

I hereby give notice that an ordinary meeting of the Regulatory and Community Safety Committee will be held on:

**Date:** Tuesday, 6 May 2025  
**Time:** 10.00am  
**Meeting Room:** Room 1, Level 26  
**Venue:** Te Wharau o Tāmaki - Auckland House  
135 Albert Street  
Auckland

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## **Te Komiti mō te Waeture me te Haumaruru / Regulatory and Safety Committee**

### **OPEN AGENDA**

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#### **MEMBERSHIP**

<b>Chairperson</b>	Cr Josephine Bartley
<b>Deputy Chairperson</b>	Cr Lotu Fuli
<b>Members</b>	Houkura Member Edward Ashby Houkura Member Ngarimu Blair Cr Julie Fairey Cr Alf Filipaina, MNZM Cr Mike Lee Cr Kerrin Leoni Cr Sharon Stewart, QSM
<b>Ex-officio</b>	Mayor Wayne Brown Deputy Mayor Desley Simpson, JP

(Quorum 5 members)

**Phoebe Chiquet-Kaan**  
**Governance Advisor**

**29 April 2025**

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- 1 **Ngā Tamōtanga | Apologies**
  
- 2 **Te Whakapuaki i te Whai Pānga | Declaration of Interest**
  
- 3 **Te Whakaū i ngā Āmiki | Confirmation of Minutes**  

Click the meeting date below to access the minutes.

That the Regulatory and Safety Committee:  
whakaū / confirm the ordinary minutes of its meeting, held on [Tuesday, 1 April 2025](#), as a true and correct record.
  
- 4 **Ngā Petihana | Petitions**
  
- 5 **Ngā Kōrero a te Marea | Public Input**
  
- 6 **Ngā Kōrero a te Poari ā-Rohe Pātata | Local Board Input**
  
- 7 **Ngā Pakihi Autaia | Extraordinary Business**



## Police priorities, activities, and issues across Tāmaki Makaurau

File No.: CP2025/04520

Item 8

### Te take mō te pūrongo

#### Purpose of the report

1. To provide the Regulatory and Safety Committee with an overview of key NZ Police priorities, activities and issues across Tāmaki Makaurau.

### Whakarāpopototanga matua

#### Executive summary

2. Faga Siaki, Acting Director Partnerships, will attend to present to the committee on NZ Police priorities, activities and issues across Tāmaki Makaurau.

### Ngā tūtohunga

#### Recommendation/s

That the Regulatory and Safety Committee:

- a) whakamihi / thank Faga Siaki for their attendance.

### Ngā tāpirihanga

#### Attachments

There are no attachments for this report.

### Ngā kaihaina

#### Signatories

Author	Phoebe Chiquet-Kaan - Governance Advisor
Authoriser	Rachel Kelleher - Director Community





## Outdoor water safety update 2025

File No.: CP2025/07536

### Te take mō te pūrongo

#### Purpose of the report

1. To update the Regulatory and Safety Committee on outdoor water safety initiatives being undertaken by the Parks and Community Facilities department and partners.

### Whakarāpopototanga matua

#### Executive summary

2. Auckland's unique geography, demographics, recreation profile and population size ensures that water safety within public open spaces remains a prominent issue, despite progress in reducing risk and a downward trend in drowning events.
3. In particular, the west coast remains a challenging place to ensure safety for water-based recreation.
4. Following the establishment of new Public Rescue Equipment (PRE) guidelines, and a series of drowning events over summer prompting interest from the public and elected members at various levels, this report provides an update on outdoor water safety initiatives that the council's Parks and Community Facilities department (PCF) are leading on.
5. Auckland Council continues to work closely with, and in many cases fund, its partners: Water Safety New Zealand (WSNZ), Surf Lifesaving (SLS) and Drowning Prevention Auckland (DPA) to deliver water safety projects and research. Council also responds to coronial recommendations following drowning events.
6. Parks and Community Facilities (PCF) is undertaking works across Auckland to target future investment and action across parks and beaches, including provision of Public Rescue Equipment. Ongoing support for council's water safety partners is being enabled through operational and regional funding, with around \$3.4 million invested this financial year.
7. Council also continues to fund and support the highly successful west coast, rock-based fisher project through existing departmental budgets. This collaborative project between the council, DPA and Surf Life Saving Northern Region has seen its largest expansion since its initiation this financial year. An end of year report will be produced and shared with the Regulatory and Safety Committee and relevant local boards
8. Both New Zealand and Auckland saw a decline in drowning fatalities in 2024 compared to years prior, falling well below the 10-year average. Encouraging trends include an ongoing reduction in drowning events involving young people and children.
9. PCF will continue to work closely with our partners in the water safety space, including WSNZ, SLS, DPA, and Safeswim to continue to improve outcomes in this space and welcome engagement with the Regulatory and Safety Committee on this important issue moving forward.

### Ngā tūtohunga

#### Recommendation/s

That the Regulatory and Safety Committee:

- a) whiwhi / receive the information on outdoor water safety initiatives being undertaken by the Parks and Community Facilities department and its partners.
- b) tuhi tīpoka / note that an end of year information report on the expanded west coast Rock-based Fisher Safety Campaign, will be prepared and shared with the Regulatory and Safety Committee and relevant local boards.

## Horopaki Context

### Item 9

#### Water safety in Auckland

10. Aucklanders have high levels of engagement with aquatic environments and, consequently, a greater exposure to drowning risks. Over the 2023/2024 summer period, 86 per cent of Aucklanders visited the coast, spending an average of 2.2 hours per visit.
11. The region's geography plays a significant role in water safety, with the Auckland isthmus flanked by the Waitematā Harbour to the east and the Manukau Harbour to the west, as well as Kaipara Harbour to the north and extensive stretches of accessible coastline. At its narrowest point, the isthmus is less than two kilometres wide, meaning water is always close.
12. The 2024 National Drowning Prevention Report (Attachment A), compiled by Water Safety NZ (WSNZ), synthesises information from coronial findings, incident reports, and other verified sources to provide an accurate and thorough representation of preventable drownings across Aotearoa in the past year. This includes both natural locations (beach, ocean, river) and artificial locations (like public swimming pools and home pools / baths).
13. New Zealand recorded 72 drowning fatalities in 2024, our lowest since 2018, a significant decline from 90 in 2023, and falling well below the 10-year average of 82.7. Encouraging trends include an ongoing reduction in drowning events involving young people and children.
14. Focus areas for improvement identified by WSNZ within the report include lifejacket use, alcohol use, management of black spot areas, demographic vulnerability and high-risk activities (which includes fishing from land).
15. Auckland had 18 drowning fatalities in 2024, a decline from 27 in 2023, and representing 25 per cent of all drownings in New Zealand. Of note, Auckland continues to have the lowest drowning rate in the country (1.09/100,000 compared with the national rate of 1.44/100,000). This is significant given the additional challenges from multiculturalism and experience in and around water, a growing population and the proximity to aquatic environments.
16. Auckland contains six of the 10 locations (black spot locations) identified as highest risk for water safety in the 2024 National Drowning Prevention Report, having consistently taken lives over a long period. Auckland's six black spots (Manukau Harbour, Piha, Muriwai, Manukau Heads, Te Henga, Kairoitahi) accounted for 40 per cent of the region's drownings in 2024.
17. Auckland's black spot locations are considered dangerous due to a combination of environmental factors, high usage and user behaviour. Of these, significant environmental hazards are a constant factor, which makes these inherently dangerous places to engage with water, no matter the interventions put in place to improve safety.
18. In addition, rock-based fishing is an activity with a large risk profile and a long history of incidents on the west coast. Significant barriers exist for engaging with communities undertaking this activity, who are particularly diverse (in reflection of Auckland's make up) and often have both cultural and language barriers to overcome.

#### Risk management

20. Auckland Council works to reduce drowning risk, including through education and learn to swim programmes, installation of appropriate information, risk controls and infrastructure, advocacy to central government, and support for partners in water safety such as SLS and DPA.
21. PCF manage risks to park users enjoying recreational activities on open space along our coasts and rivers on both our local and regional parks. PCF has a long history of working in this space. Responsibility for water safety on crafts does not fall under PCF remit.

22. SafeSwim, managed by the Healthy Waters and Flood Resilience department, also plays an important role in risk management, providing up to date information on water quality as well as water safety, including information regarding hazards and patrol hours for specific high-risk locations across the region.
23. The west coast remains a very challenging place to ensure safety for water-based recreation. As a result, it has seen targeted investment by all agencies involved in water safety. This includes provision of the highly successful Rock-based Fisher Safety Campaign, running since 2006 in partnership with SLS and DPA.
24. Unfortunately, the first months of 2025 have already seen three drowning events on Auckland's west coast.
25. PCF are working closely with relevant local boards and water safety partners, on water safety initiatives taking place on the west coast to try and reduce risk to park / beach users.

## Tātaritanga me ngā tohutohu Analysis and advice

### Regional funding for water safety organisations

26. Auckland Council provides annual funding for water safety at a regional level to Surf Life Saving Northern Region Incorporated and DPA through an independent funding board, as outlined in the Auckland Regional Amenities Funding Act 2008 (ARAFA).
27. In the 2024/2025 financial year, Surf Life Saving (SLS) received \$1,975,000, and DPA received \$1,260,000 through ARAFA funding. In March 2025, the Governing Body resolved to increase funding to these organisations for the 2025/2026 financial year by a respective 5.32 per cent and 12.81 per cent (resolution [GB/2025/26](#)). This funding covers operational delivery within the Auckland region through the provision of the paid lifeguard service and additional club support, as well as education and communication programmes.

### Parks and Community Facilities

28. The Parks Advisory team took on responsibility of the water safety portfolio for PCF in early 2024. This was to ensure greater consistency in PCF planning, relationship management, coronial responses and implementation of actions related to drowning incidents and the wider water safety risk portfolio. Both the regional and local parks operational teams remain integral to on the ground management and delivery.
29. Since this time, work has been underway to build a more robust water safety risk profile for the entire region, in partnership with Safeswim. This has entailed analysis of several thousand locations across the region where we actively encourage users to engage or recreate near water. This analysis considers the types of hazard information and risk controls that council holds for those sites, and their overall risk profile.
30. PCF will engage with our partners SLS, DPA and WSNZ on this work in 2025 to ensure alignment and the receipt of expert advice.
31. Establishment of a water safety risk profile will provide greater understanding of our risk profile and help to guide future actions to invest in water safety controls on parks. This is likely to include the provision of Public Rescue Equipment (PRE), also known as floatation devices, at our highest risk locations.
32. Coronial inquiries are ongoing for several drowning fatalities, spanning a period of the last two years. As coronial recommendations are received, they are added to the department's coronial recommendations register and actioned as relevant.
33. Recent recommendations on the west coast include replacement of missing signage (underway), installation of new signage and map content at high-risk locations (in planning), and improved collaboration with SLS and DPA when installing coastal assets at high-risk locations (underway).

34. Co-locating water safety under the Principal Parks Advisor has ensured a stronger and more consistent relationship with PCF's water safety partners across the whole Auckland region. PCF has had increased involvement in Wai Ora Tāmaki Makaurau – Auckland's Water Safety and Drowning Prevention Strategy, led by DPA, as well as supporting other projects being delivered on the coast including the lifejacket hub expansion project and PRE rollout proposal.
35. On the west coast, PCF continue to fund and support SLS and DPA in their rollout of the rock-based fisher project, managing this important and expanded project.

### Rock-based fishing

36. Since January 2006, DPA, Surf Life Saving Northern Region and Auckland Council have been working together to combat fatal drownings among west coast rock-based fishers.
37. Initiatives include promoting the wearing of lifejackets and other safer fishing behaviours, installing compliant signage and Public Rescue Equipment, and undertaking onsite interventions. Annual research undertaken by the project has also guided targeted educational initiatives in numerous languages for at-risk communities.
38. A 2023 report showed that west coast rock-based fishers are: predominantly male (84 per cent), Asian (61 per cent), had visited the site less than five times (79 per cent), agree that getting swept off rocks was likely to result in their drowning (61 per cent), think their local knowledge of the site will keep them out of trouble (52 per cent), and don't wear a lifejacket when fishing (75 per cent). The research shows that the fishers that come to these locations continue to be new fishers, highlighting the need for ongoing education.
39. PCF continue to fund the west coast rock-based fisher project through operational budgets (separate to the regional funding previously outlined). This received \$167,295 in funding in the 2024/2025 financial year.
40. 2024/2025 saw the largest expansion to the programme since its initiation, expanding the project's duration from the summer season to the entire year, enabling additional research, more targeted education programmes and interventions, and a permanent year-round lifeguard presence rotating across high-risk west coast rock-based fishing locations.
41. A full breakdown of the successes to date of this new approach is provided in Attachments B and C to this report and outlined briefly under the subheadings below.
42. PCF have committed to provide funding to ensure continuation of the expanded project in 2025/2026.

### Surf Life Saving

43. Surf Life Saving NZ (SLS) play a central role in leading, coordinating, and supporting member volunteer surf lifesaving organisations. Its services encompass beach safety, patrolling, patrol management, search and rescue, emergency response, public education, and sport and recreation activities, all directed towards outcomes that reduce drowning and injuries on Auckland's beaches.
44. SLS operate a lifeguard service at 14 locations across the Auckland region. This includes Surf Life Saving Clubs at Ōmaha Beach, Ōrewa, Red Beach, Mairangi Bay, Muriwai, Bethells / Te Henga, North Piha, South Piha, Karekare and Karioitahi.
45. Paid lifeguards are present at all locations during the weekdays across the peak summer period to supplement the volunteer club efforts during the weekends. Weekday patrol hours are from 11am till 7pm, while the weekend hours are 11am to 5pm. Full details of patrol hours, as well as hazard information for each beach, can be found at [safeswim.co.nz](https://safeswim.co.nz).
46. Flags are placed at locations away from hazards where users can be observed and appropriately managed, with the team 'closing beaches' by removing flags during high-risk conditions.

47. In addition, volunteer lifeguards at Te Henga Bethells Beach are trialling an evening observational patrol, called the 'BEST' (Bethells Evening Summer Team) to extend capacity at this high-risk location. The BEST team were able to perform a rescue of a rock fisherman on 9 February 2025, an intervention that likely saved a life.
48. The upgrade of club facilities continues to be a priority, following completion of the Muriwai, Karekare and North Piha facilities. SLS are working with Auckland Council and the relevant local boards to enable the relocation of the Te Henga Bethells Beach Surf Lifesaving Club following significant storm damage to the building in 2022, and replacement of the Karioitahi Club building in the south-west of Auckland.
49. SLS has secured funding through ACC to rollout of Public Rescue Equipment (PRE) at every surf club across the region. This includes one PRE unit and instructional signage on the aforementioned clubs towers or nearest accessway. This initiative is currently with the relevant local board for consideration and approval via the landowner approval process and is proposed for delivery in May 2025.
50. Additional funding provided as part of the rock-based fisher project has enabled the hiring of a full time Coastal Safety Officer on the west coast of Auckland, focusing on high-risk rock-based fishing locations from Whatipū to Muriwai. SLS insights from the first four months of the expanded project are detailed further in the SLS project update (Attachment B).
51. At a high level, activities since October 2024 have included direct engagement and observational surveys, plus twice monthly audits of all Public Rescue Equipment (PRE), with a total of 155 preventative actions taken to improve safety of 532 members of the public.
52. Next steps for the project include increasing observational surveys using a jet ski, auditing and review of all water safety signage, and provision of PRE maintenance working with the Regional Parks team.
53. Following the summer season, priority actions for SLS include supporting the rollout of PRE at clubs, supporting the council on the development of a PRE strategy and wider water safety strategy, and analysis of visitation and incident data to inform future delivery of the lifesaving service.

### Drowning Prevention Auckland

54. Drowning Prevention Auckland (DPA) educates Aucklanders to be safe in, on and around the water using evidence-based approaches. By improving behaviours around water and better understanding users through research, community engagement and quality education, DPA aims to reduce the total number of drowning incidents, both fatal and non-fatal. They are also strong advocates in the sector for legislative change and improvements.
55. DPA continues to engage with stakeholders across the Auckland Region, leading on the Wai Ora Tāmaki Makaurau – Auckland's Water Safety and Drowning Prevention Strategy. This engagement has been focused on advocating for a change to the Navigational Bylaw 2021 for improved lifejacket regulation, including through working with water-based recreation retailers and having safety information available at the point of sale.
56. DPA provide lifejacket hubs, where lifejackets are available for free at 13 locations across Auckland, with three locations on the west coast. These have proven successful and have seen an increased uptake each season for those undertaking high risk activity such as rock-based fishing. DPA are also seeking to install remote lifejacket hubs on the beach at locations close to high-risk rock-based fishing hotspots. Work continues on design, in collaboration with Te Kawerau ā Maki.
57. Additional funding, provided as part of the rock-based fisher project, has enabled the rollout of an expanded education and community engagement campaign, as well as two research studies: analysis of the observations of fishers on the rocks, and the rock-based fisher profile.
58. DPA insights from the first four months of the expanded programme are detailed further in the DPA interim report on the expanded project (Attachment C).

59. At a high level, activities from July to December 2024 have included three community events and 17 education sessions, reaching over 500+ participants within specifically targeted high-risk communities, and social media posts in multiple languages, which saw over 290,000 engagements. This is on top of the work DPA already does with ethnic communities across Auckland.
60. Next steps for the project during the second half of the financial year include additional workshops, two more events, a WeChat campaign and finalising research on the Fisher Profile. The rock-based fishing safety messaging (aligned with the Water Safety Code) will be printed and distributed. These will be translated into five different languages.
61. DPA are targeting rock-based fishers and ethnic communities, and will continue to work closely with Auckland Council and PCF to improve the safety of Aucklanders, in addition to work nationally with high-risk users through national associations and groups.

## **Tauākī whakaaweawe āhuarangi**

### **Climate impact statement**

62. Climate change is likely to increase the risk to people engaging with water across the region, due to increasing unpredictability and severity of weather, as well as coastal inundation and erosion altering coastal environments.
63. Any formal development of parks infrastructure such as signage or PRE will contribute to climate change through carbon emissions, particularly during construction and renewal phases, and through ongoing maintenance. This needs to be carefully considered when creating new park assets.

## **Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

### **Council group impacts and views**

64. Water safety is an 'everyone issue', that numerous departments and directorates at Auckland Council engage with or hold some responsibility for. PCF staff are working closely with Healthy Waters and Flood Resilience and the Recovery Office, through Safeswim and the Making Space for Water programme. Additional engagement with Eke Panuku, Pools and Leisure, and Brand and Channel are scheduled to occur later this year.

## **Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

### **Local impacts and local board views**

65. A workshop was held with the Waitākere Ranges Local Board to present a similar update on water safety and seek its feedback on initiatives being undertaken within the local board area. The board expressed support for the ongoing work and challenged staff and water safety partners to continue to innovate and do more to protect park / beach users. Similar workshops will be held with other local boards that manage high-risk locations for water safety.
66. Upon conclusion of PCF's risk review, a list of actions to improve water safety at high-risk locations which have opportunity for improved water safety controls will be developed with advice from water safety partners. Any recommended actions will be discussed by staff with each relevant local board at their regular PCF updates and future work programme discussions.

## Tauākī whakaaweawe Māori Māori impact statement

67. Māori continue to be over-represented in drowning statistics at a national level, though this is not the case within Auckland. Investment into water safety initiatives will lead to improved safety for all park users, regardless of culture or ethnicity.
68. Targeted engagement with high-risk communities is intended to evolve as we understand more about our users of each high-risk location and activity. This will ensure that Māori communities get direct support and engagement where required.

## Ngā ritenga ā-pūtea Financial implications

69. In the 2024/2025 financial year, Surf Life Saving received \$1,975,000, and Drowning Prevention Auckland received \$1,260,000 through ARAFA funding. In March 2025 the Governing Body resolved to increase funding to these organisations for the 2025-26 financial year by a respective 5.32 per cent and 12.81 per cent (resolution [GB/2025/26](#)).
70. SLS and DPA will continue to discuss funding requirements for service delivery with Auckland Council through the regional funding model.
71. PCF are committed to providing funding to ensure continuation of the expanded rock-based fishing safety project in the 2025/2026 financial year. Any additional investment into water safety controls will be discussed with relevant local boards as part of their annual work programme discussions.

## Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

72. Should funding not be allocated towards important water safety initiatives in future, the safety of Aucklanders engaging with freshwater and coastal environments would reduce.
73. Every part of council has a responsibility to consider the safety of Aucklanders. To ensure that water safety is given a high profile, PCF staff, alongside Safeswim and partner organisations, will continue to collaborate with other departments to ensure consistency, and to educate both elected members and staff where appropriate.

## Ngā koringa ā-muri Next steps

74. Implementation of the rock-based fisher project will continue through to the end of June 2025, and a thorough 'end of year' report will be produced and shared with the Regulatory and Safety Committee and relevant local boards. The project will be reviewed to ensure that staff can make any necessary alterations and improvements heading into the next year of delivery.
75. Upon conclusion of PCF's risk review, expected to occur in this calendar year, a list of actions to improve water safety at high-risk locations will be developed with advice from water safety partners. Any recommended actions will be discussed with relevant local boards at their regular PCF updates and future work programme discussions.
76. PCF will continue to work closely with our partners in the water safety space, including WSNZ, SLS, DPA and Safeswim.
77. PCF will provide annual updates to the Regulatory and Safety Committee (or equivalent) to ensure transparency and awareness of outdoor water safety initiatives.

Item 9

## Ngā tāpirihanga Attachments

No.	Title	Page
<a href="#">A⇒</a>	Water Safety New Zealand Drowning Prevention Report 2024	
<a href="#">B⇒</a>	Surf Lifesaving Rock-based Fishing Project Update January 2025	
<a href="#">C⇒</a>	DPA Rock Based Fisher Project Interim Report December 2025	

## Ngā kaihaina Signatories

Author	Thomas Dixon - Principal Parks Advisor
Authorisers	Taryn Crewe - General Manager Parks and Community Facilities Rachel Kelleher - Director Community



## Status update on action decisions from Regulatory and Safety Committee 1 April 2025

File No.: CP2025/05886

Item 10

### Te take mō te pūrongo Purpose of the report

1. To update the Regulatory and Safety Committee on action decisions made at the last meeting.

### Whakarāpopototanga matua Executive summary

2. The information provided below is a status update on action decisions only that were made at the Regulatory and Safety Committee meeting on 1 April 2025:

Resolution Number	Item	Status
<a href="#">RSCCC/2025/12</a>	Initiation of navigation, waste and food bylaw reviews	Discovery has commenced, including engagement with key stakeholder and / or research.

### Ngā tūtohunga Recommendation/s

That the Regulatory and Safety Committee:

- a) tuhi ā-taipitopito / note the status of decisions made at the 1 April 2025 meeting.

### Ngā tāpirihanga Attachments

There are no attachments for this report.

### Ngā kaihaina Signatories

Author	Phoebe Chiquet-Kaan - Governance Advisor
Authoriser	Rachel Kelleher - Director Community



## Summary of Regulatory and Safety Committee information memoranda, workshops, and briefings (including the Forward Work Programme) - 6 May 2025

File No.: CP2025/05773

### Te take mō te pūrongo Purpose of the report

1. To receive a summary and provide a public record of memoranda, workshops and briefing papers that have been distributed to the Regulatory and Safety Committee.
2. To note the progress on the Forward Work Programme appended as Attachment A.

### Whakarāpopototanga matua Executive summary

3. This is a regular information-only report which aims to provide greater visibility of information circulated to Regulatory and Safety Committee members via memoranda, workshops and briefings, where no decisions are required.
4. The following information items have been distributed:

Date	Subject
02/04/2025	Memorandum: Local Crime Prevention Fund 2023/2024 summary
22/04/2025	Memorandum: Hearings held, hearing panels and hearing outcomes April 2024 – March 2025

5. Note that, unlike an agenda report, **staff will not be present to answer questions about the items referred to in this summary.** Committee members should direct any questions to the relevant staff.

### Ngā tūtohunga Recommendation/s

That the Regulatory and Safety Committee:

- a) whiwhi / receive the Summary of Regulatory and Safety Committee information memoranda, workshops and briefings – 6 May 2025.
- b) tuhi tīpoka / note the progress on the Forward Work Programme appended as Attachment A of the agenda report.

## Ngā tāpirihanga Attachments

No.	Title	Page
<a href="#">A⇒</a>	Regulatory and Safety Committee Forward Work Programme - 6 May 2025	
<a href="#">B⇒</a>	Local Crime Prevention Fund 2023/2024 summary memo	
<a href="#">C⇒</a>	Hearings Memorandum April 2025	

## Ngā kaihaina Signatories

Author	Phoebe Chiquet-Kaan - Governance Advisor
Authoriser	Rachel Kelleher - Director Community

## Objection to stormwater works at 13 & 15 Alexandra Street, Riverhead

File No.: CP2025/07370

Item 12

### Te take mō te pūrongo

#### Purpose of the report

1. To hear and determine an objection to proposed stormwater works at 13 and 15 Alexandra Street, Riverhead, pursuant to section 181 of the Local Government Act 2002.

### Whakarāpopototanga matua

#### Executive summary

2. The Riverhead Presbyterian Church has obtained approval from Auckland Council to connect a manse (dwelling) at 10 Arthur Street, Riverhead, to the public stormwater manhole that is located on the neighbouring property at 15 Alexandra Street, Riverhead 0820.
3. The proposed works, as set out in the engineering planning approval (Attachment A), involve the construction of a 27.7 metre pipe, of which 23 metres will follow the western boundary of 15 Alexandra Street and connect to the existing manhole located within the concrete driveway, shared by 13 and 15 Alexandra Street.
4. The owner/s of 13 and 15 Alexandra Street have refused the church access to their property for this purpose.
5. After undertaking a site inspection and considering the alternative connection options, council has determined that the works constitute necessary public stormwater works. Auckland Council has issued a notice under section 181(2) of the Local Government Act 2002 informing the landowners of its intention to construct the works as a council project. Once constructed, this pipe will be vested in council as a public stormwater asset.
6. The landowners have lodged a written objection to the works (Attachment B). No details were provided by the objecting party in the written objection.
7. Auckland Council requested that the landowners provide specific grounds for, and further details about, their objection (Attachment C). No further details have been received by council.
8. This report recommends that the Regulatory and Safety Committee endorse the proposed public stormwater works at 13 and 15 Alexandra Street to manage the stormwater effects of the approved development at 10 Arthur Street, Riverhead.
9. If the Regulatory and Safety Committee determines that the works should proceed, construction will begin approximately three months from the date of this report (weather dependent). It is proposed that the pipe will be installed by horizontal directional drilling, which is a trenchless methodology designed to minimise disruption caused by construction. The works will take approximately 10-15 working days to complete.
10. Staff have explained to all the affected property owners that they have the right to claim injurious affection (if established) under the Public Works Act 1981.

## Ngā tūtohunga Recommendation/s

That the Regulatory and Safety Committee:

- a) kohuki / hear and determine the objections by the owners of 13 and 15 Alexandra Street, Riverhead, according to clause 1(e) of Schedule 12 of the Local Government Act 2002
- b) tuhi tīpoka / note that the agenda report recommends proceeding with the extension of the public stormwater network from 10 Arthur Street, Riverhead, (as shown in Attachment A to the agenda report), according to clause 1(e) of Schedule 12 of the Local Government Act 2002.

## Horopaki Context

11. Auckland Council's Healthy Waters and Flood Resilience department is responsible for managing and maintaining the public stormwater network in Auckland, much of which is located on private land.
12. Section 181(2) of the Local Government Act 2002 empowers the council to 'construct works on or under private land or under a building on private land that it considers necessary for sewage and stormwater drainage'.
13. Such works require either the prior written consent of the owner of the land, or that the council follows the process set out in Schedule 12 of the Local Government Act 2002.
14. Schedule 12 requires that affected owners and occupiers are provided with a description of the proposed works, including plans, and are given the opportunity to object to the works within one month of notification.
15. If an objection is made, a hearing must be arranged. After hearing objections, the council must then determine to either abandon the works proposed, or proceed with the works proposed, with or without any alterations that the council thinks fit.

## Enabling stormwater management on 10 Arthur Street, Riverhead

16. Riverhead Presbyterian Church has been granted resource consent by Auckland Council to construct a manse (dwelling) at 10 Arthur Street, Riverhead. A condition of that resource consent is that the new development connects to the public stormwater system.
17. Riverhead Presbyterian Church has obtained engineering approval to connect the subdivision to the existing public stormwater manhole located within the concrete driveway, shared by 13 and 15 Alexandra Street, Riverhead (see Attachment A). The connecting pipe will be laid along the western boundary of 15 Alexandra Street.
18. It is proposed that the 23 metres of 225mm pipe will be installed by horizontal directional drilling. This involves drilling a small hole from 10 Arthur Street and pushing the pipe underground through to the manhole. This method would not involve digging up the shared driveway.
19. The new pipe, once connected to the stormwater network, will be vested to Auckland Council as a public stormwater asset. It will be owned by Auckland Council and maintained by Healthy Waters and Flood Resilience.
20. The recommended (option 1) includes a connection for 12a Arthur Street, which is undeveloped land owned by another party. The owner of this property has not objected to this connection. It is considered best practice to connect this property to the stormwater network at the same time.

## Objections received from landowners at 13 and 15 Alexandra Street, Riverhead

21. Mahi Properties Limited, the owner of 13 and 15 Alexandra Street, Riverhead, has refused to allow Riverhead Presbyterian Church to connect to the stormwater network via its properties. Riverhead Presbyterian Church applied to the council to undertake the proposed works as a public project.
22. Stakeholder engagement commenced in April 2024 following the approval of the initial business case in May 2024.
23. Auckland Council assessed Riverhead Presbyterian Church's plans (as detailed below) and determined that the works are necessary public works, and that Auckland Council would undertake the works itself as a council project under the powers of the Local Government Act 2002 (the Act). This enables public works to be undertaken on private land without the owner's consent, provided the requirements of the Act are met.
24. Auckland Council issued a notice of its intention to construct the works to the affected landowners under section 181 of the Local Government Act 2002 on 8 February 2025 (notice dated 16 January 2025 and served on the companies registered office on 8 February 2025).
25. Following the issue of this notice, council has continued to facilitate a resolution with the landowners.
26. Pursuant to schedule 12 of the Local Government Act 2002, the landowners had one month to formally object to the section 181 notice. On 11 February 2025 an objection was received (see Attachment B).

## Tātaritanga me ngā tohutohu Analysis and advice

27. Auckland Council is empowered to construct works on private land that it considers necessary for stormwater drainage. When determining the best option, council looks at a range of possible options to achieve the required stormwater outcomes for the public good, and at the same time, to carefully balance any impacts on individual property owners.
28. Auckland Council analysed five alternative alignments (Attachment D) for connecting the development at 10 Arthur Street to the public stormwater system.
29. These options were:
  - **Option one:** Extending the public network from 15 Alexandra Street to 10 Arthur Street (development) including future connection for 12a Arthur Street which is undeveloped land (**recommended option**)
  - **Option two:** As per option one, less the provision for future connection by 12a Arthur Street (undeveloped land)
  - **Option three:** Extending the public network from 12 Arthur Street, which is located on the eastern side of 10 Arthur Street, using an existing a manhole at the end of a shared driveway
  - **Option four:** Connection to the existing stormwater pipe located in 15 Alexandra Street
  - **Option five:** Do nothing

30. The five options were analysed against relevant criteria as shown below in Table 1.

**Table 1. Analysis of alignment options against various criteria**

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Option attributes	Option 1	Option 2	Option 3	Option 4	Option 5
Interference with existing services	Minor	Minor	Minor	Medium	None
Disruption to property owners	Minor	Minor	Major	Medium	None
Life Cycle Cost / CAPEX (capital expenditure) / OPEX (operational expenditure)	Minor	Minor	Medium	Medium	None
Route to existing stormwater network	Direct	Direct	Direct	Direct	N/A
Length of pipe on impacted property owner	23m	22m	35m	27m	N/A
Does the option involve the inspection, alteration, renewal, repair, or cleaning any existing public work on the impacted property owner's land?	Yes	Yes	Yes	Yes	No
Does the option involve the construction of new assets on the impacted property owner's land?	Yes	Yes	Yes	Yes	No
Ability for third-party properties to connect to proposed infrastructure	Yes	Yes	No	Yes	No
Access for future maintenance	Yes	Yes	Yes	Yes	No
Duplication of existing stormwater infrastructure	No	Yes	Yes	No	No
Impact on development potential	Improved	None	Yes	Improved	Yes



Option attributes	Option 1	Option 2	Option 3	Option 4	Option 5
Constructability risk	Minor	Minor	Medium	Medium	Yes
Compliance with Stormwater Code of Practice	Yes	Yes	Yes	Yes	No

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31. **Option 1** as demonstrated by the weightings set out in Table 1 above, is the preferred option for the following reasons:
- it offers a simple stormwater arrangement
  - it complies with the Stormwater Code of Practice
  - it would result in the least disruptions to the neighbouring properties due to the location of the existing public manhole
  - it allows for future development of upstream properties
  - it eliminates duplication of the stormwater network
  - it can be constructed using a trenchless method, which would have minimal impact on the 13 and 15 Alexandra Street.
32. **Option two** is the same as Option 1 but with no new connection (or abandoning of existing connection) for 12A Arthur St. This option provides fewer opportunities for future growth when compared to option one.
33. **Option three** requires trenching through 12A and 12 Arthur St. This would be a very shallow alignment and would be located close to existing structures. This option has not been pursued because it would cause major disruption to property owners and decrease the development potential of the site.
34. **Option four** requires the upgrade of the existing 100mm connection for 12A Arthur St to a 150mm (or 225mm) connection and the installation of a new public manhole on 12A Arthur Street. This option potentially reduces the developable area on 12A Arthur St and 15 Alexandra Street.
35. **Option five** considers doing nothing. This option would involve council walking away from the situation and leaving the customer to either continue to negotiate with the owner or seek another connection option. This option is not supported, as all other options would result in council inheriting infrastructure that:
- is surplus infrastructure that the council would be required to maintain
  - does not comply with the Stormwater Code of Practice
  - has a high risk of being damaged (due to lack of depth)
  - increases the likelihood of network failure
  - does not serve the interest of the belaboring sites.

### Negotiating with the landowners

36. Negotiations with the landowners have been ongoing since 7 June 2023 and have been captured in a correspondence log (Attachment E). These negotiations were held directly between the customer and the landowners, with the council becoming involved from 21 February 2024 onwards. Once council became involved, negotiations between the parties ceased and stakeholder engagement, lead by council under section 181 of the Act, became the primary focus.
37. The owner of **12a Arthur Street** has not responded to council or objected to the section 181-2 notice. Previous communication between the owner of 12a and Mr Don Brown of the Riverhead Presbyterian Church indicates that the owner of 12a Arthur Street “had no concerns”
38. The owner of **13 and 15 Alexandra Street**, Mahi Properties Ltd, has objected in writing to the proposed works, both to Mr Don Brown of the Riverhead Presbyterian Church and to the Healthy Waters and Flood Resilience Commercial and Property Team (Attachment B). The owner has provided no reason for the objection.
39. Auckland Council requested further information from the owner of 13 and 15 Alexandra Street about their specific objection(s) to the stormwater work proceeding via email to their lawyer (Attachment C). No substantive response has been received by council to date.

### Summary of objections received

40. Healthy Waters and Flood Resilience has not received details about the grounds upon which the landowner objects to the works.

### Recommended stormwater management option

41. Staff recommend that construction of the proposed stormwater works proceed at 13 and 15 Alexandra Street as per option one in this report.
42. The works are necessary to enable development at 10 Arthur Street and to meet council’s stormwater standards. Works are expected to take up to 10-15 working days to complete, and staff will work with the landowners to ensure minimal disruption occurs.

### Tauākī whakaaweawe āhuarangi Climate impact statement

43. Auckland Council adopted Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan on 21 July 2020. Some of the key elements of the plan include how we will adapt to climate change, taking a precautionary approach and preparing for our current emissions pathway and the prospect of a 3.5 degrees warmer region.
44. One of the expected consequences of rising global temperatures is increased and more intense rainfall. To contribute to increasing Auckland’s resilience to climate change, the Auckland Council Stormwater Code of Practice requires all new infrastructure to be designed to deal with these expected impacts and severe weather events.
45. The proposed pipe has been designed to cater for 10 per cent annual exceedance probability (one in 10-year average recurrence interval) storm events, including allowance for climate change. This has the effect of making the network more resilient to storm events and reducing the likelihood of flooding of properties.

## Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

46. Watercare Services Ltd and Auckland Transport assets will not be impacted by the proposed works if option one is undertaken.
47. The pipe once constructed will be vested in the council and will form part of the public stormwater network to be maintained by Healthy Waters and Flood Resilience.

## Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

48. The Rodney Local Board has not been consulted on the proposed stormwater works, as the pipe will be constructed on private land.

## Tauākī whakaaweawe Māori Māori impact statement

49. Mana whenua have not been consulted on the proposed stormwater works as the works are minor and located on private property.
50. Improved water quality for Tāmaki Makaurau is a priority for mana whenua. The recommended option will contribute to a better functioning stormwater management system, reducing the impact of the development on water quality.

## Ngā ritenga ā-pūtea Financial implications

51. The recommended option is the most cost effective for council, as it involves the shortest and most direct pipe alignment. If approved, the pipe will be constructed by council, with costs of the works to be paid for by the customer upfront.
52. Auckland Council will be responsible for any proven injurious affection to private land pursuant to section 181(6) of the Local Government Act 2002, and the Public Works Act 1981. The likelihood of an injurious affection claim being brought is considered low.
53. As part of the works costs, the customer is required to supply a bond to council. The bond shall remain in place for two years following completion of the works. This will cover any potential claim by the landowners for injurious affection and minimise any risk to council.
54. The bond for the proposed works is set at \$100,000.

## Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

55. Staff have undertaken a systematic risk assessment. Key risks and proposed mitigations relating to the endorsement of option one are shown in Table 3 below:

**Table 3: Risks and mitigations arising from Option one: crossing land at 13 and 15 Alexandra Street**

Risk	Likelihood and consequence	Mitigation
<b>Construction risks</b> - low quality assets being vested to the council and/or damage being sustained to the property.	Likelihood: Low Consequence: Medium	The works will be undertaken by an approved council contractor who will undertake the works to the appropriate standard. The contractor will reinstate and remediate the properties, as far as practicable, to their pre-works condition. The contractor will have the appropriate insurances in place; and the council remains responsible for any substantial injurious affected sustained.  In addition, the works will be supervised by Tetkus Consultants Limited to ensure the contractor meets the council's requirements.

## Ngā koringa ā-muri Next steps

56. If the Regulatory and Safety Committee determines to proceed with the project (under Schedule 12 clause 1(e)(ii)), the next step will be to notify the owner of 13 and 15 Alexandra Street in writing of the council's intention to proceed with the works. The work is proposed to be undertaken in June 2025.
57. The owner of 13 and 15 Alexandra Street has up to 14 days to lodge a further appeal to the District Court. If this occurs, then the council's Legal Services team will support this process. If no appeal is lodged, the council would look to proceed with the works within the next three months.

## Ngā tāpirihanga Attachments

No.	Title	Page
A⇒	Engineering planning approval	
B⇒	Objection letter	
C⇒	Request for further information about objection	
D⇒	Map showing alternative alignments considered	
E⇒	Correspondence log	

## Ngā kaihaina Signatories

Authors	Thomas Parsons - Intermediate Healthy Waters Specialist Shaun McAuley - Manager Commercial Partnerships
Authorisers	Ian McCormick - General Manager Building Consents Rachel Kelleher - Director Community

# Determination of an objection to a dog owner disqualification by Mr Daniel Phillips

File No.: CP2025/07177

Item 13

## Te take mō te pūrongo

### Purpose of the report

1. To hear and determine the objection by Mr Daniel Phillips against his disqualification to own dogs pursuant to [Section 25](#) of the Dog Control Act 1996 (DCA).

## Whakarāpopototanga matua

### Executive summary

2. Mr Phillips was the owner of a three years and seven months old male, entire shar pei cross American Staffordshire terrier named Chop Err.
3. [Section 25\(1\)\(a\) and 25\(3\)](#) of the Dog Control Act 1996 (the Act) provides that a territorial authority **must** disqualify a person from being an owner of a dog for a period not exceeding five years if that person commits three or more infringement offences (not relating to a single incident or occasion) against the Act within a continuous period of 24 months.
4. Between the period 14 December 2022 to 7 June 2024, the council received 10 complaints relating to Mr Phillips' dog Chop Err. The council issued Mr Phillips 10 infringement notices for offending against the Act.
5. On 12 June 2024, Animal Management classified Mr Phillips as a probationary dog owner for a period of two years, commencing on 14 November 2023 and ending on 13 November 2025 (refer Attachment A).
6. Mr Phillips was instructed to undertake dog and owner training as per [Section 23A](#) of the Act, to neuter the dog and to have the dog registered. Mr Phillips was warned that further offences may result in him being disqualified from owning dogs (refer Attachment B).
7. Between 7 June 2024 and 11 October 2024, the council received a further eight complaints and issued a further 21 infringement notices. On 14 October 2024, Animal Management revoked Mr Phillips' probationary classification and disqualified him from owning dogs for a period of two years, commencing on 20 June 2024 and ending on 19 June 2026 (refer Attachment C).
8. The effect of the disqualification is that Mr Phillips:
  - a) may not own or be in possession of a dog at any time during the period of disqualification
  - b) must dispose of any dog owned by him
  - c) may not dispose of his dog to a person who resides at the same address as him.
9. Following Mr Phillips disqualification the council received a further seven complaints, and the council issued 12 further infringement notices to Mr Phillips.
10. A total of 43 infringement notices have been issued to Mr Phillips between 14 December 2022 and 24 March 2024, all of which remain outstanding. A total of \$9,200 has been passed to the District Court for collection.
11. The purpose of disqualifying a person from owning dogs is to prevent re-offending. It also serves as a general deterrence to other dog owners. This measure is intended to bring home to a dog owner the consequences of their failure to comply with their obligations and responsibilities under the Act.

12. This is in line with the purpose of the Act to prevent harm and nuisance caused by dogs. It is also consistent with the objectives of the [Auckland Council Policy on Dogs 2019, page 2](#), to minimise problems caused by dogs.
13. On 30 March 2025, Mr Phillips objected to his disqualification on the following grounds (refer Attachment D):
  - a) Mr Phillips advised that he will abide by the rules of owning a dog and has owned pets all his life
  - b) his property is fully fenced
  - c) he has owned Chop Err for four years
  - d) he loves his dog and will attend any programme.
14. [Section 26](#) of the Act provides the right to a disqualified person to be heard in support of their objection to the disqualification. The Regulatory and Safety Committee (the committee), must hear the objection and decide whether to:
  - a) uphold
  - b) bring forward the date of termination of the disqualification, or
  - c) immediately terminate the disqualification.
15. Mr Phillips has the right of appeal to the District Court if he is dissatisfied with the decision of the Regulatory and Safety Committee.

## Ngā tūtohunga Recommendation/s

That the Regulatory and Safety Committee:

- a) kohuki / hear and determine the objection, and
- b) tuhi tīpoka / note that the agenda report recommends upholding the disqualification of Mr Phillips for the period of two years from 20 June 2024 to 19 June 2026.

## Horopaki Context

16. Auckland Council's Governing Body has delegated to the Regulatory and Safety Committee responsibility for hearing and determining objections under the Act (resolution number [GB/2022/112 item 7](#), adopted on 17 November 2022).
17. [Section 26\(3\)](#) of the Act determines that in considering an objection to the disqualification of a person, the committee should have regard to the following:
  - a) the circumstances and nature of the offences in respect of which the objector was disqualified
  - b) the competency of the objector in terms of responsible dog ownership
  - c) any steps taken by the objector to prevent further offences
  - d) the matters advanced in support of the objection
  - e) any other relevant matters.

## The circumstances and nature of the offences in respect of which Mr Phillips was disqualified

18. Between the period 14 December 2022 to 11 October 2024, Animal Management received 18 complaints about Chop Err. The jobs for these complaints are summarised in the table below:

No.	Date	Request For Service (RFS)	Circumstances	Outcome
1	14/12/2022	8101176370	<ul style="list-style-type: none"> <li>Chop Err was roaming outside Mr Phillips' property.</li> <li>Chop Err was not registered for the registration period 2022–2023.</li> <li>Mr Phillips is aware that his dog roams.</li> </ul>	<ul style="list-style-type: none"> <li>Mr Phillips was educated about confinement of the dog.</li> </ul>
2	10/3/2023	8101232099	<ul style="list-style-type: none"> <li>Chop Err was roaming outside Mr Phillips' property.</li> <li>Chop Err was not registered for the registration period 2022–2023.</li> </ul>	<ul style="list-style-type: none"> <li>Mr Phillips was educated about confinement of the dog and given seven days to register Chop Err.</li> <li>Infringement notice 61000440425 was issued under Section 42 of the Act for failing to register a dog.</li> <li>Infringement notice 61000440433 was issued under <a href="#">Section 20(5)</a> of the Act for failing to keep dogs under control, on leash in a public place contrary to <a href="#">Clause 7.1 of the Dog Management Bylaw 2019, page 7</a></li> <li>Infringement notice 61000440441 was issued under Section 36A(6) of the Act for failing to implant a microchip transponder in the dog.</li> </ul>
3	11/03/2023	8101233367	<ul style="list-style-type: none"> <li>Chop Err was reported roaming outside Mr Phillips' property and behaving aggressively towards another dog being walked past on a lead.</li> <li>Chop Err was not registered for the registration period 2022 – 2023.</li> </ul>	<ul style="list-style-type: none"> <li>This RFS was referenced to RFS 8101232099 so all information is in one place (see row 2 above).</li> </ul>
4	18/03/2023	8101236993	<ul style="list-style-type: none"> <li>Chop Err was reported roaming outside Mr Phillips property and chasing vehicles.</li> <li>Chop Err was not registered for the registration period 2022-2023.</li> </ul>	<ul style="list-style-type: none"> <li>This RFS was referenced to RFS 8101232099 so all information is in one place (see row 2 above).</li> </ul>
5	02/04/2023	8101247290	<ul style="list-style-type: none"> <li>Chop Err was reported roaming around the area, entered another house and displayed</li> </ul>	<ul style="list-style-type: none"> <li>Infringement notice 61000445893 issued under Section 42 of the Act for failing to register a dog.</li> </ul>

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No.	Date	Request For Service (RFS)	Circumstances	Outcome
			<ul style="list-style-type: none"> <li>aggressive behaviour towards the occupants.</li> <li>Chop Err was not registered for the registration period 2022–2023.</li> <li>Mr Phillips stated his dog is always contained.</li> </ul>	<ul style="list-style-type: none"> <li>Infringement notice 61000445885 issued under <a href="#">Section 20(5)</a> of the Act for failing to keep dogs under control on leash in a public place contrary to <a href="#">Clause 7.1 of the Dog Management Bylaw 2019, page 7</a></li> </ul>
6	09/06/2023	8101291068	<ul style="list-style-type: none"> <li>Chop Err was roaming outside Mr Phillips' property.</li> <li>Chop Err was not registered for the registration period 2022–2023.</li> </ul>	<ul style="list-style-type: none"> <li>This RFS was referenced to RFS 8101232099 so all information is in one place (see row 2 above).</li> </ul>
7	09/06/2023	8101291103	<ul style="list-style-type: none"> <li>Chop Err was reported roaming in traffic outside Mr Phillips' property.</li> <li>Chop Err was not registered for the registration period 2022–2023.</li> </ul>	<ul style="list-style-type: none"> <li>This RFS was referenced to RFS 8101232099 so all information is in one place (see row 2 above).</li> </ul>
8	24/07/2023	8101319501	<ul style="list-style-type: none"> <li>Chop Err was reported roaming on a neighbour's property.</li> <li>Chop Err was not registered for the registration period 2023–2024.</li> <li>Mr Phillips was obstructive towards the animal management officers who visited his property.</li> </ul>	<ul style="list-style-type: none"> <li>Infringement notice 61000470529 was issued under Section 42 of the Act for failing to register a dog.</li> </ul>
9	14/11/2023	8101395885	<ul style="list-style-type: none"> <li>Chop Err was reported roaming in traffic outside Mr Phillips' property and was almost hit by a car.</li> <li>Chop Err was not registered for the registration period 2023–2024.</li> <li>Mr Phillips was obstructive towards the animal management officers who visited his property.</li> </ul>	<ul style="list-style-type: none"> <li>Infringement notice 61000499063 was issued under Section 52A(3) of the Act for failing to keep dog controlled or confined.</li> <li>Infringement notice 61000498881 was issued under Section 42 of the Act for failing to register a dog.</li> <li>Mr Phillips classified as a probationary dog owner under Section 21 of the Act.</li> </ul>
10	07/06/2024	8101547031	<ul style="list-style-type: none"> <li>Chop Err was roaming outside Mr Phillips' property.</li> <li>Chop Err was not registered for the registration period 2023–2024.</li> <li>Mr Phillips was obstructive towards the animal management officers who visited his property.</li> </ul>	<ul style="list-style-type: none"> <li>Infringement notice 61000547750 was issued under <a href="#">Section 20(5)</a> of the Act for failing to keep dogs under control on leash in a public place contrary to <a href="#">Clause 7.1 of the Dog Management Bylaw 2019, page 7</a>.</li> <li>Infringement notice 61000549435 was issued under Section 42 of the Act for failing to register a dog.</li> </ul>



No.	Date	Request For Service (RFS)	Circumstances	Outcome
11	20/06/2024	8101555809	<ul style="list-style-type: none"> <li>Chop Err was roaming outside Mr Phillips property.</li> <li>Chop Err was not registered for the registration period 2023 – 2024.</li> <li>Mr Phillips was obstructive towards animal management officers who visited his property.</li> </ul>	<p>Infringement notice 61000552916 issued under <a href="#">Section 20(5)</a> of the Act for failing to keep dogs under control on leash in a public place contrary to <a href="#">Clause 7.1 of the Dog Management Bylaw 2019, page 7</a></p> <p>Infringement notice 61000554205 was issued under Section 42 of the Act for failing to register a dog.</p> <p>Requirement to neuter an uncontrolled dog sent under <a href="#">Section 20(5)</a> of the Act <a href="#">Clause 14.1 of the Dog Management Bylaw 2019, page 9</a> (see Attachment E)</p> <p>The property was flagged as unsafe to visit without Police due to the behaviour displayed by Mr Phillips.</p>
12	05/08/2024	8101587369	<ul style="list-style-type: none"> <li>Chop Err was roaming outside of Mr Phillips' property.</li> <li>Chop Err was not registered for the registration period 2024–2025.</li> <li>Chop Err was not neutered.</li> </ul>	<ul style="list-style-type: none"> <li>Infringement notice 61000570086 was issued under <a href="#">Section 20(5)</a> of the Act for failing to keep dogs under control on leash in a public place contrary to <a href="#">Clause 7.1 of the Dog Management Bylaw 2019, page 7.</a></li> <li>Infringement notice 61000570094 was issued under Section 42 of the Act for failing to register a dog.</li> <li>Infringement notice 61000570604 was issued under <a href="#">Section 20(5)</a> of the Act for failing to neuter dog contrary to <a href="#">Clause 16.1 of the Dog Management Bylaw 2019, page 10.</a></li> </ul>
13	15/08/2024	8101594116	<ul style="list-style-type: none"> <li>Chop Err was roaming outside of Mr Phillips' property.</li> <li>Chop Err was not registered for the registration period 2024–2025.</li> <li>Chop Err was not neutered.</li> </ul>	<ul style="list-style-type: none"> <li>Infringement notice 61000585512 was issued under <a href="#">Section 20(5)</a> of the Act for failing to keep dogs under control on leash in a public place contrary to <a href="#">Clause 7.1 of the Dog Management Bylaw 2019, page 7.</a></li> <li>Infringement notice 61000585520 was issued under Section 42 of the Act for failing to register a dog.</li> <li>Infringement notice 61000585539 was issued under <a href="#">Section 20(5)</a> of the Act for failing to neuter a dog contrary to <a href="#">Clause 16.1</a></li> </ul>

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No.	Date	Request For Service (RFS)	Circumstances	Outcome
				<p><a href="#">of the Dog Management Bylaw 2019, page 10.</a></p> <ul style="list-style-type: none"> <li>The requirement to undertake dog and owner training was sent under Section 23A of the Act and a Warning of Disqualification letter was sent.</li> </ul>
14	12/09/2024	8101613030	<ul style="list-style-type: none"> <li>Chop Err was roaming outside Mr Phillips' property.</li> <li>Chop Err was not registered for the registration period 2024–2025.</li> <li>Chop Err was not neutered.</li> </ul>	<ul style="list-style-type: none"> <li>Infringement notice 61000585822 was issued under <a href="#">Section 20(5)</a> of the Act for failing to keep dogs under control on leash in a public place contrary to <a href="#">Clause 7.1 of the Dog Management Bylaw 2019, page 7.</a></li> <li>Infringement notice 61000585830 was issued under Section 42 of the Act for failing to register a dog.</li> <li>Infringement notice 61000585849 was issued under <a href="#">Section 20(5)</a> of the Act for failing to neuter a dog contrary to <a href="#">Clause 16.1 of the Dog Management Bylaw 2019, page 10.</a></li> </ul>
15	12/09/2024	8101612940	<ul style="list-style-type: none"> <li>Chop Err roaming outside Mr Phillips' property.</li> <li>Chop Err was not registered for the registration period 2024 – 2025.</li> <li>Chop Err was not neutered.</li> </ul>	<ul style="list-style-type: none"> <li>Infringement notice 61000587159 was issued under <a href="#">Section 20(5)</a> of the Act for failing to keep dogs under control on leash in a public place contrary to <a href="#">Clause 7.1 of the Dog Management Bylaw 2019, page 7.</a></li> <li>Infringement notice 61000587167 was issued under Section 42 of the Act for failing to register a dog.</li> <li>Infringement notice 61000587175 was issued under <a href="#">Section 20(5)</a> of the Act for failing to neuter a dog contrary to <a href="#">Clause 16.1 of the Dog Management Bylaw 2019, page 10.</a></li> </ul>
16	01/10/2024	8101625182	<ul style="list-style-type: none"> <li>Mr Phillips has failed to enroll himself and Chop Err into a dog and owner training course.</li> </ul>	<ul style="list-style-type: none"> <li>Infringement notice 61000597413 was issued under Section 23A(2) of the Act for failing to undertake a dog owner education programme and a dog obedience course.</li> </ul>
17	08/10/2024	8101630326	<ul style="list-style-type: none"> <li>Chop Err was roaming outside Mr Phillips' property.</li> <li>Chop Err was not registered for the registration period 2024–2025.</li> </ul>	<ul style="list-style-type: none"> <li>Infringement notice 61000599556 was issued under <a href="#">Section 20(5)</a> of the Act for failing to keep dogs under control on leash in a public place contrary to <a href="#">Clause 7.1 of the Dog</a></li> </ul>

No.	Date	Request For Service (RFS)	Circumstances	Outcome
			<ul style="list-style-type: none"> <li>Chop Err was not neutered.</li> </ul>	<p><a href="#">Management Bylaw 2019, page 7.</a></p> <ul style="list-style-type: none"> <li>Infringement notice 61000599564 was issued under Section 42 of the Act for failing to register a dog.</li> <li>Infringement notice 61000599572 was issued under <a href="#">Section 20(5)</a> of the Act for failing to neuter a dog contrary to <a href="#">Clause 16.1 of the Dog Management Bylaw 2019, page 10.</a></li> </ul>
18	11/10/2024	8101632402	<ul style="list-style-type: none"> <li>Chop Err was roaming outside of Mr Phillips' property.</li> <li>Chop Err was not registered for the registration period 2024 – 2025.</li> <li>Chop Err was not neutered.</li> </ul>	<ul style="list-style-type: none"> <li>Infringement notice 61000601038 was issued under <a href="#">Section 20(5)</a> of the Act for failing to keep dogs under control on leash in a public place contrary to <a href="#">Clause 7.1 of the Dog Management Bylaw 2019, page 7.</a></li> <li>Infringement notice 61000601046 was issued under Section 42 of the Act for failing to register a dog.</li> <li>Infringement notice 61000601054 was issued under <a href="#">Section 20(5)</a> of the Act for failing to neuter dog contrary to <a href="#">Clause 16.1 of the Dog Management Bylaw 2019, page 10.</a></li> </ul>

### Mr Phillips' competency in terms of responsible dog ownership

19. Responsible dog ownership does not only involve the care and welfare of dogs but also keeping them under control or always confined to their property so that they cannot cause a nuisance or be a safety risk to others.
20. Despite the many infringement notices issued to Mr Phillips, and the subsequent classification as a probationary dog owner, he failed to take steps to ensure that his dog was confined to his property.
21. The infringement notices issued to him, listed in the table above have not been paid. The infringement notices and the probationary dog owner classification have not changed behaviour or provided any deterrence. Mr Phillips has failed to:
  - register his dog in due time, for the registration periods 2022/2023, 2023/2024, and 2024/2025.
  - neuter his dog after the requirement to neuter notice was sent.
  - enrol in a dog owner education programme and/or dog obedience course as a requirement of the probationary owner classification.
  - comply with the disqualification classification resulting in Chop Err being repeatedly seized from his possession and impounded. Chop Err was collected by his registered owner residing in Hamilton but was always returned to Mr Phillips.

### Any steps taken by Mr Phillips to prevent further offences

22. The council has not received any evidence that Mr Phillips has taken steps to prevent further offences. On 11 November 2024, Mr Phillips transferred ownership of the dog to another person in Hamilton (see Attachment F). Mr Phillips was nevertheless found to be in possession of the dog on numerous occasions following this transfer of ownership.

### The matters advanced by Mr Phillips in support of his objection

23. On 30 March 2025, Mr Phillips objected to his disqualification on the following grounds (refer Attachment D):
- Mr Phillips advised that he will abide by the rules of owning a dog and has owned pets all his life
  - his property is fully fenced
  - he has owned Chop Err for four years
  - he loves his dog and will attend any programme.

## Tātaritanga me ngā tohutohu

### Analysis and advice

24. Public safety is at the heart of the Act. For this reason, the purpose of disqualifying a person from owning a dog is to protect public safety by preventing re-offending that may cause a nuisance or harm to persons or animals.
25. Disqualification from owning dogs has the added effect of:
- a) bringing home to a dog owner the consequences of their failure to comply with their obligations
  - b) acting as a general deterrent to other dog owners who are lacking responsibility to comply with their obligations.
26. [Section 25](#) of the Act determines that council must disqualify a repeat offender from owning a dog unless it is satisfied that the circumstances of the offences are such that:
- a) disqualification is not warranted, or
  - b) the person should rather be classified as a probationary owner under [Section 21](#) of the Act.
27. The effect of [Section 25](#) is that the classification as a probationary owner can only occur if the territorial authority is first satisfied that a disqualification is not warranted because of the circumstances of the offences and the offender.
28. It was decided to disqualify Mr Phillips for the following reasons:
- a) he was educated on his obligations to keep his dog confined and under control
  - b) his failure to ensure his dog was under control and confined to his property has continued despite being issued with infringement notices
  - c) he had already previously been classified as a probationary dog owner however this did not change his behaviour
  - d) he did not comply with the requirements of a probationary dog owner or the requirement to neuter
  - e) his repeat offending shows a disregard of his obligations under the Act.

## Tauākī whakaaweawe āhuarangi

### Climate impact statement

29. This is a report about dog ownership which has no climate impact.

## Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

30. This is a report about dog ownership which does not require council group views.

## Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

31. The staff have not sought local board views because this report relates to statutory provisions on dog ownership.

## Tauākī whakaaweawe Māori Māori impact statement

32. This is a report about dog ownership which has no direct impact on Māori.

## Ngā ritenga ā-pūtea Financial implications

33. The decision by the committee on the disqualification of a dog owner has no financial implications. The total amount of the fines issued at the time of Mr Phillips' disqualification was \$9200. The fines have been sent to the District Court for collection.

## Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

34. The table below covers the risks and mitigations identified for this issue:

If...	Then...	Mitigation
<b>If the disqualification is terminated by the Regulatory and Safety Committee.</b>	<ul style="list-style-type: none"><li>There may be a negative public perception around council's ability to effectively influence dog ownership behaviours.</li><li>This would be against the intention of the ACT.</li></ul>	Staff will continue to: <ul style="list-style-type: none"><li>educate Mr Phillips on his obligations under the Act</li><li>respond to dog related requests for service.</li></ul>
<b>If the disqualification is upheld by the Regulatory and Safety Committee.</b>	<ul style="list-style-type: none"><li>There may be a financial implication if Mr Phillips decides to appeal the decision to the District Court.</li></ul>	The risk of the committee's determination being overturned on appeal is low because of Mr Phillips' significant repeat offending under the Act and the consequent nuisance and harm his dog may pose to the public.

## Ngā koringa ā-muri Next steps

35. The Regulatory and Safety Committee must give Mr Phillips written notice of its decision and the reasons for it as soon as practical.

## Ngā tāpirihanga Attachments

No.	Title	Page
<a href="#">A</a>	Notice of probationary owner classification	
<a href="#">B</a>	Requirement to undertake dog and owner training and warning of disqualification	
<a href="#">C</a>	Notice of disqualification of dog owner and revoking of probationary owner classification	
<a href="#">D</a>	Objection to disqualification of dog owner	
<a href="#">E</a>	Letter to neuter your dog	
<a href="#">F</a>	Dog change of ownership form	

## Ngā kaihaina Signatories

Author	Aaron Neary - Team Leader Proactive Animal Management
Authorisers	Elly Waitoa - Manager Animal Management Robert Irvine - General Manager Licensing and Compliance Rachel Kelleher - Director Community

# Determination of an objection to a menacing dog classification by Ms Tarmara Wright

File No.: CP2025/07178

Item 14

## Te take mō te pūrongo

### Purpose of the report

1. To hear and consider Ms Tarmara Wright's objection to her dog, Tato, being classified as menacing under [Section 33A](#) of the Dog Control Act 1996 (DCA).

## Whakarāpopototanga matua

### Executive summary

2. Ms Tarmara Wright (Ms Wright) is the owner of a three-year-old desexed female chow chow called Tato.
3. On 25 December 2024, Tato jumped up against an eight-year-old girl and bit her on her arm. The attack was unprovoked. The victim sustained bruising and an abrasion to her right arm and bruising to her left upper thigh where the dog jumped up against her. Her jumper sleeve was ripped when the dog bit her on the arm (refer Attachment A and B).
4. Ms Wright admitted to the incident between Tato and the victim and explained that Tato does not like to be touched by strangers. For this reason, Tato wears a caution label on the sides of her harness.
5. On 8 January 2025, Tato was classified as menacing under [Section 33A](#) of the Dog Control Act 1996 (the Act). This is because Auckland Council considers that Tato may pose a threat to any person because of Tato's behaviour on 25 December 2024 (refer Attachment C).
6. The effect of the classification is that Tato must be muzzled in a public place or private way and must be desexed.
7. The threat referred to in [Section 33A\(1\)\(b\)](#) of the Act does not need to be shown in order for a dog to be classified as menacing. It suffices if there is potential of harm by the dog to persons and animals.
8. The decision to classify Tato as menacing is in line with the [purpose](#) of the Act to prevent harm caused by dogs, and is consistent with the objectives of the [Auckland Council Policy on Dogs 2019, page 2](#) to minimise problems caused by dogs.
9. Ms Wright is objecting to Tato's menacing classification on the following grounds (refer Attachment D):
  - a) the child was told not to pet Tato. In addition, Tato was wearing caution labels on both sides of her harness
  - b) Tato does not like being petted by strangers and reacted when the child petted her
  - c) Tato's response was caused by fear, anxiety or 'self-defence'.
10. Ms Wright had Tato desexed on 13 January 2025.
11. Under [Section 5\(1\)\(f\)](#) of the Act, the owner of a dog has the obligation to take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any person. Ms Wright knows that Tato reacts poorly to being petted by strangers and should take steps to ensure that others are not harmed by Tato's reactions. Warning people and children that a dog should not be touched is not sufficient to reduce the risk Tato poses because the person or child may not understand or be able to respond to the instruction.
12. Tato's anxiety and unsocial behaviour has the potential to harm others. This potential threat will be eliminated if Tato is muzzled when in a public place.

13. [Clause 17, page 10](#) of the Auckland Council Dog Management Bylaw 2019 provides for the review and cancellation of a menacing classification after 12 months if Ms Wright:
- provides a dog behavioural assessment report on Tato
  - has not been issued with infringement notices relating to Tato within the preceding 12-month period, and
  - has obtained a responsible dog ownership licence.

## Ngā tūtohunga Recommendation/s

That the Regulatory and Safety Committee:

- kohuki / hear and determine the objection, and
- tuhi tīpoka / note that the agenda report recommends upholding the menacing classification of Tato.

## Horopaki Context

### Jurisdiction of the Regulatory and Safety Committee

14. Auckland Council's Governing Body has delegated to the Regulatory and Safety Committee responsibility for hearing and determining objections under the Act (resolution number GB/2022/112, adopted on 17 November 2022).

### The Dog Control Act 1996

15. A dog may be classified as menacing under [Section 33A\(1\)\(b\)\(i\)](#) of the Act if Auckland Council considers the dog may pose a threat to the safety of persons or animals because of any reported behaviour of the dog.
16. Where a dog is classified as menacing, then the owner of the dog:
- must not allow the dog to be at large or in a public place or in any private way without being muzzled, and
  - must, within one month after service of the notice, provide a certificate by a veterinarian that the dog is or has been desexed. If the dog is not in a fit condition to be desexed within that time, the dog owner must provide a certificate by a veterinarian explaining the reasons for that and specifying the date by when the dog can be desexed.
17. It is an offence under [Section 33EC\(1\)](#) of the Act if an owner fails to comply with these requirements. An infringement notice for \$300 may be issued for this offence as per [Schedule 1](#) of the Act. In addition, an animal management officer may seize and retain custody of the dog until the owner has demonstrated a willingness to comply with these requirements.
18. [Section 33D\(3\)](#) of the Act explains what the Regulatory and Safety Committee must take into account during their deliberations on whether the classification should be upheld or rescinded. These are:
- the evidence which formed the basis for the classification
  - any steps taken by the owner to prevent any threat to the safety of persons or animals
  - the matters relied on in support of the objection
  - any other relevant matters.



## Tātaritanga me ngā tohutohu Analysis and advice

### Considerations

#### Evidence which formed the basis for the classification

19. On 25 December 2024, the victim and a friend were playing in a school park. She recognised Ms Wright and her three dogs from a previous interaction when Ms Wright had told her to ask first if she wanted to pet a dog. One of the chow chow dogs came up to her, jumped up against her and bit her on her arm. See Attachment A.
20. The victim sustained bruising and an abrasion to her right arm and bruising to her left upper thigh where the dog had jumped up against her. Her jumper sleeve was ripped when the dog bit her on the arm. She was taken to the local medical clinic and was given pain relief, antibiotics and ointment (refer Attachment B for photos of her injuries and damage to her jumper).
21. In Ms Wright's interview with the investigating animal management officer and in her objection to the classification, Ms Wright admitted that there was an incident involving Tato, but denied that Tato had bitten the child. She explained that the child had been warned not to pet Tato, and that Tato had caution labels on both sides of her harness. This is because Tato reacts to being petted by strangers.

#### Steps taken by Ms Wright to prevent any threat to persons or animals

22. Tato was desexed on 13 January 2025.
23. Ms Wright relies on written and oral warnings that caution should be taken around her dog.

#### Matters relied on in support of the objection

24. Ms Wright denies that Tato had bitten the child because a bite would have left bite marks on both sides of the child's arm.
25. Council is of the view that this is not necessarily so because the nature and extent of a bite wound depends on many external factors such as the movement of the child at the time of the bite and the angle at which the dog jumped up to bite the child. The rip in the child's jumper is indicative that the injury to the child's arm was caused by Tato's teeth.
26. Ms Wright blames the child for Tato having bitten her because she did not heed to the warnings to not pat the dog.

#### Other relevant matters

27. Under [Section 5\(1\)\(f\)](#) of the Act, the owner of a dog has the obligation to take all reasonable steps to ensure that the dog does not injure, endanger or cause distress to any person. Ms Wright knows that Tato reacts poorly to being petted by strangers and should take steps to ensure that others are not harmed by Tato's reactivity. Warning people and children that a dog should not be touched is not sufficient to reduce the risk Tato poses because the person or child may not understand or be able to respond to the instruction.
28. The petting of a dog cannot be seen as provocation to attack. Tato's anxiety and unsocial behaviour have the potential of harm to others. This potential threat will be eliminated if Tato is muzzled when in a public place.
29. [Clause 17, page 10](#) of the Auckland Council Dog Management Bylaw 2019 provides for the review and cancellation of a menacing classification after 12 months if Ms Wright:
  - a) provides a dog behavioural assessment report on Tato
  - b) has not been issued with infringement notices relating to Tato within the preceding 12-month period, and
  - c) has obtained a responsible dog ownership licence.

### Regulatory and Safety Committee decision

30. On the basis of the information provided above, staff consider that the classification of Tato as a menacing dog is accurate and appropriate and is consistent with the intent of the legislation. It is therefore recommended that the committee uphold the dangerous dog classification.

### Tauākī whakaaweawe āhuarangi Climate impact statement

31. This section is not relevant to the subject of this report.

### Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

32. The staff have not sought local board views because this report relates to statutory provisions on the control of menacing dogs.

### Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

33. The staff have not sought local board views because this report has no local impact.

### Tauākī whakaaweawe Māori Māori impact statement

34. This is a report about an objection to the statutory menacing classification of a dog which has no direct impact on Māori.

### Ngā ritenga ā-pūtea Financial implications

35. The decision by the Regulatory and Safety Committee on the menacing classification of a dog has no financial implications.

### Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

36. The table below covers the risks and mitigations identified if the classification is upheld or rescinded.

If	Then	Mitigation
<b>If the Regulatory and Safety Committee does not uphold the menacing classification.</b>	<ul style="list-style-type: none"> <li>There may be a negative public perception around council's ability to effectively influence dog ownership behaviours.</li> <li>It is contrary to the intent of the Act.</li> <li>It is contrary to the object of the Auckland Council Policy on Dogs 2019.</li> <li>Public safety remains at risk.</li> </ul>	Staff will continue to: <ul style="list-style-type: none"> <li>educate Ms Wright on her obligations under the Act</li> <li>respond to dog related requests for service.</li> </ul>
<b>If the Regulatory and Safety Committee upholds the menacing classification.</b>	<ul style="list-style-type: none"> <li>Ms Wright has no legal recourse but may file a complaint about the decision with the Ombudsman.</li> </ul>	<ul style="list-style-type: none"> <li>Staff will assist the Office of the Ombudsman in their enquiries and investigation.</li> </ul>

## Ngā koringa ā-muri Next steps

37. The Regulatory and Safety Committee must give Ms Wright written notice of its decision as soon as practicable.

## Ngā tāpirihanga Attachments

No.	Title	Page
<a href="#">A⇒</a>	Victim statement	
<a href="#">B⇒</a>	Photos of the victim	
<a href="#">C⇒</a>	Notice of classification	
<a href="#">D⇒</a>	Objection to menacing classification	

## Ngā kaihaina Signatories

Author	James Faulkner - Team Leader Animal Management South
Authorisers	Robert Irvine - General Manager Licensing and Compliance Rachel Kelleher - Director Community