
Komiti mō te Waeture me te Haumarutanga / Regulatory and Safety Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory and Safety Committee held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Tuesday, 7 March 2023 at 10.01am. A recording is available at the following link: <https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/meetings-council-bodies/Pages/webcasts-council-meetings.aspx>

TE HUNGA KUA TAE MAI | PRESENT

Chairperson	Cr Josephine Bartley	
Deputy Chairperson	Cr Ken Turner	
Members	IMSB Member Edward Ashby	
	Cr Andrew Baker	From 10.11am, Item 10
	Mayor Wayne Brown	From 11.26am, Item 11 Until 12.10pm, Item 13
	Cr Julie Fairey	
	Cr Alf Filipaina, MNZM	
	IMSB Member Tony Kake, MNZM	From 10.36am, Item 10 Until 11.07am, Item 10
	Cr Kerrin Leoni	
	Cr Sharon Stewart, QSM	

TE HUNGA KĀORE I TAE MAI | ABSENT

Members	Deputy Mayor Desley Simpson, JP Cr Wayne Walker
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Acknowledgement

Chairperson Cr Josephine Bartley acknowledged the passing of trailblazer Georgina Bayer who was New Zealand's first transgender Mayor in 1995 and the world's first transgender Member of Parliament in 2005. Our thoughts go to her friends and whanau.

1 Ngā Tamōtanga | Apologies

Resolution number RSCCC/2023/1

MOVED by Chairperson J Bartley, seconded by IMSB Member E Ashby:

That the Regulatory and Safety Committee:

a) **whakaū / accept the apologies from:**

Absence

Cr Wayne Walker – on council business

Lateness

Cr Andrew Baker

Mayor Wayne Brown

CARRIED

Electronic Attendance

Resolution number RSCCC/2023/2

MOVED by Chairperson J Bartley, seconded by Cr J Fairey:

That the Regulatory and Safety Committee:

a) **whakaae / approve electronic attendance under Standing Order 3.3.3 for:**

- **IMSB member Tony Kake (SO 3.3.3 a)**

CARRIED

2 Te Whakapuaki i te Whai Pānga | Declaration of Interest

There were no declarations of interest.

3 Te Whakaū i ngā Āmiki | Confirmation of Minutes

There were no minutes for confirmation.

4 Ngā Petihana | Petitions

5 Ngā Kōrero a te Marea | Public Input

5.1 Public Input: Anna Easterbrook - challenges of dog ownership / management within the Auckland region.

Amanda Easterbrook requested that this be deferred to the next meeting of the Regulatory and Safety committee.

6 Ngā Kōrero a te Poari ā-Rohe Pātata | Local Board Input

There was no local board input.

7 Ngā Pakihi Autaia | Extraordinary Business

There was no extraordinary business.

8 Regulatory and Safety Committee Forward Work Programme

Resolution number RSCCC/2023/3

MOVED by Chairperson J Bartley, seconded by Deputy Chairperson K Turner:

That the Regulatory and Safety Committee:

- a) **whakaae / approve the Regulatory and Safety Committee's forward work programme (Attachment A of the report).**
- b) **whakaae / agree that the Regulatory and Safety Committee's forward work programme be reported for information on a monthly basis and be reviewed six-monthly in March and September every year.**

CARRIED

9 Summary of Regulatory and Safety Committee information memoranda and briefings - 7 March 2023

Resolution number RSCCC/2023/4

MOVED by Chairperson J Bartley, seconded by Cr A Filipaina:

That the Regulatory and Safety Committee:

- a) **whiwhi / receive the Summary of Regulatory and Safety Committee information memoranda and briefings – 7 February 2023.**

CARRIED

10 Resource Consents Appeals: Status Report 7 March 2023

Cr A Baker entered the meeting at 10.11am.

Resolution number RSCCC/2023/5

MOVED by Chairperson J Bartley, seconded by Cr K Leoni:

That the Regulatory and Safety Committee:

a) whiwhi / receive the Resource Consents Appeals: Status Report 7 March 2023.

CARRIED

11 Objection to stormwater and wastewater works at 8 Bryant Place, Glendowie

Council staff gave a PowerPoint presentation. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

C and E Rutherford tabled documents in support of their objection to the stormwater and wastewater works at 8 Bryant Place, Glendowie. Copies have been placed on the official minutes and are available on the Auckland Council website as a minutes attachments.

IMSB Member Tony Kake entered the meeting at 10.36am.

IMSB Member Tony Kake retired from the meeting at 11.07am.

The hearing commenced at 10.13am in relation to the objection against stormwater and wastewater works at 8 Bryant Place, Glendowie.

Council staff addressed the committee and outlined the proposed stormwater and wastewater works at 8 Bryant Place, Glendowie pursuant to section 181 of the Local Government Act 2002. and responded to questions.

Campbell and Elizabeth Rutherford addressed the committee and outlined their objection to the proposed stormwater and wastewater works at 8 Bryant Place, Glendowie pursuant to section 181 of the Local Government Act 2002. and responded to questions.

Council staff were given the opportunity to reply to the matters raised by the objectors and provide the committee with final comments.

The hearing concluded at 11.17am.

Attachments

A 7 March 2023, Regulatory and Safety Committee. Item 11 - Objection to stormwater and wastewater works at 8 Bryant Place, Glendowie, Powerpoint Presentation

B 7 March 2023, Regulatory and Safety Committee. Item 11 - Objection to stormwater and wastewater works at 8 Bryant Place, Glendowie, objectors supporting documents

The meeting adjourned at 11.19am and reconvened at 11.26am.

Mayor W Brown entered the meeting 11.26am.

12 **Determination of an objection to a menacing dog classification by Vani Kudigram Sripathy**

Tom Trnski and Vani Kudigram Sripathy tabled documents in support of their objection to a menacing dog classification against their dog Finn. Copies have been placed on the official minutes and are available on the Auckland Council website as a minutes attachment.

The hearing commenced at 11.26am in relation to the objection against the menacing classification.

Tom Trnski and Vani Kudigram Sripathy addressed the committee and outlined their objection to their dog, Finn, having been classified as menacing under section 33A of the Dog Control Act 1996 (DCA) and responded to questions.

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

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

The hearing concluded at 12.06pm.

Attachments

- A 7 March 2023 - Regulatory and Safety Committee. Item 12 Determination of an objection to a menacing dog classification by Vani Kudigram Sripathy

13 **Determination of objection to a menacing classification by Ryan Kelsey**

Mayor Wayne Brown retired from the meeting at 12.10pm.

The hearing commenced at 12.07pm in relation to the objection against the menacing classification.

Ryan Kelsey was not present to address the committee in relation to his objection to his dog, Radlee, being classified as menacing under section 33A of the Dog Control Act 1996 (DCA).

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

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

The hearing concluded at 12.13pm.

14 **Te Whakaaro ki ngā Take Pūtea e Autaia ana | Consideration of Extraordinary Items**

There was no consideration of extraordinary items.

Public Excluded

Resolution number RSCCC/2023/6

MOVED by Chairperson J Bartley, seconded by Cr A Filipaina:

That the Regulatory and Safety 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 Objection to stormwater and wastewater works at 8 Bryant Place, Glendowie

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 181 of the Local Government Act 1974.	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 Determination of an objection to a menacing dog classification by Vani Kudigram Sripathy

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 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.

13 Determination of objection to a menacing classification by Ryan Kelsey

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 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

12.14pm The public was excluded.

Resolutions in the confidential section of this meeting will remain confidential until the conclusion of the hearing and will then be restated in the open minutes.

1.01pm The public was readmitted.

RESTATEMENTS

It was resolved while the public was excluded:

11 Objection to stormwater and wastewater works at 8 Bryant Place, Glendowie

Resolution number RSCCC/2023/7

MOVED by Cr A Baker, seconded by Deputy Chairperson K Turner:

That the Regulatory and Safety Committee

- a) hear and determine the objections by the owners of 8 Bryant Place, Glendowie according to clause 1(e) of Schedule 12 of the Local Government Act 2002
- b) resolve that the council will proceed with the extension of the public stormwater and wastewater networks from the road corridor in Bryant Place, through the corner of 8 Bryant Place, to 9 Kesteven Place, Glendowie (as shown in Attachment A to the agenda report), according to clause 1(e) of Schedule 12 of the Local Government Act 2002.

Restatement

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

Reason for decision

The Committee considers that the works are necessary for public stormwater drainage under section 181(2) of the Local Government Act 2002, having considered all of the practical options outline in the agenda report. The preferred option (option 1.1) is the most cost effective and involves the shortest and most direct pipe alignment with only a small section of pipe being thrust under the corner of the Objector's property. As a public pipe there will be capacity for other development to connect to the network in the future.

The Objectors did not present any evidence that the works were not necessary for stormwater drainage.

12 Determination of an objection to a menacing dog classification by Vani Kudigram Sripathy

Resolution number RSCCC/2023/8

MOVED by Chairperson J Bartley, seconded by Cr J Fairey:

That the Regulatory and Safety Committee:

- a) hear and consider Ms Sripathy's objection to her dog, Finn, having been classified as menacing under section 33A of the Dog Control Act and
- b) uphold Finn's menacing classification under section 33A of the Dog Control Act.

Restatement

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

Reason for decision

Having regard to the information contained in the agenda report and evidence presented at the hearing by both the objector and Council staff, there is insufficient evidence to rescind the menacing classification and the Committee considers the dog continues to pose a threat to persons or other animals.

13 Determination of objection to a menacing classification by Ryan Kelsey

Resolution number RSCCC/2023/9

MOVED by Cr A Filipaina, seconded by Cr A Baker:

That the Regulatory and Safety Committee:

- a) hear and consider Mr Kelsey's objection to his dog, Radlee, having been classified as menacing under section 33A of the DCA and
- b) uphold Radlee's menacing classification under section 33A of the DCA.

Restatement

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

Reason for decision

Having regard to the information contained in the agenda report and evidence presented at the hearing by Council staff, there is insufficient evidence to rescind the menacing classification and the Committee considers the dog continues to pose a threat to persons or other animals. The Committee notes that the objector did not attend the hearing.

1.01pm

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 AND
SAFETY COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....