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

## OPEN MINUTES

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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, 4 April 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>

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### TE HUNGA KUA TAE MAI | PRESENT

**Chairperson**  
**Members**

Cr Josephine Bartley	
IMSB Member Edward Ashby	
Cr Andrew Baker	
Cr Julie Fairey	
Cr Alf Filipaina, MNZM	via electronic link Until 10.46am, Item 13
IMSB Member Tony Kake, MNZM	
Cr Kerrin Leoni	
Cr Sharon Stewart, QSM	
Cr Wayne Walker	Until 10.46am, Item 13

### TE HUNGA KĀORE I TAE MAI | ABSENT

**Deputy Chairperson** Cr Ken Turner

### TE HUNGA ĀPITI KUA TAE MAI | ALSO PRESENT

Cr M Williamson

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## 1 Ngā Tamōtanga | Apologies

Resolution number RSCCC/2023/10

MOVED by Cr W Walker, seconded by IMSB Member E Ashby:

**That the Regulatory and Safety Committee:**

a) **whakaae / accept the apology from:**

**Absence**

**Cr K Turner**

**Early Departure**

**Cr A Filipaina**

**Cr W Walker**

**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

Resolution number RSCCC/2023/11

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

**That the Regulatory and Safety Committee:**

a) **whakaū / confirm the ordinary minutes of its meeting, held on [Tuesday, 7 March 2023](#), including the confidential section, as a true and correct record.**

**CARRIED**

## 4 Ngā Petihana | Petitions

There were no petitions.

## 5 Ngā Kōrero a te Marea | Public Input

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

Amanda Easterbrook has requested that this be deferred to the May meeting.

## 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 Options in response to review of Indoor Domestic Fires Bylaw

Resolution number RSCCC/2023/12

MOVED by Cr A Baker, seconded by IMSB Member E Ashby:

**That the Regulatory and Safety Committee:**

- a) **tuhi ā-taipitopito / note that the Regulatory Committee completed the review of the Air Quality Bylaw for Indoor Domestic Fires 2017 in August 2022.**
- b) **whakaae / agree that option one (allow the Bylaw to expire) is the most appropriate option to respond to the review findings and additional information in this report on the Auckland Council Air Quality Bylaw for Indoor Domestic Fires 2017.**
- c) **whakaae / agree to recommend that Governing Body:**
  - i) **whakaū / confirm that the Auckland Council Air Quality Bylaw for Indoor Domestic Fires 2017 is no longer the most appropriate way to protect public health and minimise nuisance to neighbouring properties from smoke, odour and ash discharged from indoor domestic fires.**
  - ii) **whakaae / approve continuing use of other existing regulations and non-regulatory measures to address public health risks and nuisance from indoor domestic fires, including the national legislation, Auckland Unitary Plan, information and education.**
  - iii) **whakaae / approve allowing the Auckland Council Air Quality Bylaw for Indoor Domestic Fires 2017 to expire on 25 May 2024.**

**CARRIED**

## 9 Adoption of a Regulatory and Safety Committee Policy

Resolution number RSCCC/2023/13

MOVED by IMSB Member T Kake, seconded by Cr K Leoni:

**That the Regulatory and Safety Committee:**

- a) **whai / adopt the Regulatory and Safety Committee Policy.**
- b) **delegate authority to the Regulatory and Safety Committee Chair, Deputy Chair and an IMSB member to make any minor amendments**

**CARRIED**

**10 COVID-19 Recovery (Fast-track Consenting) Act – extension of delegations**

Resolution number RSCCC/2023/14

MOVED by IMSB Member E Ashby, seconded by Cr J Fairey:

**That the Regulatory and Safety Committee:**

- a) **whiwhi / receive the report and information contained.**
- b) **tautapa / delegate all responsibilities, duties and powers in relation to resource consent applications and notices of requirement processed under the COVID-19 Recovery (Fast-track Consenting) Act 2020 to the tier three manager in the Resource Consents department (in relation to resource consents) and the tier three manager in the Plans and Places department (in relation to notices of requirement), subject to:**
  - i) **the restrictions set out in the *General rules applying to all delegations – Auckland Council* (as set out in Attachment A to this report);**
  - ii) **compliance with the red flag process set out in this report; and**
  - iii) **that the maori outcomes team in Regulatory be consulted as part of the red flag process when there are potential inconsistencies with the mana whenua provisions in the unitary plan**
  - iv) **consultation with the relevant tier three manager within the Legal Services department when deciding whether to appeal a matter to the High Court.**

**CARRIED**

**11 Summary of Regulatory and Safety Committee information memoranda, workshops and briefings (including the Forward Work Programme) - 4 April 2023**

Resolution number RSCCC/2023/15

MOVED by Chairperson J Bartley, seconded by Cr W Walker:

**That the Regulatory and Safety Committee:**

- a) **tuhi ā-taipitopito / note the progress on the forward work programme appended as Attachment A of the agenda report**
- b) **whiwhi / receive the Summary of the Regulatory and Safety Committee information memoranda, workshops and briefings – 4 April 2023.**

**CARRIED**

The meeting adjourned 10.37am and reconvened at 10.46am

## 12 Appointment of the District Licensing Committee for 2023-2026

Resolution number RSCCC/2023/16

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

**That the Regulatory and Safety Committee:**

- a) **tuhi ā-taipitopito / note that the information contained in this report on the appointment of the District Licensing Committee members enables the public to understand the nature of discussion in the confidential report on today's committee agenda on those appointments**
- b) **tuhi ā-taipitopito / note that the confidential report on today's agenda contains private information about individuals.**

**CARRIED**

Note: Under Standing Order 1.8.6, Cr S Stewart and Cr W Walker requested that their dissenting vote be recorded.

## 13 Determination of an objection to a menacing dog classification by Linda Dumont

*Cr A Filipaina retired from the meeting at 10.46am.*

*Cr W Walker retired from the meeting at 10.46am.*

Linda Dumont tabled documents in support of her objection to a menacing dog classification against her dog Fern. Copies have been placed on the official minutes and are available on the Auckland Council website as a minutes attachment.

The hearing commenced at 10.45am in relation to the objection against the menacing classification.

Linda Dumont addressed the committee and outlined their objection to her dog, Fern, 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 11.41am.

### **Attachments**

- A 04 April 2023, Regulatory and Safety Committee, Item 13 - Determination of an objection to a menacing dog classification by Linda Dumont, Supporting Documents

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

There was no consideration of extraordinary items.

**15 Procedural motion to exclude the public**

Resolution number RSCCC/2023/17

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

**That the Regulatory and Safety Committee:**

- a) **whakaae / agree to 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:

**C1 CONFIDENTIAL: Recommendation for the appointment of District Licensing Committee chairs and members for 2023-2026**

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)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.  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.	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**

11.42 am The public was excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

12.05pm The public was re-admitted.

## **RESTATEMENTS**

It was resolved while the public was excluded:

### **C1 CONFIDENTIAL: Recommendation for the appointment of District Licensing Committee chairs and members for 2023- 2026**

Resolution number RSCCC/2023/18

MOVED by Cr A Baker, seconded by IMSB Member E Ashby:

That the Regulatory and Safety Committee:

#### **Restatement**

- f) whakaae / agree that the successful candidate appointments be made public once:
  - i) Ministry of Justice checks have been completed
  - ii) successful candidates have been advised of, and confirmed acceptance of their appointment
  - iii) unsuccessful candidates have been notified.

**CARRIED**

### **13 Determination of an objection to a menacing dog classification by Linda Dumont**

Resolution number RSCCC/2023/19

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

That the Regulatory and Safety Committee:

- a) hear and consider Ms Linda Dumont's objection to her dog, Fern, having been classified as menacing under section 33A of the DCA, and
- b) uphold Fern's menacing classification under section 33A of the DCA.

#### **Reasons for decision**

**Having regard to the information contained in the agenda report and evidence presented at the hearing by Council staff and the Objector, the steps taken by the owner to address Fern's behaviour are not yet a sufficient basis to rescind the menacing classification and the Committee considers Fern may pose a threat to the safety of persons or animals.**



12.05 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 AND  
SAFETY COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....