a) **agree that improving the current Te Kaunihera o Tāmaki Makaurau Ture-ā-rohe Wai Āwhā 2015, Auckland Council Stormwater Bylaw 2015 by amending it (Option 2) is the most appropriate way to respond to the statutory review findings endorsed by the Regulatory Committee on 28 July 2020 (REG/2020/43).**
- b) **request that Healthy Waters staff as delegated by the Chief Executive prepare a Statement of Proposal that amends the bylaw in clause a) as detailed in Attachment A of the agenda report for Option 2: amend the Bylaw.**

**CARRIED**

**9 Resource Consent Appeals: Status Report 16 March 2021**

Resolution number REG/2021/13

MOVED by Cr E Collins, seconded by Member G Wilcox:

**That the Regulatory Committee:**

- a) **receive the Resource Consents Appeals: Status Report 12 March 2021.**

**CARRIED**

**10 Summary of Regulatory Committee Information - updates, memos and briefings - 16 March 2021**

Resolution number REG/2021/14

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

**That the Regulatory Committee:**

- a) **receive the summary of the Regulatory Committee report – 16 March 2021.**

**CARRIED**

**11 Objection to Nuisance Abatement Notice**

The hearing commenced at 10.13am in relation to the objection against the Nuisance Abatement Notices issued for dogs 'Bubba' and 'Lolly' under s55 of the Dog Control Act 1996.

The objector addressed the committee and outlined the classification and responded to questions.

Council staff addressed the committee and outlined the classification and responded to questions.

The objector was given the opportunity to reply to the matters raised by the council and provide the committee with final comments.

The hearing concluded at 11.19am.

Meeting adjourned at 11.19am and reconvened at 11.30am.

## 12 Objection to Nuisance Abatement Notice 3

The hearing commenced at 11.30am in relation to the objection against the Nuisance Abatement Notices issued for dogs 'Bubba' and 'Lolly' under s55(1)(b) of the Dog Control Act 1996

The objector addressed the committee and outlined the classification and responded to questions.

Council staff addressed the committee and outlined the classification and responded to questions.

The objector was given the opportunity to reply to the matters raised by the council and provide the committee with final comments.

The hearing concluded at 11.50am.

## 13 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

### Public Excluded

Resolution number REG/2021/15

MOVED by Cr L Cooper, seconded by Cr E Collins:

**That the Regulatory Committee:**

- a) **exclude the public from the following part of the proceedings of this meeting.**

**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:**

### 11 Objection to Nuisance Abatement Notice

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, deliberations of the decision could be compromise the council in undertaking without prejudice negotiations of this objection pursuant to section 55 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.

## 12 Objection to Nuisance Abatement Notice 3

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.	<p>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).</p> <p>In particular, deliberations of the decision could be compromise the council in undertaking without prejudice negotiations of this objection pursuant to section 55 of the Dog Control Act 1996</p>	<p>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.</p>

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**

11.51am The public was excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and will be publicly available in the open minutes.

12.44am The public was re-admitted.

## **RESTATEMENTS**

It was resolved while the public was excluded:

### 11 Objection to Nuisance Abatement Notice

Resolution number REG/2021/16

MOVED by Cr J Bartley, seconded by Cr S Henderson:

That the Regulatory Committee:

- a) hear and determine the objection to the Nuisance Abatement Notices issued for dogs 'Bubba' and 'Lolly'
- 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.
- c) uphold the Nuisance Abatement Notices.

#### Restatement

- c) agree that the matter remain confidential until the conclusion of the hearing and then be restated in the open minutes.

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

- Cr E Collins
- Cr S Stewart
- IMSB Chair D Taipari
- IMSB Member G Wilcox

Reason for decision:

The objector has not disputed that she owns the dogs complained about. Auckland Council received multiple complaints about loud and persistent barking in July to August of 2020. The objector did not deny that the dogs were barking persistently and creating a nuisance, but rather says they were provoked by the complainant including by the complainant being on the shared driveway, looking out their upstairs window and filming the dogs. These are things the complainant is entitled to do. Council staff stated they were satisfied that the complaints were not vexatious, and the dogs were not alert barking but rather creating a loud and persistent barking nuisance.

## 12 Objection to Nuisance Abatement Notice 3

Resolution number REG/2021/17

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

That the Regulatory Committee:

- a) Hear and determine the objection to the Nuisance Abatement Notices issued for dogs 'Bubba' and 'Lolly'
- 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
- c) Uphold the Nuisance Abatement Notices;

### Restatement

- d) agree that the matter remain confidential until the conclusion of the hearing and then be restated in the open minutes.

A division was called for, voting on which was as follows:

#### For

Cr J Bartley  
Cr C Casey  
Cr L Cooper  
Cr S Henderson  
Cr P Young

#### Against

Cr S Stewart  
IMSB Chair D Taipari  
Member G Wilcox

#### Abstained

Cr E Collins

The motion was declared CARRIED by 5 votes to 3.

Reason for Decision

The objector has not disputed that she owns the dogs complained about. Auckland Council received 12 complaints from September 2020 until February of 2021. The objector denied in her written statement that the dogs were barking for 40 minutes on 3 February 2021. In addition, she states that on all incidents complained about her dogs were provoked by the complainant including by the complainant being on the shared driveway, looking out their upstairs window and filming the dogs. These are things the complaint is entitled to do. Council staff stated they were satisfied that the complaints were not vexatious, and the dogs were not alert barking but rather creating a loud and persistent barking nuisance.

12.44pm

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:**.....