
Komiti Whakahaere ā-Ture / Regulatory Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory Committee held remotely on Tuesday, 10 May 2022 at 10.01am. A recording of the meeting is available on the Auckland Council website. <https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-councilworks/meetings-council-bodies/Pages/webcasts-council-meetings.aspx>.

PRESENT

Chairperson	Cr Linda Cooper, JP
Deputy Chairperson	Cr Josephine Bartley
Members	Cr Dr Cathy Casey
	Deputy Mayor Cr Bill Cashmore
	Cr Fa'anana Efeso Collins
	Cr Shane Henderson
	Cr Daniel Newman, JP
	Cr Sharon Stewart, QSM
	IMSB Member Glenn Wilcox
	Cr Paul Young

ABSENT

Mayor Hon Phil Goff, CNZM, JP
Deputy Mayor Cr Bill Cashmore
IMSB Chair David Taipari

Note: all members of the committee and those presenting attended the meeting via electronic link.

Note: a roll-call was conducted that ascertained the following members were in attendance at the commencement of the meeting.

Member		Member	
Cr L Cooper	✓	IMSB Chair D Taipari	x
Cr J Bartley	✓	IMSB Member G Wilcox	✓
Cr C Casey	✓	Cr S Stewart	✓
Cr E Collins	✓	Cr P Young	✓
Cr S Henderson	✓	Mayor P Goff (Ex-officio)	x
Cr D Newman	✓	Deputy Mayor B Cashmore (Ex-officio)	x

1 Apologies

Resolution number REG/2022/14

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

That the Regulatory Committee:

a) **accept the apologies from**

Absence

**Mayor P Goff
IMSB Chair David Taipari**

Lateness

Deputy Mayor B Cashmore

Early Departure

Cr S Henderson

CARRIED

Note: An apology had been received for Deputy Mayor B Cashmore for lateness on council business, however the meeting had concluded before Deputy Mayor B Cashmore could attend.

Note: Subsequently, Cr S Henderson did not depart early.

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number REG/2022/15

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

That the Regulatory Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 12 April 2022, 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 Resource Consents Appeals: Status Report 10 May 2022

Resolution number REG/2022/16

MOVED by Cr S Henderson, seconded by Cr P Young:

That the Regulatory Committee:

- a) **receive the Resource Consents Appeals: Status Report 10 May 2022**

CARRIED

9 Summary of Confidential Decisions and related information released into Open

Resolution number REG/2022/17

MOVED by Cr E Collins, seconded by Cr S Stewart:

That the Regulatory Committee:

- a) **note the confidential decision and related information that is now publicly available:**
 - i) **Appointment of Panel member to the National Policy Statement – Urban Development plan change Independent Hearing Panel**

CARRIED

10 Summary of Regulatory Committee Information - updates, memos and briefings - 10 May 2022

Resolution number REG/2022/18

MOVED by Cr L Cooper, seconded by IMSB Member G Wilcox:

That the Regulatory Committee:

- a) **note the progress on the forward work programme appended as Attachment A of the agenda report.**
- b) **receive the summary of Regulatory Committee report 10 May 2022.**

CARRIED

11 Determination of objection to menacing classification - Mr Xian Peng Song

The hearing commenced at 10.11am in relation to the objection against the menacing dog classification (Xuan).

The objector Xian Peng Song was in attendance and addressed the committee and responded to questions.

Chrisna Nortje - Principal Specialist Animal Management, Rosie Argle – Solicitor and Carly Triska - Team Leader Animal Mgmt Central addressed the committee and outlined the classification and responded to questions.

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

The hearing concluded at 10.38am.

Procedural motion to exclude the public

Resolution number REG/2022/19

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

That the Regulatory Committee:

- a) **exclude the public from the following part(s) 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 Determination of objection to menacing classification - Mr Xian Peng Song

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	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	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.	industrial negotiations). In particular, the deliberations of the decision could compromise the council in undertaking without prejudice negotiations of this objection pursuant to section 33A of the Dog Control Act 1996	reason for withholding exists under section 7.
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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

10.40am The public was excluded.

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

10.54am The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

11 Determination of objection to menacing classification - Mr Xian Peng Song

Resolution number REG/2022/20

MOVED by Cr D Newman, seconded by Cr C Casey:

That the Regulatory Committee:

- a) hear and determine the objection to the menacing classification, and
- b) uphold the classification.

Restatement

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

CARRIED

Reason for decision:

Mr Song initially denied that his dog attacked another dog on 22 September 2020. He later changed his statement and stated that his dog was provoked by the victim dog and repeated that at this hearing. However, it is the responsibility of a dog owner to control their dog at all times.

Mr Song challenged the infringement notice issued in respect of the attack and the Court upheld the infringement notice thereby confirming his responsibility for the offence and required Mr Song to pay reparations to the victim dog's owner for vet costs.

Mr Song stated in his evidence that his dog does not like little dogs or puppies as it was bitten by a small dog when it was young. He also stated that his dog had previously attacked another dog and he had paid the vet costs associated with that incident.

The Committee is satisfied based on the information and evidence presented at the hearing that Mr Song’s dog has attacked other dogs on at least two occasions requiring veterinary care for the victim dogs. The Committee considers that Mr Song’s dog continues to pose a threat to other animals, particularly small dogs.

Mr Song has not informed Animal Management of any steps he has taken to prevent the threat posed by his dog to other persons or animals. When questioned by the Committee, Mr Song confirmed he was not willing to have the dog neutered as he may wish to breed in the future and does not muzzle his dog.

The Committee is not satisfied that the matters raised by Mr Song are a sufficient basis to uphold his objection given the clear evidence of past attacks, threat of further attacks, and the lack of any steps taken to accept responsibility for his dog’s behaviour or address the threat posed by his dog to other animals.

The Committee resolves to uphold the menacing classification.

12 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

10.54am

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:.....